

Juvenile Justice Oversight Committee

Minutes

Date and Time: November 13, 2017 from 9:00 a.m. - 1:00 p.m.

Location: Kansas Judicial Center
301 SW 10th Ave
Topeka, KS 66612

Committee Members in Attendance:

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

Committee Members Absent:

Joe Norwood, Rep. Randy Powell

Criminal Justice Institute (CJI) Consultants Present:

Jennifer Christie

Committee Support:

Karyl-Ann Roehl

1) **Welcome and Review of Agenda**

Sen. Smith opened the meeting at 9:04 a.m.

2) **Minutes of the Last Meeting**

Judge Hofaker moved, and Rep. Finney seconded, the minutes from the last meeting be approved. Motion carried.

3) **Discussion of Bylaws**

Sen. Smith reported the bylaws are in draft form and have been fashioned after those of the Kansas Advisory Group (KAG). Everyone will be sent a draft for review and we will discuss them at our next meeting.

4) **Report from other Task Forces/Workgroups**

a) Continuum of Care Taskforce

Randy explained there are three (3) areas of behavioral health care Secretary Keck (KDADS) and the Governor's Behavioral Health Services Planning Council are looking at.

1. Early Childhood – The group is looking into credentialing and the use of appropriate diagnosis codes to make these services eligible for reimbursement by insurance companies.
2. Parent Engagement – The group is exploring parent-driven processes and wrap around models in making behavioral health services more family centered.

3. Psychiatric Residential Treatment Facilities (PRTFs) – PRTFs are for treating chronic mental health problems, and have an 80% success when the services are provided as originally intended. The Taskforce is recommending that the prior 60-day length of stay in a PRTF be reinstated.

Randy said KDADS lacks data due to the contract with the University of Kansas ending.

b) Judicial Council

Kathy reported the Child Welfare Task Force has a report of their findings in draft form. They have found PRTFs are utilized differently than originally intended. Youth are not in the PRTF long enough to stabilize. Parents refuse to accept the youth back home, and this creates a placement problem. If there is no medical necessity, it is hard to place these youth in foster homes. Lack of placement options continues to be a problem.

c) High Needs Task force

Kathy reported the KANCARE Workgroup includes stakeholders from many agencies and contractors, such as the managed care organizations administering KANCARE. They are exploring a progress improvement initiative. They are looking at data for youth who have 1) one or more PRTF placement, 2) acute hospital stay(s), and more than eight (8) placements per year. The Workgroup wants to increase behavioral health care services to improve outcomes. They want their initiative(s) to be statewide and consistent. KDHE and DCF are preparing a report with recommendations in the Summary. They hope to be done by the end of the year. Randy mentioned reinvestment money may apply to what this group ends up doing.

5) Discussion of Annual Report

The committee worked through the draft of the Annual Report a few pages at a time. These minutes include significant content additions, changes and deletions. Spelling and grammatical corrections are not noted here. All changes are on file with this committee's support staff person, Karyl-Ann Roehl, at KDOC.

Pages 1 through 3 to Collaborative Implementation Updates

Page 1:

- Remove FY18 since it only includes partial data.
- Add [and stakeholders] after "...numerous individuals..."

Page 2:

- SB42 added two (2) new duties to this committee. These will be noted.
- Add citation(s) for Implementation Science discussed.
- "created and adopted" will be changed to "created and recommended."
- "contains" will be changed to "includes."
- Add our definition of Recidivism.
- SB42 added two (2) more people to this committee. We went from 19 to 21 members.

- Lara moved, and Kevin seconded, to approve these changes. Motion carried.

Pages 3 through 5 Collaborative Implementation Updates

- MST was piloted in September 2013, then discontinued July 2017 when the provider did not renew the contract.
 - There was a bit of discussion about whether or not EPICS II should be reflected in the programs table. EPICS is more of a skill set as opposed to programming. Court Services trains on EPICS, and KDOC trains on EPICS II. We really want to note the programs youth are a part of in this table, as opposed to services provided. The decision was to remove EPICS from the table and write about it under the Training section.
 - Randy suggested adding hyperlinks to the document so readers can click on them to learn more. Jen will add links for program explanations also.
 - ART was also piloted at KJCC.
- Randy moved, and Lara seconded, to approve these changes. Motion carried.

Pages 5 through 7 Training through Additional Collaboration

- We will clarify “community supervision” as “community corrections staff.”
 - The box about grants should be updated to reflect there are four (4) grants at \$250,000 each.
 - Amount of grants varies by “judicial district” as opposed to by county.
 - Jen will add a couple of sentences here about EPICS II.
 - Amy provided updated training numbers as of October 25th, so those were updated.
 - Show both KDOC and Court Services are doing the same graduated responses. Also add when trained/implemented.
- Kathy moved, and Sen. Pettey seconded, to approve these changes. Motion carried.

Pages 7 through 9 Additional Collaborative Accomplishments

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- Under “KDOC” delete the first sentence.
- Lara moved, and Amy seconded, the change be accepted. Motion carried.

Pages 9 through 10 Judicial, Law Enforcement, Department of Education

- Statute numbers will be used.
- Anecdotes on Notice to Appear will be deleted.
- There was some discussion about how to word the MOUs the Department of Education asked the school districts to get signed. All districts submitted MOUs although some lacked signatures of law enforcement, district/county attorneys, and judges. Judge York said a lack of signatures means no MOU. Amy said the statute says ‘collaboration’ in lieu of MOU. Don felt each district completed their obligation to collaborate with law enforcement, attorneys and judges. The statute

names each entity who is to be party to this collaboration. Sen. Smith asked how many school districts were successful in submitting fully executed MOUs. Janet will find out the numbers and report.

- Melody moved, and Randy seconded, the changes to this section be approved with the caveat we are waiting on Janet's numbers on how many were fully executed and how many were not. Motion carried.

Janet came back later in the meeting with these MOU numbers:

- Over 100 lacked signatures of a court official or judge.
- A little over 30 lacked a signature from law enforcement.

Amy suggested the wording, "Over half successfully executed..."

Department for Families and Children

- In a graph in the DCF section, there was discussion around defining "JIAS custody." Technically, youth are not ever in JIAS custody. Kathy will check with her data people and advise Jen today on this verbiage.
- Add KDOC to the list of agencies looking at data.

- Lara moved, and Megan seconded, these changes be accepted. Motion carried.

Page 11 KDAI Section

The committee talked about the KDAI overrides. We decided to include a definition of "override" for clarity. There were 449 total KDAIs administered; 52 rated as high, 63 rated as moderate, 227 rated as low. There were 63 overrides. These numbers will be converted into percentages. Megan will provide a breakdown of the override data.

- Randy moved, and Melody seconded, these changes be approved. Motion carried.

Megan reported later in the meeting on the overrides:

- 63 overrides in total
- 8 were scoring errors ("unnecessary overrides, improperly scored" verbiage will be added.)
- 45 where overridden to detain the youth
- 10 were overridden to release the youth

Pages 11 and 12 Summary of Averted Costs section

- The reference to the state treasury will be deleted and replaced with the actual name of the account.
- We will note SB367 was later clarified by SB42 in 2017.
- Don asked about the calculations appearing in the table. The statute says we are to report on the money saved due to a decrease in out-of-home placements. He is not sure if these numbers are reflective of that. Randy reported these numbers come from separate budgets, so represent savings in these budgets. Sen. Smith mentioned in last week's testimony, he asked the word "calculate" be replaced with the word "monitor." Judge

York said this committee had not discussed that recommendation. Sen. Smith noted her concern.

- Lara suggested the table be rearranged for those readers who are unfamiliar with the budget process. She thought it would make more sense that way.
- Kathy recommended we changed “avoided costs” be changed to “finds transferred.”

Pages 12 and 13 Recommendations for Reinvestment

- An example of criminogenic needs will be added to the discussion about youth scores and needs.
- We will add “and need areas” after ‘risk scores.’
- Under Local Community Resources, we will add “...will allow reinvestment” in collaborations...
- In local community needs, we will change the number of JCABS to 30 from 31, and note their reports are sent to this committee.

Additional charts added by Jen

- The “Number of Youth in JCF” will replace the graph on page 8.
 - In absence of data from OJA, the Share of Probation, Youth by Risk Level will be deleted.
 - FY18 will be removed from the Number of Youth in Out-of-Home Placements by Type and Year. This graph shows a decrease.
- Melody moved, and Kevin seconded, the draft of this report be approved. Motion carried.

Discussion

- Kathy said we should consider showing the increased number of CINC cases as the juvenile offender number have decreased.
- Amy noted the number of filings have decreased and this should be added. There are not as many youth in the system. Paula felt it important to show the number of filings has changed. It was agreed to create a separate graph as the data is related, yet should be separated. The graph will include a footnote.
- Sen. Pettey suggested adding a summary of averted costs.

Megan moved, and Pat seconded, these changes be approved. Motion carried.

Plan of Action

The report will be released, when ready, to statutory recipients first, then the community, and last, on the KDOC website.

Judge Hofaker would like to see the final draft before it is released. Sen. Smith cautioned against violating the Open Meetings Act, saying we cannot talk or email about the report between ourselves once the draft is out. The only email we can send is one saying we need to meet to discuss the report further.

1. Jen will get the final draft to the committee members on or before November 20th.

2. Committee members will have two (2) days, until November 22nd, to review the report.
3. The committee will only meet if there is a problem with the report. Silence means “no need for a meeting”.
4. The report will be delivered to the intended recipients on or by November 30th.
5. A couple of days after that, it will be posted to the KDOC website.

6) Discussion of Agenda for the Next Meeting

Randy suggested we discuss the use of the reinvestment money before (or at the beginning of) the next legislative session.

Don suggested that no amendments to SB367 be introduced to the legislature without prior committee approval. He wants the committee to discuss our approach when asked to testify on behalf of the Oversight Committee. It was agreed that we will discuss this at the next meeting.

The next meeting is planned for THURSDAY, DECEMBER 14, 2017 AT 1:30 p.m.

The meeting adjourned at 11:41AM.

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