

Polk County court petitions, detentions increase despite drop in violations

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seen on Thursday, Oct. 24, 2013, in Des Moines, Iowa. / Charlie Litchfield/ The Register

While the number of juvenile cases leading to court involvement has declined steadily in Iowa over the past five years, Polk County's numbers tell a slightly different story.

Even though juvenile arrests and law violations have decreased, the number of petitions, or cases that formally involve the court, has more than doubled since 2008, from 415 to 904 in 2012. The number of juvenile detentions has also increased by 59 percent in five years, according to data from the Iowa Justice Data Warehouse, compiled by the Iowa Department of Human Rights.

Advocates of juvenile justice reform call these trends a crisis. But the county attorney's office sees a different picture. In a meeting with The Des Moines Register, Polk County Attorney John Sarcone said the spike in numbers has resulted from a former assistant deliberately reducing filings in previous years.

Before filing a petition, Fred Van Liew, former Polk County juvenile bureau chief, who retired in 2010, would bring in stakeholders in a simple misdemeanor case for what he called "restorative meetings."

The child, the parents, the juvenile court officer, the public defender and the prosecutor would all sit around a table, Van Liew said, and "we'd put the question out there, 'What's in this child's best interest?' Once the needs were identified, the question was, 'Do we need to be in court to get those needs met?' If we don't need to be in court, why be in court?"

Van Liew's approach reduced the number of petitions filed. After Van Liew's retirement, the number of simple misdemeanor cases going to court and detention holds has risen.

According to Sarcone, the numbers reflect a difference in philosophy. The dip in filings before the current rise, he said, was "artificial."

“Today we are well within range of normalcy,” Sarcone said.

But Van Liew said his approach, a “five-year experiment” of applying restorative justice to juveniles, is the direction the county should go. Van Liew is now pressing that cause as a member of the criminal justice team of A Mid-Iowa Organizing Strategy, or AMOS, a community organization of faith and advocacy groups.

“Juvenile justice is not supposed to be a punishment system,” Van Liew said. “Restorative justice clearly has something to say about how we run our juvenile system. One thing we can say is, ‘Let’s bring the necessary people around the table before a decision is made about their future.’”

But Sarcone and current juvenile bureau chief Frank Severino believe every petition filed is necessary.

“We’re not basing it on a model that somebody has developed,” Sarcone said. “We’re basing it on an individual review of all the circumstances before Frank even gets to filing a petition on someone.”

Part of the alarm by those who see an increase in these numbers is the concern that the rise in detentions and petitions disproportionately affects minority youth. From 2008 to 2010, petitions filed for African-American youth held fairly steady at fewer than 150 a year. But in 2011, that number increased to 302.

Last year, the number of petitions filed for African-Americans exceeded those for Caucasians. Yet African-Americans make up just 10 percent of youth in the county ages 10 to 17.

Sarcone argues that the data, compiled by the Iowa Department of Human Rights Division of Criminal and Juvenile Justice Planning, do not tell a complete story because they count petitions and not individual juveniles, so it is possible that a small number of kids may be responsible for more crimes.

And a vast majority of juvenile law violations never make it to the Polk County attorney, because they’re diverted by law enforcement or court officers. That’s comparable to statewide trends.

In Polk County, as in the rest of the state, almost every first-time, nonviolent offender referred to court will be given the opportunity to enter a diversion program, said Chad Jensen, juvenile court supervisor in the Fifth Judicial District, which includes Polk County. Successful completion of the program wipes clean the individual’s record. The most common diversion programs focus on shoplifting, alcohol and marijuana.

“We do try to divert as many as we can so we can free up our time and resources for high-risk kids who do need higher level of intervention,” he said.

The cases that land on the prosecutor’s desk are juveniles who aim to prove their innocence, who have committed serious, violent crimes or are repeat offenders.

“From our standpoint, we will never cede to an outside group the responsibility of dealing with criminal conduct,” Sarcone said. “When we get cases sent to us through juvenile court services, these are going to stay here. You don’t mediate criminal conduct.”

The court process also can encompass principles of restorative justice.

In one of the county's more high-profile cases in recent years, a 16-year-old who pleaded guilty to two counts of vehicular homicide was offered a consent decree, which offered a chance to clear his record by speaking to students at area schools about how his speeding resulted in the death of two friends.

"If he would have been handled informally," said Severino, "the message would not have gotten out."