

## **Webster County Diversion Recommendations and Resources**

Thank you for the opportunity to meet with you on September 12 to discuss diversion work in Fort Dodge and Webster County. I appreciated the opportunity to hear more from local stakeholders regarding your current efforts as well as the possibilities of expanding the use of early diversion as a strategy to reduce racial and ethnic disparities. I appreciated the fact that so many groups were represented in those discussions, including Juvenile Court Services, the Fort Dodge Community School District, the Fort Dodge Police Department, Lutheran Services in Iowa, DHS, and DCAT.

This visit was part of a larger state-wide effort to promote the use of evidence-based diversion programs throughout the State of Iowa as a strategy to reduce racial and ethnic disparities in the youth justice system. This effort is looking to develop tools and resources, including model policies and protocols and data collection templates, to ensure that communities throughout Iowa are using diversion in an equitable and effective manner. We appreciated the chance to learn from you during this visit, as those conversations will help inform the state-level tools and resources that are created to help standardize diversion practices for all children in Iowa, regardless of geography.

This document is meant to capture recommendations from the review of the materials that you submitted and the discussions that occurred while on site. I have provided links to resources that may be helpful in pursuing the recommendations outlined below. You can also find an electronic copy of the PowerPoint presentation with data referenced during our discussion [here](#), as well as additional resources in our Reducing Racial and Ethnic Disparities Practice Manual, available [online on the CCLP website](#).

As you review these recommendations, I encourage team members to use the most current data available through CJJP, law enforcement, schools, and JCS to inform discussions about changes to or expansion of diversion in your jurisdiction. As a reminder, the CJJP data profiles (which include school suspension data) are available online [at this link](#).

## Recommendations

- 1. Develop a Memorandum of Understanding among school, law enforcement, JCS, and other youth justice officials that captures consensus points on early diversion efforts. Consider developing a standalone MOU to outline the role of law enforcement in schools.**

Given the working relationships that have been developed between youth justice system stakeholders and other child-serving agencies, I strongly encourage Webster County and Fort Dodge officials to codify current practices in a written Memorandum of Understanding (MOU). An MOU serves to outline shared values among parties and clearly outlines expectations regarding certain agreed-upon processes (such as pre-charge diversion protocols). MOUs can also create an infrastructure to sustain efforts to improve youth justice system practices by establishing a working group to regularly review data regarding current efforts and identify potential enhancements based on changing needs and trends. Finally, MOUs serve as a way of promoting the sustainability of past work through the inevitable changes in leadership that occur over time.

There may be some existing written agreements between some of the parties listed above, although it did not seem that these documents, if they do exist, were actively informing current diversion efforts. Existing written agreements could serve as the basis for a new document that captures shared values and agreements, and I encourage officials to identify whether such documents exist. However, I have also provided several examples of MOUs that could serve as a basis for such agreements. These include a [model MOU recently developed by the Massachusetts Attorney General's Office](#) that is focused primarily on collaboration between school districts and law enforcement. I have also included [sample interdisciplinary MOUs](#) from the Advancement Project, as well as agreements from Clayton County, Georgia, and Broward County, Florida, that capture agreements among a broader group of stakeholders.

I recommend reviewing these sample agreements to officials and discussing which, if any, could serve as a starting point for an MOU in Webster County. Given the positive relationship between the Fort Dodge police department and the Fort Dodge CSD, this would be an opportune time to solidify an MOU regarding the role of law enforcement in schools. It may also help to clarify some of the concerns regarding student and education staff perception of law enforcement's role.

- 2. Identify additional approaches and interventions that could address disparities in school suspensions.**

I appreciated hearing about the new efforts made by the Fort Dodge CSD as part of its "Together We Rise" initiative. As discussed during our conversations, data provided by CJJP from the Fort Dodge CSD indicates a significant overrepresentation of African American youth at the point of in-school and out-of-school suspension. I would encourage a deeper dive into this data to identify areas where an alternative intervention could serve as a response to an underlying issue. In doing so, I caution against the potential for net-widening – for example, referring youth to the Friday Evening Program for an expanded list of minor school behavior.

Any alternative responses should focus on non-justice system interventions, including a decision to refrain taking future action in lieu of a service referral. For example, many incidents seem to stem from altercations and interpersonal issues. Several jurisdictions have seen success reducing suspensions, arrests, and referrals to court for such issues in a way that has reduced racial and ethnic disparities. [This publication](#) describes work that was undertaken in Peoria, Illinois in high schools and an alternative school using a restorative justice approach.

**3. Develop a school discipline/code of conduct policy that provides clear and graduated responses to particular kinds of behavior.**

I had the opportunity to review the Fort Dodge CSD discipline policy prior to our discussions. While there are parts of the policy that reflect the principles of graduated responses to incidents, the policy reads more as a long list of prohibited behaviors than a set of guidelines for appropriate responses to school-based behaviors. Additionally, there are references to “racial” conduct and behavior in the policy that are vague enough to leave the District vulnerable to a legal challenge over the applicability of such rules.

A structured and clear school discipline policy is one of the most important written documents to ensure fair and equitable treatment of youth. I encourage the development of a school discipline policy that reflects the shared values of youth-serving systems and agencies in Fort Dodge. There are model policies to work from available from the Advancement Project. This [School Discipline Toolkit](#) contains a tip sheet for examining codes of conduct, two model policies, and five sample policies from jurisdictions around the country. Stakeholders should review these materials, particularly the tip sheet and model policies, before engaging in a discussion about whether one of the model policies or policies from other jurisdictions could serve as a basis for developing a new policy.

**4. Analyze reasons for unsuccessful engagement rates with existing diversion programs and identify interventions to address the underlying causes of lower engagement rates among certain groups.**

I encourage a closer look at the group of youth who do not engage with or attend the Friday Evening Program to determine whether there are common causes of youth’s failing to engage with the program (specifically failing to show up). For example, an inability to contact youth or parents could warrant a protocol for trying to track down contact information through all available avenues, including schools and other sources (so long as the confidentiality of a youth’s status could be maintained).

**5. Explore options to engage new organizations and agencies in diversion efforts, particularly organizations that could enhance the cultural responsiveness of such services.**

As we discussed, the cultural responsiveness of diversion services can have a significant impact on program engagement and completion rates. There are several jurisdictions that have engaged in innovative efforts to recruit a more diverse array of organizations and individuals as part of efforts to connect youth with community-based services in lieu of formal juvenile court

involvement. I would strongly encourage having a focused conversation with Charles Clayton about the possibility of engaging AFES in a more structured diversion effort, or partnering with AFES to provide mentoring or coaching to youth over a period of time following a one-session diversion program such as the Friday Evening Program. This seems to be a significant asset to Fort Dodge's diversion efforts for youth of color that has not been engaged to its fullest extent.

**6. Consider expansion of diversion efforts to other charges for which youth of color are overrepresented and develop clear written eligibility and referral processes for any such expansion.**

I was encouraged to hear about previous conversations regarding possible expansion of diversion efforts, including the potential expansion of the Friday Evening Program to community-based incidents. I would strongly encourage consulting stakeholders in Iowa City and Johnson County, which have collaborated to structure a simple and effective referral process for their diversion efforts.

As mentioned during our meetings, I encourage stakeholders to take a close look at law enforcement arrest and JCS referral data broken down by offense and race and ethnicity, as any expansion should be grounded in the offenses for which youth of color (and African American youth in particular) are overrepresented at each decision point. The PowerPoint referenced above contains breakdowns of those data.

I encourage team members to use the most current data available through CJJP, law enforcement, schools, and JCS to inform any such expansion decisions. As a reminder, the CJJP data profiles (which include school suspension data) are available online [at this link](#). Additionally, the diversion fact sheet that our office prepared may include examples of other program models to review as officials consider possible expansion.

I was also pleased to hear about the possibility of expanding diversion efforts to youth who had previously been referred for diversion, particularly where time has elapsed between a previous incident and a new incident, as well as situations where the subsequent incident was of a different nature than the previous incident. For any such expansion, I encourage stakeholders to be as specific as possible in writing regarding eligibility and referral processes to ensure that all youth have equal access to any such expansion of diversion. I would encourage stakeholders to consider this possibility, particularly along with the recent changes made to Iowa law regarding diversion in [HF 2443](#).

**7. Consider whether an enhancement or addition to diversion programs focused social media use or cyberbullying could be appropriate.**

During our discussions, I mentioned work in other jurisdictions that focused on social media use and misuse as a cause of altercations and fights among girls in middle school and high school. Data indicate that altercations are among the leading reasons for in-school and out-of-school suspensions for youth of color, as well as referrals to JCS. I have provided a [fact sheet](#) that summarizes some of the available curricula designed to help address cyberbullying and harmful use of social media.

The Southern Poverty Law Center’s Teaching Tolerance initiative has also prepared content designed to engage students on cyberbullying. These resources are [available for free](#) and include sample lesson plans. These resources could help inform an addition to diversion efforts that focus specifically on social media use.

**8. Develop clear measures of success for existing and future diversion programs and ensure that data are collected and analyzed on a regular basis.**

We spent significant time discussing potential measures of success for diversion efforts. While there are many differences of opinion regarding appropriate measures, I encourage stakeholders to avoid expecting too much from early diversion efforts. Part of the motivation for early diversion is the recognition that many youth naturally age out of delinquent behavior without any intervention, and the fact that formal involvement itself is associated with worsened outcomes in a range of areas relative to youth who are connected with community-based alternatives. Evidence-based diversion programs can be programs that recognize the role and value of early diversion in preventing deeper involvement that is associated with those consequences. For more information on the research behind early diversion, please consult the [fact sheet](#) that we distributed on early diversion or the Annie E. Casey Foundation’s [report on probation transformation](#).

**9. Provide any suggestions and feedback on proposed diversion data collection elements and data presentation formats to CJJP.**

As mentioned during our discussions, I applaud efforts to begin collecting more detailed data on youth diversion referrals and outcomes. I recommend ensuring that case-level data are collected for the range of data elements that we discussed. During our discussions, we mentioned that the state will be looking to develop a standardized data collection protocol and system for diversion efforts. In support of that effort, I encourage officials to provide any feedback on the [proposed data collection elements](#) that we presented during our meeting to CJJP as soon as possible, which are included below. We had discussed the possibility of including a youth’s special education status, if known, particularly for school-based incidents, which we have noted.

<b>Youth Information</b>	<b>Referral Information</b>	<b>Program Information</b>
Age	Referral Date	Referral Accepted/Rejected (including reason for rejection)
Gender	Referral Reason (Offense/Reason)	Successful/Unsuccessful Engagement (including reason for unsuccessful engagement)
Race	Point of Referral (Pre-Arrest, Post-Arrest, Pre-JCS Referral, Post-JCS Referral)	Program Start and End Date
Ethnicity	Referring Agency/Party (including specific school)	Successful/Unsuccessful Completion (including reason for unsuccessful completion)
Home Zip Code		Longer-term Outcomes

Additionally, please share any suggestions for presentation of diversion data that would be helpful to you and your stakeholders, as CJJP will be developing standardized data visualizations for pre-charge diversion data. You can consider some of the presentations of data outlined in the [PowerPoint presentation](#) that was used during the meeting as a potential starting point.

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Thank you again for taking a leadership role on efforts to reduce racial and ethnic disparities in the youth justice system in Webster County. I hope that the recommendations and resources outlined below can help advance the work that is underway around diversion. I expect that your efforts will do much to inform the creation of evidence-based state-wide policies and protocols around the use of early diversion throughout the State of Iowa. If you have difficulty accessing any of the resources or have questions about any of the resources or recommendations, please do not hesitate to contact me at 202-637-0377 ext. 108 or [jszanyi@cclp.org](mailto:jszanyi@cclp.org).