

JUVENILE JUSTICE OVERSIGHT COUNCIL

January 22, 2015

Capitol Building, Room 327

Members Present: Senator Whitney Westerfield; 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, Education and Workforce Development Cabinet (EWDC); Laurie Dudgeon, Director, Administrative Office of the Courts (AOC); Ed Monahan, Department of Public Advocacy (DPA); 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.

Staff Present: Yvonne Board and Marlene Mundine.

I. Welcome/Call to Order and Approval of Minutes

The meeting was called to order by Representative Tilley. A motion was made and seconded to approve the minutes as submitted. Representative Tilley introduced Pamela Lachman from the Crime and Justice Institute(CJI).

II. Presentation by Pamela Lachman, Crime and Justice Institute

Ms. Lachman gave a presentation regarding SB 200 performance measures. Ms. Lachman remarked that she was a member of the team at PEW that was involved in the task force last year and in the development of SB 200. She is now with CJI which receives funding from the Office of Juvenile Justice & Delinquency Prevention under the Department of Justice to provide technical assistance to three states, including Kentucky, that are working on implementing juvenile justice reforms. She commented on the requirement to increase data collection capacity within some of the agencies in Kentucky. She noted that tracking recidivism is a priority area particularly for AOC and DJJ. She also commented on the challenges of integrating data systems and getting unique identifiers for youth across the juvenile justice system but noted that Kentucky does have an infrastructure in place to share the data needed for SB 200. Ms. Lachman stated that reviewing broad trend data does not necessarily indicate which policies are working; therefore, it is necessary to get to a more detailed level to analyze which policies are working and why. She noted that they are trying to hone in on a framework for the council to be able to look at specific data to accomplish that. (Presentation available upon request.)

Ms. Dudgeon commented that help is needed from CJI to be able to pull the information together from the multiple agencies involved. Mr. Monahan inquired if CJI expected to be doing the

reporting out for all the agencies in a coordinated manner. Ms. Lachman responded that they envision helping with getting started but the agencies need to build the general capacity so that there is the infrastructure to do this. She commented that it might be useful to create a platform for all of the agencies to put data into a single spreadsheet and CJI could set up the framework. She noted that some of the challenges come in how the data and trends are analyzed. She expressed the need to ask the appropriate questions, look at the outcomes intended and then connect the data to complete the analysis. Ms. Lachman stated that CJI would work with agencies to set up the reporting structure and to understand what data and format will be useful to them. Mr. Monahan inquired about the timeframe for having the initial set of data. Ms. Lachman responded that some information could be available immediately for provisions that are currently in effect but for those that are not in effect until July it may take until the end of the calendar year. Mr. Monahan inquired about being able to identify data by age, race and gender. Senator Westerfield agreed that those were important demographics to report. Ms. Lachman remarked that could be set up to track broad system trends and is something that every agency should currently be collecting. Ms. Stafford inquired about what kind of baseline data the council will be able to establish for each performance measure and will there be baseline data prior to implementation of these measures. Ms. Lachman responded that ninety percent of the data exists already but will have to be reported and analyzed. Senator Westerfield commented that perhaps there is a need for a paid employee to prepare and distribute the data. He noted the council does not have the staff support. Ms. Dudgeon commented that AOC has a research and statistics unit and would be potentially interesting in helping support the council in this area.

III. Updates

A. Department of Juvenile Justice

Commissioner Hayter asked Kristie Stutler to update the council on the risk assessment tool. She noted that this tool was piloted in eight counties and 163 assessments were collected. Of those, 108 came back as low risk, 48 were moderate risk and only 7 were considered high risk. She noted the surprising factor was that girls were showing up as higher risk. She commented that the number of out of home placements seems to be the factor driving up the score for girls and that this information tells DJJ they need to do something with how the information is weighted. She also noted that Dr. Sivley had stated that one of the most predictive factors of success is the attitude and willingness of people to make changes. She stated that two items would be added to the tool that are related to capturing the attitude and willingness to work on behavior. She commented that just looking at numbers alone can cause wrong decisions and agreed that the data must be analyzed correctly. She stated they will re-pilot the assessment tool to make sure DJJ is using the best possible tool. Senator Westerfield inquired if the issue was the tool or are girls actually at higher risk. Ms. Lachman remarked that this is why it is very important to have recidivism data as that would show if girls are actually reoffending at a higher rate or is it due to the weighting of the tool. Ms. Stutler also remarked that although girls are at higher risk, the offenses are less serious, which speaks again to the necessity to reevaluate the weighting of the assessment tool.

Ms. Stutler remarked that DJJ has begun training for the graduated sanctions case planning and use of all the structured decisions making and assessment tools. She stated that DJJ has finalized

the evidence based practice workgroup recommendations and have decided to add to two practices to residential programs, aggression replacement training and trauma and grief component therapy. Ms. Stutler said that DJJ is piloting a thirty day revocation program at Breathitt Detention Center and may possibly extend that to another detention center as well. She noted that DJJ is working on a memorandum of understanding with Seven Counties Services in Jefferson County for the community mental health centers to provide individual and family counseling for children placed in the group home. Ms. Stutler stated this could be expanded across the state if effective. She also noted that AOC set up a meeting for DJJ staff to meet with approximately eight judges to educate them on the tool, what it provides to the court, what kinds of dispositional recommendations they can expect DJJ to make and how that will be helpful to them in the court process.

B. Department of Education

Mr. Wickersham stated that one of the largest challenges for the Department of Education is that there are over 1200 public schools and 173 school districts, all of which are under local control. Therefore, the department can give general guidance to districts but cannot ensure the kind of uniformity of process that you have with other agencies. He stated there will always be individual differences in how data collection is done. He commented that districts report to the department as violations a number of things that actually constitute crimes under the penal code. Mr. Wickersham stated that the department is working with school districts to determine the proper assignment of violations vs crimes to have uniformity in reporting. Senator Westerfield inquired about the tracking of the involvement of school resource officers in reported offenses. Mr. Wickersham noted there is the option to track the involvement of law enforcement but it is unknown if districts are consistent in reporting. Commissioner James inquired about what CHFS can do to partner with the schools to educate on resources available and how they can access those resources. Mr. Wickersham stated that he believes the FAIR team process will help with that issue. Commissioner James stated that she would like to partner to work with the elementary schools to provide much needed early intervention services. Senator Westerfield inquired about a box to check that would indicate if a school resource officer has been involved with any incidences reported. Ms. Stafford noted that may be a simple fix with the KDE working with the infinite campus to add a box to check for school resource office in addition to the box for law enforcement.

C. Administrative Office of the Courts

Ms. Dudgeon stated that the FAIR team implementation is now in fifteen judicial districts in twenty five counties. She noted they are hearing cases in seven districts currently and of the forty-two cases that have been heard, only ten have been referred to court. They are also providing diversion training and have had participants from across the state. She commented that AOC has signed a memorandum of understanding with DJJ and agreed to create a web-based interface to share data and will be matching on date of birth, SSN, CDW referral to the extent that they have it, and a court case number if available. She noted that AOC is also providing DJJ with access to juvenile court records to assist them in completing their risk and needs assessments.

Judge Jones spoke regarding formalizing the adjustment process and creating rules so that wherever you are in the state, the process will be the same. She noted that having documents to trigger that will be helpful also. She also commented on the divide between family court and district court and establishing rules for dealing with pending status offense cases in family court when you have a public offense case in district court and how that case will proceed. She noted that another area being addressed is making sure cases get closed within timelines set forth. She noted there have been several trainings with judges throughout the state.

D. Department for Community Based Services, CHFS

Commissioner James reported that CHFS will be ready to implement the Comprehensive Integrated Systems on December 28, 2015. With the FAIR team pilots, there have been no children coming into the custody of DCBS. She noted that she has been asked to participate in one of the judicial trainings regarding our service delivery. She noted that DCBS is making changes such as engaging managed care at the beginning of investigations to determine access to services for families. She stated that DCBS is working to reduce the number of children in residential care. Commissioner James remarked that Kentucky has previously been notorious for sending children out of state to receive care but DCBS currently has only six children in out of state care. Commissioner James stated that CHFS is working to fill a position for an employee who will address getting Medicaid into place for children within forty-eight hours of being placed back into communities.

E. Department of Behavioral Health, Developmental and Intellectual Disabilities, CHFS

Commissioner Begley gave an update on the Regional Interagency Councils and FAIR teams. She noted they have ten new behavioral health organizations which are outpatient service providers available to meet needs of children. She noted they are also in the process of changes some regulations to allow child care facilities to be able to do outpatient treatment. She noted they are also working with Medicaid to evaluate the clinical capacity throughout the state and working with the community mental health centers as well.

IV. Adjourn

Discussion of the universal identification component was postponed until the next meeting. With no further business to discuss, the meeting was adjourned.