

Approved: 2-15-95
Date

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

The meeting was called to order by Chair Tim Emert at 10:00 a.m. on January 27, 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:

Janet Schalansky, Acting Secretary, SRS
Carolyn Hill, Commissioner, Youth and Adult Services, SRS

Others attending: See attached list

Juvenile Justice System

Janet Schalansky, SRS, addressed the Committee and outlined seven juvenile justice policy issues for the Committee to consider. (Attachment 1)

During Committee discussion a member expressed concern regarding the status of the Larned facility, and SRS not sharing information on the planning of such facility with the appropriations committee. It was also pointed out that the length of stay of juvenile offenders at youth centers is a problem, and Carolyn Hill, SRS, noted that the facilities are run over capacity. They have been backing up youths at detention centers waiting for youth center placement, and that resulted in lawsuits such as the one in Shawnee County in which SRS agreed to move the youths within 72 hours. SRS has been talking with the governor's staff about a proposal in which SRS would take that practice statewide, and the result of that is what SRS is looking at as a length-of-stay grid and putting everyone on notice that youths who are going in for misdemeanors are not going to be there very long. Such programs will be designed around that plan. The community will be given the relief of getting the youths out of the detention center, and then SRS hopes the community will cooperate with them by not sending youths with lower level offenses or recognizing that they will be coming back to the community. Ms. Hill believes that SRS is at significant risk for additional litigation if they're not moving the youths out of the detention center.

In response to a question regarding block grants that would let money flow directly to local communities that had in operation good coordinating councils, Ms. Schalansky felt such a program would be consistent with some of the principles that they are considering. She also noted that the Title IV Child Welfare allows SRS to contract out as long as there is a single state agency.

In response to a question regarding a state wide diversion program, Ms. Hill stated that they have not had a discussion of a statewide system but they do recognize a need for a diversion program at the local level. It was also noted that SRS cannot release information generated by a mental health center or private psychologist. A member also felt that confidentiality can sometimes be used as a barrier when trying to help people, and Ms. Schalansky encouraged legislators to call such a situation to the attention of the area director or to herself. Ms. Hill also noted that school districts are mandated to report child abuse and neglect, and SRS case workers sometimes visit children at school without the parents' knowledge in order to protect the child.

Ms. Schalansky commented that just transferring the governance is not going to work if we don't work on the system as a whole, and that they need to look first at the total population and determine solutions that fit them --such as the violent offender and the repeat offenders where public safety is an issue which makes a lot more sense in transferring those than place children with misdemeanors into that kind of system. She felt that there is a definite problem, that it is complicated, needs to be addressed, and will work cooperatively with the legislature to determine what direction to take.

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

The next meeting is scheduled for January 31, 1995.

Kansas Department of Social and Rehabilitation Services

**Senate Judiciary Committee and
Senate Public Health and Welfare Committee**

Juvenile Issues

January 27, 1995

Janet Schalansky, Acting Secretary
Department of Social and Rehabilitation Services
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*Senate Judiciary Com
1-27-95
Attachment 1*

KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
Janet Schalansky, Acting Secretary

Senate Judiciary Committee and
Senate Public Health & Welfare Committee
Testimony - Juvenile Issues

January 27, 1995

Mr. Chairman and members of the Committee, I thank you for this opportunity to provide testimony.

In Kansas on any given day, there are about 9,000 juvenile offenders under court ordered supervision or custody. SRS is one of three major players in the juvenile justice system. The others are the local courts and Community Corrections.

SRS deals with the youth who have penetrated furthest into the system, having in it's custody about 1,800 offenders, of whom approximately 500 are incarcerated in the state's four youth centers. In FY 95 the youth centers will admit between 700 and 800 youth, of which 65% will be felony offenders and 35% misdemeanor offenders. About 80% of these admissions will be the result of direct court commitments and 20% the result of administrative placements of youth in the custody of SRS. About 20 to 25% of the juveniles admitted to youth centers will be dually adjudicated as Juvenile Offenders and as Children In Need of Care. This creates additional issues when it comes to planning alternative placements upon completion of their youth center program. For example, when home placement with family is the preferred option prior approval of the court is required.

Over the past several years, both the total numbers of juvenile offenders committed to youth centers and the percentage of serious offenders has been on the increase. Currently the numbers of classified male violent offenders in placement at the youth centers are at an all time high. This is due to both greater numbers coming in and due to the concentration effect of releasing relatively minor offenders earlier than the more serious offenders. Over the past seven to eight years, the youth center system experienced an admissions increase in the 70 - 80% range. The Youth Center at Atchison (YCAA) with the younger, 13 - 15 year old males, experienced an increase of more than a 250% in admissions. The immediate impact of this huge increase resulted in a decrease in the average length of stay from about 15 - 16 months down to around 6 - 7 months. Basically, for each new admission another juvenile offender had to be released. This required the agency to modify programs to accommodate the reduced lengths of stay.

Because of these issues and many others, the State of Kansas is taking a close look at the entire system of juvenile justice. This comprehensive review will not be simple and there are several policy issues to consider, a few of which I would like to outline at this time.

FIRST: We in Kansas need to make a basic philosophical decision about how we are going to treat juvenile offenders. One growing emphasis is the recognition that protection of public safety and security is a number one priority for serious violent and chronic felony offenders. For these offenders, a security oriented approach must take precedence over all else. Rehabilitation, Life Skills Training, Education, and Vocational Training must also be provided, but, treatment programs can not overcome the dictates of security and protection of public safety. For lesser risk level offenders, a range of intermediate level sanctions and community based programs from family and day reporting to residential placements must be provided to fill the gap between court diversion/probation and the last resort of state youth center custody. Our limited youth center beds must be reserved for the most serious types of violent and multiple repeat offenders. We must insure that enough youth center bed space exists to accomplish the mission of protecting public safety which is provided for in the short term through incarceration in a youth center and in the long term through rehabilitation of the youthful offender. The youth centers must increase the average length of stay to at least 18 months to have a meaningful impact upon the behavior of serious repeat juvenile offenders. This can be accomplished by limiting admissions to the most serious offenders.

SECOND: It is vital that all residential custody programs of whatever length or intensity have as a critical link a strong and integrated follow up aftercare program. This has not been as strong as it should be in the Kansas system. In six months, a residential program can often do good job of stabilizing behavior and teaching new life coping skills to many offenders but all too often they are placed right back into the same situation from which they came and with inadequate resources to provide for transition support, and to improve the family situation. Research clearly shows that all types of residential program effectiveness is enhanced through adequate aftercare. In particular, short term, intensive placement programs can be effective only if they are followed up with long term intensive support and structure when the offender returns to home and community.

THIRD: Careful consideration must be given to a single point of entry into the state juvenile offender system together with a classification system that places control of admission and release decisions in the hands of the state department that is responsible for running the youth center programs. This would insure that the responsible department is in control of its resources and bed space. Youth Centers experience serious problems in carrying out appropriate programs within their budget allocation when 80% of the admissions are ordered by the court which has no responsibility for keeping spending to the budgeted limit. The legislature could define in statute some minimum length of time sentencing grid for incarceration of the most serious types of offenders and/or even provide for a form of court review for Off Grid or Level 1 or 2 types of felony juvenile offenders.

FOURTH: The development of any Classification Instrument based upon known offender risk factors to make placement decisions will need to be based first upon public safety concerns and second upon individual offender needs. Much of the research done in this area suggests there are only two significant risk factors that can consistently be used to predict future offender behavior.

AGE AT FIRST OFFENSE: The younger at which this happens, the more likely it is to happen again.

A SECOND ADJUDICATED OFFENSE: Youth adjudicated for a second offense is more likely to commit additional offenses.

There is really no way to predict the first violent offense. Having experienced violent abuse as a child does correlate with violent behavior but not all seriously abused children resort to violence. Once an offender has crossed the line of committing a violent offense it is true however that the best and perhaps only real predictor of future violence is past violent behavior.

FIFTH: Much attention has been given to the issue of confidentiality within the juvenile justice system. Currently court files are open, with the exception of the social file, for juvenile offenders ages 14 and up. SRS may release to any provider, information generated by the department. Information generated by an agency other than SRS may be directly released by a signed release of information. We do not believe further modification of current statutes is needed.

SIX: Over the past few years and again this year consideration is likely to be given to various types of release notification requirements the youth centers must give to various local parties such as district attorneys, courts and schools. Currently this is a confusing mix of 15, 30 and 45 day notice time lines dependent upon the committing offense. It would be a great step forward if legislation could be passed to clarify all this by requiring only one type of release notice with a single 'prior to release' time line requirement for all types of offenses.

Limiting youth center placements to only the serious and repeat offenders would solve this problem of different notice requirements for the range of minor misdemeanors to serious repeat violent offenders.

SEVEN: On the question of governance of the juvenile offender programs, policy questions need to be considered and answered prior to deciding on an organizational scheme. A comprehensive review of the existing code and existing resources need serious attention. The question of which department runs the programs is secondary to these issues. The issues to be considered in settling on an organizational scheme for the future are very complex. We are continuing to study the issues and are not prepared to make a recommendation at this time.

One of the minimal changes the Department would support is the creation of a commission within the Department with responsibility for juvenile offenders only. This would have two major advantages: the commission's full attention and resources would focus on juvenile justice issues and the administrative linkage with other state programs for children, youth and families would be maintained. Most youth who are placed in SRS custody as juvenile offenders have also been known to the child welfare system and/or other SRS programs such as income support, mental health/mental retardation services or alcohol and drug abuse services.

There is no consistent, research based reliable data which demonstrates conclusively a single, successful method of intervening with the juvenile offender and the service structure. There is no simple solution. Where the juvenile offender programs rest administratively is less important than the development of a broad spectrum of program options with multiple security levels, these can be used to match public risk and individual offender needs with program response. These juvenile justice programs need the added emphasis and clarity of approach that would come from a change in the juvenile code embodying a clear, non-conflicting mission and program response for clearly defined types of juvenile offenders.

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