

CHAPTER 5
JUVENILE ACCOUNTABILITY INCENTIVE
BLOCK GRANT PROGRAM (JAIBG)

428—5.1(216A) Purpose and goals.

5.1(1) The purpose of the program is to provide the state and units of local government with federal Juvenile Accountability Incentive Block Grant Program funds to develop programs to promote greater accountability in the juvenile justice system.

5.1(2) The goals of the program are to reduce juvenile delinquency, improve the juvenile justice system, and increase accountability for juvenile offenders.

428—5.2(216A) Definitions. As used in this chapter:

“Administrator” means the administrator of the division of criminal and juvenile justice planning within the department of human rights.

“Criminal and juvenile justice planning advisory council (CJJ PAC)” means the advisory council established in Iowa Code section 216A.132.

“Decategorization,” as established in Iowa Code section 232.188, means the department of human services program whereby approved counties are permitted to pool their allocations of designated state and federal child welfare and juvenile justice funding streams, establish local planning and governance structures, and design and implement service systems that are more effective in meeting local needs.

“Decategorization project governance board” means the board required to provide direction and governance for a decategorization project, pursuant to Iowa Code section 232.188.

“Division” means the division of criminal and juvenile justice planning within the department of human rights.

“Justice Research and Statistics Association (JRSA)” is a national nonprofit organization that provides a clearinghouse of current information on state criminal justice research, programs, and publications.

“Juvenile” means an individual who is 17 years of age or younger. However, individuals who are under the original or extended jurisdiction of the juvenile justice system beyond the age of 17 are eligible to receive services under the JAIBG program.

“Juvenile Accountability Incentive Block Grant (JAIBG) purpose areas” means the 12 program purpose areas for which JAIBG funds must be spent. The purpose areas are as follows:

Purpose area 1: Building, expanding, renovating, or operating temporary or permanent juvenile correction or detention facilities, including training of correctional personnel;

Purpose area 2: Developing and administering accountability-based sanctions for juvenile offenders;

Purpose area 3: Hiring additional juvenile judges, probation officers, and court-appointed defenders, and funding pretrial services for juveniles, to ensure the smooth and expeditious administration of the juvenile justice system;

Purpose area 4: Hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and backlogs can be reduced;

Purpose area 5: Providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively;

Purpose area 6: Providing funding for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

Purpose area 7: Providing funding to enable juvenile courts and juvenile probation offices to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism;

Purpose area 8: Establishing court-based juvenile justice programs that target young firearms offenders through the establishment of juvenile gun courts for the adjudication and prosecution of juvenile firearms offenders;

Purpose area 9: Establishing drug court programs for juveniles so as to provide continuing judicial supervision over juvenile offenders with substance abuse problems and to provide the integrated administration of other sanctions and services;

Purpose area 10: Establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts;

Purpose area 11: Establishing and maintaining accountability-based programs that work with juvenile offenders who are referred by law enforcement agencies, or which are designed, in cooperation with law enforcement officials, to protect students and school personnel from drug, gang, and youth violence; and

Purpose area 12: Implementing a policy of controlled substance testing for appropriate categories of juveniles within the juvenile justice system.

“Juvenile correction facility” means any public or private residential facility that includes permanent and temporary construction fixtures which are designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody and that is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any nonoffender, or any other individual convicted of a criminal offense.

“Juvenile detention facility” means any public or private residential facility that includes permanent and temporary construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody and that is used for the temporary placement of any juvenile who is accused of having committed an offense, of any nonoffender, or of any other individual accused of having committed a criminal offense.

“Juvenile justice advisory council (JJAC)” means the federally mandated board assigned to the division of criminal and juvenile justice planning to administer federal grant funds and to improve the juvenile justice system in Iowa.

“Juvenile Justice and Delinquency Prevention Act (JJDP) competitive grant process” means the procedures established in rule 428—3.7(216A).

“Law enforcement expenditures” means the expenditures associated with police, prosecutorial, legal, and judicial services, and corrections as reported by the local units of government to the U.S. Census Bureau, during the Census of Governments.

“Local juvenile crime enforcement coalition (JCEC)” means a group of individuals that develop the coordinated enforcement plan for reducing juvenile crime for units of local government. Membership shall include, unless impracticable, individuals representing the police, sheriff, prosecutor, probation services, juvenile court judge, schools, business, and religious affiliated, fraternal, nonprofit, or social service organizations involved in crime prevention.

“Office of Juvenile Justice and Delinquency Prevention (OJJDP)” means the federal office within the U.S. Department of Justice that administers the Juvenile Accountability Incentive Block Grant Program (JAIBG).

“Part 1 violent crimes” means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

“*Serious violent crimes*” means murder, aggravated sexual assault, or assault with a firearm.

“*State juvenile crime enforcement coalition (JCEC)*” means a group of individuals that develops a state plan to achieve the goals of JAIBG. The CJJPAC and the JJAC shall jointly act as the state JCEC.

“*Subgrantee*” means any local unit of government, decategorization project governance board, state department, or other nonprofit entity that receives funds from the division for JAIBG activities.

“*Unit of local government*” means a county, township, city, or political subdivision of a county, township, or city that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes, and the recognized governing body of an Indian tribe that carries out substantial governmental duties and powers.

428—5.3(216A) Distribution of funds. The division shall distribute the JAIBG funds as follows:

1. In accordance with rule 5.5(216A), a percentage of the funds shall be distributed directly to qualified units of local government.
2. In accordance with rule 5.8(216A), a percentage of the funds may be distributed to decategorization project governance boards and any counties not participating in decategorization.
3. In accordance with rule 5.11(216A), a percentage of the funds may be distributed through the existing JJDP competitive grant process.

428—5.4(216A) Determination of funding levels.

5.4(1) Each year funding is available, the division shall conduct a review of state and local expenditures in the JAIBG purpose areas in order to determine the primary financial burden for the administration of juvenile justice within the state of Iowa.

If, after conducting this review, the state’s financial burden in the program purpose areas is greater than 50 percent of the expenditures, the division may request OJJDP’s approval to distribute to units of local government a lower percentage of the available funding than the percentage initially established by Congress for units of local government. The division shall consult with units of local government or organizations representing such units prior to submitting such a request.

5.4(2) OJJDP shall determine the amount of funds available for units of local government. With the approval of the state JCEC, the division shall determine the amount of funds available in the categories described in 5.3“2” and “3.”

428—5.5(216A) Allocation of funds to units of local government.

5.5(1) The allocations for units of local government shall be determined by formula, based on a combination of law enforcement expenditures for each unit of local government and the number of Uniform Crime Report part 1 violent crime reports by each unit of local government. Two-thirds of each unit of local government’s allocation will be based on the law enforcement expenditure data and one-third will be based on the reported violent crime data, in the same ratio to the aggregate of all other units of general local government in the state.

5.5(2) In determining allocations, the division shall use data collected by the U.S. Census Bureau pertaining to law enforcement expenditures and the Federal Bureau of Investigation (FBI) pertaining to reported part 1 violent crime, as compiled by the JRSA, and the department of public safety (DPS) of the state of Iowa.

a. If data, as compiled by JRSA, indicates that units of local government have not reported law enforcement expenditures, or have reported only partial law enforcement expenditures, the division may request complete law enforcement expenditure reports directly from the affected units of local government to determine the correct allocation. If no additional information is received from local units of government within 15 calendar days after requesting such expenditure reports, the division shall use the data as presented by JRSA.

b. If data, as compiled by JRSA, indicates that units of local government have not reported crime data to the DPS or have reported only partial crime data, the division may request complete violent crime data directly from the affected local units of government to determine the correct allocation. If no additional data is received from local units of government within 15 calendar days after requesting such data, the division shall use the data as presented by JRSA.

5.5(3) No unit of local government shall receive an allocation that exceeds 100 percent of the law enforcement expenditures of such unit as reported to the Census Bureau.

5.5(4) In order to qualify for JAIBG funds, a unit of local government's allocation for a subgrant must be \$5,000 or more. If, based on the formula, the allocation for a unit of local government is less than \$5,000 during a fiscal year, the amount shall be distributed by the division to the local decategorization project governance board plan for those areas encompassing the unit of local government, as described in rule 5.8(216A).

5.5(5) If a unit of local government qualifies for a subgrant of \$5,000 or more but is unable, unwilling, ineligible, or otherwise declines to participate in the JAIBG program, such funds shall be retained by the state to be reallocated among eligible units of local government in the current or the next fiscal year.

428—5.6(216A) Units of local government acceptance of allocations.

5.6(1) Each unit of local government that is eligible to receive JAIBG funds shall be contacted by the division and shall be provided an application which must be completed prior to receipt of the allocation. The division may require submission of the following:

- a.* Documentation of the establishment of a local JCEC.
- b.* A coordinated enforcement plan for reducing juvenile crime, which includes a budget for the proposed use of the funds within the 12 JAIBG purpose areas.
- c.* A certification that a policy of testing appropriate categories of juveniles within the juvenile justice system for use of controlled substances has been or will be implemented.
- d.* Assurances that, other than funds set aside for administration, not less than 45 percent is allocated for JAIBG purpose areas 3 through 9, and not less than 35 percent is allocated for JAIBG purpose areas 1, 2, and 10. This allocation is required unless a unit of local government certifies to the division that the interests of public safety and juvenile crime control would be better served by expending its funds in a proportion other than the above percentages. Such certification shall provide information concerning the availability of existing structures or initiatives within the intended areas of expenditure, the availability of alternative funding sources for those areas, and the reasons for the unit of local government's alternative use.

5.6(2) The units of local government shall submit the required information by the deadline established and announced by the division. The division reserves the right to extend the deadline.

5.6(3) Following its receipt and acceptance of the required application, the division shall offer the units of local government a contract authorizing the obligation of funds. These rules and all applicable state and federal laws and regulations shall become part of the contract by reference.

5.6(4) Qualifying units of local government may enter into regional coalitions by utilizing combined allocations from all participating units of local government to expend JAIBG funds using a regional juvenile crime enforcement coalition. A unit of local government, a legally authorized combination, or a decategorization project governance board shall serve as the fiscal agent(s) for receiving the award from the state and obligating and expending funds for the benefit of the combined units. The division's instructions to units of local government shall describe the process to form regional coalitions.

5.6(5) Qualifying units of local government may waive the right to a direct subgrant award and request that such unit's funds be awarded to and expended for its benefit by a larger or contiguous unit of local government, or decategorization project governance board.

A written waiver is required from the unit of local government which waives its right to a direct subgrant and names the requested unit of local government or decategorization project governance board to receive and expend the funds. The unit of local government or decategorization project governance board to receive the funds must agree, in writing, to accept the redirected funds and serve as the fiscal agent. The division's instructions to units of local government shall describe the process to waive a direct subcontract.

428—5.7(216A) Units of local government required reports and expenditure reimbursements.

5.7(1) Expenditure claim reports shall be required on provided forms from units of local government receiving an allocation. The division, pursuant to regular reimbursement procedures of the state of Iowa, shall reimburse expenditures to subgrantees for actual expenditures specified in the approved budget.

5.7(2) Progress reports on program outcomes, program status, and financial status shall be required from units of local government on provided forms.

5.7(3) Other reports, including audit reports prepared by independent auditors, may be required by the division and specified in its contract with the unit of local government to assist in the monitoring and evaluation of this program.

5.7(4) Failure to submit required reports by the due date shall result in suspension of financial payments to the units of local government by the division until such time as the reports are received. Other remedies provided by the contract may also be pursued.

428—5.8(216A) Allocation of funds to decategorization project governance boards.

5.8(1) In any year in which funds are provided for JAIBG, the division may make funds available to local decategorization project governance boards. The division shall calculate allocations to each of the decategorization project governance boards based on the number of children aged 5 to 17 years residing in the respective areas. The most recent available population data for children aged 5 to 17 years shall be used to calculate the allocations.

5.8(2) In any year in which the division makes JAIBG funds available to local decategorization project governance boards, the division shall make funds available to any county that is not participating in decategorization. The division shall calculate allocations to each county that is not participating in decategorization based on the number of children aged 5 to 17 years residing in the respective areas. The most recent available population data for children aged 5 to 17 years shall be used to calculate the allocations.

428—5.9(216A) Decategorization project governance boards—acceptance of allocations.

5.9(1) Each decategorization project governance board and any counties not participating in decategorization shall be contacted by the division and shall be provided an application which must be completed prior to receipt of the allocations. The division may require submission of the following:

a. Documentation of participation, or efforts to obtain participation, from representatives of law enforcement, county attorneys, and city governments to participate in the development of the plan.

b. A plan for reducing juvenile crime. The plan shall include a budget for the proposed use of the funds within the 12 JAIBG purpose areas. For decategorization project governance boards, the plan shall be developed in conjunction with the annual child welfare and delinquency plan.

5.9(2) The decategorization project governance boards and counties not participating in decategorization shall submit the required information by the deadline established by the division. The division reserves the right to extend the deadline.

5.9(3) Following its receipt and acceptance of the required information, the division shall offer the decategorization project governance boards and counties not participating in decategorization a contract authorizing the obligation of funds. These rules and all applicable state and federal laws and regulations shall become part of the contract by reference.

5.9(4) When a decategorization project governance board or a county not participating in decategorization is unable, unwilling, or otherwise declines to participate in the JAIBG program, such funds shall be retained by the state to be used for the development of services that have a statewide impact.

5.9(5) Decategorization project governance boards and counties not participating in decategorization may enter into regional coalitions by utilizing combined allocations from participating units of local government, counties not participating in decategorization, and other decategorization project governance boards to expend JAIBG funds. A unit of local government, a county, or a decategorization project governance board shall serve as the fiscal agent for receiving the award from the state and obligating and expending funds for the benefit of the combined units. The division's instructions to decategorization project governance boards and counties not participating in decategorization shall describe the process to form regional coalitions.

428—5.10(216A) Decategorization project governance boards—required reports and expenditure reimbursements.

5.10(1) Expenditure claim reports shall be required on provided forms from decategorization project governance boards receiving an allocation. The division, pursuant to regular reimbursement procedures of the state of Iowa, shall reimburse expenditures to subgrantees for actual expenditures specified in the approved budget.

5.10(2) Progress reports on program outcomes, program status, and financial status shall be required from decategorization project governance boards on provided forms.

5.10(3) Other reports, including audit reports prepared by independent auditors, may be required by the division and specified in the contract to assist in the monitoring and evaluation of this program.

5.10(4) Failure to submit required reports by the due date shall result in suspension of financial payments to the decategorization project governance boards by the division until such time as the reports are received. Other remedies provided by the contract may also be pursued.

5.10(5) Counties not participating in decategorization shall be required to submit all reports required of decategorization project governance boards, pursuant to subrules 5.10(1) to 5.10(4).

428—5.11(216A) Competitive grant application process. In any year in which funds are provided for this program, the division may make a percentage of funds available through the existing JJDPA competitive grant application procedures, pursuant to rule 428—3.7(216A), for projects to address one or more of the JAIBG purpose areas.

428—5.12(216A) Appeals.

5.12(1) Units of local governments, decategorization project governance boards, and counties not participating in decategorization choosing to appeal the division's allocation decisions must file a written appeal with the administrator within ten calendar days of the postmarked date of the written notification of the program's funding decisions. Appeals received after 4:30 p.m. on the tenth day will not be reviewed.

5.12(2) All letters of appeal must clearly state the reasons for the appeal and evidence of the reasons stated. All appeals must clearly state in what manner the division failed to follow the rules of the allocation process as governed by these administrative rules or procedures outlined in any instructions provided by the division. The letter of appeal must also describe the remedy sought.

5.12(3) The division shall not enter into a contract with any unit of local government for a period of ten calendar days following the written notice of the division's funding decisions for units of local governments. If an appeal is filed within the ten calendar days, the division shall not enter into a contract with any unit of local government until the administrator has reviewed and decided on all appeals received in accordance with subrules 5.12(1) and 5.12(2). The review shall be conducted as expeditiously as possible so that all funds can be distributed in a timely manner.

5.12(4) The division shall not enter into a contract with any decategorization project governance board or county not participating in decategorization for a period of ten calendar days following the written notice of the division's funding decisions for decategorization projects. If an appeal is filed within the ten calendar days, the division shall not enter into a contract with any decategorization project governance board or county not participating in decategorization until the administrator has reviewed and decided on all appeals received in accordance with subrules 5.12(1) and 5.12(2). The review shall be conducted as expeditiously as possible so that all funds can be distributed in a timely manner.

5.12(5) The appeals process for the competitive grant applicants shall be the same as the existing JJDPA competitive grant application procedures, pursuant to rule 428—3.8(216A).

5.12(6) The administrator's decision represents the final agency action for the purpose of judicial review under Iowa Code chapter 17A.

428—5.13(216A) Redistribution of funds. The division reserves the right to recapture and redistribute funds based upon projected expenditures if it appears that funds will not be expended by a subgrantee according to the conditions of the subgrantee's contract. Recaptured funds may be distributed by the administrator to subgrantees for services and activities with the purposes and goals of the program.

428—5.14(216A) Allowable costs and cost restrictions.

5.14(1) Block grant funds from this program shall be used to support only those activities and services specified and agreed to in the contract between the subgrantee and the division. The coordinated enforcement plan for reducing juvenile crime shall identify specific cost categories against which all allowable costs must be consistently charged.

5.14(2) Federal funds appropriated for this program shall not be expended for supplantation of federal, state, or local funds supporting existing programs or activities. Instructions for the acceptance of JAIBG allocations and competitive grant application announcements may specify other cost limitations including, but not limited to, costs related to political activities, interest costs, fines, penalties, lawsuits or legal fees, and certain fixed assets and program equipment.

These rules are intended to implement Iowa Code section 216A.133 and Public Law 105-119.

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