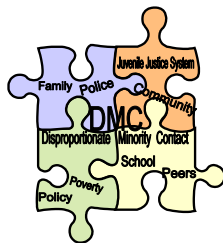


Report of the DMC Resource Center to the Governor's Youth Race and Detention Task Force

JUVENILE DETENTION AND ALTERNATIVES: PERSPECTIVES FROM THREE COUNTIES



National Resource Center for Family Centered Practice
The University of Iowa School of Social Work
100 Oakdale Campus, W206 OH
Iowa City, Iowa 52242-5000
Phone: 319/335-4965; Fax: 319/335-4964
Web site: www.uiowa.edu/~nrcfcp

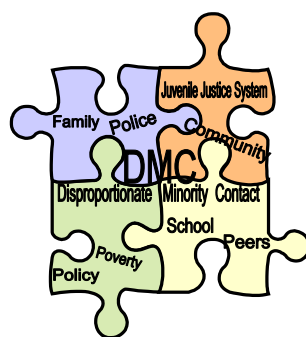
May, 2008

the
National
Resource
Center
for
Family
Centered
Practice



Report of the DMC Resource Center to the Governor's Youth Race and Detention Task Force

JUVENILE DETENTION AND ALTERNATIVES: PERSPECTIVES FROM THREE COUNTIES



Authors: Brad Richardson, Ph.D.; Kellee McCrory, M.P.H.; Julia Rembert, M.S.W.;
Martha McCormick, M.S., Nancy Graf, B.A.

Suggested citation: Richardson, B. et al. (2008). *Juvenile Detention and Alternatives: Perspectives from Three Counties, Report to the Governor's Youth Race and Detention Task Force*. Iowa City, IA: University of Iowa School of Social Work, National Resource Center for Family Centered Practice, DMC Resource Center.

This project was supported by the Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning under Contract/Grant No. CFDA 16.540. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the Department, the Division, the Governor's Youth Race and Detention Task Force or the University of Iowa.

**Report of the DMC Resource Center
to the Governor’s Youth Race and Detention Task Force**
JUVENILE DETENTION AND ALTERNATIVES:
PERSPECTIVES FROM THREE COUNTIES

TABLE OF CONTENTS

| Section | Page No. |
|---|-----------------|
| Executive Summary..... | 3 |
| Introduction..... | 7 |
| Background and History of JDAI..... | 7 |
| Development and Design..... | 8 |
| Method..... | 8 |
| Sample..... | 9 |
| Results..... | 9 |
| Engagement and Commitment of Top Level Officials..... | 10 |
| Detention and Detention Alternatives..... | 10 |
| Other Factors Influencing Decision..... | 13 |
| Factors Affecting Law Enforcement..... | 14 |
| Use of the 48-Hour hold | 16 |
| Additional Areas of Inquiry on Uses of Detention and Alternatives..... | 17 |
| Funding Issues and the Use of Detention and Alternatives..... | 20 |
| Collaboration among Systems Providing Youth Services..... | 20 |
| Cultural Competency in the Systems that Serve Youth..... | 23 |
| Progress to Reduce Racial Disparities..... | 24 |
| Conclusion..... | 26 |
| Recommendations..... | 34 |
| References..... | 36 |
| Appendix A: Relevant Iowa Code Sections..... | 40 |
| Appendix B: Semi-Structured Interview Guide..... | 45 |
| Appendix C: Tables of Detention Alternatives in Communities and Their Characteristics | 46 |
| Appendix D: Cultural Competence Continuum: Agencies and Professionals..... | 51 |

**Report of the DMC Resource Center
to the Governor's Youth Race and Detention Task Force:**

**Juvenile Detention and Alternatives:
Perspectives from Three Counties**

Executive Summary

Background and Method

This study was part of a larger plan to establish Iowa as an Annie E. Casey Foundation (AECF) Juvenile Detention Alternatives Initiative (JDAI) site. The AECF Director of Programs for High Risk Youth requested that the DMC Resource Center conduct a qualitative study involving top administrative officials and those employed in youth-serving systems in the three sites. The primary purpose of the study was to demonstrate commitment of top administrative officials and provide information about the use of detention and the use of alternatives to detention in three counties in Iowa: Black Hawk, Polk and Woodbury. Findings derive from analysis of interviews with 140 individuals during.

Commitment

Top administrative officials who were identified as essential to JDAI in Black Hawk, Polk and Woodbury County participated without exception. Their leadership is considered essential for establishing policies and promoting changes necessary to achieve the desired outcomes. In addition demonstrating commitment to JDAI through participation, the information gathered indicates widespread belief that only with the full support of agency administrators will necessary changes be made in systems to reduce the secure confinement of young persons and the disproportionate confinement of minority youth.

Detention, Alternatives and Decision-making

A variety of services described as alternatives were described in each of the three sites. However, these services are used in ways that do not reduce the use of detention and they are not currently organized for that purpose. Youth served by alternative services were described as "*the same kids*" as those held in detention. The term "*the same kids*" also includes crossover with child welfare and school disciplinary systems. A large percentage of youth held at detention centers were reported to be referred directly from schools or school alternative programs. As a result, in addition to detention alternatives changes were reported to be needed in other systems linked to the juvenile court system. In many instances, alternative services were reported to follow, rather than precede being held in a detention center. Training and skill building in cultural and linguistic competency, employing evidenced-based practices and using tools to assist in reducing race bias in decision making were reported to be needed among juvenile court officers and also child welfare, law enforcement and school staff. The training needs identified address the finding that the formal system tends to yield to informal decision-making and it is the accumulation of informal decisions throughout the systems which lead to the over-representation of minority youth. No specific criteria currently guide decisions about who goes to the detention center or alternatives and decisions were reported to be made on a case-by-case basis with subjective information.

Funding Issues

In a report by Lantz (2008), funding for delinquency programs was shown to decrease between 2001 and 2005 by 62 percent (from 13.7M to 8.4M). Reduced funding and gaps in services were reported to have an effect on the use of detention. The group care cap was identified specifically as a funding issue impacting placement options. Lack of funding for mental health services was reported to be a concern because this can lead to involvement in other systems. According to anecdotal reports, there are cases where, in order to access funding for services, young persons “need to commit an offense.”

Collaboration

Agencies that provide services to youth were generally reported to work well together at the systems level. On individual cases and at an interpersonal level there is considerable variation in how relevant stakeholders interact. Improving engagement of family systems and empowering children, youth and families through strategies such as family team meetings was reported to be an effective way to “*focus on what the juvenile needs rather than what I [as a provider] want.*”

Measures and Outcomes

Data are collected by each detention center and the Iowa Court Information System provides data which populate official relative rate matrices identifying disproportionality at decision points (http://www.uiowa.edu/~nrcfcp/dmcr/facts_and_figures.shtml). However, few analyses beyond the descriptive level have been performed in part due to a lack of reliable and well-organized individual level data. While data provided in aggregate provide good overall measures (e.g., by county or detention center) analysis of individual level data are needed to further our understanding of factors and processes (c.f., ecological fallacy).

Cultural Competency

Concerns about the level of cultural competence were expressed in each of the sites. While there are opportunities for cultural competence training those trainings are typically “stand alone.” To be more effective cultural competency content was described as a need within other ongoing agency and community training.

Progress Being Made

Progress was reported in raising awareness about the issue of disproportionality. Activities underway were believed to be leading toward reduced disproportionality. Increased openness to discuss the issue of racial disparities, the development of the Governor’s Youth Race and Detention Task Force and specific programs and initiatives underway in each of the communities and at the state level were cited. Feelings were also expressed that much more could be done particularly in the area of cultural competency training and gaining more input from youth and parents to contribute to solutions.

Recommendation 1: Maintain engagement and commitment of top officials who must encourage the use of evidence-based practice and who can require follow-up on measureable results of disproportionality reduction efforts.

At a minimum, engagement is a promise to be present and commitment is an agreement or pledge to take action. A significant perception is that change must come from the top through mandates by agency administrators. Their leadership is essential to establish policy and promote changes necessary to achieve the desired outcomes. Relying upon direct service providers and delegated administrative responsibility will result in frustration because institutional barriers can only be effectively changed by policy from the top administrative level. Agency administrators must themselves participate at the state level (e.g., Governor's Youth Race and Detention Task Force) and at the local level (e.g., DMC and JDAI committees) for those efforts to be effective.

To reduce racial disparities it is incumbent upon the top administrative officials to promote the use of evidenced-based or evidence informed practice and develop a follow-up plan based on the use of valid and reliable tracking measures. For example, teaching students pro-social behaviors focusing on adult interactions and tiered interventions for at-risk students has been shown to reduce suspensions throughout the country and could be encouraged and implemented by school superintendents in the local sites. At a recent YRDTF meeting Waterloo reported implementing Positive Behavior Supports (PBS) district-wide with support from the board and top administration to address disproportionality in suspensions and the achievement gap with success. At minimum, specific evidence based practices with measureable results of disproportionality reduction should be implemented and monitored with responsibility assigned and adequate support provided for ensuring achievement of the desired results.

Recommendation 2: Conduct a thorough review and reorganization of services and their use, adopt evidenced-based practices and track measurable results.

It is especially concerning that alternative services were reported to follow, rather than precede being "locked up" in a detention center. Reasons for detention, the use of alternatives or diversion and the description of the characteristics of these interventions were not clearly or consistently articulated. Attention must be paid to the unintended consequence of simply desensitizing a young person due to inconsistent and ineffective system responses. A review of existing services, explicit restructuring and reorganization of their use with a specific focus on creating a race neutral system and reducing racial disparities should be undertaken. This recommendation is further supported by HF2393 enacted in 2008 which requires minority impact statements which address any unique impact of policies or programs on minority persons in Iowa.

The use of a statewide structured decision-making tool for detention screening has been suggested at the Governor's YRDTF; this is a first step in adopting evidence-based practice (EBP). Cultural competency and skill building are two areas in which much additional training was reportedly needed both are essential elements of EBP. Juvenile justice, child welfare, law enforcement and school staff were specifically mentioned as needing more cultural competency training. Because utilization of skills is sometimes affected by institutional barriers, in addition to measuring knowledge gain from training there is also a need for follow-up measures of skill utilization. Identification and use of evidenced-based practices and decision-making tools not only assist in reducing race bias, they also help agencies focus on adult interactions with young people or students which is also needed. EBP requires that we collect data that are analyzable at the aggregate level and also at the individual; both levels of analysis are important for assessing outcomes and furthering our understanding.

Recommendation 3: Restore funding to previous levels and increase funding for programs and services that intentionally target DMC reduction after reorganization under Recommendation 2 is accomplished.

Those detained compared to those in alternatives were perceived to be the same young people with co-occurring or previous involvement in the child welfare system and school disciplinary systems. A majority of the young people appearing at detention centers were reported to be referred by schools or school alternative programs and were referred to as “*the same kids.*” Clearly, making changes in other systems linked to the juvenile court system is needed to reduce disproportionality and detention and alternatives must be restructured so that alternatives precede detention.

Funding decreases since 2001 were also reported to have increase the use of treatment options considered inappropriate. Restoring funding to previous levels is recommended; however, in conjunction with increased funding there should be an intentional focus on reducing racial disparities in detention and at other decision points defined as those appearing in the official relative rate matrices. Awareness must be maintained that restored funding for the programs could result in unintended consequences; therefore, while improving the juvenile justice system for the general population additional funds should be specifically targeted to reduce DMC to assure that “net widening” (pulling in youth who would not otherwise be in detention) does not occur. Great caution should be taken to assure that any programs that might be funded should be focused in the short term on providing services to youth who would otherwise be in secure detention. Programs that are much broader will not provide the immediate outcome of reducing disproportionate confinement that is desired and needed.

Recommendation 4: Family and youth follow-up study. The report states that the fact that few included the family and youth as important members in collaboration indicates the need for attention to this stakeholder group. The information collected came exclusively from those employed by youth serving agencies. Noticeably absent and critical to a full understanding is the perspective of parents and youth. Their input is vitally important to provide complete information about the issues. It is recommended that a follow-up study be conducted to include parent and youth responses and perspectives.

INTRODUCTION

In collaboration with the Annie E. Casey Foundation (AECF), and as part of the state effort to become one of AECF's Juvenile Detention Alternatives Initiative (JDAI) sites, the DMC Resource Center was asked to conduct a qualitative study of the use of detention and the use of alternatives to detention in the Iowa counties of Black Hawk, Polk and Woodbury.

In December 2006 Annie E. Casey Foundation representatives visited Iowa and discussions took place in Des Moines involving representatives from the counties of Black Hawk, Polk and Woodbury; Iowa Department of Human Rights (DHR), Division of Criminal and Juvenile Justice Planning (CJJP) and the DMC Resource Center. The three sites participating represent targeted sites that have been actively engaged with the DMC Resource Center around reducing disproportionality and have minority populations which are significantly greater than the state average. Polk County has the largest population in the state and the largest minority population in the state. Woodbury County is the most diverse county in the state with a minority population making up 25 percent of its youth population. Black Hawk County, with an African American youth population of 14 percent, has the highest percentage of African American youth in the state. The original purpose of this work was to collect information about how detention and alternatives are used in those three counties and demonstrate engagement of top systems officials in these discussions to gather information and demonstrate interest and commitment to reducing disproportionality. The focus is described by the following three items:

- describe what alternatives to detention exist in the three counties,
- describe what the characteristics of youth held in detention are compared to those who are in alternatives, and
- demonstrate engagement and commitment of top officials who administer youth-serving systems (e.g., juvenile justice, child welfare, law enforcement, public schools, county attorney, public defender, judicial system) for detention reform in the three counties and gather information from their perspectives on detention and the use of alternatives.

BACKGROUND AND HISTORY OF JDAI

The Annie E. Casey Foundation (AECF) Juvenile Detention Alternatives Initiative (JDAI) has been in existence since 1992. It specifically focuses on over-representation in juvenile detention "JDAI focuses on the juvenile detention component of the juvenile justice system because youth are often unnecessarily or inappropriately detained at great expense, with long-lasting negative consequences for both public safety and youth development. JDAI promotes changes to policies, practices, and programs to:

- reduce reliance on secure confinement;
- improve public safety;
- reduce racial disparities and bias;
- save taxpayers' dollars; and
- Stimulate overall juvenile justice reforms.

Since its inception in 1992, JDAI has repeatedly demonstrated that jurisdictions can safely reduce reliance on secure detention. There are now approximately 80 JDAI sites in 21 states and the District of Columbia.”

(<http://www.aecf.org/MajorInitiatives/JuvenileDetentionAlternativesInitiative.aspx>)

DEVELOPMENT AND DESIGN

The DMC Resource Center met with the Chief Juvenile Court Officer in each of the three judicial districts to discuss the topics to be addressed and to gain access to local officials. Along with the Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning, the final set of topic areas to be addressed, specific questions and probes for those questions were developed. Result areas the Chief JCOs, DMC Resource Center and Division of Criminal and Juvenile Justice Planning targeted included:

1. Description of the alternatives to detention that exist in this judicial district
2. Description of funding issues that may affect the use detention alternatives
3. Description of how systems providing services to youth work together (e.g., DHS, Law Enforcement)
4. Reports of outcomes that are currently being measured for youth served by JCS
5. Description of cultural competency (CLC) in the systems (e.g., JCS, DHS, in-home and other community based systems and services) that serve youth in each area.
6. Perceptions of progress being made to reduce racial disparities

During the collection of the qualitative information, other data were also being assembled by CJJP from the state juvenile detention facility data base and Justice Data Warehouse. When compared to the findings from the qualitative study, those data will contribute additional information to this project. Through utilization of qualitative methods, this study provides community and individual perspectives on the issues and potential solutions.

METHOD

Qualitative research focuses on attitudes, behaviors and experiences and relies on methods such as focus groups and interviews. In contrast to quantitative methods which generate statistics based on surveys or other easily quantified data, qualitative studies focus more on depth of information and how realities are constructed. A qualitative exploratory design was implemented to gather information from the youth serving community concerning the issues identified above. Unlike a quantitative approach which is about numbers, qualitative study focuses on what participants say and do and the meanings attached. Such studies are exploratory and open-ended, usually including a small number of people. Participants are guided in discussion of topic areas by an interviewer or group facilitator who seeks to understand perceptions, feelings and opinions in more depth than could be obtained through focus, for example, simply upon numbers agreeing or disagreeing with a statement as in a survey. Royse (2004:244) presents “six thought provoking questions” as principles for qualitative research:

1. Verite. Does it ring true? Are the findings consistent with generally accepted knowledge?
2. Integrity. Does it hang together? As a piece of research, is it logical, structurally sound?
3. Rigor. Is there depth of is it superficial or simplistic?
4. Utility. Is it useful? Does it make a contribution?

5. Vitality. Does it communicate the excitement of discovery?
6. Aesthetics. Is it enriching, provide insight, touch your spirit?

Accordingly, the results provide the realities of the communities from the accumulation of information gathered. These reflect an understanding addressing the six principles listed above. The conclusion section provides analysis and insight. In all, five research staff visited the three communities interviewing 137 individuals. The results and conclusions presented provide a synthesis of the commonly expressed opinions while also paying attention to unique insights which emerged that were particularly poignant and succinct.

SAMPLE

Site visits were conducted in three counties to interview judges, juvenile court services staff and others representing the courts, human services child welfare staff, law enforcement, education and the schools, County Attorneys' offices, public defenders, providers, administrators, supervisors and workers and members of the community such as elected officials and involved citizens. Those working in each of these systems and a variety of other contacts were identified by Juvenile Court Services in each county in an effort to provide a range of perspectives. The sample identified in Woodbury County included 25 key individuals, in Black Hawk 24 were identified and in Polk County (the most populous county in the state) 88 individuals were identified. While sample selection varied across sites the administrative officials identified in each site were consistent and included: local law enforcement (Police Chief of the most populous community and County Sheriff); DHS Service Area Manager (SAM), Detention Center Director, County Attorney and Superintendent of Schools of the largest school district in the county.

RESULTS

The primary purpose of the study was to collect information in three counties to:

- demonstrate engagement and commitment of top officials who administer youth-serving systems (e.g., juvenile justice, child welfare, law enforcement, public schools, county attorney, public defender, judicial system) for detention reform in the three counties and gather information from their perspectives on detention and the use of alternatives;
- describe what alternatives to detention exist in the three counties;
- describe what characteristics of youth held in detention are compared to those who are in alternatives.

In the development of the interview guide, the DMC Resource Center research team was asked to add areas of inquiry, sometimes in the form of probes associated with the primary questions (e.g., what are the strongest factors in the decision to hold in detention or refer to alternatives, how does time of day affect decision-making). Those questions are addressed below. The presentation of information follows a strategy of summarizing the general findings under each topic and presenting some typical or especially salient quotations from respondents. The presentation of information in this section is primarily descriptive with analyses and insight gained reserved for the section entitled conclusion which is a synthesis of findings and implications for improving the system to reduce disproportionality with extensive references to

supporting documentation in the published literature. The results and conclusion sections both address some cross site comparison identifying where sites differ or are similar.

Engagement and Commitment of Top Level Officials

In the initial stage of the design of this study AECF was adamant that without engagement and commitment from the top, detention reform is not possible. On the issue of engagement and commitment we can report that those at tops of the youth serving systems, the administrative officials that Casey Foundation indicated were necessary to effectively address the issue of disproportionality, participated in each site and were willing to engage in the process. In Waterloo, Des Moines and Sioux City the Police Chief and Sheriff, the DHS Service Area Manager (SAM), Detention Center Director, County Attorney and Superintendent of Schools were invited to represent the top administrative officials in youth serving systems. These officials participated in each site without exception. In Polk County a wide range of others in similar positions in communities outside the major city in the county also participated. Regardless of their perspective, the willingness to engage in discussion by those administratively responsible for systems and by those who can set policy, engaged in the process and demonstrated their commitment to the Juvenile Detention Alternatives Initiative in the state.

Detention and Alternatives to Detention

Examination of detention and alternatives involved description of which alternatives exist and the primary difference between those served in alternatives compared to those held in detention. Information was also gathered on how 48 hour holds are used, whether detention was being used for purposes other than juvenile offenders (e.g., waiting for group care placement, foster care etc.) and what the strongest factors contributing to the decision to release or hold a youth are in the local jurisdictions. In addition, information was gathered about whether any specific decision-making criteria were used to assign youth to alternatives versus detention. Information about how decisions are made for those who have committed new delinquent acts compared to violators of conditions of probation was also sought.

Transcribed recordings of interviews provided hundreds of pages of transcripts of descriptions and perspectives on detention and alternatives.¹ Respondents provided a variety of lists of alternatives to detention and were also asked to describe their purpose, and the characteristics of those who referred to detention alternatives. We did not question whether the alternatives currently used were effective detention alternatives – we were only interested in what alternatives interviewees listed as existing in the communities (see Appendix D for descriptions of the characteristics of the alternatives listed by site; c.f. Lantz, 2008, for an official inventory of programs and services by judicial district).

In Black Hawk County the alternatives to detention described included the following:

- In-house detention (if there is “a responsible adult available,” youth goes to school),
- Youth shelter,
- Foster group homes (contrasted with “usual DHS foster home”),
- Weekend offender program (this program targets DMC),

¹ The convention of italicizing direct quotes from the transcriptions to distinguish quotations used to indicate statements in the vernacular is used.

- Phased programming through Four Oaks (Phase one – inpatient residential treatment; Phase two – day treatment and class at Four Oaks and home at night; Phase three – residing in the community, back at regular school, attend day treatment after school until 8pm; Phase four – return to the community – transition period – note: not everyone starts at phase one – majority come in at phase two or three);
- First offender programs (used for crimes such as fifth degree theft);
- Tracking and monitoring (reported to be used infrequently).

In Polk County the alternatives described included:

- Bridges on Hull (alternative education),
- Community Service,
- Electronic monitoring,
- Impact,
- ISAP,
- Relative placement,
- Accountability Court,
- Sex Offender Program,
- Student and family assistance/counseling,
- Student services committee or services tied to IEP,
- Substance abuse treatment,
- Weekday and weekend sanctions,
- Violators program,
- Saturday Sanctions,
- Youth Justice Initiative (restitution, community service, strengthening families program, shoplifter program).

In Woodbury County the alternatives described included:

- Drug Court,
- Hands Off – for shoplifting, conflict resolution classes,
- Crittenden Center Shelter,
- Jackson Recovery Substance Abuse Treatment Centers,
- Other PMICs,
- Sky Ranch for Boys and other similar programs,
- In-home monitoring
- Relative Placement,
- Foster Care,
- In School
- After School
- Community-based services such as Sanford Center,
- Placement in residential care or treatment centers such as Boys and Girls Home and Family Service Agency,
- Placement at home with or without services involving some monitoring (e.g., trackers, verbal house arrest, or electronic (bracelet),
- Monitoring,

- Relative placement (child usually continuing to live at home, with another relative exercising stronger supervision duties),
- Foster care,
- Alternative school programs,
- After school programs,
- Community service,
- Probation,
- “Maintaining the issue within the school system” mitigating involvement with Juvenile Court.

Though alternatives in the three sites vary considerably it was commonly reported that which alternative (not including home) would be used was in many instances determined only after being held in the detention center. When asked about the characteristics of those held in detention compared to those referred to the alternatives described, similar accounts were reported across sites. Following is a typical interview segment concerning the characteristics of those who are referred to alternatives compared to those who are held detention:

Q: Is there a difference in the kids served in those alternatives compared to those in detention?”

A: No, not really. They’re pretty much the same kids.

Q: Same kids, same offenses?

A: Yes.

Q: Is there a difference in the kids who are served in alternatives? By differences I mean younger kids versus older, or girls versus boys, white versus black versus Hispanic? Is there a difference there for kids who are in alternatives?

A: No, I don’t think there is.

Q: What about 48-hour holds? How are those being used?

A: Normally they’re being used for kids who violated their probation, so maybe they skipped school or have a problem with home and need to be out of the house for a short amount of time. A lot of times it’s on the weekend. So it’s kind of a wakeup call to let them know that you’re messing up and you need to get things corrected.”

Perceptions across the three sites were also consistent about who was more likely to spend time in detention: if they had “a negative prior history with law enforcement” (e.g., at least two prior offenses), if they have committed sexual or violent assaults on persons or property, or are “at-risk” for running away, or are “not able to go home” (e.g., “because parents have refused to allow the child to return home,” or “there is a substance abuse or domestic violence issue”). Children from “dysfunctional families” where substance abuse, domestic violence, lack of supervision, or extreme poverty are present were also reported to be more likely to “get detention.”

In Black Hawk County the seriousness of the offense and whether or not it is a first-time offense was reported to determine whether detention was used. *“If it’s a person’s crime - violence and injury - detention is probably more likely than if it’s a property crime and no personal injury. If somebody goes out and does a willful injury, serious assault, robbery, and they’re 16 or 17 years old they’re probably more likely to go to detention than a 15 year-old that went out and broke in -a class D property type crime. A first-time offender compared to the seventh time we’ve arrested*

him for burglary, he's probably going to go to detention. If it's the first time, he's never been in trouble before; he is probably going to go to a go back home. In the same sense if he's 16 or 17-years-old and it's a willful injury charge, personal injury act of violence or drugs, depending on the amount of drugs, they might be looking at detention for the first time offense (and in some cases, by statute they may begin in adult court) compared to if it's a property offense. " For those youth who would go home if their parents could be located, especially in Black Hawk County, another adult is sought who can take responsibility if parents are not located; absent that, the child is taken to the youth shelter.

Across the three sites descriptions of how the court and JCOs approach youth by beginning with the "least restrictive sanctions possible for young offenders and those who have just exited the child welfare system" were commonly heard. Subsequent violations are then "graduated up the list of penalties with detention toward the most restrictive end." "This is especially true if a child violates probation. . . . If you are on probation, the decision has already been made that we didn't want to detain you; we are giving you the chance to correct your behavior. If they screw that up, it is irritating. They are saying to [the] judge, 'you were wrong, you shouldn't have put me on probation.' They have screwed it up for themselves."

The discussion of detention alternatives invariably included descriptions of a range of approaches that may be taken with youth already involved with the courts suggesting some lack of clarity between alternatives to detention for an offense and alternatives to detaining as a treatment option. "Okay, we're involved in your child's life now. The court is involved, and here's the services we're going to put in place to help keep him in your home and try to remedy the situation.... The alternatives we use are Saturday Sanctions and the Violator's Program. The Violator's Program seems to be effective; kids don't want to go. Its community service like scraping gum. You spend the weekend in a barracks and they feed you and you work."

Q: "So that's an alternative to detention?"

A: "It's an alternative to he's violating his probation, what are we going to do with him? And so instead of taking him to detention, it'd be, 'Well, let's try Saturday Sanctions or let's try a Violator's Program'."

Other Factors Influencing Decisions

In discussion of other factors that may determine whether detention is used or not, time of day was discussed as a possible influence. Time of day was reported to have an effect on the decision to use detention. One interaction with a respondent provided a succinct summary:

A: "End of shift? Like I said, it's the easiest and quickest way."

Q: "No matter what?"

A: "Yeah. Parents are right there, depending on the crime, [they] take them; ... you're at JD (juvenile detention), if you're downtown and the parents live all the way over on [the other side of town], more than likely you drop them off at JD and have them come pick them up. We're on a different philosophy, we're not really supposed to be trying to help out the kid in any way; I think our whole goal is public safety and charging them what we can and getting them on their way. But it all depends; at the end of the shift, more than likely, it's whatever's the easiest for us is what we're going to do."

A respondent in another site summarized how time of day may affect decision making with the following statement: *“Having worked in many parts of the system and with providers, Friday afternoon is a little bit different. Saturdays and Sundays are a little bit different. 9, 10 o’clock, midnight, a little bit different. You want to expedite, you want to get something. The lawyer is in bed, what do I need to do to get them back in that bed? What do I have to do?”* This respondent went on to say that *“sometimes that isn’t a bad thing. If you’re in a family situation, a lot of disruption, everybody needs to cool their jets. I don’t know that detention is the place for the child”* (cf. Gilbert, 2005 discussion of “thin slicing”). In another site a respondent indicated that *“We rarely get 8:15 a.m. detentions. We do our detention [hearings] at 8:15 and 12:15, or 1:15, based on when they came in. Some of that’s based on if they’re in violation and the JCO is working 8 to 5 and the JCO picks up the kid after lunch... so he comes in for a 1:15 the next day. If he came in before noon, then he would come for an 8:15 the next morning. So I suppose some it has to do with working hours and the time when kids are out and about. I suppose if you can’t find a parent to release them to, that can affect it too.”*

With respect to law enforcement respondents reported that their primary focus is to *“wrap up the situation in the most expedient way possible”* (i.e., least amount of time for the present call) and *“if detention is the easiest option that’s going to be chosen by the officer. Their job is focused on public safety not on the best interests of the offender.”*

Q: “Do decisions get made differently during business hours and non-business hours?”

A: “Um, yes and no. Based on the PO – if he doesn’t feel like being bothered with all of it, and they all call and they get all these calls, and they’re stressed out, then more than likely they will get them sent to detention just to get it done with and deal with them the next day.

Q: “So it kind of comes down to who the PO is and what the day’s like?”

A: “Yes, I would say that. There are some days, where, you know, it’s an easy day for being on-call for the POs, and you know, they may have a situation that they treat totally differently.”

Q: What about law enforcement?”

A: “They don’t make the direct decision, but when the kid gets picked up they do call the on-call JCO if it’s after hours and give them the information. And that’s what I mean about the information being different after hours; it passes down from the officer to JCS to the judge. The judge then orders the placement in detention.

Q: “So the information filters through three people before...”

A: “Three different people, yes.”

Q: “Are there certain days of the week that are different?”

A: “Our biggest day would probably be Thursday or Friday because they’re getting into the 48-hour holds for the weekend.”

Factors Affecting Law Enforcement

In our discussion of how “time of day” and “time of week” affect decision making, another factor emerged which was reported to supersede the influence that time has on decision-making and that was the experience and insight of the decision-maker. This factor was reported to play an important role in decision-making; *“time of day is not that much of a factor [when you consider] experience which is so important when it comes to determining what happens with a kid.”* Experience and insight was suggested to be important from decisions by law enforcement throughout the system to judicial decision-making.

Perceptions about factors that influence law enforcement decisions, and who is brought to detention, acknowledged pressure to quickly process cases and maintain public safety. The arresting officer's opinion and approach to the incident was described as very important for determining what happens with an individual.

Q: "What about law enforcement, how do they decide who to bring to the detention center? How do they decide who to call?"

A: "We're doing the easiest thing possible which is to get a hold of the parents first. If you can't do that, depending on the case, they're going to take them to detention."

Q: "They need to clear their car out."

A: "Yes. They need to get back out on the street and do something else. Most of the time, that's what they do."

In addition to expediency, experience of the officer was reported to significantly influence decision making: *"The more seasoned cop is going to treat things differently. The younger the cop, the more likely someone's going to jail. They're still dealing with their own maturity issues and trying to prove themselves, and they're pretty gun happy."*

School Resource Officers (SROs) were reported to have the most contact with youth. They are on the scene with students and are first responders. Steps have been taken in at least one site to address the issue of school referrals to the detention center. One respondent summarized efforts among SROs to be more culturally competent:

"That is something that we're looking at too in terms of schools, looking at becoming more culturally competent. We look at our disproportionate numbers sometimes with higher percentages of students of color who get in difficult situations in school and who get expelled or suspended. We think we understand that part of it is that most of the folks that work in our schools are White. All of us don't understand the different cultural nuance; the way I was brought up compared to someone in the Hispanic culture. Sometimes what we may take one way is not meant to be that way, and so there's a friction between us. There's no harm intended on either side, but we don't understand what one another mean, and we're not doing anything to overcome that so, we've been pushing in our schools the last couple years to do some training to help them become more culturally competent so we understand some of these things better and so they don't get to be a problem. We've gotten together with other community groups and people who run the after school programs, things like that to try to keep students engaged in some positive way, maybe summer programs and trying to build positive relationships with them and making some kind of connection."

Despite efforts to improve relationships between law enforcement, the community and youth a respondent articulated that *"sometimes in the school we'll be having so much difficulty with a kid and then they contact the juvenile court officer, and sometimes they'll say, 'Well we can get them on this technicality,' and I think sometimes they do, and so we're calling trackers and JCO's before we even call home once we find out they're involved."* Another individual stated that *"sometimes adults can generate a situation... depending on the approach, you can generate a situation - it can further the situation where the kid ends up in detention because the nature of*

the charge is higher than it might otherwise be. It's 'no biggie,' until you come in like gangbusters and get confrontational; the situation can be escalated."

Another perspective voiced was that "Well meaning people will sometimes get hurt when they don't listen to what students tell them. If you go back and review any incident when a staff member is hit, kids invariably warn about what they are about to do. They will say 'I told him to take his hands off me; I told him I needed to leave and he blocked the door!' If we listen, they tell us what they need."

Some reported that there is frustration among police officers regarding detention. "I don't think they understand the criteria for detention; I don't think that they understand that it's different than jail. That you don't just have probable cause that someone committed a crime, and you arrest them. I think they see detention as jail, and I don't think they recognize that there's a different legal criteria for holding a kid than there is for holding an adult. My advice to officers is then take them down if you're that worried about them and let Intake do an assessment and determine if they're appropriate for detention or not. But I do hear a lot of, 'What's the point? They're just going to release him anyway. What's the point of me dragging him down there?'"

Q: "So the strategy of limiting intake at the detention center door may affect decisions upstream?"

A: "I think that's happening. You know, my concern is there is a kid who really is a threat that they won't then bring down because they just assume, 'Well, they didn't keep this other kid who, you know, who did this similar crime. Why are they going to keep this one?' Obviously they're not evaluating the risk at the same level that Intake probably will. We've been working on this. We spent an entire meeting between the Intake department, Juvenile Court Services, the School Resource Officers and every attorney was there to open up that dialogue. School Resource Officers were frustrated. Intake was frustrated with the School Resource officers for what they refer. School Resource Officers are frustrated for the 800 reports they file that never get acted on by intake, and the County Attorney is trying to mediate between the groups so that there is a better understanding of who is appropriate for detention. That was last school year, so we'll see if it has an impact on this school year and how the School Resource Officers feel about it, but I think that they just don't understand what it's meant for."

Use of the 48 hour hold

As background to discussion of the use of "48 hour hold," the Iowa Code, Section 232 is provided below in Appendix A. The code specifies the situations under which youth can be admitted to detention.

Reports about the use of the 48 hour hold provided information on how the code is interpreted differently among sites. The description of its use ranged from *"it's very unusual,"* to *"24 or 36 being more the rule,"* to more common practice and its use as a "treatment option." Holds were reported to be used at times for the *"child's safety,"* or *"to keep a volatile situation at home from escalating,"* or *"as a way to compensate for assessments that parents were not capable of supervision,"* and in some cases when *"the parent refused to take the child back."* *"As a response to probation violation holds are used to 'shock' juveniles into seeing how they might*

experience detention if they did not straighten up.” The receiving center or central intake is also used for juveniles who have committed status offenses (running away, not making curfew calls, minor in possession, etc.).

“As far as kids are concerned, if they aren’t out on their own, they don’t like it. Any restriction of kids [is punitive]. Explaining the difference between the nurturing care that they’ll get in foster group care compared with the incarceration that they’ll get at the state training school is lost on a kid.”

Additional Areas of Inquiry on Use of Detention and Alternatives

In consultation with the Chief Juvenile Court Officers, additional areas of inquiry were added to the instrument. Questions included: What are the strongest factors contributing to the decision to release or hold a youth? Are there specific decision-making criteria for those who would be assigned alternatives versus detention? How are decisions made for those who have committed new delinquent acts compared to violators of conditions of probation? Is detention being used for purposes other than juvenile offenders (e.g., waiting for group care placement, foster care etc.)?

In Black Hawk County we were told by nearly every interviewee that the seriousness of the offense was the strongest factor. One interviewee succinctly captured what we were told in interviews: *the most important factor is “the seriousness of the offense and whether or not it is a first-time offense or repeated... then I think the nature of the crime is a factor too. If it’s a person crime - violence and injury – detention is probably more likely than if it is a property crime and there is no personal injury. If somebody goes out and does a willful injury, serious assault, robbery, and they’re 16 or 17 years old, they’re probably more likely to go to detention than a 15-year-old that went out and broke in which is a class D property type crime. A first-time offense compared to a property crime class D felony, burglary, and it’s the seventh time we’ve arrested him for burglary, he’s probably going to go to detention. If it’s the first time and he’s never been in trouble before, he’s probably going to go back home. If he’s 16 or 17-years-old and it’s a willful injury charge, personal injury act of violence or drugs, dependent upon the amount of drugs [or cash], they might be looking at detention. A first-time offense or if it’s a property offense they’re less likely to go to detention.”* From the descriptions and accounts there appear to be no clear and specific criteria for detention holds.

Some recall that the group care cap may have resulted in the use of detention for some awaiting placement in residential settings, however, more recent experience of respondents indicated that it is an uncommon practice for a child to be detained while waiting for a more appropriate placement. One interviewee pointed out that: *“the detention center and the youth shelter are right next door to each other, but I’m not familiar with any case where we ever put anybody in detention if we were waiting to get them to foster care. They might go out to the youth shelter, which is right next door to the detention center, but they’re two separate facilities and two separate entities. We don’t put people in detention that need DHS services.”*

In Polk County there are no clear, specific criteria for detention holds. There was also some contentiousness about how the decision to detain is made. One respondent provided a succinct summary of some differences of opinions being held: *“I don’t think they understand the criteria for detention... that it’s different than jail and you don’t just have probable cause that someone*

committed a crime and you arrest them and take them to jail until they post bond. I don't see recognition that there are different legal criteria for holding youth compared to holding an adult."

How decisions are made, and how they are made differently depending on who is making the decision, was another area in which difference of opinion was expressed. *"I think the issue is probation officers all do different things, and we have very good probation officers, but there's no checks and balances on how they practice with their caseloads. So it's very clear we can say here's who uses detention a lot, medium and hardly ever unless it's absolutely necessary. If we said, 'What's one thing that we should do in our community that we're not doing,' it would be have a standard and make someone in charge of the decision."*

The strongest factor for detaining youth in Polk County was reported to be the *"type of crime;"* however, important secondary and tertiary factors were also reported. In addition to severity of the offense, some pointed out that the *"type of family support system"* was an important factor. *"If the kid has a JCO they're probably going to take them to detention. Phone calls would be made whether this kid's going to stay or not. But I've had kids that have done some crimes, and families have gone out there, and they were released to them. In some cases they're not but I believe it has to do with whether they have a JCO, and if the family comes down and how they interact with them, how cooperative, lenient, or how many, or information regarding alternative services, or even referrals for help."*

In Polk County, the detention center is reported to be used only for juvenile offenders. *"There has been more use of the youth shelter by JCS, it's basically a step down, and that's where I see kids waiting on the group care waiting list. [However], Juvenile Court staff does not use shelter regularly; DHS uses the shelter [more] by far."* Another stated: *"In Polk County there are not a lot of kids sitting in detention waiting, we have found some Juvenile Court kids in the shelter waiting but that has been helped by cutting down the waiting list which keeps things moving."*

Those in Woodbury County also indicated that there were no specific criteria that have to be met in order for a young person to be placed in detention. However, as one respondent summarized: *"a charge by itself isn't enough. The charge has to dictate that the kid is a threat to the community and to themselves and they're at risk to runaway or cause property damage. And there are several complaints that cannot go into detention; the code spells those out specifically, for example, alcohol charges, minor consumption or possession or things like that. Those kids would never go to detention because they don't meet the basic criteria. Those kids that do meet the criteria then become a judgment decision by the law enforcement officer at the time of the arrest and it goes to somebody else, like a court officer who has to agree and then and then it goes to the County Attorney's office who files on that and then the judge ultimately rules on it. So, there are checks and balances to make sure that those elements are being met before someone is put into the receiving center or beyond the receiving center into the detention center."*

There was also mention of the use of a risk assessment tool which was described as useful for whether or not a case would be recommended to go to court but not to determine who should go to detention. One respondent pointed out that *"the detention assessment is still under*

development. I think there could be the tools developed to identify the characteristics that would place the safety of the public at greater risk, but I don't think they have the tool in place to do that. It's all individual decision makers."

Discretion is present in the system and at every decision point. A typical description of the decision tree in Woodbury County was that for each case *"there's the decision by the police officer to take them to the receiving center, and that's discretionary. The officer doesn't have to do that. And there's the intake person at the detention center who has the discretion whether or not they believe that they should be held. Then there's the juvenile court officer who is contacted to agree whether or not they should be held. And then it goes to the County Attorney and they determine whether there's probable cause for the crime. Then it goes in front of the judge who must decide within 24 hours of the hold. There are a lot of decision makers along the way, and there are no standards – it's individualized based on the facts and circumstances of each individual kid."*

In Woodbury County the detention center was described as a *"last resort."* *"We will try a lot of things to keep a kid out of there. We'll go through A, B, C or D, and even if they send a kid to detention, we're going to try to get them out."* Those in detention in Woodbury may also be released from detention during their stay, *"I've got a kid where, they're up there and the JCO comes and says will you take them in during the day. That will sure help."*

First offenders were reported to be viewed differently: *"this is something that the Chief JCO is working toward rather than putting the kid on an informal probation, what they're trying to do is put them through a diversion program so that's another alternative to detention to try before you put them in the system because many times academics and attendance are compounding problems...."* One respondent described an approach similar to Wraparound or a Functional Family Therapy approach whereby, JCOs *"reflect, evaluate and see what's working and what's not working and then change things quickly to try and put those out fast."*

There were no mentions of holds waiting for more appropriate placements in Woodbury County. However, the definition of detention is an issue in Woodbury County due to the location of the receiving center and the detention center. *"Up in our detention center, there's a receiving center, and then there's a detention center. So, the police officer may bring a juvenile in there, and then they'll be in the receiving center until the parent is contacted. They're not necessarily in detention but they've gone through the formal process to be held in detention or go to the back unit. Police often times bring kids in routinely for lots of things that they're not necessarily brought to the detention center for but stay there. They're brought there until the parents are contacted and then they are released. The receiving center is routinely used for status offense cases, runaways or MIPs, those cases that can't be held by law in detention. It's just a place to kind of put them until somebody can be contacted."*

On a related topic, the matter of whether there are funding issues which affect the use of detention or alternatives was discussed and is described in more detail in the following section. In Woodbury County *"huge funding issues" were reported to influence decisions. "A lot of times we can't provide services; we don't have the funding to provide the services. But if you don't help alleviate the dysfunction in the home, you can do everything else you want to but you're*

sending them right back into an environment where they're going to fail. The second piece is getting the education; these kids are not making it for whatever reason. But the educational services and the family services are huge pieces."

Funding issues and the use of detention and alternatives

Alternatives to detention, the use of detention, decision making and the way in which decisions are implemented in practice were described in ways indicating they are inextricable from funding. For example, caps for slots at some treatment facilities (e.g. Sky Ranch for Boys) resulted from funding issues and as a result some were reported to have waited in detention for two weeks to six months, with the perceived average in one county around 6 weeks and in another county it was estimated in months rather than weeks. In the more recent past the problems associated with caps were perceived to have decreased.

Some respondents also pointed out that they saw a trend for working families with incomes *"too high for Title IX, but too low to pay for services."* In some of these cases children were reported to become involved in the juvenile court system so that the court could order services allowing for juvenile court mandated funding to pay for the services; this sometimes leads to youth being detained.

Funding silos create other issues for agencies trying to work together. Funding was reported to be unavailable for services that would be the most appropriate for a child. At the time, however; funding for others services might be available and while not considered the most appropriate to the child those services would be utilized because they were available at the time. Decisions are sometimes made based on availability of services and funds to pay for those services and not solely on identified needs or appropriateness.

Mental health services represent a serious gap according to nearly everyone interviewed. The availability of these and other related services is reported to have decreased in the recent past. Lack of available substance abuse prevention, intervention and treatment is also identified as an unmet need due to funding and substance abuse which is reported to be an underlying issue in many arrests (70-80% according to respondents). Tracking programs are understaffed and don't last long enough: *"Youth 'lose ground' after tracking is over, and the relationship between the kids and the tracking and monitoring organization does not develop because of the limited length of time youth are involved with tracking."* DHS is reported to be overloaded and child welfare *"defers to juvenile court services when it can."* Parenting programs and supports are not readily available and community services have also been reduced in the recent past.

Collaboration among systems providing youth services (e.g., DHS, Schools, Police, Court)

In Black Hawk County, the systems providing youth services are described as working well together. The way in which they work together is described as following funding. For example, *"the JCO must go through DHS to obtain approval for placement so the funding is in place at the time the youth arrives to pay for a stay at group homes or even at detention."* When asked, about barriers a representative response was: *"If I had to say, my personal opinion would be everybody wants to run the show. That's a huge frustration. I wouldn't say that we can't work together as a system, but there's a limitation on how effectively it can be utilized. That's all about funding. We can have a bed, but if we don't have approval to use that bed, then we still have the waiting list. There are just so many kids that can be in foster group care at any one*

time, and once that number is reached we have to wait. That makes it hard for the judge; no one hates it more. Say a kid needs sex offender treatment; they can't go home because they "perped on" their little brother and they are sitting; everybody's spinning their wheels. It's a huge frustration because the kid needs to be in treatment, but there might be some on the group care waiting list; last fall we had 30 or 40 at any one time."

In Polk County, the consensus among those interviewed was that there is room for improvement in how the systems work together to provide services for youth. Some examples where improvements could be made include:

- More cooperation among court, school, and families is needed;
- Most communication is through referrals to mandatory services which creates resistance; communication is very limited;
- Several systems deal with the same populations and don't necessarily talk to each other, (DHS was mentioned specifically)
- Youth have several case managers instead of one case manager helping them to connect them with different services;
- The main way organizations interact is through referrals rather than working together problem solving;
- Need better work together including conversations about cases rather than competition, otherwise kids lose;
- Power struggles;
- More communication about cases.

Gaps in services were described as being related to communication (collaboration) among youth serving systems. A notable loss reported in Polk County is "*provider meetings*" and weekly "*Detention Review Team*" meetings that were held in the past (three years ago) where providers worked as a team to find what were described as the best solutions for youth. These meetings ceased when funding "*ran out*;" however, some participants also reported that the process could be reinstated without special funding. "*To reinstate this approach would require one person who would serve as the 'point person' for each youth (this might be the case manager and this person would lead the communication about 'their' youth).*" Another funding related issue is the decision to place out-of-county. Increased local services were reported to be a less expensive alternative for placements. Not mentioned was the added benefit that local placement provides in keeping the family closer. Meetings among those involved with a case could achieve better placement options though the meetings would need to include representatives from the office of the county attorney, non-profits, schools, police, juvenile court, etc.

Opinions about collaboration were expressed and considerable discussion took place regarding collaboration in working with Latino youth in Polk County. There is concern about perceived increases in gang activity among the Latino population. A widely held opinion is that there are not enough services for Latino youth and their families, including liaisons, interpreters, medical services and clinics.

Some optimism was expressed as well particularly around cooperation and collaboration among the systems serving youth. Communication was believed to have improved in the last year among most of those with whom we spoke. The United Way's Youth Development cluster was

identified as one example of a hopeful sign in the community. Community agencies that provide tracking were also mentioned as organizations that do a good job of collaborating: PACE, Mid-Iowa Therapy, Youth Services International and School Resource Officers.

A general perception voiced was that change must come from the top through *“mandates by CEOs of the different branches and they must provide the leadership and enforce improvements.”* Collaboration in the City of Des Moines is described very differently compared to descriptions of collaboration in communities outside the City of Des Moines. For example, the West Des Moines Schools report working closely with the West Des Moines Police Department, the County Attorney’s Office, School Resource Officers, Juvenile Court Officers, PACE and the At-Risk Consortium (which includes a counselor, teacher, substance abuse specialists and prevention specialists). In addition the Youth Justice Initiative conducts staff training and focuses on school success, mediation, restorative justice (including restitution and community service) and family strengthening. The superintendent is reported to provide strong leadership for the district’s approach to supporting students and their families and good communication is maintained among those serving older youth in the high school buildings—i.e., Valley, Valley Southwoods (the 9th grade building) and Walnut Creek Campus, the alternative high school. Respondents indicated that the schools work hard to have a fair distribution of students in the alternative high school, and the goal is to help students develop skills and coping mechanisms in order to return to the traditional high school. Systems are also reported to be in place in the school at Valley which supports student efforts to attain their high school diplomas (e.g., on-site substance abuse counselor and other on-site support staff).

The Woodbury County community was described as *“small enough with people who know each other and work together well.”* *“When the judge, the JCO, the parents, the school, and other interested parties are on the same page, things seem to work better.”* There were isolated mentions of some barriers such as jargon, funding streams, differing agency goals and perspectives and some turf protection issues. For example, collaboration in Woodbury County was described as: *“A works with B, B works with C, but A and C never make that connection.”*

In Woodbury County some mentioned that parents were too often left out of the conversation, reducing their role which changing the outcomes for their children in the juvenile justice system. There is recognition of the need for client-centered services in agencies that focus on the needs of youth rather than what was described as a prevailing attitude *“that what is important is what I as a JCO, or I as a DHS worker or I as a principal need to accomplish.”* Juvenile Court Services was described by JCOs and others in the community as being innovative in its focus on early intervention and school-based efforts. Transition planning and monitoring are promising and innovative practices indicated to be a part of the system in Woodbury County. Improved coordination between Juvenile Court Services and the schools has developed in the past few years and Juvenile Court Services now has a classroom in the building which is exemplary of effective collaboration among systems.

Cultural Competency (CLC, Cultural & Linguistic Competency) in the Community Systems That Serve Youth

To be culturally competent doesn't mean you are an authority in the values and beliefs of every culture. What it means is that you hold deep respect for cultural differences and are eager to learn and willing to accept that there are many ways of viewing the world (Okokon O. Udo, Executive Director, Center for Cross-Cultural Health).

Cultural competency was reported to be “*part of the system's lexicon;*” however, cultural competence was described by some as a problem. “*Some are very good in this area; some are really bad, but most are somewhere at the low middle and could change with training.*” In general, cultural competency was reported to “*need work.*” Most reported that this area always needs improvement. In early interviews respondents had difficulty describing cultural and linguistic competency (CLC) in the systems that serve youth. When we utilized the Cultural Competence Continuum: Agencies and Professionals (University of Minnesota, Duluth, see Terry Cross; searched July 29, 2007 at: <http://www.d.umn.edu/sw/culturalcomp/Cultural%20Competence%20Conti.htm> ; also reproduced in Appendix C) as a guide we found that it was easier for respondents to arrive at an answer. In each site communities were rated at “near 2” on the 6 point scale. The use of the scale also facilitated discussion about CLC. More information and new strategies for becoming culturally competent were described as being needed for personnel. New hires were thought to be especially in need of training in cultural competence. However, another perspective was that there are also new hires or younger staff that might be more culturally competent to begin with and that cultural competence should be a part of the screening process for new hires. “*Organizations need to get cultural competence on their radar.*” Mentions of training that had been attended and that had been effective and mentions of books that had been read and discussed among staff were two approaches reported to be a helpful in developing cultural competence. A “*major problem*” expressed regarding schools was that teachers see “*Black kids as loud; teachers get loud and the situation escalates. Teachers and other staff need knowledge and understanding to learn to break this destructive cycle.*”

Concern was expressed about the lack of cultural competence in regard to immigrants and refugees. Diversity has increased greatly in the last few years and there was a strong feeling that organizations and institutions have not kept up in terms of knowledge and understanding of the various cultures, languages and values of new arrivals.

Cultural competency training has increased in the recent past in terms of availability and emphasis and the DMC Conference in Woodbury County and the annual statewide DMC Conference in particular were mentioned. The University of Iowa facilitated trainings through the National Resource Center for Family Centered Practice were identified as helpful and there were mentions of the People's Institute, Undoing Racism workshops. The need to recognize the resiliency of racial and ethnic groups (part of the DMC Curriculum presented by Pat Parker) also received mention. Churches, cultural fairs, training requirements for JCOs and DHS workers, and training for judges were all recognized as opportunities to increase CLC. While training was considered important, opinions that life experience and how families and juveniles were approached by individual workers was more important than the training received and operated

independent of training. Some suggested that it is possible that many of those who embraced the training were in fact those already utilizing more culturally competent approaches.

Understanding that families communicate differently, have different perspectives on what is important and valued, and learn differently was mentioned, as was understanding one's own perspectives and how those viewpoints can affect decisions. One respondent said, *"It's hard for me to relate to an African American kid raised in poverty. I need to think why is he doing this and that and not just judge it on the surface."* Lack of staff of color was raised as an issue. Some suggested that allowing alternative certification or education programs to satisfy qualification requirements would allow more social service and public agencies to hire *"street social workers"* of color to shape and manage programs for youth. Inclusion of cultural competence in all trainings rather than as "stand alone training" or an isolated event was also thought to be needed so that cultural competence would be integral with skill areas.

Progress being made to reduce racial disparities

An introductory explanation was provided to interviewees that only about 10% of youth in Iowa are minority and nearly a third of those in detention are minority; child welfare, special education, suspensions, expulsions, achievement gap, and graduation rates all show racial disparities as well. Those with whom we spoke were asked why they thought disparities exist and what progress has been made in the area of reducing disparities.

From the interviews it is understood that there has been increased awareness and some progress in communities. The progress that has been made was described as limited. *"Awareness has been raised and some are changing the way in which they work with youth."* More training in cultural competency was identified as one area in which everyone could benefit.

In Waterloo police officers engaged African-American males in a study circle to talk about what beliefs were held about police and by police about youth in the area. Reports about the study circles indicated they were *"very enlightening for both sides. And one of the things that emerged from the African-American males is that they said that sometimes the community responds to them based on, 'Well, their dad did this or their uncle' ... and they feel they're put in a group based on their family when it comes to their race. They think that they're labeled before they get started, which is a sad way to think that that's how life is set up."*

Progress reported in Waterloo includes the presence of a local disproportionate minority contact coordinator (local DMC Coordinator) *"focusing on all the disproportionate minority areas in our community including the schools and the detention centers."* Monthly meetings are held with law enforcement and JCOs and issue areas in need of improvement are discussed along with what are considered to be the most pressing problems of the most recent month. Discussions of change in practices that are needed are ongoing. DECAT funded programs (e.g., Passport and DMC) that address disproportionality and attention to programs for African-American females are underway. Another area receiving attention in the Black Hawk County is mental health services. Recent cuts in funding for mental health services has been the topic of discussion at meetings and active efforts to raise community awareness about the need to provide mental health services is indicative of progress in the community to address issues related to DMC.

In Polk County discussions of progress were muted by expressions of frustration. Some interviewees reported they have participated in similar discussions about disproportionality for “*ten or twenty years and little or no progress has been made.*” Ratings in Polk County on the “Cultural Competence Continuum: Agencies and Professionals”² placed the community between 2 and 2.5 with characteristic descriptions ranging from cultural destructiveness to incapacity to cultural blindness.

In Woodbury County respondents recognized racial disparities although a variety of perspectives emerged. Some respondents felt that arrests and detentions seemed fairly distributed with White youth and youth of color having an equal risk of detention and other penalties. “*Untangling*” disparities and where they occur is thought to be very difficult because there is “*such a chain of events and different perspectives that lead up to an appearance before a judge.*” Another opinion that was voiced was that most juveniles who go to detention are guilty of committing offenses. Little attention was paid to whether or not disparities exist in the commission of offenses (e.g. national incidence studies that indicate offense commission to be largely equal among youth across racial groupings; cf. Snyder, 2003; Doi, D., 2004). The Office of Juvenile Justice and Delinquency Prevention reports that “association of race and juvenile violence is primarily a function of community context” further indicating that racial disparities are embedded in systematic factors.

There is much disagreement, confusion, frustration and emotion about racial disparities and “*where we are as a state and nation on this issue.... Some say that with the numbers showing more juveniles of color in the corrections system, the question needs to be: “Why is that? What is there that these kids don’t have that cause them to commit crime? . . . What are officers doing differently with kids of color and not with White kids? Do kids of color end up in detention because their mother is working 2-3 jobs and can’t talk at work? If you knew this kid was from [a well-known family name] would you give him a better ‘shot’ because you knew the family, but you don’t know the [Latino surname] family . . .”*”

Some felt that disparities may result in part from selective enforcement in neighborhoods to reduce gang crime (e.g., sweeps). Poverty, single parent homes, poor education, and lack of high-quality legal [defense] representation were seen as cultural factors contributing to disparities. Overall, respondents felt that regardless of the progress there has been, much more could be made. Indicators of hope were described and included more openness to discuss the issue in the community, the Governor’s Youth Race and Detention Task Force, and the success of intensive student-centered programming. Areas for needing improvement included having more staff of color, more pro-active/preventive programming for children of color, interest and participation by Juvenile Court judges in DMC-related conversations, and increased availability of culturally appropriate services for children and families.

² Terry Cross, Executive Director of the National Indian Child Welfare Association, developed a cultural competence continuum that utilizes the following 6 points of cultural competency for agencies and professionals: Cultural Destructiveness, Cultural Incapacity, Cultural Blindness, Cultural Pre-competence, Basic Cultural Competence, Advanced Cultural Competence.

CONCLUSION

The bottom line is this: The attentive person's honest, real-time report is an imperfect approximation of her subjective experience, but it is the only game in town. ... the law of large numbers suggests that when a measurement is too imperfect for our tastes, we should not stop measuring. Quite the opposite – we should measure again and again until niggling imperfections yield to the onslaught of data. No individual's report may be taken as an unimpeachable and perfectly calibrated index of his experience – not yours, not mine – but we can be confident that if we ask enough people the same question, the average answer will be a roughly accurate index of the average experience (Gilbert, 2005, p. 77).

Purpose

This work began in an effort to provide a description of alternatives to detention that exist in three counties, a description of the characteristics of youth who are held in detention in those counties compared to those who go to the alternatives, and to demonstrate engagement and commitment of top officials who administer youth-serving systems which are necessarily involved in detention reform along with their perspectives on detention and the use of alternatives (i.e., Chief Juvenile Court Officer, Juvenile Court Services; Service Area Manager, Department of Human Services; Police Chief, Sheriff, Superintendent of Schools, County Attorney, Public Defender, Detention Center Director and Judges). Areas of inquiry were added in the development of the work as a part of the art of research and the science of practice (Padgett, 2004; Douglas, 1978; cf., Anderson, 1971, especially Chapter XI). This section synthesizes the findings and implications of the results from interviews described above with relevant citations from the literature to provide supportive evidence and further information for the interested reader.

Commitment

Engagement and commitment to JDAI, the YRDTF and state DMC effort was demonstrated through the participation in each site of the top administrative officials in youth serving systems. In Waterloo, Des Moines and Sioux City the Police Chief and Sheriff, the DHS Service Area Manager (SAM), Detention Center Director, County Attorney and Superintendent of Schools participated without exception. In Polk County, the largest county in the state, a wide range of others in similar positions of authority for youth serving systems in communities outside the major city in the county also participated. The willingness to engage in discussion about systems for which officials with whom we spoke are administratively responsible, and for which they have the authority to set policy, demonstrates a high degree of commitment and understanding of the importance of reducing racial disparities and to the Juvenile Detention Alternatives Initiative in the state. Their involvement and engagement individually as well as their collective network are of critical importance for efforts to reduce racial disproportionality (Richardson, B. et al., 2006a; Richardson, B. et al., 2006b; Pumariega, et al., 2005; Richardson & McFall-Jean, 2005; Richardson and Graf, 2004).

Alternatives and Decision-making

Alternatives were described indicating that there are a variety of alternatives to detention which exist in each of the three sites though the alternatives may not be organized in a way that mitigates the use of detention. Youth served in the alternatives compared to those held in detention were described as “*the same kids.*” However, in an analysis of data conducted for the state by Feyerherm (2007), those on probation were found to be more likely to be held in

detention “whether or not an allegation of probation violation is accompanied by new offense allegations. For such youth, the likelihood of initial detention is very nearly 1.00” (i.e., 100%, Feyerherm, 2007). Further, Leiber (2007) reported that “the use of semi-structured interviews with juvenile justice personnel showed that race bias was often indirectly operating through decision-makers’ perceptions of minority youth and their family, in particular, African Americans, that were fostered by stereotyping” (see also Huizinga et al, 2007).

Those we interviewed also recognized that “*the same kids,*” whether detained or in alternatives, are also some of the same young people involved with the juvenile justice system who have co-occurring or previous involvement with the child welfare system and school disciplinary systems (Bilchik, 2007; Center for Juvenile Justice Reform, 2008). (Estimates of involvement with juvenile justice and child welfare vary widely from less than 10 percent (Derezotes, 2008) to an estimate from a respondent of “*around 70 percent.*” Roberts, 2002, reported that one study found 75 percent of youth in the Connecticut criminal justice system were once in foster care, another study found 80 percent of inmates in Illinois were once in foster care. A recent report from the Casey Family Programs stated that “child abuse and neglect are associated with earlier onset of juvenile crime. Further, Cummings and Pugh, 2008, reported that, “Research shows this factor [i.e., abuse and neglect] increases a juvenile’s risk of arrest for a violent crime by 96 percent.”). Interviewees also recognized that there is an overlapping issue with schools, particularly with respect to disciplinary actions (i.e., suspensions and expulsions) and this leads some to detention. The “school to detention pipeline” (cf. Harvard School to Prison Pipeline Project, NAACP, 2008) may result from behavior observed while “out of school” or may result from direct referral to detention from within a school (a high percentage of youth arrive at detention centers directly from schools). Youth referred to alternative programs arrive directly from school referrals. It is a disturbing fact that participation in an alternatives often comes only after a stay in the detention center. Indeed, in many cases youth access alternatives to detention following exposure to being held in a locked facility.

We spoke with those in positions in schools as well as providers working with schools which directly link the juvenile court and DHS to the schools and the issues of disproportionality (Trepaigner, 2006; Tomaskovic-Dewey et al. 2004). Clear and specific courses of action to reduce disproportionality were not evident. One school member at a recent YRDTF indicated that “a study including parents and students pointed to a need for cultural competence training for education” [but], “the training is being done in an isolated way” (Boone, 2008). Another school representative at a recent YRDTF stated that decision-making regarding suspension is “more of an art than a science” (Boone 2008). While these may be prevailing approaches and opinions, it suggests that much training and skill building is needed in the schools around cultural competency, identification and use of evidenced-based practices, and tools which can assist in reducing race bias in decision making (e.g., <http://www.nrepp.samhsa.gov/find.asp> for the National Registry of Evidence-Based Programs and Practices). Initiatives such as Positive Behavior Supports, an evidenced-based approach familiar to all three sites which focuses on adult interactions with students, teaching students pro-social behaviors and tiered interventions for at-risk students has been shown to reduce suspensions throughout the country and should be supported and encouraged in the local sites. Other similar approaches have also been found to be effective (McIntyre, 1996; OJJDP, 2001; Day-Vines, 2005; King et al., 2006; Monroe, 2008). As Skiba and Rausch (2004) point out:

Rates of suspension and expulsion vary widely across schools and school districts. Moreover, this variation appears to be due as much to characteristics of schools and school personnel as to the behavior or attitudes of students.... A key assumption of zero tolerance policy is that the removal of disruptive students will result in a safer climate for others. Although the assumption is strongly intuitive, data on a number of indicators of school climate have shown the opposite effect, that is, that schools with higher rates of school suspension and expulsion appear to have *less* satisfactory ratings of school climate, less satisfactory school governance and spend a disproportionate amount of time on disciplinary matters. Perhaps more importantly, recent research indicates a negative relationship between the use of school suspension and expulsion and school-wide academic achievement, even when controlling for demographics such as socioeconomic status.

Given that a high percentage of young people are reported to be directly referred from schools and school alternative programs to detention, it will be important for the JDAI effort to engage the schools to reduce the number of youth directly referred to the detention centers, as well as the disproportionality of those referrals. Attention will need to be drawn to the “school to prison pipeline” (NAACP, 2008), the role of schools and criteria for detention decision-making including the Casey Foundation publication “Pathways to Juvenile Detention Reform: Reducing Racial Disparities in Juvenile Detention” for the detention alternatives initiative to be successful (Hoytt et al, 2001).

We were repeatedly made aware that holding a young person *at* the detention center (e.g., intake) is viewed differently than holding the young person *in* the detention facility (“locked up”). The distinction between being “at” the detention center and “in” the detention center is a distinction that was made by nearly all of those with whom we spoke; however, when viewed from the perspective of a young person one wonders if the actual experience differs in any substantial way.

A recent literature review of youth corrections shows that detention has a profoundly negative impact on young people’s mental and physical well-being, their education, and their employment. One psychologist found that for one-third of incarcerated youth diagnosed with depression, the onset of the depression occurred after they began their incarceration, and another suggests that poor mental health, and the conditions of confinement together conspire to make it more likely that incarcerated teens will engage in suicide and self-harm. Economists have shown that the process of incarcerating youth will reduce their future earnings and their ability to remain in the workforce, and could change formerly detained youth into less stable employees. Educational researchers have found that upwards of 40 percent of incarcerated youth have a learning disability, and they will face significant challenges returning to school after they leave detention. Most importantly, for a variety of reasons to be explored, there is credible and significant research that suggests that the experience of detention may make it more likely that youth will continue to engage in delinquent behavior, and that the detention experience may increase the odds that youth will recidivate, further compromising public safety (Holman & Ziedenberg, 2006).

Whether a young person is “sitting in intake” or “sitting in a holding cell” or “sitting in a locked cell,” the young person at the detention perceives one thing from the experience – they’ve been “locked up.” *An effective detention alternatives initiative will require reorganizing the alternatives and how they are used in relation to detention.*

Each site reported uniqueness in implementation in almost every aspect of the juvenile justice system from decisions about arrest through decisions to waive to the adult system. The range of

opinions and perspectives indicate that *the formal system yields to informal decision-making and it is the accumulation of informal decisions that leads to the over-representation of minority youth* (cf. Gilbert, 2005; Schelling, 1978, Gladwell, 2005, 2002). *There were no specific criteria or instruments that guide decisions about who receives detention or alternatives to detention. Decisions were reported to be made on a case-by-case basis with subjective information* (Trepagnier, 2006; Tomaskovic-Dewey et al. 2004; Gilbert, 2005; Gladwell, 2005; cf. Implicit Association Test, Greenblat et al., 2008 at <https://implicit.harvard.edu/implicit/> .

In addition to the substantial variation among sites (Leiber et al., 2007), there is also variation within sites in the way cases are handled. In each site we heard reference made to handling youth on a case by case basis. The data collected in this study and others lend support to a conclusion that there is an association between race and system involvement which is a function of community context. As Hawkins et al. (2000) point out:

These findings also highlight the fact that researchers have not paid enough attention to within-group differences (Hawkins, 1983, 1999), such as those between communities of poor and middle-class blacks. One study that did make such a comparison found that firearm death rates from 1979 to 1989 for black youth 15 to 19 years old varied from 143.9 per 100,000 youth in core areas of large cities to 48.2 in small metropolitan areas, and to 15.5 in nonmetropolitan locations (Fingerhut, Ingram, and Feldman, 1992). Within-group differences may be as large and important to assess as the differences between groups.

In each site we heard that decisions were influenced heavily by the seriousness of the offense (more often referred to as “*crime*”) despite data that indicate 80 percent of those held in Iowa detention centers are there due to misdemeanor offenses or technical (i.e., probation) violations associated with misdemeanors (CJJP, 2007; 2008). Youth willingness to comply and the extent of family involvement were also thought to be important factors in making decisions. Young persons who were not considered to be a flight risk and who had committed non-violent offenses, and especially those *who also* came from families deemed to have strong parental support and cooperation with the court were reported to be more likely to receive alternatives. *However, the use of alternatives other than release to parents generally occurred following some period of being held at the detention center (including time in a receiving center or intake center which was generally not considered secure confinement by those with whom we spoke).*

It is important to note the findings of Holman and Ziedenburg (2006) that:

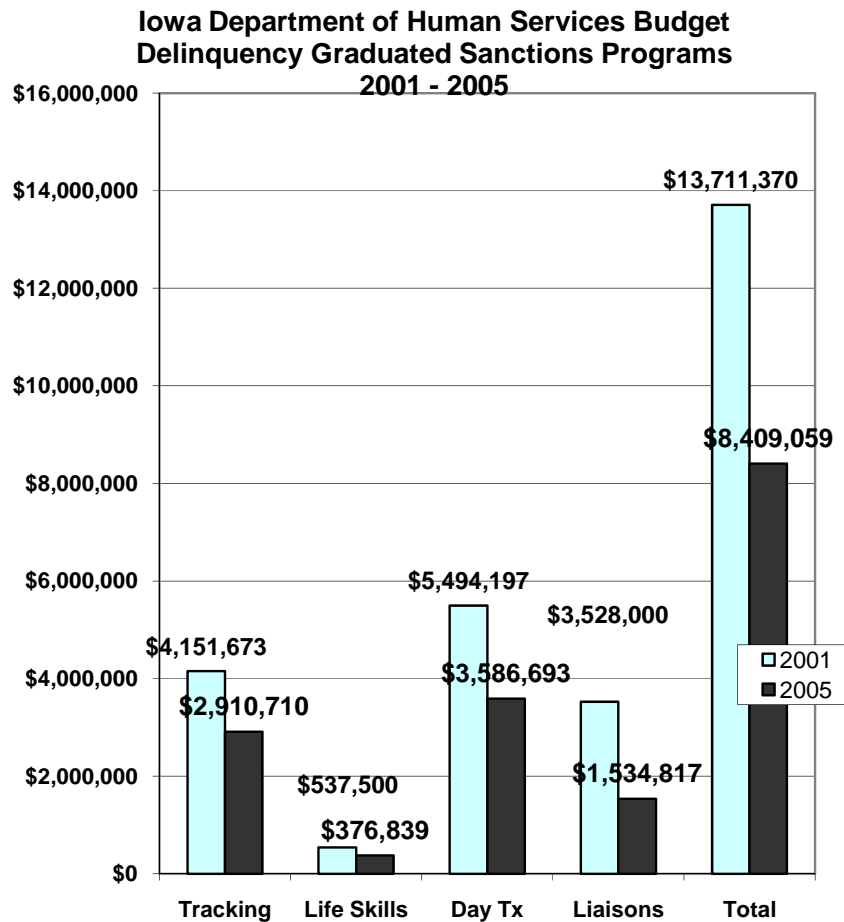
Detention centers do serve a role by temporarily supervising the most at-risk youth. However, with 70 percent being held for nonviolent offenses, it is not clear whether the mass detention of youth is necessary—or being borne equally. While youth of color represent about a third of the youth population, the latest figures show that they represent 61 percent of detained youth. Youth of color are disproportionately detained at higher rates than whites, even when they engage in delinquent behavior at similar rates as white youth... [G]iven the new findings that detaining youth may not make communities safer, the costs of needlessly detaining young people who do not need to be there are simply too high. Policymakers, instead, should look to detention reform as a means to reduce the number of young people needlessly detained, and reinvest the savings in juvenile interventions proven to reduce recidivism and crime, and that can help build healthy and safe communities.

Whether a young person is “sitting in intake” or “sitting in a holding cell” or “sitting in a locked cell,” the young person perceives one thing from the experience – they’ve been “locked up.”

An effective detention alternatives initiative will require reorganizing the alternatives and how they are used in relation to detention.

Funding Issues

Funding issues and gaps in services were reported to affect the use of detention. The group care cap was identified as one funding issue that impacted placement options. Perceptions and concern about the impact of insufficient funding for placement options seems to have decreased in the recent past, however, significant funding cuts have been incurred. The chart below provided by the 5th District, Juvenile Court Services illustrates the decrease in funding.



Lack of funding for mental health services was perceived as a growing concern. The transition of child welfare cases to the juvenile justice system with the involvement of the courts was another funding issue. (There are anecdotal reports that to access funding for services young persons must commit an offense.)

Collaboration

Systems that provide services to youth were generally reported to work well together at a systems level and Black Hawk County was described in ways in which it could be considered

exemplary in this regard. At an organizational level we heard that systems collaborate well with one another. On individual cases, however, and at the interpersonal level, there is much variation in how relevant stakeholders interact. As one respondent summarized, *“my personal opinion [is] that everybody wants to run the show.”* Control over what happens in a case can become a personal issue. Elsewhere, for example in child welfare though to some extent in juvenile justice system cases, there has been a move toward increasing family involvement (e.g., family team or family group decision making, restorative justice etc.). Improving engagement of family systems and empowering children, youth and families through allowing their control over defining and developing strategies to achieve agreed upon goals has been shown to be a more effective approach to case planning which can also eliminate some of the power struggles among professionals (Clinton, 1996; Cross, et al. 1989; Gladwell, 2002; Richardson, et al., 2003; Pumariega et al, 2005; Richardson et al., 2006a).

Polk County was characterized as a community in which improvement in how the systems work together to provide services for youth is needed. Perhaps due to the number of those we interviewed (more than three times as many as in the other sites) and the relative complexity of a larger urban area, we received a greater number of specific areas in which cooperation and collaboration could be improved. Indeed some of the gaps in services and issues related to funding were attributed to a need for improved communication among those working in youth serving systems. A prevailing perception in the community continues to be that the loss of funding for the Diversion Project reduced attention and communication specific to DMC and there remains a need for a “point person” in Polk County. The RRI data show there were some precipitous reductions at decision points in Polk County in 2005 which lends some support to the conclusion (RRI located at http://www.uiowa.edu/~nrcfcp/dmrcr/facts_and_figures.shtml).

The Woodbury County community was characterized as a smaller community in which people who know each other to work together well. As one stated in Woodbury County, *“When we’re on the same page, things seemed to work better.”* The relationship between Juvenile Court Services and the Schools received several mentions as good examples of collaboration between agencies. Mentions of the use of jargon, funding streams, differing agency goals and perspectives and some turf issues suggest that beneath the surface there are differences of opinion about how well the agencies work together and how well the agencies work with the larger community. One respondent portrayed interagency collaboration in Sioux City as *“A works with B, B works with C, but A and C never make that connection.”* Other data gathered through the MYFI project also suggest that the cosmology (Douglas, 1970; Mars, 1982) and perceptions of the minority community and agency staff in Woodbury County are significantly different (see Fabella et al., 2007 for a method of assessing communities and agencies and addressing differences).

It bears repeating that some in Woodbury County mentioned the need for client-centered services that would *“focus on what the juvenile wants and needs rather than what I [as a provider] want”* (cf. Dennis, 2006). The fact that few included the family and the youth as important members in collaboration indicates the need for attention to this stakeholder group. The principles of family centered practice in the administration and implementation of agency policies and practices is vitality needed (State of Mississippi Department of Family and Children Services, 2005; Richardson et al., 2003).

It is also clear that there is a general perception that change must come from the top. Mandates and support by the leadership, institutional support and elimination of institutional barriers, along with follow-up to ensure that policies are implemented at the practice level are needed to for improved collaboration and systems change.

Progress Being Made

A general perception was that change must come from the top through “*mandates by CEOs (agency administrators) of the different branches (agencies) and they must provide the leadership and enforce changes and improvements.*” Conventional wisdom tells us that relying only upon direct service providers to make changes results in frustration through encountering institutional barriers. Those barriers must be addressed by the leadership. Some progress has been made in terms of awareness, however, 1/3 of those who are held in detention continue to be minority youth and as Bilchik has pointed out, there is "no significant difference" in the crime rates between blacks and whites in the juvenile justice system (Bilchik in Boone, 2007).

Measures and Outcomes

In addition to ICIS which provides outcomes on annual basis each of the counties have collected data on those who are held in the detention center and some have undertaken special data collection activities for specific purposes. For example in Black Hawk County, Juvenile Court Services tracked characteristics of those held and those released over a six month period of time in 2005-2006. The detention centers in Polk County and in Woodbury County routinely collect data on those coming to the detention centers and have done so for several years. To our knowledge, analyses beyond the descriptive level (e.g., bivariate or multivariate analyses) of those data have not been performed. Outcomes currently available are those produced through ICIS and posted on the DMC Resource Center website at:

http://www.uiowa.edu/~nrcfcp/dmrc/facts_and_figures.shtml and on the Office of Juvenile Justice and Delinquency Prevention DMC Web-based Data Entry System.

Cultural Competency

Concerns about the level of cultural competence were expressed in each of the sites. Using the 6 point Cross et al. (2008) Cultural Competence Continuum: Agencies and Professionals most ranked the level of CLC in their community at “around 2.5” in each of the communities. This ranking places the communities between Cultural Incapacity and Cultural Blindness. While there are opportunities for cultural competence training (e.g., Undoing Racism, DMC Resource Center annual conference pre-conference training institutes and several trainings were conducted in communities last year), those trainings are “stand alone” and are not embedded in ongoing training which is the more effective way to increase CLC.

Progress

Finally, we asked respondents what progress has been made to reduce racial disparities and why they thought disparities exist. Those in all three sites reported that progress has been made particularly in raising awareness about the issue of disproportionality. While some believe that we may not yet be able to show measurable outcomes related to efforts, there is a perception that activities underway will lead to reduced disproportionality. More training in cultural competency was thought to be one area in which everyone could benefit.

In each site there were examples of specific efforts that have been implemented to reduce DMC. For example, in Waterloo the police and young males in the community have engaged in study circles and there is an active DMC Committee and local DMC Coordinator. There are fragmented efforts in Polk County; however there is a relatively long history (“*ten or twenty years*”) of work on the issue. In Woodbury County there are several groups focusing on the issue of disproportionality. Progress, particularly in the form of increased awareness, is evident though there is also frustration associated with what is perceived to be a lack of measurable outcomes.

Some felt that disparities may result in part from selective enforcement in neighborhoods to reduce gang crime (Tomaskovic-Dewey, 2004). Poverty, single parent homes, poor education, and lack of effective legal representation are factors believed to contribute to disparities (Ryan, 1976; cf. Moynihan, 1965). Whatever the reason, there is also disagreement, confusion, frustration and much emotion surrounding the issue of racial disparities in each of the three sites. We are reminded of the experience that facilitators had in our work with the Des Moines Public Schools (Richardson, 2005) when they held focus groups with minority students who had been suspended. As one facilitator reported:

Listening to the students and how they wanted to respond to the questions, how important they felt to be asked and for school personnel to listen, and to see them listen to each other’s responses was surprising. Where it might have been expected that students would be nervous or anxious and “act silly” or giggle, they did not. The students listened thoughtfully to their peer’s responses and conducted themselves well. “It was really thrilling to hear.” One facilitator said, “How many other adults in the school system never have that opportunity to sit with those kids and have those conversations and know that it is possible with them, because, either they don’t take the time or don’t want to or don’t have time.”

At the conclusion of the information gathering process, though we were listening to those professionals who work in the systems that deal with youth and not the youth themselves, those who conducted the interviews during 2007 had similar feelings as those who conducted the school suspension focus groups. There is much emotion surrounding the topic of racial disparities - unintended racial bias, silent racism and institutional racism. Absent from our work was input from youth and parents; this is an important element to provide complete information about the issues. The YRDTF should develop a mechanism and encourage parents and youth to express their points of view and contribute to solutions through input in the same way as the professionals who were interviewed for this report.

Despite those differences, there were near universal feelings expressed that though much more could be done, there are specific examples of hope for the future in efforts to eliminate disparities including more openness to discuss the issue, growing popularity of the DMC Conferences and increased awareness, the recently developed Governor’s Youth Race and Detention Task Force, and numerous specific programs and initiatives underway in each of the communities and at the state level.

RECOMMENDATIONS

Recommendation 1: Maintain engagement and commitment of top officials who must encourage the use of evidence-based practice and who can require follow-up on measureable results of disproportionality reduction efforts.

At a minimum engagement is a promise to be present and commitment is an agreement or pledge to take action. A significant perception is that change must come from the top through mandates by agency administrators. Their leadership is essential to establish policy and promote changes necessary to achieve the desired outcomes. Relying upon direct service providers and delegated administrative responsibility will result in frustration because institutional barriers can only be effectively changed by policy from the top administrative level. Agency administrators must themselves participate at the state level (e.g., Governor's Youth Race and Detention Task Force) and at the local level (e.g., DMC and JDAI committees) for those efforts to be effective.

To reduce racial disparities it is incumbent upon the top administrative officials to promote the use of evidenced-based or evidence informed practice and develop a follow-up plan based on the use of valid and reliable tracking measures. For example, teaching students pro-social behaviors focusing on adult interactions and tiered interventions for at-risk students has been shown to reduce suspensions throughout the country and could be encouraged and implemented by school superintendents in the local sites. At a recent YRDTF meeting Waterloo reported implementing Positive Behavior Supports (PBS) district-wide with support from the board and top administration to address disproportionality in suspensions and the achievement gap with success. At minimum, specific evidence based practices with measureable results of disproportionality reduction should be implemented and monitored with responsibility assigned and adequate support provided for ensuring achievement of the desired results.

Recommendation 2: Conduct a thorough review and reorganization of services and their use, adopt evidenced-based practices and track measurable results.

It is especially concerning that alternative services were reported to follow, rather than precede being "locked up" in a detention center. Reasons for detention, the use of alternatives or diversion and the description of the characteristics of these interventions were not clearly or consistently articulated. Attention must be paid to the unintended consequence of simply desensitizing a young person due to inconsistent and ineffective system responses. A review of existing services, explicit restructuring and reorganization of their use with a specific focus on creating a race neutral system and reducing racial disparities should be undertaken. This recommendation is further supported by HF2393 enacted in 2008 which requires minority impact statements which address any unique impact of policies or programs on minority persons in Iowa.

The use of a statewide structured decision-making tool for detention screening has been suggested at the Governor's YRDTF; this is a first step in adopting evidence-based practice (EBP). Cultural competency and skill building are two areas in which much additional training was reportedly needed both are essential elements of EBP. Juvenile justice, child welfare, law enforcement and school staff were specifically mentioned as needing more cultural competency training. Because utilization of skills is sometimes affected by institutional barriers, in addition

to measuring knowledge gain from training there is also a need for follow-up measures of skill utilization. Identification and use of evidenced-based practices and decision-making tools not only assist in reducing race bias, they also help agencies focus on adult interactions with young people or students which is also needed. EBP requires that we collect data that are analyzable at the aggregate level and also at the individual; both levels of analysis are important for assessing outcomes and furthering our understanding.

Recommendation 3: Restore funding to previous levels and increase funding for programs and services that intentionally target DMC reduction after reorganization under Recommendation 2 is accomplished.

Those detained compared to those in alternatives were perceived to be the same young people with co-occurring or previous involvement in the child welfare system and school disciplinary systems. A majority of the young people appearing at detention centers were reported to be referred by schools or school alternative programs and were referred to as “*the same kids.*” Clearly, making changes in other systems linked to the juvenile court system is needed to reduce disproportionality and detention and alternatives must be restructured so that alternatives precede detention.

Funding decreases since 2001 were also reported to have increase the use of treatment options considered inappropriate. Restoring funding to previous levels is recommended; however, in conjunction with increased funding there should be an intentional focus on reducing racial disparities in detention and at other decision points defined as those appearing in the official relative rate matrices. Awareness must be maintained that restored funding for the programs could result in unintended consequences; therefore, while improving the juvenile justice system for the general population additional funds should be specifically targeted to reduce DMC to assure that “net widening” (pulling in youth who would not otherwise be in detention) does not occur. Great caution should be taken to assure that any programs that might be funded should be focused in the short term on providing services to youth who would otherwise be in secure detention. Programs that are much broader will not provide the immediate outcome of reducing disproportionate confinement that is desired and needed.

Recommendation 4: Family and youth follow-up study.

The report states that the fact that few included the family and youth as important members in collaboration indicates the need for attention to this stakeholder group. The information collected came exclusively from those employed by youth serving agencies. Noticeably absent and critical to a full understanding is the perspective of parents and youth. Their input is vitally important to provide complete information about the issues. It is recommended that a follow-up study be conducted to include parent and youth responses and perspectives.

REFERENCES

- Anderson, B. (1971). *The Psychology Experiment*. Belmont, CA: Wadsworth.
- Bilchik, S. (2007). The intersection of the juvenile justice and child welfare systems: Implications for policy and practice. Denver, Co.: OJJDP Training Conference, (October).
- Boone, D. (2007). Culver Tells Conference on Race Disparities: "We Must and Can Do Better." Iowa Independent, November 29, 2007. Online at: <http://www.iowaindependent.com/showDiary.do?diaryId=1552>
- Boone, D. (2008). Task Force to Study Minority Youth Detention Rates. Iowa Independent, Feb. 21. Online at: <http://www.iowaindependent.com/showDiary.do?diaryId=1974>
- Clinton, H. (1996). *It Takes A Village: And Other Lessons Children Teach Us*. New York: Simon & Schuster.
- Center for Juvenile Justice Reform, Georgetown University & Chapin Hall Center for Children at the University of Chicago. (2008). Understanding Racial and Ethnic Disparity in Child Welfare and Juvenile Justice.
- Criminal and Juvenile Justice Planning (2008). Detention Center Data. Presentation to the DMC Committee, February 21, 2008.
- Criminal and Juvenile Justice Planning (2007). Detention Holds in Iowa. Presentation to the Governor's Youth Race and Detention Task Force, November, 2007.
- Cross, T., Bazron, B., Dennis, K., & Isaacs, M. (1989). *Towards a culturally competent system of care*. Washington D.C.: CASSP Technical Assistance Center.
- Cummings, A. and Pugh, R. (2008). Georgetown University and Casey Family Programs Partner to Help At-Risk Youth. Casey Family Programs electronic press release March 13, 2008.
- Day-Vines, N. L., & Day-Hairston, B. (2005). Culturally congruent strategies for addressing the behavioral needs of urban, African American male adolescents. *Professional School Counseling*, 8(3), 236-243.
- Dennis, K. (2006). *Everything is Normal Until Proven Otherwise: A Book About Wraparound Services*. Washington, DC: Child Welfare League of America.
- Derezotes, D. M., Poertner, J., & Testa, M. F. (eds.). *Race matters in child welfare: The over-representation of African American children in the system*. Washington, D.C.: CWLA Press.
- Derezotes, D., Richardson, B., Rembert, J., & Pratt, B. (in press). Evaluating multi-systemic efforts to impact disproportionality through key decision points. *Child Welfare, Special Issue on Racial Disproportionality in Child Welfare*; Washington D.C.: CWLA Press
- Derezotes, D. (2008). Personal communication.
- Doi, D. (2004). Personal Communication.
- Douglas, J. (1970). *Observations of Deviance*. New York, NY: Random House.
- Fabella, D.; Slappey S.; Richardson, B.; Light A. & Christie S. (2007). Disproportionality: Developing a Public Agency Strategy. National Association of Public Child Welfare Administrators. Unpublished manuscript.
- Gilbert, D. (2005). *Stumbling on Happiness*. New York, NY: Vintage Books.
- Gladwell, M. (2002) *The Tipping Point: How Little Things Can Make a Big Difference*. New York: Little Brown & Co.
- Gladwell, M. (2005). *Blink: The Power of Thinking Without Thinking*. New York: Little, Brown & Co.
- Greenwald, A.; Banaji, M., Nosek, B. (2008). <https://implicit.harvard.edu/implicit/>

- Hawkins, D.; Laub, J.; Lauritsen, J.; & Cothorn, L. (2000). Race, Ethnicity, and Serious and Violent Juvenile Offending. *Juvenile Justice Bulletin*, (June). Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Holman, B. and Ziedenberg, J. (2006). *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*. Washington DC: Justice Policy Institute. Online at: http://www.justicepolicy.org/images/upload/06-11_REP_DangersOfDetention_JJ.pdf
- Hoytt, E.; Schiraldi, V.; Smith, B.; Ziedenberg, J. (2001). #8. Pathways to Juvenile Detention Reform: Reducing Racial Disparities in Juvenile Detention. Baltimore, MD: Annie E. Casey Foundation.
- Huizinga, D., Thornberry, T. Knight, K. Lovegrove, P. Loeber, R, Hill, K., Farrington, D. (2007). *Disproportionate Minority Contact in the Juvenile Justice System: A Study of Differential Minority Arrest/Referral to Court in Three Cities*. A Report to the Office of Juvenile Justice and Delinquency Prevention.
- King, K.A., Harris-Muirri, & Artiles, A.J. (2006). *Proactive culturally responsive discipline*. Denver, CO: National Center for Culturally Responsive Educational Systems.
- Lantz, M. (2008). *Juvenile Court Services Delinquency Programs and Services*. Des Moines IA: Fifth Judicial District.
- Lieber, M. Fox, K. & Lacks, R. (2007). Race and Detention Decision Making and the Impact on Juvenile Court Outcomes in Black Hawk County, Iowa. Found at: http://www.uiowa.edu/~nrcfcp/dmrc/news_and_report.shtml
- Levitt, S. & Dubner, S. (2006). *Freakonomics: A Rogue Economist Explores the Hidden Side of Everything*. New York: Harper Collins.
- Liazos, A. (1972). The Poverty of the Sociology of Deviance: Nuts, Sluts and 'Preverts.' In Traub, S. and Little, C. (1975). *Theories of Deviance*. Itasca, IL: Peacock.
- Mars, G. (1983). *Cheats at Work: An Anthropology of Workplace Crime*. London: Unwin.
- McDaniel, M. (2008). *Thursday's Child: Racial Disparities in Child Welfare*. Washington, DC: The Urban Institute, January 10, 2008.
- McIntyre, T. (1996). Does the Way We Teach Create Behavior Disorders In Culturally Different Students? *Education and Treatment of Children*, 19, No. 3 (August) 354-70.
- Monroe, C. (2006). Closing the Discipline Gap through Cultural Synchronization. *Kappa Delta Pi* (Summer): ProQuest Information and Learning Co.
- Moynihan, D. (1965). *The Negro Family: The Case for National Action*. Office of Policy Planning and Research United States Department of Labor.
- NAACP Legal Defense and Educational Fund, Inc. (2008). Dismantling the School to Prison Pipeline. Found at: http://www.uiowa.edu/~nrcfcp/dmrc/news_and_report.shtml , April 11, 2008.
- Office of Juvenile Justice and Delinquency Prevention (OJJDP). (2001). Fact Sheet #39 (November) The 8 % Solution.
- Pumariega, A. J., Rogers, K. Rothe, E. (2005). Culturally competent systems of care for children's mental health: Advances and challenges. *Community Mental Health Journal*, 41(5), pp. 539-555.
- Padgett, D. (2004). *The Qualitative Research Experience*. Belmont, CA: Wadsworth.
- Richardson, B. (in press). Comparative Analysis of Two Community-Based Efforts Designed to Impact Disproportionality. *Child Welfare, Special Issue on Racial Disproportionality in Child Welfare*; Washington D.C.: Child Welfare League of America.

- Richardson, B., Graf, N. & Heck, T. (2008). Minority Youth and Families Initiative Practice Guide: Polk County Child Welfare Services for African American Families. Iowa City, IA: University of Iowa School of Social Work, National Resource Center for Family Centered Practice. Available at: <http://www.uiowa.edu/~nrcfcp/dmrcr/myfi.shtml>
- Richardson, B., Graf, N., Clegg, R., & Knutsen, J. (2006a). Collaborating across systems to build effective schools. *The Prevention Report 2006 #1*. Iowa City, IA: University of Iowa School of Social Work, National Resource Center for Family Centered Practice.
- Richardson, B., Graf, N., & Loring, B. (2006b). The Impact of community collaboration to improve early learning. *The Prevention Report 2006 #1*. Iowa City, IA: University of Iowa School of Social Work, National Resource Center for Family Centered Practice.
- Richardson, Brad (2005). Community Interventions: Reducing Over-Representation in Iowa's Juvenile Justice and Child Welfare Systems. Washington D.C.: Child Welfare League of America, *The Link, Vol. 4, No 2: 1-10*.
- Richardson, B. & McFall-Jean, N. (2005). Eradicating Disparities: Iowa's Efforts to Eliminate Over-Representation in Juvenile Justice, Child Welfare and the Education Systems. Washington D.C.: Nat'l Assoc. of Social Workers, *Intersections, (Fall): 8-14*.
- Richardson, B. (2005). Evaluation of the Minority Youth and Families Initiative (MYFI) Demonstration Projects. Iowa City, IA: University of Iowa School of Social Work, National Resource Center for Family Centered Practice, DMC Resource Center.
- Richardson, B. (2005). Reducing Disproportionality in Suspensions at Des Moines Public Schools: Findings and Recommendations from Focus Groups with Students and Parents. Iowa City, IA: University of Iowa School of Social Work, National Resource Center for Family Center Practice, DMC Resource Center. Available at: http://www.uiowa.edu/~nrcfcp/dmrcr/news_and_report.shtml.
- Richardson, B. & Graf, N. (2004). Measuring Strengths in Community Collaboration. University of Iowa School of Social Work, National Resource Center for Family Center Practice: *Prevention Report, No. 1*.
- Richardson, B.; Theisen, B. and Spears, J. (2003) Network Guide to Measuring Family Development Outcomes. Des Moines: Iowa Community Action Association, Iowa City: University of Iowa School of Social Work, National Resource Center for Family Center Practice & Department of Health and Human Services, Office of Community Services.
- Roberts, D. (2002). *Shattered Bonds: The Color of Child Welfare*. New York: Basic Books.
- Royse, D. (2004). *Research Methods in Social Work*. Pacific Grove, CA: Brooks/Cole.
- Ryan, W. (1976). *Blaming the Victim*. New York: Vintage.
- Schelling, T. (1978). *Micromotives and Macrobehavior*. New York, NY: Norton & Co.
- Skiba, R. & Rausch, M. K. (2004). Children Left Behind Policy Briefs: Supplementary Analysis 3-A, Doing Discipline Differently: The Greenfield Middle School Story. Center for Evaluation and Education Policy. Available at: <http://ceep.indiana.edu/ChildrenLeftBehind/pdf/3a.pdf>
- Snyder, H. (2003). Personal Communication.
- Thio, A. (1973). Class Bias in the Sociology of Deviance. *American Sociologist*, Vol. 8, (February).
- State of Mississippi, Division of Family and Children Services (2005). Supervisor's Guide to Implementing Family Centered Practice. [http://www.hunter.cuny.edu/socwork/nrcfcp/downloads/MS SUPERVISORS GUIDEBOOK.pdf](http://www.hunter.cuny.edu/socwork/nrcfcp/downloads/MS_SUPERVISORS_GUIDEBOOK.pdf)
- Tomaskovic-Dewey, D. Mason, M., Zingraff, M. (2004). Looking for the Driving While Black Phenomena: Conceptualizing Racial Bias Processes and their Associated Distributions.

- Police Quarterly, Vol. 7, No. 1, 3-29.
- Traub, S. and Little, C. (1975). *Theories of Deviance*. Itasca, IL: Peacock.
- Trepagnier, B. (2006). *Silent Racism*. Boulder & London: Paradigm Publishers.

Appendix A: Relevant Iowa Code Sections

Iowa Code 2007 232.22; 232.44

<http://nxtsearch.legis.state.ia.us/NXT/gateway.dll/2007%20Iowa%20Code?f=templates&fn=default.htm>

232.22 Placement in detention.

1. A child shall not be placed in detention unless one of the following conditions is met:

- a.* The child is being held under warrant for another jurisdiction.
- b.* The child is an escapee from a juvenile correctional or penal institution.
- c.* There is probable cause to believe that the child has violated conditions of release imposed under section [232.44](#), subsection 5, paragraph "b", or section [232.52](#) or [232.54](#), and there is a substantial probability that the child will run away or otherwise be unavailable for subsequent court appearance.
- d.* There is probable cause to believe the child has committed a delinquent act, and one of the following conditions is met:
 - (1) There is a substantial probability that the child will run away or otherwise be unavailable for subsequent court appearance.
 - (2) There is a serious risk that the child if released may commit an act which would inflict serious bodily harm on the child or on another.
 - (3) There is a serious risk that the child if released may commit serious damage to the property of others.
- e.* There is probable cause to believe that the child has committed a delinquent act involving possession with intent to deliver any of the following controlled substances:
 - (1) A mixture or substance containing cocaine base, also known as crack cocaine, and if the act was committed by an adult, it would be a violation of section [124.401](#), subsection 1, paragraph "a", subparagraph (3), paragraph "b", subparagraph (3), or paragraph "c", subparagraph (3).
 - (2) A mixture or substance containing cocaine, its salts, optical and geometric isomers, and salts of isomers, and if the act was committed by an adult, it would be a violation of section [124.401](#), subsection 1, paragraph "a", subparagraph (2), subparagraph subdivision (b), paragraph "b", subparagraph (2), subparagraph subdivision (b), or paragraph "c", subparagraph (2), subparagraph subdivision (b).
 - (3) A mixture or substance containing methamphetamine, its salts, isomers, or salts of isomers, or analogs of methamphetamine, and if the act was committed by an adult, it would be a violation of section [124.401](#), subsection 1.
- f.* A dispositional order has been entered under section [232.52](#) placing the child in secure custody in a facility defined in subsection 3, paragraph "a" or "b".
- g.* There is probable cause to believe that the child has committed a delinquent act which would be domestic abuse under chapter [236](#) or a domestic abuse assault under section [708.2A](#) if committed by an adult.

2. If deemed appropriate by the court, an order for placement of a child in detention may include a determination that continuation of the child in the child's home is contrary to the child's welfare and that reasonable efforts as defined in section [232.57](#) have been made. The inclusion of such a determination shall not under any circumstances be deemed a prerequisite for entering an order pursuant to this section. However, the inclusion of such a determination, supported by the record, may assist the department in obtaining federal funding for the child's placement.

3. Except as provided in subsection 7, a child may be placed in detention as provided in this section in one of the following facilities only:

a. A juvenile detention home.

b. Any other suitable place designated by the court other than a facility under paragraph "*c*".

c. A room in a facility intended or used for the detention of adults if there is probable cause to believe that the child has committed a delinquent act which if committed by an adult would be a felony, or aggravated misdemeanor under section [708.2](#) or [709.11](#), a serious or aggravated misdemeanor under section [321J.2](#), or a violation of section [123.46](#), and if all of the following apply:

(1) The child is at least fourteen years of age.

(2) The child has shown by the child's conduct, habits, or condition that the child constitutes an immediate and serious danger to another or to the property of another, and a facility or place enumerated in paragraph "*a*" or "*b*" is unavailable, or the court determines that the child's conduct or condition endangers the safety of others in the facility.

(3) The facility has an adequate staff to supervise and monitor the child's activities at all times.

(4) The child is confined in a room entirely separated from detained adults, is confined in a manner which prohibits communication with detained adults, and is permitted to use common areas of the facility only when no contact with detained adults is possible.

However, if the child is to be detained for a violation of section [123.46](#) or section [321J.2](#), placement in a facility pursuant to this paragraph shall be made only after an attempt has been made to notify the parents or legal guardians of the child and request that the parents or legal guardians take custody of the child. If the parents or legal guardians cannot be contacted, or refuse to take custody of the child, an attempt shall be made to place the child in another facility, including but not limited to a local hospital or shelter care facility. Also, a child detained for a violation of section [123.46](#) or section [321J.2](#) pursuant to this paragraph shall only be detained in a facility with adequate staff to provide continuous visual supervision of the child.

d. A place used for the detention of children prior to an adjudicatory hearing may also be used for the detention of a child awaiting disposition to a placement under section [232.52](#), subsection 2, paragraph "*e*" while the adjudicated child is awaiting transfer to the disposition placement.

4. A child shall not be held in a facility under subsection 3, paragraph "*a*" or "*b*" for a period in excess of twenty-four hours without an oral or written court order authorizing the detention.

When the detention is authorized by an oral court order, the court shall enter a written order before the end of the next day confirming the oral order and indicating the reasons for the order.

5. A child shall not be detained in a facility under subsection 3, paragraph "*c*" for a period of time in excess of six hours without the oral or written order of a judge or a magistrate authorizing the detention. A judge or magistrate may authorize detention in a facility under subsection 3, paragraph "*c*" for a period of time in excess of six hours but less than twenty-four hours, excluding weekends and legal holidays, but only if all of the following occur or exist:

a. The facility serves a geographic area outside a standard metropolitan statistical area as determined by the United States census bureau.

b. The court determines that an acceptable alternative placement does not exist pursuant to criteria developed by the department of human services.

c. The facility has been certified by the department of corrections as being capable of sight and sound separation pursuant to this section and section [356.3](#).

d. The child is awaiting an initial hearing before the court pursuant to section [232.44](#).

The restrictions contained in this subsection relating to the detention of a child in a facility under subsection 3, paragraph "c" do not apply if the court has waived its jurisdiction over the child for the alleged commission of a felony offense pursuant to section [232.45](#).

6. An adult within the jurisdiction of the court under section [232.8](#), subsection 1, who has been placed in detention, is not bailable under chapter [811](#). If such an adult is detained in a room in a facility intended or used for the detention of adults, the adult shall be confined in a room entirely separated from adults not within the jurisdiction of the court under section [232.8](#), subsection 1.

7. If the court has waived its jurisdiction over the child for the alleged commission of a forcible felony offense pursuant to section [232.45](#) or [232.45A](#), and there is a serious risk that the child may commit an act which would inflict serious bodily harm on another person, the child may be held in the county jail, notwithstanding section [356.3](#). However, wherever possible the child shall be held in sight and sound separation from adult offenders. A child held in the county jail under this subsection shall have all the rights of adult post arrest or pretrial detainees.

8. Notwithstanding any other provision of the Code to the contrary, a child shall not be placed in detention for a violation of section [123.47](#), or for failure to comply with a dispositional order which provides for performance of community service for a violation of section [123.47](#).

[S13, §254-a24; SS15, §254-a16; C24, 27, 31, 35, 39, § **3633**; C46, 50, 54, 58, 62, §232.17; C66, 71, 73, 75, 77, §232.17 - 232.19; C79, 81, §232.22; 82 Acts, ch 1209, §4, 5]

86 Acts, ch 1186, §3; 87 Acts, ch 149, §2 - 4; 88 Acts, ch 1167, §2, 3; 91 Acts, ch 232, §2, 3; 92 Acts, ch 1231, §14, 15; 95 Acts, ch [180, §3](#); 95 Acts, ch [191, §9](#); 96 Acts, ch [1164, §7](#); 97 Acts, ch [126, §14](#); 2001 Acts, ch [135, §6](#)

232.44 Detention or shelter care hearing - release from detention upon change of circumstance.

1. A hearing shall be held within forty-eight hours, excluding Saturdays, Sundays, and legal holidays, of the time of the child's admission to a shelter care facility, and within twenty-four hours, excluding Saturdays, Sundays, and legal holidays, of the time of a child's admission to a detention facility. If the hearing is not held within the time specified, the child shall be released from shelter care or detention. Prior to the hearing a petition shall be filed, except where the child is already under the supervision of a juvenile court under a prior judgment.

If the child is placed in a detention facility in a county other than the county in which the child resides or in which the delinquent act allegedly occurred but which is within the same judicial district, the hearing may take place in the county in which the detention facility is located. The child shall appear in person at the hearing required by this subsection.

2. The county attorney or a juvenile court officer may apply for a hearing at any time after the petition is filed to determine whether the child who is the subject of the petition should be placed in detention or shelter care. The court may upon the application or upon its own motion order such hearing. The court shall order a detention hearing for a child waived under section [232.45](#), subsection 7, at the time of waiver.

3. A notice shall be served upon the child, the child's attorney, the child's guardian ad litem if any, and the child's known parent, guardian, or custodian not less than twelve hours before the time the hearing is scheduled to begin and in a manner calculated fairly to apprise the parties of the time, place, and purpose of the hearing. In the case of a hearing for a child waived for prosecution as a youthful offender, this notice may accompany the waiver order. If the court finds that there has been reasonably diligent effort to give notice to a parent, guardian, or

custodian and that the effort has been unavailing, the hearing may proceed without the notice having been served.

4. At the hearing to determine whether detention or shelter care is authorized under section [232.21](#) or [232.22](#) the court shall admit only testimony and other evidence relevant to the determination of whether there is probable cause to believe the child has committed the act as alleged in the petition and to the determination of whether the placement of the child in detention or shelter care is authorized under section [232.21](#) or [232.22](#). At the hearing to determine whether a child who has been waived for prosecution as a youthful offender should be released from detention the court shall also admit evidence of the kind admissible to determine bond or bail under chapter [811](#), notwithstanding section [811.1](#). Any written reports or records made available to the court at the hearing shall be made available to the parties. A copy of the petition or waiver order shall be given to each of the parties at or before the hearing.

5. The court shall find release to be proper under the following circumstances:

a. If the court finds that there is not probable cause to believe that the child is a child within the jurisdiction of the court under this chapter, it shall release the child and dismiss the petition.

b. If the court finds that detention or shelter care is not authorized under section [232.21](#) or [232.22](#), or is authorized but not warranted in a particular case, the court shall order the child's release, and in so doing, may impose one or more of the following conditions:

(1) Place the child in the custody of a parent, guardian or custodian under that person's supervision, or under the supervision of an organization which agrees to supervise the child.

(2) Place restrictions on the child's travel, association, or place of residence during the period of release.

(3) Impose any other condition deemed reasonably necessary and consistent with the grounds for detaining children specified in section [232.21](#) or [232.22](#), including a condition requiring that the child return to custody as required.

(4) In the case of a child waived for prosecution as a youthful offender, require bail, an appearance bond, or set other conditions consistent with this section or section [811.2](#).

c. An order releasing a child on conditions specified in this section may be amended at any time to impose equally or less restrictive conditions. The order may be amended to impose additional or more restrictive conditions, or to revoke the release, if the child has failed to conform to the conditions originally imposed.

6. If the court finds that there is probable cause to believe that the child is within the jurisdiction of the court under this chapter and that full-time detention or shelter care is authorized under section [232.21](#) or [232.22](#) or that detention is authorized under section [232.23](#), it may issue an order authorizing either shelter care or detention until the adjudicatory hearing or trial is held or for a period not exceeding seven days, whichever is shorter. However, in the case of a child placed in detention under section [232.23](#), this period may be extended by agreement of the parties and the court.

7. If a child held in shelter care or detention by court order has not been released after a detention hearing or has not appeared at an adjudicatory hearing before the expiration of the order of detention, an additional hearing shall automatically be scheduled for the next court day following the expiration of the order. The child, the child's counsel, the child's guardian ad litem, and the child's parent, guardian or custodian shall be notified of this hearing not less than twenty-four hours before the hearing is scheduled to take place. The hearing required by this subsection may be held by telephone conference call.

8. A child held in a detention or shelter care facility pursuant to section [232.21](#) or [232.22](#) under order of court after a hearing may be released upon a showing that a change of circumstances makes continued detention unnecessary.

9. A written request for the release of the child, setting forth the changed circumstances, may be filed by the child, by a responsible adult on the child's behalf, by the child's custodian, or by the juvenile court officer.

10. Based upon the facts stated in the request for release the court may grant or deny the request without a hearing, or may order that a hearing be held at a date, time and place determined by the court. Notice of the hearing shall be given to the child and the child's custodian or counsel. Upon receiving evidence at the hearing, the court may release the child to the child's custodian or other suitable person, or may deny the request and remand the child to the detention or shelter care facility.

11. This section does not apply to a child placed in accordance with section [232.78](#), [232.79](#), or [232.95](#).

[C79, 81, §232.44; 82 Acts, ch 1209, §9, 10]

87 Acts, ch 149, §5; 94 Acts, ch [1172, §16](#), [17](#); 95 Acts, ch [67, §15](#); 97 Acts, ch [126, §19](#)

Appendix B: Semi-Structured Interview Guide

1. Describe the alternatives to detention that exist in this judicial district.
 - a. What are the alternatives? (how many are there?)
 - b. What are the primary difference among those served in alternatives and those held in the detention center?
 - c. What are the differences in characteristics of the youth currently served in alternatives (e.g., diagnosis, age, gender, and ethnicity)
 - d. How do the alternatives work? (different approaches, number served, length of service, etc.)
 - e. What about 48 hour holds, how are they used in this area?
(are these more or less effective with some?)
(is the 48 hour hold used more with certain kinds of kids? who?)
(Are probation violators being held in circumstances other than the 48 hours exception [provided as a dispositional option in the Iowa Code])
 - f. Are some youth held for other reasons, for example, waiting for group care placement (probe: what about youth waiting for foster placement who are CINAs).
 - g. What do you believe are the strongest factors contributing to the decision to release a youth, place a youth in a detention alternative or place in detention?
 - h. Are there specific criteria for determining who is eligible for alternatives?
 - i. Follow-up probes:
How are detention decisions made for youth who have:

just committed a new delinquent act?

violated the conditions of their probation?

what about time of day, do decisions get made differently during business/non-business hours?

what about law enforcement, how do they decide who to bring to the detention center?
(or how do they decide who to call?)
2. Are there any funding issues that affect the use detention alternatives.
 - a. Are there any gaps in services?
 - b. What services would fill those gaps (e.g., in-home, community)
3. How do various systems that provide services to youth work together (e.g., DHS, Law Enf.)?
 - a. Which systems seem to working well together? (Are there any that aren't?)
 - b. Are there specific barriers? (e.g., financial, functional, organizational)
4. Are there outcomes that are currently being measured for youth served by JCS?
 - a. Is anyone collecting data on those held in detention (who is that?)
 - b. What about for those in alternatives? (who would that be?)
5. How would you describe the cultural competency (CLC) in the systems that serve youth in this area (JCS, DHS, in-home and other community based systems and services)?
 - a. Is there specific training or competencies that are required? (available?)
(What are they?)
 - b. Are there any gaps in the ability to provide services and supports in a culturally and linguistically appropriate manner?
6. How would you describe the progress being made to reduce racial disparities. (only about 10% of youth in Iowa are minority and nearly a third of those in detention are minority - Why do you believe that the disparity exists?)

Appendix C: Tables of Detention Alternatives in Communities and Their Characteristics

Table 1: Description of Alternatives in Black Hawk County

| <i>Service</i> | <i>Description</i> |
|----------------------------------|--|
| In-home detention | The target population is male or female youth 12-18 who have committed non-serious offenses and those with little or no prior history. There is no limit on the number of youth who can be served by In-House Detention. Youth are restricted to their residence under supervision of an adult. In order to “move” outside the home, youth are required to call in and must have a land line phone. Requires detention order and specific contract with court and approved adult. |
| Youth Shelter | The target population is youth 12-18 who are determined not to be able to go home due to family issues or because no adult caretaker is available. A detention order is required and ranks between secure detention and in-home detention. Shelter placement is for those who require less structure than detention, but are determined to need close observation. Shelter is not for long-term holds and must be court-ordered. |
| Foster Group homes | Foster Group care is used in very few cases as an alternative to detention. A court order is required. Intended for youth ages 12-18, with behavioral issues. Psychiatric Medical Institute for Children (PMIC) is used for youth with mental health issues which requires a physician’s diagnosis. |
| Weekend offender program | Designed for youth 12-18, must be adjudicated and on probation. Violation of probation, dirty UA, and truancy are reasons for this sanction. Decisions are case specific. Used in lieu of 48 hour hold in detention. |
| Phased Programming/ Four Oaks | Designed for youth 12-18, providing residential/day treatment care for adjudicated youth. Phases range from day treatment to residential care and “move up” or “down” based on cooperation with the program through Four Oaks. Phase one is inpatient (residential). Phase two youth is day treatment with school provided by Four Oaks. Phase three is for those residing in the community, attending their own schools, and participating at Four Oaks for day treatment only. Phase four is transition back to the community. |
| First offender program | The First Offender Program is a series of two workshops designed for youth 12-18 who have been arrested for 5 th degree theft (first offense). Parent(s) must attend the second workshop. |
| Tracking and monitoring | Designed for youth 12-18 who require some supervision while on probation. A Risk Release Assessment is conducted to evaluate youth for assignment to this service. Assessment information comes from parents, past history as well as receptiveness of youth to the program. Involves either the use of electronic monitoring or trackers who stay in contact with the youth and conduct home visits. Family must have a landline. |

Table 2. Description of Alternative in Polk County

| <i>Service</i> | <i>Description</i> |
|-----------------------|---|
| Bridges on Hull | Bridges on Hull is an educational alternative program for high-need delinquent male youth and those determined to be in need of transition assistance to regular school after returning from out-of-home placement. Located in the “old Meyer Hall” (formerly Polk County Detention Center) it is a collaboration between the Des Moines Public Schools and Polk County Youth Services. |
| Community Service | Restorative Justice Program targets youth age 12-18 in Decatur, Dallas and Polk counties; RJP serves 13 of the 16 counties in the 5 th judicial district. The programs develop community service sites, work with victims and arrange for youth to complete community service and restitution plans. These programs have a paid community service component for youth who are too young or otherwise unable to find employment to make restitution payments. |
| Electronic monitoring | Electronic monitoring is designed for high risk youth and sex offenders age 12-18. It is available throughout the 5th District through contracts with Tracking/Monitoring providers and Polk County Youth Services. |
| Impact | Impact is provided through Youth Homes of Mid-America and Polk County Youth Services and serves youth 12-18. Youth remain in their home and are accountable to program staff for their whereabouts and behavior. Supervision is provided 24 hours a day through electronic and in-person monitoring. The program includes school and educational activities, family mediation, counseling and community service. The program is designed for youth released from detention awaiting dispositional hearing. |
| ISAP | ISAP (Intensive Supervision Alternative Plan) is a diversion program used when parents require additional support in maintaining youth at home. Youth Homes of Mid-America provides support for “house arrest,” and a “check-in system” is also available. |
| Relative placement | Relative placement is used when there are appropriate relatives for a youth to live with. The court checks on the relatives to ensure the placement is effective for the youth. |
| Accountability Court | A voluntary diversion opportunity for 1st time offenders with misdemeanor offenses between the ages of 12-18. Youth are required to inform Judge of the circumstances surrounding the offense. After admission of guilt a contract is established setting forth conditions. The youth selects one consequence and the judge selects a second. Completion is required within 30 days. Determination of unsuccessful completion results in higher level of service if youth subsequently comes to the attention of JCO. |
| Sex offender program | Designed for youth of any age, Sequel Care provides outpatient sex offender treatment that includes an individualized treatment plan for each offender. Medium and high risk youth are served in separate programs. Individual education/treatment is available for low risk |

| | |
|--|---|
| | offenders kept separated from higher risk youth. |
| Student and family assistance/counseling | Student and Family Services is a division within Des Moines Public Schools. Students are served who might otherwise be referred to detention and those who have been in detention may be served as an alternative to regular school programming. |
| Student services committee or services tied to IEP | Services are available to students based on IEP; students who have been adjudicated have alternatives within DMPS such as Bridges on Hull. |
| Substance abuse treatment | Children and Families of Iowa - Cornerstone provides outpatient substance abuse treatment. High risk substance abusing youth are served to mitigate placement. In addition to treatment, skill building, family counseling and aftercare are provided. |
| Violators programs | There are two programs described which serve youth 12-18 who have violated probation. <i>Weekday Violators' Program</i> is an after school program which provides the Court or JCO with alternatives to detention. Youth go to Orchard Place-PACE Immediately after school and spend the evening engaged in school work, skill building activities and community service. <i>Weekend Violators' Program</i> is a 48 hour "skill building" and community service program at Camp Dodge for Polk County youth supervised by PACE. |
| Saturday sanctions | Saturday sanctions, designed for youth 12-18, and are used as an alternative to detention where youth spend a Saturday engaged in intensive community service work. Youth involved in the program pay fees. |
| Youth Justice Initiative (YJI) | Youth aged 12-18 are referred by law enforcement. Home visits are conducted prior to involvement in the program described as intensive. Completion of the program results in expunging the offense from the record. Mediation involves a circle of support for the youth, including those impacted by the offense. |
| Diversion - Shoplifting | This is a 6 hour educational program which includes youth and parents. It is designed for first-time shoplifting offenders. It is a joint project of the Mid-Iowa Council Boy Scouts and JCS and is available for youth throughout the 5 th District. Some participant fees are required. |

Table 3: Description of Alternative in Woodbury County

| <i>Service</i> | <i>Description</i> |
|--|---|
| Drug Court | Drug Court is used for youth 12-18 who have admitted to substance abuse. Youth are adjudicated first and then assigned a panel of people in the community, presided over by a judge. The panel reviews the work the youth has been assigned by the court (possibly treatment, U.A.s, etc.) The purpose is to integrate a youth into the community and have responsibility to the community. |
| Hands Off | Hands Off is a program which addresses shoplifting for youth 10-17. Youth can be referred from the schools or through probation. Criminal charges are not required for referral. Participants attend a one-time class. |
| Crittenden Center Shelter | Crittenden is a privately owned, non-secured facility that provides shelter youth of all ages. It serves adjudicated youth, but under the age of 12. Youth receive treatment services and counseling. The decision to send an adjudicated youth to this facility is on a case-by-case basis. |
| Jackson Recovery Substance Abuse Treatment Centers | Jackson provides substance abuse evaluation services to the Detention facility in Woodbury. There is a residential treatment facility for inpatient treatment for youth age 12-18. It is privately funded, and many use Title XIX. |
| Psychiatric Medical Institute for Children (PMIC) | Requires a physician's mental health diagnosis. A youth 12-18 can be referred by a JCO, attorney, or can be court-ordered. Mental health evaluations can occur at any time during the adjudication process. |
| Sky Ranch for Boys | This option is used when a male 12-17 is determined to need removal from the community. Sky Ranch for Boys is an out-of-state (South Dakota), privately owned residential treatment facility that is used. Treatment for behavioral issues and some mental health issues is provided. |
| In-home monitoring | In-home monitoring is designed for youth 12-18 who can be maintained at home with no clear threat to others. JCOs use trackers and for youth out of the area private firms are contracted to provide tracking and monitoring. |
| Relative placement | Relative placement is used when there are appropriate relatives who can provide supervision. The court conducts background checks to ensure the placement is safe and will be effective for the youth. |
| Foster care | Boys & Girls Home is the foster care facility for youth 12-18. There is a wait list for this facility and youth must be assessed first in order to assign their level of care. |
| Alternative school programs | Alternative schools are available for middle school and high school youth. The school district makes the referral, but a juvenile court attorney can request alternative school placement to allow continuation of education. |
| After school programs | Sanford Center provides an after-school program for middle school youth 10-13. Boys Club serves youth up to the 8 th grade. These |

| | |
|--|--|
| | programs are community based, provide supervision and engage students in positive ways. Some summer programming is available designed to build positive relationships. |
| Community service | Used for youth in conjunction with probation. |
| Probation | Probation consists of a variety of types of supervision. House arrest with electronic monitoring; house arrest with no electronic monitoring; regular appointments with JCOs. Technical violations are addressed at the discretion of the JCO. There is some discussion of probation violation hearings similar to adult probation violations. |
| Maintenance within the school system (no juvenile court involvement/minimal) | This program is used to divert youth from the juvenile justice system. Youth in middle school or high school who “get into trouble” are given a school ticket by school staff. The intent is to defer involvement of youth; however, tickets are retroactive so if arrested and adjudicated can be activated. |

Appendix D: Cultural Competence Continuum: Agencies and Professionals

| Cultural Destructiveness (is intentionally destructive) | Cultural Incapacity (is not intentionally destructive but lacks capacity to help people of color) | Cultural Blindness (expresses a philosophy of being unbiased) | Cultural Pre-Competence | Basic Cultural Competence | Advanced Cultural Competence |
|---|---|--|--|---|--|
| -- practices cultural genocide (e.g. Boarding schools for Native Americans) | --takes paternal posture toward "lesser" races | --believes that color or culture make no difference; we're all the same | --realizes its weaknesses in serving minorities and attempts to make specific improvements | --has acceptance and respect for differences | --holds culture in high esteem |
| --dehumanizes or subhumanizing clients of color | -disproportionately applies resources | --believes helping approaches used by dominant culture are universally acceptable and universally applicable | --tries experiments; hires minority staff, explores how to reach clients, trains staff on cultural sensitivity, recruits minorities for their boards and advisory committees | --engages in continuing self-assessment regarding culture | --adds to knowledge base by doing research, developing new approaches based on culture, publishing results of demonstration projects |
| --denies clients access to their natural helpers or healers | --discriminates based on whether clients "know their place" and believes in the supremacy of dominant culture helpers | --thinks all people should be served with equal effectiveness | --has commitment to civil rights | --makes adaptations to service models in order to meet client needs | --hires staff who are specialists in culturally competent practice |
| --removes children from their families on the basis of race | --may support segregation as a desirable policy | --ignores cultural strengths, encourages assimilation, and blames clients for their problems | --may feel a false sense of accomplishment that prevents further movement | --works to hire unbiased workers | --advocates for cultural competence throughout the system and improved relations between cultures throughout society |
| --risks client's well-being in social or medical experiments without their knowledge or consent | --enforces racist policies and maintains stereotypes --promotes ignorance and unrealistic fears of people of color | --follows cultural deprivation model (problems are the result of inadequate cultural resources) | --may engage in tokenism | --seeks advice and consultation from minority community | |
| | --maintains discriminatory hiring practices | --practices institutionalized racism | | | |
| | --gives subtle "not welcome" messages | --sets ethnocentric eligibility for services | | | |
| | --has lower expectations of minority clients | | | | |

Source: Adapted with permission from Terry L. Cross, MSW, Director, National Indian Child Welfare Association, Portland, Oregon. Searched March 21, 2008, <http://www.d.umn.edu/sw/culturalcomp/Cultural%20Competence%20Conti.htm>