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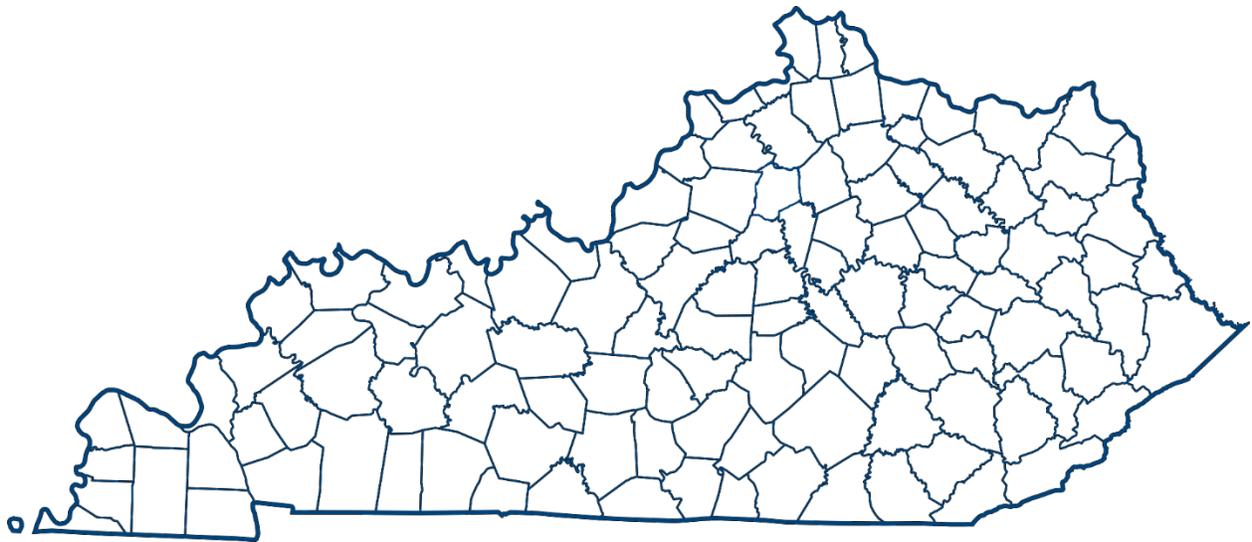
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Kentucky

Juvenile Justice Reform Evaluation

September 2019

Implementation Evaluation Report



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Table of Contents

| | |
|---------------------------------------------------------------|----|
| Executive Summary | 4 |
| Evaluation Methods | 4 |
| Evaluation Findings | 4 |
| Recommendations for Kentucky | 5 |
| Lessons Learned for Other Jurisdictions | 7 |
| Introduction | 8 |
| SB 200 Implementation Timeline and Activities | 9 |
| Evaluation Design and Methods | 12 |
| Data Sources and Qualitative Analysis Approach | 13 |
| Evaluation Findings | 15 |
| Reasons and Goals for Reform | 15 |
| Review of Initial Impacts of SB 200 | 17 |
| Implementation Process | 20 |
| Training | 20 |
| Communication Between and Within Agencies | 23 |
| Resources and Access to Community-Based Services | 28 |
| Discussion | 33 |
| Summary of Key Findings | 33 |
| Recommendations for Kentucky | 35 |
| Lessons Learned for Other Jurisdictions | 39 |
| Strengths and Limitations | 40 |
| References | 41 |

Executive Summary

The Juvenile Justice System Improvement initiative, formerly known as the Smart on Juvenile Justice System Initiative, began in 2014 and provided funding for technical assistance to states to implement system-wide reforms through the [Office of Juvenile Justice and Delinquency Prevention \(OJJDP\)](#). The goals of these reforms were (1) adopting developmentally appropriate evidence-based practices (2) eliminating racial and ethnic disparities, (3) maximizing cost savings while holding youth accountable, and (4) improving youth outcomes.¹ In April 2014, Senate Bill 200 (SB 200) legislation was passed in Kentucky, mandating a data sharing agreement between juvenile justice agencies, revising procedures for screening and assessing youth risk/needs, procedures for including more youth in the pre-court diversion program (through the Court Designated Worker Program), and for reducing youth commitments and length of commitments to the Department of Juvenile Justice (DJJ). SB 200 also aimed to increase community-based services made available to youth through reinvestment of savings achieved from reductions in DJJ commitments.

Evaluation Methods

[Westat](#), in partnership with the [American Probation and Parole Association](#) (APPA), worked with Kentucky agencies to evaluate key juvenile justice reforms passed in the SB 200 legislation. The evaluation team used a retrospective qualitative evaluation design that included interviews, observations, and document review. Interview participants included Juvenile Justice Oversight Council (JJOC) members, the training and technical assistance provider (Crime and Justice Institute or CJI), and a sample of family/district court judges, court designated specialists (CDSs), court designated workers (CDWs), public defenders, directors of pupil personnel (DPPs), and advocates. The team also conducted observations during a sample of Family, Accountability, Intervention and Response (FAIR) team meetings and reviewed documents that were provided by the Crime and Justice Institute, and the two main Kentucky agencies leading the reform, the Administrative Office of the Courts (AOC) and DJJ.

Evaluation Findings

Our evaluation of the SB 200 reform effort examined the process of implementation, including perceived challenges, successes, and areas for continuing improvement. Below we highlight key findings for Kentucky stakeholders as they continue to refine their approach to providing supervision and services to justice-involved youth.

- **Key challenges of implementation.** Kentucky had several challenges when implementing SB 200, including on-going limited resources for state and local agencies, lack of additional funding to implement reforms, and lack of community-based services. Many of these challenges were exacerbated in rural areas, including insufficient public transportation, long commutes to services, and economic challenges for families and communities.

- **Implementation approach.** Training, engagement of staff, and collaboration among both frontline and leadership levels informally and through the JJOC and FAIR Teams were key in ensuring implementation of the reform.
- **Initial reported successes.** Initial performance measures reported by Kentucky and the Crime and Justice Institute indicate an increase in diversion from 2012 to 2017 and declines in DJJ commitments during similar time periods.
- **Continuing opportunities for improvement.** While initial performance measures indicate reform efforts are moving towards meeting the goals of SB 200, we also identified certain areas for improvement in the implementation process:
 - **Disproportionate minority contact.** White youth appeared to be benefiting from reforms compared to Black youth. Kentucky has implemented implicit bias training and began tracking performance measures and outcomes by race to develop a strategic plan, an annual racial equity assessment, and local action planning.¹ⁱ However, at the time of our assessment it was unclear whether these activities had resulted in reductions to DMC.
 - **Increases in charging levels and truancies.** Many stakeholders noted the potential for increase in overcharging of youth, including youth being charged as adults and with more serious crimes to avoid the diversion process. Initial performance measurement data do show increase in felony complaints during the reform period. Some stakeholders also shared concerns about the length of the diversion process and reduced judicial oversight leading to increases in truancy rates and delays in youth receiving supervision and services.
 - **Lack of access to community-based services.** Interviewees, especially those in rural areas, shared concerns related to a lack of community-based services and barriers to accessing services that are available.
 - **Lack of participation among FAIR team members.** Observation of FAIR teams revealed mostly positive meeting interactions among members, although some teams appeared to function more effectively than others. Observations also revealed a lack of participation in meetings by all required members, which is likely to hamper the ability of teams to fully address youth supervision and service needs.

Recommendations for Kentucky

Agency leadership often shared awareness of these issues during interviews and reported some steps underway to address them, for example, conducting implicit bias training to bring awareness of

¹ AOC staff, personal communication, September 2019.

disproportionate minority contact. We provide additional recommendations for Kentucky and lessons learned for other states implementing similar reforms below.

Recommendations for Kentucky

1

Disproportionate Minority Contact

- a. Continue to monitor DMC through performance measures.
 - b. Expand assessments to include other racial/ethnic minorities and at other stages of juvenile justice processing, including school-based referrals.
 - c. Conduct assessment of disparities in staffing demographics.
-

2

Increases in Charging Levels and Truancies

- a. Examine the use of judicial overrides and trends in charging levels.
 - b. Identify trends in school-based referrals such as truancies.
-

3

Lack of Access to Community-based Services

- a. Enhance data tracking for community-based services and conduct on-going assessments of service availability and delivery.
 - b. Assess the feasibility of increasing access to telehealth, in-home, and school-based services.
 - c. Assess the extent to which SB 200 reforms have resulted in increased funding for community-based services.
 - d. Assess the feasibility of providing grant writing support.
-

4

Assess Methods for Increasing Participation of Youth and Families in the Diversion Process

- a. Implement quality control procedures within the FAIR teams.
- b. Create an integrated process that allows for youth and families to be involved at various stages of diversion.
- c. Continue initial and refresher trainings for all stakeholders including those on FAIR teams.

Lessons Learned for Other Jurisdictions

Kentucky's experience implementing SB 200 has provided valuable lessons learned for other jurisdictions considering similar reforms. Lessons learned were identified through qualitative findings and shared directly by interviewees who provided advice from looking back on their own efforts. Below, we share insights to help make the ride a bit smoother.

Lessons Learned

1. **Identify a champion** devoted to leading the reform effort. Infrastructure must be implemented to aid in supporting the champion and sustainability of reforms.
2. **Obtain support from technical and training assistance (TTA) providers** early on in the process to help with planning, development, and implementation of reforms.
3. **Provide funding for the reform up front** to allow for partnerships with TTA providers and reduce challenges with implementation.
4. **Develop a buy-in and stakeholder engagement plan** to help manage state-wide transitions.
5. **Implement diverse and comprehensive trainings for staff** directly involved in reforms and others whose buy-in is necessary.
6. **Establish a multi-agency oversight council** to support inter-agency communication and leadership support of reform implementation.
7. **Improve data tracking before, during, and after implementation of the reform** to effectively identify areas for reform and monitor successes and unintended consequences.

Introduction

In 2014, the [Office of Juvenile Justice and Delinquency Prevention](#) (OJJDP) began its Smart on Juvenile Justice Initiative (now known as the Juvenile Justice System Improvement initiative). This initiative promoted system-wide reform efforts in juvenile justice with the goals of (1) adopting developmentally appropriate evidence-based practices, (2) eliminating racial and ethnic disparities, (3) maximizing cost savings while holding youth accountable, and (4) improving youth outcomes.ⁱⁱ

Kentucky was one of the initial states involved in the OJJDP initiative. Kentucky first received assistance from the Pew Charitable Trusts to help identify areas for improvement in the juvenile justice system to be addressed through legislative changes. With support from Pew, Kentucky drafted Senate Bill 200 (SB 200) which sought to strengthen the Kentucky juvenile justice system and improve outcomes for youth. Following passage of SB 200, with funding from OJJDP's Smart on Juvenile Justice Initiative, the Crime and Justice Institute (CJI) provided training and technical assistance to Kentucky for implementation of the reforms included in SB 200.

Objectives of SB 200 Legislation:

- Focus resources on most serious offending youth;
- Reinvest savings into strengthening early intervention and prevention programs;
- Increase effectiveness of juvenile justice programs and services; and
- Improve government performance by providing oversight.

SB 200 includes statutes that mandate a data sharing agreement between juvenile justice agencies, revised procedures for screening and assessing youth risk/needs, procedures for including more youth in the pre-court diversion program, and for reducing youth commitments and length of commitments to the Department of Juvenile Justice (DJJ). SB 200 also calls for increases in community-based services made available to youth through reinvestment of savings achieved from reductions in DJJ commitments.

[Westat](#), in partnership with the [American Probation and Parole Association](#) (APPA), worked with Kentucky agencies involved in the reform effort to evaluate key juvenile justice reforms passed in the SB 200 legislation. This report presents findings related to an evaluation examining the reform implementation process. A subsequent outcome evaluation will be conducted to examine long-term impacts for the juvenile justice system and youth.

SB 200 Implementation Timeline and Activities

The implementation of SB 200 began prior to its passage and continued for multiple years. It involved a diverse group of stakeholders, spearheaded by the Administrative Office of the Courts (AOC) and the Department of Juvenile Justice (DJJ) in collaboration with the Department for Behavioral Health, Developmental and Intellectual Disabilities (DBHDID) and the Department for Community-based Services (DCBS). These agencies were most closely involved in the SB 200 reform, but communication and collaboration with additional state and local agencies, advocates, practitioners, and other stakeholders has been on-going as well throughout implementation. Although Kentucky has taken an on-going approach to systematically implementing, reviewing, and updating reforms over time, most activities to establish key SB 200 requirements were conducted from 2014-2018. Below we present an overview of these activities as context for the implementation evaluation. This timeline was constructed using documents provided from annual reports, reform summaries, orientation presentations, and other information provided by AOC and DJJ.

| Key Agencies Involved in the SB 200 Reform | |
|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AOC | The Administrative Office of the Courts (AOC) is the operational arm of the Judicial Branch. The AOC supports court facilities and programs in all 120 counties, including the establishment and implementation of the Court Designated Worker Program and FAIR teams. |
| DJJ | The Kentucky Department of Juvenile Justice (DJJ) is one of the five departments under the Kentucky Justice and Public Safety Cabinet. The DJJ is responsible for prevention programs for at-risk youth, court intake, detention, residential placement and treatment services, probation, community aftercare, and reintegration programs, as well as the confinement of youth awaiting adult placement or court. |
| DBHDID | The Department for Behavioral Health, Developmental and Intellectual Disabilities (DBHDID) is among the departments and agencies within the Kentucky Cabinet for Health and Family Services. The DBHDID’s mission is to provide leadership, in partnership with others, to prevent disability, build resilience in individuals and their communities, and facilitate recovery for people whose lives have been affected by mental illness, intellectual disability or other developmental disability, or substance abuse. |
| DCBS | The Department for Community-based Services (DCBS) is another department within the Kentucky Cabinet for Health and Family Services. Among other things, the department provides family support; child care; child and adult protection; eligibility determinations for Medicaid and food benefits; as well as administers the state foster care and adoption systems. |

The Juvenile Justice Oversight Council (JJOC) was established in July 2014 as an extension of the Task Force on the Unified Juvenile Code to provide independent review of Kentucky’s juvenile justice system and make recommendations to the General Assembly. This Council consists of multiple stakeholders from various agencies appointed by the Governor and meets at least quarterly to review implementation of reforms including performance measures, new policies, fiscal incentive programs, and juvenile justice and education issues not addressed by the Task Force.ⁱⁱⁱ

The Court Designated Specialist role was created as part of implementation of the reform. The CDS receives the same trainings and performs similar duties as the CDW, but is also required to manage the FAIR teams and monitor cases that are sent to the FAIR team meetings.^{iv}

The pre-court diversion process was enhanced in 2014 for low-level offenders.^v AOC court designated workers (CDWs) and their counterparts, court designated specialists (CDSs) are responsible for investigating completion of complaints filed, completing risk and needs assessments, and supervising diversion agreements for youth. Diversion agreements are designed to provide services and hold youth accountable for behavior without court action.

Roles of CDW:

- Conducts preliminary investigations
- Formulates, enters into, and supervises diversion agreements
- Assists in placing children in alternative out-of-home placements prior to arraignment and after consultation with a judge

Roles of CDS:

- Performs all CDW duties
- Leads, convenes, and manages the FAIR teams

AOC and DJJ enhanced their use of risk and needs assessments.² The Risk and Criminogenic Needs Assessment (RCNA) was implemented within DJJ in 2015 to identify risk level and offense seriousness in an effort to limit the length of out-of-home placement and length of supervision.^{vi,vii} As part of continuous quality improvement (CQI), subsequent inter-rater reliability exercises were conducted, including the validation of the tool in 2018. Within AOC, a case management needs assessment—GAIN SS was refined in 2015 and an inter-rater reliability process was completed in March 2016 to identify needs among youth and refer them to programs and services.^{viii} Youth who score high on the GAIN SS are referred to the CDS who administers a longer and more in-depth assessment, the GAIN Q3. As part of the CQI process, AOC also conducted trainings on the GAIN Q3. For example, staff observations were conducted that led to a working group to rethink assessment administration and training processes for the risk and needs instruments. The Crime and Justice Institute (CJI) was heavily involved in the development of these assessments and related performance measures including pilot testing instruments, data collection methods, validation of instruments, and assisting with the training on use of these needs assessments.

Juvenile Court Rules of Procedure and Practice (JCRPP) were adopted. The JCRPP was reviewed by a newly created Supreme Court Standing Committee on Juvenile Court Rules of Procedure and Practice and vetted at a public hearing at the Kentucky Bar Association Annual Convention in June 2015. A provisional version of the JCRPP was passed as a pilot, and the final rules became effective October 1, 2016. An important component of the JCRPP implementation was to provide training to judges and court staff and offer technical support to attorneys and personnel from juvenile justice agencies to help them transition to the new rules. Several trainings were conducted on the JCRPP involving judges and members of the Kentucky Bar Association.

² AOC staff, personal communication, May-August 2019.

Family, Accountability, Intervention and Response (FAIR) Teams were established to improve case management and reduction of youth involvement in the justice system. Teams consist of representatives from various youth-serving agencies, including education, AOC, DJJ, and Cabinet for Health and Family Services (CFHS) which includes the Department of Behavioral Health, Developmental and Intellectual Disabilities (DBHDID) and the Department for Community-based Services (DCBS). It also includes local representatives from law enforcement, the county attorney's office, public defender's office, and other sectors of the community. These teams are mandated to meet monthly to review referrals for youth that have either failed to appear for an initial intake, declined to enter into a diversion agreement, are considered high needs, or are struggling or have failed to complete terms outlined in their diversion agreement.^{ix} FAIR team members can determine that no further action be taken on certain status offense cases or continue to brainstorm and recommend resources and services that best support the needs of justice-involved youth and families. FAIR teams were initially implemented between September 2014 and February 2015 in four groups of pilot sites.^x Between October 2014 and May 2017, 114 FAIR teams have been implemented in each judicial district in Kentucky.³

Graduated response protocols were developed by AOC for CDWs to use in an effort to respond to youth violations in the least restrictive manner.^{vii} AOC trained staff on graduated responses and sanctions starting in 2015 and finalized the new policy in mid-2017. DJJ also created grids for graduated response decision making and graduated sanctions, and provided policy revisions and training to all staff by 2015.^{vi}

Trainings with various groups of stakeholders were conducted to prepare for the implementation of SB 200 activities. For example, AOC CDWs and CDSs participated in orientation sessions about the FAIR team and in trainings that include use of risk and needs assessment, identification of appropriate services for children and families, motivational interviewing techniques, techniques for diversion agreement and supervision, principles of effective intervention, and cultural competency.^{3,4,xi,vii} AOC also conducted 7 regional sessions to help orient judges about SB 200.^{xiii} Around the same time, education professionals were trained on the responsibilities that school districts must assume under SB 200.^{3,iv}

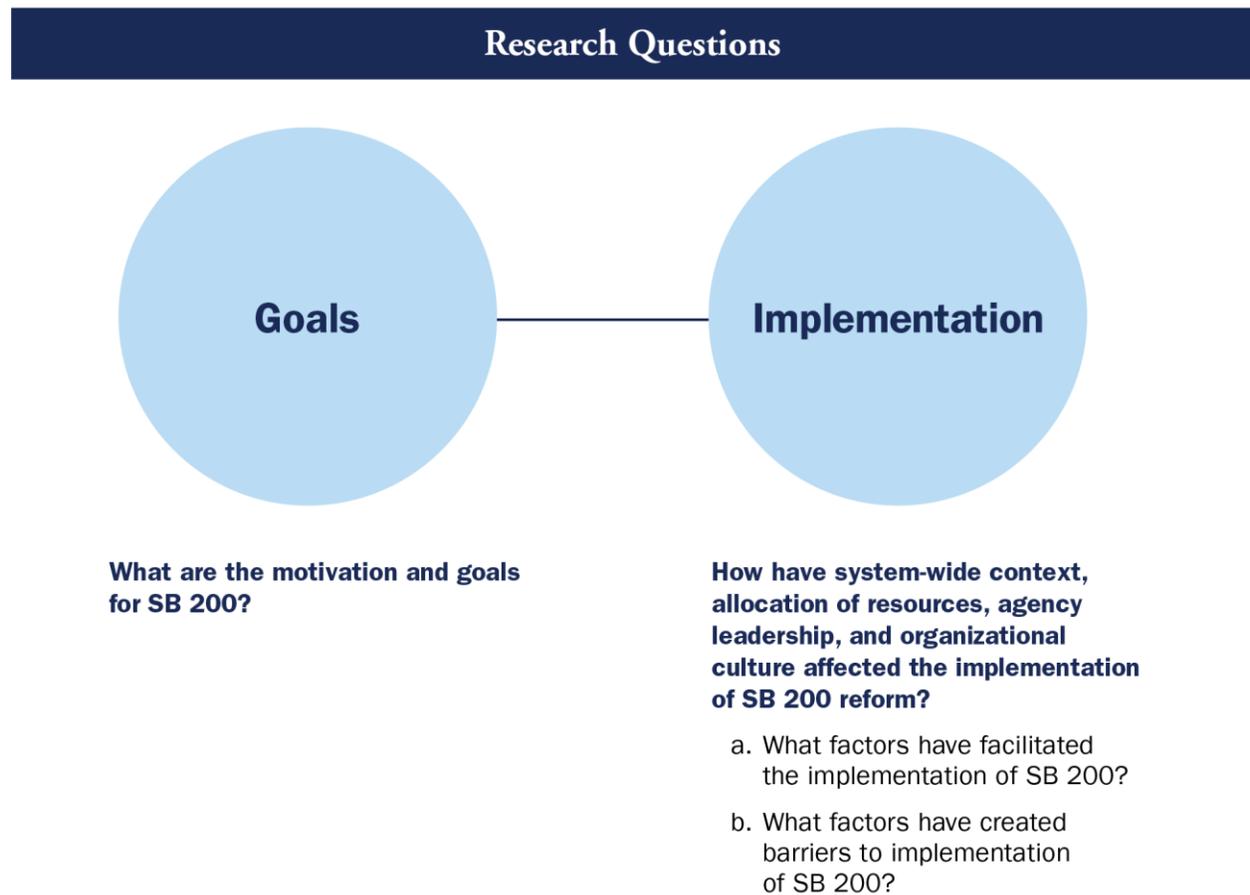
³ AOC staff, personal communication, April-June 2017.

⁴ Crime and Justice Institute, personal communication, 2017-2018.

Evaluation Design and Methods

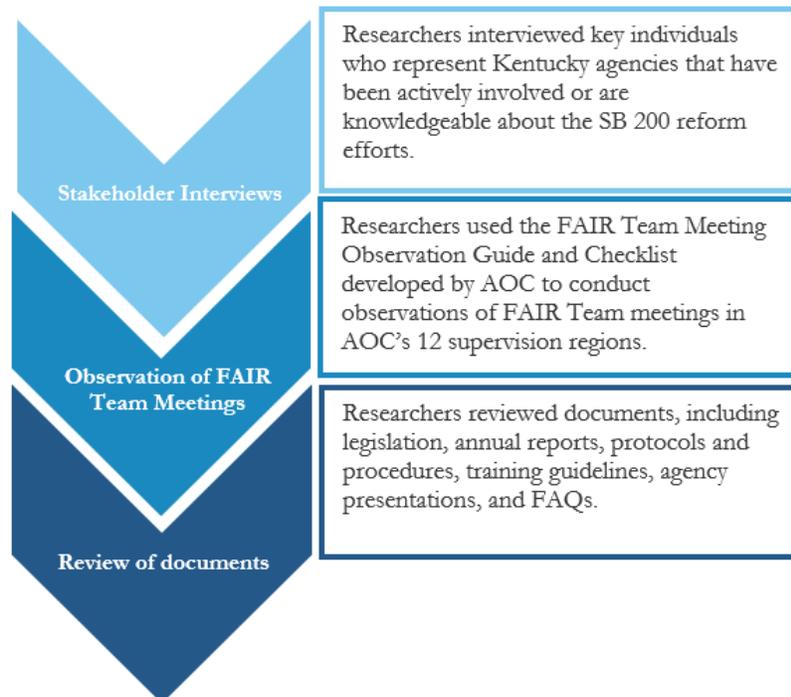
Westat, in partnership with the American Probation and Parole Association (APPA), worked with key Kentucky agencies involved in the reform effort to examine the extent to which key elements of SB 200 were completed as designed. In this report we present the methods, findings, and recommendations from the implementation evaluation guided by the following research questions outlined in Figure 1.

Figure 1. Implementation Evaluation Research Questions



Data Sources and Qualitative Analysis Approach

Study methods consisted of qualitative data collection and analysis, as described below. All study procedures and protocols were approved by Westat’s Institutional Review Board.



Interviews with Stakeholders. Through consultation with Kentucky agencies, we identified individuals for recruitment to participate in either an individual or group interview. These stakeholders have been actively involved in or are knowledgeable about the SB 200 reform efforts. We used AOC’s 12 supervision regions to sample family/district court judges, CDSs, and CDWs, randomly selecting 1 county from each region and inviting those individuals assigned to the county to participate. Additionally, the CJJ training and technical assistance provider and all JJOC members were invited to participate in individual interviews. Representatives from public defenders’ offices, directors of pupil personnel (DPPs)⁵, and youth and family advocates were identified by AOC and DJJ contacts and invited to participate in group interviews.

The master interview protocol focused on experiences and perspectives about the implementation of SB 200 and was tailored for different stakeholder groups. Interviewees were asked open ended questions regarding goals of SB 200, collaboration within and across agencies, barriers to and successes of implementation, and lessons learned from SB 200 reform efforts. A total of 49 interview sessions consisting of 71 individuals were conducted from April to July 2018 and lasted approximately 1 hour

⁵ The Director of Pupil Personnel (DPP) is a board of education-appointed school official responsible for monitoring and enforcement of the compulsory attendance law in a school district.

each.⁶ For interviews and analysis, we have grouped most of these individuals into two main categories: leadership and frontline staff. Leadership staff include JJOC members and other agency managers and supervisors. Frontline staff include individuals who work directly with youth, including CDWs/CDSs, judges, public defenders, law enforcement, directors of pupil personnel, and advocates. Table 1 summarizes the number of individuals and interview sessions by stakeholder group.

Table 1.

| Stakeholder Group | Number of Interview Sessions | Number of Individuals |
|-------------------------------------------------------------------------------|------------------------------|-----------------------|
| Leadership | | |
| Juvenile Justice Oversight Council | 8 | 8 |
| Administrative Office of the Courts | 2 | 5 |
| Department of Juvenile Justice | 2 | 7 |
| Department for Behavioral Health, Developmental and Intellectual Disabilities | 1 | 2 |
| Department for Community-based Services | 1 | 1 |
| Frontline Staff | | |
| CDWs/CDSs attending FAIR teams | 13 | 18 |
| CDWs/CDSs not attending FAIR teams | 9 | 12 |
| Judges | 6 | 6 |
| Public Defenders | 1 | 3 |
| Law Enforcement | 1 | 1 |
| Directors of Pupil Personnel | 3 | 4 |
| Family and Youth Advocates | 1 | 3 |
| Training and Technical Assistance Provider | | |
| Crime and Justice Institute | 1 | 1 |
| TOTAL | 49 | 71 |

Observation of FAIR Team Meetings. As described above, our sampling strategy was to randomly select a county from each of AOC’s 12 supervision regions. From April to June 2018, we conducted a FAIR team observation in the selected county in addition to conducting interviews with the judge, CDS, and CDWs assigned to the county. We used a modified version of the FAIR Team Meeting Observation Guide and Checklist developed by AOC to conduct the observations. This protocol contains check boxes and open ended sections for comments that capture information such as the different agencies represented by FAIR team members, access and barriers to services for youth and their families, and strengths exhibited by the FAIR team, as well as recommendations for improvement.

Review of Documents. Westat reviewed documents, including legislation, annual reports, protocols and procedures, training guidelines, agency presentations, and FAQs. These documents were provided

⁶ Seventy one out of the 88 (81%) stakeholders invited for the interview agreed to participate. In the event that a stakeholder was not available, we consulted with key stakeholders for recommendations on alternative individuals or group of stakeholders to interview.

by Kentucky agencies to supplement findings from the interviews with stakeholders and observations of FAIR Team meetings.

Qualitative Analysis Approach. Interviews and observations were initially coded using pre-established categories to organize the qualitative data. Two trained researchers conducted initial coding; decisions were reviewed and discussed with two senior researchers. One researcher, under supervision of a senior researcher, then conducted additional thematic content analysis using an iterative emergent coding method. This approach involves identifying key concepts and patterns in the data and identifying similarities and differences that occur across stakeholders and data sources. Researchers then combined themes across data sources to produce a final set of integrated findings.

Evaluation Findings

Reasons and Goals for Reform

Stakeholder perceptions of the reasons and goals for SB 200 provide critical context for understanding why and how resulting reforms were implemented. All interviews included questions asking participants to describe the reasons and goals for SB 200 to the best of their knowledge. Overall, stakeholders provided a complex picture of multiple inter-related factors that led to the creation of the bill and shaped subsequent reform activities and outputs.

The main themes found regarding *reasons for reform* were underuse of diversion and referrals to community-based services, an increase in court referrals for school-related offenses, overuse of out-of-home placements, particularly for low-risk youth, and lack of community-based services for justice-involved youth and families. When interviewees were asked about *goals of the reform*, the main themes discussed were the need to standardize policies and procedures across agencies, enhance case management and improve the diversion program through the use of evidence-based practices and improvement in collaboration, while saving fiscal resources.

What Motivated the Creation of SB200?

“Data from other jurisdictions and academic [research] indicates that the best is for the juvenile not to go to court.” – Defense Attorney

“...a lot of juveniles were being sent to court that could have been intercepted or avoided at a pre-court level...a lot of kids even saw detention at some point for misdemeanor offenses that didn’t even rise to the level of detention criteria.” – CDW/CDS

“Some juveniles may require some sort of incarceration or residential treatment whereas another juvenile may benefit more from an outpatient behavioral health service with community supervision.” – JJOC member

“One of the reasons...so many kids were not served in their communities was because the community didn’t offer those types of services needed.” – Family and Youth Advocate

Underuse of diversion and overuse of out-of-home placements. Most stakeholders shared an understanding that the SB 200 reform was created in part due to underuse of diversion of first-time offenders and/or status offenders, leading to detainment including formal court involvement and detention as a primary punishment. Pew reported a 16% increase in low-level offenders within secure facilities from 2002 to 2012, noting that length of out-of-home placements only slightly varied based on severity of the offense.^v In our interviews, only one CDW noted that they had never observed out-of-home placement with status offenders and both frontline and leadership members discussed length of out-of-home placement and the number of offenders in out-of-home placement as a reason for the SB 200 reform. Two frontline interviewees discussed SB 200 as a way to perform a justice system needs assessment “to see where to make changes from beginning to end” and “to see what’s being done and what’s not being done to help these kids stay out of the actual court system”. Multiple frontline staff, agency leadership, and JJOC members spoke about enhancing case management and improving the diversion program to fairly reroute low level offenders to community-based services rather than sending them to court. Other frontline staff and one JJOC member specifically discussed the need to “use more evidence-based practices” such as programs and assessment tools. Documentation shows that one SB 200 goal was for 50 percent of DJJ’s programs to be evidence-based by 2016 and 75% by 2018.^{xiii} Pew reported that reforms were expected to reduce the out-of-home placement within DJJ by more than one third.^v

Lack of community-based services. Most leadership and a few frontline staff members explained that there were minimal community-based services available for justice-involved youth and families, which may have contributed to the underuse of diversion and over-reliance on out-of-home placements. Pew’s findings also suggested that lack of funding and availability of services negatively impact youth’s ability to stay in the community.^v Both frontline staff and agency leadership were very aware of Kentucky spending substantial resources on out-of-home placement rather than treatment-based approaches such as community-based services. Pew found that a single bed at the state’s youth development centers and detention centers cost more than \$87,000 in 2012. Most frontline staff, JJOC members, and agency leadership understood that one of the main goals of SB 200 was to save money

for the state of Kentucky. One judge stated that “There was a large segment of the decision makers/stakeholders that thought money could be redirected better than into facilities.” In 2014, Pew reported that the reforms produced from SB 200 were expected to save up to \$24 million over five years and interviewees discussed this long-term goal through reinvesting money saved from reductions in youth confinement into community-based services.^v One Family and Youth Advocate noted that “We know [youth] do better when they’re in community-based [services] and with their families and we know that saves dollars.” This was a key point, as SB 200 did not include additional funding to implement these reforms and leadership from multiple agencies and some frontline staff noted the need to build community capacity and involvement to provide necessary services to youth.

Standardizing policies and procedures. A variety of participants discussed standardizing policies and procedures across the state to address the issues discussed above. AOC and DJJ were required to make major changes to policies and procedures while others such as the Department for Community-based Services, the Department for Behavioral Health, Developmental and Intellectual Disabilities, and Department of Education had rather minor changes to policies.^{xiii} These changes in policy included standardization of criteria for out-of-home placement and the need to provide developmentally appropriate sanctions for youth to align with the legislation. For example, SB 200 limits the amount of time that youth can be put on probation, which youth can be committed to DJJ, and how long they can be committed to DJJ.^{vii}

Improve communication across agencies. In order to improve the diversion program, many participants discussed improving collaboration among agencies and the community to better serve youth and ensure as many opportunities as possible before youth become involved in the justice system. “We have counseling agencies, the school agencies, you have social services, you have a county attorney and public defender...so that we are all working together in a collaborative effort to assist these kids in being successful, so if we do send these kids to court we have exhausted all options that our area offers to help this kid be successful.”

Review of Initial Impacts of SB 200

This section presents initial impacts of SB 200 as perceived by interviewees and as reported by Kentucky agencies and CJI performance measures. Both frontline staff and agency leadership discussed the successes of the reform and the impacts on the juvenile justice system, while noting a few unintended consequences currently being prioritized for further action by agency leadership. CJI developed performance measures and conducted preliminary analyses on the impact of SB 200 on complaints filed, diversion, commitments to state custody, and recidivism.

Reductions in justice-system involvement. Initial reporting of performance measures by CJI found a steady increase in diversion agreements from 2012 to 2017.^{xiv} This increase in diversion was accompanied by declines in DJJ commitments by 17% from 2016-2017.^{xiv} Out-of-home placements also declined by 34% and the out-of-home committed population declined by 42% from 2014-2017.^{xiv} A few interviewees attributed these changes to enhanced case management and use of risk and needs assessments to guide decision-making. According to interviewees, shorter length of out-of-home

placement has led to the closure of four secure facilities as of May 2017.^{vi} Interviewees also reported increased community supervision and effectiveness of supervision among youth in diversion, with many frontline staff confirming that they had “successful” diversions that led to treatment and more positive behaviors.⁷ For example, performance measures data suggest a decrease in court referrals (59% in 2015 vs. 43% in 2017) and an increase in successful FAIR team cases (35% in 2015 vs. 48% in 2017).^{xiv} Although a long-term assessment of recidivism rates for youth impacted by the reform still needs to be conducted, initial performance data also show that reoffending within 1 year of successfully completing diversion has been relatively stable between 2012-2016 (24-27% for public offenders⁸ and 26-32% for status offenders⁹).^{xxvi}

Disproportionate minority contact. As is common with substantial reforms, initial performance measures and interviews with stakeholders revealed that SB 200 magnified and brought attention to the already disparate outcomes for minority populations. One main disparate outcome highlighted by performance measures data and many interviewees concerns an increase in disproportionate minority contact after implementation of SB 200, particularly between White and Black youth who make up 91% of referrals between 2014-2018.¹⁰ This difference was particularly notable when it comes to complaints for public offenses. According to a CJI report in FY2017, Black youth were being referred for public offenses at a higher rate than White youth. In addition, since passage of SB 200, DJJ commitment of White youth decreased by 45% compared to only 25% decrease among committed Black youth.^{xiv} DMC performance measures were not reported for other minority youth such as Latinos. This issue has gathered much attention and focus in Kentucky, with multiple interviewees sharing their concern about these findings and plans that are already underway to address the disparity through staff training and drafting of future legislation with the assistance of the JJOC. The JJOC has also demonstrated a greater awareness of the potential for similar unintended consequences to arise from other reforms, such as discussing how upcoming gang legislation could disproportionately affect racial and ethnic minority youth.

Increases in charging levels. An unintended consequence of the reform noted by many stakeholders is the potential for increase in overcharging of youth, including youth being charged as adults and with more serious crimes to avoid the diversion process. Initial performance measurement data do show that felony complaints increased by 26% from 2014-2017.^{xiv} One defense attorney thought overcharging for school threats, which is a felonious charge in Kentucky, could be related to contextual factors such as media coverage of school shootings, but some interviewees noted that

⁷ Data on referrals to community-based services are not tracked at the individual youth level and therefore increases in service delivery could not be confirmed statistically by CJI performance measures or the Westat research team.

⁸ A **public offense** is defined by the Commonwealth of Kentucky as an action by a juvenile which, if committed by an adult, would constitute a crime, without regard to whether the applicable offense is a felony, misdemeanor or violation other than an action alleging that a child (16)years of age or older has committed a motor vehicle offense. KRS 600.020(51).”

⁹ A **status offense** is defined by the Commonwealth of Kentucky as “Any action brought in the interest of a child who is accused of committing acts, which if committed by an adult, would not be a crime. Such behavior shall not be considered criminal nor delinquent. KRS 600.020(65).”

¹⁰ Between 2014-2018, 71% of referrals were White youth, 20% Black youth, 4% Hispanic youth, and 5% other or unknown races.

overcharging may be occurring as a reaction by individuals who lack buy-in for the reform's focus on increasing diversion and reducing formal court involvement and detention of youth. One judge specifically mentioned that education and other community members may be finding loopholes into the system to make sure that youth are seen in court, for example, filing a complaint as a stalking offense instead of bullying to receive judicial oversight. One director of pupil personnel (DPP) explained why schools may be taking this approach: "Our suspension rate may be at 5 percent. When it was 0 percent, I was able to file a complaint for truancy or beyond control of school fairly readily. Now a culture is prevalent among the youth that they know they're going to get all of these opportunities – before, they knew we took a hard-line approach to misbehavior." A JJOC member noted that minor violations are increasingly being used to push youth into diversion in an effort to receive judicial oversight faster in case of more severe crimes in the future.

Increases in trancies and home-schooling. Concern was expressed among interviewees when discussing trancies and time sensitivity in getting youth back into school. Several frontline and JJOC members discussed issues with the length of the diversion process, noting that youth are usually not receiving services and are not returning to school in this time period. One director of pupil personnel stated "I think it just delayed the process so more kids aren't coming into contact with the judge. There is less recidivism which is a positive, but there's less recidivism because they're stuck in diversion." Another DPP noted that "There's no order binding it... We wait and we wait to see if they take advantage of it and if they don't we'll wait a little longer. Another month has passed and we still haven't gotten anything in place for those kids."¹¹ From 2014 to 2015, data showed that the most common unsuccessful diversions were status offenses, specifically trancies.^{xvii} More recently, data from 2017 show that truancy complaints are steadily increasing as a proportion of all status complaints.^{xiv} Trancies are a complex issue among interviewees due to a perceived lack of time, buy-in, resources, and insufficient parental involvement hindering the ability to help these youth. Stakeholders noted this is a critical issue in Kentucky because there are minimal homeschooling criteria and they have perceived an increase in keeping youth in home school to avoid truancy complaints. One director of pupil personnel noted that "We also have a market increase in number of home schools in the district now."

¹¹ DPPs are the only stakeholder allowed to file a charge of habitual truancy against a child and are expected to work closely with the FAIR teams in developing case management and interventions plans for a child.

Implementation Process

Interviewees provided insight into various aspects of the reform and their impacts including areas that may have facilitated or hindered successful implementation. While numerous trainings and effective communication among frontline and agency leadership were key in facilitating implementation, certain contextual factors including a lack of resources created ongoing challenges for effective case management and provision of services to youth. Interviewees described lessons learned through the process of implementing SB 200 reforms.

Training

Trainings were intensive, useful, and organized.

Agency leadership and CJI collaborated to create a detailed plan for training of staff involved within the reform, including timeframes and responsibilities of agencies. Initial and refresher trainings were offered for frontline staff, designated trainers (using a train-the-trainer model), and other leadership. While most trainings on processes, roles, and responsibilities were offered to AOC and DJJ staff members, a few were also offered to the Cabinet for Health and Family Services, Kentucky Department of Education and school associations. When asked about trainings, most frontline staff listed several topics covered before and during implementation, noting that various techniques were used to educate and disseminate information including workgroups, conferences, roleplaying, newsletters, and constant updates from leadership. Several CDWs noted that these trainings were extremely useful, especially implicit bias training to address the issue of disproportionate minority contact.

Example Training Topics

- Mental health programs
- Policies and procedures
- Implicit bias
- Recidivism
- Disproportionate minority contact
- Data Tracking
- Trauma informed care
- Risk and needs assessments
- Services in area
- Role of CDW/CDS
- Service provider handoffs
- Leading FAIR teams
- Grant processes
- FAIR team orientation

“It’s a matter of making them understand we’re not asking them to do more, but to do things differently.” – Leadership

Frontline staff discussed the immense amount of change in a short period of time, noting that pressures of implementation and increased turnover among frontline staff caused training to occur as quickly as possible. Some CDWs felt that training and transitioning to new protocols and procedures, including the use of new forms and needs assessments, felt overwhelming at times. One stated the process was “kind of like a pop test -- like a pop quiz we didn’t get a chance to study for.” However, most frontline and leadership stakeholders across all agencies spoke positively about the trainings overall and found them helpful in better understanding the population they were serving, the purpose

of the reform, and improving their ability to better serve youth and families. One CDW stated “I think they did a good job in getting us up to speed and understanding what we were going to be doing and what we were a part of” and agency leadership noted that “one of the greatest successes is educating the array of folks in our communities.”

Several AOC interviewees specifically mentioned trainings during the initial roll out of FAIR teams that included roles and responsibilities of the new CDS role, FAIR team orientations¹², and initial community partner meetings¹³. Several interviewees explained the usefulness of these meetings in gaining knowledge about available services, sharing data and information about the purpose of SB 200, improving communication among agencies, and determining which stakeholders could be useful within the FAIR teams. Specifically, CDSs spoke of the comprehensive trainings about their role and purpose within the FAIR team, mentioning that there were trainings on how to lead a FAIR team and facilitate cooperation among members to gain buy-in.

“I think the multiple trainings I had were helpful because I felt confident when I came to sit down and run a meeting. As a CDS, sitting in all of those meetings, seeing all those personalities and how they received that information was very helpful because when I came to the table, I knew how to handle all of those personalities in my own delivery method.”
– CDS

Despite trainings, confusion about FAIR teams persists. Although many trainings were conducted, some FAIR team members still seemed confused by the process and the roles and limitations of other agencies. One CDW specifically mentioned the youth, families, and education stakeholders’ confusion around the purpose of the FAIR team, but a few CDWs also noted their own inability to explain the process. While orientations and trainings were offered, it is not clear whether these training reached all stakeholders; interviewees mentioned community partner meetings and FAIR team orientations were somewhat voluntary and that new FAIR team members join who have not received trainings. Interviewees noted that this confusion could have impacted buy-in for the reform, the likelihood that people will attend and engage within FAIR teams, and the ability to have successful diversions for youth. A few frontline staff members noted that it is possible certain stakeholders are unaware of the importance of their role in the FAIR team, leading them to disengage and avoid attending FAIR team meetings. Interestingly, FAIR team member survey results showed that respondents overwhelmingly felt they understood the CDW diversion process, their role on the

¹²FAIR team orientations were conducted for all initial members of the FAIR teams throughout Kentucky. These orientations included information about SB 200 and the reasons behind the reform, the role of the CDW program staff, role and responsibilities of FAIR teams, best practices of the team approach, and community resources and supports in the local communities.

¹³Community partner meetings were conducted twice, once by AOC early within the reform to discuss SB 200 and the FAIR team process, and once in 2017 in conjunction with DJJ to discuss data and needs of the community.

FAIR team and felt they could contribute to the FAIR team.¹⁴ However, survey results also showed that many of the FAIR team members felt the FAIR team was not working and that there was a lack of understanding on why certain agencies were mandated to be part of the team (i.e. health department representatives and DJJ).

Training Challenges – Understanding How the Puzzle Pieces Fit

“Some of the challenges would be that all of our criteria is not the same. I can see a need that a child might have but it doesn’t fit the criteria for DCBS [Department of Community-based Services] or a mental health provider. That’s a big challenge, all of us not working on the same thing and maybe not being as knowledgeable about the other person’s job.” – CDW

“I think that’s why some of the folks that came to table were still hesitant about FAIR teams and really what their role was even though we’d had numerous trainings. They didn’t know how their piece fit to our puzzle.” – CDW

“Not knowing everyone’s role has been a stumbling block.” – CDW

Frontline staff noted that there were several stakeholders including county attorneys, judges, education and law enforcement that received little training. One leadership member stated that it would be best to “...get the courts and judges involved early. Judges need more trainings, [there are] still some that are very confused and rely on the case workers to know what they are doing...Even school staff and prosecutors, continue training with them too...The judges want to do what is best for the kid, but they get confused.” These stakeholders were also mentioned as being less cooperative initially when FAIR team meetings began, suggesting that a lack of understanding impacted buy-in. While implementation plans show that personnel received trainings on very focused topics and multiple frontline staff members and leadership noted the trainings on SB 200 were given at judicial and prosecutor conferences shortly after the Kentucky Uniform Rules of Juvenile Court were enacted, there is a stark difference in the number of trainings offered for these stakeholders compared to those offered to AOC and DJJ staff.^{xviii} Other frontline interviewees including judges mentioned the need for dissemination of information regarding the reform to the public including “what’s expected of the judiciary under this system” to ensure the public doesn’t “think the courts aren’t doing anything.”

¹⁴AOC conducted a survey for all FAIR team members in Kentucky in January 2018. The survey was available for 1,393 members and 268 surveys were received. The survey response options ranged from Strongly Agree to Strongly Disagree and asked about understanding of roles on the FAIR team, the appropriateness of agencies on FAIR team, and the overall effectiveness of FAIR team meetings. There were also open-ended response options allowing for additional comments.

Communication Between and Within Agencies

Most stakeholders, especially those from leadership, spoke about SB 200 as a huge undertaking that required ample time, investment, and cooperation among all agencies to ensure proper implementation and fidelity during the reform. This increase in collaboration improved overall relationships, trust and transparency, and engagement across agencies.

Collaboration among agency leadership was strong.

Many frontline and leadership interviewees acknowledged the key role of a champion within AOC to share information and streamline reform processes. This champion shared information internally to regional supervisors as well as across

“Overall, there’s more patience between agencies. There’s been more ability to reach out and engage in meaningful conversations and planning that we didn’t always see.” – Leadership

agencies to ensure smooth execution of the reform. While this was helpful for initial streams of communication, collaboration was necessary at all organizational levels including the regional and local levels to ensure accurate information was relayed. Both frontline staff and leadership noted that regional supervisors were consistently relaying updates on policies, procedures and other integral information from leadership down to the frontline through email and meeting correspondence. AOC leaders specifically noted that all existing regional supervisors were retained during implementation which was useful in consistency of communication. In general, leadership across agencies collaborated before and after implementation to ensure that the reform occurred as it was intended. While AOC was the main agency implementing reforms with the support from CJI, DJJ was a key partner in these efforts and both were heavily involved in collaborative partnerships with multiple additional agencies. This collaborative approach was supported by SB 200 requirements including data collection and system planning across agencies¹⁵. However, a few interviewees specifically mentioned they felt partnerships were stronger at leadership levels than local levels.

“I’ve had more productive conversations come out of that meeting than I usually have in any other meetings. It’s particularly helpful to have decision makers in all the agencies in one place at one time.” – JJOC member

The Juvenile Justice Oversight Council (JJOC) assisted with implementation of the reform and strengthened transparency among agencies.

The increase in collaboration among leadership was also facilitated through the use of the JJOC. This council provides a designated point of contact for each agency who attends monthly meetings where updates on various aspects of the reform are given and data and information are shared regularly regarding reform progress. AOC is required to give an update at every JJOC meeting and gives an annual report on the CDW program.^{iv} All agencies used this outlet to determine plans for implementation, and to brainstorm ideas for future legislation in order to solve issues that arise during the reform. For example, both AOC and DJJ were charged with sharing data related to DMC issues and recidivism.^{vii} Agency leadership mentioned that the JJOC helps to “create an environment for

¹⁵Department of Juvenile Justice, personal communication, May 4, 2018.

[collaboration] to occur outside of JJOC meetings” and “keeps the reform on the forefront...so people don’t forget about it.” This open discussion of processes and data contributed to a culture of transparency that interviewees felt was key to brainstorming and addressing issues. However, challenges to transparency were also mentioned, as one JJOC member noted that the Cabinet of Health and Family Services, Department for Community-based Services and the Department of Education felt limited in their ability to share information across agencies due to legal restrictions on their data. In addition, some stakeholders felt that there was confusion about the role of the Department of Education in the meetings that contributed to challenges with coordination between stakeholders. Specifically, some stakeholders expected the Department of Education to be able to enforce specific policies and procedures. However, unlike other statewide agencies such as AOC, DJJ, DCBS, and DBHDID, the Department of Education does not have direct authority of local school districts. Instead, DPPs are expected to serve as the liaison between education and justice systems. This disconnect echoes an earlier finding that role confusion is common among FAIR Teams and highlights the critical need for continuing communication and training across stakeholders.

“Everyone comes with different services and options. We have different rapport with the child, so you have lot of different personalities that can really know that child. Maybe some of us know the background and some of us know the new information. It’s a wealth of knowledge.” – CDW

“I think there’s probably been more attention regarding FAIR teams on what we have in our communities and to use them for diversion activities. They still may not have everything they need, but they understand more what they do and don’t have and how they’re struggling when they have certain situations come up.” – Family and Youth Advocate

FAIR teams improved communication and knowledge about services within the area, leading to easier and faster access to services.

Multiple frontline staff mentioned that the reform allowed them to share a common goal which made them feel more comfortable in sharing information and streamlined communication across all agencies. A few interviewees mentioned that they had good relationships with their colleagues prior to the reform, but several others noted that SB 200 and the use of FAIR teams improved communication and knowledge about services in the area, making the referral process

easier and the delivery of care quicker. One CDW noted that “We’ve learned more about the communities and the agencies...a lot of times you might think you know all the programs and activities and services that agencies provide but I’ve learned a lot about different agencies.” FAIR team observations showed that multiple mental health providers attended meetings, which may have contributed to knowledge about local services. Although a few frontline staff believed that the same services were being used repeatedly, consequently lengthening the process, others mentioned the de-duplication of services and reduction in over-servicing children due to seamless communication among the FAIR teams. Observations of FAIR team meetings generally showed highly collaborative environments with engagement and respect from members of the team. Almost all observations noted that the CDS was incredibly effective, organized, and respectful of other members; the one that did

not was due to the CDSs inexperience and other stakeholders dominating the conversation. One FAIR team observation in particular noted that while members of the FAIR team may have disagreed on certain aspects of the FAIR team, “all agreed on the need and usefulness of collaboration” and felt that “buy-in” was “critical as a base for any other work of the team.” FAIR team survey results confirmed that most felt heard and respected by the FAIR team (83 percent).^{xix}

Tailored communication has been critical to establishing buy-in for FAIR teams.

The FAIR team implementation process was not without challenges. Most interviewees discussing the FAIR team stated that the initial implementation of FAIR team was a struggle due to preconceived notions about juveniles and expectations for more punitive outcomes. Several frontline staff members noted that buy-in was gained among many of their FAIR team members due to the CDSs understanding personalities, tailoring their delivery process to those personalities during FAIR team meetings, and reminding stakeholders of the goals and purpose behind the FAIR team.

“You have to learn the delivery method. I’ve seen different CDSs in different counties and I think personalities can make or break the team.” – CDW

Increased communication about youth outcomes may also help improve buy-in from other stakeholders as well. Specifically, frontline staff mentioned judges were unaware of the outcomes within FAIR teams. While the judges we interviewed noted their dockets were decreasing, several noted they were unsure whether youth were receiving services. One judge stated that “We have the FAIR team now and there’s zero judicial oversight over that. As a result...I don’t know what’s going on with them. I hear complaints from the school system and I don’t know if they’re valid or not.”

Coordination with education continues to be challenging due to differences in opinions and experiences.

Although coordination within FAIR teams appears generally positive at this time, interviewees did note continuing collaboration challenges with education stakeholders. One JJOC member noted that education stakeholders felt unheard when speaking about implications from an education perspective that may

“I don’t want a kid in detention. I want a kid learning and becoming a productive member of society. I’m of the belief that if we can fix that piece of it, everything will work better in this process.” – Director of Pupil Personnel

conflict with justice system perspectives. A director of pupil personnel (DPP) not involved in the JJOC agreed with this sentiment, stating that they appreciated efforts to bring DPPs back into discussions, but that they felt they were inaccurately portrayed as being against the bill. This perception was supported during interviews with frontline staff and other interviewees from justice agencies who mentioned a lack of buy-in among education stakeholders. Interviewees stated that DPPs preferred that youth have judicial oversight and seemed to choose court as the solution for most cases. One CDW noted that education uses the FAIR team as a “catch-all”, noting if they get to FAIR team they’ll

get the kid in court. DPPs were aware of this perception among other frontline stakeholders, but stated that their views are not based on a lack of buy-in, but rather frustration in the length of diversion and feeling that their concerns are not taken seriously. In particular, DPPs were calling for more representation from schools in the FAIR team with one CDW mentioning "...our schools want more school principals and school counselors."

Some FAIR teams were functioning better than others. Overall, FAIR team observations revealed positive and productive meetings between members. Most FAIR teams were described during observations as knowledgeable, organized, engaged, and "seemed to work together seamlessly". Most teams had efficient meetings and were comfortable enough to be transparent in their conversations about youth strengths and needs. As an integral part to the coordination of the FAIR teams, CDSs were almost always described as effective and organized and were dedicated to collaborating with the team and advocating for youth. However, one observation revealed a lack of member engagement, inefficient use of meeting time, a punitive focus during case discussions, and lack of case progress. This FAIR team had a large case load size and ineffective meetings are likely to create barriers for supporting positive youth outcomes in that jurisdiction.

Despite enhanced collaboration, FAIR team attendance and participation are impacted by limited resources. FAIR teams consist of 12 required members, however, up to 15 relevant stakeholders can be present if designated by the CDS. Half of the FAIR team observations showed a lack of attendance, ranging from 5 to 11 members present during the meeting. Among those with at least 12 stakeholders present, most did not have all *required* members. In other words, many meetings included multiple CDWs and CDW supervisors, more than one mental health agency, and other local community-based services, which increased the number of people attending, but key representation from certain members was lacking. Observations showed that parent representatives, special education specialists, health department personnel and law enforcement were most commonly missing from the meetings. Many interviewees were aware of insufficient attendance at FAIR teams; while some explained it may be to the confusion previously discussed, others mentioned hectic schedules, understaffing, underfunding, and long commutes as other reasons members do not attend. A few frontline staff members mentioned county attorneys as particularly busy and health department staff and education being "stretched thin;" parent representatives and Department of Community-based Services were also mentioned as those that may be unable to attend due to hectic schedules. Kentucky is aware of issues specific to FAIR team attendance and recommended that regional supervisors and CDWs re-evaluate locations and meeting times, including allotting enough time to meet the needs of the caseload and to avoid potential scheduling conflicts of mandated members. However, FAIR team observations showed that agencies missing from FAIR teams varied by area. One CDW noted

“Attendance has been a big thing because they know the positions are mandated but yet it’s not mandatory that they show up. And they fill that position but they may not always show up. So just getting everyone from every area to appear and participate [is a challenge].”

Insufficient participation in FAIR teams are exacerbated by issues specific to rural communities.

Long commutes can be a challenge especially in rural areas where multiple counties may only have one FAIR team and require certain mandated members to attend more than one meeting (i.e. about 30 percent of respondents on the FAIR

“I want us to have every mandated member at all our FAIR teams but it’s difficult in rural communities with small staff. And ...we don’t have enough parents on our FAIR team. It’s hard to get parents to commit to it.” – CDW

team survey noted they serve 2 or more FAIR teams).^{xix} One CDW explained that “Being in a rural area – two counties have to operate as one FAIR team and a lot of the community partners don’t have the time to commute that much. Schools are already stretched thin and teachers can’t commute to a different county every month, so we have a condensed FAIR team and they have to travel. A lot of them can’t make it – the commute is one of the biggest issues.” The CDS has the ability to appoint other persons identified by the FAIR team with a maximum of 15 people on the team and those that are unable to attend can appoint someone to sit in for them.^{ix} However, understaffing, lack of buy-in, or lack of training regarding these rules may have contributed to the lack of replacement in appointees when others were unavailable.

“Not having the parents on board. I had an incident where I had to send the child to court and I didn’t want to because it was the mother who refused to bring her in to work with us. And it was very simple, it was a truancy issue that could easily have been dismissed.” – CDW

Insufficient parental engagement and involvement impacts youth diversion and access to services.

The most common complaint regarding coordination came from frontline staff and the ability to effectively coordinate and gain buy-in from families, specifically parents of youth on diversion. Several interviewees perceived that the parent’s lack of accountability and coordination with agencies caused delays in access to services for youth. In almost all of the FAIR team observations, issues with parenting were discussed, including “inconsistent parenting”, “not enforcing rules of diversion”, and “enabling from parent”. Most frontline interviewees mentioned that lack of parental involvement directly impacts youths’ ability to have a

successful diversion. FAIR team observations showed that most meetings were not attended by a parent representative. It should be noted that a FAIR team parent representative is a voluntary position that consists of a parent who serves on the Regional Interagency Council (RIAC).¹⁶ Parents or guardians of youth on diversion are not mandated to attend the FAIR team meeting, but the

¹⁶ RIACs consist of community partners representing the education system, family resource youth service centers, mental health centers, public health, community based services, courts, juvenile justice, youth, parents, and other community agencies that provide services and supports to children, adolescents and transition-age youth and their families.

FAIR team may invite parents of youth on diversion to attend a meeting as needed. However, one family and youth advocate noted that “some FAIR teams are good about including family voice and youth voice and some not so good at all and have no intent of doing it.” This is consistent with a correspondence from an AOC staff member stating that very few FAIR teams have extended invitations to parents of youth on diversion, most likely because the original intent of the FAIR team did not require parents to attend. Even when invited, interviewees noted that parents may find it challenging to attend the meetings because it may interfere with their work schedules, especially because meetings could be scheduled during the workday. FAIR team observations mentioned that meetings were “extremely difficult to find or access which may be a deterrent to parents or other interested parties attending.” When parents do attend, there do not appear to be clear guidelines for how they should be engaged in meetings. Only one FAIR team observation included participation by a parent of a youth whose case was being discussed. That parent was allowed to speak briefly in support of the youth and then asked to leave as the team then discussed the case. Members of the FAIR team appeared confused as to why the parent had been at the meeting.

Resources and Access to Community-Based Services

Available community-based services are currently insufficient to meet the needs of youth and families.

Interviewees consistently report that access to services, especially within rural areas, can be incredibly limited, potentially forcing families and youth to break the diversion agreement or leaving FAIR teams without appropriate referral options. Some frontline staff also noted that the reason for lack of services is that funding opportunities are limited in rural areas and bigger counties tend to receive more resources, leaving smaller counties to scramble to find services for their youth

“We were told that there would be more funds that would be coming because there would be money that’s saved with detention centers. Money has been saved, but I haven’t seen any of that money funneled back into my community yet and not any addition to services that we need.” – CDW

“My understanding that this was to take detention money and put it in the front end and I think the argument is, has anything increased in services at the front end? That would probably be a county-by-county situation – I’m not sure there has been an increase in services. We heard these long lists of great and grand things and I don’t know that that has come to fruition yet. Not to say that it won’t come to fruition – I don’t think you can do it overnight and I’m sure there’s legalities, but over the course of time, maybe it does make a switch and go to front end.” – CDW

and families. Others specifically mentioned that they felt certain community stakeholders lacked buy-in to invest funding into services that were needed in specific areas of Kentucky. Many stakeholders also pointed out that SB 200 was an unfunded mandate, and that this lack of resources to support reform efforts was a barrier for youth and families to receive timely and effective services. Interviewees noted that it would have been more effective to enhance community-based services prior to closing facilities, rather than to pay for additional services through reduction in youth detention as specified in SB 200. A few interviewees specifically mentioned that they felt the detention centers had provided

services that are no longer available to youth since closing. One JJOC member stated the need for “a comprehensive review of what our communities need versus what we’re offering” to ensure that youth needs are sufficiently covered. JJOC members and leadership from AOC and DJJ discussed cost savings and reinvestment in community-based services. AOC explained that there was a total of \$4 million in savings and 50% went into the fiscal incentive program; however, DJJ noted that a million dollars was sent to the fiscal incentive program. Documentation showed funding was provided for various services in the community. In 2017, DJJ transferred \$1 million dollars to the Justice and Public Safety Cabinet to establish the Juvenile Justice Fiscal Incentive Program (JJFIP). In 2018, DJJ awarded a total of \$1 million dollars to 19 judicial districts through both competitive and expedited grants from the JJFIP in order to fund interventions and improve outcomes for youth and families in their communities.^{xx}

Resource Challenges – Lack of Access to Services

“I think the biggest challenge we face is that you can’t magically create the resources out in the districts – it just doesn’t happen. The state can’t tell providers to open a facility somewhere like La Grange when Louisville is the next county over.” – DPP

“In eastern Kentucky the CDWs fight having no services. You can’t tell someone to go somewhere because there’s no money to drive that far ... There’s no money or jobs in these areas.” – CDW

“I’m not going to mandate a parent who can’t afford counseling to get their kid counseling, yet I’m also not going to send them to court.” – CDW

“Geography in that some counties are pretty poor – they don’t have diversion activities and they live far away from town and they don’t have a vehicle. Transportation is such a huge problem – no gas money to get to therapy. Even if the service is available, we can’t get them to the services we want them to get to.” – DPP

“Poverty. A lot of the grandparents are raising the kids these days and they are older and lot of them can’t drive...they aren’t able to drive.” – CDW

“Most transportation programs in this area run on Medicaid only and Medicaid won’t pay if there is a car at the home. I’ve called and argued and fought with them myself...the car was on cinderblocks. It literally cannot move. It doesn’t even have an engine!” – CDWs

Families in rural areas and with low socio-economic status have difficulties in accessing services due to insurance issues and lack of transportation.

Several CDWs noted that there was no public transportation in many of the rural areas in Kentucky and that many youth and families either cannot drive or cannot afford to pay for transportation. One CDW also noted that those that can find access to transportation also have challenges with making their appointments on time due to the long commute to services. These issues are exacerbated in rural and/or mountainous areas,

“There’s a lot of trying, but there’s tons of roadblocks still. If you have a juvenile and they have private insurance, that closes a lot of doors with our mental health professionals. There’s a lot to be done there with providing services. It looks good when we have trainings with mental health professionals and they tell us what they have and the services they can offer. As soon as they start using them, those doors get shut because grant money runs out or there’s a roadblock and the kid has private insurance and they’re not on medical assistance.” – CDW

specifically within the eastern portion of the state. Kentucky geography in these areas create barriers to service access by creating long commutes and roads that may be closed or dangerous to drive on in bad weather. A few other CDWs noted that Medicaid can provide funding for transportation if families fit specific criteria; however, one CDW noted that due to very strict criteria, youth are still unable to access this funding. Insurance was a major factor discussed among frontline stakeholders, particularly common among CDWs. As mentioned earlier, CDWs discussed problems related to transportation in families primarily covered by Medicaid, however, other frontline stakeholders discussed specific barriers that insurance caused in receiving services. CDWs gave examples of insurance companies rejecting specific types of services youth needed and mentioned issues with lapsed insurance and private insurance. A few frontline staff including a judge and defense attorney discussed the usefulness of in-home and in-school services for youth, explaining advantages to in-home services as well as reducing the need for transportation and deterring stigma youth may feel in receiving treatment at school. Kentucky had provided contracts for in-home services to youth with high needs in two of the largest counties, however, rural areas may be the ones most in need of these services. CDWs discussed other ways in which they have tried to circumvent transportation issues including having school resource officers help with transportation, opening multiple offices in urban areas so parents are easily able to file complaints with the CDW office, and inviting counselors to CDW offices or schools. One DPP noted that they were providing a counseling agency inside a high school to assist with the needs of the students.

Stigma and bias may also affect youth and families' ability to access services.

Multiple CDWs also discussed issues of stigma and potential bias impacting youth's ability to gain access to services. A few frontline interviewees explained that some service providers, specifically those providing community service opportunities, will reject youth from accessing services due to the severity of the crimes committed, with one noting that truant youth were usually the ones to receive services. One CDW also mentioned that there were services that would not contact families once referred to the service, but it is unclear whether this is due to bias or lack of

“We have some community service work agencies in the past that would not take kids with certain charges. They wouldn't take kids that have assault or terroristic [threatening] and they only wanted the truancy kids for the library. And now mental health facilities are turning down kids with aggressive behaviors. So who is supposed to serve those kids? We're sending them to detention because no one else can handle them.” – CDW

“It's frustrating when you have a kid that admits they need the help and every agency turns you away or can't provide the service.” – CDW

resources and expertise to deal with higher risk and needs youth. Agency leadership shared that they are aware of certain service providers limiting the number of clients they can service and are investigating the issue to determine the reason and provide solutions such as providing training to service providers on how to work with justice-involved youth.

“Funding – generally, when the cases make it to me, the social workers in my court are great people who I would trust with my own children, but they're overworked and slammed. If there could be more funding for social workers that would be a good thing.” – Judge

Insufficient agency resources may also affect youth and families' ability to access services.

Most stakeholders were aware of existing financial limitations and their impact on implementation of the reform. According to interviewees, the fact that SB 200 was an unfunded mandate impacted many aspects of the reform including the ability to provide services or gain access to them, to maintain staffing, and to mitigate the burden placed on staff from new requirements. Interviewees noted that AOC in particular faced challenges implementing reform activities without

additional funding. However, all agencies involved in the reform proceeded with implementation using existing resources. Although agencies were able to establish many reform activities with existing resources, some interviewees stated that the level of CDS and CDW staffing could impact the ability of youth to be diverted in a timely manner as well as to receive services overall. AOC staffed many of the CDS positions by transforming existing CDW positions, although new positions were ultimately added to meet workflow demands. However, several interviewees felt the existing level of CDW/CDS staffing was insufficient, an issue that may be exacerbated by high turnover. Interviewees noted that understaffing affected wait times for youth to receive services. Long waits for services was a complaint made mostly among frontline staff such as judges, county attorneys, and CDWs, with a defense

attorney noting that receiving services earlier is more effective. Increased caseloads and a general lack of time were the most commonly discussed challenges among frontline interviewees. They discussed not only the effects of these issues in terms of their ability to do their job, but also potential impacts on youth success. Each stakeholder discussed time and caseload as a challenge in a different way with some focusing more on staff burnout, relationships with colleagues, relationships with youth, difficulties in addressing public offenses, and delays in services for youth. While a few frontline and leadership stakeholders noted that buy-in may have been impacted and burden increased due to turnover, understaffing and facilities closing, others mentioned that turnover may have been avoided if frontline staff were paid competitive salaries. Documentation confirmed that CDSs in particular could be on-call 24 hours per day, seven days a week.^{xxi} One judge explained that the Governor was working on these issues and that they had heard the Cabinet was going to add workers and provide pay raises to “social workers.” Although frustrating, CJI seemed to be aware that turnover among staff may occur and created a plan for turnover specifically among DJJ trainers. In general, people noted that buy-in for the entire reform was impacted by the lack of services and funding and that some had given up on attempting to find services.

Leadership members across agencies were aware of the financial constraints and noted many challenges to receiving funding. Multiple interviewees provided insight into why these issues are so difficult, offered suggestions, and discussed the ways in which they have tried to circumvent this issue. One JJOC member discussed the challenges legislators have faced in improving funding, explaining that proposed legislation for 6 million dollars for community-based services in 2014, 2016, and 2018 failed to pass. Small budgets in Kentucky may have also impacted funding; in particular, one JJOC member noted issues with public pension in Kentucky and explained that savings to be reinvested in community-based services “were swept by the budget, so they were not reinvested.”

Discussion

Our evaluation of the SB 200 reform effort examined the process of implementation, including perceived challenges, successes, and areas for continuing improvement. Qualitative analysis of interviews, observations, and documentation revealed a complex and multi-faceted effort to implement system-wide reforms throughout the state. These reforms required comprehensive and sustained coordination among multiple agencies within Kentucky, spearheaded by leadership from AOC in partnership with DJJ. Below we highlight key findings and provide recommendations for Kentucky stakeholders as they continue to refine their approach to providing supervision and services to justice-involved youth. We also provide lessons learned based on Kentucky’s experience for jurisdictions who may be considering undertaking similar reform efforts.

Summary of Key Findings

Implementation approach. Training, buy-in, engagement of staff, and collaboration among both frontline and leadership levels were key in ensuring implementation of the reform. Most interviewees discussed improved communication and transparency between agency leadership and frontline staff through the use of the Juvenile Justice Oversight Council (JJOC) and FAIR teams. These outlets provided the ability to brainstorm and find solutions for larger reform implications within the JJOC and for more community-level solutions within the FAIR teams.

Key challenges of implementing SB 200. State-wide reforms are complex and bound to have challenges and unintended consequences. The state of Kentucky had to consider and address several challenges when implementing SB 200 legislation, including on-going limited resources for state and local agencies, lack of additional funding to implement reforms, and insufficient community-based services to fully address youth needs during diversion. Many of these challenges were exacerbated in Kentucky’s rural areas, including insufficient public transportation, long commutes to services, and economic challenges for families and communities.

Initial successes of SB 200. While most interviewees shared that implementation was a challenge, most also perceived initial positive impacts of the reform effort. Reported performance measures indicate an increase in diversion from 2012 to 2017 and declines in DJJ commitments, out-of-home placements, and the out-of-home committed population during similar time periods. Four secure DJJ facilities were reported closed as of May 2017. Many frontline staff reported that they had “successful” diversions that led to treatment and more positive behaviors, and initial performance measures show a decrease in court referrals and an increase in successful FAIR team cases. Although a long-term assessment of diversion, commitment, and recidivism trends for youth impacted by the reform still

needs to be conducted, initial performance measures and stakeholder perceptions of reform impacts are promising.

Continuing opportunities for improvement. While initial performance measures indicate reform efforts are moving towards meeting the goals of SB 200, findings also point to certain areas for improvement in the implementation process:

- **Disproportionate minority contact.** SB200 magnified and brought awareness about disparate outcomes for minority populations. In other words, White youth appeared to be benefiting from reforms at a greater rate than Black youth. Kentucky has implemented implicit bias training and made other efforts to address this issue. However, at the time of our assessment it was unclear whether these had resulted in reductions to DMC, and whether Kentucky has assessed DMC among youth of other racial backgrounds.
- **Increases in charging levels and trauancies.** An unintended consequence of the reform noted by many stakeholders is the potential for increase in overcharging of youth, including youth being charged as adults and with more serious crimes to avoid the diversion process. Initial performance measurement data do show increase in felony complaints during the reform period. Some interviewees suggested that overcharging may be a reaction by individuals who lack buy-in for the reform's focus on increasing diversion and reducing formal court involvement and detention of youth. Other interviewees shared concerns with the length of the diversion process and reduced youth accountability and judicial oversight, which they perceived were leading to increases in truancy rates and delays in youth receiving supervision and services. Those concerns may indeed be leading some stakeholders to overcharge youth to ensure they are being overseen through the more formal court process.
- **Lack of access to community-based services.** Interviewees, especially those in rural areas, shared concerns related to a lack of community-based services to fully meet the needs of youth and families. In addition to concerns about the number of available services, some interviewees also reported that certain service providers were reluctant to work with justice-involved youth or simply did not have the capacity to provide services for all youth who may need referrals. Finally, even when appropriate services are available, interviewees shared that youth and families often face challenges with transportation and/or insurance that limit their ability to follow-up on referrals.
- **Lack of participation among FAIR team members.** FAIR teams are integral to the implementation of SB 200. According to documentation and interviewees, these teams were thoughtfully designed and implemented due to the challenging nature of modifying

existing policies, procedures, and staff roles within multiple agencies. Observation of FAIR teams revealed generally positive meeting dynamics among engaged members, although one FAIR team appeared to be ineffective in managing its large caseload during the meeting. Observations also revealed a lack of participation in most meetings by all required members, which is likely to hamper the ability of teams to fully address youth supervision and service needs. Interviews suggested that lack of participation may be due to problems with high staff workloads, long commutes, lack of buy-in among certain stakeholders, and confusion regarding the FAIR team purpose and process and members' roles and responsibilities.

Agency leadership often shared awareness of these issues during interviews and reported some steps underway to address them, for example, conducting implicit bias training and considering future legislation to address disproportionate minority contact. We provide additional recommendations for Kentucky and lessons learned for other states implementing similar reforms below.

Recommendations for Kentucky

This section offers suggested recommendations and ongoing performance assessment areas for Kentucky agencies in an effort to continuously improve the impacts of SB 200 on the juvenile justice system. Several of our evaluation findings led to more questions, suggesting that assessments need to be conducted to understand the areas highlighted above at a deeper level. It is important to note that all recommendations are based on findings from data collected from April to July 2018. Given the ongoing nature of this reform, it is likely that stakeholders in Kentucky have continued to refine their implementation of SB 200 and have continued to address issues raised above since our data collection.

The Juvenile Justice Oversight Council (JJOC) serves as a primary avenue for communication and collaboration about SB 200 among agencies. Stakeholders reported the JJOC was a productive method for identifying and addressing continuing reform issues. We recommend that the JJOC continues as a forum to strengthen multiagency collaboration, including forming working groups to focus on expanding assessment and activities to address issues raised in this report and their own assessments of this reform effort and other important juvenile justice system issues.

Kentucky has used data throughout the reform process, beginning with identifying issues to address in the SB 200 legislation and continuing with implementation performance measures. Additional data tracking and reporting would be useful in informing data-driven decisions within the JJOC and specific agencies. If not already addressed, we recommend that Kentucky agencies consider the following activities to enhance their data-informed approach to reforms:

1. Disproportionate Minority Contact¹⁷

1a. Expand assessment of disproportionate minority contact. Kentucky should continue to monitor this issue through its own performance measures and expand assessment to include other minorities in addition to Black youth, as well as examine racial and ethnic disparities in referrals from school districts and law enforcement and youth outcomes at each subsequent stage of the system. Findings from these assessments will help inform refinements to administrative policies and procedures, decision-making tools (e.g., risk and needs assessment; graduate response matrix), and identify training needs for staff that will support more equitable decision-making practices.

1b. Conduct assessment of disparities in agency staffing demographics. The purpose of this assessment would be to identify the extent to which agency leadership and frontline staff reflect the racial and ethnic backgrounds of the population of youth and families they are serving. The results of this assessment may indicate the need for structural changes including expanded recruitment efforts and revised hiring and promotion procedures within agencies to ensure staff reflect different community backgrounds. This assessment will also support current agency efforts promoting cultural competency trainings among staff.

2. Increases in Charging Levels and Truancies

2a. Examine the use of judicial overrides and trends in charging levels. This would include a closer examination of data on judicial overrides of diversion, investigating which types of cases are affected, which jurisdictions in the state use overrides most often, and trends of override practices overtime. In addition, we recommend examining trends in charging levels for youth over time to see whether youth are more likely to be charged as adults, or be charged with more serious offenses after implementation of SB 200. If data reveal a pattern of inappropriate use of overrides or increased charging levels leading to disproportionate or over-involvement of youth in the formal court system, Kentucky should consider additional training and formal policies to further standardize diversion and charging practices.

2b. Identify trends in school-based referrals such as truancies. This would involve analysis of education data on truancies and juvenile justice data on school-based referrals to gain a better understanding of how trends in school-based referrals may be linked to changes in policy and

¹⁷ Westat plans to include DMC analyses in our upcoming Outcome Evaluation. We plan to conduct advanced statistical analysis to examine changes in DMC in diversion, out-of-home placements, and subsequent involvement in the justice system before and after the implementation of SB 200. We will also examine issues related to availability and access to services in Kentucky as part of a separate upcoming report examining community-based services for justice involved-youth.

practice, such as SB 200 reforms, recent decreases in school resource officers, and prevalence of home-schooling. We also recommend additional efforts to enhance multiagency collaboration between education, juvenile justice, behavioral health, law enforcement, service providers, and other relevant stakeholders. For example, we recommend adding more education stakeholders to the JJOC to further focus on issues related to school-based referrals.

3. Lack of Access to Community-based Services

3a. Enhance data tracking for community-based services and conduct on-going assessments of service availability and delivery. AOC, DJJ, and DBHDID keep separate records on available services for youth. We recommend that AOC, DJJ, and DBHDID maintain a shared and regularly updated electronic list of available services that indicate which risk and need categories they address. Tracking services in this format will enhance agencies' ability to refer youth to appropriate services and to identify service coverage gaps for certain areas of the state or certain needs. We also recommend AOC and DJJ implement youth-level service referral and delivery data tracking and reporting, and that DBHDID include a flag in their data tracking to indicate whether youth they serve are involved in the justice system¹⁸.

3b. Assess the feasibility of increasing access to telehealth, in-home, and school-based services. These services provide the opportunity to improve access to services for youth and families who face challenges with transportation and can fill gaps in communities that face challenges maintaining sufficient services in their area.

3c. Assess the extent to which SB 200 reforms have resulted in increased funding for community-based services. A stated goal of SB 200 was to realize cost savings from reduced youth commitments and reinvest savings into community-based services. However, the extent to which this goal has been achieved is unclear. Ongoing evaluation of funds to support reform efforts is critical to ensuring that sufficient supports exist to achieve and sustain SB 200 goals.

3d. Assess the feasibility of providing grant writing support particularly to rural and small communities to assist them with identifying and applying for funding opportunities in order to increase availability of services. Identifying strategies that will help address the challenges faced by rural and small communities will foster adoption of SB 200 reform efforts and ensure that all communities experience the potential benefits of the reforms.

¹⁸Westat will be following up on qualitative findings on this issue with a subsequent report that will provide detailed information on the availability of community-based services for justice-involved youth to determine where gaps in services exist. We will be providing AOC, DJJ, and DBHDID an Excel file of services that were reported by these agencies to Westat as part of data collection for this subsequent report.

4. Lack of Participation Among FAIR Team Members

4a. Implement quality control procedures within the FAIR teams. AOC should use the FAIR Team Meeting Observation Guide and Checklist they have developed to implement routine quality control procedures. This form tracks information about the FAIR team meetings including member attendance and caseload, CDS facilitation, participation and discussion among members, and strengths and recommendations for FAIR team improvement. The purpose of these on-going assessments would be to determine the extent to which specific teams are functioning as intended and to ensure sufficient attendance of all mandated members of the team. Recommendations from the FAIR team survey also suggested development of a policy for CDSs to document all efforts to engage members of the FAIR team when attendance is problematic.

4b. Assess methods for increasing participation of youth and families in the diversion process. Youth and family engagement is critical for developing a plan that accurately reflects their strengths and needs, which in turn is helpful in identifying appropriate services. Currently, youth and their parents are not required to participate in FAIR team meetings and are informed of recommendations for services independently of the FAIR team. An integrated process that allows for youth and families to be involved at various stages of diversion could improve participation and engagement. Obtaining youth and family input would help to fully understand the best way to engage families during diversion. To facilitate active engagement in FAIR team meetings, particularly from parent representatives, the FAIR team should implement procedures that will help make FAIR team meetings more accessible. This may include offering FAIR team meetings through teleconferences or other remote outlets to address transportation issues and to accommodate staff and parent representatives' schedules.

4c. Continue initial and refresher trainings for all stakeholders including those on FAIR teams. Ensure that trainings are offered for all stakeholders including law enforcement, judges and county attorneys and new members of the FAIR teams. Consider county-specific trainings and more hands-on practice for better application of trainings as well as trainings discussing the ability to provide alternates for members on FAIR teams and the overall FAIR team process.

Lessons Learned for Other Jurisdictions

Kentucky’s experience implementing SB 200 has provided valuable lessons learned for other jurisdictions considering similar reforms. Lessons learned were identified through qualitative findings and shared directly by interviewees who provided advice from looking back on their own efforts. Interviewees generally shared that the reform process was challenging but rewarding. Jurisdictions should prepare themselves and “buckle up” for the road ahead. Below, we share insights to help make the ride a bit smoother.

1. Identify a champion
2. Obtain support from technical and training assistance providers
3. Provide funding for the reform up front
4. Develop a stakeholder engagement plan
5. Implement diverse and comprehensive trainings
6. Establish a multi-agency oversight council
7. Improve data tracking

A helpful initial step to consider is identification of a champion who can devote the necessary time, energy, and focus to leading the reform effort. However, infrastructure must also be implemented to support the champion and long-term change beyond the champion’s direct efforts. This includes implementing changes in policies, procedures, forms, channels of communication, trainings, staffing structures, resources, data tracking, and reporting.

Obtaining support from training and technical assistance (TTA) providers early in the process can also help with effective planning, development, and implementation of reforms. Providing funding for the reform up front can allow for partnerships with TTA providers and reduce challenges with implementation. For example, providing funding for enhancements to community-based services prior to increasing diversion can help reduce gaps in services for youth under community supervision.

Developing a stakeholder engagement plan is critical to planning and implementation of any reform effort. Buy-in starts with agency leadership and trickles down to the frontline staff. However, engaging frontline staff and staff in different parts of the state early in the process can help build buy-in. State-wide reforms do not impact the entire population in the same way, therefore, implementation must be tailored to specific areas based on the strengths and needs of the community. Starting early with certain jurisdictions as pilot sites can also help manage state-wide transitions.

Framing the reform in a positive way is essential to help frontline staff perceive changes from reform as a way to complete tasks differently rather than doing more work. Interviewees recommended patience and plenty of time to complete necessary trainings and changes to protocols before the reform is fully implemented. Implementing diverse and comprehensive trainings for all stakeholders is important. Trainings should target staff directly involved in reforms, but also those whose buy-in is

necessary to support new policies and procedures (e.g., service providers, county attorneys, law enforcement, and education).

Having a multi-agency oversight council can also help support effective implementation of reforms. According to interviewees, the willingness of different agency leadership to share information and ask and answer difficult questions about implementation improved their ability to both identify and address issues during implementation. Multi-agency coordination is also critical in establishing mechanisms for data and information sharing. Collaboration among agencies can help create structural policies and practices necessary to coordinate tracking, reporting, and use of data for continuous quality improvement.

Improving data tracking and reporting before, during, and after implementation of the reform is beneficial in monitoring trends, successes, and potential unintended consequences. This will allow agencies to plan strategically the best way to implement the reform as well as fine-tune efforts during implementation to improve system and youth outcomes.

Strengths and Limitations

As with all research on system-level reforms, our study has both important strengths and limitations when considering implications for findings and future research. We used a retrospective, qualitative approach that included data from telephone interviews, documents provided by key agencies, and in-person FAIR team observations. Data collection included both leadership and frontline stakeholders from several key agencies with different perspectives on the SB 200 reform. This multi-disciplinary array of stakeholders was central to forming a well-rounded understanding of the reform and provided multiple perspectives on successes and challenges within Kentucky. However, one limitation is that we were able to interview a greater number of certain types of stakeholders than others, although we did focus on including a larger sample of staff directly involved in key reform activities (e.g., we interviewed more CDWs than law enforcement members). Recall bias may have also impacted the findings as interviewees were asked to recall information about the implementation of a reform that began several years ago. Another important limitation is that we did not directly interview youths, family, or service providers on their perspectives about the reform. As the target population for this reform, it is critical that future studies include perspectives of justice-involved youth and families. These limitations were tempered, however, by use of triangulated data from interviews, FAIR team observations, and document review to strengthen validity of the evaluation and our plan to include administrative data analyses in a subsequent report to further examine issues related to community-based services and justice- system and youth outcomes.

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