



Governor Kim Reynolds
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Iowa's Disproportionate Minority Contact (DMC) Compliance Plan 2018 Executive Summary

Background

This document provides basic data and an overview of Iowa's DMC reduction strategies planned for CY's 2018-20. It also provides information regarding a noteworthy partnership which combines state-level efforts to improve the juvenile justice system for girls and minority youth. The reduction strategies in this state-level report were developed and approved by Iowa's Juvenile Justice Advisory Council (JJAC), its DMC Subcommittee (DMC Sub) and the Iowa Task force for Young Women (ITFYW). The JJAC and its subcommittees are provided staff support by the Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning (CJJP). CJJP is the designated state agency administering federal Juvenile Justice and Delinquency Prevention Act (JJDP) funding.

Documents are available which provide statewide intervention and related data information. These are also available for the following local jurisdictions: Black Hawk, Dubuque, Johnson, Linn, Polk, Pottawattamie, Scott, Webster, and Woodbury counties. A full copy of the DMC Compliance plan is available by contacting Julie Rinker at CJJP (Julie.Rinker@iowa.gov, or 515 242-5823).

Over-engagement of Low Risk Youth and Insufficient Options for High Risk Female Youth

The ITFYW and DMC Sub have recently sought to formally integrate their individual efforts. This unique collaboration in its initial stages has highlighted two issues that bookend the juvenile justice system and which, if improved upon, can and will have a ripple effect on the entire system. They are highlighted below.

REDUCING OVER-ENGAGEMENT OF LOW RISK YOUTH AT THE FRONT END OF THE SYSTEM

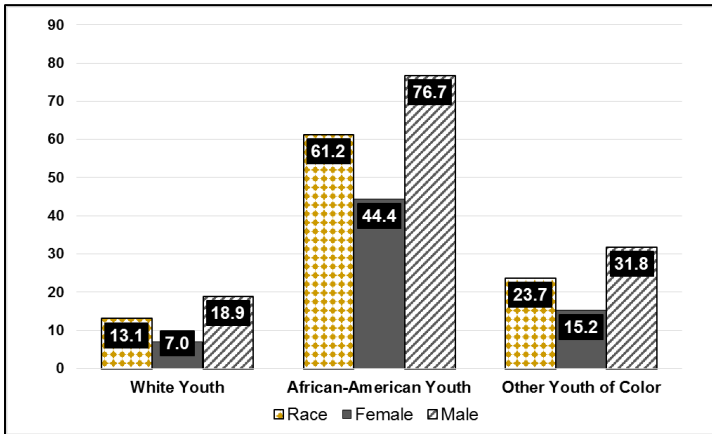
In Iowa, data indicates that low risk youth reoffend less when there are no services provided via juvenile court. When low risk offenders receive services they are more likely to reoffend. The problem of exacerbating recidivism through the over-engagement of low risk youth appears in the national research as well.¹ It is believed that by reducing the formality of juvenile justice system involvement with low risk youth, the amount of over-representation of youth of color in the system will be reduced as well.

Minority youth, particularly African-American youth, are ----

- suspended in schools (in and out-of-school) at a rate 4.7 times higher than White youth;
- suspension rates for African-American female and male youth are 6.3 and 4.1 times higher than that of White youth, respectively.
- referred to Juvenile Court Services at a rate 5.7 times higher than White youth;
- complaint rates for African-American female youth are 5.6 times higher and male youth are 5.7 times higher than that of White youth.

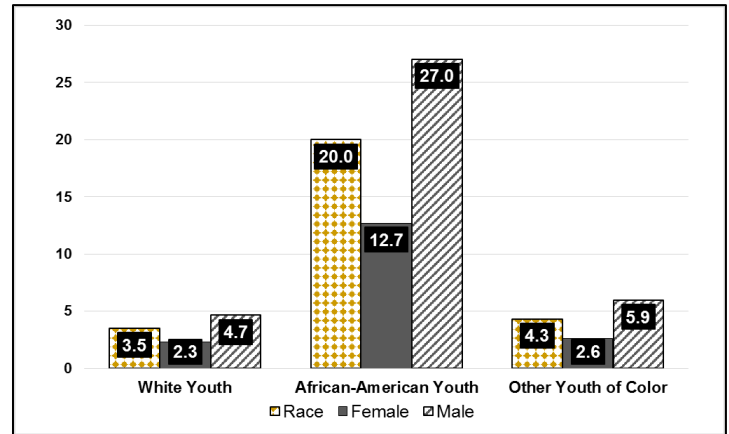
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Statewide Juvenile Suspension Rates per 100 Youth, 2013-2017



Source: Iowa Department of Education

Statewide Juvenile Complaint Rates per 100 Youth, 2013-2017



Source: Iowa Justice Data Warehouse

In most cases, the elevated suspension rates for African-American youth in Iowa’s schools are related to disruptive behavior, fighting, or attendance policy violations, while charges for such youth are for low-level delinquent acts (e.g. disorderly conduct, interference with official acts, theft 5th, etc.). Although a juvenile justice referral or arrest are not a certainty for all suspended youth, national research demonstrates a link. Millions of U.S. public school students in grades K-12 are suspended or expelled in an academic school year, particularly students in middle and high school. According to research by the Council of State Governments, when students are removed from the classroom as a disciplinary measure, the odds increase dramatically that they will repeat a grade, drop out, or become involved in the juvenile justice system. These negative consequences disproportionately affect children of color as well as students with special needs.ⁱⁱ

Importantly, youth with minor school discipline issues or low-level offenses are not typically at risk to reoffend nor an increased threat to public safety, without accompanying risk factors. Presently in Iowa, youth with only school discipline issues, are not referred to Juvenile Court Services. While a number of factors may raise risk level, previous charges are the most prevalent predictor of recidivismⁱⁱⁱ.

Iowa’s DMC Sub, in conjunction with CJP and other state and local officials, has been approved for national-level training and technical assistance related to pre-charge diversion programming that will be driven by research on the reduction of disproportionate minority contact. The goal is to produce a replicable product for use in any community, which includes standardized processes, templates for policies and procedures, and identifies relevant data to collect all while accounting for existing efforts in Iowa.

Importantly, pre-charge diversion allows youth that are not a risk to public safety from incurring charges or entering the juvenile justice system. Juvenile justice system involvement may affect a youth’s future education, work history, military service, housing, etc. A number of the local jurisdictions have experienced noteworthy overall reductions in suspensions and referrals to JCS. Unfortunately, in most cases, the overall reductions have not been as great for African-American youth, and have not reduced the over-representation compared to white youth as hoped. Within Iowa’s technical assistance request, there is a specific desire to explore further research regarding state/local efforts that have successfully reduced disproportionate minority contact and also identify key standardized data elements that can assist in improving upon previous results.

Expanding and improving the options for high risk youth at the back end of the system

In 2017, a report^{iv} detailed a number of recommendations to improve the Iowa juvenile justice system for girls who had exhausted all other resources and were a risk to public safety. “Serious, violent and chronic” used in that report as a descriptor of the girls relates specifically to eligibility for placement in a state training school setting as outlined in Iowa Code (§232.52) regardless of whether a placement occurred. It is also used equivalently for “high risk” to reoffend as a descriptor in this document.

Between July 1, 2016 and June 30, 2017, there were 68 females eligible for placement in a state training school setting and approximately 450 males. While the accuracy of the data for males requires further validation, the table below is an accurate depiction of the racial breakdown of females and a fair representation of the racial breakdown of males.

	White	African-American	Hispanic	Other	Total
Females	50.0%	39.7%	7.4%	2.9%	100%
Males	61.8%	25.2%	8.2%	4.8%	100%

Source: The Deep End: Serious, Violent and Chronic Female Offenders Data Report, SFY 2017

African-American youth, especially African-American females (39.7%) are disproportionately represented, as the general population of African-American females age 10 to 17 in Iowa is approximately six percent. The group of African-American females in the above cohort is more than six and a half times greater than their representation in the general population. While it is obviously vital to work at the front end of the juvenile justice system and other related systems to prevent the over-representation of African-American youth, it is also crucial that services and system processing at the deep end of the system use a culturally-responsive lens and approaches with those youth who are already there and being under or ineffectively served.

In the above mentioned report, it is documented that the average length of stay in detention for all girls involved in the juvenile justice system, not just those in the serious, violent and chronic category, went from 10.7 days in 2011 to 15 days in 2015 and has remained at the higher level in 2016 and 2017. This increase is conceivably driven in part by the lack of options for high risk girls as the upward trend began at the time of the closure of the state training school for girls and cannot be attributed to an influx of “new” girls since volume in the juvenile justice system dropped over those same years. Unfortunately, detention is not intended to be long term treatment and as such is not therapeutically oriented. It is also the most comparatively expensive option available with the highest level of security.

Across the country there has been a slow but steady move to decrease the use of secure out-of-home placement for delinquent youth. Guidance on this topic, including from the Office of Juvenile Justice and Delinquency Prevention indicates that this is appropriate when public safety is not an issue. The Iowa report focuses on high-risk girls who do pose a threat to public safety. These girls have been through multiple community-based services and out-of-home placements with unsuccessful results.

A culturally-responsive girls-only facility is necessary for a small number of high risk (i.e. serious, violent, and chronic) female juvenile offenders. Female pathways into delinquency, abuse and trauma histories as well as broader gender-based experiences and expectations make single-gender environments the only option. It is important that this environment be not only culturally and female-responsive, but also specialize in high risk delinquency. The facility should be for only the highest risk girls. When higher risk and low/no risk offenders are served in the same setting, the offending behavior of the low/no risk youth increases.

Although improving the lives of girls and protecting public safety are obvious reasons to address this aspect of the juvenile justice system, there are other reasons for action as well. The cost of failure with these girls in the juvenile justice system will result in the young women entering in the adult criminal justice system. This is infinitely more expensive at both a human and dollar level than it is to invest in these girls now. Also, given the intergenerational nature of involvement in the justice system, this is a group of girls who are likely to be the mothers of the next generation of delinquent offenders if we are unsuccessful at intervening now.

DMC Reduction Strategies, State Level, CY2018

Multiple planning efforts are being incorporated into this Three Year Plan submission and the State-Level DMC Reduction Strategies. Those planning efforts will include the essential participation of various state partners including: State Court Administration (SCA), Department of Public Safety (DPS), Department of Human Services (DHS), and Department of Education (DE).

Minority youth, particularly African-American youth, are overrepresented throughout Iowa’s juvenile justice system. In particular, overrepresentation exists at complaint, petition, detention, STS placement, and underrepresentation at diversion. Iowa’s listed strategies are targeted to reduce overrepresentation/underrepresentation at key decision points.

Specialized Planning Initiatives

- Iowa Task Force For Young Women Collaboration (ITFYW) –The formal integration of the individual efforts of the ITFYW and DMC subcommittees noted above will be conducted in part via joint meetings. The collaborative activities will include: development of data reports for deep-end boys of color, insuring the needs of overrepresented girls central to efforts of the groups, establishing deep end setting for girls and insuring a continuum of care for juvenile justice system girls.
- Collaboration JJSI - National partners conducted an assessment (Council of State Governments, National Youth Screening & Assessment Partners, and Center for Juvenile Justice Reform) and made several recommendations based on these results which include JJSI consultants coordinating with OJJDP officials for the provision of a pre-charge diversion technical assistance, and support for implicit/explicit bias training for juvenile justice system officials.
- Refugee/Immigrant Youth – Juvenile Justice system officials, JCS, judges, private youth serving agencies, law enforcement will be surveyed and provided with information that can better assist refugee/immigrant youth. The effort will provide an informed knowledge base related to the various resources and understanding of the applicable legal processes of relevance to such youth.
- Juvenile Detention Alternatives Initiative (JDAI) – Detention Screening Tool (DST) Evaluation - CJJP, working with SCA, has established a team of juvenile justice system officials to review the implementation and functionality of the DST. The DST evaluation effort is part of a broader effort related to JDAI and JJSI.

Local Collaboration and Training – Local School Administration Strategies – Local Law Enforcement Strategies

- Engagement of Local DMC Collaborations – CJJP and its partners will continue the process of discussions with key local officials in some of Iowa’s most urban communities (e.g. Black Hawk, Des Moines, Dubuque, Johnson, Linn, Polk, Pottawattamie, Scott, Webster, and Woodbury Counties). Many of those local efforts relate to keeping low risk youth diverted from formal system processing, engagement of local leadership, and the development of local actions based on data.
- Pre-Charge Diversion Technical Assistance (TA) Request - Four local jurisdictions, Black Hawk, Johnson, Scott, and Webster Counties have noteworthy efforts underway related to pre-charge diversion. CJJP has approval for a technical assistance request to OJJDP and will be working with local officials in those jurisdictions for a state-level data collection protocol and policy recommendations regarding best practices for the use of such models, and expansion to other jurisdictions.

Ongoing Efforts of the State DMC Subcommittee

- DMC Subcommittee - Iowa continues to maintain an active DMC Subcommittee. The group meets quarterly and has been in existence for 17 years. CJJP provides staff support for the Subcommittee. The DMC Subcommittee serves as the planning body for Iowa’s overall DMC efforts. That group will continue meeting regularly in the three year planning cycle.

State Level Leadership

- Engagement of State Leaders – CJJP and SCA will continue their meetings with directors/administrators from the DHS, DPS, and DE to discuss existing and ongoing DMC efforts. The overall strategy of the discussions is to encourage collaboration with the major agencies connected to the juvenile justice system. Each of those agencies has existing efforts to affect DMC and has committed to assisting with state and local efforts to reduce minority overrepresentation.
- Validation of the IDA - A Washington State researcher is currently re-validating the IDA and a final product is expected in late 2018. The overall analysis reflects a strong validation of the instrument. CJJP will work with SCA, Iowa’s Chief JCO’s, the DMC Subcommittee and the ITFYW regarding recommendations from the validation.

Regular Data Reports

- Provision of Data - CJJP continues its work with SCA and multiple other state and local agencies for the regular provision of data related to juvenile justice system processing including census, arrest, school discipline, etc. The effort will continue to provide information for the 10 local DMC planning sites and statewide reports.
- Minority Impact Statements - Iowa is the first state to have enacted legislation that requires bills submitted to its legislature that could have an adverse impact on minority populations be provided a written minority impact statement. CJJP has provided numerous impact statements since the bill became law. In a number of specific cases, bills with a potentially negative impact have not passed.

ⁱ [Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low-Risk Offenders.](#) Christopher T. Lowenkamp, Edward J. Latessa. 2004.

ⁱⁱ [Breaking School Rules: A Statewide Study on how School Discipline Relates to Students' Success and Juvenile Justice Involvement.](#) Fabelo, Thompson, Plotkin, Carmichael, Marchbanks, Booth. 2011.

ⁱⁱⁱ [Examining the Validity of a Juvenile Offending Risk Assessment Instrument across Gender and Race/Ethnicity.](#) Baglivio, M.T. and Jackowski, K. Youth Violence & Juvenile Justice 11, no. 1 (2013): 26-43.

^{iv} [Serious, Violent and Chronic Juvenile Female Offenders: Service and System Recommendations for Iowa.](#) Iowa Girls Justice Initiative. February 2017.