

JUVENILE JUSTICE OVERSIGHT COUNCIL

June 8, 2015

Capitol Annex, Room 125

Members Present: Representative John Tilley; Secretary J. Michael Brown, Justice & Public Safety Cabinet (JPSC); Commissioner Mary Begley, Department for Behavioral Health, Developmental and Intellectual Disabilities, Cabinet for Health and Family Services (CHFS); Commissioner Teresa James, Department for Community Based Services, CHFS; Commissioner Bob Hayter, Department for Juvenile Justice (DJJ), JPSC; David Wickersham, designee for Commissioner Terry Holliday, Department of Education; Laurie Dudgeon, Director, Administrative Office of the Courts (AOC); Ed Monahan, Department of Public Advocacy (DPA); Carolyn Blair for Paula Stafford, Rowan County Schools; Honorable Lisa Jones, Chief District Judge; Lieutenant Shara Parks, Louisville Metro Police Department; Steven Gold, Henderson County Attorney; and Dr. John Sivley, Clinical Director, LifeSkills, Inc.

Members Absent: n/a

Staff Present: Yvonne Board and Marlene Mundine

I. Welcome/Call to Order and Approval of Minutes

The meeting was called to order by Senator Westerfield. A motion was made and seconded to approve the previous meeting minutes as submitted.

II. Presentation by Kimberly Larson, Ph.D., J.D.

Mr. Monahan introduced Dr. Kimberly Larson, Assistant Professor of the Department of Psychology at University of Massachusetts Medical School. Dr. Larson gave a presentation entitled Developing Statutes for Competence to Stand Trial in Juvenile Delinquency Proceedings: A Guide for Lawmakers. (Presentation materials available upon request.) Representative Tilley commented that the age of criminal responsibility and the age of jurisdiction will be two different issues for discussion.

Dr. Sivley asked Dr. Larson to review the primary functions of the different parts of the brain and how those effect the decision making in youths. Dr. Larson gave an overview and noted that the development of certain parts of the brain can continue until around the age of twenty-five.

Senator Westerfield inquired if all states allow a judge some discretion when determining if a child is competent. Dr. Larson stated that some states set a lower jurisdiction. She also noted that Massachusetts is proposing that in some cases children would be automatically evaluated if they were below a certain age. She noted that the judge has to be the ultimate gatekeeper so there should be some discretion. She stated that she could provide examples of statutory language from other states that have adopted the juvenile norm standard. Senator Westerfield stated that he would prefer to see information from a state that has had this in place for a period

of time to show data rather than a state that has more recently adopted the standard. Secretary Brown noted that on page 83, it does set a de facto bright line for the age of criminal responsibility. He stated that if you say there is a non-rebuttable presumption at a certain age that sets up that bright line. Senator Westerfield inquired if there are states that have a bright line age. Dr. Larson stated there are some that do so.

Senator Westerfield asked if there was any research on how youth are developing as related to different parts of the country. Dr. Larson noted they have not found any regional differences.

Commissioner Begley inquired if the age being presented was representative of what those working with youth in that age range would agree with. Dr. Sivley stated that there are certain significant milestones in childhood development that are in line with that. Judge Jones noted that she does not typically see children in her court until around the age of thirteen or fourteen but previously research shows that children as young as eight are being charged in Kentucky.

Dr. Sivley noted that the level of criminal responsibility is determined by the seriousness of the crime committed, which has nothing to do with competency. He noted he would like to something that takes into consideration the developmental level and competency of the youth to determine the level of criminal responsibility regardless of the nature of the crime.

Senator Westerfield noted that the council would probably reach out to Dr. Larson again and ask her back to either this council or the judiciary committee. Representative Tilley thanked Dr. Larson for her presentation to the panel.

III. Financial Mapping

Senator Westerfield asked for an update from the council. Mr. Monahan stated that during the first year there was a process for financial mapping but he was unsure if the results of that have ever been brought back. Commissioner Begley stated that they have done significant sharing of those results. Commissioner James stated that she believed they had been brought to the council previously. Commissioner Begley noted they do have a plan to do financial mapping again soon and will provide that to the council. Senator Westerfield asked to have any written report or materials distributed to the council members prior to the next meeting.

IV. Updates

Mr. Gold noted there will be some requests from law enforcement to provide more specificity in the future regarding the section of SB 200 that deals with the term “suspected runaway” and the council will need to address that issue. Senator Westerfield noted that should stay on the radar as the bill goes live across the board.

Ms. Dudgeon stated that she would get an updated breakdown to the council members of charges by age. She also noted that the new court rules have been posted to AOC’s website and they should be reviewed prior to the rules hearing on June 17, 2015. She noted written comments will be accepted until July 15, 2015, and they can be posted to the website.

V. Adjourn

The next meeting will be held on July 1, 2015. Members will be notified by email of the location. With no further business to discuss, the meeting was adjourned.