

JUVENILE JUSTICE OVERSIGHT COUNCIL

Minutes

May 26, 2023

Call to Order and Roll Call

The second 2023 meeting of the Juvenile Justice Oversight Council was held on May 26, 2023, at 11:00 AM in Room 171 of the Capitol Annex. Representative Daniel Elliott, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Representative Daniel Elliott, non voting Co-Chair; Senator Danny Carroll, Senator Robin L. Webb, Representative Kevin D. Bratcher, Representative Keturah Herron, Stephanie Craycraft, Lesa Dennis, Jason Reynolds for Laurie Givens, Christina Weeter for Jason Glass, Kerry Harvey, Laura Karem for Damon Preston, Vicki Reed, John Adams, Paula Garner, Tyra Walker, and John Ward.

Guests: Commissioner Vicki Reed, Department of Juvenile Justice and Secretary Kerry Harvey, Justice and Public Safety Cabinet.

LRC Staff: Roberta Kiser, Michelle Spears, Stacy Byrns Taulbee, and Sasche Allen.

Motion for Approval of February 9, 2023 Meeting Minutes

A motion was made by Senator Carroll and seconded by John Ward to approve the minutes of the February 9, 2023, meeting. Minutes were approved by voice vote without objection.

Department of Juvenile Justice Updates

Secretary Kerry Harvey, Justice and Public Safety Cabinet (cabinet), and Vicki Reed, Commissioner of the Department of Juvenile Justice (DJJ) introduced themselves.

Commissioner Reed began by describing the different populations that DJJ serves and the 29 different facilities operated by DJJ.

Secretary Harvey began by discussing areas in which DJJ has made recent improvements.

DJJ's greatest difficulty is in recruiting and retaining officers, and its second greatest challenge is in maintaining the numerous facilities it operates.

Recent changes in compensation have helped DJJ's staffing issues, seeing an increase in frontline staff from 313 juvenile workers to 349. Secretary Harvey asked the DJJ facilities what staffing they would need, and the General Assembly appropriated funding to meet that need.

Secretary Harvey then discussed several elements contained in SB 162. Addressing personnel issues, that legislation included provisions including recruitment initiatives, a Youth Worker-R program, and a program to allow workers who had recently left DJJ to return at the same rank. That program has seen approximately ten employees express interest in returning.

SB 162 also addressed security measures at DJJ facilities. In December of 2022, the governor instituted new policies within DJJ, creating separate facilities of boys and girls, and separate facilities based on the security level of the child. Prior to that action, all facilities had housed males and females, and children of all levels of offense. SB 162 requires DJJ return to a regional model, with youth detained in the facility nearest their home, but with the additional new requirements that youth be housed separately by gender and level of offense.

SB 162 also requires that DJJ personnel be trained in, and provided with, defensive equipment, including pepper spray and tasers. Secretary Harvey reports that training is underway, conducted by personnel from the Department of Corrections.

Uniforms are also required for DJJ facility staff under SB 162. Secretary Harvey reports that uniforms have been ordered, and have been delivered in part to facilities.

The reorganization of DJJ was also confirmed in SB 162, as proposed by Governor Beshear. The reorganization creates a separate Division of Detention, separate from post-adjudication facilities. As pre-adjudication facilities, DJJ's detention facilities have unique and unpredictable needs that are better addressed through its own management. The reorganization also creates a Division of Compliance, which has increased power to enter facilities, review documents, and interview youth and employees, consistent with best practices.

The legislature also included an appropriation in SB 162 to improve data management at DJJ, by adding a juvenile component to the cabinet's existing contract for KOMS. This funding had been requested by DJJ, and will take a year or so for full implementation.

Commissioner Reed then addressed mental health issues in DJJ facilities, which were affected by provisions of both SB 162 and HB 3. Because Juvenile Detention Centers are pre-adjudication, they can see children detained for varied and unpredictable lengths of time, and cannot force children into treatment, as they can in post-adjudication settings.

In closing, Secretary Harvey recognized two capacity issues created by legislative changes in 2023. HB 3 contains a requirement that youth charged with violent offenses be detained. The Administrative Office of the Courts estimates that this will result in detention of approximately 400 additional youth per year.

Additionally, SB 162 requires that DJJ return to a regional model for its detention facilities, but that it also create separate housing for girls and boys, and for low-risk and high-risk children. This would create the need for as many as 4 separate housing facilities. Typical facilities are divided into pods, and the population of facilities is overwhelmingly male. Creating separate housing for each population could end up creating certain pods which have very few children, and filling other pods. Depending on the child's classification and gender, it might be necessary to transport the child to a more distant facility. DJJ is currently determining how to implement these new requirements.

In response to a question from Representative Bratcher, Secretary Harvey clarified that the detention system created in SB 162 is a new system, that will create inefficiencies in the system.

In response to a question from Representative Bratcher, Secretary Harvey explained the KSP troopers have been withdrawn from the Fayette and Warren facilities, and will be withdrawn from

Adair shortly.

In response to a question from Representative Bratcher, Commissioner Reed explained that DJJ examines best practices from across the country, and that not all states operate a statewide juvenile justice program. Secretary Harvey explained that Kentucky is not isolated, and that many states are experiencing similar problems.

In response to a question from Representative Bratcher, Secretary Harvey explained that there are limited entities who are able to contract with DJJ to provide care to juveniles who are severely mentally ill.

Representative Herron requested further information in the implementation of the data system, and information on costs for the Jefferson downtown facility. Secretary Harvey agreed to provide further information, and stated that the Jefferson County project is at a very early stage.

In response to a question from Senator Carroll, Secretary Harvey stated that he has not heard anything recently regarding negotiations with the University of Louisville regarding Our Lady of Peace providing services to juveniles; but that conversation would probably have gone through CHFS and not through the cabinet.

In response to a question from Senator Carroll, Commissioner Reed explained that there has been a reduction in assaults, and that staffing increases have made a significant difference.

Tyra Thomas Walker commented that children who commit violent crimes need interventions for mental health, and that the solution is not to build more facilities.

Christina Weeter, representing Dr. Glass, asked a question about the data system, and in response, Secretary Harvey stated that he would like to see the new data system provide real-time information on where the kids are coming from and what they are charged with, as well as historical information and trends, and allow comparisons that would allow us to see different outcomes between jurisdictions.

In response to a question from Christina Weeter, Secretary Harvey said that DJJ has engaged with ECU to reevaluate training and programming that DJJ utilizes.

In response to a question from Senator Carroll, Secretary Harvey responded that they are creating a culture of excellence, from the top down, and that while they are increasing pay, they are also raising expectations for staff.

Commissioner Reed added that creating consistency across the agency is important, and that DJJ is seeking to support its staff.

Secretary Harvey acknowledged that with the help of the Governor and the legislature, DJJ is now on the right track, but the changes will take time, and it will take time for the new staff to gain experience.

Senator Carroll asked Commissioner Reed and Secretary Harvey to continue to make an effort to keep the trust of DJJ staff, or their success will be limited.

In response to a question from Representative Bratcher, Secretary Harvey responded that the ongoing law enforcement investigations of incidents at DJJ facilities will be public if the children are transferred to circuit court as youthful offenders; but if they are charged as juveniles the cases will remain confidential.

Sherriff Ward said that other sheriffs from across the country now look at Kentucky's juvenile justice system as a model.

In response to a question from Representative Elliott, Secretary Harvey said that most other jurisdictions have not historically employed defensive equipment, but that many are starting to do so.

Senator Webb expressed concern about mental health issues, particularly the lack of access to resources in eastern Kentucky.

Jason Reynolds spoke about the Mental Health Commission within AOC, and the Mental Health Summit being held in Louisville, beginning on May 31st.

In response to a question from Jason Reynolds, Commissioner Reed said that DJJ had planned to develop enhanced programming in detention for kids who spend longer amounts of time. The effort was put on hold because of staffing and space issues.

Agency Updates

Jason Reynolds, representing the Administrative Office of the Courts (AOC), provided updates on data. The Family, Accountability, Intervention, and Response (FAIR) team referrals appear to be up, and attendance at FAIR team meetings has improved from last year.

The court designated worker (CDW) program is in the process of shifting from a compliance-based to a case planning model, allowing the plans to be more tailored to the individual.

Implementation of HB 3 has required some internal changes at AOC, and has raised some questions about the opening of juvenile records in certain cases.

In response to a question from Senator Webb, J.R. Hopson explained the choice of jurisdictions for the pilot programs in CDW case planning, stating that the program put one pilot county in each of the CDW program's twelve supervisory regions, and that Jefferson County was omitted deliberately because they are experiencing high staff turnover.

Cristina Weeter, representing the Department of Education, stated that the State Interagency Council (SIAC) has created a working group to look at the effects SB 150 would have on surveys or measuring instruments used in education to examine issues such as bullying and drug use.

Meeting Calendar

Chairman Elliott announced that the next meeting of the Juvenile Justice Oversight Council would be on June 20, and would be a joint meeting with the Commission on Race and Access to Opportunity.

Adjournment

There being no further business the meeting adjourned at 1:06 P.M.

