

## JUVENILE JUSTICE OVERSIGHT COUNCIL

**July 14, 2015**  
**Capitol Annex, Room 169**

**Members Present:** Representative John Tilley; Secretary J. Michael Brown, Justice & Public Safety Cabinet (JPSC); Heather Dearing for 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; Rachel Bingham for 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:** David Wickersham

**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 who welcomed members and guests. Senator Westerfield called for a motion to approve minutes from the June 8th meeting. Minutes were approved as submitted.

### **II. Presentation by Pam Lachman, Crime & Justice Institute SB 200 Recidivism Analysis**

Senator Westerfield welcomed Pam Lachman from the Crime & Justice Institute. Ms. Lachman gave a presentation regarding Kentucky's recidivism data. (Presentation materials available upon request.) Dr. Sivley inquired about the definition of adjudication as it relates to this data. Ms. Lachman noted the data captured includes only guilty determinations of public offenses as the result of a plea or trial. Mr. Gold inquired if reoffending happening within first year indicates time since release or adjudication. Mr. Lachman stated that it indicates time since release meaning the end of their supervision. Ms. Bingham commented that it is important to look at what is being done during that transition time to provide support when they are released and there may be a need to get into breakdown of offenses. Ms. Lachman noted they would be looking at policies implemented as a result of SB 200 that will impact aftercare. Secretary Brown noted that there was no mention of age, race and gender in the recidivism data. Ms. Lachman remarked that it was reviewed in general but there were not significant differences in any criteria for any demographics but it is important to get into that more specifically and they will do more analysis. Mr. Gold inquired about the high rate of recidivism for those placed out of home. Ms. Lachman noted that is an issue that will require looking at the risk assessments to

inform as the issue is not related to the adjudicated offense but may be related to their risk prior to adjudication that impacts their likelihood of reoffending regardless of placement. She noted the out of home placements may be getting higher risk population to start with or there may be something about the placements that are impacting youths' likelihood of reoffending. Ms. Lachman inquired about any other areas of analyses council members would be interested in seeing. Mr. Gold stated that he was in agreement with Secretary Brown regarding the need to look at age, gender and race in the data. Mr. Monahan was also in agreement. He also noted that it would be helpful to look at data geographically as well. Ms. Lachman suggested looking at the data regionally.

Representative Tilley mentioned a survey by the Council of State Governments Justice Center entitled Measuring and Using Juvenile Recidivism Data to Inform Policy, Practice, and Resource Allocations and suggested council members review the study. He noted one of the recommendations was the need to make sure the resources available are of quality. He also noted that we need to have skills to pursue employment as they transfer out of the juvenile justice system into adulthood.

Representative Tilley also mentioned the Closer to Home study which was recently unveiled and suggested council members review as well. He stated that Kentucky was one of three states chosen to have our work highlighted by the juvenile justice coalition headed by the U.S. Attorney General. He noted the other two states chosen were Utah and Texas. He commented that the Closer to Home study was done in Texas and included 1.3 million individual case records spanning eight years.

Senator Westerfield thanked Ms. Lachman, council members and advocates for their efforts in getting to this point with SB 200 implementation. He also thanked Mr. Matt Trebelhorn for his work.

### **III. Updates**

Commissioner Hayter stated that policy revisions have been approved as emergency regulations on July 1st and the department has modified the risk and criminogenic needs assessment from fifteen questions to six as they determined nine of the questions did not impact recidivism. He noted that all staff was retrained on the assessment tool prior to July 1st and are working with the Crime and Justice Institute for continued development of the tool. He noted they are preparing to reconvene the evidence-based practice group. He stated the department has a pilot with Seven Counties in Jefferson County which may aid in youth transitioning back into the community.

Senator Tilley commented on the financial impact on agencies involved. He noted this was one of the messages he delivered to U.S. Attorney General Loretta Lynch and she did seem receptive to a modest investment by the federal government in helping states do this. He also stated that she directly applauded the work being done in Kentucky.

Judge Jones reported on the juvenile court rules. She stated they went into effect on July 1st. She noted they are provisional rules and they will continue to take comments on them thru February 1, 2016. She stated from that time until the Kentucky Bar Convention in May they will

be working on reviewing and applying the comments and revising the rules as necessary and then presenting them to the Kentucky Bar Convention. She noted that new forms were also developed and they are also available online and open for comments.

Ms. Bingham noted that AOC has continued to work on getting the districts set up to hear cases and do have a presence in all judicial districts now and hope to be hearing cases in the next six to eight weeks in all. She noted they are looking at 70% of cases not going to court. Commissioner Hayter noted that the numbers in detention facilities are down 60% as well. Ms. Bingham credited Judge Jones for her long hours of work on the juvenile rules process and all of her efforts. She also commended the agencies on their efforts as well.

Ms. Dearing stated that work is being done at Department for Behavioral Health and Developmental & Intellectual Abilities to work on modernizing the regional interagency councils and is being coordinated thru the state interagency council. She noted there will be a final draft presented to the State Interagency Council next week and Commissioner Begley can bring that to the council following that presentation. She noted there will be statute changes that will need to be revised as well. She commented that council members have received a copy of the financial mapping report. She noted there is a contract in place to do the follow-up and perhaps a presentation to the council can be done at the August meeting.

Commissioner James noted that her staff has been participating in the judicial educational training and training with education as well. She stated that DCBS is working collaborative with some of the school systems at the elementary level in order to identify families earlier to provide resources. She noted their data system is set up to track but they are also going to hand count some data until they are certain they want to include the information in the data system. She noted one of the things they want to look at for a correlation with kids who are coming into care for educational neglect and dependency. Dr. Sivley inquired if the diversions from court having any impact on CHFS. Commissioner James stated that in the month of May they had a record 8200 children in care which was the highest seen during this administration. She noted this month they are down to 7800. She stated they are monitoring that very closely but they have not seen anything significant in these first two weeks.

Mr. Monahan requested that the DJJ committee that has a study on disparity in the juvenile justice system come before the council and report what they understand from their long-term work on the issue. Commissioner James suggested a joint presentation on all agency efforts on disproportionality.

Senator Westerfield and Representative Tilley commented on the upcoming budget session and asked council members to be in contact regarding any issues or suggestions. Senator Westerfield noted that a report will be made to the Judiciary in September.

#### **IV. Adjourn**

The next meeting will be held at 10:00 a.m. on Thursday, August 13, 2015. Members will be notified by email of the location. With no further business to discuss, the meeting was adjourned.