



Governor Kim Reynolds
Lt. Governor Adam Gregg
San Wong, Director

JUVENILE JUSTICE ADVISORY COUNCIL

"To advocate for an effective, fair and equitable justice system for every Iowa youth."

MINUTES OF REGULAR MEETING

*Google Meet

Thursday, December 2, 2021

- Present:** Andrew Allen, Chair; Rev. Roy Klobnak; Christy Burkhart; Morgan Fritz; Patrick Garcia; Stephanie Hernandez; Kristin Hixenbaugh; Soomin Koh; Dan Larson; Dave McDaniel; Ariel Perry; Jeralyn Westercamp
- Staff:** Steve Michael; Scott Musel; Kathy Nesteby; Jill Padgett; Julie Rinker; Breanna Simons; Montserrat Saucedo; Kylie Spies
- Others:** Michelle Diaz; Zach Engstrom; Naomi Evans; Laura Furr; Evan Johnson; Lora Kracht; Brittany Kyles; Jake Schulz

I. Call to Order, Introductions & Welcome New Members

Andrew Allen, Chair, called the meeting to order at 10:06 a.m. A quorum was present. Introductions were made, new members and guests were welcomed. The meeting was held virtually via Google Meet.

Representatives from the Coalition for Juvenile Justice (Naomi Evans, Michelle Diaz, and Laura Furr) reported their work supports State Advisory Groups and provides training and technical assistance. They will be working with this Council on 'authentic youth engagement'

II. Approve Minutes (September 2021)

Roy Klobnak moved to approve the minutes from the September meeting, seconded by Stephanie Hernandez. The motion was unanimously approved.

III. Division & National Report

Steve Michael provided the following update:

- **Juvenile detention:** A pre-filed bill, passed last legislative session, goes into effect December 16. The bill relates to changes in holding youth in adult jails unless certain requirements are met and brings Iowa into compliance with the 2018 Juvenile Justice & Delinquency Prevention Reform Act.
- **Racial Disparities:** A focus will remain on racial disparities in both juvenile and adult justice systems. The DMC Subcommittee has focused on establishing pre-charge diversion programs across the state. Approximately 6-7 communities participate in pre-charge diversion efforts and related data collection.
- **Pre-Charge Diversion:** Iowa was recently awarded a grant from the federal Office of Juvenile Justice & Delinquency Prevention (OJJDP). The grant period is five years. An RFP process will be utilized to select 4-6 communities to expand efforts. In year three, 5-6 more communities will be added.

Division of Criminal and Juvenile Justice Planning

- **Re-Entry:** A standardized process has been under development for youth transitioning home from out-of-home placement. In addition to other state agency partners, Iowa Vocational Rehab secured funding to provide three juvenile reentry navigators to work with eligible youth on job/career readiness, skills, and employment. The interview process has begun. The navigators will be placed in three locations—Juvenile Court Services in the 5th and 6th Judicial Districts and at the Boys’ State Training School. Existing reentry efforts in these communities will enhance and strengthen the vocation piece for disabled youth exiting group care.
- **Position vacancies:** Two vacant justice system analyst positions have been posted. One focuses on data and the other focuses on research. An offer has been made for the data position while the research position remains open.
- **Membership:** Michael encouraged members to become more active in the JJAC’s subcommittees. He noted the number of members who can enhance efforts based on their technical experience. Three separate subcommittees focus on: 1) racial disparity, 2) girls in the juvenile justice system, and 3) youth engagement/Youth Justice Council. Members were encouraged to contact staff regarding their interest in those areas.
- Naomi Evans, Executive Director, Coalition for Juvenile Justice (CJJ), provided information on the federal level:
 - **Jail removal** provision in JRRA—This will be critical over the next few months. Guidance was provided by OJJDP in November. She recommended reviewing that guidance.
 - **2022 Reauthorization**—CJJ’s Government Relations Committee has begun discussing what should be included in the next bill. Several federal advocacy groups are recommending straight reauthorization. However, concerns exist for qualifications related to compliance manuals—currently no states comply and, therefore, do not qualify for Title II funds. Other concerns include SAG membership requirements and funding limitations on racial disparity. Evans noted the lead role played by Senator Grassley in the 2018 reauthorization.
 - **Title II**—Conversations continue with OJJDP regarding qualifications. A template for a new compliance manual will be released mid-December with a six-month deadline. She noted the increased transparency from OJJDP and appreciated the guidance.
 - **Acting OJJDP Administrator**—Still awaiting a permanent appointment. Cheryl Jones continues to serve as acting administrator.
 - **Appropriations**—There is no budget yet. Congress has recommended an increase. Evans will continue to follow and provide information as warranted. The last continuing resolution kept funding at current levels.
- Michelle Diaz, CJJ’s National Executive Board Chair and member of New York’s SAG, noted the importance of youth and adult partnerships. She liked the idea of Iowa’s Youth Justice Council and looked forward to learning more about youth engagement in Iowa.

IV. Title II Juvenile Justice Youth Development Allocation

Scott Musel reported that OJJDP will be issuing a template for a compliance monitoring manual. Iowa has already addressed SAG membership, restraints on pregnant females, and will be adding these to Iowa’s manual. Once the manual has been accepted by OJJDP, Title II funds will be released.

- **Council Budget Report**

Musel reported that a balance of \$23,283.06 remains at this time. Upcoming expenses include CJJ’s R/ED Conference (virtual) registration fees for Jill Padgett and Andrew Allen and travel claims for State of Iowa Youth Advisory Council (SIYAC) members—an approximate total of \$1,700. Musel thought that would still leave a balance of slightly more than \$20,000. Approximately \$3,283 will expire in September 2022, the remainder expires in September 2023. Staff will monitor the expiring funds and make recommendations if needed. The Council balance has been higher than previous years due to COVID/virtual meetings and the lack of travel-related expenses.

- **Coalition for Juvenile Justice (CJJ) Membership Dues**

Musel discussed dues for the Coalition for Juvenile Justice (CJJ) in the amount of \$5,000. There is a 5% discount if the dues are paid by January 31. The discounted amount would be \$4,750.

Roy Klobnak moved to approve payment of CJJ dues, seconded by Dan Larson. There was no discussion and the motion was unanimously approved.

- **Iowa Summit on Justice & Disparities – Registration fees \$129 each**

Staff reported that the Summit will be held on the DMACC campus. Registration is \$129 per person.

- Michael noted that sponsorship is an alternative to individual registrations. Options were \$2,500, \$1,500, or \$1,000. Each level provided a different number of registrations and a display table.
- Kayla Powell suggested displaying entries from the NYTD youth Creative Expressions Art Contest and information from the Talking Wall.
- Patrick Garcia discussed his attendance at past Summits and liked providing a youth perspective.

Klobnak moved to sponsor up to \$2,500 for the Summit, seconded by McDaniel. The motion was unanimously approved.

Allen requested that this sponsorship include registration for subcommittee members. Michael agreed and added that it would raise the visibility of issues in child welfare and juvenile justice.

- **Mitigating Gender and Racial Bias Training**

Kathy Nesteby reported that funds for the above training were approved a year ago. The training was held last June and was open to JJAC and subcommittee members. There are enough remaining funds to hold a second training, also aimed at JJAC and subcommittee members. An email will be sent to solicit interest and potential training dates.

- **Title II Judicial District Expenditure Report**

Musel reviewed expenditures by judicial district. Three districts have expended all their funds (1st, 4th, and 5th) while the remaining districts still have funds available. All claims for FFY21 must be submitted by December 31.

- **Title II Judicial District Performance Measures Progress Reports**

Padgett reported on the status of judicial district progress reports. This information is used to report Title II funding performance measures.

Nesteby added that this is the time of year we normally report on SPEP (Standardized Evaluation Protocol) related to Title II funded programs. Due to the vacant justice systems data analyst position, program evaluations are on hold until that individual is hired.

V. Implementation of 2018 JJDP Act “Interest of Justice” Requirements (Iowa SF357)

Musel provided information on the implementation of requirements by the 2018 Juvenile Justice & Delinquency Prevention Act (JJDP Act) regarding youth waived to adult court. Iowa Code changes brought Iowa in line with the Act. In Iowa, the law goes into effect December 18 and nationally on December 21. The law now says that by default, youth must be held in detention. However, for more serious crimes, specific requirements must be met and a hearing held for the court to decide on whether the youth should be held in an adult jail.

OJJDP has developed a template for use by the courts. The requirements and responsibilities have been shared with a variety of stakeholders. Scott and Polk County have higher volumes of youth held at county jails and discussions have been held on how to handle these cases. Some juvenile detention directors have voiced concern on handling these youth and are making plans for holding them. There will be some violations as law enforcement learns how to maintain records for compliance monitoring.

Dan Larson provided more information on adult waivers and requirements. In Iowa, most waived youth are held in detention and provided education and other services. In Polk County, there are 23 waived youth; 15 are at his facility. Most of these youth are held for a lengthy period of time, some over a year. However, there are some youth who are very violent and should not be held in detention. He noted concerns with violent behavior and the safety of other youth, housing co-defendants at the same facility, and capacity to serve these youth. It takes a court order and explanation(s) indicating why they should not be held in juvenile detention.

Padgett discussed that a detention center was recently contacted by another state to house a 7-year-old child for a minor status offense. That incident resulted in staff discussions regarding the age of culpability. Staff thought this concern aligned well with the Council’s priority on prevention and early intervention. As a result, research was conducted on what other states and countries are doing to avoid bringing younger youth into the system. Members were asked to further consider how to approach and address age of culpability.

Monserrat Saucedo, presented findings on “Addressing Minimum Age of Criminal Responsibility”. Her research addressed trends and practices in the U.S. and internationally.

Minimum age is the youngest age at which an individual can be processed in the justice system. These practices are based on the mental capacity necessary to fully grasp what it means to break a law or understand legal and moral implications.

Half of the states in the U.S., including Iowa, have no established “Minimum Age for Criminal Responsibility” (MACR). Of the states that do have MACR, ages range from 8-13. Internationally, the most common MACR is 14 and is based on standards set forth by the [“United Nations Convention on the Rights of the Child”](#). The United States is the only UN member that has not ratified it.

States handle these youth in various ways, including referrals to mental health, counseling, or other services; restorative justice practices; community-based supports, and family services.

Padgett reviewed Iowa data for 2016-2020 on youth under age 12 by race, gender, judicial district and charge type. The Iowa Delinquency Assessment (IDA) is validated for youth ages 12 and older; there are no standardized policies or practices for younger youth and cases are viewed on a case-by-case basis and diverted when possible or referred to other services when necessary.

Jake Schulz, 5th District Juvenile Court Services (JCS), provided information on a diversion project for youth age 12 and younger. Upon referral to JCS, the intake process identifies needs/risk. Discussions may be held with the youth surrounding consequences of law breaking. Since 2000, Orchard Place has contracted to provide an early services diversion program. Two caseworkers connect youth and families with wrap-around services. Parental buy-in is important to changing behaviors. An age-appropriate informal agreement is used. The [“8% Solution”](#) on younger youth is the basis for their program.

Padgett added that Polk County is the only area that has a dedicated approach for younger youth. More consideration will be given to this subject and best ways to address minimum age requirements.

VI. Deep End Data Reports

Nestey reported that a study was conducted on a cohort of girls who would have been eligible for state training school placement if the Girls’ State Training School had not closed in 2014. The findings of the study were shared with JJAC and subcommittee members in October. Nestey reviewed key findings from the report. She noted 40% were Black girls; the general population is 3%. She also noted the length of stay in detention—60% have spent more than 30 days in detention; 13% spent more than 180 days in detention. She asked members to take a closer look at the [report](#).

Nestey is now working on another data report that looks at STS eligible girls who would have actually been placed there. Juvenile Court Officers were asked to review the list of girls and identify those they would have recommending being placed in a state training school setting if one were available.

She noted concerns with the limited options for girls in juvenile justice and challenges they present for juvenile court officials. Through a closer look at the data, she hopes to demonstrate what these girls look like, their needs, and that a specialized setting for them is worth more consideration. The data are as recent as September 2020. Case data unavailable in the Justice Data Warehouse are being compiled through the assistance of juvenile court officers.

Padgett provided information on a companion report on boys. She noted the overrepresentation of African-American youth. The age of first complaint ranges from 7 to 17, placement in services shows that many were involved in the system for over 4 years—a majority of their adolescence. She was hopeful the report would be released in a couple weeks. A separate report on STS eligible boys will seek to identify needs.

VII. Department of Human Services & Juvenile Court Services

Allen noted this began 18 months ago regarding group care beds. DHS is pre-filing a bill. He asked if there is a role of the JJAC to be supportive.

Michael responded that he has seen a summary, but not the actual pre-filed bill. A couple years ago, a group was seated to address issues related to graduated sanctions, the detention fund, and group care. The bill addresses moving the detention fund to State Court Administration and addresses graduated sanctions. He thought the bill also addressed specialized group care beds for juvenile justice youth.

Hernandez added that the Coalition is working on ways to address the lack of QRTP beds due to facility closures. The addition of specialized delinquency beds relates to efforts by DHS and JCS. This plan will serve up to 18 boys in secure residential care—9 at Family Resources and 9 at Four Oaks. There will be a 1:3 staff ratio and commingling youth will be avoided. A multidisciplinary team will review placement referrals. She provided an overview of requirements and treatment strategies.

Nestey voiced concerns that this effort does not address the needs of girls in juvenile justice. There are already services for deep-end boys, especially with the overall reduction of beds statewide.

Garcia noted how long-term funding concerns have affected workforce and facility closures. The addition of specialized beds will still not be fully funded by the state. Allen added that while there is a need for services, the “no reject, no eject” policy affects facilities and treatment.

Tibbetts echoed Nestey. She voiced concerns with how the system is functioning. More discussions need to be held by this group to fully address issues, especially with marginalized populations. She would like the Council take a lead in addressing funding and priorities for girls.

Allen asked Hernandez how close we are to adding beds for deep-end girls. Hernandez reported that the Coalition and ITFYW is working to address this with both DHS and JCS. She noted there is a lack of residential and community-based programs for deep-end girls that provide female-responsive wraparound services. There has not been an open bed for girls since October 22. Staff are leaving due to the behaviors of these girls. More beds for girls are needed on a statewide basis.

Nestey reported that in working with the Coalition, a letter was to be sent to DHS requesting that the recommendations from the IGJI report be implemented. She noted the importance of adding specialized beds for deep-end girls.

Allen asked about adding members to the ITFYW or holding a special meeting to develop action steps. Nestey agreed and noted how this issue relates to girls being held in detention. An invitation will be extended to the Coalition, DHS staff, and members of the JJAC and its subcommittees.

VIII. CJJ RED/DMC Conference Debrief

Padgett reported that the conference was outstanding. The conference opened with the fact that one-third of all Black boys born today will go to prison in their lifetime. She noted the importance of keeping racial disparities at the forefront of conversations, especially on how our system functions.

A presentation by “Justice for Families” demonstrated how the juvenile justice system impacts the lives of family members. Padgett is looking to bring this group to Iowa in conjunction with reentry efforts and effective family engagement.

IX. OJJDP Virtual Conference Debrief

Musel provided an overview of the conference, most of which included previously discussed compliance monitoring. A presentation on pre-charge diversion was also held. Michael was part of the panel and provided information on Iowa’s pre-charge diversion efforts.

X. Youth Justice Council Progress

Kayla Powell provided an update. From a total of 20 applicants, 7 members have been seated on the Youth Justice Council (YJC), 5 have lived experience. YJC members represent three judicial districts (1, 3, 5). Powell encouraged members to make recommendations so that all eight judicial districts would be represented. Orientation will take place on Sunday, December 12. They will present information on the Talking Wall at the upcoming NAACP Summit on Race and Disparity.

Technical assistance to the Youth Justice Council and JJAC members will be provided by CJJ and focus on authentic youth engagement. Laura Furr reported that a handout on authentic youth engagement was included in the meeting materials. She looked forward to partnering with Iowa. Michelle Diaz, CJJ's National Executive Board Chair, reported that she looked forward to seeing where this group will go and fully supported the effort.

Furr noted that training for existing JJAC and YJC members will be held in February and they will participate in the March JJAC meeting. Technical assistance will be provided until June or July. A survey will be sent to identify a training date.

XI. Youth Development Progress

- **State of Iowa Youth Advisory Council (SIYAC)**—Soomin Koh, Vice Chair, reported on initiatives: implementation of Youth Participatory Action Research through surveys, talking walls, and focus groups. Committees were established based on common themes identified—mental health, education, and racial equity—and are currently developing position statements and identifying service projects. A 'state of youth' report for Iowa is also being developed in conjunction with AMP and the Youth Justice Advisory Council.
- **Iowa Youth Congress (IYC)**—Powell reported that two priorities have been identified—subsidizing extra-curricular activities and training for teachers to effectively work with youth on 504 plans and IEPs. Other priorities relate to expanding curriculum on sexual violence prevention and mental health, expanding school recycling plans, and student representation on school boards.
- **Achieving Maximum Potential (AMP)**—Powell reported they are working on their legislative agenda.
- **National Youth in Transition Database (NTYD)** —Powell reported several "Talking Wall" events have been held. Results from the 21-year old NYTD youth survey and Talking Wall will be held soon.
- **Youth Action Squads (YAS)** —No report.

XII. Current Activities (2021 – 2023 Three-Year Plan)

A. Priority One: Prevention and Intervention—This was previously discussed under the age of culpability/minimum age of criminal responsibility.

B. Priority Two: Behavioral Health

Allen asked what staff member was in charge of this priority area. Michael responded that some of this work has been conducted through social work and law enforcement partnerships. He noted potential partnerships with Public Health on substance abuse issues.

Allen thought that behavioral health and substance abuse were 'threads' that should be woven into the other priority areas, and that more emphasis and importance should be placed on accountability and accomplishments. He recommended the Policy & Programs Subcommittee further this effort. Michael responded that he will meet with staff on how to incorporate these areas.

Allen provided a link to the [Children's Behavioral Health System State Board Annual Report](#). He also noted the realignment of DHS and Public Health.

C. Priority Three: Transition of Youth

Padgett reported that three reentry navigators will be hired through funding provided by Iowa Vocational Rehab. Interviews will be conducted in the next two weeks. The navigators will help standardize practices on a statewide basis. Technical assistance continues on family engagement and intensive case management. The Juvenile Reentry Task Force met in October and will meet again in February. A half-day training session for Juvenile Court staff is being planned.

Allen recommended that the reentry navigator project work with other service providers/partners, such as the Aftercare Network, to enhance current efforts.

D. Priority Four: Gender Equity

Nestebly reported that the last meeting was spent discussing group care issues and the joint project with the DMC Subcommittee. Potential options include healing-centered engagement, the school-to-court pipeline, and best practices for LGBTQ+ youth. Another possible focus for the Task Force is on the length of stay in detention for girls compared to boys. We are still waiting to hear whether the discretionary funding grant application for Black girls in Iowa was approved.

E. Priority Five: Disproportionate Minority Contact

Padgett reported that the grant awarded for pre-charge diversion will enhance statewide efforts. The last meeting included the need for DMC representation on the JJAC. Black girls in Juvenile Justice continue to meet monthly and are primarily African-American women. They continue to finalize plans.

Allen asked about the status of LaTasha DeLoach's JJAC application. Michael responded that it is still in the Governor's office although it has yet to be approved. Allen asked that DeLoach attend JJAC meetings in the interim to provide a voice to the DMC Subcommittee.

XIII. Compliance Monitoring Progress

Musel reported that compliance monitoring continues. Some violations were found, but the report will be in line with past years.

XIV. Unfinished Business—There was no unfinished business.

XV. New Business—There was no new business.

XVI. Adjourn – Next Meeting March 3, 2022 – Location TBD

Allen thanked Evans and Diaz for their attendance and invited them to future meetings. The meeting adjourned at 2:00 p.m.

Respectfully submitted,

Julie Rinker
Administrative Secretary
Div. of Criminal & Juvenile Justice Planning