

Approved: 2-15-95  
Date

MINUTES OF THE JOINT MEETING OF THE SENATE COMMITTEE ON JUDICIARY AND THE  
SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Chair Tim Emert at 10:00 a.m. on January 24, 1995 in Room 514-S of the Capitol.

All members were present except:

Committee staff present: Michael Heim, Legislative Research Department  
Jerry Donaldson, Legislative Research Department  
Gordon Self, Revisor of Statutes  
Janice Brasher, Committee Secretary

Conferees appearing before the committee:  
Jerry Wells, Koch Crime Commission

Others attending: See attached list

### Juvenile Justice System

Jerry Wells, former District Attorney of Douglas County and present general counsel and head of the Koch Crime Commission's juvenile justice task force, addressed the Committee and noted that the mission of the task force is to evaluate the juvenile justice system in Kansas over a two year period. Final recommendations of the task force will be available in January or February, 1996. The Commission arrived at certain preliminary "action principles" which were outlined for the Committee and noted in his written testimony. (Attachment 1)

During Committee discussion it was discussed that there should be a minimum period of time that offenders stay in a secured juvenile facility in order to be properly and thoroughly assessed for proper placement in the continuum of services. Mr. Wells defined secured juvenile facilities as YCAT and the facility at Beloit. The Commission is hopeful that by next year there will be more of a variety of placement opportunities available. He felt a massive study and evaluation of all the present secured facilities needed to be made in order to determine if they are appropriate, and that adequate community based resources are not available for placement alternatives.

Mr. Wells stressed the need for a Sanction House such as the one being considered in Sedgwick County which he described as a lock-down facility with an education component from 8:00 a.m. to 8:00 p.m. designed for approximately 800 youths. Mr. Wells defined CINC - a child in need of care as being a civil proceeding which generally involves a child who is at-risk in a home for health or other reasons with a dysfunctional family -- this is not a criminal proceeding, and the court takes jurisdiction over the entire family at that point which is different from a juvenile offender proceeding.

Mr. Wells noted a need for a medium or maximum security facility that might be available or adopted in order to ease the load on YCAT and made reference to the possibility of temporary placement of juveniles in the boot camp in Labette County which is below population. All of the task force members felt strongly that the legislature should not do anything about critical changes at this point -- for example, changing the jurisdiction of YCAT to DOC or installing a youth authority. They do not believe an adequate study has been done in order to present that as a viable alternative now,-- also a thorough cost analysis needs to be made. He noted they are going to conduct a study of this issue over the next year and will be willing to share that information with the legislature.

It was suggested by a member and agreed on by Mr. Wells that the Koch Crime Commission look at prevention and early intervention, family court and early testing of children with adequate follow-up. Another member suggested legislative recommendations should be given in blocks and not as one package. Mr. Wells noted that they would be making legislative recommendations regarding structure, and that a need exists for better cooperation and coordination at the local level in order to obtain all information on a juvenile. He also commented that lowering the age is not the answer, but providing the service to the judges is recommended otherwise the problem is again transferred and not solved.

The meeting was adjourned at 11:00 a.m.

The next meeting is scheduled for January 25, 1995.



1-24-95

# KOCH CRIME COMMISSION TASK FORCE ON JUVENILE JUSTICE

The mission of the Task force on Juvenile Justice is to evaluate the juvenile justice system in Kansas over a two year period of time. The Task Force is almost exactly half-way through its timeline at this point.

The approach of the Task Force in this evaluation is fact and information first. The Task Force is currently assembling pertinent information by reviewing learned treatises and receiving testimony from experts in the field. One of the principles of approach by the Task Force is that factual information should drive the ultimate recommendation of the Task Force rather than the other way around. Therefore, the Task Force has not reached any particular conclusion regarding the structure of the Kansas juvenile justice system.

The Task Force has arrived at certain preliminary "action principles" or as one Task Force member state, "self evident truths". These principles are submitted as information only for purposes of this presentation and do not reflect the final recommendation of the Task Force or the Crime Commission.

## ASSESSMENT OF OFFENDERS

1. The current information process on each juvenile offender for purposes of assessment of the offenders needs and eventual placement in the systems is inadequate, inefficient, and more often that not, incomplete.
2. The individual assessment of each juvenile offender should be used to place the individual offender in the appropriate placement in the system rather than by the arbitrary classification of felony or misdemeanor offense.
3. The assessment of a juvenile offender should be one part of a continuum of services of the juvenile justice system.
4. Violent juvenile offenders should be placed in a maximum security unit for evaluation for purposes of placement in a maximum, modest, or minimum security facility or other appropriate disposition.
5. Statutory changes should be made to ensure complete information availability in a timely manner on each offender to ensure proper placement of the offender in the system.

## SECURED FACILITIES

1. There is a need for a maximum security facility for the most violent and aggressive offenders.
2. There must be a minimum period of time that each offender stays in a secured juvenile facility. This standardized minimum period of time must be based on sufficient period of time to properly and thoroughly assess and evaluate the offender for a proper placement in the continuum of services.

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3. A complete study of provisional sentencing must be undertaken. Provisional sentencing should include mandatory hearings before a judge with jurisdiction to alter the length of incarceration of the juvenile offender even beyond the age of 21. These hearings should take place at the ages of 18 and 21.
4. There is no hard evidence that incarceration alone alters behavior of juvenile offenders to make them more accountable and responsible for their acts.
5. There must be consequences for any juvenile who commits a violent act against another person.
6. Any release from a secured facility must have a systemic "stair-step" approach to reintegrate the offender, rather than "Y.C.A.T. or the Streets" approach, which exists today.
7. Any release of an offender from a secured facility must contemplate public safety above all factors.

#### POST-RELEASE AND POST-CUSTODY FOR JUVENILE OFFENDERS

1. The juvenile justice system is perceived as a cumbersome inefficient bureaucracy which operates in an atmosphere of mis-management and turf battles, with no apparent consistent mission and no management information system or outcome data.
2. The contact that an offender has with the system tends to be episodic with no continuum of services to the offender or his/her family, which could prevent additional offenses by the juvenile.
3. Those who make the initial assessment of a juvenile offender should be responsible for post-release assessment of that same offender. This type of accountability would tend to improve the quality of the initial assessment.
4. Again, emphasis should be placed on post-release as part of a continuum of services from initial assessment to post-release.
5. Judges should have available to them "Sanction Houses". Sanction houses are secure facilities designed for short-term community-based incarceration of offenders who violate orders of the Court, but who do not deserve minimum, modest or maximum security facilities.
6. An emphasis should be made to provide community based reintegration facilities.
7. Treatment of juveniles on a post-release program should include treatment of the family.
8. Post-release should continue the theme of accountability of the offender for his or her acts.
9. Integrity of the information system for youthful offenders must be maintained from initial assessment through post-release.

The following issues must be thoroughly evaluated and researched to properly construct a model juvenile justice system:

- A. The initial assessment of any juvenile offender must be thorough and efficient for accurate placement.
- B. Any disposition must emphasize accountability of the offender to the victim and the community.
- C. Any violent act must have consequences for the perpetrator of the act.
- D. There must be more emphasis on early intervention and prevention in the juvenile system. Intervention and prevention is the ultimate answer to juvenile crime.
- E. Most importantly, the State must take a holistic and continuum of services approach to juvenile offenders to be a successful system.

### THE JURISDICTION ISSUE

- 1. The primary question is not whether to transfer jurisdiction of Youth to D.O.C., create a new Youth Authority or to leave jurisdiction is S.R.S., but how to change the structure of the services to best meet the needs of the Community and the juvenile population.
- 2. Any such structure should address, at a minimum, the issues of efficiency, continuum of services, appropriate assessment and placement of offenders, service facilities, funding streams and accountability of the system.

### GENERALLY

- 1. Privatization of some parts of the juvenile system should be thoroughly explored.
- 2. The reintegration of juvenile offenders back into society is a top priority of any system.
- 3. A principle that should run as a thread through the entire system is this: If a conflict of interest exists between public safety and treatment program of a juvenile offender, public safety must always be the priority.
- 4. One item that could be addressed in '95 is the establishment of a proper maximum security facility for violent juvenile offenders.