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Thursday, December 8, 2011

Chief Greg Graham
Cedar Rapids Police Department
505 1st St SW Cedar Rapids, IA 52404

ADVANCE COPY SENT BY EMAIL TO CHIEF GRAHAM AND CITY COUNCIL MEMBERS

Re: Parental Responsibility Ordinance.

Dear Chief Graham

We are alarmed by your proposal for a parental responsibility ordinance that would provide warnings and then consequences for parents whose children break the law. While we applaud your goal of reducing juvenile delinquency, we think that your initiative is unlikely to have any effect given that such ordinances have never been shown to succeed in reducing juvenile crime. See, Doe v. City of Trenton, 143 N.J.Super. 128, 362 A.2d 1200 (1976) discussion at p.1203 Moreover, such ordinances are unfair to parents who could almost always benefit more from a hand up rather than a kick down.

As the civil liberties organization that prevailed in a constitutional challenge to Davenport's parental responsibility ordinance, we would like to point out that there apparently have been no new prosecutions of parents under that ordinance since the Iowa Supreme Court ruled that parents could not be held responsible unless it was proven that the teenager's delinquent act was the result of their lack of reasonable care in supervision.

We must also point out that Cedar Rapids police already have legal authority to initiate prosecutions and legal actions against negligent and unfit parents both in juvenile and criminal court. Unlike your proposed ordinance, these are legal systems the City of Cedar Rapids doesn't have to pay for.

Parental responsibility ordinances have been attempted since the 1950s. They have not been widely accepted or adopted because they are unfair in their assumption that a parent is always at fault whenever a teen gets into trouble. More compellingly, they just don't work. Even when cities do impose consequences on a parent under such ordinances, the cities do a poor job. By contrast, in Juvenile Court a parent can be offered or ordered into services specifically tailored to help with well-identified family problems and issues.

The parenting classes typically mandated by a parental responsibility ordinance are inevitably superficial; often designed for young pre-delinquent children; and, in the case of a single working parent, may simply detract from the ability to be at home supervising a problem teen. The fines imposed under these ordinances can further exhaust the resources of over-extended parents and erase any notion that local officials are there to help. Cedar Rapids simply does not have the funds necessary to provide struggling parents with services similar to the variety and quality of those already being provided through the local juvenile court and Linn County Human Services.

You have indicated to the media that you are responding to complaints about a "growing number of juvenile crimes in Cedar Rapids neighborhoods." Is Cedar Rapids bucking a trend? The latest statistics posted by the Iowa Division of Criminal and Juvenile Justice Planning show that in the five-year period from 2006 through 2010, juvenile delinquency complaints statewide were down from 29,617 to 22,441, (a whopping 24 percent decline). In fact, of Iowa's eight most highly populated counties, Linn County has the lowest rate of juvenile repeat offenders. {Source: State of Iowa, Juvenile Delinquency, Annual Statistical Report 2010, October 2011; <http://tinylink.aclu-ia.org/Delinquency2010>.}

We also note, with concern, that over the most recent five-year period, statewide figures from the same report show that police complaints lodged against African-American youth have at times gone up and still remain at the disproportionately high level measured in 2006. In other words, apparent racial bias in the law enforcement system is actually growing. We need to be realistic here: when additional punitive responses to social problems are to be initiated by police referrals, the results will inevitably reflect the same racial disparity displayed by statewide arrest patterns. Whether intended or not, racial profiling does not need a new tool or opportunity for harassing the minority families in Cedar Rapids.

Though we applaud your efforts to reduce juvenile delinquency in Cedar Rapids, a financially strapped municipality shouldn't be stepping into the lives of families with under-funded, inappropriate programs and punitive fines justified under the patently false assumption that kids who have gotten into trouble must have bad parents. Such an ordinance is unlikely to improve the quality of life for anyone in the city. The sources of juvenile delinquency are demonstrably

complex, and parental responsibility ordinances are not an effective answer—they're not even a good place to start.

Respectfully yours,



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Copies by email to: Cedar Rapids City Council, selected media.

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