

Status of Females in the Juvenile Justice System

Iowa ~ 2010

**Iowa Department of
Human Rights**

Division of Community Advocacy and Services
Division of Criminal and Juvenile Justice Planning

In October 2007, the inaugural Girls' Summit on females in the juvenile justice system was held. This Summit brought together key decision makers in an exploration of research and data.

In subsequent years, the Task Force has continued to examine emerging trends related to young women and to share those findings with policy shapers.

We feel it is crucial to keep a focus on this data and the girls involved in or at risk for involvement in the juvenile justice system. It is in that spirit that we present this report made possible through the support of Iowa's:

Juvenile Justice Advisory Council
Division of Criminal and Juvenile Justice Planning
Division of Community Advocacy and Services
Department of Human Rights

"Status of Females in the Juvenile Justice System: Iowa – 2010" is an examination of trends using the most recent data available compiled by the Division of Criminal and Juvenile Justice Planning, as well as information from previous years Girls' Summits and accompanying reports.

There are differences that exist between young women and young men in the juvenile justice system and the efficacy of professionals rests heavily on a better understanding of these differences and how they impact the justice system response.

On behalf of the Iowa Task Force for Young Women, it is my hope that this report will serve to inform and guide necessary system improvements.

Lori Rinehart, Chair



A positive force for young women in juvenile justice

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Executive Summary

Young women in the juvenile justice system present with characteristics and experiences that differentiate them from their male counterparts. As such, the juvenile justice system in Iowa must consider these factors if it is to effectively and efficiently impact recidivism, rehabilitation and public safety.

Data reveal the following trends:

- Young women commit primarily non-violent offenses. Shoplifting is the only top ten offense in which they exceed young men in sheer number and it is also an offense that is more than double any other single offense for young women.
- Young women are held in detention for a substantially higher percentage of misdemeanor versus felony offenses than young men.
- Young women of color, particularly African American females, come into contact with the juvenile justice system at a higher rate. Additionally, arrests¹ of African American and Hispanic females have increased during the same time frame as arrests of Caucasian females have decreased.
- The general type of offense committed by young women is against public order (e.g. alcohol related violations, disorderly conduct) or property (e.g. shoplifting), though young women with subsequent charges of a violent nature are likely to have had violent offenses initially as well.

Historically, young women have been a smaller segment of the juvenile justice population. They remain so today; consequently, they are easy to overlook. But Iowa's response to them is no less important. Perhaps, because they are fewer in number, our system can have a true and meaningful influence, with prevention of further penetration into both the juvenile and adult systems being the ultimate goal.

The Iowa Task Force on Young Women, on behalf of the Juvenile Justice Advisory Council, recommends the following measures to facilitate movement toward that goal:

1. Facilities and programs striving to provide the most effective and efficient services to young women will opt for single gender environments with female responsive programming that includes components to address trauma.
2. All institutions and agencies that work with females involved in the juvenile justice system and which receive state funding should be required to provide annual female responsive training to their employees. Training should be research based, progressive, ongoing, and result in an implementation plan.
3. As detention reform proceeds, gender and the disproportionate number of females in detention for misdemeanor offenses must be an integral part of policy and decision making discussions including any recommendations for solutions to be implemented.
4. As research, data and planning progress related to disproportionate minority contact with the juvenile system, the needs of girls of color be given equal consideration. Specifically, assessment tools must be without race/ethnic bias and they must also be female responsive.

¹ See appendix

INTRODUCTION

In order to be effective with young women involved in or at risk for involvement in the juvenile justice system, it is important to develop an awareness of their unique traits as compared to those of their male counterparts.

Distinguishing Characteristics²

1. She is more likely to be held in detention for a misdemeanor offense.
2. If she re-offends, the probability that she will commit a property offense decreases and the probability that she will commit a violent offense increases.
3. She is white; however African American girls are a significantly higher proportion of the juvenile justice population than they are of the general population.
4. She has been charged with shoplifting, disorderly conduct, liquor law violations and/or simple assault (top four offenses for young women).
5. She is more likely to be taken into custody for running away.

TRENDS

Nature of Offenses

During 2009, approximately 32% of the complaints made against juveniles in Iowa were against females. Because females are a significantly smaller portion of the juvenile justice population, offense categories in which females outpace their male counterparts are particularly noteworthy.

Of the top ten offenses for young women during 2005, shoplifting (1,366 females v. 1,202 males) and runaway (273 females v. 199 males) were the offenses for which female arrests outnumbered those of males. This trend has been consistent over time. Arrest data from 2007 shows shoplifting at 1,375 female v. 1,137 male arrests, 2008, 1,333 female v. 1,124 male arrests and in 2009, 1,517 female v. 1,210 male arrests. It is also noteworthy that shoplifting arrests among females have increased, whereas shoplifting arrests among males have remained relatively steady.

Running away is not technically an offense in Iowa; however, it is counted as such when a young person is reported as a runaway and is taken into custody by police. This is not an offense that makes the top ten for males in any recent year; however, it consistently appears on the female top ten.

Although males outnumber females in Liquor Law Violations (1,014 v. 722), females had a higher percentage of Liquor Law Violations (11.5% v. 7.7%). This is also a consistent trend since at least 2005.

A third area of note when examining what types of offenses are being committed by young women is violent versus non-violent crime. Females in the juvenile justice system in Iowa are by and large non-violent offenders. Simple Assault is the sole exception of their top offenses and although it is a violent (person) offense it is considered low level (misdemeanor). This trend is consistent over time with simple assault dropping from 3rd on the top ten list in 2005 to 4th in 2009.

In the following charts, you will find a side by side comparison of the top offenses committed by females in 2005 and 2009. The single largest increase in percentage of arrests was in Shoplifting (from 20.1% to 24.1%, or +4.1%) and the single largest decrease was in All Other Offenses³ (from 9% to 7.3%, or -2.1%).

² This is not a comprehensive list but rather a reflection of the data presented in this report.

³ All Other Offenses includes mostly; Possession of Burglary Tools, Cigarette Law Violations, Cruelty to Animals, Failure to Appear, Harassment, Harboring, Hit and Run, Leaving the Scene, Indecent Exposure, Obstruction, Obscene Phone Call, Probation Violation, Scalping, Unlawful Assembly.

Figure I: Top 10 Arresting Offenses

Females 2005

OFFENSE	NUMBER	%
Shoplifting	1,366	20.1%
Liquor Law Violations	854	12.5%
Simple Assault	790	11.6%
Disorderly Conduct	732	10.7%
All Other Offenses	615	9.0%
All Other Larceny	426	6.2%
Drug Violations	371	5.4%
Runaway	273	4.0%
Curfew Violations	250	3.6%
Vandalism	247	3.6%

Females 2009

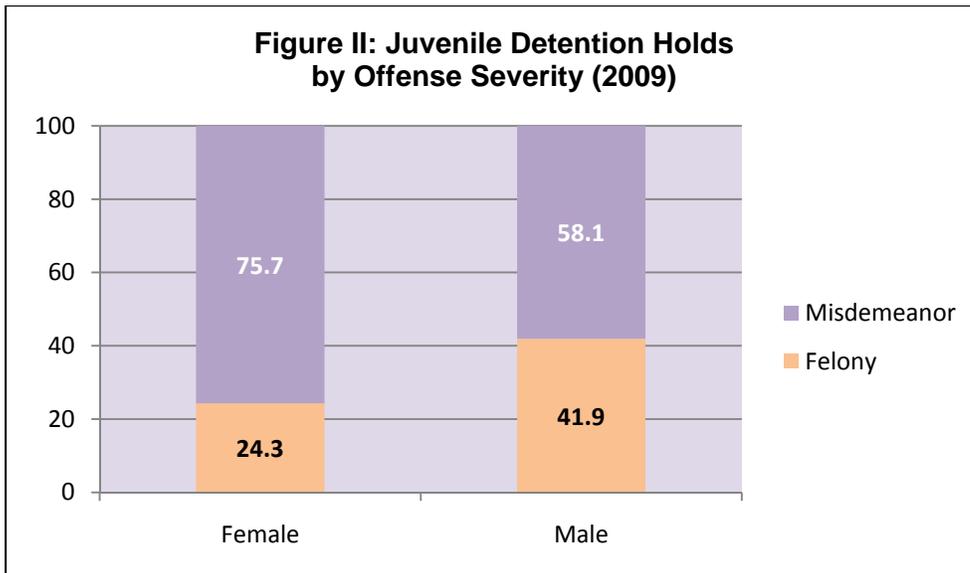
OFFENSE	NUMBER	%
Shoplifting	1,517	24.1%
Disorderly Conduct	733	11.6%
Liquor Law Violations	722	11.5%
Simple Assault	710	11.3%
All Other Offenses	457	7.3%
All Other Larceny	408	6.5%
Vandalism	241	3.8%
Drug Violations	222	3.5%
Runaway	208	3.3%
Curfew	196	3.1%

Source – Iowa Department of Public Safety Uniform Crime Report

Young Women in Detention

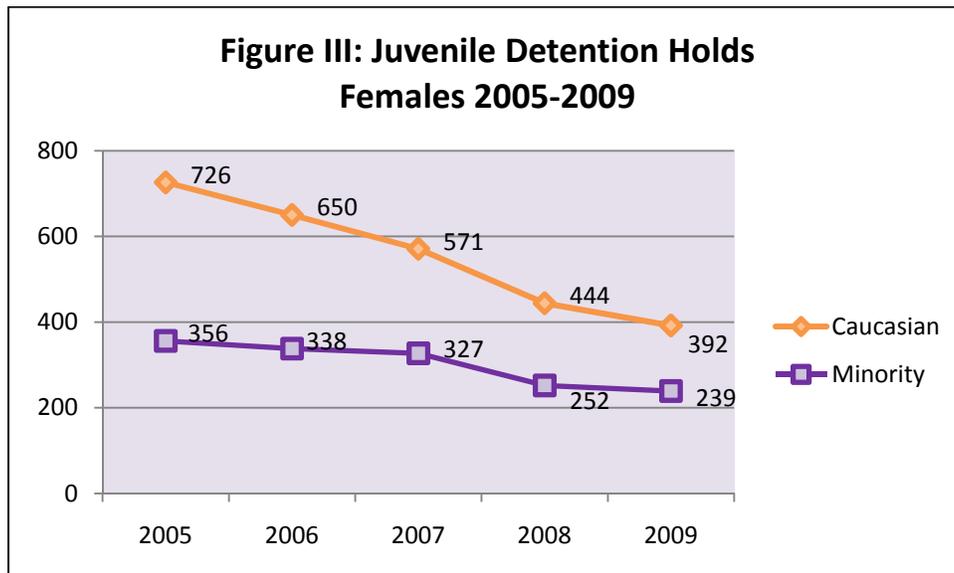
Holding a juvenile in detention is a sanction used in the juvenile justice system to manage young offenders. Figure II shows that the majority of juveniles held in detention are held for misdemeanor offenses. The disparity is more significant for females than for males and is a trend over time. In 2006, 65.5% of males in detention were held for misdemeanor offenses while 79.4% of females were held for misdemeanor offenses. In 2007, that comparison was 62.2% vs. 83.2% and in 2008, 61.2% vs. 79.4%.

Detention reform advocates have looked at offenses considered to be crimes against justice and authority in particular. Disorderly Conduct is one such offense prominent in detention holds and among females. Given the fact that Disorderly Conduct ranks second among offenses by females and the disparate percentage of females held in detention for misdemeanor charges, the issue of gender should figure prominently in detention reform discourse.



Source - Iowa Justice Data Warehouse

Also noteworthy and reflective of disproportionate minority contact with the system is the trend over time in number of detention holds. Overall, they are decreasing, but as evidenced by Figure III that decrease among females has been more prominent within the Caucasian population.



Source - Iowa Justice Data Warehouse

Disproportionate Minority Contact

Figures IV, V and VI show considerable differences between Caucasian and minority females at key decision points within the juvenile justice system over the course of the last five years. For example, while arrests of Caucasian females have changed by -15% from 2005 to 2009, arrests of African American females have risen 13.7%; for Hispanic females it has risen 20.1%. It must be cautioned that the population of minority females is much smaller than that of Caucasian females in the State of Iowa; therefore any change in percentage is, in part, due to that incongruence.

5 Year Change at Significant Decision Points

Figure IV: Caucasian Females (0-17)						
	2005	2006	2007	2008	2009	5-Yr Chg
Arrest	5,088	5,102	5,259	4,768	4,326	-15.0%
Complaint	6,669	6,881	6,575	6,166	5,657	-15.2%
Petition	996	925	908	700	530	-46.8%
Detention	726	650	571	444	392	-46.0%

Source - Iowa Dept of Public Safety/Iowa Justice Data Warehouse

Figure V: African American Females (0-17)						
	2005	2006	2007	2008	2009	5-Yr Chg
Arrest	1,184	1,132	1,567	1,350	1,346	13.7%
Complaint	1,379	1,381	1,685	1,447	1,484	7.6%
Petition	271	238	351	226	197	-27.3%
Detention	232	245	221	180	145	-37.5%

Source - Iowa Dept of Public Safety/Iowa Justice Data Warehouse

Figure VI: Hispanic Females (0-17)						
	2005	2006	2007	2008	2009	5-Yr Chg
Arrest	339	416	354	394	407	20.1%
Complaint	405	411	414	443	433	6.9%
Petition	60	59	54	52	46	-23.3%
Detention	63	56	57	47	51	-19.0%

Source - Iowa Dept of Public Safety/Iowa Justice Data Warehouse

Upon deeper exploration of the data, it becomes apparent that in the State of Iowa, young African American women are at greater risk of disproportionate contact with law enforcement and juvenile justice authorities. They have substantially higher rates of arrest and referral to juvenile court relation to white females.

Figure VII: DMC Relative Rate Index⁴ – Females (2009)					
Reporting Period: January through December 2009					
<i>Relative Rate Index Compared with White Juveniles</i>	Black or African-American	Hispanic or Latino	Asian	Native American	All Minorities
Juvenile Arrests	5.45	1.19	0.74	2.88	2.77
Refer to Juvenile Court	5.06	1.07	0.40	3.85	2.57
Cases Diverted	0.79	0.95	0.94	0.32	0.80
Cases Involving Secure Detention	---	---	---	---	---
Cases Petitioned	1.36	0.60	0.77	0.59	1.16
Cases Resulting in Delinquent Findings	1.41	2.17	---	2.96	1.48
Cases resulting in Probation Placement	1.15	1.02	---	0.97	1.14
Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	---	---	---	---	---
Cases Transferred to Adult Court	0.46	1.14	1.60	0.89	0.56

Source - Iowa Justice Data Warehouse / Iowa Department of Public Safety/OJJD Juvenile Population

By comparison, in 2006, the Relative Rate Index for arrests of African American girls was 5.18, in 2007 it was 4.43, and in 2008 it was 5.63. Clearly, this is an important trend. Not only is there a consistent difference in arrest and other rates, but the offenses committed by Caucasian African American and Hispanic females show some noteworthy differences:

Figure VIII & IX: Top 10 Arresting Offenses by Race – Females (2009)

Offense-CAUCASIAN	NUMBER	%
Shoplifting	1,028	23.8%
Liquor Law Violations	654	15.1%
Simple Assault	410	9.5%
All Other Offenses	348	8.0%
Disorderly Conduct	343	7.9%
All Other Larceny	266	6.1%
Drug Violations	191	4.4%
Vandalism	183	4.2%
Runaway	159	3.7%
Curfew	136	3.1%

Source - Iowa Department of Public Safety-Uniform Crime Report Data

Offense-AFRAMERICAN	NUMBER	%
Shoplifting	315	23.4%
Disorderly Conduct	289	21.5%
Simple Assault	237	17.6%
All Other Larceny	120	8.9%
All Other Offenses	81	6.0%
Aggravated Assault	53	3.9%
Vandalism	43	3.2%
Runaway	32	2.4%
Trespass	32	2.4%
Drug Violations	16	1.2%

Source - Iowa Department of Public Safety-Uniform Crime Report Data

⁴ The Relative Rate Index is calculated by counting the rate per 1,000 in any given category for a minority group and dividing that by the same rate for white females. So, in Figure VII, African American females are 5.45 times as likely to be arrested as white females and all minority girls are 2.77 times as likely to be arrested as white females, etc.

Figure X: Top 10 Arresting Offenses by Race – Females (2009)

Offense-HISPANIC	NUMBER	%
Shoplifting	102	25.1%
Disorderly Conduct	77	18.9%
Simple Assault	39	9.6%
Curfew	36	8.8%
Liquor Law Violations	29	7.1%
All Other Offenses	23	5.7%
All Other Larceny	18	4.4%
Runaway	13	3.2%
Aggravated Assault	12	2.9%
Drug Violations	1	2.9%

Source - Iowa Department of Public Safety-
Uniform Crime Report Data

Again, it must be cautioned that the population of minority females is much smaller than that of Caucasian females in the State of Iowa; therefore any change in percentage is, in part, due to that incongruence.

As Iowa is making a concerted effort to address the issue of disproportionate minority contact at both juvenile and adult levels, research, data and planning need to be gender responsive.

Recidivism and Violent Offenses

Figures XI – XIII, which follow, were taken from a point-in-time study of the Iowa juvenile justice system. The study examined original complaints (offenses) as well as subsequent complaints of all juvenile females during the indicated time frames.

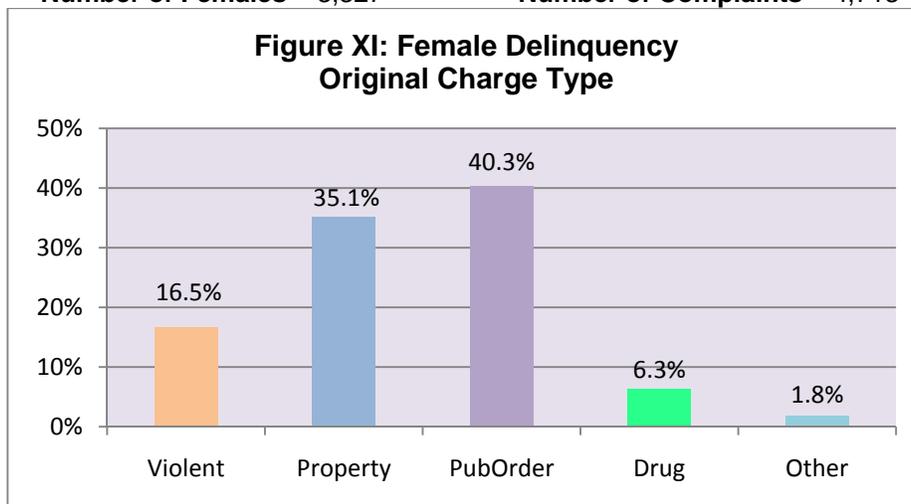
The charts provide data for females with at least one complaint⁵ filed between January 1, 2008 and June 30, 2008. The first chart provides a breakout of the type of charges filed during the initial six-month period. The second chart indicates the charge type for females who received at least one subsequent complaint during the 18-month period that followed, July 1, 2008 through December 31, 2009.

Of the four studies examined for this report, there was one noteworthy shift in original complaints. In the sample from January-June 2004, public order offenses were 35.9% of complaints; January-June 2006, 39.2%; January-June 2008, 39.1% and in the most recent sample (Figure XI), public order offenses were 40.3% of original complaints. This was the offense category demonstrating the most change (increase) over time. The off-setting decrease was predominantly in property offenses, followed by violent and drug offenses.

⁵ There can be multiple charges within one complaint and all charges are included in the tables.

Original Complaints

Time Period: January 1, 2008 through June 30, 2008
Number of Females = 3,327 **Number of Complaints = 4,713**



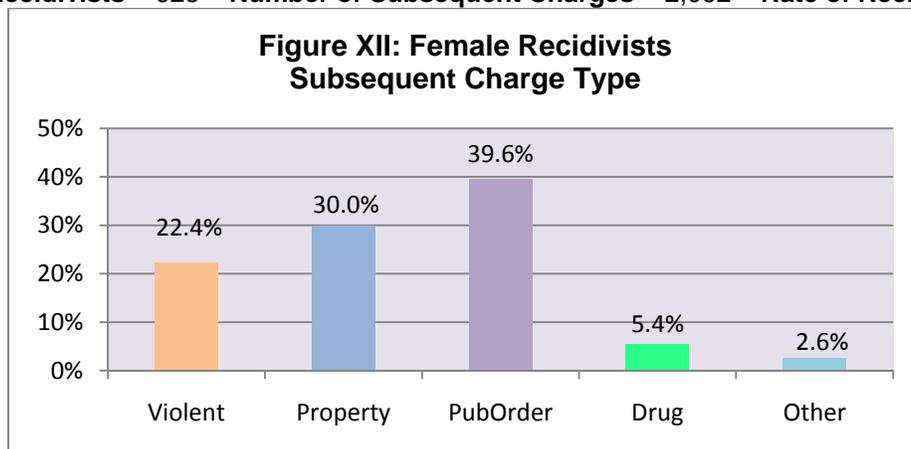
Source - Iowa Justice Data Warehouse

As noted in Figure XI, 75% of females were initially charged with either crimes concerning property or public order. Of the property crimes, 74% were for theft - predominantly shoplifting. Alcohol related charges (including OWI) constituted 57% and disorderly conduct/interference comprised 36% of the public order charges. Of the violent complaints, 47% were for simple assaults and 31% were for more serious assaults.

The most consequential changes when comparing original to subsequent complaints are in the "property" and "violent" categories. The percentage of property offenses dropped 35.1% to 30.0% and the percentage of violent offenses rose from 16.5% to 22.4% between original and subsequent complaints. This is a consistent trend within recent data.

Subsequent Complaints (Recidivism)

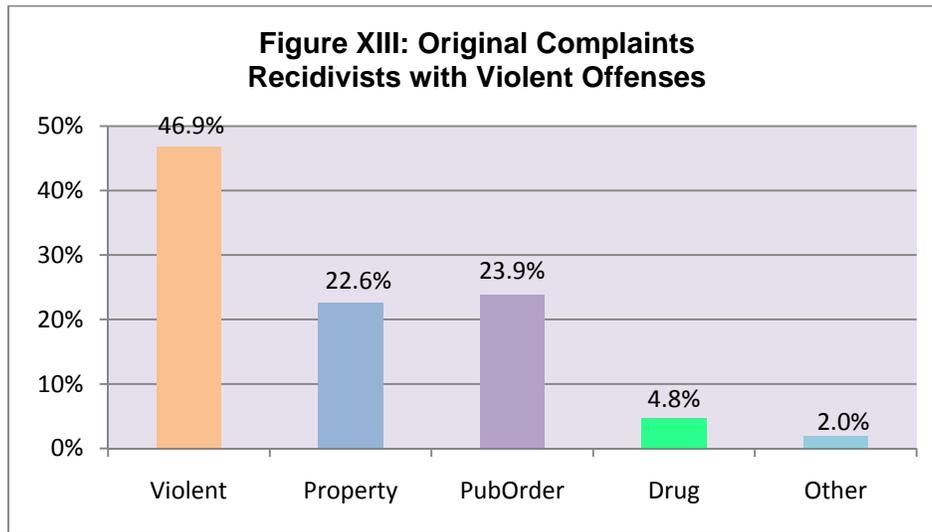
Time Period: July 1, 2008 through December 31, 2009
Number of Recidivists = 925 **Number of Subsequent Charges = 2,062** **Rate of Recidivism = 27.8%**



Source - Iowa Justice Data Warehouse

The previous chart indicates that female recidivists tended to be charged with more violent crime than they were initially during the first six months of 2008. Of all the original charges during the initial six-month period, 16.5% were for violent offenses (mostly assault), while over the next 18 months violent offenses increased to 22.4% of all charges. Property charges declined slightly from 35% to 30%.

The study also more closely examined female recidivists with subsequent violent offenses. Figure XIII shows the *original* complaints of these females. There were 267 female recidivists with 461 violent complaints between July 1, 2008 and December 31, 2009. The following includes the *original* complaints for these same females between January 1, 2008 and June 30, 2008.



Source - Iowa Justice Data Warehouse

As shown in Figure XIII, young women who have a subsequent violent complaint also offended initially with a much higher percentage of violent complaints (46.9%). While this is less than in the most recent study ending in December 2008 (52.8%) it is higher than the study ending December 2006 (33.2%) and December 2007 (36.9%). Essentially, females who have violent offenses when they recidivate are more likely to have violent offenses when they first come into contact with the juvenile justice system. It should be noted that violent offenses remain a small portion of crimes committed by young women.

RECOMMENDATIONS

The Iowa Task Force on Young Women, on behalf of the Juvenile Justice Advisory Council, recommends the following measures to facilitate movement toward the goal of a juvenile justice system that is fully responsive to the needs of young women:

1. Facilities and programs striving to provide the most effective and efficient services to young women will opt for single gender environments with female responsive programming that includes components to address trauma.

Single gender environments for females have many benefits for young women, most especially for those who have experienced sexual abuse. Statistics vary, but if one is working with young women in the juvenile justice system, there is compelling evidence to suggest one is are working with a young woman who has a history of abuse.

Additionally, single gender environments mitigate the normal preoccupation adolescents have with romantic relationships, allowing them to focus more readily on themselves and other important relationships in their lives.

2. All institutions and agencies that work with females involved in the juvenile justice system and which receive state funding should be required to provide annual female responsive training to their employees. Training should be research-based, progressive, ongoing, and result in an implementation plan.

The juvenile justice system is designed based on research and experience with its primary population – males. In order to be adequately prepared to work effectively with females, professionals require additional training that is based on current research and proven practice.

3. As detention reform proceeds, gender and the disproportionate number of females in detention for misdemeanor offenses must be an integral part of policy and decision-making discussions, including any recommendations for solutions to be implemented.

Holding misdemeanor offenders in detention alongside felony offenders has been proven to increase the likelihood of recidivism among misdemeanor offenders. Understandably, reform efforts currently focus on diverting misdemeanor offenders from detention.

Detention reform would ostensibly have a proportionally larger positive impact on the female offender population as young women are more likely to be held for a misdemeanor offense than their male counterparts. This positive impact would be bolstered by employing female responsive principles.

4. As research, data and planning progress related to disproportionate minority contact with the juvenile system, the needs of girls of color be given equal consideration. Specifically, assessment tools must be without race/ethnic bias and they must also be female responsive.

Much like detention reform, discussions regarding disproportionate minority contact in the juvenile justice system tend to focus on males by default. It is not, however, adequate to assume that girls of color - particularly African American females, who are hit hardest by disproportionate contact - will benefit to the same extent as males if their gender based needs are not also taken into account.

APPENDIX

Case Processing Definitions

Court Decision Making

- **Arrest** – Iowa code section 232.19 defines arrest for juveniles as “taking into custody”. For our purposes we use the reference of arrest. Arrest can take place for the commission of delinquent acts, by order of the court, or for violation of a dispositional order. An arrest is the process of removing a youth from the “street” and determining what further activity will need to take place.
- **Complaints** – Complaints are typically referred to juvenile court by law enforcement. Complaints are law violations by juveniles. There may be more than one offense included in a complaint. Complaints are processed by juvenile court services (JCS) staff. Complaints are often synonymous with the decision of referral to juvenile court.
- **Referral** – After an arrest, law enforcement makes a decision as to whether or not a youth will be referred to juvenile court. Referrals (sometimes referred to as complaints) are law violations by juveniles. There may be more than one offense included in a complaint. Complaints are processed by juvenile court services (JCS) staff. In many cases juvenile court services staff do a face to face interview on a referral. It represents the initial decision regarding JCS on a referred case.
- **Informal Adjustment** – A significant number of youth referred to the juvenile court receive informal adjustments, which are contracts that youth enter into with JCS staff. Informal adjustment is an option for youth utilized (often for younger or less serious offenders) that have admitted their involvement in a delinquent act. The conditions of an informal adjustment can include juvenile court supervision, restitution/community service, prohibiting a youth from driving, referral to a private agency, voluntary participation in batterers’ treatment, etc.
- **Petitions Filed** – JCS staff refer youth that require more serious court intervention to the county attorney. The county attorney may “file a petition” on any given offense. The filing of a petition constitutes the formal involvement of the court.
- **Consent Decree** – At any time after the filing of a petition and prior to an order of adjudication the juvenile court may enter a consent decree. Consent decrees are similar to informal adjustment agreements. Consent decrees are court orders that specify conditions and requirements for youth. The terms and conditions of consent decrees may include supervision of the child by the juvenile court or other designated agency, community service/restitution, prohibiting a youth from driving, participation in batterers’ treatment, etc.
- **Adjudications** - Adjudications are court hearings that provide a formal finding of guilt. A youth that is found guilty is “adjudicated a delinquent”.
- **Dispositions** – Dispositional hearings are provided for youth that have had a delinquency adjudication. Dispositional hearings are often conducted as part of the adjudication hearing. Dispositions for the juvenile court include probation/court supervision, restitution/community service, driving suspension/revocation, special care & treatment, batterers education, foster family care, brief juvenile detention facility hold, community-based delinquency services, group care, mental health institution placement, state training school placement, independent living, etc.
- **Waiver to Adult Court** – Youth are waived to adult court (placed under the jurisdiction of the district court) if they have committed certain serious offenses, and/or are older youth and are deemed as requiring additional court supervision, and/or it is determined that they can no longer benefit from the supervision or services of the juvenile justice system.