



# Implementing Comprehensive Juvenile Justice Improvement in Kentucky

October 2017

**The Crime and Justice Institute (CJI)** at Community Resources for Justice strives to make criminal and juvenile justice systems more efficient and cost effective, and to promote accountability for outcomes.

We take pride in our ability to improve evidence-based practices in public safety agencies and gain organizational acceptance of those practices in difficult work environments. We create realistic implementation plans, put them into practice, and evaluate their effectiveness to enhance the sustainability of corrections policies, practices, and interventions.

CJI provides nonpartisan policy analysis and practice assessment, capacity- and sustainability-building technical assistance, research and program evaluation, and educational activities throughout the country.

## BACKGROUND

The population of Kentucky youth housed in juvenile detention centers and other out-of-home placements has fallen by 40 percent in two years, outpacing predictions following the passage of Senate Bill 200 (SB 200), a sweeping juvenile justice improvement bill.

Although it's still early in the implementation process, the decline in that population is among the positive results the state is already seeing from SB 200. This transformative legislation aimed to improve outcomes for youth involved in the juvenile justice system while maintaining public safety.

In 2013, Kentucky partnered with the Pew Charitable Trusts and the Crime and Justice Institute (CJI) to craft a package of juvenile justice system improvement legislation aimed at reducing out-of-home placements while protecting public safety, holding youth accountable, and improving outcomes for those in the juvenile justice system. The legislation passed in 2014. Later the same year, the Office of Juvenile Justice and Delinquency Prevention selected Kentucky as one of the first states to participate in its Comprehensive Juvenile Justice System Improvement Initiative. As part of the initiative, the state received training and technical assistance from CJI to support implementation of the improvements.

## EARLY POSITIVE OUTCOMES FROM SB 200

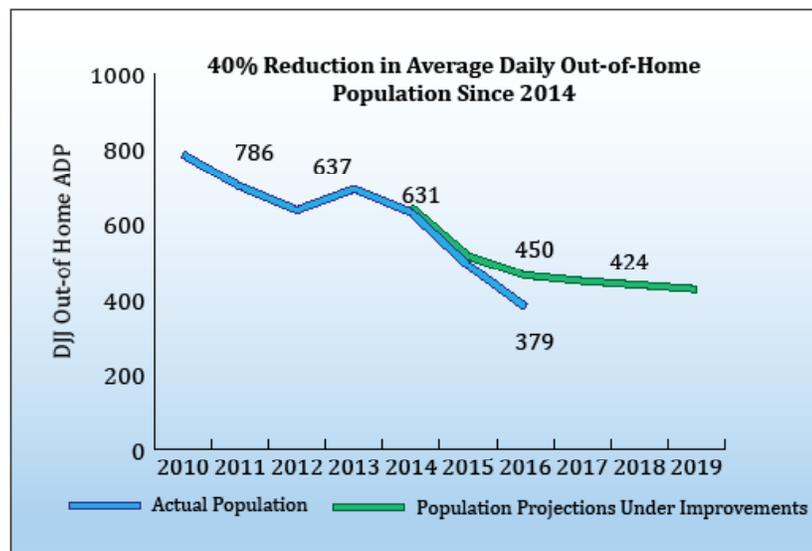
Kentucky has experienced early positive results following passage of the bill including reductions in the number of commitments to state custody; increased

access to diversion, a process that holds youth accountable without going through the formal court system; and reduced recidivism rates.

## OUT-OF-HOME POPULATION DOWN 40 PERCENT IN PAST TWO YEARS

One goal of SB 200 was to limit the number of youth placed in juvenile detention centers or other supervisory programs that remove them from their homes. The bill was projected to reduce the Department of Juvenile Justice’s (DJJ) out-of-home population by more than one-third by 2019. Kentucky has already surpassed this projection with a 40 percent decline in the out-of-home population since 2014. The reduction in the out-of-home population is driven by fewer youth committed for misdemeanors and violations of probation.

FIGURE 1<sup>1</sup>



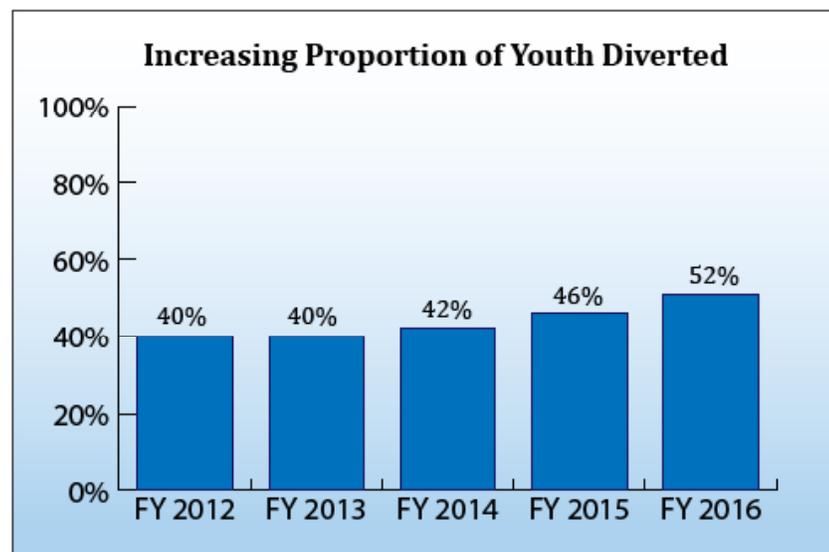
Now, a higher proportion of commitments, or admissions, to state custody are for more serious felony crimes. The changes in the use of state custody indicate that the state has made significant progress toward meeting the goal of reserving Kentucky’s most expensive resources for youth who are charged with serious offenses or who have significant prior histories with the justice system. In 2016, 74 percent of DJJ commitments were felony offenses compared to only 47 percent in 2012.

<sup>1</sup> “Actual population” data source: Kentucky Department of Juvenile Justice Monthly Population Sheets. “Projected population” data source: Pew Charitable Trusts and CJI analysis of Kentucky Department of Juvenile Justice data.

## A GROWING PROPORTION OF YOUTH ARE DIVERTED AND DIVERSION SUCCESS RATES REMAIN HIGH

SB 200 mandated diversion for youth committing their first misdemeanor offense and expanded eligibility for diversion through the juvenile court rules. Diversion allows youth to be held accountable for their actions while minimizing formal involvement with the court system. Since the implementation of the improvements, the proportion of youth receiving diversion agreements rather than going through the court system has increased as intended.

FIGURE 2<sup>2</sup>



Successful completion rates for youth referred to diversion remain high and recidivism rates for youth who successfully complete diversion remain low. In 2015, more than 80 percent of youth with diversion agreements successfully completed diversion, and only one in four of them reoffended within one year.

<sup>2</sup> CJI analysis of Administrative Office of the Courts data.

## KENTUCKY'S LEGISLATIVE IMPROVEMENT

The out-of-home population decline and the increased use of diversion are a direct result of SB 200. Prior to the improvements, Kentucky had not realized significant declines in the out-of-home population that other states had experienced. Kentucky's out-of-home population levels had been relatively stable since 2012 and actually increased in 2013.

Further driving Kentucky's desire for improvement was the large number of youth entering the juvenile justice system for status offenses, or offenses that would not result in charges for an adult (e.g., habitual truancy or running away from home). In addition, the state had increased the proportion of youth with limited prior involvement with the juvenile justice system sent to out-of-home placements for misdemeanor offenses and community supervision violations. Analysis showed that youth committing misdemeanor offenses and probation violations made up a majority of the young people (ranging between 55 percent and 87 percent) in out-of-home placement.

To address these concerns, Kentucky formed the bipartisan, inter-branch Unified Juvenile Code Task Force in August 2013. CJI, in partnership with the Pew Charitable Trusts, provided technical assistance to the Task Force, which brought together juvenile justice stakeholders throughout the state to develop recommendations to expand access to timely, quality treatment in the community; focus the state's most intensive resources on cases of serious and chronic offending; and enhance data collection and oversight mechanisms to measure the success of policies implemented through the improvements. The Task Force's recommendations were incorporated into SB 200. After the House and Senate passed the legislation, Kentucky Governor Steve Beshear signed SB 200 in April 2014.

SB 200 requires more effective use of state resources to hold youth in the state accountable, achieve better outcomes for youth and their families, and maintain public safety. Numerous policies in SB 200 are linked to the improved outcomes since 2014. Expanded access to diversion and improved diversion success rates are linked to the policies that require the use of graduated responses for youth on diversion, and establish Family, Accountability, Intervention and Response (FAIR) teams to develop enhanced case management plans and service referrals for youth on diversion. Reductions in out-of-home placement are linked to the SB 200 policies that require graduated responses for youth on probation and prohibit DJJ custody options for most youth committing their first misdemeanor offense and Class D felonies with limited prior history.

*"Sweeping changes to our Unified Juvenile Code focused on community-based treatment as an alternative to detention. Because that goal dovetails with the work of our Court Designated Worker Program, CDWs found themselves on the front lines of juvenile justice reform. Technical assistance from the Crime and Justice Institute was invaluable in the early days of the transition and we're grateful for CJI's ongoing support as we move from implementation to more advanced stages of reform."*

-Rachel Bingham, Executive Officer for the Department of Family and Juvenile Services of the Kentucky Administrative Office of the Courts



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## IMPLEMENTATION ASSISTANCE FOR KENTUCKY'S JUVENILE JUSTICE IMPROVEMENTS

Over the past three years, CJI has received funding from the Office of Juvenile Justice and Delinquency Prevention's Comprehensive Juvenile Justice System Improvement Initiative to support Kentucky's implementation of SB 200. CJI has worked with stakeholders to build the state's capacity to continue improvement efforts once technical assistance ends. Specifically, CJI has assisted Kentucky with data collection and performance measurement, the implementation of risk and needs assessment tools to determine the youth's risk of re-offending, training for juvenile justice staff, and the implementation of evidence-based programming and effective case management.

### Data Collection and Performance Measurement

To measure the impact of the improvements, SB 200 established an oversight council, as well as requirements for data and reporting. In collaboration with state agencies, CJI developed performance measures to assess the impact of SB 200 policies and determine if the improvements are achieving their intended outcomes. The measures also provide information that stakeholders can use to guide future decisions in the juvenile justice system.

### Risk and Needs Assessment Tools

Immediately following the passage of SB 200, DJJ developed its own risk assessment tool to identify a youth's risk of re-offending and inform decision-making at sentencing. To ensure that the tool continues to be used properly and provides reliable information, CJI conducted data analyses when the tool was piloted and developed a quality assurance process to monitor scoring consistency.

### Trainings

To expand the use of evidence-based practices throughout the juvenile justice system, CJI developed two training curricula for court staff who work with youth in diversion and DJJ staff who work with youth on probation and in state facilities. The first training taught participants about the principles of effective intervention and cognitive interactions skills – these skills equip staff with techniques to teach and model prosocial skills for youth on their caseloads. The second training focused on using graduated responses with youth in diversion, teaching staff how to show approval or disapproval of a youth's behavior and respond with appropriate sanctions or rewards.

Both trainings included a “train-the-trainer” component. This approach is a critical component to build state capacity to sustain the implementation of SB 200 and improve outcomes for youth throughout the juvenile justice system.

## Evidence-Based Practices and Effective Case Management

As improvements to DJJ’s case planning process and expansion of evidence-based programs were required in SB 200, CJI has been helping Kentucky restructure its juvenile case planning process to focus on addressing the needs that are most directly tied to the youth’s likelihood of re-offending. The state also expanded the portfolio of evidence-based programs offered by DJJ. To support ongoing quality program delivery, the state hired two staff in April 2016 to oversee model fidelity. CJI trained the coordinators to help them assess the extent to which DJJ’s evidence-based programs are implemented as designed.

## RACIAL DISPARITIES

Although the improvements have only been in place for a year and a half, Kentucky data shows some early positive impacts—a reduction in commitments to state custody and higher diversion success rates. However, analysis also shows that white youth have disproportionately benefited more than black youth from Kentucky’s improvements.

Since the improvements passed in 2014, the number of white youth placed in DJJ custody decreased 45 percent, while the number of black youth placed in DJJ custody only decreased by 25 percent during the same period. The data further show that white youth are more likely to receive a diversion agreement (versus being referred to the court for formal processing) than black youth. Given these data findings, the state’s Juvenile Justice Oversight Council is working on policy changes to address racial disparities in the system.

## NEXT STEPS

CJI continues to support Kentucky’s implementation efforts while expanding the capacity of state agencies. In order to support the implementation of evidence-based practices, CJI plans to prioritize trainings for stakeholders and staff throughout the state, including principles of effective intervention and the use of graduated responses for judges, effective case management training for DJJ, and model fidelity training for DJJ’s evidence-based programs designed to reduce recidivism.

CJI will also continue to provide support for risk assessment implementation and performance measurement to ensure that the policies being implemented in Kentucky enhance objective decision-making and improve outcomes for youth in the juvenile justice system.

In addition, CJI will continue to conduct data analyses and develop performance measures regarding the Juvenile Justice Oversight Council's proposed recommendations to be considered for implementation in 2017, including expanding diversion eligibility, reducing the use of detention, revising the process of transferring juvenile cases to the adult criminal justice system, and improving training, education, and data reporting on racial disparity issues. CJI will continue to support the Oversight Council's work through routine performance measurement and building capacity within the state agencies to report issues to the Council.



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