

JUVENILE JUSTICE OVERSIGHT COUNCIL

February 21, 2017
Capitol Annex, Room 129

Members Present: Senator Whitney Westerfield; Secretary John Tilley, Justice & Public Safety Cabinet (JPSC); Commissioner Wendy Morris, Department for Behavioral Health, Developmental and Intellectual Disabilities, Cabinet for Health and Family Services (CHFS); Joe Hamilton for Commissioner Adria Johnson, Department for Community Based Services, CHFS; Commissioner Carey Cockerell, Department of Juvenile Justice (DJJ), JPSC; Laurie Dudgeon, Director, Administrative Office of the Courts (AOC); Christina Weeter, Department of Education; Ed Monahan, Department of Public Advocacy (DPA); Major Shara Parks, Louisville Metro Police Department; Steven Gold, Henderson County Attorney; Judge Lisa Jones, Chief District Judge; and Paula Stafford, Montgomery County Public Schools.

Members Absent: Representative Joe Fischer and Dr. John Sivley

Staff Present: Marlene Mundine

I. Welcome/Call to Order

The meeting was called to order by Senator Westerfield who welcomed members and guests. Senator Westerfield commented briefly on the status of SB 20 and noted his intent to file a committee substitute.

II. Kentucky Juvenile Justice Reforms Evaluation

Susanne Kaasa, Senior Study Director, Westat, provided an overview of the evaluation background, purpose and initial study design noting that Westat is conducting the evaluation in partnership with the American Probation and Parole Association (APPA). The evaluation is sponsored by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) thru a grant awarded in 2016 to assess the implementation and impact of SB 200. Pam Lachman, Senior Associate, Crime and Justice Institute, noted that CJI has been providing implementation assistance under the same initiative and plans to act as a bridge between agencies responsible for implementing SB 200 and the evaluation team as needed. CJI has provided initial data on the performance measures and will provide support wherever possible during the evaluation process.

Nathan Lowe, Program Director, APPA, noted goals of the evaluation including the collection of accurate data on reform activities and outcomes, providing useful findings about the implementation and assessment of the impact of reforms. Ms. Kaasa stated there are two phases of the evaluation structure, implementation and outcome. The implementation evaluation is to identify the extent that SB 200 was implemented as planned, has produced intended outputs and has faced challenges and facilitators to implementation. The outcome evaluation will look at the extent to which it has produced impacts on system outcomes and individual youth outcomes. She noted the first year, which began in November 2016, will focus on study design including identifying key research questions, data and the type of analysis needed. The second year will

include data collection and analysis, with reporting findings occurring in the third year. Ms. Kaasa stated that the fourth year will focus on the outcome evaluation. She commented on the four-year timeline and the importance of properly designing the study to have findings that are useful and accurate and also to allow time for the reform efforts to take hold.

Ms. Kaasa noted that detailed information was provided in folders for council members including an overview of potential study topics and outcomes. She asked for input from the council about other topics that might need to be included. Senator Westerfield stated the list was a great start and members can also contact the evaluation team after the meeting to offer additional information. He commented on the FAIR team implementation and noted more teams should be available as well as funding for additional community-based services. Mr. Monahan asked if there would be an evaluation of impact by race, gender and age. Ms. Kaasa responded that any of the potential systems outcomes could be broken down depending on the data available in the systems. Secretary Tilley commented on the funding issue and the need for a study that would look at return on investment. Mr. Monahan noted he would be interested in outcomes by disability as well. Ms. Kaasa inquired about the availability of disability data within the systems. Ms. Weeter stated that it is tracked in education. Secretary Tilley commented that it is tracked in CHFS as well but there are differing definitions between the two systems. He also noted that DJJ has data regarding disabilities for those detained in facilities. Ms. Lachman noted the need to determine at what point the data is comparable enough to make an assessment.

Secretary Tilley inquired about ROI's in other states. Ms. Lachman noted that there may not be enough time to evaluate the impact of some programs in Kentucky within the time period but there is information available from other states. She noted that while other states invested up front, Kentucky did not. Secretary Tilley commented on closed facilities as a result of declining numbers of youth detained and legislation pending that would allow for the reinvest of funds from the sale of a facility. Ms. Dudgeon inquired about the possibility of reinvesting the savings into the community based services and resources. Secretary Tilley noted that the first step is the legislation that will allow the proceeds from the sale to remain with the department. Commissioner Cockerell noted that DJJ has identified funds that can be put into incentive reinvestment which will go to the communities. Ms. Dudgeon inquired if it would be available for status offenders at the community-based level. Secretary Tilley commented that it should be available to status offenders and input will be sought from AOC and the Dept. of Education as well.

Ms. Kaasa gave an overview of potential data sources that will be included in the implementation evaluation such as CourtNet, CDWCMS and JORI. She also noted additional data sources including documents, tracking forms, site visits and interviews with state and local level individuals. Ms. Kaasa stated that the outcome evaluation would be focusing mostly on information collected from agency systems and tracking forms. Ms. Weeter inquired about the source of the tracking forms. Ms. Kaasa responded that this information would be additional information that is not currently included in the data systems. Mr. Gold suggested that data show the initial charge vs. the adjudicated charge. He noted that the initial charges are often amended up or down and it would be important to determine any type of disparity in doing so. Judge Jones suggested including dismissals in that data also.

Ms. Kaasa asked for input on goals and expectations for the evaluation. Senator Westerfield commented that most issues that have been raised have been staff/personnel issues rather than

policy issues. He noted those issues can be addressed. He noted the need for FAIR teams in every judicial circuit. He also noted that DPP's have expressed concern over lag time between first alerting a CDW that a child needs to be referred to a FAIR team and the team acting on the referral. He stated the concern for disproportionality that must be addressed. Ms. Lachman commented that some reform efforts were prior to SB 200 and there will continue to be efforts each session. She stated that distinguishing between the changes and when they went into effect will be a challenge but is important for the evaluation. Secretary Tilley expressed the need to know the rate of compliance as some things were to be mandated in SB 200 in an effort to avoid non-compliance. Ms. Weeter noted the need to highlight successes as well as shortcomings. She also commented that the dropout age was increased around the same time that SB 200 came into effect which could impact outcomes. Commissioner Cockerell suggested comparing the numbers and cost of youth detained in facilities and their recidivism rates with the numbers and cost of youth served at the community level in their homes with programs being implemented in Jefferson and Fayette counties. He also suggested looking at the impact on the juvenile crime rate as well. Senator Westerfield inquired if cost savings would be part of the evaluation. Ms. Kaasa noted they were initially planning to examine the reinvestment into community services. Ms. Lachman remarked that it is too soon to determine. However, the timeline for the evaluation will allow them the opportunity to do so. Senator Westerfield also suggested including county officials in stakeholder groups.

Ms. Kaasa inquired about how the council intends to use the information from the evaluation. Senator Westerfield stated that the information will be used for future policy decisions to obtain the best possible outcome for youth. Secretary Tilley stated that he hopes to also use the information to inform and educate. He stated that having the information available on a dashboard readily available to the public would be very helpful. Ms. Kaasa inquired about potential challenges and ways to address them. Senator Westerfield commented that some stakeholders do not believe in the philosophy behind SB 200 and that has had an impact on implementation. He also noted issues with data consistency and sharing as well as privacy concerns with data sharing.

Ms. Kaasa inquired about when the council would like to see findings and the format for the information. Senator Westerfield commented that he would prefer to see intermittent status reports during the evaluation process. Ms. Kaasa inquired about the preferred method of reporting. Senator Westerfield stated that video conferencing or information that can be distributed electronically would be acceptable. Mr. Monahan suggested convening prosecutors, public defenders, judges, and agency personnel to hear this information in a way that typically does not happen within the system. Senator Westerfield agreed. Ms. Kaasa inquired about other ways to reach them without getting everyone together. Senator Westerfield noted that groups have associations and distribution channels but noted the need to deliver the information in a more impactful way. Ms. Lachman stated that Kentucky is the only state that has passed comprehensive juvenile justice reform legislation that is being evaluated in this manner with support from OJJDP. Senator Westerfield noted that other states have used SB 200 as a model. Mr. Lowe commented that this evaluation could have implications at the national level. He inquired about Mr. Monahan's comments regarding convening stakeholders. Mr. Monahan responded that some do not understand the issues at hand due to not being fully informed of the facts and evidence. Judge Jones suggested a JJOC webpage with member contact info and data presented to the council to be posted for public access. Senator Westerfield and Secretary Tilley agreed with the suggestion.

III. Agency Updates

A written update was provided by the Administrative Office of the Courts.

IV. Approval of Meeting Minutes and Adjournment

The November and January meeting minutes were approved as submitted. The next meeting will be held on Tuesday, March 14th at 12PM. With no other business to discuss, the meeting was adjourned.