

**15A.062 Fiscal incentive program for local efforts to enhance public safety and reduce juvenile justice system costs.**

- (1) It is the intent of the Commonwealth to maintain public safety and achieve savings through the use of evidence-based treatment programs and practices at the local level and to reinvest a portion of the savings achieved into community-based programs and services.
- (2) The cabinet shall, as funds become available, develop a fiscal incentive program to fund local efforts that enhance public safety while reducing juvenile justice system costs.
- (3) Funds appropriated to the cabinet for the fiscal incentive program shall be distributed as follows:
  - (a) Ninety percent (90%) shall be utilized for renewable, competitive grants to be awarded to judicial districts, or groups of judicial districts, for the purpose of establishing community-based sanction and treatment programs that provide alternatives to out-of-home placement; and
  - (b) Ten percent (10%) shall be made available to judicial districts, or groups of judicial districts, not receiving funds under paragraph (a) of this subsection, to fund individualized interventions on an occasional basis to avoid commitment to the Department of Juvenile Justice for a limited number of youth.
- (4) The cabinet shall establish the incentive grant application and award process for funds allocated under subsection (3)(a) of this section that includes but is not limited to:
  - (a) The requirements for the grant application, including:
    1. The identification of the local committee that will be responsible for the grant application and implementation. The committee shall consist of local individuals or organizations, which may include judges, county attorneys, defense attorneys, educators, treatment providers, mental health or behavioral health service providers, local officials, law enforcement, and other interested persons. The local committee may utilize an existing committee or may be formed for the purpose of the grant application and implementation;
    2. A requirement that the application be signed as "Have Reviewed and Agree" by all juvenile court judges in the applicant's judicial district or group of judicial districts;
    3. A description of the proposed program region and the juvenile justice need the program is intended to meet;
    4. A description of how the proposed program collaborates with:
      - a. Schools;
      - b. The Administrative Office of the Courts;
      - c. The Cabinet for Health and Family Services;
      - d. Private entities serving children and families; and
      - e. The department; and

5. A description of performance measures to be utilized to measure the outcome and overall impact of the program;
- (b) The procedure for review of the grant applications and the award of the grants including:
1. A committee that includes subject matter experts to review the applications;
  2. Criteria to be utilized in awarding of the grants, including but not limited to:
    - a. The use of evidence-based practices in program design;
    - b. How the program reduces the use of commitments;
    - c. How the program reduces the use of out-of-home placements;
    - d. How the program reduces recidivism;
    - e. How the program establishes or utilizes educational, vocational, substance abuse, behavioral health, mental health, or family intervention services, and local alternatives to detention;
    - f. Whether grant funds will be used to leverage existing funding resources or increase access to existing resources;
    - g. Geographical distribution;
    - h. The number of youth potentially served by the program or service;
    - i. The cost of the program or service; and
    - j. The existence of similar services in the judicial district; and
  3. A process for awarding the grants that may include objective scoring criteria;
- (c) A baseline for calculating reductions for the competitive grant program utilizing 2013 data that combines commitment and detention admissions, and overrides of decisions to allow eligible cases to proceed to diversion; and
- (d) Criteria for renewal of a grant awarded under subsection (3)(a) of this section, including:
1.
    - a. A twenty percent (20%) reduction in detention admissions, public offense commitment, or combination thereof, as compared to the applicant's baseline; or
    - b. A ten percent (10%) reduction in detention admissions, public offense commitments, or combination thereof and a thirty percent (30%) reduction in the use of prosecutorial override of diversion recommendations as compared to the applicant's baseline;
  2. If the judicial district meets the reductions required in this subsection, the judicial district may be considered for grant renewal. The grants are not guaranteed to be renewed, and an application shall be submitted for consideration of renewal;
  3. If a judicial district has substantially complied with the requirements of the program, but has not attained the reductions required in this

subsection, the judicial district may apply for a grant renewal if there is a fifteen percent (15%) reduction in detention admissions, public offense commitments, or a combination thereof during year one (1) as compared to the applicant's baseline; and

4. Detention and public offense commitments for violent offenses as specified in KRS 439.3401 shall not be counted in the calculation of reductions for a judicial district.
- (5) (a) A judicial district may apply for the competitive grant program under subsection (3)(a) of this section until:
1. The population of detention admissions and public offense commitments is reduced by sixty percent (60%) as compared to the applicant's baseline; or
  2. The population of detention admissions, public offense commitments, or a combination thereof is reduced by thirty percent (30%) as compared to the applicant's baseline, and the use of prosecutorial override of diversion recommendations is reduced by ninety percent (90%) as compared to the applicant's baseline.
- (b) If the judicial district meets the reductions described in paragraph (a) of this subsection, the district may continue to apply for funding so long as the reductions required are maintained.
- (6) The cabinet shall establish an expedited application and approval process for awarding the one (1) time only funds under subsection (3)(b) of this section, that includes but is not limited to:
- (a) A requirement that the application be signed as "Have Reviewed and Agree" by a juvenile court judge in the applicant's judicial district or group of judicial districts;
  - (b) A description of the proposed purpose of the grant and the applicant's need; and
  - (c) Other requirements as determined appropriate by the cabinet.
- (7) The Administrative Office of the Courts shall:
- (a) Act as the fiscal agent to receive funds awarded to a judicial district;
  - (b) Provide technical assistance to the judicial district in developing and writing its grant application; and
  - (c) Collect and report data the judicial districts are required to report under the fiscal incentive program.
- (8) The cabinet shall report annually to the oversight council created in KRS 15A.063 on the fiscal incentive program, outcomes achieved, and cost savings realized through reductions in the use of detention and commitments.

**Effective:** July 15, 2014

**History:** Created 2014 Ky. Acts ch. 132, sec. 2, effective July 15, 2014.