

JUVENILE JUSTICE OVERSIGHT COUNCIL

October 24, 2016
Capitol Annex, Room 171

Members Present: Senator Whitney Westerfield; Representative Darryl Owens; Jessie Halladay for Secretary John Tilley, Justice & Public Safety Cabinet (JPSC); Acting Commissioner Wendy Morris, Department for Behavioral Health, Developmental and Intellectual Disabilities, Cabinet for Health and Family Services (CHFS); Deputy Commissioner 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; Damon Preston for Ed Monahan, Department of Public Advocacy (DPA); Major Shara Parks, Louisville Metro Police Department; Steven Gold, Henderson County Attorney; Dr. John Sivley, Behavioral Health Service Provider; Judge Lisa Jones, Chief District Judge; and Paula Stafford, Montgomery County Public Schools.

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 then called for a motion to approve the September 19th meeting minutes. The minutes were approved as submitted.

II. Jefferson County Public School Juvenile Arrest Data

Dr. Katy Zeitz, Assistant Superintendent, Jefferson County Public Schools, presented information regarding data collection of juvenile arrests in Jefferson County Public Schools. Dr. Zeitz noted that Jefferson County is the largest school system in Kentucky and the 27th largest in the nation. Dr. Zeitz stated the issue that needs to be addressed relates to data collection and how it is defined by school systems versus the court system as well as how the legislature can assist in providing clarity on this issue to improve consistency in data collection across the state.

Dr. Zeitz stated that a recent news article reported that in the 2014-15 school year, Jefferson County Public Schools indicated 117 students were arrested at school for school related offenses but roughly 500 school related arrests of juveniles were recorded by the Administrative Office of the Courts. Dr. Zeitz stated that the Jefferson County Public School system defines arrest as when a student is cited for an offense and is physically removed from the premises by law enforcement and processed thru the Jefferson County Youth Detention Center. She stated that the KY Department of Education (KDE) does not define arrest per purposes of reporting and some statutes give peace officers the option of citing or arresting an offender for certain offenses. She noted that of the data reported in the article, approximately 370 out of 500 cases reported by AOC are those in which a student was cited but then released to a parent or guardian. These are not cases the school system would have considered to be arrests. She stated there is no way to determine from looking at the data that AOC provided to determine when the citation or arrest occurred. A student could be cited or arrested hours, days or weeks after the initial complaint and the school may never

be aware of that situation. She also stated that only arrests for certain offenses are pulled into the safe schools report. Therefore, even if the schools entered every citation as an arrest, not every one would meet the criteria for inclusion in the report.

Dr. Zeitz stated that she conducted trainings on discipline over the summer for all principals and assistant principals. There were 22 different trainings conducted in small groups taking time to ensure all are using the same definitions and applying them consistently to have clarity regarding data entered into the behavioral support system representing arrests. She stated that school districts need more clarification from the legislature if the definition used is not capturing the data intended. She commented that the definition should be clearly defined and understood by administrators for keeping proper data. Dr. Zeitz stated with further guidance they are willing to make any necessary changes.

Representative Owens inquired about the reporting requirements of KDE. Dr. Zeitz responded that there are requirements to report certain offenses. Representative Owens expressed concern that school districts may not be reporting data consistently across the state. Ms. Dudgeon expressed interest in clarifying with Dr. Zeitz regarding how AOC counts arrests, as it is significantly different than what Jefferson County Public Schools is reporting. She asked Ms. Weeter to comment on the definition currently used. Ms. Weeter noted that KDE staff members could work with Dr. Zeitz regarding reporting requirements and definitions for such. Ms. Weeter did note that a student could be arrested at a school for an incident that occurred away from school and that arrest would not be counted. Senator Westerfield inquired about how an arrest is defined for Jefferson County Public Schools. Dr. Zeitz stated that an arrest is when a student is taken into custody and cited by a police officer. Ms. Dudgeon remarked that she was unsure if that is exactly correct. Dr. Zeitz clarified that is what determines checking the box for an arrest in the data collection system. Senator Westerfield inquired about the number of arrests that occurred after the incidents that were not captured in the data reported by the school system. Dr. Zeitz indicated that information could be provided.

Representative Owens expressed concern about the lack of consistency in reporting. Ms. Dudgeon stated that she would like to focus on the school initiated offenses as those are the ones that are leading to the discrepancy. She commented the issue is likely in the definition and stated that AOC will reach out to the larger school systems to address this issue. Ms. Weeter noted that KDE's definition for arrest is if the student is seized and taken into custody as a result of a behavior event that occurs on school premises, on a school sponsored transportation or at school functions. She stated that custody is defined as physical custody of a person such as an arrestee whose freedom is directly controlled and limited by a law enforcement officer. She noted the indicator is not to be selected if a student is briefly detained, questioned and/or searched by a sworn law enforcement officer without being seized and taken into custody. Ms. Weeter noted that a student could still be taken into custody even if they are not removed from the campus and this may be a source of confusion. Senator Westerfield inquired why there would be any other definition within the school systems when KDE has defined this for reporting purposes. Dr. Zeitz stated that while the definition may be the same, the interpretation is flawed.

Senator Westerfield and Representative Owens expressed the importance of accuracy and consistency in the data collection process. Mr. Gold noted that SB 200 did not require one central repository for data with an agency tasked to root out discrepancies and inconsistencies in the data. Senator Westerfield agreed and noted funding is an issue.

Mr. Preston inquired about who determines whether charges will be filed. Dr. Zeitz responded that parents could file charges, as well as the SRO or another law enforcement officer. Mr. Preston inquired about altercations with teachers. Dr. Zeitz responded that the SRO would make the decision at that time on charging but the teacher can also file charges if the SRO does not do so. Ms. Dudgeon added that data is also collected to indicate who files the complaint.

Senator Westerfield inquired if the data collected was associated with a specific student when entered. Dr. Zeitz indicated it is associated with the student. Representative Owens inquired about records when there is no arrest. Dr. Zeitz responded that the information on the offense is collected regardless of arrest.

III. Agency Updates

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

IV. Adjourn

The next meeting will be held on Tuesday, November 29th at 10AM. With no other business to discuss, the meeting was adjourned.