

Juvenile Justice Oversight Committee

Minutes

Date and Time: September 13, 2018 from 8:30am – 12:30pm

Location: KDOC, Juvenile Services
Large Conference Room
714 SW Jackson, Suite 300
Topeka, KS 66603

Committee Members in Attendance:

Kathy Armstrong, Lara Blake Bors, Randall Bowman, Kevin Emerson, Rep. Gail Finney, Judge Paula Hofaker, Max Mendoza, Megan Milner, Melody Pappan, Sen. Pat Pettey, Derrick Ploutz, Amy Raymond, Former Sen. Greg Smith, Janet Waugh, Judge Delia York

Committee Members Absent:

Don Hymer, Sen. Carolyn McGinn, Joe Norwood, Rep. Randy Powell

Criminal Justice Institute:

Jennifer Christie

Committee Support:

Karyl-Ann Roehl

1 Welcome, Roll Call and Review of Agenda

Former Sen. Greg Smith welcomed everyone to the meeting, the roll was taken and the results are noted above. We have received word Peter Barstad will not be serving on this Committee.

2 Reinvestment

• Report

Randy reported on the reinvestment savings:

- \$17,175,013 Cost Avoidance from decreased reliance on incarceration and YRC placements.
- Funding sources: \$8,000,000 Appropriation to EBP Fund. Projected Cost Avoidance was \$5,215,387, while Actual Cost Avoidance was \$3,959,626, for a total Certified by the KDOC Secretary of \$9,175,013.
- FY15 Expenditures were \$37,030,618 compared to FY18 Expenditures and Cost Avoidance of \$37,121,970.

Lara wanted to know if DCF has had an increase in expenses. She is aware of CINC youth in detention.

Janet said expelled and suspended youth charged with serious crimes are sitting at home, waiting for their court dates. She is concerned these youth are missing out on an education. Kathy said there is a workgroup dealing with these issues at a high level and local level on a case-by-case basis. Some solutions have been found. Garden City has set up a special classroom for these youth. Lara mentioned some youth use Virtual Academy, using laptops to complete classes.

- **Discussion of Possible Subcommittee**

Randy brought up the need for a JJOC Subcommittee for determining where reinvestment funds are best utilized. Judge York agreed, saying we need to use the funds or they will be taken away and used for other State needs. Randy felt a Subcommittee would be able to meet more often and with youth advocates and families. KDOC-JS can contribute data to the discussions, as well as information from the JCAB reports. Former Sen. Smith would like to keep the group to about seven people. If someone would like to serve, email Karyl-Ann within the next couple of weeks to let her know.

3 Memo from Chief Budget Officer

The first paragraph of the letter cites statute, while the second paragraph refers the Committee to the Legislature for answers to our questions about reallocation of reinvestment funds outside of juvenile justice. The letter says the funding is “lapsed” and this cannot be done per statute. SB179 did not go through the usual process; there were no hearings on the proposed legislation. Sen. Pettey said the SB came late in the session, was never vetted by the House or Senate Judiciary Committee and was the effort of a few people.

Amy said budget and conference committee notes say the \$6 million was given to KDHE to set up three youth crisis centers. Use of the money seems appropriate. SB179 alludes to juvenile offenders and juveniles in crisis.

Judge Hofaker asked what a youth crisis center consisted of. Judge York explained they are usually operated by a mental health agency, and stays are short term – about thirty days. Youth are brought in for observation, treatment, and case planning. Services are available to any juvenile, not just juvenile offenders. She questions how these centers are considered “evidence-based” because if they are not evidence-based, use of reinvestment funds is outside the scope of SB367. She is not sure how admissions will be evaluated. Judge Hofaker said it seems like we should be able to analyze for what is needed before money is taken from our funds. It appears there is pressure to spend it.

Kathy said the intent was for DCF to come up with rules and regulations for the crisis centers and send them through the regulatory process. These rules and regulations have been drafted. DCF will license the crisis centers and some CMHCs have already applied. DCF was invited to the table late and they are still asking for clarifications. Any regulations they decide upon must go through the AG’s office for approval.

Randy noted behavior health reports were provided to the legislature last fall and lots of vetting of mental health needs was done. Judge York said these new centers are not specific to the juvenile offenders living in our communities. She said our Subcommittee needs to identify what we need and make strong recommendations of where money should be spent – programs, training, etc. Randy said we can provide recommendations to the legislature and Governor, and the Secretary of KDOC can initiate programs for post-adjudication and high risk offenders. Amy noted preventative services would require the approval of the legislature. Judge York said 15-17 year olds are the biggest problem, and when they are kept in the community, what do we do with them? Programs all have their own eligibility requirements.

Janet feels we should think about changing our bylaws so an individual is allowed to speak on behalf of this Committee, namely former Sen. Smith. Sen. Pettey suggested we attend the Senate/House Juvenile Justice Interim Committee meeting, October 22 and 23. They bring people in for testimony and this would be a good place for us to be heard. In fact, we should

always be on their agenda. Melody asked if we could write the testimony to be used and former Sen. Smith replied the group could write the testimony. Lara suggested we not change the bylaws, yet get a script ready for this meeting and be proactive. Amy agreed, saying not to wait to be invited – be proactive to get on the agenda. Lara made the motion Sen. Smith contact the Interim Committee to get on the agenda. Max seconded the motion. The motion passed. A conference call will be scheduled to discuss the testimony. Amy made the motion this group put together testimony about what we have seen in juvenile justice, what is wanted, and what we believe should happen. Max seconded the motion and the motion passed. K-A will send out a Doodle about a date for this call.

4 Discussion of Implementation Sustainability

- **Administrative Support for KDOC**

Randy reported as of 12/31/2018, the technical assistance from CJI through OJJDP ends. The most impactful administrative support for this Committee has been at the federal level. Jennifer has overseen the inter-rater reliability and validation study, the publication of the Annual Report, data collection, and ongoing communications with other agencies. She is an objective third party and offers neutrality to the group. After some discussion, the Committee wants to pursue a contracting agreement with CJI to retain Jennifer as advisor to this group. This contract would have to work its way through the Department of Administration, so there is no guarantee it would be awarded to CJI. Since we have a several year history with CJI, Randy will write a Sole Source argument to retain them.

Lara made a motion to 1) allow contact with CJI leadership about a contracting agreement with them, and 2) to talk with KDOC-JS legal counsel about a Sole Source approach with the contract. Melody seconded the motion and the motion passed. Randy will contact CJI to see if they are interested in a contract with us.

Randy asked who would oversee the contract and make the payments. Jennifer said CJI has contracts with other states, yet she does not think they use reinvestment funds toward payment. It was suggested we amend the statute to allow for technical assistance money. Judge Hofaker suggested we submit everything first to see what happens.

- **Validation and Risk Assessment Fidelity**

Amy reported the inter-rater reliability validation continues. It got off to a slow start, yet after adjustments, it seems to be doing better. We have two options in continuing with the validation process: 1) collect data another 2 or 3 years; 2) only study the individuals doing the assessments correctly and add others to the cohort as they become proficient in scoring. We would need an extension for the second option. Judge York said the judiciary would not like an extension after we have had four years to make validation. This would reduce their confidence level in the tool. This tool ensures a level playing field between youth statewide and should not be delayed. We need judicial confidence in the tool. Judge York suggested we go back to the judicial districts and express the importance of this validation process.

- **Data Sharing**

Kathy reported the MOUs have been through KDOC and are now at OJA.

5 Discussion of the Future of the Oversight Committee

- **Reappointments**
Everyone in this group is up for reappointment.
- **Option of Open Comments**
The group discussed allowing the public and identified groups a time to comment at our meetings. Everyone welcomed the idea and suggested a time limit for speakers, and that the group should contact K-A with their topic ahead of time to get on the agenda.
- **Option of Periodic Discussions/Round Tables/Forums to Discuss Reform**
Jennifer suggested we involve other system stakeholders to learn more about what is and is not working. These discussions were extremely valuable during the work of the original Juvenile Justice Workgroup. Max said we need the communication to make good decisions. This gives the community the opportunity to speak and it educates them as well. Kathy remarked that DCF engages in these and they have someone help with facilitation to keep them consistent. Sen. Pettey believes this would help us understand who we are.
- **Option of Outside Entity Meeting Periodically with JJOC Members to Discuss Reform**
We would like to learn more about data sharing between agencies. We could reach out to Kentucky to see how they handled data sharing.

6 Annual Report

Jennifer reminded everyone we are only two months out from the due date of the Annual Report.

Contents:

OJA (Amy)

- Supervision Numbers
- Education and Training
- Earned Discharge Credit Tracking, including denials
- Two-day KBA CLE, with one day devoted to juvenile justice
- Population Data

KDOC (Megan)

- Same topics as last year
- Earned Discharge
- NTAs
- Information on programs funded with reinvestment funds

DCF (Kathy)

- 2018 Crossover Report Data
- Case Planning Workgroup Information – strengthening of policies
- Family First Prevention Services Act
- Information about collaboration with KDOC

Law Enforcement (Derrick)

- KLETC Training Continuation and the SRO class now offered
- Working closer with schools
- Would like to see MOUs reviewed

Education (Janet)

- It seems there was a lot of misunderstanding surrounding the MOUs and this may need to be revisited. The MOUs have not made a recognizable difference in how juveniles are handled at school. The school-to-prison pipeline was a hot topic at the time it was decided to do MOUs. They implied cooperation, yet were generic in nature. We are looking for a simple measure of what is happening in the schools as far as referrals are concerned. KSDE collects the data, yet is way behind on publishing it. Janet will ask for data about referrals made to law enforcement for possible prosecution.

Timetable of Annual Report

- October 1, 2018 Member reports are due to Jennifer.
- November 1, 2018 First draft of the Annual Report will be ready.
- November 30, 2018 Final due date.

7 New Business

Former Sen. Smith said there are a number of members leaving the Kansas Advisory Group (KAG). If you know of someone who may be interested, send the information to K-A to forward to Brock Landwehr. Randy said to keep the rural parts of Kansas in mind when recommending appointments to the KAG. We need past juvenile offenders and non-public employees for the KAG.

8 Agenda for the Next Meeting

- Annual Report
- Report on the testimony given to the Legislative Interim Committees in October.
- Reinvestment Subcommittee report about their first meetings.

Doodles will be sent out next week for 1) the entire group to discuss testimony being written, 2) the Reinvestment Subcommittee members to schedule the first two meetings, and 3) to all members for the next JJOC meeting.

Derrick moved, and Amy seconded, the meeting be adjourned. Motion passed and the meeting adjourned at 11:35am.

GS/kar