

An Analysis on the Effects of Earned time for Inmates Charged with Robbery

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Contents

Executive Summary	2
I. Introduction	4
Table 1: Violent Offenses Covered by the 70% Initiative	5
II. Literature Review	6
Individual Factors that Influence Misconduct	6
Prison-Level Factors that Influence Misconduct	6
Institutional Misconduct and Recidivism	8
III. Earned Time Policy.....	9
IV. Methodology	11
Study Groups	11
Table 2: Offenders Eligible for Observation by Time Incarcerated and Sentence Type	12
Variables	12
Analyses.....	13
V. Offender Demography	15
Table 3: Offender Demography by Sentence Type.....	15
VI. Findings	16
Offender Misconduct <i>within</i> a Total Period of Incarceration	16
Figure 1: Cumulative Total Misconduct by Sentence Type.....	16
Figure 2: Cumulative Misconduct by Sentence Type and Misconduct Type	17
Offender Misconduct <i>between</i> Particular Years of Incarceration	18
Figure 3: Misconduct between Particular Years of Incarceration by Sentence Type	18
Figure 4: Misconduct between Particular Years of Incarceration by Sentence Type and Misconduct Type	19
Misconducts by Time to Release	20
Figure 5: Percent of Offenders w/Misconduct by Months to Release	20
Figure 6: Infractions Resulting in Loss of Earned time by Time to Release	21
Figure 7: Unsuspended Infractions Resulting in Loss of Earned time for Offenders Convicted of a C-Felony	22
Misconduct Sanctions	23
Figure 8: Offender-Based Misconduct Violation Sanctions	23

Figure 9: Offender-Based Earned Time Sanctions by Amount of Earned Time Lost	24
Factors that Predict Misconduct.....	25
Variations in Misconduct by Sentence Type and Various Individual and Prison-level Factors	26
Age.....	26
Figure 10: Offender Misconducts by Sentence Type and Age at Prison Entry	26
Race	27
Figure 11: Percent of Offenders with Any Misconduct by, Race and Sentence Type.....	27
Figure 12: Predatory Misconduct by, Race and Sentence Type	28
Figure 13: Institutional Misconduct Violations by, Race and Sentence Type	28
Sex	29
Table 4: Offender Misconducts at Year-One of Incarceration by Sentence Type and Sex	29
Figure 14: Total Offender Misconduct within Year-One of Incarceration, by Sentence Type and Sex	29
Custody Classification and Facility Security Level	30
Table 5: Offender Misconduct, by Custody Classification	31
Table 6: Offender Misconduct, by Facility Security Level.....	31
Level of Service Inventory-Revised (LSI-R).....	32
Figure 15: Low to Moderate Risk Offenders with Misconduct	33
Figure 16: Moderate to High Risk Offenders with Misconduct.....	33
VI. Conclusion	34
VII. References	35
EXHIBIT A.....	37
Table 7: Offender Misconduct Occurring within a Total Period of Incarceration	37
EXHIBIT B	38
Table 8: Offender Misconduct between Particular Year of Incarceration by Sentence Type	38
EXHIBIT C.....	39
Table 9: Percent of Offenders w/Misconduct by Months to Release.....	39
Table 10: Infractions Resulting in Loss of Earned time by Time to Release.....	39
Table 11: Unsuspended Infractions Resulting in Loss of Earned time for Offenders Convicted of a C-Felony	41
EXHIBIT D	42
Table 12: Offender-Based Misconduct Violation Sanctions.....	42

Table 13: Offender Based Earned time Sanctions by Amount of Earned time Lost.....	42
EXHIBIT E	43
Table 14: Logistic Regression Model: Significant Predictors of Misconduct amongst the Robbery Cohort	43
Table 15: Logistic Regression Model: Significant Predictors of Misconduct at Year-One.....	44
Table 16: Logistic Regression Model: Significant Predictors of Misconduct at Year-Two	45
Table 17: Logistic Regression Model: Significant Predictors of Misconduct at Year-Two	46
EXHIBIT F	47
Table 18: Offender Misconducts by Sentence Type and Age at Prison Entry.....	47
EXHIBIT G.....	48
Table 19: Percent of Offenders with Any Misconduct by, Race and Sentence Type	48
Table 20: Year-One Misconducts, by Race	48
Table 21: Year-Two Misconducts, by Race.....	49
Table 22: Year-Three Misconducts, by Race.....	49
EXHIBIT H.....	50
Table 23: Offender Misconduct by, LSI-R Risk.....	50
ATTACHMENT #1	51
Table 24: IDOC Rule Violations Categorized by Threat to Institutional Safety and Security	51
ATTACHMENT #2.....	52
Table 25: Prison Facility by Security Level.....	52

Executive Summary

“Good time” – or “earned time”, as it is called in Iowa – is a vehicle by which incarcerated inmates are able to earn time off their sentences beyond the time they actually serve. In Iowa, for example, imprisoned inmates exhibiting good behavior earn 1.2 additional days off their sentences for each day served so that, for example, a Class C sentence with a maximum term of ten years can actually expire in just over 4.5 years.

Earned time policies were created to serve two critical functions: 1) to allow for the management of prison populations by releasing compliant inmates while keeping inmates incarcerated who are believed to pose more societal risk; and 2) to promote positive inmate behavior while incarcerated, ensuring the safety of other inmates and correctional staff. The purpose of this analysis is to examine the latter contention: do earned time policies achieve their intended purpose by reducing institutional misconduct?

Institutional misconduct rates were examined among inmates who were newly admitted to prison between FY2006-FY2008 after originally having been *charged* with either Robbery-1 or Robbery-2. A *conviction* under either of these offenses requires serving a mandatory minimum sentence of 70 percent of the maximum prison sentence before being eligible for release. A second component to these mandatory minimum sentences is the limited accrual of earned time, capped at 15 percent to be applied *after* 70 percent of the sentence has been served. This analysis compares misconduct rates between offenders serving a 70 percent sentence and offenders who escaped the mandatory minimum and were convicted of an alternative (non-70%) crime. Offenders in this analysis are referred to as the 70 percent and non-70 percent groups.

The analysis provided the following findings:

- Inmates serving non-70 percent sentences tended to have higher amounts of total misconduct than the 70 percent group during year-two and -three of incarceration when examining independent incarceration years (i.e. not cumulatively).
- Misconduct rates tended to decrease for both the 70 percent and non-70 percent groups as *release* approached, although this reduction occurred much earlier for the 70 percent group.
 - Misconduct rates began to decrease for the 70 percent group around five-and-one-half years prior to *release* and hovered around zero to six percent until release, while misconduct rates began to decrease for the non-70 percent group only within the last year-and-one-half of incarceration.
- Age was one of the strongest and most consistent significant predictors of institutional misconduct. Significant predictors of misconduct during years-two and -three of incarceration also included offender custody classification and facility security level. It is important to note that sentence type (70% or non-70%) was not found to be a significant predictor of offender misconduct.

While the findings from this report appear to suggest that earned time has little influence on offender misconduct, it is important to acknowledge the possible effects that removal or modification of the policy could have on misconduct rates. While findings suggest that the rates of misconduct are higher for the non-70% than the 70 percent group, it is possible that, absent earned time policies, misconduct rates could increase or decrease.

It should also be remembered that our findings relate specifically to a certain group of offenders (i.e., inmates originally charged with robbery) who are not necessarily representative of prison inmates as a whole. The analysis also occurs within a unique sentencing structure that contains element of both indeterminate and determinate sentencing.

It should also be said that these findings should not necessarily suggest abolishment or modification of current earned time practices. Simply doing away with earned time, within Iowa's current sentencing structure, would result in a nearly immediate rise in prison population. Without earned time, a ten-year sentence would actually expire in ten years rather than the current 4.54 years, a change likely to delay discretionary releases (i.e., paroles and work releases) as well as expirations of sentence. While abolishing or reducing the opportunity for earned time may be attractive in terms of "truth in sentencing," such a change should not be made without considering the possible impact on the size of Iowa's prison population.

I. Introduction

Declining crime rates in the 1990's were said to be attributable to the enactment of harsher sentences in the 1970's and 1980's, when the 'get tough on crime' initiative became widely popular. This initiative gained popularity as the public began to believe that harsher sentences would deter more crime.¹ This initiative supported long mandatory penalties and determinate sentencing for offenders who commit certain crimes. The goal of this strategy was to increase incapacitation of some groups of offenders, many of whom were violent, used a weapon, or were habitual offenders or high-profile drug traffickers.²

Determinate sentencing was believed to promote specific and general deterrence. Specific deterrence addresses criminal behavior which is avoided through the direct incapacitation and punishment of an offender. General deterrence refers to the avoidance of criminal behavior by non-offenders due to fear of legal punishment.

While determinate sentencing and mandatory penalties fostered lengthy incarceration of some violent offenders who were a threat to public safety, it also caused prison populations to escalate³ and proved to be quite costly, with little known effect on general deterrence.^{4 5}

In the mid-1990's, critics arose to challenge determinate sentencing and mandatory penalties due to their disproportionate effects on racial minorities and the impoverished.⁶ Additionally, judges criticized these policies because they limited judges' discretion in sentencing.⁷ As support declined for mandatory penalties which required a one-size-fits-all sentencing approach, advocacy grew for individualized sentencing which focused on offender rehabilitation. "Under indeterminate sentencing, the judge specifies only the maximum sentence length of a prison term imposed and a release authority (parole board) later determines how long the offender will serve".⁸ Indeterminate sentencing allows correctional discretion for determining when an offender is ready for community release.

Iowa's current sentencing system is a mixture of indeterminate and determinate sentencing, depending on the offense. Determinate sentencing through the use of mandatory minimums is reserved for certain forcible felonies identified in Iowa Code §702.11, while other crimes not covered under this initiative are not subject to the mandatory minimums.

The mandatory minimum sentences prescribed in Iowa Code §902.12 require that offenders serve a mandatory of 70 percent of their sentence before being eligible for parole. These sentences allow only a 15 percent window between 70 percent and 85 percent during which the Board of Parole may consider early release, as the accumulation of earned time is limited to 15 percent (reducing the 100

¹ Political Research Associates. The Rise of the Modern "Tough on Crime" Movement. <http://www.publiceye.org/defendingjustice/pdfs/chapters/toughcrime.pdf>

² Lynch, J.P., & Sabol, W.J. (1997). Did Getting Tough on Crime Pay? *Urban Institute. Crime Policy Report No.1.*

³ Ditton, P.M., & Wilson, D.J. (1999). Trust in Sentencing in State Prisons. *BJA Special Report.*

⁴ Vincent, B.S., & Hofer, P.J. (1994). The Consequences of Mandatory Minimum Prison Terms: A Summary of Recent Findings. [http://www.fjc.gov/public/pdf.nsf/lookup/conmanmin.pdf/\\$file/conmanmin.pdf](http://www.fjc.gov/public/pdf.nsf/lookup/conmanmin.pdf/$file/conmanmin.pdf)

⁵ Iowa has used mandatory minimum sentencing for years,⁵ mandatory minimums were expanded and lengthened following the 1994 Truth in Sentencing/Violent Offender Incarceration (TIS/VOI) Act.

⁶ Johnson, B. L. (2004). Sentencing Reform Act (1984): Major Acts of Congress. <http://www.encyclopedia.com/doc/1G2-3407400268.html>

⁷ Ibid.

⁸ The Division of Criminal and Juvenile Justice Planning. (1997). Iowa Criminal and Juvenile Justice Plan -- 1997 Update. p.7.

percent maximum to 85 percent). Offenses covered by the 70 percent initiative are listed in the table below.

Table 1: Violent Offenses Covered by the 70% Initiative

Code Citation	Year	Offense Description	Class	Maximum	Minimum
707.11	(1998)	Attempted Murder	B Felony	25 years	17.5 years
707.3	(1996)	Murder 2 nd Degree	B+ Felony	50 years	35 years
707.6A(1)	(2003)	Homicide by Vehicle	B Felony	25 years	17.5 years
707.6A(2)	(2003)	Homicide by Vehicle	C Felony	10 years	7.0 years
709.3	(2005)	Sex Abuse 2 nd Degree	B Felony	25 years	17.5 years
710.3	(1996)	Kidnapping 2 nd Degree	B Felony	25 years	17.5 years
711.2	(2003)	Robbery 1 st Degree	B Felony	25 years	17.5 years
711.3	(2003)	Robbery 2 nd Degree	C Felony	10 years	7.0 years
902.8,A	(1978) ⁹	Habitual Criminal	Other Felony	15 years	10.5 years

Offenders who are not convicted of one of these crimes have the opportunity to begin earning earned time at the start of their sentence. As a practical matter, the Department of Corrections applies all earned time at admission, calculating a tentative discharge date based upon the reduced term. If earned time is lost, the tentative discharge date is recalculated. Generally, inmates not serving mandatory terms are able to reduce their sentence by slightly more than 50% with good behavior during incarceration. Offenders who commit misconduct violations may forfeit earned time, thus delaying their prison release.

Earned time is believed to serve two critical functions. First, it allows for the management of prison populations by releasing compliant inmates while keeping inmates who are believed to pose more societal risk. Second, earned time is believed to promote positive inmate behavior during incarceration.

“Critics maintain that these justifications are unsound and that prior or prison behavior is not an accurate prediction of future recidivism,” while “proponents of ‘earned time’ maintain its use accelerates inmate release and relieves prison overcrowding, arguing that the credit assists in maintaining order and discipline, rehabilitation offenders, mitigating sentence severity, allowing an accurate prediction of an inmate’s release date, and encouraging rehabilitation.”¹⁰ In Iowa, “earned time is viewed by justice system professionals as a very necessary behavioral tool and its elimination would be detrimental”.¹¹

The existence of mandatory minimums provides an opportunity to examine the impact of earned-time in the Iowa prison system. In addition to prison population management, another rationale for establishing earned time was to control institutional behavior. One might hypothesize that those eligible for limited earned time might be involved in much more institutional misconduct because there is less incentive for them to behave. This study is an effort to examine this contention. Does earned time achieve its intended purpose?

⁹ For the purpose of this report habitual criminal convictions are counted only when the underlying conviction is for an offense covered by the 70% mandatory minimum.

¹⁰ Edwards, T. (2001). Correctional Earned-time Credits in Southern States. Retrieved from: <http://www.slatlanta.org/Publications/HSPS/GoodTime.pdf>.

¹¹ The Division of Criminal and Juvenile Justice Planning. (1997). Iowa Criminal and Juvenile Justice Plan -- 1997 Update. p.8.

II. Literature Review

A review of the literature largely suggests that misconduct violations are not normally distributed within inmate populations. Generally, misconduct has been found to vary by individual-level factors such as race, age, and sex as well as prison-level factors such as prison population size, sentencing system, facility security level, inmate custody classification, and inmate sentence type and length.

Individual Factors that Influence Misconduct

Young inmates tend to exhibit higher amounts of institutional misconduct.¹² When compared to other offender variables such as “education level, gang affiliation, offense conviction, and sentence length, age is found to be the most consistent and strongest determinant of prison violence, with those younger than 18 at entrance to prison being far more likely than adults to be involved in various levels of prison misconduct and violence.”¹³

Race is also found to be a correlate of misconduct, with African-Americans exhibiting higher rates of misconduct.¹⁴ One study found that African-American inmates had lower rates of alcohol/drug misconduct but higher rates of violent misconduct compared to Caucasians.¹⁵ Racial bias may also influence who receives a misconduct write-up, as one study indicated that “disproportionally more conduct reports (shots) were written on Black than White inmates.”¹⁶

Lastly, male offenders tend to have higher rates of violent prison behavior than female offenders.¹⁷

Prison-Level Factors that Influence Misconduct

There are mixed findings as to the effects of prison overcrowding on inmate misconduct.¹⁸ While some studies argue that overcrowding is correlated with institutional misconduct,¹⁹ others contend that “prison crowding has little substantive impact on misconduct”.²⁰ It is also suggested that aggressive inmates tend to commit more assaults in facilities that have high populations and have higher proportions of young inmates.²¹ Additional analysis suggests that “overcrowding is

¹² Goetting, A., & Howsen, R.M. (1986). Correlates of prisoner misconduct. *Journal of Quantitative Criminology*, Vol. 2, No. 1, 49-67.

¹³ Kuanliang, A., Sorensen, J.R., & Cunningham, M.D. (2008). Juvenile inmates in an adult prison system, Rates of disciplinary misconduct and violence. *Criminal Justice and Behavior*. Vol 35. No. 9, 1186-1201.

¹⁴ Goetting, A., & Howsen, R.M. (1986). Correlates of prisoner misconduct. *Journal of Quantitative Criminology*, Vol. 2, No. 1, 49-67.

¹⁵ Harer, M.D., & Steffensmeier, D.J. (1996). Race and prison violence. *Criminology*, 34, 323-355.

¹⁶ Ramirez, J. 1983. Race and the apprehension of inmate misconduct. *Journal of Criminal Justice*. Volume 11, Issue 5, 413-427.

¹⁷ Harer, M.D., & Langan, N.P. (2001). Gender differences in predictors of prison violence: Assessing the predictive validity of a risk classification system. *Crime & Delinquency*. Vol. 47, No. 4, 513-536.

¹⁸ Wooldredge, J., & Steiner, B. (2009). Comparing methods for examining relationships between prison crowding and inmate violence. *Justice Quarterly*. Vol. 26, Issue 4, 795-826.

¹⁹ United States Government Accountability Office. (2012, September). Unknown, Bureau of Prisons: Growing inmate crowding negatively affects inmates, staff and infrastructure. (Publication No. GAO-12-743). Retrieved from:(2012). <http://www.ncjrs.gov/App/Publications/abstract.aspx?ID=261657>.

²⁰ Franklin, T.W., Franklin, C.A., & Pratt, T.C. (2006). Examining the empirical relationship between prison crowding and inmate misconduct: A meta-analysis of conflicting research results. *Journal of Criminal Justice*. Vol. 34, Issue 4, 401-412.

²¹ Lahm, K.F. (2008). Inmate-on-inmate assault: A multilevel examination of prison violence. *Criminal Justice and Behavior*. Vol. 35. No.1, 120-137.

not related to violence when security level is controlled.”²² Another prison-level factor which may influence inmate misconduct is offender custody level. A recent study found that “custody levels were strongly and positively associated with misconduct.”²³

Some suggest that transitions from an indeterminate to a determinate sentencing structure may contribute to higher rates of inmate misconduct, as indeterminate systems appear to possess more ability to reward good behavior. A recent analysis observed variations in misconduct prior to and after “truth in sentencing” over a twelve-year period and found that generally “determinate punishment has had the unintended consequence of significantly increasing the level of inmate misconduct in general and across different type of misconduct; violent, property, and disorderly.”²⁴

In comparing misconduct rates of inmates serving determinate versus indeterminate sentences the research reports mixed results. It has been argued that earned time is an ineffective misconduct deterrent because the number of days lost is often restricted²⁵ and lost earned time is applied at the end of an offender’s sentence, which is often too far into the future to have an impact.²⁶ Some studies suggest that inmates who have the opportunity to earn earned time have less misconduct than those who do not have this option, although the authors suggest that this effect may be attributable to other factors such as time and offense type.²⁷ Other studies find that inmates who do not have the ability to earn earned time, such as life-without-parole inmates have misconduct rates similar to other inmates serving long sentences.²⁸

Inmates serving determinate sentences tend to have longer sentences. Early research suggests that while short- and long-term inmates have similar types of in-prison misconduct, short-term inmates have significantly higher amounts of misconduct.²⁹ More recent analysis finds variation in misconduct types, reporting that nonviolent and institutional offenses are committed more frequently by inmates serving long (10+ years) and medium-terms (2-10 years) than those serving short-term (less than 2 years).³⁰ Other analysis finds that “an inmate’s sentence length is not related to infraction rates during incarceration...”³¹

²² Brooks, C.A. (2004). Overcrowding and violence in federal correctional institutions: An empirical analysis. http://dspace.library.drexel.edu/bitstream/1860/292/7/brooks_crystal_thesis.pdf

²³ Worrall, J.L., & Morris, R.G. (2011). Inmate custody levels and prison rule violations. *The Prison Journal*. Vol. 91. No.2, 131-157.

²⁴ Bales, W.D., & Miller, C.H. (2012). The impact of determinate sentencing on prisoner misconduct. *Journal of Criminal Justice*. Volume 40, Issue 5, 394-403.

²⁵ Forst, M.L., & Brady, J.M. (1983) in Antonowicz, D.H., & Ross., R.R. (1997). The philosophy and practice of corrections. p.61.

²⁶ Forst, M.L. (1981). Effects of determinate sentencing on prison disciplinary procedures and inmate misconduct. Unpublished manuscript. in Antonowicz, D.H., & Ross., R.R. (1997). The Philosophy and Practice of Corrections. p.61.

²⁷ Emshoff, J.G., & Davidson, W.S. (1987). The effect of “good time” credit on inmate behavior: A quasi-experiment. *Criminal Justice and Behavior*. Vol. 14, No.3, 335-351.

²⁸ Cunningham, M.D., & Sorensen, J.R. (2006). Nothing to lose? A comparative examination of prison misconduct rates among life-without-parole and other long-term high-security inmates. *Criminal Justice and Behavior*. Vol. 33, No.6, 683-705.

²⁹ Flanagan, T.J. (1980). Time served and institutional misconduct: Patterns of involvement in disciplinary infractions among long-term and short-term inmates. *Journal of Criminal Justice*. Volume 8, Issue. 6, 357-367.

³⁰ Thompson, C., & Loper, A.B. (2005). Adjustment patterns in incarcerated women: An analysis of differences based on sentence length. *Criminal Justice and Behavior*. Vol. 32. No.6, 714-732.

³¹ Fernandez, K.E., & Neiman, M. (1998). California’s inmate classification system: Predicting inmate misconduct. *The Prison Journal*. Vol. 78. No. 4, 406-422.

“Although any policy that involves shorter lengths of stay for inmates raises concerns about public safety, states with earned time provisions have seen recidivism rates either remain unchanged or actually drop”.³² Severed community ties and longer associations with hardened criminals have been suggested reasons as to why inmates serving longer prison sentences, such as those requiring a mandatory minimum, may have higher recidivism rates than those serving shorter prison terms.

Institutional Misconduct and Recidivism

As previously stated, one of the primary functions of earned time is to allow for the management of prison populations by enabling the release of compliant inmates while delaying release of inmates who are *believed* to pose more societal risk. It is unclear as to the extent to which institutional behavior reflects behavior while in the community, although recidivism research finds that “inmates who engage in misconduct, violent misconduct in particular, are more likely to recidivate” once released.³³

³² Lawrence, A. (2009) Cutting Corrections Costs: Earned Time Policies for State Prisoners. p.1.
http://www.ncsl.org/documents/cj/earned_time_report.pdf

³³ Cochran, J.C., Mears, D.P., Bales, W.D., & Stewart, E.A. (2012). Does inmate behavior affect post-release offending? Investigating the misconduct-recidivism relationship among youth and adults. *Justice Quarterly*. 1-30.

III. Earned Time Policy

Per Iowa Code §903A.2 offenders can receive a sentence reduction through the accrual of earned time. For each day served, inmates earn an additional 1.2 days credit on their sentences. Earned time credits are applied to all sentences at time of prison entry with the exception of 70 percent mandatory minimum sentences reserved for sexual predator convictions or forcible felonies. For these offenses, earned time is applied only after the mandatory sentence has been completed. Also, sex offenders required to participate in sex offender treatment are not eligible for earned time unless they participate in and complete treatment. Specific language from the Iowa Code §903A.2 is presented below.

1. Each inmate committed to the custody of the director of the department of corrections is eligible to earn a reduction of sentence in the manner provided in this section. For purposes of calculating the amount of time by which an inmate's sentence may be reduced, inmates shall be grouped into the following two sentencing categories:

a. Category "A" sentences are those sentences which are not subject to a maximum accumulation of earned time of fifteen percent of the total sentence of confinement under section 902.12. To the extent provided in subsection 5, category "A" sentences also include life sentences imposed under section 902.1. An inmate of an institution under the control of the department of corrections who is serving a category "A" sentence is eligible for a reduction of sentence equal to one and two-tenths days for each day the inmate demonstrates good conduct and satisfactorily participates in any program or placement status identified by the director to earn the reduction. The programs include but are not limited to the following:

- (1) Employment in the institution.
- (2) Iowa state industries.
- (3) An employment program established by the director.
- (4) A treatment program established by the director.
- (5) An inmate educational program approved by the director.

However, an inmate required to participate in a sex offender treatment program shall not be eligible for a reduction of sentence unless the inmate participates in and completes a sex offender treatment program established by the director. An inmate serving a category "A" sentence is eligible for an additional reduction of sentence of up to three hundred sixty-five days of the full term of the sentence of the inmate for exemplary acts. In accordance with section 903A.4, the director shall by policy identify what constitutes an exemplary act that may warrant an additional reduction of sentence.

b. Category "B" sentences are those sentences which are subject to a maximum accumulation of earned time of fifteen percent of the total sentence of confinement under section 902.12. An inmate of an institution under the control of the department of corrections who is serving a category "B" sentence is eligible for a reduction of sentence equal to fifteen eighty-fifths of a day for each day of good conduct by the inmate.

2. Earned time accrued pursuant to this section may be forfeited in the manner prescribed in section 903A.3.

3. Time served in a jail, municipal holding facility, or another facility prior to actual placement in an institution under the control of the department of corrections and credited against the sentence by the court shall accrue for the purpose of reduction of sentence under this section. Time which elapses during an escape shall not accrue for purposes of reduction of sentence under this section.

4. Time which elapses between the date on which a person is incarcerated, based upon a determination of the board of parole that a violation of parole has occurred, and the date on which the violation of parole was committed shall not accrue for purposes of reduction of sentence under this section.

5. Earned time accrued by inmates serving life sentences imposed under section 902.1 shall not reduce the life sentence, but shall be credited against the inmate's sentence if the life sentence is commuted to a term of years under section 902.2. 83 Acts, ch 147, §3, 14, 15; 90 Acts, ch 1251, §67; 96 Acts, ch 1151, §4; 97 Acts, ch 131, §2, 4; 98 Acts, ch 1100, §88; 2000 Acts, ch 1173, §4, 10; 2003 Acts, 1st Ex, ch 2, §52, 209; 2005 Acts, ch 158, §32; 2011 Acts, ch 22, §2 Referred to in §822.2, 901.5A, 903A.4, 903A.7, 903B.1, 903B.2

IV. Methodology

Proponents of earned time provisions argue that early release available through the accrual of earned time increases positive behavior during incarceration. The purpose of this analysis is to examine this contention. Misconduct violations were observed between two groups: individuals who have the ability to earn earned time (comparison group) and those who may only accrue limited earned time due to a mandatory sentence (study group). The comparison group includes offenders who are not serving 70 percent mandatory minimum sentences while the study group includes offenders who are serving such sentences.

There are two components to these 70 percent “mandatory sentences” in Iowa that should be noted:

- the first is the mandatory minimum sentence itself, which is currently set at 70 percent of the statutory maximum penalty for the applicable felonies (i.e., 7.0 years for a Class C felony and 17.5 years for a Class B felony);
- the second component is a “cap” on the amount of earned time that can be accumulated during the course of the sentence, a figure currently set at 15%. Thus, a Class B felony covered by this provision, with the accumulation of earned time, will expire at 22.5 years. A class C felony will expire in 8.5 years”.³⁴

The purpose of this analysis is to answer the following research questions:

- 1.) Does having the ability to earn earned time affect an inmate’s misconduct engagement?
- 2.) Which variables are most closely associated with offender misconduct?

Data for this study were extracted from the Iowa Correctional Offender Network (ICON), maintained by the Iowa Department of Corrections.

Study Groups

The cohort for this analysis includes all new incoming inmates admitted to prison during FY2005-FY2008 whose original charges included either Robbery-1 or Robbery-2, regardless of whether the robbery was the most serious offense charged. Robbery-1 carries a maximum sentence of twenty-five years, while Robbery-2 carries a ten-year maximum sentence. While all offenders were originally charged with either Robbery -1 or Robbery-2, some were convicted of lesser offenses. Offenders convicted of either a Robbery -1 or Robbery-2 made up the study group (70 percent group) and offenders convicted of lesser (non-robbery) offenses made up the comparison group (non-70 percent group).

A cohort of 375 offenders was extracted from ICON. Thirty-nine non-mandatory sentence offenders were excluded from the analysis as their incarceration periods were less than one full year. A total of 336 offenders were studied, with 185 serving mandatory 70 percent sentences and 151 who were not. Offender misconduct was observed at one-, two-, and three-years of incarceration both cumulatively and during a specific incarceration year.

³⁴ Stageberg, P. & Rabey, S. (2013) An analysis of the use of 70% mandatory minimum sentences in Iowa.

Offenders eligible for earned time were released at much earlier periods compared to the mandatory sentence group, limiting the analysis to 151 non-70 percent offenders at one-year, 116 at two-years, and 79 at three-years of incarceration.

Table 2: Offenders Eligible for Observation by Time Incarcerated and Sentence Type

Years Incarcerated	Non-70% Sentence		70% Sentence		Total	
	N	%	N	%	N	%
Year-One	151	100%	185	100%	336	100%
Year-Two	116	76.8%	185	100%	301	89.6%
Year-Three	79	52.3%	185	100%	264	78.6%
Total Offenders	151	--	185	--	336	--

Variables

Independent Variables: Various independent variables were compared against rates of misconduct. Independent individual level variables included sex, race, and age. Sex was categorized dichotomously as female and male offenders. Race was categorized as Caucasian, African-American and Other. The other race category included offenders of Native American or Alaskan Native and Asian or Pacific Islander races. Age was calculated by observing offender age at prison entry. Offender age was categorized as 29 and younger and 30 and older.

Other independent variables included prison-level factors such as custody level, facility security level and Level of Service Inventory-Revised (LSI-R) total score.

The Iowa Department of Corrections uses custody level classification to determine the appropriate facility security level for inmates. The process includes an annual review and potential reclassification. Reclassification to a less restrictive custody level "...is awarded by obeying rules and meeting other mandatory requirements. Other factors are also taken into consideration including pending charges, physical and mental health needs, risk to the community, risk to other offenders and staff, number and nature of infractions, and time since last infraction"³⁵ There are three types of custody levels:

“Minimum Custody – This custody is the least restrictive and has the most privileges of the custody grades. Offenders in this level may work on the grounds away from the unit or away from the institution with appropriate supervision.

Medium Custody – This custody is more restrictive than minimum custody. Offenders are generally restricted to working within the boundaries of the institution and are usually assigned to dormitory or cell setting in medium custody”.³⁶

Maximum Custody – This custody is more restrictive than medium custody. It is for those who may be an escape risk or have been convicted of violent crimes, or their actions in institutional setting have shown they may be a behavior problem. Maximum

³⁵ State of Iowa, Department of Corrections. 2010. An Introduction to Incarceration in Iowa. p. 6
<http://www.doc.state.ia.us/Documents/OffenderFamilyFriends/IowaIntroductiontoIncarceration.pdf>

³⁶ Ibid

custody housing is generally made up of single cells and divided into cellblocks within a building or unit. Offenders in this level are also under constant supervision.³⁷

Offenders were included in the analysis if their custody classification assessment submission date was within 60 days of their supervision start date. Offenders were eligible for analysis at year-two and year-three if they were reclassified within 60 days of their supervision start anniversary.

Initial custody classification and reclassification information is also associated with assignments to a particular facility. Some facilities can have variations in security levels and can therefore accommodate various offender custody classes. There are three types of facility security levels distinguished in this analysis and include maximum, medium, and minimum security.

The Level of Service Inventory-Revised (LSI-R) is a validated risk assessment and is one of several tools used to indicate offender risk and level of supervision. LSI-R total scores which were submitted 180 days prior to prison admissions or 60 days following release were utilized, as this is considered the most accurate assessment by the Iowa Department of Corrections' (IDOC) standards. LSI-R total scores were categorized as follows: 0-13 low risk, 14-23 low-moderate risk, 24-33 moderate risk, 34-40 medium-high risk, 41+ high risk.

Dependent Variable: The dependent variable in this analysis is misconduct. Misconduct information is entered into the ICON database by an officer on the day of the misconduct offense, although circumstances sometimes result in later data entry. The misconduct entered date is used here as a proxy measure for when the offense occurred. Once a misconduct violation is submitted, a hearing occurs typically within seven working days to determine the guilt or innocence of an inmate. Only violations receiving a hearing decision of guilty are included in this analysis.

Misconduct violations in ICON are grouped into three categories: Predatory/Violence, Institutional Management, Non-Compliance (Control/Disruption of Facility) and Miscellaneous. Because the miscellaneous category is used only for very low-level offenses, specific analysis of this category is not included, although miscellaneous misconducts are included in total misconduct counts. A detailed list of specific rule violations and their categorization can be found in Attachment 1.

Analyses

This report examines the differences in misconduct between the 70 percent and non-70 percent groups.

The first analysis examines variations in misconduct between the study and comparison groups during the first three years of incarceration. For this analysis, misconduct is measured both cumulatively and between particular incarceration years. Also observed are variations by misconduct type, including misconducts which were predatory/violent, institutional management, or non-compliant.

³⁷ Ibid.

The second analysis is utilized to measure misconduct variations by time-to release among a smaller cohort of released offenders. This analysis also observes misconduct which resulted in lost earned time sanctions as release nears. Types of sanctions received as well as earned time lost are compared among the 70 percent and non-70 percent groups.

The third analysis involves a logistic regression to measure which factors were most closely associated with misconduct. For this analysis various independent variables included age, sex, race, sentence type, convicting offense (violent or non-violent), LSI-R total score, custody classification, and facility security level. The dependent variable included any misconduct, predatory/violent misconduct, institutional management, and non-compliance misconduct. Variations in predictive powers were observed between particular incarceration years during the first three-years of incarceration.

The final analysis compares variations in total misconduct and misconduct types by the 70 percent and non-70 percent groups by independent-level factors such as age, race, and sex as well as prison-level factors including custody classification level, facility security level, and LSI-R total score. Variations are observed between particular incarceration years during the first three years of incarceration.

V. Offender Demography

Offenders in the study population tended to be male (89.6%) and a higher proportion were under the age of 29 (58.6%). Slightly more Caucasians (53.9%) were in the sample compared to African-Americans (44%).

Significant differences did present upon observation of race and sex by sentence type. Caucasians were more likely to avoid the 70% sentence through a lesser conviction (62.2% vs. 47.0%) while African-Americans were more likely to receive the mandatory sentence (50.3% vs. 36.4%), findings which reached significance.³⁸ Similarly, men were significantly more likely to receive the mandatory sentence (93.0% vs. 85.4%) while women were significantly more likely to not receive a 70% sentence (14.6% vs. 7.0%). Offenders younger than 29 were equally likely to have received and not received a mandatory sentence (59.6% vs. 57.8%).

Table 3: Offender Demography by Sentence Type

	Non-70%		70%		Total	
	N	%	N	%	N	%
Prison Admission by Fiscal Year						
2005	36	23.8%	61	33.0%	97	28.9%
2006	39	25.8%	41	22.2%	80	23.8%
2007	38	25.2%	40	21.6%	78	23.2%
2008	38	25.2%	43	23.2%	81	24.1%
Race						
Caucasian*	94	62.2%	87	47.0%	181	53.9%
African-American*	55	36.4%	93	50.3%	148	44.0%
Other	2	1.3%	5	2.7%	7	2.1%
Sex						
Male*	129	85.4%	172	93.0%	301	89.6%
Female*	22	14.6%	13	7.0%	35	10.4%
Age at Prison Entry						
29 and Younger	90	59.6%	107	57.8%	197	58.6%
30 and Older	61	40.4%	78	42.2%	139	41.4%
Most Serious Convicting Offense						
B Felony*	5	3.3%	46	24.9%	51	15.2%
C Felony	103	68.2%	139	75.1%	242	72.0%
D Felony*	32	21.2%	--	--	32	9.5%
Other Felony	4	2.6%	--	--	4	1.2%
Aggravated Misdemeanor	5	3.3%	--	--	5	1.5%
Serious Misdemeanor	2	1.3%	--	--	2	0.6%
Total Offenders	151	100%	185	100%	336	100%

*Significant at a 95% confidence interval.

³⁸ Analysis elsewhere suggested that the discrepancy in charge reduction was due to a higher percentage of African-Americans being initially charged with Robbery-1, an offense less likely to result in charge reduction than Robbery-2. See Stageberg and Rabey, op.cit.

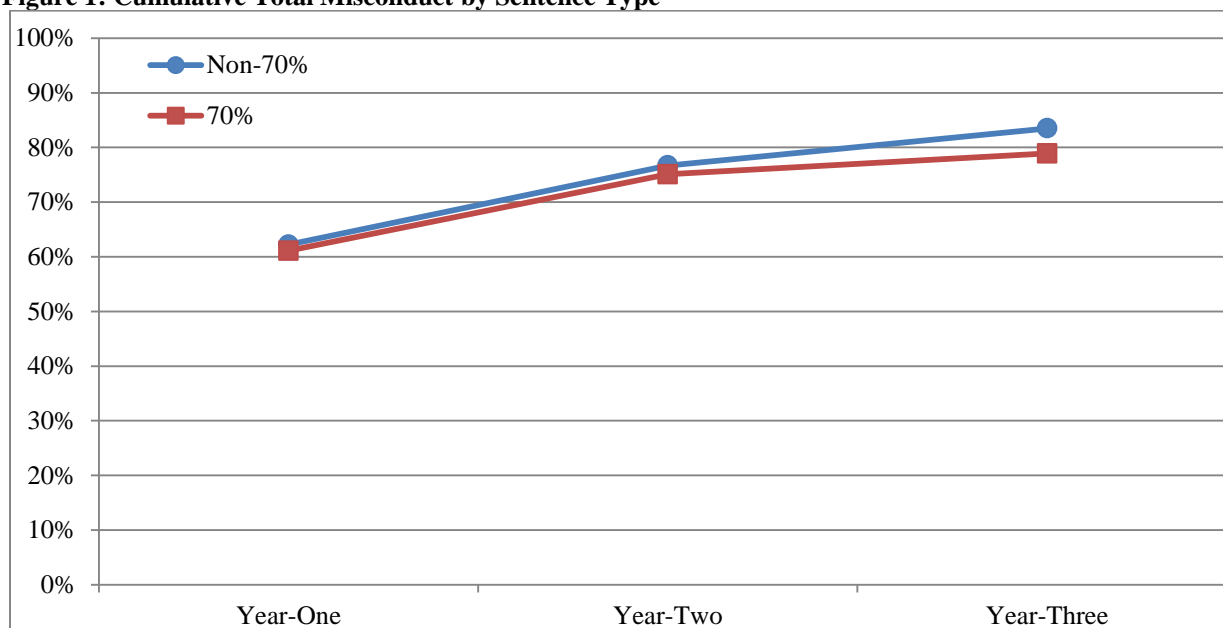
VI. Findings

Offender Misconduct *within* a Total Period of Incarceration

The following information measures *cumulative* misconducts which occurred within a total period of incarceration. For example, misconducts which occurred during year-one will be included in misconduct measurements at year-two and year-three of incarceration. This portion of the report examines only the first three years of incarceration, as there were a small number of offenders in the non-70 percent group who were incarcerated after three years. The figure below includes all types of misconduct, including predatory/violence, institutional management, non-compliance, and miscellaneous.

During the first year of incarceration, about 62 percent of offenders received at least one misconduct violation. While the percentage of offenders with violations increased at year-two (76.7%) and year-three (83.5%) it is important to note that there are relatively few differences between the 70% and non-70% group.

Figure 1: Cumulative Total Misconduct by Sentence Type



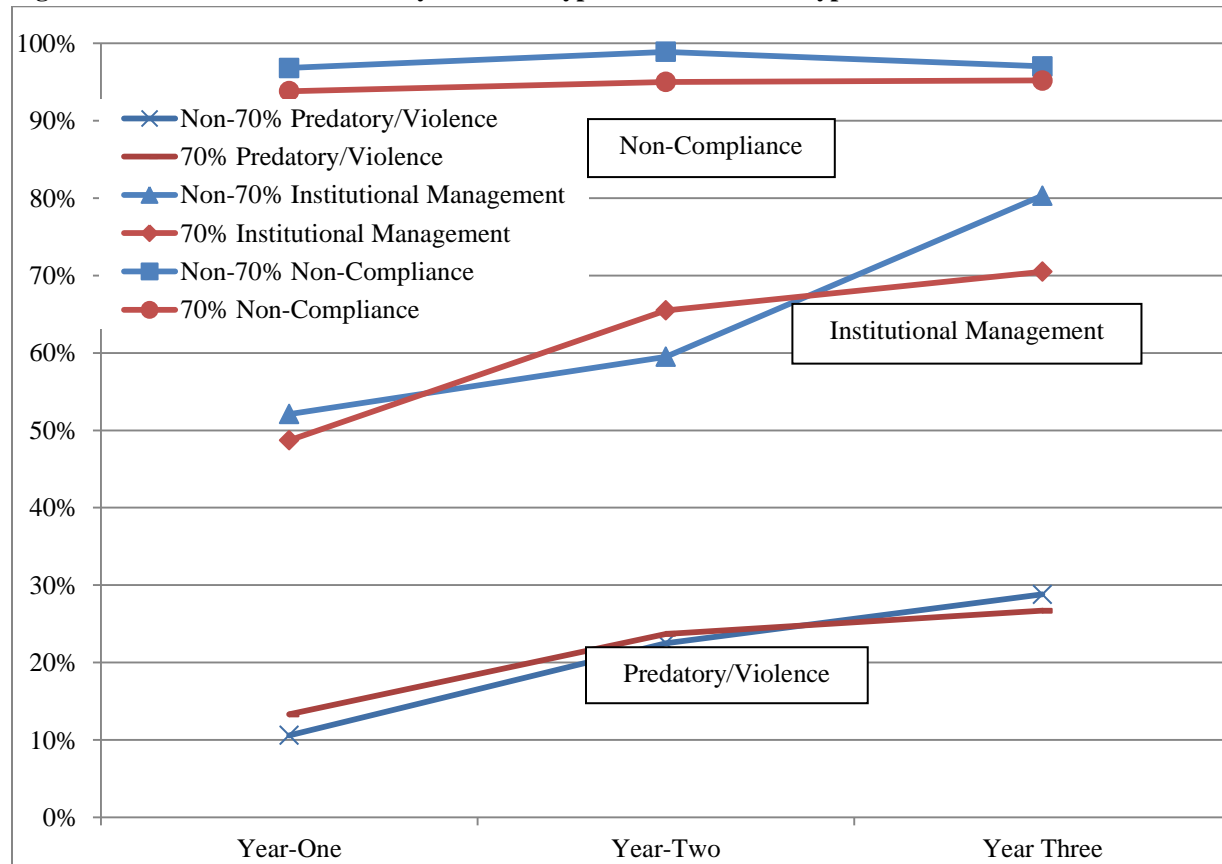
Details in Exhibit A.

The previous information identified the total number of offenders with *any* misconduct violation. The following information focuses only on violations which were categorized as predatory/violence, institutional management, or non-compliance. For a complete list of how rule violations were coded, please see Attachment 1. Note that offenders can be counted in more than one offense-type category but are only counted once within a category.

While the previous chart identifies the total percent of offenders with any misconduct, the following chart identifies, of those offenders with any misconduct the types of misconduct that were performed. Offenders in the 70 percent and non-70 percent groups exhibited similar

percentages of predatory/violence and non-compliance violations throughout the three years of observation. Offenders in both groups showed similar percentages of institutional misconduct violations during year-one. At year-two the 70 percent group had a slightly higher percentage of institutional management misconducts (65.5% vs. 59.5%), although by year-three the non-70% group had the highest percentages (80.3% vs. 70.5%). The cumulative percentage of non-compliance misconducts for the non-70% group fell in year-three. This drop is attributable to the release of non-70% inmates during year-three and the retention of inmates who had not had non-compliance misconduct.

Figure 2: Cumulative Misconduct by Sentence Type and Misconduct Type



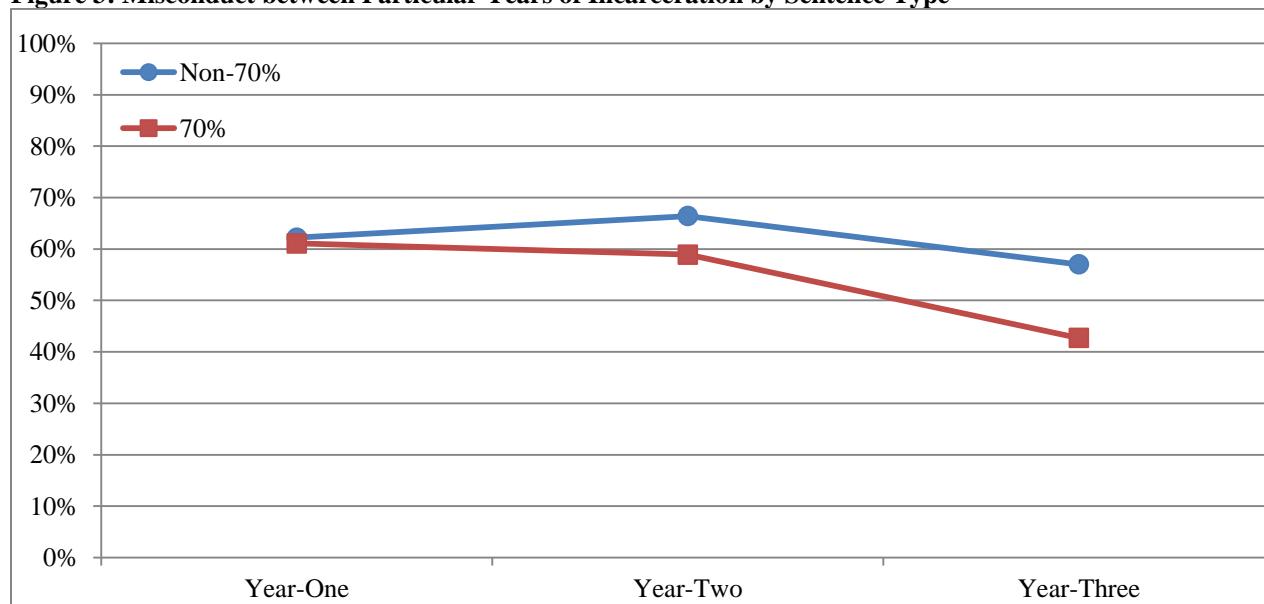
Details in Exhibit A.

Offender Misconduct *between* Particular Years of Incarceration

An additional way to observe misconduct violations is by measuring misconducts occurring within a particular year of incarceration (i.e., not cumulatively). For example, misconducts which occurred during year-one will only be presented as year-one misconducts, similarly with year-two and year-three. Information is presented in this way to identify if there are increases or declines in the number of misconducts and types of misconduct between particular years of incarceration.

As shown above, the number of offenders with misconduct violations was fairly proportional for the 70 percent and non-70 percent groups during year-one. Misconducts declined for both groups by year-three, although there were significantly³⁹ higher percentages of non-70 percent offenders with misconduct violations than the 70 percent group in the latter two years. The figure below includes all types of misconduct, including predatory/violence, institutional management, non-compliance, and miscellaneous.

Figure 3: Misconduct between Particular Years of Incarceration by Sentence Type



Details in Exhibit B.

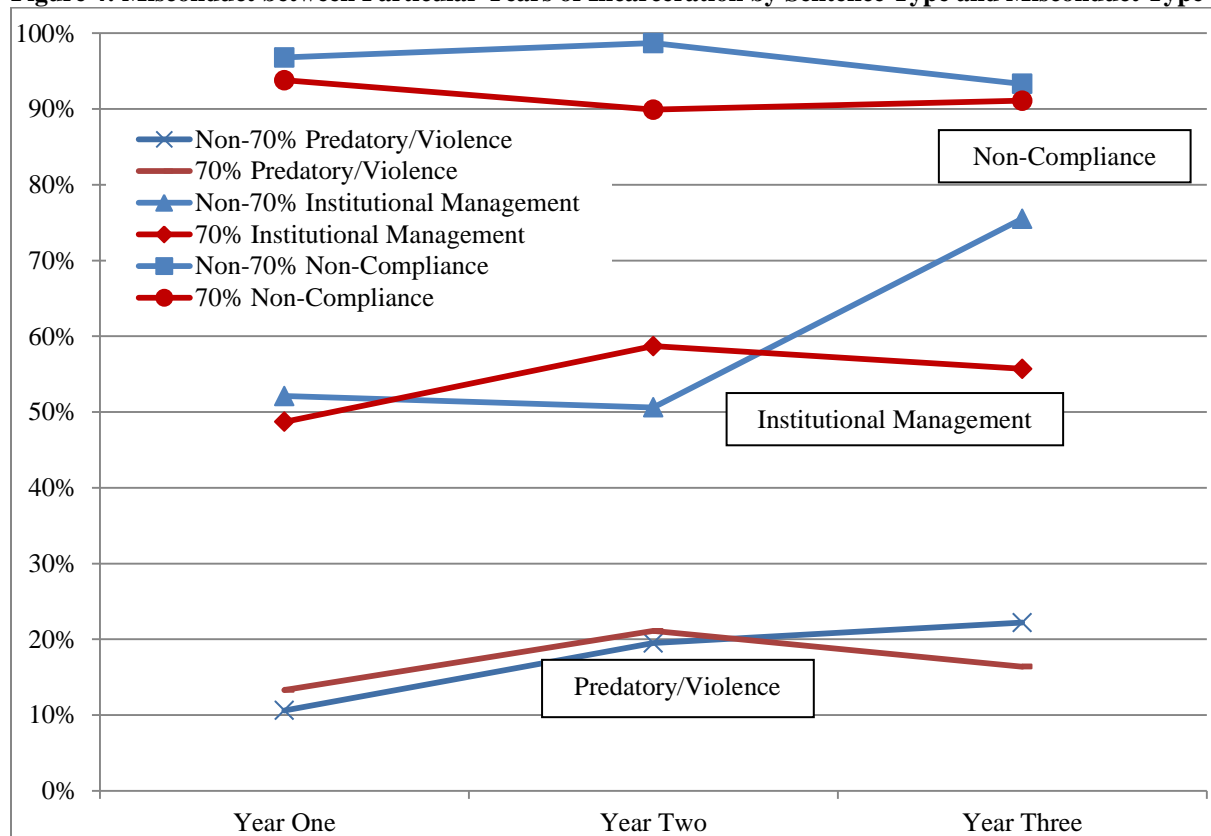
The previous information identified the total number of offenders with *any* misconduct violations. The following information focuses on *types* of violations (predatory/violence, institutional management, or non-compliance). Please note that offenders can be counted in more than one offense type category but are only counted once within a category. For a complete list of how rule violations were coded please see Attachment 1.

Non-compliant misconduct violations tend to be more common than other types of misconduct. The percentage of offenders with non-compliant misconduct violations remained fairly stable through the observed period, although there was a higher percentage of non-70 percent offenders

³⁹ Significance was calculated at a 95% confidence level.

who had misconducts in this category, compared to the 70 percent group (98.7% vs. 89.9%) during year-two. The number of offenders with institutional management and/or predatory/violence misconducts tended to rise as time passed for the non-70 percent group. Institutional management misconducts were similar for both groups during year one, but during year-two the percentage rose for the 70 percent group while it remained somewhat stable for the non-70 percent group. By year-three the non-70 percent group had significantly higher proportions of institutional misconducts than the 70% group (75.5% vs. 55.7%). Offenders of both groups tended to have fairly similar percentages of predatory/violence misconducts through the observed periods.

Figure 4: Misconduct between Particular Years of Incarceration by Sentence Type and Misconduct Type



Details in Exhibit B.

For consistency purposes, the remaining portions of this analysis will focus on misconducts which occur within a particular year of incarceration as opposed to observing cumulative misconduct violations.

Misconducts by Time to Release

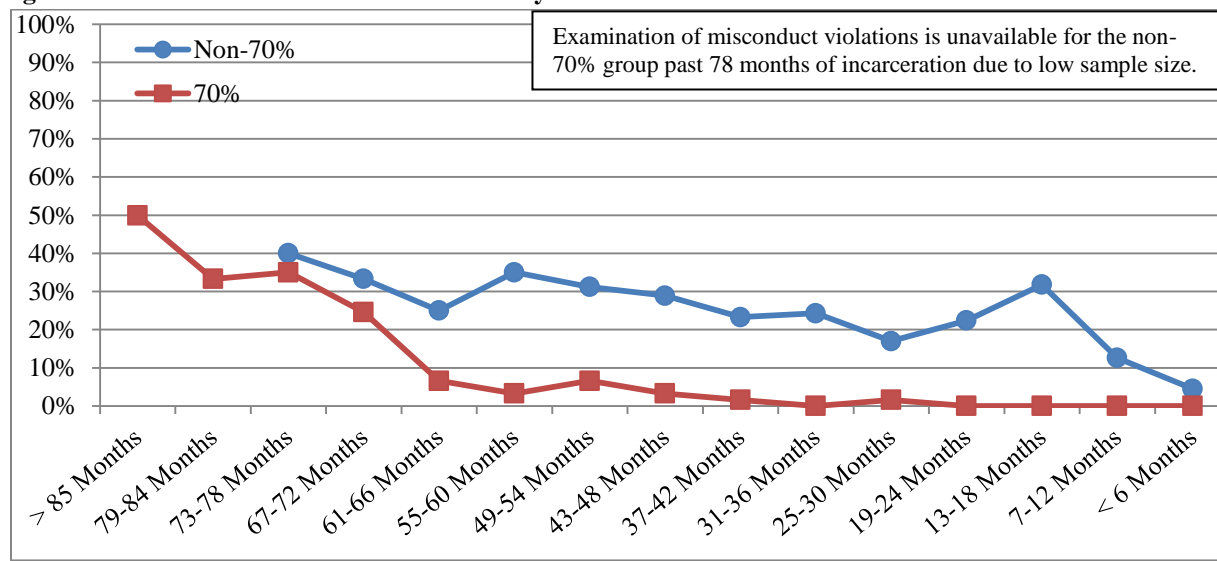
An alternative hypothesis in studying earned time contends that as release nears, offenders should receive fewer violations as early release is increasingly incentivized. To examine this contention, misconducts were measured in months prior to release. This analysis included 144 non-70-percent offenders and 73 70-percent offenders who exited prison. The data show that about 23 percent of non-70-percent offenders (33) and about 16 percent of offenders serving mandatory terms (12) had no in-prison misconducts.

A second analysis examined offenders who exited prison with at least one guilty misconduct violation. This group included 111 non-70-percent offenders and 61 70-percent offenders. The following information presents the percentage of offenders with misconduct violations during a particular period of incarceration prior to prison release. Only a small portion of the non-70 percent group had over 78 months of incarceration due to their shorter sentences; misconduct violations past this point were not examined due to the small comparison group sample.

Misconduct violations were higher for the non-70 percent than the 70 percent group during most periods of incarceration. The percentage of 70-percent offenders with misconduct violations remained very low for the last five-and-one-half years prior to prison exit, ranging from 0% to 6.6%, however, the non-70 percent group's misconduct violations percentages ranged from 4.5%-35%. The last year-and-one-half of incarceration for the non-70 percent group revealed a stark decrease in the percentage of offenders with misconduct violations. This suggests that earned time has more of a deterrent effect during later periods of incarceration, particularly for the non-70 percent group. It also appears that the incentive for early release for the 70 percent group has little effect on inmate behavior.

As previously stated, the following information only includes information on a released cohort.

Figure 5: Percent of Offenders w/Misconduct by Months to Release

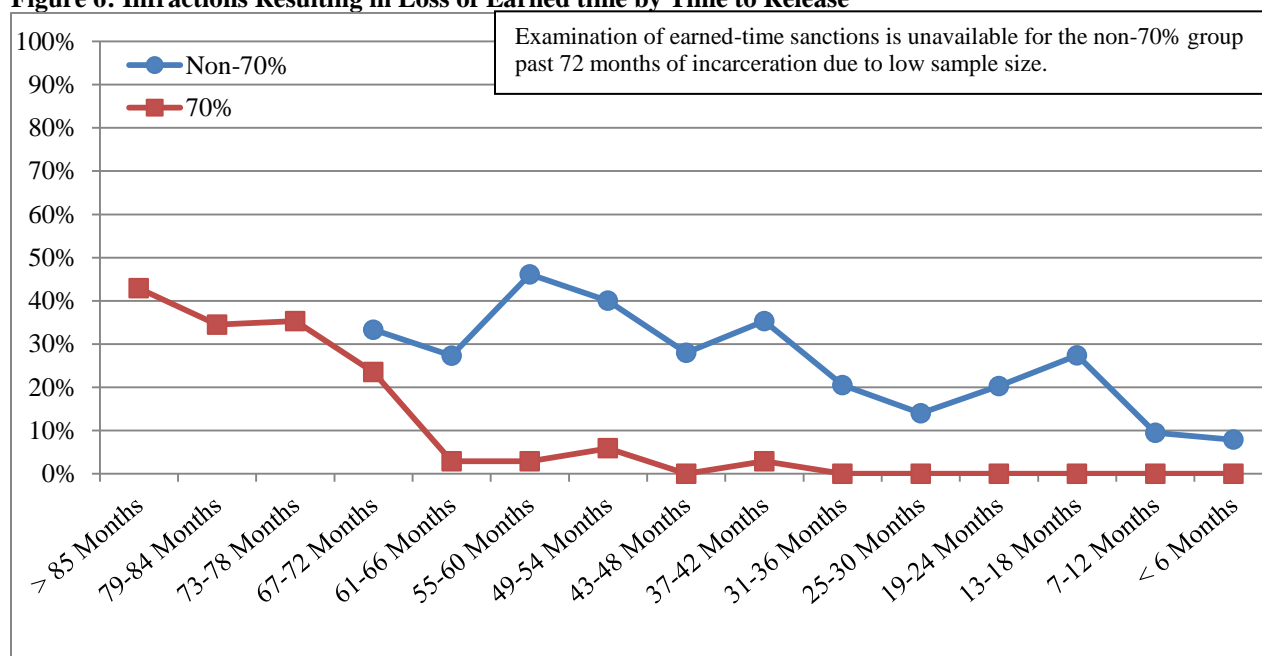


Details in Exhibit C.

It is important to note that a misconduct violation does not always imply that an offender will receive a sanction. A sanction may be ‘suspended’ if an offender avoids misconduct for a certain period of time. The information below outlines misconduct violation earned time sanctions which were not suspended, meaning that offenders did not have the opportunity to maintain good behavior in hopes of avoiding a sanction associated with an earned time reduction.

Infractions resulting in lost earned time tend to decrease as offenders approach their release. It appears that infractions resulting in lost earned time are most likely to occur at the beginning of an offender’s imprisonment. However, non-70 percent offenders continue to have higher rates of earned time lost sanctions than 70 percent offenders. It is important to acknowledge that the 70 percent group tends to serve longer sentences than the non-70 percent group, therefore the lower rates of lost earned time infractions could be influenced by prison acclimation.

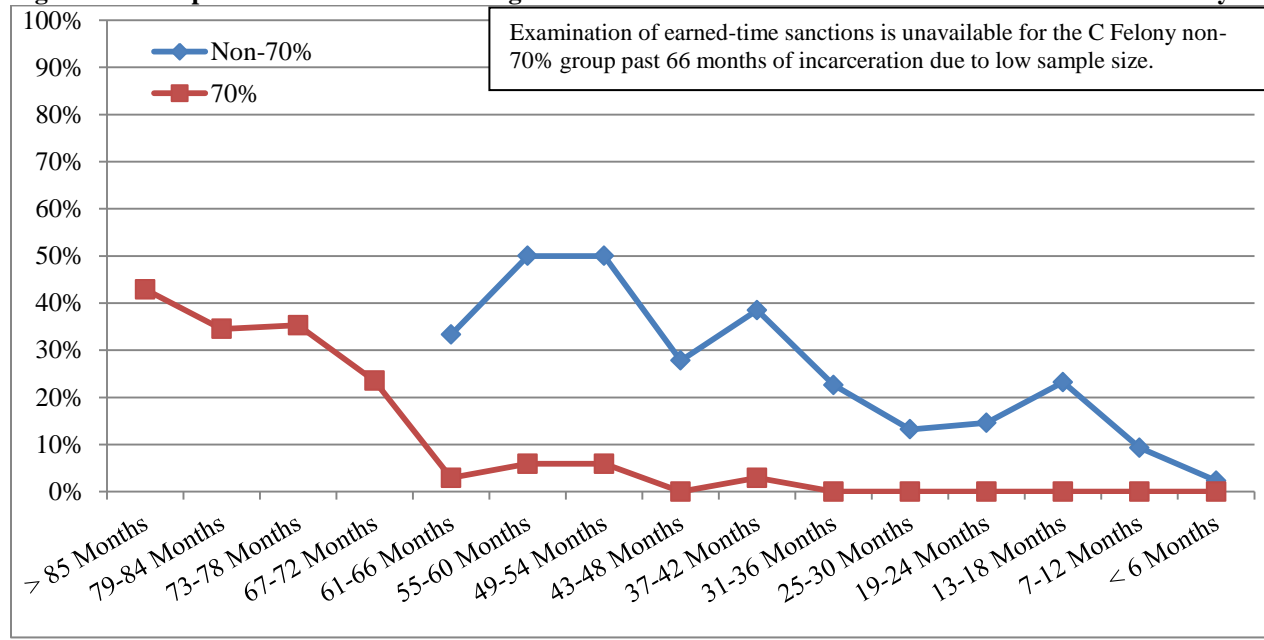
Figure 6: Infractions Resulting in Loss of Earned time by Time to Release



Details in Exhibit C.

If we restrict this analysis to offenders convicted of Class C Felonies we see similar trends in unsuspended earned time sanctions. Offenders, regardless of their sentence type, tend to have fewer infractions as their release dates approached. Offenders serving non-70% sentences have a greater number of infractions resulting in the unsuspended loss of earned time regardless of time to release. Again, non-70%ers have higher rates of misconduct.

Figure 7: Unsuspended Infractions Resulting in Loss of Earned time for Offenders Convicted of a C-Felony



Details in Exhibit C.

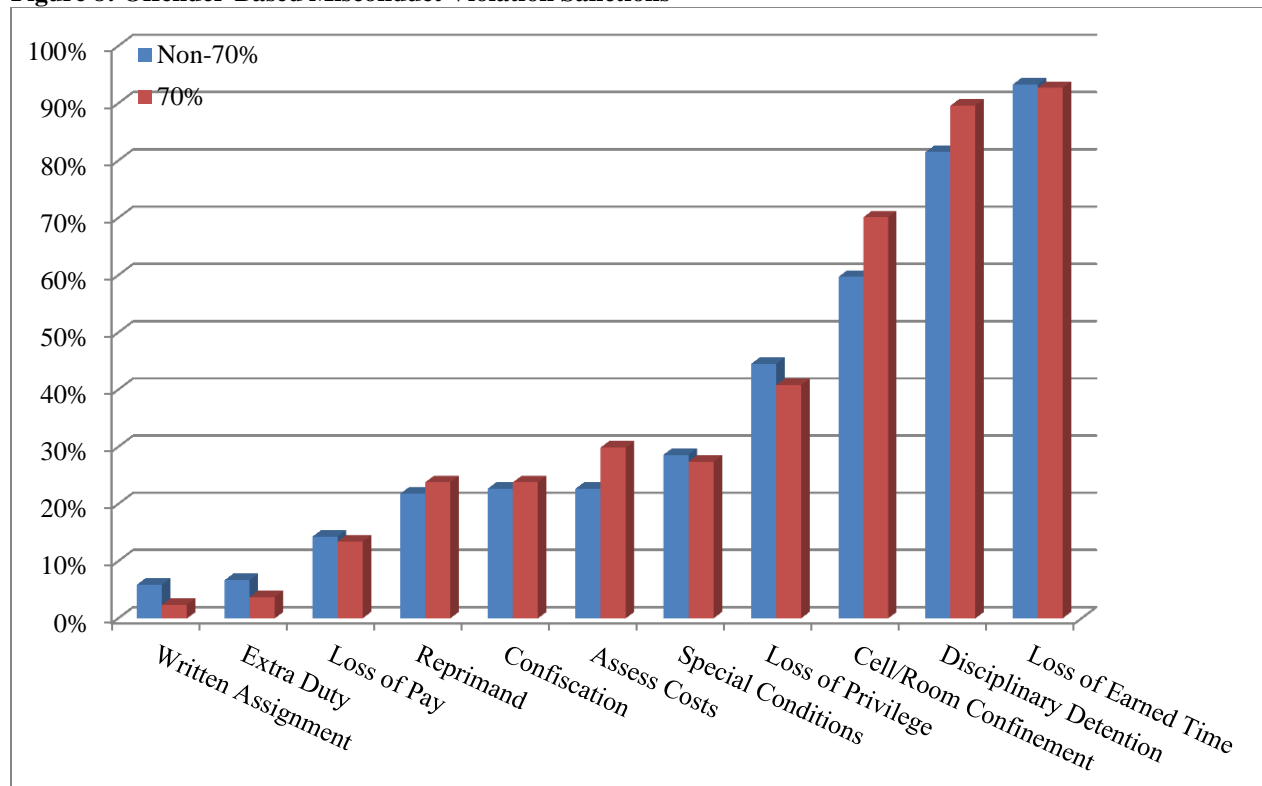
Misconduct Sanctions

While the findings above indicate that sanctions resulting in lost earned time are greater for the non-70 percent group during incarceration, the previous analysis found that both cohorts tended to commit similar rates of misconduct violations. This begs the question, is the 70 percent group simply receiving alternative sanctions besides earned time loss?

This portion of the report examines the sanctions received by the original cohort within the first three years of incarceration. Examining sanctions over the course of total incarceration is not a useful analysis due to the lengthier incarceration of the 70% group.

Most offenders (84.2%) received at least one sanction for misconduct at some point during incarceration. Of offenders who received a misconduct violation, 92.9 percent had a violation which qualified for loss of earned time. There were few differences between non-70 percent inmates and 70 percent inmates in most sanctions, although the 70% group contained higher rates of offenders with confiscation (23.8% vs. 22.7%), reprimand (23.8% vs. 21.8%), assess costs (29.9% vs. 22.7%), cell/room confinement or restriction (70.1% vs. 59.7%), and disciplinary detention (89.6% vs. 81.5%) sanctions.

Figure 8: Offender-Based Misconduct Violation Sanctions

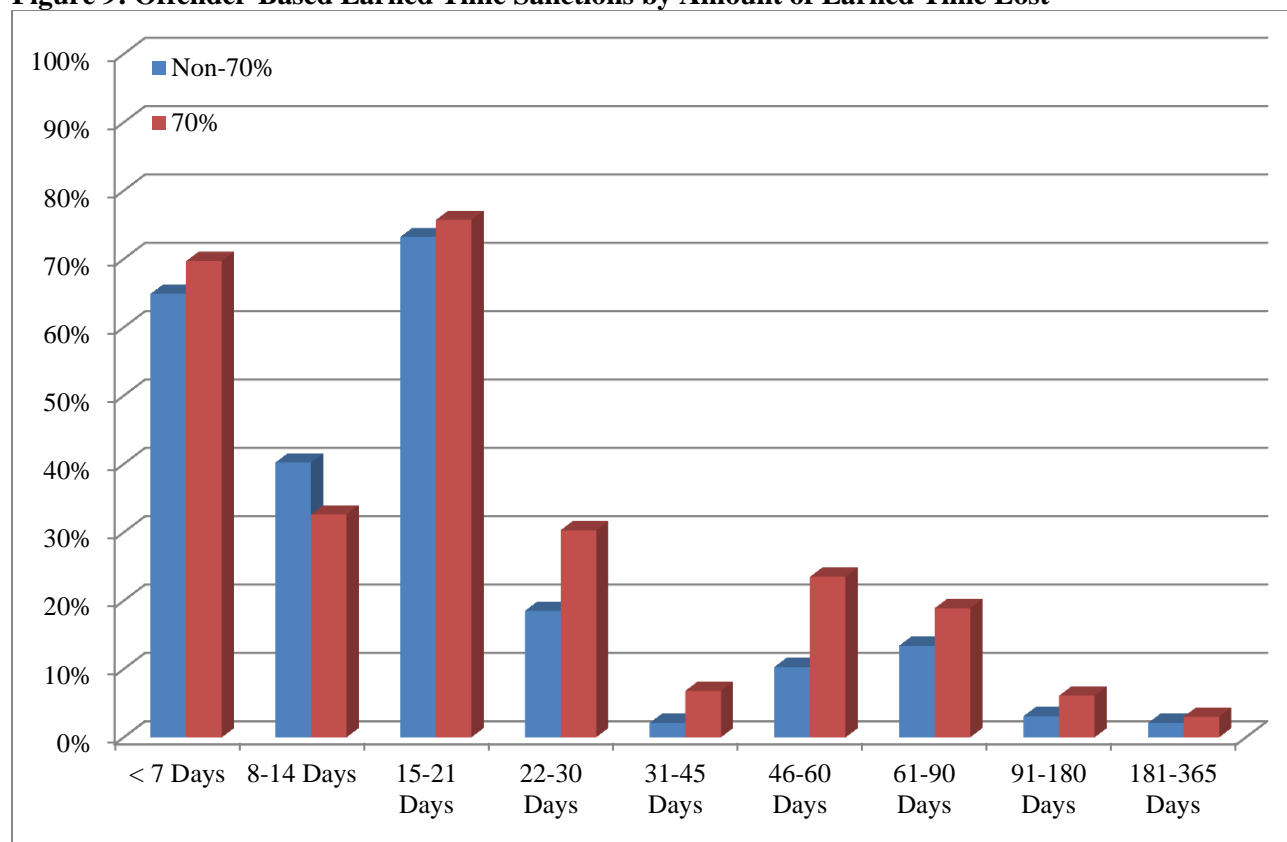


Details in Exhibit D.

As previously stated, it is important to note that a misconduct violation does not always imply that an offender will receive a sanction. A correctional violation may result in a suspended sentence or deferred judgment; therefore a sanction may not be imposed if an offender avoids further misconduct for a certain period of time. The information below outlines misconduct violations which resulted in loss of earned time. Offenders are only counted once within each category below, but they could be represented in more than one category in the event of multiple infractions.

Regardless of the smaller percentages of earned time available for the 70 percent group, this offender group had similar total percentages of offenders with lost earned time sanctions (87.4% vs. 86.8%). Offenders serving 70 percent sentences tended to have longer lost earned time sanctions than the non-70 percent group in all but one category (8-14 days).

Figure 9: Offender-Based Earned Time Sanctions by Amount of Earned Time Lost



Details in Exhibit D.

Factors that Predict Misconduct

Factors that were found to be significant predictors of offender misconduct among the sample were offender age at prison entry, custody classification, and facility security level. Age was one of the strongest and most consistent predictors of misconduct. Custody classification and facility security level also proved to be significant predictors, but at later periods of incarceration. Also, sex was a significant factor of predatory misconduct at year-one. It is important to note that offender sentence type (70% or non-70%) was not a significant factor predictive of misconduct violations. Details concerning these findings can be found in Exhibit E.

Logistic regression measures the association between a categorical dependent variable and one or more independent variables. This analysis uses logistic regression to measure the predictive power of individual- and prison-level factors against a dichotomous misconduct measure within individual years of incarceration.

The regression analysis during year-one incarceration did not incorporate the variable 'facility security level' because all offenders were supervised in medium security facilities. Convicting offense type was categorized as violent and non-violent. For a complete list of variables included in the regression please see Exhibit E.

Variations in Misconduct by Sentence Type and Various Individual and Prison-level Factors

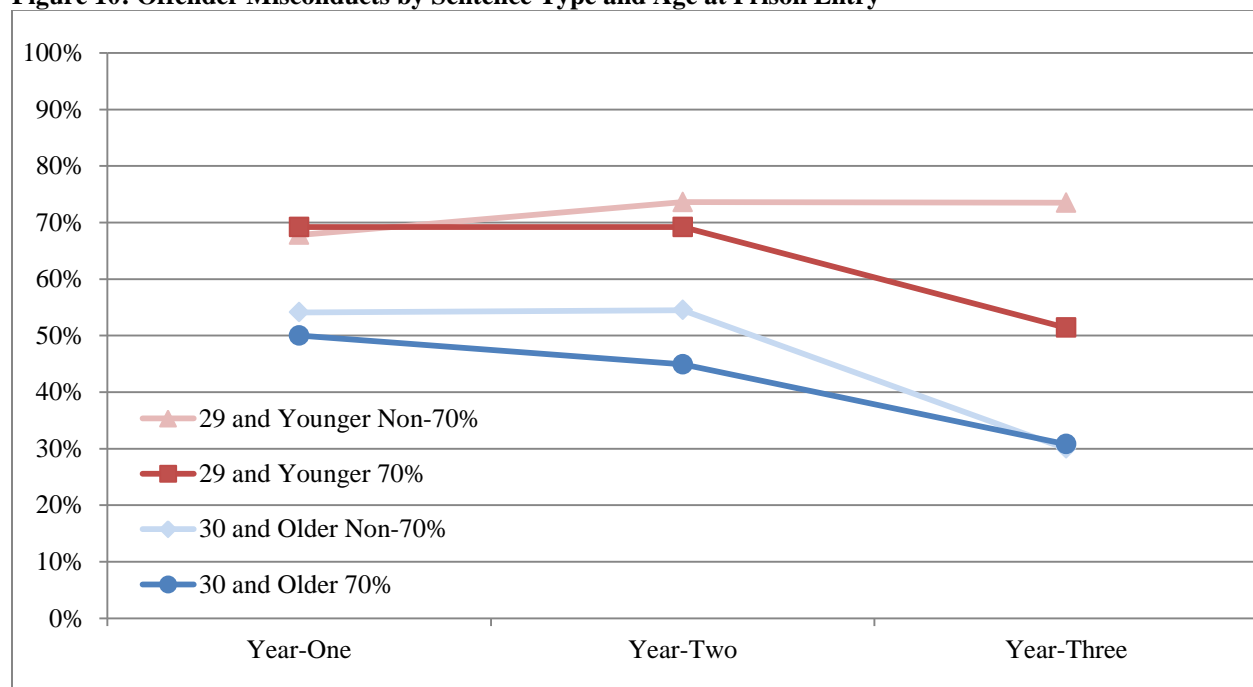
The following information examines variations in misconduct between the 70 percent and non-70 percent group by various individual-level factors such as age, race, and sex as well as prison-level factors such as custody classification, prison security level, and LSI-R score. For consistency purposes, the information below examines misconducts which occurred within a particular year of incarceration.

Age

Some research suggests that the age of an offender influences the rate of in-prison misconducts. For the purposes of this study, age was defined as an offender's age at prison entry. It appears that age does influence misconduct rates, with younger offenders having higher percentages of misconducts than older offenders. The percentage of offenders with misconducts consistently decreases from year-one to year-three for offenders 30 years of age and older. This figure remains stable from year-one to year-two, then decreases in year-three for the 29-and-younger 70 percent group. Misconducts increase from year-one to year-two and remain stable from year-two to year-three for the 29-and-younger non-70 percent group.

There appears to be relatively few differences between the groups by sentence type, although there was a noteworthy difference in year-three between the two younger groups. Because there were limited offenders under the age of 18 serving a 70 percent sentence, a comparison of misconduct violations by sentence type was inappropriate for this group.

Figure 10: Offender Misconducts by Sentence Type and Age at Prison Entry

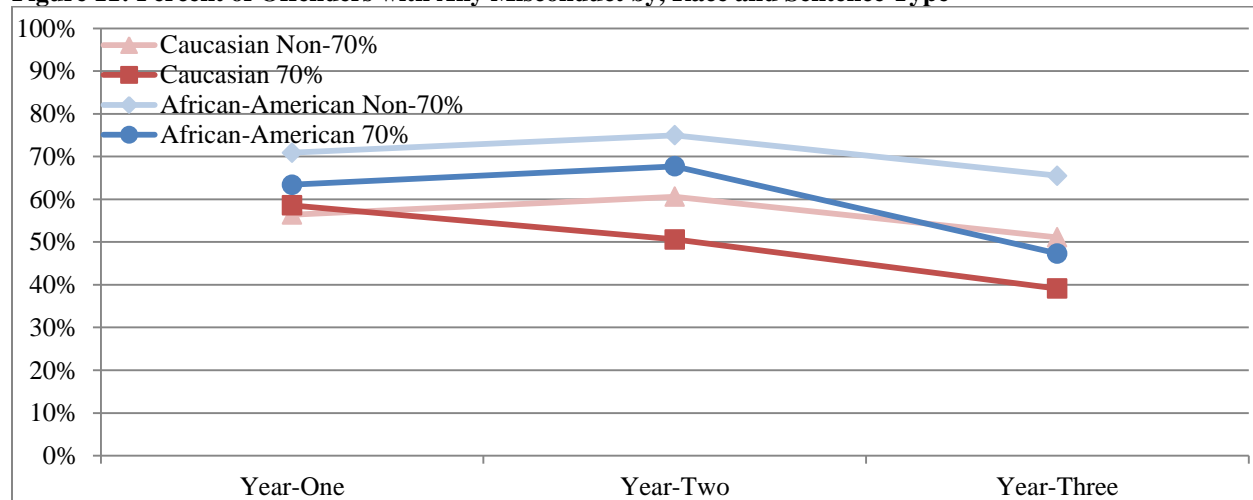


Details in Exhibit F.

Race

African-Americans tended to exhibit higher rates of reported misconduct than Caucasians during most observed years. Caucasians serving 70% sentences tended to be the only group which consistently declined in misconducts from year-one to year-three incarceration. Other groups tended to show increasing misconduct rates during year two, with declines seen thereafter.

Figure 11: Percent of Offenders with Any Misconduct by, Race and Sentence Type



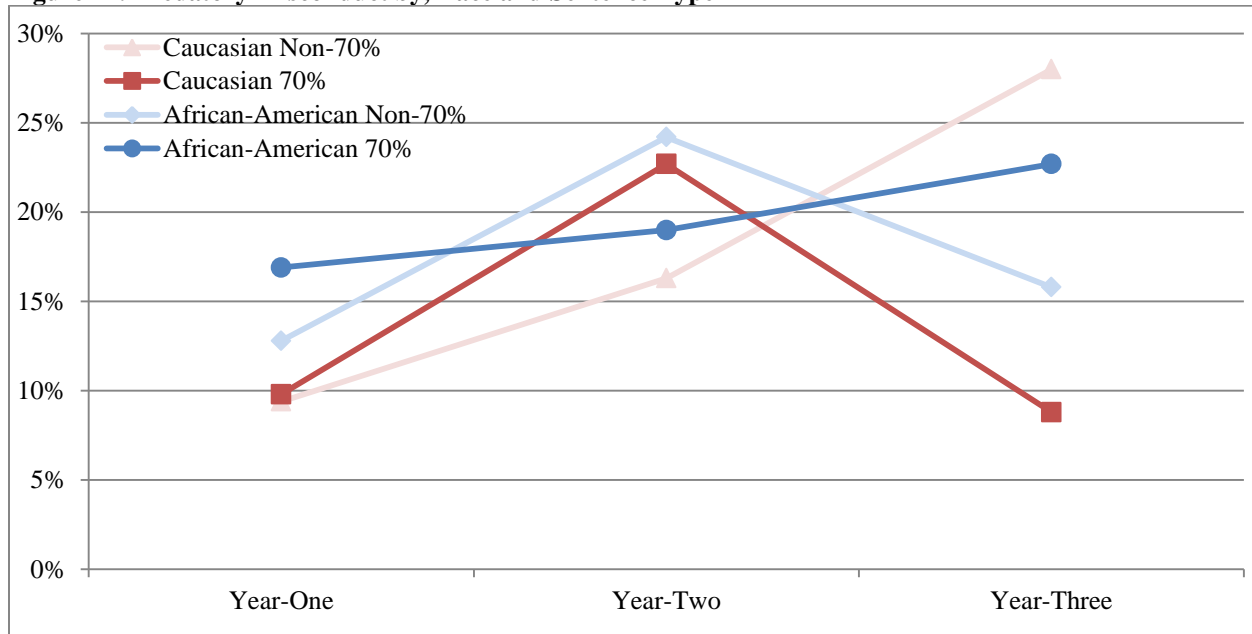
Details in Exhibit G.

Examining offender differences by misconduct type, we see that predatory offenses tend to be fairly infrequent compared to institutional management violations. Caucasians serving non-70 percent sentences and African-Americans serving 70 percent sentences followed similar trends, with increasing rates of predatory misconducts as time passed. Caucasians serving 70 percent sentences and African-Americans not serving 70 sentences also behaved similarly, with increases in predatory misconducts during year-two and declining in year-three. Changes in predatory misconduct are minimal but evident.

Observing institutional management violations, it is evident that African-Americans serving mandatory sentences and Caucasians serving non-70 percent sentences exhibited similar trends, remaining fairly stable from year-one to year-two incarceration with an increase in year-three. Caucasians serving a 70 percent sentence had an increase in institutional misconducts from year one to year-two and then starkly declined from year-two to year-three. African-Americans serving non-70 percent sentences had a decrease in institutional violations from year-one to year-two followed by a stark increase in year-three, surpassing other groups. It appears that the percent of offenders with institutional misconduct violations increases for every group by year-three, except for 70 percent Caucasians.

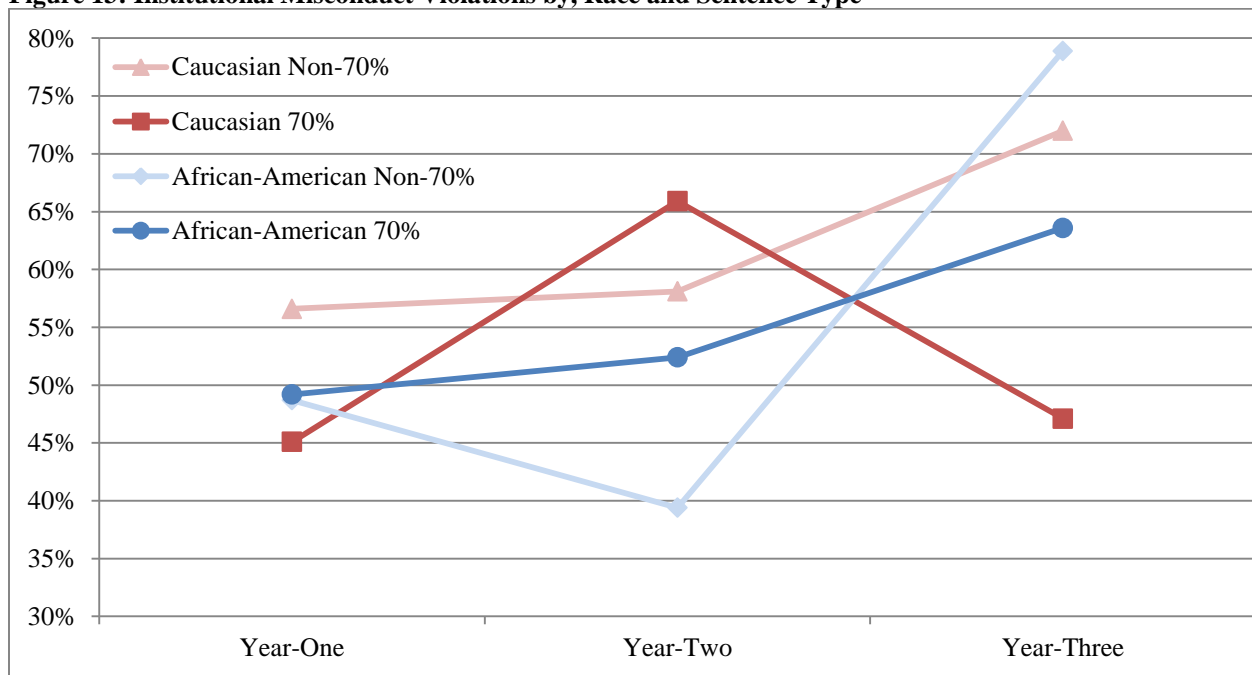
Please note that the following graphs have been formatted with varying axes to more clearly identify trends.

Figure 12: Predatory Misconduct by, Race and Sentence Type



Details in Exhibit G.

Figure 13: Institutional Misconduct Violations by, Race and Sentence Type



Details in exhibit G.

Sex

Rates of misconduct were similar for males and females during the first year of incarceration in most categories, although one should consider these results carefully because of the small number of females in the cohort. Generally, females in the 70 percent group exhibited higher percentages of total misconducts than males (76.9% vs. 59.9%), while males serving non-70 percent sentences had slightly higher misconduct than females (63.6% vs. 54.5%). Females showed higher rate of predatory/violence misconducts than males (22.7% vs. 10.8%) although fairly proportional percentages of institutional management (45.4% vs. 50.8%) and non-compliance misconduct violations (95.4% vs. 95.1%) were observed for both males and females. In the non-70 percent group, there were higher percentages of female offenders with predatory/violent misconduct than males (33.3% vs. 7.3%). Due to the small number of females in this sample, misconduct rates were only observed during the first year of incarceration.

Table 4: Offender Misconducts at Year-One of Incarceration by Sentence Type and Sex

	Non-70% Sentence		70% Sentence		Total	
	N	%	N	%	N	%
MALE						
Predatory/Violence	6	7.3%	14	13.6%	20	10.8%
Institutional Management	42	51.2%	52	50.5%	94	50.8%
Non-Compliance	80	97.6%	96	93.2%	176	95.1%
Total Men w/ Misconduct	82	100%	103	100%	185	100%
Males w/Misconduct	82	63.6%	103	59.9%	185	61.5%
Males w/out Misconduct	47	36.4%	69	40.1%	116	38.5%
Total Male	129	100%	172	100%	301	100%
FEMALE						
Predatory/Violence	4	33.3%	1	10.0%	5	22.7%
Institutional Management	7	58.3%	3	30.0%	10	45.4%
Non-Compliance	11	91.7%	10	100%	21	95.4%
Total Female w/Misconduct	12	100%	10	100%	22	100%
Females w/Misconduct	12	54.5%	10	76.9%	22	62.9%
Females w/out Misconduct	10	45.4%	3	23.1%	13	37.1%
Total Female	22	100%	13	100%	35	100%

Figure 14: Total Offender Misconduct within Year-One of Incarceration, by Sentence Type and Sex



Custody Classification and Facility Security Level

Variations in misconduct were also observed by offender custody classification. Offenders were included in the analysis if their custody classification assessment submission date was within 60 days of their supervision start date. Offenders were eligible for analysis at year-two and year-three if they were reclassified within 60 days of their supervision start anniversary. Some offenders were eliminated at year-two and three based on this requirement because of the nature of custody reclassification. For example, offenders may be reclassified before or after their supervision start date anniversary. This means that future reclassifications will occur annually from the date from which the offender was reclassified early or late, not necessarily around their incarceration anniversary. In other words, an offender's year-two reclassification may not be eligible for study because it did not occur within 60 days of the year-two incarceration anniversary. While this approach restricts the sample, it ensured uniformity throughout the analysis. Additionally, restricting the reclassification dates enables observation of misconducts consistently throughout the report, within a particular incarceration year. At year-one nine offenders were omitted because of this requirement (n=327), year-two 109 (n=192), and year-three 102 (n=162).

Misconducts were observed within a particular year of incarceration and included violations which occurred after the custody classification or reclassification assessment submission date. Because of this requirement, some offenders did not have a full year incarceration length under a particular custody classification. If an offender had more than one custody classification within a particular year of incarceration, the earliest classification was chosen.

Medium and minimum custody classifications have subcategories which distinguish which inmates can work outside of the institution (denoted as 'work-out'). The current analysis did not distinguish between these subcategories. For example, an offender classified as minimum custody work-out would be defined here only as being minimum custody.

An examination of misconduct by custody classification level revealed that the non-70 percent group behaved as expected, with maximum custody inmates having higher rates of misconduct than inmates classified as medium or minimum custody during the observed years. The 70 percent group was not as predictable. During year one, 70 percent inmates classified as maximum custody had lower percentages of misconduct than medium custody 70 percent offenders (52.0% vs. 62.9%). During year-two and year-three the 70 percent group behaved as expected, with higher misconduct rates for offenders classified at higher custody levels. Misconduct rates are unavailable for some groups due to small sample sizes.

Some research suggests that the security level of an institution affects inmate behavior during incarceration. As will be recalled, some offenders' initial and reclassification custodies were not observed due to study parameters. Because of these parameters, institution security level was unavailable for some groups.

All offenders who are admitted to prison in Iowa will initially visit the Iowa Medical and Classification Center (IMCC), a medium-security facility, to be transferred elsewhere. Because of this process, all offenders during year-one received their custody classification while incarcerated at a medium-security facility. Information as to the security level of each institution can be found in Attachment #2.

Greater proportions of inmates were classified at medium security facilities, particularly so for the non-70 percent group. Small sample sizes limited the examination of misconduct by facility security level for some groups. It appears that, generally, offenders at maximum security facilities had higher total incidence of misconduct than those at medium facilities. The misconduct rate of maximum security

inmates tended to remain high and stable through the observed period, but misconduct rates for the medium and minimum custody groups tended to decline.

Analysis of misconduct by facility security level revealed that there were similar percentages of total offenders with misconduct during year-one and year-two at medium security facilities, but this figure declined in year-three. During year-one, the non-70 percent and 70 percent groups had identical percentages of offenders with misconduct who were supervised at medium security facilities, but by year-two, the non-70 percent offenders had higher percentages of misconduct than the 70% group (74.6% vs. 55.8%). This trend continued into year-three.

Table 5: Offender Misconduct, by Custody Classification

Custody Classification	Non-70%			70%			Total		
	N Misconduct	N Total	%	N Misconduct	N Total	%	N Misconduct	N Total	%
YEAR-ONE									
Maximum Custody	8	9	88.9%	13	25	52.0%	21	34	61.8%
Medium Custody	73	116	62.9%	95	151	62.9%	168	267	62.9%
Minimum Custody	13	23	56.5%	3	3	--	16	26	61.5%
Unavailable	0	3	--	3	6	50.0%	3	9	33.3%
Total		151	--		185	--		336	--
YEAR-TWO									
Maximum Custody	12	14	85.7%	25	35	71.4%	37	49	75.5%
Medium Custody	36	48	75.0%	46	87	52.9%	82	135	60.7%
Minimum Custody	3	5	60.0%	1	3	--	4	8	50.0%
Unavailable	26	49	53.1%	35	60	58.3%	61	109	56.0%
Total		116	--		185	--		301	--
YEAR-THREE									
Maximum Custody	6	7	85.7%	13	23	56.5%	19	30	63.3%
Medium Custody	20	28	71.4%	30	89	33.7%	50	117	42.7%
Minimum Custody	2	12	16.7%	2	3	--	4	15	26.7%
Unavailable	17	32	53.1%	32	70	45.7%	49	102	48.0%
Total		79	--		185	--		264	--

Table 6: Offender Misconduct, by Facility Security Level

Facility Security Level	Non-70%			70%			Total		
	N Misconduct	N Total	%	N Misconduct	N Total	%	N Misconduct	N Total	%
YEAR-ONE									
Medium Facility	94	148	63.5%	110	179	61.4%	204	327	62.4%
Unavailable	0	3	--	3	6	50.0%	3	9	33.3%
Total		151	--		185	--		336	--
YEAR-TWO									
Maximum Facility	3	3	--	10	14	71.4%	13	17	76.5%
Medium Facility	47	63	74.6%	62	111	55.8%	109	174	62.6%
Minimum Facility	1	1	--	0	0	--	1	1	--
Unavailable	26	49	53.1%	35	60	58.3%	61	109	55.9%
Total		116	--		185	--		301	--
YEAR-THREE									
Maximum Facility	2	2	--	13	23	56.5%	15	25	60.0%
Medium Facility	26	44	59.1%	34	92	37.0%	60	136	44.1%
Minimum Facility	0	1	--	0	0	--	0	1	--
Unavailable	17	32	53.1%	32	70	45.7%	49	102	48.0%
Total		79	--		185	--		264	--

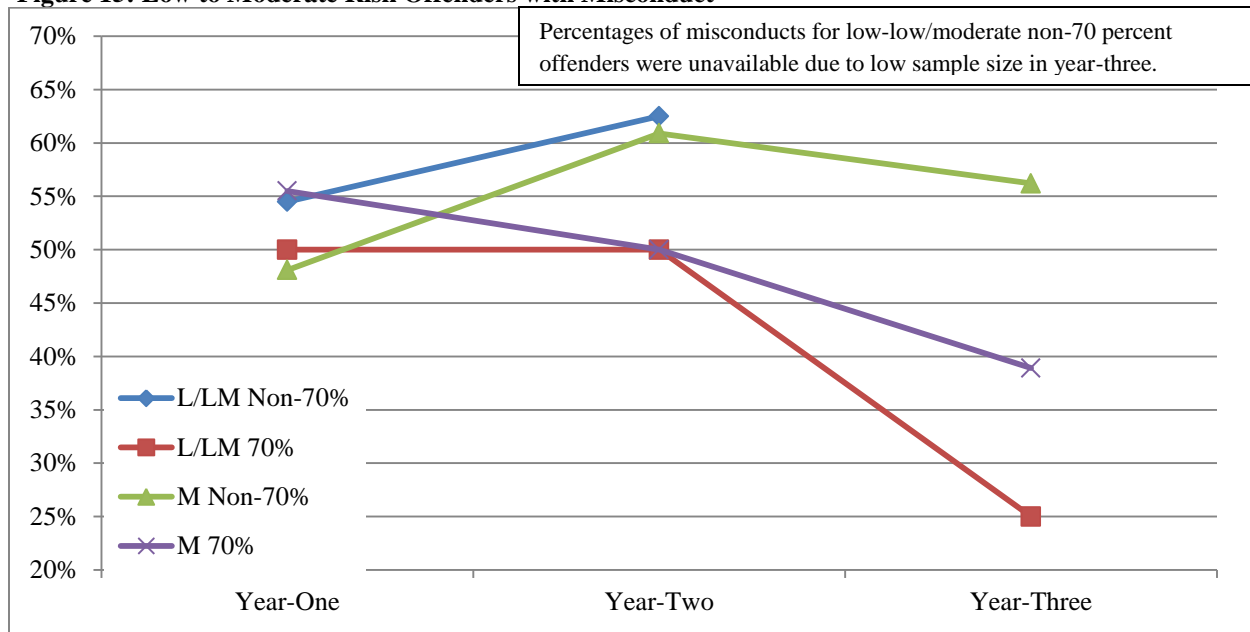
Level of Service Inventory-Revised (LSI-R)

Misconduct violations were also observed by offender's Level of Service Inventory-Revised (LSI-R) score. As previously stated, the LSI-R is a validated risk assessment and is one of several tools used in Iowa to establish offender risk and level of supervision. LSI-R scores which were gathered 180 days prior to prison admissions or 60 days following release were utilized, as this time period meets Iowa Department of Corrections' (IDOC) standards. Because there were few offenders assessed at Low or Low-Moderate Risk, these categories were combined. Percentages are based on the number of offenders within each LSI-R level who had a misconduct report during a particular year of incarceration. The percentages of misconducts for the low-low/moderate non-70 percent group are unavailable due to low sample size.

For easier comparison, the charts below are broken down by low to moderate LSI-R total scores and moderate to high LSI-R total scores. During year one, individuals with lower LSI-R scores had lower rates of misconduct. Year-two reveals relatively little change, with the exception of high risk non-70 percent offenders whose rates jumped to 82.3%. By year-three, rates of misconduct drop for all offenders with the exception of the medium high non-70 percent group. Moderate to high risk offenders exhibited misconduct rates which tended to decline for most groups, while low to moderate offenders' misconduct rates varied to greater degrees but also tended to decline.

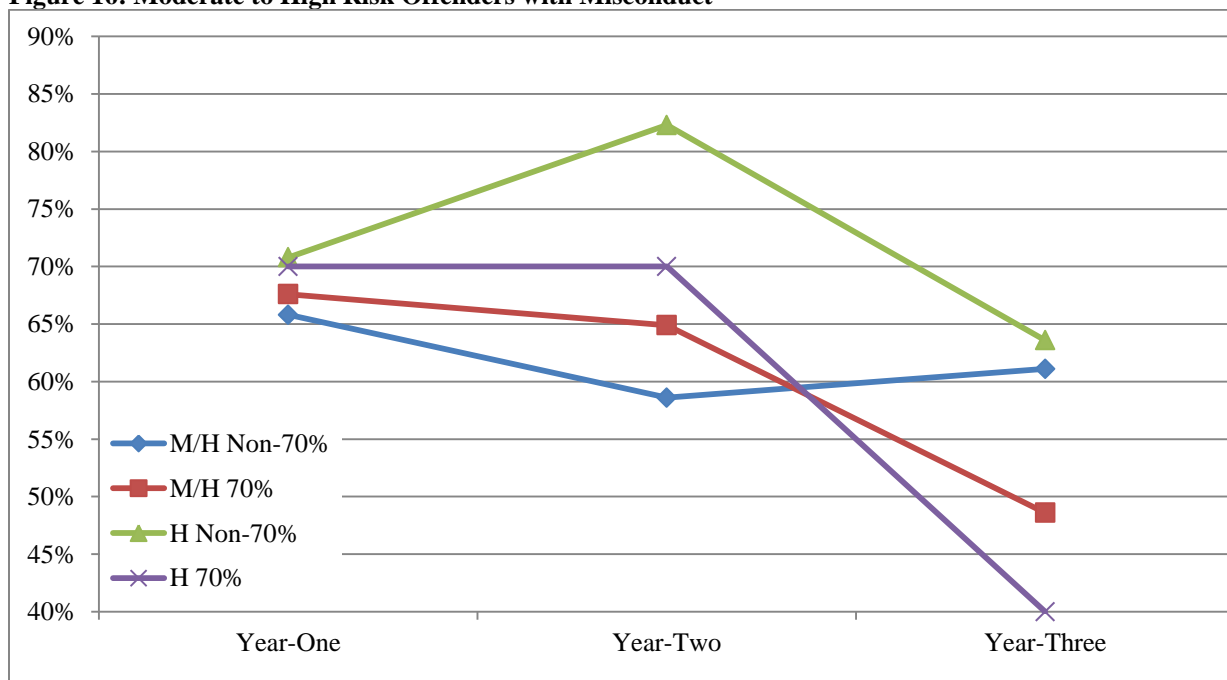
Please note the variations to chart scales below, established to more clearly identify trends.

Figure 15: Low to Moderate Risk Offenders with Misconduct



Details in Exhibit H.

Figure 16: Moderate to High Risk Offenders with Misconduct



Details in Exhibit H.

VI. Conclusion

The primary purpose of this analysis was to answer the research questions:

- 1.) Does having the ability to earn earned time affect an inmate's misconduct engagement? And...
- 2.) Which variables are most closely associated with offender misconduct?

The data suggest that, during the first three years of incarceration, misconduct rates are similar for those who have the ability to accrue earned time immediately compared to those who do not. The data show that as release nears the 70 percent group had fewer misconduct infractions and fewer infractions which resulted in loss of earned time than the non-70 percent groups. This is not surprising, as the 70 percent group was more likely to receive alternative sanctions (i.e., a sanction not involving the loss of earned time). Interestingly, lost earned time sanctions tended to be longer for the 70% than non-70% group. This does not suggest that the 70% group's infractions were more serious, however, as both the 70% and non-70% groups tended to have similar percentages of offenders with predatory/violent misconducts.

Evidence from the logistic regression analysis found that age was the strongest and most consistent predictor of misconduct. Also interesting is the predictive power of custody classification and facility security level at later periods of incarceration. Sex was also significantly predictive of predatory/violent misconduct during year-one. It is important to acknowledge that an offender's sentence type was not a variable having significant misconduct predictability.

While the findings from this report appear to suggest that earned time has little influence on offender misconduct, it is important to acknowledge the possible effects that removal of the policy could have on misconduct rates. While findings suggest that the rates of misconduct are higher for the non-70% than the 70% group, it is possible that absent earned time policies, misconduct rates could increase or decrease.

It should also be said that these findings should not necessarily lead toward abolishment or modification of current earned time practices. Simply doing away with earned time, within Iowa's current sentencing structure, would result in a nearly immediate rise in prison population. While the Board of Parole has the statutory ability to release most inmates at any point during a sentence, an inmate's proximity to his or her absolute discharge date is one factor considered by the Board in its release deliberations. A substantial percentage of Iowa inmates also are also discharged directly from institutions when their sentences expire (either as a first release or after previous release opportunities). While abolishing or reducing the opportunity for earned time may be attractive in terms of "truth in sentencing," such a change should not be made without considering the possible impact on the size of Iowa's prison population.

VII. References

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EXHIBIT A

Table 7: Offender Misconduct Occurring within a Total Period of Incarceration

	Non-70% Sentence		70% Sentence		Total	
	N	%	N	%	N	%
ONE-YEAR						
Predatory/Violence	10	10.6%	15	13.3%	25	12.1%
Institutional Management	49	52.1%	55	48.7%	104	50.2%
Non-Compliance	91	96.8%	106	93.8%	197	95.2%
Total Offenders w/Misconduct	94	--	113	--	207	--
Offenders w/Misconduct	94	62.2%	113	61.1%	207	61.6%
Offenders w/out Misconducts	57	37.7%	72	38.9%	129	38.4%
Total Offenders	151	100%	185	100%	336	100%

TWO-YEAR						
Predatory/Violence	20	22.5%	33	23.7%	53	23.2%
Institutional Management	53	59.5%	91	65.5%	144	63.2%
Non-Compliance	88	98.9%	132	95.0%	220	96.5%
Total Offenders w/Misconduct	89	--	139	--	228	--
Offenders w/ Misconduct	89	76.7%	139	75.1%	228	75.7%
Offenders w/out Misconducts	27	23.3%	46	24.9%	73	24.2%
Total Offenders	116	100%	185	100%	301	100%

THREE-YEAR						
Predatory/Violence	19	28.8%	39	26.7%	58	27.3%
Institutional Management	53	80.3%	103	70.5%	156	73.6%
Non-Compliance	64	97.0%	139	95.2%	203	95.7%
Total Offenders w/Misconduct	66	--	146	--	212	--
Offenders w/ Misconducts	66	83.5%	146	78.9%	212	80.3%
Offenders w/out Misconducts	13	16.5%	39	21.1%	52	19.7%
Total Offenders	79	100%	185	100%	264	100%

EXHIBIT B

Table 8: Offender Misconduct between Particular Year of Incarceration by Sentence Type

	Non-70% Sentence		70% Sentence		Total	
	N	%	N	%	N	%
ONE-YEAR						
Predatory/Violence	10	10.6%	15	13.3%	25	12.1%
Institutional Management	49	52.1%	55	48.7%	104	50.2%
Non-Compliance	91	96.8%	106	93.8%	197	95.2%
Total Offenders w/Misconduct	94	--	113	--	207	--
Offenders w/ Misconduct	94	62.2%	113	61.1%	207	61.6%
Offenders w/out Misconducts	57	37.7%	72	38.9%	129	38.4%
Total Offenders	151	100%	185	100%	336	100%

TWO-YEAR						
Predatory/Violence	15	19.5%	23	21.1%	38	20.4%
Institutional Management	39	50.6%	64	58.7%	103	55.4%
Non-Compliance*	76	98.7%	98	89.9%	174	93.5%
Total Offenders w/Misconduct	77	--	109	--	186	--
Offenders w/Misconduct	77	66.4%	109	58.9%	186	61.8%
Offenders w/out Misconducts	39	33.6%	76	41.1%	115	38.2%
Total Offenders	116	100%	185	100%	301	100%

**Significance was calculated at a 95% confidence interval*

THREE-YEAR						
Predatory/Violence	10	22.2%	13	16.4%	23	18.5%
Institutional Management*	34	75.5%	44	55.7%	78	62.9%
Non-Compliance	42	93.3%	72	91.1%	114	91.9%
Total Offenders w/Misconduct	45	--	79	--	124	--
Total Offenders w/Misconduct*	45	57.0%	79	42.7%	124	47.0%
Offenders w/out Misconducts*	34	43.0%	106	57.3%	140	53.0%
Total Offenders	79	100%	185	100%	264	100%

**Significance was calculated at a 95% confidence interval.*

EXHIBIT C

Table 9: Percent of Offenders w/Misconduct by Months to Release

	Non-70%			70%		
	N Misconduct	N Total	%	N Misconduct	N Total	%
TIME TO RELEASE						
> 85 Months	--	--	--	9	22	40.9%
79-84 Months	--	--	--	18	54	33.3%
73-78 Months	2	5	40.0%	21	60	35.0%
67-72 Months	3	9	33.3%	15	61	24.6%
61-66 Months	4	16	25.0%	4	61	6.6%
55-60 Months	7	20	35.0%	2	61	3.3%
49-54 Months	10	32	31.2%	4	61	6.6%
43-48 Months	13	45	28.9%	2	61	3.3%
37-42 Months	14	60	23.3%	1	61	1.6%
31-36 Months	17	70	24.3%	0	61	0.0%
25-30 Months	15	88	17.0%	1	61	1.6%
19-24 Months	22	98	22.4%	0	61	0.0%
13-18 Months	35	110	31.8%	0	61	0.0%
7-12 Months	14	111	12.6%	0	61	0.0%
< 6 Months	5	111	4.5%	0	61	0.0%

- Small sample size inhibited an examination of the non-70% group's misconduct past 78 months of incarceration.

Table 10: Infractions Resulting in Loss of Earned time by Time to Release

	Non-70%			70%		
	N w/ET Sanction	N Total	%	N w/ET Sanctions	N Total	%
TIME-TO-RELEASE						
> 85 Months	1	2	--	6	14	42.9%
79-84 Months	1	2	--	10	29	34.5%
73-78 Months	0	4	--	12	34	35.3%
67-72 Months	2	6	33.3%	8	34	23.5%
61-66 Months	3	11	27.3%	1	34	2.9%
55-60 Months	6	13	46.1%	1	34	2.9%
49-54 Months	8	20	40.0%	2	34	5.9%
43-48 Months	7	25	28.0%	0	34	0.0%
37-42 Months	12	34	35.3%	1	34	2.9%
31-36 Months	8	39	20.5%	0	34	0.0%
25-30 Months	7	50	14.0%	0	34	0.0%
19-24 Months	12	59	20.3%	0	34	0.0%
13-18 Months	17	62	27.4%	0	34	0.0%
7-12 Months	14	63	22.2%	0	34	0.0%
< 6 Months	5	63	7.9%	0	34	0.0%
Total Offenders	63		--	34		--

- Small sample size inhibited an examination of the non-70% group's misconduct past 78 months of incarceration.

EXHIBIT C Cont...

Table 11: Unsuspended Infractions Resulting in Loss of Earned time for Offenders Convicted of a C-Felony

	Non 70%			70%			Total		
	N Misconduct	N Total	%	N Misconduct	N Total	%	N Misconduct	N Total	%
UNSUSPENDED EARNED TIME SANCTIONS									
> 85 Months	1	1	--	6	14	42.9%	7	15	46.7%
79-84 Months	0	1	--	10	29	34.5%	10	30	33.3%
73-78 Months	0	3	--	12	34	35.3%	12	37	32.4%
67-72 Months	0	3	--	8	34	23.5%	8	37	21.6%
61-66 Months	2	6	33.3%	1	34	2.9%	3	40	7.5%
55-60 Months	4	8	50.0%	2	34	5.9%	6	42	14.3%
49-54 Months	7	14	50.0%	2	34	5.9%	9	48	18.8%
43-48 Months	5	18	27.8%	0	34	0.0%	5	52	9.6%
37-42 Months	10	26	38.5%	1	34	2.9%	11	60	18.3%
31-36 Months	7	31	22.6%	0	34	0.0%	7	65	10.8%
25-30 Months	5	38	13.2%	0	34	0.0%	5	72	6.9%
19-24 Months	6	41	14.6%	0	34	0.0%	6	75	8.0%
13-18 Months	10	43	23.2%	0	34	0.0%	10	77	13.0%
7-12 Months	4	43	9.3%	0	34	0.0%	4	77	5.2%
< 6 Months	1	43	2.3%	0	34	0.0%	1	77	1.3%
Released Offenders w/Unsuspended ET Sanctions		43	--	--	34	--	--	77	--

EHIBIT D

Table 12: Offender-Based Misconduct Violation Sanctions

	Non-70%		70%		Total	
	N	%	N	%	N	%
MISCONDUCT VIOLATIONS						
Written Assignment	7	5.9%	4	2.4%	11	3.9%
Extra Duty	8	6.7%	6	3.7%	14	4.9%
Loss of Pay	17	14.3%	22	13.4%	39	13.8%
Reprimand	26	21.8%	39	23.8%	65	23.0%
Confiscation	27	22.7%	39	23.8%	66	23.3%
Assess Costs	27	22.7%	49	29.9%	76	26.8%
Special Conditions	34	28.6%	45	27.4%	79	27.9%
Loss of Privilege	53	44.5%	67	40.8%	120	42.4%
Cell/Room Confinement	71	59.7%	115	70.1%	186	65.7%
Disciplinary Detention	97	81.5%	147	89.6%	244	86.2%
Loss of Earned Time	111	93.3%	152	92.7%	263	92.9%
Total Offenders w/Misconduct	119	--	164	--	283	--
Total Offenders w/Misconduct*	119	78.8%	164	88.6%	283	84.2%
Total Offenders w/out Misconduct*	32	21.2%	21	11.4%	53	15.8%
Total Offenders	151	100%	185	100%	336	100%

*Significant at a 95% confidence interval.

Table 13: Offender Based Earned time Sanctions by Amount of Earned time Lost

	Non-70%		70%		Total	
	N	%	N	%	N	%
EARNED TIME LOST						
<7 days	63	64.9%	92	69.7%	155	67.7%
8-14 days	39	40.2%	43	32.6%	82	35.8%
15-21 days	71	73.2%	100	75.7%	171	74.7%
22-30 days*	18	18.5%	40	30.3%	58	25.3%
31-45 days	2	2.1%	9	6.8%	11	4.8%
46-60 days*	10	10.3%	31	23.5%	98	42.8%
61-90 days	13	13.4%	25	18.9%	38	16.6%
91-180 days	3	3.1%	8	6.1%	11	4.8%
181-365 days	2	2.1%	4	3.0%	6	2.6%
Offenders w/Lost ET Sanctions	97	--	132	--	229	--
Offenders w/Lost ET Sanctions	97	87.4%	132	86.8%	229	87.1%
Offenders w/ Deferred ET Sanctions	78	70.3%	110	72.4%	188	71.5%
Offenders w/ET Sanctions	111	--	152	--	263	--

*Significant at a 95% confidence interval.

EXHIBIT E

Table 14: Logistic Regression Model: Significant Predictors of Misconduct amongst the Robbery Cohort

	B	S.E.	Wald	Df	Sig	Exp(B)	Confidence Interval	
							Lower	Upper
YEAR-ONE								
Any Misconduct								
Age	-.625	.171	13.34	1	.000	0.53	0.38	0.74
Predatory Misconduct								
Sex	1.11	.572	3.83	1	.050	3.06	.998	9.38
Institutional Management								
Age	-.602	.178	11.48	1	.001	.548	.386	.776
Non-Compliance								
Age	-.601	.168	12.73	1	.000	.548	.394	.763
YEAR-TWO								
Any Misconduct								
Age	-.888	.195	20.78	1	.000	.412	.281	.603
Facility Security Level	.962	.392	6.01	1	.014	2.61	1.21	5.64
Predatory Misconduct								
Facility Security Level	.827	.381	4.70	1	.030	2.28	1.08	4.82
Institutional Management								
Age	-.519	.185	7.82	1	.005	.595	.414	.856
Facility Security Level	.635	.318	3.97	1	.046	1.88	1.01	3.52
Non-Compliance								
Age	-.981	.195	25.28	1	.000	0.37	.256	.550
Facility Security Level	.809	.363	4.96	1	.026	2.24	1.10	4.57
YEAR-THREE								
Any Misconduct								
Age	-.679	.198	11.72	1	.001	.507	.344	.748
Custody Classification	-.454	.196	5.35	1	.021	.635	.433	.933
Predatory Misconduct								
Age	-.757	.359	4.44	1	.035	.469	.232	.948
Institutional Management								
Age	-.623	.219	8.13	1	.004	.536	.349	.823
Custody Classification	-.602	.212	8.04	1	.005	.547	.361	.830
Facility Security Level	.935	.319	8.60	1	.003	2.54	1.36	4.75
Non-Compliance								
Age	-.783	.205	14.63	1	.000	.457	.306	.683
Custody Classification	-.574	.200	8.23	1	.004	.563	.381	.834
Facility Security Level	.752	.314	5.73	1	.017	2.12	1.14	3.92

Detail in Exhibit E.

EXHIBIT E CONTINUED...

Table 15: Logistic Regression Model: Significant Predictors of Misconduct at Year-One

	B	S.E.	Wald	Df	Sig	Exp(B)	Confidence Interval	
							Lower	Upper
Any Misconduct								
Age	-.625	.171	13.34	1	.000	0.53	0.38	0.74
Sex	.126	.392	.104	1	.748	1.13	0.52	2.44
Race	.321	.224	2.04	1	.152	1.37	.888	2.13
Sentence Type	-.060	.330	.033	1	.856	.942	.493	1.79
Convicting Offense	.196	.343	.326	1	.568	1.21	.621	2.38
LSI-R	-.081	.080	1.02	1	.311	0.92	.789	1.07
Custody Classification	.228	.224	1.03	1	.308	1.25	.810	1.94
Predatory Misconduct								
Age	-.446	.309	2.08	1	.149	.640	0.34	1.17
Sex	1.11	.572	3.83	1	.050	3.06	.998	9.38
Race	.431	.386	1.24	1	.264	1.53	.722	3.28
Sentence Type	.429	.614	.488	1	.485	1.53	.461	5.10
Convicting Offense	-.130	.647	.040	1	.841	.878	.247	3.12
LSI-R	.001	.148	.000	1	.993	1.00	.750	1.33
Custody Classification	.311	.438	.505	1	.477	1.36	.578	3.22
Institutional Management								
Age	-.602	.178	11.48	1	.001	.548	.386	.776
Sex	-.004	.415	.000	1	.992	.996	.441	2.24
Race	.180	.227	.625	1	.429	1.19	.766	1.87
Sentence Type	-.054	.341	.025	1	.873	.947	.485	1.84
Convicting Offense	.011	.351	.001	1	.976	1.01	.508	2.01
LSI-R	.058	.084	.485	1	.486	1.06	.899	1.25
Custody Classification	.256	.255	1.00	1	.315	1.29	.784	2.12
Non-Compliance								
Age	-.601	.168	12.73	1	.000	.548	.394	.763
Sex	.072	.386	.034	1	.853	1.07	.504	2.28
Race	.215	.219	.961	1	.327	1.24	.807	1.90
Sentence Type	-.174	.327	.282	1	.595	.841	.443	1.59
Convicting Offense	.291	.340	.732	1	.392	1.33	.687	2.60
LSI-R	-.090	.079	1.30	1	.254	0.91	.783	1.06
Custody Classification	.263	.224	1.38	1	.240	1.30	.839	2.01

EXHIBIT E CONT...

Table 16: Logistic Regression Model: Significant Predictors of Misconduct at Year-Two

	B	S.E.	Wald	Df	Sig	Exp(B)	Confidence Interval	
							Lower	Upper
Any Misconduct								
Age	-.888	.195	20.78	1	.000	.412	.281	.603
Sex	.017	.447	.001	1	.970	1.01	.423	2.44
Race	.474	.248	3.64	1	.056	1.60	.988	2.61
Sentence Type	.064	.399	.026	1	.872	1.06	.488	2.33
Convicting Offense	-.596	.428	1.93	1	.164	.551	.238	1.27
LSI-R	-.079	.088	.793	1	.373	.924	.778	1.09
Custody Classification	-.382	.226	2.85	1	.091	.682	.438	1.06
Facility Security Level	.962	.392	6.01	1	.014	2.61	1.21	5.64
Predatory Misconduct								
Age	-.229	.256	.798	1	.372	.796	.482	1.31
Sex	.713	.572	1.55	1	.213	2.04	.664	6.26
Race	.402	.333	1.45	1	.228	1.49	.778	2.87
Sentence Type	-.444	.521	.726	1	.394	.641	.231	1.78
Convicting Offense	.488	.564	.751	1	.386	1.63	.540	4.91
LSI-R	.041	.122	.113	1	.737	1.04	.821	1.32
Custody Classification	-.486	.270	3.22	1	.072	.615	.362	1.04
Facility Security Level	.827	.381	4.70	1	.030	2.28	1.08	4.82
Institutional Management								
Age	-.519	.185	7.82	1	.005	.595	.414	.856
Sex	.329	.446	.544	1	.461	1.39	.580	3.33
Race	-.022	.238	.009	1	.925	.978	.613	1.56
Sentence Type	.429	.415	1.06	1	.301	1.53	.681	3.46
Convicting Offense	-.427	.428	.996	1	.318	.652	.282	1.50
LSI-R	-.083	.086	.920	1	.338	.921	.778	1.09
Custody Classification	-.232	.199	1.35	1	.244	.793	.537	1.17
Facility Security Level	.635	.318	3.97	1	.046	1.88	1.01	3.52
Non-Compliance								
Age	-.981	.195	25.28	1	.000	0.37	.256	.550
Sex	.169	.452	.140	1	.708	1.18	.488	2.87
Race	.441	.246	3.22	1	.072	1.55	.961	2.51
Sentence Type	-.113	.397	.081	1	.776	.893	.411	1.94
Convicting Offense	-.615	.425	2.10	1	.147	.540	.235	1.24
LSI-R	-.072	.087	.687	1	.407	.930	.784	1.10
Custody Classification	-.347	.217	2.56	1	.110	.707	.462	1.08
Facility Security Level	.809	.363	4.96	1	.026	2.24	1.10	4.57

EXHIBIT E CONT...

Table 17: Logistic Regression Model: Significant Predictors of Misconduct at Year-Two

	B	S.E.	Wald	Df	Sig	Exp(B)	Confidence Interval	
							Lower	Upper
Any Misconduct								
Age	-.679	.198	11.72	1	.001	.507	.344	.748
Sex	.433	.478	.818	1	.366	1.54	.604	3.93
Race	.222	.250	.793	1	.373	1.24	.766	2.03
Sentence Type	-.144	.444	.105	1	.745	.866	.363	2.06
Convicting Offense	-.656	.474	1.91	1	.167	.519	.205	1.31
LSI-R	-.028	.092	.093	1	.761	.972	.812	1.16
Custody Classification	-.454	.196	5.35	1	.021	.635	.433	.933
Facility Security Level	.602	.311	3.74	1	.053	1.82	.992	3.36
Predatory Misconduct								
Age	-.757	.359	4.44	1	.035	.469	.232	.948
Sex	1.16	.681	2.92	1	.087	3.20	.844	12.20
Race	-.497	.474	1.09	1	.295	.608	.240	1.54
Sentence Type	.596	.832	.513	1	.474	1.81	.355	9.27
Convicting Offense	-1.44	.824	3.07	1	.080	.236	.047	1.18
LSI-R	-.201	.158	1.63	1	.201	.818	.600	1.11
Custody Classification	-.221	.315	.491	1	.484	.802	.432	1.48
Facility Security Level	.332	.493	.452	1	.501	1.39	.530	3.66
Institutional Management								
Age	-.623	.219	8.13	1	.004	.536	.349	.823
Sex	.026	.549	.002	1	.963	1.02	.350	3.01
Race	.368	.275	1.79	1	.180	1.44	.843	2.47
Sentence Type	-.715	.473	2.28	1	.130	.489	.194	1.23
Convicting Offense	-.497	.494	1.01	1	.314	.608	.231	1.60
LSI-R	-.035	.102	.117	1	.732	.966	.792	1.17
Custody Classification	-.602	.212	8.04	1	.005	.547	.361	.830
Facility Security Level	.935	.319	8.60	1	.003	2.54	1.36	4.75
Non-Compliance								
Age	-.783	.205	14.63	1	.000	.457	.306	.683
Sex	.651	.485	1.80	1	.179	1.91	.742	4.95
Race	.046	.254	.033	1	.856	1.04	.636	1.72
Sentence Type	-.026	.451	.003	1	.955	.975	.403	2.35
Convicting Offense	-.797	.480	2.75	1	.097	.451	.176	1.15
LSI-R	-.019	.094	.040	1	.841	.981	.817	1.17
Custody Classification	-.574	.200	8.23	1	.004	.563	.381	.834
Facility Security Level	.752	.314	5.73	1	.017	2.12	1.14	3.92

EXHIBIT F

Table 18: Offender Misconducts by Sentence Type and Age at Prison Entry

	Non-70%			70%			Total		
	N Misconduct	N Total	%	N Misconduct	N Total	%	N Misconduct	N Total	%
YEAR-ONE									
29 and Younger	61	90	67.8%	74	107	69.2%	135	197	68.5%
30 and Older	33	61	54.1%	39	78	50.0%	72	139	51.8%
Total	--	151	--	--	185	--	--	336	--
YEAR-TWO									
29 and Younger	53	72	73.6%	74	107	69.2%	127	179	70.9%
30 and Older	24	44	54.5%	35	78	44.9%	59	122	48.4%
Total	--	116	--	--	185	--	--	301	--
YEAR-THREE									
29 and Younger*	36	49	73.5%	55	107	51.4%	91	156	58.3%
30 and Older	9	30	30.0%	24	78	30.8%	33	108	30.5%
Total	--	79	--	--	185	--	--	264	--

**Significant at a 95% confidence interval.*

EXHIBIT G

Table 19: Percent of Offenders with Any Misconduct by, Race and Sentence Type

	Caucasian					
	Non-70% Sentence			70% Sentence		
	N Misconduct	N Total	%	N Misdct	N Total	%
Year-One	53	94	56.4%	51	87	58.6%
Year-Two	43	71	60.6%	44	87	50.6%
Year- Three	25	49	51.0%	34	87	39.1%

	African-American					
	Non-70% Sentence			70% Sentence		
	N Misconduct	N Total	%	N Misconduct	Total	%
Year-One	39	55	70.9%	59	93	63.4%
Year-Two	33	44	75.0%	63	93	67.7%
Year- Three	19	29	65.5%	44	93	47.3%

Table 20: Year-One Misconducts, by Race

	Non-70% Sentence		70% Sentence		Total	
	N	%	N	%	N	%
AFRICAN-AMERICAN						
Predatory/Violence	5	12.8%	10	16.9%	15	15.3%
Institutional Management	19	48.7%	29	49.2%	48	49.0%
Non-Compliance	37	94.9%	56	94.9%	93	94.9%
Total A-A w/Misconduct	39	--	59	--	98	--
Total A-A w/Misconduct	39	70.9%	59	63.4%	98	66.2%
Total A-A w/out Misconduct	16	29.1%	34	36.6%	50	33.8%
Total African-American	55	100%	93	100%	148	100%
CAUCASIAN						
Predatory/Violence	5	9.4%	5	9.8%	10	9.6%
Institutional Management	30	56.6%	23	45.1%	53	51.0%
Non-Compliance	52	98.1%	48	94.1%	100	96.2%
Total Caucasian w/Misconduct	53	--	51	--	104	--
Total Caucasian w/Misconduct	53	56.4%	51	58.6%	104	57.5%
Total Caucasian w/out Misconduct	41	43.6%	36	41.4%	77	42.5%
Total Caucasian	94	100%	87	100%	181	100%
OTHER RACE	2	--	5	--	7	--
TOTAL OFFENDERS	151	100%	185	100%	336	100%

EXHIBIT G CONT...

Table 21: Year-Two Misconducts, by Race

	Non-70% Sentence		70% Sentence		Total	
	N	%	N	%	N	%
AFRICAN-AMERICAN						
Predatory/Violence	8	24.2%	12	19.0%	20	20.8%
Institutional Management	13	39.4%	33	52.4%	46	47.9%
Non-Compliance	33	100%	58	92.1%	91	94.8%
Total A-A w/Misconduct	33	--	63	--	96	--
Total A-A w/Misconduct	33	75.0%	63	67.7%	96	70.1%
Total A-A w/out Misconduct	11	25.0%	30	32.3%	41	30.0%
Total African-American	44	100%	93	100%	137	100%
CAUCASIAN						
Predatory/Violence	7	16.3%	10	22.7%	17	19.5%
Institutional Management	25	58.1%	29	65.9%	54	62.1%
Non-Compliance	42	97.7%	39	88.6%	81	93.1%
Total Caucasians w/Misconduct	43	--	44	--	87	--
Total Caucasian w/Misconduct	43	60.6%	44	50.6%	87	55.1%
Total Caucasian w/out Misconduct	28	39.4%	43	49.4%	71	44.9%
Total Caucasian	71	100%	87	100%	158	100%
OTHER RACE	01	--	5	--	06	--
TOTAL OFFENDERS	116	--	185	--	301	--

Table 22: Year-Three Misconducts, by Race

	Non-70% Sentence		70% Sentence		Total	
	N	%	N	%	N	%
AFRICAN-AMERICAN						
Predatory/Violence	3	15.8%	10	22.7%	13	20.6%
Institutional Management	15	78.9%	28	63.6%	43	68.2%
Non-Compliance	17	89.5%	38	86.4%	55	87.3%
Total A-A w/Misconduct	19	--	44	--	63	--
A-A w/Misconduct	19	65.5%	44	47.3%	63	51.6%
A-A w/out Misconduct	10	34.5%	49	52.7%	59	48.4%
Total African-American	29	100%	93	100%	122	100%
CAUCASIAN						
Predatory/Violence	7	28.0%	3	8.8%	10	16.9%
Institutional Management*	18	72.0%	16	47.1%	34	57.6%
Non-Compliance	24	96.0%	33	97.1%	57	96.6%
Total Caucasian w/Misconduct	25	--	34	--	59	--
Caucasian w/Misconduct	25	51.0%	34	39.1%	59	43.4%
Caucasian w/out Misconduct	24	49.0%	53	60.9%	77	56.6%
Total Caucasian	49	100%	87	100%	136	100%
OTHER RACE	01	--	05	--	06	--
TOTAL OFFENDERS	79	--	185	--	264	--

*Significant at a 95% confidence interval.

EXHIBIT H

Table 23: Offender Misconduct by, LSI-R Risk

	Non-70%			70%			Total		
	N Misconduct	N Total	%	N Misconduct	N Total	%	N Misconduct	N Total	%
YEAR-ONE									
Low/Low-Moderate Risk	6	11	54.5%	6	12	50.0%	12	23	52.2%
Moderate Risk	13	27	48.1%	20	36	55.5%	33	63	52.4%
Medium-High Risk	27	41	65.8%	25	37	67.6%	52	78	66.7%
High Risk	17	24	70.8%	14	20	70.0%	31	44	70.4%
Unavailable	31	48	64.6%	48	80	60.0%	79	128	61.7%
Total		151	--		185	--		336	--
YEAR-TWO									
Low/Low-Moderate Risk	5	8	62.5%	6	12	50.0%	11	20	55.0%
Moderate Risk	14	23	60.9%	18	36	50.0%	32	59	54.2%
Medium-High Risk	17	29	58.6%	24	37	64.9%	41	66	62.1%
High Risk	14	17	82.3%	14	20	70.0%	28	37	75.7%
Unavailable	27	39	69.2%	47	80	58.8%	74	119	62.2%
Total		116	--		185	--		301	--
YEAR-THREE									
Low/Low-Moderate Risk	0	3	--	3	12	25.0%	3	15	20.0%
Moderate Risk	9	16	56.2%	14	36	38.9%	23	52	44.2%
Medium-High Risk	11	18	61.1%	18	37	48.6%	29	55	52.7%
High Risk	7	11	63.6%	8	20	40.0%	15	31	48.4%
Unavailable	18	31	58.1%	36	80	45.0%	54	111	48.6%
Total		79	--	185	185	--		264	--

ATTACHMENT #1

Table 24: IDOC Rule Violations Categorized by Threat to Institutional Safety and Security

Category	Rule Number and Description
Predatory/Violence	#1 Killing
	#2 Assault
	#3 Kidnapping
	#4 Extortion, Blackmail, Protections (strong-arming)
	#6 Rioting
	#7 Arson
	#8 Robbery
	#11 Criminal Conduct
	#13 Fighting (Class B)
	#14 Threats/Intimidation (Class B) or (Class A)
	#15 Sexual Misconduct (Class B)
	#42 Unauthorized Group/Gang Conduct
	#43 Attempted of Complicity (Class A)
Institutional Management	#5 Escape
	#9 Possession of Dangerous Contraband
	#10 Dealing in Dangerous Drugs/Intoxicants
	#12 Possession of Key or Key Pattern
	#13 Fighting (Class C)
	#14 Threats/Intimidation (Class C)
	#15 Sexual Misconduct (Class C)
	#16 Unauthorized Possession/Exchange (Class C)
	#18 Theft
	#19 Tampering/Interfering with Locks or Security Items
	#20 Possession of Drugs, Intoxicants
	#27 Obstructive/Disruptive Conduct (Class B)
	#28 Counterfeiting/Forging
	#29 Being Intoxicated or Under the Influence
	#30 Gambling/Debts/etc. (Class C)
	#31 Attempted Suicide, Self-Mutilation
	#33 Bartering, Selling Goods, Etc.
	#38 Adulteration of Food or Drink
	#43 Attempt or Complicity (Class B)
Non-Compliance (Control/Disruption of Facility)	#16 unauthorized Possession/Exchange (Class D)
	#17 Damage to Property
	#21 Abuse of Medication
	#22 Refusal to Work
	#23 Disobeying a Lawful Order/Direction
	#24 Violating a Condition of Leave/Furlough (Class C)
	#25 Out of Place of Assignment
	#26 Verbal Abuse
	#27 Obstructive/Disruptive Conduct (Class C)
	#30 Gambling/Debts/etc. (Class D)
	#32 Bribery
	#35 False Statements
	#36 Refusal or Failing to Participate in Treatment
	#37 Habitual Minor Offender
	#39 Safety and Sanitation (Class C)
	#40 Misuse of Mail, Telephone, or other Communication
	#43 Attempt or Complicity (Class C)
Miscellaneous	#34 Entering into Contracts/Agreements, Operating Business
	#39 Safety and Sanitation (Class D)
	#43 Attempt or Complicity (Class D)

ATTACHMENT #2

Table 25: Prison Facility by Security Level

Prison	Facility Security Level
Anamosa State Penitentiary	Medium*
Anamosa – Luster Heights	Minimum
Clarinda Correctional Facility	Medium
Clarinda – Lodge	Minimum
Fort Dodge Correctional Facility	Medium
Iowa Correctional Institute for Women	Medium**
Iowa Medical & Classification Center	Medium
Iowa State Penitentiary	Maximum
ISP – Clinical Care Unit	Maximum
ISP – John Bennett Unit	Medium
Mount Pleasant Correctional Facility	Medium
Mount Pleasant – Women’s Unit	Medium
Newton Correctional Facility	Medium
Newton – Correctional Release Center	Minimum
North Central Correctional Facility	Minimum
Prison in Other State	All
<i>*This facility is permitted to house some maximum security offenders.</i>	
<i>** This facility is permitted to house offenders of all security levels.</i>	