



# Serious, Violent and Chronic Juvenile Female Offenders:

## SERVICE AND SYSTEM RECOMMENDATIONS FOR IOWA

February 2017



The Iowa Task Force for Young Women (ITFYW) has consistently advocated for girls involved in or at risk for involvement in the juvenile justice system since 1995; giving voice to issues that often go unseen. One such issue has been the inequity of service availability for females within a system that has only recently begun to recognize the need to consider gender in addressing delinquency. Right now, that inequity is hitting one population harder than others: girls who are identified as at high risk for recidivism and as high need for intensive services.

Iowa girls that require the highest level of intensive services are at a disadvantage based simply on the fact that they were born female. Currently, Iowa does not provide an equitable option for this segment of the population. When an option is removed from the system, the need is not removed also. Instead, other parts of the system are forced to fill the gap. Reliance on out-of-state facilities, use of waivers to adult court, extended stays in shelter or detention and movement in and out of multiple group care facilities are all unintended consequences.

Iowa should not resort to sending our children out of state, rely on a justice system that was developed for adults, allow girls to languish in settings intended for short term use or tolerate placement after placement in order to try to meet the needs of girls. Regardless of the quantity of girls that may be in need of this level of service, it is imperative that girls are given the same opportunities as high need/high risk boys within the juvenile justice system.

The Iowa Girls Justice Initiative has been a collaborative effort with its origins in the ITFYW. It is comprised of committed and knowledgeable professionals that are passionate about providing quality services to young women. Through this effort, a series of recommendations have been developed and are presented within this report to support system and service initiatives to better the lives of this specific population of females involved in Iowa's juvenile justice system. Important work can and should also continue to be done to improve the quality of the juvenile justice system response before girls reach the point of becoming serious, violent, chronic offenders who present a threat to public safety.

While the compilation of this information is complete, the work is just beginning. What is put into action from these recommendations will be a reflection of the state's commitment to these girls. It is essential that the next steps represent who we are as a state and that it will be widely understood that decision-makers will not accept anything less than equitable support through services, funding, and policy development.

Respectfully,

A handwritten signature in black ink, appearing to read "Jennifer Tibbetts", written in a cursive style.

Jennifer Tibbetts, LMSW  
Iowa Task Force for Young Women, Chair

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# Preface

Those who work with the highest risk and highest need girls in the juvenile justice system recognize that Iowa lacks the services and system components that are most effective and provide treatment options for girls while ensuring community safety. This document reflects the collective work of an array of experts in terms of an effective, female-responsive plan for services that is crucial but has not previously existed in Iowa. It is intended to inform decisions by policymakers at the highest levels in Iowa government.

The Iowa Task Force for Young Women (ITFYW), a sub-committee of the Juvenile Justice Advisory Council, served as the collaborative planning group for the Iowa Girls Justice Initiative (IGJI). The ITFYW expanded its existing membership to include a broader range of juvenile justice system officials and stakeholders necessary to development of the plan. Notably, two young women participated to represent the youth voice.

The group determined at the outset of the process to operate on a consensus basis, reaching substantive agreement at each step before moving forward.

The process was facilitated by State Public Policy Group (SPPG), an Iowa-based public policy firm.

The IGJI Planning Group included the following stakeholders in the juvenile justice system.

## PLANNING GROUP MEMBERS

- Ashley Artzer, Juvenile Court Services, Des Moines
- Terri Bailey, YSS, Ames
- Linda Bisgaard, Friends of the Commission on the Status of Women, Des Moines
- Jim Chesnik, Department of Human Services, Des Moines
- Kristen Corey, Department of Human Rights, Des Moines
- Hon. Susan Cox, 5th Judicial District, Des Moines
- Steve Crew, Department of Education, Des Moines
- LaTasha DeLoach, Johnson County Social Services, Iowa City
- Kim Denning, Juvenile Court Services, Burlington
- Andrea Dickerson, YSS, Ames
- Rita Ferneau, Advocate, Malcom
- Ruth Frush, Juvenile Court Services, Waterloo, on behalf of State Court Administration
- Jasmine Garrison, Youth Member
- Evelyn Garrison, YSS, Des Moines
- Nicole Hart, Youth Member
- Stephanie Hernandez, Family Resources, Inc., Davenport
- Jeremy Kaiser, Scott County Juvenile Detention, Davenport
- Nathan Kirstein, Disability Rights Iowa, Des Moines
- Julie Martin, Juvenile Court Services, Cedar Rapids
- Kristie Oliver, Coalition for Family & Children Services in Iowa, Des Moines
- Brent Pattison, Middleton Children's Rights Center, Des Moines
- Lori Rinehart, Juvenile Court Services, Des Moines
- Tom Southard, Juvenile Court Services, Ames
- Monica Stone, Department of Human Rights, Des Moines
- Jennifer Tibbetts, ITFYW Chair and Catherine McAuley Center, Cedar Rapids
- Patti Wachtendorf, Iowa Correctional Institution for Women, Mitchellville
- Julie Walton, Scott County Attorney's Office, Davenport

The expertise from across the spectrum of juvenile justice and related fields understandably brought widely divergent and welcome perspectives. There were instances of strong agreement or disagreement on issues. Specifically, Jim Chesnik, Nathan Kirstein, and Brent Pattison did not agree on two points, which are footnoted (p. 7 and p. 21) at their request.

This work was made possible by an innovation award from OJJDP's National Girls Initiative. The Division of Criminal and Juvenile Justice Planning (CJJP) partnered with the Friends of the Iowa Commission on the Status of Women (Friends) to develop the proposal and to coordinate and manage the grant.

The Department of Human Rights, Division of Criminal & Juvenile Justice Planning provided staff support during the development of this report.

- Steve Michael, Division Administrator
- Kathy Nesteby, Executive Officer
- Jeff Regula, Statistical Research Analyst

Members of the IGJI Planning Group would like to note that although the emphasis of this effort was on serious, violent, and chronic offenders who have exhausted the options available in the juvenile justice system, it is equally important to give full and thoughtful consideration to those girls who are less serious offenders or who have not yet made their way into the “deep end”. Improvements intended to prevent girls’ entry into and movement through the juvenile justice system must happen simultaneously to efforts that address their risk and needs once they are already there. For example, there are efforts underway in Iowa and nationally to push for community-based and family foster care services over group foster care placements. They are an appropriate and differential response to a population of youth who are lower risk and threat to public safety. There are also evidence-based community and family foster care options that may be appropriate for some higher risk youth, but they are only available on a limited basis in Iowa’s network, particularly in rural areas.

Members of the IGJI Planning Group express appreciation for the technical assistance and expertise shared with the Planning Group by the following individuals. Their technical assistance does not constitute an endorsement.

- Karen B. Francis, PhD; Co-Director National Girls Initiative; Principal Researcher, American Institutes for Research
- Paula Schaefer, Safe Harbor Training Coordinator, Minnesota Department of Health
- Francine Sherman, Clinical Professor; Director, Juvenile Rights Advocacy Program, Boston College Law School
- Jeannette Pai-Espinosa; Co-Director, Office of Juvenile Justice and Delinquency Prevention (OJJDP) National Girls Initiative; President, The National Crittenton Foundation

Special thanks for hosting a work session at the Iowa Correctional Institution for Women are extended to Planning Group member Patti Wachtendorf, the staff, and the four inmates who offered valuable insights in discussion with the Planning Group.

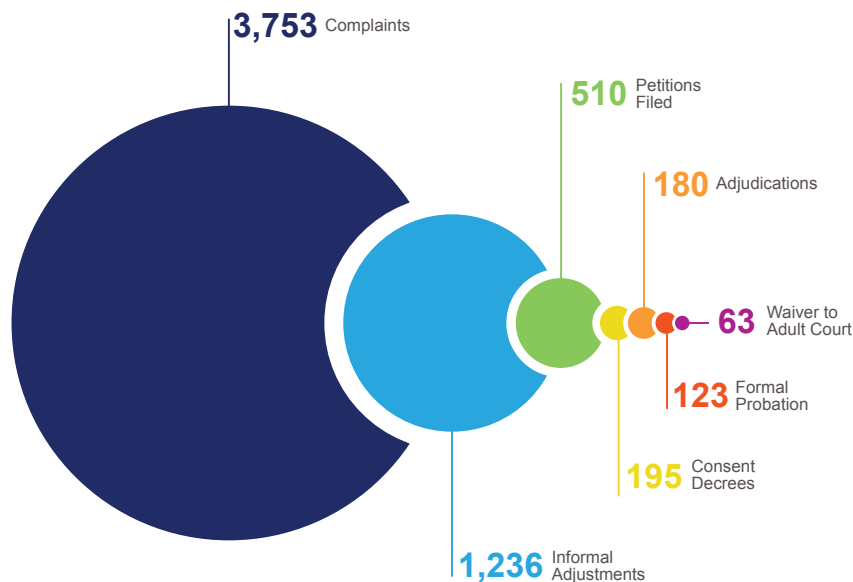
# Introduction

Serious, violent, and chronic juvenile female offenders are at the center of a system and service crisis in juvenile justice; this plan is about them and what they need to succeed. Crisis is a strong word to use to describe the absence of appropriate services in Iowa for the small number of girls who have the highest level of risk and need according to the Iowa Delinquency Assessment and are the greatest threat to public safety. Yet, for those girls and their families, as well as for the state, it is a crisis. This document is not simply a set of recommendations; it is about these girls and the systems responsible for them.

The number of girls who need specialized and intensive service, and who may provide a risk to those around them, is relatively small, but these girls are no less important. This full report is focused on those girls and how Iowa will provide the appropriate level of service and system supports. First, there is a need to understand the current situation in Iowa and the context in which recommendations are made. No part of this document stands alone. Its focus on high risk, high need girls tells the story of how girls and boys think and respond differently, what services are effective with girls, and how Iowa might – for the first time – establish practices, services, and systems that are most effective for girls. This report is not critical of the services and system for boys; rather, it emphasizes and shows that girls do not fit into or respond well in a male-centric system. The reader is asked to consider the contents of this document as a whole in order to grasp the key elements and the value and impact of the recommendations.

Services that are the most effective for girls take gender into account; yet these types of services are not universally recognized or provided in Iowa. This plan focuses in on the small number of girls with the most serious risks and deepest needs. Practically speaking, today there is no placement of last resort for these girls in Iowa where they can receive the highest level of treatment and services and where public safety is ensured. Of the thousands of girls charged with violating Iowa law, most will never reoffend, and the system is designed to limit contact with the low-risk offender. Only a small number ever move from informal to formal involvement with the courts. This report addresses an even smaller subset of that population.

## Number of Females at Major Decision Points in Iowa’s Juvenile Justice System Calendar Year 2015



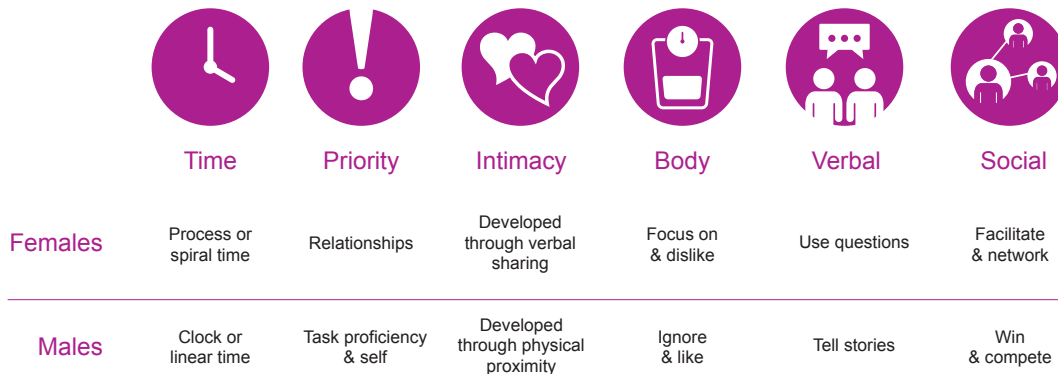
Note: This table counts children. A child may have had one or more of the same type of event during the year.  
Source: Iowa Justice Data Warehouse

See Definitions for Case Processing Terms

Why must gender be taken into account? An ever-increasing body of research has revealed that female pathways into delinquency differ in some noteworthy ways from their male counterparts. For example, girls delinquency is more strongly tied to sexual abuse/maltreatment, early onset of puberty, dysfunction in the home, depression, anxiety, and PTSD, among other things<sup>1</sup>.

Also, our culture is experienced differently depending on one's gender, resulting in variations between the genders in terms of how they relate to themselves and others. The following illustrates some of those generalities and demonstrates why services and approaches are most effective when they are able to be responsive to these differences.

### EXPERIENCING CULTURE: FEMALE AND MALE DIFFERENCES



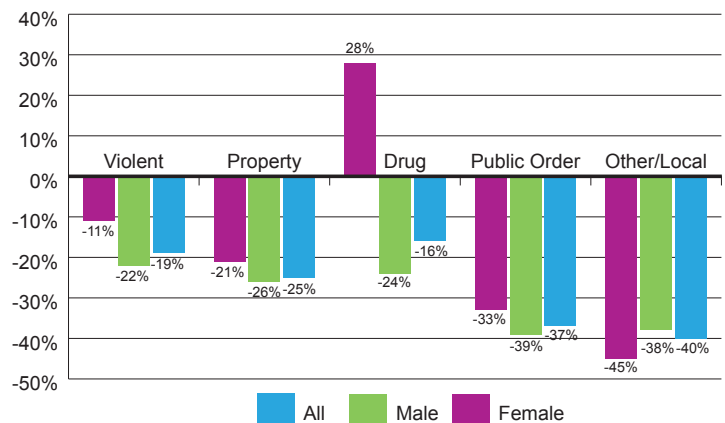
It should be emphasized that these are generalities and one should always be aware that there will be exceptions as well, particularly for gender non-conforming girls.

*The girls featured in this report, often referred to as “deep end girls,” are defined as young women under juvenile court jurisdiction who have a combination of high risk, high need, aggressive behavior, prior placement(s), and risk to public safety due to their serious, violent, and chronic offenses and social histories. For purposes of IGJI Planning Group work, “serious, violent and chronic” related back to eligibility for “placement in the state training school or other facility” in Iowa Code (232.52) regardless of whether a placement occurred (see p. 29).\**

Iowa’s juvenile justice system includes primarily girls who come in to the system with lesser offenses and can be successful with a less intense set of services and do not pose a risk to those around them or the public. Therefore, the placement of last resort is only necessary for a very small number of girls at any given time – likely about a dozen – who fit the definition above based upon the assessment of that girl. These are the girls for whom there is no suitable alternative in Iowa for their own well-being and for community protection.

Although girls make up a smaller proportion of the juvenile justice system than boys, that is beginning to change to a degree. While overall juvenile crime is decreasing, it is decreasing less for females and, as shown in the “Juvenile Charges” chart, is increasing within drug related charges.

Juvenile Charges – Charge Type  
Change 2011 to 2015



Source: Status of Females in the Juvenile Justice System in Iowa Data Report 2016, p. 9

\* Jim Chesnik, Nathan Kirstein and Brent Pattison did not agree with the use of Iowa Code 232.52 related to serious, violent and chronic offenders.



It must be recognized early in this report that all juvenile justice systems, including Iowa's, were built for boys. This is in large part due to the fact that boys simply make up the vast majority of youth in the juvenile court system. It is also important to distinguish between the girls and boys who are under jurisdiction of the juvenile court based on criminal acts and those children who are under jurisdiction because of child welfare issues. This report does not address the latter.

## Proportion of Females vs. Males at Major Decision Points in Iowa's Juvenile Justice System

	2011		2015		% Change for Females
	Female	Male	Female	Male	
Complaints	34%	66%	35%	65%	+1%
Informal Adjustments	34%	66%	35%	65%	+1%
Petitions Filed	21%	79%	22%	78%	+1%
Consent Decrees	22%	78%	24%	76%	+2%
Adjudications	17%	83%	18%	82%	+1%
Formal Probation	18%	82%	18%	82%	±0%
State Training School Eligible	NA*	NA*	12%	88%	NA*
Waiver to Adult Court	16%	84%	24%	76%	+8%

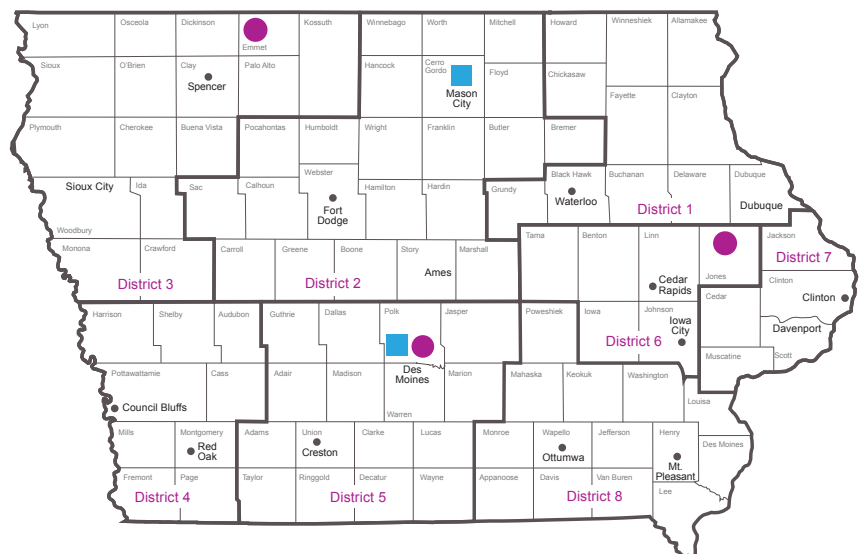
\*Changes, including database migrations, within the Iowa Court Information System prevent an accurate count  
Source: Iowa Justice Data Warehouse

A system built for boys is not always what works best for girls. This report lays out a number of ways to improve the system for girls. For example, at minimum, girls in the juvenile justice system with the highest risk/need must be in a single gender environment. All effective strategies for delinquent youth regardless of gender should include trauma informed, culturally responsive, and developmentally appropriate approaches, whether at the system or service level. It is crucial that approaches with delinquent girls should also be female-responsive (see Resource section). In addition, youth at higher risk must not be served in an environment with youth who have a low level of risk. Research shows that the progress and success of youth within the low risk level is threatened by involvement with higher-risk youth<sup>2</sup>.

With the understanding of how services need to be delivered to girls for them to succeed, it becomes clear that Iowa lacks adequate services for girls at all levels of the juvenile justice system. A glance at the map of single gender environment options for girls at moderate to high risk in the juvenile justice system shows the lack of options available, particularly in certain areas of the state. There are residential settings that serve girls separately but on the same campus with males. These are not considered single gender environments. Were they added, the map would remain sparsely populated.

With a relatively small number of girls in Iowa in need of out-of-home placement, it is a challenge to provide an economy of scale that also allows girls to receive placement related services near their families. Access to services for high risk, high need girls is less a matter of an urban-rural divide as it is the systemic challenges to offering the level of placement-related service needed in multiple locations. Those challenges include cost of the services and the dilemma of how to equitably serve girls at this level of risk and need across the state. The map illustrates the low number of options and geographic dispersion currently available to serve girls at moderate to high risk.

## Single Gender Environment Options for Girls in the Juvenile Justice System



- Residential**
  - Forest Ridge - Estherville
  - House of Mercy - Des Moines
  - JMRT, Four Oaks - Monticello
- Community-Based/Early Intervention**
  - Girls Court\* - Des Moines
  - Francis Lauer, YSS - Mason City

\*All single gender and all delinquent girls



A gap analysis of services for girls in Iowa was conducted during the summer of 2016 as part of this initiative. Juvenile Court Officer (JCO) Supervisors in all districts were asked to respond to specific questions about the services and overall system for girls. These supervisors have a broad, well-informed perspective of service and placement availability and adequacy. The summary of responses includes the following key points.

Services for girls may exist in Iowa, but the JCO Supervisors say they are often more limited and difficult to access for high risk, high need girls.

Of the existing services in Iowa, family foster care is seen as the most difficult service to provide for high risk, high need girls, though the JCO Supervisors see the same service as being relatively easy to place girls in who have lower level of need. Girls-only residential treatment, girls-only day treatment, and programs that address mental health and intellectual disabilities exist for girls in Iowa but are particularly difficult to access for high risk, high need girls.

The level of satisfaction with services available for a girl with a high level of risk and need was rated according to certain criteria. Two-thirds of the JCO Supervisors say they are not satisfied that criteria is met for single-gender environment, match for risk level, and criminogenic needs. A slightly lower number is not satisfied that criteria is met for available space and public safety.

JCO Supervisors identified services missing in Iowa for high risk, high need, or “deep end”, girls. Responses are overwhelmingly related to Iowa’s lack of locked or secure facility alternatives or a state training school. Additional responses indicate there are no adequate mental health services and residential treatment options locally or in reasonable proximity for this difficult to serve population.

The gap analysis and the map of single gender environment placement options for high risk, high need girls clearly show that Iowa struggles to provide adequate types and levels of service. The needs for family foster care, girls-only residential treatment, and day treatment are particularly high. The risk of these shortcomings in Iowa’s ability to provide the appropriate level of services and community protection: increased length of stay for girls in detention, increase in the number of placements, out-of-state placements, and waiver to adult court. There is common ground in establishing not only these specialized services for girls in Iowa, but to also provide a placement of last resort in Iowa that includes the assurance of appropriate services as well as the assurance of community protection.

# Life in the Deep End: Jane's Story

"Jane's Story" is based on the true stories of actual Iowa Juvenile Court Services girls' cases selected because they represent universal characteristics and experiences of likely candidates for a placement of last resort described in this report.

Jane is 15 years old. She first came into contact with the juvenile justice system when she was 11 years old for disorderly conduct at school – a fight with a peer. It wasn't the first time Jane had fought with peers, but this time the school felt like it was finally necessary to involve the police.

There is a history of substance abuse in her family and she has begun to use substances herself. She cannot remember a time when her home did not feel like it was in chaos, and she and her mother fight regularly. Sometimes these fights have become physical, and on two occasions have resulted in charges against her. One time also resulted in charges related to her assaulting a police officer.

Although multiple instances of suspected physical and sexual abuse have been reported, there has only been sufficient evidence to validate one instance of physical abuse by her mother. A comprehensive evaluation revealed several areas of concern related to Jane's mental health. The most significant were related to multiple traumas, defiance, anxiety, and depression.

She currently has a dozen charges (eight simple misdemeanors, three serious misdemeanors, one aggravated misdemeanor). Nine of those are violent (person) offenses, including the aggravated misdemeanor. She will have more than 20 charges by the time she ages out of the system or is waived to adult court, two of which will be felonies – one violent and one property offense.

Jane has been formally involved with the juvenile court since age 12 following one attempt at diversion and two informal adjustment (probation) agreements that did not successfully alter the path she was on. She was also briefly in a family foster home, but she repeatedly ran away.

It has been a long time since Jane felt any interest in or connection to school. When she has lived at home or with relatives, she frequently skipped class and was considered disruptive at school. She struggles in part because she has significant difficulty regulating her emotions and because she becomes extremely frustrated with not being able to understand and keep up with the coursework.

The older she has gotten, the more Jane has run away. She has had to trade sex for food and shelter in order to survive when on the run (survival sex/human trafficking). She has also reported being raped while on the run, but later denied that it had happened. She has had two miscarriages. Jane hopes that the next pregnancy will last. It scares her a little, but at least she will have someone to love.

Although Jane has lost track of how many out-of-home placements she has been in, her juvenile court officer could tell her it has been 18 so far: 9 stays in detention, 5 stays in shelter care, 3 group care placements and 1 stay in a hospital psychiatric unit. Jane has spent 198 days in detention, which is 13 times the average number of days in detention for all girls involved in the juvenile justice system.

Her last stay in group care ended abruptly when she repeatedly threatened her peers and went after a staff member with a makeshift weapon as they attempted to intervene. That facility has indicated that they will not accept Jane back at this time, especially because the peers she threatened are still living there. It was the only in-state facility willing to accept her the last time her JCO went looking because Jane had been physically aggressive and frequently run away from her previous placements. Now Jane's JCO is checking with all of the in-state facilities again and at the same time is contacting out-of-state facilities as well. It doesn't look promising. So, Jane sits in detention without therapeutic/rehabilitative services and waits.

# The Iowa Context

Discussions around how to better serve girls in the juvenile justice system are not new in Iowa. Reports exist dating to the 1990s about “gender specific” services, as they were called then. Prior state work, reports, and data were considered during the year-long deliberations of the IGJI Planning Group. They included the following.

- DHS Child in Need of Assistance and Delinquency Status Report to the General Assembly. December 2014.
- Disability Rights Iowa, Recommended Core Strategies to Better Protect Youth at the Iowa Juvenile Home. 2013.
- Iowa Juvenile Home Protection Task Force Report to the Governor. October 2013.
- Quality and Level of Care for Young Women Under Juvenile Court Jurisdiction with High Risk Delinquency and Social History Factors: Position Paper. March 2016. Juvenile Justice Advisory Council and Iowa Task Force for Young Women.
- Status of Females in the Juvenile Justice System Data Report. Iowa. January 2016.
- Status of Females in the Juvenile Justice System Data Report. Iowa 2010.

## ■ ■ ■ DEEP END GIRLS:

Young women under juvenile court jurisdiction who have a combination of high risk, high need, aggressive behavior, prior placement(s), and risk to public safety due to their serious, violent, and chronic offenses and social histories.

All of these provided foundational knowledge for this work. Research and best practices from federal government and other national sources were also considered as part of the IGJI Planning Group’s work. Among commonalities that were found across the Iowa reports and national research are the distinguishing characteristics of girls in the juvenile justice system, promising approaches for girls in the juvenile justice system, and the need to balance least restrictive placement possible against public safety. That balance has shifted both nationally and in Iowa toward reducing use of out-of-home group care, and the IGJI Planning group supports this for girls who can adequately and safely be served by those interventions. However, the IGJI Planning group looked deeply and specifically at the system and services that would support the best outcomes for serious, violent, and chronic female juvenile offenders who pose the greatest threat to public safety.

Recommendations presented in this report focus on the critical needs for female responsive, trauma informed, culturally responsive, and developmentally appropriate services that are shown to be effective for girls. Bringing these services into the juvenile justice system will require commitment and significant investment to create equity for girls where, now, there is none. Achieving equity for girls in the system necessitates access to the full array of service and system opportunities at all levels, and that includes those with highest risk and need.

Equity for girls also requires us to recognize and address disproportionate minority contact (DMC) in Iowa’s system. As we know, discussions related to DMC in the juvenile justice system tend to focus on males by default. It is not, however, adequate to assume that girls of color – particularly African American and Native American females, who are hit hardest by disproportionate contact – will benefit to the same extent if their gender-based needs are not also taken into account. There is an intersection where race/ethnicity and gender meet. Responsiveness to both is a necessity and can begin with something as simple as using assessment tools which are without race/ethnic bias as well as being female responsive. There is considerable work which remains to be done on this issue.

## 2014 DISPROPORTIONATE MINORITY CONTACT MATRIX FOR FEMALES

Relative Rate Index Compared with: White

	White	Black or African-American	Hispanic or Latino	Asian	All Minorities
Refer to Juvenile Court	1.00	<b>6.00</b>	<b>0.88</b>	<b>0.36</b>	<b>2.70</b>
Cases Involving Secure Detention	1.00	<b>1.28</b>	1.19	**	<b>1.71</b>
Cases Petitioned	1.00	<b>1.71</b>	0.90	**	<b>1.51</b>
Cases Transferred to Adult Court	1.00	1.45	**	**	<b>1.48</b>

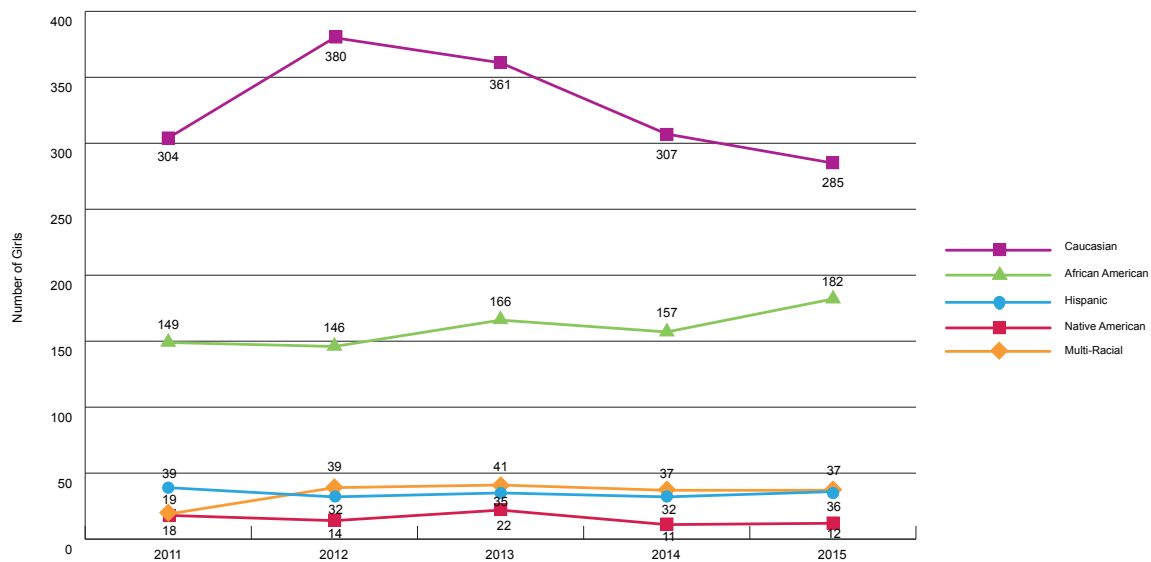
The Relative Rate Index is calculated by counting the rate per 1,000 in any given category for a minority group and dividing that by the same rate for white females. African-American females are 6.0 times as likely to be referred to juvenile court as white females and all minority females are 2.70 times as likely to be referred to juvenile court as white females.

### KEY

- Bold font** Statistically significant results
- Regular font Results that are not statistically significant
- \*\* Insufficient number of cases for analysis

Source: Status of Females in the Juvenile Justice System in Iowa Data Report 2016, p. 17.

### Juvenile Detention Holds – Female Minorities



Excludes waivers to adult court, federal holds, and out-of-state holds  
Source: Iowa Justice Data Warehouse

Lesbian, Gay, Bisexual, and Transgender (LGBT) youth are also disproportionately represented in the juvenile justice system and bring additional elements to providing an appropriate service and system response to high risk, high need girls. According to the 2011 book, *Juvenile Justice: Advancing Research, Policy, and Practice*, gay and transgender teens make up only 5 to 7 percent of the total youth population, but represent an estimated 13 to 15 percent of the population of young people involved with the nation's juvenile justice system. Many have faced bullying and victimization at home and school prior to entering the juvenile justice system.

Equity for all girls, including LGBT delinquent juveniles, includes ensuring access to the services these girls need, as well as fair treatment.

Providing female and culturally responsive, trauma informed, developmentally appropriate, care while addressing the criminogenic risk/need factors of serious, violent, and chronic juvenile female offenders comes at a price. High risk, high need means a higher cost than Iowa has historically invested in services for girls in the juvenile justice system.

There are even higher costs for the state – and in the lives and futures of the girls impacted – if these recommendations are not implemented. Without investment in an Iowa placement of last resort and necessary services for the highest risk, highest need girls, costs are simply reallocated to other parts of the system. Without that specialized Iowa service available, girls may be sent

out of state, waived to adult court, or spend extended amounts of time in detention. Though this chart shows the average length of stay in detention for a girl in 2015 was 15 days, the average stay for a girl as described in “Jane’s Story” (p. 10), which is based on actual cases, is 198 days. All options can be detrimental to the girl. Iowa data show an increase in the average length of stay for girls in detention and an increase in the proportion of girls represented in adult waivers to criminal court despite there being an overall reduction in the total number of juvenile court cases. It is also noteworthy that the increase in the use of adult waivers is for African American girls while it has decreased for White and Hispanic girls.

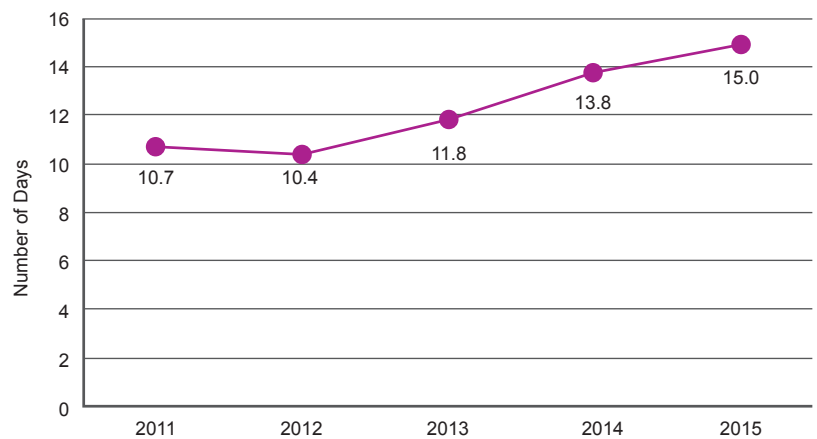
Out-of-state placements are not an ideal solution for a placement of last resort. They create additional challenges for the girl, the family, the Juvenile Court Officer, and beyond. An out-of-state placement removes a girl from proximity to family and creates challenges for eventual transition out of the system and back into the community. Family separations experienced by girls in out-of-state placements are disruptive to the necessary family engagement strategies. Barriers for families are created by the expense and time required to travel for visits. Some families may not have the resources that allow regular contact with the girl during the period of an out-of-state placement far from their community. Additional challenges may be created with a significant disruption of education for the girl, a need for additional attorney support to navigate the process, and the emotional toll when a girl is moved out of state and far from familiar supports.

Juvenile court communication and support in the case are also challenged when a girl is placed out of state. Contacts required for juvenile court supervision are difficult to meet when girls are placed out of state. Additional travel time and costs are significant, and simply carving out time from a Juvenile Court Officer’s schedule to make a trip to see the girl is often a trade-off of time that should also be spent with girls who remain locally. Perhaps one of the greatest challenges is to locate appropriate placements out of state for these high risk, high need girls, as quality services at this level of risk and need are in short supply in other states as well.

Iowa has typically worked to be diligent about regulation and oversight of in-state placements. Out-of-state placements leave Iowa with limited authority and no oversight. The girls are, in essence, governed by the laws, regulations, and practices of the jurisdiction in which that placement is located. In practical terms, this

## Average Length of Stay in Detention for Females

2011-2015



Source: Iowa Justice Data Warehouse

means reduced ability to participate in or impact measures utilized by the placement. One example is that pepper spray, a chemical agent, is allowed to be used on girls in some out-of-state placements. In Iowa, use of chemical agents on youth in placement is not allowed.

Ultimately, the additional cost to the taxpayer for travel, education, and family supports must be balanced with what is best for these high risk, high need girls so they can return to their communities and become successful adults outside of the system.

#### AVERAGE DAILY COST OF TYPES OF CARE FOR DELINQUENT GIRLS IN IOWA

Type of Service	Average Daily Cost	Explanation
Shelter	\$101.83	Girls can be court-ordered to shelter care at any point in their juvenile justice process.
		No shelter's actual per diem cost is below this amount, though this is the maximum the state is authorized to pay. Shelters may bill counties for the difference of this amount and their actual cost of shelter care up to an additional \$46.65 per day.
Detention	\$349.25	Girls can be placed in detention at any point in their juvenile justice process.
		Average cost per day for direct detention.
		About 80% of cost is paid by counties. The state reimburses expenses once a year, equalling approximately 20% of eligible costs, or around \$4 million.
Contracted Foster Group Care: 3 Levels	\$88.00	Community level of licensure: minimum 1:8 staff-to-child ratio
	\$119.00	Comprehensive level of licensure: minimum 1:5 staff-to-child ratio
	\$131.00	Comprehensive level of licensure providing enhanced services: minimum 1:3 staff-to-child ratio
State Training School (STS)	\$300.66	Rate for SFY 16 applying to the boys STS. This rate excludes education costs.
Out-of-State Placements for Delinquent Girls	\$318.00	Piney Ridge Foster Group Care, Waynesville, Missouri
	\$284.00	Copper Lake School, Irma, Wisconsin. This rate excludes education costs.

Sources: Iowa Department of Human Services, Scott County Juvenile Detention, and Criminal and Juvenile Justice Planning

Generally speaking, waiving a juvenile to adult court is used for the most serious offenses, youth who are near adulthood and would not be a juvenile long enough to benefit from services in that system, or youth who have exhausted the options available within the juvenile justice system. Because a placement of last resort does not exist for girls in Iowa, they are at greater risk to be waived into the adult court system that is not in a position



to provide them with the treatment and services necessary in an age-appropriate delivery or setting. Although there has been an overall decrease in the number of youth waived to adult court, females now make up a larger proportion of those who are waived as noted in the table presented on page 8 showing the Proportion of Females vs. Males at Major Decision Points. Research shows that age, like risk, has a “peer contagion effect”.

Younger people emulate older people and lower risk people emulate higher risk people. In short, waiving a juvenile female into the adult court system puts her in closer proximity to older offenders and can increase the likelihood of her illegal and other risky behaviors.

Through investment in placement and services at the juvenile justice level there can be an ultimate pay-off in preventing girls from entering the adult criminal justice system. Additionally, because criminal/delinquent behavior is often generational, successfully intervening with young women can have a positive impact on future generations as well.

It should be understood that meeting the needs of high risk, high need girls with a placement of last resort will require additional funding and create equity in the services and system. The need is great, but the number of girls requiring this placement option is quite small. A girl should not be in this placement of last resort unless it is necessary, but it is a priority for the small number of girls who need it and who deserve access to equitable services.

The IGJI Planning group has no interest in or desire to re-create the Iowa Juvenile Home and State Training School for Girls. Nor does this group support or recommend the creation of a facility that mirrors or is present on the campus of the Boy’s State Training School. Instead, the IGJI Planning group envisions meeting the needs of this small group of girls using a unique setting that combines best practices for girls with the lowest level of security necessary to provide for community protection.

Discussions around the number of beds required should be aimed to “right size” this residential placement to accommodate an estimated 12 girls at any point in time. This could occur in one or more locations and could be public and/or private, but should not exceed 12 girls in total. The average daily population of delinquent girls at the Girls State Training School was 19 in 2009, 11 in 2010, 9 in 2011, and 8 in 2012, according to the Iowa Justice Data Warehouse. Cautions should be heeded to not overbuild the capacity of this placement of last resort. Girls who do not need that highest level of service and supervision, assuming community safety is not an issue, would be better served in a lower level setting appropriate for their needs, preferably one that is community based.

Other cautions also apply.

- The placement of last resort should absolutely be a single-gender location/campus. This does not preclude male staff, but if male staff are present, there would need to be additional specialized training.
- This placement of last resort is not intended to be a replacement for mental health treatment offered at other levels in the system (not an alternative to Psychiatric Medical Institution for Children - PMIC).
- This placement of last resort is intended to serve only delinquent girls who pose a substantial public safety concern (not an alternative for Child in Need of Assistance - CINA girls).
- This small set of highest risk/need girls is a unique population, and should receive treatment and services separate from low risk girls.
- Safety of the juvenile female offenders, the staff, and the public is paramount.

The months-long study and deliberation led the IGJI Planning Group to reach consensus that for those with the greatest need, a placement of last resort is necessary to provide an adequate level of care and community protection. This consensus report also recognizes that the different roles and day-to-day work of



Planning Group members provide each with distinct perspectives they contributed to the group's discussions. Discussions were hearty and forthright as the Planning Group wrestled with the complexities of the issues and the options to address the needs of girls in the juvenile justice system. The Planning Group worked hard to recognize the many paths a girl might follow when entering the system, and to focus the group's efforts on the options for girls at the high risk, high need level that pose a public safety concern. This consensus document reflects the substantive agreement with the contents and recommendations set forth by all who participated. The IGJI Planning Group, as noted at the outset, conducted its work from the perspective of what was necessary for "deep end" girls in the juvenile justice system. The recommendations reflect this view.

# Serious, Violent and Chronic Juvenile Female Offenders: Service and System Recommendations for Iowa

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Recommendations to create effective services and system elements for the small number of serious, violent, and chronic juvenile female offenders emerged from close consideration of the information presented thus far in this document, as well as additional data and recognized resources reviewed throughout the 15-month process. Understanding and consideration of the needs of girls at this level of the juvenile system, current services available, and the data that paints a clear picture of these girls are all critical elements of not only developing these recommendations, but considering how they are implemented. The recommendations are not made lightly, and are presented as a set to address the complexity of service and system elements. The recommendations and their impacts are interconnected and should be considered as a whole.

All recommendations that follow are predicated on implementing practices and approaches that are effective for girls involved in the juvenile justice system. It is a foundational premise inherent in these recommendations that they be developed and provided applying these principles:

- Female responsive approach in a single-gender environment
- Trauma-informed
- Culturally responsive
- Developmentally appropriate
- Criminogenic risk/need factors

Iowa is responsible for ensuring that an equitable juvenile justice system exists for both boys and girls who have committed delinquent acts. The recommendations outline ways this may be accomplished for the specific girls described within this report and in keeping with all of the above principles. To be clear, these recommendations do NOT support creation or construction of an institution like the Iowa Juvenile Home and State Training School for Girls. Likewise, the principles above strongly dictate against creation of a facility that mirrors or is present on the campus of the Boy's State Training School.

These recommendations are straightforward in their approach, seeking to achieve the service – a placement of last resort – and system that many in the state have long sought for girls. Critically, this includes meeting the needs of this small group of high risk, high need girls using a unique setting that combines best practices for girls with the lowest level of security necessary to provide for community protection.

The service must guard against the “peer contagion” effect that has been addressed earlier in this report. That is, the co-mingling of high risk delinquent youth with low risk youth resulting in negative effects for the low risk youth. Girls who do not need the highest level of service and supervision, assuming community safety is not an issue, would be better served in a lower level setting appropriate for their needs, preferably one that is community based.

Girls who do need the highest level of service should have access to a placement of last resort that provides a balance of therapeutic services with protection of the safety of the girl, those around her, and the public when necessary. This service could be private and/or public. Keeping the girl close to home is always a consideration and priority; multiple settings across the state could aid in achieving that aim.

The complexity of the juvenile justice system, the distinct approaches and practices that are effective for girls, and the scarcity of single-gender services that serve high risk, high need girls underscore the importance of taking the following recommendations as a set – as a whole to weave together an innovative service and system for these Iowa girls.

The recommendations are of two types: service and system. Service recommendations cover only the placement of last resort for the serious, violent, and chronic female juvenile offenders. System recommendations more broadly address the needs of “deep end” girls that may not require a placement of last resort. Recommendations are not prioritized, but rather appear alphabetically.

There are nine categories of Service Recommendations and seven categories of System Recommendations. Each includes the steps to be taken as well as a rationale describing its importance and how it relates to the overall success of girls in the juvenile justice system with the highest risk and need.

## SERVICE RECOMMENDATIONS

A placement(s) of last resort is necessary for young women involved in the juvenile justice system. This level of residential setting could be in one location or in multiple locations, but should not mix low and high risk girls. The primary benefit of multiple locations would be in easing connection between young women, their families, and the communities to which they will be returning.

This setting must be single gender to be at its most effective. Female pathways into delinquency, their abuse and trauma histories, as well as broader gender-based experiences and expectations are among the variations that distinguish them from their male counterparts and make single-gender environments optimal for this highest level of care.

All recommendations in this section apply to that single-gender type residential setting for serious, violent, and chronic female offenders.

### 1

#### ACCESS AND ELIGIBILITY

- No reject, no eject policy. This setting will allow extended placement up to age 19½ using Iowa Code section 232.53(4). Use the current criteria detailed in Iowa Code section 232.52(2)e to establish eligibility for placement in this setting. Further screening by Juvenile Court Services using the Iowa Delinquency Assessment and other tools, as is current practice, will assist the court in determining who, of those eligible, require placement.
- The Iowa Legislature directs the Division of Criminal and Juvenile Justice Planning to convene a group to write language revising Iowa Code 232.52(2)e to accommodate for the placement of last resort for girls and ensure that the eligibility criteria are suitably narrow and appropriate for only serious, violent, and chronic offenders. This new language should be written with consideration of any potential impact on the State Training School for Boys.

**Rationale:** The importance of the “no reject, no eject” policy is that it provides a measure of stability for young women who at this level of involvement in the juvenile justice system have had multiple placements. A stable placement allows attachments and relationships to form and more in depth work on personal issues to be done. It also diminishes the necessity for use of out-of-state placements, waiver to the adult system, and has the potential to help reverse, in part, the increase in lengths of stay young women are experiencing in detention settings.

In terms of eligibility language in Iowa Code, Juvenile Court Services already screens out many youth who would technically be eligible for placement. This means that Code changes would simply be a reflection of best practice that is already taking place. In the meantime, the existing eligibility standards should be used for the girls setting in order to be equitable.

## 2

### ASSESSMENT

- Require a current (within 30 days) Iowa Delinquency Assessment showing a moderate or high level of risk (with exceptions for female sex offenders) and identified primary need areas prior to admission.
- Once admitted, use one or more validated tools for further assessment that are female and culturally responsive, trauma informed, and developmentally appropriate.
- Use only assessment tools that have been validated by race and gender.

**Rationale:** Research shows that the intensity of supervision and services for delinquent youth should correspond with the level of risk of those youth to reoffend. It also clearly demonstrates the negative outcomes for low risk offenders when they are combined with higher risk offenders<sup>3</sup>.

While a single tool that includes all of the above features does not currently exist, an alternative is to use multiple assessment tools and approaches in order to arrive at the most thorough and appropriate result possible. (See Resources section.)

## 3

### EDUCATION

- Access to commensurate curricula available to students in non-facility settings. Integrate the treatment and education structures to ensure that girls' access to education while in this setting is sufficient to get them to or keep them at grade level.
- Assessment that goes beyond determining current grade level to include other educational needs (e.g., whether they do well in a classroom setting or respond better to individual instruction.)
- Education should be provided through the local school district or Area Education Agency, which would include Special Education programs and services.
- Access to higher level and college entrance level classes, and more equitable and marketable vocational programs that lead to certification. Increase the level and quality of connection between the treatment/education structure within this setting and the educational settings immediately before and after placement in this setting.
- The residential setting should maintain a connection with the local public school to facilitate involvement in extra-curricular activities and to expand vocational opportunities.

**Rationale:** A disruption in education resulting in academic decline can have significant short and long term negative effects in the life of a young woman from increased risk for further delinquency to decreased earning potential as an adult. At the same time, a strong attachment to school, defined as students caring about school and their teachers' opinion of them, acts as a protective factor against delinquency<sup>4</sup>.

## 4

### FAMILY/SUPPORT SYSTEM ENGAGEMENT

- Use a combination of Family Team Decision-Making meetings, Youth Transition Decision-Making meetings, tele-family therapy, Multi-Dimensional Family Therapy, and related best practices to maximize family/support system engagement.
- Provide housing accommodations on-site and transportation for family visits/therapy sessions. Incorporate proactive family after care components (e.g., check-ins and support at intervals for a minimum of 90 days after the end of placement).

**Rationale:** One of the biggest challenges with out-of-home placements is that the lion's share of the work is done with the youth while the family and other support systems remain on the periphery. When the youth returns to their family/community, they are confronted with an environment that may have changed little. This contributes to an increased chance of failure. Engaging family and other supports in meaningful ways during placement in order to maintain and improve the relationships that will sustain them after they leave is a crucial element for long-term success. It is also important that any modality used is done so with fidelity.

## 5

### FUNDING

- Resources proportionally equivalent to the same level of care afforded to young men with similar risks and needs using a budget structure that does not rely upon filling a certain number of beds.
- Build in sufficient resources to allow for ongoing exploration of programmatic innovations and continuous quality improvement.

**Rationale:** Equity of service delivery does not mean simply allowing adolescent girls access to the services traditionally provided for adolescent boys. It does, however, require that boys and girls must have parity in basic program requirements: quality of staff, adequate financial support, and quality of the physical structure. There must also be equitable and varied opportunities beyond the basic program requirements.

It is important to note that housing this population of girls at the State Training School for Boys is not a suitable cost-mitigating option. A mixed-gender campus forces staff to spend an inordinate amount of time policing contact between the genders, time that should be spent working with the youth on the issues that brought them there in the first place. It would require a significant investment in cross-training and an increased level of monitoring of staff to ensure a female-responsive approach is maintained. Inevitably, girls would have less access to much of what the facility has to offer due simply to their small numbers.

Finally, the use of a budget structure that does not rely on filling a certain number of beds will increase stability in a number of ways: reducing staff turnover, minimizing the frequency of adding/removing staff to meet staff/client ratios, and making the budget planning process more reliably proactive.

## 6

### MENTAL HEALTH

- Counseling/therapy by licensed professionals, individual psychiatric and psychological services are provided on-site or are available without delay, and a contracted hospital stabilization unit for acute mental health episodes is readily available and in close proximity to the facility.

**Rationale:** This setting should not be considered an alternative for young women with chronic, serious mental health needs as their primary presenting problem, but it should have the ability to address those needs as they arise or as they contribute to the primary issue of delinquency. The availability of these services enhances the safety of all involved and eases the demands of the no reject, no eject policy.

## 7

### OVERSIGHT AND SECURITY

- Apply third-party oversight using the structure currently applied to group foster care through the Department of Inspections and Appeals with regulations/standards specific to it as a unique setting. Particular emphasis should be placed on standards related to youth, professional, and public safety, including best practices related to isolation and restraint, which curtails their use.

- Use a combination of secure and staff secure (see Definitions) options but with a primary emphasis on staff secure as much as is safely possible. Hands-off approaches, de-escalation techniques, and trauma-informed security practices should be standard operating procedure.\*
- This setting for girls should provide an annual facility report and individual discharge reports that, at a minimum, reflect:
  - Hours of educational instruction provided
  - Hours of therapeutic intervention provided
  - Number and amount of isolation/seclusion incidents
  - Number, type, and length of restraints used
- Seek regular outside evaluation and employ a specialist to research, operationalize, and conduct further internal evaluation related to female and culturally responsive service provision and environmental functioning that is trauma-informed, developmentally appropriate, and addresses criminogenic risk/need factors. This specialist should also be responsible for conducting continuous quality improvement activities that become an integrated part of the setting structure.

**Rationale:** Outside evaluation and third-party oversight increase credibility and accountability while continuous quality improvement facilitates innovation and progress. Multiple security options with an emphasis on therapeutic, non-aggressive, and non-punitive approaches allow the facility to address youth and staff safety issues without losing sight of the trauma histories of individual girls. Public safety, which is paramount for a juvenile justice setting of this level, must be at the forefront of security decisions and at the same time must be balanced with the knowledge that therapeutic approaches show the most promise for recidivism reductions.<sup>5</sup>

## 8

### PROFESSIONAL TRAINING & EDUCATION

- Minimum education and experience standards for all levels of direct service, staff, who work with young women: BA degree in a related field plus two years experience working with delinquent girls.
- Female responsive, trauma-informed, culturally responsive, and developmentally appropriate best practice training is provided to all employees, not just direct service staff. It should be research-based, progressive, ongoing, result in an implementation plan, and be supported with additional funding.
- Employees should be evaluated for demonstration of these learned capacities, and fidelity to those training models should be measured.

**Rationale:** Positions responsible for the most direct contact with youth in residential settings are entry level and generally attract those just starting out in the field. As a result, the least experienced adults are working with the most challenging youth. In order to reverse course, standards and the corresponding compensation must be raised.

Training is part of any continuous quality improvement process. Simply offering training is the baseline from which to start, however, to ensure maximum positive impact, further steps need to be taken. Those steps operationalize what was learned and make it an integral part of the structure to maximize consistency of practice even when there is staff turnover.

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\* Jim Chesnik, Nathan Kirstein and Brent Pattison did not agree with the use of secure options.



# 9

## TREATMENT & THERAPEUTIC APPROACHES

- Single-gender environment that uses proven therapeutic rather than control-oriented types of services with an emphasis on female responsive types of programming and which targets criminogenic risk/need factors<sup>6</sup>.
- Use research and/or evidence-based services within this setting whenever possible and with fidelity to the specified standards. For all services offered, access the Standardized Program Evaluation Protocol process, the Gender-Responsive Program Assessment Tool or another appropriate tool to evaluate the effectiveness of the services being offered. (See Resources section.)
- The entire environment and all of its operations are created using a female and culturally responsive lens which is trauma-informed and developmentally appropriate. (See Resources section.)

**Rationale:** In order to maximize treatment effectiveness, girls need a safe single gender setting which includes: being removed from the demands for attention of adolescent males, space to overcome socialization to value male relationships over female ones, and freedom from sexual tension and harassment. Also, due to their histories of victimization, young women are more inhibited when speaking in a mixed-gender setting about highly personal or sensitive issues, and this can be a significant barrier to their progress.

Criminogenic risk/need factors are characteristics (e.g., antisocial peers, antisocial beliefs) that are correlated with delinquent behavior. Effectively addressing these dynamic risk factors that can be altered reduces the likelihood for future delinquent behavior.

Research and evidence-based services come with specific documentation of their effectiveness, but the majority of services do not have this level of support. Services without research backing can also be effective, but use of a broader tool to evaluate their effectiveness is necessary. This emphasis on research-proven services must be balanced with innovation and emerging best practices that take gender, race, development, and trauma history into account. Study of these four emerging areas related to delinquency is a relatively recent development, and, therefore, they have a more limited scope of research backing at this time.

## SYSTEM RECOMMENDATIONS

All recommendations within this section relate to the larger system beyond a specific setting, but still relate to serious, violent, and chronic female offenders.

# 1

## ACCESS AND ELIGIBILITY

- Support current Iowa Code 232.8(5)a which allows for ongoing involvement (follow-up services and guidance from a JCO) with Juvenile Court Services up to age 21 on a voluntary basis.
- Provide additional funding to Juvenile Court Services to supplement the work done with youth who continue to access services up to age 21.

**Rationale:** For an older adolescent with limited resources and non-system supports who is about to age out of the juvenile justice system, this limited extension can allow them to complete their education. It can also help them establish housing, employment, and other essentials for success as an adult and support avoidance of the adult criminal justice system.



## 2

### ASSESSMENT

- Validate all assessment tools by race and gender.
- Use multiple tools in order to ensure any assessment is gender and culturally responsive, trauma-informed, and developmentally appropriate until such time as a single tool exists that encompasses all of these elements.

**Rationale:** As noted above, research shows that the intensity of supervision and services for delinquent youth should correspond with the level of risk those youth have to reoffend. Any assessment tool must be able to accurately identify risk and needs. While a single tool that includes all of the above features does not currently exist, an alternative is to use multiple assessment tools and approaches in order to arrive at the most thorough and appropriate result possible. (See Resources section.)

## 3

### COURT PROCESSING

- Support “one family, one judge” for all girls formally involved in the juvenile justice system.
- Require court-appointed attorneys to provide a report detailing time spent with the client and whether he/she visited the client in placement (if applicable) to the judge at the adjudication and disposition hearings. Allow the judge to appoint the juvenile another attorney if, based on the report, the attorney has not visited with the client, other than a few minutes before the hearing, and/or has not visited the client while in placement (if applicable).
- Provide fully funded Girls Court (see Definitions) for all high risk and/or high need girls and girls with moderate risk levels as appropriate. Areas that do not have a sufficient volume of girls to sustain a formal Girls Court should institutionalize the following practices: Explain all court processes until the young woman clearly indicates understanding, allow the young woman to introduce the people who have accompanied her to Court, help the young woman identify “safe” places and people, use consequences that are therapeutic and meaningful instead of simply punitive, and give the young woman a real role in the decision-making process.

**Rationale:** Although still being researched, Girls Court is considered a best practice. There is evidence that this type of court processing can reduce recidivism, incidents of running away, and other behaviors more than regular court processing for girls. It is particularly noteworthy that the juvenile court in Honolulu found that of the 70 girls involved in their Girls Court, only one was admitted to the most secure setting for girls in Hawaii<sup>7</sup>.

## 4

### EDUCATION

- Make education credits easily identifiable and transferable.
- Establish universal standards for the number and type of credits required for graduation.
- Existing planning groups (e.g., Education Collaborative, Juvenile Reentry Task Force) that are addressing issues around delinquency and education must consider gender as they seek to improve policy and practice.

**Rationale:** As noted above, a disruption in education resulting in academic decline can have significant short and long term negative effects in the life of a young woman from increased risk for further delinquency to decreased earning potential as an adult. The more placements a young woman experiences, the farther she falls behind in earning credits toward graduation. Simplifying the credit process diminishes a barrier to academic success.

## 5

### FAMILY FOSTER CARE

- Establish contracted homes with foster parents who have the capacity and willingness to work with moderate and high risk delinquent girls as well as low risk girls who are high need. These homes should receive higher levels of funding as well as targeted training, services, and support that is female and culturally responsive, trauma-informed, and developmentally appropriate. Also, respite care should be readily available and provided in the home where the girl is residing.

**Rationale:** While it is necessary to have a placement of last resort, it is also important to expand the continuum of care within the juvenile justice system. Family foster care is intended, in part, to provide an “off ramp” prior to the need for a placement of last resort. These foster homes would also be used as a step-down option to shorten lengths of stay in group care settings as appropriate. It would require more support/resources to be implemented safely and effectively for a higher risk/need population.

## 6

### FUNDING

- Move from a fluctuating per diem rate budget to a predetermined annual budget structure in all group care settings and increase the reimbursement rate for service providers related to raised expectations and to incentivize an increase in their capacity and competencies related to young women with moderate to high risk and needs.

**Rationale:** As noted above, equality of service delivery requires that boys and girls must have parity in basic requirements - quality of staff, financial support, and quality of any physical structure. This must extend to other group care settings beyond the placement of last resort. Ultimately, it should also extend to community-based and family-oriented services. If those services were invested in to a degree where they had the capacity to serve, separate from low-risk offenders, young women who were moderate or high risk/need, the anticipated long-term effect would be a diminished need for higher-intensity out-of-home services.

## 7

### PROFESSIONAL TRAINING & EDUCATION

- Minimum education and experience standards for all levels of direct service, staff, who work with moderate to high risk and high need delinquent females: BA degree in a related field or equivalent experience.
- Make female responsive, trauma-informed, culturally responsive, and developmentally appropriate best practices training and technical assistance available for those working with girls in the juvenile justice system by creating a State level position to coordinate and/or provide this assistance.
- Require regularly scheduled female responsive, trauma-informed, culturally responsive, and developmentally appropriate best practice training for programs/agencies that receive State funding and are tasked with working directly with serious, violent, and chronic juvenile female offenders. Training should be research-based, progressive, ongoing, result in an implementation plan, and be supported with additional funding.

**Rationale:** Training is part of any continuous quality improvement process, and this particular type of training should extend beyond the placement of last resort referred to above. In order to decrease the number of young women who require a placement of last resort, ideally to zero, there must be proven effective approaches being used earlier in the court and service process.

# Resources

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## DEFINITIONS

### Deep End Girls

Young women under juvenile court jurisdiction who have a combination of high risk, high need, aggressive behavior, prior placement(s), and risk to public safety due to their serious, violent, and chronic offenses and social histories.

### The Female Responsive Approach and Program Components

The female responsive approach intentionally allows gender identity and development to affect and guide program design and service delivery. Certainly, female responsive programs and services extend beyond simply targeting adolescent girls as an audience. They meet the standard of being specific to the female experience and free from sexism. In order to be effective, female responsive programs and services must reflect an understanding of female development and the specific issues of contemporary adolescent females.

The following eleven components are essential to any female responsive program that attempts to holistically address the needs and issues of adolescent girls who are involved with, or at risk for involvement with, the juvenile justice system.

1. Programs must provide emotional and physical safety.
2. Programs must be culturally appropriate.
3. Programs must be relationship-based.
4. Programs must provide female role models and mentors.
5. Programs must address the abuse in girls' lives.
6. Programs must address sexuality, pregnancy, and parenting.
7. Programs must be strength-based.
8. Programs must provide opportunities that promote educational success and employability.
9. Programs must address the unique health needs of females, including nutritional concerns and regular physical activity.
10. Programs must provide opportunities for spiritual expression.
11. Programs must involve members of girls' families and/or support networks.

Source: *Female Responsive Protocol for Adolescent Offenders by the Iowa Task Force for Young Women* – September 2010, p.2.

<https://humanrights.iowa.gov/females-and-juvenile-justice/publications>

### Equity

Equity for girls in the juvenile justice system means ensuring each girl has access to the entire array of service types and systemic opportunities needed to enhance her chances for success. It also requires proportionally equivalent resources afforded to boys with similar risks and needs. (Developed based on discussion of IGJI in August 2016)

## Cultural Responsiveness

Cultural responsiveness is the ability to learn from and relate respectfully with people of your own culture as well as those from other cultures.

[http://thesource.northcentralrrc.org/index.php?option=com\\_content&view=article&id=77:national-center-for-culturally-responsive-educational-systems-ncrest&catid=21:disproportionality-online-resource&Itemid=130](http://thesource.northcentralrrc.org/index.php?option=com_content&view=article&id=77:national-center-for-culturally-responsive-educational-systems-ncrest&catid=21:disproportionality-online-resource&Itemid=130)

Cultural responsiveness is the action that happens in the process of applying cultural competence ideology.

Source: National Center for Culturally Responsive Educational Systems

## Cultural Competence

Cultural competence requires that organizations:

- Have a defined set of values and principles, and demonstrate behaviors, attitudes, policies and structures that enable them to work effectively cross-culturally.
- Have the capacity to (1) value diversity, (2) conduct self-assessment, (3) manage the dynamics of difference, (4) acquire and institutionalize cultural knowledge, and (5) adapt to diversity and the cultural contexts of the communities they serve.
- Incorporate the above in all aspects of policy making, administration, practice, service delivery and involve systematically consumers, key stakeholders and communities.

Cultural competence is a developmental process that evolves over an extended period. Both individuals and organizations are at various levels of awareness, knowledge, and skills along the cultural competence continuum. (Adapted from [Cross et al.](#), 1989)

Source: National Center for Cultural Competence, Georgetown University

<http://nccc.georgetown.edu/foundations/frameworks.html>

## Trauma Informed

The context in which trauma is addressed or treatments deployed contributes to the outcomes for the trauma survivors, the people receiving services, and the individuals staffing the systems. Referred to variably as “trauma-informed care” or “trauma informed approach” this framework is regarded as essential to the context of care. The concept of a trauma-informed approach is grounded in a set of four assumptions and six key principles.

A program, organization, or system that is trauma-informed **realizes** the widespread impact of trauma and understands potential paths for recovery; **recognizes** the signs and symptoms of trauma in clients, families, staff, and others involved with the system; and **responds** by fully integrating knowledge about trauma into policies, procedures, and practices, and seeks to actively **resist re-traumatization**.

Six Key Principles of a Trauma-Informed Approach:

1. Safety
2. Trustworthiness and Transparency
3. Peer Support
4. Collaboration and Mutuality
5. Empowerment, Voice and Choice
6. Cultural, Historical, and Gender Issues

Source: Substance Abuse and Mental Health Services Administration  
<http://www.traumainformedcareproject.org/resources/SAMHSA%20TIC.pdf>

## Developmentally Appropriate

Many girls experience violence, trauma, poverty, and racial, ethnic and gender bias that can lead to their involvement in the juvenile justice system. We believe that the needs of girls must be addressed in a developmentally appropriate manner. This means recognizing a young woman's diverse pathways into and across systems and reducing her involvement so only those who pose a serious threat to public safety enter the juvenile justice system. Then, for those very few girls and young women, it means reducing reliance on secure placement and increasing gender and culturally responsive, trauma-informed, and developmentally appropriate approaches. We recognize that for girls and young women, this requires a national commitment to creating healthy social environments with family, peers, community, social institutions, and society.

Source: Policy Statement, Office of Juvenile Justice Delinquency Prevention  
<http://www.ojjdp.gov/policyguidance/girls-juvenile-justice-system/>

## Criminogenic Risk Factors

Factors that are correlated with high-risk or delinquent behavior. However, not all have the same predictive power.

Examples include:

- Age of first offense
- Antisocial peers
- Antisocial Values and Beliefs (supportive of crime)
- Previous arrest history
- Effort/interest in school
- Family history of incarceration

Source: Iowa Delinquency Assessment Manual

## Case Processing Definitions

- **Arrest/Taking into Custody** – Iowa code section 232.19 defines arrest for juveniles as “taking a child into custody”. For our purposes we use the reference of arrest. Arrest can take place for the commission of delinquent acts, by order of the court, or for violation of a dispositional order. An arrest is the process of removing a youth from the “street” and determining what further activity will need to take place.
- **Complaints** – Complaints are typically referred to juvenile court by law enforcement. Complaints are law violations by juveniles. There may be more than one offense included in a complaint. Complaints are processed by juvenile court services (JCS) staff. Complaints are often synonymous with the decision of referral to juvenile court.
- **Referral** – After an arrest, law enforcement makes a decision as to whether or not a youth will be referred to juvenile court. Referrals (sometimes referred to as complaints) are law violations by juveniles. There may be more than one offense included in a complaint. Complaints are processed by juvenile court services (JCS) staff. In many cases juvenile court services staff do a face to face interview on a referral. It represents the initial decision regarding JCS on a referred case.

- **Informal Adjustment** – A significant number of youth referred to the juvenile court receive informal adjustments, which are contracts that youth enter into with JCS staff. Informal adjustment is an option for youth utilized (often for younger or less serious offenders) that have admitted their involvement in a delinquent act. The conditions of an informal adjustment can include juvenile court supervision, restitution/community service, prohibiting a youth from driving, referral to a private agency, voluntary participation in batterers' treatment, etc.
- **Petitions Filed** – JCS staff refer youth that require more serious court intervention to the county attorney. The county attorney may “file a petition” on any given offense. The filing of a petition constitutes the formal involvement of the court.
- **Consent Decree** – At any time after the filing of a petition and prior to an order of adjudication the juvenile court may enter a consent decree. Consent decrees are similar to informal adjustment agreements. Consent decrees are court orders that specify conditions and requirements for youth. The terms and conditions of consent decrees may include supervision of the child by the juvenile court or other designated agency, community service/restitution, prohibiting a youth from driving, participation in batterers' treatment, etc.
- **Adjudications** - Adjudications are court hearings that provide a formal finding of guilt. A youth that is found guilty is “adjudicated a delinquent”.
- **Dispositions** – Dispositional hearings are provided for youth that have had a delinquency adjudication. Dispositional hearings are often conducted as part of the adjudication hearing. Dispositions for the juvenile court include probation/court supervision, restitution/community service, driving suspension/revocation, special care & treatment, batterers education, foster family care, brief juvenile detention facility hold, community-based delinquency services, group care, mental health institution placement, state training school placement, independent living, etc.
- **Waiver to Adult Court** – Youth are waived to adult court (placed under the jurisdiction of the district court) if they have committed certain serious offenses, and/or are older youth and are deemed as requiring additional court supervision, and/or it is determined that they can no longer benefit from the supervision or services of the juvenile justice system.

Source: Criminal and Juvenile Justice Planning, Department of Human Rights

## Girls Court

The Too Good to Lose Court (TGTL) transitions the role of every team member from their traditional separation and independence to a collaborative effort focused on the recovery of the TGTL participants. Judges become part of a collaborative decision-making team that includes treatment providers, court personnel, attorneys, and other law enforcement agents. Prosecutors and defense counsel coordinate their efforts in new ways to achieve a participant's success, muting their traditional adversarial relationship. Typical courtroom decorum where lawyer-advocates speak on behalf of their clients may give way to direct conversations between the judge and young woman. Respondents become “participants” and may actively engage with the Court and other members of the team far earlier than is the case in more traditional referrals from the court for treatment and monitoring. These and other transactions in the professional roles of judges, lawyers, health treatment professionals, and other law enforcement agents are crucial to the TGTL model.

Source: Too Good to Lose Court is Iowa's only Girls Court and is located in Polk County. They have provided this description for inclusion in this report.



## Security in Facilities

**Secure** – Denotes mechanical and/or other types of structural security (e.g. the ability to lock youth within the facility, security fences around the property). Detention facilities in Iowa are secure.

**Staff Secure** – Denotes a facility that does not have mechanical/structural security, but allows staff to physically restrain youth. Group care and shelter facilities may be staff secure.

**Non-secure** – Denotes facilities that do not have mechanical/structural security and do not generally allow physical intervention. Group care and shelter facilities may be non-secure.

*One facility may be both secure and staff secure. For example, the State Training School for Boys has the ability to lock youth within the living cottages/units, but does not have a fence surrounding the campus.*

Source: Adapted from the Compliance Monitoring Guidance Manual, Office of Juvenile Justice and Delinquency Prevention

## State Training School Eligibility – Iowa Code

### 232.52 DISPOSITION OF CHILD FOUND TO HAVE COMMITTED A DELINQUENT ACT.

2. The dispositional orders which the court may enter subject to its continuing jurisdiction are as follows:

e. An order transferring the guardianship of the child, subject to the continuing jurisdiction and custody of the court for the purposes of section 232.54, to the director of the department of human services for purposes of placement in the state training school or other facility, provided that the child is at least twelve years of age and the court finds the placement to be in the best interests of the child or necessary for the protection of the public, and that the child has been found to have committed an act which is a forcible felony, as defined in section 702.11, or a felony violation of section 124.401 or chapter 707, or the court finds any three of the following conditions exist:

(1) The child is at least fifteen years of age and the court finds the placement to be in the best interests of the child or necessary to the protection of the public.

(2) The child has committed an act which is a crime against a person and which would be an aggravated misdemeanor or a felony if the act were committed by an adult.

(3) The child has previously been found to have committed a delinquent act.

(4) The child has previously been placed in a treatment facility outside the child's home or in a supervised community treatment program established pursuant to section 232.191, subsection 4, as a result of a prior delinquency adjudication.

Also:

- 232.54 TERMINATION, MODIFICATION, OR VACATION AND SUBSTITUTION OF DISPOSITIONAL ORDER.
- 702.11 FORCIBLE FELONY.
- 124.401 PROHIBITED ACTS -- MANUFACTURERS -- POSSESSORS -- COUNTERFEIT SUBSTANCES -- SIMULATED CONTROLLED SUBSTANCES -- PENALTIES.
- 707.1 MURDER DEFINED.
- 707.2 MURDER IN THE FIRST DEGREE.
- 707.3 MURDER IN THE SECOND DEGREE.



- 707.4 VOLUNTARY MANSLAUGHTER.
- 707.5 INVOLUNTARY MANSLAUGHTER.
- 707.6 CIVIL LIABILITY.
- 707.6A HOMICIDE OR SERIOUS INJURY BY VEHICLE.
- 707.7 FETICIDE.
- 707.8 NONCONSENSUAL TERMINATION -- SERIOUS INJURY TO A HUMAN PREGNANCY.
- 707.8A PARTIAL-BIRTH ABORTION PROHIBITED -- EXCEPTIONS -- PENALTIES.
- 707.9 MURDER OF FETUS ABORTED ALIVE.
- 707.10 DUTY TO PRESERVE THE LIFE OF THE FETUS.
- 707.11 ATTEMPT TO COMMIT MURDER.
  
- 232.191 EARLY INTERVENTION AND FOLLOW-UP PROGRAMS.

Additional Code provisions related to State Training School Eligibility are found here:

<https://www.legis.iowa.gov/publications/search/document?fq=id:725735&pdid=713965&q=State Training School#233A.1>

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