

Approved February 13, 1990
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Michael R. O'Neal a.
Chairperson

3:30 ~~xxx~~/p.m. on February 7, 1990 in room 313-S of the Capitol.

All members were present except:

Representatives Douville and Gomez, who were excused

Committee staff present:

Jerry Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes Office
Mary Jane Holt, Committee Secretary

Conferees appearing before the committee:

Attorney General Robert T. Stephan
Tom Sloan, Special Assistant to the Secretary of Corrections
James Clark, Kansas County and District Attorneys Association
Mike Ward, Meade County Attorney, ElDorado
Chris Biggs, Geary County Attorney, Junction City
Robert C. Barnum, Commissioner of Youth Services, Kansas Department of Social and Rehabilitation Serv.
Sister Therese Bangert
HEARING ON HB 2666 Juvenile offenders to be prosecuted as adults at 14 or 15 years of age

Attorney General Robert T. Stephan testified HB 2666 rightly provides for the automatic prosecution as an adult of any person 16 years of age or over who is charged with a class A or B felony, and it provides that a court may authorize prosecution as an adult of a 14 or 15 year old who commits a class A or B felony. The bill also provides for notification of the victim or the victim's family on release of a juvenile whose offense would have constituted on A, B, or C. felony. He urged the passage of HB 2666, see Attachment I.

Tom Sloan, Special Assistant to Secretary of Corrections testified HB 2666 was introduced at the request of the Criminal Justice Coordinating Council. He said HB 2666 reduces the age at which a juvenile may be tried as an adult from 16 to 14 years of age. A 14 or 15 year old would require the court certify them as an adult before they could be so charged and tried. The accused youth must have committed an A or B felony. The bill mandates that 16 and 17 year olds will be tried as adults if they commit an A or B felony.

Mr. Sloan informed the Committee if legislative intent is for S.R.S. to initially hold the juvenile and then transfer him/her to D.O.C. custody. the juvenile must be initially tried as an adult. He also told the Committee S.R.S. custody can be extended past age 21 by amending 38-1675. see Attachment II.

James Clark, Kansas County and District Attorneys Association, supported HB 2666. He proposed an amendment to HB 2666. On page 5, lines 18, 19, 42 and 43. after the word "state" insert the words "or county". This amendment would make it clear that county and district attorneys, who after receiving notification of the release of the juvenile must notify the victim or the victim's family, are also immune from suit for failure to notify, see Attachment III.

Mike Ward, Meade County Attorney, strongly supported HB 2666. He said communities, District Judges and prosecutors need to have the leverage to treat 14 and 15 year old killers as adult offenders if the circumstances of their crimes justify such treatment. Under the present statutes these juveniles are placed at a state youth center and cannot be held there beyond their 21st birthday. However, they can be released prior to their 21st birthday if the authorities conclude that early release is appropriate. see Attachment IV.

Chris Biggs, Geary County Attorney, presented a position paper. see Attachment V and proposed legislation, see Attachment VI. He proposed a "waiver down" procedure so youths between 16 and 18 may be prosecuted as juveniles by motion of the prosecutor. He also proposed amending the statute to require a 24 hour juvenile detention hearing following arrest instead of the present 48.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,
room 313-S, Statehouse, at 3:30 ~~xxx~~ p.m. on February 7, 1990

Robert C. Barnum, Commissioner of Youth Services, Kansas Department of Social and Rehabilitation Services, testified S.R.S. supports HB 2666. He said once a youth is convicted of a crime under this bill, provision for his/her housing, education and protection will be needed. The youth center system is prepared to provide custody services up to age 21 as is done in some other states. This precludes the adult system from having to create programs for this small population of young adolescents in the adult institutions. Current facilities are already prepared to provide such programs. When the youth attain a certain age, transfer to the adult system could be accomplished. The Youth Centers would also provide notice to the prosecutor in advance of the release of youth in A, B, or C felony type offenses, see Attachment VII. Attached to his testimony was a listing of all admissions to the State Youth Centers during fiscal years 1988 and 1989 by the classification of the offense as well as the specific offense.

The Chairman requested the ages of the youth that committed the offenses be supplied to the Committee.

Sister Therese Bangert appeared in opposition to HB 2666. She did not want 14, 15 or 16 year olds in the prison system. She said possibly the statute could be changed to allow the juvenile offender, after being held in a youth center until they reach age 21, then to be tried as an adult.

The Chairman announced the hearings on HB 2666, HB 2668 and HB 2754 would be continued to Thursday, at 3:30 p.m.

The Committee meeting was adjourned at 5:10 p.m.

GUEST LIST

COMMITTEE: HOUSE JUDICIARY

DATE: Feb 7, 1990

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
CHUCK STUART	Topeka	UNITED SCHOOL ADM
Alita Brown	Pittsburg	KS Coalition Against ^{Sexual &} Domestic Violence
Ben Coates	Topeka	Ks. Sent. Comm.
MIKE WARNER	"	" " "
Brenda Math	Topeka	KS Child Abuse Hot Line
Robin R. Gilbert	Topeka	Kansas Child Abuse Hot Line
Barbara Wilson	Topeka	NASW
Cawle L. Fisher	Topeka	NASW
Barbara Bosley	Topeka	Washburn Law
Steven Schmidt	Topeka	Kansas Peace Officers
Lori Yockers	Topeka	Washburn Law
Jeese Machicao	Topeka	ACLU - Washburn Law School
MICHAEL BROWN	Topeka	Sen of STATE
Jeffrey Mott	TOPEKA	ACLU
Doug Bowman	"	Children & Youth Advisory
Ann Reeves	"	Gov. Office
Chris Ross	"	KDHE
Nancy Echols	"	SRS
Mary Beth	Topeka	AG Office
John Meyer	Topeka	Governor's office
Julienne Maslin	Topeka	A.G.
Ed Van Pelt	"	"
Karen Hartman	"	Ks. Bus Assn.
Nile Ward	El Dorado	Butler Co. Atty



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

TESTIMONY OF
ATTORNEY GENERAL ROBERT T. STEPHAN
TO THE COMMITTEE ON JUDICIARY
HOUSE BILL 2666
February 7, 1990

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
TELECOPIER: 296-6296

Chairman and Members of the Committee:

One of the most important aspects of our constitutional rights is the right to life, liberty and the pursuit of happiness. The action of government in passing protective laws is legitimized under this umbrella. House Bill 2666 certainly helps to fulfill this noble objective.

House Bill 2666 is not a bill that oppresses innocent or unsuspecting children, but deals realistically with dangerous persons who are among the worst predators on earth. An artificial age restriction such as we have now does an injustice to our obligation to protect the public and unfairly portrays our system of juvenile justice.

It is time to stop calling 14, 15, 16 and 17 year olds who commit aggravated robbery, rape and murder, children in need of juvenile protection. It is their victims and the families of their victims who cry out for protection and ask that measures be taken to protect them and others from their violent crimes.

Presently K.S.A. 38-1602 excludes from treatment as a juvenile, a person of 14 or more years of age who commits a traffic offense. That same statute generally defines a person of 14 or more years who commits aggravated robbery, rape or murder as a juvenile. What kind of convoluted thinking is this? How can we say you are old enough to answer as an adult if you get a traffic ticket, but you are protected if you put a gun to someone's head and pull the trigger. Enough is enough. It is time to enact a law that conforms to the realities of our times.

House Bill 2666 rightfully provides for the automatic prosecution as an adult of any person 16 years of age or over who is charged with a class A or B felony; it provides that a court may authorize prosecution as an adult of a 14 or 15 year old who commits class A or B felonies.

2/7/90
H. Jud. Com.
Attachment I

This bill is a measured reaction to atrocities committed by juveniles. Other states have lowered the juvenile age altogether. States with a lower juvenile age than Kansas include:

Connecticut	Up to 16 years
Georgia	Up to 17 years
Illinois	Up to 17 years
Louisiana	Up to 17 years
Massachusetts	Up to 17 years
Missouri	Up to 17 years
New York	Up to 16 years
North Carolina	Up to 16 years
Oklahoma	Up to 16 years (males)
South Carolina	Up to 17 years
Texas	Up to 17 years
Vermont	Up to 16 years

It is appropriate that you understand specifically those crimes for which this bill would mandate and authorize trial as an adult. Class A and B felonies include:

Class A

21-3401 Murder in the first degree
21-3421 Aggravated kidnapping
21-3433 Aircraft piracy
21-3801 Treason
65-4127a Possession and distribution of opiates, opium or narcotic drugs; third and all subsequent convictions

Class B

21-3402 Murder in the second degree
21-3502 Rape
21-3420 Kidnapping
21-3427 Aggravated robbery
21-3504 Aggravated indecent liberties with a child
21-3506 Aggravated criminal sodomy
21-3415 Aggravated battery against a law enforcement officer
21-3719 Aggravated arson
65-4127a Possession and distribution of opiates, opium or narcotic drugs; second conviction
21-3301 Attempt of class A felony

House Bill 2666 also provides for notification of the victim or the victims family on release of a juvenile whose offense would have constituted an A, B or C felony. The fact that an individual is in the juvenile system should not mean that those against whom their offense was directed should not be aware of their release. Victims and families of victims deserve this consideration from the state.

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Att I

This bill has been endorsed by the Criminal Justice Coordinating Council. I support and urge the passage of House Bill 2666.

2/7/90
L. J. Com
Att I



DEPARTMENT OF CORRECTIONS
OFFICE OF THE SECRETARY
Landon State Office Building
900 S.W. Jackson—Suite 400-N
Topeka, Kansas 66612-1284
(913) 296-3317

Mike Hayden
Governor

Steven J. Davies, Ph.D.
Secretary

February 7, 1990

TESTIMONY

HOUSE BILL 2666

Concerning juvenile offenders; relating to prosecution as an adult

- I. Introduced at request of Criminal Justice Coordinating Council (CJCC).
- A. Membership - Secretary of Corrections, Secretary of SRS, Attorney General, Chief Justice of Kansas Supreme Court, Parole Board, Governor's Attorney, District Judge, four legislators.
 - B. Response to changes in juvenile behavior and the inability of SRS to retain custody of juveniles past their 21st birthday.
- II. Objectives of Bill.
- A. Reduces age at which juvenile may be tried as adult from 16 to 14 years old.
 - 1. 14-15 year old would require court certify them as an adult before they could be so charged and tried.
 - 2. Accused youth must have committed an A or B felony.
 - 3. Court has clear language in existing statute which outlines criteria to be used in determining if juvenile should be tried as adult (p. 3, line 20).
 - B. Mandates that 16 and 17 year olds will be tried as adults if they commit an A or B felony.
 - 1. This is a reduction from current statute of 18 year olds.
 - C. Felony crimes.
 - 1. A felonies - aggravated kidnapping
murder, first degree

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H. Jud. Com.
Attachment II

2. B felonies - aggravated arson
 - aggravated criminal sodomy
 - aggravated robbery
 - kidnapping
 - rape
 - murder, second degree
 - aggravated battery against law enforcement officer

D. Victim Notification.

1. SRS shall notify county or district attorney at least 45 days prior to discharge of juvenile offender whose offense would have constituted an A, B, or C felony.
2. County or district attorney shall provide written notice to victim of crime or victim's family at least 30 days prior to juvenile's release.

III. Objectives of Criminal Justice Coordinating Council.

- A. Provide non-partisan vehicle for discussion of issue.
- B. Recognize that some juveniles are committing heinous crimes for which adequate punishment and rehabilitation may not be available.
- C. Recognize the Departments of SRS and Corrections, in cooperation with the courts and Parole Board wish to be part of the solution.
- D. Extend the victims' rights legislation to cover victims of juvenile acts.

IV. Note.

- A. If legislative intent is for SRS to initially hold the juvenile and then transfer him/her to DOC custody, juvenile must be initially tried as an adult.
- B. SRS custody can be extended past age 21 by amending 38-1675.

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Terry Gross, President
Rodney Symmonds, Vice-President
Gene Porter, Sec.-Treasurer
James Puntch, Jr., Past President



James Flory
Randy Hendershot
Wade Dixon
John Gillett

Kansas County & District Attorneys Association

827 S. Topeka Ave., 2nd Floor • Topeka, Kansas 66612
(913) 357-6351 • FAX # (913) 357-6352
EXECUTIVE DIRECTOR • JAMES W. CLARK, CAE

Testimony in Support of

HOUSE BILL 2666

The Kansas County and District Attorneys Association supports House Bill 2666. While the concept of the juvenile justice system is to protect juveniles, even juvenile offenders, the protection of society should outweigh the protection of the juvenile in cases where the more serious violent offenses are involved.

The removal of 16 and 17 year olds who are charged with an A or B felony from the definition of "juvenile offender"; the addition of a procedure for waiver of juvenile court jurisdiction over 14 and 15 year olds charged with an A or B felony; and the notification by S.R.S. of the release of juveniles adjudicated for A, B or C felonies are significant steps toward restoring or inserting the concern for public safety into the juvenile justice system.

KCDAA would propose an amendment to House Bill 2666, as follows:

On page 5, Line 18, Line 19, Line 42, and Line 43, after the word "state", insert the words " or county".

The effect of such amendment would make it clear that county and district attorneys, who after receiving notification of the release of the juvenile must notify the victim or the victim's family, are also immune from suit for failure to notify.

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Attachment III

BUTLER COUNTY, KANSAS



OFFICE OF THE COUNTY ATTORNEY

*Jail-Judicial Building
El Dorado, Kansas 67042
FAX No. (316) 321-0969
Phone No. (316) 321-1210*

Mike Ward
County Attorney

February 2, 1990

Phyllis K. Webster
Charles Fuson
Deputy County Attorneys

Jim Clark
KCDAA
827 S. Topeka Ave.
Topeka, KS 66612

In re: House Bill 2666; Adult prosecution of violent
juvenile offenders

Dear Jim:

I am a strong supporter of this house bill and I have a particular interest in seeing that it is passed. I am presently prosecuting two 15 year old boys for the first degree shotgun slaying of one of the boys father. Both boys have to this point denied the allegations and jury trials are scheduled in each case.

Several years ago I had the unpleasant task of prosecuting a very similar case. That case involved a 14 year old boy and his 15 year old cousin who were charged in connection with the murder of the 14 year olds natural mother and stepfather. The victims in that case were shot at close range with a high powered rifle as they lay asleep in bed. Those two juveniles eventually admitted involvement in these killings and were sentenced to the Youth Center at Topeka, Kansas.

What my experience in these cases is teaching me is that this particular age group is capable of very violent and premeditated crime. Most adult offenders I prosecute commit their crimes either under the influence of drugs or alcohol or because of some drug or alcohol related problem. By contrast, these kids seem capable of extremely cruel acts without the influence or prompting of either drugs or alcohol. It is sad to say, but I view this particular age group as one of the most unpredictable and potentially violent age groups among our criminal offenders.

I strongly support House Bill 2666. In my opinion it is long overdue. The communities of our state and our District Judges and our prosecutors need to have the leverage to treat 14 and 15 year old killers as adult offenders if the circumstances of their crimes justify

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Attachment IV

Tim Clark
CDAA
827 S. Topeka Ave.
Topeka, KS 66612
Re: House Bill 2666
Date: February 2, 1990
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such treatment. Under the present statutory scheme, these juveniles are placed at a State youth center and cannot be held there beyond their 21st birthday. They can of course be released prior to that time if the authorities conclude that early release is appropriate.

This result in these kinds of cases is one that no one is happy with. The victims are outraged when they find that the person responsible for killing their child or spouse will only be held until his or her 21st birthday and then released. I am hopeful that this legislature will take a very hard look at this situation and will choose to remedy it while the time is right. I would be happy to testify in support of this bill should you feel that such testimony would be of assistance. If so, just let me know.

Very truly yours,

MIKE WARD

MW/mm
cc: Governor Mike Hayden
Frank Gaines
Kenneth King
Kenneth Green

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Att IV 2

JUVENILE CRIME:
PROPOSED LEGISLATIVE SOLUTIONS
SUGGESTIONS FROM GEARY COUNTY, KANSAS

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INTRODUCTION

The citizens of Geary County, Kansas have been plagued with a crime wave. The cause? Simply put, the cause is juvenile crime. A major culprit, however, is the present statutory scheme concerning the treatment of juvenile offenders in Kansas. In addition, S.R.S. has accepted small amounts of money under the Federal "Juvenile Justice Act" so Kansas can no longer place juveniles in jail, no matter how heinous the crime. The "sight and sound" separation required under Kansas law is not sufficient as far as the "Feds" are concerned. The problem described in this paper is not limited to Geary County, but is state-wide. It is ironic that in a period of time where there is so much concern for "victim rights" we have a situation where the hands of law enforcement officials are virtually tied concerning juvenile criminals. The citizens are restless, and rightly so. This paper is intended to present the problem and suggest rational solutions. The legislature must act.

THE PROBLEM

Under the present statutory scheme in Kansas, S.R.S. is given the responsibility to handle juvenile offenders. A job S.R.S. is apparently ill-equipped to handle. The present statutes pick "18" as the magic age of adulthood. Juveniles cannot be treated as adults unless they are 16 or older and the Court finds that they are not amenable to treatment under the Juvenile Code. S.R.S. has accepted monies under the "Juvenile Justice Act" so Kansas is now required to remove all juveniles from

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adult jails, despite the fact that the Kansas statutes provide for "sight and sound" separation. The Attorney General has written a letter to Sheriffs advising that they risk liability if they put juvenile offenders in jail, and also risk liability if they are not jailed and committ other crimes. (See attachment A). S.R.S. has created this situation by accepting the Federal money but they do not make any of that available to the counties to build juvenile detention centers that would comply with Federal guidelines. S.R.S. did accept grant applications from counties for "jail alternative" proposals. Geary County submitted a grant which was denied requesting monies to place juveniles in an out-of-county detention center which costs \$100.00 a day. In addition, S.R.S. did agree to pay up to one (1) day of detention for violent offenders but not to exceed \$60.00 a day. However, they did require that an "attendant care" program be in effect before money would be allocated. For those who do not know "attendant care" is a euphemism for babysitting. It is a program where volunteers who may be as young as 19, sit with juvenile offenders during only the first 24 hours after their arrest. The volunteers under this program have limited training through S.R.S. and have no authority to stop the juvenile if he runs.

Law enforcement also cannot handle the program because of the inability to jail youths, regardless of the crime, beyond the 6 hour Federal holding period. Junction City had a 17.9 percent increase in crime this last year attributable directly to the juvenile offender. (See attachment B). These are not the

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kids who steal an occasional candybar. These are street-wise kids, many of whom are already career criminals. They taunt the officers who arrest them because they know they cannot be held in custody. (See attachments C,D & E). The records some of them have compiled are nothing short of phenomenal (See attachment F) Despite this problem in the community, our hands are tied. The Sheriff has received the letter from the Attorney General and is complying with the Federal guidelines. (See attachment G) The citizens of the community hear almost daily of juvenile crime and the lack of the solutions (See attachments H, 1-3) Even S.R.S. recognizes that there exists a problem concerning the juvenile offender. (See attachment I).

Here are some case examples to illustrate the problem:

Case A

A 16 year old was arrested for criminal damage to property.

He was a transient from out of state. He would not cooperate and the police could not obtain background information on him. There were no options other than to place him with a foster home. There were three other children in the home who were foster children plus a natural child. All were placed at risk by this placement.

Case B

A juvenile runaway from out of state was arrested by the Kansas Highway Patrol. There was an active warrant for her from out of State. They said "lock her up". The trooper tried taking her to the Jail but she was not accepted because the Sheriff is complying with the Federal mandate. The trooper then took her to a juvenile detention facility in another

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county. Her folks picked her up the next day. Had she fought extradition she could have run up a bill for the County of \$9,000.00 fighting extradition for 90 days at \$100.00 a day.

Case C

A juvenile in S.R.S. custody goes out nearly every night and burglarizes cars. The juvenile is in S.R.S. custody but has been placed with his grandmother as the only alternative because no foster home will take him. The grandmother has told the Court that she cannot handle him and that he sneaks out at night. The juvenile is adjudicated for battery and other offenses.

While in continued S.R.S. custody awaiting placement at Y.C.A.T. he continues to sneak out at night and burglarize more vehicles.

Case D

A juvenile was on conditional release from Y.C.A.T. He had new juvenile offender cases pending. The mother took him to S.R.S. and refused to let him back into the home. S.R.S. placed the youth in a foster home. He ran from there.

Case E

A juvenile offender had been placed in S.R.S. legal custody pending a dispositional hearing and S.R.S. placed the child with his mother. She does not want him and claims she cannot control him. She comes to the County Attorney's office and refuses to leave until someone takes her son.

Case F

A juvenile is staying with his father and has a long juvenile offender record. He is picked up one night for several

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business burglaries and released to his father. He sneaks out the next night and commits several more burglaries. This time he takes younger members of the family with him. The next day he pleads with all authorities begging that his son be taken into custody for the protection of the younger siblings, himself and the community. At the initial appearance, counsel is appointed and a juvenile detention hearing held forthwith. Custody is ordered with placement at the Salina facility. No funds have been budgeted for such placement, and will have to be absorbed by the County Attorne's Office at \$100.00 a day.

Case G

A juvenile commits a burglary and is in S.R.S. custody pursuant to a Court Order awaiting placement at the screening unit at the Youth Center. Because S.R.S. facilities are overcrowded, the youth remains in the community. He is placed with his parents and then a foster home. In all he burglarizes the same business three times in two weeks. The owner calls and wants to know what is he supposed to do, "wait inside with a shotgun?" (See attachment H-3). The juvenile is too young to be waived to adult status.

PROPOSED LEGISLATIVE SOLUTIONS

1. Reduce the age of adulthood from 18 to 16 under the Juvenile Offender Code. This will have the result of enabling prosecutors to appropriately jail youthful criminals for whom jail is an appropriate alternative. It will also have the result of punishing kids and teaching them that their actions have consequences. Under the present system they are coddled. The result is that crime does pay for them.

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2. Provide for a "waiver down" procedure so youths between 16 and 18 may be prosecuted as juveniles by motion of the prosecutor.

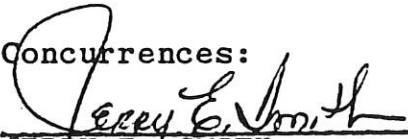
This will allow for discretion to prosecute first time youthful offenders as juveniles. This is for those who could still benefit from being handled as such.

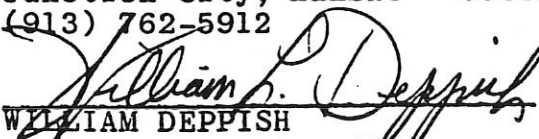
3. Amend the statute to require a 24 hour juvenile detention hearing following arrest instead of the present 48. This will allow almost all Kansas counties to fit under a "rural exception" under Federal Law so that juveniles can be jailed with a "sight and sound" separation for two additional years. This would enable the legislature the opportunity and time to devise a system of regional juvenile detention centers. (In the alternative, give the Feds back the money).

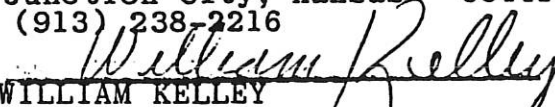
CONCLUSION

This position paper is a succinct and direct statement of our concerns. We encourage our legislators to act in accordance with the recommendations.

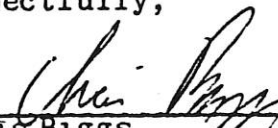
Concurrences:


JERRY E. SMITH
Chief of Police
210 E. 9th Street
Junction City, Kansas 66441
(913) 762-5912


WILLIAM DEPPISH
Geary County Sheriff
826 N. Franklin
Junction City, Kansas 66441
(913) 238-2216


WILLIAM KELLEY
Chair: County Commission
Geary County Annex Building
Junction City, Kansas 66441
(913) 238-4300

Respectfully,


CHRIS BIGGS
Geary County Attorney
Geary County Courthouse
Junction City, Kansas 66441
(913) 762-4343

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STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

June 28, 1989

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
TELECOPIER: 296-6296

Dear Friend:

In the past month this office has received several inquiries regarding the effect of the 1988 amendment to the Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. §5601 et seq. Basically the questions asked are: 1) Whether local units of government in Kansas are now precluded entirely from placing juvenile offenders in adult jails; and 2) if so, what are the consequences for violation of this prohibition.

The Juvenile Justice and Delinquency Prevention Act (JJJPA) has as one of its purposes the assistance of state and local governments in removing juveniles from adult jails. 42 U.S.C.A. §5602(a)(8). 42 U.S.C.A. §5631 (West Supp. 1989) authorizes the administrator of the federal program to make grants to the states. To be eligible for such grant moneys, the state is required to formulate and submit a plan to carry out the purposes of the program. 42 U.S.C.S. §5633(a) (West Supp. 1989). The Kansas Department of Social and Rehabilitation Services (SRS), entered into this program and began receiving grant moneys in 1978. While specific provisions of the act have been amended from time to time, it appears that the removal of juveniles from adult jails has been one of the goals of the program from its inception.

42 U.S.C.A. §5633 sets forth the provisions required to be contained in each participating state's plan. Of particular relevance to the inquiries addressed herein is subsection (a)(14) which states:

"(a) In accordance with regulations which the Administrator shall prescribe, such plan shall --

. . . .

"(14) provide that, beginning after the five-year period following December 8,

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1980, no juvenile shall be detained or confined in any jail or lockup for adults, except that the Administrator shall, through 1993, promulgate regulations which make exceptions with regard to the detention of juveniles accused of non-status offenses who are awaiting an initial court appearance pursuant to an enforceable State law requiring such appearances within twenty-four hours after being taken into custody (excluding weekends and holidays) provided that such exceptions are limited to areas which--

- "(A) are outside a Standard Metropolitan Statistical Area,
- "B) have no existing acceptable alternative placement available, and
- "C) are in compliance with the provisions of paragraph (13). . . ." (West Supp. 1989).

Thus, in order to be eligible for grant moneys, SRS has agreed that no juveniles shall be detained or confined in adult jails. (Note: 28 C.F.R. §31.303(e)(3)(i) acknowledges that juvenile detention facilities may be located in the same building or on the same grounds as adult jail facilities as long as the criteria for separateness of the two facilities are met. If the criteria are met, the placement of juveniles in such detention facilities is not deemed to be placement in an adult jail.) While there is an exception for certain states in 42 U.S.C.A. §5633(a)(14), Kansas is not eligible for the exception because we do not have a law requiring an initial court appearance for juvenile offenders within twenty-four hours of being taken into custody. K.S.A. 1988 Supp. 38-1632(a) provides for forty-eight hours of detention before an initial hearing. Even if K.S.A. 1989 Supp. 38-1632 were amended to allow Kansas to make use of the exception, the exception itself expires in 1993.

Having concluded that Kansas, by virtue of SRS's agreement to accept JJDP funds under specified circumstances, is currently precluded from detaining juvenile offenders in adult jails, we turn now to the question of possible consequences for violation of this prohibition. Aside from possible monetary consequences as a result of action taken by the Office of Juvenile Justice and Delinquency Prevention, local units of government, particularly sheriffs and chiefs

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of police, may be held liable in private causes of action brought by juveniles "wrongfully" incarcerated under the JJDP. In Hendrickson v. Griggs, 856 F.2d 1041 (8th Cir. 1988) the United States Circuit Court, in finding unappealable an interlocutory order requiring the State of Iowa to submit a plan in substantial compliance with the JJDP, indicated that a private cause of action may be brought to enforce the requirements of the JJDP. We have been advised that the district court's ruling in this regard will be appealed once a final order is entered and thus the circuit court will be able to handle this as a substantive issue at that time. Until it does so and renders a decision to the contrary, however, we must consider such private causes of action a possibility. See Soler, Dale and Flake, "Stubborn and Rebellious Children: Liability of Public Officials for Detention of Children in Jails," 1980 B.Y.U.L. Rev. 1, 12 (1980); Dale, "Detaining Juveniles in Adult Jails and Lockups: An Analysis of Rights and Liabilities," Am. Jails, Spring 1988, at 46; "Hendrickson vs. Griggs - Juvenile Justice Act Creates Rights for Detainees," Detention Reporter, August 1987, at 3. On the other hand, local units of government may be held liable for releasing a juvenile offender who then proceeds to commit subsequent crimes. Thus, local units of government are placed in a delicate situation and may be well advised to consider each case individually with these possibilities in mind.

I trust this information will be of assistance in clearing up any questions brought on by Ruth O'Donnell's (SRS) letter dated May 5, 1989.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas

RTS:JLM:jm

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Increase in burglaries cause area crime statistics to jump

By **RYAN ANDERSEN**
Daily Union staff writer

There was a 17.9 percent increase in crime in Junction City during the first six months of this year as compared to the same period in 1968, according to Kansas Bureau of Investigation crime statistics released Saturday.

These statistics also show a 14.7 increase in crime during the same period for Geary County. Statistics for Geary County include crimes reported in Junction City.

The increase in crime also occurred statewide, with only seven of the 35 cities with populations over 10,000 people showing a decrease in crime.

Statistics from the KBI only include

"Part One Crimes," which include murder, rape, robbery, assault, burglary, theft and motor vehicle theft.

The area which saw the largest increase in Junction City was burglaries, according to Pat Upham, senior records keeper with the Junction City Police Department.

There were 172 burglaries reported in Junction City between Jan.-June of 1969, while that number jumped to 219 during the same period in 1968, Upham said.

Junction City Police Chief Jerry Smith said today the increase is directly related to 18-20 juveniles in Junction City who are arrested and then released into the custody of their parents.

"These juveniles cannot be jailed in the Geary County Detention Center because of state statutes prohibiting minors from being housed in facilities where adults are jailed, he said.

Because there is no local juvenile detention facility, the youth arrested for crimes are usually released to their parents after being arrested, Smith said, and then they often commit more crimes.

"As far as I'm concerned, and statistics will bear me out, the reason for the increase is the number of repeat juvenile offenders," Smith said. "Probably 80-85 percent of our crimes against property — are being committed by repeat juvenile offenders. There is no

place our magistrates can place them."

Other crime statistics were about what they were last year, Upham said.

There were 18 rapes reported from Jan.-June of 1969, and 10 also reported during the same period this year, she said. Thefts were listed at 545 reported during that period last year, and 555 this year.

Aggravated assaults were up slightly, with 86 reported during the first six months of 1969, and 83 reported during the period this year. There were 28 auto thefts reported from Jan.-June 1969, and 31 reported this year.

No murders were reported in Junction City during the first six months of 1969, while two have occurred during

that period in 1968.

Robberies were down this year, with 17 reported in 1969 and eight reported during the first six months of this year, Upham said.

The statistics state there were 657 arrests made in Geary County during the first half of 1969, with 218 of them being juvenile arrests and 439 adults.

The number of violent crimes committed in Kansas jumped 9.2 percent between the first and second quarters of this year, Kansas Bureau of Investigation Director Dave Johnson reported Monday.

See Crime, Page 2

Crime

Continued From Page 1

The increase helped shove the incidence of violent crime during the first six months of this year 11.4 percent ahead of the same period in 1968.

Violent crimes compiled by the KBI from reports fed to it by about 300 city and county law enforcement agencies statewide include murder, rape, robbery and aggravated assault.

Adding in property crimes, which include burglary, theft and motor vehicle theft, the number of total reported serious crimes in Kansas increased 9.1 percent between the first and second

quarters this year, and went up 9.2 percent during the first half of this year as compared to the first six months of 1968.

Property crimes rose 4.7 percent during the first half of 1969, the KBI statistics showed.

The most dramatic increase in comparing the first-half figures from 1968 to 1969 came in the number of murders reported in the state, up from 28 to 55 or 97.1 percent.

Most of that increase came during the first three months of this year, when the number of murders jumped from seven last year to 28 this year.

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JERRY E. SMITH
CHIEF OF POLICE



(Attachment -1)

MUNICIPAL BUILDING
JUNCTION CITY, KANSAS 66441
913-762-5912

POLICE DEPARTMENT

August 24, 1989

Mr. Chris Biggs
Geary County Attorney
Geary County Courthouse
Junction City, Kansas 66441

Dear Mr. Biggs:

This correspondence is to make you aware of a very serious problem in our community and throughout the State of Kansas. The problem I refer to is the lack of detention facilities to house repeat juvenile felony offenders.

It is my opinion that approximately eighty percent of the property crimes [burglary, theft and criminal damage to property (vandalism)] in Junction City, Kansas, is being committed by a very small percentage of the young people in our community. This being true it is obvious that we have a number of repeat offenders. We have experienced situations where juvenile offenders have been arrested by three separate agencies (Junction City Police, Fort Riley and Riley County Police) for burglary and theft within ten days of one another.

Our crime rate in Junction City is going to reflect a substantial increase for the year 1989. This increase is the direct result of repeat felony juvenile offenders. These juveniles are aware that once arrested they will immediately be released to their parents and nothing will be done. Within a few days they are arrested again for similar offenses and so begins the revolving door syndrome.

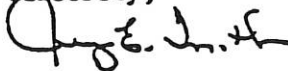
I have compiled a list of only a few juveniles offenders who fall within this category for my own information. I am forwarding a copy for your review. Some of these juveniles have now reached adulthood and are presently in adult detention facilities. The point is, however, the number of crimes, amount of money and property damage they were responsible for prior to anything truly being done to solve the problem.

It is imperative that this widespread problem be presented to our citizens and legislators. Our Juvenile Codes must be changed and we must find some facility in which these violators can be incarcerated if we sincerely wish to protect our citizens.

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If you have questions or thoughts to share, please contact my office at your convenience.

Sincerely,



Jerry E. Smith
Chief of Police

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JERRY E. SMITH
CHIEF OF POLICE



(Attachment D)
MUNICIPAL BUILDING
JUNCTION CITY, KANSAS 66441
913-762-5912

POLICE DEPARTMENT

August 22, 1989

Mr. Chris Biggs
Geary County Attorney
Geary County Courthouse
Junction City, Kansas 66441

Dear Mr. Biggs:

I am writing to you concerning a problem in Junction City that is causing me, along with all my brother officers, great frustration. The problem I speak of is the juvenile offender.

Statistics compiled by the Police Department indicate a majority of property type crimes are committed by juveniles and although the large number of crimes does not indicate a large number of juvenile offenders it represents repeat offenders who commit crimes over and over again. Since you cannot incarcerate these offenders in the adult detention facility you release them to their parents so they can go out and commit more crimes, thus the frustration.

Recently in Junction City two juveniles were arrested for breaking into a local sporting goods establishment. The two were arrested as they exited carrying bows, arrows, knives and numerous other sporting good items. One of the juveniles had no local record, although he was new to the area, the other was a repeat offender. Ironically the same two juveniles had broken into a local school approximately two hours earlier and the repeat offender has been linked to other crimes in Junction City and Manhattan. Where is he, at home, planning more criminal activity, thus the frustration.

During my interview with him, after the sporting goods store break in, I told him he may go away this time if the court system makes him an adult, he just smiled and said, "We'll see," thus the frustration.

This vicious cycle will continue until and unless a juvenile detention facility is built or found in Geary County to incarcerate these juveniles. Although the expense of building or finding such a facility is high the costs of the losses created by these offenders is also high.

I believe the time is now to make the public aware and our frustration can be eliminated by correcting the problem.

Sincerely,

Thomas J. Wesoloski
Detective

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J. Paul Conn
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JERRY E. SMITH
CHIEF OF POLICE



(Attachment)

MUNICIPAL BUILDING
JUNCTION CITY, KANSAS 66441
913-762-5912

POLICE DEPARTMENT

August 22, 1989

Mr. Chris Biggs
Geary County Attorney
Geary County Courthouse
Junction City, Kansas 66441

Dear Mr. Biggs:

As you well know Junction City-Geary County is faced with a dilemma concerning incarceration of felony juvenile offenders.

Statistics indicate a majority of the crime reported in Junction City is committed by juveniles, but only a small percentage of the juvenile population is involved. The problem is obviously with the repeat offender.

Once the offender has been through the system, it's realized nothing happens. Therefore, the crime cycle begins again and will continue until measures have been taken to incarcerate the offender.

Statistics have been compiled concerning property damage and loss by the juvenile repeat offender and the figures are staggering.


Several things happen as a result of this. For example: higher consumer prices, higher insurance rates to name a few.

The community definitely suffers.

An answer to part of the problem lies with incarceration. A facility needs to be erected to accommodate the repeat offender. I realize there's an expense factor involved, but the losses created by the offender far outweigh the erection and operation of a detention facility.

I feel it's time the public becomes aware and measures are taken to rectify the problem.

Sincerely,


Charles T. Winters
Captain
Investigations Division

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MEMORANDUM...

(Attachment F, 7 ES)

DATE: August 10, 1989

TO: Jerry E. Smith, Chief of Police

FROM: Patricia Upham

SUBJECT: Frequent Juvenile Offenders

Following is a list of Juveniles with frequent offenses, to include the case numbers, type of offense, total amount of property stolen, and total amount of damage to property.

DOB: 10/21/73

DATE	CASE #	TYPE	TOTAL PROPERTY STOLEN	TOTAL PROPERTY DAMAGE
MT 06/29/87	87-095 31	Theft	\$100 (money)	
J/AR 01/17/88	88-00725	Theft	\$12 (empty pop bottle)	
J/AR 02/15/88	88-01981	Burglary/Theft/Criminal Damage	\$680 (radar detector, tapes)	\$150 (vehicle damage)
J/AR 02/27/88	88-02526	Burglary/Theft/Criminal Damage	unk amt (radar detector)	
J/AR 02/15/88	88-01982	Burglary/Theft/Criminal Damage	\$170 (radar detector)	
J/AR 02/15/88	88-01986	Burglary/Theft/Criminal Damage	\$80 (radar detector)	\$150 (vehicle damage)
J/AR 02/27/88	88-02528	Burglary/Theft/Criminal Damage	\$80 (radar detector)	\$50 (vehicle window)
J/AR 02/20/88	88-02243	Burglary/Theft/Criminal Damage	\$150 (radar detector)	\$150 (vehicle window)
J/AR 02/21/88	88-02267	Burglary/Theft/Criminal Damage	unk amt (radar detector)	\$150 (vehicle damage)
MT 02/27/88	88-02523	Possession of Burglary Tools		
J/AR 02/27/88	88-02525	Burglary/Theft/Criminal Damage	\$120 (radar detector)	\$100 (window)
J/AR 02/27/88	88-02529	Burglary/Theft/Criminal Damage	\$200 (radar detector, mirror)	\$125 (window)
J/AR 02/27/88	88-02531	Burglary/Theft/Criminal Damage	\$200 (radar detector)	
J/AR 02/27/88	88-02532	Burglary/Theft/Criminal Damage	\$70 (radar detector)	
J/AR 11/25/88	88-17018	Theft	\$150 (Tires)	
MT 12/03/88	88-17376	Theft	\$370 (tires & lug nuts)	
MT 07/04/89	89-09364	Burglary/Theft/Criminal Damage	\$1,000 + (cancorder, stereo, etc.)	\$50 (back door window)

DOB: 11/27/70

J/AR 05/29/86	86-08039	Theft	\$16 (cassette tapes)	
MT 03/31/87	87-04816	Theft	\$15 (cologne)	
SU 01/05/89	89-00205	Theft of Services	\$5 (cab Fare)	
A 04/29/89	89-05908	Theft/Damage to Property	\$3,350 (1984 Tempo, cassette radio)	\$600 (vehicle damage)

**** LEGEND**

MT Mentioned
 J/AR Juvenile/Arrested
 SU Suspect
 A Adult Arrested
 UN Unknown
 WT Witness

IF CHECKED REPLY MAY BE MADE IN LONGHAND HEREON

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	<u>DATE</u>	<u>CASE #</u>	<u>TYPE</u>	<u>TOTAL PROPERTY STOLEN</u>	<u>TOTAL PROPERTY DAMAGE</u>
			DOB: 02/17/71		
U	03/07/87	87-03557	Theft	\$120 (bike)	
U	03/29/87	87-04702	Theft	\$130 (bike)	
T	04/11/87	87-05414	Burglary/Theft	\$50 (air gun, photos)	
U	04/15/87	87-05608	Burglary/Theft	\$150 (cassette stereo)	
T	04/17/87	87-05686	Burglary/Theft	unk (stereo speakers)	
/AR	04/30/87	87-06487	Burglary/Theft	\$140 (2-radio cassette players)	
/AR	05/18/87	87-07507	Att. Burglary/Conspiracy to Commit Burglary		\$50 (rear door)
IT	07/30/87	87-11150	Theft	\$125 (bike)	
U	05/22/87	87-07682	Vehicle Burglary/Theft/Criminal Damage	\$605 (speakers & tools)	\$50 (rear cover)
U	05/22/87	87-07683	Vehicle Burglary/Theft	\$950 (stereo)	\$50
U	05/25/87	87-07850	Possession of Burglary Tools		
AT	05/22/87	87-07685	Burglary/Theft	\$300 (speakers & equalizer)	
AT	05/22/87	87-07697	Theft/Criminal Damage to Property	\$100 (equalizer)	\$100 (window hinges)
SU	08/14/87	87-11978	Possession of Stolen Property/ Assist outside agency	\$825 (bike)	
SU	12/06/87	87-17617	Burglary/Theft	\$10 (electrical cord)	
A	01/26/89	88-17376	Theft	\$370 (tires & lug nuts)	
J/AR	12/06/88	88-17509	Burglary/Theft/Criminal Damage	unk amt (stereo equip)	\$50
SU	04/30/89	89-05924	Theft	\$90 (car bra)	
SU	05/19/89	89-06900	Burglary/Theft	\$1,552 (stereo, food)	
SU	05/24/89	89-07101	Theft	\$80 (car bra)	
SU	05/24/89	89-07120	Criminal Damage to Property		\$15 (ignition frame)
MT	05/25/89	89-07166	Burglary/Theft	\$2,580 (clothes)	
A	07/04/89	89-09364	Burglary/Theft/Criminal Damage	\$1,000 + (cancorder, stereo, etc)	\$50 (back door window)

DOB: 10/14/71

UN	03/17/85	85-04155	Theft	\$120 (2 bikes)	
SU	01/15/87	87-00687	Theft	\$273 (currency)	
SU	02/09/87	87-02085	Theft	\$80 (currency)	
MT	05/22/87	87-07682	Vehicle Burglary/Theft/Criminal	\$605 (speakers & tools)	\$50 (rear cover)
SU	05/22/87	87-07685	Burglary/Theft	\$300 (speakers & equalizer)	
SU	05/22/87	87-07697	Theft/Criminal Damage to Property	\$100 (equalizer)	\$100 (window hinges)
MT	11/17/87	87-16815	Burglary/Theft	unk amt (credit cards, misc items)	
J/AR	04/29/89	89-05908	Theft/Damage to Property	\$3,350 (1984 Tempo, cassette radio)	\$600 (vehicle damage)
SU	04/30/89	89-05924	Theft	\$90 (car bra)	
J/AR	04/30/89	89-05926	Theft	\$281 (2-car bras)	
MT	05/19/89	89-06900	Burglary/Theft	\$1,552 (stereo, food)	
J/AR	07/04/89	89-09364	Burglary/Theft/Criminal Damage	\$1,000 + (cancorder, stereo, etc)	\$50 (back door window)

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<u>DATE</u>	<u>CASE #</u>	<u>TYPE</u>	<u>TOTAL PROPERTY STOLEN</u>	<u>TOTAL PROPERTY DAMAGE</u>
DOB: 03/30/71				
SU 08/03/86	86-11901	Burglary	\$1,438 (jewelry, food)	\$75 (broken glass)
J/AR 12/20/86	86-19913	Burglary/Theft	\$2,260 (audio/video equip)	\$50 (window)
SU 08/16/86	86-12837	Vehicle Theft	\$1,400 (Trans Am & trailer)	
J/AR 04/03/87	87-04962	Burglary/Theft	\$500 (stereo equip)	
SU 04/12/87	87-05448	Burglary	\$199 (cassette stereo, tapes)	\$100 (car window)
J/AR 04/29/87	87-06436	Burglary/Theft	\$4,200 (1986 Harley)	
J/AR 07/12/88	88-09701	Burglary/Theft/Vehicle Theft	\$10,000 (1987 Volkswagen)	
SU 07/12/88	88-09716	Theft	\$17 (KS Vehicle Tag)	
A 05/19/89	89-06900	Burglary/Theft	\$1,552 (stereo, food)	
SU 05/25/89	89-07200	Burglary/Theft	\$727 (TV, VCR, beer)	
A 06/24/89	89-08843	Burglary/Theft/Damage to Property	\$752 (stereo equip)	\$25 (window)
A 07/05/89	89-09403	Theft	\$1,200 (1982 Honda)	
A 07/11/89	89-09764	Burglary/Theft	\$1,175 (stereo equip)	
A 07/20/89	89-10278	Vehicle Theft	\$17,000 (1986 Lincoln)	
DOB: 10/26/71				
J/AR 04/10/87	87-05335	Damage to Property		\$75 (Honda)
J/AR 04/10/87	87-05337	Damage to Property		\$50 (car ignition switch)
J/AR 04/10/87	87-05341	Burglary/Theft	\$300 (radar detector, tapes, etc)	
J/AR 04/10/87	87-05342	Vehicle Theft	\$9,300 (1986 Colt)	
J/AR 12/04/87	87-17512	Theft	\$10 (magazines, markers)	
J/AR 02/04/88	88-01523	Burglary/Theft	\$200 (radar detector)	\$45 (locking mechanism door)
J/AR 02/28/88	88-02576	Aggravated Robbery	unk amt (bills & coins)	
J/AR 02/28/88	88-02580	Damage to Property		unk amt (door lock)
J/AR 03/02/88	88-02742	Vehicle Theft	\$13,000 (1986 Toyota Camry)	
SU 03/02/88	88-02745	Burglary/Theft/Criminal Damage	unk amt (purse, wallet, credit cards)	\$150 (car ignition, door lock)
J/AR 03/03/88	88-02784	Vehicle Theft	\$13,500 (1988 Mercury Lancer)	
J/AR 03/04/88	88-02861	Vehicle Theft	\$10,000 (1984 Mazda)	
	88-01523	(can't locate case at this time)		

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<u>DATE</u>	<u>CASE #</u>	<u>TYPE</u>	<u>TOTAL PROPERTY STOLEN</u>	<u>TOTAL PROPERTY DAMAGE</u>
DOB: 09/15/71				
WT 09/07/84	84-15678	Burglary (witness)	\$40 (rod & reels)	
J/AR 04/25/85	85-06672	Theft	\$60 (portable radio)	
UN 05/28/85	85-08736	Attempted Theft	\$10.98 (toys)	
J/AR 05/14/86	86-07163	Theft	\$6 (wham-o Hacky Sack)	\$125 (pick-up)
SU 05/17/86	86-07358	Damage to Property		
UN 08/03/86	86-11904	Burglary/Theft	\$500 (Go-cart, mini-bike)	
SU 03/31/87	87-04808	Burglary/Theft/Damage to Property	\$221 (13" TV, tapes)	\$25 (glass door)
J/AR 05/14/87	87-07257	Burglary/Theft/Damage to Property	\$35 (pennies, fire extinguisher)	\$70 (glass door)
J/AR 05/14/87	87-07258	Att. Burglary/Damage to Property Unlawful Trespassing		\$50 (glass door)
J/AR 05/14/87	87-07259	Att. Burglary/Damage to Property Unlawful Trespassing		\$50 (glass door)
J/AR 05/14/87	87-07275	Burglary/Theft/Damage to Property	\$55 (cassette player, coins)	\$60 (window)
SU 06/08/87	87-08551	Damage to Property		\$25 (fiberglass roofing)
J/AR 10/22/87	87-15551	Theft	\$16 (clothing)	
SU 11/13/87	87-16642	Burglary/Theft	\$230 (purse, money, credit cards)	
SU 11/20/87	87-16948	Att. Burglary/Criminal Damage		\$100 (window pane)
MT 12/08/87	87-17710	Burglary/Damage to Property		\$60 (window)
DC 02/10/89	89-01954	Damage to Property (discovered crime)		\$100 (window)
MT 02/23/89	89-02571	Burglary/Theft/Damage to Property	\$7 + (speakers, tray)	unk amt
MT 04/06/89	89-04724	Burglary/Theft	\$70 (pizza, candy, drill, watches)	
MT 89-07934		(can't locate case at this time)		
J/AR 06/18/89	89-08504	Burglary/Theft/Damage to Coin Operated Machines	\$10,100 (1986 Colt, car stereo)	\$450 (pop & candy machines)
SU 06/29/89	89-09062	Burglary/Theft/Damage to Property	\$211 + (misc items)	\$200 (front window)

DOB: 05/09/75

SU 05/17/86	86-07358	Damage to Property		\$125 (pick-up)
SU 06/29/89	89-09062	Burglary/Theft/Damage to Property	\$211 + (misc items)	\$200 (front window)

DOB: 06/22/69

MT 04/19/87	87-05814	Burglary/Theft/Criminal Damage	\$2,255 (VCRs, stereo Equipment)	\$100 (door)
SU 01/23/89	89-01153	Theft	\$17 (Liquor)	\$1,600 (glass window)
SU 01/31/89	89-01487	Criminal Damage to Property/ Attempted Burglary		unk amt (phone wires)
A 02/23/89	89-02565	Damage to Property		
MT 05/19/89	89-06900	Burglary/Theft	\$1,552 (stereo, food)	
MT 89-05235		(can't locate case at this time)		

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<u>DATE</u>	<u>CASE #</u>	<u>TYPE</u>	<u>TOTAL PROPERTY STOLEN</u>	<u>TOTAL PROPERTY DAMAGE</u>
DOB: 11/03/73				
SU	09/06/86	86-14278	Theft	\$.40¢ (bags of chips)
J/AR	12/03/88	88-17376	Theft	\$370 (tires & lug nuts)
SU	12/24/88	88-18335	Theft	\$12 (carton of Marlboro cigs)
SU	01/23/89	89-01153	Theft	\$17 (Liquor)
SU	01/31/89	89-01487	Criminal Damage to Property/ Attempted Burglary	\$1,600 (glass window)
MT	02/23/89	89-02565	Criminal Damage to Property	unk amt
J/AR	04/29/89	89-05908	Theft/Damage to Property	\$600 (vehicle damage)
SU	04/30/89	89-05924	Theft	\$3,350 (1984 Tempo, cassette radio)
SU	05/25/89	89-07101	Theft	\$90 (car bra)
SU	05/24/89	89-07120	Criminal Damage to Property	\$80 (car bra)
MT	05/24/89	89-07130	In reference w/ #89-05924	\$15 (ignition frame)
SU	05/19/89	89-06900	Burglary/Theft	\$1,552 (stereo, food)
MT	05/25/89	89-07166	Burglary/Theft	\$2,580 (clothes)
J/AR	05/31/89	89-07509	Burglary/Criminal Damage	\$150 (door)
MT	07/04/89	89-9364	Burglary/Theft/Criminal Damage	\$50 (back door window)
SU	05/30/89	89-07488	Theft	\$1,000 + (cancorder, stereo, etc)
				\$200 (bike)

DOB: 01/23/70

J/AR	03/10/86	86-03793	Theft	\$2 (bike inner tube)
SU	06/06/86	86-08483	Theft	\$80 (bike)
J/AR	06/04/86	86-16041	Burglary/Theft	\$140 (bike)
MT	12/03/86	86-19075	Burglary/Theft	\$100 (cassette stereo)
J/AR	02/15/87	87-02450	Theft	\$1,000 (1976 Volkswagon Rabbit)
J/AR	02/18/87	87-02626	Possession of Stolen Property	\$400 (Yamaha motorcycle)
SU	05/15/87	87-07305	Vehicle Theft	\$10,330 (1984 Honda, misc. items)
J/AR	05/23/87	87-07711	Burglary/Theft	\$5 (key ring)

DOB: 07/24/68

SU	02/25/89	86-02974	Damage to Coin Operated Machine	\$75 (coins)	\$40 (jukebox)
SU	08/11/86	86-12449	Burglary/Theft	\$746 (stereo equip)	
A	01/24/87	87-01082	Theft	\$55 (food)	
SU	07/09/87	87-10075	Theft/Damage to Coin Operated Machine	\$8 (coins - quarters)	\$100 (coin machine)
A	08/02/87	87-11323	Burglary/Theft/Damage to Property	\$900 (2- TVs, jewelry)	\$150 (screen door)
MT	02/14/88	88-01943	Theft (mentioned)	\$739 (2-TVs, VCR, radio)	
MT	07/09/88	88-09552	Theft (mentioned)	\$200 (bike)	
SU	08/18/88	88-11699	Theft (unfounded)	\$50 (bike)	
SU	08/31/88	88-12478	Theft (unfounded)	unk amt (cigarettes)	
SU	09/05/88	88-12772	Burglary/Theft	\$400 (stereo system)	
A	03/27/89	89-04138	Att. Burglary/Damage to Property		\$500 (plate glass window)

2/7/90
H. J. Com
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<u>DATE</u>	<u>CASE #</u>	<u>TYPE</u>	<u>TOTAL PROPERTY STOLEN</u>	<u>TOTAL PROPERTY DAMAGE</u>
DOB: 11/06/71				
VT 06/29/87	87-09531	Theft	\$100 (money)	
J/AR 02/15/88	88-01981	Burglary/Theft/Criminal Damage	\$680 (radar detector, tapes)	\$150 (vehicle damage)
J/AR 02/15/88	88-01982	Burglary/Theft/Criminal Damage	\$170 (radar detector)	
J/AR 02/15/88	88-01986	Burglary/Theft/Criminal Damage	\$80 (radar detector)	
SU 02/15/88	88-01994	Theft	\$530 (skill saw/hammer drill)	
J/AR 02/20/88	88-02243	Burglary/Theft/Criminal Damage	\$150 (radar detector)	\$150 (vehicle window)
J/AR 02/21/88	88-02267	Burglary/Theft/Criminal Damage	unk amt (radar detector)	\$150 (vehicle damage)
MT 02/27/88	88-02523	Possession of Burglary Tools		
J/AR 02/27/88	88-02525	Burglary/Theft/Criminal Damage	\$120 (radar detector)	\$100 (window)
J/AR 02/27/88	88-02526	Burglary/Theft/Criminal Damage	unk amt (radar detector)	
J/AR 02/27/88	88-02528	Burglary/Theft/Criminal Damage	\$80 (radar detector)	\$50 (vehicle window)
J/AR 02/27/88	88-02529	Burglary/Theft/Criminal Damage	\$200 (radar detector, mirror)	\$125 (window)
J/AR 02/27/88	88-02531	Burglary/Theft/Criminal Damage	\$200 (radar detector)	
J/AR 02/27/88	88-02532	Burglary/Theft/Criminal Damage	\$70 (radar detector)	

DOB: 01/26/71

SU 04/05/89	89-04675	Theft	\$200 (diamond ring)	
A 04/29/89	89-05908	Theft/Damage to Property	\$3,350 (1984 Tempo, cassette radio)	\$600 (vehicle damage)
SU 04/30/89	89-05924	Theft	\$90 (car bra)	
SU 05/19/89	89-06900	Burglary/Theft	\$1,552 (stereo, food)	
SU 05/24/89	89-07101	Theft	\$80 (car bra)	
MT 05/24/89	89-07120	Criminal Damage to Property		\$15 (ignition frame)
MT 05/25/89	89-07166	Burglary/Theft	\$2,580 (clothes)	
A 05/31/89	89-07509	Burglary/Criminal Damage		\$150 (door)

DOB: 05/29/70

SU 02/13/88	88-01904	Damage to Property		unknown (lawns)
WT 06/05/88	88-07677	Damage to Property (witness)		\$250 (car damage)
SU 10/08/88	88-14592	Opening, Damaging Coin Operated Machines/Theft	\$3 (5 -cans of soda)	\$20 (pop machine)
SU 10/09/88	88-14595	Opening, Damaging Coin Operated Machines/Theft	\$40-\$50 (soda)	unk amt
MT 10/31/88	88-15664	Burglary/Theft (mentioned)	\$1,140 (radar detector, T-tops, equalizer)	
WT 12/03/88	88-17419	Theft (witness)	\$750 (ring)	
SU 06/12/89	89-08134	Burglary/Theft/Criminal Damage	\$75 (stereo speakers)	unk amt
A 06/16/89	89-08364	Theft	\$3,762.39 (4-VCRs, 2-camcorders)	

2/7/90
 J. J. Com
 Att V

Geary County Sheriff's Dept.

(Attachment G)

N. Franklin Street
Junction City, KS 66441
Phone: 762-2323

William (Bill) Deppish
SHERIFF

February 7, 1989

Mr. Biggs
County Attorney
County Courthouse
8th St.
Junction City, Kansas, 66441


Re:

You know, as the Administrator of the Geary County
Detention Center, I am prohibited from holding alleged juvenile
offenders in this Center except for a six hour period for
intake, processing, identification, and to be questioned".
The authority is by the "Juvenile Justice and Delinquency Pre-
vention Act of 1974, 42 U.S.C. S5601 etc. seq.".

You are also aware, Junction City/Geary County have
experienced an increase in recent months of the alleged
juvenile offenders and therefore we have a problem of where
to hold the juvenile offenders until court appearances or
detention in juvenile detention centers or other court ordered
alternatives.

Therefore, I feel we need a joint effort between the Geary
County Attorney's Office, the Junction City Police Department,
Geary County Sheriff's Department, along with assistance
from the State of Kansas Department of Social and Rehabili-
tation services to develop a program of juvenile jail alternatives
to meet the immediate need in assistance in out of county non-jail
alternatives and transportation costs.

I trust that sharing this information with you, will assist
in working together to plan and establish a program that will
help solve our juvenile detention problems.

Yours truly,

L. Deppish
Geary County Kansas, Sheriff

es
some period last
310 burglaries
half of this year,
173 in 1988, ac-
cording to
Upham, senior
with the JCFD.
A juvenile is ac-
tually committed in
any case taken to
Detention Cen-
ter, and then re-
turned to the
custody of their
parents, said
Upham, Page 2

Juvenile crime produces no-win situation

2/7/90
J. Paul Com
Att V

Junction City boy, 15, arrested again

A 15-year-old Junction City boy, who has been arrested two times in the last three weeks for burglary, theft and criminal damage in the burglaries of two local businesses, was arrested a third time after allegedly breaking into the same businesses early today, according to Junction City Police officials.

The boy allegedly broke into the B&D Markets, 902 Grant Ave., and into Green Liquor Store, 908 Grant Ave., early today and stole about \$1,000 in merchandise, said JCPD Capt. Charles Winters, head of investigations.

He also allegedly tried to break into Woods Fina Mart, 370 Grant Avenue, at about 4 a.m. today when police arrested him and charged him with two counts of burglary and theft, and three counts of criminal damage to property, Winters said.

About \$850 in criminal damages to property reportedly occurred during the incidents today at the three businesses. Police have recovered items stolen during the burglaries, Winters said.

In addition, Winters said the boy was arrested at about 9 p.m. Wednesday in the 1300 block of North Jefferson Street and charged with possession of alcohol by a person under 21, and unlawful use of a weapon because he allegedly was in possession of a concealed knife.

After the arrest Wednesday evening, the boy was placed in a foster home but apparently was able to leave the home before the other incidents allegedly occurred.

The boy was arrested in late December, along with a 17-year-old boy, for burglaries at the B&D Markets and Green Liquor Store, according to police reports.

Both were also arrested Sunday for alleged burglaries at the same two businesses, in which over \$1,000 in property was stolen and more than \$700 in criminal damages occurred.

Geary County Attorney Chris Biggs said that Magistrate Judge John Barker this morning made a temporary order placing the juvenile in the custody of the juvenile detention facility at Salina. Because the juvenile was under custody of the Kansas Department of Social and Rehabilitative Services at the time the crime was committed, Barker also ordered that SRS pay for the costs of placing the juvenile in custody.

"My position would be that that is appropriate because he's in SRS custody and if they're not able to provide the facilities to handle him and other things allegedly happen and the result is we have to send him to a detention center, then they should foot the bill for it," Biggs said.

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2/7/90
N Jud Com
Att V



(Attachment I)

STATE OF KANSAS

MIKE HAYDEN, Governor

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Docking State Office Building, Topeka, Kansas 66612-1570

☎ (913) 296-3271

Flordie M. Pettis, LMSW
Area Director

August 31, 1989

WINSTON BARTON
Secretary

THELMA HUNTER GORDON
Special Assistant

TIM OWENS
General Counsel

ANN ROLLINS
Public Information
Director

Administrative
Services

J. S. DUNCAN
Commissioner

Adult Services
JAN ALLEN
Commissioner

Alcohol and Drug
Abuse Services
ANDREW O'DONOVAN
Commissioner

Income Maintenance/
Medical Services
JOHN ALQUIST
Commissioner

Mental Health/
Retardation Services
AL NEMEC
Commissioner

Rehabilitation
Services
GABE FAIMON
Commissioner

Youth Services
ROBERT BARNUM
Commissioner

P.O. Box 1027
Junction City, KS 66441
(913) 762-5445

Ms. Joyce Crandon
Assistant County Attorney
Geary County Courthouse
P.O. Box 1147
Junction City, KS 66441

Dear Joyce:

I am writing in regard to your efforts to obtain grant money to facilitate the placement of juvenile offenders in detention and Attendant Care Facilities rather than in foster homes. This agency definitely supports your efforts. As you well know, many of these youth are not appropriate for foster care. Many of our foster parents are not willing to accept these youth into their homes as they exhibit behaviors which may be detrimental to other children placed there and several foster parents have threatened to quit because of the problems they have experienced.

Obviously, a much more appropriate placement for Juvenile Offenders that cannot be maintained in their own homes would be in a detention or secure care facility.

Ruth O'Donnell, who is the coordinator of Jail Alternatives for SRS is working on these issues and has informed me that there are additional funds available for attendant care beyond the SRS grant money.

She is interested in discussing this with you and can be reached at (913) 296-6277.

2/7/90.
2nd Com
Att V
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Ms. Joyce Crandon
Page Two
August 31, 1989

This agency appreciates the efforts you are making in this area. Please contact me if I can be of further assistance.

Sincerely,

Debra Germann
Debra Germann, LBSW
Social Service Supervisor

L. W. L.
Leonard Lavis
C & Y Section Chief

DG:LL:mtc

2/7/90
of Jud Com
Att V 26

Proposed Statute
K.S.A. 38-1636(a)

Prosecution as a Juvenile; Authorization.

., (a) A proceeding under this section, against a person 16 years of age or over and under 18 years of age shall be commenced if the complaint is accompanied by a motion by the prosecution to treat the person as a juvenile. The motion shall state the age of the person, and reasons why the person would be amenable to treatment under the juvenile code. No person over 16 years of age or over and under 18 years of age may be treated as a juvenile when the complaint alleges a violation of offenses as set out in Article 34 or 35 of chapter 21 of Kansas Statutes Annotated. A motion filed pursuant to this section may be withdrawn at any time prior to a finding that the person is a juvenile offender or a proceeding where evidence is taken by the trier of fact to determine whether or not the person is a juvenile offender. Persons adjudicated pursuant to this section are considered to be juvenile offenders for other purposes under this code.

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2/7/90
L. Jud Com
Attachment VI

Proposed Amendment
K.S.A. 38-1602

Definitions. (a) "Juvenile" means a person 10 or more years of age but less than ~~18~~ 16 years of age, or a person 16 years of age or over, but under 18 years of age, who has been waived down to juvenile status under K.S.A. 38-1636a;

(b) SAME

(1) SAME

(2) a person ~~16~~ 15 years of age or over who commits an offense defined in chapter 2 of the Kansas Statutes Annotated;

(3) a person ~~16~~ 15 years of age or over who is charged with a felony or with more than one offense of which one or more is a felony after having been adjudicated in two separate prior juvenile proceedings as having committed an act which would constitute a felony if committed by an adult and the adjudications occurred prior to the date of the commission of the new act charged;

(4) SAME

(5) SAME

(6) SAME

2/7/90
Z/Gen Com
Att VI

Proposed Amendment
K.S.A. 38-1632

Dentention hearing; waivers; notice; procedure. (a) Length of detention. Whenever an alleged juvenile offender is taken into custody and is thereafter taken before the court or to a juvenile dentention facility or youth residential facility designated by the court, the juvenile shall not remain detained for more than ~~48~~ 24 hours, excluding, Saturdays, Sundays and legal holidays, from the time the initial dentention was imposed, unless the court determines after hearing, within the ~~forty/eight/hours~~ twenty four hours, that further dentention is necessary.

(b) Waiver of dentention hearing. The right of a juvenile to a dentention hearing may be waived if the juvenile consent in writing to waive the right to a dentention hearing and the judge approves the waiver. Whenever the right to a dentention hearing has been waived, the juvenile, the attorney for the juvenile or the juvenile's parents may reassert the right at any time not less than 48 hours prior to the time scheduled for adjudication by submitting a written request to the judge. Upon request, the judge shall immediately set the time and place for the hearing, which shall be held not more than ~~48~~ 24 hours after the receipt of the request excluding Saturdays, Sundays and legal holidays.

2/7/90
ZJ Jud Com
Att VI

(c) Notice of hearing. Whenever it is determined that a detention hearing is required the court shall immediately set the time and place for the hearing. Notice of the detention hearing shall be given at least ~~24~~ 12 hours prior to the hearing, unless waived, and shall be in substantially the following:

SAME FORM

2/7/90
71 Jud Com
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2/7/90

Department of Social and Rehabilitation Services

Testimony before

House Judiciary Committee

Regarding

House Bill 2666

February 7, 1990

Robert C. Barnum
Commissioner of Youth Services
Kansas Department of Social and Rehabilitation Services
(913) 296-3284

2/7/90
H. Jud. Com.

Attachment VII

Department Of Social and Rehabilitation Services
Winston Barton, Secretary

Testimony in Support of H.B. 2666

AN ACT CONCERNING JUVENILE OFFENDERS;
RELATING TO PROSECUTION AS AN ADULT;
NOTICE TO VICTIMS OF RELEASE OR DISCHARGE
OF CERTAIN JUVENILE OFFENDERS.

(Mr. Chairman), Members of the Committee, I appear today in support of House Bill 2666 which reduces the age for certain offenders to be prosecuted as adults under the criminal code and provides for notice to the prosecutor by the youth center prior to the release of certain juvenile offenders.

Background: The Kansas Juvenile Offender Code is a non-criminal code. Its preamble states that youth who are handled under that code are not to be considered to have committed a crime. The code directs that the state should provide the care, custody, guidance, control and discipline as will provide for the juvenile's rehabilitation and the protection of the community. The clear preference is for youth to be in their own home.

A Juvenile Offender is defined as a person between the ages of 10 and 18 who commits an act which would be a felony or misdemeanor if it had been committed by an adult. The Code provides two avenues to move youth from the Juvenile code to criminal prosecution. These avenues are exclusion and certification.

2/7/90
H/ Jud Com
Att VII

Examples of exclusions include traffic offenses except those which could lead to incarceration; fish and game offenses; youth convicted of Aggravated Juvenile Delinquency; and youth age 16 and over with two prior felony type adjudications who have a Current Felony Charge.

The second way to exclude a youth from the provision of the Code is through the certification procedure for youth 16 and older. This procedure requires the Court to review the case against certain criteria and decide if the youth should be tried under the Criminal Code or the Kansas Juvenile Offender Code.

House Bill 2666 makes changes in both of these provisions by defining 16-17 year olds charged with A & B felonies out of the Juvenile Offender Code and by making it possible for the Court to certify for criminal prosecution 14 & 15 year olds charged with A & B felonies.

This bill further provides for youth centers to notify the prosecutor 45 days in advance of the discharge of a juvenile offender who was adjudicated on the basis of an A, B, or C type felony offense. The district or county attorney would subsequently provide notice to the victim.

Discussion: The age reductions in this bill would address approximately fourteen youth each year. During fiscal year 1988 a total of fourteen (14) youth were admitted to youth centers for A & B type felony offenses. During fiscal year 1989 thirteen (13) youth were admitted for those offenses. By far the most frequent offense in the A & B felony category is aggravated robbery. The attachment to this testimony is a listing of all admissions to the state

2/7/90
H. Jud Com
Att. VII

youth centers during fiscal years 88 and 89 by the classification of the offense as well as the specific offense for which they were committed. Once a youth is convicted of a crime under this bill, provision for his/her housing, education and protection will be needed. The youth center system is prepared to provide custody services up to age 21 as is done in some other states. This precludes the adult system from having to create programs for this small population of young adolescents in the adult institutions. Our current facilities are already prepared to provide such programs. When the youth attain a certain age transfer to the adult system could be accomplished.

The second issue addressed in this bill is victim notification. The Youth Centers would provide notice to the prosecutor in advance of the release of youth in A, B, or C felony type offenses. We will be glad to provide such notice in support of this victim notification.

Action Requested: We support the State addressing the need to provide different consequences for younger offenders who commit most serious offenses. I urge your support of this bill with the suggested modifications.

Winston Barton
Secretary
Department of Social &
Rehabilitation Services
(913) 296-3271

2/7/96
H. Jud. Com.
Att VII

**YOUTH CENTER
COMMITTING OFFENSES
FY 1988**

OFFENSES	YCAA	YCAB	YCAL	YCAT	TOTAL	
<u>A FELONIES</u>						
AGGRAVATED KIDNAPPING	0	0	0	2	2	
FIRST DEGREE MURDER	0	0	0	4	4	
			TOTAL	A FELONIES		6
<u>B FELONIES</u>						
AGGRAVATED ARSON	0	0	0	0	0	
AGGRAVATED CRIMINAL SODOMY	1	0	0	0	1	
AGGRAVATED ROBBERY	2	0	1	3	6	
KIDNAPPING	0	0	0	0	0	
RAPE	0	0	1	0	1	
			TOTAL	B FELONIES		8
<u>C FELONIES</u>						
AGGRAVATED BATTERY	2	2	2	8	14	
AGGRAVATED BURGLARY	1	0	1	1	3	
ARSON	1	0	1	2	4	
ATTEMPTED AGGR. ROBBERY	1	1	0	0	2	
ATTEMPTED RAPE	0	0	0	1	1	
CONSPIRACY TO COMM. AN A FEL	0	0	0	1	1	
INDECENT LIBERTIES W/ A CHILD	6	2	1	7	16	
POSS. OF COCAINE W/INT TO SELL	0	0	0	1	1	
ROBBERY	2	0	1	3	6	
			TOTAL	C FELONIES		48
<u>D FELONIES</u>						
AGGRAVATED ASSAULT	3	3	0	3	9	
AGGRAVATED SEXUAL BATTERY	3	2	1	0	6	
ATTEMPTED AGGR. BURGLARY	0	0	0	1	1	
ATTEMPTED ROBBERY	1	0	0	0	1	
BURGLARY	21	4	19	61	105	
FORGERY	0	4	0	5	9	
			TOTAL	D FELONIES		131
<u>E FELONIES</u>						
ATTEMPTED BURGLARY	1	0	0	1	2	
CONSPIRACY TO COMM. FELONY	4	0	0	1	5	
CRIMINAL DAMAGE TO PROPERTY	3	1	4	4	12	
INCEST	0	0	0	2	2	
TERRORISTIC THREATS	1	1	1	3	6	
THEFT	19	11	14	34	78	
UNL. USE OF BANK CARD	0	1	0	0	1	
			TOTAL	E FELONIES		106
<u>TOTAL FELONIES</u>						299

*2/7/90
TJ Jud Com
Att VII 5*

A MISDEMEANORS

ASSAULT ON LAW ENF. OFFICER	3	0	0	4	7
CRIMINAL DAMAGE TO PROPERTY	4	1	3	5	13
ESCAPE FROM CUSTODY	0	0	0	2	2
INDECENT SOLIC. OF CHILD	0	0	1	1	2
OBSTRUCTING LEGAL PROCESS	1	7	0	0	8
POSSESSION OF DRUGS/PARAPH.	1	2	0	4	7
THEFT	20	19	8	28	75
THEFT BY DECEPTION	1	0	0	0	1
UNLW.DEPR. OF PROPERTY	1	2	3	6	12
VEHICULAR HOMICIDE	0	0	0	1	1
				TOTAL A MISDEMEANOR	128

B MISDEMEANORS

BATTERY	6	10	1	22	39
CRIMINAL TRESSPASSING	0	3	3	3	9
CRUELTY TO ANIMALS	1	0	0	1	2
LEWD & LASCIVIOUS BEHAVIOR	0	0	0	1	1
PROSTITUTION	0	3	0	0	3
				TOTAL B MISDEMEANOR	54

C MISDEMEANORS

ASSAULT	4	3	0	2	9
DISORDERLY CONDUCT	3	4	0	4	11
				TOTAL C MISDEMEANOR	20

UNCLASSIFIED MISDEMEANORS

TRANSPOR. LIQUOR IN OPEN CON	0	0	1	0	1
UNLW.POSS OR CONSUM OF LIQ.	0	0	2	2	4
VIOLATION OF CITY ORD.	0	1	0	0	1
					6

TOTAL MISDEMEANORS

208

CONDITIONAL REL.REVOC.

11 10 4 19 44

TOTAL ADMISSIONS

551

2/7/90
ZJ Gud Com
Att VII 6

**YOUTH CENTER
COMMITTING OFFENSES
FY 1989**

OFFENSES	YCAA	YCAB	YCAL	YCAT	TOTAL
<u>A FELONIES</u>					
AGGRAVATED KIDNAPPING	0	0	0	1	1
FIRST DEGREE MURDER	0	0	0	0	0
			TOTAL	A FELONIES	1
<u>B FELONIES</u>					
AGGRAVATED ARSON	0	0	0	1	1
AGGRAVATED CRIMINAL SODOMY	0	0	0	1	1
AGGRAVATED ROBBERY	1	0	1	7	9
KIDNAPPING	0	0	0	1	1
RAPE	0	0	0	0	0
			TOTAL	B FELONIES	12
<u>C FELONIES</u>					
AGGRAVATED BATTERY	1	2	0	15	18
AGGRAVATED BURGLARY	0	0	1	4	5
ARSON	3	0	0	2	5
ATTEMPTED RAPE	1	0	0	0	1
INDECENT LIBERTIES W/ A CHILD	5	1	1	12	19
POSS. OF COCAINE W/INT TO SELL	2	2	1	8	13
ROBBERY	3	0	0	6	9
			TOTAL	C FELONIES	70
<u>D FELONIES</u>					
AGGRAVATED ASSAULT	0	2	0	2	4
AGGRAVATED INCEST	0	0	0	2	2
AGGRAVATED SEXUAL BATTERY	3	0	0	1	4
ATTEMPTED IND. LIB. W/CHILD	0	0	1	0	1
BURGLARY	21	1	15	55	92
FORGERY	5	5	4	1	15
			TOTAL	D FELONIES	118
<u>E FELONIES</u>					
AGGR. ESCAPE FR. CUSTODY	0	0	0	1	1
ATTEMPTED BURGLARY	0	0	0	2	2
CONSPIRACY TO COMM. FELONY	1	1	0	0	2
CRIMINAL DAMAGE TO PROPERTY	1	3	2	5	11
TERRORISTIC THREATS	0	0	1	1	2
THEFT	17	7	9	41	74
			TOTAL	E FELONIES	92
<u>TOTAL FELONIES</u>					293

*2/7/90
H. gud Com
Att VII 7*

A MISDEMEANORS

ASSAULT ON LAW ENF. OFFICER	0	1	0	2	3
CRIMINAL DAMAGE TO PROPERTY	10	3	5	7	25
ESCAPE FROM CUSTODY	0	0	0	1	1
FALSELY REPORTING A CRIME	0	1	0	0	1
HARRASSMENT BY TELEPHONE	0	1	0	0	1
OBSTRUCTING LEGAL PROCESS	0	0	0	2	2
POSSESSION OF DRUGS	0	0	0	4	4
POSSESSION OF DRUG PARAPH.	0	0	0	1	1
POSS. STOLEN PROPERTY	1	0	0	6	7
SEXUAL BATTERY	1	0	0	1	2
THEFT	18	20	14	37	89
UNLW.DEPR. OF PROPERTY	5	2	2	2	11
				TOTAL A MISDEMEANOR	147

B MISDEMEANORS

BATTERY	8	11	1	14	34
CRIMINAL TRESSPASSING	1	2	2	6	11
LEWD & LASCIVIOUS BEHAVIOR	0	0	0	2	2
PROSTITUTION	0	3	0	0	3
UNLW.USE OF WEAPON	0	0	1	2	3
UNLW.POSS. OF A FIREARM	1	1	0	0	2
				TOTAL B MISDEMEANOR	55

C MISDEMEANORS

ASSAULT	1	2	2	3	8
DISORDERLY CONDUCT	4	2	0	1	7
				TOTAL C MISDEMEANOR	15

UNCLASSIFIED MISDEMEANORS

UNLW.POSS OR CONSUM OF LIQ.	1	0	2	3	6
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TOTAL MISDEMEANORS

223

CONDITIONAL REL.REVOC.

7 13 5 21 46

TOTAL ADMISSIONS

562

2/7/90
N. Gud Conn
Att VII