

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Chairperson Dave Kerr at 11:00 a.m. on January 16, 1997 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Alan Conroy, Legislative Research Department
Kathy Porter, Legislative Research Department
Mark Burenheide, Legislative Research Department
Norman Furse, Revisor of Statutes
Michael Corrigan, Revisor of Statutes
Judy Bromich, Administrative Assistant
Janet Henning, Committee Secretary

Conferees appearing before the committee:

Rep. David Adkins, Chairperson, Juvenile Justice Authority

Others attending: See attached list

Senator Salisbury moved, Senator Lawrence seconded, that the Committee authorize the introduction of the Governor's appropriations bills as they become available. The motion carried on a voice vote.

Senator Ranson moved, Senator Lawrence seconded, that bill draft 7 RS 0044 be introduced as requested by Division of the Budget. The motion carried on a voice vote.

It was moved by Senator Morris and seconded by Senator Jordan that the minutes of the January 14 meeting be approved. The motion carried on a voice vote.

Chairman Kerr then introduced Representative David Adkins, Chairperson, Juvenile Justice Authority who spoke to the Committee members of an overview of the Youth Authority's transition plan (Attachments 1 and 2).

Representative Adkins stated that since the last meeting, the Youth Authority has had an opportunity to meet with representatives from Wichita, Topeka, Lindsborg, and Junction City . They had also held a statewide summit in Topeka which was attended by 120 statewide leaders. This summit was to discuss how to best prepare the transition from the SRS supervision of juvenile offenders to a new system of juvenile offenders. The reforms were augmented by an interagency and intergovernmental local, county, and state dialog.

Three segments of time were discussed for how the process will occur. The first period of time is from the present to July 1, 1997. During this time, it is hoped the Governor will act to appoint a Commissioner, that budget matters will be addressed, as well as housing of the agency, and obtaining office equipment and clerical support. The second period of time is a two year period which will follow July 1, 1997. At this time it is envisioned of a community planning process taking place. The period of time after July 1, 1999 is when it is hoped to have a fully operational Juvenile Justice system.

Representative Adkins spoke of the culmination of the needs assessment in which an architectural consulting firm has been helpful in assisting with the design and components for a secure facility. The Koch Crime Commission was also contracted for a comprehensive inventory of community based programs which would be available within each judicial district. The third phase of the needs assessment was to fully understand what are the types of juvenile offenders being sent to our present youth center system.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS, Room 123-S Statehouse, at 10:00 a.m. on January 16, 1997.

Interest has been expressed for the maximum security facility or the secure facility. There are a number of issues regarding construction or operation of that facility which will have to be considered. Representative Adkins stated it was suggested that a facility with the capacity of 150 beds would be appropriate with some flexibility and the location of the facility is of interest to communities around the state.

The issue of privatization is actively being pursued by two to three different providers of service who would build and manage a facility. The needs assessment initially indicated a conservative figure of as much as \$28 million with another \$800,000 in site acquisition or site improvement costs. These costs can be reduced if there were some kind of co-location which allows for various needs i.e., utilities, food, etc. It is unknown how those figures would compare with the privatization option.

The Youth Authority in cooperation with the Department of Corrections and other agencies within the state government have aggressively pursued crime bill money from the federal government to assist in the building of this facility. Approximately \$4 million has been dedicated in federal funds to help to meet the construction costs. It is believed that if the state were to pursue the construction of a facility, the long term financing for cost of construction would be appropriate with those funds being off-set by some federal dollars.

Representative Adkins stated it is estimated that approximately 10.4% of SRS resources are utilized toward the handling of juvenile offenders. In looking at particular authorities and commissions within SRS which deal specifically with juvenile offenders, there are approximately \$38 million which has been identified as subject to transfer. It is estimated that approximately \$40 million is a figure which is subject to transfer, if this were agreeable with the Youth Authority and SRS. A large portion of these dollars and the FTE's that go with those dollars are currently operating the state's youth centers in Larned, Beloit, Topeka, and Atchison. There are approximately 700 FTE's. Approximately 550 FTE's are in the youth center employment structure. The superintendents will answer to the Commissioner instead of the Secretary.

Another area within the SRS which has approximately 125 employees is focused on field services. This number of employees will possibly be subject to lay-off when this function transfers. The field services, which are currently being provided by SRS, is anticipated as being handled by the Commission on a grant basis.

In addition to the SRS function, there are several other core functions to be transferred. The Office of Judicial Administration currently administers the intake and assessment system grants. That would be approximately \$4 million transferred and one FTE. The Department of Corrections currently administers the juvenile component of the community corrections program and this would be about \$3.5 million to be transferred. The Department of Corrections has not indicated any FTE's would be subject to transfer. Intake and assessment, community corrections and SRS functions would be the core functions which would transfer and the Commissioner would oversee this during the two year period of time.

Representative Adkins stated it is envisioned a Commissioner will be hired, three deputy Commissioners, legal counsel, technical, administrative and clerical support and that some may transfer from SRS.

Questions regarding the presentation were asked by Committee members and were answered by Representative Adkins and Jerry Wells, general counsel for the Koch Crime Commission.

Chairman Kerr thanked Representative Adkins for his presentation and the meeting was adjourned at 12:05 p.m. The next meeting is scheduled for Tuesday, January 21, 1997.

SENATE WAYS AND MEANS COMMITTEE GUEST LIST

DATE: 1-16-97

NAME	REPRESENTING
Ken Babo	Ks. Hospital Assn.
Mike Hogan	Research Associates
Bruce Linder	Children's Alliance
Jim Allen	CSC
Janet Schalausky	SRS
William Sanders	Governor's office
Mitch Cooper	SRS
CANDY Byrum	KADACA
Tom Miller	SRS/CFS
Gene Johnson	Ks Comm ASAP ASSN
Jeff P. Franklin	USD # 580
Nancy Ayl -	USA - UN.D # 500
Linda (Tennis)	KDHE
Teresa Markowitz	SRS
Jim Tremill	Corp. For Change
TINA BROWN	corp. for change
Cindy Dardow	DOB
Julie Meyer	KSC
Sabrina Jones	KSC

Kansas Youth Authority

Our Mission

Our mission is to serve the citizens of Kansas by designing a system of juvenile justice which promotes public safety, holds juvenile offenders accountable for their behavior, and improves the ability of juveniles to live more productively and responsibly in the community.

Senate Ways and Means Committee

Date 1-16-97

Attachment # 1

Kansas Youth Authority

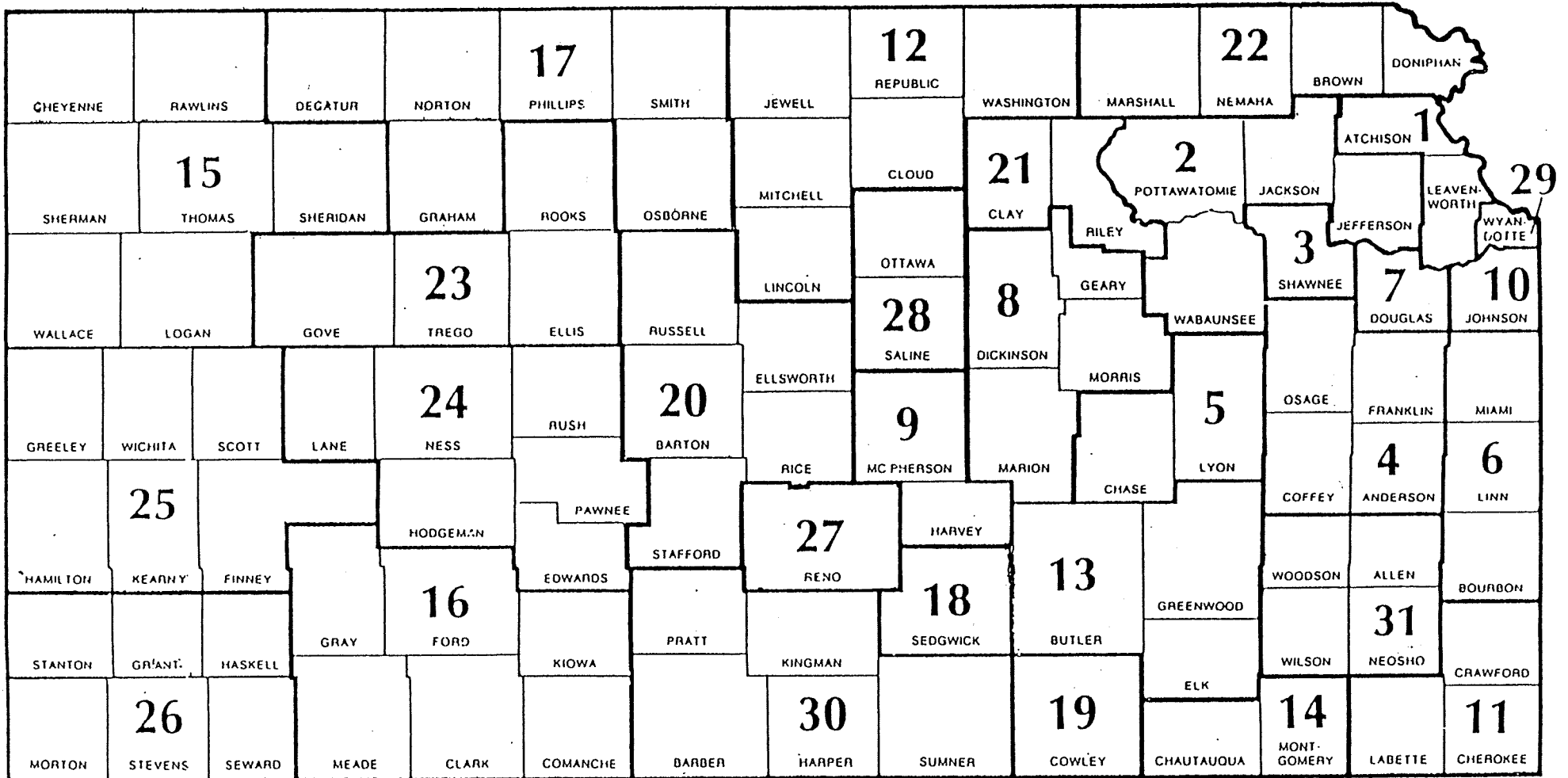
Our Mission

JUVENILE JUSTICE SYSTEM COMPONENTS

II. This mission shall also be implemented through the development of a juvenile justice system composed of components which:

- ☆ establish a full range of placement options from diversion through maximum security confinement and a full continuum of post-release, aftercare services;
- ☆ impose appropriate sanctions and consequences fairly, swiftly and uniformly;
- ☆ deal effectively with chronic, serious and violent juvenile offenders;
- ☆ provide for individualized supervision, care, accountability and treatment of youthful offenders;
- ☆ empower parents and encourage parental involvement and responsibility;
- ☆ require the collection and dissemination within the juvenile justice system of relevant and accurate information on youthful offenders and mandate the sharing of information among appropriate entities;
- ☆ allow communities to develop, implement and operate programs appropriate to local needs;
- ☆ provide for ongoing innovation, research and evaluation to improve and support all components of the system;
- ☆ allow for the utilization of private and non-profit service providers when appropriate, and encourage the use of intergovernmental agreements by the commissioner of juvenile justice.

Kansas Judicial Districts (31)



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JUVENILE OFFENDER FILINGS/POPULATION/GEOGRAPHIC AREA/JUDGES/LOCATION

DIST.	POPULATION	SQUARE MILES	JUVENILE OFFENDER FILINGS					NUMBER OF JUDGES		MERIT SELECTION		LARGEST CITY
			FY 95	FY 94	FY 93	FY 92	FY 91	DJ	DMJ	Elected	Selected	
1	83,677	1,089	644	435	477	373	353	5	--		X	Leavenworth
2	50,881	3,100	209	185	163	117	150	2	3		X	Wamego
3	163,425	572	873	1,057	816	1,081	1,033	14	--		X	Topeka
4	54,225	3,454	312	238	197	187	177	3	2		X	Ottawa
5	37,202	1,996	428	335	290	320	236	3	1		X	Emporia
6	47,150	1,965	283	193	167	189	171	3	1		X	Fort Scott
7	84,538	789	370	359	281	348	378	5	--		X	Lawrence
8	70,967	3,469	681	598	526	515	397	5	2		X	Junction City
9	58,414	849	287	272	253	154	176	3	--		X	Newton
10	375,147	620	2,329	2,174	1,895	1,923	1,795	18	--		X	Olathe
11	80,366	2,267	411	355	348	346	277	6	1		X	Pittsburg
12	38,077	5,325	164	186	144	187	191	1	6		X	Concordia
13	64,491	2,221	301	313	292	238	258	3	2	X		El Dorado
14	42,143	2,133	240	204	220	245	267	3	1	X		Coffeyville
15	29,471	4,883	133	115	108	133	90	2	6	X		Colby
16	45,557	4,304	379	301	305	306	171	3	5	X		Dodge City
17	28,683	4,645	161	112	92	177	79	1	6	X		Norton
18	416,690	878	1,550	1,738	1,503	1,721	1,707	25	--	X		Wichita
19	36,646	900	260	239	264	252	283	3	--	X		Arkansas City
20	58,667	3,625	398	382	299	341	279	3	4	X		Great Bend
21	76,265	1,450	214	169	203	153	107	3	1		X	Manhattan
22	40,596	3,218	139	111	97	119	77	2	3	X		Hiawatha
23	38,704	3,245	237	144	114	83	98	2	3	X		Hays
24	23,262	5,338	93	47	47	79	82	1	6	X		Larned
25	50,075	4,507	359	262	330	356	273	4	5		X	Garden City
26	41,207	5,046	374	301	250	224	223	2	5	X		Liberal
27	62,146	788	444	459	423	374	360	4	--	X		Hutchinson
28	55,968	1,408	751	674	655	530	432	4	1		X	Salina
29	158,704	1,183	1,224	1,315	1,303	1,157	1,362	16	--	X		Kansas City
30	56,308	4,574	405	296	240	274	264	4	3		X	Wellington
31	45,665	1,941	363	303	221	161	190	3	2		X	Chanute

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YOUTH CENTER SECURITY ENHANCEMENTS

The Governor in FY 1996 recommended for the Youth Centers \$1.0 million for security enhancements and the construction of fences. The legislature fully supported this recommendation and requested the Chairperson of the Kansas Youth Authority(KYA)/Secretary of Social Rehabilitation Services to review these security enhancements. Both agencies were asked to make recommendations to allocate the \$1.0 million. A decision was made early not to construct full perimeter fencing because its costs would exceed the amount recommended. For example, to construct a full perimeter fence around the Youth Center at Atchison (YCAA) was estimated to cost \$5.6 million which included a new control building, visitors center, and maintenance facility. It was decided not to pursue the construction of fences until the results of the needs assessment studies conducted by the KYA/SRS through private contractors are evaluated.

The Youth Centers refined their security enhancements and identified requirements by priority totaling \$1,345,240. These priorities were presented to SRS/Rep. David Atkins and reduced to \$744,640. This refined security enhancement package was presented to the Finance Council on November 14, 1996 and unanimously approved. These security enhancements deal with a gate/radios at the Youth Center at Atchison and audio/video surveillance devices at the Youth Centers at Learned, Beloit, and Topeka to be used primarily in dormitories/ hallways. These devices are designed to prevent unauthorized access of persons at night on YCAA grounds and to monitor residents at night to reduce incidences of juvenile or staff assaults; prevent self- inflicted injuries; and reduce the transfer of contraband at the other Youth Centers. The following security enhancement package was approved:

1. Atchison: Add a security gate at the South Entrance and add twelve security radios. Total: \$28,200.
2. Beloit: Add audio surveillance and motion detection systems to three cottages and a video surveillance system for the security cottage. Total: \$53,560.
3. Learned: Add video surveillance systems for three buildings and add thirty-two radios with second channel, plus security screens for the Allen Building.
Total : \$422,770.
4. Topeka: Add video surveillance systems for three older buildings and add a video surveillance system for the high crisis living unit pedestrian sallyport.
Total: \$240,110.

EXECUTIVE SUMMARY

I. INTRODUCTION

The Kansas Sentencing Commission was designated the state agency by the Kansas Youth Authority to complete Phase I of the Needs Assessment for the implementation of HB 2900 and the construction of the maximum security juvenile facility. Phase I of the Needs Assessment consisted of two research components. The first component included compiling data on the types of juveniles currently held in state youth centers and their present lengths of stay. The second component involved projecting future juvenile bedspace needs for the state incorporating the criteria set forth in HB 2900. In order to facilitate this task, the Commission entered into a contract with the National Council on Crime and Delinquency to develop bedspace projections utilizing the Prophet Simulation Projection Model.

The first task was accomplished in the fall of 1996, by staff of the Commission reviewing youth center files for all juveniles admitted to each of the state youth centers during calendar year 1995, including new admissions and conditional release violators admitted during 1995. Utilizing a sixty-three item data collection instrument, a sample of 903 juveniles was developed. This information was combined with automated case-level data provided by the individual youth centers, which contained profile and length of stay data for juveniles admitted or released from the youth center in 1995 and 1996. Data collected focused on characteristics of juveniles currently housed in youth centers, offense histories, prior placements and current lengths of stay. The data collected serves as the basis for the "Population, Profiles and Trends" portion of this report.

From the database developed, the NCCD Prophet Simulation Model was used to project future youth center population in Kansas. This computerized simulation model mimics the flow of juvenile cases through the state's residential youth center population over a ten year forecast period and produces projections of key offender sub-groups. The Prophet model also incorporates external variables such as demographic growth rates and arrest rates for the juvenile population. Two separate population projections scenarios are included in this report. The first projection scenario indicates bedspace needs for youth centers if current practices remain unchanged and only demographic changes are factored into the model. The second population projection scenario incorporates the criteria for confinement that was developed by the Placement Matrix Sub-Committee of the Youth Authority. The placement matrix defines which juvenile offenders will be eligible for placement at a state youth center and assigns a corresponding length of stay.

The information presented in both parts of this report provides an in-depth look at our current and future youth center populations. The data provided can serve as a foundation for future policy decisions pertaining to juvenile offenders in the state of Kansas.

II. CRIMINAL JUSTICE TRENDS

Juvenile correctional systems across the country are continuing to experience increases in their populations which have prompted diverse and complicated policy responses. These increases are due to a wide range of forces including demographic trends, crime rates, social and economic forces and changes in juvenile justice policies affecting sentencing, commitment and release practices.

A. Demographic Growth in the Population At-Risk

According to available information, recent demographic pressures on the state's juvenile justice system is projected to ease over the next ten years as the children of the "baby boomers" move into their twenties. While demographic forces do not cause increases or decreases in juvenile crime, changes in the relative size of the number of young people living in Kansas communities who are "at-risk" for committing crimes is a factor that should be considered when planning for the allocation of future juvenile justice resources.

The number of young people between 10-18 years of age increased by approximately eight percent between 1990-1995. Based on statewide demographic projections provided by state officials, the number of persons age 10-18 is projected to increase by approximately two percent between 1995 - 2000. In addition, over the ten year period 2000-2010, the number of persons aged 10-18 is projected to decline by approximately 10 percent across the state. As the population at risk ages, persons 15-18 years old are projected to increase at a faster rate than persons 10-14 years of age.

Nearly 75 percent of annual admissions to youth centers are commitments from only ten counties across the state. In these ten counties, the number of persons 10-18 years old has increased at twice the reported statewide rate. Continued increases in this population are projected over the next ten years in these counties, but the rate of growth is projected to be less than half of historical increases. It is reasonable to assume that projected demographic changes and increases within the counties contributing most to youth center admissions will translate into continued moderate intake pressures.

B. Trends in Juvenile Arrests

Recent trends in arrests of young persons for serious crimes is below the national average and well below increases in the population at-risk in the state. Juvenile arrest data for Kansas were available for the years 1990-1994 for persons 10 - 18 years of age.¹ During this five year period, arrests for serious crimes (as measured by the FBI's Uniform Crime Index) increased by five percent, or about one percent each year, and approximately 500 more juveniles were arrested for serious

¹Juvenile arrest data typically refer to persons 10 - 17 years of age; information presented in this document includes persons 18 years of age.

index crimes in 1994 than were arrested in 1990. Most of the reported increases in arrest volume over the last several years across all serious crime categories can be attributed to younger juveniles age 10 - 14 years -- the demographic cohort projected to show the greatest declines across the state over the next ten years.

Since 1990, 60-70 percent of arrests of young people for serious violent crimes (murder, rape, robbery and aggravated assault) in Kansas have been for aggravated assault charges. Arrests for the most serious violent crimes of murder and rape represented nine percent of all arrests for serious index crimes in 1994. Between 1990 - 1994, arrests for violent index crimes increased by 39 percent from 842 arrests in 1990 to 1,167 in 1994. During this same period, arrests for serious nonviolent index crimes (burglary, arson, theft/larceny and auto theft) increased by two percent -- fewer than 200 juveniles. Arrests for serious nonviolent index crimes decreased between 1990 - 1994, specifically for the offenses of arson, burglary and auto theft. Arrests for theft and larceny increased by 10 percent over the same period.

C. Average Daily Population in Kansas Youth Centers

Youth center population levels are a function of the number of admissions into the facilities and the lengths of stay of admitted offenders. Changes in either, or both, of these population factors will result in increases or decreases in facility average daily populations. On average in 1991, there were 443 offenders confined in state youth centers at any given time. By 1996, the residential confined population had increased by 21 percent to just under 550 youths.

Between 1991-1994, the population and capacity of state youth centers remained fairly constant and actually declined slightly in 1993. Beginning in 1994, however, the number of juvenile offenders housed in state facilities began to drift upward. In 1995, the average daily population increased by just over 75 offenders -- a one year increase of over 16 percent and 79 percent of the total increase that has occurred since 1991. The greatest increase in average daily residential population levels between 1991-1996 has occurred at the Larned facility which has more than doubled its capacity over the last five years. Average daily population levels at the Topeka facility has increased by 19 percent since 1991 (from 200 to 240 juveniles), while the number of offenders confined at the Atchison and Beloit facilities has not increased significantly over the period.

1. Admissions Into State Youth Centers

The decision to commit a juvenile to a youth center is a policy decision that is determined by a number of factors, including the nature of the committing offense, criminal history of the juvenile, the availability of youth center bed space and the availability of alternative placement/punishment options in the State. In the decade of the 1990's, growth in annual admissions to state youth centers has out-paced reported increases in both the population at-risk as well as the number of arrests for serious crimes.

Between 1991 - 1996, the number of new admissions and conditional release violators admitted to youth centers increased from 613 to 941 per year — an increase of 54 percent over the period or 328 admissions. In 1991, an average of 50 offenders per month were admitted to state facilities. By mid-1996, average monthly admissions had increased to 78 offenders per month. Over the last six years, admissions into youth centers have increased at each of the four state facilities. A significant proportion of the increase in admissions statewide, however, can be attributed to increased capacity at the Larned center which resulted in a tripling of the intake volume at that facility between 1992-1996. Controlling for the "one-time" increase in capacity at Larned, admissions have increased by between 30-35 offenders per year since 1991.

It is reasonable to assume that under current policies, practices and procedures admissions to youth centers will continue to increase in the future. Since residential population growth has not been as significant as growth in admissions, under current policies, there will be continued pressure to shorten lengths of stay to control facility population growth.

2. Lengths of Stay in State Youth Centers

Decision makers exercise considerable discretion in determining appropriate lengths of stay in state youth facilities. Under current policies, there will be continued pressure to reduce lengths of stay to control facility population growth. According to 1995-1996 information collected by state personnel and analysis of automated data files provided by youth center staff, admitted offenders remain confined in state youth centers, on average, for 6-8 months. Based on the most serious crimes for which juveniles are admitted to youth centers, offenders adjudicated for offenses falling into non-drug sentencing guidelines levels 0-6² are held in facilities, on average, for just under 12 months. Juveniles admitted for committing crimes which fall into non-drug sentencing guidelines levels 7-10 are confined for approximately seven months. This same length of stay is associated with drug and misdemeanor admissions.

The longest average lengths of stay are reported by the Topeka facility, followed in order by Atchison, Beloit and Larned. On average, youths spend approximately 40 days in detention facilities prior to admission to youth centers.

²Severity Level 0 is representative of an Off-Grid offense.

III. Profile of Offenders Admitted to State Youth Centers

A. Youth Center Admissions³ Characteristics

The "typical" admitted offender might be a 16 year old male who resided in a single parent household in Sedgwick or Wyandotte county prior to commitment. There is a very strong chance the youth was housed in a secure detention facility for at least 40 days prior to admission. In calendar year 1995, approximately 900 youths were admitted to state youth centers. Fully 85 percent of admitted youths are males and 15 percent are females. Consistent with reported national profiles, admitted offenders are disproportionately minority youths. Approximately half of admissions are categorized as white; 35 percent are classified as black, and the remaining admissions fall into other racial/ethnic categories.

Just under half of annual admissions to youth centers (42 percent) are admitted to the Topeka facility; 43 percent of youths are admitted to the Larned and Atchison facilities, combined; 15 percent are admitted the Beloit facility. The top four committing counties in the state are Sedgwick (24 percent of admissions), Wyandotte (21 percent), Johnson (9 percent) and Shawnee (7 percent). Together these four counties contribute approximately 61 percent of annual commitments to youth centers. Sedgwick and Wyandotte counties committed 45 percent of annual admissions in 1995.

On average, admissions are 16 years of age at the time of admission to a youth center. While the vast majority of admissions (80 percent) are age 15 and above at the time of admission to state facilities, 20 percent (176 offenders) are 14 years old or less upon admission; 23 percent are 17 years old or greater. Only 19 percent of admitted youths (172 of 903 admissions) live with both natural parents prior to commitment to youth centers; 33 percent of admissions reside in "two-parent" households; 41 percent of admissions live with their natural mother. Immediately prior to admission, the overwhelming majority of juveniles admitted to youth centers (75 percent of annual commitments) are held in detention facilities prior to admission. On average, these youths spend 40 days in detention.

B. Legal Status and Admitting Characteristics

The vast majority of juvenile offenders are under no criminal justice supervision at the time of admission to state youth centers. The vast majority of annual admissions are classified as "new" admissions (81 percent of 903 admissions); approximately 100 youths (11 percent of admissions) are committed to youth centers as returns from conditional release. Just under half of admissions (387 of 903 cases) are on probation at the time of intake, and 57 percent are under no criminal justice supervision at the time of admission.

³ Characteristics are based on offenders admitted to youth centers in 1995 and include new admissions, conditional release violators, transfers between facilities and "other" admit types.

Approximately 35 percent of admissions have only one admitting charge, while 64 percent of admissions enter youth centers with two or more admitting offenses. Based on their most serious admitting charges, the majority of admissions (61 percent) have committed at least one felony; 36 percent of admissions (325 cases) are admitted to youth centers on misdemeanor charges. Less than half of admissions enter youth centers for committing felony or misdemeanor person crimes (393 of 903 youths); 47 percent of admissions have committed felony or misdemeanor nonperson crimes (425 of 903 youths).

When grouped by most serious admitting charge, 274 offenders enter youth centers for committing the crimes of property theft and burglary. Based on severity level of most serious admitting offenses, just under 20 percent of admissions (171 of 903 cases) have committed felony crimes which fall into non-drug levels 0 through 6; 38 percent (345 admissions) have committed felony non-drug level 7 through 10 offenses. Just under seven percent of admissions (59 cases) have most serious offenses which fall on the felony drug guidelines grid.

C. Offense History and Background

The vast majority of admissions to state youth centers do not have extensive histories of prior juvenile court dispositions. Nearly all admitted youths (95 percent of cases) have documented **prior court appearances on different cases** at the time of admission to youth centers; 352 youths (39 percent of cases) have 3+ prior court appearances. While approximately 11 percent of admissions (99 offenders) have five or more prior adjudications, nearly half of all juveniles admitted to youth centers (41 percent) have **no prior adjudications** listed in their records (368 of 903 youths). In addition, for youths with documented prior adjudications at the time of admission, 56 percent (301 of 535 cases) have been adjudicated on previous felony cases; 44 percent of admissions with prior adjudications (234 of 535 cases) have prior misdemeanor adjudications only.

Fully 67 percent of admissions to youth centers have no **prior felony adjudications**; an additional 18 percent of admissions had only one prior felony adjudication; approximately 15 percent of admissions had 2+ prior adjudications for felony offenses at the time of admission.

For 75 percent of cases, the current youth center admission represents the first admitting event; 25 percent of youths had at least one previous admission to youth centers. For admissions with no prior recorded adjudications, 60 percent were admitted to youth centers for nonperson crimes, drug related charges or violations of supervision.

Despite this finding, the overwhelming majority of admitted youths (81 percent of admissions) have experienced at least one **prior out-of-home placement** at the time of admission to youth centers (including the admitting event); 41 percent of admissions had 3+ prior out-of-home placements.

IV. FORECAST OF FUTURE STATE YOUTH CENTER BED SPACE NEEDS

Clearly, the decision to commit a juvenile to a state youth center is a policy decision that is effected by a number of factors, including the nature of the committing offense, criminal history of the juvenile, availability of youth center bed space and the availability of alternative placement/punishment options in the State. As such, any forecast of future bed space needs should not be viewed as derived from a "crystal ball" that is predicting the future, or indeed projecting future bed space "need," but rather an outcome of a combination of juvenile justice trends and the implementation of policy choices by decision makers.

Over the course of this project a simulation model was developed which "mimics" the flow of cases through the state's residential youth center population over a ten year forecast horizon and produces projections of key offender sub-populations. The model that was developed to produce the population forecast also allows researchers to assess the likely impacts of proposed changes to existing policies, procedures and practices on future youth center population levels.

Two separate forecasts of future youth center population levels were produced over the course of this project. The first is referred to as the "Baseline Forecast" and is based on the assumption that current admitting and release policies remain unchanged over the next ten years. It represents a "best estimate" of future youth center bed space requirements based on profiles of admitted youths in 1995, and lengths of stay in state facilities reported between 1995-1996. The second alternative forecast scenario is based on the assumption that current admitting and release policies are changed as result of implementing a placement decision matrix. Under this forecast scenario, only juvenile offenders meeting certain criteria will be admitted to youth centers in the future. Admitted youths will spend longer periods of confinement upon admission.

A. Baseline Forecast: If Current Policies Remain the Same

It is reasonable to assume that under current policies admissions to youth centers will continue to grow and as admissions grow the number of state facility beds needed for juvenile offenders will increase in the future. Based on several key assumptions which relate to "who" is admitted to youth centers in the future; the number of offenders admitted in each future year and lengths of stay upon admission, the state youth center population can be expected to increase by between 10-43 youths per year over the next ten years — an average of 23 offenders per year.

Between 1991-1996, the youth center population increased by an average of 4.3 percent each year. The projected increase in the population over the next ten years approximates this historical percentage growth, and is projected to increase by an average of 3.7 percent in each future year. If current policies remain unchanged, between 629-655 youths are projected to be housed in youth centers by the year 2000. This represents an increase of 94-120 youths over the average monthly population levels reported in 1996 (through October 1996). The population is projected to increase to between 751-774 youths by the year 2005 if current admitting and release policies remain unchanged.

B. State Youth Center Population Forecast: Implementation of the Recommended Placement Matrix

When compared with a baseline forecast, which assumes that current admitting and release policies remain unchanged in the future, implementation of a placement matrix results in a projection of between 85-110 fewer youth center beds over the next ten years. In the Fall of 1996, the Kansas Youth Authority appointed a subcommittee to develop a placement matrix for adjudicated youths for use upon implementation of the Juvenile Justice Reform Act. Such a matrix would set forth guidelines governing "who" should be admitted to state youth centers and "how long" admitted offenders should remain in confinement. The overall goal of a formal placement matrix is to divert selected nonviolent youthful offenders from state correctional facilities by placing them in community alternative programs while providing for longer periods of confinement for chronic, serious and violent juvenile offenders. Analysts from the National Council on Crime and Delinquency and the Kansas Sentencing Commission worked with subcommittee members to operationalize the recommendations with regard to placement decisions and lengths of stay.

Based on the assumption that the placement matrix is implemented in July 1997 and fully operational in July 1998, the state youth center population is projected to increase to between 547-575 juveniles by the year 2000. This represents an increase of 10-40 youths over the average monthly population levels reported in 1996 (through October 1996). The population is projected to increase to between 681-704 juveniles by the year 2005. When compared with a baseline forecast, which assumes that current admitting and release policies remain unchanged in the future, implementation of the placement matrix results in a lower projection of future bed space need. The average monthly population is projected to reach 556 juveniles in the year 2000 and just under 700 juveniles by the year 2005. Approximately 14 percent fewer juveniles are projected to be state facilities with the implementation of the placement matrix.

Implementation of the placement matrix will lead to a change in profile of juveniles housed in youth centers. When compared with the baseline forecast, the number of juveniles projected to be housed in state facilities for serious and violent crimes increases at a much higher rate with the implementation of the placement matrix and associated lengths of stay recommendations. The number of youths projected to be housed in state facilities with off grid and severity level 1-3 charges is projected to increase by 150 percent between 1997 - 2000, and 240 percent by the year 2005.

V. SUMMARY AND CONCLUSIONS

The Juvenile Justice Reform Act initiated by the passage of HB 2900 introduces a series of changes to the state's current policies and procedures regarding juvenile offenders. Foremost among those changes is the accountability of juveniles who commit serious violent offenses. This policy change is reflected in the criteria set forth in Placement Matrix adopted by the Youth Authority. If a juvenile is convicted of a serious violent offense, he or she will be confined to a state youth center for a significant amount of time. The increased sentence length serves the dual purpose of making

the juvenile take responsibility for his or her actions, but also enabling the juvenile to have sufficient opportunity to participate in programs to address and correct the anti-social behavior. The proposed increase in sentence length for violent offenders does, however, translated into increased bedspace needs at our state youth centers.

The other policy change instituted with the passage of HB 2900 is that juveniles convicted of misdemeanor or low level felony offenses will serve their sentence in the community. Individual communities throughout the state will have the opportunity to develop and initiate community based programs that will address the specific needs of juvenile offenders in their communities. The Juvenile Justice Reform Act is based on the premise that incarceration in state youth centers should be reserved for only the most violent and serious juvenile offenders. Thus, many of the current youth center beds being utilized for misdemeanor offenders will be available for serious violent offenders.

The state youth center population projections are based on assumption that the gradual implementation of the placement matrix will occur over time. Of even more importance, is the assumption that there will be sufficient community based programs to adequately handle the less violent and serious juvenile offenders. If the resources and development of the community based programs do not materialize, then the entire juvenile justice system could find itself in a crisis. As the state embarks on this monumental task of overhauling our juvenile justice system, careful planning and sound policy decisions will play a vital role at every decision point.

KANSAS YOUTH AUTHORITY RECOMMENDED PLACEMENT MATRIX

January 1997

Statement of Purpose

The purpose of the juvenile matrix is to provide the greatest possible assurance that those juveniles whose behavior demands removal from the community, will be in placement for a sufficient period of time to effect meaningful change of behavior; along with a period of aftercare, of sufficient length to foster the achieved changed behavior in the environment the juvenile will be returning to after placement.

Background

While it is generally recognized that the severity of the offense committed has little to do with the ability to rehabilitate the juvenile offender, the Youth Authority believes that only violent, serious and chronic offenders should be committed to juvenile correctional facilities. Even in these cases, the Court should retain the discretion to make alternative placements to the community when warranted. All placements other than those involving juvenile correctional facilities are best made within the community and therefore, appropriate community placements must be developed and adequately funded as part of Kansas juvenile justice reform.

The following shall govern eligibility for admission into state juvenile correctional facilities upon the implementation of the Juvenile Justice Reform Act. The goal of this placement matrix is to keep non-violent juvenile offenders in the community, while allowing the juvenile correctional facilities a longer period of time to work with youth placed in state custody than is presently feasible. By intent, providing longer lengths of stay in state custody will allow the juvenile correctional facilities to provide for public safety, as well as promoting rehabilitation of violent, serious and chronic offenders.

It is important to note that judicial discretion is part of this decision-making process in at least three ways. First, the Court may choose not to commit a juvenile offender to state custody. The rules set forth are threshold requirements deemed necessary to enter the state system. Second, once it has been determined that a juvenile offender will be committed to state custody, the matrix prescribes ranges of length of stay and aftercare terms. Third, the court retains

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Attachment # 2

jurisdiction to modify a sentence downward upon successful completion of at least the minimum term.

Lengths of Stay and Aftercare terms

The following is a matrix of the types of convicted youth who can be sentenced to state custody. It is not mandatory that they be committed to state custody upon conviction. The Court may sentence juveniles to community-based placements, or programs not included on this matrix if they so choose.

1. **Violent Offenders:** Violent offenders are divided into two categories, Violent I and Violent II. The Violent I category is defined as a conviction of an off-grid felony. This category can be committed a minimum 60 months and maximum to age 22 years, 6 months. The aftercare term for this individual is set at a minimum 6 months and a maximum of age 23.

The Violent II category is defined as a conviction of a non-drug level 1-3 person felony. This category can be committed a minimum 24 months and maximum to age 22 years, 6 months. The aftercare term for this individual is set at a minimum 6 months and a maximum of age 23.

2. **Serious Offenders:** Serious offenders are divided into two categories, Serious I and Serious II. The Serious I category is defined as a conviction of a severity level 4, 5 or 6 person felony offense or a severity level 1 or 2 drug felony. This category can be committed a minimum 18 months in state custody and maximum 36 months. The aftercare term for this individual is set at a minimum 6 months to a maximum 24 months.

The Serious II category is defined as an conviction of a severity level 7-10 person felony offense with one prior felony conviction. This category can be committed a minimum 9 months in state custody and maximum 18 months. The aftercare term for this individual is set at a minimum 6 months to a maximum 24 months

3. **Chronic Offenders:** Chronic offenders are divided into three categories, Chronic I - Chronic Felon, Chronic II - Escalating Felon and Chronic III - Escalating Misdemeanant. The Chronic I - Chronic Felon category is defined as a combination of:
 - a) one present nonperson felony and two prior felonies, OR

b) one present severity level 3 drug felony and two prior felony convictions.

This category can be committed a minimum 6 months in state custody and maximum 18 months. The aftercare term for this individual is set at a minimum 6 months to a maximum 12 months.

The Chronic II - Escalating Felony category is defined as a combination of:

- a) one present felony and two prior misdemeanor convictions, OR
- b) present felony and two prior severity level 4 drug convictions, OR
- c) present severity level 3 drug felony and two prior misdemeanor convictions, OR
- d) present severity level 3 drug felony and two prior severity level 4 drug convictions.

This category can be committed a minimum 6 months in state custody and maximum 18 months. The aftercare term for this individual is set at a minimum 6 months to a maximum 12 months.

The Chronic III - Escalating Misdemeanant category is defined as a combination of:

- a) one present misdemeanor and two prior misdemeanor convictions and two out-of-home placement failures, OR
- b) one present misdemeanor and two prior severity level 4 felony convictions and two out-of-home placement failures, OR
- c) one present severity level 4 drug felony and two prior misdemeanor convictions and two out-of-home placement failures, OR
- d) one present severity level 4 drug felony and two prior severity level 4 felony convictions and two out-of-home placement failures.

A Placement failure is defined as a situation in which a juvenile offender has been placed out-of-home in an accredited placement in a juvenile offender case; and the offender has significantly violated the terms of probation in that case. A mandatory requirement for such a youth to be placed in a juvenile correctional facility is that all appropriate local placement options have been exhausted. A court finding must be made acknowledging that appropriate community placement options have been pursued and no such option is appropriate.

In chart format, the categories, lengths of stay and aftercare terms follow:

Offender Type	Offense Level	Length of Stay	The aftercare Term
Violent I	Off-grid	60 mo. - 22 ½ years of age	6 mo. - 23 years of age
Violent II	1 - 3 Person felony	24 mo. - 22 ½ years of age	6 mo. - 23 years of age
Serious I .	4 - 6 Person OR 1 - 2 Drug felony	18 - 36 mo.	6 - 24 mo.
Serious II	7 - 10 person felony + 1 prior felony conviction	9 - 18 mo.	6 - 24 mo.
Chronic I Chronic Felon	present non-person felony or level 3 drug felony + 2 prior felony convictions	6 - 18 mo.	6 - 12 mo.
Chronic II - Escalating Felon	present felony OR level 3 drug + 2 prior misdemeanor convictions OR level 4 drug convictions	6 - 18 mo.	6 - 12 mo.
Chronic III - Escalating Misdemeanant	present misdemeanor OR level 4 drug felony + 2 prior misdemeanor or level 4 drug convictions + 2 placement failures + exhaustion of community placements finding	3 - 6 mo.	3 - 6 mo.
Conditional Release Violator	All	3 - 6 mo.	2 - 6 mo.

Risk Tool

The Youth Authority recommends use of a risk assessment tool as part of the predispositional investigation for the court's consideration in determining length of stay. Although some degree of judicial discretion is appropriate, a risk tool can be of value in the sentencing phase as an objective means to promote standardization and uniformity of sentencing throughout the state. State-wide utilization of a risk assessment tool would result in more effective projection of juvenile correctional facility capacity needs and promote efficient use of resources by requiring youth with high risk scores to serve longer incarceration periods than those with low risk scores. The juvenile justice commissioner shall designate the risk assessment tool to be utilized for this purpose.

Mandatory Minimums

For each category listed above, the Court pronounces a specific term of incarceration within the range indicated, i.e. 17 months for a Serious II category conviction. The juvenile offender may be awarded good time through participation in education, treatment, or vocational programs, activities, behavior modification, etc. in a manner determined by the Juvenile Justice Commissioner. However, the juvenile offender may serve no less than the minimum sentence authorized under the specific category of the placement matrix.

Sentence Modification Process

The Juvenile Justice Commissioner may petition the Court to modify the initial sentence after a juvenile offender has served the minimum length of stay indicated by the matrix, based upon program completion, positive behavior modification, progress made, etc. If the Court grants the modification, the sentence shall be shortened, and the term of aftercare that was pronounced at sentencing shall commence. If the Court does not grant the modification, the juvenile's counsel may petition for modification and a formal hearing shall be granted. The aftercare supervisor may also petition the court for early discharge, extension or revocation from conditional release/aftercare.

The Commissioner shall monitor placement trends and develop strategies to address disproportionate minority confinement trends should they develop.

This category can be committed a minimum 3 months in state custody and maximum 6 months. The aftercare term for this individual is set at a minimum 3 months to a maximum 6 months. The Commissioner shall work with the community to provide on-going support and incentives for the development of additional community placements to ensure that this option is not frequently utilized.

4. Conditional Release Violators: Conditional release violators can be committed a minimum 3 months and a maximum of 6 months. The aftercare term for this individual is set at a minimum 2 months to a maximum 6 months, or the maximum of the original aftercare term whichever is longer.