

Approved: April 7, 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 21, 1995 in Room 527-S of the Capitol.

All members were present except: Brenda Landwehr

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

Conferees appearing before the committee: Representative Doug Mays  
Representative Rocky Nichols  
Sherry Harvey  
Steve Hiebsch  
Jim Clark, KS County & District Attorney Assoc.  
Ben Coates, Acting Commissioner of Youth Services, SRS  
Steve Davies, Exec. Dir. KOCH Crime Commission

Others attending: See attached list

Hearings on **HB 2287 - concerning creating a Kansas youth correctional authority; establishing a commissioner of youth corrections and a state youth corrections department responsible for juvenile offenders** were opened.

Representative Doug Mays appeared before the committee as a sponsor of the bill. He stated that this is not a new problem and that we can wait no longer to make changes to the juvenile justice system. Studies had been done over twenty years ago stating there needs to be change in the existing policy. (Attachment 1)

Representative Rocky Nichols appeared before the committee as a sponsor of the bill. He stated that this bill would bring "players" to the table from several areas. These would include the Governor, courts, agencies, other private study groups and the Legislature. He believes the time to act is now. This HB 2287 would set up the mechanism, has deadlines but also maintains flexibility. (Attachment 2 and 3)

Jim Clark of the Kansas County and District Attorneys Association appeared before the committee as a proponent of the bill. They believe this bill is a step forward in the right direction. A separate agency with a limited scope would be more effective in both recognition and improvement of the public safety issue of juvenile crime. This bill recognizes the priority of dealing with juvenile offenders. (Attachment 4)

Sherry Harvey appeared before the committee and would recommend passing of this bill but with some changes. Some of the changes would include who would be appointed to the committee; drawing up new rules and regulations for the purpose of the youth authority and the commissioner; and considering the Americans with Disability Act for those with special needs. (Attachment 5)

Steve Hiebsch appeared before the committee as a concerned citizen and taxpayer wanting change in the juvenile justice system. He appeared as a proponent of the bill. He was particularly concerned with incidences of violence in Kansas by youths either recently released or on pass from YCAT. He would also like to see many more rehabilitation programs for juveniles. (Attachment 6)

Ben Coates appeared before the committee on neutrality of the bill. He believes this move is premature and there needs to be a more thorough assessment of what Kansas wants to accomplish in its juvenile justice programs and the roles that local communities will play. Some of his recommendations would include: implementation of the Kansas Family Agenda; have more programs than currently assigned to SRS; what federal monies might be available; how would restructuring take place, what administrative support services are necessary, etc. (Attachment 7)

Steve Davies appeared before the committee saying that the KOCH Crime Commission is here to support this committee in any way that they can with regard to juvenile justice. The KOCH Commission believes it is time for change but the Committee needs to know the cost factors. Mr. Davies is a strong believer in rehabilitation programs, not only at YCAT but through the school systems. He stated again that the KOCH Crime Commission is ready to help in any way they can.

Hearings on **HB 2287** were closed.

The Committee meeting was adjourned at 10:15. The next Committee meeting will be February 22, 1995.



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TOPEKA

HOUSE OF  
REPRESENTATIVESCOMMITTEE ASSIGNMENTS  
MEMBER: TAXATION  
LOCAL GOVERNMENT  
JUDICIARY

Testimony on HB 2287  
House Select Committee on Juvenile Crime  
February 21, 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."

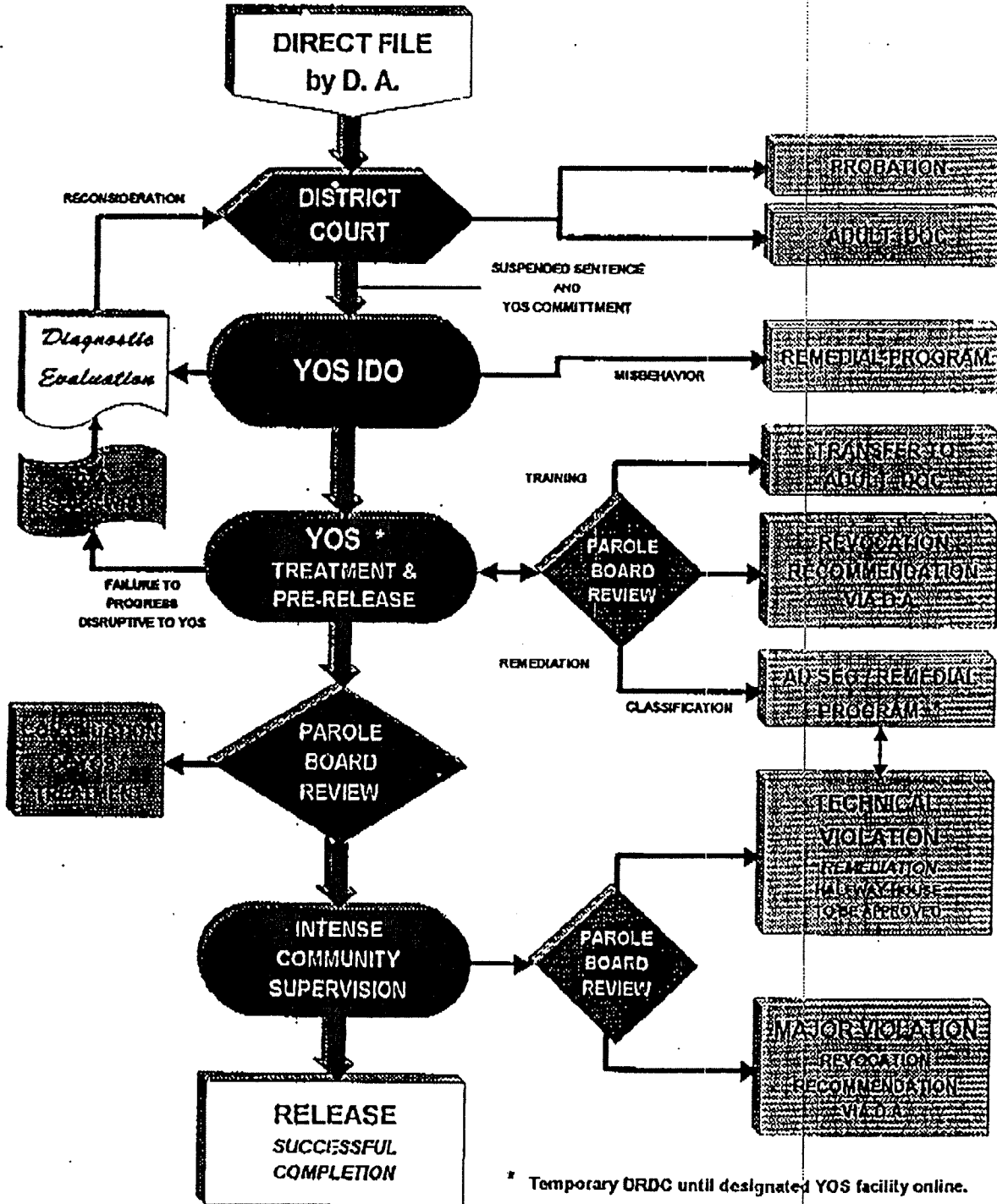
the area of organizational recommendations, the report concluded, "The most basic organizational decision concerns the establishment of a statewide agency. The simplest reason for this proposal is that an authority that can be held accountable for activity in this significant field of public interest 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 became stuck in the senate, without so much as 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.

Figure 1

# Youth Offender System Schematic



\* Temporary ORDC until designated YOS facility online.

# PLEASE ROUTE TO STAFF IN YOUR AREA

Communication Meeting  
November 2, 1992

O.D. - Mr. Jones:

Saturday October 31, 1992: Called cottages and checked coverage. Made responder team. Two cottages had single coverage. 23 staff on duty. Approved a phone call at the request of Kanza staff. Campus very mellow at this time. BDR had a group come to do clogging, a form of dance. There were 11 people, including our own Phil from Power Plant and his wife. There were 16 visitors on Saturday. On the 3-11 shift all cottages had double coverage but one. Responder team selected. Overall good day.

Sunday November 1, 1992: Received a statement that a Chippewa student, while on pass, was taken into custody for carrying a sawed off shotgun. Student is in custody at YRH, in Wichita Kansas. A couple cottages had single coverage. Moves were made on a temporary basis until cottage directors came in. Made responder team. 17 students attended Chapel. Went to Jayhawk talked with a student on cool-off. Campus mellow most of the morning. Was advised that around 9:40PM Saturday Night, two students in Arapaho had a confrontation which resulted in a fight. There was also an incident in Mohawk that occurred around 9:00PM where a student was put in restraints due to possibly harming himself. There were 62 visitors today. All appeared quiet. Evening coverage was double. Made responder team. Had two calls from parents stating that students would be late coming back. Cherokee wanted an okay to put a Suicide Precaution in Jayhawk if necessary. Told them to try Mohawk. Had one staff that left campus without permission. Officially I was off duty but I ran into staff and they went out gate upset. Will be doing memo regarding this.

Nurse: Had 3 calls. One student out of medication, one student injured during basketball game, one student with a sore throat that staff took care of. Also mentioned that there is currently a long waiting period for eye exams of approximately 45 days from time request is submitted until time student gets appointment at Topeka State Hospital for students. They are trying to get time shortened.

Beeper O.D.: Ron Simmons: Had 2 calls. One from security regarding student picked up in Wichita. One Sunday afternoon from Don Jones about same student picked up in Wichita.

Leo Herrman: We are closing in on time to purchase tickets for SRS Benefit Christmas Dance. You can purchase raffle and dance tickets from Debbie Kadous.

There will be a Parents Advisory meeting on Saturday November 7, 1992 at Jayhawk Towers. Everyone is encouraged to attend. The main issue they hope to discuss will be telephone policy. The meeting is from 10:00 AM to 12:00 Noon.

Tomorrow, November 3, 1992 there will be students from Mr. Hymer's class doing a YCAT poll for President. You may be asked to cast your ballot.



## System breakdown

**W**hat's the difference between the average citizen and a state expert on juvenile offenders?

One has little idea how to deal with violent criminals and the other is a lay person.

For years, the state allowed its Youth Center at Topeka murderers, rapists, thieves and miscreants to simply walk away from the facility, sometimes to prey on unsuspecting Topekans doing no more than sleeping in their beds. Then, the state cracked down and erected a high-dollar fence around the compound to make Topekans feel safe.

Of course, that does little good when the people with the key open the gate willingly.

Donnell Timley, 19, was housed at YCAT for the 1990 cold-blooded murder of developer Paul Bramlage when Timley was let out on a weekend pass, went AWOL and later was charged with the murder of YCAT supervisor Edwin Landrum on a Topeka street.

Superintendent Harry Allen's response? "The Timleys happen. You can't condemn the system without looking at the failures and successes."

Just how many successes, Mr. Allen, add up to one innocent life? Do you have a number handy?

No, the successes don't matter. The system has broken down.

The simple fact is, YCAT is a fish out of water. It is a well-meaning facility for wayward children when, in fact, the state is asking it to be a prison for dangerous young predators. Children have changed. YCAT hasn't kept up. Indeed, neither has the juvenile justice system.

For latest victim Edwin Landrum's upstanding life to shine, the state must fix the system.

For one thing, the state could decide that vicious murderers of any age must be kept away for more than a few years. The juvenile system now requires release of all youths by their 21st birthday, and many get out long before that.

For another, the state could lower the age at which the most violent offenders are treated as adults, perhaps from 18 to 16.

And finally, the state should be honest with itself and society by putting dangerous youths such as Timley into a more secure and prison-like environment than the current YCAT. If that means a few changes at YCAT, or a new juvenile prison, so be it.

In fairness to Allen and other YCAT officials, they merely play the hand dealt to them by the Legislature. And yet, it should be up to them to summon help when they are in over their heads.

Clearly, they are.

9/11/93 C.J.

STATE OF KANSAS  
Governor Joan Finney

SRS Secretary  
Donna L. Whiteman

Public Information Officer  
Tim Hoyt 3273  
Barb Conant 3273

Spec. Asst. to the Secretary  
Carolyn Wells 3274

Area Office Liaison  
Mike VanLandingham 562-1210

Civil Rights/EEO  
Gene Wilson 4766

Chief Counsel  
John Badger 3967

Secretary  
Caryl Clanton 3271

MENTAL HEALTH/RETARDATION SERV.  
George Vega, Comm. 3773

Community Mental Health

Community Mental Retardation Services

State Institutions for Mental Health and  
Mental Retardation

YOUTH & ADULT SERVICES  
Carolyn Risley Hill, Comm. 3284

Child Protection

Adult Protection

Family Services

Foster Care

Adoption

Community Services/JO

Youth Center/JO

WORKFORCE DEVELOPMENT DIVISION  
Janet Schalansky, Dir. 3273

Child Care & Volunteer Programs

Employment Preparation

Staff Development

Administrative Hearings

Personnel Services

MANAGEMENT SERVICES  
Rita Wolf, Director 3329

Budget

Community Funding & Contracting

Data & Reports

Intergovernmental/Interagency

Office of Design

Planning & Evaluation

ADMINISTRATIVE SERVICES  
Herman Hafenstein, Comm. 3241

General Services

Facilities Management

Payables, Grants & Contracts

Procurement & Materials Mgmt.

Receivables & Reporting

Information Resources

Audit Services

ALCOHOL & DRUG ABUSE SERVICES  
Andrew O'Donovan, Comm. 3925

Community Based Treatment

Treatment Facility

Prevention

Area Office/Youth Center ADAS staff

REHABILITATION SERVICES  
Glen Yancev, Comm. 3911

KS Comm. f/t Deaf & Hrg. Impaired

Client Assistance Program

Disabil. Determin. & Ref. Serv.

Program Serv. & Operations

Kansas Voc Rehab Center

Vocational Rehab Unit

Div. of Services f/t Blind

INCOME SUPPORT/MEDICAL SERV.  
Robert Epps, Comm. 6750

AFDC

LIEAP

Child Support Enforcement

Medical Services

Area Directors

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



TOPEKA

HOUSE OF  
REPRESENTATIVES

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MEMBER: APPROPRIATIONS COMMITTEE  
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**Testimony on HB 2287**  
**Kansas Youth Correctional Authority**  
**February 21, 1995**

Chairman Adkins and members of the Select Committee on Juvenile Crime:

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. That youth authority bill was a bi-partisan effort sponsored by the Shawnee County Legislative Delegation. This bill is identical to the proposal which passed 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 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

Select Committee on Juvenile Crime  
February 21, 1995  
Attachment 2

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 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 make juvenile crime a 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. HB 2287 sets up the mechanism and locks into place deadlines for the legislature, but it also maintains flexibility. Last year this bill received strong support; it passed the House with 99 votes, but the Senate was not quite ready to act on it. I believe that this can be year that the legislature acts to provide systemic change in our fight against juvenile crime. On behalf of myself and the other 63 sponsors and co-sponsors of HB 2287, I urge early passage of this bill in order to allow time in the Legislative process to help ensure its adoption in the Senate.

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.

# **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**

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ROBERT BARNUM, COMMISSIONER  
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GRANT NUMBER JJ-89-(89)-05**

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

Select Committee on Juvenile Crime  
February 21, 1995  
Attachment 3

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

- 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.



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 training.

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 court's action should be tailored to the particular needs and circumstances

## 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.

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.

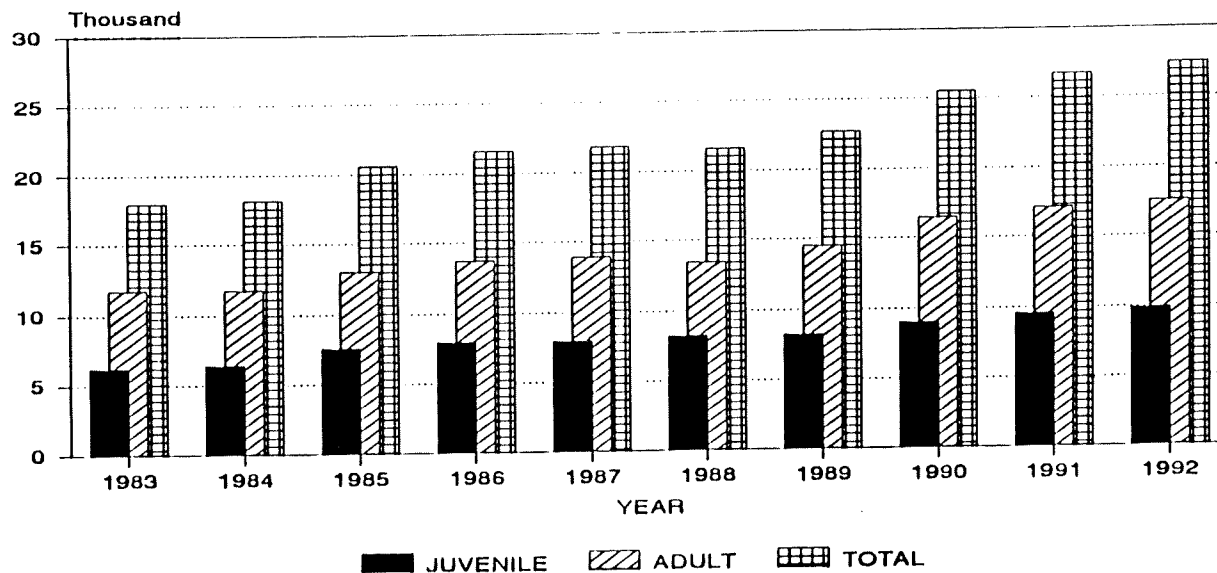
We are aware that currently the State has a youth "Commission" entitled the "Advisory Commission on Juvenile Offender Programs". We would assert that this current "Commission" does not, would not, and could not achieve the desired goals. This assertion relates both to the design and structure of the 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

3-13

137

3-13



**ARRESTS BY AGE  
TYPE OF OFFENSE  
1992**

CRIME INDEX OFFENSES	<10	10-12	13-14	15	16	17	JUVENILE TOTAL
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
<b>SALE SUBTOTAL</b>	<b>0</b>	<b>1</b>	<b>17</b>	<b>18</b>	<b>44</b>	<b>51</b>	<b>131</b>
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
<b>POSSESSION SUBTOTAL</b>	<b>0</b>	<b>7</b>	<b>65</b>	<b>77</b>	<b>121</b>	<b>182</b>	<b>452</b>
<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>							
Family Offenses	0	0	0	0	0	0	0
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>

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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. 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 efficacy of that 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.

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.

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 enviroment.

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, Ks 66608-2108*

(A) I THANK THE CHAIRMAN FOR THIS OPPORTUNITY TO SPEAK BEFORE THE COMMITTEE (1)

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THE QUESTION OF WHETHER OR NOT TO CREATE A SEPARATE AGENCY OR "YOUTH AUTHORITY" IN KANSAS IS NOT A NEW OR NOVEL IDEA. NOR HAS THIS ISSUE NOT BEEN DISCUSSED, REVIEWED, AND STUDIED BY LAST YEARS LEGISLATURE AND NOW BY THE 1995 SESSION.

THE SYSTEM NOW IN PLACE WHICH HAS CONTROL OF PREVENTION, REHABILITATION AND INCARCERATION OF JUVENILES AND THE PROTECTION OF THE PUBLIC, HAS FAILED IN ITS MISSION.

TO REALISTICALLY AND TRUTHFULLY EXAMINE THIS ISSUE OF PUBLIC CONCERN, I, AS AN ADVOCATE OF ~~GOOD~~ MEANINGFUL CHANGE, SUBMIT THESE REMARKS TO THIS "SELECT COMMITTEE."

(2)

I COME BEFORE YOU TODAY AS A CONCERNED CITIZEN AND TAXPAYER, FRUSTRATED AND ALARMED ABOUT THE APPARENT INABILITY TO PROVIDE APPROPRIATE REHABILITATION TO JUVENILES IN CONFLICT WITH THE LAW AND SOCIETY, AS WELL AS THE FLAGRANT DISREGARD FOR THE PUBLIC'S SAFETY, BY THE AGENCY WHICH IS NOW IN CONTROL.

FOR THE LAST SEVERAL YEARS THE IDEA OF A SEPARATE AGENCY TO HANDLE SPECIFICALLY JUVENILE PROGRAMS HAS BEEN DISCUSSED, REVIEWED etc. • YET NO ACTION HAS BEEN TAKEN.

IT HAS NOW COME TIME TO RESOLVE THIS MATTER OF PUBLIC CONCERN, LEGISLATIVELY, BY TAKING THE OVERSIGHT AND RESPONSIBILITY OF JUVENILE PROGRAMS OUT OF THE CONTROL OF SRS AND INTO A STATE YOUTH AUTHORITY, i.e., PREVENTION, REHABILITATION, AND INCARCERATION.

3

TO CLEARLY ILLUSTRATE  
MY POINT LET US LOOK AT THE  
OPERATION OF THE STATES LARGEST  
JUVENILE FACILITY YCAT.

AUDITS CONDUCTED IN 1989  
AND IN 1994, CLEARLY IDENTIFY  
THAT A NEED EXISTS TO CHANGE  
THE SYSTEM. (REFER #1)

"WE MUST DISCONTINUE THE  
PUMPING OF MONEY INTO A FAILED  
SYSTEM, THAT NOT ONLY FAILS IN  
REDIRECTING YOUTH THROUGH REHABILITATION,  
NOW IN PLACE, BUT AS IMPORTANT,  
THE APPARENT DISREGARD TOWARDS  
THE PUBLIC SAFETY.

IT IS AS IF THE ATTITUDE  
WAS, "WHAT THE TAXPAYER DOESN'T  
KNOW WON'T KILL 'EM!"

THE ABILITY OF SRS TO  
MEET ITS MISSION OF REHABILITATION,  
AND PUBLIC SAFETY HAS NOT BEEN  
ACCOMPLISHED, DESPITE ATTEMPTS TO  
CONVINCE THE PUBLIC THAT IT HAS, I.E.,  
MANAGEMENT REVIEW, ACA REVIEW.

PARTICULARLY IN LIGHT OF  
THE MOST RECENT FINDINGS REVEALED  
IN THE 1994 AUDIT OF YCAT.

SHOULD ANYONE NOT BE AWARE OR HAVE FORGOTTEN, IN A 1993 WICHITA EAGLE ARTICLE, IT WAS IDENTIFIED THAT ~~FOUR~~ (5) FIVE HOMICIDES IN OR AROUND TOPEKA WERE COMMITTED, AS WELL AS OTHER INCIDENTS OF VIOLENCE IN KANSAS BY YOUTHS EITHER RECENTLY RELEASED OR ON PASS FROM YCAT.

(TOPEKA) THE MURDER OF TIM RILEY IS AN EXAMPLE, WHERE REHABILITATION WAS VIEWED MORE IMPORTANT THAN PUBLIC SAFETY.

IN FACT ONE OF THE YOUTHS INVOLVED IN THIS HEINOUS CRIME, ~~WHO~~ HAD PREVIOUSLY ESCAPED FROM THE COMMUNITY PLACEMENT SEVERAL TIMES, YET WAS NEVER PROSECUTED UNDER K.S.A. 21-3611.

THE REASON GIVEN, EVEN THOUGH HE WAS ON "AN EXTENDED PASS" BY THE FORMER SRS SECRETARY WAS THE "HE HADN'T ESCAPED FROM A FACILITY UNDER THE CONTROL OF SRS." YET THE SECRETARY LATER STATED IN A LETTER DATED 4/93 THAT "AN EXTENDED PASS" WAS NOT



A RELEASE FROM THE INSTITUTION.  
IN THIS CASE YCAT —  
WHAT'S WRONG WITH  
THIS PICTURE ?

A MAN WAS KIDNAPPED IN  
FRONT OF HIS OWN HOME, THEN TAKEN  
TO THE COUNTRY AND MURDERED.

PASSES AND PROGRAMS  
WHICH FOCUS SPECIFICALLY AND  
SOLELY ON VIOLENT OFFENDERS;  
ALLOWING THEM OFF CAMPUS  
UNSUPERVISED TO ATTEND EDUCATIONAL  
OPPORTUNITIES IE, WASHBURN, VO-TECH,  
EVEN TO WORK OFF CAMPUS IS  
INAPPROPRIATE IN LIGHT OF THESE  
YOUTHS STATUS.

OTHER EXAMPLES WOULD BE  
SUCH AS, LAST SUMMERS "ROAD TRIP"  
BY TWO YCAT YOUTHS, BOTH VIOLENT  
OFFENDERS, IN A RENTED VEHICLE, TO  
VISIT FAMILY/FRIENDS IN WICHITA.

OR  
MORE RECENTLY IN TESTIMONY  
TO THE LPA COMMITTEE ON 12/6/94  
SRS OFFICIALS STATED THAT THE PASS  
POLICY WAS AGAIN BEING TIGHTENED.

(6)

ON 12/8/94 HOWEVER,  
TWO YCAT YOUTHS, BOTH VIOLENT  
OFFENDERS, ALLOWED OFF CAMPUS  
ON PASS TO PARTICIPATE IN A  
BASKETBALL GAME, ESCAPED IN  
A WAITING TAXI 'CAB.

SRS OFFICIALS STATED THAT  
THE REMARKS ON PASSES MADE TO  
THE LPA COMMITTEE WAS IN REGARD  
TO "UNSUPERVISED PASSES", NOT  
SUPERVISED AS WAS THE CASE ON  
12/8/94.

HOWEVER ON 12/9/94 A  
T.V. STATION (WIBW) CARRIED A STORY  
ABOUT 2 YCAT YOUTHS WHO ARE  
IN FOR MURDER, BEING ALLOWED OFF  
CAMPUS TO WORK UNSUPERVISED!!

IT IS THEREFORE NOT  
SURPRISING TO READ THE FOLLOWING  
REMARKS FROM WICHITA SENATOR PAT  
KANISOM, WHO SAID, "WE WERE PROMISED  
THE LAST TIME THAT POLICIES WERE  
CHANGED. THIS IS JUST ANOTHER  
EXAMPLE OF THE ATTITUDES AND PERHAPS  
THE DIFFERENCES OF OPINION ON HOW  
TO DEAL WITH VIOLENT JUVENILE  
OFFENDERS."

LET ME NOW MOVE TO ANOTHER AREA WHICH I TOO BELIEVE IS AN IMPORTANT COMPONENT AND ONE WHICH REQUIRES CHANGE, THAT BEING REHABILITATION.

THE REHABILITATION OF JUVENILES NOW REQUIRES NEW VISION AND CREATIVITY, IN PROVIDING PREVENTION PROGRAMS, FOR BOTH THOSE NOT YET SERIOUSLY INVOLVED AND FOR THOSE INCARCERATED, THEREBY IMPROVING THE INEFFECTIVENESS OF PROGRAMS OF REHABILITATION NOW IN ~~PLACE~~ PLACE.

FIRST, WE MUST SEPERATE VIOLENT | NON-VIOLENT OFFENDERS, THOSE OFFENDERS WHO CAN BE REDIRECTED BY COMMUNITIES MUST HAVE THAT OPPORTUNITY, RATHER THAN BEING EXPOSED TO THE VIOLENT NATURE OF THEIR PEERS. ~~COMMUNITIES~~ ~~COMMUNITIES~~

NEXT, FOR THOSE WHO ARE INCARCERATED, WE MUST DISCONTINUE THE "PRIMARY PROGRAM" OF GIVING POINTS FOR GOOD BEHAVIOR. THIS IS NOTHING MORE THAN "CLOCKWORK ORANGE" AND DOES NOT PROVIDE 6-7

IN CRIME

(8)

ANY MEANINGFUL REDIRECTION TO THE TYPES OF YOUTH INCARCERATED NOW.

SO WHAT ARE WE DOING NOW BESIDES GIVING POINTS, AND OCCASIONALLY TALKING TO A PSYCHOLOGIST OR SOCIAL WORKER. LET'S BE HONEST WE ARE "WAREHOUSING" THESE YOUTH. KEEPING IN MIND ONCE THEY'VE "WORKED" THE SYSTEM THEY ARE RELEASED.

IN A 1991 STUDY BY THE SHAWNEE COUNTY D.A. OF MALES RETURNING TO JCAT FROM 1984 - 1991, SHOWED AN 80% RECIDIVISM RATE BY THESE YOUTHS.

WE SHOULD ALSO NOTE THAT THESE YOUNG MEN COMMITTED A MORE SERIOUS FELONY OFFENSE.

WE MUST CREATE NEW PROGRAMS, WHICH PROVIDE OPPORTUNITY TO LEARN A WORK SKILL, BUILDS SELF ESTEEM AND PROVIDES HOPE.

WE MUST STOP SENDING THE MESSAGE OF FAILURE TO THESE YOUTH WHEN WE AT THE TIME OF RELEASE SAY -

"HEY YOU HAVE TO GO HOME, TO THE SAME ENVIRONMENT THAT BROUGHT YOU HERE. YOU HAVE NO FUTURE,"

THAT IS TELLING THE KID TO GO BACK AND BE A CRIMINAL AGAIN. WHY? BECAUSE THEY STILL ARE NOT PREPARED TO BE A PRODUCTIVE MEMBER OF SOCIETY, THAT'S "CHILD ABUSE"!!

TO CONTINUE TO TAKE NO ACTION IS NOT THE ANSWER.

ALL MEMBERS REPRESENTING THE 105 COUNTIES IN KANSAS, HAS THE OPPORTUNITY TO PROVIDE LEADERSHIP ON THIS MATTER OF PUBLIC CONCERN.

TO QUOTE SEN. PETTY, "WE MUST HAVE THE COURAGE TO SAY THAT WHAT WE HAVE BEEN DOING IS NOT WORKING AND HAVE THE COURAGE TO CHANGE."

WE MUST PROVIDE A NEW OUTLOOK AND GIVE HOPE TO OUR YOUTH IN CONFLICT, AS WELL AS PROTECT THE PUBLIC'S SAFETY.

IT IS THE RESPONSIBILITY OF GOVERNMENT TO ENSURE THE SAFETY OF ITS PEOPLE" - T. JEFFERSON

I THEREFORE RESPECTFULLY URGIE THIS LEGISLATURE TO PASS AND CREATE A "KANSAS YOUTH AUTHORITY"

THANK YOU  
STEPHEN R. HERBSCH  
Stephen R. Herbsch

I

YCAT

THE 1989 POST AUDIT OF  
FOUND, THAT THE YCAT, HAD  
BEEN "POORLY MANAGED CREATING  
~~AN~~ AN ENVIRONMENT IN WHICH  
POOR JOB PERFORMANCE WAS  
TOLERATED, STAFF MORALE LOW,  
AND SECURITY WEAK."

IN RESPONSE TO THIS  
THE STATE ERRECTED A  
SECURITY FENCE.

TODAY 6 YRS. LATER  
WE FIND THAT THE 1994  
LPA INDICATES THAT 8

I

① "THE OVERALL SECURITY AT YCAT STILL HAS MANY SECURITY WEAKNESSES, WHICH INCREASED RISK OF INJURY TO YOUTHS AND STAFF."  
AND IN REGARD TO PUBLIC SAFETY -

② "THAT GIVING PASSES TO THE MOST VIOLENT JUVENILE OFFENDERS MAY NOT BE IN LINE WITH THE EXPECTATIONS OF THE LEGISLATURE OR THE PUBLIC.

ON MANAGEMENT, WHICH ALSO WAS A PART OF 1989 LPA -

③ "STAFF STILL HAD LITTLE CONFIDENCE IN UPPER MANAGEMENT OF THE CENTER



# ADDENDUM SUGGESTIONS

- ① CHANGE JUVENILE CODE PARTICULARLY IN REGARD TO ESCAPES FROM INCARCERATION OR WHILE ON PASS / FURLIGHT.
- ② SET UP A PROGRAM TO IDENTIFY AND PROVIDE SUPPORT MONETARILY ~~BY~~ THOSE YOUNG MEN INCARCERATED WHO ARE FATHERS, TO THEIR RESPECTIVE CHILDREN. THIS WOULD ALSO INCLUDE FORMALIZED PROGRAMS FOR ALL YOUNG MEN ON THE RESPONSIBILITY OF PARENTHOOD.
- ③ INTENSIVE POST INCARCERATION SUPERVISION / FOLLOW UP. THIS WOULD BE FACILITATED BY BOTH THE COUNTY PROBATION AND THE STATE HAVING PROBATION OFFICERS AT STATE LEVEL TO ASSIST IN SUPPORT AND FOLLOW UP.
- ④ CHANGE CHILD ABUSE LAWS TO PROVIDE FOR "DUE PROCESS" FOR EMPLOYEES OF THE STATE, COUNTY AND OTHERS ACCUSED OF ABUSE.

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

Select Committee on Juvenile Crime  
Testimony on House Bill 2287

February 21, 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. In fact, I would maintain that 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 organization should enhance 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 dually adjudicated as both CINC and JO.
- \* What is the relationship between this legislation and other legislation and its impact on service delivery such as the creation of a fund for juvenile offender services (Senate Bill 230) which seems to create another service delivery system not envisioned in House Bill 2287.

Thank you for the opportunity to address you today.

Ben Coates, Acting Commissioner  
Youth and Adult Services  
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