

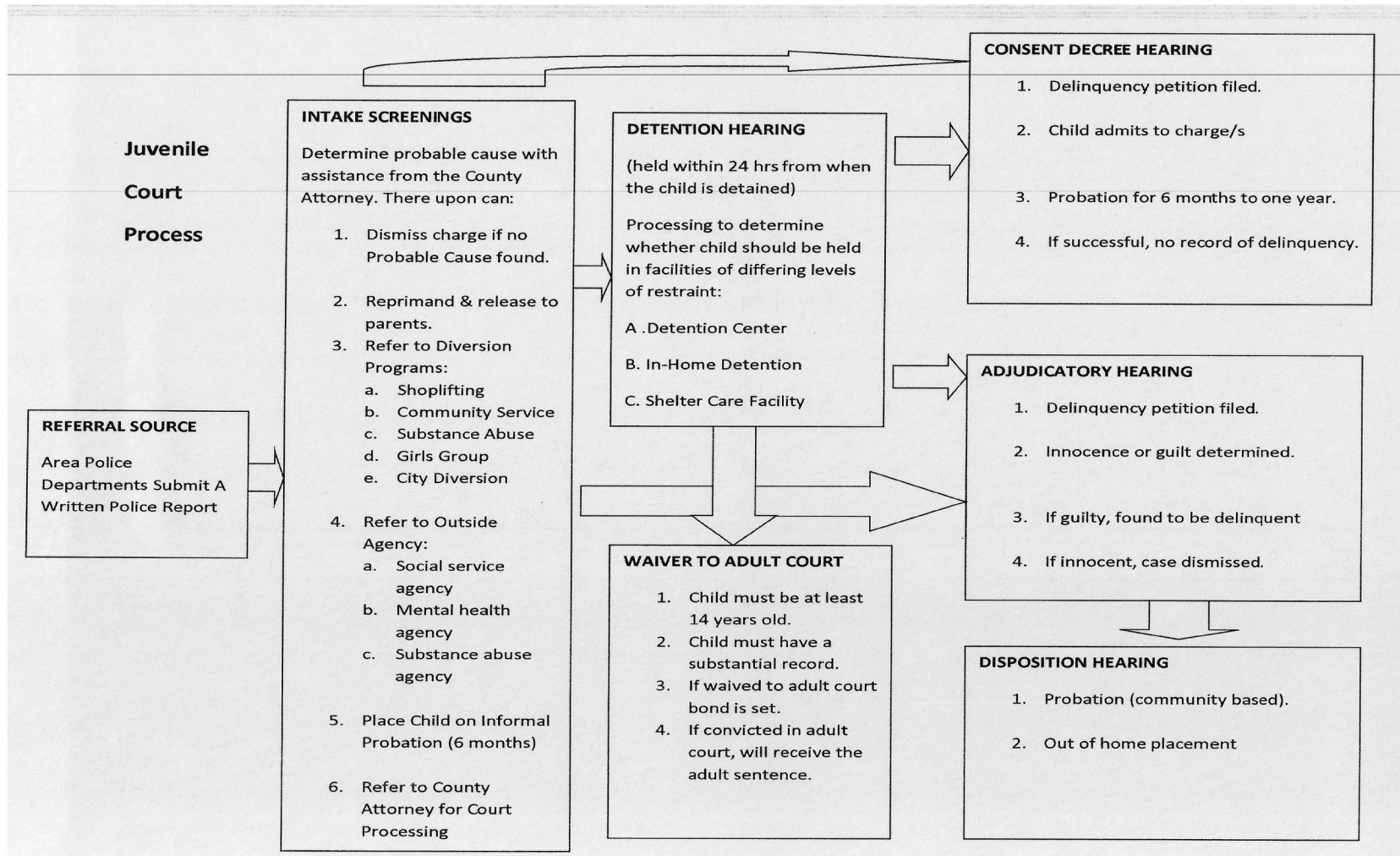
Juvenile Programming in Scott County

Diversion Programs and the Detention Process

INTRODUCTION

- ▶ Elizabeth J. Cervantes, Supervisor of the Juvenile Division
- ▶ Committee Membership
 - ▶ Grievance Commission
 - ▶ Sexual Abuse Response Team
 - ▶ Juvenile Justice Committee
 - ▶ Juvenile Detention and Alternatives Advisory Committee
 - ▶ Family Wellness Court Board
 - ▶ QRTP Court Oversight Subcommittee for the Iowa Supreme Court
 - ▶ Crisis Response and Violence Prevention Team for the Davenport School System
 - ▶ Board for the Juvenile Assessment Center

HOW DOES A JUVENILE BECOME INVOLVED WITH THE JUVENILE SYSTEM?



COMMUNITY-BASED DIVERSION PROGRAMS IN SCOTT COUNTY

- ▶ Community Diversion Program and the Shoplifting Diversion Program
 - ▶ What Juveniles Qualify?
 - ▶ Any first time simple misdemeanor offense qualifies for the Community Diversion Program
 - ▶ Any first time charged shoplifting offense qualifies for the Shoplifting Diversion Program
 - ▶ How are Juveniles Enrolled in the Programs?
 - ▶ All police agencies in Scott County participate in the program
 - ▶ When a juvenile commits a offense that qualifies as a first time simple misdemeanor offense they are not formally charged
 - ▶ Shoplifters are formally charged by police agencies and forwarded to Juvenile Court Services

CORRECTIVE THINKING

- ▶ Teaches accountability, positive decision making skills through interactive group exercises.
- ▶ Provides juveniles with the skills to make positive life choices.
- ▶ The goal is not to eliminate anger but to use it as a signal that there is a problem that needs to be addressed in a pro-social way



WHAT ARE THESE PROGRAMS?

▶ Who Teaches the Community Diversion Program?

▶ Volunteers and Juvenile Court Services

- ▶ Sheri Flack, Dave Tristan, and Chris Spencer from Juvenile Court Services
- ▶ Anna and Alex- Volunteers who have been through the Juvenile Court Process
- ▶ Davenport Police Department

▶ What is Taught

- ▶ Ripple Effect of Crimes
- ▶ Behavior Chain
- ▶ Experiences with the Juvenile System
- ▶ Consequences of continuing behavior

COMMON WAYS THAT JUVENILES BECOME INVOLVED IN THESE PROGRAMS

During the Summer- Incidents that arise from
Prom

During the Fall and Winter- School Fights

Other- Shoplifting and Criminal Mischief



HOW SUCCESSFUL ARE THESE PROGRAMS?

27 out of 184 juveniles re-offended after being referred to the City Diversion Program, a recidivism rate of 15%. 85% did not become involved in the system.

14 out of 143 juveniles recidivated after attending the City Diversion Program, which is a recidivism rate of 10%.

129 out of 143 juveniles did attend the City Diversion Program and did not re-offend, which is a success rate of 90%.

REQUIREMENTS AND ATTENDANCE

- ▶ Requirements
 - ▶ Must attend one 90 minute class
 - ▶ Must bring one parent or guardian
- ▶ When
 - ▶ Last Tuesday of the month from 6-7:30 P.M.
- ▶ Where
 - ▶ Occurs in Administrative Building
- ▶ Who Can Observe
 - ▶ Anyone

SCHOOL-BASED RESTORATIVE JUSTICE PROGRAM

- ▶ What Started the Program?
 - ▶ Davenport schools experiencing high level of violence, fights, assaults, as well as suspensions and expulsions
- ▶ Process
- ▶ Fight/incident occurs
- ▶ School Administrator Contacts Jake Klipsch
- ▶ Jake contacts Jeremy and a facilitator is assigned
- ▶ Facilitator goes to school, collects referral info, conducts pre-conference, and eventually mediation with all parties involved- students talk out their issues safely and productively
- ▶ A plan is developed to restore relationships and move forward without violence

INTAKE

- ▶ What Juveniles Qualify for Intake?
 - ▶ This is the next step in the process once a juvenile has taken Community Diversion Programming or
 - ▶ The first step in the process for juvenile who have received more serious charges
- ▶ What is Intake?
 - ▶ Meeting between the Juvenile Court Service's Intake Officer and the juvenile and their family
- ▶ What are the initial steps taken?
 - ▶ Juvenile Intake Officer conducts risk assessment tool to determine what the juvenile's need are

WHAT OPTIONS ARE AVAILABLE

1. Juvenile admits guilt and receives services informally.
2. Juvenile admits guilt and is placed on informal probation.
3. Juvenile admits guilt and attends the Auto-Theft Accountability Program.
4. Juvenile does not admit guilt or the charge is so serious that court involvement is requested.



OPTIONS AVAILABLE AT INTAKE

- ▶ 1. Services Offered Informally
 - ▶ MST- MultiSystemic Therapy
 - ▶ Substance Abuse Programming
 - ▶ Family Functional Therapy
- ▶ 2. Informal Probation
 - ▶ Higher level of supervision required
 - ▶ Might need to pay restitution
 - ▶ Community service hours

AUTO-THEFT ACCOUNTABILITY PROGRAM

- ▶ What Crimes Qualify for the Auto-Theft Accountability Program?
 - ▶ Covers first time auto-theft cases and property crimes
 - ▶ Does not cover crimes of violence
- ▶ How is a Case Accepted
 - ▶ Intake occurs
 - ▶ Referral made to Assistant County Attorney
 - ▶ Forwarded to Juvenile Detention Center
 - ▶ Court process put on “hold”
- ▶ What is the Auto Theft Accountability Program?
 - ▶ Uses Restorative Community Conference Conferencing Model
 - ▶ Works with both victims of crimes and perpetrators of crimes to provide those perpetrators with agreed upon services and consequences for actions

HOW DOES THE AUTO-THEFT ACCOUNTABILITY PROGRAM WORK

- ▶ It is a voluntary process- both victim and juvenile must agree to participate
- ▶ Contact is made with both the victim and the offender within 48 hours
- ▶ Pre-conference held with both victim and offender
- ▶ Staff bring together: Person Harmed, Responsible Youth, family members, community member, possibly police officer - to talk about harms done and brainstorm ways to repair harms.
- ▶ Responsible Youth has 3 months to complete program
- ▶ At any point- if the Responsible Youth fails to progress- they will revert to court proceedings- move toward adjudication
- ▶ Once harms have been repaired- Reintegration circle (voluntary for Person Harmed) - **Charge Dismissed**

HOW DOES A JUVENILE BECOME PLACED IN THE JUVENILE DETENTION FACILITY?

- ▶ A Juvenile is considered for placement in detention once taken into custody by police, with certain limited exceptions
- ▶ The Process
 - ▶ Police Officer makes contact with Juvenile Detention Facility
 - ▶ A State-wide standard Detention Screening Tool is used
 - ▶ Some considerations
 - ▶ Prior criminal history of the Juvenile
 - ▶ Severity of new charge
 - ▶ Current supervision status
 - ▶ Pick-Up Order
 - ▶ Designed to level the playing field
 - ▶ Contact is made with the on-call Juvenile Court Officer

Some Exceptions to Placement in the Juvenile Detention Facility

- ▶ Placement of a Juvenile in the Jail Based on Danger
 - ▶ May be held in the jail under the following exception:
 - ▶ (a) The child is at least fourteen years of age.
 - ▶ (b) The child has shown by the child's conduct, habits, or condition that the child constitutes an immediate and serious danger to another or to the property of another, and a facility or place enumerated in paragraph "a" or "b" is unavailable, or the court determines that the child's conduct or condition endangers the safety of others in the facility.
 - ▶ (c) The facility has an adequate staff to supervise and monitor the child's activities at all times.
 - ▶ (d) The child is confined in a room entirely separated from detained adults, is confined in a manner which prohibits communication with detained adults, and is permitted to use common areas of the facility only when no contact with detained adults is possible.
- ▶ Iowa Code Section 232.22(c)(1)(a-d)

EXCEPTIONS CONTINUED

- ▶ JUVENILE ON RUN FROM RESIDENTIAL PLACEMENT FACILITY
 - ▶ The Juvenile has run from residential placement facility and has been re-detained
 - ▶ Must occur within a certain period of time a
 - ▶ Juvenile is accepted back into the program.
 - ▶ The Juvenile would then be placed back at that residential treatment facility

THE DIRECT FILE EXCEPTION

- ▶ Under Iowa Code Section 232.8(1)(c) certain criminal charges fall outside of the jurisdiction of Juvenile Court automatically if a juvenile is 16 years old at the time of the offense and at the time that they are taken into custody
- ▶ Examples of these crimes:
 - ▶ Murder in the First Degree, Kidnapping, Sexual Abuse First and Second Degree, Carrying Weapons on School Grounds

THE WAIVER EXCEPTION

WAIVER JUVENILE OFFENDER

- ▶ 1. Juvenile is 14 years or older
- ▶ 2. No prospect of rehabilitation in Juvenile Court.

▶ Iowa Code Ann. § 232.45(6)

YOUTHFUL OFFENDER WAIVER

- ▶ 1. Juvenile is 12-15 years of age or 10-11 years of age and has been charged with Class A Offense
- ▶ 2. No reasonable prospect of rehabilitating prior to 18th birthday.
Iowa Code Ann. § 232.45(7)(a)

CHANGE IS COMING

Senate File 357

- State of Iowa becomes in compliance with Federal Law
- Juvenile that has been waived or direct filed cannot be held in jail facilities
- To take effect December 18, 2021

Senate File 357 - Introduced

SENATE FILE 357
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1109)

A BILL FOR

1 An Act relating to the placement of a child in detention, and
2 including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1277SV (3) 89
as/rh

COURT INVOLVEMENT WITH DETENTION DECISIONS

- ▶ All initial detentions are reviewed at 11:00 a.m. Monday-Friday
- ▶ Juveniles that have not been previously adjudicated delinquent will have their detention status reviewed every 7 days.
- ▶ Juveniles that have been previously adjudicated will not be reviewed unless requested
- ▶ Detention recommendations are made by Juvenile Court Services
 - ▶ Detention Risk Assessment
 - ▶ Factors Include:
 - ▶ Previous adjudications
 - ▶ Previous participation in services
 - ▶ Seriousness of offense

WHAT HAPPENS TO A JUVENILE ONCE PLACED IN A DETENTION FACILITY

- ▶ Juveniles are assessed medically
- ▶ Juveniles are provided with mental health services if needed
- ▶ The education of the juvenile continues
 - ▶ AEA provides teachers, para-educators and social worker
- ▶ Juvenile can visit with family
- ▶ Community groups are allowed access: CADS, Family Resources, ART Groups, Bible Studies
- ▶ Juvenile can consult with attorney and juvenile court officers

Any Questions or Concerns:

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