

Approved: February 9, 1995
Date

MINUTES OF THE SELECT COMMITTEE ON JUVENILE CRIME:

The meeting was called to order by Chairperson David Adkins at 9:00 a.m. on January 26, 1995 in Room 527-S of the Capitol.

All members were present .

Committee staff present: Don Cawby, Legislative Research Department
Jill Wolters, Revisor of Statutes
Gordon Self, Revisor of Statutes
Leona Fultz, Committee Secretary

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

Others attending: See attached list

David Adkins introduced Jerry Wells, General Counsel for the Koch Crime Commission. Jerry gave a presentation on the Task Force on Juvenile Justice. This Task Force is in the first year of a two year study. This first year has been spent getting the facts and information together and by the end of the second year will be prepared to give more final recommendations and conclusions as to what they see as the structure should be for the Kansas juvenile justice system. (Attachment 1).

The minutes of the January 18, 19 and 24, 1995 meetings were distributed and approved.

The Committee meeting adjourned at 10:00. The next Committee meeting is scheduled for January 31, 1995.

KOCH CRIME COMMISSION TASK FORCE ON JUVENILE JUSTICE

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

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

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

ASSESSMENT OF OFFENDERS

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

SECURED FACILITIES

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

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

POST-RELEASE AND POST-CUSTODY FOR JUVENILE OFFENDERS

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

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

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

THE JURISDICTION ISSUE

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

GENERALLY

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