

Fayette County Public Schools
District Safety Advisory Council
Juvenile Justice
03.08.18
Meeting Notes

Special guest/Subject matter experts of the meeting were Rachel Bingham, Executive Officer, and Elton Terry, Regional Supervisor, both of the Department of Family and Juvenile Services, along with Heather Matics, Assistant County Attorney of the Fayette County Attorney's Office, and Judge Elizabeth "Libby" Green Messer of the Fayette County Family Court.

Elton explained that his office is the pre-court process. They handle all complaints against juveniles under the age of 18, both Status offenses and Public offenses.

- Status offenses can only be charged to those under 18, such as runaway charges, or "beyond control of parent," charges.
- Public offenses are committed by a youth that also could be constituted as a crime for an adult.

Elton continued to explain their process:

- Over several meetings, they explain the charges and review their rights.
- Administer evidence-based screeners to address the needs of youth and appropriate interventions.
- Offer Diversion Agreement which can last up to six months.
- Provide services through referrals.

In considering trends in Juvenile Justice, Elton explained that there has been a national shift in thinking making the system less punitive. Kentucky has been very progressive in this initiative. Diverting kids away from court has been the cornerstone of their office. Detention is a last resort. They have closed 4 detention facilities and are using other interventions and alternatives.

Suggestions to improve the system:

- Make it easier to navigate for families
- Educational component for parents
- Attempt to shift the perception away from youth and families viewing his bureau as "trying to get them" to "trying to help them."
-

What could schools do to make a difference?

- Don't rush. Take time to study best practices in other districts.
- Hire more treatment providers.
- Make services more easily available.
- Implement mentor programs.

Judge Messer went on to share her concerns regarding moving to be less punitive in 2012, there has been a gap in services offered for these kids. Prior to 2012, the system was over-

incarcerating for *pardon her French* “pissing off adults” such as truancy, probation violations for minor offenses. In 2012, Kentucky ranked 4th in the nation for number of kids incarcerated. The intention was to offer alternative services like tutoring, means to get to and from school, education, job preparedness programs. The idea was to shape the system to keep kids out of jail using front-end services rather than punitive while at the same time keeping the community safe. Unfortunately, they did not have alternatives in place prior to the law changing. They are playing catch-up using the same resources they had in 2012 but without the option for detention. Detention rates are down, but there is a gap in resources.

There is also an issue in timing from the time a petition is filed with the CDW (Court Designated Worker.) All parties are at their wits’ end from trying many types of interventions, only to get many more hoops to jump through to end up at the County Attorney’s office. At the County Attorney’s office, they follow all their protocols (decide whether to prosecute, etc.) before parties end up before a judge. By this time, there may be a 6-month lapse from the time the offenses were committed.

Bottom line:

- Speed of processing
- Actual resources
- In closing these detention centers, the money trickle down was supposed to fund programs like evening reporting centers and better probation options
- Great ideas - no tools
- Schools need to come together with justice department to bring tools

Heather Matics mentioned when she was placed in Juvenile Justice two years ago, she thought “Who did I make mad!?” because the juvenile system is so different from the adult system.

Basic roles/procedures of the County Attorneys’ office in Juvenile Prosecution

- 1) Before charges are filed, their bureau is used as a consultant (i.e. Do we have enough evidence? Should we handle this administratively?)
- 2) CDW is gate number one. Juvenile prosecutors are gate number two.
- 3) They are the VOICE of the victim and the Commonwealth and its citizens.
- 4) Handle the court proceedings from initial court appearance through sentencing
- 5) Participate in multi-agency safety efforts
- 6) Protect the interest of the accused

They use their relationships with schools and officers to learn background about the child to help assess seriousness and intent of some crimes. For example- A disgruntled kid says he wishes his teacher would drop dead. Are they blowing off steam or do they present a true threat? Criminal intent vs. Poor Judgement.

When there are weapons involved, the judge will typically opt to detain the minor, even if they don’t stay detained, because it will result in a quick court appearance and make arrangements with the family to safely supervise them in the community.

Ms. Matics dispelled many myths about her office, one of which being the Prosecutor is against the child. This is not true. As a human being and a parent, she truly cares about these kids. And she stated even if she didn’t truly care, it is her job per KRS statute.

Typical Juvenile Sentences:

- Fine
- Community Service

- Unsupervised Probation
- Supervised Probation (school attendance monitored, random drug testing, drug/alcohol or mental health treatment, workshops, home detention, curfew)
- Commitment to DJJ (removal from the community)

Trends in Juvenile Justice:

- GUNS (tried as an adult if probable cause established and the firearm was not only possessed, but used)
- GANGS (car theft, engaging in criminal activity to commemorate a departed friend)
- NAKED PICTURES (child pornography: all parties can get into trouble, the person taking the picture, sending, receiving, disseminating. Sometimes used as blackmail for sexual favors.)

Areas where change is needed:

- Length of time between offense and accountability
- Increased availability of community-based interventions
- Youth Advocate Program (**evening reporting center**)

There is a need to understand language and definitions. Examples include:

Diversion
Prevention
Education
Accountability
Treatment

If a child does not have prior history and commits a misdemeanor, they are automatically eligible for Diversion. Diversion is an intervention, frequently involving a contract that may include Community Service, Mental Health Assessment, a school project. It can be a valuable tool for steering a child in the right direction. It is customized to the individual and situation.

Questions, Answers and Comments from the Panel:

What is the Youth Advocate Program?

Judge Messer responded that it is a program where youth are paired with an adult in their zip code in their community who can be close by when parents aren't available and used as a mentor. They are available 24/7 and will never "fire" the kid. However, currently youth advocates are only available to kids already in the Department of Juvenile Justice probation program (highest level probation). She said this is another example of a back-end solution to a front-end problem.

Principal on council thanked the speaker for clearing up the common misconception that the CDW is "out to get kids." What is the success rate of the supports that are given by the CDW?

For Public Offenses with opportunity for Diversion: 90%

For Status Offenses: 82%

Recidivism Data shows that approximately 40% of juveniles are showing back up at 18 as an adult. The goal is to move Diversion toward more of a "case plan" rather than a checklist. This is the evolution of reform.

If I'm a parent with a troubled child who is not yet "in the system," where should I go for help?

Utilize school family resources such as guidance counselors.

In 2012 when the pendulum shifted to be less punitive (closing detention centers), where should the funding be shifted?

Evening reporting centers during non-school hours, which can provide not only supervision, but treatment at the same time. These centers have tutoring, counseling, food, access to resources. They would act as a middle treatment and alleviate the Cabinet of Health & Family Services, which is already overwhelmed. Lexington has very few options like this, but Louisville has many.

A Pediatrician on the council was shocked that in 17 years of practice, he had never had a school or court administrator seek his advice or call his office regarding any of his patients. He exclaimed that he should be used as an advocate for his patients, but instead he finds out details from the local news.

This led to a discussion about HIPAA and patient confidentiality and how it leaves hands tied. There is a missing communication piece between agencies and PCPs which can only be done through releases. The school couldn't contact pediatrician without parent's consent. Most of these students have an outside therapist which makes it easier to circumvent FERPA/HIPAA.

Inquiry regarding the school to prison pipeline and what could be done to turn public perception around of schools like MLK from just being a "holding cell" to kids who would later end up incarcerated.

Judge Messer agreed that these schools could be ground zero in implementing the best programs we can offer; that if we could flood these troubled schools with our best resources, we could change public perception and change these kids' lives. We need to bring these schools back to what they were designed for versus what they've become.

How can we support parents/caregivers to help families?

Charity and Philanthropy. Don't count on state funds. Our community is very generous, but we need to mobilize it.

Other notes:

- If a minor commits a felony, they are not eligible for Diversion.
- Messer suggested getting a smaller version of CDW within the schools; "School based Juvenile Justice."
- Extreme circumstances drive change.
- Schools are the primary intervention for students transitioning from detention back to school.
- Parents must talk to kids about the high stakes of nude pics