

**Iowa Girls Justice Initiative  
Meeting Summary  
November 4, 2016  
10:00am – 2:00 pm  
Polk County River Place – Room 3  
2309 Euclid Ave.  
Des Moines, IA**



**Working Group Members**

Jim Chesnik, *Iowa Department of Human Services, Division of Adult, Children, & Family Services*

Kim Denning, *Juvenile Court Services*

Andrea Dickerson, *YSS*

Evelyn Garrison, *Achieving Maximum Potential Facilitator*

Stephanie Hernandez, *Family Resources, Inc.*

Jeremy Kaiser, *Scott County Juvenile Detention*

Julie Martin, *Juvenile Court Services*

Steve Michael, *Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning*

Lori Rinehart, *Juvenile Court Services*

Monica Stone, *Iowa Department of Human Rights*

Jennifer Tibbetts, *ITFYW Chair and Catherine McAuley Center*

Patti Wachtendorf, *Iowa Correctional Institution for Women*

Julie Walton, *Scott County Attorney's Office*

**Staff**

Gracie Brandsgard, *SPPG*

Arlinda McKeen, *SPPG*

Kathy Nesteby, *Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning*

**Welcome and Overview of the Day**

The meeting began at 10:11 a.m. McKeen thanked the group for reviewing the report ahead of the meeting, a report that is a reflection of the discussions this group has had over the last year. Some members sent edits to the report. Changes that were wordsmithing in nature have been made to the report. Other changes require discussion and consensus by the group and those will be discussed during today's meeting.

**Discussion of Consensus**

McKeen presented a list of Items Identified for Discussion. The group worked through the list to make final suggestions for the report.

McKean reviewed the concept of consensus and asked that the group reaffirm its commitment to using the consensus process to make decisions about the report and recommendations. Consensus does not mean that each person gets everything they want. Consensus necessitates compromise by all parties and to come to an agreement that everyone can live with. Each member of the working group has compromised for this report. There was group discussion.

- A consensus is a consensus and you don't wait until the last meeting to change that. You don't get everything you want, we've all been there, but you do get a lot of what you want. You don't wait until the last minute. If we'd had issue with the consensus process and the way we've put together this report we'd have addressed it at the beginning when we were first discussing this. I don't agree with taking the names off of the report, we've been doing this for a year.
- I wish the people who took issue were here for the conversation. While we have the consensus process, there are still philosophical differences in what they agree with. You don't want to remove names because the report should reflect who was involved. The minority report idea merits further discussion.
- We knew at the beginning that this was going to be a difficult process and that there were going to be some items discussed on which there would be disagreement. We would look incompetent if we didn't include all of the names on the report. And it would dilute the report if we published a minority report, it would diminish the recommendations. At the beginning we agreed that there wouldn't be a minority report.
- Why would the legislature believe anything we say if we published a minority report? They would think, these people can't make up their mind, why should we do anything they say in their recommendations? It blows my mind that we would do that.
- Maybe the report should include a description of the consensus process and mention that consensus means that there were disagreements on some of the recommendations.
- To address the concerns that were brought up last month, adding further clarification that consensus does not mean 100% agreement on every point in the report. And there would be no minority reports published by the IGJI group.

Group members reviewed a new paragraph describing the consensus process.

*That expertise from across the spectrum of juvenile justice and related fields understandably brought widely divergent and welcome perspectives. There were instances of strong agreement or disagreement on specific issues. The group determined at the outset of the process to operate on a consensus basis, reaching substantive agreement at each step before moving forward.*

*The months-long study and deliberation regarding led the IGJI Planning Group to reach consensus that for those with the greatest need, a placement of last resort is necessary to provide an adequate level of care and community protection. This consensus report also recognizes that the different roles and day-to-day work of Planning Group members provide each with distinct perspectives they contributed to the group's discussions. Discussions were hearty and forthright as the Planning Group wrestled with the complexities of the issues and the options to address the needs of girls in the juvenile justice system. The Planning Group worked hard to recognize the many paths a girl might follow when entering the system, and to focus the group's efforts on the options for girls at the high risk, high need level that pose a public safety concern. This consensus document reflects the substantive agreement with the contents and recommendations set forth by all who participated. The IGJI Planning Group, as noted at the outset, conducted its work from the perspective of what was necessary for "deep end" girls in the juvenile justice system. The recommendations reflect this view.*

- I had an intern read the report and asked them for a summary of the recommendations once they were finished. When she read "secure" she translated it into "safe and stable". When someone has the mindset that secure means locked, then when you read the word "secure" that's what you're going to read. We don't ever say that the facility we're recommending would be locked, so the concerns by other members just don't exist.
- Suggestion to paragraph, "but ultimately.." revise the last sentence to reflect more give and take on some issues. What about striking the last sentence altogether? Strike the last sentence and the word "infrequent" in the second to last sentence. Change the last sentence to "there were instances of strong agreement or disagreement on specific issues, but ultimately achieved consensus on this document." We should end with a positive.

There was a suggestion by group members to include language that the sticking point for some members was the issue of a locked facility. Other members felt that we shouldn't set up a preconceived notion for the readers.

- The definition of secure facility included in the back of the report does not say locked. It's not up to us to decide the details of the facility like their daily schedules and food.
- It's such a small piece of this report, but it needs to be addressed for the handful of girls that need that level of care.
- You need to read the recommendations in their totality; if you do, it will become clear that our focus on the facility portion is more about the place being therapeutic and female-responsive rather than the one piece of being locked or not.
- On page 15 we should state more clearly that because the needs of the girls are so intertwined you can't have one without the other, these service recommendations need to be looked at as a whole.

- I had others read it and they took away an impression that it was heavily slanted towards a facility. The paragraph on consensus does help.
- It's important to note that a lot of discussions around a girl's state training school have happened in state agencies, the Governor's office, and between state agencies and the Governor's office so they're coming in to read the report with those conversations in mind. It puts state agencies in positions to deal with that. If we're not mentioning specifically which members disagreed with what specific positions, they may need to deal with that later.
- If there was a minority report, then it's important to note that Piney Ridge is a locked facility, which was one of the suggested alternatives to our recommendation.
  - There not accepting the girls we're referring there. Because our girls are too serious for that facility.
  - This brings me back to what we've been talking about. We toured Mitchellville and saw the girl that was there because she didn't have any other place to go. That's the issue we're talking about.
  - We can all think that these girls don't exist, but they do. And they pose a danger to the community and they need somewhere to go. And those girls are stuck in detention center for weeks and months.
- If you were worried about that, you should've been here throughout. You can't just swoop in at the last minute and try to change everything. We've all learned things throughout the process and there are things that everyone's conceded throughout the process.
- You can't change the rules at the end.
- We knew this was politically loaded when we started.
- We need to be very upfront that the facility recommended in the report is not a state training school in the traditional sense. Girls would be referred there using the state training school eligibility code requirements, but we're adding pieces to it that make it a different facility. Because of the political side of things, can we just get rid of the word state training school and call it what it is – a secure group facility? If it moves forward, the Code will need to change as far as eligibility criteria.
- That's why it will be important for us to come up with talking points to make sure that legislators and other decision makers understand that we are not doing what's already been done. This is not Toledo. We could state that in a one pager for legislators.
- We need to separate what we're recommending from Toledo. We're not recreating that. We need to prepare this report for readers who may be coming in with those preconceived notions.
- We need to be at the table when they're planning the next steps to ensure that our recommendations are seen through in their original intent. To make sure that another Toledo does not happen – that we create a place that is forward-thinking, female-responsive, culturally-responsive, and therapeutic.

McKeen posed several questions to the group regarding the consensus process. The first question asked to each group member was "Are we sticking to the original plan of using a consensus decision-making

process?” McKeen went around the room to hear each member’s individual responses. Working group members all agreed, with one abstention. Consensus was reached to continue to use a consensus decision-making process for the report.

The next question posed to the group was, “Are we agreeing that the group will publish only one report, and no minority report? McKeen went around the room to hear each member’s individual responses. Working group members all agreed. Consensus was reached to that the IGJI working group would be publishing only one report, and would not publish a minority report.

At Jerry Foxhoven’s request, McKeen asked the group if his name could be removed from the member list. Given his attendance throughout the year-long process did not total one full meeting, the group obliged.

Nestey provided a suggested additional paragraph to the preface for review by working group members. Group members agreed to the additional paragraph with no additional edits.

*A note about those female offenders not addressed in this report: Members of the IGJI Planning Group would like to note that although the emphasis of this effort was on serious, violent, and chronic offenders who have exhausted the options available in the juvenile justice system, it is equally important to give full and thoughtful consideration to those girls who are less serious offenders or who have not yet made their way into the “deep end”. Improvements intended to prevent girls’ entry into and movement through the juvenile justice system must happen simultaneously to efforts that address their risk and needs once they are already there.*

### **Discussion of Member-Suggested Edits**

- Pg. 4, 3<sup>rd</sup> paragraph. Separate into two paragraphs where we mention that we had two youth members.
- Pg. 6 – Change number 63 to a percentage to emphasize the small number. A group member provided a clarification that the bubble graphic is a count of the number of females, not the number of complaints. It’s the number of females that had a complaint, not the total number of complaints by females. The state training school eligible number will come later.
- Pg. 7 – The first chart needs clarification. Give it a title and shrink the font size so it matches the other graphics.
  - It’s an effort to show that there is a difference between boys and girls in a shorthand way. Move the following paragraph to go above the graphic.
- Pg. 8 – Do all of the programs serve moderate and/or high-risk girls? Some of the placements have a mixed campus, do we need to take them off?
  - 712 House does not serve delinquent placements.

- We need to describe what we mean by day treatment. Get rid of day treatment category and move the Francis Lauer facility to Community-based category.
- Gap analysis – caution of using the word “findings” because it suggests statistical significance or an analysis of the consequences of the survey results. We could add more to the “lessons from the gap analysis” paragraph.
  - The gap analysis is hard to follow. Need more clarification which question was asking about the most difficult to access for all girls, and which was most difficult to access specifically for high-risk, high-need girls. Take out the bullet points, but keep the summary paragraph.
- Pg 10 – Why is Jennifer Davis Harbison listed for the DHS report? Check for consistency in the report listing.
- Pg 11 – Take out the language in the note and leave it as regular text because that is very important.
  - A group member asked what “out of state holds” meant. Another clarified that the term refers to individuals from out of state being held in Iowa detention centers.
- Pg 12 – Take out the males from the graph and relabel the graph “Average length of stay in detention by Females”.
  - Wait until 2015 data to make that decision, if they intersect keep the male data, if there is still a gap then take out the male data.
  - Add an asterisk that notes the year when Toledo closed, include it in the narrative paragraph rather than the chart itself.
  - Can we get 2015 data to add to this graph?
  - Can we make a more visually appealing graph that makes this trend stand out more?
  - Add a y axis label.
- Pg 13 – We need to make it clear that out-of-state placements are not a solution for Iowa’s girls. Detention becomes the primary response while we try to find a placement for them in group care facilities. There was discussion by the group of the cycle of placements.
  - Should this report mention placing girls out of state? The number has historically been too small to glean any statistically significant data from.
  - Since there is not a lot of data for this, can we write a typical case scenario that shows this cycle? It would humanize the small group of girls this report is addressing.
- There was discussion by the group on the calculation of per diem rates. Change “per diem” to “average daily cost”. A group member expressed concern that some readers will look at the per diems of out of state placements and calculate it out to see that it’s cheaper to send them out of state than to create a new facility and staff it in state.
  - That’s why you need to include the cost of the revolving door. And we need to say “look, money isn’t the only thing.” I don’t want them to use our data against us and say that it’s more cost-effective to send them out of state.
  - There is a concern by legislators to keep kids in Iowa.

- Discussion of the annual budget versus per diem rates for service recommendation #5 and system recommendation #6. Do we need to clarify what the annual budget structure is?

## **Review of Report Recommendations**

### System Recommendation – Funding

- Regarding “increase reimbursement rate”, what is it increasing from?
- We should expand on this point and clarify that the reimbursement rate would increase and that it’s an attempt at an off-ramp.
- On pages 17 and 21, change “equality of service delivery” to “equity of service delivery” to make it clear that the funding request is for equity, not equality.

Nestebly passed out a suggested paragraph to go on page 18 of the report. The group discussed various levels of security, particularly the difference between “staff secure” and “locked.” The definitions used for security levels in the IGJI report comes from federal compliance regulations.

### Service Recommendation – Professional Training and Education

- Are there other standards that are laid out for other facilities?
- We should clarify that education and experience requirements would be for staff that are providing therapeutic services to girls, or all levels of direct service staff.
- Require a BA and two years of experience working with delinquent girls required for all levels of direct service staff.
  - That’s the ideal. The training is more important, a person could have a PhD but if they aren’t trained in how to be female-responsive than they’re not going to do any good for the girls served.

### System Recommendation - Professional Training and Education

- What about changing the education and experience requirements and replace with “increase reimbursement rates to encourage staff to obtain additional education and training.”
- Should the requirements only be tied to facilities receiving state funding? It’s not fair to nonprofits that don’t receive state funding or those in rural areas to have to follow the requirements with a low applicant pool.
  - If they’re moderate or high risk girls they would come with some state funding.
  - It would be very hard for a small nonprofit to pay for the higher-educated staff.
  - Will the education requirements exclude parts of the population from being in the applicant pool? Either due to previous life experience, poverty, etc.
    - Can we replace education requirements with 5 years of experience? If someone has related life experience, that could make them better able to interact with the girls than a Bachelor’s degree.
    - That’s just a change for the systems level, not for services level.

System Recommendation – Family Foster Care

- Don't include a requirement that there are no other children in the house. The parents need to have all of the available information about the kid and then be able to make the decision on their own.
  - The parents can determine their own capacity and willingness rather than us determining it.
- It's so hard to find foster parents already, we need to think critically about any more restrictions we place on them.

General

- Change LGBT to LGBTQ.

**Closing Comments**

McKeen thanked the working group members for their thoughtful discussion and feedback. Next month's meeting will approve the final plan and discuss implementation strategies. The meeting adjourned at 2:12 pm.

**Next and final Iowa Girls Justice Initiative Working Group meeting is December 2, 2016, at the Judicial Building, Des Moines.**