

RECOMMENDATIONS

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.

The Recommendations contained in this document are in accordance with Task Force responsibilities as set forth in Executive Order 5 which was issued October 30, 2007. A copy of these Recommendations, a Full Report (findings with figures), the Findings (without figures), 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

Writing Committee Recommendations and Implementation Issues

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

A major focus area in 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 affect 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 reductions were not due to specific policy change, but, rather, the good will and intention of local decision makers. 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 by the Governor that establishes an oversight committee to be responsible for implementation of the recommendations outlined in this report.

Implementation Issues:

- The Committee should be staffed by the Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning.
- The committee should be comprised of representatives from the following groups, including: a liaison from Governor Culver's Office, Department Heads from Human Rights, Human Services, Education, Public Defender, and Public Safety; State Attorney General or designee; State Court Administrator or designee; Chair of Iowa's Juvenile Justice Advisory Council; Chair of the State Disproportionate Minority Contact Committee; administrators from the Division on the Status of African-Americans, the Division of Latino Affairs, the Division of Asian and Pacific Islanders, Division on the Status of Women, Prosecuting Attorney Training Council; defense attorney; ACLU of Iowa; Child Advocacy Board, county board of supervisors; Chief Juvenile Court Officers; judges, juvenile detention facility directors; activist/leadership from minority communities; Coordinator, Disproportionate Minority Contact Resource Center; director from private youth serving agencies.
- The oversight committee should be provided with a budget to support in-state travel of committee members and staffing for the effort.
- The oversight committee should be required to provide an annual report to the Governor beginning May 2010 on the progress related to implementation of the recommendations in this document.

2. DETENTION SCREENING INSTRUMENT CONNECTED TO DETENTION ALTERNATIVES

A. 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.

Implementation Issues:

- The screening instrument should be developed utilizing consultants from the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative working with state and local leaders in Black Hawk, Polk, and Woodbury Counties.
- As part of implementation process, state and local leaders in the listed counties should work with Casey Foundation consultants to validate the instrument.
- Data from the screening tool should be studied explicitly to determine those elements that may be contributing to the overrepresentation of minority youth.
- The case level information from a detention screening instrument should inform judicial decision making.

- Implementation of the tool should consider geographic differences in rural/urban areas as well as issues specific to screening after regular court hours (evenings, weekends, and holidays).
- The instrument should ultimately be housed on the Iowa Court Information System.

B. 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 screening instrument.

Implementation Issues:

- Detention alternatives should be utilized as part of a continuum of detention services with various degrees of supervision matched to the risks of detained youth.
- The detention service continuum should recognize detention a status, and not, solely, as a locked building.
- Where appropriate to level of risk, youth should access detention alternatives immediately rather than after a secure detention hold.
- In monitoring the use of alternatives, specific attention should be directed to ensure that “net widening” does not occur (engaging youth in the system who are low risk, and would not have been subject to secure detention).
- Implementation of alternatives and a screening instrument should seek, where appropriate, to reduce the length of stay in secure detention.
- Detention alternatives should be planned and monitored utilizing data.
- Alternatives should be implemented in a culturally competent and gender specific manner and should be located in the areas/neighborhoods where referred youth reside.

C. 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.

Implementation Issues:

- The development of a screening instrument and relevant detention alternatives must consider the present practice of 48-hour detention holds as a dispositional option of the juvenile court. Research conducted for this report reflects that dispositional juvenile detention facility holds are incompatible with the purpose of detention which is to ensure public safety and the youth’s appearance at a court hearing.
- Research reflects that such dispositional holds, particularly for low-risk/low-level offenders, may actually increase a youth’s risk of recidivism or further involvement in the juvenile justice system.
- Detention should not be used for youth who violate the conditions of their probation unless they pose a safety risk or are unlikely to appear in court. Such holds should be subject to judicial review.
- A continuum of detention services should factor into the use of alternatives for youth that have violated the conditions of their probation.

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.

Implementation Issues:

- **By statute and design, law enforcement is the primary and logical referral source to the juvenile court (through direct or delayed referral) and detention.**
 - Detention reform efforts should work collaboratively to address the unique issues faced by law enforcement regarding patrol patterns, community norms related to enforcement, local resources, and alternatives.
 - To avoid an uncontrolled flow into detention of children with mild behaviors, law enforcement, juvenile court services, and the courts should work together to identify optimum referral procedures.
 - Data collected for this report suggest that arrest, particularly for low-level, non-violent offenses, is a major factor contributing to minority overrepresentation.
 - The planning collaborative is a good place to initiate discussion of related arrest procedures.
- **Schools are another major referral source to detention and the juvenile courts.**
 - In the past two decades, a variety of policy changes and resources have been implemented in schools to improve student behaviors and accommodate students' academic, safety, mental health, physical, and social needs. The changes include, among others, zero tolerance policies, school resource officers, school-based youth services, suspension and expulsion practices. All such changes are attached to the important issue of school safety.
 - A balance should be struck that takes into consideration student behavior issues in school which are connected to referral issues to detention and the juvenile court.
 - Schools should work as a part of a collaboration to identify optimum referral policies and practices to the juvenile justice system.
- **Many youth advance from the child welfare system directly to the juvenile justice system. Additionally, in most jurisdictions joint supervision exists between certain youth involved in the child welfare and juvenile justice systems.**
 - Detention reform collaborations accordingly need to include partners from the Department of Human Services (DHS) to accommodate referral policies and procedures.
 - State and local efforts regarding detention reform need to be informed by a state DHS initiative regarding Minority Youth and Families which is focused at reducing minority overrepresentation at certain DHS decision points such as removal of youth from their home, placement in group care, termination of parental rights, and adoption.
 - Separately, a local initiative in Woodbury County involves the study of youth "crossing-over" from the child welfare to the juvenile justice system. That initiative will generate information of use to state detention reform efforts.
 - The state and local DHS initiative should be viewed as a vehicle to stem the flow of youth from the child welfare system to the juvenile justice system.

- **Minority community leaders, advocates, neighborhood groups, and faith-based institutions have a noteworthy stake in the referral of youth to the juvenile justice system as such youth reside in their communities.**
 - Detention reform collaboration should include partners from the community.
 - Communities need to be involved in the development of local detention alternatives in respective neighborhoods. Indeed, many communities have resources (volunteer services, financial services, physical plants, training materials, etc.) to contribute to alternatives.
- **National data reflect that many youth in juvenile detention facilities face mental health issues. Such studies reflect that juvenile detention should not become a substitute setting for mental health services. Given the numbers of youth in detention facilities with mental health issues, local facilities are encouraged to develop/maintain partnerships that allow youth to access mental health services in a community setting.**

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.

Implementation Issues:

- **The state should demonstrate its commitment to reform by:**
 - Working with counties to provide viable detention alternatives in a culturally competent, gender specific manner in the neighborhoods where youth reside.
 - Restoring funding for state graduated sanctions to 2001 levels.
 - Continuing the leadership and funding support provided by Iowa's Juvenile Justice Advisory Council (JJAC) related to detention reform and its allocation to Juvenile Court Services that allows for community-based services for delinquents. The JJAC's high prioritization of detention reform and community-based services supported with federal Juvenile Justice and Delinquency Prevention Act dollars has been instrumental in the implementation of the above-listed services.
 - Providing additional/adequate funds for court infrastructure and administrative support and evaluation.
 - Providing funding for adequate training regarding cultural competency/gender specific services.
- **The federal government should demonstrate its commitment to reform by:**
 - Restoring federal Juvenile Justice and Delinquency Prevention Act funding to 2001 levels.
- **County government should demonstrate its commitment to reform by:**
 - Continuing to partner with the state detention reform effort.
 - Allowing the reallocation of detention savings to a continuum of community-based alternatives.
 - Providing county staff with adequate training regarding cultural competency/gender specific services.

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.

Implementation Issues:

- **Provide staff from the juvenile justice system and related partners with regular access to training that addresses the racial impacts of some juvenile justice system policies and practices, and provide ongoing cultural competency/gender specific services training.**
 - Most agencies and institutions provide some level of cultural competency training. Institutional training needs to take into consideration the extent to which better informed decision making may affect overrepresentation.
 - Related training must be reflective of staff needs in the context of their work environment. Juvenile Court Services, the courts, law enforcement officials, schools, and Human Services must work together to develop training that provides practical solutions to everyday situations they encounter with a diverse population.
- **Provide community education regarding the consequences of detention and delinquency adjudication to community partners, court staff, youth, and families.**
 - Decision makers and system-involved youth and families should be made aware of the long-term consequences of system involvement (e.g. affect on college enrollment and availability of financial aid, employment, social stigma, etc).
 - Various entities outside the system have statutory and legitimate reasons to refer youth to the juvenile court and/or for holds in juvenile detention facilities. Research for this report reflects that, despite good intentions by referral agencies to engage the juvenile justice system to help youth, there may be unintended consequences related to system involvement or detention holds for low-level/low-risk youth.
 - A report by the Justice Policy Institute indicates that a prior detention hold is a stronger predictor of court involvement than gang membership, poor parental relationship, or weapon possession.
- **Provide court partners, youth and families information regarding the overall workings of the juvenile court process.**
 - The acknowledgement of guilt allows certain youth to receive an informal adjustment, and thus, be diverted from penetrating further into more formal court processing.
 - Some jurisdictions are utilizing court liaisons whose role is to explain the court process, and thus, aid the decisions of youth and families.
 - Develop Juvenile Court Services referral protocols for law enforcement and schools.

6. PROVISION OF DATA

The Task Force recommends that decision-making related to detention reform be data driven.

Implementation Issues:

- **Iowa's Justice Data Warehouse (JDW) and the juvenile detention facility database should continue as key tools to provide information for state and local decision makers.**
 - State and local officials must work together to more fully access information from the Juvenile Court Services Iowa Delinquency Assessment tool which is available on the JDW. Data from the tool include information regarding multiple domains of a delinquent's life including family history, substance abuse, mental health, peer relationships, etc. There is a need to better utilize that information to inform system decision making.
- Continue and further efforts at the state level to link data systems with juvenile justice, child welfare, and Corrections and others to allow for tracking of youth through the various processing points, and to develop responses allowing for prevention and early intervention of youth.
- State and local leaders should work together to develop standardized data formats to provide information regarding arrest, detention facility holds, juvenile detention risk assessment data, associated juvenile detention alternatives, and relevant juvenile court processing phases, and the flow of youth from the schools to the juvenile justice system.
- Develop and implement protocols for the distribution of data between state and local officials.
- Data are considered key to affecting minority overrepresentation.
- Issues associated with locating a detention screening instrument on the ICIS system in a fashion that allows for aggregation, analysis, and validation will require additional resources.