

Senate Bill 200 Summary

Key Points:

- SB 200 provides for a more effective use of resources to hold offenders accountable, achieve better outcomes for youth in the juvenile justice system and their families, and maintain public safety.
- The provisions in the bill are based on recommendations from a bi-partisan, inter-branch task force and extensive stakeholder input.
- The bill addresses three key questions to ensure improved effectiveness and outcomes:
 - (1) Are the right resources used on the right youth to produce better outcomes? The bill focuses the most expensive resources on more serious offenders by placing restrictions on the commitment of lower level offenders and the length of time they may be placed out-of-home.
 - (2) Does Kentucky use timely, quality treatment and supervision to hold youth accountable? The bill provides for earlier access to treatment and supervision and increases funding for high quality services in local communities.
 - (3) How will we know if it is working? The bill establishes oversight and performance measurement for the policies.

Unified Juvenile Code Task Force

The task force on the Unified Juvenile Code (task force) reviewed the state's juvenile justice system and developed data driven policy recommendations that hold offenders accountable, improve outcomes for children and families, maintain public safety and control costs in the juvenile justice system.

It conducted an extensive review of Kentucky juvenile justice data, an assessment of the juvenile justice system, and a review of the research. The task force reviewed issues relating to both public and status offenses. (A status offense is one that is an offense only because of the person's age, such as truancy or running away.) It also heard information provided by a variety of juvenile justice stakeholders and members of the task force itself.

Task Force Findings

The task force analysis led to findings in four areas:

- Kentucky is spending significant resources on out-of-home residential placement for low-level status and public offenders. More than half of the Department of Juvenile Justice's (DJJ) \$102 million annual budget goes to secure and non-secure residential facilities that cost an average of \$87,000 per bed per year. In addition, the Department for Community Based Services (DCBS) spent an estimated \$6 million in fiscal year 2012 for out-of-home placement of status offenders.
- Lower-level offenses comprise a significant and growing share of the juvenile justice system. Misdemeanants and violators make up the majority of youth in each type of out-of-home placement, and more

than 80 percent of misdemeanants and violators had two or fewer prior adjudications.

- The length of time violators and misdemeanants spend in out-of-home facilities is the about the same as those adjudicated on felony offenses and has increased 31 percent and 21 percent, respectively, over the past decade. Hundreds of status offenders are spending 8 ½ months out-of-home following commitments to DCBS, and many are spending time in detention as well.
- A lack of services and alternatives in the community has likely contributed to more expensive commitments to DJJ and DCBS and more youth being placed out-of-home.

SB 200 and Expected Impact

The legislation would:

- Focus the most expensive resources on the more serious offenders.
- Increase and strengthen evidenced-based programs, practices and policies in local communities.
- Improve government performance.

The reforms are projected to reduce DJJ's out-of-home population by one-third. The bill requires evaluation of facility utilization, and puts the state in the position to potentially reduce capacity or close facilities. The potential savings from the public offense reforms could total up to \$24 million over five years. These savings may be reinvested to expand community-based programs and proven practices. The shift of lower-level youth and resources from out-of-home placement to evidence-based community programs will lead to safer communities and better outcomes for Kentucky youth and their families.

Summary of Senate Bill 200:

Focuses the Most Expensive Resources on the More Serious Offenders

- **Enhances the Court Designated Worker (CDW) procedure and establishes a review process.** The bill enhances the current CDW process by requiring that evidence-based assessments, practices, and programs be utilized to provide interventions that are consistent with what research indicates will lead to improved outcomes. A review process is established to provide oversight to the work of the CDW and provide recommendations. Court remains an option for cases that are unsuccessful in this process.
- **Restricts commitment of lower-level offenders in certain instances.** The bill restricts misdemeanor and Class D felony offenders from being committed to DJJ unless they have been adjudicated for a deadly weapon offense, an offense that would classify the juvenile as a sex offender, or unless they have three or more prior adjudications.
- **Limits the length of out-of-home placement and length of supervision based on seriousness of the offense and risk to reoffend.** The bill requires DJJ to develop case plans using evidence-based tools that take into consideration the juvenile's risk level and the seriousness of the offense. Limits are placed on the amount of time the juvenile may be held in out-of-home placement by DJJ for treatment and the total amount of time the youth may be committed or probated to DJJ. Limits are also placed on the length of time a juvenile may be on court supervision.
- **Limits out-of-home placements as a sanction for supervision violations.** The purpose of sanctions for supervision violations is to encourage compliance with the terms of supervision. The bill requires the use of graduated sanctions to encourage compliance and, if not successful, permits detention for up to thirty (30) days. Supervision violations may not be used to commit, or recommit, a child to the DJJ.

Increases and Strengthens Evidence-Based Programs, Practices and Policies in Local Communities

- **Requires use of objective, evidence-based tools in decision-making.** Evidence-based screening and assessment tools must be utilized by court workers and DJJ staff to guide treatment, supervision and placement decisions. Validated risk and needs assessments are required to be utilized if available. Results of a validated risk and needs assessment must also be provided to the court prior to disposition.
- **Establishes the fiscal incentive program to increase funding for services in local communities.** Two grant programs are established to increase resources for communities to provide local services to juveniles and their families. Ninety percent of the funding will be allocated to a competitive grant program to reduce the number of juveniles committed or detained and to reduce the number of diversion-eligible cases that are brought into court. The remaining ten percent of funding will be allocated to a second program available to judicial districts that did not receive grant funding to provide services to youth on an as-needed basis in exceptional cases.
- **Increases engagement and accountability of families.** The bill provides for increased involvement of families.

Improves Government Performance

- **Requires improved data collection and reporting to measure outcomes.** The bill requires increased data collection and reporting to measure the results of the programs and policies to ensure that they are achieving the results intended. The bill also requires the state to track juvenile recidivism outcomes.
- **Establishes an Oversight Council.** The bill establishes an Oversight Council to oversee implementation of the bill, review the performance data, and make recommendations for changes or improvements based on the data. The Oversight Council will also continue to review juvenile justice and education issues that were not addressed by this task force, such as graduated response protocols for schools, and out-of-home placement of status offenders.
- **Requires DJJ to evaluate the use of its facilities.** The bill requires DJJ to evaluate its secure and non-secure facilities once the population is reduced to consider changes in the utilization of facilities or the potential for closure of facilities if appropriate. Savings achieved from any closures are to be reinvested into supervision and treatment services in the community.
- **Increase training and education.** The bill requires juvenile justice involved agencies to increase training and education of workers to improve the quality of services and to improve outcomes.