

Community Interventions to Reduce Over-Representation in Iowa's Juvenile Justice and Child Welfare Systems

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Background

The DMC Resource Center's at the University of Iowa has linked efforts to eliminate disparities in the juvenile justice system with efforts to reduce over-representation in child welfare. Recent efforts have shown that measurable results can be achieved through a combination of systems change and direct practice. We have found that staff in all systems need better training and awareness of cultural competency, and awareness of disproportionality and the relationship between child maltreatment and juvenile justice involvement. We have also found that where one approach to a family or child or system does not succeed, alternatives must be explored which draw on the unique strengths of individuals and communities to effect change. Simply doing more of the same thing will not result in better outcomes. It should also be recognized that children and youth who are incarcerated, often for offenses which do not threaten public safety, are exposed to negative influences and the harm suffered as a consequence of detention which may far exceed the temporary convenience of confinement. As Amesty International has noted:

Reports from around the USA also suggest that there is a shortage of services for children that might keep them out of the juvenile justice system altogether, particularly mental health services. For example, a recent report by Louisiana state officials acknowledged that secure facilities held many children who had been "discarded" from the mental health, educational, child welfare and other systems of care. Social workers in a number of states have instructed desperate parents to have their children arrested in order to get services because community health services are so scarce. In Dallas, Texas, a mental health professional reported in 1998: "I had a 15-year-old girl who was hallucinating and psychotic and a staff member from Mental Health and Mental Retardation agreed she needed hospitalization. But then she said they were over budget for the year, so couldn't I find an offense that would get her arrested, like an assault?"

Observation of the processing of juveniles supports Amnesty's contention that "juvenile justice systems should as a matter of course assess children to determine whether they should receive specialized care rather than be placed in a detention or correctional facility" and I would add, this should be done before holding in a detention facility. Research reported by CWLA (especially John Tuell's article "Promoting a Coordinated and Integrated Child Welfare and Juvenile Justice System" and Michelle Green's November/ December 2002 article in Children's Voice, "Minorities as Majority: Disproportionality in Child Welfare and Juvenile Justice") and others (e.g., Dennette Derezotes "Examining Child Maltreatment and the Impact of Race in Receipt of Child Welfare Services in the United States and the Juvenile Justice and Delinquency Prevention Act reauthorization of 2002,) have documented the relationship between child maltreatment and juvenile justice involvement. Yet Derezotes reports that while the three National Incidence Studies "compared Caucasian, African American, and other children [on maltreatment occurrence by race and ethnicity]... all three studies concluded that there are no differences in the incidence of child abuse and neglect by any racial group.

Since the data do not support over-representation as a result of incidence of maltreatment, Derezotes concludes that child welfare agencies are largely responsible for the vastly disproportionate rates of child welfare system involvement of African Americans. She points out that eight states have been granted Title IV-E waivers to build on the strengths of extended families and cultural traditions to turn kinship arrangements into positive advantage to achieve permanency. While Iowa is not among the eight states, the work underway is directly in line with the more strengths based and family centered approach to community-based interventions.

The research on differential offending versus institutional bias, and the research on maltreatment incidence parallel one another. We frequently encounter questions about the cause of over-representation or more precisely, who's to blame?

There may be some social psychological research we should explore that would help in understanding the question. Research conducted many years ago by this author found that situations that appeared to be clear (v. ambiguous), negative (v. positive) and with serious (v. mild) consequences were associated with personal attributions rather than attributions of responsibility to the situation or circumstances (Richardson, 1978, "How We Judge Others: The Attribution of Responsibility). Other research on attribution theory also examined "locus of control" and its association with blaming victims. Those who link reward with their own behavior (internals) tend to attribute responsibility to actors in other situations while "externals" tend to believe in a "difficult world, an unjust world, a world governed by luck, or that the world is politically unresponsive." There are cultural differences and differences in perspective between the way minority families and professionals involved in the system view the world.

What we have found in research conducted using juvenile detention data collected over a five year period of time in Polk County, Iowa, is that while offense severity is the strongest predictor of the decision to detain or not to detain, race accounts for a small but significant portion of the variation in detention *unmitigated by any other variable entered into the equation*. For a decade minority youth have represented one-third of the youth detained in Iowa while making up less than ten percent of the youth population.

Iowa reflects the national trend in child welfare as well where children of color represent nearly half of the foster care population compared to 20 percent of the nation's children (NDAS, 2005). In Iowa, children of color comprise 12 percent of the population and more than 20 percent of those in the child welfare system (Child Welfare Outcomes Report, 2001).

Derezotes (2002) reported that while African American children represent 15 percent of the child population, they represent 31 percent of the founded reports and 45 percent of out of home placements. However, she reports that National Incidence Studies found "no differences in the incidence of child abuse and neglect by any racial group." Although data suggest they are not at greater risk for abuse or neglect as noted above, minority children are clearly over-represented in the child welfare system. From administrative data we also know that children of color experience a higher number of placements and are less likely to be reunified with their birthparents. According to a Casey Fact Sheet referenced by the Children's Bureau, "Even when children and families of color have the same characteristics as their Caucasian counterparts, research reveals differential treatment at virtually all points of the child welfare decision-making process including reporting, investigation, child placement, service provision, and permanency decision-making."

Much like the child welfare system, the juvenile justice system is finding ways to grapple with the overrepresentation of youth in its system. This issue has received Congressional attention through passage of the Juvenile Justice and Delinquency Prevention Act of 2002 (JJJPA). JJJPA requires states who receive Formula Grants to "address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system." Further, each state is required to report their progress. States that do not comply could be penalized by losing up to 20 percent of their Formula Grant allocation for the year.

Iowa's Efforts to Reduce Disparities

For more than a decade, minorities have been over-represented in the juvenile justice and child welfare systems in Iowa. JJJPA also recognized that prevention of suspensions and expulsions is also linked to reduced involvement in the juvenile justice system. The Des Moines Public Schools recently requested that

the DMC Resource Center work with them to address over-representation in suspensions and what is referred to as the "achievement gap" as a part of their "Plan for Progress."

Iowa Gov. Tom Vilsack has expressed support for the statewide effort to help communities address the overrepresentation of minority youth in the juvenile justice and child welfare systems. "A third of Iowa youth held in juvenile detention facilities are minority even though they make up only nine percent of the state's youth population," Vilsack said. "This is an issue that we need to address" (University of Iowa News Release, 2004). However, the state numbers have remained disproportionately high. A brief visit on any given day to many of the detention facilities will give you the impression that about one-half of confined youth are minority. This is especially the case in Sioux City (Woodbury County) and Des Moines (Polk County), two sites where the University of Iowa's DMC Resource Center, in collaboration with the Iowa Department of Human Services and the Iowa Department of Human Rights, has targeted efforts working with multiple initiatives and community groups.

Reducing Overrepresentation in the Child Welfare System

The DMC Resource Center is currently involved in efforts to reduce minority over-representation in juvenile justice, child welfare, and improve educational outcomes. Originally founded in 2002 at The University of Iowa School of Social Work's National Resource Center for Family Centered Practice, the DMC Resource Center was intended to serve statewide and community efforts to reduce over-representation in the juvenile justice system. Working with the Department of Human Services the DMC Resource Center is also working to reduce over-representation in the child welfare system through the *Minority Youth and Families Initiative (MYFI)*. This initiative has pilot projects in Des Moines and Sioux City.

In Des Moines, the MYFI project is implemented by PACE Juvenile Justice Center, a local inner-city non-profit. For the MYFI project PACE provides case management and family support services to African-American households referred by DHS where there has been a maltreatment report to DHS and where other children in the home may be at risk. Using "embedded workers" as case workers (i.e., workers who live in the community in which they are working) who are culturally sensitive and who employ a strengths-based and family-centered approach, the project has been able to prevent re-abuse, prevent abuse of other children in the families, and prevent the need for foster or group-home care. To date, *no subsequent maltreatment reports* have been filed on any of the 14 families, including 22 children, who have participated in the program since January of 2005.

In Sioux City, where there is significant over-representation of Native American children and youth in the child welfare and juvenile justice systems, MYFI is

responsible for the creation of a Specialized Native American Unit within DHS. The Unit's goals include earlier identification of relatives as placement options, recruitment and retention of Native foster homes, and utilization of family team meetings. Since January of 2005 10 workers have accepted assignment to the unit and to date approximately 30 families and 120 children have been served with 8 diverted to tribal jurisdiction and another 15 families participating in preventive services. To date there have been no new maltreatment reports among the families receiving services. Since December of 2004 the percentage of Woodbury County Native American children in group care has been reduced by 11 percent, in foster care by 25 percent and in shelter care by 17%.

Reducing Over-representation in the Juvenile Justice System

The DMC Resource Center has targeted efforts in counties where there is over-representation in secure confinement and assists local efforts to address related issues. The technical assistance provided is in support of county-based coalitions who have identified over-representation as a priority. The DMC Resource Center has helped by analyzing local data, providing training, and has helped to keep the process moving forward by attending meetings, providing information, research, evaluation, education and helping to obtain needed expertise for communities.

To heighten awareness statewide, each year an annual DMC Resource Center Conference is held which brings together social workers, attorneys, police, educators and other professionals and community members for two days to discuss over-representation, disproportionality and solutions. Last year the conference drew 300 participants representing 14 states. The annual conference is credited with raising awareness of the issue of over-representation throughout the state.

Although over-representation continues to exist in the state, there are areas that have shown improvement. For example, analysis of relative rates for Muscatine County youth in secure confinement show a reduction from 200% over-representation in the years 1998-2002 to a relative rate index of 1 in 2004 meaning that over-representation does not currently exist in the county. In Des Moines, while the percentage that minority youth comprise in secure confinement has remained largely unchanged, the relative increase in the minority youth population has been greater suggesting that in real terms a slight reduction in over-representation has occurred.

Reducing Over-Representation in School Suspensions

Not only are there disparities in terms of minority over-representation in the child welfare and juvenile justice systems, over-representation also occurs in school suspensions which correlate with involvement in other systems. For example, African American students are also arrested at rates that far exceed their

proportion. “Black students, who constitute 15 percent of Des Moines' high school student body, accounted for 33 percent of the 556 arrests” (Des Moines Register, June 17, 2003). Data collected in the Des Moines area at the county detention center also show that youth who appeared at the detention center and were detained had an average of nearly 11 school suspensions. According to the Des Moines Public School's (DMPS) Plan for progress, the “students who are most at-risk for suspension are African American, male, have academic difficulties, and receive special education services. These characteristics are often included in the profile of students who drop out of school” (DMPS Plan for Progress, 2005) and those who are disproportionately confined in secure detention.

In 2005 the DMPS requested training in strengths-based culturally competent group facilitation for social workers and psychologists. The DMC Resource Center provided the training and worked with DMPS to process the information obtained through a series of focus groups conducted with African American and Latino students who had been suspended, and a parallel set of focus groups with their parents. Some of the findings from the focus groups were:

- Despite acknowledging that suspension was necessary under certain circumstances, parents and students thought that suspension “does not work,”
- there is a perceived interaction between race and suspension and race is believed to play a role in whether or not a student is suspended,
- parents recognize that they play an important part in setting expectations for student behavior,
- power and respect between school staff and students is an issue in need of attention at all schools,
- students perceive a need for more diversity and cultural competence training among school personnel,
- students would like more mentors and teachers who “understand and support them,” and
- school personnel who conducted the focus groups came away with an appreciation of the depth of student understanding of the issues being discussed.

Strength-Based Community Approaches

The efforts undertaken by the DMC Resource Center to assist communities in reducing over-representation of minority children and youth who have come into contact with the juvenile justice and child welfare systems require ongoing attention to the details of the community-based interventions. It is not an easy model to fully implement because it requires continual reflection, revision and revisiting intellectually, conceptually and with on-site work.

Fundamentally, we want to identify areas of focus and strategies which will effectively reduce over-representation. We strive to collect data on outcomes and the extent of successful community collaboration among those identified as critical to the intervention process. Data are necessary to build future understanding of:

- the effectiveness of implementing alternative services
- the effect on access
- the importance of the inclusion of culturally competent practice (e.g., extended family and other supports such as faith based)
- the extent of enhanced ability to build on community strengths and resources, and
- the extent to which achievement of goals is sustained,

Outcome evaluation provides historical and baseline documentation in addition to assessing the results of current activities. Where a report is available, it can be referenced in the future for quality assurance purposes or as a tool to compare current outcomes with the previous status of similar measures. Documentation of intervention activities, outcome evaluation data and analyses provide a guide to aid in ensuring the effectiveness of local intervention strategies.

Implementation of a strengths-based community intervention draws heavily from family development and matrix model literature and work and is essentially a systems change model. Similar to the way in which practice innovations target direct practice results, community practice targets systemic results (c.f., Kohombian, 2002; Weisberg, 2002 in the National Resource publication "The Prevention Report"). It is a process and a values base which requires a support focus designed to enhance strengths at every level. Direct service workers are asked to maximize input from clients and to build on self-identified strengths and mutually agreed upon goals. Administration must also enhance effectiveness by maximizing worker input. The model is intended to promote independence and stability at all levels and, as Connie Burgess described in her workshop at the 2005 Joining Forces Conference, to challenge the difference between boundaries and barriers.

Achievement of outcomes using a strengths-based approach is usually quicker and the results are more sustainable making more cost-effective the achievement of outcomes achieved in this manner (c.f. Nelson et al., 1996; Richardson, et al. 1995). We must assume that all families and all communities have strengths and that each individual's strengths are unique, each family's strengths are unique, and each system is unique. Change is supported by identifying and building on those unique strengths. Like individuals and families, all environments have strengths upon which to build (c.f. Wollesen, 2002; Endres, 2000). Further, people know their strengths and needs whether at the

individual or community level, and the identification process helps us explore not only the inventory of strengths but also the recognition of commonalities. In contrast where we have seen systems respond with consistent punitive measures positive change has not been observed.

Creating a resilient healthy family or community is not working toward an ideal set of strengths. What strengthens one family or community may not strengthen another and strengths must be discovered with each encounter. For communities, the effective use of evaluation information parallels the therapeutic process with individuals where strengths in domain areas are identified (e.g., Richardson, Spears and Theisen, 2003). At the community level we have found the use of social network analysis methods to be particularly effective for identifying and measuring strengths in community collaborative activities. The use of data through research and evaluation efforts provide an information base upon which we can identify strengths and promote informed decision-making (Richardson, Spears & Theisen, 2003). Community intervention occurs best in the same manner.

We also need to involve families more at the front end. Those working in the system need to develop positive relationships with parents in working with youth who need help, and those in administrative positions need to facilitate and require change in the system to better serve families. While poverty and racism may be a contributing factors to over-representation, we do not have a clear understanding of why the disparity exists, and why in particular it exists for African American youth. We do know that the over-reliance on current practices of suspension, confinement and out-of-home placement are not effective and in the end produce disparity. Better alternatives need to be found that are informed by evidence-based practices characterized as strengths-based, solution-focused and family centered.

Our approach involves a combination of both art and science (Richardson and Thomas, 2005). The art involves doing your homework, paying attention to sensitive issues, establishing credibility and legitimacy within the community, engaging detractors, seeking continual feedback and separating the message from the messenger. The science involves identifying issues that are known to directly effect disproportionality rather than those with a more general relationship (e.g., poverty) and maintaining the focus with ongoing attention to measurable results. The science also involves gaining judicial support, finding and supporting a functional leader or “champion” of the cause, and engaging communities in a way that encourages involvement from everyone because it is in everyone’s best interest to address disproportionately.

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