

# LEGISLATIVE OVERSIGHT & INVESTIGATIONS COMMITTEE

## Minutes of the 1st Meeting of the 2023 Interim

June 15, 2023

### Call to Order and Roll Call

The 1st meeting of the Legislative Oversight & Investigations Committee for the 2023 Interim was held on Thursday, June 15, at 1:00 PM, in Room 131 of the Capitol Annex. Senator Brandon J. Storm, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Brandon J. Storm, Co-Chair; Representative Adam Bowling, Co-Chair; Senators Julie Raque Adams, Danny Carroll, Donald Douglas, Gerald A. Neal, Michael J. Nemes, and Reginald Thomas; Representatives John Blanton, Lindsey Burke, Ken Fleming, Matt Lockett, Steve Riley, Scott Sharp, and Pamela Stevenson.

Guests: Kerry Harvey, Secretary, Justice and Public Safety Cabinet; Vicki Reed, Commissioner, Justice and Public Safety Cabinet, and Rebecca Norton, Executive Director, Office of Financial Management Services.

LRC Staff: Gerald W. Hoppmann, Committee Staff Administrator; Committee Analysts William Spears, Jacob Blevins, Joel Thomas, Jeremy Skinner, Shane Stevens, Ryan Brown, Taylor Johnston, McKenzie Ballard; Preiss Terry, Graduate Fellow; and Ashley Taylor, Committee Assistant.

### Minutes for November 11, 2022

Upon motion by Senator Douglas and second by Representative Lockett, the minutes for the November 11, 2022, meeting were approved without objection.

Co-Chair Storm and Co-Chair Bowling acknowledged new committee membership as well as the committee's new graduate fellow. Co-Chair Bowling noted that committee staff sent 12 finding sheets with recommendations to the Justice and Public Safety Cabinet and the Department of Juvenile Justice for feedback. The deadline for returning the finding sheets is June 16, 2023; therefore, information will be presented during the July 14, 2023 committee meeting.

### Update from The Kentucky Department of Juvenile Justice

Secretary Kerry Harvey, Justice and Public Safety Cabinet (cabinet), Vicki Reed, Commissioner of the Department of Juvenile Justice (DJJ), and Rebecca Norton, executive director, Office of Financial Management Services, introduced themselves.

Secretary Harvey began by providing an overview regarding where DJJ has been and the steps they have taken over the last year for improvement. He also noted where DJJ is with some of the new legislation that passed during the 2023 Regular Session. He noted that a tremendous amount of work had been conducted since January 2023 and acknowledged the enormous amount of work conducted by Legislative Oversight and Investigations Committee (LOIC) staff. He reported that the investigation conducted by LOIC staff has been comprehensive and always professional. The cabinet's representatives then presented the update, which provided background on DJJ's operations; changes in areas like staffing, defensive equipment, and training; mental health challenges; and recent legislation. DJJ's full presentation is available on the LOIC webpage.

Representative Blanton questioned if the initial location-based incentive pay differences to recruit adequate staffing had been resolved. Secretary Harvey reported the salary for staff with a correctional officer's classification have been resolved and all salaries within that classification are the same.

In response to Representative Fleming's question regarding geographical distribution of staff that have been hired, Secretary Harvey explained staff are not evenly distributed. He offered to provide the geographical distribution of the 37 newly filled detention positions by regional juvenile detention center. He also shared that staffing has improved in all facilities and they are seeing an increased interest. Campbell County and Jefferson County are the toughest markets in which to hire due to labor competition.

Representative Bowling noted that DJJ had provided information on staffing beginning on January 1, 2023, but asked if information could be provided from December of 2021. Secretary Harvey agreed to provide geographical distribution of all detention positions from December 2021 (by month). Representative Bowling asked if DJJ would get to 100 percent staffing by the end of the year, to meet the amount for which the general assembly allotted funds. Secretary Harvey said he doubted they would get to 100 percent. They will in many areas, but certain areas like Campbell and Jefferson will always be tough.

In response to a question from Senator Raque Adams regarding staffing and capacity issues, Secretary Harvey discussed the Jefferson Regional Juvenile Detention Center (JRJDC) at Lyndon. The Lyndon facility has 30 beds but was not built to be a detention facility, therefore it has caused significant problems. Currently, it is only licensed to keep 10 kids at a time. Capacity will increase as improvements are made.

In response to Representative Blanton's question, Secretary Harvey stated there is discussion between Department of Corrections (DOC) and DJJ related to the sharing of intelligence information regarding security threat groups. There is also opportunity to establish relationships with local law enforcement. Representative Blanton explained that it could be an asset to DJJ, DOC, and law enforcement if an agreement existed between the agencies to share intelligence information, especially related to security threat groups.

In response to Representative Sharp's question regarding how the special needs population is handled, Commissioner Reed explained special needs children are flagged. They contact the school system and also have counselors notify mental health staff. Commissioner Reed stated she is not certain that a child with Down Syndrome needs to be

in detention and that DJJ typically tries to move them to a more appropriate location as soon as possible.

Representative Blanton questioned why autistic or Down Syndrome children are pushed to detention facilities, outside of instances where parents are unable to control the children. Commissioner Reed stated they have no control over who is brought to the facilities. If a court order exists, no matter how much staff may question the appropriateness of detention, DJJ has to accept them. She explained that handing this population is a reason why the detention alternative staff stay busy and why additional staff are needed. They work hard to get these kids out of the detention facilities and into more appropriate places and services. Commissioner Reed stated DJJ has expanded a state-wide youth advocacy program, which provides intensive wrap-around care, where a mentor is assigned to the child and family. She provided the example of a child stealing because he is hungry. Mental health treatment may not be what is needed, as opposed to someone helping the family to sign-up for food benefits.

In response to a question from Representative Fleming regarding the RFP (request for proposal) process for severe mental health youth, Commissioner Reed stated the hospitals and other facilities are private and they are not required to accept mentally ill youth. Often these kids are very violent, act out sexually, and are generally difficult to manage. Some private facilities are also experiencing staffing issues, where beds exist without appropriate staffing. Secretary Harvey commented that kids are sometimes placed in a detention setting, because other options do not exist. He provided an example of a child that suffered from severe mental health issues. They reached out to nine different placements in treatment facilities and none of those would take a particular child. He believes that one way to assist in solving issues within DJJ is to have these types of kids placed appropriately.

Ms. Norton explained the RFP process and discussed the specifics of its current procurement regarding services for involuntary commitment. The RFP is developed by DJJ and includes what they are looking for, such as “institutional mental health treatment for youth”. It also identifies specific services that DJJ is wishing to procure so vendors can respond with proposed rates. Ideally the department would like to receive more than one response so they can compare cost, service, and location. In response to Representative Fleming’s question, Ms. Norton stated that the RFPs typically outline how responses will be scored. In this specific procurement, however, no proposals or responses were received.

In response to Representative Fleming’s question, Secretary Harvey stated that DJJ continues to work with the Cabinet for Health and Family Services to find a provider to take youths who are severely mentally ill, violent, and aggressive.

In response to a question from Senator Douglas, Commissioner Reed stated that 60 to 80 percent of youth detained at juvenile detention centers nationally are there due to mental health issues. She explained there is a nationally recognized screening tool called MAYSI (Massachusetts Youth Screening Instrument) that is used for every youth that enters into the detention center. This is broken down into categories of functions that can help determine and flag which kids may be suicidal, depressed, or dual diagnosed.

In response to a question from Representative Sharp, Commissioner Reed explained the population of kids with autism or Down Syndrome in the juvenile detention centers is typically two to three in the system at one same time. She said those populations are smaller although more recently the department has seen an increase in kids coming in with autism. The commissioner stated she will provide the population of special needs youth in detention centers by count and percentage.

In response to Representative Burke's question, Commissioner Reed agreed that if funding was prioritized for community-based waivers to address young people who have medical issues, but need support at home from paid caregivers, as well as prioritization of funding for those in foster care, that could help with some of the problems at DJJ.

In response to Representative Blanton's question regarding the Administrative Office of the Court's estimation of an increase of 400 new juveniles per year, Secretary Harvey said this will affect regions differently. Some facilities can expand while some facilities cannot. He agreed that there will be more in Fayette and Jefferson than any of the other detention centers.

In response to Representative Fleming's question about the Lyndon facility, Ms. Norton stated she hopes to have a design consultant contract in place by July 1, 2023. In the RFP it was indicated the department was looking for a timely assessment as well as cost estimates. She stated they would like to have full estimates from the architectural consulting firm by mid-September so that this information can be included in the biennial budget request. Ms. Norton did not have an initial estimate of the budget request but would note that the renovation of the Lyndon facility is estimated at \$4.5 million and that is only to update the current cells to wet cells.

In response to Representative Fleming's question, Commissioner Reed explained research shows that kids are treated best outside of the juvenile justice system. When studies have been done on the number one factor that led kids to be involved later with the adult system, it was going to a detention center. There are other systems at the school level that have helped such as day treatment centers, which are treatment facilities with an educational component, and alternative schools, which are schools with a counseling component.

Senator Douglas expressed concern that the committee should not have to meet in order to put more money into a system that is growing in the opposite direction from what is desired. This means the legislature and social services have to be more active in treating the problem up stream.

In response to a question from Senator Thomas regarding competitive salary increases in parts of Kentucky that are short staffed, Secretary Harvey stated that everyone in government has to be committed to the funding level needed to operate facilities in a safe and secure manner.

Senator Neal commended DJJ for the presentation and its work and is hopeful that DJJ is going in the right direction.

Commissioner Reed recognized the hard work of DJJ staff and stated she is proud of DJJ staff.

Senator Storm adjourned the meeting.

