

UNJUST POLICING AND MASS INCARCERATION



ISSUE BACKGROUND

The criminal legal system in Iowa disproportionately targets and subjects people of color, and Black people especially, to police brutality, incarceration, and numerous collateral consequences.

As of 2017, the per capita adult imprisonment rate of Black people in Iowa was nearly 11 times higher than that of white people.

Systemic discrimination is especially evident in [racial disparities in marijuana arrests](#) in Iowa. A Black person in Iowa is 7.3 times more likely to be arrested than a white person for marijuana possession, even though both groups use marijuana at about the same rate. Iowa ranked the fifth-worst in the nation in racial disparities for marijuana arrests, even as other states are decriminalizing or legalizing marijuana.

Racial profiling also perpetuates and worsens racism in our criminal legal system. Racial profiling happens when law enforcement stops people of color for suspicion of crime based on perceived race, ethnicity, national origin, or religion. Law enforcement cannot simply stop a person or pull a car over just because they have a “hunch.”

ACLU OF IOWA POSITION

The ACLU of Iowa works to make sure all Iowans are treated fairly, regardless of race or ethnicity. Unfortunately, the promise of equal justice for all in Iowa still has not been achieved.

Mass incarceration strips people of many of their civil liberties. Achieving equal justice in Iowa requires ending this practice. Over-reliance on the criminal legal system to respond to drug addiction, mental illness, poverty, and underfunded schools has fractured society, damaged communities, and wasted taxpayer dollars.

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Individual experiences and data reflect ongoing systemic discrimination against Black people in our state. It's urgent that Iowa change our criminal laws and policing practices. Policy changes must reduce the number of people entering jail and prison and reduce the amount of time they serve. Two steps toward these goals would be addressing the overcriminalization of marijuana possession and racial profiling.

One of the core principles of the Fourth Amendment is that the police cannot ever be allowed to stop and detain a person without a legal reason—probable cause or reasonable suspicion. Merely being Black or brown is not a legal reason to stop a person. We need meaningful legislation that makes it more difficult for law enforcement to profile and target people of color. More than 30 other states have passed anti-racial profiling laws. It's long past time for Iowa to do the same.

Any legislation to ban racial profiling must do the following:

- Specifically ban racial profiling.
- Ban pretextual stops, which are stops made on the pretense of one reason—like a driver going just slightly over the speed limit—but are really made because an officer decided that a driver looked “suspicious,” which often translates as being a person of color.
- Require annual, public data collection and analysis of traffic stops and arrests.
- Require annual training for law enforcement on racial profiling.

LEGISLATIVE CONTEXT

For years, the ACLU and other advocates have worked to pass meaningful racial profiling legislation without seeing any bills signed into law. Iowa also trails behind most of the country on marijuana decriminalization and legalization. After the murder of George Floyd and statewide protests, legislators on both sides of the aisle pledged they would make criminal and racial justice a priority. In Summer 2020, the state passed modest police reforms, and Gov. Reynolds finally lifted the lifetime ban on voting for people with felony convictions.

Unfortunately, in 2021, the action legislators promised Iowans did not happen. In a deeply disappointing reversal, lawmakers instead passed SF 342 which clearly aimed to shut down public criticism of abuses by law enforcement and government, especially from Black Lives Matter activists.

This new law, which went into effect in June 2021, allows police to operate with even less accountability. It stiffens criminal penalties for certain types of protest-related offenses. And it creates a new penalty for people who attend a lawful protest that turns unlawful, and don't leave in time. An analysis by the nonpartisan Legislative Services Agency found that the new crimes and penalties created by this bill will have a disproportionate impact on Black Iowans.

This expansion of police powers with fewer checks came in direct response to thousands of Iowans protesting excessive force and abuse by police. It is unacceptable that just one year after such a public and unambiguous commitment to police reform and racial justice that this is what the Legislature and Governor did instead. The ACLU of Iowa will continue to advocate for our state to move forward toward equality under the law.

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HAVE A QUESTION?

Email us at outreach@aclu-ia.org.

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