

F I N A L R E P O R T

ALTERNATIVE INCARCERATION OF OWI VIOLATORS STUDY COMMITTEE

December, 1985

Creation

The Alternative Incarceration of OWI Violators Study Committee was created by the Legislative Council and charged with the task of exploring alternative locations for the incarceration of OWI offenders, in order to provide maximum deterrence and rehabilitation without contributing to prison overcrowding. The members serving on the Study Committee were:

Senator William Dieleman, Co-chairperson
Representative Gary Sherzan, Co-chairperson
Senator Donald Doyle
Senator Jack Hester
Senator Charles Miller
Senator Ray Taylor
Representative Betty Jean Clark
Representative John Connors
Representative Roger Halvorson
Representative Charles Poncy

Meetings of the Study Committee

The Alternative Incarceration of OWI Violators Study Committee was initially authorized two meeting days but subsequently was authorized a third meeting day by the Legislative Council. The Committee met at the State House on October 2, 1985, November 4, 1985, and December 9, 1985.

First Meeting

The Committee used its first meeting to review the issues involved and hear testimony and receive material from the following public and private sources:

1. Director Hal Farrier and Mr. Chuck Lee of the Iowa Department of Corrections, submitting the following material:
 - a. A study of alcohol, drugs, and criminal activity.
 - b. N.I.C. Technical Assistance Report.
 - c. Drunk driving programs. (A talking paper)

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2. Mr. Dan Davis of the Statistical Analysis Center, submitting a report on drunk driving and prison population.
3. Mr. Charles Larson of the Iowa Board of Parole, submitting the Board's fiscal year 1986 legislative recommendations.
4. Ms. Susan Brooks, State Coordinator for Mothers Against Drunk Driving.
5. Mr. Lee Noble and Mr. Larry Gallaher of the Corrections Corporation of America, submitting background materials on the C.C.A. and an explanatory handout on incarceration programs and alternatives which the C.C.A. provides.
6. Ms. Linda Murken of the Iowa Corrections Association, submitting a document delineating the advantages of I.C.A. recommendations discussed.
7. Mr. Earl Willits of the Office of the Attorney General.
8. Mr. Charles Churan, past president of the State Commission on Alcoholism.

Concluding Work of First Meeting

Following Committee discussion on concerns raised and information received, the Committee made the following recommendations for additional information to be compiled and brought before the Committee:

1. The costs of construction, administration, and effectiveness of a central OWI institution (up to 200 beds).
2. The costs of construction, administration, and effectiveness of a series of eight such facilities, to be located in the judicial districts (to a size to accommodate the OWI violators generated by that district).
3. The assets available for OWI program development in the local communities and their feasibility for adaption for OWI incarceration and treatment.
4. Evaluation of the existing facilities and programs now operating in the state.

Second Meeting

The Committee used its second meeting to receive and review additional information on previously identified issues, including:

1. Follow-up data from the Statistical Analysis Center on OWI offenses and incarceration approaches by surrounding states.

2. Follow-up data from the Iowa Board of Parole on OWI program evaluation and recidivism rates in Iowa.

3. The alternative programs and estimated costs provided by the Corrections Corporation of America in response to the Committee's request.

4. The alternative programs and estimated costs provided by the Department of Corrections in response to the Committee's request.

At its second meeting the Committee also heard presentations and received material from Mr. Curt Campbell on behalf of the Directors of Iowa's Community-based Corrections programs, Governor Harold Hughes on behalf of the Hughes Foundation, and Mr. William Marsh on behalf of the Sedlachek Treatment Center.

At the close of its second meeting, the Committee concluded that it would need additional time to review the materials before any final recommendations could be made.

Third Meeting

The Committee used the morning session of its final meeting to receive additional testimony and presentations from:

1. Director Hal Ferrier and Mr. Chuck Lee of the Department of Corrections, submitting the following:

a. D.O.C. report in response to the inquiry as to the feasibility of Riverview Release Center as an OWI facility.

b. D.O.C. report in response to the inquiry as to the feasibility of the Mitchellville Institution as an OWI facility.

c. D.O.C. letter response to issues raised in response to the Corrections Corporation of America's letter relating to differences between Department and C.C.A. submitted proposals.

In discussion with the Department, the Committee also reviewed the Governor's recommendation relating to the use of the Vinton School for the Blind as an OWI facility.

2. Director Mary Ellis and Deputy Director Janet Zwick of the Department of Substance Abuse, submitting the IDSA Report on Substance Abuse Programming in Iowa Correctional Facilities.

3. Ms. Jeanine Freeman, Legal Counsel for the Iowa Hospital Association.

The Committee used the afternoon session of its final meeting for intensive discussion on the following issues:

1. Possible changes to the Criminal Code which may be necessitated by any new approach to OWI violators' incarceration and treatment.
2. Centering on a "treatment", rather than "incarceration" focus for OWI violators.
3. The interplay between alternative forms of OWI violators' incarceration -- and their possible impact on the prison population cap.
4. Differing costs and payment systems for "treatment" focused approaches.
5. Anticipated future use increases for any treatment centers established.
6. Various feasibility and advisability projections on the establishment of separate OWI facilities in the community or in the corrections institutions.
7. Applicability of deterrence and punishment components to OWI incarceration and treatment approaches.
8. Existence of community facilities for use in OWI treatment and incarceration.
9. Applicability of any new approach to the various degrees of OWI offenders.
10. Inability of present correctional programs to qualify for substance abuse licensure.
11. Fiscal requirements of any new approaches.
12. The process by which inmates are presently assigned to programs.

Final Recommendation

Following the Committee's review of material received and its discussion of all issues involved, the Committee made the following formal recommendation:

"That the Committee recommends that the Department of Corrections continue intra-institutional programming for the incarceration and treatment of OWI violators, that the intra-institutional programs, in consultation with the Iowa Department of Substance Abuse, be given increased treatment emphasis through the use of additional funding and staff, and that the process be initiated to have eight separate facilities or programs established, one for each judicial district, to be contracted with and for each district department of correctional services."