



Make Room for Every Girl:

Update to *Serious, Violent and Chronic Juvenile Female Offenders: Service and System Recommendations for Iowa* report 2017

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In June 2022, Chief Justice Christensen’s Juvenile Justice Task Force (JJTF) requested a review, by the Iowa Task Force for Young Women (ITFYW), of the recommendations from the original *Serious, Violent and Chronic Juvenile Female Offenders: Service and System Recommendations for Iowa* report in order to reflect any knowledge gained or relevant system change since its publication in 2017. The purpose was to inform discussion of two JJTF objectives:

1. Identify research-based solutions for providing high-risk delinquent females with appropriate treatment options.
2. Identify the resources and supports needed to establish appropriate treatment options for high-risk delinquent females.

The ITFYW is a subcommittee of Iowa’s Juvenile Justice Advisory Council (JJAC) and is composed of subject matter experts on issues related to females involved in or at risk for involvement in the juvenile justice system. The JJAC also supports the recommendations contained herein.

Any recommendation modified or added in 2022 is marked with an asterisk.

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The original report can be found here: <https://humanrights.iowa.gov/cjpp/females-and-juvenile-justice/high-risk-girls-deep-end>

The original report contains foundational principles to be applied universally. That information is abbreviated and bulleted here and remains applicable:

- Female-responsive approach in a single gender environment
- Trauma-informed
- Culturally-responsive
- Developmentally appropriate
- Criminogenic risk/need factors
- Not a recreation of a State Training School for Girls
- Not a setting on the campus of the State Training School for Boys
- Combines best practices for girls with lowest level of security necessary to insure safety
- Does not co-mingle high and low risk girls
- Setting(s) can be private and/or public and in more than one location

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Recommendations are of two types and separated into two sections: SERVICE and SYSTEM

SERVICE recommendations apply to a placement of last resort.

SYSTEM recommendations relate to the larger system beyond a specific setting, but still apply to serious, violent, and chronic female offenders.

SERVICE RECOMMENDATIONS

All recommendations in this section apply to a placement of last resort.

While all recommendations in this section apply to a placement of last resort level of care, in the five years since these recommendations were made, another inequity has been produced within the deep end of the system. Two “specialized settings” for delinquent boys were created in 2022 with the intention of preventing multiple out-of-home placements. No similar settings have been created for girls. As a result, girls do not have access to a placement of last resort OR a specialized delinquency treatment setting while their male counterparts have both.

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.
- ✓ The beds allocated for this setting need to be in addition to the existing beds allocated for QRTPs as that number has dropped precipitously and unnecessarily constrains the ability to create this needed setting.*
- ✓ Safeguards need to be put in place to ensure that the disproportionate minority contact which is pervasive in Iowa’s juvenile justice system is mitigated to prevent inappropriate placement of Black females in particular.*

ASSESSMENT

- ✓ Require a short form Iowa Delinquency Assessment (IDA) showing a moderate or high level of risk (with exceptions for females with problematic sexual behavior) and a long form IDA identifying 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.
- ✓ The most recent validation of the IDA recommends “IDA predictive accuracy can be improved with the proposed gender and outcome specific models.” Implement the recommended changes to improve accuracy for girls and conduct further research to examine ways to remove racial/ethnic bias as well.*

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. Ensure any educational offerings earn academic credit that is transferable.*
- ✓ 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 extracurricular activities and to expand vocational opportunities.

FAMILY/SUPPORT SYSTEM ENGAGEMENT

- ✓ Use a combination of Youth Centered Planning Meetings (YCPM), tele-family therapy, Multi-Dimensional Family Therapy (MDFT) and related best practices to maximize family/support system engagement. Because best practices evolve over time, complacency is to be avoided.*
- ✓ 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).
- ✓ Engage a family therapist who will engage the family well before the end of placement.*

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. At the time of its closure, the STS for Girls had an approximate \$8million dollar budget. Restore those funds, adjusted for inflation/cost increases during subsequent years.*
- ✓ Build in sufficient resources to allow for ongoing exploration of programmatic innovations and continuous quality improvement. These resources should be above and beyond the setting(s) operating expenses, rather than expected to be included within the existing rate.*

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. This level of necessary accessibility would have an impact on the location(s) of the setting.*
- ✓ Continually adjust to current best practices in terms of mental health care.*

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 and Number, type, and length of restraints used

- ✓ Require regular outside evaluation funded by the State of Iowa. 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.*

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 females in the juvenile justice system or four years experience working with girls in the juvenile justice system.*
- ✓ Female responsive, trauma-informed, culturally responsive, and developmentally appropriate best practice training is provided to all employees, not just direct service staff (e.g. custodial staff through executives). 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.
- ✓ Those employed within this setting should be paid a premium rate for their skills and retention purposes.*

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. Allow for extended stays up to age 19 ½ as appropriate.*
- ✓ 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.)

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.

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.
- ✓ Safeguards need to be put in place to ensure that the disproportionate minority contact which is pervasive in Iowa's juvenile justice system is mitigated to prevent over-engagement of Black females in particular.*

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.

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).
- ✓ Expand fully funded Girls Court (see Definitions) into at least one metro area in each Judicial District with at least two female JCOs assigned. All high risk and/or high need girls in the area should automatically be considered for Girls Court as well as 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.

EDUCATION

- ✓ Make education credits easily identifiable and transferable.
- ✓ Establish universal standards for the number and type of credits required for graduation.
- ✓ All existing planning groups that are addressing issues around delinquency and education must intentionally and systematically consider gender as they seek to improve policy and practice.*

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. These family foster homes should be available both before and after stays in congregate care/treatment settings.*

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.

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. Training should be at no cost to recipients.*
- ✓ Prioritize training for QRTP settings with a long history of serving only or primarily males but who are now also serving females, in order to ameliorate the effects of institutionalized structures and practices that remain geared toward serving males.*

Trafficking*

- ✓ Explore alternatives to the use of detention for females involved in the juvenile justice system who are being trafficked or are at high risk of being trafficked.*
- ✓ Maintain separation between delinquent females who have been trafficked and child welfare females who are at high risk of being trafficked to avoid potential grooming.*

Resources

(from the original Iowa Girls Justice Initiative report *Serious, Violent and Chronic Juvenile Female Offenders: Service and System Recommendations for Iowa 2017*)

DEFINITIONS

Deep End Girls

Young women under juvenile court jurisdiction who have a combination of high risk, high need, aggressive behavior, prior placements(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.

Source: *Female Responsive Protocol for Adolescent Offenders* by the Iowa Task Force for Young Women

<https://humanrights.iowa.gov/cjjp/females-and-juvenile-justice-0/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.

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.

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
<https://nccc.georgetown.edu/foundations/framework.php>

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 decisions of referral to JCS.
- **Referral** - After an arrest, law enforcement makes a decision as to whether or not a youth will be referred to JCS. 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 JCS staff. In many cases JCS 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 JCS 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 JCS supervision, restitution/community service, prohibiting a youth from driving, referral to a private agency, voluntary participation in 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 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, 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(2) 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 NON CONSENSUAL 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.

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