

Approved: 4-7-95  
Date

## MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Tim Emert at 10:00 a.m. on March 20, 1995 in Room 514-S of the Capitol.

All members were present except: Senator Moran (excused)

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:

Representative Doug Mays  
Representative Rocky Nichols  
Senator Hensley  
Jim Clark, County and District Attorneys Association  
Cindy Denton, Koch Crime Commission  
Lisa Moots, Kansas Sentencing Commission  
Helen Stephens, Kansas Peace Officers Association  
Ben Coates, SRS

Others attending: See attached list

The Chair called the meeting to order and introduced Representative Doug Mays.

### **HB 2287--Creating the Kansas youth authority, establishing the commissioner of youth corrections and a state youth corrections department to deal with juvenile offenders.**

Representative Mays, sponsor of **HB 2287** discussed the need for this bill in addressing the continued growth in juvenile criminal activity. Representative Mays referred to the large amount of attention on adult offenders, while the issue of juvenile offenders has not received adequate attention. Youth offenders often go on to become adult offenders. Representative Mays referred to a relevant study by Department of Social and Rehabilitation Services conducted over twenty years ago. The study makes a recommendation for the establishment of a statewide agency. The simplest reason for this proposal is that an authority can be held accountable when public interest is believed to be absolutely essential. Representative Mays suggested that thus far efforts to resolve the growth in juvenile crime, have just nibbled around the edges. Representative Mays referred to a Youth Offender System Schematic chart showing juvenile offender program at the bottom. Representative Mays urged action now and referred to **HB 2287** as starting the process that will ultimately lead to some solutions in addressing the problem in the manner of seriousness it deserves. (Attachment 1)

Representative Nichols a co-sponsor of **HB 2287** referred to a study, "Recommendations of the Juvenile Offender Policy Conference" conducted in 1989 as containing relevant information and recommendations. Representative Nichols referred to the recommendation proposing the establishment of a youth authority. (Attachment 2) Representative Nichols then referred to the third page of his testimony showing a time line if **HB 2287** was acted upon in 1995. Representative Nichols explained that this bill repeals the Juvenile Offender Advisory commission and establishes a Kansas Youth Correctional Authority. The Governor appoints the members and the Authority hires Executive Director and staff, and assumes supervision of juvenile detention center funds/programs. In 1996 the Youth Authority issues an interim report to the legislators. In that interim report the legislators will have time to examine it and between the time this bill is passed and put into law and the Youth Authority issues that interim report, all the players will play a role. The Governor plays a key role, the legislator will be involved in policy making decisions, the Koch Crime Commission will have recommendations to the legislature, all the private think tanks from the judicial branch, legislative branch to the streets of local communities will have an input. Then the 1996 legislature can make tough decisions and policy changes deemed necessary. Representative Nichols continued, that in January of 1997 all existing funding, powers, juvenile detention centers will be transferred to the new corrections department. Representative Nichols outlined the many duties of the new corrections department. On January 1, 1997 all authority is severed from the SRS involving juvenile offenders. Representative Nichols addressed

## CONTINUATION SHEET

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some arguments one of which is the creation of a new bureaucracy. Actually, this bill is not creating a new bureaucracy, it is shattering the existing bureaucratic mess in SRS. The advantage to transferring the services to a Youth Authority is focus on juvenile crime. Hopefully this bill will help to focus on juvenile crime issues.(Attachment 3)

Questions and discussion followed regarding the funding of the Youth Authority and the appropriations for a new agency.

Jim Clark, County and District Attorneys Association, spoke in support of **HB 2287**. Mr. Clark stated that the creation of a youth authority is overdue. Mr. Clark continued that this bill as compared to **SB 231** is certainly feasible and focuses on the juvenile offender. Mr. Clark acknowledged that there may be some duplication of services, but that those can be corrected with inter-agency agreements. The scrutiny, budgeting and focus on the juvenile correction agency will make it "mean and lean" agency. Mr. Clark stated that he believes youth corrections needs to be separated from a welfare agency. Mr. Clark gave an example of youths that were released to independent living and participated in a drive-by shooting, but the local law enforcement was not notified of their release into the community. Creating a Youth Authority as this bill does will bring more focus to a leaner/meaner authority that is under public scrutiny, and that is the difference between this bill and **SB 231**. Mr. Clark continued that children in need of care have federal requirements, but when the child crosses the line they need to be taken into the youth correction center and dealt with there.(Attachment 4)

Cindy Denton, Koch Crime Commission, spoke in favor of **HB 2287**, and applauded the allowance of a period of time provided by this bill to study the current system and identify problems, their causes, and develop solution. Ms Denton addressed concerns regarding providing separate facilities for violent and non-violent offenders and how many facilities will be needed, in which locations, and at what cost? Ms Denton voiced a concern regarding using SRS staff with the SRS philosophy and mind set. Ms Denton recommended using attrition and transfers to decrease the number of SRS employees that would be assigned to a youth authority. Staffing of a youth authority should be done with the focus on correctional work with juvenile offenders. (Attachment 5)

Lisa Moots, Kansas Sentencing Commission spoke without taking a position on **HB 2287**, but offered two points of information on behalf of the Juvenile Justice Task Force of the Kansas Criminal Justice Coordinating Council. Ms Moots referred to the Juvenile Justice Task Force Report released last week. Ms Moots stated that the report offers very substantial information in the form of the results of the research study from which recommendations were developed. Ms Moots stated that if a youth authority is created, other changes in the system need to be made. Ms Moots cited a common concern is the short length of stay of juvenile offenders spend in state incarceration facilities, or the fact court did not have control over how long juvenile offender spends in custody. This is a question judicial authority and the juvenile offender code. Ms Moots offered an invitation to continue a study of the juvenile issues on behalf of the Criminal Justice Coordinating Council created last year to bring together the powers that be, Department of Corrections, SRS, the Governor, the KBI. Ms Moots questioned creating a new agency to do a study when the Criminal Justice Coordinating Council is equipped to conduct additional studies. Ms Moots suggested that Lisa Tombs, Director of Research at the Kansas Sentencing Commission has available relevant information which creates a profile of the characteristics of juvenile offenders. This can be starting point which can help move toward prevention and intervention strategy. Ms Moots encouraged the legislative committee to use the task force in supplying additional information. Ms Moots related that regardless of additional research, resources will need to go into both ends of the system, with the establishment of maximum security beds and the other end is community based programs and placement facilities. Ms Moots stated that the Task Force will support any effort to increase the number of maximum security beds. Ms Moots stated that placement options need to be in place in anticipation of system changes. Ms Moots concluded by stating that putting resources into actual beds and programs and changing the juvenile offender code so that any youth authority created has clearly delineated authority and lack thereof.(Attachment 6)

Questions and discussion followed regarding a data base system on juvenile justice, and regarding the focus of the task force in answering what implications a youth authority would have in Kansas.

Helen Stephens, Kansas Peace Officers Association spoke in support of a separate agency for juvenile offenders and in support for the concept of **HB 2287**. Ms Stephens suggested that the Committee take the information gathered and consider additional information to be gathered from the Koch Commission to make some decisions this summer.(Attachment 7)

Senator Hensley spoke in favor of **HB 2287**, citing that it is identical to **SB 156** he introduced this session. Senator Hensley referred the Committee to an ACA accreditation review of the Youth Center in Topeka, done in 1992. Senator Hensley stated that there is some compelling statements made by the ACA team when they came to Kansas in 1992 about our juvenile system not only as it relates to the youth center, but to community

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programs. The conclusion was that there is a genuine lack of communication and coordination between SRS Central Office and the field staff dealing with juvenile offenders. Senator Hensley expressed support for HB 2287 and continued by stating that during his time in the legislature, there has been a great deal of money spent on the adult system and that the juvenile justice system has been greatly neglected. Senator Hensley concluded by stating that "the problems have caught up with us and that a fundamental change is needed in how we deal with juvenile offenders." Senator Hensley state that it is time SRS was taken out of the business. Senator Hensley urged fundamental change that places the first priority on public safety and then deals with rehabilitation and community service.

Ben Coates, SRS, testified to express concerns about HB 2287. Mr. Coates stated that after listening to previous testimony that there is a danger in the attitude that juvenile offenders should be anywhere, but not with SRS. Mr. Coates stated that with the new SRS administration that attitude may be premature. Mr. Coates stated that he is not suggesting that juvenile offenders should remain with SRS, he is suggesting that further and careful study be given to the placement of juvenile offenders. Mr. Coates stated that he thought "you are putting the cart before the horse." Mr. Coates continued by stating he thought action to create a Youth Authority was a governance issue, where it should be located way before determination is made as to what a youth authority should do. Mr. Coates recommended further study to determine what is needed in respect to a youth authority, and a decision needs to be made about what the state role should be. Mr. Coates suggested what first needs to be determined is the philosophical determination should be. Mr. Coates stated that since there is a new SRS administration, it should be given some time and an opportunity to bring a proposal forward that speaks to where this agency is best suited and what its duties are. Mr. Coates referred to items listed in his written testimony that need consideration, as well as consideration on continuing a plan called "The Family Agenda." Mr. Coates suggested that the scope of SRS should be broader, the courts are supervising about 8,000 and SRS is supervising about 1,900 people. Mr. Coates referred to funding, including Title XIX funding. Mr. Coates concluded that philosophical issues need to be resolved first. (Attachment 8)

Discussion followed. Senator Petty referred to SB 230, providing money for local resources, and Mr. Coates discussed maximizing that funding with 4A and 4E money.

Written testimony was presented by Sherii Harvey. (Attachment 9)

The Chair announced that the Committee will meet on adjournment today, and tomorrow, as there are twelve Senate bills and four House bill that need consideration before noon tomorrow.

Meeting adjourned at 11:00 a.m.

The next meeting is scheduled for March 20, 1995 on adjournment.

# SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 3-20-95

NAME	REPRESENTING
Mark Gleason	OSA
FRANK JACOBS	SN County Juvenile ISP
<del>Gene</del> Gene Cumpacher	Gov. Office
Dean Wabworth	Division of the Budget
Daryl + Vicki RINDT	Visitors
Gene Johnson	Ks Alliance of Alcohol Other Drug
Paul Johnson	PACK
Bill Craven	KARC / Sierra
Lu Wilt	Farmers Ins Group
Kenn Davis	Am Family Drs Group
Art Brown	TO - Am Lumberman Assn
TK Shovel	KS LEGAL SERVICES
Jennifer Brandberry	WTA
Dodie Lacey	KCSA
Jan Newman	Ks governmental consulting
Cindy Decker	Koch Commission
Jean Simon	KRCC
W. F. Bradshaw	ACLU
Mary Anne Stattelmaier	KS Farm Bureau

DOUG MAYS  
 REPRESENTATIVE, FIFTY-FOURTH DISTRICT  
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 1920 SW DAMON CT.  
 TOPEKA, KANSAS 66611-1926  
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 TOPEKA, KS 66612-1504  
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TOPEKA

HOUSE OF  
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
 MEMBER: TAXATION  
 LOCAL GOVERNMENT  
 JUDICIARY

Testimony on HB 2287  
 Senate Committee on Judiciary  
 March 20, 1995

It is no secret that Kansas has a crime problem. In recent years, we have witnessed dramatic, almost exponential increases in rates of crime. Most shocking, however, is the continued growth in juvenile criminal activity. Today, young offenders roam our streets with seeming impunity, while ordinary law-abiding citizens find their freedom to move safely about their neighborhoods and communities incrementally restricted.

The gravity of the problem is apparent and so, too, should the need for action on the part of the State of Kansas. In the 1994 session of the Kansas Legislature, a number of amendments to the juvenile code were passed and signed by the governor. This was a good start, but fell far short of the kind of bold, comprehensive action needed to seriously address the problem. Today, while the situation grows ever more critical, we can not afford to simply work around the edges.

To that end, as in the 1994 session, the Shawnee County delegation has undertaken a bipartisan effort to gain support for what we believe to be the most effective long-term approach to juvenile offenders. We, along with dozens of other members of the House of Representatives, have endorsed a fundamental change in the state's approach juvenile offenders by the establishment of a Kansas Youth Authority.

This proposal is not new. It was, in fact, recommended in concept over twenty years ago as the result of a federally funded study by Department of Social and Rehabilitation Services (SRS). Among the commentary, the report summarized what it termed a vacuum in the area of juvenile crime by stating, "There is no leadership and coordination for juvenile justice on a statewide basis. There is even less recognition that the field of delinquency prevention is the responsibility of any existing public authority."

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 Attachment 1

In the area of organizational recommendations, the report concluded, "The most basic organizational decision concerns the establishment of a statewide agency. The simplest reason for this proposal is that an authority that can be held accountable for activity in this significant field of public interest is believed to be absolutely essential. No such accountability presently exists." The recommendations of the plan were ignored.

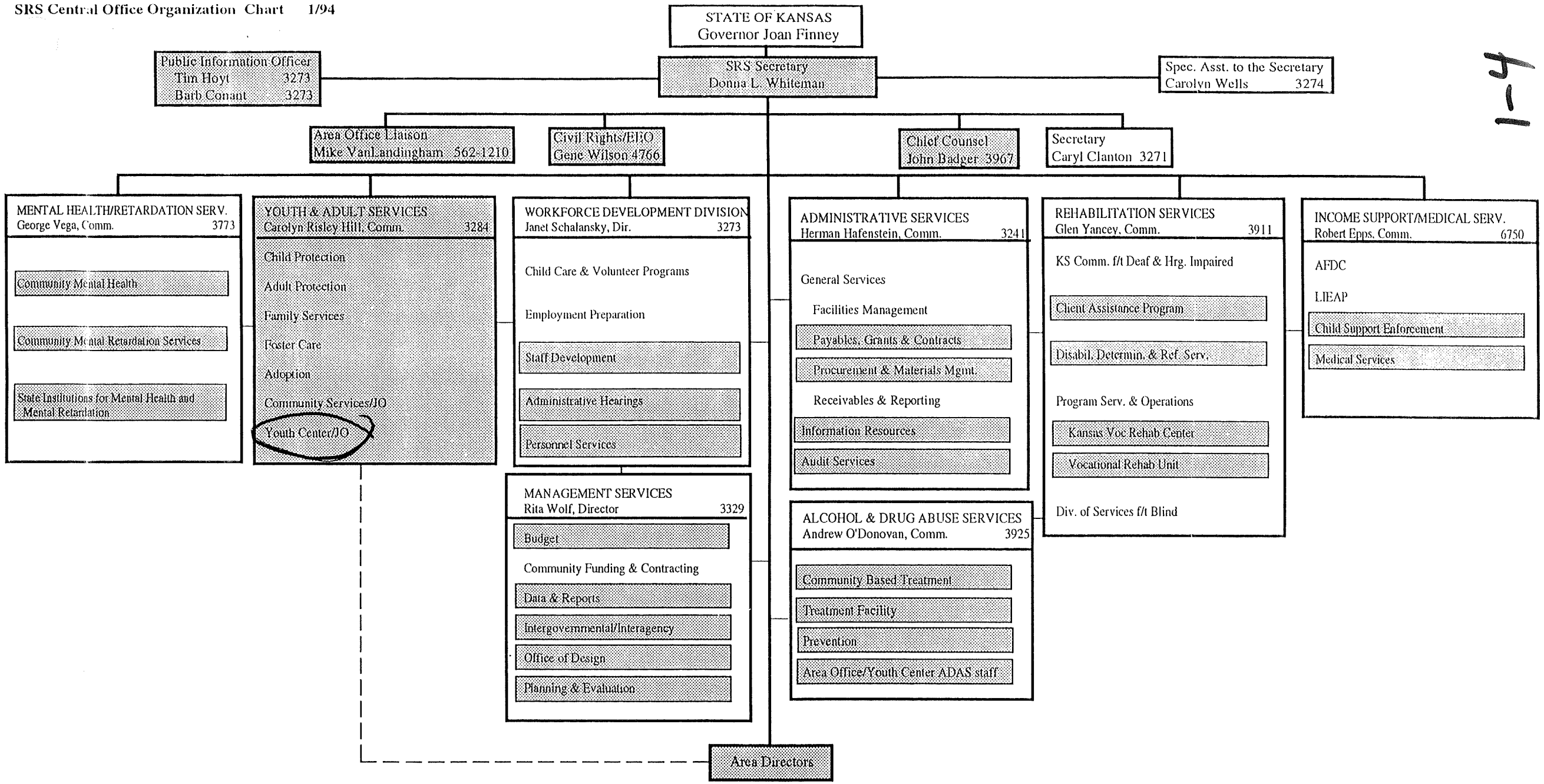
In 1989, at the Juvenile Offender Policy Conference sponsored by the Juvenile Offender Advisory Commission and SRS, the recommendation to create a Kansas Youth Authority emerged as a priority from every work group. (Executive summary of this conference is attached.) Despite the now overwhelming need to change the system, inertia prevailed and the systemic change recommended was never considered seriously.

Last session it was the same story. While HB 2707 passed the house with nearly 100 votes, it died in the senate without a hearing. Today we are back with the fervent hope that this is the year that the legislature will finally face the reality that changes to the system must occur before real progress can be realized.





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CHANUTE O.D. Sperry 316-431-7100	EMPORIA Joe Myers 316-342-2505	GARDEN CITY Dale Barnum 316-275-0583	HAYS Gene Dawson 913-628-1066	HUTCHINSON Gary Nelson 316-663-5731	KANSAS CITY Eva Whitmire, Act. 913-371-6700	LAWRENCE James Wann 913-832-3700	MANHATTAN Flordie Pettis 913-776-4011	OLATHE Mike VanLandingham 913-768-3300	SALINA Dave Jacobs 913-825-8111	TOPEKA Oliver Green 913-296-2500	WICHITA John Sullivan 316-651-5300
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*attach 4*

# RECOMMENDATIONS OF THE JUVENILE OFFENDER POLICY CONFERENCE

PREPARED FOR THE ADVISORY COMMISSION ON JUVENILE OFFENDER PROGRAMS  
AND THE KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION, YOUTH  
SERVICES

WINSTON BARTON, SECRETARY  
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GRANT NUMBER JJ-89-(89)-05

PREPARED BY MAINSTREAM, INC  
P.O. BOX 47054  
TOPEKA, KANSAS 66647

*Senate Judiciary  
3-20-95  
Attachment 2*

September 30, 1989

The Honorable Mike Hayden  
Capitol Building  
Topeka, Kansas 66612

Dear Governor Hayden, Legislators, and Kansas State Leaders:

The report which follows is the result of the deliberations of nearly 200 conferees, facilitators, and resource people who attended the Juvenile Offender Policy Conference, September 7-8, 1989, in Topeka. The report contains recommendations for you and other state leaders to consider as you determine future Kansas policy in response to the juvenile offender.

The recommendations are divided into five categories: the community response to the pre-delinquent, pre-disposition processes, post-disposition processes, the transition out of the juvenile justice system, and structural problems within the juvenile justice system. It is hoped that the work of the conferees will result in a statewide, concerted effort to combat the problems associated with the present response of the juvenile justice system to the juvenile offender.

The report is co-sponsored by the Advisory Commission on Juvenile Offender Programs and the Kansas Department of Social and Rehabilitation Services. If you have any questions or comments regarding the report, please contact any member of the Advisory Commission.

Sincerely,

Honorable John White  
Co-Chair

Sue Lockett  
Co-Chair

EXECUTIVE SUMMARY

Conferees who attended the Juvenile Offender Policy Conference were assigned to a single Tract for the deliberations of the two day conference. Their assignment was decided by their expressed interest and the specific expertise they brought to the conference. The five tracts were: Community Response to High Risk Youth, Pre-Disposition, Disposition, Transition Out, and The Structure of the Juvenile Justice System.

The five tracts were further divided into three or four small groups of 6-10 members. The members of each small group were asked to make recommendations in response to pre-selected topic questions. In Tracts A-D there were two topic questions for which all small groups were asked to make recommendations. Then, at a general meeting of tract members, an overall tract recommendation was determined.

Each tract was assigned a resource person and each small group was assigned a facilitator and recorder. The resource person assumed responsibility for the success of the overall process within the tract. Facilitators were responsible for the small group process, that is, assuring that recommendations were concluded for the topic questions.

Dr. Mary Finn Maples was asked to oversee the entire two-day conference. Dr. Maples helped prepare the conference process; gave instructions to the resource persons, facilitators, and recorders; and assisted the tract and small group leaders in their tasks.

Despite the large number of people (200) who participated in the conference, there were six recommendations which were made by members of all five tracts.

1. Establish a cabinet level department or commission (Kansas Youth Authority).
2. Improve the coordination and communication between people and agencies responsible for the delivery of services to the juvenile offender through the creation of a central agency or case manager that will disseminate information, track juveniles within the system, and identify gaps in the continuum of care.
3. Develop more community-based services either through state funding and/or a mandated juvenile community corrections plan.
4. Increase services to the juvenile offender by expanding the continuum of care with special emphasis on prevention and/or diversion at one end and the discretionary use of secure settings at the other end.
5. Standardize statewide the quality of certain segments of the juvenile justice system such as intake, evaluation, transition out, and after care.
6. Revise the confidentiality law to permit earlier access to and exchange of information between appropriate professionals.

Tract E

Structure of Juvenile Justice System

The Structure of the Juvenile System covers a broad range of topics. The authors of this background material have attempted to provide a brief overview of the existing laws, policies, and structure of the Kansas juvenile system. Hopefully, this information will be helpful to participants as they address the issues in this tract.

THE JUVENILE CODE

The Juvenile Code in Kansas consists of two separate parts. The Code for Care of Children (K.S.A. 38-1501 et seq.) covers children who are abused, neglected, or otherwise without proper parental care. It also deals with the class of children sometimes referred to as status offenders (i.e. runaways, truants, wayward, etc.) and children under 10 who commit criminal offenses. The children adjudicated under the Code for the Care of Children are referred to as CHILDREN IN NEED OF CARE (CINCS).

The Juvenile Offenders Code (K.S.A. 38-1601 et seq.) deals with juveniles 10 through 18 years of age who commit an act, which if committed by an adult would be a felony or misdemeanor. Excluded from the Juvenile Offenders Code are: 1) Traffic offenders, 14 years of age or older; 2) Fish and game law violators, 16 years of age or older; 3) A juvenile 16 years of age or older who is charged with a felony after having been adjudicated in two separate prior juvenile proceedings as having committed felonies (so called "three strikes, you're out" provision); 4) Juveniles certified for adult court pursuant to K.S.A. 38-1636. (The court can authorize juveniles 16 years of age or older to be prosecuted as an adult if the juvenile meets the criteria set out in the statute); 5) Juveniles convicted of aggravated juvenile delinquency (K.S.A. 21-3611) (Generally, juveniles in youth centers who commit aggravated assault or aggravated battery; arson or criminal damage to state buildings; or juveniles that have run twice from a youth center.)

The court may maintain jurisdiction over a juvenile in either the Code for Care of Children or the Juvenile Offender Code until the juvenile attains the age of 21 years. There is no provision within the juvenile code to maintain jurisdiction beyond the juvenile's 21st birthday.

The court may discharge the juvenile and thus terminate jurisdiction at any time. In the Code for Care of Children, jurisdiction also is terminated when the child is adopted. Although not specified in statutes the Court generally dismisses actions filed under the Code for Care of Children (but not the Juvenile Offender's Code) when a juvenile marries or legally attains the right of majority.

RUNAWAYS

In 1988 the legislature added a new category to the "Child In Need of Care" definition under the Kansas Code for Care of Children. K.S.A. 38-1502(a)(10) was added in order to deal with youth who run away from court-ordered placements. If a youth who has been adjudicated under K.S.A. 38-1502(a)(10) violates a valid court order to remain in a court-ordered placement, the youth can be placed in a secure facility for a sixty-day period of time including Saturdays, Sundays, and holidays. The court can extend that time period for two additional periods not exceeding 60 days each. The legislature appropriated approximately \$800,000 for both

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- 1) On probation
- 2) In the custody of a parent or other suitable person
- 3) In a youth residential facility
- 4) In the custody of SRS, or
- 5) In a state youth center if the juvenile has had a previous adjudication as a juvenile offender or has committed an A, B, or C felony.

The code authorizes the judge to place a juvenile directly in the custody of a youth residential facility (defined as a home, foster home or structure that provides 24 hour-a-day care for juveniles). The difficult question is, who pays if the court makes a direct placement. If SRS does not have custody, they generally will not be responsible for the bill. The other parties that could be responsible for the payment are the county, the juvenile's parents or guardians, parents' insurance, etc.

Because of the difficulty in providing payment from the above sources, generally the juvenile is placed in the custody of SRS if out of home placement is warranted, with the exception being a direct commitment to a state youth center. If SRS has custody of the juvenile offender (or CINC for that matter) the ultimate decision on placement resides with SRS. The judge may recommend placement in a particular group home or foster home, but the final decision is up to SRS.

SRS has purchase of service agreements with group homes, shelters, detention centers, etc. Under the purchase of service agreements, certain requirements are placed on the private provider including maintaining a license which is issued and monitored by the Department of Health and Environment. The private providers are paid per diem rate for that type of facility which is adjusted annually based on the legislative appropriation. For nearly all facilities the per diem rate falls short of the actual audited cost of providing the care for the juveniles.

Juvenile offenders and Children In Need of Care are referred to various youth residential facilities by their SRS social workers. Once the referral is received, private providers have the right to refuse the placement of any child that would be "inappropriate" for the facility's particular program. Even after a child has been placed, if the private provider determines that the placement is inappropriate (for example, that the child is too disruptive to the program) the provider can give SRS a seven-day notice that the child must be removed. For foster parents, the notice requirement is 48 hours.

Because of the referral system and waiting lists for many group homes, immediate placement of juveniles in group homes is not possible. Juveniles remain in temporary placements such as shelters, detention centers, emergency foster homes, psychiatric evaluation units, or homes of relatives for weeks and even months at times before a placement is available.

#### JUVENILE COMMUNITY CORRECTIONS

In Kansas, juvenile programs are included in the panorama of services that counties may implement and the state may fund under the Community Corrections Act. The statute is permissive rather than mandatory as to the implementation of juvenile programs.

agencies, communities and local entities have implemented numerous programs to identify and serve children at risk, but the State of Kansas has no stated policy regarding prevention.

Society generally does not address prevention as a well-defined policy. For the most part, neither juveniles nor adults are dealt with until they become a stress on the system. This then, by practice, becomes the policy which generally consists of rehabilitation and/or punishment and protection of society.

The cost of this unstated policy has been enormous in terms of human and financial resources, and many states, including Kansas, and other public and private entities have been involved in re-examining the social ramifications and the economics of prevention policies.

If Kansas were to adopt a policy of juvenile offender prevention, do we have enough information to implement it?

The focus of much research in the juvenile justice system has been to identify those youth who are at risk for becoming juvenile offenders. Generally researchers look for indicators in two categories: (1) Behavioral and Developmental, and (2) Life Circumstances - Biological and Environmental. In both instances, it should be remembered that indicators do not constitute 100% identification but should be used as clues to look further, while being mindful of the interrelatedness of many of the indicators.

Some of the developmental/behavioral indicators which have been identified (see Tract A Reference Reading List) include:

Persistent lying	Theft
Drug use	Vandalism
Aggression	Fighting
Truancy	Low educational achievement

Educators tell us that a child who cannot read and/or has excessive absences from school (indicators are often in combination or interrelated) is clearly a child at risk.

Some of the "life circumstances" factors which may indicate a child at risk include:

Poverty	Abuse/Neglect
Genetics	Learning disabilities
Diet/Nutrition	Hyperactivity
Ineffective parenting	Antisocial peer group associations
Alcohol/drug abuse in the home	School dropout
Unemployment	

What, in your own experience, are other behavioral and developmental indicators of a child at risk? What are other factors of life circumstances which might identify a Kansas child at risk?



Example: If a doctor sees a kindergarten child who is determined to be undernourished, what action should be taken? By whom?

- \* In each community, what can each sector involved with juvenile justice contribute toward prevention?

Local community?  
Service providers?  
Court system?  
Education?  
State agencies?  
Private Sector?  
The family?

- \* When we discuss what resources should be available, there are numerous factors to be considered. What role, if any, does gender play in juvenile offender status? What role, if any, does age, race, socio-economic background, ethnic background play? What are other factors which may play a determining role in juvenile offenses and the status of juvenile offenders?
- \* What are the differences between urban and rural service delivery systems in Kansas?

In conclusion, we return to the questions of the title of this paper:

#### JUVENILE OFFENDER PREVENTION:

DO WE? Kansas does not have a stated policy but we do have in practice a number of the programs known to be effective in prevention.

CAN WE? If we have realistic expectations of what comprehensive prevention programs could accomplish, and if we make full use of the expertise and experience available, Kansas could most certainly implement a policy of prevention.

SHOULD WE? That is the primary question for the conferees in Tract A of this conference to decide. The related policy question of Early Intervention is addressed in a second policy question to be discussed later on in Tract A.

Once these questions are decided, we add another:

WILL WE? If a prevention policy is adopted, then commitment becomes the primary issue for the policymakers of Kansas. Will we commit the resources necessary to implement and sustain a prevention policy?

Attached are references to various articles and documents for additional reading. This material barely scratches the surface of information available and is not intended to be comprehensive. It is not the goal of this conference to design a juvenile offender prevention program for the State of Kansas but, rather, to decide the policy issues surrounding prevention and to make a recommendation of policy for the State.

### Pre-Disposition

Juvenile offenders are a diverse group of young persons under the age of eighteen who have committed an offense that would be a misdemeanor or felony if the juvenile were an adult. One of the most important stages in the juvenile process is the time between the child's arrest and adjudicatory hearing. Pre-disposition of juveniles is a time of evaluation for the young person's mental, physical, educational, and family status. It is then that decisions are made about what to do with the child. There appears to be at least four major policy questions relating to the pre-disposition phase in the life of each Kansas juvenile offender.

What are the roles of the family, schools, mental health agencies, and other public and private organizations that are involved with the juvenile offender prior to disposition? How does law enforcement's role affect the juvenile and the community? Only about half of all young persons arrested by the police are actually referred to the juvenile court and most are returned to their parental homes. Each of the agencies and key actors listed above play a significant role in the development of resources available to the judge at the detention hearing and later at the dispositional hearing.

How can both the concerns of the community regarding public safety and the needs of the juvenile offender be met prior to disposition? A model code developed by the Rose Foundation and the American Legislative Exchange council recommends required pre-trial detention for any juvenile who is arrested for serious offenses, considered likely to miss court appearances, considered a threat to the community, a repeat offender, or considered likely to intimidate witnesses, upon showing of probable cause or an admission of guilt. Release could be obtained if the parent or guardian posts bail. Adoption of this model would change the overall goal of juvenile justice from one of treatment to accountability. Is this the policy that the State of Kansas wants to adopt?

What are the procedural problems presently existing which prevent timely and effective responses to the juvenile offenders needs prior to disposition? Juvenile Justice Agencies should be well organized and efficient. This requires qualified personnel, adequate organizational structure, and development of successful programs. The general public has for the most part been unenthusiastic about providing money for the care and protection of children in the juvenile justice system. Often, facilities for juveniles are crowded, courts lack personnel, probation services are not sufficiently extensive, and educational and recreational programs are underfinanced and inadequate. Resources must be developed to provide efficient, effective responses to pre-dispositional juveniles and their families.

What should be the criteria for evaluating the psychological, emotional, and substance abuse status of juvenile offenders prior to disposition? Should juveniles be evaluated by a detention facility, state mental hospital, community mental health center or other type of program or facility? Is one criteria for evaluation that all other methods of family/community intervention have been tried or should evaluation of every young person coming into contact with the juvenile court be done?

One of the guiding ideas of the juvenile court since its inception has been the notion of individualized treatment. This means, ideally, that the

## Disposition

The Kansas Juvenile Offender Code is split into sections, having to do with the steps taken before adjudication, and the process of adjudication, then disposition. The focus of this paper, and of the focus group, is on the dispositional phase. It can be assumed that at the stage of disposition the youth has been found to have committed an act which, if he or she were an adult, would have been a felony or a misdemeanor in the State of Kansas. In a general sense, the normal process following adjudication is to conduct any studies or evaluations needed to assist the court in understanding the youth. These studies would provide an understanding of the youth, the family and the situation upon which disposition may be based. Consequently, it is within the scope of this focus group to consider all activities occurring after adjudication including the assessment phase and the dispositional actions taken by the court toward resolution of the identified difficulties.

In its preamble the Kansas Juvenile Offender Code establishes two basic missions. The first mission is that of rehabilitation of the juvenile through the provision of care, custody, guidance, control and discipline. A preference is expressed in this section for the juvenile to remain in his/her own home. The second mission of the code is the protection of society. Actions taken under this code are noncriminal and are taken and done in the exercise of the parental power of this State.

Pre-dispositional investigations completed at the order of the court include issues related to circumstances of the offense: the attitude of the victim or the victim's family, the record of juvenile offenses, the social history, and the present condition of the youth involved. The court may order a specific evaluation of the youth's development and needs, which would include psychological and emotional assessment, medical assessment, and educational assessment.

Based on the predispositional investigation and other studies, the court is in a position to make disposition. The code lists six separate dispositional alternatives. Five of the dispositions appear to be mutually exclusive with one disposition being a combination of other dispositions. The dispositional alternatives include: 1) placing the juvenile on probation subject to terms and conditions of the court including a requirement of restitution, 2) placing the juvenile in the custody of the parent or other suitable person subject to conditions of the court including the requirement of restitution, 3) placing the juvenile offender in the custody of a youth residential facility subject to the conditions of the court, 4) placing the juvenile in the custody of the Secretary, 5) committing the juvenile to a state youth center. Limitations on this alternative requires that the offender must be at least age 13 and have either a previous adjudication as a juvenile offender or have been adjudicated for an A, B, or C felony. The sixth alternative is a combination of the other dispositions, wherein, the court may also direct other orders to the juvenile as it deems appropriate, and order the juvenile offender and parents to attend counseling sessions directed by the court. Restitution is a required part of disposition when custody is to a parent or when probation is ordered unless it would be unworkable. Fines are also authorized under this code up to \$250.00 for each offense.

The two major stated goals of the juvenile offender code are rehabilitation of the juvenile and protection of society. This is a procedural due process code which emphasizes certain rights of the juvenile

### Transition Out

Transition is the phase in the processing of juvenile offenders which has as its basic mission maintenance of the positive change which has been achieved through the intervention process. Said another way this is the time when efforts are made to assist youth in continuing the behaviors they learned as they leave our jurisdiction and control. As such, this is one of the most important issues that needs to be addressed as we look at juvenile policy. This is an area that has not received as high a level of attention as the other areas which seem to be more directly understood to relate to a positive outcome for youth and for public safety.

In its preamble the Kansas Juvenile Offender Code establishes two basic missions. The first mission is that of rehabilitation of the juvenile through the provision of care, custody, guidance, control and discipline. A preference is expressed in this section for the juvenile to remain in his/her own home. The second mission of the code is the protection of society. Transition is addressed only in a procedural way having to do with youth who are leaving the state youth centers. The code specifies that the court must set a date at which the court jurisdiction will be terminated.

Transition is a concept that should be considered from the point of view that transition between programmatic elements in the intervention process needs to be guided and managed. Most youth who enter the system make substantial strides in achieving more socially acceptable lifestyles while they are actively involved in the intervention. Particularly for those youth who are placed away from their own families and home, they are living in an environment designed to support positive growth development and provide rewards for socially acceptable behavior. Without active and effective transitional programming the family from which the youth came has not had the opportunity to make subsequent change, when youth return to the former situation they tend to be influenced to move in a negative direction and return to their earlier lifestyle pattern. Programming seems to be required and seems to be successful in helping youth and families maintain the growth and development that has taken place while in care. The Juvenile Corrections newsletter published in Nov. 1987 by the Office of Juvenile Justice and Delinquency Prevention in the American Correctional Association contained three articles relating to transition which provide further background information on national thinking on transitional services. These particular articles are directed primarily at youth leaving direct youth center type programs; however, the concepts are applicable to the full range of programming encountered in the juvenile justice system. Particular emphasis is placed on the broad scope of agencies that are involved or could be involved in the transitional process and the need to develop coordinated and cooperative efforts toward the end of serving this particular client. The inner agency cooperation and commitment to transition seems to be imperative.

specialize and may only deal with juveniles in a particular type of placement.

Also within SRS is the Division of Mental Health and Retardation Services which has the responsibility for the state mental health institutions and the state mental retardation institutions. State funding for community mental health centers is located in the MHRS budget. Juveniles make up part of the population served by these institutions and community mental health centers.

The division of Alcohol and Drug Abuse Services (ADAS) is also located in the Department of SRS. ADAS funds programs for both the adult and juvenile population.

The Income Maintenance division of SRS also has a role to play with children in the custody of SRS. That division provides the medical cards for youth in out-of-home placements as well as providing the information as to rules and regulations regarding the use of medical cards.

Some states have consolidated all agencies that deal with youth into a Department of Youth services which is outside their welfare agency. Other states separate juvenile corrections from their youth service agencies by making juvenile corrections a stand alone agency. In other states, juvenile corrections is a part of the adult corrections agency.

The Department of Health and Environment inspects and licenses juvenile detention centers, youth shelters, group homes, foster homes, etc.

The Department of Education monitors and provides resource services for local school districts across the state. Within the Department of Education are special divisions that deal with Special Education and Vocational Education.

The 1989 legislature appropriated \$2.25 million in FY 1990 for state matching incentive grants for Educational System Enhancement Plans and At Risk Pupil Assistance Plans. The state can provide up to 50% of the funding for the project. The At Risk pupil is defined as a person of school age who is at risk of failing or dropping out of school. The person may have one or more of the following characteristics: an excessive rate of unexcused absences from school; parenting a child or currently pregnant; adjudicated as a juvenile offender; two or more credits behind other pupils in the same age group in the number of graduation credits attained; or retained for one or more grades.

The type of programs that could be funded under the grant include remedial instruction; intensive guidance and counseling; child care; independent study assistance; instruction in parenting, consumer, work, and other life skills; and opportunity to complete requirements for grade level promotion or graduation from high school. Some school districts currently offer alternative education programs for at risk pupils.

Other state agencies also have a role in providing services to juveniles. The Job Training Partnership Act (JTPA) funding is administered by the Department of Human Resources and provides funding for some youth job training programs. In addition, the Department of Human Resources also administers Job Corp Programs, another resource for juveniles in need of

COURT SERVICES - POSITION PAPER NO. 1

JUVENILE JUSTICE COMMISSION

**TOPIC:** Juvenile Justice Commission (Comments Regarding "Recommendations of The Juvenile Offender Policy Conference")

**BACKGROUND:** The report from the Juvenile Offender Policy Conference dated September 30, 1989 lists six recommendations - with recommendation #1 being; "Establish a cabinet level department or commission (Kansas Youth Authority)". Court Services Officers in Kansas strongly agree with the general direction of this recommendation. On the other hand, we disagree with the possible scope of the recommendation as it is worded, and we are concerned that the concept is not clearly defined. For example, we see a significant difference between a "youth authority" and a "Commission".

Again, though, we strongly agree with the direction of the recommendation because our assessment of the Juvenile Justice System in Kansas reveals:

- \*a current state of crisis in the services area:
- \*a lack of long range planning:
- \*an extremely low priority in the budgeting process:
- \*a lack of political power:
- \*a lack of accountability to the public and children:
- \*a failure to deal with the inter-relatedness of various issues (family services, child abuse, education, health, crime, etc):

It appears to us that we are closer to a non-system than a system, and that if we don't respond to the crisis in this system immediately, that our State as a whole faces a bleak future.

We are aware that currently the State has a youth "Commission" entitled the "Advisory Commission on Juvenile Offender Programs". We would assert that this current "Commission" does not, would not, and could not achieve the desired goals. This assertion relates both to the design and structure of the current Commission. For example, its attachment to SRS creates several problems in staffing, role perceptions, and activities; its lack of State funding creates problems; its low standing in the State's power structure creates problems; its unbalanced make-up creates problems; and the lack of sufficient funding creates problems. Any new authority or commission must rectify these problems.

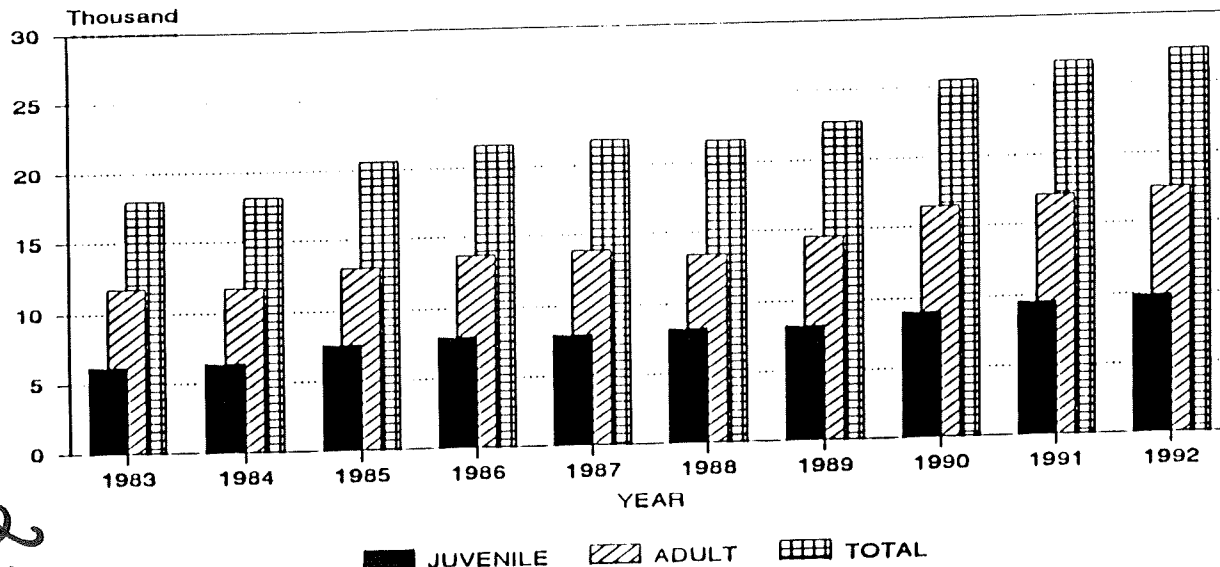


### ARRESTS: CRIME INDEX OFFENSES 1983 - 1992

YEAR	MURDER/ NON-NEG. MANSL.	RAPE	ROBBERY	AGG. ASSAULT/ BATTERY	TOTAL VIOLENT CRIME ARRESTS	BURGLARY	THEFT	MOTOR VEHICLE THEFT	ARSON	TOTAL PROPERTY CRIME ARRESTS	TOTAL CRIME INDEX ARRESTS	PERCENT OF CHANGE*	RATE PER THOUSAND POPULATION
1983	80	222	532	1,705	2,539	3,344	11,047	806	207	15,404	17,943	- 4.3	7.5
1984	72	237	459	1,774	2,541	3,025	11,609	809	154	15,596	18,139	+ 1.1	7.5
1985	92	233	507	1,903	2,735	3,421	13,402	859	172	17,853	20,589	+13.5	8.4
1986	92	246	419	2,001	2,758	3,514	14,259	900	181	18,854	21,612	+ 5.0	8.8
1987	103	231	471	1,926	2,731	3,734	14,409	827	144	19,114	21,845	+ 1.1	8.8
1988	69	215	467	1,912	2,663	3,510	14,300	967	170	18,947	21,610	- 1.1	8.7
1989	83	212	540	2,213	3,048	3,601	14,850	1,028	187	19,666	22,714	+ 5.1	9.0
1990	97	282	652	2,687	3,718	4,089	16,431	1,035	212	21,767	25,485	+12.2	10.1
1991	127	287	787	2,935	4,136	4,230	17,248	820	238	22,536	26,672	+ 4.7	10.7
1992	125	288	748	3,646	4,807	4,453	17,027	874	246	22,600	27,407	+ 2.8	10.9

\*All percentages rounded.

### CRIME INDEX ARRESTS, JUVENILE AND ADULT 1983 - 1992



YEAR	JUVENILE	ADULT
1983	6,180	11,763
1984	6,395	11,744
1985	7,563	13,026
1986	7,922	13,690
1987	7,942	13,903
1988	8,201	13,409
1989	8,196	14,518
1990	9,008	16,477
1991	9,540	17,132
1992	9,873	17,534

2-13

**ARRESTS BY AGE  
TYPE OF OFFENSE  
1992**

CRIME INDEX OFFENSES	ARRESTS BY AGE							JUVENILE TOTAL
	<10	10-12	13-14	15	16	17		
Murder	0	0	0	2	5	2	9	
Rape	1	3	5	4	4	13	30	
Robbery	2	11	42	39	45	70	209	
Aggravated Assault	26	98	195	116	202	178	815	
Burglary	61	186	508	342	488	380	1,965	
Theft	250	993	1,710	1,073	1,229	1,064	6,319	
Motor Vehicle Theft	6	38	119	95	89	70	417	
Arson	23	19	32	14	12	9	109	
<b>TOTAL CRIME INDEX</b>	<b>369</b>	<b>1,348</b>	<b>2,611</b>	<b>1,685</b>	<b>2,074</b>	<b>1,786</b>	<b>9,873</b>	
<b>CLASS II OFFENSES</b>								
Neg. Manslaughter	0	0	0	0	0	0	0	
Other Assaults	58	301	572	336	388	428	2,083	
Forgery	0	3	23	34	61	65	186	
Fraud	1	3	3	0	5	8	20	
Embezzlement	0	0	1	0	0	1	2	
Stolen Property	1	9	34	28	37	40	149	
Vandalism	196	358	536	347	507	298	2,242	
Weapons	9	30	126	105	154	161	585	
Prostitution	0	1	2	2	0	1	6	
Other Sex Offenses	15	40	54	37	35	37	218	
<b>DRUG OFFENSES</b>								
Sale-Narcotics	0	0	3	5	22	27	57	
Sale-Marijuana	0	1	13	13	21	22	70	
Sale-Synth Narc	0	0	0	0	0	0	0	
Sale-Other	0	0	1	0	1	2	4	
SALE SUBTOTAL	0	1	17	18	44	51	131	
Poss-Narcotics	0	2	12	19	25	48	106	
Poss-Marijuana	0	4	45	52	87	131	319	
Poss-Synth Narc	0	0	5	4	3	2	14	
Poss-Other	0	1	3	2	6	1	13	
POSSESSION SUBTOTAL	0	7	65	77	121	182	452	
<b>DRUG OFFENSE TOTAL</b>	<b>0</b>	<b>8</b>	<b>82</b>	<b>95</b>	<b>165</b>	<b>233</b>	<b>583</b>	
<b>GAMBLING OFFENSES</b>								
Bookmaking	0	0	0	0	0	0	0	
Numbers	0	0	0	0	0	0	0	
Other Gambling	0	0	1	1	1	0	3	
<b>GAMBLING TOTAL</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>3</b>	
<b>Family Offenses</b>								
DWI	2	1	4	20	82	195	304	
Liquor Violations	0	8	104	220	440	678	1,450	
Drunkenness	0	1	7	0	3	3	14	
Disorderly Conduct	13	84	254	162	184	200	897	
Vagrancy	0	0	4	0	0	8	12	
All Other	69	227	528	419	559	777	2,579	
Suspicion	10	3	10	6	7	6	42	
Curfew-Loitering	8	67	393	330	381	398	1,577	
Runaway	56	166	856	678	599	380	2,735	
<b>CLASS II TOTAL</b>	<b>438</b>	<b>1,310</b>	<b>3,594</b>	<b>2,820</b>	<b>3,608</b>	<b>3,917</b>	<b>15,687</b>	
<b>GRAND TOTAL</b>	<b>807</b>	<b>2,658</b>	<b>6,205</b>	<b>4,505</b>	<b>5,682</b>	<b>5,703</b>	<b>25,560</b>	

2-14

*attach 3*

STATE OF KANSAS

**ROCKY NICHOLS**  
STATE REPRESENTATIVE  
58TH DISTRICT  
SHAWNEE COUNTY



TOPEKA

HOUSE OF  
REPRESENTATIVES

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**Testimony on HB 2287  
Kansas Youth Correctional Authority  
March 20, 1995**

Chairman Emert and members of Senate Judiciary Committee:

HB 2287 makes much needed systemic changes in the way we deal with juvenile offenders in Kansas. If passed into law, HB 2287 will immediately create the Kansas Youth Correctional Authority, and on January 1, 1997, all jurisdiction involving juvenile offenders will be transferred from the Department of Social and Rehabilitation Services (SRS) to a separate State Youth Corrections Department. A simple time line on the effect of these changes is attached to my testimony.

The concept of a youth authority is not new. For example, a 1989 Juvenile Offender Policy Conference sponsored by SRS and the Juvenile Offender Advisory Commission recommended the creation of a cabinet-level youth authority (attached are highlights from that 1989 report). Also, last session this legislation passed the Kansas House with 99 votes, and this year it garnered over 100 votes in the House.

One of the key measures is that HB 2287 brings all of the "players" to the table (governor/ executive branch, the Legislature, and the work of private think-tanks) while providing the flexibility necessary to implement systemic policy changes. This combined partnership is needed to bring focus to juvenile crime. The roles of the different "players" are listed below:

- ① **Governor-** Appoints the Kansas Youth Correctional Authority, which makes recommendations to the Legislature on necessary changes in our laws that will make juvenile crime a top priority of the state. The Governor is also given the executive flexibility and control over his Administration through his appointment of the new Secretary of the Kansas Department on Youth Corrections.
- ② **Courts, Agencies, and other Private Study Groups-** The recommendations of the Youth Corrections Authority can take into account much of the excellent research and knowledge already accumulated by past task forces and state agencies. This can incorporate everything from hands-on knowledge of judges

*Senate Judiciary  
3-20-95  
Attachment 3*

who must work within the current system to the work currently being compiled by the Koch Crime Commission.

③ **Legislature-** Examines the recommendations of the Youth Correctional Authority, and has the flexibility in the 1996 session to make what statutory changes are necessary to address our juvenile crime problem.

We realize that there are contradicting schools of thought regarding the changes that must take place to address juvenile crime. Some have argued that the Legislature should take a wait and see approach, because further study is needed in this area. This school of thought, however, does nothing to address the urgent problem of juvenile crime. Others want immediate change in the placement of juvenile offenders that is swift and certain- which of course carries the liability that in our haste we may make changes that will prove ineffective. HB 2287 combines the best aspects of both of these arguments by establishing immediate changes to address the urgency of our juvenile crime problem (by creating the Youth Corrections Authority), while maintaining flexibility to enact systemic changes (allowing time for the Legislature to formulate and pass policy changes).

Those who oppose a Youth Authority will most likely use the same arguments from last year. For example, some argued that this proposal creates more bureaucracy. We would argue that HB 2287 is actually breaking up the current bureaucratic mess that handles juvenile offenders. The current juvenile system under SRS is marked by break downs of communication and inefficiencies. Now, I am not here to bash SRS. They have a very difficult job, and they perform a much needed service. However, if we are going to make juvenile crime a top priority in the Kansas Legislature, we must get juvenile offenders out from under SRS to bring focus to the problem. Additionally, others have argued that juveniles should be placed under the custody and care of the Department of Corrections. Transferring juvenile offenders from SRS to DOC is like simply shifting them from one large agency where they get lost in the shuffle to another. In addition, DOC does not focus on rehabilitation. Study after study proves that if you are going to rehabilitate criminals then you must get to them while they are still young. Juvenile offenders need rehabilitation options. DOCs answer to the problem of crime seems to be focused on a mentality of locking up criminals. That way of thinking may be necessary for the those juvenile offenders that commit the most heinous crimes, but not for the majority of juveniles.

With the passage of this proposal we are making the commitment to address the serious problem of juvenile crime, and we will be making juvenile crime a top priority in the Kansas Legislature. Every year that we fail to act on creating the Kansas Youth Authority we get further away from tackling this difficult problem. I believe that this can be year that the legislature acts to provide systemic change in our fight against juvenile crime. I urge your passage of HB 2287.

I will answer any questions from the committee.

# HB 2287- Kansas Youth Correctional Authority Timeline

1995 (if passed,  
published in Ks. Register)

Repeal Juvenile Offender Advisory Commission

Creation of Kansas Youth Correctional Authority

Governor Appoints Members (Sec. 2).  
Authority hires Executive Director, staff.  
Assumes supervision of juvenile detention  
center funds/ programs (replace J.O.A.C.)

Youth Authority Recommends policies on  
(Sec. 1):

1. Confinement of Juveniles,
2. Supervised Release in the Community,
3. Rehabilitation,
4. Out-of-Home placement,
5. Fines, Restitution & Community Service.

2/1/96

Youth Authority Issues Interim Report to Legislature

1/1/97

Transfers juvenile detention center funding, powers,  
and all FTEs to new Agency (Sec. 5, Sec. 6)  
Governor appoints Youth Corrections Commissioner (Sec. 4)

Create Youth Corrections Department

Severed from SRS, duties transferred.  
★ Executive Director & staff  
appointments expire for Youth Authority.  
★ Youth Authority becomes advisory (7/1/97).

Duties (Sec. 4):

1. Control/ Manage all Youth Centers,
2. Evaluate rehabilitation, report to courts,
3. Consult w/ schools, courts on programs,
4. Cooperate w/ other agencies who deal  
with treatment of juveniles,
5. Help communities establish prevention  
programs for juveniles,
6. Assemble information on delinquency,
7. Assist communities within the state by  
conducting comprehensive survey of avail-  
able public and private resources to the  
community. Recommend methods for  
establishing community programs to combat  
juvenile crime.

HS

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## Kansas County & District Attorneys Association

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EXECUTIVE DIRECTOR, JAMES W. CLARK, CAE • CLE ADMINISTRATOR, DIANA C. STAFFORD

Testimony in Support of

HOUSE BILL NO. 2287

The Kansas County and District Attorneys Association appears in support of SB 2287, which creates a separate authority to deal with juvenile offenders. The bill is a step toward what many of us think are serious shortcomings in government at all levels: the inability to protect citizens from crime, particularly those committed by juveniles.

Your attention is called to the recommendations of The Juvenile Offender Policy Conference, which was held on September 7 and 8, 1989. Approximately 200 conferees from across Kansas attended the conference, and in spite of a diversity ranging from prosecutors to judges to child advocates to interested citizens, they all agreed on six recommended changes in juvenile offender policy. The first of those was to establish a separate cabinet-level Youth Authority. HB 2287 is an effort to act on that recommendation.

Another reason to support the bill arises out of recent efforts to "reinvent" government. An examination of the nature of government and how it works recognizes that government entities work better when they have a single mission. At the present time, juvenile offender issues, are almost exclusively under the domain of the Department of Social and Rehabilitation Services, which has a huge area of responsibility in many other areas. Of necessity that agency deals primarily with services to those who fall between the cracks. An excellent example of the deficiencies of the current system is a recent drive-by shooting in Lawrence. Two of the suspects were youths with gang affiliation who had been released from a youth center under an independent living program. No notification was made to local law enforcement by the youth center, nor by the local SRS office, which is apparently in charge of the independent living program.

A more forward looking policy on youth should focus on prevention as well as correction efforts for juvenile offenders. A separate agency with a limited, but far-reaching, scope would be much more effective in both the recognition and improvement of the public safety issue of juvenile crime. The creation of a single-mission, high-visibility agency would also focus both budgeting and accountability scrutiny on the agency.

The bill is more far-reaching than SB 231, which although similarly structured, removes both juvenile offenders and child in need of care cases from SRS. While that bill is a tacit recognition of the relationship between crime and neglect of our children, it appears too similar to the present system, and does not recognize the priority of dealing with juvenile offenders.

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3-20-95  
Attachment 4



#4  
House Bill #2287  
Koch Crime Commission  
3/20/95

The Koch Crime Commission would like to commend the Legislature on its willingness to tackle this subject. We realize the juvenile justice system's problems are difficult and varied. We want to see, as I know you do, well thought out decisions made in a timely manner to solve some of those problems.

We have several concerns regarding this bill. The bill very prudently provides a period of time to study the current system and identify problems, their causes, and develop solutions. Some of the problems will include:

- \* providing separate facilities for violent and non-violent offenders
  - how many facilities will be needed, in which locations, and at what cost
- \* determining what other methods of punishment have been proven to be effective
  - and what cost and resources would be needed to implement them
- \* determining what programs help reduce recidivism
  - and what cost and resources would be needed to implement them

The bill also indicates that this study be directed by five Authority members without any expertise and carried out by a executive director and the necessary staff. Since this study will be critical to the success of the Authority it would be important for it to be directed by individuals with expertise in the area of juvenile offenders. We think it would also be useful for the Authority to take advantage of the research being done by the Koch Crime Commission.

The appointment of a commissioner by the Governor is provided for in the bill to run the new Authority. We would suggest that this person should be a Secretary and hold a position in the Governor's Cabinet. This would give it the same status and authority as other Departments such as Corrections and Social and Rehabilitation Services.

Senate Judiciary  
3-20-95  
Attachment 5

Another area of concern is the staffing of a Youth Correctional Authority. Because this bill essentially lifts the programs, authority, and employees from the Department of Social and Rehabilitation Services and puts them under a new Authority there is always the danger that the old attitude also will follow. Many employees dedicated to the Department of Social and Rehabilitation Services will not be suitable for CORRECTIONAL work with juvenile offenders nor will many of them be able to leave the old ways behind so that new programs can be effectively put in place. It is not uncommon for people to be reluctant to change and unable to consider new methods to solve old problems. Transferring employees between agencies often ends up penalizing the employee and those under their care.

The bill does give the commissioner discrimination in hiring but the State would not want to have to let Social and Rehabilitation Services employees go if they were not needed by the new Authority. The Departments of Corrections and Social and Rehabilitation Services successfully addressed this problem when the facility at Norton was taken over by Corrections. Attrition was allowed to reduce some of the Department Social and Rehabilitation Services staff before the change occurred. Other staff that did not wish to make the change and/or were not suitable were placed in other jobs within the Department.

We hope that you will take some of these concerns into consideration. What ever legislation is or is not enacted this year, the Koch Crime Commission looks forward to working in partnership with the Legislature to help develop a more effective juvenile justice system in Kansas.



State of Kansas

KANSAS CRIMINAL JUSTICE COORDINATING COUNCIL

**JUVENILE JUSTICE TASK FORCE**

**SENATE COMMITTEE ON JUDICIARY**

March 20, 1995

**House Bill 2287**

Testimony of Lisa Moots

Without taking a position on the bill one way or the other, I simply want to offer two points of information on behalf of the Juvenile Justice Task Force of the Kansas Criminal Justice Coordinating Council for you to bear in mind during your deliberations on House Bill 2287. Actually, what I want to offer you is an invitation.

As you are aware, last week the Juvenile Justice Task Force released its Report on Juvenile Offenders. The report offers you, first and foremost, very substantial information in the form of the results of the research study which was conducted and upon which the findings and policy recommendations that make up the other part of the report are based. We continue to analyze the data we collected in new ways and plan to issue a supplemental report of research findings.

You should consider exercising your option to direct the future research of the Juvenile Justice Task Force and the Kansas Sentencing Commission, the staff of which also staffs the Task Force and the Council. **HB 2287** creates, in essence, a study commission for the first year in which it takes effect. I just want to remind you that you already have a study commission in existence in the form of the Juvenile Justice Task Force. If there are issues you want studied above and beyond those already addressed by the Task Force, all you have to do is ask.

For example, we are aware that there is always a need for bed utilization projections, and we now have hope of obtaining the necessary computer software to give you some good information of that type in the early fall with respect to both juvenile and adult offender populations.

We would also be able to expand the survey population used in our research to other counties if there were an interest in additional regionalized information. This type of information might be useful in the determination of the appropriate dispositional alternatives to be established in different communities throughout the state and even the best way to fund them.

The Juvenile Justice Task Force report recommends substantial, judicially-imposed lengths of stay for serious juvenile offenders who are committed to terms of confinement in state custody, and the stacking effect of the enforcement of these longer stays in confinement would inevitably require additional beds, perhaps quite a few of them.

Moreover, even with implementation of the recommendations of the Juvenile Justice Task Force for basic changes in the Juvenile Offenders Code, for many juvenile offenders adjudicated for less serious offenses the judicial decision will still be confinement to a youth center/state facility *only* because no meaningful or appropriate alternative is available within the community. Consequently, does it not make sense to believe that the greater the commitment you make today to the dedication of resources to community-based dispositional alternatives, the less state confinement/youth center beds you should need in the future.

You began this process last year with the commitment of additional monies to Community Corrections and other day reporting programs for juvenile offenders, and the Task Force would recommend continued efforts of this type as long as they are compatible with the existing structure and funding mechanisms of Community Corrections and the field/social services provided by the Courts and SRS. (Moreover, if you create the community-based placements and programs, and the judges don't use them, you know how to mandate their use statutorily.)

I invite you to continue to use the Juvenile Justice Task Force and the Council as the resources you created them to be.

# KANSAS PEACE OFFICERS ASSOCIATION

March 20, 1995

House Bill No. 2287

Senate Judiciary Committee

Mr. Chairman and Members of the Committee:

My name is Helen Stephens, representing the Kansas Peace Officers Association.

KPOA supports, in concept, the steps that House Bill 2287 takes toward meaningful reform of the juvenile offenders system. We find commendable the central, specialized agency responsible for the juvenile offenders of this state; and the recognition that state youth corrections officials will be charged with the task of giving advice and counsel in this area to local agencies and officials.

But, HB 2287 is only a partial answer. If passed, the citizens of Kansas will have a new agency with new people -- but it will still have the old policies -- policies that we know have not been satisfactory. It creates an administrative mission without a complementary revised state policy. We urge you to consider including, in this legislation, guidance in the form of a definite, well-defined state policy for the juvenile offender system.

Currently, two bodies are conducting intensive examinations of the juvenile offenders system; these are expected to produce systemic and philosophical recommendations.

KPOA would urge this committee to hold HB 2287 until the legislature has had the opportunity to examine the above studies with an eye toward incorporating any valuable recommendations into HB 2287 during the next legislative session. In this way, we can avoid creating an agency without a concrete philosophy that we believe will bring about the changes that are to benefit Kansas citizens - and most of all, Kansas juveniles.

Law enforcement has been critical of the present juvenile offender system and we, along with a number of others, might say the State has waited too long to make meaningful reform, but the simple matter is -- if we have waited this long, then let's take a little longer and do it right the first time. We may not get another chance.

We ask you to hold HB 2287, study the recommendations that will be coming, insert the best of these recommendations into HB 2287, and to take definite action in 1996.

Thank you for the opportunity to speak to you today. I will stand for questions.

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3-20-95  
Attachment 7

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

Senate Judiciary Committee  
Testimony on House Bill 2287

March 20, 1995

TITLE

An act creating the Kansas youth correctional authority; establishing a commissioner of youth corrections and a state youth corrections department to be responsible for juvenile offenders.

TESTIMONY

Mr. Chairman and members of the committee, I thank you for the opportunity to appear. SRS has concerns about HB 2287. This bill would create a Kansas Youth Correctional Authority to carry out the current SRS duties related to juvenile offenders. The Authority would be headed by a commissioner and would be advised by a five member Youth Authority. While we certainly agree that juvenile offender issues should be studied and perhaps organizational changes may be called for, we believe this move is premature. There is a new administration that has not had ample opportunity to study the complex issues involved in the entire juvenile justice system. We believe there needs to be a thorough assessment of what the State of Kansas wants to accomplish with its juvenile justice programs and what respective roles local communities should play vis a vis the state. There is a host of philosophical issues that demand attention before governance should be decided. The issue of governance is secondary to these more pressing questions of purpose and role. The failure to address these issues will haunt any new administrative structure. You will be back in a few years wondering why this new agency is doing what it is doing unless you clearly establish expectations.

Thus we respectfully request that no action be taken this session. The new administration must have an opportunity to address the following issues:

- \* The impact of major changes in on the implementation of the Kansas Family Agenda.
- \* The scope of mission of the Kansas Youth Correctional Authority should be broader than programs currently assigned to SRS. Programs in other agencies should be considered as well (Office of Judicial Administration, Department of Corrections).
- \* What federal funding mandates would enable the new state agency to maximize federal monies.

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- \* How would the potential loss of federal monies resulting from agency restructuring be replaced by state general fund monies. Currently SRS is able to transfer youth between state youth centers and state Title XIX facilities.
- \* How should agency restructuring take place.
- \* What administrative support services and facilities are necessary. Where will the staff be housed, where will they draw administrative support.
- \* What changes in the Juvenile Offender Code are necessary to implement the vision for service delivery to children, youth and families.
- \* What federal planning efforts involving state agencies and local communities should take place.
- \* What is the legislative intent related to separation of the administration of programs such as foster care and family services which currently serve Children In Need of Care and Juvenile Offenders. This needs discussion and intent reflected in any enabling legislation of a state agency. Many of the youth are adjudicated as both children in need of care and as juvenile offenders.
- \* What is the relationship between this legislation and the myriad of other legislative proposals introduced to address various juvenile offender issues, one of the most recent being the juvenile reform act contained in HB 2548.

Thank you for the opportunity to address you today.

Ben Coates, Acting Commissioner  
Youth and Adult Services  
(913) 296-3284

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Rep F.

February 21, 1995

After reading the 89 & 94 reports done on Y.C.A.T. & H.B. 2287, there are some necessary changes to see this bill succeed.

Section 2 A-That the governor be restricted in regards to his appointments to the youth authority & the commissioner. Any person shall not have been employed or set on any of SRS boards. As a safeguard against turning this authority into the same system which we are trying to do away with.

Section 5 E-Why do you wish to use the same rules & regulations that have not worked?

Has anyone taken a close look at these rules & regulations SRS has been using?

I purpose new rules & regulations be drawn up for the sole purpose of the youth authority & the commissioner.

Section 5 H-Why do you want to use a continuation of SRS?

In order to give the youth authority & the commissioner a chance at succeeding, you must keep anything pertaining to SRS out of this bill & the function of the authority & commissioner job. Otherwise you are just giving SRS a different name.

Section 13 H-Shouldn't director be stricken & the word commissioner be used in its place?

Section 38 D-Replace 1994 with 1995.

Section 38 C-Replace 1994 with 1995.

There hasn't been any reference to the American with Disability Act. Which we all know has to be implemented not only in this bill, but in the daily process of dealing with these youths that have been identified as having special needs, including the court process as warranted.

Let me share with you some of the observations I've made of SRS handling of these youths:

1. Social Workers not being capable of accessing if their dealing with the special needs of the youth. Not even asking either parent if there was any medical conditions they should know about.

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2. Evaluations being done & SRS & their intent wisdom placing these youths in a foster home after the report states these youths should be in a well structured environment.

3. The youth are allowed to run the streets & take numerous rides in ambulances like a cab, costing the taxpayers tens of thousands of dollars.

These youths & taxpayers are paying for SRS's intent wisdom.

I feel confident that the necessary changes can be done & this bill pass this session of the legislature.

If you don't have the latest copy of the A.D.A. I'll share mine from the Dept of Justice.

*Sherrie J. Harvey*  
*1441 N. W. Taylor St 906*  
*Topeka, Ke 66608-2108*