

COMMISSION ON RACE & ACCESS TO OPPORTUNITY

Minutes

June 20, 2023

Call to Order and Roll Call

The first meeting of the Commission on Race & Access to Opportunity was held on June 20, 2023, at 1:00 PM in Room 154 of the Capitol Annex. Senator David P. Givens, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator David P. Givens, Co-Chair; Representative Killian Timoney, Co-Chair; Senator Karen Berg, Senator Gerald A. Neal, Senator Whitney Westerfield, Representative George Brown Jr., Representative Samara Heavrin, Representative Nima Kulkarni, James Coleman, and Erwin Roberts.

Guests: Devine Carama, Director; Larry Johnson, Community Outreach Coordinator; Kenneth Payne, Community Response Advocate; Tyler Scott, Mayor's Chief of Staff; Kevin Atkins, Chief Development Officer; Cortney Downs, MSSW, Chief Equity Officer, Kentucky Youth Advocates; and Shannon Moody, PhD, MSSW, Chief Policy & Strategy Officer, Kentucky Youth Advocates.

LRC Staff: Brandon White and Brett Gillispie.

The meeting was conducted jointly with the Juvenile Justice Oversight Council.

Senator Givens introduced new Commission on Race and Access to Opportunity member Jim Coleman, after thanking former member OJ Oleka for his service.

ONE Lexington

Devine Carama, Director; Larry Johnson, Community Outreach Coordinator; Kenneth Payne, Community Response Advocate; Tyler Scott, Mayor's Chief of Staff; and Kevin Atkins, Chief Development Officer presented to the Commission regarding ONE Lexington. Devine Carama introduced ONE Lexington and its mission. ONE Lexington was founded in 2017 by Lexington's then-mayor Jim Gray in response to gun violence, and was revived by current mayor Linda Gorton. Its goal is to leverage government resources and community partnerships to reduce gun violence amongst youth and young adults ages 13 to 29. In order to achieve this goal, ONE Lexington has facilitated cooperation between the urban-county government, Fayette County Public Schools (FCPS), the criminal justice system, law enforcement, the local faith-based and non-profit sectors, and other community members across Lexington. With input from the community, ONE Lexington adopted the Prevention, Intervention, Enforcement, and Re-entry (PIER) model as a strategy for its work.

Director Carama stated that, as of June 2022, Lexington had suffered 24 homicides to that point in the year, while that number has been reduced to nine as of June 2023 as ONE Lexington has continued its involvement in the community. Furthermore, Lexington had suffered 69 nonfatal shootings as of June in 2022, while that number was reduced to 30 as of June 2023.

Director Carama said that the goal of the prevention stage in PIER is to prevent incidents of gun violence from occurring by treating the underlying causes such as food insecurity, mental health issues, trauma, and the destruction of the family structure. One of the ways that they are addressing these issues is through the It Takes a Village mentoring program in cooperation with Fayette County Public Schools. The schools identify at-risk students who are then assigned a mentor who engages in weekly sessions. Additionally, ONE Lexington maintains a grant program which helps provide funding to grassroots organizations that are working to address critical issues in the community.

Director Carama stated that the majority of ONE Lexington's resources have been focused on the intervention stage of the PIER model, which focuses on the organization's response to gun violence that has already occurred. ONE Lexington has undertaken weekly violence intervention team meetings consisting of the police department, non-profits working in street outreach, FCPS, the University of Kentucky Trauma Center, and other community partners to discuss incidents and coordinate responses. Director Carama emphasized that ONE Lexington's crisis response focuses on both fatal and non-fatal shootings. Additionally, ONE Lexington engages in youth mediation through the Fayette County school system in order to resolve conflicts in a safe and healthy manner.

Director Carama said that ONE Lexington does not have any enforcement capabilities. However, they work to bridge the gaps of generational mistrust between communities of color and the police department. ONE Lexington works to recruit police officers into its mentoring program in order to facilitate this change.

Director Carama said that they are attempting to aid in the difficulties that are experienced during reentry by formerly incarcerated persons who have difficulty finding work and are in many ways disenfranchised. ONE Lexington is partnering with Goodwill Ignite to help provide second chance opportunities to young people reentering society. Additionally, ONE Lexington is working to encourage alternative sentencing programs for young offenders.

Senator Westerfield asked what assistance ONE Lexington believes is most needed from the government for Kentucky's at-risk youth. Director Carama answered that youth need trauma-informed care approaches and access to affordable mental healthcare.

Senator Westerfield asked who is represented on ONE Lexington's weekly gun violence intervention team. Director Carama stated that anyone needed to provide context for a shooting incident, including prosecutors, UK Trauma Center, and FCPS are usually involved. Mr. Johnson added that law enforcement and the Lexington Rescue Mission are involved and help provide resources.

Senator Westerfield asked how ONE Lexington prevents shootings that are retaliatory in nature. Director Carama said that 90 percent of the students that ONE Lexington works with have already been impacted by gun violence, and that focusing on mentoring and untreated trauma is key. Additionally, the amount of firearms in the possession of juveniles is shocking. Mr. Johnson added that ONE Lexington has a crisis response team that works directly with the impacted neighborhood in the aftermath of a shooting and that Mayor Gorton has been meeting directly with the mothers of victims in order to build relationships.

Representative Kulkarni asked ONE Lexington to expand on the youth mediation program and its

effectiveness. Director Carama said that the individuals who work as crisis response advocates typically serve as youth mediators, and that the mediators have been given extensive training in conflict resolution. The mediation is conducted in connection with the families and school administration. The mediators have a variety of experiences with the local community and the justice system that they are able to utilize to reach the youth involved in these conflicts.

Representative Herron remarked that her proposed commonwealth Office of Safe Communities seems similar in function to ONE Lexington's model. She asked what resources from the General Assembly could benefit ONE Lexington and whether ONE Lexington is involved in healing from gun injury. Director Carama said that ONE Lexington encourages families to process generational trauma as well as personal trauma from gun violence by breaking the stigma of mental health and trauma support in the Black community. Additionally, they are seeking partnerships with health practitioners of color to work in the community and provide space for youth to share and discuss their experiences with gun violence. Community members have expressed concern about taxes on neighborhood shelters, that have made it difficult for them to operate their community engagement activities. He went on to say that ONE Lexington has also allocated significant funding to victim services and would appreciate support from the General Assembly in these efforts as well as providing access and funding for grassroots activist organizations. He suggested the creation of a mental health collective to increase access for at-risk families who can't afford care. Finally, he reiterated the ease of access to firearms for at-risk youth.

Mr. Johnson added as a follow-up that ONE Lexington trained 150 community stakeholders in mindfulness in order to encourage self-care for both at-risk youth and the individuals that work with them. He also said that ONE Lexington holds grieving sessions for young people who have lost loved ones to gun violence as well as COVID-19.

Representative Brown asked ONE Lexington to expand on their activities concerning employment and job training for young people and re-entry assistance. Director Carama reiterated that community partnerships are important to address these issues. ONE Lexington addresses employment issues with youth involved in their mentorship program. Representative Brown added that youth mentorship resources should be expanded to younger students. Mr. Scott said that the mayor's office is getting ready to launch a Second Chance Academy program by bringing professionals to talk to incarcerated persons nearing their release dates and provide them with job readiness training and assistance in order to help them transition back into the workforce.

Representative Heavrin said that it is important for policy makers to discuss access to after school community programs for students and emphasized the importance of the urban-rural divide in Kentucky. She asked what ONE Lexington believes is their greatest hurdle to success. Mr. Payne said that doing community engagement work requires the mentality of a long-term investment in the community.

Senator Webb asked that the General Assembly be kept informed on the process and success of the upcoming Second Chance Academy program.

Representative Timoney stated that middle school-aged students are often settling into the decisions and behavioral patterns that will affect their futures. Director Carama said that even third and fourth graders are making those decisions.

Representative Timoney asked what can be done about the snitch culture in schools that pressures students into not providing information on murders of fellow students. Director Carama said that the culture is perpetuated by the environment that the students live in, and that students do not know the difference between being a snitch and being a witness to a crime. Mr. Scott added that ONE Lexington's work with law enforcement is critically important to addressing this issue, but that it must be conducted in a way that doesn't undermine the community's trust in ONE Lexington.

Senator Givens thanked ONE Lexington for presenting and said that staff would connect with them regarding the question of taxation, the Commission on Race and Access to Opportunity would investigate how the General Assembly can facilitate ONE Lexington's employment and job-training efforts, and added that ONE Lexington should connect with KY STATS to provide further study and information into local issues.

Senator Westerfield added that mental health resources and after school programs should be a budget focus for the Commonwealth of Kentucky.

Kentucky Youth Advocates

Cortney Downs, MSSW, Chief Equity Officer, Kentucky Youth Advocates and Shannon Moody, PhD, MSSW, Chief Policy & Strategy Officer, Kentucky Youth Advocates presented to the Commission regarding disparities within the juvenile justice system and equity in youth diversion programs. Dr. Moody stated that Kentucky Youth Advocates (KYA) is focused on advocating for systemic change for all Kentucky children by bringing research and data to policy makers.

Ms. Downs commented on the work done by legislators, the Administrative Office of the Courts (AOC), and other critical stakeholders around reforming Kentucky's juvenile justice system.

Ms. Downs stated that while Black youth represent 11 percent of Kentucky's youth population, they represented 22 percent of juvenile complaints filed in Kentucky in 2022. Additionally, while multiracial youth represented 2 percent of Kentucky's youth population, 8 percent of juvenile complaints filed in 2022 were filed against multiracial youth, and that these figures have been relatively consistent since 2017. Hispanic youth represented 6 percent of both Kentucky's general youth population and juvenile complaints filed, and white students represented 81 percent of Kentucky's youth population and 63 percent of complaints filed. She added that the total number of complaints has been reduced significantly in the last ten years due to juvenile justice reforms, but that racial disparities have persisted. She went on to highlight the racial disparities in the detention at intake of juveniles, stating that there is a clear overrepresentation of Black youth at about three times their representation in the general population.

Ms. Downs said that Kentucky has done an excellent job of implementing diversion for juveniles, but that racial disparities have persisted despite the overall decline in complaints not diverted. Black youth made up 16 percent of complaints diverted but 30 percent of complaints not diverted. She added that a 2021 Arizona study found that Black, Hispanic, and Native American youth were far less likely to have their cases diverted than their white counterparts and were far more likely to have negative comments made in their case files.

Senator Westerfield asked if the Arizona study considered the administrator of the assessment of the youths' cases. Ms. Downs answered that she did not know but would be able to find out.

Ms. Downs stated that Black youth are disproportionately more likely to be sentenced or transferred to adult court than their white counterparts, with Black youth representing 39 percent of cases detained and 52 percent of referrals, compared to 46 percent of detentions and 31 percent of referrals for white youth. Youth of color represent nearly 70 percent of referrals to adult court in Kentucky. She added that three zip codes in Louisville are the source of approximately one-third of all commitments to the Department of Juvenile Justice, which have disproportionately high rates of systemic factors such as intimate partner violence, out of school suspension, and adult incarceration, as well as high rates of food and housing insecurity. Additionally, chronic health issues are overrepresented in these zip codes. She recommended that these systemic factors be addressed in order to reduce the amount of youth becoming justice involved. She also stated that a second-look commission is being formed in Tennessee to investigate juvenile justice and she would be willing to find and provide information on its findings.

Senator Berg observed that some counties are arresting and incarcerating Black youth at an even higher rate than the state's average and asked if the counties were aware of that. Rachel Bingham replied that AOC makes that data available to communities, but that the actual number of cases should be taken into account. She added that AOC has observed a slight uptick in the arrest and sentencing of Hispanic youth.

Ms. Downs stated that more than 3,500 youth involved with the Department of Juvenile Justice have been diagnosed with a disability.

Ms. Downs said that since 2017, the overall diversion success rate in Kentucky has been between 80 percent and 90 percent, and the recidivism rate has been in a steady decline since 2016. Senator Givens pointed out the decrease in the raw number of cases along with the high diversion success rate. Ms. Downs added that research has shown that diversion holds youth accountable for their behavior without resorting to legal sanctions or incarceration, and that multiple studies have shown that diversion can be more effective for most young people than going through a formal court process.

Senator Neal asked how KYA defines success for youth diversion programs. Ms. Bingham stated that success is defined as increasing opportunities for youth and preventing anti-social behaviors in addition to compliance. She clarified that the basic indicator is whether the youth become justice-involved again.

Representative Herron asked which specific zip codes in Louisville were the sources of the abnormally high number of juvenile complaints. Ms. Downs answered that the three zip codes are 40210, 40211, and 40212.

Steve Gold stated that Henderson County does not have a lot of resources within the county, and that he believes that their diversion programs would have a greater impact with additional resources. He added that he has seen diversions labeled successful when there has been a repeat offense, and asked whether there should be more attempts at diversions in the case of a repeat offense. Ms. Downs answered that being able to connect with kids and ensure that they are getting the resources that they need is important to a successful diversion program. She added that lack of resources is a problem across the state and that repeat offenses involve a variety of issues, and that cases should be examined for more diversion options.

Ms. Bingham said that changing the trajectory of children's behavior requires patience and compromise. She added that court-designated workers are dependent on community assistance to be effective.

Senator Webb said that she has worked with a juvenile who told her that they had benefited from being involved with the Department of Juvenile Justice. She added that every case is different, and she is an advocate for flexibility for local judges and prosecutors.

Senator Neal said that judgements are subjective, and that policy makers need to be careful about blanket statements regarding prosecutorial overrides.

Christina Weeter asked whether disabilities were a factor in youth incarceration. Ms. Bingham stated that the 3,500 was the number of disabled youth at intake and may not be representative of the number or percentage of disabled youth who are actually incarcerated. She added that she would be able to make that data available.

Senator Givens asked if a youth's disability status is influential to a judge's decision regarding their sentencing. Ms. Bingham answered that it is.

Adjournment

There being no other business, Chairman Givens adjourned the meeting at 3:15 p.m.