

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Robert Frey at
Chairperson

10:00 a.m./p.m. on February 26, 1985 in room 514-S of the Capitol.

~~All~~ members ~~were~~ present ~~except~~: Senators Frey, Hoferer, Burke, Feleciano, Langworthy, Parrish, Talkington, Winter and Yost.

Committee staff present:

Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department

Conferees appearing before the committee:

Representative Wanda Fuller
Pat Ireland, Department of Corrections
Lynn Barclay, Kansas Childrens Service League
Cindy Robinson, Kansas Action For Children
Judy Pfannestiel, Consultant to JRISC
Terry Campbell, Leavenworth Sheriff's Department
David O'Brien, Department of Social and Rehabilitation Services

Senate Bill 2 - Prohibition against holding juveniles in adult jail.

Representative Wanda Fuller appeared in support of the bill. She presented brief background of the Juvenile Jail Removal Impact Study Committee (JRISC). A copy of her handout is attached (See Attachment I).

Pat Ireland, Department of Corrections, testified in support of the bill. She stated after July 1, 1986, most youths under 18 years of age could not be held in adult jails any longer. Under this bill children in need of care will not be allowed in any jail. The bill did change the law regarding juvenile offenders. The advisory commission and the Interim Judiciary Committee recommended there be legislative criteria for which youth would be held in juvenile detention facilities, and that state general funds be appropriated to assist in a nonsecure alternative. A committee member noted, most counties feel they can't meet with federal criteria.

Lynn Barclay, Kansas Childrens Service League, testified in support of the bill. She presented data based on reports by Kansas jails to the Kansas Bureau of Investigation. A copy of the Summary of Data is attached (See Attachment II). She stated reports obtained since JRISC completed its analysis of the data indicate that the actual number of juveniles detained in adult jails is 726 which is greater than the initial reports of 635. Also attached is a copy of reasons juveniles should be removed from adult jails prepared by JRISC (See Attachment III).

Cindy Robinson, Kansas Action For Children, appeared in support of the bill. A copy of her testimony is attached (See Attachment IV).

Judy Pfannestiel, Consultant to JRISC, appeared in support of the bill. She stated there are implementation problems when talking about removing juveniles from jails. Very different types of people are confined. Security detention varies across the state, and some agencies will never jail the status offender. Some will, if parents refuse custody; some law enforcement officers will jail them or tell parents it is their responsibility. One of the big problems is the placement of youths age 16 and 17 years old. She reported in all counties, alternatives to jails are already being used. It is not a new program. Law enforcement and judges are the key detention decision-makers. Ninety-five percent of kids who go to jail go at night or on weekends. Jail is a quick alternative. A copy of a brochure "Juveniles In Jail" is attached (See Attachment V).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on February 26, 1985

Senate Bill 2 continued

Terry Campbell, Leavenworth Sheriff's Department, commended the Juvenile Jail Removal Impact Study Committee. He stated he was appearing before the committee as a sheriff of a county charged with the responsibility of the administration of a jail. He has served in this capacity since 1977. He stated there are juveniles that commit adult type violent crimes. Those juveniles need to be segregated from society. The lesson taught by placing a child in jail is a lesson in the inability to deal with a problem. He agrees with the committee the continued placement of juveniles in adult jail would already add to problems of the criminal justice system.

David O'Brien, Department of Social and Rehabilitation Services, appeared on behalf of Dr. Robert C. Harder in support of the bill. He stated the department supports, in general, the philosophy and findings of the JRISC Report and the testimony you have received this morning from JRISC members. A copy of Dr. Robert Harder's statement is attached (See Attachment VI).

The meeting adjourned.

A copy of a statement from the League of Women Voters of Kansas is attached (See Attachment VII).

Copy of the guest list is attached (See Attachment VIII).

Copy of a position statement from Children's Coalition is attached (See Attachment IX).

GUEST LIST

COMMITTEE: SENATE JUDICIARY COMMITTEE

DATE: 2-26-85
10:00 AM.

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
VERLE L. SWENSON	ALMA, KS	DISTRICT MAGISTRATE JUDGES ASSN.
January H. Scott	Topoka	KCPA
Lynn Barclay	"	KCSL
T. Dale Boyer	Topoka	KBT
Judy Pfannenstiel	Overland Park	Consultant to JRISC
David O'Brien	Topoka	SRS
Wanda Fuller	Wichita	St. Leo
Pat Schubert	TOPKA	Dept. of Correc.
Pat Boyer	TOPKA	Youth Soc. SRS
Bill Sant	Wichita	Engl. Beach
Glee W. Clark	Topoka	KCDAA
Ben Cunniff	Topoka	SRS
Kevin Pellant	Topoka	Shawnee Co. Dept. of Correc.
Robert P. Morrison	Wichita	District Court
Thomas A. Archer	Wellington	District court
Marjorie Van Buren	Topoka	ODA
Mary Land McNeil	Topoka	KBT
Bill Barbour	Lawton, KS	State Rep 34th Dist
Burdell W. Welsh	Leavenworth, KS	Sheriff Dept.
Jenny Campbell	Leavenworth, KS	Sheriff Dept
Donna Schreweis	Saline, KS	citizen
Caroline Poirche	Franklin	VERITOR
Pamela Patterson	Topoka	As sec. of CMAA's
Nancy Ingle	"	Div. Budget
Ann Webber	Overland PK.	L.W.V.K.

2/26/85

Attach. VIII

2-26-85

STATE OF KANSAS

WANDA FULLER
REPRESENTATIVE, EIGHTY-SEVENTH DISTRICT
2808 SENNETT
WICHITA, KANSAS 67211



TOPEKA

HOUSE OF
REPRESENTATIVES

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VICE CHAIRMAN: JUVENILE OFFENDERS SERVICES
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NATIONAL CONFERENCE OF STATE LEGISLATURES—
STATE AND FEDERAL ASSEMBLY—FEDERAL
TAXATION, TRADE AND ECONOMIC
DEVELOPMENT COMMITTEE

TO: Senate Judiciary Committee
FROM: Representative Wanda Fuller
RE: Senate Bill 2

Objective: To prevail upon the committee to pass favorably Senate Bill 2,
prohibiting the detention of juveniles in adult jails.

Mr. Chairman and members of the Senate Judiciary Committee, I come before you today to give my support for Senate Bill 2 and to give a brief background as to how and why it came about.

In June, 1983, the Advisory Commission on Juvenile Offender Programs adopted the philosophy of removing youth from adult jails while recognizing the need to study the fiscal and social impact of implementing the philosophy. To that end, the Juvenile Jail Removal Impact Study Committee was created and charged with developing a report exploring the issues surrounding removal of youth from Kansas jails.

Shortly after its creation, the committee undertook its mission by analyzing the situation in Kansas with regard to state juvenile justice options, available resources, and available data. This was followed by review of national legislative and judicial actions, as well as experiences of other states and regions with removing youngsters from secure detention settings in adult jails.

The Committee determined that any assessment had to answer a primary question: Can juvenile jail removal be accomplished in Kansas within acceptable parameters and, if so, in what manner?

The Committee became united in its belief that youth should be removed from jails and that Kansas can solve the problems involved in removal. It was felt that successful change would require (1) extensive cooperation from and planning by a number of people representing state and local agencies involved in the juvenile justice and child protection systems; (2) a commitment to changes for reasons other than protecting Kansas' participation in the federal Justice and Delinquency Prevention Act; (3) that any plan examine the complete pretrial

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Attch. I

system for youth and not just the jail removal issue; and (4) an understanding that "jail removal" does not mean that secure detention is not an appropriate placement for some alleged juvenile offenders.

Numerous questions arose in the course of the Committee's work. (1) Who is responsible for the pre-trial stage of the juvenile justice system; (2) How can low population areas be best served at a reasonable cost; (3) How can current space in the existing juvenile detention centers best be utilized; (4) What type of changes should be made in statutory language; and (5) What type of timetable should be established for any mandatory changes?

The Committee sought information and gained education through a variety of activities such as: (1) assistance and information from national experts; (2) extensive study and analysis of data prepared by the Kansas Bureau of Investigation; (3) visits to local sites; (4) the study of other states' experiences related to changes resulting from jail removal; and (5) communication with experts from Kansas including judges, sheriffs, detention staff, court services officers, child advocates, and social service administrators.

The Jail Removal Impact Study Committee spent a year preparing a report entitled "Juveniles in Jail in Kansas" aimed at reforming juvenile detention practices in Kansas. Based on KBI statistics, analyzed by the committee, the group found that as many as 1,500 youths are placed in jail in Kansas in a year's time. Approximately 1,800 additional juveniles are detained in secure detention facilities which means that around 3,000 youths are annually locked up in Kansas. Of these, approximately 60 percent are released within 48 hours. The committee surveyed Kansas judges regarding the placement of juveniles brought before them. Responses of the judges surveyed indicated a need for access to secure detention facilities for youth as well as concern for the difficulties of transportation to current facilities, the cost of new facilities, and the limited space currently available. The judges also cited a need for more foster homes and runaway and emergency shelters.

The Jail Removal Impact Study Committee hired the Community Research Center of the University of Illinois as a consultant. Using Kansas data, the research center determined that it would be possible to reduce significantly the number of youths in secure detention by removing status and nonoffenders and minor offenders. Preliminarily the Community Research Center indicated that part of the solution in Kansas may lie in the provision of nonsecure alternatives to jail rather than the construction of new secure facilities.

As a result of the study by the Jail Removal Study Committee and the Interim Judiciary Committee, you have before you today for your consideration, Senate Bill 2.

Attach . I

ADVISORY COMMISSION ON JUVENILE OFFENDERS PROGRAMS

The Advisory Commission on Juvenile Offender Programs was created under K.S.A. 75-5388, by the 1982 session of the Kansas legislature. Commission membership includes:

The Secretary of SRS or a designee

The Commissioner of Education or a designee

The Attorney General or a designee

Two Judges of the district court appointed by the Chief Justice of the Supreme Court

One person actively engaged in law enforcement, appointed by the Governor

One person from the Field of Corrections, appointed by the Governor

Two representatives of organizations or private agencies which are actively involved in providing services or programs for juvenile offenders, appointed by the Governor

Four legislators, one each appointed by the Speaker and Minority Leader of the House of Representatives and by the President and Minority Leader of the Senate

This Commission was established to confer, advise and consult with the Director of Juvenile Offender Programs with respect to the policies governing the management and operation of the services, programs or institutions under the jurisdiction of the Commissioner. Additionally, the Commission shall:

Consult with and advise the Governor on matters related to institutions and programs for juvenile offenders;

Visit and inspect the youth centers;

Prepare an annual report to the Governor, the Commissioner of Education, the Secretary of SRS, the Attorney General, the Chief Justice, and the members of the Legislature;

Recommend legislation;

Make recommendations concerning the defining of appropriate roles of other state agencies involved in the delivery of services or programs to juvenile offenders;

Act as the supervisory board for purposes of the Juvenile Justice and Delinquency Prevention Act.

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CURRENT MEMBERS

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Commissioner of Youth Services
SRS Designee

Brenda Hoyt
Asst. Attorney General
Attorney General Designee

Warren Bell
Director, State & Federal Programs
Administration Section
KSDE Designee

Appointees of the Chief of Justice

The Honorable Richard Loffswold
Associate District Judge
Girard, Kansas

The Honorable Lee Nusser
District Magistrate Judge
St. John, Kansas

Members of the Senate

The Honorable Nancy Parrish
State Senator
Topeka, Kansas

The Honorable Alicia Salisbury
State Senator
Topeka, Kansas

Members of the House of Representatives

The Honorable Donna Whiteman
State Representative
Hutchinson, Kansas

The Honorable Wanda Fuller
State Representative
Wichita, Kansas

Governor's Appointees

Patricia S. Ireland
Kansas Dept. of Corrections

Sally Northcutt
President, Kansas Association of
Licensed Child Care Agencies

Stanley D. Rowe
Topeka Police Dept.

Lois Jebo
Executive Director
Kansas Action for Children

JUVENILE JAIL REMOVAL IMPACT STUDY COMMITTEE

Lynn Zeller Barclay, Perry
Michael Boyer, Topeka
Jan Buerge, Kansas City
Terry Campbell, Leavenworth
Robert Clester, Topeka
Ben Coates, Topeka
Representative Wanda Fuller, Chair, Wichita
Patricia Ireland, Lawrence
Lois Jebo, Topeka
Denise Kilwein, Topeka
Cathy Leonhart, Topeka
The Honorable Lee Nusser, St. John
David O'Brien, Topeka
Senator Nancy Parrish, Co-Chair, Topeka
Keven Pellant, Topeka
Cynthia Robinsom, Shawnee Mission
Rudy Serrano, Topeka
Terry Showalter, Kansas City
Steve Wiechman, Topeka

JUVENILE JAIL REMOVAL IMPACT STUDY COMMITTEE

Senate Judiciary Testimony on February 26, 1985

SUMMARY OF SB 2

The Juvenile Jail Removal Impact Study Committee (JRISC) supports SB 2.

A. Major features of SB 2:

1. As of July 1, 1986, youths under 18 could not be held "in an adult jail or in the same building as an adult jail," unless they are:
 - (a) being waived into adult court, once charges and motion have been filed;
 - (b) charged with the crime of aggravated juvenile delinquency (which is handled in adult court); or
 - (c) charged with a third felony (which is handled in adult court).
2. Placement in adult jails or lock-ups would be completely prohibited for:
 - (a) alleged children in need of care;
 - (b) adjudicated children in need of care;
 - (c) alleged juvenile offenders (except for a six-hour hold for processing/investigation);
 - (d) adjudicated juvenile offenders;
 - (e) traffic offenders; and
 - (f) fish and game violators.
3. The Advisory Commission on Juvenile Offender Programs "shall oversee the implementation of the mandated removal of juveniles from adult jails and shall assist in the development of nonsecure local or regional alternatives to detention of juveniles." The commission would use federal monies and any appropriated state funds for nonsecure alternatives to jail.
4. The bill would not prohibit holding youths in juvenile detention centers, but only in adult jails.

B. JRISC also supports using state general fund money for nonsecure alternatives to jails. The fiscal note for the first year of nonsecure alternatives is \$772,711. New juvenile detention centers should not be built until nonsecure alternatives have been tried. After at least a year, the need for new juvenile detention centers can be reassessed.

C. JRISC also supports legislated criteria for the screening, release or detention of accused juvenile offenders, to ensure that juvenile detention centers are used only when necessary. The Advisory Commission on Juvenile Offender Programs will ask the 1986 legislature to adopt criteria.

Attach. I

JUVENILES IN JAIL IN KANSAS
SUMMARY OF DATA

12/83 - 5/84

These figures are based on reports by Kansas jails to the Kansas Bureau of Investigation. In instances where such reports were not filed or were incomplete, the Juvenile Jail Removal Impact Study Committee (JRISC) sought out and obtained much of the missing data. Reports obtained since JRISC completed its analysis of the data indicate that the actual number of juveniles detained in adult jails (726) is greater than the initial reports (635). This summary is based on the initial reports of 635 juveniles held in adult jails over approximately 6 months.

	<u>ADULT JAIL</u>	<u>JUV. DETENTION CENTER</u>
TOTAL DETAINED: 1,346	635	711
OFFENSE		
ABC Felony	3.5%	4.6%
Other Felony	32.3%	23.4%
Runaway	21.0%	18.6%
Traffic/Fish & Game	8.2%	0.7%
Other (misdemeanor, status offender, etc.)	<u>35.0%</u>	<u>52.8%</u>
	100.0%	100.1%
TIME SPENT IN DETENTION		
0-6 hours	25.5%	17.4%
6-48 hours	41.9%	31.6%
48 hours - 30 days	31.0%	39.2%
over 30 days	<u>1.6%</u>	<u>11.7%</u>
	100.0%	99.9%

Prepared by JRISC
February 1985

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Attch. II

JUVENILES IN JAIL IN KANSAS - ESTIMATES OF ANNUAL JAIL USAGE

From 12/83 to 5/84, a reported 726 juveniles were held in adult jails in Kansas. This chart uses those figures to show the estimated number and average daily population of juveniles in jail in 1 year in each of 7 regions of the state. It also gives an estimate of the average daily population that would result if 1/2 of the juveniles were placed in alternatives to jail. These figures do not include any juveniles held in the 4 county juvenile detention centers.

REGION	JUVENILES IN JAIL 1 YEAR EST.	AVG. LGTH. OF STAY	ADP* OF JUVENILES	ADP* IF ONE-HALF REMOVED
REGION I Made up of: • 24 counties in SW Kansas • 16th, 24th, 25th & 26th Judicial Districts	134	2.9 days	1.06	.53
REGION II Made up of: • 17 counties in NW Kansas • 15th, 17th & 23rd Judicial Districts	72	2.3 days	.45	.23
REGION III Made up of: • 11 counties in South Central Kansas • 13th, 18th, 19th, 27th, & 30th Judicial Districts	198	4.2 days	2.28	1.14
REGION IV Made up of: • 21 counties in North Central Kansas • 8th, 9th, 12th, 20th, 21st & 28th Judicial Districts	280	2.9 days	2.22	1.11
REGION V Made up of: • 11 counties in NE Kansas • 2nd, 3rd, 5th & 22nd Judicial Districts	132	6.9 days	2.50	1.25
REGION VI Made up of: • 9 counties in NE Kansas • 1st, 4th, 7th, 10th & 29th Judicial Districts	316	4.3 days	3.72	1.86
REGION VII Made up of: • 12 counties in SE Kansas • 6th, 11th, 14th & 31st Judicial Districts	320	3.2 days	2.81	1.41
TOTAL 105 counties	1,452	3.8 days	15.12	7.56

*ADP= Average Daily Population (Based on # in jail x avg. length of stay ÷ 365 days)

Prepared by Juvenile Jail Removal Study Committee (JRISC), February 1985

Attach II

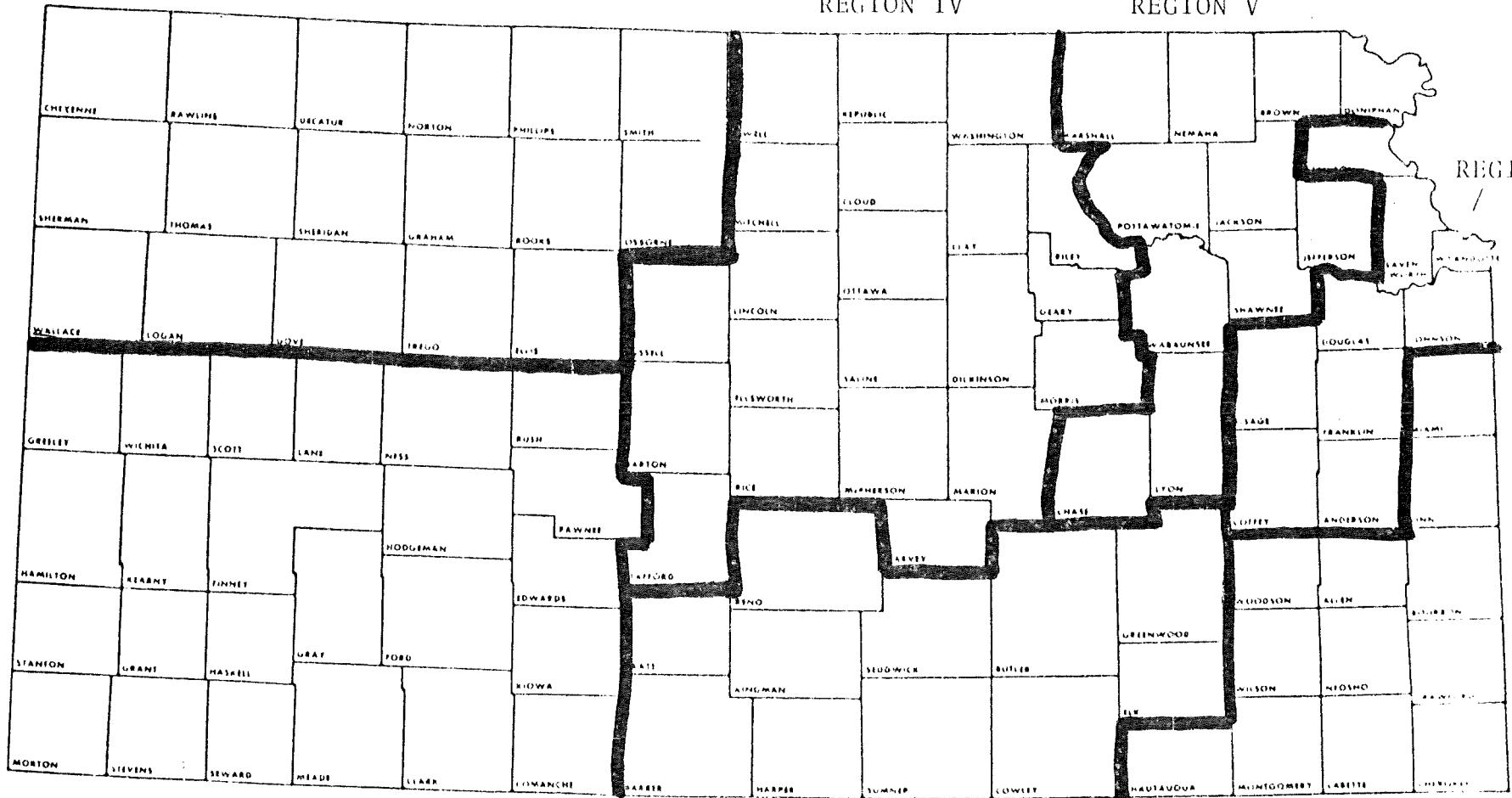
STATE OF KANSAS

REGION II

REGION IV

REGION V

REGION VI



REGION I

REGION III

REGION VII

WHY SHOULD JUVENILES BE REMOVED FROM ADULT JAILS?

1. Most juveniles who are jailed are not dangerous to themselves or to others and those who are dangerous can be safely held in secure juvenile detention centers.
2. The main reason given by judges and law enforcement for jailing juveniles is that they had no alternative available. Yet, alternatives to jailing juveniles are effective and can be developed at a reasonable price.
3. Successful "sight and sound" separation of juveniles from adults in Kansas jails has not been achieved despite many years of effort.
4. Juveniles in adult jails are either exposed to adult inmates, which can result in abuse, or isolated from other inmates, which can result in severe stress and self-destructive actions.
5. Youths in jail commit suicide at a rate 5 times that of children in society and 8 times that for children in juvenile detention facilities.
6. Juveniles in jail cause management problems for jailers who generally have neither services nor space available for juvenile inmates.
7. Jailers increasingly face lawsuits in which they may be held liable for damages inflicted on a youth held in an adult jail.
8. In 1982, a federal court in Oregon ruled that holding juveniles in any adult jail was, per se, unconstitutional.
9. The "shock" impact of jail most often has negative consequences for youth; there are other less damaging and more positive ways to achieve a shock impact.
10. Physical and emotional damage to youth should not be inflicted or allowed by the state.

kansas action for children, inc.

2053 kansas avenue • p.o. box 5283 • topeka, Kansas 66605 • 913/232-0550

Senate Judiciary Hearing on SB 2

February 26, 1985

Testimony of Cynthia A. Robinson, attorney and
juvenile justice specialist for Kansas Action for Children

Results of interviews with 16 youths who have been in adult jails
in Kansas:

- * Twelve youths had been in one or two jails; four youths had been in three or four jails
- * Five youths shared cells with adults; an additional four were held within sight or sound of adults
- * The two youngest were 12 years old; most were 14 or older when jailed
- * None were given schoolwork or regular recreation periods
- * None of the jails had any programming to occupy time. Some had one or more of the following: radio, TV, cards, books, magazines, games.

Examples of dangerous or inappropriate experiences reported by the 16 youths:

- * One youth attempted suicide after 10 days in isolation. He was later moved in with adults because the sheriff believed that was better than another suicide attempt.
- * One city jail has a steel mesh pen "like a dog cage" in the middle of a cell. One teenager reported incarceration in the pen. The existence of the pen was confirmed after a jail inspector phoned the city.
- * A 12 year old reported hallucinations after 29 days in isolation.
- * A prisoner became very ill. Juvenile cellmates attempted to call jailers, who responded "Shut up." It took over an hour to get the jailers to investigate. The ill prisoner was then hospitalized.

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Attach. IV

JUVENILES IN JAIL: WHAT ARE THE ALTERNATIVES?

During 1984, about 1500 Kansas youths were placed in adult jails or lockups. For the many communities that have no secure juvenile detention center, the local jail may appear to be the only convenient and available resource. Relying on jails for juvenile detention can create new and worse problems for a community or county. In D.B., et al. v. Tewksbury, a district judge held that jailing juveniles in and of itself is a violation of their due process.

CRITERIA FOR DETENTION

The use of objective, specific criteria for the detention or release of arrested juveniles is often the first step a community employs in successfully reducing the number of youths in adult jails. The use of criteria that are agreed upon by those who make detention decisions helps insure that only those youths who require secure detention are actually detained. The use of criteria also helps to insure that youths who need intervention (but not necessarily detention in an adult jail) are appropriately identified.

Juvenile detention criteria have been successfully employed throughout the country. Law enforcement officials and judges in several Kansas counties have already begun to utilize such criteria in order to identify how many youths truly are in need of secure detention.

USE OF SUMMONS

Many juveniles can be issued summonses to appear at their hearings instead of waiting in jail, with no resulting danger to the community.

In Annapolis, Maryland, police issue citations resembling parking tickets to youths at the time of offense and set a date for appearance before a community arbitrator.

24-HOUR-A-DAY INTAKE SERVICES

Juvenile justice intake workers available on a 24-hour-a-day basis can help police and the courts to evaluate the youth and his or her circumstances to determine the best course of action immediately. A 24-hour intake service allows for each case to be evaluated individually and provides for the least restrictive form of custody or supervision needed. In areas where few juveniles are detained, a person or persons knowledgeable about the detention system could be on 24-hour call. In areas with higher juvenile detentions, 24-hour staff availability might be necessary. Ideally, the intake service is part of a comprehensive and integrated community-based system of care that provides both protection to the community and help to the troubled youth and families.

NON-SECURE SUPERVISION

Nationally, 90 percent of the juveniles arrested do not require secure confinement in a locked jail prior to a hearing. They can be safely supervised:

- In a "holdover" facility. A holdover

facility is a place with bed and bath facilities where trained attendants supervise youths for a number of hours until a preliminary hearing can be held, or until transportation has been arranged for the youths.

In the northern counties of Michigan, the courts administer holdover sites in sheriff's offices, hospitals, community mental health centers or detoxification centers, where youths can be held for up to 16 hours. The courts pay attendants to supervise youths. Attendants, who are recruited from the community to be on call, include teachers, police, probation officers and college students. The holdover time gives youths and their families a breather, the youths a time to reflect, and the courts an opportunity to make an informal decision about them.

- At home, in a home detention program. Home detention counselors (supervisors, attendants) oversee a youth through daily visits and calls to his or her home and school. Home detention is operated by strict rules written into a contract and agreed to by the court, the youth, the family, and the counselor.

In Milwaukee, Wisconsin, the Outreach Home Detention Program has a daily caseload of 30 adolescents whom it supervises in home detention. Its goals are to insure court appearances and to insure that youths remain trouble-free while under supervision. The program provides short-term crisis intervention, referrals to community services which may provide the therapy or education needed over the long run,

and information to courts to help them make reasonable decisions.

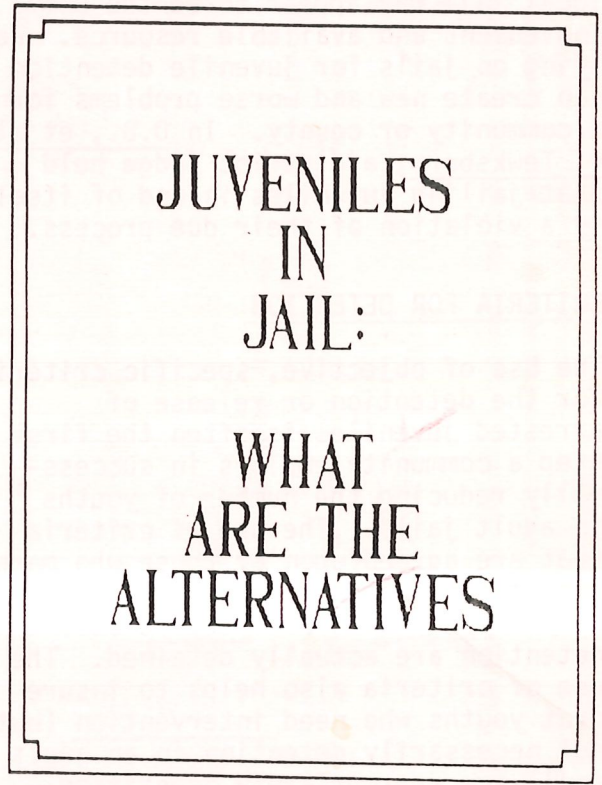
- In a shelter care facility. Small supervised residences such as group homes, or runaway shelters provide temporary shelter and assistance for youths in crisis periods.
- In a foster home. Families within the community can provide round-the-clock care to troubled youths who need to be temporarily removed from their own homes.

TRANSPORTATION SERVICES

A small number of youths may still require secure custody despite the availability of alternative resources. The goal of secure custody is to provide a safe and secure environment for the youth awaiting adjudication. Four secure detention facilities for youth exist in Kansas; most Kansas counties, however, are far removed from these facilities.

Communities distant from secure juvenile detention facilities can transport youths to the facilities at low cost, compared to the cost of maintaining secure juvenile facilities for the relatively few juveniles requiring their use in the many Kansas counties. The availability of a network of transportation services minimizes the need to confine youths in adult jails. Such services have been successfully implemented in Colorado.

This brochure was prepared by the Jail Removal Impact Study Committee (JRISC), a committee established by the Kansas Advisory Commission on Juvenile Offender Programs to study the feasibility of removing juveniles from jail in Kansas. For more information please contact David O'Brien, (913) 296-4649; or write him in care of SRS, Smith-Wilson Bldg., 2700 West 6th, Topeka, KS 66606



Atch. V

Atch. V
2/26/85

2-26-85

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Testimony in Support of Senate Bill 2
Senate Judiciary Committee
February 26, 1985

Mr. Chairman, Members of the Committee, SRS is appearing today in support of Senate Bill 2 which amends state laws to prohibit the holding of juveniles in local jails and lockups. We support, in general, the philosophy and findings of the JRISC Report and the testimony you have received this morning from JRISC members.

We agree with the concept that a majority of juveniles currently held in adult jails can be better served in non-secure settings and that the state should pay for the non-secure placement of alleged juvenile offenders. Costs of secure detention, except for transportation, would remain the responsibility of the counties. We have submitted a fiscal note which calls for \$772,711 of State General Fund monies in FY 86 to implement Senate Bill 2.

We believe that given the six pilot projects now in operation or in the planning stage, and the existence of \$275,000 in federal funds, that the FY 1986 budget would need to include an additional \$275,000 in project start-up funds.

In addition, since this would be a phase-in year, we anticipate that approximately one-half of the annual operating costs for per diem payments to non-secure facilities and one-half the transportation costs would be needed. This would total \$214,912; (\$177,762 - per diem; \$37,150 mileage and per diem for transport.)

We also believe that to adequately administer the program, eleven (11) new positions would be needed to develop projects, coordinate transportation, schedule youth for court appearances, monitor the services, etc. at a cost of \$284,352.

We feel after the first year it is unlikely that additional services would need to be developed and the on-going annual costs would remain about \$750,000 to \$775,000.

Office of the Secretary
Robert C. Harder
February 26, 1985

2/26/85
Attch. VI

LEAGUE OF WOMEN VOTERS OF KANSAS

909 Topeka Boulevard-Annex

913/354-7478

Topeka, Kansas 66612

February 26, 1985

Statement to the Senate Judiciary Committee in support of SB 2.

The League has strongly supported the removal of juveniles from adult jails since the completion of our study on juvenile needs in 1972. We are very encouraged by the Juvenile Jail Removal Impact Committee report, and the work and interest shown by the Special Committee on Judiciary during the Interim. We appreciate all such efforts.

We do have two concerns not addressed in SB 2.

1. It seems clear to us from all of the data, that a policy decision must be made by the Legislature as to criteria used for secure incarceration. We believe that jail and detention decisions do depend on the attitude of the local juvenile judge, law enforcement, and the availability of non-secure resources. If there is no specific state policy on such issues, this will continue to be the case.
2. We do not see the need for little detention facilities springing up all over the state. We do see the need for using all available Juvenile Justice and Delinquency Prevention Act monies, community corrections funds, and some state funds to provide the needed alternatives, transportation, and whatever else is needed to assure the removal of juveniles from our Kansas jails.

The League urges your support of SB 2, and hopes that you will take our concerns into consideration.

Thank you very much,



Ann Hebbinger, Lobbyist
League of Women Voters of Kansas

Attch. VII
2/26/85

CHILDREN'S COALITION

P.O. Box 5314
Topeka, Kansas 66605
913-232-0543

1985
POSITION STATEMENT
ON
REMOVING JUVENILES FROM ADULT JAILS

POSITION

The Children's Coalition supports SB 2, a bill that would prohibit the placement in adult jails of children in need of care and alleged juvenile offenders.

RATIONALE

Jailing has severe damaging psychological effects on adolescents. For every 100,000 put in jail, 12 will not come out alive. They will kill themselves. Others quickly learn to identify themselves as criminals. They leave jail angry and defiant, ready to vent that anger on the general community. Others suffer emotional and mental harm that affects their behavior long after they leave jail. Physical and emotional damage to youth should not be inflicted or allowed by the state.

COALITION MEMBER GROUPS

- | | |
|--|---|
| Association of Community Mental Health Centers in Kansas | Kansas Chapter - American Civil Liberties Union |
| Church of Our Lord Jesus Christ-Topeka | Kansas Children's Service League |
| Cross-Lines Cooperative Council, Inc.- Kansas City, Kansas | Kansas Committee for Prevention of Child Abuse |
| Girls Clubs of Topeka | Kansas Council for Children and Youth |
| Junior League of Topeka | Kansas Council on Crime and Delinquency |
| Kansas Action for Children | Kansas-National Education Association |
| Kansas Association for Education of Young Children | Kansas State Nurses Association |
| Kansas Association of Child Care Workers | Kansas Trial Lawyers Association |
| Kansas Association of Licensed Private Child Care Agencies | Martin Luther King Urban Center - Kansas City, Kansas |
| | Public Assistance Coalition of Kansas |
| | United Methodist Youthville |
| | The Villages, Inc. |

February 6, 1985

2/26/85
Attach. IX