

# Iowa Criminal and Juvenile Justice Plan

***1997 Update***

Multi-Year Goals

Sentencing Reform

Incarceration Rate of African-Americans

Domestic Violence

Prison Population Forecast

Juvenile Crime & Responses to Violent Youth

Runaways

***CJJP*** Division of Criminal & Juvenile Justice Planning  
Iowa Department of Human Rights

February, 1997

## **Iowa Criminal and Juvenile Justice Plan -- 1997 Update**

### **ABOUT THIS REPORT**

Pursuant to Iowa Code 216A, subchapter 9, CJJP is required to issue an annual report containing long-range system goals, special issue planning recommendations and research findings. CJJP's 1997 response to its reporting requirement is different from past years. Rather than issuing one large document containing many separate reports, single-issue 1997 Update reports now are being made available based on reader interest and need. It is hoped this approach to disseminating CJJP research and planning reports will be more cost effective and more responsive to the planning activities and information needs of Iowa's policy makers, justice system officials and others.

**On the cover of this document is a listing of various topics that are the subjects of separate CJJP reports issued in February, 1997. To receive other 1997 reports, please contact CJJP as indicated below.**

Through the oversight of both the Iowa Juvenile Justice Advisory Council and the Iowa Criminal and Juvenile Justice Planning Advisory Council, CJJP staff are engaged in a variety of research, data analysis, program and policy planning and grant administration activities. Annually, these two advisory councils review long-range justice system goals and identify current issues of concern to be addressed through CJJP's research and planning activities.

**Reports on the issues listed below are being issued through CJJP's 1997 Update and are the result of the planning activities of the Iowa Criminal and Juvenile Justice Planning Advisory Council (CJJ PAC) and the Iowa Juvenile Justice Advisory Council (JJAC).**

- **Multi-Year Goals\*\***
- **Sentencing Reform\***
- **Incarceration Rate of African Americans\***
- **Domestic Violence\***
- **Prison Population Forecast**
- **Juvenile Crime & Responses to Violent Youth**
- **Runaways\*\***

Note: Single asterisked reports include recommendations developed and approved by the CJJPAC. Double asterisked reports include recommendations developed and approved by the CJJPAC and the JJAC.

A number of CJJP staff were involved in the research and writing of the reports being issued through this 1997 Update. Primary authorship or significant contributions were as follows:

Richard Moore: CJJP Administrator

Clarence Key, Jr.: "Sentencing Reform"  
"Incarceration Rate of African Americans"  
"Domestic Violence"

Dave Kuker: "Runaways"  
"Juvenile Crime and Responses to Violent Youth"

Lettie Prell: "Sentencing Reform"  
"Prison Population Forecast"  
"Juvenile Crime and Responses to Violent Youth"

Laura Roeder: "Prison Population Forecast"  
"Juvenile Crime and Responses to Violent Youth"

**TO RECEIVE ADDITIONAL CJJP 1997 UPDATE REPORTS**

Reports on the issues listed on the previous page can be obtained by contacting CJJP:

Division of Criminal & Juvenile Justice Planning  
Iowa Department of Human Rights  
Lucas State Office Building  
Des Moines, Iowa 50319

Phone: 515-242-5823  
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**AVAILABILITY OF RELATED REPORTS:**

Several reports were prepared to assist CJJP complete their 1997 Update reports. They contain much information not included in CJJP's 1997 Update materials. To receive copies of the below listed reports, contact CJJP as described above.

- "A Survey of Juvenile & Criminal Justice Personnel: Services for Runaways and Serious Violent Juvenile Offenders," Michael J. Leiber, University of Northern Iowa, 1996.
- "Summary Report -- Preliminary Findings from the Midwest Homeless and Runaway Adolescent Project," Les B. Whitbeck, Iowa State University, 1996.
- "Responding to Runaways in Iowa: A Discussion of Relevant Laws and Services," Dave Kuker, CJJP, 1996.

<b>STUDY ISSUE: RUNAWAY CHILDREN AND YOUTH IN IOWA</b>
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For many years, there have been significant policy debates in Iowa about runaway children and youth. This report is offered by the Iowa Juvenile Justice Advisory Council and the Iowa Criminal and Juvenile Justice Planning Advisory Council in their attempt to provide information and guidance to such debates.

### **INTRODUCTORY REMARKS**

Simply stated, runaways are youth who are away from home without the permission of their parents or caretakers. However, all of the research conducted for this initiative points to the inappropriateness of utilizing such a simple definition on which to base policy. It is clear that there are many reasons why children run away; there are many different types of children who run away; and, there are many different types of situations experienced by the child and their family during episodes of running away. Responses to children and families experiencing runaway problems need to acknowledge the complexity of the causes and results of runaway behavior. Policies meant to impact on these causes and results should be fashioned to avoid “one-size-fits all” solutions and to assure that responses lead to lasting solutions and not short-term fixes that could add to the family conflict that already exists. Despite the visibility of the child’s culpability in running away, policy debates must view runaway behavior within the context of the family; *solutions to runaway behavior need to involve the entire family and be responsive to many different types of situations.*

### **BACKGROUND RELATED TO PRESENT RESEARCH INITIATIVE**

This document provides summary information from three separate but related research initiatives conducted for the Juvenile Justice Advisory Council (JJAC) and the Criminal and Juvenile Justice Planning Advisory Council (CJJPAC) related to runaways. The three research initiatives summarized below include: 1) a report by Dr. Michael Leiber of the University of Northern Iowa - “A Survey of Juvenile and Criminal Justice Personnel: Services for Runaways and Serious Violent Juvenile Offenders”, 2) a report by Dr. Les Whitbeck of Iowa State University - “Preliminary Findings From the Midwest Homeless and Runaway Adolescent Project”, and 3) a report by the Division of Criminal and Juvenile Justice Planning - “Responding to Runaways in Iowa: A Discussion of Relevant Laws and Services”. Copies of the full reports for the three different research initiatives are available from the Division of Criminal and Juvenile Justice Planning. The research was conducted at the request of a planning committee comprised of members of the JJAC, CJJPAC and other juvenile justice system professionals.

Also presented in this report are recommendations developed by the Runaway Sub-committee of a Shelter Care Committee convened by the Department of Human Services to examine a variety of policy and program issues related to the funding and delivery of shelter care services in Iowa.

**Research by Dr. Michael Leiber Study of the University of Northern Iowa**

Dr. Michael Leiber interviewed 73 juvenile justice system professionals from across the state. His focus was to find out how certain youth were being processed in the different judicial districts. Open and closed ended questions were asked regarding runaways and serious and violent offenders. The information below is summarized from Leiber's report "A Survey of Juvenile and Criminal Justice Personnel: Services for Runaways and Serious Violent Juvenile Offenders."

*The Problem of Runaway Youth - Who and Why Youth Run Away*

Most respondents felt that runaways were a problem in their community - however some respondents felt that runaways were a greater problem than others.

Although a majority of those interviewed believed that the number of youth who run has increased in recent years, almost a quarter of the respondents indicated that the problem has remained fairly stable over the years.

A number of different factors were cited when the respondents were asked in the interview to identify why youth run - among the most often listed were family problems. Physical and sexual abuse are believed to be the cause of many of the family problems. Other specific problems listed include the lessening of family values, poor parenting skills, and a lack of family involvement with their children.

Respondents felt that female youth run away more than male youth. Additionally, respondents indicated that females are thought to be more likely to be running from abuse or neglect, while males are more likely to be running because of an unwillingness to follow rules or a desire for independence. Some respondents indicated that males are more likely to be running from the authority of the court or their parents.

Some respondents indicated that African-American youth who are not with their parents may be less likely to be reported as runaways because of differing cultural practices involving community and extended family members.

*The Role of the System for Runaways*

Most respondents ranked rehabilitation as more important than holding runaway youth accountable. However, 88 percent of the respondents felt that runaways need to be held accountable for their behavior. Additionally, 84 percent of the respondents disagree with the statement that runaways must be punished. Clearly respondents viewed the role of the system for runaways as one of rehabilitating youth. The results suggest that rehabilitation and holding youth accountable do

not need to be viewed as polar opposites; rather, the system can and should provide both for accountability and rehabilitation.

### *The Ability to Respond to Runaways*

Two thirds of the respondents did not feel that adequate services are in place to deal with runaways in their jurisdictions. Respondents indicated that the needs of runaways are not being met because of the lack of finances and creativity in both state and local efforts to deal with runaways, and current laws and procedures that prohibit the restraining of these youth. Very few respondents, however, believed that the inability to lock up runaway youth is at the heart of the problem. Most persons interviewed were opposed to the use of secure confinement, especially in a jail or detention facility. Persons involved in law enforcement work, more than any other occupational group, were more likely to advocate the use of detention centers or a separate confined area in a jail to relieve street officers from “baby-sitting” and continuously chasing runaways who run again either from their parents or an unlocked facility.

Most respondents favored the use of “staff secure facilities” (facilities that use staff rather than hardware to control youth), such as expanded versions of youth shelters, temporary holding shelters, crisis family shelters, and assessment/treatment centers as a response for runaways.

### **Research by Dr. Les Whitbeck of Iowa State University**

Dr. Les Whitbeck provided summary information from an ongoing research initiative which has involved interviews with 347 runaways and homeless adolescents in four midwestern states. Interviews also were conducted with 120 of the parents or caretakers of the interviewed youth who agreed to participate in the study. Although there is no universally accepted definition, Dr. Whitbeck’s report refers to runaways as adolescents who have been away from home at least over night without permission. The information below presents selected highlights from Whitbeck’s findings and was taken from Whitbeck’s “Preliminary Findings from the Midwest Homeless and Runaway Adolescent Project”, prepared at the request of CJJP.

### *The Complexity of Runaway Behavior*

The study results reflect that the behavior of runaways is not the singular problem, but, rather, the outgrowth of a complex set of social issues being experienced in the families of runaways.

- \* Caretakers and adolescents interviewed reported levels of dysfunction and abuse that exceeded those in comparable non-runaway families.
- \* Caretakers in the study expressed less warmth and engaged in more rejecting behavior towards the study adolescents than did caretakers of non-runaways.

- \* Nearly 61 percent of the study adolescents felt neglected by an adult caretaker.
- \* Thirty-two percent of the young women reported than an adult caretaker had forced them to engage in sexual activity against their will.
- \* Sixty-eight percent of the adolescents reported having had something thrown at them in anger by an adult caretaker.
- \* Over half of the caretakers reported being pushed or shoved in anger by the study adolescents.
- \* When compared with single parent and two-parent non-runaway families in Iowa, caretakers in this study reported higher levels of adolescent conduct disorder than the parents of non-runaways.

*Information from Youth Compared to that from Their Caretakers*

Based on a matched sample of 120 caretakers and adolescents it was found that caretakers and adolescents virtually agree on rates of less severe abuse, but their reports diverge on more severe levels of abusive behaviors. For example, 68 percent of the adolescents reported having had something thrown at them in anger by an adult caretaker although only 28 percent of caretakers report such abuse.

The generational perspectives on reasons for running are very apparent in the study data. The adolescents gave not getting along with other family members and abuse by family members as primary reasons for leaving home. Caretakers predominantly mentioned not following rules.

*Experiences of Youth While on the Run*

The study reflects that runaway youth engage in a variety of dangerous behaviors while they are on the run.

- \* Nearly 40 percent of the males and 15 percent of the females in the study took money from someone.
- \* Thirty-five percent of the males and nearly 14 percent of the females have dealt drugs to obtain money.
- \* The majority of runaways have used beer (77 percent), hard liquor (69 percent), and marijuana (70 percent).
- \* One-third of the youth have used crank or amphetamines, 16 percent have used cocaine, and 28 percent have used hallucinogens.

Additionally, youth on the run report high levels of criminal victimization.

- \* Nineteen percent of the males and 15 percent of the females have been beaten up more than once.
- \* Twelve percent of the young women report having been sexually assaulted.

- \* Nearly 25 percent of the males and 13 percent of the females were threatened with a weapon more than once.
- \* Two-thirds of the youth were asked to join a gang and one-third have participated in gang activity.

### **Overview of CJJP Research Regarding Laws and Relevant Services for Runaways**

CJJP produced a report, “Responding to Runaways in Iowa: A Discussion of Relevant Laws and Services,” which contains information regarding laws and services in Iowa of relevance to policy debates on runaways. It should be noted that not all of the services outlined in that report or this summary are available on a state-wide basis. The report differentiates services by the relevance they may have to meeting the needs of runaways. Additionally, the full report describes how a variety of services and court processes are accessed and funded.

#### *Laws With Relevance to Runaways*

There are few Iowa Code Sections that have language specific to runaways. Iowa Code Section 232.19 allows specifically for runaway youth taken into custody by law enforcement to be taken to shelter care facilities. Iowa Code Section 232.21 outlines criteria for holds for youth in shelter care facilities. Runaway youth taken to shelter care facilities by law enforcement can be held for up to 72 hours.

There are a number of “court processes” that, although not created specifically for runaways, are being utilized to initiate formal court involvement on youth whose problems include runaway behavior. As a rule, such court involved youths’ runaway behavior is but one of a number of problems or behaviors being addressed by the court. These processes include child in need of assistance proceedings (CINA), delinquency proceedings, and mental health and substance abuse civil commitments.

An additional process through which court involvement may be brought into situations involving runaway behavior is the family in need of assistance jurisdiction (FINA). Through FINA proceedings, children or parents may petition the court to review their problem situation and determine a course of action. The court can then issue orders involving family counseling and/or rule-setting guidelines to help the family resolve its conflicts. FINA jurisdiction was created to deal with family problems such as runaways. It is seldom used in Iowa due to a variety of factors including a lack of awareness of its existence, difficulty in devoting limited resources for its resulting court-ordered services, and a concern that suitable responses (i.e. secure confinement of the child) do not exist with which to enforce court orders.

A federal law of relevance to the issue of runaways is the Juvenile Justice and Delinquency Prevention Act (JJDP Act). The JJDP Act places restrictions on



secure holds for youth. One such restriction prohibits the use of locked settings for youth who commit status offenses. Status offenses are those acts which would not be criminal if committed by adults such as running away, truancy, possession of alcohol or tobacco, etc. A variety of JJDP Act exceptions, however, do allow for secure holds of status offenders under certain conditions. Specifics regarding these exceptions are provided in CJJP's full report.

#### *Services and Funding for Runaways*

There are no state funds specifically earmarked for services to runaways and their families. A number of services, although not designed or administered specifically for runaways, have a focus that makes them viable alternatives for runaways. Such services lend themselves well to the "crisis situations" that often characterize runaway behavior. Services for runaways need to have an immediacy orientation that allows them to be engaged when the services are needed by the family. Such services in Iowa include:

- \* Shelter care, including staff-secure shelter care, which provides 24-hour emergency care for children unable to remain in their own home
- \* Family-centered services which include a variety of assessment, supervision, counseling and treatment interventions designed to prevent placements and reunite families.
- \* Family preservation which is a highly intensive and time-limited in-home family-centered service intervention that was developed to prevent out-of-home placement of children.
- \* Processing or intake centers which provide brief holds for youth taken into custody until a determination can be made for what further services, if any, the youth may require.
- \* Attendant care programs which bring youth workers, many times from local private providers, to monitor and supervise youth (often runaway youth) in unlocked areas in jails/lockups after they have been taken into custody by law enforcement.

A variety of other services that may not have a direct focus on working with runaways, but that are provided to youth that have runaway behavior as one of a variety of presenting problems includes: juvenile court services, group care placements, family foster care, Community Crime Prevention Services, School Based Youth Services, etc.

#### **DHS SHELTER CARE COMMITTEE**

In the fall of 1995, the Director of the Department of Human Services formed a committee to study issues and make recommendations related to the policies and practices that characterize and affect Iowa's shelter care service delivery system. The Shelter Care Committee, comprised of a broad range of state and local system officials and practitioners, has issued a number of reports addressing a variety of topics including funding allocation formulas, licensing regulations and future goals

for shelter care services in Iowa. During 1996, the Committee formed a Runaway Sub-committee to focus on concerns over runaways being expressed in some communities by parents, system officials and others. This Sub-committee developed a set of recommendations, or guiding principles, to help guide future debates about runaways.

Through CJJ membership on the DHS Shelter Care Committee, DHS's representation on the JJAC and the CJJAC, and through the exchange of information and other methods, CJJ's efforts to provide information to the planning process of its two advisory councils has incorporated the work of the DHS committee. The "guiding principles" of the DHS committee may be viewed as responsive to the findings of CJJ's research and are incorporated within this report from the Juvenile Justice Advisory Council and the Criminal and Juvenile Justice Planning Advisory Council.

## **CONCLUSIONS AND RECOMMENDATIONS**

Along with the DHS guiding principles mentioned above, both councils made a variety of observations regarding issues of relevance relating to runaways. Those observations are summarized in the conclusions and recommendations listed below. Most or many of the conclusions and recommendations are in some way related to the need for additional resources. Both councils stressed that if a more meaningful response were to be fashioned for runaways additional resources would be needed. The councils suggested that responding to runaways has a pay now, or pay later impact. They indicated that a preventative approach to affect runaways could help reduce the possibility of youth entering a cycle of chronic runaway behavior, or, of youth being placed in a position where they put themselves or others in danger.

Additionally, members from both councils stressed that changes affecting the juvenile justice system were impacting runaways. A variety of recent developments in Iowa's child welfare and juvenile justice systems, such as the group care cap, the Medicaid initiative, managed mental health and substance abuse treatment initiatives, the expansion of family-centered services and decategorization of DHS fund have all impacted on the nature and availability of services for runaways and other youth and their families.

- Many runaways are clearly at risk of a variety of problems and Iowa's laws and service systems are not clear regarding the existence or nature of either local or state responsibilities to respond to runaways and their families.
- There are many reasons why children run away, there are many different types of children who run away and there are many different types of situations experienced by the child and their family before, during and after running-away episodes:

- ◇ Runaway behavior can best be understood and affected within the context of the runaway's family.
  - ◇ The ability to intervene with immediate assessment and stabilizing services to identify appropriate responses is crucial, as is the need to avoid immediate interventions that are not based on case-specific assessments conducted by qualified professionals.
  - ◇ Attempts to respond to all runaway behavior with "one-size-fits-all" solutions or "quick-fixes" that target only the youth will, in many cases, increase rather than resolve family conflict and problem behaviors.
- Iowa's current child welfare/juvenile justice system cannot begin a new effort to effectively deal with runaways without additional resources or there will be a reduction in the availability of services and sanctions for current CINA and delinquency cases. The amount of resources needed would be greatly affected by a number of factors, including whether the desired responses would require court jurisdiction (to allow the placing of new government-imposed restrictions on the behavior of children and their parents) or whether the desired responses would be designed to only include assistance and interventions offered as voluntary services to parents and youth.
- Restrictions on the use of secure confinement are not considered by most to be the main problem with Iowa's current responses to runaways. There is a documented concern that punitive reactions to many runaway youth will escalate, rather than resolve, problems related to runaway behavior. Debates over locking-up runaways have historically failed to successfully integrate: 1) the needs of runaways and their families; 2) the fiscal concerns over levels and types of interventions to be provided within the juvenile justice/child welfare system; and, 3) the due process and constitutional requirements of state and federal laws.
- Current planning efforts (e.g. Decategorization and Family Preservation and Family Support planning groups, S.A.F.E. Coalitions, Positive Youth Development Committees, Juvenile Crime Prevention Community Grant Fund committees and others) are now underway throughout Iowa and are identifying, prioritizing and attempting to address community problems such as child abuse, juvenile crime, truancy, etc. The extent to which these efforts are identifying and targeting their resources to their community's runaway problem varies.

- Certain issues associated with runaway behavior are unique to girls. Most of the juvenile justice system respondents in the UNI research felt that girls were more likely to be runaways than boys. Girls in the ISU research reported higher levels of sexual victimization than did boys.
- Youth of color are now overrepresented in almost all of Iowa's service systems, including those with the potential for dealing with problems involving runaways. There is a responsibility to insure that the different cultural needs of youth and their families are being recognized and met in service and system responses for runaways.
- The following listing is the set of general principles that the DHS Shelter Care Committee's Runaway Sub-Committee developed to guide any legislation that might be adopted related to dealing with runaways. The CJJPAC and the JJAC recommend that these guiding principles be considered in any runaway policy debate.

*1. The initial first step in any response to runaways, if they cannot immediately be successfully returned home, should be an assessment. Assessment services should involve the parents, and should be available as a component of shelter care or other community-based children, youth and family service provider. These services need to be networked with other community services.*

*2. Assessment services should be available to all runaways, not just chronic runaways. Early intervention is more likely to be successful. In addition, law enforcement should not be forced to make a determination if a child is a "chronic" runaway.*

*3. Services for runaways need to be integrated into the existing service delivery system, such as shelter care and family-centered services.*

*4. If a decision is made to provide assessment services for runaways, new funding will be needed for the assessments and for the service needs identified through the assessment. If new dollars are not provided, communities will be forced to reduce services to children in need of assistance and/or delinquents in order to serve runaways. The legislature should also designate who has responsibility for case management if service needs are identified through the assessment.*

*5. There is no evidence to indicate that secure detention is an effective or appropriate response to runaways. If, however, a decision is made to provide secure detention as an alternative, provisions*

*should be made to ensure court oversight and to limit use to only those situations in which a child has violated a valid court order. The law should also provide for sanctions for parents who violate a valid court order.\**

*6. Any effective response to runaways must be based on a community plan developed by representatives of law enforcement, Juvenile Court, youth and family service providers, shelter care, county and city government, DHS and schools. Such a plan should describe a course of action for those who come in contact with runaways, including a place for youth to be held pending reunification with parents and how the assessment process will be handled.*

*7. Any new programs for runaways should be set up as a multi-year pilot (minimum of 3 years), with sites in both rural and urban communities, and with funding provided for evaluation to see what works.*

*8. The impact of recently passed legislation to criminalize the harboring of a runaway should be assessed to determine the need for establishing exclusions for situations involving less than 24 hours if the person has made reasonable efforts to contact the youth's family or law enforcement, and for other situations involving a good faith effort to act in the child's best interest.*

- The JJAC and the CJPAC further recommend that the unique individual and family-related needs of girls and youth of color who are runaways be considered during any state, local or case-specific policy, service or sanction response to runaways.

\* NOTE: The two Councils debated the use of holds in juvenile detention or juvenile correctional facilities for runaways who have violated a court order as was indicated in number "5" above. Such holds would be allowable under the JJDP Act, providing all due process requirements are met. However, the research conducted for this plan reflects that runaways have often been victimized in their homes or on the streets. Additionally, research indicates that runaway youth are impressionable and often turn to acts of delinquency as a survival mechanism while on the run. The Councils debate focused on concerns that a valid court order process which would expose runaway youth to the delinquent youth presently being placed in juvenile detention or juvenile correctional facilities would seem counterproductive.