

JUVENILE JUSTICE OVERSIGHT COUNCIL

June 28, 2016
Capitol Annex, Room 169

Members Present: Senator Whitney Westerfield; Representative Darryl Owens; Deputy Secretary Jonathan Grate for Secretary John Tilley, Justice & Public Safety Cabinet (JPSC); Natalie Kelly for Acting Commissioner Wendy Morris, Department for Behavioral Health, Developmental and Intellectual Disabilities, Cabinet for Health and Family Services (CHFS); Commissioner Adria Johnson, Department for Community Based Services, CHFS; Deputy Commissioner Miranda Denney for Acting Commissioner LaDonna Koebel, Department for 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); Honorable Lisa Jones, Chief District Judge; Major Shara Parks, Louisville Metro Police Department; Steven Gold, Henderson County Attorney; and Paula Stafford, Rowan County Public Schools.

Members Absent: Dr. John Sivley, LifeSkills, Inc.

Staff Present: Marlene Mundine

I. Welcome/Call to Order and Approval of Minutes

The meeting was called to order by Senator Westerfield who welcomed members and guests. Senator Westerfield noted a minor change on page two of the minutes from the May 18th meeting and called for a motion to approve. Minutes were approved with the noted revision.

II. Presentation: Age-Appropriate Responses for Young Children

Tara Grieshop-Goodwin, Chief Policy Officer for KY Youth Advocates, presented information regarding the court process for young children. She stated that the impact is substantial for each child that has a complaint filed against them and alternative responses should be considered. She spoke about the lack of ability in young children to understand the complex court process. She also noted the difficulty for young children to connect the court process to their behavior. She stated that research indicates formal processing in court can increase the likelihood of the children committing new offenses. In responding to young children, the family should be involved. She stated that parenting issues should be identified as well as any behavioral health issues in the child to connect them with services in the community. She stated that the Kentucky State Interagency Council previously recommended that children ten and younger not be charged or prosecuted as public or status offenders, noting they would be best served by community resources that comprehensively address the underlying reasons for the behavior. Ms. Goodwin also provided information regarding minimum ages for delinquency charging in other states.

JR Hopson, Juvenile Services Manager, AOC, presented data regarding children age 10 and under charged with offenses. He attributed a dramatic decrease in charges to a change in policy in 2012 to have intentional conversations with county attorneys regarding the age of the child

and the charge before taking a complaint from a school resource officer or the public. This resulted in many declining to prosecute. He also provided information regarding the top five offenses charged. He stated the types of offenses are not serious offenses and could be dealt with in other avenues rather than file complaints or be court eligible. Senator Westerfield inquired about the breakdown of the assault 3rd offenses to determine if most are coming from school resource officers or patrol officers. Mr. Hopson responded that the information can be provided. Of 192 total juveniles age 10 and under charged in 2015, 43 were court eligible.

Judge Feeley, Deputy Secretary of the Cabinet for Health and Family Services, commented on his background and experience in this area and the need for legislation but also noted there may be a need for some exception for actions involving the use of a deadly weapon. Senator Westerfield inquired about what other states relied on to determine the age to draw the line. Ms. Goodwin noted the brain development research gives a general area but the age of ten seems to be an area of convergence. Senator Westerfield asked if any others states had a mechanism for an exception as described by Judge Feeley. Ms. Goodwin responded that Vermont was the only state she is aware of and the exception is for murder.

Senator Westerfield inquired if any states have different tiers. Ms. Goodwin responded that some states set a lower age level that applies and some specify that there are other mechanisms. She noted that Texas law allows a social services agency to be called for children under a certain age and they can be connected to services through that system. Senator Westerfield inquired about the readiness to address the current number of youth charged through DCBS if a law drawing the line at a specific age was passed today. Ms. Goodwin responded that the youth would not fall to one location making it possible but also noted other ideas have been suggested. She stated that AOC has suggested a more intensive pre-complaint process similar to what is done for status offenses and having the case end with the FAIR team. She commented that there may be some cases that would go to DCBS but certainly not all would need to do so.

Ms. Dudgeon inquired about the number of child ten and under currently with the FAIR teams. Mr. Hopson responded there are very few. Ms. Goodwin mentioned the question of when the parents' role needed to be examined. Senator Westerfield expressed the need for leverage to have some requirements for parents. Ms. Goodwin noted that even in the diversion process, the decisions to participate and follow thru are areas where parental involvement is critical. Senator Westerfield commented on the data presented regarding youth with a failure to appear as a result of their parents' failure to bring them and noted the need to address the lack of ability to hold parents accountable.

Representative Owens asked a question regarding brain development research and the determination that age ten is an age that a child cannot understand what they have done. Mr. Hopson clarified that most ten year olds can understand what they have done but cannot reason forward to the effect of their actions. Representative Owens commented on the likelihood of increased offenses for a child brought into the court system. Ms. Goodwin confirmed that research has shown that to be true especially for young children charged with minor offenses. Representative Owens asked why we do it if we understand this to be true. He commented that providing wraparound services instead would greatly enhance the child's ability to become productive.

Mr. Hopson noted that the victims are also driving the process and are seeking retribution. Ms. Weeter remarked that restorative practices models could address these concerns. Senator Westerfield agreed and noted this was mentioned in SB 200 and invited Libby Mills, Director of Restorative Justice Louisville, to come forward and comment. Ms. Mills stated since 2012 they have been receiving referrals of children ten and under in the juvenile justice system in Jefferson County and are keeping those children out of the system thru the use of restorative justice practices. She noted the referrals come through the court designated worker program and some have come from the court system. She stated that when the program began there was an assumption that parents were not doing what they should to address the needs of their children but they found that was not necessarily true. There were expectations of families that were far beyond what they were able to do at that time. She commented that the majority of children ten and under referred are coming from the school system where staff are filing charges. She stated that this breaks the relationship between the family and the school system, which then must be rebuilt.

Representative Owens remarked that there must be a way to stop staff in the school systems from using the court system as a dumping ground. He expressed his concerns about the number of referrals coming from the school systems where they are supposed to be helping children. Mr. Gold agreed and stated that at one point schools were the number one driver of referrals in Henderson County until they created a restorative justice program. He stated that DJJ started a pilot project having a worker in the school taking referrals and making referrals to services before any court involvement. This has lowered the number of referrals to the court system by over 70%. Deputy Commissioner Denney noted that DJJ would like to duplicate this pilot project in other areas of the state.

III. Agency Updates

Commissioner Johnson gave an update for DCBS and noted that there continue to be training needs within the agency due partly to staff turnover. Judge Jones gave an update regarding training for judges stating that she has been working with Pam Lachman and AOC to bring evidence-based training to them. Deputy Commissioner Denney gave an update for DJJ and provided a six-month snapshot of data. She also noted they have worked with CJI to visit facilities and evaluate for training needs. Senator Westerfield inquired about populations and the possibility of closing any facilities. She responded that information has been provided to the Secretary's Office and a list of leased sites provided to CHFS for the possibility of transferring those leases as well as staff. Ms. Weeter gave an update for the Department of Education and noted the Persistence to Education Summit was held on June 15th and 16th and was attended by over 450 people. Natalie Kelly gave an update for the Department of Behavioral Health, Developmental and Intellectual Disabilities and noted the System of Care Academy was held on June 8-12th with over 400 attendees.

IV. Adjourn

The next meeting will be held on Tuesday, July 19th at noon. With no other business to discuss, the meeting was adjourned.