

Approved: 4-26-95
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Tim Emert at 10:00 a.m. on January 31, 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:
Ken Hales, Director, Sedgwick County Department of Corrections
Robin Clements, Policy Analyst, Wichita State University

Others attending: See attached list

The Chair called the meeting to order at 10:00 a.m. and introduced the first speaker, Robin Clements.

Juvenile Issues:

Mr. Ken Hales, Director, Sedgwick County Department of Corrections addressed the Committee stating that despite all the county has done, the Sedgwick County juvenile detention facility is chronically over-populated. Mr. Hales described the public's growing frustration with the juvenile crime issues. Mr. Hales outlined several measures taken in Sedgwick County to effectively operate the youth detention center, but, he contended that despite these efforts, success will be difficult if solutions are not found for the ever-increasing population. Mr. Hales recommended that administration of juvenile offender programs be separated from other juvenile programs and be a separate commissioner level division within SRS or, preferably, that juvenile services be removed from SRS and established as a separate authority. Mr. Hales concluded that because SRS has so few out-of-home placements for offenders, juvenile judges are more inclined to make direct commitments to the state youth centers resulting in overcrowding and more kids waiting in detention. Mr. Hales referred to charts attached to his written testimony showing the increasing demand for juvenile detention. (Attachment 1)

Robin Clements, policy analyst, Wichita State University, explained the Sedgwick County Juvenile Offender Profile Project. Mr. Clements addressed the background of the research project as to identify and profile the reasons juveniles come into contact with local courts, holding facilities and juvenile offender programs. The purpose of the project was to find solutions to the growing problems associated with juveniles with court dispositions and to seek more appropriate responses for rehabilitation and placement. Mr. Clements described the activity of the research, and stated that many questions have emerged from the experts that will be critical to the final analysis. Mr. Clements noted an initial observation was that intervention occurs after adjudication. Mr. Clements suggested that intervention might be more successful before adjudication takes place. Mr. Clements offered to share the results of this study upon completion. (Attachment 2)

In answer to the question regarding the time frame of this study, Mr. Clements responded that the completion date is scheduled for next fall.

Willie Martin, Sedgwick County, briefly addressed the Committee regarding the ability to obtain data on juveniles that would be beneficial in determining factors contributing to juvenile crime. Ms Martin stated that she hopes to be able to obtain this information on a continuing basis.

Meeting adjourned at 11:00 a.m.

The next meeting is scheduled for February 1, 1995.

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 1-31-95

NAME	REPRESENTING
Gene Johnson	Ks. Alcohol Safety Action Project Coordinator ✓
Duane Waterworth	Division of the Budget.
Jeremy Kohn	KSC
Diane Gjerstad	USD 259
Shelly Bucher	SRS ✓
Jan Johnson	Dept of Corrections ✓
Mark Gleeson	OJA
Paul Shelby	OJA
Clifford Franklin	State Representative
Robin Clements	WSD ✓
Dodie Lacey	KCS
Heather Gray	Senator Jerry Karris office
Ben Cress	SRS
Killee Martie	Sedgewick Co.
Frank Landwehr	State Rep.
Janice Cleahan	Interlocal #615

COMMITTEE HEARINGS ON JUVENILE CRIME & CORRECTIONS

31 JAN 95 - 10:00 a.m.

**Testimony: J Kenneth Hales, Director
Sedgwick County Department of Corrections**

Senate Judiciary Committee

Chairman: Senator Tim Emert
Vice-Chairs: Senators Harris, Bond & Parkinson
Members: Senators Moran, Reynolds, Oleen, Vancrum, Petty, Rock, Martin, Feleciano & Brady

PREFACE:

Yesterday, we had 54 juvenile offenders in the Youth Residence Hall (YRH), the Sedgwick County juvenile detention facility, and this is 63% over our licensed capacity of 33. Despite all this county has done, we still suffer chronic and ever-increasing over-population at YRH. Simply put, WE NEED YOUR HELP.

The Sedgwick County Board of County Commission continues to demonstrate a sincere commitment to address the juvenile justice needs of this community. Particularly, juvenile detention needs. Just a few years ago, in response to licensing violations for overcrowding, the commission brought in a nationally-recognized expert consultant to examine our juvenile detention needs. We have implemented the solutions that were recommended from this study. Over the past two years, Sedgwick County has developed and put into operation a series of programs to manage and alleviate the chronic over-population in the juvenile detention center. This summer we opened a 23-bed non-secure detention facility. This is a facility to hold juvenile offenders who do not require secured attention, but do require 24-hour residential care. In 1991 we created, and then expanded this year, a home detention program utilizing electronic monitoring devices as an alternative to secure detention. We operate an intake unit staffed 24 hours a day, 7 days a week, to ensure that detention is used only for those offenders that require it (See Attachment 1). Yet admissions continue to increase.

Senate Judiciary Com
1-31-95
Attachment 1

Since 1992, these measures have allowed Sedgwick County to double its capacity to supervise what most would identify as detention-bound juvenile offenders. Yet, again, the demand for detention services continues to grow (See Attachment 2-4). In addition to that, we operate the Judge Riddel's Boys Ranch which is a level 5 treatment facility. It is the only level 5 treatment facility in the state that services only juvenile offenders as opposed to children in need of care. Because it is a county-operated facility it targets Sedgwick County juvenile offenders, most of whom come from the Youth Residence Hall. Nevertheless, we still suffer chronic over-population at YRH. We have 15 kids on home-based supervision, another 21 at the non-secure facility. Over the past 72 hours the intake unit has diverted over 20 kids from admission to the detention center. Yet, over-population at the detention center is as bad, if not worse, than ever.

I must comment on the impact of overcrowding on the juvenile detention program. A generalization; the kids that remain in juvenile detention, particularly in Sedgwick County and Wyandotte County and the other urban centers, are the most dangerous, most violent and most behaviorally maladjusted (See Attachment 5). This is reflected by the police arrest reports. Total arrests are down but the number of arrests for violent offenses, such as aggravated assault, aggravated battery and weapons charges, are up. Even under good circumstances, managing this population in confinement is a tenuous task; one that requires dedicated staff, proper resources in facility and manpower, good programming and a carefully applied behavior management system. We need all the resources and tools available to run the program as well as it should be run. However, when the facility is chronically over-populated, all the tools break down. Staff can operate at 130% for a short time to address a temporary peak in population. However, when you're over-populated by 30-40-50% continuously, staff simply wear out and the kids wear out also. One common result of this breakdown is an increase in acting out violent behavior on the part of the residents against other residents and staff. This past year, we have had an increase in the number of assaults on other residents and on staff by residents.

Sedgwick County is committed to operating its juvenile detention center in a fashion consistent with the values of this community. A center that is expertly managed, effectively operated and is respected in its field. We have built facilities and added new program alternatives. We have recently hired 9 new youth care workers. The County Manager's Office has engaged in a strategic assessment of the youth services operation. An assessment involving all the stakeholders in the juvenile justice system. This has included staff, facility managers, the school district, juvenile judges, juvenile district attorneys, SRS, Dept of Health & Environment, anybody connected to the operation has been conferred with. We have reorganized youth services management. We have placed the staff in uniforms and the juveniles in uniform. We have modified visitations and other procedures. We have an extensive three-phase, 26-point revitalization plan underway. Yet, we will never be fully successful if we can't get a handle on the ever-increasing population.

The single most significant factor contributing to the over-population at YRH are those juvenile offenders awaiting SRS placement (See Attachment 6). While we have made improvements in diverting juveniles from detention, we have had more and more kids held longer and longer while awaiting SRS to take custody of them. On any given day, approximately 40% of the YRH population are kids awaiting SRS placement.

RECOMMENDATIONS:

1. We recommend that administration of juvenile offender programs be separated from other juvenile programs and be a separate commissioner level division within SRS or, more preferably, that juvenile services be removed from SRS and established as a separate authority. The current structure has simply failed. We advocate an organizational structure that places a clear emphasis on juvenile offender issues; one that embraces not only a habitative and treatment philosophy, but a "just deserts" philosophy as well.

2. We also recommend that the regulatory oversight for local juvenile detention centers and other facilities housing juvenile offenders be placed under the new authority and removed from the Dept of Health & Environment (KDHE). KDHE is well-suited to license day care centers, but not high security juvenile correctional facilities. We need a regulatory authority that enforces minimum standards and has expertise in the field. An authority that can give technical assistance and will work with others to solve the problems, not just cite violations for which the subject center has no control.

3. We recommend that legislation be enacted that allows juvenile detention centers the same considerations as adult detention centers concerning population control and expense. Specifically, that the state pay the full reimbursement for holding youth once placed in SRS custody. As it is now, it is often cheaper for SRS to keep a kid in detention than to place him or her in some out-of-home placements. For SRS the economic incentive is not to place the kid.

Secondly, unlike statutes governing the adult system, there is no time limit for SRS to transfer youth. A time limit would be a tool to ensure a kid is placed with the needed services in a timely manner.

4. Lastly, we also recommend the state develop more out-of-home placements for juvenile offenders; particularly, smaller youth centers that are located in various regions of the state. These may be operated by the state authority or by local authority in partnership with the state.

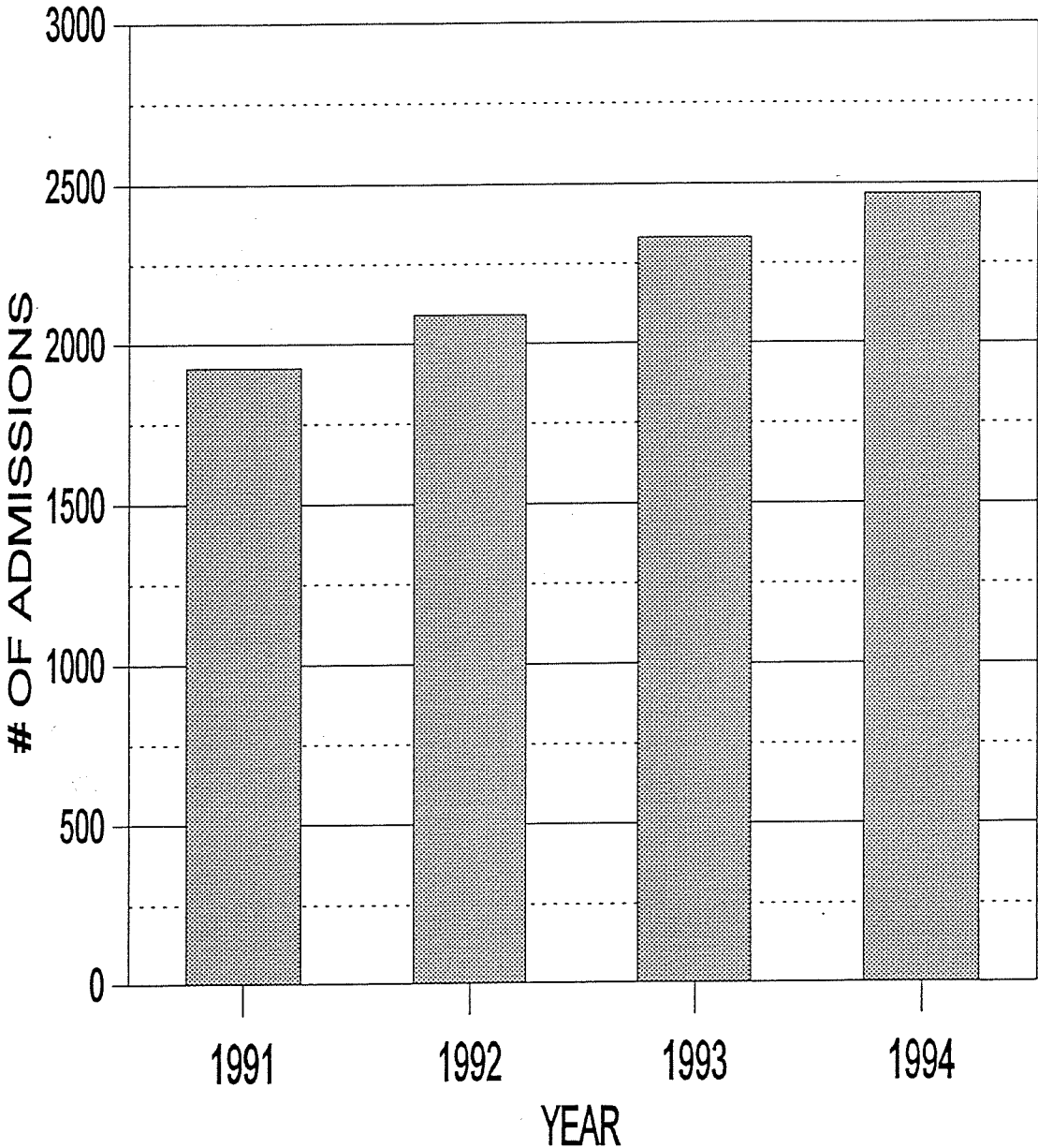
Although, there are inefficiencies that cause delays in transferring kids out of detention to SRS, the most significant factor is that SRS has no place to put the kids. Because SRS has so few out-of-home placements for offenders, the juvenile judges are more inclined to make direct commitments to the state youth centers. THE RESULT: Over-burdened youth centers and more kids waiting in detention to get into the youth centers.

Thank you for this opportunity to share my thoughts.

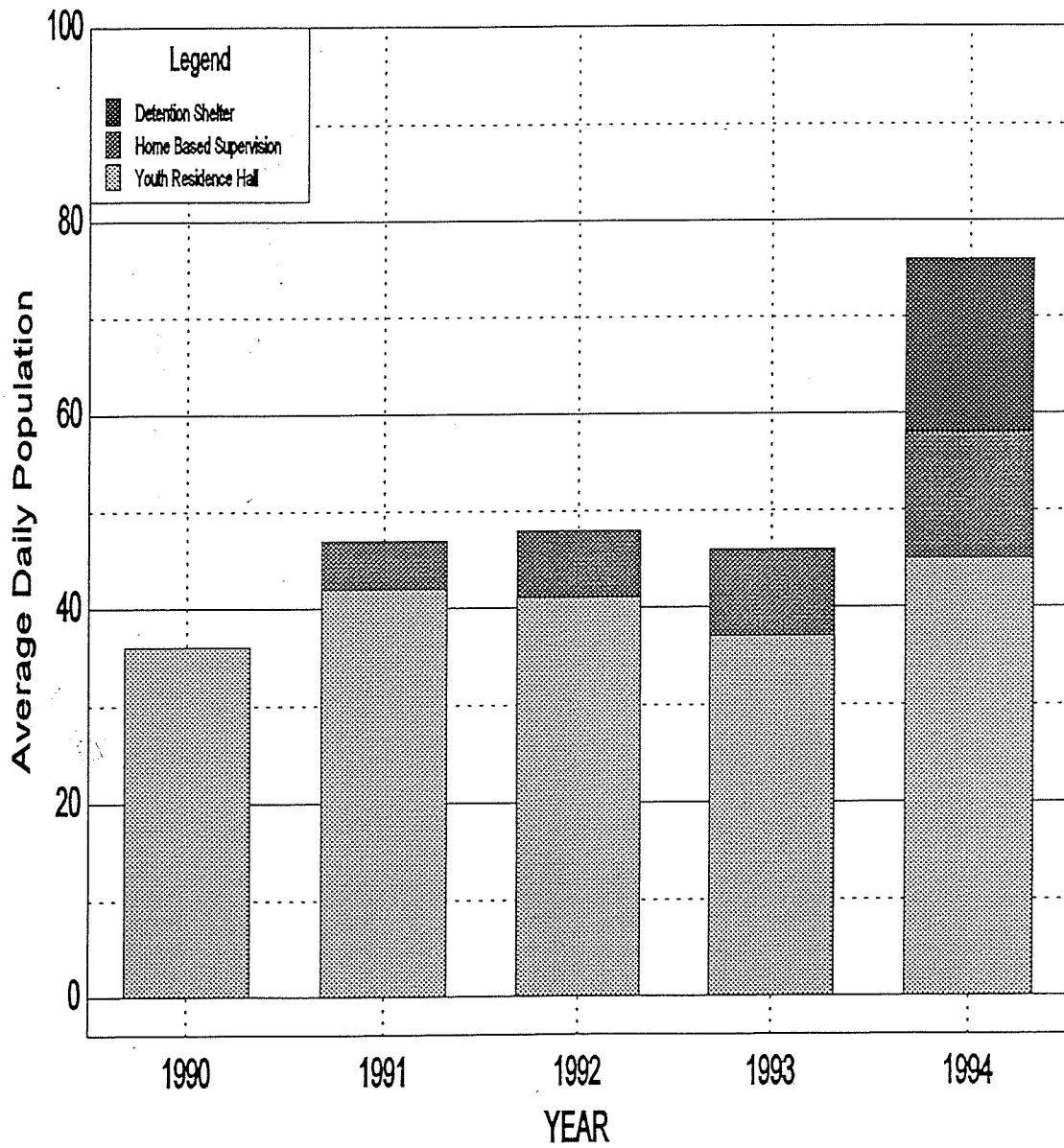
1-4

Sedgwick County Youth Residence Hall

ANNUAL ADMISSIONS (1991 - 1994)

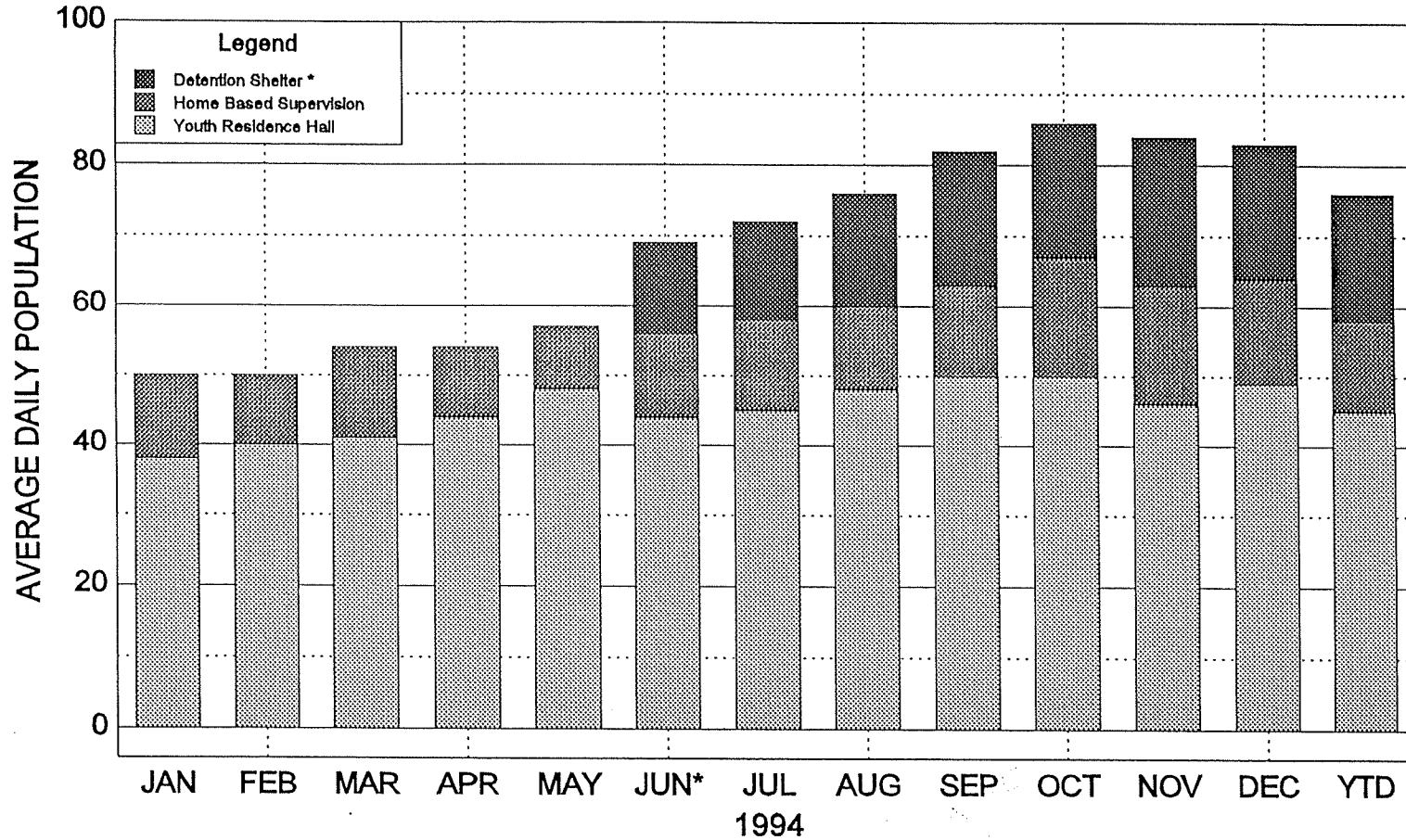


Demand For Detention Services In Sedgwick County 1990 - 1994



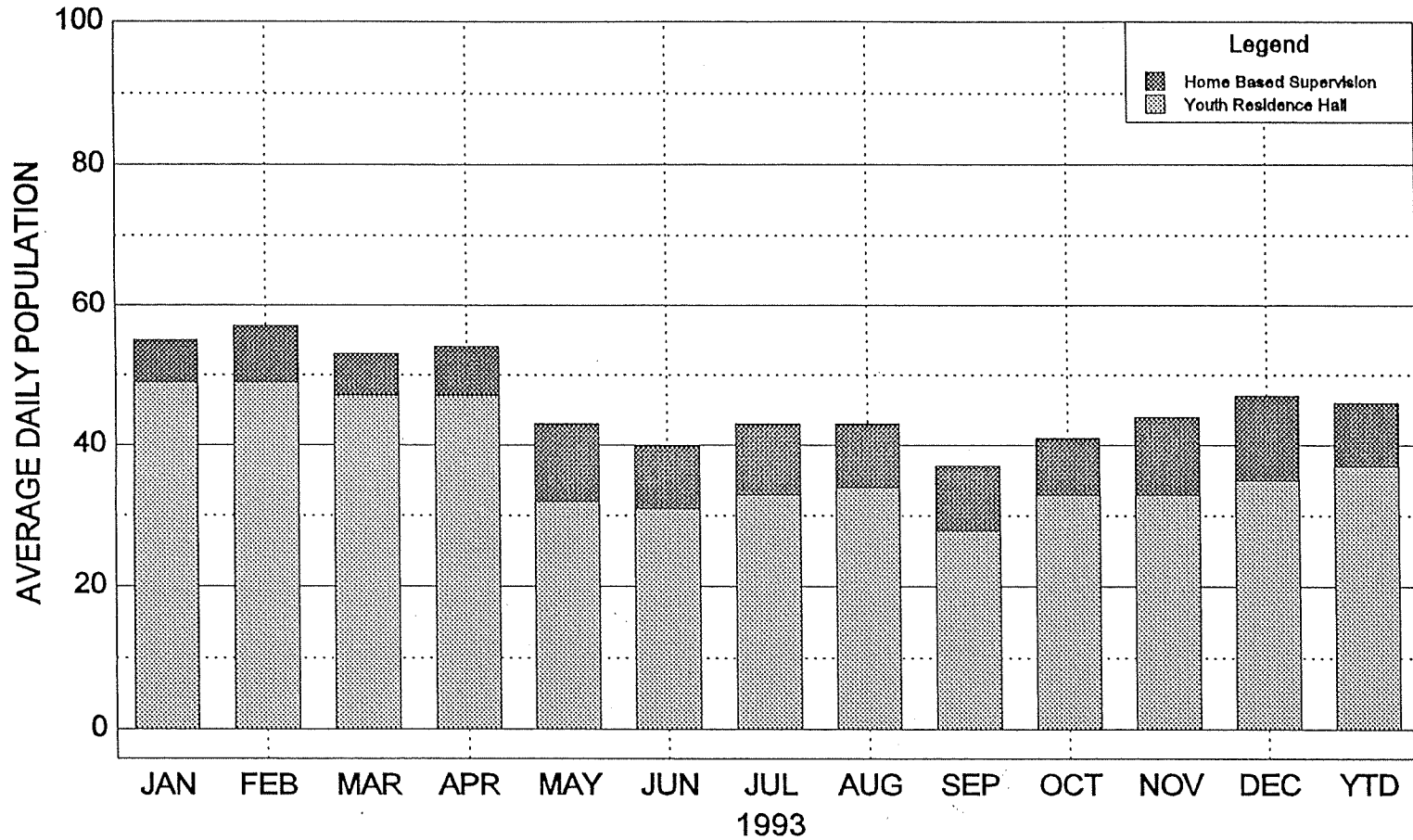
1994 Demand For Juvenile Detention

And Alternatives in Sedgwick County

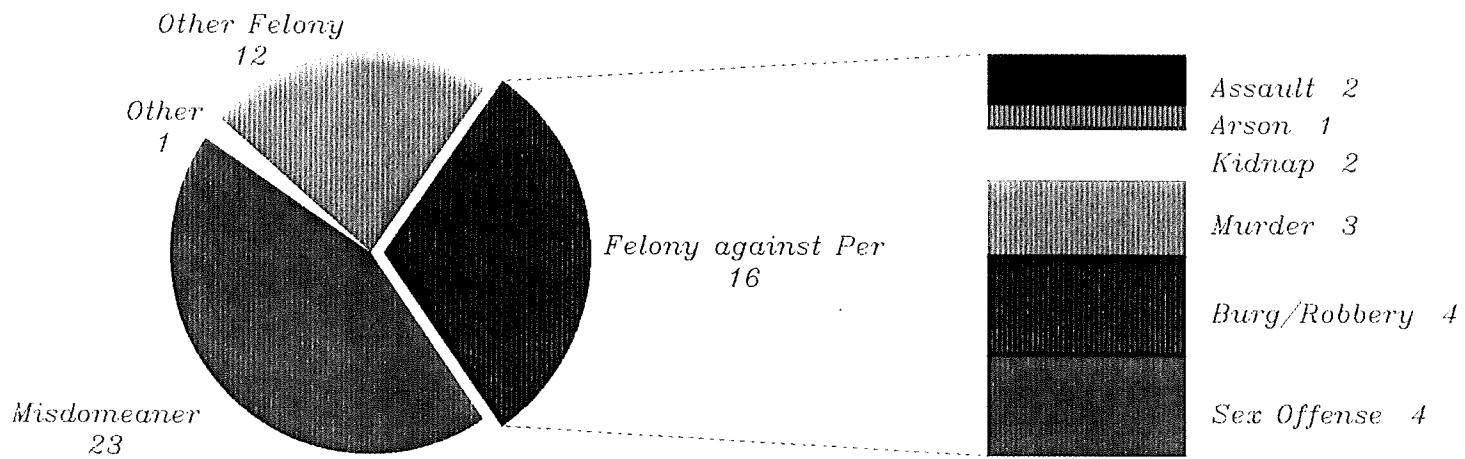


1993 Demand For Juvenile Detention

And Alternatives in Sedgwick County



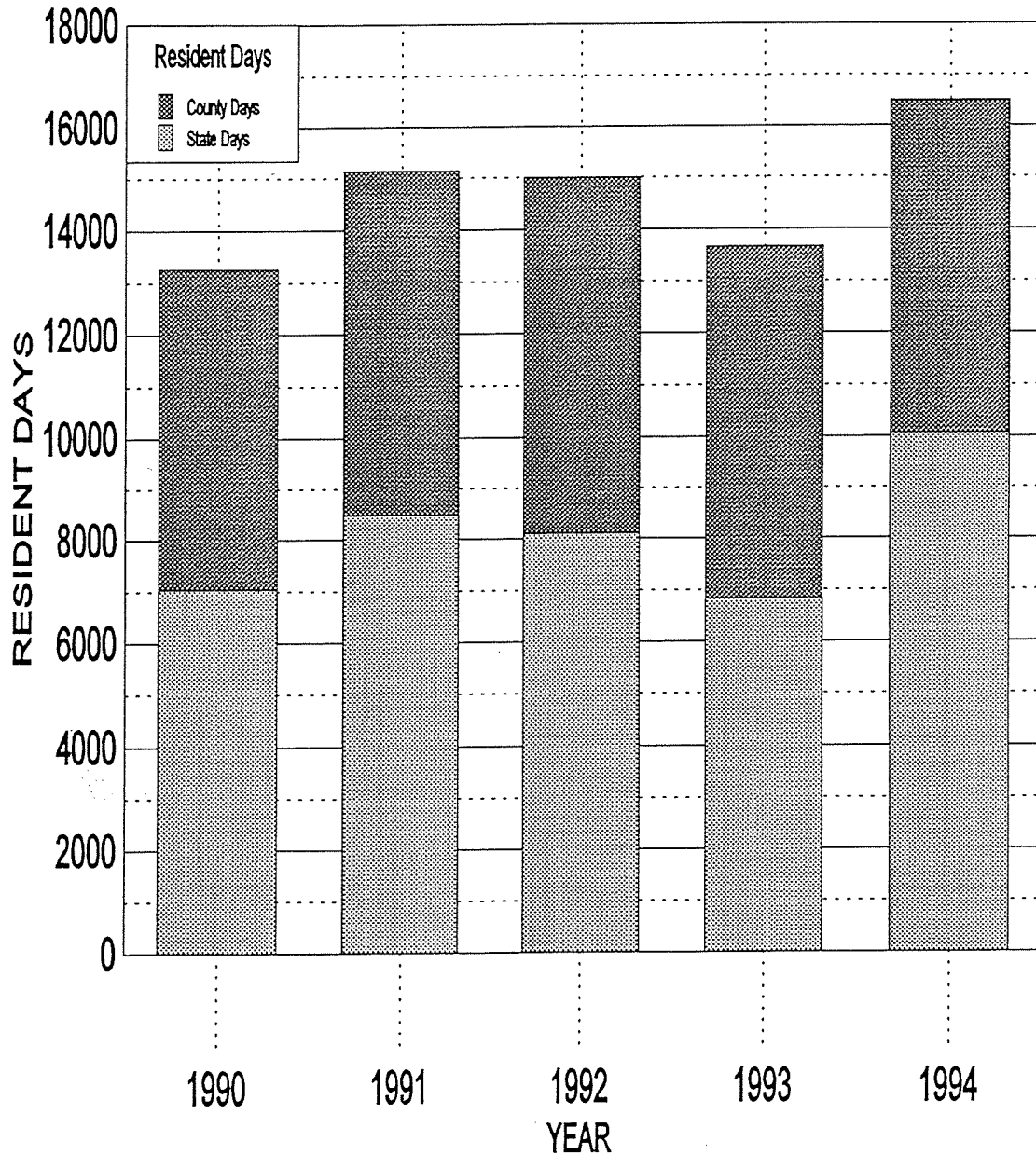
Offenses for Detained Juveniles Random Sample



Juveniles in Detention Felony Against Person

Sedgwick County Youth Residence Hall

Resident Days by State and County





WICHITA STATE UNIVERSITY

Hugo Wall School of Urban & Public Affairs

Testimony Before The Joint Committees of Senate Judiciary and Senate Public Health and Welfare

Tuesday, January 31, 1995

By Robin Clements

**Hugo Wall School of Urban and Public Affairs
Institute for Research on Communities and Crime
Wichita State University**

Chairwoman Praeger, Chairman Emert, and Members of the Committees:

Thank you for the opportunity to share with you the cooperative research effort on juvenile justice which Sedgwick County has initiated. I am Robin Clements and I am a policy analyst at Wichita State University's (WSU) Institute for Research on Communities and Crime.

The Institute is part of WSU President Gene Hughes' vision for our urban university and its mission to be a bridge to the community -- to bring applied research and theory into practical service. In short, the Wichita State University community service mission ensures that it is a place where the 'rubber meets the road' -- not 'the sky.'

To that end we have joined with Sedgwick County, the Kansas Juvenile Justice Task Force and the Kansas Sentencing Commission to assist the County in its efforts to find real solutions to the juvenile justice problems in our community.

Sedgwick County Juvenile Offender Profile Project

BACKGROUND: Sedgwick County requested that our research team initiate a 'profiling project': to identify and profile the reasons juveniles come into contact with local courts, holding facilities and juvenile offender programs.

Sedgwick County leaders estimate that juveniles who come through their justice system may comprise as much as 30% of Kansas' total juvenile cases.

PURPOSE: The Sedgwick County Commission has placed itself squarely on the path to finding solutions to the growing problems associated with juveniles with court dispositions and seeks more appropriate responses for rehabilitation and placement options which face the County and

ultimately the State of Kansas. County decision makers want to use the profile findings to reassess systemic and resource delivery methods, and the service, program and facility requirements they may face as a result.

ACTIVITY:

1. For the benefit of the County Commission, we were granted permission to analyze and study a sample of 551 cases, or 31.6% of all Sedgwick County juvenile cases (1741) disposed of between July 1, 1993 through June 30, 1994, as collected by the Kansas Sentencing Commission.

Nearly five hundred variables have been developed and collected from court records, social files, school files and Youth Center files for each case in the sample. We will have a unique view of family, past events, and system factors which may be related to the disposition of a case.

We are truly indebted to the research efforts of Ms. Barbara Tombs, Research Director of the Sentencing Commission and her team for their thorough work and cooperation. While their efforts focus on larger state and national study purposes, they welcome the efforts of Sedgwick County as an experiment station to frame policy questions critical to the county.

2. We have conducted a focus group and many one-on-one interviews with key actors who work daily with juvenile cases including representatives from the juvenile court bench, court services, county corrections, Wichita Area SRS, probation services, mental health services, law enforcement, district attorneys, and the public schools. We asked them to tell us, in their experiences, what are their hunches about what may be right and may be wrong with the system.

Many insightful questions have emerged from these experts which will be critical to our analysis. Some examples include: are there children whom neither the CINC nor the JO classification systems can properly address?; are placement decisions ever driven by a lack of placement or program options?; is there a connection between a child's history as a CINC and a future as a JO?; how serious are the crimes of juveniles in our system?; what will our facility needs be in the future and how can we predict them?; are there only two characterizations of JOs - those that are 'hardcore' and those that have a chance with rehabilitation?; do drug and alcohol abuse, spotty school attendance, sexual abuse, physical abuse or family member criminal history contribute to a child's offender status?; are children more 'crime prone' at some ages than at others?; during a child's involvement with the juvenile system, when may intervention strategies be most effective?; how long does a child wait for final placement or program once a disposition is reached - and where is the child while waiting?; and many others.

While this has been a very preliminary overview, I appreciate the opportunity to share with you today what I believe to be a unique and important partnership between local and state agencies to find meaningful answers to pressing issues - initiated freely without mandate or incentive. When the study is complete, we will be happy to provide you with a copy of our findings.