

**Local Mandate Fiscal Impact Estimate
Kentucky Legislative Research Commission
2014 Regular Session**

Part I: Measure Information

Bill Request #: 87

Bill #: SB 200 SCS 1

Bill Subject/Title: AN ACT relating to the juvenile justice system and making an appropriation therefor.

Sponsor: Senator Whitney Westerfield

Unit of Government: City County Urban-County
 Charter County Consolidated Local Unified Local
Government

Office(s) Impacted: Local fiscal courts; sheriff departments; local law enforcement officers; and county attorneys.

Requirement: Mandatory Optional

Effect on

Powers & Duties: Modifies Existing Adds New Eliminates Existing

Part II: Purpose and Mechanics

SB 200 SCS 1 promotes the reduction in out-of-home placement of Kentucky youth; the reduction in length of stay of juvenile status offenders¹ in secure detention facilities; strengthening early intervention and prevention programs, and improving community supervision of juveniles.

SB 200 SCS 1 is attempting to enact certain recommendations of the **2013 SCR 35 Report of the 2013 Task Force on the Unified Juvenile Code**. The Task Force reviewed the juvenile justice system and found Kentucky is spending significant resources on out-of-home residential placement for low-level status and public offenders. Lower-level offenses make up a significant share of the juvenile justice system. The

¹ A **status offender** is a child found to have committed acts that if committed by an adult, would not be a crime but that are prohibited as to children. Acts by the child might include habitual runaway or truant, tobacco offenses, alcohol offenses, or beyond control of school or parent. A **public offender** is a child found to have committed an offense under KRS Chapter 527 or a public offense, that, if committed by an adult, would be a crime other than a motor vehicle offense (KRS 600.020)

length of time probation/court order violators and misdemeanor offenders spend in out-of-home facilities has increased 31 percent and 21 percent, respectively, over the past decade. The amount of time these offenders spend out-of-home differed by less than one month from those adjudicated on felony offenses.

According to the Task Force report, status offenders may be placed far from their homes, creating obstacles for involving families in services. A lack of funding for and access to services and alternatives in the community has contributed to more expensive commitments to the state Department of Juvenile Justice (DJJ), and the Department of Community Based Services as more youth are placed out of home.

The Task force **recommendations** include: expansion of community services, improving community supervision, focusing resources on higher-level offenders, strengthening early intervention and prevention programs, and increasing the effectiveness of juvenile justice programs and services.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The fiscal impact of SB 200 SCS 1 on local governments is indeterminable, but is expected to be a cost savings for local fiscal courts, as they pay for fewer juvenile status offenders in DJJ secure detention facilities and as juveniles spend less time in those facilities. Sheriff's offices would save time and the expense of transporting juveniles to any of eight DJJ secure detention facilities, although savings would be limited as the state reimburses sheriffs for the expense of feeding, lodging, and transporting status offenders. There would be some new costs as community-based services are developed, although the state must provide competitive grants under a fiscal incentive program to fund local efforts to reduce juvenile justice system costs. The Chief District judge in each judicial district must appoint a "family accountability, intervention, and response" team to work with juveniles. This will be a new duty for the office of the county attorney and for law enforcement which would require additional time and resources depending upon the number and complexity of cases referred for review.

In summary, over time and when and if local community resources are developed to provide preadjudication alternatives for juveniles committing status and depending upon how they are financed, there can be some local government savings from the current high cost of incarcerating juvenile status offenders.

Effect of Violating a Valid Court Order

Youth charged with status offenses are most often detained for contempt of court due to violating a valid court order. As an example, a court order could be issued mandating a youth not be truant from school for the rest of his or her juvenile years. There are currently no time limits on orders of detention for violation of a valid court order.

Section 25 of the measure amends KRS 600.060 to limit the length of stay in detention for contempt of a valid court order to ten days. **This would result in juvenile status offenders spending less time in secure detention facilities for each booking with an associated cost reduction to local fiscal courts.**

For the state as a whole and by county, the attached **Table 1** shows, for the prior 11 years, the number of juvenile status offender bookings in a secure DJJ secure detention facility. The bookings included those with contempt of a valid court order and those without. **In 2013 there were 1,125 juvenile status offender bookings from counties throughout the state.** These numbers include status offenders who may have been booked in the detention facility more than once during the calendar year. Counties with thirty or more status bookings during the 2013 calendar year included Bullitt (39), Campbell (52), Christian (34), Clark (35), Daviess (30), Fayette (104), Hardin (36), Jessamine (38), Kenton (82), Knox (34), Laurel (45), and Warren (44). Note that Louisville Metro runs its own secure detention facility for juvenile status offenders. Cost savings for local fiscal courts:

Under current law (KRS 15A.305), **DJJ may charge counties, consolidated local governments, and urban-county governments a per diem not to exceed \$94 for lodging juveniles in state-owned or contracted facilities.** DJJ operates eight secure juvenile detention facilities in locations throughout Kentucky including: Fayette County, McCracken County, Warren County, Hardin County, Adair County, Breathitt County, Campbell County, and Boyd County. Louisville Metro operates its own juvenile detention facility. The cost for housing status offenders in detention is paid by the **fiscal court** of the county in which they were charged. Note that Louisville Metro operates its own local youth detention center.

According to DJJ, for each of the prior five years, local fiscal courts have made the following total calendar year payments to the DJJ for juvenile status offenders lodged in any of DJJ's detention facilities. While the DJJ may have billed for more, these figures represents only the receivables of \$94 a day and medical related expenses.

2009 - \$1,093,937.04
2010 - \$950,695.19
2011 - \$672,645.49
2012 - \$673,402.57
2013 - \$533,131.17

Cost savings for sheriff departments:

Local **sheriff departments** transport juvenile status offenders to and from secure detention facilities and detention hearings by the court, with transportation often being across county boundaries. This takes **time and personnel** for sheriff departments. Under KRS 605.080, peace officers who transport a child from the committing court or from the detention facility of the committing court to a facility operated by the DJJ are allowed an amount prescribed by regulation adopted by the Finance and Administration Cabinet.

They are paid all necessary expenses for feeding, lodging, and transporting the child. The payment is from funds appropriated to the DJJ or the cabinet for this purpose.

Funds for Local efforts:

Section 2 of the measure directs the state Justice and Public Safety Cabinet, as funds become available, to develop a **fiscal incentive program to fund local efforts to reduce juvenile justice system costs**. Ninety percent of the funds would be for renewable competitive grants would be awarded to judicial districts, or groups of judicial districts, to establish **community-based** graduated sanction and treatment programs that provide alternatives to out-of-home placement. Ten percent would be for judicial districts, or groups of judicial districts, to fund individualized interventions on an occasional basis to avoid DJJ commitment for a limited number of youth. Renewal of a grant awarded must meet specified reduction in detention admissions, public offense commitments, or a combination of both.

As an example, some funds may be made available for local graduated sanction and treatment programs. Under Section 24 of the measure "graduated sanction" means any of a continuum of accountability measures, programs, and sanctions, ranging from less restrictive to more restrictive in nature, that may include electronic monitoring; drug and alcohol screening, testing, or monitoring; day or evening reporting centers; reporting requirements; community service; and rehabilitative interventions such as family counseling, substance abuse treatment, restorative justice programs, and behavioral or mental health treatment.

Community Focus on low-risk low-level offenders:

Section 23 adds a legislative purpose to the Kentucky Unified Juvenile Code that, to the extent possible, low-risk, low-level offenders should be served through evidence-based programming² in their community. In addition as the population in the DJJ facilities is reduced through increased use of community-based treatment reductions of the number of facilities should be considered.

Family Accountability, Intervention, and Response Teams (an additional duty):

Section 26 of the measure requires the Chief District Judge in each judicial district to appoint a "family accountability, intervention, and response" team of not more than 15 persons. This team is to review and advise Court-Designated Workers (CDWs) on certain cases. The team must include a representative of **law enforcement** and a representative from the office of a **county attorney** within the judicial district. **Team members serve without compensation. Duties** include review of referrals from CDWs involving cases in which a child failed to appear for a preliminary intake inquiry, declined to enter into a diversion agreement, or failed to complete the terms of agreements; and certain status

² Section 24 of the measure defines "evidence-based practices" as policies, procedures, programs, and practices proven by scientific research to reliably produce reductions in recidivism.

offense cases, if the court-designated worker, determined no further action is necessary. The team reviews actions taken and referrals made for the child and his or her family, efforts to address barriers to successful completion, and whether appropriate services are available to address identified needs. The team may make a referral back to the CDWs for further recommended action or to the county attorney if the team has no further recommendations to offer. This represents a **new duty** for the office of the county attorney and for law enforcement which would require **additional time and resources** depending upon the number and complexity of cases referred for review.

Data Source(s): Report of the 2013 Task Force on the Unified Juvenile Code (2013 SCR 35) Legislative Research Commission Research Memorandum No. 514, December 2013; Blueprint for Kentucky's Children (May 2012 Update), Ending the Use of Incarceration for Status Offenses in Kentucky, Kentucky Youth Advocates; Kentucky Department of Juvenile Justice; Kentucky Sheriffs Association

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Kentucky Department of Juvenile Justice
Prevention, Rehabilitation and Community Protection

No of Status Offender Bookings W/Contempt and W/O Contempt by County / Year												
County	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	
Adair	3	4	4	4	4	8	4	9	7	8	8	
Allen	9	29	22	26	38	15	29	7	7	8	7	
Anderson						3	1	2	1	1	2	
Ballard	2	2		5	4	1	3		4	6	1	
Barren	28	10	12	21	18	16	13	16	11	6	9	
Bath					2		3	2	7	6	4	
Bell			6	40	34	22	14	7	12	9	21	
Boone	46	24	20	12	31	17	18	24	15	10	8	
Bourbon	2			4	7	6	2	6	3	3	1	
Boyd	7	5	17	25	28	25	34	14	9	10	19	
Boyle			7	13	9	4	3	6	2	5	4	
Bracken		3	2		1	1	2					
Breathitt	4	7	5	5	10	3	7	12	5	8	7	
Breckinridge			5	5	3	7	1	8	5	8	8	
Bullitt		1	24	62	71	50	49	47	73	30	39	
Butler	2	3	3	2			1	3	2	5	2	
Caldwell	2	3	10	3	8	10	8		2	4	4	
Calloway	33	24	39	28	6	8	3	4	4	3	3	
Campbell	144	150	180	156	177	138	91	82	50	66	52	
Carlisle	5	3	1	2	1		1	1	2	1		
Carroll	9	4	12	7	20	11	7	11	6	5	2	
Carter	6	4	9	8	6	14	4	7	16	13	8	
Casey		3		2	1	2	1	1	1	3	1	
Christian	34	35	33	45	35	58	19	17	18	42	34	
Clark	8	13	11	34	38	41	33	33	36	37	35	
Clay				4		2	1	1			3	
Clinton		4	1								1	
Crittenden	1	5		7	1	2	5	3			6	
Cumberland	1	3	3				2	4	2	3	14	
Daviess	78	70	72	79	60	60	38	39	43	26	30	
Edmonson	1	1	4						1			
Elliott	5		1	3							1	
Estill	4	6	6	3	4	2	4	7	5	7	8	
Fayette		3	10	101	232	218	192	179	161	133	104	
Fleming		4	3	2	1	1	2	1			2	
Floyd	5	1	3	10	5	4	5			2	3	
Franklin				3	3	2	4	4	10	9	6	
Fulton	2	1	2	4	4	1	1	2	1			
Gallatin	1	3	1	3	5	4	5	1		2	1	
Garrard			3	5	2	2	4	2	1	2	7	
Grant	10	17	21	13	11	8	19	18	15	10	7	
Graves	8	13	25	20	15	12	10	5	7	22	11	
Grayson	1	1	28	17	4	5	12	14	4	10	10	
Green	19	1		1	5	7	4	5	3	1	1	
Greenup	5	1	6	4	8	7	10	5	2	7	2	
Hancock	3		1			1	1	1	2	2		
Hardin			37	78	85	80	52	33	42	49	36	
Harlan				6	22	4	1	1	1	1	3	
Harrison	10	7	8	6	4	24	7	5	2	2	5	
Hart			4	1	10	10	14	15	10	8	7	
Henderson	28	48	44	64	37	49	54	56	21	23	28	
Henry		3	11	2	2	2	5	3	2	2	2	
Hickman	1	1	3	5	4	3	2					
Hopkins	1	4	13	16	11	17	7	11	10	20	9	
Jackson				4	1			2				
Jefferson		1		3								
Jessamine			3	21	37	53	35	23	39	30	38	

Johnson	10	4	7	9	1	4	8	5	1	1	2
Kenton	176	206	259	204	223	260	299	211	169	114	82
Knott	5	4	1	2	3	3	6	3	2		2
Knox			30	55	68	27	36	32	54	52	34
Larue			9	6	9	6	12	12	4	5	1
Laurel			8	12	43	42	27	35	35	48	45
Lawrence	1	2	2	2	2	1	5	1	3	2	
Lee	3						4	4	3	3	4
Leslie	1			2					1		
Letcher	10	26	27	22	24	13	13	11	10	10	11
Lewis	3	3	1	7	10	7	3	5	5		3
Lincoln			3	1	6	2	1	3	2	3	1
Livingston	2	2	1	1	1	2		1			
Logan	15	41	28	20	12	11	24	11	14	6	9
Lyon	2	2	1		2	1	1		1		
Madison				24	64	40	23	35	35	19	22
Magoffin	3				3	3	1			1	
Marion			5	18	12	1	2	5	10	2	7
Marshall	2	7	6	5	5	3	7	6	2	1	1
Martin	2	1	4		2	6	5	3	6	4	14
Mason	1		5	3	9	4	3	3		4	1
Mccracken	94	87	126	149	160	148	106	61	20	52	29
Mccreary			7	16	31	14	15	12	5	3	4
Mclean	7	7	5	4	4	1	7	4	2	8	2
Meade			19	22	28	10	20	26	23	19	28
Menifee	2		1	1	4	1	1	2	1	1	1
Mercer			2	2	1	2	2	4	1	4	3
Metcalfe		2			3	3	2		6		1
Monroe	2	1	4	3	3		2	1	1	6	3
Montgomery	8	5	9	21	19	3	11	9	6	7	4
Morgan	2	4	3	2	3		2	6	2	2	3
Muhlenberg	21	10	33	20	16	9	9	14	10	14	4
Nelson		1	8	11	15	5	6	8	4	7	9
Nicholas	4	9	3	11	5	2	3		3	1	1
Ohio	5	3	2	1	3	9	4	3	7	4	7
Oldham	6	5	4	6	5	2	2	1	1		3
Out Of State						2					
Owen	1	1	4	1	13	1	4	1	6		
Owsley	1					2		2	1	3	11
Pendleton	5	14	10	5	7	14	11	8	7	21	12
Perry	23	15	14	11	27	17	24	13	10	17	7
Pike	6	9	18	16	21	19	15	6	14	21	13
Powell	3	6	2	5	5	3	1	3	1	10	5
Pulaski			5	7	27	15	12	5	4	1	6
Robertson	1	1		1	1						
Rockcastle				1			1		1	5	2
Rowan			1	5	6	3	3	3	1	6	6
Russell	6	6	4	2	4	1	1	2	2	3	
Scott			1	12	13	9	9	21	12	7	8
Shelby			2	4	4			2	3	2	4
Simpson	9	17	24	18	20	17	11	2	7	13	5
Spencer				1	2		4	3	2		
Taylor	12	11	14	21	19	19	7	16	3	5	4
Todd	4	9	7	5	4	8	5	5	7	8	4
Trigg	4		7	5	3	1	6	3	1		3
Trimble	4		1		1			4		2	
Union	6	2	4	6	3	5	9	5		6	2
Warren	51	71	92	83	71	54	37	43	38	44	44
Washington			4	9	13	4	5	1			1
Wayne	2	1	2	1		1	2	2	6	15	10
Webster		6	3	5			3	2	2		1
Whitley			21	30	54	43	55	65	26	15	8
Wolfe	4	4	7	5	4	3	3	2	2	1	3
Woodford			1	8	5	3	5	15	4	3	1
Yearly Total (All Counties)	1057	1130	1606	1923	2251	1929	1752	1530	1291	1279	1125

*Yearly total represents the total number of times a child who is a status offender enters a DJJ secure detention facility during the year. An individual child could enter a detention facility more than one time throughout the year.