



Administrative Office of the Courts

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Report for Juvenile Justice Oversight Council
Submitted by AOC Director Katie Comstock
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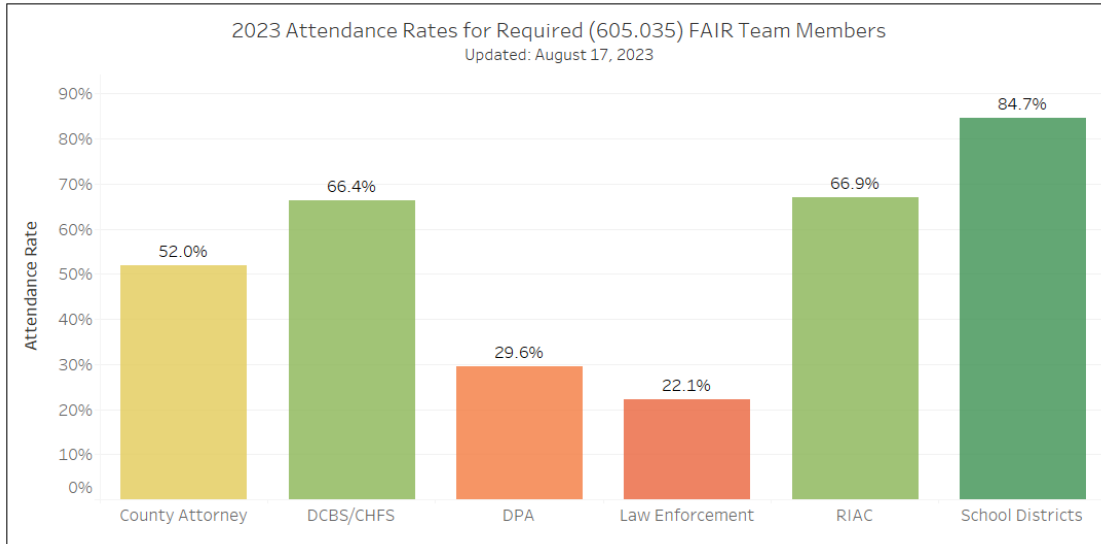
The Administrative Office of the Courts is pleased to report its progress on several important juvenile justice initiatives. This report will provide an update on the following:

- Family, Accountability, Intervention, and Response (FAIR) Team Outcomes and Attendance by Mandated Members
- FAIR Team Attendance Improvement Strategies
- Collaboration Efforts with School Resource Officers
- Trends in Detentions
- Racial, Ethnic, and Equity Disparities
- HB 3 Implementation

FAIR Team Outcomes and Member Attendance

The AOC reports outcomes for cases reviewed by FAIR Teams at each Juvenile Justice Oversight Council meeting.

- FAIR Teams were referred 947 complaints in 2021; 1,926 complaints in 2022; and, as of September 10th, 1,566 in 2023.
- Of the 1,518 complaints closed thus far in 2023 that had been referred to FAIR Teams, 57% of the cases were resolved outside of court while 43% were referred to court.
- The Department for Family and Juvenile Services (FJS) developed a method to track FAIR Team attendance in 2022. FJS also plans to expand the tool to allow Court Designated Specialists to track how the meeting was held – either virtually, in-person, or in a hybrid format.
- FAIR attendance rates for the year-to-date can be seen in the chart below. This data was pulled on September 11.



FAIR Team Attendance Improvement Strategies

To increase FAIR Team attendance the council may consider:

- Incorporating language requiring FAIR members to have a formal appointment to the team by the chief regional judge.

The Department of Family and Juvenile Services plans to:

- Explore notification systems to remind members of upcoming meeting dates.
- Review internal policies and procedures regarding reminders of meetings and update accordingly.
- Continue to regularly include this data in our JJOC reports.

Collaboration Efforts with School Resource Officers

AOC is beginning a collaboration with the Office of the State School Security Marshal to enhance communication between School Resource Officers (SRO's) and Court Designated Workers (CDW's) so that youth can be provided with a more cohesive and efficient approach, rather than the traditional separatist approach where agencies act as discrete entities. SRO's and CDW's often serve the same population and are simultaneously working towards a similar goal. By enhancing our understanding of procedures, AOC hopes to increase law enforcement participation at FAIR team meetings and establish a community stakeholder to support youth in the community. AOC will be participating in upcoming SRO trainings and incorporating SRO collaboration topics at future CDW trainings.

Trends in Detentions at Intake

Detention at intake means a youth has been taken into custody by law enforcement and a judge has ordered the youth be detained pending a detention hearing.

Similar to how complaint filings have decreased across the state over the years, detentions have decreased as well. Detentions peaked at the earliest year we have reportable data – 2006. That year there were 4,583 complaints detained at intake. Over the years, AOC along with other agencies have made a concerted effort to ensure that detention is utilized when all other least restrictive placements have been considered. In 2019, there were 1,586 complaints detained at intake. This number further decreased by 40% during the peak of the pandemic but increased in 2022 to 1,369 complaints. As of September 10th, there have been 1,057 complaints detained at intake in 2023. Below are a few data points comparing detentions for the first 8 months (January – August) of 2022 and 2023:

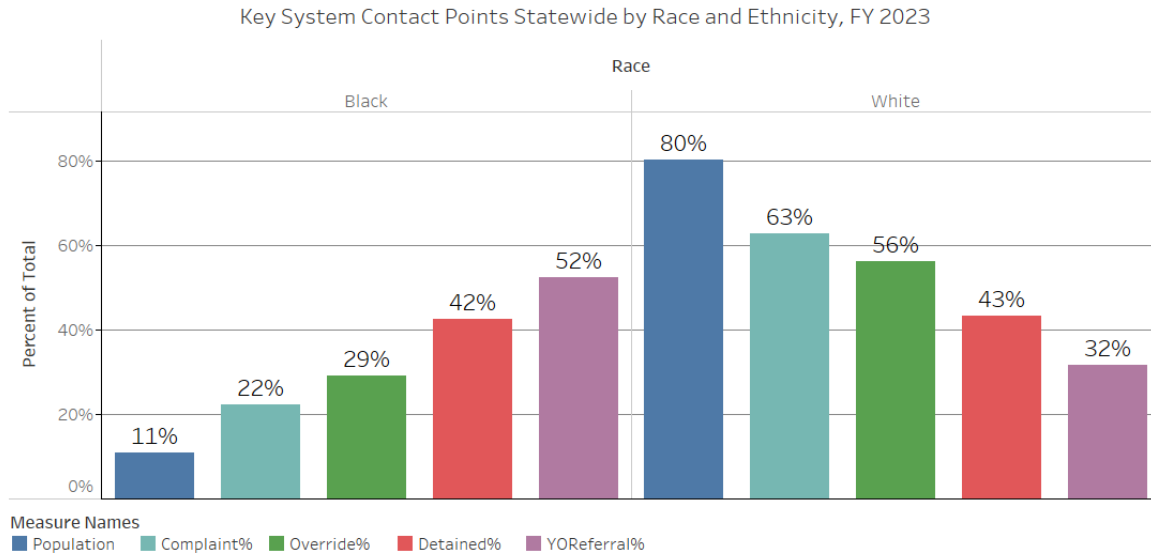
- Detentions in the first eight months of the year went from 896 up to 1,021 (an increase of 14%).
- Nearly the entirety of that increase in detentions can be attributed to Jefferson County which saw a 47% in detentions at intake through the first eight months of the year.
- Violent offenses (KRS 532.200) have made up a smaller percentage of detained charges in 2023, especially in Jefferson County where they have gone from 15% of all detained charges down to just 8%.
- While only 7% of complaints in the state's other 119 counties are detained at intake, that rate is 22% in Jefferson County – an all-time high.
 - Of the nearly 1 in 4 complaints that are detained at intake in Jefferson Court, 83% were filed against non-white youth.

Racial, Ethnic, and Equity Disparities

FJS continues to be intentional in addressing racial, ethnic, and equity disparities (REED) wherever they may exist in the juvenile justice system. As a part of these efforts, the Court Designated Worker (CDW) Program creates and implements local county-level action plans across the state, conducts root-cause analyses in counties where disparities are most prevalent, and continuously monitors the program's data at a statewide, regional, and county level. Below are some of the racial disparities that were present in fiscal year 2022:

- While black youth are only 11% of the state's youth population, they are 22% of the complaint filings in the CDW Program – already twice their prevalence in the community at the front door of the program.
 - Specifically, black youth make up 13% of school-related complaints and 27% of non-school-related complaints.
- At the positive contact point of diversion, just 15% of diverted youth are black while 32% of youth not given that opportunity are black.

- Black youth make up 42% of those that are detained at intake and 52% of youthful offender referrals.
- As is demonstrated by the chart below, when moving through more severe contact points – from complaints to youthful offender referrals – the minority becomes the majority.



HB 3

To address the changes by the passage of HB 3, the AOC has been working to finalize manual revisions, form changes, updates to the FAIR Team Guidelines, training requirements, and communication plans. The following areas are currently being addressed:

- School notifications regarding diversion
- Intentional use of the electronic platform for FAIR Team members
- 90-day requirement for FAIR Team action
- Guidance for AOC’s CDWs and CDSs on parental cooperation
- Updating the CDW Case Management System (CDWCMS)

Definitions for Consideration

- **Successful Diversion:** A diversion that has been deemed to have met the requirements of agreed-upon action steps and goals to the best of the youth’s ability and the complaint has been dismissed.
- **Unsuccessful Diversion:** A diversion in which that youth has failed to meet the requirements of their agreed-upon diversion agreement and the diversion has been terminated.
- **Adjudication:** A formal court hearing to determine the truth or falsity of the allegations in a juvenile petition. KRS 610.060.

- **Disposition:** A hearing, held after and (usually) separately from the adjudication hearing, to determine the action to be taken by the Court on behalf of a child who has been found to have committed a public or status offense. KRS 610.110

In conclusion, AOC will continue to update the JJOC on the ongoing efforts to improve Kentucky's juvenile justice system.