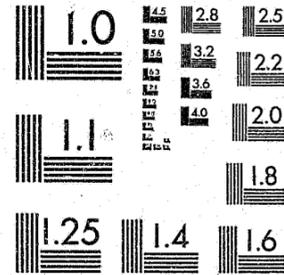


National Criminal Justice Reference Service



This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



MICROCOPY RESOLUTION TEST CHART  
NATIONAL BUREAU OF STANDARDS-1963-A

Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504.

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U. S. Department of Justice.

National Institute of Justice  
United States Department of Justice  
Washington, D. C. 20531

7/31/85

96548

96548

MP1

MANDATORY MINIMUM SENTENCES:

AN ANALYSIS OF IMPACT ON PRISON POPULATION AND RECIDIVISM

by  
Iowa Statistical Analysis Center  
Office for Planning and Programming  
January 8, 1985

Introduction

The purpose of this brief report is to provide some baseline data on the status of mandatory minimum sentences in Iowa, and to estimate their impact on the size of the prison population and on recidivism rates in the State. To this end, the Offender-Based State Corrections Information System (OBSCIS) was consulted for data on all inmates serving on the mandatory minimum sentences since they took effect on January 1, 1978.

Mandatory Minimum Sentence Structure

There are five classes of mandatory minimum sentences as specified in the Code.

They are as follows:

Code Section	Description of Mandatory Class	Mandatory Minimum
I. 204.406	Delivery of Narcotics to Juvenile	5 years
II. 204.413	Delivery of Controlled Substance (except marijuana)	1/3 Maximum Sent.
III. 902.7	Use of Firearm in Forcible Felony	5 years
IV. 902.8	Habitual Offender	3 years
V. 901.5	Prior Forcible Felony	1/2 Maximum Sent.

U.S. Department of Justice  
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by  
Iowa Office for Planning and

Programming

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

Mandatory Classes I and II are determined precisely by the offense for which the offender is currently convicted. Mandatory Class III applies to any offender convicted of a forcible felony. (felonious assault, murder, sexual abuse, kidnapping, robbery, arson in the first degree, and burglary in the first degree) who was found by the Court to have used a firearm in conjunction with the offense. Mandatory Class IV applies to any offender currently convicted of a Class C or D felony who has twice before been convicted of a felony (as an adult). Mandatory Class V applies to any offender currently convicted of a felony who has one or more prior (adult) convictions for forcible felonies or crimes against similar gravity.

With the present good time deductions, the mandatory minimum sentences are reduced in the same manner as are maximum sentences of the same length. The following table indicates the original unadjusted mandatory minimum terms, as well as the corresponding term reduced by good time.

Mandatory Class	Maximum Sentence	Mandatory Minimum	
		Original	Reduced
Delivery of Narcotics to Juvenile	25 years	5 years	2.8 years
Delivery of Controlled Substance (except marijuana)	10 years 5 years	3.3 years 1.7 years	2.1 years 1.2 years
Use of Firearm in Forcible Felony	-----	5 years	2.8 years
Habitual Offender	15 years	3 years	1.9 years
Prior Forcible Felony	50 years	25 years	10.3 years
	25 years	12.5 years	5.7 years
	10 years	5 years	2.8 years
	5 years	2.5 years	1.6 years

Current Status of Mandatory Minimums

Since the effective date of the new Code, and up to October 31, 1984, there were 780 cases of offenders committed to the Iowa prison system with mandatory minimum sentences. The 780 commitments represent 9.5% of the total of 8236 court commitments during this period and 6.7% of the 11,578 admissions to the prison system. The distribution of these cases among the five mandatory classes is as follows:

Mandatory Class	Cases	
	#	%
Delivery of Narcotics to Juvenile	4	0.5%
Delivery of Controlled Substance (except marijuana)	149	19.1%
Use of Firearm in Forcible Felony	302	38.7%
Habitual Offender	79	10.1%
Prior Forcible Felony	246	31.5%
<hr/> Total	780	100.0%

Of the 780 offenders with mandatory minimums, 91 have expired their mandatory minimums and have left the prison system either by expiration of sentence or parole. The remaining 689 are still in the prison system as of October 31, 1984, 393 with expired mandatory minimums and the remaining 296 with unexpired minimums.

Current Status	#	Cases %
Not in Prison System	91	11.7%
Expired Mandatory Minimums	393	50.4%
Unexpired Mandatory Minimums	296	37.9%
<b>Total</b>	<b>780</b>	<b>100.0%</b>

Of course, the 296 offenders with unexpired mandatory minimums are not eligible for release on parole. Together with the 182 lifers in the prison system, and the 65 unsentenced offenders, there are a total of at least 543 individuals or 19.3% of the population (2815), who may not be released to relieve overcrowding situations.

Among the 91 offenders who have expired their mandatory minimums and have since left the prison system, the average (mean) time served prior to release was 42.3 months.

This breaks out among the five mandatory classes as follows:

Mandatory Class	Cases	Average (Mean) Months Served
Delivery of Narcotics to Juvenile	0	----
Delivery of Controlled Substance (except marijuana)	25	35.2
Use of Firearm in Forcible Felony	27	49.1
Habitual Offender	7	36.9
Prior Forcible Felony	32	43.4
<b>All Cases</b>	<b>91</b>	<b>42.3</b>

### The Impact of Mandatory Minimums on Prison Population

To estimate the impact of mandatory minimums on the prison population, it is necessary to first estimate the impact of the minimums on time served by offenders covered by the mandatory classes. To this end, it is sufficient to compare past average terms for the mandatory classes, i.e., prior to the advent of the new Code, with average terms for the mandatory classes since the Code took effect.

For this purpose, the Statistical Analysis Center examined an available computer file of records on a random sample of 1000 offenders who left the prison system by parole or expiration of sentence during the period 1976-1980. It was discovered that 383 of the 1000 exhibited at least one of the characteristics associated with the current mandatory minimums, i.e., two or more prior adult felony convictions, a prior adult conviction for a forcible felony (or crime of similar gravity), etc. These 383 offenders were found to have served an average (mean) of 33.0 months prior to release. This breaks out among the five mandatory classes as follows:

Mandatory Class	Cases	Average (Mean) Months Served
Delivery of Narcotics to Juvenile	0	---
Delivery of Controlled Substance (except marijuana)	38	22.2
Use of Firearm in Forcible Entry	126	38.5
Habitual Offender	234	31.9
Prior Forcible Felony	83	32.9
<b>All cases</b>	<b>383</b>	<b>33.0</b>

Note: The figures given above add to more than 383 since there is some overlap among the five categories.

Using the above figures, we may estimate how much time the 780 offenders with mandatory minimums under the new Code would have served minus the limitations of the minimum sentences.

<u>Mandatory Class</u>	<u>Cases</u>	<u>Projected Average (Mean) Months Served Absent Mandatory Sentences</u>
Delivery of Narcotics to Juvenile	4	60.0
Delivery of Controlled Substance (except marijuana)	149	22.2
Use of Firearm in Forcible Felony	302	38.5
Habitual Offender	79	31.9
Prior Forcible Felony	246	32.9
<hr/>		
All Cases	780	33.1

The average of 33.1 months compares with the 42.3 month average for the 91 offenders who have left the prison system after expiring mandatory minimums. Since there is no way to know for sure what the average term for all 780 offenders will be, and especially in light of the likelihood that the 91 so-far released would tend to be among those released earlier than average, the best that can be done is to examine various hypothetical situations not inconsistent with the observed data. We hypothesize alternately 1) a 42.0 month average term, 2) a 48.0 month average term, of 3) a 54.0 month average term. It is the opinion of the Statistical Analysis Center that the 42-54 month range represents an approximate 95% confidence interval for the eventual average terms among offenders released following expiration of mandatory minimums, with 48.0 months the most likely average. Here, then, are the figures on the impact of mandatory minimums on time served for those affected by them:

<u>Hypothetical Average Term</u>	<u>% Increase In Time Served</u>
42.0 months	26.9%
48.0 months	45.0%
54.0 months	63.1%

To estimate, then, the impact of the mandatory minimums on prison population, it is sufficient to make use of a simple mathematical model relating time served to prison population:

$$\text{Prison population} = \frac{\text{Yearly Admissions} \times \text{Average Term (Years)}}{\text{Average Term (Years)}}$$

As offenders with mandatory minimums constitute 6.7% of admissions since the new Code took effect, and given the percentage increases in time served for the affected individuals under each of the three scenarios given above, it is straightforward to arrive at the following estimate of impact on prison population:

<u>Hypothetical Average Term</u>	<u>% Increase in Prison Population</u>
42.0 months	1.8%
48.0 months (most likely)	3.0%
54.0 months	4.2%

Based on the current population of 2,815, we arrive at the following estimation of impact in numbers:

<u>Hypothetical Average Term</u>	<u>Impact on Prison Population</u>
42.0 months	50
48.0 months	82
54.0 months	113

Thus, the Statistical Analysis Center judges it 95% likely that the impact of the mandatory minimums on the prison population falls in the range of 50-113 inmates.

The Impact of Mandatory Minimums on Recidivism

One of the tacit assumptions that is made on the mandatory minimums is that they constitute a means of protecting the general public from dangerous and recidivistic offenders. The minimums are structured to apply to what might be thought of as the most serious, violent, and habitual offenders, with the implication that these groups also pose the most threat to the public. However, no attempt has been made to-date to actually test this theory.

While it is hypothetically possible to test the validity of the above assumption with recidivism data on the 91 offenders who left the prison system following expiration of mandatory minimums, such data have not yet become available. Further, the available follow-up period for this group is still very short, coupled with the fact that the 91 so-far released may constitute better than average risks among those with mandatory minimums, being the first to have been released.

Nonetheless, it is possible to test the assumption on dangerousness with past data on recidivism for offenders covered by the mandatory classes. As discussed above, records are available on 383 such offenders released during the 1976-1980. For the total sample of 1000 offenders, we were able to define three types of recidivism rates, including 1) a rate of new violence (% rearrested for new violent felony within four years of release), 2) a rate of general recidivism (% receiving new prison sentences for victim-related offenses within four years of release), and 3) a rate of composite recidivism (% exhibiting either new violence or a new prison sentence as defined under 1) and 2), within four years of release).

The following constitute recidivism rates of each of the three types for the four mandatory classes with available data:

Mandatory Class	Cases	Recidivism Rate		
		1	2	3
Delivery of Controlled Substance	38	15.8%	14.9%	18.3%
Use of Firearm in Forcible Felony	126	27.6%	30.5%	39.5%
Habitual Offender	234	22.0%	34.3%	38.3%
Prior Forcible Felony	83	25.4%	31.5%	44.5%
<hr/>				
Composite Mandatory Class	383	22.7%	31.5%	37.0%
Not in Mandatory Class	617	17.7%	27.8%	32.9%
<hr/>				
All Cases	1000	19.6%	29.2%	34.5%

In all, the 383 falling in mandatory classes exhibited only very marginally higher recidivism rates than did the 617 offenders not falling in these classes. This result casts serious doubt as to the utility of the mandatory minimums for reducing the threat to society posed by the release of convicted felons on parole. To highlight this result, we would compare recidivism rates for the mandatory classes with same for offenders rated as Poor Risks according to the risk assessment system developed by the Statistical Analysis Center and now being used by the Board of Parole.

Offender Category	Cases	Recidivism Rates		
		1	2	3
Mandatory Class	383	22.7%	31.5%	37.0%
Poor Safety Risk	322	---	58.7%	69.3%
Poor Violence Risk	309	50.9%	--	---

Clearly, the risk assessment system, which was developed specifically to help identify the most dangerous and recidivistic offenders, is vastly superior to the mandatory minimums for this purpose.

**END**