

Approved: February 22, 1995
Date

MINUTES OF THE HOUSE SELECT COMMITTEE ON JUVENILE CRIME.

The meeting was called to order by Chairperson David Adkins at 9:00 a.m. on February 3, 1995 in Room 531-N of the Capitol.

All members were present except: Mike O'Neal

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

Conferees appearing before the committee: Judge James Burgess, Sedgwick County
Judge Patricia Mackie Dick, Reno County
Judge Dan Mitchell, Shawnee County
Judge John White, Allen County

Others attending: See attached list

David Adkins introduced the four judges that were here to give testimony to the committee. Their testimony was from a cross-section of Kansas that included both urban and suburban areas. All of the judges stressed the fact that it makes no difference where the responsibility for the juvenile justice system lies if the proper resources are not available. As a group they would recommend putting the institutions under the Department of Corrections with a sub-department being formulated and the community based services under SRS. Both groups need to be working together along with mental health, education etc. (Attachments 1,2,3,4).

Judge Burgess stressed the fact that prevention is always more effective than crisis intervention both from the cost standpoint and the ability to instill change. 60% to 70% of juveniles placed on diversion do not re-offend. 6% to 8% of offenders are responsible for up to 70% of juvenile crime. He would like to see more community involvement; there are no quick fixes, it will take time and accountability within the system.

Judge Dick wanted to stress putting more resources into intervention and prevention programs. She does not like the K.S.A. 72-8902 law (suspension or expulsion from school). She would recommend alternate schools. She would like to recommend grade school counsellors be made mandatory. Alcohol is a big problem with juveniles and we need to be doing more in rehabilitation in this area.

Judge Mitchell does not like the idea of putting the most violent offenders under the adult system because the D.O.C. is not designed for rehabilitation. He would like to see those who are 14 and older with violent crimes be sent to adult court; however, if appropriate, be sent to juvenile court and if they do not comply then be sent back to adult court. There are those who are sociopaths and psychopaths who must be separated and segregated from society but he believes some of the juvenile offenders can be rehabilitated. He would recommend waiting on the Koch Commission recommendations before reacting too prematurely this year.

Judge White stressed (as had the other three judges) that approximately 7% of juvenile offenders can not be rehabilitated. Children should know there will be consequences for offenses. If the crime is appropriate, try them as adults. The Youth Centers should be part of the D.O.C. but the placement should be according to the crime committed. Appropriate treatment facilities should be provided. The main concern is to provide rehabilitation for those 70% who do not repeat.

The Committee adjourned at 10:00. The next Committee meeting will be February 7, 1995.

**JAMES L. BURGESS
PRESIDING JUDGE, JUVENILE DEPARTMENT
18TH JUDICIAL DISTRICT**

The juvenile system, including both child in need of care and juvenile offender cases, is a twofold crisis management system. It does not get involved with children and families until they are in crisis and when we do get involved there is a crisis due to lack of resources.

While the focus of my comments will be on the juvenile offender system, it must always be kept in mind that prevention is more effective than crisis intervention both from a cost standpoint and the ability to instill change. We need to be working with families and children at the earliest possible ages rather than waiting for the crisis to strike.

Many of the problems faced in the juvenile justice system are resource problems. It is not so much a problem with the juvenile offender or child in need of care codes as it is an issue of not having the tools needed to be effective. In many cases, the situation being faced is not dissimilar to a doctor who does an assessment, reaching a proper diagnosis and then not have the medicine to treat the disease.

In many districts there are no diversion programs for nonviolent first-time offenders. This may be due to not having sufficient staff to monitor a diversion program or there may not be sufficient complementary services to devise an effective diversion program.

Probation officers have case loads of near 120 clients making effective monitoring nearly impossible. We have few intermediate sanctions. There many cases where a juvenile has committed a misdemeanor offense, or several misdemeanor offenses, and continues to violate probation. The court repeatedly warns the juvenile that something serious will happen. When the time comes that a consequence must be imposed, the court, generally, has no alternative than a youth center placement. Foster home and group home placements are virtually nonexistent for offenders since those placements are usually overwhelmed with child in need of care placements.

The youth centers are in a predicament unto themselves. At this point, the youth centers are required to house our most serious, and in most cases non-rehabilitative, juvenile offenders and to house and serve those more "traditional" types of juvenile offenders whom the youth centers were actually designed to serve. As a result, they are unable to serve either function well.

When a court sends a juvenile to a youth center, it should be the ultimate action taken. However, the youth centers are so crowded, one juvenile must go out whenever one juvenile goes in. The result is that the actual length of stay at a youth center is not related to the length of stay needed to effect change.

What the juvenile justice system needs is a continuum of services encompassing everything from the most benign diversion to the strictest incarceration. We need a system where probation officers have realistic case loads. Local sanctions need to be more readily available such as electronic monitoring, intensive supervision, substance abuse and psychological treatment, and a sanctions house. (A sanctions house would be a local facility where, for example, a juvenile who violates probation could be detained for 48 hours on a first violation, 5 days for a second, etc.)

The next segment of this continuum would be out-of-home treatment placements, especially for psychological treatment. These would be placements for a period determined by the juvenile's need for treatment.

The next segments of the continuum would include minimum and medium security facilities where an offender could be placed with the guarantee that the juveniles would be in their placements for specified minimum amounts of time. This time would be related to the length of time perceived as necessary to affect change as well as the offense committed.

The more extreme end of the continuum would be secure placement where the most hardened of the offenders would be placed. A juvenile would in effect receive a disposition equivalent to an adult sentence. The juvenile could start at a juvenile placement. At a discretionary hearing held after serving a minimum period time in placement or at a mandatory hearing at 18, the court could find that the juvenile has benefited from the juvenile system, and the disposition could be modified. If the juvenile is found to be, in fact, a criminal, he or she can be transferred to the Department of Corrections to finish his or her sentence.

A critical component in determining where a juvenile would be placed (ie a minimum, medium, or maximum facility) would be the creation of a youth reception and diagnostic center similar to the state reception and diagnostic center for adults. Another critical component of this continuum would be effective aftercare for specified periods of time.

You might perceive a juvenile justice system as has been described as a pyramid. The broad base of the pyramid would be those juveniles who can be served in their community through diversion, probation, etc. Statistics show that 60% - 70% of juveniles placed on diversion do not re-offend. Statistics in our court have shown that 60% - 70% of the juveniles who are charged are one time offenders. Clearly, we need adequate resources to address the largest of numbers of juveniles coming into contact with the juvenile justice system to prevent the juvenile from getting any deeper into the system.

The point of the pyramid would be those juveniles who require a maximum security placement. Statistics vary but in general, they show that 6% - 8% of juvenile offenders are responsible for up to 70% of juvenile crime and certainly a lesser percentage is responsible for violent crime.

There also needs to be proper utilization of the referral process for adult prosecution. This is a system that is workable and provides the court the ability to make a thorough individual assessment of juveniles to determine their appropriateness for proceeding in the juvenile system. In regard to changes to this system, I would recommend that the one prior felony at age sixteen rule be repealed. This needlessly snares many juveniles into the adult system who don't need to be there. In many cases, juveniles will receive even less supervision as a result of an adult prosecution than they would if they remained in the juvenile system. This system prior to this rule was effective in getting the really bad actors into the adult system. The only change that perhaps needs to be considered is automatic referral for certain serious felonies.

The situation with the juvenile offender system is a direct result of the fact that it has not received proper attention and change even though the types and numbers of juveniles and offenses it sees has changed. We are playing "catch up". It is my suggestion that there be a thorough and systemic change to the juvenile justice system. If it can only be implemented over a period of time, then so be it. However, this situation cannot be resolved by quick fixes. It took a long time to get to this point, and if it is to be done right, it will take some time to get out of this situation. For this system to have accountability with the juveniles that come before it and with the public, there must be accountability within the system.

Finally, in regard to whether a department of youth should be established, it is my opinion that it will make no difference where the responsibility for the juvenile justice system lies if the proper resources are not available. As a veteran court services officer stated, "It does no good to rearrange the furniture on the Titanic."

Testimony
Patricia Macke Dick
District Judge, 27th Judicial District
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I am here today as a representative of the bench regarding the crisis with juvenile crime. My assignment from Representative Adkins was to create a plan as if I had a magic wand and could do anything to change the juvenile justice system.

Over 100 years ago a group of people of good will recognized that not all children in trouble were inherently bad, but oftentimes were reflections of their environment, that these children were learning values from their families and sometimes their families had no values to pass on. Those insightful people recognized there was a need to put around the child a system which would help correct that child's error and enable him or her to reach his potential. That was the glorious dream of juvenile justice.

Through the years the dream has changed. It has been interpreted as being too soft on juvenile offenders. Public outrage at the increasing problems from youth has led to a call for more secure facilities and a younger age for prosecution of juveniles as adults. But does the answer lie in building more prisons and continuing to lower the age of persons we can potentially incarcerate there? How far are legislators willing to take this approach?

Obviously, reacting to juvenile crime when a child has reached the age of 14 or 16 is too little, too late. Therefore, with my magic wand, I want to put more resources into intervention and prevention programs. I was not able to create a plan for you, and you could not have afforded it anyway, so I am going to share a few of my ideas of changes which can be made.

The first obstacle is the matter of funding. Money will be spent on juvenile offenders in one of two ways: We can spend money to house the problem or we can intervene earlier and more intensively and try to stop the perpetuation of generations of family members who do not obey the law. The problem of juvenile crime cannot be solved without the money to implement programs. The juvenile justice system has been the poor step-child for too long. Trying to craft solutions from bubble gum and chicken wire just does not work. My first wish, then, would be the willingness of the legislature to shift spending from the housing of problems to trying to solve them at the other end of the spectrum.

Having said that, I will say that lowering the age and taking the discretion for prosecution of children as adults away from the courts and prosecutors was not good law. With sentencing guidelines designed to lessen the prison population, very few of the juveniles prosecuted as adults are taken off the streets. From practical experience I would have to say that in many cases this legislation has created the opportunity for more juvenile crime than it has stopped. In addition, each juvenile case is different. Without the discretion to look at the totality of the circumstances, the ability to determine which kids are truly "bad seeds" and which kids are victims of families without solid values is eliminated. By deeming children as young as 14 to be adult offenders, we will throw out many babies with the bath water.

Another law that needs a long hard look is K.S.A. 72-8902, which addresses the duration of suspension or expulsion from school. I am sure the educators pushed hard for the changes in this law, but from a juvenile crime perspective this law creates a monster. The law allows suspension of up to 90 school days and an expulsion for up to 186 school days with the condition that if the suspension or expulsion is for a term longer than the number

of days remaining in the school year, the remaining days of the suspension or expulsion will apply to the subsequent school year.

I have to tell you, one of the worst problems for people involved in juvenile corrections is a child who is not attending school. For some children, the only structure in their lives comes from the school system and I know and understand that schools don't want to deal with children who have problems beyond the scope of education, but the school system is the only universal agency that we have in place to deal with each and every family. Kids lose credits, obviously, when they are suspended. So if a child is suspended in April and loses credits for the second semester and then cannot go to school until October or November, making it virtually impossible to get credits for the first semester of the next year, what are the chances that that child will put forth any effort at school and not disrupt other students? In addition, suspended and expelled children are free to roam the streets and I guarantee you it leads to trouble and increased crime.

I am a believer in education and I think all kids can be and should be educated. My magic wand in hand, I would mandate the establishment of more alternate schools. Many children do not fit in the traditional school setting and alternate schools have proven to be very successful. I encourage you to talk to the administrator of an alternate school if you don't know how these schools operate--I think you will be amazed at the success rate for kids who might otherwise be in the juvenile justice system.

A personal thought of something else I would mandate while I am talking about school. I would make it a requirement of graduation that every student enroll in and pass a parenting class. Teenagers will spend an entire summer in driver's ed so they can drive a car, but will graduate from high school without any knowledge about child psychology, child development, abuse and

neglect issues. In the big picture, it is obvious to me what is more important.

In Reno county, we have school counsellors in every grade school. This has been key in early intervention. Situations come to light and get resolved or brought into the system before it's too late. I would make grade school counsellors mandatory in every school.

For those children who are suspended or expelled from school, we need the resources to establish a place for them to be other than on the streets. In our county we used to have what we called "study hall". Children in the juvenile justice system were not rewarded for being kicked out of school by being free to do whatever they wanted to do, but were required during regular school hours to bring textbooks to the court services office and sit in a room. Space became a problem in Reno County and we do not have the facility to continue this program, but it was an excellent motivator for kids to get back into school and avoid suspensions.

An obvious need is for increased funding for court services officers and community corrections programs for juveniles. The average court services officer in Reno County has about 90 cases pending today. With 90 cases, the officer cannot make home visits or visits to the school any more, in fact, absent an acute crisis, the officer spends about 10 minutes a week with a client. It is hard to call this intervention, but it's the best that can be done with such limited resources. Community corrections for juveniles has proven very effective, especially when equipped with house arrest monitoring equipment. As with everyone in the juvenile system, however, the intensive supervision officers are stretched past the limit on caseloads, and the numbers, as you know, are ever increasing.

Juvenile intake and assessment in every judicial district has

been established by the Supreme Court as a screening mechanism. Hopefully, this will result in better information gathering so we can problem-solve faster in some situations. However, it is just that, a screening situation, it does not provide any solutions.

I have heard contemplation about establishing a "Youth Authority" to handle juvenile offender cases. I think that is an excellent idea if the program is properly funded and staffed. I believe S.R.S. could effectively deal with juvenile offenders with the proper staffing and training. However, S.R.S. is understaffed in the area of juvenile offenders and social workers do not have training in the corrections area, so there is at this time a problem. A Youth Authority to maintain information and recommend placements and other dispositional possibilities would be very beneficial.

I believe we need more beds in the state of Kansas to place juvenile offenders out of their homes. However, at the same time juveniles are in group homes, their parents need to be receiving intensive parenting training and counselling about changes which need to be made in the home. Unfortunately, we often move children away from their homes by several counties if not the whole state, thus making therapeutic interaction between the child and his family a virtual impossibility. The number of times we remove a child from her home, have glowing reports of her progress in out of home placement, then place her back in the same environment and expect her to succeed without benefit of the positive relationships she has established in another community is amazing. The number of times such a plan fails is not surprising.

S.R.S. (or whatever placing agency is established) must contract only with facilities which have a "no-reject, no-eject" policy. I have never understood why the facilities in this state, other than the youth centers, may first pick and choose who they

accept, and then kick out chosen kids they deem to be troublesome. It's time to be realistic: children in out-of-home placement through the juvenile offender's code are going to be troublesome. By the time they reach out-of-home placement, all local options for disposition have been exhausted. Still, placement facilities gather information on many youth at the same time, then evaluate which ones they anticipate will be the lowest maintenance and choose those youth. At the first sign of trouble, they give S.R.S. notice to come get the child, no questions allowed by S.R.S. Any facility receiving state money for housing a juvenile offender must be willing to accept any child who is level eligible for that facility. Obviously, we do not want to house chronic misdemeanants with gangsters, so the level system must be maintained.

Many crimes committed by juveniles these days involve illegal substances or addiction to alcohol. Here again, I firmly believe families need to understand together the problem of addiction and how to change response patterns to support change in a juvenile with such a problem. Short term in-patient treatment facilities for entire families, not just the child, would be the most effective approach to that according to many professionals I've talked to about this ongoing problem. From Hutchinson, nearly all of our youth needing inpatient substance abuse treatment are placed at ACT in Olathe. It's a fine program, but it's four hours from home and when the youth comes back to Hutchinson, he lives with a family who has not been involved in his treatment and meets up with his old friends, none of whom have changed the way they respond to the child with the problem.

Accessible, affordable mental health services is on my wish list. A child in acute crisis may be seen at our mental health center fairly quickly at the Crisis Management Center. However, if a child is not actively trying to commit suicide, they get

placed on the month long waiting list. If they are not in S.R.S. custody with a medical card and their parent's insurance is to be used, most families cannot afford the help they need from mental health professionals. Statistically, nearly every person on the planet needs mental health intervention at some time, but only a few ever get it.

There are some laws which make our jobs in the juvenile justice system almost impossible. Example: Not being able to lock up children who run away. This law is ridiculous in its application. Children who are walking out of a facility without permission may not be restrained, therefore, they leave time after time after time. And they become smart quickly. I have had runners tell me: "Sure I ran, but I didn't break the law", because they know they can't go into detention for more than 24 hours if they didn't break the law. I have had parents beg me to leave their child, the runner, in detention so the parents can sleep at night and not worry about where their child is. And I have had a 13 year old girl ask me why I didn't do more to stop her from her 8th run, this one to Wichita where she was raped and became pregnant. These kids we cannot help because we cannot hold on to them long enough to help.

I think it is time we recognize the truth in the words of anthropologist Margaret Mead who once said:

"The solution of adult problems tomorrow depends in large measure upon the way our children grow up today. There is no greater insight into the future than recognizing when we save children - we save ourselves." If ever this premise has been irrefutably true, it is today. If we don't start spending money to intervene or prevent some of the problems with juveniles, we will have to pay much, much more to house their problems in our lifetimes. If we don't start saving our children, we will be lost.

FEBRUARY 3, 1995

TESTIMONY BEFORE THE SELECT COMMITTEE ON
JUVENILE CRIME

Chairman Adkins, distinguished members of the committee, my name is Dan Mitchell. I am a District Judge in Shawnee County and have been on the bench since October, 1985. I have been assigned to handle juvenile cases during my tenure and that assignment has been by choice. Before my appointment to the bench, I practiced law for approximately twelve (12) years and spent four (4) years of continuous duty as a guardian ad litem.

There is no question that the system of juvenile justice that we now have in Kansas, and nationwide for that matter, is under attack. Many people believe that the concept of a separate, rehabilitative system for youthful offenders has outlived its utility, that the violent nature of today's youth cannot be dealt with other than by incarceration. To adopt this approach would require a change in philosophy and statutory directive. K.S.A. 38-1601 provides in pertinent part that the Juvenile Offenders Code "shall be liberally construed to the end that each juvenile coming within its provisions shall receive the care, custody, guidance, control, and discipline, preferably in the juvenile's own home, as will best serve the juveniles rehabilitation and the protection of society."

Certainly there are shortcomings in our system. There is a lack of resources within the system both locally and statewide. Our facilities are overcrowded, understaffed, and under pressure to move residents prematurely in the course of rehabilitation. For those young people who have emotional problems which preclude them from foster care and group homes, who happen to reside in areas where in-home services are non-existent or ineffectual, there are no resources or placements except Level 6 beds or state youth centers. There are only 46 Level 6 beds available in the state and there is a waiting list for placement. The estimated delay in placement ranges from 6 months upward. The alternative of a state youth center with its varied population and inconsistent delivery of therapeutic intervention at a level sufficient to meet the needs of these troubled youth is no answer. Their offenses may not be of such magnitude to support a youth center placement, yet no other options are available. Ideally, a facility for youth of similar nature to the adult facility at Larned which would utilize commitment for appropriate treatment as opposed to confinement, is needed.

The state youth centers are not as effective as they could and should be for many reasons, not the least of which is the period of

Select Committee on Juvenile Crime
February 3, 1995
Attachment 3

confinement. Although experts may disagree as to a minimum time of programming and each youth may respond to such programming at a different level, no one truly believes much can be accomplished toward lasting rehabilitation in less than 12 months and many professionals have indicated to me that 18 months is more appropriate. These youth did not reach their level of dysfunction overnight and modification of their behavior will likewise take time. Additionally, classification of young people for youth center placement based upon age as opposed to behavior or offense creates at least two areas of concern. The mixture of violent and non-violent habitual offenders in the same institution does not bode well for the students nor for efficient programming to meet the needs of those students. The level of security and the structure of the programs could better meet the needs by revision of the classification of young people committed or administratively placed in state youth centers.

Lowering the age of juvenile jurisdiction to 15 years of age and younger, or any modification of age jurisdiction, does not solve the problem of youth crime and violence. It simply shifts the responsibility for dealing with those youth to the Department of Corrections and in effect eliminates any viable attempt at rehabilitation. I question whether society is truly protected by virtue of early incarceration without rehabilitation. Is society likely to benefit from a young person attaining adulthood in the confines of the adult penal system and then coming back to the streets without education, socialization, and vocational training that will afford him the ability to support himself or a family? Is this young person likely to reoffend by virtue of his exposure to adult convicts and the pressures of reentering society without skills? Is the failure to rehabilitate or attempt rehabilitation truly protecting society? Certainly there is a population of young people who are sociopaths and psychopaths who must be separated and segregated from society. But by virtue of psychiatric evaluation and psychological profile, we can predict with some degree of certainty the likelihood of rehabilitation and repeat offending. Don't we, as a civilized society, have an obligation to attempt rehabilitation when viable? Is incarceration without rehabilitation only an immediate response without lasting affect? How many prisons can we build and support?

Perhaps these questions can be better addressed by developing a new system of juvenile justice which provides a continuum of care while building on our past experience. We don't need to reinvent the wheel. Perhaps we need to fix the flat. There are a number of groups studying the issues of juvenile violence and crime, including, but not limited to the Governor's Criminal Coordinating Council and the Juvenile Task Force of that council, as well as the Koch Commission. It is my understanding that the Koch Commission is in the middle of a two (2) year study and plans to present to next years legislature the results of their study and recommendations for consideration. The efforts of the Commission are extensive and to make significant modification to the system without the benefit of that information may be premature. The

Juvenile Task Force is working on recommendations to be made to the legislature during the session which include, but are not limited to, utilization of intake and assessment upon contact with law enforcement; discussion of new resources for the most difficult youth, perhaps on a regional basis; the ability to offer a plan of rehabilitation to youth and modify the disposition imposed by virtue of the success of the plan.

The concept here in to impose a determined disposition and if the respondent does not respond favorably, he or she may be transferred, after hearing, to the Department of Corrections to complete a term of confinement. This would afford an attempt at rehabilitation and yet protect society from a premature release by virtue of an artificial termination of jurisdiction by attaining a certain age.

This concept may be accomplished by expanding the jurisdiction and discretion of the judge within our current system or approach the problem in a manner similar to that adopted in Minnesota. Although I have not had the opportunity to discuss the system personally with Minnesota judges, I attach for your consideration an article from the February, 1995 ABA Journal. Their concept is to send those youth fourteen (14) years old or older who commit more serious felony offenses or who are repeat offenders to adult court. They would be given a lawyer and afforded all the rights of adult defendants, including a jury trial. If they are found guilty, they would be sentenced to the appropriate time in prison. However, a trial judge can suspend the sentence and transfer the youth back to juvenile court for further disposition more in keeping with traditional notions of rehabilitation. A refusal to comply with the juvenile court mandates would send the offender back to adult court.

Suffice it to say that the problems facing youth are significant and your response must be a comprehensive continuum of services, building on our past experience, with adequate resources and funding to meet the challenge.

Thank you for your attention to and concern for the youth of our state.

Daniel L. Mitchell
District Court Judge

Hard Times for Bad Kids

Numbed by teen-age killers and unable to rehabilitate youthful offenders, the juvenile justice system is turning to get-tough measures to halt a new generation of crime

BY MARK CURRIDEN

One by one, they parade before the judge. Most are sporting expensive athletic shoes or Army-style boots. A few have pimples. Some are frightened. But most display "a'tude"—giving the impression that they are bored and could not care less about what is happening.

"Why did you steal the car?" the judge asks.

The 16-year-old shrugs his shoulders. This is his third time before the judge. The first was for

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shoplifting a wallet and gloves; the second was for burglary after a neighbor caught him stealing two cameras. The first appearance resulted in unsupervised probation; the second in six weeks' confinement at an unsecured detention facility.

This time, he will be sent to another Minnesota treatment program for a longer period of time. And if that fails, he will be transferred to another facility—neither of them secured.

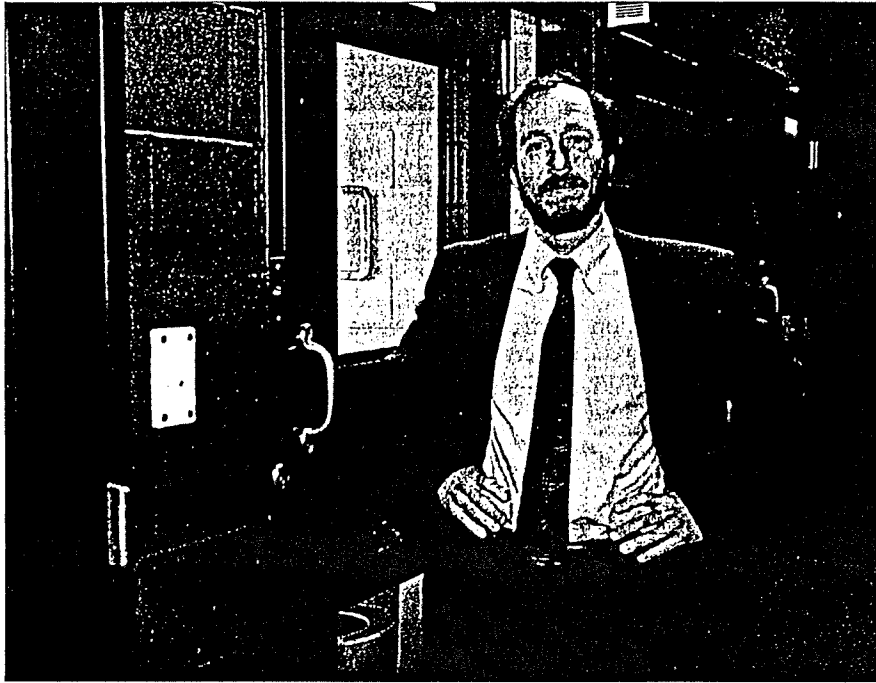
"These kids think it's a joke," says William McGee, a former defense attorney and now juvenile court prosecutor in Minneapolis.

"They have no respect for the system. As a society, we have glam-

orized sex and violence. As a result, we have a generation of children who are simply amoral."

Throughout the nation, the search by cities, counties and states for ways to stop the spread of increasingly more serious and violent crimes among youths is in full swing. Officials argue that the juvenile courts are not equipped to handle the kinds of crimes being committed by today's minors. And many judges feel they are struggling just to keep from drowning, let alone making any progress.

"There's one group of kids out there that, no matter what we do, will end up in maximum-security prisons as adults," says Judge Bertrand Poritsky of the St. Paul, Minn.,



Andrew Shookhoff: Study which treatment programs work.

the early stages of trying to discover what works, what doesn't, and why. The answer to all of our troubles may be a program out there somewhere in some small town that we don't know about yet."

Juvenile court experts say there are five basic aspects critical to dealing with youth crime: early prevention and intervention, evaluation of needs, court procedures, programs for those more violent, and reintegration into society.

"Each of these is essential to operating a juvenile court system that works," says John J. Wilson, administrator of the Office of Juvenile Justice and Delinquency Prevention. "Some states are doing one or two of these very well, but are dropping the ball on the others. States need to learn they just cannot focus on one segment and think they can solve their problems."

While officials say there will always be debate over whether there are enough social and community programs focusing on prevention and intervention, the more immediate concern is deciding which programs really work and which ones are right for which juveniles.

"In Minnesota, we're spending a ton of money on programs that are nothing more than cash cows for the treatment providers," says state Supreme Court Justice Sandra Gardebring.

Tennessee's Shookhoff says

there is widespread resistance to conducting thorough studies of individual programs out of fear that many highly touted pet projects may be proven to have little or no effect on reducing delinquency.

"No one wants to be told their innovative program is really a flop," says Shookhoff. "So many officials are simply unwilling to allow their programs to be placed under the microscope to study successes and failures. They would rather have a noneffective program continue than be embarrassed by being told that it doesn't work."

The Office of Juvenile Justice and Delinquency Prevention last October published a 240-page report entitled, "What Works: Promising Interventions in Juvenile Justice." The study reviewed more than 1,100 programs nationwide and selected 425 the office found to have demonstrated successes. The study gives basic details of the programs, including a general description of what they do, what group of offenders they target, and their staff and budget sizes.

"Officials must remember that not every program is going to work in every situation," says Michael Saucier, a lawyer in Portland, Maine, and chairman of the National Coalition for Juvenile Justice, an independent program of the Justice Department. "Every community's needs are different. What works for Maine may not for Florida. What works in the city of Portland is not

as effective in a rural part of our state or even in a suburb."

However, there are specific elements that are common in most, if not all, successful programs. The keys are to attempt to treat and rehabilitate youthful offenders in small groups, maintain a clear focus on the objective, and have good case management and intensive staff supervision, according to Soler.

"The juvenile justice system must be a place where kids learn that they must take responsibility for their actions," says Soler. "The programs that work have an educational component that teaches kids that doing destructive acts has consequences."

The problem with many newer programs, such as the increasingly popular boot camps in which youths are subjected to military-style discipline, is the lack of follow-up by authorities, experts say. After 16 to 36 weeks of intensive training and rehabilitation, a teen-ager is typically sent back into the same circumstances from which he or she was arrested.

The result, according to a recent national study of boot camps conducted by the *New York Times*, is that there is no reduction in the recidivism rate among offenders.

Officials in Minnesota say keeping the treatment programs in or near the community where the child comes from is important. For years, youths in the inner cities of Minneapolis and St. Paul were sent to "chop wood" in northern Minnesota.

"We've learned that the kids learned nothing from that experience," says Minneapolis prosecutor McGee. "The kids need to be in programs at their local church or school or community center. They need to be near their families."

A major concern to some experts like Shookhoff is doing the proper evaluation of the juveniles coming into the system and placing them into the appropriate programs.

"In a vast majority of these cases, it's not finding out if the kid did the crime. It's what are we going to do to make sure that the kid doesn't have a miserable life and doesn't make life miserable for the rest of us.

"We need much better methods of evaluating why kids who violate the law do it," Shookhoff says.

JUVENILE JUSTICE SYSTEM

Presentation

to

Select Committee on Juvenile Crime

HOUSE JUDICIARY COMMITTEE

~~Rep. Mike O'Neal, Chair~~

David Adkins, Chair

John W. White
Administrative Judge
Thirty-first Judicial District
Iola, Kansas

I. Juvenile Justice System

- A. Joke to public and to juvenile
- B. Alternative dispositions-probation or incarceration
- C. Probation Back to Home
 - 1. Usually to same environment where problems started
 - 2. Frequently no significant probation conditions
 - 3. No intermediate alternatives to enforce probation
 - 4. Multiple crimes or violations of probation before incarceration-kids know this

II. Juveniles in system

- A. Those who will be in prison as adults no matter what we do;
- B. Those who will become good citizens no matter what we do;
- C. Those who are headed in wrong direction but who are still impressionable and can be put on right path if we do the right things.
- D. Spending time and resources on first group and losing the third group.

III. Juvenile System - Serious or Violent crimes

- A. Crimes are more serious and violent;
- B. Violence is frequently against other youths;
- C. Present design-Parens patriae-social welfare system concept
 - 1. Identify needs
 - 2. Point child in right direction

D. Not designed to handle serious criminal matters

1. Scaled down second-class criminal court
2. Procedurally not designed for serious crimes

IV. Suggested Changes in Court Procedures re Commission of Violent/Multiple Offenses

A. Minnesota changes to juvenile justice system

1. Abandoned idea all juveniles can be rehabilitated
2. Abandoned idea juveniles not to be imprisoned
3. Judges have bigger stick -helps in finding services
4. Minor offenses still go through traditional juvenile system
5. Serious offenders sent to adult court
 - a. Provided lawyer
 - b. Provided all rights of an adult
 - c. Right to jury trial
 - d. Found guilty-sentenced to appropriate incarceration
 - e. Judge may send back to juvenile court for rehabilitation-if fails, returned to adult court
 - f. Removes arbitrary age 21 jurisdictional issue

g. Sentencing guidelines provides juvenile offenses treated as criminal offenses in criminal history-questionable due process in juvenile proceeding-removes that question if provided same procedural due process as adult

V. Juveniles Who Can Be "Salvaged"-Rehabilitation v. Punishment

A. 1978-1988 change to punishment instead of rehabilitation

1. Incarceration increased 50%
2. Juvenile crime rate dropped 19%

B. Warehousing of kids

1. Kids locked up unnecessarily
2. Occupies spaces needed for more serious offenders
3. Wastes resources -should be directed to serious offenders

VI. No model juvenile systems

A. Violent crime rate has increased discussion of problem

B. Changes in juvenile systems are still experimental

C. Trying to find out what works, what doesn't, and why

VII. Experts agree on critical aspects

A. Early prevention and intervention

B. Evaluation of needs

C. Court procedures

D. Programs for more violent offenders

E. Reintegration into society

VIII. Early Intervention and Prevention

A. Must decide which programs work

B. Reluctance of program officials to admit not working

1. Proprietary interest
2. Won't allow inspection for failures and successes
3. Income for service providers

C. Not every program going to work in every situation

1. Different community needs
2. Urban v. rural

IX. Evaluation of needs

A. Keys to successful programs

1. Attempt to treat and rehabilitate in small groups
2. Maintain clear focus on the objective
3. Good case management and intensive supervision

B. Kids must learn from system responsible for actions

1. Successful programs teach that destructive acts have consequences

C. Must have follow-up

1. Boot camps popular
2. Not effective if youth released back to same environment
3. New York Times study of boot camps-no reduction in recidivism if no follow-up

D. Treat juveniles in community

1. Need to be near families

E. Proper evaluation for right program

1. Usually not question of if kid committed crime

2. Evaluate why kid committed crime

- a. Parents in divorce

- b. Alcohol problem in family

3. Truancy may be early major indicator of problems

- a. Schools don't report or delay reporting

- b. Truant after 3 days-reported after 30 days
absence

- c. Schools suspend student for truancy-why?

- F. Must deal with problems while they are manageable, not
after behavior becomes destructive

X. Community attitude important

A. Must have cooperation of whole community-judges, lawyers,
social workers, politicians, churches, civic
organizations

B. Work to determine what is in long-term best interest of
youth

C. Parents made to take active role in kids' problems