

# Summary of Findings and Recommendations

## Governor Culver's Youth Race and Detention Task Force

### Background

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. 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. The Task Force met eight times and received testimony from a wide variety of relevant parties. This report is the culmination of the Task Force's responsibilities as set forth in Executive Order 5, dated October 30, 2007. Copies of the Full Report and Findings may be found on the following website:

[http://www.state.ia.us/government/dhr/cjip/publications/juve\\_reports.html](http://www.state.ia.us/government/dhr/cjip/publications/juve_reports.html)

### Key Findings

#### Increasing Overrepresentation

- **Increasing Minority Overrepresentation in Detention** – minorities have been overrepresented in Iowa's juvenile detention centers for many years, and their overrepresentation is increasing. In 2007, minority youth comprised just 13% of the State's youth population, but nearly 40% of detention facility holds.
- **Increases in Arrests of 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.
- **Research Regarding Differential Offending** – research reflects that "DMC cannot be explained by differences in offending behavior of different racial groups" (Huizinga, Thornberry, Knight et al., 2007, p. 41). As Snyder (2006) has pointed out, "most juvenile crime does not come to the attention of the juvenile justice system". 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").
- **Complaint Projection** – overall juvenile complaints have remained stable over the past five years. However, complaints for African-Americans have increased over that period while complaints for Caucasians have decreased. A five-year projection suggests a continuation of the trend for African-American youth and a level trend for Caucasian youth through 2012. The trend projection is based solely on prior complaints (2003-2007).

#### Safety and Risk

- **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.
- **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.
- **Detention Hold – Inability to Measure Risk** – misdemeanants comprised 65% of all holds during the report years, with simple misdemeanants alone accounting for 25% of the total. In 1993 and 2008, the number of holds for felons were 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 (Relationship to Recidivism)** – research by 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.

#### Probation Violators

- **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 the majority of the youth in each of these categories were misdemeanors.
- **Trends by Race for Detention Holds for Probation Violators** – progress has been made in reducing the number of youth detained for probation violations, although a high percentage of these holds continue to involve misdemeanor originating offenses. Minority youth are especially overrepresented among probation holds, as they constitute about 40% of all probation holds regardless of offense severity.

## **Community-Based Alternatives**

- **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
- **Success of Alternatives** – detention is one of the juvenile justice system's more costly sanctions (\$257 - \$340 per day). Through a reduction in the use of juvenile detention, other sites in some local jurisdictions have been able to redirect savings towards less costly, community-based detention alternatives without compromising public safety.

## **Detention Beds – Current and Projected Usage**

- **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.
- **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. The trend projection is based solely on prior detention holds.

## **Recommendations**

### **Overriding Factors**

**The Task Force stresses that public safety is the single overriding principle that should guide implementation of all recommendations.**

A major focus area for Governor Culver's Executive Order appropriately relates to the overrepresentation of minority youth in Iowa's juvenile detention facilities. The Task Force is aware of no other state or jurisdiction that has reduced overrepresentation with a singular policy, activity, and/or action, and, thereby, relates that a combination of the following recommendations is most likely to reduce overrepresentation.

The Task Force notes that Iowa experienced reductions in the number of juvenile detention facility holds in 2007 and 2008, primarily for probation violators and other low-level offenders. The Task Force stresses that, without the types of policy change and state/local oversight reflected in these recommendations, long-term detention reform will not be sustained and may potentially be reversed.

#### **1. State Oversight/Continuity**

- **The Task Force recommends** the issuance of an Executive Order or Written Charge that establishes an oversight committee to be responsible for implementation of the recommendations outlined in this report.

#### **2. Detention Screening Instrument Connected to Detention Alternatives**

- **The Task Force recommends** the development of a single, concise, racially-neutral detention screening instrument to be piloted in Black Hawk, Polk, and Woodbury Counties.
- **The Task Force recommends** implementation of existing and/or newly developed community-based detention alternatives, and that such implementation should be specifically connected to a validated screening instrument.
- **The Task Force recommends** the repeal of Iowa Code Section 232.52 (2)(e)(4)(g) which allows for 48-hour dispositional holds of youth in detention.

#### **3. Key Partnerships**

- **The Task Force recommends** that detention reform efforts should include key partners outside the juvenile justice system including advocacy groups, law enforcement, schools, mental health providers, and the child welfare system.

#### **4. Funding**

- **The Task Force recommends** restoration of reduced funding support at the federal and state levels, and relevant reallocation of detention savings at the county level to provide alternatives and assure that reform can be sustained.

#### **5. Community Education**

- **The Task Force recommends** the provision of ongoing training regarding: cultural competency, gender specific services, institutional racism, and education/information regarding the court delinquency process. Key audiences for such training/information should include public and private agencies and individuals even peripherally involved in the juvenile justice process.

#### **6. Provision of Data**

- **The Task Force recommends** that decisions related to detention reform be data driven.