

Approved April 11, 1986
Date

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 April 1, 1986 in room 514-S of the Capitol.

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

Committee staff present: Mary Hack, Revisor of Statutes
Jerry Donaldson, Legislative Research Department

Conferees appearing before the committee:

Lois Jebo, Kansas Action For Children
Judge Tom Graber, District Court, Wellington
Bob Clester, Kansas Sheriffs Association
Representative Wanda Fuller
Steve Wiechman, Kansas Association of Counties
Mike Boyer, Kansas Bureau of Investigation

House Bill 2743 - Certification of quarters for juvenile detention in jails.

Lois Jebo, Kansas Action For Children, testified they still have some reservations about this bill. They are particularly interested in some of the safeguards that are maintained in the bill. She pointed out on page 5, line 163, this amendment was added by the House and it is most necessary to keep in the bill. They are interested in efforts being put into upgrading jails for juveniles so some day juveniles can be excluded from jail completely. They are concerned with the sight and sound separation from adults; the youths find themselves isolated without much attention. They have interviewed youths who had been held in jails and the kids feel very vulnerable.

Judge Tom Graber, District Court, Wellington, testified there were certain problems that were met in the original draft that are not met now. He is concerned with the educational needs being met while youths are detained, and that kind of service needs to be mandated. A committee member inquired how long the youth are detained? Judge Graber replied, can have 48 hours, and have had youths detained two or three weeks. If it is a long period of time, they will go to the youth center. Judge Graber pointed out on page 2 of the bill, line 56, need to amend K.S.A. 19-1919, that provides manner in which all prisoners are being treated, not just juveniles. He said the language as originally proposed is appropriate, but next to last line 60, feels language should be reinstated concerning visitation. He said youths feel isolated and visitation needs to be provided for. He pointed out in line 59, the stricken language "Juveniles shall be kept in quarters" should be reinserted. He stated he had a concern with effective date before July 1, 1988. Objects to provision being before that time because may make it a physical impossibility for counties to come into compliance because of budgeting problem. He recommended the word "before" be stricken and "after" July 1, 1988 be inserted. Committee discussion was held concerning youth detention centers and converting other quarters in their area instead of taking the youths to the larger counties.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on April 1, 1986

House Bill 2743 continued

Bob Clester, Kansas Sheriffs Association, testified they are not in opposition to the bill. They are concerned with the 60 days. He said the youths need to have visitation, and they prefer the language "shall be permitted". He testified he feels on the local level they should be able to decide their own problems. He definitely supports the wording in line 163, the effective date be after July 1, 1988 because of the fiscal impact.

Representative Wanda Fuller presented background information concerning what is happening in jail removal across the state. The committee (JRISC) recommended the sight and sound separation, removal of juveniles from jails and lockups. The committee has tried to figure out how this bill and Senate Bill 2 could be put together. She explained Senate Bill 2 does allow juveniles to be held for six and 24 hour holds, and they do want sight and sound for the 24 hour holds. As far as inspection is concerned, they would like to have the inspections back to the district judges. The judges should see where they are placing those juveniles. She reported there are 30 counties that do not jail juveniles and are using alternatives. It was recommended amending the appropriations bill to provide money for counties who would like to have juvenile detention facilities. The committee is looking at regional detention centers in the state. A copy of her handout is attached (See Attachment I).

Steve Wiechman, Kansas Association of Counties, testified counties are opposed to the bill. The problem they have is subject to the whims of the Secretary of Corrections, and the costs would be prohibitive. He stated there are no experts in the certification of jails. They have been involved with the JRISC Committee and they support Senate Bill 2. They felt the senate bill was the best approach. They are concerned about certification. In response to a question concerning the enforcement ability of the Secretary of Corrections, Mr. Wiechman replied, the standards are not there. They have continual problems back and forth. They are concerned about the cost factor, and they think alternative is a good solution.

House Bill 2773 - Criteria for placing juveniles in secure detention.

Lois Jebo, Kansas Action For Children, testified this bill is the result of a subcommittee appointed by the JRISC Committee, and this bill was a consensus of that committee. She presented background information to the bill, and explained the amendments. She stated they are concerned with runaways from nonsecure detention to be placed in secured detention. These are emotionally disturbed kids. There is continuing problems of abuse in the security in which they are held. They are concerned about taking kids into juvenile detention. They are opposed to the amendments in lines 101 and 116 of the bill.

Judge Graber pointed out the two amendments that Lois Jebo spoke to, are amendments he had asked for in the House. He said the law enforcement officer will have to have probable cause. He urged the committee to keep the amendments in the bill. He explained in regard to Section 9, that was his request and it does apply to someone who has committed an offense and taken in by an officer. You can't have confidence if they are put into another nonsecure security if they are brought back. They need a place to hold them in a juvenile section of the jail.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on April 1, 1986

House Bill 2773 continued

Representative Wanda Fuller stated she did not like the way the bill left the House committee. The concern is whether to detain and where to detain. Should they be put in a jail, or nonsecurity, or security. She said their needs are not going to be met in jail cell. She is opposed to the probable cause. There are many places we can put him rather than putting him in a jail. Representative Fuller said she feels the language in lines 116 and 117 is potentially dangerous. She urged the committee to take both amendments out because they are subject to abuse.

Bob Clester, Kansas Sheriffs Association, testified if Senate Bill 2 would pass or other bills, their juvenile detention facilities are almost full and they won't have room. There are no extra juvenile facilities in the State of Kansas. He had concern for the language in Section 2, lines 85 and 86, juvenile detention facilities only.

Mike Boyer, Kansas Bureau of Investigation, testified he is concerned with the fiscal note. In order for a criteria to be met, you have to have clear, complete, accurate and timely data to get better compliance with reporting. The fiscal note is \$30,000 and additional personnel. They are now working with a three month backlog. He said they need additional persons to be in compliance with the law that exists right now. The chairman suggested requesting an interim study by Ways and Means Committee concerning their problem. Mr. Boyer said he has no problem with that. This system is as good as any other systems in the country. There is a lot that needs to be done.

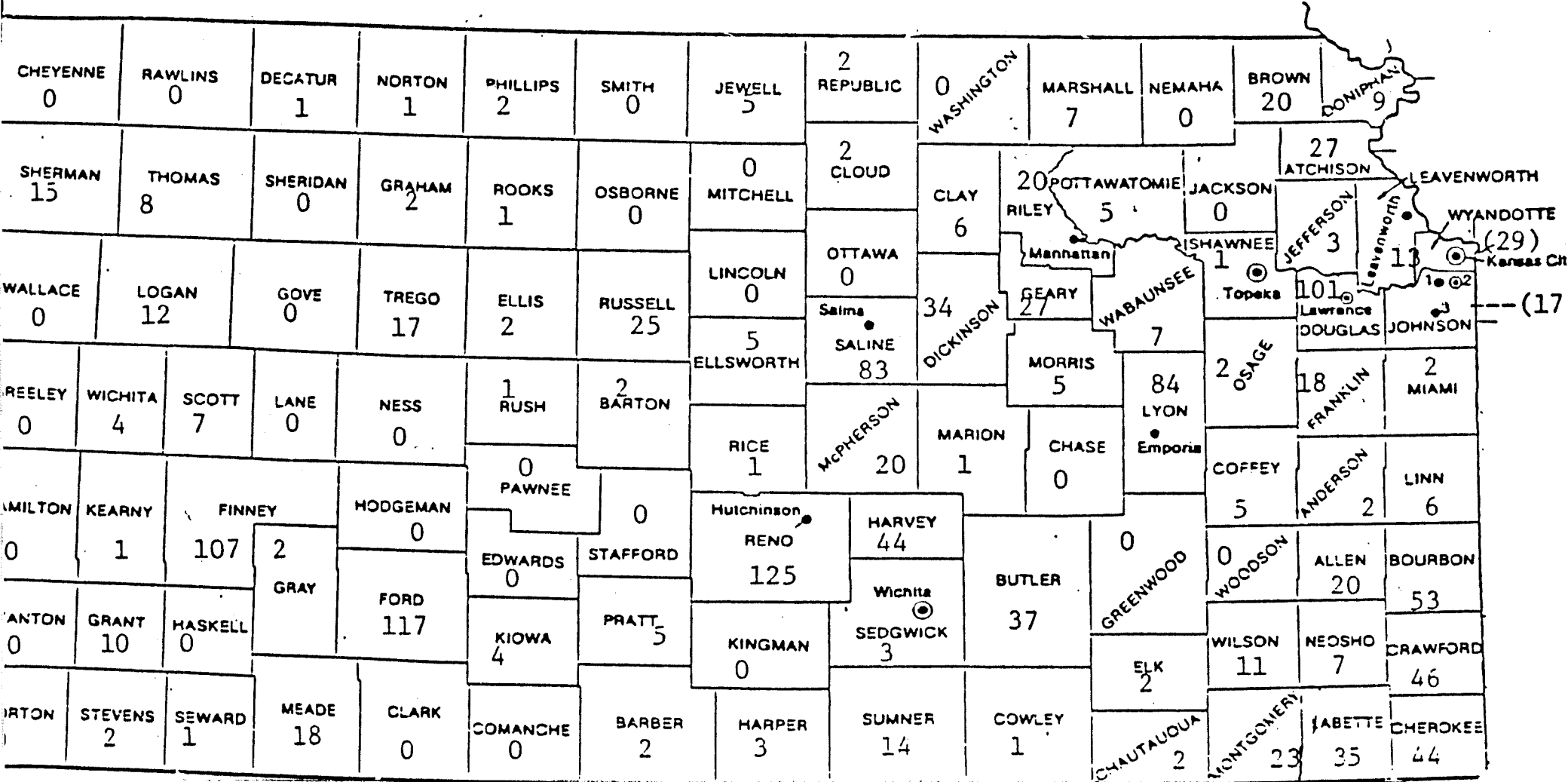
The meeting adjourned.

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

Figure I

4-1-86

Juvenile Jailings by County (7-1-84 to 6-30-85)



Attell
H

STATE OF KANSAS

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



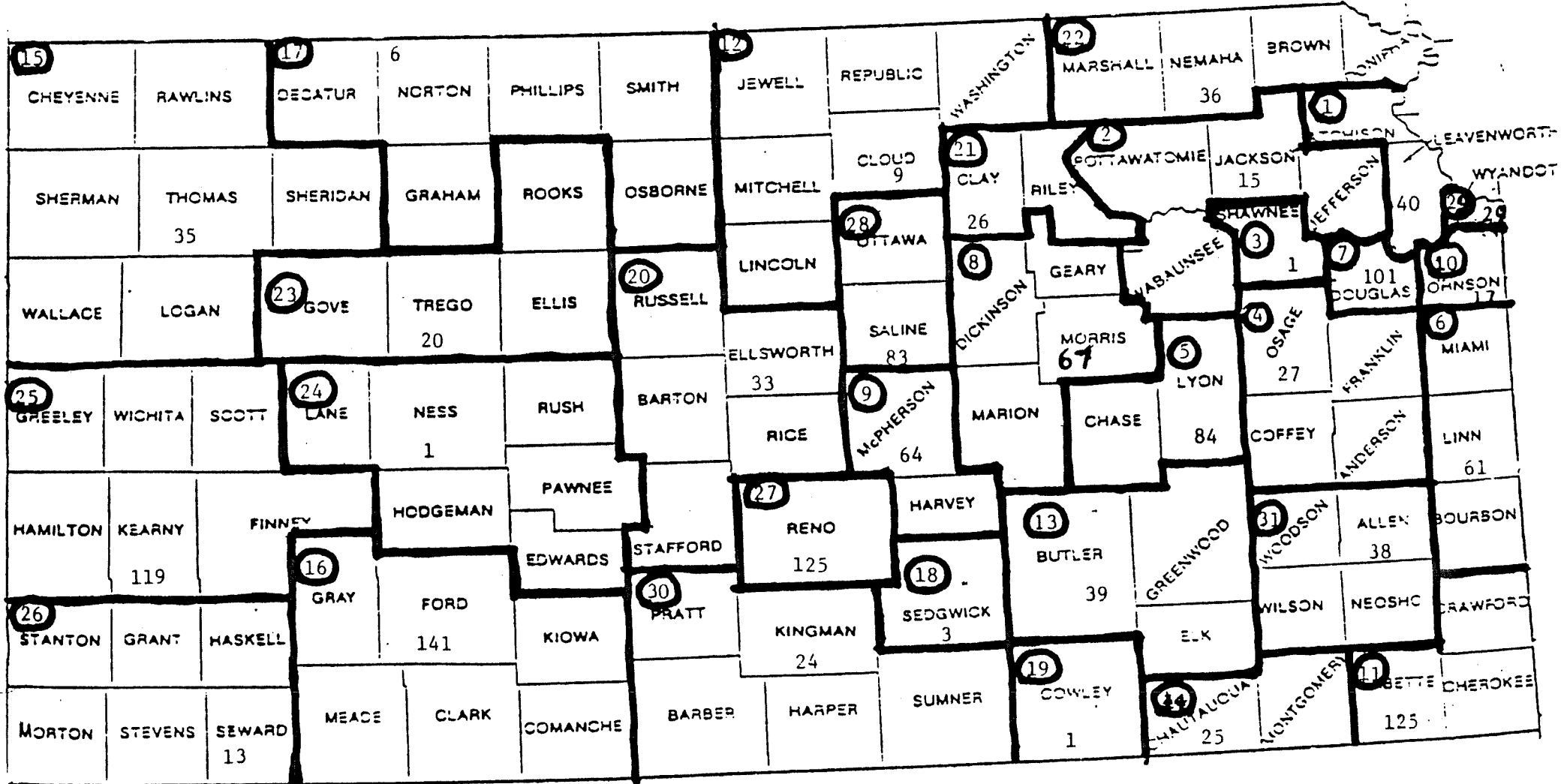
TOPEKA

COMMITTEE ASSIGNMENTS
MEMBER: GOVERNMENTAL ORGANIZATION
JUDICIARY
WAYS AND MEANS
VICE CHAIRMAN: JUVENILE OFFENDERS SERVICES
ADVISORY COMMISSION
VICE CHAIRMAN: CORRECTIONS OMBUDSMAN BOARD
NATIONAL CONFERENCE OF STATE LEGISLATURES—
STATE AND FEDERAL ASSEMBLY—FEDERAL

S. Jud.
4/1/86

Figure III- Juvenile Jailings (7-1-84 to 6-30-85)

by Judicial District



Att. I

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.

March 1985

Prepared by JRISC

Attch. I