

Juvenile Justice Oversight Committee

Minutes

Date and Time: December 14, 2017, from 1:30 – 4:30 p.m.

Location: Kansas Judicial Center
Court of Appeals Room, 2nd floor
301 SW 10th Ave
Topeka, KS 66612

Committee Members in Attendance:

Kathy Armstrong, Lara Blake Bors, Randall Bowman, Kevin Emerson, Rep. Gail Finney, Judge Paula Hofaker (by phone), Donald Hymer, Megan Milner, Joe Norwood, Melody Pappan (on phone), Sen. Pat Pettey, Derrick Ploutz, Amy Raymond, Former Sen. Greg Smith, Janet Waugh, Judge Delia York

Committee Members Absent

Sen. Carolyn McGinn, Rep. Randy Powell

Criminal Justice Institute (CJI) Consultants Present:

Jennifer Christie

Committee Support:

Karyl-Ann Roehl

1) Welcome and Review of the Agenda

Karyl-Ann had three (3) grammatical changes to the minutes. There were no other changes. Randy moved, and Kathy seconded, the minutes be approved as amended. Motion passed.

2) Review and Discussion of Draft By-laws

Sen. Smith said the draft by-laws were fashioned after the by-laws of the Kansas Advisory Group (KAG). The committee reviewed the draft, Article by Article.

Article I and Article III

There is repetition in the listing of our duties as found in the Senate Bill. Amy moved, and Sen. Pettey seconded, the duties be removed from Article 1. The motion passed.

Article II

(A) The wording should be changed to say we have twenty (20) members in lieu of 21.

(B) Because a couple members are reimbursed for travel by OJA, the words, "...by the Oversight Committee," will be added to the end of the sentence about Compensation.

(C) "Quorum" is discussed in Article V. "Video and by phone..." could added to Article V. After much discussion, Judge York moved, and Joe seconded, the verbiage be left as it is. Motion carried.

Article III

Amy moved, and Lara seconded, Article III be adopted as written. Motion carried.

Article IV

Sections A and B discuss the terms of the Chair and Vice Chair. After some discussion, the group decided:

- The Chair and Vice Chair will be elected at the last meeting of the calendar year;
- The Chair and Vice Chair would serve for a period of one (1) year beginning January 1st;
- The Chair and Vice Chair may serve three (3) terms, meaning he or she can be re-elected twice.

Lara moved, and Sen. Pettey seconded, these changes be adopted. Motion carried.

A discussion of Article IV, (2) (c), ensued. It reads, “Shall present/represent the views of the JJOC to the Governor and State Legislature and other entities relevant to juvenile justice matters under the JJOC’s purview.”

The Committee’s duties say the group will “guide and direct” SB367 implementation. We agreed we wanted to add wording to allow testimony without advocacy. The person testifying may need to disclaim their testimony is not representative of the JJOC.

Anyone can speak as an individual. Would the person testifying be able to say he or she must go back to the JJOC in order to answer a question posed by the legislature? Sometimes, people are asked to testify as little as 24 – 48 hours prior to the hearing. This provides little time for the Committee to put together testimony. Sen. Pettey suggested testimony should be within the bounds of Committee minutes and the Annual Report. If there are questions about the testimony, the Committee could talk via phone to answer the questions. A quorum on the phone would be required. Sen. Smith said the call would have to be properly noticed so anyone can listen in.

Don said when you testify, the topic becomes wide open for questioning. Written testimony is required. If the questions move beyond the minutes and Annual Report, the Chair could provide the Committee with the written testimony. Randy said the Chair and Vice Chair can speak about progress, what is in the minutes, and the Annual Report. If the testifier is asked about policy change, a telephonic meeting should be required. With proper notice, a telephone conference call could be posted, then held to propose written testimony.

The Committee decided testimony would be provided only in written form using the minutes and/or Annual Report information. Amy moved, and Judge York seconded, the Committee adopt this rule. Motion carried.

Article IV

There were no changes.

Article V

A. (1) will be updated to read, “Regular mandatory meetings of the Juvenile Justice Oversight Committee shall be held as prescribed by K.S.A. 75-52, 161 (c).”

Don said he would like to see language about the meetings being pursuant to the Kansas Open Records Act (KOMA) added. Number (3) will be added to Section B reading, “Notices of JJOC meetings are provided on the Kansas Department of Corrections (KDOC) website at www.doc.ks.gov/juvenile-services/committee pursuant to the Kansas Open Meetings Act (KOMA).” Sen. Pettey wanted this language also added to Section A (2).

Section C (1) discusses the meeting agendas. Derrick felt the Committee needs more flexibility in regard to the agenda in case there are other topics to be discussed. Janet suggested the Committee approve the agenda at the beginning of each meeting. A motion of the Chair or Vice Chair would be required to amend the meeting agenda. Derrick made the motion these changes be adopted. Sen. Pettey seconded, and the motion passed.

There was a question as to whether or not the Committee needed the verbiage in E (1). The Committee decided to retain it in case there is a problem later.

The verbiage of E (8) will be changed to read, "There shall be minutes prepared of all regular and special meetings of the JJOC. The minutes shall be a matter of public record, open to public inspection at the administrative office of the Kansas Department of Corrections (KDOC). Minutes can be found posted to the KDOC website at www.doc.ks.gov/juvenile-services/committee pursuant to the Kansas Open Meetings Act (KOMA)." Lara moved these changes be adopted. Randy seconded. The motion carried.

Article VI

C. (5) (a) will be changed to read, "No JJOC or non-JJOC standing committee member is eligible for reimbursement of expenses from the JJOC."

Article VII

No changes.

Article VIII

The last sentence in the paragraph will be deleted.

Article IX

It was simply stated the Committee By-laws supersede Robert's Rules of Order. No changes were made to this Section.

Article X

Paragraph A will be deleted. The paragraphs that follow will be re-lettered. Sen. Pettey made the motion to update the letters in this section of the draft. Lara seconded and the motion passed.

The new paragraph A will be changed to read, "No JJOC member shall make any motion or second any motion on any proposal by an individual, agency, or organization in which the member has any monetary or pecuniary, individual or personal interest, or appearance of interest."

"...or the JJOC recommendations," will be deleted from paragraph E (on the draft; is the new paragraph D).

Lara moved, and Megan seconded, these changes be adopted. Motion passed.

Don moved all of the changes made today be adopted. Derrick seconded the motion. The motion passed.

Karyl-Ann will incorporate the changes in to the draft and send it out for Committee review.

3) Report on JCAB Reports

Megan Milner presented a handout reflecting the information received in the 10/01/2017 JCAB reports from judicial districts statewide. The handout also reflected numbers on SB367 implementation efforts.

4) Update on DOC Administered Reinvestment Grants

Megan reported two (2) types of grants are being awarded: Local Reinvestment Grants (to BOCCs) and Regional Collaboration Grants. She received thirty (30) applications for the Local Reinvestment Grants and four (4) applications for the Regional Collaboration Grant.

Megan put together a team of grant reviewers from outside of KDOC. She said it was a good process and worked very well. KDOC wants people to get this money if they qualify. So far, twelve (12) grants, totaling \$1.6 million, have been approved. These grants will serve 842 youth. Topics of these grants include substance abuse treatment, mental health services, school partnerships, cognitive programs, parenting and family engagement, mentoring and wrap-around, and removing barriers like transportation and fees. There are more grants to finalize. Information about KDOC grants is available on the KDOC website.

5) Update on Calculations of Reinvestment Funds

Randy distributed a handout showing amounts for the Evidence-Based Programs Account of the State General Fund for FY18, Expenditures by Placement Type, and Expenditures by Funding Source. He said the account has gained another \$10 million since last year.

6) Discussion of Reinvestment Allocation Ideas & 7) Update on JO/CINC Committee Report

Randy distributed the Report of the Judicial Council Juvenile Offender/Child in Need of Care Advisory Committee on Juvenile Crisis Intervention. The report says mental health services are really needed. A second report is coming out later this month. Randy is exploring the needs of moderate to high-risk juvenile offenders to see what is needed. He is also wondering if we need to consider other types of needs.

Don said the report focuses only on youth in the system. Most youth are in the crossover group. In his district, there are about 24 people waiting for a PRTF bed. Those who get a bed are only staying about thirty (30) days, as opposed to the ninety (90) days they used to stay. About 20% of the return to their families, while about 80% of them are placed somewhere else. He says there is no place to put the youth. Youth are put in acute care placements for 72 hours. Then they go to foster care or elsewhere. The trend is to avoid the juvenile justice system and admitting the youth as CINC. When that happens, no reinvestment dollars are available for placements. Randy said a legislative discussion about this is needed. Right now, YRC/CINC youth cost about \$141 a day. Most of those dollars come from the State's General Fund.

Kathy said it is difficult to cover the costs of high needs youth within the law as it is written. There are 288 high needs youth in the CINC system today, all at a very high cost. The three (3) managed care organizations are interpreting the definition of "medical necessity" differently. We need a more consistent definition to work with.

Another area of need is runaways and human trafficking victims. These may be a separate topic as there is not always a clear offender issue in these cases. What do we do with the most at-risk youth to keep them safe? The impact on law enforcement is high. Sen. Smith says he sees 6 – 12 runners a day. Overall, they tend to get ignored. Committee members were asked to consider these issues. Sen. Pettey said there are nine (9) workgroups working on mental health issues right

now. Judge York see needs for youth under supervision. Megan said we can absolutely add questions for next year's JCAB report submissions.

7) New Business

Amy moved, and Sen. Finney seconded, former Senator Greg Smith be re-elected as Chair, and Judge Delia York be re-elected as Vice Chair. The motion carried.

8) Discussion of Agenda for Next Meeting

Don suggested more member input into the agenda. He is thinking a draft agenda could go out to members about two (2) weeks ahead of the meeting so members have an opportunity for input. He suggests Item #1 on the agenda be Roll Call to officially establish a quorum.

Karyl-Ann will send a Doodle request for dates members are available for the next meeting. Potential dates are the Fridays in February, and March 1, 2017. We will not meet the weeks of March 5th, 12th or 19th.

Judge York moved, and Randy seconded, the meeting adjourn. Motion carried and the meeting adjourned at 4:19 p.m.