

F I N A L R E P O R T
JUVENILE RUNAWAYS STUDY COMMITTEE

January, 1988

The Juvenile Runaways Interim Study Committee was established by the Legislative Council to survey the current problems of runaways and review the impact of Senate File 522, as passed during the 1987 legislative session. The Committee was directed to review the role of the Department of Human Services and programs for runaways and their parents. The following members were appointed:

Senator Al Sturgeon, Sioux City, Co-chairperson
Representative Tom Fey, Davenport, Co-chairperson
Senator Pat Deluhery, Davenport
Senator Beverly Hannon, Anamosa
Senator Julia Gentleman, Des Moines
Senator Ray Taylor, Steamboat Rock
Representative Steve Hansen, Sioux City
Representative Jane Svoboda, Clutier
Representative Kenneth De Groot, Doon
Representative Don Shoning, Sioux City

MEETING DAYS

The Interim Study Committee was authorized to hold two meetings which were held on Friday, October 9, 1987, and Friday, November 13, 1987.

METHODOLOGY OF STUDY

The Committee identified the following concerns in formulating goals and making recommendations in the review of the impact of Senate File 522, and in the survey of current problems affecting runaways:

1. Senate File 522, the Juvenile Justice Jail Removal Bill was intended to assure more appropriate placement of juveniles within the juvenile justice.
2. Concern has been expressed by law enforcement officials that they are unable to deal effectively with juveniles who may be guilty of a delinquent act but refuse to cooperate with the law enforcement official.
3. Concern has been expressed about the available space to

deal with juvenile runaways and the problems caused by mixing runaways with other juvenile populations (i.e. CHINA's).

Goals established by the Committee included:

1. An examination should be made of the progress made concerning jail removal.
2. The "citation in lieu of arrest" issue should be examined and a determination should be made as to whether a problem exists and, if so, what can be done to correct this situation.

PRESENTATIONS

The following individuals made presentations to the Study Committee concerning the indigent defense program in Iowa:

1. Ms. Vivian Lawyer, Youth Law Center.
2. Dr. Craig Rypma, Clinical Psychologist.
3. Ms. Patricia Hendrickson, Scott County Juvenile Court Administrator's Office.
4. Mr. Richard Moore, Department of Human Services.
5. Mr. Ron Stehl, Department of Human Services.
6. Mr. Charles Phillips, Attorney General's Office.
7. Mr. Dean Wright, Chairperson, Criminal And Juvenile Justice Advisory Council.
8. Mr. Gil Cerveny, Director, Commission on Children, Youth and Families.
9. Mr. Leo Miller, Director, Woodbury County Juvenile Detention Center.
10. Mr. Dan Conway, Chief Probation Officer, Third Judicial District.
11. Ms. Susan Gehring, Director, Youth Emergency Services and Shelter.
12. Ms. Sylvia Wilson, Coordinator, Runaways, Prevention and Education.
13. Captain Bob Rushing, West Des Moines Police Department.
14. Sergeant Dale Patch, Des Moines Police Department;

First Vice President, Iowa State Policemen's Association.

15. Mr. Dean Luxford, Superintendent, Toledo Juvenile Home.

RECOMMENDATIONS

After careful review of the information presented, the Study Committee took the following actions:

1. The co-chairpersons were directed to draft a letter to the Attorney General requesting an advisory opinion concerning Senate File 522 as it relates to a law enforcement officer's ability to detain or arrest a juvenile, and whether or not a distinction exists under the law with respect to "in custody" versus "arrest". The Committee directed that the request contain language encouraging the Attorney General to respond to the request within ninety days if not sooner.
2. The Committee recommended that a request be made to the Legislative Fiscal Bureau for a program evaluation concerning county practices pertaining to "child in need of assistance" and "family in need of assistance" adjudications. Issues to be looked at include:
 - Basis for counties determination as to which action is proceeded with. (CHINA or FINA)
 - Guardian ad litem and juvenile representation practices and issues including a comparison among counties as to how they provide for accountability of attorneys within the system and requirements of attorneys practicing in this area.
3. Bill draft TLSB 7142IS 72, relating to the detention in an adult facility of a juvenile over whom the juvenile court has waived its jurisdiction, was voted out of committee for consideration by the legislature without recommendation.
4. Bill draft TLSB 7165IS, relating to the age at which a juvenile can be held in an adult jail (lowering age from sixteen to fourteen), was voted out of Committee for consideration by the legislature with a recommendation for passage.
5. The Committee directed that the following statement concerning the problem of juvenile runaways be included in the final report:

"The Juvenile Runaways Interim Study Committee recommends that further study be done by the appropriate legislative committees during the upcoming legislative session on the issue of juvenile runaways. The Committee supports the concept of providing adequate and appropriate services to effectively deal with these juveniles. Consideration should be given to what that appropriate level is and a commitment should be made to support the necessary services. Consider-

ation should be given to the establishment of additional facilities for providing these services. Additional facilities, if established, should be created at the community level. The Committee supports a commitment to small, community-based facilities which provide the necessary services to the local community wherever possible."

MATERIALS DISTRIBUTED TO THE JUVENILE RUNAWAYS INTERIM STUDY COMMITTEE

1. Proposed rules for the Study Committee.
2. Summary of Ms. Vivian Lawyer's, President of Youth Law Center, testimony.
3. Youth Law Center's proposed revisions for "Family in Need of Assistance" proceedings and runaway legislation.
4. Summary of Dr. Craig Rypma's, clinical psychologist, testimony.
5. Summary of Mr. Charles Phillip's, Attorney General's office, testimony.
6. Juvenile arrest statistics provided by Mr. Dean Wright, Chairperson, Criminal and Juvenile Justice Advisory Council.
7. Comparison of federal regulations and the provisions of Senate File 522 relative to the use of adult jails for juveniles provided by Mr. Gil Cervený, Commission on Children, Youth and Families.
8. Summary of Ms. Susan Gehring's, Executive Director, Youth Emergency Services and Shelter of Iowa, testimony.
9. Summary of Captain Bob Rushing's, West Des Moines Police Department, testimony.
10. Summary of Sergeant Dale Patch's, Iowa State Policemen's Association, testimony.
11. Update on progress of compliance with jail removal mandate provided by Mr. Gil Cervený, Commission on Children, Youth and Families.

HOUSE FILE _____
BY (PROPOSED JUVENILE RUNAWAY
STUDY COMMITTEE BILL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the age of juveniles held in adult detention
2 facilities.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 232.22, subsection 2, paragraph c, Code
2 Supplement 1987, is amended to read as follows:

3 c. A room in a facility intended or used for the detention
4 of adults if there is probable cause to believe that the child
5 has committed a delinquent act which if committed by an adult
6 would be a felony, and if all of the following apply:

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

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

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

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

21 EXPLANATION

22 This bill lowers the age, from sixteen to fourteen, at
23 which a juvenile may be held in a facility intended or used
24 for the detention of adults. To detain such a juvenile in an
25 adult facility, probable cause must exist to believe that the
26 juvenile has committed an act which would be a felony if
27 committed by an adult.

28 COMPANION TO LSB 7686SI

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HOUSE FILE _____
BY (PROPOSED JUVENILE RUNAWAY
STUDY COMMITTEE BILL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the detention in an adult facility of a
2 juvenile over whom the juvenile court has waived its
3 jurisdiction.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 232.22, subsection 4, Code Supplement
2 1987, is amended to read as follows:

3 4. A child shall not be detained in a facility under
4 subsection 2, paragraph "c" for a period of time in excess of
5 six hours without the oral or written order of a judge or a
6 magistrate authorizing the detention. A judge or magistrate
7 may authorize detention in a facility under subsection 2,
8 paragraph "c" for a period of time in excess of six hours but
9 less than twenty-four hours, excluding weekends and legal
10 holidays, but only if all of the following occur or exist:

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

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

17 c. The facility has been certified by the department of
18 corrections as being capable of sight and sound separation
19 pursuant to this section and 356.3.

20 d. The child is awaiting an initial hearing before the
21 court pursuant to section 232.44.

22 Except for paragraph "c" of this section, the restrictions
23 contained in this subsection relating to the detention of a
24 child in a facility under subsection 2, paragraph "c" do not
25 apply if the court has waived its jurisdiction over the child
26 for the alleged commission of a felony offense pursuant to
27 section 232.45.

28 EXPLANATION

29 This bill provides that the time restrictions for detention
30 of a juvenile in an adult facility do not apply to a juvenile
31 waived to adult court for a felony offense.

32 COMPANION TO LSB 7670IS

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LSB 7142IS 72