

FINDINGS

GOVERNOR'S YOUTH RACE & DETENTION TASK FORCE

**Response to Executive Order 5
May 2009**



History

In May 2007, the first meeting of the Governor's Youth Race and Detention Task Force (YRDTF) was held. Created by Governor Chester J. Culver, the group's goal has been to assist in reducing the overrepresentation of minority youth in juvenile detention. The Task Force has met eight times and has received testimony from a wide variety of relevant parties.

Membership of the group includes a broad representation from state government, law enforcement, prosecution, defense, Human Services, Corrections, the American Civil Liberties Union of Iowa, Education, and community members.

These Findings are the culmination of the Task Force's responsibilities as set out in Executive Order 5, dated October 30, 2007. It contains all of Task Force findings without figures. A copy of the Findings, the Full Report (Findings with figures), Recommendations, and a one page document (front/back) is available on the website of the Iowa Division of Criminal and Juvenile Justice Planning: http://www.state.ia.us/government/dhr/cjip/publications/juve_reports.html

There is a commonly held perception that the use of detention may serve as a deterrent to future delinquency. Data in this report reflect that many youth held in detention do not return the following year. Research conducted by national experts indicates that, particularly for low risk/low level offenders, that the use of detention is not neutral, and may increase the likelihood of recidivism. Comparable data for Iowa are not available (national data studied for this report provide level of risk, but risk level related to detention is not presently available for Iowa). The Task Force finds no evidence suggesting that recidivism levels (as related to detention risk) in Iowa should be different than found in other states.

Data in this report also suggest that detention is one of the juvenile justice system's more costly sanctions (\$257 - \$340 per day). Other sites and local jurisdictions have been able to redirect savings from the reduced use of juvenile detention to support less costly, community-based detention alternatives without compromising public safety.

GOAL 1 – USE OF DETENTION AND RELATED PUBLIC SAFETY ISSUES, INCLUDING THE POTENTIAL OF YOUTH TO RE-OFFEND

The Task Force finds the following:

- ***Return of Youth to Detention*** – a third of youth detained in 2006 returned to detention at least one time in 2006. Nearly 40% of African-American youth held in 2006 were re-detained in that same period, as compared to 33% of Caucasian youth. Males are more likely than females to be re-detained, and African-American males are those most likely (41.7%) to return to detention.
- ***New Complaints after Detention*** – nearly 40% of youth detained in 2006 had a new complaint in 2006. Caucasian and African-American youth, as well as males and females, have comparable recidivism rates.
- ***Offense Level – Youth with Complaints after Initial Detention*** – the 1,252 youth who had complaints after their initial detention in 2006 had 2,808 new complaints between date of discharge and December 31, 2006. Of these complaints, 83% were misdemeanors. Girls were more likely to reoffend with a misdemeanor (92%) than boys (81%). Caucasian and Hispanic youth had somewhat higher percentages of new felony offenses (17.8% and 17%, respectively) than did African-American youth (14.4%).
- ***Detention Release Settings*** – over half of all youth are sent home at release from detention. Approximately 20% of youth are sent to an out-of-home placement at release from detention. A higher percentage of youth detained for misdemeanors are sent home after their hold when compared to felons.
- ***Research Regarding Negative Effects Removing Youth from School Settings*** – concurs with research that reflects taking children out of school for even a few days disrupts their education and often escalates poor behavior by removing them from a structured environment and giving them increased time and opportunity to get into trouble.

GOAL 2 – USE OF DETENTION FOR YOUTH WHO VIOLATE CONDITIONS OF PROBATION

The Task Force finds the following:

- ***Detention Holds for Probation Violators – Severity of Original Offense*** – about 36% of the youth in Iowa's juvenile detention centers are there due to violating the conditions of probation. Of the remaining youth, about 64% are detained as the result of a new charge and the remainder for other reasons. The originating offenses of a majority of the youth in these categories were misdemeanors.
- ***Trends by Race for Detention Holds for Probation Violators*** – progress has been made in reducing the number of youth detained as the result of probation violations, although a high percentage of these holds continues to involve misdemeanor originating offenses. Minority youth are especially overrepresented among probation holds, as they constituted about 40% of all probation holds during 2007 regardless of offense severity.

GOAL 3 – APPROPRIATENESS AND USE OF SECURE DETENTION FOR LOW-LEVEL/LOW-RISK OFFENDERS

The Task Force finds the following:

- ***Detention Hold Trends by Offense Severity*** – misdemeanants comprised 65% of all holds during the report years, with simple misdemeanants alone accounting for 25% of the total. In 1993, 54% of all detention facility holds were for felons, by 2000 37% of all such holds were for felons (n's=1,369 and 1,947, respectively). From 1993 to 2000 there was a 42% increase in holds for felons, and a 183% increase in holds for misdemeanants. In 1993 and 2008 the number of holds for felons was nearly identical (n's=1,369 and 1,378, respectively). There is no state-wide guidance in place—such as a detention screening tool—to determine the level of risk such youth pose to public safety.

- **Detention Holds by Offense Severity Comparing African-American and Caucasian Youth** – the percentage of detention holds for African-Americans for simple misdemeanors is slightly higher than that of Caucasians (24% and 28%, respectively).
- **Low-Risk Youth in Residential Settings** – research reflects potential negative effects associated with detention holds for youth who have committed low-risk offenses. Research from Dr. Edward Latessa at the University of Cincinnati reflects that placement of low-risk offenders in residential settings has more than just a neutral effect. Youth rated as low risk were more than twice as likely to recidivate after placement in a residential setting as they were when treated in a community-based setting.
- **Detention Holds (Relationship to Recidivism)** – research from the Justice Policy Institute (The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities) reflects that being detained is the most significant factor in increasing the likelihood of recidivism. Prior incarceration was a greater predictor of recidivism than carrying a weapon, gang membership, or poor parental relationship.
- **Research Regarding Differential Offending** – research reflects "DMC cannot be explained by differences in offending behavior of different racial groups" (Huizinga, Thornberry, Knight et al., 2007, p. 41). If minorities committed more and more serious offenses than their white counterparts, this could explain and even justify DMC; however, the research indicates that actual offending "differences are not nearly as large as when official data are used" (e.g. Huizinga et al. 2007; Snyder & Sickmund, 1999, 2006, Miller, 1996; Krisberg et al, 1987).
- **Research Regarding Crime Detection** – research reflects "most juvenile crime does not come to the attention of the juvenile justice system" (Snyder 2006). Variations by site have been found, although DMC is not explained by the level of offending among racial and ethnic groups or the presence of risk factors (cf. Feld's, "Justice by Geography").

GOAL 4 – EXPLORATION OF COMMUNITY-BASED ALTERNATIVES TO JUVENILE DETENTION AND THEIR EFFECTIVENESS

The Task Force finds the following:

- **Youth Participation in Detention Alternatives** – the overall number of youth served in the selected detention alternative programs in the individual counties was small (below 50 youth for many of the local programs). Based on six-month data collection from three jurisdictions, minority youth appear to be under-represented in the Saturday Sanctions program (23%) and shelter (38%) and over-represented in school-based programming (63%).
- **Detention of Youth Prior to Participation in Alternatives** – most youth participating in detention alternatives have not been detained prior to program participation. An exception is in-home detention, where nearly 60% of the program participants have been detained prior to program participation.
- **Re-Detention after Participation in Alternatives** – small numbers of youth are re-admitted to detention within 60 days after participation in a detention alternative. The highest number of youth that were re-detained (n=29) came from the in-home detention program.
- **Re-Offense after Participation in Alternatives** – small numbers of youth re-offend within 60 days after participation in a detention alternative. The highest number of youth who re-offended were youth placed in shelter (n=31).
- **Community-Based Services Funding** – in recent years there have been significant cuts to funding for community-based services. Such services are designed to allow delinquent youth to be maintained in the community and thereby avoid further advancement into the juvenile justice system. It is believed that utilization of such services may be an option to take pressure off the system and reduce the use of detention.

- **Federal Delinquency Funding** – in recent years there have been significant cuts to federal Juvenile Justice and Delinquency Prevention Act-related funding. Presently, Iowa allocates a majority of those funds to Juvenile Court Services offices in Iowa’s eight judicial districts. The funding is utilized to support services designed to allow delinquent youth to be maintained in the community, thereby avoiding further advancement into the juvenile justice system. It is believed that utilization of such services may be an option to take pressure off the system and reduce the use of detention.

GOAL 5 – CAUSES AND RECOMMENDED SOLUTIONS RELATED TO OVERREPRESENTATION OF MINORITY YOUTH IN DETENTION

The Task Force finds the following:

- **Iowa’s Youth Population** – Iowa’s overall minority youth population is small and growing, while the Caucasian youth population is declining.
- **Increasing Minority Overrepresentation in Detention** – minorities have been overrepresented in Iowa’s juvenile detention centers for many years and that their overrepresentation is increasing. In 2007, minority youth comprised nearly 40% of detention facility holds.
- **Increases in Arrests for African-American Youth** – arrests for African-American youth have increased nearly 60% in recent years. Arrests of African-American youth for simple misdemeanors, assault (49% increase) and disorderly conduct (213% increase) were offenses that influenced the increase. African-American youth are arrested at a rate nearly six times higher than Caucasian youth. Increases in arrests for girls are higher than increases for boys.
- **Arrests of Youth in Schools** (see note below) – schools are a significant source of juvenile arrests. Arrest data from select metropolitan school districts reflect that minority youth comprise a significant percentage of school arrests.
- **Top 5 Arrest Offenses in Select Schools** (see note below) – disorderly conduct, an offense not involving physical harm, is the offense most often resulting in referral from select Des Moines schools. The percentage of arrests for African-American youth in the Des Moines School District for that offense is much higher than that for Caucasian youth.

[Note regarding Des Moines Police Arrest Data – Des Moines arrest data include direct and delayed referrals, misdemeanor summons/citations and detention. Des Moines Police indicate the majority of contacts with youth resulting in arrest were initiated by school staff. Disorderly conduct arrests for Caucasian youth increased 18% from the 2005-2006 school year. Disorderly conduct arrests for African-American youth increased by 13% from the 2005-2006 school year. Des Moines arrests for Caucasian youth increased 8.3% from the 2005-2006 school year, decreased 4.7% for African-American youth, and decreased approximately 4% for combined arrests.]
- **Research Regarding Education System Issues and Connection to Juvenile Justice System Overrepresentation** – research indicates that “when all socioeconomic indicators are held constant, African-American children are still suspended and expelled at much higher rates than Caucasian students within the same schools.” Richardson et al. (2008) report that “the formal system tends to yield to informal decision-making and it is the accumulation of informal decisions throughout the systems which lead to the overrepresentation of minority youth.” The cause of the racial disparities is higher rates of referrals for subjective offenses such as “disrespect” or where decision-making involves more discretion (The Civil Rights Project 2000; Skiba and Peterson, 1999; Skiba and Rausch, 2004, 2006).
- **Independent Research Regarding Minority Overrepresentation in Iowa** – research by Michael Leiber, Ph.D., (Virginia Commonwealth University) indicates that detention was a statistically significant determinant of the decision to refer youth for further court proceedings at intake, while race was not. Being detained increased the likelihood of receiving the more severe outcome at intake by 19 percent. Thus, African-American youth were more likely than Caucasian youth to be referred on for further court proceedings at intake since they were more likely to be detained.

GOAL 6 – USE OF PUBLIC AND PRIVATE FINANCES TO SUSTAIN SUCCESSFUL JUVENILE DETENTION REFORMS

The Task Force finds the following:

- ***Detention Costs*** – there is great variation in the per diem costs of juvenile detention facilities in Iowa (from \$257 - \$340), most of which are borne by the counties.
- ***Costs Associated with Detention Alternatives*** – costs associated with detention alternatives vary by program type and by local jurisdiction. On a per diem basis, detention alternatives are less expensive than detention. Detention bed cost per day will increase as the detention population decreases.

GOAL 7 – ASSURANCE OF APPROPRIATE CONDITIONS OF CONFINEMENT IN JUVENILE DETENTION FACILITIES

The Task Force finds the following:

- ***Conditions of Confinement*** – the conditions in which Iowa youth are detained is appropriate, and centers tend to be newer facilities that are well-run. All ten facilities operate under full state licenses, and seven of ten facilities were found to have no deficiencies in their most recent inspection.
- ***Mental Health Issues in Detention*** – research conducted in 2007 by the National Center for Mental Health and Juvenile Justice reflects a significant number of youth held in the juvenile detention facilities in the United States have mental health issues.

REPORT 1 – THE NUMBER AND USAGE OF DETENTION BEDS IN IOWA

The Task Force finds the following:

- ***Number of Detention Beds*** – the number of available juvenile detention beds in Iowa grew 125% between 1993 (n=126) and 2008 (n=283).
- ***Increase in the Number of Youth Detained*** – a dramatic increase in the number of youth detained accompanied this growth in available beds. Holds decreased 25% from 2006 (n=5,276) to 2008 (N=3,969). The occupancy rate in FY2008 was 61% of licensed beds. In all likelihood, Iowa has more available detention beds than needed.

REPORT 2 – PROJECTION OF ARRESTS IN IOWA AND POTENTIAL EFFECTS ON JUVENILE DETENTION POPULATION

- ***Juvenile Arrest Projection*** – The Task Force Finds that juvenile arrests have remained stable over the past five years, although the composition of those arrests has changed as Iowa's population has changed. Statistical analysis of arrest patterns suggests a small increase in juvenile arrests through 2012, with Caucasian arrests dropping slightly while minority arrests rise. This projected rise in minority arrests may exacerbate the existing overrepresentation of minorities in Iowa's juvenile detention centers and, ultimately, in the adult justice system. **It must be noted that this trend projection is based solely on prior arrests. Thus, the projection does not accommodate for an increasing minority population, changing police arrest patterns, or changing social or societal factors in given communities.**

REPORT 3 – PROJECTION OF IOWA JUVENILE DELINQUENCY POPULATION OVER THE NEXT FIVE YEARS AND RELEVANCE TO JUVENILE DETENTION

- ***Complaint Projection*** – The Task Force finds that overall juvenile complaints have remained stable over the past five years. However, over that period, complaints for African-American youth have increased, while those for Caucasians have declined. A five-year projection indicates a continuation of the trend for African-Americans and a level trend for Caucasian youth through 2012. This projected rise in complaints for African-Americans may exacerbate the existing overrepresentation of minorities in Iowa’s juvenile detention centers and, ultimately, in the adult justice system. **It must be noted that this is a trend projection based solely on prior complaints. Thus, the projection does not accommodate for an increasing minority population, changing police arrest patterns or juvenile court referrals, or changing social or societal factors in given communities.**

REPORT 4 – DEMOGRAPHIC CHARACTERISTICS OF YOUTH HELD IN DETENTION, BY SEX AND RACE/ETHNICITY

The Task Force finds the following:

- ***Detention Holds by Gender*** – most detained juveniles in Iowa are male, with about 21% of admissions being female.
- ***Detention Holds by Race/Ethnicity*** – the racial make-up of the detained population has also changed, as the number of Caucasian youth has dropped and minority youth, particularly African-Americans, have increased (the percentage of holds for African-American youth was 22% in 2003 and increased to 29% in 2007).

REPORT 5 – PROJECTION OF JUVENILE DETENTION HOLDS BY RACE/ETHNICITY OVER THE NEXT FIVE YEARS

- ***Juvenile Detention Projection*** – The Task Force finds that overall juvenile detention holds dropped in the past five years, with a considerable drop between 2006 and 2008. Holds for the different racial ethnic groups mirrored the overall trend. A five-year projection indicates a continuation of those trends. **It must be noted that this is a trend projection based solely on prior detention holds. Thus, the projection does not accommodate for an increasing minority population, changing police arrest patterns or juvenile court referrals, or changing social or societal factors in given communities.**

REPORT 6 – PROJECTION OF NUMBER OF YOUTH HELD IN JUVENILE DETENTION FACILITIES WHO WILL END UP UNDER SUPERVISION OF THE IOWA DEPARTMENT OF CORRECTIONS OVER THE NEXT FIVE YEARS

- ***Corrections Projection*** – The full report provides figures with data on all offenders who were at some point detained at a juvenile detention facility and were subsequently placed under the supervision (pretrial release/probation/prison) of the Iowa Department of Corrections between 2003 and 2007. The Task Force finds that youth in all racial groups that were held in juvenile detention and later placed under the supervision of the Department of Corrections increased significantly during the report years. A five-year projection indicates a continuation of those trends. **It must be noted that this is a trend projection based solely on prior counts of youth placed on supervision status with the Department of Corrections. Thus, the projection does not accommodate for an increasing minority population, changing police arrest patterns or juvenile court referrals, or changing social or societal factors in given communities.**

REPORT 7 – ANY OTHER RELEVANT INFORMATION

The Task Force finds the following:

- ***Delinquency Rate (By Population)*** – the rates by which youth access the juvenile justice system vary (as a product of their representation in the general youth population). African-American and Native American youth are much more likely than youth from the other racial/ethnic groups to be involved in the juvenile justice system (for all of the select decision points). Asian and Pacific Islander youth are the least likely to be involved in the juvenile justice system.
- ***Delinquency Rate (By Arrest)*** – the rates by which youth access the juvenile justice system are comparable across racial groups.
- ***Consequences of Delinquency*** – there are potential consequences associated with involvement in the juvenile justice system or delinquency adjudication that may not be readily known to system officials, families, and youth. Such consequences may well follow youth beyond their involvement in the juvenile justice system into adulthood.
- ***Cross-Over Youth*** – research by the Center for Juvenile Justice Reform (*Bridging Two Worlds: Youth Involved in the Child Welfare and Juvenile Justice Systems*) indicates that maltreatment of an adolescent is causally related to later delinquency, including serious and violent offending. Furthermore, children whose abuse persists into adolescence, or who are originally abused during adolescence, are at a higher risk still for involvement with justice systems later in their lives. Operationally, as these cross-over youth move between both systems, in either direction, they and their families often lose continuity of services, representation, judges who know their cases, and even the focus of intervention.