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Kentucky DMC Annual Report 2018

Clarissa Mobley, DMC Coordinator
Kentucky Department of Juvenile Justice

Introduction

DMC Coordination in Kentucky

Kentucky's DMC reduction work is coordinated by the state DMC Coordinator through the Subcommittee for Equity and Justice for All Youth (SEJAY). The SEJAY is a subcommittee of the State Advisory Group (SAG), in Kentucky known as the Juvenile Justice Advisory Board (JJAB). SEJAY's membership consists of subject matter experts in DMC from public and private youth serving agencies, tasked the development and implementation Kentucky's 3-year strategic plan.

I. Identify statewide data at research-based points of potential disparity

In Kentucky, there are three main agencies serving youth impacted by the juvenile justice system: The Kentucky Administrative Office of the Courts (AOC), Kentucky Department of Juvenile Justice (DJJ), and Louisville Metro Youth Detention Services (LMYDS).

Each agency collects and interprets its own data, with no integrated system, resulting in a fragmented data sharing system. Consistent processes for accessibility, collection and analysis of all pertinent juvenile justice and youth crime related data that is comprehensive, consistent and timely remains elusive for the State of Kentucky. To date, this process and practice remains lengthy and oftentimes does not conclude in time to utilize the most recent data for pertinent reports, including the annual required reporting for OJJDP. Once data is obtained, difficulties for utilization remain. Each agency has a unique identifier for each youth and/or case for youth entering their agency, but these identifiers are not consistent across each agency, resulting in another barrier for data collection and reporting. Following a youth throughout the system, in regards to data, is difficult and impacts the strength and confidence of the data being collected and reported.

To address the need for data sharing, AOC and DJJ have an MOU for the release of data.

Table 1 reflects Kentucky’s required data collection points.

Table 1: FY 2016

Race:		White	Black	American Indian	Asian	Hispanic
Population		374546	47866	811	8732	23795
Arrest	Number	14320	5959	61	68	210
	Percentage	3.82%	12.45%	7.52%	0.78%	0.88%
Diversion	Number	4544	1076	0	0	179
	Percentage	1.21%	2.25%	0.00%	0.00%	0.75%
Detention	Number	2110	791	4	5	114
	Percentage	0.56%	1.65%	0.49%	0.06%	0.48%
Secure Confinement	Number	313	1045	0	2	10
	Percentage	0.08%	2.18%	0.00%	0.02%	0.04%
Adult Transfer	Number	14	32	0	0	0
	Percentage	0.00%	0.07%	0.00%	0.00%	0.00%

(National Center for Juvenile Justice, 2016; DJJ; Perdue, Shepard, Morris, et.al, 2018; LMYDS)

Data was accessed for each point from the entities below:

* Arrest (AOC).

Notation: Because Kentucky does not arrest youth, the “arrest” decision point has been supplemented with “complaints filed” with the Court Designated Worker (CDW).

Complaint is defined as: “a verified statement that sets forth allegations regarding a child and contains sufficient facts supporting any subsequent petition that may be filed in court” (Perdue, Shepard, Morris, et.al, 2018).

* Division (AOC)

* Detention: (DJJ)

* Secure Confinement: (DJJ & LMYDS)

* Adult transfer: (DJJ)

II. Develop an action plan

1. What do your DMC numbers tell you about your jurisdiction?

Kentucky has, for the last several years, relied on the 2014 statewide assessment recommendations to guide the statewide DMC reduction efforts. These recommendations, along with the updated data from the previous state plan, were used to guide the 2018-2020 state plan. According to the assessment, “the 2010 data is

consistent with the original three targeted DMC counties- Jefferson, Lexington, and Christian- and shows magnitude and volume support for the selection of Hardin County as the fourth community assessed in this study” (DMC Assessment, 2014). The goals of the state plan focus on DMC numbers specifically in these four counties, that have the highest minority populations according to the assessment. The assessment showed that in Kentucky, the contact points with the most significant differences for youth of color were referral, cases detained, and cases found guilty. In order to combat this issue, three of these counties (Fayette, Jefferson, and Hardin) applied for and received grant funding for capacity building, assessment and/or interventions in reducing DMC in their communities. Christian County did not apply for a grant, but as a community, worked to establish school justice partnerships in an effort to reduce DMC. Youth of color have seen the most significant increase in disparities due to the unintended consequences of Senate Bill 200, Kentucky juvenile justice reform law, created in 2014. For example, youth of color have higher rates of complaints (public and status), diversion overrides, commitments to the Department of Juvenile Justice, and transfers to adult court (Dawson-Edwards, Higgins, Rausch, and Tewksbury, 2014).

2. What would success in DMC reduction look like for your state?

The SAG (Juvenile Justice Advisory Board-JJAB) strategic plan has as two specific goals aimed at reducing DMC. To help meet the strategic planning goals, the JJAB established the Subcommittee for Equity and Justice for All Youth (SEJAY), which has been tasked with focusing specifically on DMC. The goal of the SEJAY is **“to reduce overrepresentation of minorities at referrals and throughout the system.”**

The first DMC specific goal from the statewide strategic plan is **“To advance equity for minority youth groups, related to juvenile justice system involvement and service provisions.”** One of the major objectives towards reaching this goal is to complete an updated statewide assessment. This will allow Kentucky to obtain current data to lend to updated recommendations to reduce DMC. The recommendations from the assessment will drive the continued work towards DMC reduction.

The second DMC specific goal from the statewide strategic plan is to **“Ensure compliance with all four (4) core requirements of the Juvenile Justice and Delinquency Prevention Act (JJDP A) (Deinstitutionalization of Status Offenders (DS), Jail Removal, Sight and Sound Separation, and DMC”**. The current plan was developed prior to the 2018 Juvenile Justice Reauthorization Act (JJRA). Kentucky will update the wording to reflect the federal change during the annual strategic planning update meeting.

Based on the goals of the JJAB statewide strategic plan, and current statewide DMC assessment, the SEJAY developed a subcommittee strategic plan to work towards meeting the states goal of reducing DMC.

To address the overarching issue of disproportionality in Kentucky, legislation was recently proposed to address this issue. The bill would mandate improved agency monitoring and data collection, provide solutions for reducing admissions to detention. The bill also addresses transfers to adult court, as this is one of the biggest areas of disparity in Kentucky.

3. How much do you want to reduce DMC next year?

Based on Kentucky trends, Kentucky aims to reduce the number of youth of color at each contact point. Data trends reflect that while more youth have been diverted from the system since statewide reform, more youth are overrepresented in the number of cases denied for diversion, as well as continuing deeper in the system for longer periods of time. The decrease would be apparent in the areas identified: arrest, diversion, detention, secure confinement, transfer to adult court (youthful offenders; as well as at points specific to Kentucky such as referrals). The JJAB plans to accomplish this goal by focusing on a more community level approach to increase knowledge about the DMC.

The JJAB plans to implement “community conversations” across the state to learn what issues and barriers each community is facing in reducing DMC. In order to effectively share the data collected at these community conversations across the state, JJAB will hold a conference in the fall of 2019 and include sessions focused on DMC, current trends in data, as well as sharing information from other parts of the state with individuals and agencies that work with system involved youth.

Based on the SEJAY strategic plan, SEJAY will address this goal through the objective of increasing community/organizational capacity by developing and launching community specific and focused DMC resources and processes, based on advocacy-based philosophies that include but are not limited to;

- a) information sharing that is community friendly and usable,
- b) ongoing, pertinent research,
- c) education and training,

- d) technical support, and
- e) community capacity building.

Kentucky will also continue to work to improve overall system effectiveness by collecting, utilizing, and sharing data and management systems for data. One example in which Kentucky is currently working to reduce DMC is by implementing restorative justice practices. Western Kentucky University has received a funding from the JJAB with the goal of implementing these practices in Hardin County, and has been successful in addressing the issue of DMC in that community.

4. Is that reasonable? If yes, why?

Yes, the plan to reduce DMC in Kentucky is achievable. A portion of what the data is showing is that reform has not reduced DMC, but has instead pushed youth of color further into the system. Over the last several years, the number of admissions and bookings into facilities has declined, but as a state there is more that can be done. This will be possible due to the goals and projects that come from both the DMC JJAB strategic plan goals as well as the specific SEJAY work plan aimed at reducing DMC. Securing an updated statewide assessment will aid the state in moving forward with the specific work around reducing DMC. This, along with the community conversations across the state, will drive the continued work to reduce DMC.

5. What do you need from OJJDP to be successful with your plan?

Continued technical assistance from OJJDP would be greatly appreciated. The most beneficial thing that OJJDP can do to support Kentucky is through providing guidance around the implementation of the JJRA and the shift from DMC to RED. Clearer monitoring expectations and a deeper understanding of the compliance

requirements would be helpful in moving forward to better understand the role this will play in the work to reduce DMC. Kentucky would also benefit from continued notification of current research, trends, and best practices around DMC.

6. What safeguards will you put in place to ensure that as you work to reduce DMC, you are still protecting the public, holding youth accountable, and equipping youth to live crime-free, productive lives?

As Kentucky moves forward with reducing DMC, public safety is vital as well as ensuring that youth understand the consequences of their behaviors. Kentucky continues to work to achieve this through preventative services, training for staff working directly with youth, and educational opportunities offered to youth while in facilities and upon reentry. Additionally, through proposed legislation, Kentucky continues to focus on improving data collection, sharing, and increasing communication among agencies working with juveniles. In order for juvenile reform practices to be effective, it is important that communities work collaboratively to assist youth with the support they need to become law abiding, productive members of the Commonwealth.

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