

**Status of Females
in the
Juvenile Justice
System**

Iowa ~ 2009

In October 2007, the inaugural Girls' Summit on females in the juvenile justice system was held. This Summit brought together key decision makers in an exploration of research and data.

In 2008, a second Summit was held. Opened to a broader audience, this Summit updated data and trends first examined in 2007.

We look forward to leading another Summit in 2010 and at the same time feel it is crucial to keep data about girls involved in or at risk for involvement in the juvenile justice system in focus. It is in that spirit that we present this report made possible through the support of Iowa's:

Juvenile Justice Advisory Council
Division of Criminal and Juvenile Justice Planning
Division on the Status of Women
Department of Human Rights

"Status of Females in the Juvenile Justice System: Iowa – 2009" is an examination of trends using the most recent data available compiled by the Division of Criminal and Juvenile Justice Planning as well as information from previous years Girls' Summits.

There are differences that exist between young women and young men in the juvenile justice system and the efficacy of professionals rests heavily on a better understanding of these differences and how they impact the justice system response.

On behalf of the Iowa Task Force for Young Women (formerly the Iowa Gender Specific Services Task Force), it is my hope that this report will serve to inform and guide necessary system improvements.

Lori Rinehart, Chair



A positive force for young women in juvenile justice

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Table of Contents

Executive Summary	1
Introduction	
Distinguishing Characteristics.....	2
Abuse/Neglect	2
Trends	
Nature of Offenses	3
Detention	4
Disproportionate Minority Contact	5
Recidivism	7
Recommendations	10
Appendix: Case Processing Definitions.....	11
Figures	
I. 2006 Child Abuse/Neglect Reported	2
II. Top Ten Arresting Offenses – 2005 vs. 2008	4
III. Juvenile Detention Holds by Offense Severity – 2008.....	5
IV. Juvenile Detention Holds – Females.....	5
V. Five Year Change – Caucasian Females.....	6
VI. Five Year Change – Minority Females	6
VII. DMC Relative Rate Index – Females	6
VIII. Top 10 Arresting Offenses by Race – Females.....	7
IX. Female Delinquency – Original Charge Type.....	8
X. Female Recidivists - Subsequent Charge Type	8
XI. Original Complaints - Recidivists with Violent Offenses	9

Executive Summary

Young women in the juvenile justice system present with characteristics and experiences that differentiate them from their male counterparts. As such, the juvenile justice system in Iowa must consider these factors if it is to effectively and efficiently impact recidivism, rehabilitation and public safety.

Data reveal the following trends:

- All youth in the juvenile justice system experience a significantly higher rate of child maltreatment than do youth in the general population. Additionally, young women have a distinctly higher percentage of reported sexual abuse.
- Young women commit primarily non-violent offenses, with shoplifting and running away being the only two areas where they exceed young men in number.
- Young women are held in detention for a substantially higher percentage of misdemeanor versus felony offenses than young men.
- Young women of color, particularly African American females, are far more likely to come into contact with the juvenile justice system. Additionally, arrests of minority females have increased during the same time frame as arrests of Caucasian females have decreased.
- The general type of offense committed by young women is against public order (i.e. alcohol related violations, disorderly conduct) or property (i.e. shoplifting), though young women with subsequent charges of a violent nature are likely to have had violent offenses initially as well.

Historically, young women have been a smaller segment of the juvenile justice population. They remain so today. Consequently, they are easy to overlook. But Iowa's response to them is no less important. Perhaps, because they are fewer in number, our system can have a true and meaningful influence, with prevention of further penetration into both the juvenile and adult systems being the ultimate goal.

The Iowa Task Force on Young Women recommends the following measures to facilitate movement toward that goal:

1. Facilities and programs striving to provide the most effective and efficient services to young women will opt for single gender environments with female responsive programming that includes components to address trauma.
2. All institutions and agencies that work with females involved in the juvenile justice system and which receive state funding should be required to provide annual female responsive training to their employees. Training should be research based, progressive, ongoing and result in an implementation plan.
3. As detention reform proceeds, gender and the disproportionate number of females in detention for misdemeanor offenses must be an integral part of policy and decision making discussions including any recommendations for solutions to be implemented.
4. As research, data and planning progresses related to disproportionate minority contact with the juvenile system, the needs of girls of color be given equal consideration. Specifically, assessment tools must be without race/ethnic bias and they must also be female responsive.

INTRODUCTION

In order to be effective with young women involved in or at risk for involvement in the juvenile justice system, it is important to develop an awareness of her unique traits as compared to those of her male counterpart.

Distinguishing Characteristics*

1. She has experienced sexual abuse at a higher reported rate.
2. She is more likely to be held in detention for a misdemeanor offense.
3. If she re-offends, the probability that she will commit a property offense decreases and the probability that she will commit a violent offense increases.
4. She is white; however African American girls are a significantly higher proportion of the juvenile justice population than they are of the general population.
5. She has been charged with shoplifting, liquor law violations, disorderly conduct and/or simple assault (top four offenses for young women).
6. She is more likely to be taken into custody for running away.

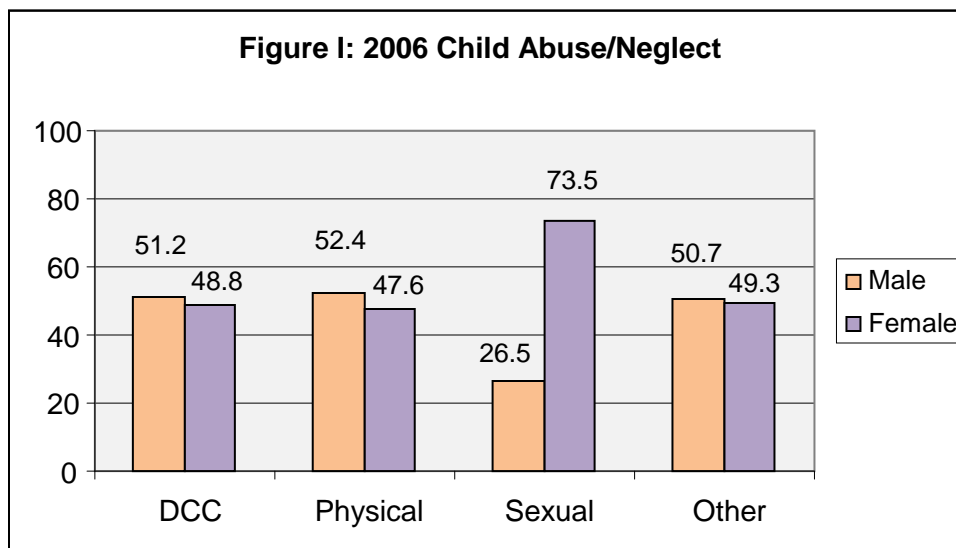
**This is not a comprehensive list but rather a reflection of the data presented in this report.*

Abuse/Neglect: Pathway into the Juvenile Justice System

The experience of abuse and trauma is common among young women who are involved in the juvenile justice system. It is widely considered a pathway into delinquency.

Iowa statistics from the year 2006 (Figure I) reflect no statistically significant difference between genders in reported Denial of Critical Care (DCC), Physical Abuse and Other (includes: Mental Injury, Presence of Drugs, Prostitution, Manufacture/Production or Delivery of Substances). In contrast, reported cases of sexual abuse were much higher for females (73.5%) than for males (26.5%). It must be noted that although there is a considerable stigma attached for anyone reporting sexual abuse, it is frequently more substantial for males, as perpetrators are commonly male regardless of the gender of the victim.

Multiple studies confirm that the number of children in the juvenile justice system with a history of abuse far exceed the number of children in the general population with that same history. Ultimately, working with females in the juvenile justice system often means working with females who have a history of abuse.



Source – Iowa Department of Human Services

TRENDS

Nature of Offenses

Approximately 30% of the complaints made against juveniles in Iowa are against females. Because they are a significantly smaller portion of the juvenile justice population, offense categories where females outpace their male counterparts are particularly noteworthy.

Of the top ten offenses for young women during 2005, shoplifting (1,366 females v. 1,202 males) and runaway (273 females v. 199 males) were the offenses for which female arrests outnumbered those of males. This trend has been consistent over time. Arrest data from 2007 shows shoplifting at 1,375 female v. 1,137 male arrests and in 2008 1,333 female v. 1,124 male arrests.

Running away is not technically an offense in Iowa; however, it is counted as such when a young person is reported as a runaway and is taken into custody by police. This is not an offense that makes the top ten for males in any recent year; however, it not only consistently appears on the female top ten, but it moved from 8th on the list in 2005 to 7th in 2008.

It would be tempting to assume that this must simply be attributed to females running away more. Given the systems tendency to be more protective and/or respond in a paternalistic manner with young women, it is likely that the causes for this difference are more complex and involve at least a degree of taking young women into custody "for their own good."

In 2005, males outnumbered females in Liquor Law Violations (1,219 v. 854) while females had a higher percentage of Liquor Law Violations (12.5% v. 8.4%). This is also a consistent trend.

A third area of note when examining what types of offenses are being committed by young women is violent versus non-violent crime. Females in the juvenile justice system in Iowa are by and large non-violent offenders. Simple Assault is the sole exception of their top offenses and although it is a violent (person) offense it is considered low level (misdemeanor). This trend is consistent over time with simple assault dropping from 3rd on the top ten list in 2005 to 4th in 2008.

Below, you will find a side by side comparison of the top offenses committed by females in 2005 and 2008. The single largest increase in percentage of arrests was in Disorderly Conduct (+1.9%) and the single largest decrease was in Drug Violations (-2.4%).

Figure II: Top 10 Arresting Offenses

<u>Females 2005</u>			<u>Females 2008</u>		
OFFENSE	NUMBER	%	OFFENSE	NUMBER	%
Shoplifting	1,366	20.1%	Shoplifting	1,333	19.9%
Liquor Law Violations	854	12.5%	Liquor Law Violations	895	13.3%
Simple Assault	790	11.6%	Disorderly Conduct	849	12.6%
Disorderly Conduct	732	10.7%	Simple Assault	780	11.6%
All Other Offenses*	615	9.0%	All Other Offenses*	521	7.8%
All Other Larceny	426	6.2%	All Other Larceny	455	6.8%
Drug Violations	371	5.4%	Runaway	306	4.6%
Runaway	273	4.0%	Curfew Violations	300	4.5%
Curfew Violations	250	3.6%	Vandalism	216	3.2%
Vandalism	247	3.6%	Drug Violations	201	3.0%

Source – Iowa Department of Public Safety Uniform Crime Report

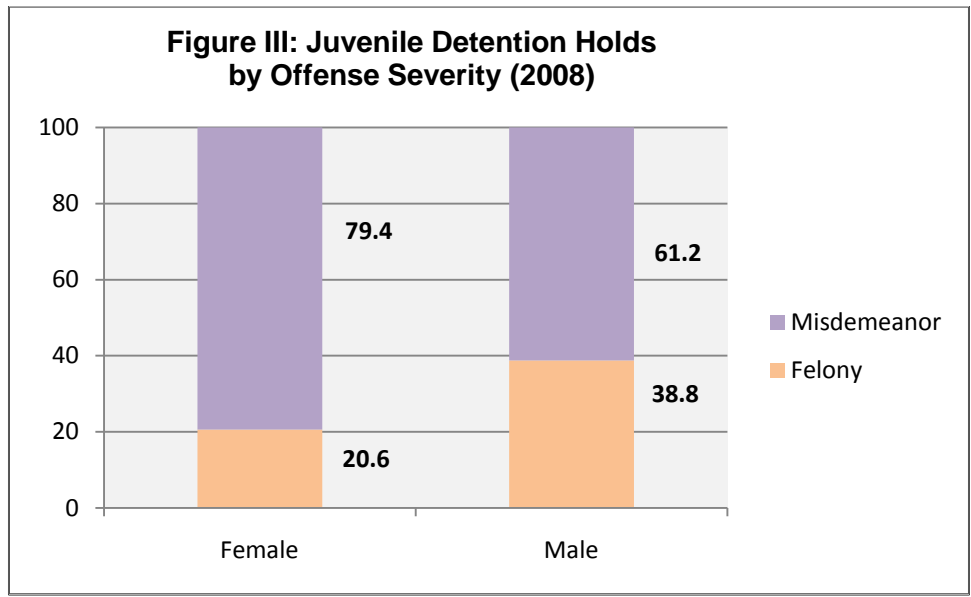
*All Other Offenses includes mostly; Possession of Burglary Tools, Cigarette Law Violations, Cruelty to Animals, Failure to Appear, Harassment, Harboring, Hit and Run, Leaving the Scene, Indecent Exposure, Obstruction, Obscene Phone Call, Probation Violation, Scalping, Unlawful Assembly.

Young Women in Detention

Holding a juvenile in detention is a commonly used sanction in the juvenile justice system to manage young offenders. Figure III shows that the majority of juveniles held in detention are held for misdemeanor offenses. The disparity is more significant for females than for males and is a trend over time (14% more females than males are held in detention for misdemeanors in 2005; 21% more in 2007 and 18.2% more in 2008).

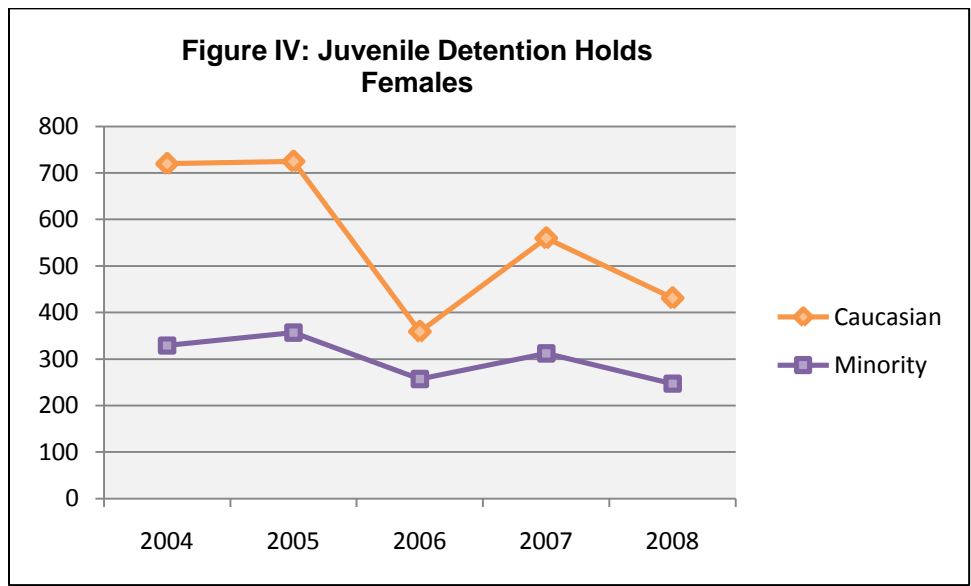
Though there is a pronounced gender-based disparity, rarely is the issue of gender conspicuous in detention reform discussions. Those discussions frequently and appropriately center on diverting misdemeanor offenders. Given females over-representation in detention for misdemeanor offenses, logic would dictate that they be given more than a cursory examination.

Detention reform advocates have looked at offenses considered to be crimes against justice and authority in particular. Disorderly Conduct is one such offense prominent in detention holds and among females. Given the large increase in Disorderly Conduct charges among females noted above and the disparate percentage of females held in detention for misdemeanor charges, the issue of gender should figure prominently in detention reform discourse.



Source - Iowa Justice Data Warehouse

Also noteworthy and reflective of disproportionate minority contact with the system is the trend over time in number of detention holds. Overall, they are decreasing, but as evidenced by Figure IV that decrease among females has come much more significantly within the Caucasian population.



Source - Iowa Justice Data Warehouse

Disproportionate Minority Contact

Figures V and VI show some dramatic differences between Caucasian and minority females at significant decision points within the juvenile justice system over the course of the last five years. For example, while arrests of Caucasian females have dropped -8.7% during that time frame, arrests of minorities has risen 42.4%. It must be cautioned that the population of minority females is much smaller than that of Caucasian females in the State of Iowa; therefore any change in percentage is, in part, due to that incongruence.

5 Year Change at Significant Decision Points

Figure V: Caucasian Females (0-17)						
	2004	2005	2006	2007	2008	5-Yr Chg
Arrest	5,220	5,088	5,102	5,259	4,768	-8.7%
Complaint	6,804	6,522	6,796	6,458	6,068	-10.8%
Petition	998	971	918	900	703	-29.6%
Detention	720	725	359	560	431	-40.1%

Source - Iowa Dept of Public Safety/Iowa Justice Data Warehouse

Figure VI: Minority Females (0-17)						
	2004	2005	2006	2007	2008	5-Yr Chg
Arrest	1,324	1,689	1,696	2,065	1,886	42.4%
Complaint	1,747	2,027	2,100	2,327	2,082	19.2%
Petition	345	363	341	433	298	-13.6%
Detention	329	357	257	312	247	-24.9%

Source - Iowa Dept of Public Safety/Iowa Justice Data Warehouse

Upon deeper exploration of the data, it becomes apparent that in the State of Iowa, young African American women are at greatest risk of disproportionate contact with law enforcement and juvenile justice authorities. They have substantially higher rates of arrest and referral to juvenile court and nearly twice the rate of secure detention holds in relation to white females.

Figure VII: DMC Relative Rate Index* – Females (2008)						
State : State of Iowa (Female)		Reporting Period: January through December 2008				
<i>Relative Rate Index Compared with White Juveniles</i>	Black or African-American	Hispanic or Latino	Asian	American Indian or Alaska Native	Other/Mixed	All Minorities
Juvenile Arrests	5.63	1.27	0.78	3.01	---	2.92
Refer to Juvenile Court	4.59	1.07	0.71	3.12	---	2.45
Cases Diverted	0.82	0.89	1.05	0.29	0.97	0.83
Cases Involving Secure Detention	1.80	1.48	0.82	2.91	0.17	1.68
Cases Petitioned	1.34	1.02	1.02	0.76	1.40	1.24
Cases Resulting in Delinquent Findings	1.21	1.27	0.55	0.69	1.06	1.17
Cases resulting in Probation Placement	0.94	0.78	---	0.81	---	0.86
Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	---	---	---	---	---	---
Cases Transferred to Adult Court	0.56	1.38	---	---	0.59	0.67

Source - Division of Criminal and Juvenile Justice Planning

***What is the Relative Rate Index?**

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. So, in Figure VII, African American females are 5.63 times as likely to be arrested as white females and all minority girls are 2.92 times as likely to be arrested as white females, etc.

By comparison, in 2006, the Relative Rate Index for arrests of African American girls was 5.18 and in 2007 it was 4.43. Clearly, this is an important trend. Not only is there a consistent difference in arrest and other rates, but the offenses committed by Caucasian females and minority females show some noteworthy differences:

Figure VIII: Top 10 Arresting Offenses by Race – Females (2008)

Offense-CAUCASIAN	NUMBER	%	Offense-MINORITY	NUMBER	%
Shoplifting	958	20.1%	Disorderly Conduct	437	23.2%
Liquor Law Violations	845	17.7%	Shoplifting	355	18.8%
Simple Assault	453	9.5%	Simple Assault	321	17.0%
Disorderly Conduct	410	8.6%	All Other Larceny	141	7.5%
All Other Offenses*	391	8.2%	All Other Offenses*	127	6.7%
All Other Larceny	309	6.5%	Runaway	80	4.2%
Curfew Violations	239	5.0%	Aggravated Assault	64	3.4%
Runaway	222	4.7%	Curfew Violations	58	3.1%
Vandalism	166	3.5%	Vandalism	50	2.7%
Drug Violations	165	3.5%	Liquor Law Violations	45	2.4%

Source - Iowa Department of Public Safety-Uniform Crime Report Data

*All Other Offenses includes mostly; Possession of Burglary Tools, Cigarette Law Violations, Cruelty to Animals, Failure to Appear, Harassment, Harboring, Hit and Run, Leaving the Scene, Indecent Exposure, Obstruction, Obscene Phone Call, Probation Violation, Scalping, Unlawful Assembly.

Although Iowa is making a concerted effort to address the issue of disproportionate minority contact at both the juvenile and adult levels, the vast majority of this work is centered on males. As research, data and planning progresses related to disproportionate minority contact with the juvenile system, the needs of girls of color be given equal consideration.

Recidivism and Violent Offenses

Figures IX - XI (below) were taken from a point-in-time study of the Iowa juvenile justice system. The study examined original complaints (offenses) as well as subsequent complaints of all juvenile females during the indicated time frames.

Of the three studies examined for this report, there was one noteworthy shift in original complaints. In the sample from January-June 2004, Public Order offenses were 35.9% of original complaints. In the sample from January-June 2006, they were 39.2% of original complaints and in the most recent sample (see below), Public Order offenses were 39.1% of original complaints. This was the offense category demonstrating the most change over time.

The following charts provide data for females with at least one complaint filed between January 1, 2007 and June 30, 2007. The first chart provides a breakout of the type of charges filed during the initial six-month period. The second chart indicates the charge type for females who received at least one subsequent complaint during the 18-month period that followed, July 1, 2007 through December 31, 2008.

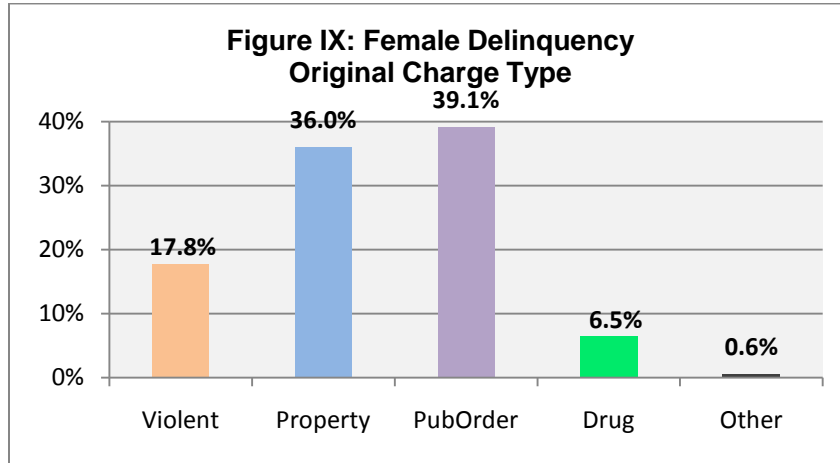
Note: There can be multiple charges within one complaint and all charges are included in the tables below.

Original Complaints

Time Period: January 1, 2007 through June 30, 2007

Number of Females = 3,484

Number of Complaints = 4,941



Source - Iowa Justice Data Warehouse

As noted in Figure IX, 75% of females were initially charged with either crimes concerning property or public order. Of the property crimes, 68% were for theft and were predominantly for shoplifting. Alcohol related charges constituted 46% and disorderly conduct/interference comprised 24% of the public order charges.

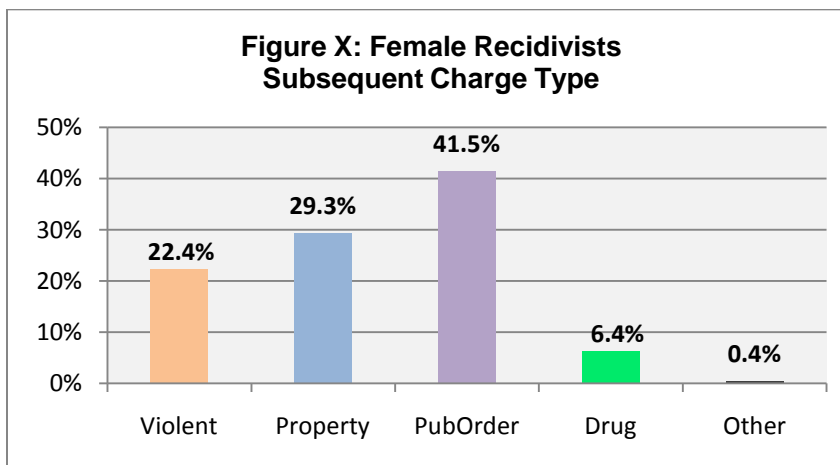
The most consequential changes when comparing original to subsequent complaints are in the “Property” and “Violent” categories. Property offenses dropped 6.7% (36.0% to 29.3%) and violent offenses rose 4.6% (17.8% to 22.4%) between original and subsequent complaints. This is a consistent trend within recent data.

Subsequent Complaints (Recidivism)

Time Period: July 1, 2007 through December 31, 2008

Number of Recidivists = 1,012

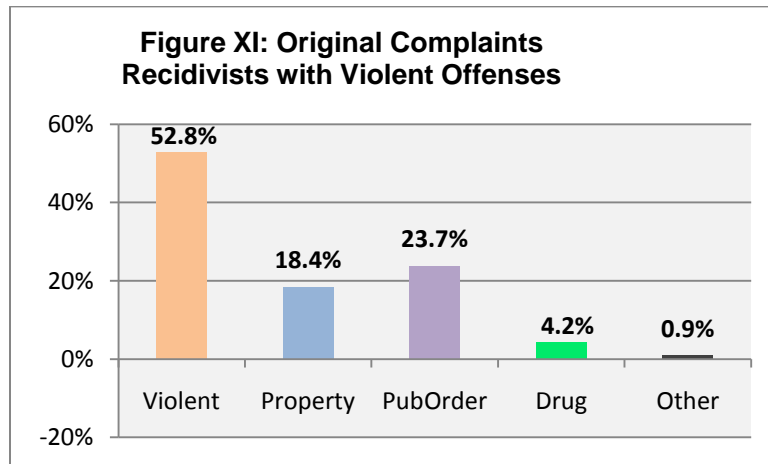
Number of Subsequent Charges = 2,264



Source - Iowa Justice Data Warehouse

Figure X indicates that female recidivists tended to be charged with more violent crime than they were initially during the first six-months of 2007. Of all the original charges during the initial six-month period, 17.8% were for violent offenses (mostly assault), while over the next 18 months violent offenses increased to 22.4% of all charges. Property charges declined from 36% to less than 30%.

The study also more closely examined female recidivists with subsequent violent offenses. Figure XI shows the *original* complaints of these females. There were 326 female recidivists with 507 violent complaints between July 1, 2007 and December 31, 2008. The following includes the original complaints filed on these same 326 females between January 1, 2007 and June 30, 2007.



Source - Iowa Justice Data Warehouse

As shown in Figure XI, young women who have a subsequent violent complaint offended initially with a much higher percentage of violent complaints (52.8%). While this is reflective of previous studies, this most recent data shows a considerably more pronounced difference. In the study ending December 2006, 33.2% of young women with a subsequent violent complaint had initial violent complaints. In the study ending December 2007, that number was 36.9%. Essentially, females who have violent offenses when they recidivate are more likely to have violent offenses when they first come into contact with the juvenile justice system. In general, however, violent offenses remain limited in scope among female offenders.

RECOMMENDATIONS

1. Facilities and programs striving to provide the most effective and efficient services to young women will opt for single gender environments with female responsive programming that includes components to address trauma.

Single gender environments for females have many benefits for young women, most especially for those who have experienced sexual abuse. Statistics vary, but if you are working with young women in the juvenile justice system, there is compelling evidence to suggest you are working with a young woman who has a history of abuse.

Additionally, single gender environments mitigate the normal preoccupation adolescents have with romantic relationships allowing them to focus more readily on themselves and other important relationships in their lives.

2. All institutions and agencies that work with females involved in the juvenile justice system and which receive state funding should be required to provide annual female responsive training to their employees. Training should be research based, progressive, ongoing and result in an implementation plan.

The juvenile justice system is designed based on research and experience with its primary population – males. In order to be adequately prepared to work effectively with females, professionals require additional training that is based on current research and proven practice.

3. As detention reform proceeds, gender and the disproportionate number of females in detention for misdemeanor offenses must be an integral part of policy and decision making discussions including any recommendations for solutions to be implemented.

Holding misdemeanor offenders in detention alongside felony offenders has been proven to increase the likelihood of recidivism among misdemeanor offenders. Understandably, reform efforts currently focus on diverting misdemeanor offenders from detention.

Detention reform would ostensibly have a measurably larger positive impact on the female offender population as young women are more likely to be held for a misdemeanor offense than their male counterparts. This positive impact would be bolstered by employing female responsive principles.

4. As research, data and planning progresses related to disproportionate minority contact with the juvenile system, the needs of girls of color be given equal consideration. Specifically, assessment tools must be without race/ethnic bias and they must also be female responsive.

Much like detention reform, discussions regarding disproportionate minority contact 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 females, who are hit hardest by disproportionate contact - will benefit to the same extent as males if their gender based needs are not also taken into account.

APPENDIX

Case Processing Definitions

Court Decision Making

- **Arrest** – Iowa code section 232.19 defines arrest for juveniles as “taking 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.