



State of Iowa
Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA
EXECUTIVE ORDER NUMBER FIVE

WHEREAS, this administration is dedicated to demonstrating Iowa's commitment to reduce the number of minority youth detained in detention centers and ultimately decrease the number of minorities in Iowa's correction system; and

WHEREAS, section 223 (A) (22) of the Federal Juvenile Justice and Delinquency Prevention Act (42 USC § 5633(a)(22)) requires that in order for the State to receive grants pursuant to the Act, the State must submit a plan that "address[es] juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system"; and

WHEREAS, Iowa Code chapter 216A, subchapter 9 establishes the Criminal and Juvenile Justice Planning Division of the Department of Human Rights, and requires the division's advisory council to administer federal funds available for the study, research, investigation, planning and implementation in the areas of criminal and juvenile justice; and

WHEREAS, minority youth are significantly overrepresented in Iowa's juvenile detention facilities; and

WHEREAS, a study conducted in the summer of 2006 concluded that African American youth in three Iowa counties studied are less likely than white youth to receive a diversion from formal court processing, and more likely to receive the harsher outcome of the filing of a delinquency petition; and

WHEREAS, the majority of youth held in juvenile detention facilities are detained for misdemeanor offenses; and

WHEREAS, research by the Justice Policy Institute has found that the experience of incarceration is one of the most significant factors in increasing the odds of recidivism.

NOW, THEREFORE, I, Chester J. Culver, Governor of the State of Iowa, by the power vested in me by the laws and the constitution of the State of Iowa do hereby order the creation of the YOUTH RACE AND DETENTION TASK FORCE.

- I. Purpose. The Youth Race and Detention Task Force shall consider the importance of public safety and its relevance in the use of juvenile detention. Task Force discussions shall include, but are not limited to, the inappropriate or unnecessary use of secure detention; re-arrest and failure-to-appear-pending-adjudication rates for minority youth; the appropriate conditions of confinement in secure facilities; the overrepresentation of minority youth in detention facilities; and public finances necessary to sustain successful reforms regarding the overrepresentation of minority youth in detention facilities.
- II. Organization. The Task Force shall be composed of thirty to forty members appointed by the Governor. Representatives shall have an interest, knowledge, and investment in state and local juvenile justice system practices, including detention. The voting membership of the Task Force shall include the following representatives, or their respective designees:

- Director of the Iowa Department of Human Rights
- Director of the Iowa Department of Human Services
- Director of the Iowa Department of Public Safety
- Director of the Iowa Department of Education
- The State Public Defender
- The Attorney General
- The State Court Administrator
- Executive Director of the Foster Care Review Board
- Administrator of the Iowa Division on the Status of African Americans
- Administrator of the Iowa Division on the Status of Latino Affairs
- Administrator of the Iowa Division on the Status of Asian and Pacific Islanders
- Administrator of the Iowa Division of Criminal and Juvenile Justice Planning
- A representative from the American Civil Liberties Union
- Representatives of the federal Senatorial Delegation
- A representative from the Prosecuting Attorney's Training Council
- A university researcher in the area of juvenile justice
- A representative from the Iowa State Sheriffs and Deputies Association
- A representative from the Iowa Juvenile Detention Association
- A representative from the Iowa Police Executive Forum
- A representative from the Iowa State Association of Counties
- Representatives from the following select communities: juvenile court services, judges, local elected officials, agencies serving youth, concerned citizens, and ex-youth offenders

The Iowa Department of Human Rights shall provide staff support to the Task Force, as needed, to enable the Task Force to fulfill its responsibilities. The Task Force shall hold quarterly meetings at a central location.

III. Goals. The Task Force shall study and make recommendations including, but not limited to, the following:

1. The use of detention and related public safety issues, including the potential of youth to re-offend.
2. The use of detention for youth who violate conditions of their probation.
3. The appropriateness and use of secure detention for low-level/low-risk offenders.
4. The exploration of community-based alternatives to juvenile detention and the effectiveness of those alternatives.
5. The causes and recommended solutions related to the overrepresentation of minority youth in detention facilities.
6. The use of public and private finances to sustain successful juvenile detention reforms.
7. The assurance of appropriate conditions of confinement in juvenile detention facilities.

IV. Activities. Task Force activities shall include:

1. The collaboration of effort by the entities participating on the Task Force and various officials involved at the local level with interest, knowledge, and investment in state and local juvenile justice system practices.
2. The use of data to diagnose the system's problems and proclivities and to assess the impact of various juvenile detention related reforms.
3. The development and recommended implementation of objective admissions criteria and instruments for the detention of juveniles.
4. The utilization of appropriate non-secure alternatives for the detention of juveniles.
5. The study of overall system processing as it relates to juvenile detention.

6. The suggestion of solutions to the juvenile detention community to reduce racial disparity.

V. Report. The Task Force shall prepare a comprehensive report on the status of the State's juvenile detention policies, for review by the Governor, within two (2) years following the date that the Task Force first convenes. The report shall contain the recommendations of the Task Force regarding the policies, procedures, potential tools, and service alternatives related to juvenile detention reform. The report shall also define the suggested future role of the Task Force in regard to implementing its recommendations. The comprehensive report shall assess the following items:


1. The number and usage of detention beds in the State of Iowa.
2. A projection of arrests in Iowa and its potential effects on the juvenile detention population.
3. A projection of Iowa's juvenile delinquency population over the next five years and its relevance to juvenile detention.
4. The demographic characteristics of youth held in detention, analyzed by race/ethnicity, including, but not limited to, severity of offense, risk level, length of hold, disposition from detention, and family situation.
5. A projection of juvenile detention holds by race/ethnicity over the next five years.
6. A projection of the number of youth held in juvenile detention facilities that will end up under supervision of the Iowa Department of Corrections over the next five years.
7. Any additional information that the task force deems important and relevant.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of Iowa to be affixed. Done at Des Moines this 30th day of October, in the year of our Lord two thousand seven.



CHESTER J. CULVER
GOVERNOR

ATTEST:



MICHAEL A. MAURO
SECRETARY OF STATE