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Written Testimony – Senate Judiciary Committee Hearing

Improving Outcomes for Youth in the Juvenile Justice System

Respectfully Submitted by:

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On behalf of:

Iowa's Juvenile Justice Advisory Council and its Subcommittees

and

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Division of Criminal and Juvenile Justice Planning

List of Acronyms:

CJJP – Iowa Division of Criminal and Juvenile Justice Planning

CJJR – Center for Juvenile Justice Reform

CSG – Council of State Governments

DMC – Disproportionate Minority Contact

DMC Sub – Disproportionate Minority Contact Subcommittee

DSO – Deinstitutionalization of Status Offenders

DST – Detention Screening Tool

EBP – Evidence Based Practice

EJJ – Equal Justice for Juveniles

ICIS – Iowa Court Information System

IDA – Iowa Delinquency Assessment

IGJI – Iowa Girls Justice Initiative

ITFYW – Iowa Task Force for Young Women

JCS – Juvenile Court Services

JDW – Justice Data Warehouse

JJAC – Juvenile Justice Advisory Council

JJDP Act – Federal Juvenile Justice and Delinquency Prevention Act

JJRRRI – Juvenile Justice Reform and Reinvestment Initiative

JReS – Juvenile Reentry Systems

OJJDP – Federal Office of Juvenile Justice and Delinquency Prevention

SCA – State Court Administrator

SMART – Smart on Juvenile Justice: Statewide Juvenile Justice Reform Planning Grant

SPEP – Standard Program Evaluation Protocol

Agency and State Background

My name is Dave Kuker and I am the Juvenile Justice Specialist for the State of Iowa. Thanks to Senator Grassley and his staff, specifically, Evelyn Fortier, and this Committee for extending an invitation, and for listening to my remarks. I work for the Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning. Our agency has provided state-level administration of the federal Juvenile Justice and Delinquency Prevention Act (JJDP Act) for nearly 30 years. I have worked with the JJDP Act and our federal counterpart, the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) for over 26 years.

The JJDP Act has been the cornerstone of Iowa's progressive, and ever-evolving, juvenile justice system. The JJDP Act core requirements include:

- deinstitutionalization of status offenders (DSO),
- sight and sound separation,
- jail removal, and
- disproportionate minority contact (DMC)

The rural nature of Iowa presents challenges different than states with urban centers. The core principles of the JJDP Act provide important guidance for states to enact effective policies and practices to improve juvenile justice system and address the unique issues of each respective state.

Our agency provides staff support to Iowa's Juvenile Justice Advisory Council (JJAC) and its subcommittees. The JJAC is a Governor appointed and diverse group of juvenile justice system officials and stakeholders, including: youth serving agencies, law enforcement, judges, Juvenile Court Services (JCS-juvenile probation), school officials, youth, leaders of key minority communities, county attorneys, child welfare, defense attorneys, etc. providing oversight for the multiple areas related to implementation of the JJDP Act. Much of the JJAC's work is driven by active subcommittees.

Iowa is a rural state of approximately 3 million persons and 99 counties in which there are 947 incorporated communities. Iowa has 269 communities with populations above 1,000, and 503 below 500. Only 299 Iowa communities have local police departments. There are 32 police departments with holding cells.

Youth of color comprise 18% of Iowa's population, and most such youth reside in metropolitan communities. Over 75% of Iowa's minority youth population resides in just nine communities. Hispanic/Latino youth comprise nine percent of Iowa's youth, and are the state's largest and fastest growing racial/ethnic group.

JJDP Act Compliance

Iowa has participated in the JJDP Act since the mid-'70's, and has maintained full and ongoing compliance with the Act since 1988. Iowa has managed this compliance through continuing education efforts for/with its law enforcement community and juvenile detention centers, diligent compliance monitoring efforts, and leveraging of JJDP Act Title II and strategic discretionary funding to further evidence-based practice and innovation.

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JJDP Act Compliance (continued)

In Iowa there are about 450 facilities (county jails, police lockups, juvenile detention facilities, mental health institutes, and locked group-care settings) that our agency includes in its monitoring universe. There are approximately 150 such settings from which data is collected and reviewed. On average, 90 of those settings are visited each year to complete a physical facility and data review. The facility visits require between 20 to 25 days of staff travel time each year.

Over the last decade Iowa has averaged 10.6 DSO violations. This average is negatively impacted by the flood of 2008 when the shelter care facility in Cedar Rapids was destroyed. Those youth from that shelter were temporarily housed at the Linn County Juvenile Detention Center. Holds for those youth resulted in a number of DSO violations for the state. Over this same decade the state averaged 6.8 jail removal violations, and only had a single sight and sound separation violation. While Iowa does experience both DSO and jail removal violations, they are isolated incidences and do not reflect a trend or disregard for JJDP Act requirements by any individual facility.

For 17 years Iowa has maintained an active Disproportionate Minority Contact Subcommittee (DMC Sub). The DMC Sub is the driving force for Iowa's compliance with the DMC core requirement of the JJDP Act. The DMC Sub assists with the development of the state DMC plan, and, most importantly, actively participates in the implementation of DMC activities. Most such activities take place at the local level.

I said at the beginning of my comments, that the JJDP Act has been the cornerstone of Iowa's progressive and ever-evolving, juvenile justice system. I am going to briefly mention what the JJDP Act has guided us to do in Iowa to improve the system regarding data, risk assessment, and innovation.

The Importance of Data

Basic Juvenile Justice Data Systems - In the early '90's, Iowa more fully developed a JJDP Act-related compliance information system that allows for the provision of information beyond compliance monitoring functions. The simple, PC driven, excel sheets allowed system officials and policy makers to consider the nature, level and type of offenses for which youth were held in juvenile detention facilities. The availability of data has expanded the focus to one of planning for the delinquency system. In the '90's and today, many youth are held in juvenile detention facilities for simple misdemeanor offenses and/or for technical violations of their probation.

Comprehensive Information System - In the late '90's, Iowa's juvenile probation staff began to actively utilize the Iowa Court Information System (ICIS) which is the judicial branch's state-level case-management system. ICIS is structured to capture juvenile justice decisions, court orders, placements, services, etc. The utilization and implementation of ICIS is one of the most significant and far reaching changes to affect the functioning of Iowa's juvenile justice system. It's an evolution that truly enhanced Iowa's monitoring functions related to the JJDP Act, in particular, for such activity regarding the DMC requirement.

Data Warehouse - Most of the data CJJP produces for monitoring, planning, and research is taken from the ICIS system via Iowa's Justice Data Warehouse (JDW). The JDW is a central repository of key criminal and juvenile justice information. The overall mission of the JDW is to provide the judicial, legislative, and executive branches of state government and other entities with improved statistical and decision-making support.

The Importance of Data (continued)

DMC Data - Data reflect that youth of color are overrepresented in most phases of juvenile justice system processing/decision making, and that the most pronounced overrepresentation exists at the beginning of juvenile justice system processing (e.g. school discipline, and the arrest and referral of youth to JCS). Conversely, youth of color are underrepresented, or less likely than White youth, to receive informal adjustment or formal probation. Iowa's DMC related work was furthered in the early '90's with discretionary funding from the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP). Iowa was one of four states in that time period to pioneer work with DMC. The funding supported and expanded our efforts with information systems, and allowed for JJDP Act subcontractors to provide technical assistance in select communities with high minority populations. Despite our best efforts, African-American youth in Iowa receive in or out-of-school suspensions at a rate nearly 5 times higher than White youth, and are arrested at a rate over 6 times higher than their White counterparts.

Data for Girls - Additionally, the data from compliance monitoring and other data sets reflect that girls, with some exceptions, are often underrepresented in delinquency system processing and services. Girls are approximately 50% of Iowa's general population, but 32% of complaints to the juvenile justice system. Conversely, African American girls are overrepresented at many phases of juvenile justice system processing, and at rates comparable to delinquent boys. Lack of quality, female-responsive services is a chronic and ongoing issue in Iowa, and throughout the county. Importantly, a JJDP Act requirement for states to address the juvenile justice systems' lack or availability of services for girls, guides Iowa's 25 year-long work in that arena.

The Role of Risk

Risk - The fundamental function of the juvenile justice system is to ensure public safety. Most state juvenile justice systems, including Iowa, utilize risk determinations to maintain public safety. In Iowa's delinquency system the principle of risk pertains to "the extent/likelihood to which it can be determined if a juvenile will recidivate". The risk principle calls for the administration and delivery of more intense services and supervision for higher-risk youth. In contrast, lower-risk youth should receive lower levels of supervision and treatment.¹

Iowa Delinquency Assessment (IDA) – Since 2007 JCS staff has utilized the IDA. The IDA is a standardized, comprehensive instrument to determine the risk/needs of youth entering Iowa's juvenile justice system. Domains of the IDA include: delinquency history, family issues, mental health, substance abuse, peers, school issues, etc. The IDA is maintained on the Iowa Court Information System (ICIS), and IDA data sets are available on JDW. The IDA is the tool that JCS staff utilize to focus the juvenile justice system's attention to youth of the greatest risk to public safety. Its function and implementation is consistent with and derived from the core principles of the JJDP Act.

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¹ [Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low Risk Offenders, Topics in Community Corrections, 2004, Latessa and Lowenkamp](#)

JJDP Act-Driven Practice Improvement and Innovation

Evidence Based Practice (EBP) - In recent years EBP is increasingly viewed as an effective approach to reducing recidivism. Iowa's juvenile justice system has embraced the provision of these services. JJDP Act rules and regulation encourage the use of such programming. Unfortunately, the list of evidence-based programs is relatively short and the brand name programs may be cost-prohibitive. Importantly, a significant volume of the innovation experienced in Iowa in the past 30 years has been supported with funding and/or technical assistance from OJJDP. Examples include:

Juvenile Justice Reform and Reinvestment Initiative (JJRRI) – The primary function of JJRRI has been to incorporate use of the Standardized Program Evaluation Protocol (SPEP), which determines the likely effectiveness of services for delinquent youth in terms of recidivism reduction, when compared to an extensive delinquency service research base. It is a recurring diagnostic that, among other things, gives participants recommendations for improvements that, when executed, will bring their service more in line with what research has demonstrated to be optimal. JJRRI also allows for better matching of youth to a service befitting their presenting risk/need. Simply stated, JJRRI and the SPEP provide a state-level tool to examine the effectiveness of programs serving delinquent youth, and then appropriately matching youth to the level of service required for their level of risk/need (the right service, for the right youth, at the right time). Iowa's implementation of JJRRI included the provision of funding support and extensive technical assistance from OJJDP subcontractors at the Peabody Institute (Vanderbilt University) and the Center for Juvenile Justice Reform (CJJR-Georgetown University). The state-level provision JJRRI/SPEP would be impractical, unaffordable, and impossible without the high-intensity assistance provided by OJJDP consultants.

Juvenile Reentry Systems (JReS) – Iowa has benefited from the provision of a Second Chance Act Comprehensive State Juvenile Reentry System Reform Implementation Program grant from OJJDP. Iowa's JReS effort seeks to reduce the recidivism of youth in group care placement (recidivism of approximately 50%) and the Boys State Training School (STS – recidivism over 70%). Youth in placement are at the greatest risk to re-offend of all young people in the juvenile justice system. Key aspects of that effort include:

- engagement of family,
- utilization of assessment instruments,
- implementation of EBP's,
- developmentally appropriate programming, and
- partnerships with key support groups for youth.

The focus of JReS is to insure that support is provided for juvenile justice system youth while in placement and when they return to their home/community. The implementation of JReS, thus, has required significant partnerships with multiple state and locally-based support systems including: the Iowa Departments of Human Services, Workforce Development, Vocational Rehabilitation, Corrections, Education, the State Aftercare Network, etc. Importantly, JReS requires JCS staff to spend the greatest amount of time on these deep-end cases. The funding and technical assistance provided by OJJDP is making it possible for Iowa to dramatically improve the reentry process and reduce recidivism during a youth's transition to adulthood.

JJDP Act-Driven Practice Improvement and Innovation (continued)

Effective Practices in Community Supervision (EPICS) – In the past, much of a youth's interactions with their JCO may involve a discussion of their delinquent activity, and, specifically, compliance or non-compliance with the terms of probation or supervision. Iowa is utilizing EPICS as a tool to teach JCS staff the use structured social learning and cognitive behavioral therapy in one-on-one interactions with youth. The most current research enforces that the relationship with the juvenile court officer and what is discussed is important. Over the course of the past year, all of Iowa's JCS staff have been training on EPICS. Technical assistance from OJJDP subcontractors has furthered the provision of the EPICS effort. That assistance has been critical in bringing this tool to JCS field staff.

Other Cognitive-Behavioral Therapy Practices – Beyond to provision of EPICS, local JCS offices in Iowa regularly subcontract JJDP Act Title II funding to support EBP's including: functional family therapy, motivational interviewing, and aggression replacement training.

Iowa Girls Justice Initiative (IGJI) – A state-level IGJI plan was released in February 2017. The IGJI effort provides recommendations to develop and coordinate the implementation of an innovative, viable, and effective plan for services to and supervision of young women who are involved in the juvenile justice system at the deepest levels. This public-private partnership has developed a plan to maintain safety and improve positive outcomes for females in the juvenile justice system who are high risk and high need, exhibit lengthy delinquent histories and behavior, have prior unsuccessful placements, and are a risk to public safety. This project would not have been possible without an innovation award from OJJDP's National Girls Initiative. The Iowa Task Force for Young Women (ITFYW), a sub-committee of the JJAC and the core of the collaborative group for the IGJI, began their work in the fall of 2015. The IGJI planning work is the most recent of many efforts by the ITFYW and has resulted in a female-responsive plan for services and system responses that have not previously existed in Iowa.

Equal Justice for Juveniles (EJJ) - In June 2016, CJJP, the DMC Sub, and the State Court Administrator's office (SCA) provided a state-level DMC community planning event titled: Equal Justice for Juveniles: Developing Action Plans to Reduce Racial and Ethnic Disparities in Juvenile Justice (EJJ). Nine communities (Cedar Rapids, Council Bluffs, Davenport, Dubuque, Des Moines, Fort Dodge, Iowa City, Sioux City, and Waterloo) brought diverse teams (approximately 120 persons overall) to participate in the EJJ event. The Honorable Mark Cady, Chief Justice of the Iowa Supreme Court, keynoted the event which was facilitated by James Bell, Executive Director of the W. Haywood Burns Institute. The primary activity of the event was the development/enhancement of local juvenile justice-related DMC plans. Many of local plans involve the implementation of pre-charge diversions efforts, and detention reform activities. Key research materials from OJJDP were utilized for the provision of the event, and support for the development and implementation of local plans.

Smart on Juvenile Justice: Statewide Juvenile Justice Reform Planning Grant – (SMART)

The purpose of the SMART grant is to develop a comprehensive plan to enhance communication and collaboration across the juvenile justice system as there is currently a lack of optimal alignment in the policies, practices, and initiatives of this system. The anticipated outcomes of the project are reduced recidivism, improved outcomes for youth, and increased public safety through the development of a comprehensive plan. CJJP is utilizing the grant as a vehicle to coordinate a variety of its planning and services efforts for JCS including JReS, JJRRI, EPICS, IGJI, DMC, etc. Technical assistance for the grant is being provided by OJJDP consultants, including CSG and CJJR. It would not be possible for this type of reform without the funding and support from OJJDP's consultants.

Ongoing Issues with the JJDP Act

- Landmark Legislation - The JJDP Act is viewed by Iowa juvenile justice system officials as landmark federal legislation. It's been a positive law for Iowa. Important JJDP Act-related change and innovation in the state continues. It is noteworthy that the JJDP Act was initially passed with broad, sweeping, bipartisan support.
- Significant Court Innovation Since Reauthorization - The bill was last reauthorized in 2002, and expired in 2007. In the decade since expiration, there have been numerous innovations (brain development – community-based programs) in Iowa's juvenile justice system. The existing JJDP Act does not reflect such innovations. Reauthorization will allow for the continuance/furtherance of these innovations.
- EBP's - Investing in programs that are proven to reduce the likelihood of delinquency saves money in the long run and helps build a generation of young adults who are able to contribute to a strong Iowa. The JJDP Act fills a critical void for the implementation of such programming. Its funding support for such programming is at an all-time low.
- DMC - The Act provides for necessary review, policy, practice, program activities, and action plans to insure justice for youth of color. DMC-related work is among the most challenging and rewarding of the work we undertake. Progress to that end must continue.
- Trauma - Needs of Girls - The existing JJDP Act does not adequately address the trauma that many young people in Iowa's juvenile justice system face, nor does the Act fully recognize the importance of special programming that takes into account the needs of girls.
- Vital for Youth - It JJDP Act is vital for the young people in Iowa.

Thank you to this Committee for taking the time to listen to my testimony. I am so pleased with the sincerity of your approach to the important work before you. In particular, I offer my gratitude to Senator Grassley and his staff for the ongoing questions, thoughtfulness, feedback, concern, and intellectual curiosity regarding the implementation process and ongoing progress of the JJDP Act in Iowa. My contact information is on the cover page of this document.