

Approved: January 27, 1999
Date

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Emert at 10:15 a.m. on January 26, 1999 in Room 123-S of the Capitol.

All members were present except: Senator Harrington (excused)

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Jerry Donaldson, Research
Mary Blair, Secretary

Conferees appearing before the committee:

Albert Murray, Commissioner, Juvenile Justice Authority (JJA)
Barbara Tombs, Department of Corrections
J. Kenneth Hales, Deputy Commissioner, JJA

Others attending: see attached list

The minutes of the January 21 meeting were approved on a motion by Senator Gilstrap and seconded by Senator Vratil.. Carried.

No bills were presented for introduction.

Conferee Murray resumed his briefing on the Juvenile Justice Authority's Initiatives. He detailed the initiative to re-classify youth services specialist positions describing both the need for change as well as the budgeted monies available to effect the change. He further presented a detailed summary of eight legislative proposals the JJA deem necessary to fully implement juvenile justice reform. (attachment 1) Discussion followed.

Conferee Tombs presented an overview of statistical trends surrounding the Kansas Juvenile Correctional facilities. She discussed admission trends and stated that, based on the trends, future annual growth at correctional facilities will continue at a rate of approximately eight percent per year. She also discussed population trends and explained how length of stays effect the population. She noted that length of stays have decreased by an average of approximately 2.5 months. She further discussed the legal status and admitting characteristics of juvenile offenders and on inquiry by Committee briefly covered data on the placement matrix. (attachment 2) Committee discussion occurred intermittently throughout the presentation.

Conferee Hales described the history, purpose, intent and characteristics of the Juvenile Offender Placement Matrix which will become law on July 1, 1999. (attachment 3)

The meeting adjourned at 11:00 a.m. The next scheduled meeting is Wednesday, January 27, 1999.

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: Jan 26, 1999

NAME	REPRESENTING
KEVIN AYLES	JJA
DICK KLINE	JJA
JAMES CLARK	KCDAA
W. RICHARDS	TROA
Paul Lomb	KSC
KEVIN GRAHAM	KSC
HELEN PEDIGO	JJA
ALBERT MURRAY	JJA
Sheila Kostas	CHPPKM
Henry Bone	OJA
Robby Fleming	Federico Consulting
Jim Frazier	JJA
Michael Green	JJA
Anthony Ellis	SRS - CFS

DAILY AGENDA

JANUARY 26, 1999

-Introduction of Bills:

-Continuance of briefing on Juvenile Justice Authority by Commissioner Murray

-Approval of minutes of Jan. 21 meeting



Presentation to the Senate Judiciary Committee

Thursday, January 21, 1999

Commissioner Albert Murray

Major Initiatives for FY 1999 and FY 2000

1. Putting the Community plans into ACTION

Since October of 1997, close to 1,000 people across Kansas participated in a community planning process to identify and address the needs of juveniles at the community level, per the requirements of the Juvenile Justice Reform Act of 1996. For the past year, training events and on-going technical assistance were provided by JJA to give the 29 teams the necessary assistance and support to develop the comprehensive plans required in legislation. The Juvenile Justice Authority (JJA) sponsored 34 regional training events at which teams were given information, data and program resources that would be useful to them in their plan development.

In an effort to keep the planning initiative a high priority, a stringent timeline was developed for the planning teams to attend the training, compile and analyze data, assess local program needs and prepare the district's comprehensive strategic plan. I am pleased to announce that as of early December 1998, all 29 comprehensive strategic plans had been submitted to this agency.

JJA staff are presently in the process of conducting an analysis of each of the plans. The purpose of this thorough review is

- ❖ to ensure that all the necessary requirements of the plans have been addressed
- ❖ to compile a detailed assessment as to the communities' determination of risk factors
- ❖ to compile gaps in resources, program needs
- ❖ to develop the community's recommendations to meet those needs.

It is projected this analysis will be completed in February, 1999.

Throughout this year long planning process JJA central office staff routinely attended numerous community planning team meetings, public hearings, editorial board meetings, county and city official meetings, and special events to provide information and support for the local planning process. It cannot be overstated the number of hours, the effort, the energy and the time Kansans have volunteered to complete this planning initiative. I have been so thoroughly impressed with the level of dedication and commitment I have seen across the state in all the districts among the conveners, facilitators, key leaders, local officials and close to 1,000 planning team members in this planning endeavor. The communication and collaboration I have first hand observed at the community level has been outstanding. They have truly stepped up to the challenge of addressing the needs of their youth in their communities.

Each strategic plan is to address specific program components as set forth by the reform act. This include prevention programs geared toward improving the ability of youth to bond with healthy, positive peer groups and adults. It also includes juvenile intake/assessment, local detention services, and community-based graduated sanctions for juvenile offenders such as juvenile probation, intensive supervision, electronic monitoring, drug testing, out-of-home placements, and aftercare services.

Some of the preliminary observations of our review of the comprehensive plans are:

- Community plans are placing a high emphasis on the need for prevention programs.
- Intake and Assessment is being identified as having a major role in the plans.
- There is a need for case managers to have a structured decision making instrument and process to determine the appropriate types of services, structure, and supervision that would best benefit the juvenile offender.
- Reported perhaps most often and uniformly from the community planning teams was the lack of a juvenile justice information system has been a barrier in the collection of juvenile justice data. Those who work with the juvenile justice system acknowledge the critical need to continue to develop a statewide juvenile justice information system.
- In some of the urban areas the need reported is the enhancement of existing graduated sanction programs rather than developing a large number of new programs. Smaller districts identified greater gaps in program services and see the need for more programs.
- Reported in almost all plans was the need to expand local bed capacity for out-of-home placements, and in particular, the need for out-of-home placements in the western part of the state.

- Many teams reported the need for local juvenile justice system coordination at the local level, particularly among service providers, courts and case managers.

The fiscal impact of the plans is still being analyzed. It is important to understand that the funding identified in the plans encompasses more than state funding. Grants, other state streams of money outside of the JJA, local funding resources as well as private resources were included in the recommendations within comprehensive plans. The JJA will use a formula based on communities' level and type of juvenile crime as its mechanism to determine the percentage of state funds each community may receive for programs within the strategic plans. As set forth in the Governor's Budget, \$7,329,440 million in new money is recommended for funding of the first year's priorities within the comprehensive plan programs. Of that money, \$4 million is to be used from the Children's Health Care Fund for prevention programs.

There has been extensive work done by the community planning teams in a short period of time to fulfill their commitment required of them in House Substitute for Senate Bill 69. They are looking with great interest at the degree to which the state will support this initiative through adequate funding of the comprehensive plans. We will be working closely with the Legislature over this session to provide the necessary information to ensure this can be accomplished.

2. EXPANSION OF CAPACITY AT JUVENILE CORRECTIONAL FACILITIES

The plan to build a 225- bed maximum security and diagnostic and classification center is an important step toward the agency's commitment to providing a cohesive, comprehensive juvenile correctional system that realizes the objectives set forth in the Reform Act. It is also in acknowledgement and response to the accelerating incidences of serious and violent crime being perpetrated by a younger segment of the general population.

One of the tasks inherent to the development of the state's overall juvenile justice strategic plan was a re-evaluation of the role(s) that the existing facilities should play in consideration of the revised system mission and the implementation of the new placement matrix. The facilities master plan, completed last year, charted a path of facility development designed to best serve the goals and objectives of the Juvenile Justice Reform Act.

The master plan took into consideration an analysis of juvenile offender population projections and the mandatory lengths of stay articulated in the new Legislatively mandated placement matrix for juvenile offenders which will become law on July 1, 1999. It also analyzed the best use of the existing correctional facilities.

The master plan concluded the following:

- ❖ There will be a long-term increase in the demand for juvenile correctional facility (JCF) bed space.
- ❖ The bed space will need to be constructed to house increasingly volatile and dangerous youth.
- ❖ The primary mission of the JCF's must provide for public safety by providing commitment capacity for the most serious, violent and chronic offenders.
- ❖ The system should be designed to house medium to maximum-security classification juvenile offenders.
- ❖ Re-constitute the existing facilities within a system of dedicated, classification-based facilities.

There are two basic reasons for proceeding with the project outlined in the Governor's budget:

1. There is a compelling need for an operational efficient maximum-security facility that does not currently exist.
2. The Reform act appropriately mandates the development of a diagnostic and classification center that does not currently exist.

With funding for FY2000, the JJA intends to proceed with architectural planning for a 225-bed combined maximum security/diagnostic classification facility.

The facility will play an integral role in the evolution of the JJA mission by addressing four JJA system-wide needs.

1. It will provide a single, centralized processing center for all offenders
2. Will establish a dedicated maximum-security juvenile correctional facility.
3. It will provide for acute medical services.
4. It will establish a program and living facility for pregnant female offenders during the third trimester.
5. It will allow the adoption of a classification based juvenile correctional facility system, in which offenders will be incarcerated in the facility most appropriate for them, based on their need for structure and security. The previous system placed juveniles in the three facilities for males primarily according to their age levels.

The facility's 225 beds will be divided among three housing components.

- ❖ 60-bed diagnostic/classification center
- ❖ 150-bed maximum-security facility and,
- ❖ 15-bed infirmary. (Up to 5 beds in the infirmary may be used to house pregnant female offenders on an as-needed basis.)

The overall design blends the consolidated complex and the campus-style concept.

The projected cost for the facility:

Total project costs--\$38,296,085

Total operational costs--\$9,965,044

Annual costs:

FY2000: \$2,185,297 for planning

FY2001: \$19,913,515 for construction

FY2002: \$16,197,274 for construction

The Governor's budget recommendation for FY2000 is \$2,185,297 million from the State Institutions Building Fund for the cost involved with architectural planning. The Governor has also recommended setting aside \$6 million from the State Institutions Building Fund for the JJA to use on constructing the facility, which would begin in FY2001.

3. RE-CLASSIFICATION OF YOUTH SERVICES SPECIALIST POSITIONS

Another initiative JJA has undertaken since it began on July 1, 1997, is the continued professionalization of the direct care staff in the four juvenile correctional facilities. The Governor has recommended that \$595,120 be used to upgrade the youth services specialist positions within the four juvenile correctional facilities. This upgrade would affect 376 direct care staff (64% of JJA employees) at the following locations:

- ❖ 77 – Atchison
- ❖ 49 – Beloit
- ❖ 86 – Larned
- ❖ 164 - Topeka

The rationale behind this recommendation is that with Juvenile Justice Reform, the requirements of the job performed by the youth service specialists include more complex and different job responsibilities and reflects the shift at the facilities from a social welfare model to a correctional model, in which juveniles are expected to be held more responsible for making changes in their lives that will benefit themselves and the rest of society. Staff will have greater responsibility with regard to maintaining security at the institutions and as the population trend continues within our facilities, will be required to deal with juveniles with complex needs.

The JJA is recommending two classification series:

1. juvenile correctional officer positions that emphasize case management
2. juvenile correctional specialist

The final stages of approval by the Department of Personnel Services, a division of the Department of Administration, is underway. It is our belief that the position upgrades will help reduce turnover and retain quality employees within the facilities, as well as help the agency attract well-qualified new staff as positions open. This would make the juvenile correctional facility staff positions more comparable to positions at the Department of Corrections as they exist in the adult system's current pay structure.

4. JUVENILE CORRECTIONAL FACILITY OVERCROWDING

The Governor has recommended that \$748,313 be used over FY99 and FY2000 to provide for a 57-bed expansion at the Topeka Juvenile Correctional Facility (Topeka JCF.) To this end, an additional four FTE staff positions are recommended in the budget. Plans are underway to add additional beds to two units at Topeka JCF, in an effort to increase capacity and therefore, mitigate overcrowding that has been prevalent over the past three years at the three facilities for male juvenile offenders. These additional beds at the Topeka facility are designed as a temporary measure to address overcrowding until additional beds can be built. It will allow for a temporary capacity of 276 beds.

5. SUMMARY OF NECESSARY LEGISLATIVE PROPOSALS

In order to fully implement juvenile justice reform, we see a need for some language changes in the reform act. These changes are, in some instances, minor and technical changes, but they make a great difference in empowering the State to move forward with the spirit of reform. Therefore, the JJA proposes the following changes which I will submit to the legislature for consideration. A summary of the forthcoming proposals are as follows:

1. Juvenile Detention Facilities Fund K.S.A. 79-4803 (b)

This amendment gives the Commissioner sole authority to make decisions on the disbursement of appropriated juvenile detention facilities fund monies and strikes wording requiring approval by the Kansas Advisory Group on Juvenile Justice and Delinquency Prevention.

2. Matrix K.S.A. 38-16-129

This amendment mandates the use of the matrix for **committing juveniles to the juvenile correctional facilities**. The change also allows for an exception when the District Court determines that there are compelling reasons based on evidence of aggravating or mitigating circumstances. The change also addresses departure procedures much like the adult system.

3. Trust Fund K.S.A.76-172

The proposal is a technical change of the statute. This change allows the Juvenile Justice Authority to receive and handle money belonging to and held in trust for juvenile offenders confined within a juvenile correctional facility and placed in the community. Previously this authority was vested with SRS when it had control over the state youth centers.

4. Battery on Law Enforcement K.S.A. 21-3413

This amendment ensures that a perpetrator convicted of battery on a juvenile correctional officer is given a prison sentence. Thus, the severity level of this crime is raised from a level 6 to a level 5. Currently the law allows for a juvenile offenders to commit a battery on a juvenile correctional officer and receive probation if convicted as an adult because of the presumptive probation requirement.

5. Escape from a Juvenile Correctional Facility K.S.A. 21-3810

This amendment ensures that an individual convicted for escaping from a juvenile correctional facility will serve an adult prison sentence. The proposal amends the statute to raise the penalty for escaping from a juvenile correctional facility to a severity level 5 crime. Presently, the penalties for escaping are levels 6 and 8 felonies and class A misdemeanors.

6. Juvenile Intake K.S.A. 38-1602

This proposal amends K.S.A. 38-1602 (1) to specify "75-7023" rather than "76-3202". This should correct the typographical error that currently exists within the statute.

7. Unlawful Sexual Relationship K.S.A. 21-3520

This proposal amends the above statute concerning unlawful sexual relations to include staff employed by juvenile correctional facilities as well as those supervising offenders on conditional release. The purpose of this change is to ensure that staff employed by the Juvenile Justice Authority or those contracting with this agency face a severe penalty for having sex with the juvenile offenders receiving services.

8. Changes in Juvenile Justice Reform Act to Comply with Adoption and Safe Families Act K.S.A. 38-1604 (d)

This proposal amends the above statute to require permanency hearings at 12 months for juvenile offenders who are in out-of-home placements to determine whether reintegration with the family is a viable option. For those children in out of home placement 15 of the last 22 months and where the court has not found that reintegration is a viable option, a prosecutor **must file** a case for termination of parental rights. The states are mandated to comply with this federal law which impacts Title IV-E funding. Last year the Child In Need Of Care Code in Kansas was amended to comply with the same requirement.

KANSAS JUVENILE CORRECTIONAL FACILITIES HISTORICAL ADMISSIONS TRENDS

- Between FY 1991 – 1998, the number of new admissions and conditional release violators admitted to juvenile correctional facilities increased from 617 to 1,190 - an increase of 92.9 percent over that period or 573 admissions.
- In FY 1991, on average approximately 51 youths were admitted to juvenile correctional facilities each month. By FY 1998, average monthly admissions had increased to 99 per month.
- On average, admissions to correctional facilities have increased by approximately 13 percent each year from FY 1991 to FY 1998.
- Controlling for increased capacity at the Larned facility which led to a doubling of admissions at that facility in FY 1995¹, admissions to all facilities have increased by an average of approximately eight percent per year.

Implication for Juvenile Correctional Facility Resources

- It is reasonable to assume that under current policies future annual growth in admissions to juvenile correctional facilities will continue at a rate of approximately eight percent per year.

¹ Larned expended its facility capacity during FY 1995, which resulted in doubling its bed space availability.

Sen. Jud
1-26-99
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**KANSAS JUVENILE CORRECTIONAL FACILITIES
HISTORICAL ADMISSION TRENDS
(FY 1991 - FY 1998)**

Fiscal Year*	Atchison	Beloit	Larned**	Topeka	Total
1991	151	81	91	294	617
1992	162	80	100	312	654
1993	148	80	98	322	648
1994	175	89	125	295	684
1995	165	110	211	351	837
1996	178	134	245	389	946
1997	172	135	384	358	1049
1998	187	150	390	463	1190
Total Percent Growth FY 1991-FY 1998	23.8%	85.2%	328.6%	57.5%	92.9%
Average Percent Growth FY 1991-FY 1998	3.4%	12.2%	46.9%	8.2%	13.3%

* Fiscal year starts July 1 and ends next June 30 each year.

** The large increase of admissions to Larned facility due to the expansion of bed spaces.

KANSAS JUVENILE CORRECTIONAL FACILITIES HISTORICAL POPULATION TRENDS

- Based on monthly average figures, the number of persons housed in juvenile correctional facilities has increased by approximately 8.3 percent since FY1991- an average annual increase of 1.2 percent.
- On average, 470 youths were confined at any give time in FY 1991. By FY 1998, an average of 509 youths were housed in juvenile correctional facilities.
- The largest increase in confined population between FY 1991-1998 is reported for Larned (53.7%), followed by Atchison (9.8%) and Beloit (3.8%). The monthly average population at Topeka facility decreased approximately 8 percent between the periods of FY 1991 to 1998 - an average decrease of 1.1 percent per year. The total annual average increase of all facilities is 1.2%. It is assumed that future yearly average population growth at all facilities is approximately 1.2 percent.

Implications for Juvenile Correctional Facility Resources

- Residential population growth has not been as significant as growth in admissions. Under current policies, there will be a continued pressure to shorten lengths of stay to control facility population growth given the set number of beds available.
- Compared with 1995 lengths of stay, the FY 1998 length of stay in correctional facilities has decreased by an average of approximately 2.5 months².

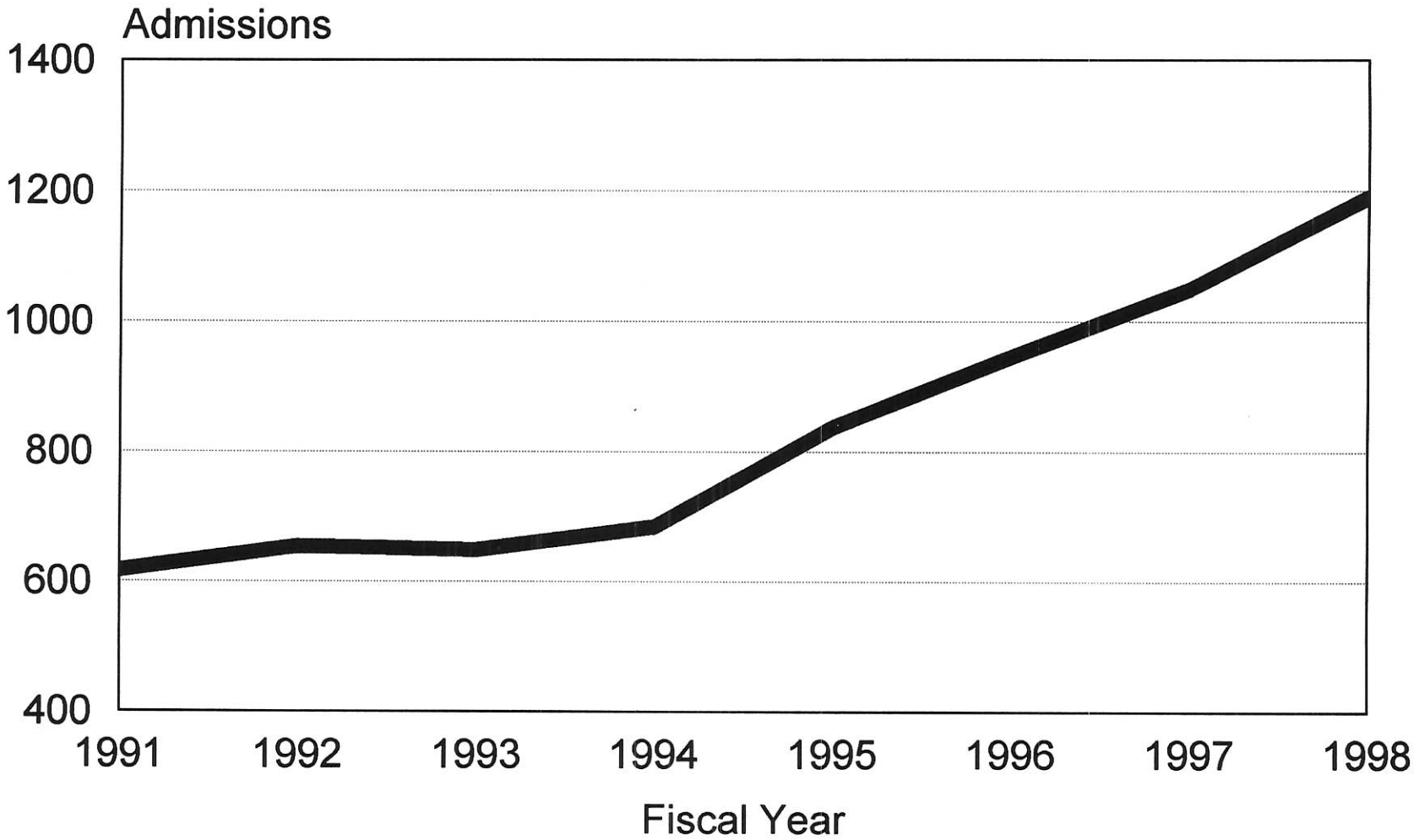
² Average length for new commitment in 1995 was 8 months and in 1998 decreased to 6.1 months. Average length for conditional release returnees in 1995 was 6.7 months while in 1998, it declined to 3.9 months (see length of stay section).

**KANSAS JUVENILE CORRECTIONAL FACILITIES
HISTORICAL POPULATION TRENDS
END OF EACH FISCAL YEAR POPULATION
(FY 1991 - FY 1997)**

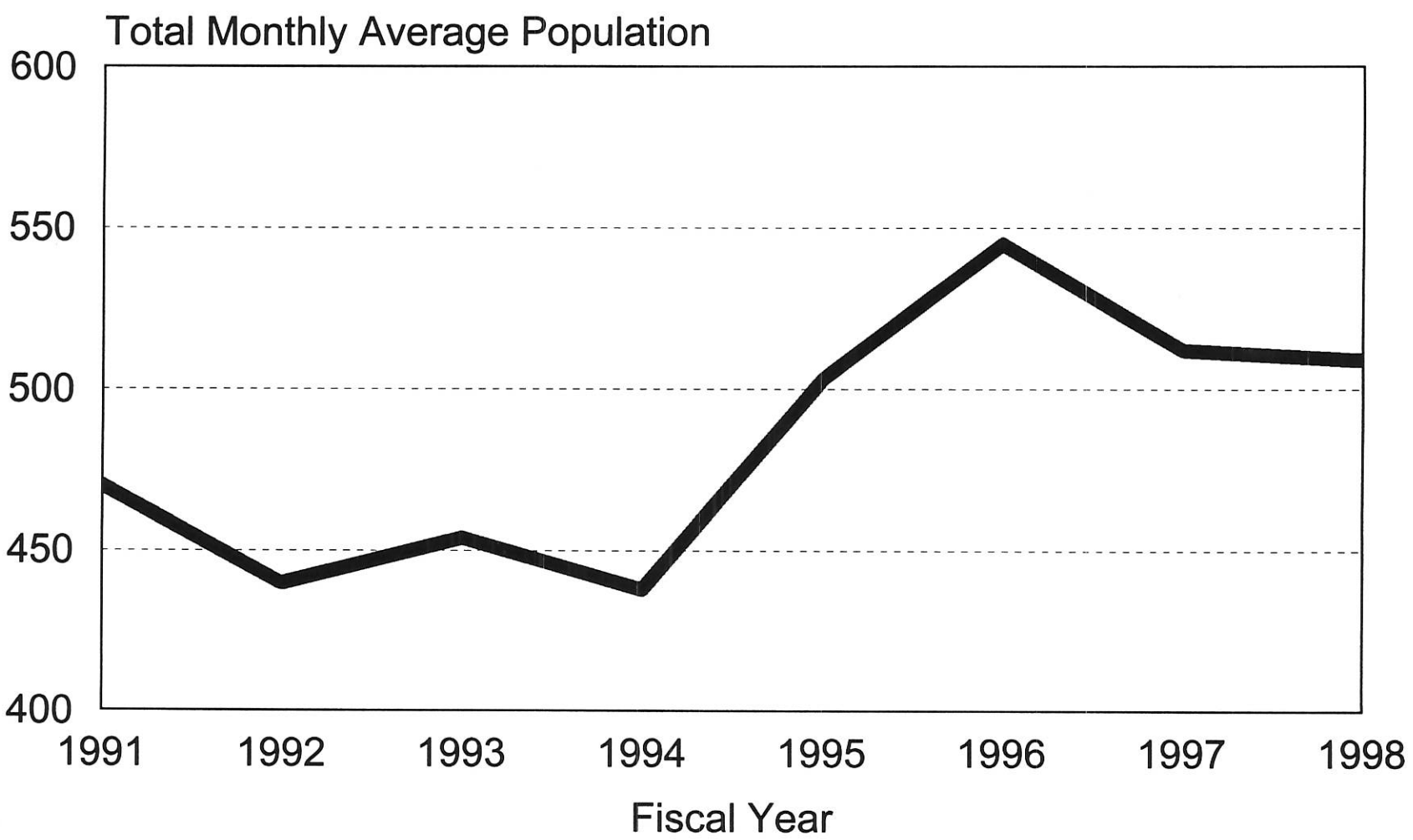
End of Each Fiscal Year	Atchison	Beloit	Larned*	Topeka	Total
1991	91	75	75	195	436
1992	95	77	74	219	465
1993	86	80	66	190	422
1994	91	78	75	178	422
1995	109	81	115	213	518
1996	95	72	110	235	512
1997	95	84	120	200	499
1998	91	84	125	218	518
Total Percent Growth FY 1991-FY 1997	0.0%	12.0%	66.7%	11.8%	18.8%
Average Percent Growth FY 1991-FY 1997	0.0%	1.7%	9.5%	1.7%	2.7%

* Larned expanded its facility capacity during FY 1995.

KANSAS JUVENILE CORRECTIONAL FACILITIES HISTORICAL ADMISSION TRENDS FISCAL YEAR 1991 - 1998



KANSAS JUVENILE CORRECTIONAL FACILITIES HISTORICAL POPULATION TRENDS FISCAL YEAR 1991 - 1998



***KANSAS JUVENILE CORRECTIONAL FACILITIES
LENGTHS OF STAY IN FACILITIES***

- Generally, youth admitted to facilities are held in confinement for average of 5 to 7 months.
- Juveniles admitted to facilities for crimes classified as non-drug severity levels 0-3 are held in correctional facilities, on average, for approximately 13 months.
- Juveniles admitted to facilities for crimes classified as non-drug severity levels 4-6 are held in correctional facilities, on average, for 6.7 months.
- Juveniles admitted for committing crimes classified as non-drug severity levels 7-10 are confined for a little over five months. This same 5 month length of stay is also indicated for drug and misdemeanor admissions.
- Conditional release violators return to juvenile facilities for approximately 4 months in confinement.
- Approximately 40 percent of facility releases are direct discharges. Nearly 53% are conditional releases where the juvenile remains under some type of supervision after leaving the facility.
- During FY 1998, juvenile correctional facilities released and transferred within facilities a total number of 1,152 youths. Of that number, 83 were classified as transfers.

**KANSAS JUVENILE CORRECTIONAL FACILITIES
LENGTHS OF STAY IN FACILITIES**

Length of Stay (LOS) By Id Groupings

Id Group	Average LOS in Months
Severity Level 0-3	12.5
Severity Level 4-6	6.7
Severity Level 7-8	5.1
Severity Level 9-10	5.2
Drugs	4.5
Misdemeanor A	4.9
Misdemeanor B-U	5.4
Violators	3.9
Other	4.6

Length of Stay (LOS) By Admission Type

Admission Type	Average LOS in Months
New admission	6.1
Returned from conditional release	3.9
Readmission after discharge	4.0
Returned from conditional release on new charge	4.6
Transfer in from another facility	6.5

**KANSAS JUVENILE CORRECTIONAL FACILITIES
LENGTHS OF STAY IN FACILITIES**

Length of Stay (LOS) By Commitment Type

Commitment Type	Average LOS in Months
Direct from court	5.5
SRS placements	7.5
Juvenile felon	31.6

Type of Release From Correctional Facilities - Fiscal Year 1998

Release Type	Number	Percent
Discharged	463	40.2%
Conditional release	606	52.6%
Transfer to another facility	83	7.2%
TOTAL	1152	100.0%

KANSAS JUVENILE CORRECTIONAL FACILITIES ADMISSION CHARACTERISTICS

- In Fiscal Year 1998, a total of 1,190 youths were admitted to Kansas Juvenile Correctional Facilities. Among these youths, approximately 87 percent were males and 13 percent were females.
- 47 percent of the admissions were categorized as white, nearly 31 percent were African Americans, 11 percent were Hispanic, about 7 percent declared themselves as bi-racial, and the remaining fell into other categories.
- The ages of youths admitted to Juvenile Correctional Facilities ranged from 11 to 20, with an average age of 15.9. The admission age at the Atchison facility represented the youngest juveniles (averaged 14.1 years old) of all the facilities, whereas admissions to the Topeka facility represented the oldest juveniles (16.4 years).
- The largest age group of FY98 admissions to the juvenile correctional facilities was 17-year-old, which accounted for 28.8 percent of the total population. Approximately 85 percent of the population was 15 years old or over, and 15 percent was 14 years of age or less. However, slightly more than 36 percent (36.1%) of juveniles were 17 or over.
- Almost one-half of the youths were living in single parent-families prior to admission to a juvenile correctional facility, with 40.9 percent living with natural mothers and 8.6 percent living with natural fathers. More than 35 percent (35.3%) reported were living in "two-parent" households, with 18.6 percent living with both natural parents and 16.7 percent living with one natural and one step parent.
- The top four counties accounting for commission of the most serious offenses resulting in admission include Sedgwick (27% of total admission), Wyandotte (17.6%), Johnson (8.1%) and Shawnee (6.6%). These four counties contribute nearly 60 percent of the annual admission to the state's juvenile correctional facilities.
- The top four counties of residence for youths admitted include Sedgwick (26.6% of total admission), Wyandotte (17.8%), Johnson (7.6%), and Shawnee (6.6%).

Age at Admission by Juvenile Correctional Facility

Age	Atchison	Beloit	Larned	Topeka	Total	
					N	%
11	1	0	0	0	1	0.1%
12	6	0	0	1	7	0.6%
13	31	9	1	2	43	3.6%
14	85	21	10	12	128	10.8%
15	64	41	82	75	262	22.0%
16	0	39	132	149	320	26.9%
17	0	33	136	174	343	28.8%
18+	0	7	29	50	86	7.2%
TOTAL	187	150	390	463	1190	100%
Average Age	14.1	15.6	16.2	16.4	15.9 Years old	

***KANSAS JUVENILE JUSTICE FACILITIES
LEGAL STATUS AND ADMITTING CHARACTERISTICS***

- Approximately forty percent of the FY 98 admissions to Kansas Juvenile Correctional Facilities were placed at the Topeka Facility (38.9%), more than one-third was admitted to Larned Facility (32.8%), and the remaining admissions were attributed to Atchison (15.7%) and Beloit (12.6%) facilities.
- The majority of the youths admitted to the facilities were considered to be "new" admissions (68.2% or 812 cases); 13.4 percent were returned from conditional release; 3.5 percent were returned from conditional release on new charge; and more than 11 percent were transferred in from another facility. Only 3.5 percent were readmitted after being discharged. Compared to the other three facilities, Atchison had the largest percentage of new admissions (81.3%), while Larned represented the smallest percentage of new admissions (62.1%).
- Nearly 48 percent (47.9% or 570 cases) of the FY98 admissions were on probation at the time of admission, whereas a little over one-half of the admissions were not under probation supervision (51.8% or 616 cases). Beloit had the largest percentage on probation (58.7%), and Topeka had the smallest percentage on probation (43.4%).
- Based on the most serious committing offenses, approximately two-thirds of the offenses were considered felony offenses, and the remaining one-third of the offenses were misdemeanor offenses. Topeka had the largest percentage of felony offenses (72.4%) while Beloit represented the smallest (44%).
- Theft (18.7%), burglary (18%) and battery (9.2%) were the most frequent offenses committed by these youths. Approximately 11 percent of the admissions involved drugs offenses.
- The majority of the youths admitted to the juvenile correctional facilities had two or more committing offenses (68.5%), and the remaining, 31 percent indicated only one committing offense.
- 40 percent of the youths admitted to the four state facilities had at least one prior offense. Of those admissions, 4.3 percent had five or more prior offenses. Topeka was the facility whose offenders had the largest percentage of prior offenses (46.3%), and the offenders in Larned Facility represented the smallest percentage of prior offenses (31.5%) compared with the other three facilities..

***KANSAS JUVENILE JUSTICE FACILITIES
LEGAL STATUS AND ADMITTING CHARACTERISTICS
(Continued)***

- Based on the severity level classification for the most serious offenses, 19.3 percent of admissions committed crimes which were classified on non-drug grid as levels 0 (off-grid) through 6; 33.5 percent committed felony offenses on non-drug levels 7 through 10. Slightly less than 4 percent (3.9%) of admissions committed offenses which fell within the drug grid.
- Person offenses contributed to 40.9 percent of the total offenses. Residential burglary alone accounted for 7.7 percent of the total offenses and 18.9 percent of the total person offenses. Nonperson offenses represented approximately one half of the total offenses (48.5%), whereas drug offenses represented less than 11 percent (10.6%).

Top Ten Most Serious Committing Offenses

Committing Offense	Atchison	Beloit	Larned	Topeka	Total	
					N	%
Theft	37	45	67	73	222	18.7%
Burglary	45	18	72	79	214	18.0%
Drugs	10	3	62	51	126	10.6%
Battery	18	25	32	35	110	9.2%
Criminal Damage to Property	11	6	31	17	65	5.5%
Criminal Deprivation of Property	8	12	13	10	43	3.6%
Aggravated Battery	4	4	13	20	41	3.4%
Aggravated Robbery	3	5	10	21	39	3.3%
Robbery	6	6	6	15	33	2.8%
Aggravated Indecent Liberty	4	0	3	22	29	2.4%
Subtotal	146	124	309	343	922	77.5%
TOTAL	187	150	390	463	1190	100%

Most Serious Committing Offense Type

Offense Type	Atchison	Beloit	Larned	Topeka	Total	
					N	%
Felony	122	66	275	335	798	67.1%
Misdemeanor	65	84	112	127	388	32.6%
Unknown	0	0	3	1	4	0.3%
TOTAL	187	150	390	463	1190	100%

Total Number of Committing Offenses

Committing Offenses	Atchison	Beloit	Larned	Topeka	Total	
					N	%
0	0	1	3	3	7	0.6%
1	59	67	77	165	368	30.9%
2	54	46	104	143	347	29.2%
3	36	17	86	72	211	17.7%
4	13	8	53	30	104	8.7%
5 and more	25	11	67	50	153	12.9%
TOTAL	187	150	390	463	1190	100%

Total Number of Prior Offenses

Prior Offenses	Atchison	Beloit	Larned	Topeka	Total	
					N	%
0	106	92	267	249	714	60.0%
1	22	43	48	88	201	16.9%
2	26	7	33	63	129	10.8%
3	12	5	20	23	60	5.0%
4	10	3	7	15	35	2.9%
5 and more	11	0	15	25	51	4.3%
TOTAL	187	150	390	463	1190	100%

Severity Level of Most Serious Offenses

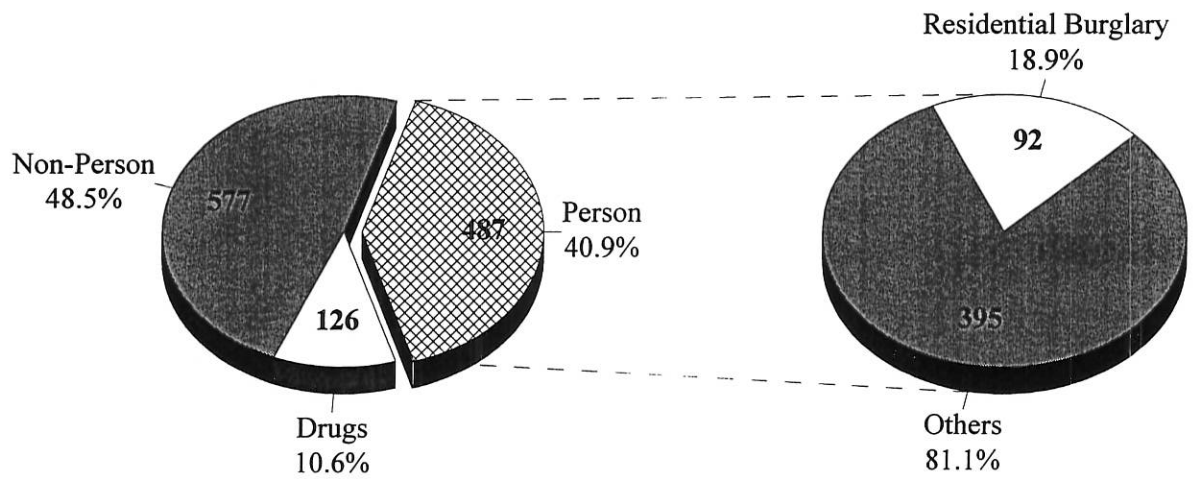
Severity Level	Atchison	Beloit	Larned	Topeka	Total	
					N	%
Offgrid	0	0	1	1	2	0.2%
1-3	11	5	24	53	93	7.8%
4-6	18	6	63	48	135	11.3%
7-8	40	16	71	90	217	18.2%
9-10	29	22	64	67	182	15.3%
Drugs	4	0	0	42	46	3.9%
Misdemeanor A	26	45	45	56	172	14.5%
Misdemeanor Other	31	27	43	58	159	13.4%
Other	6	5	8	5	24	2.0%
Violator	22	24	71	43	160	13.4%
TOTAL	187	150	390	463	1190	100%

Handwritten notes:
 - Bond Case
 - 7-14-15
 - 5-1-15

Most Serious Committing Offense Groups

Offense Group	Atchison	Beloit	Larned	Topeka	Total	
					N	%
Non-Person	100	99	183	195	577	48.5%
Person-Others	58	44	109	184	395	33.2%
Person-Residential Burglary	19	4	36	33	92	7.7%
Drugs	10	3	62	51	126	10.6%
TOTAL	187	150	390	463	1190	100%

Most Serious Committing Offense Groups



***KANSAS JUVENILE FACILITIES
OFFENSE HISTORY AND BACKGROUND***

- The majority of the FY98 admissions (88%) had no prior CINC adjudications except a little more than four percent (4.2%) of them with prior CINC adjudications. Approximately eight percent (7.8%) of juveniles admitted were adjudicated as a CINC at the time of admission to the juvenile correctional facilities.
- On average, the waiting period between complaint and admission was 1.1 years (13.2 months). The Topeka Facility indicated the longest waiting period (1.2 years), while the Atchison Facility represented the shortest waiting period (0.7 year).
- On average, juvenile offenders waited for 3.6 months between complaint and adjudication, another 3.6 months between adjudication and disposition, and 6 months between disposition and admission to a correctional facility.

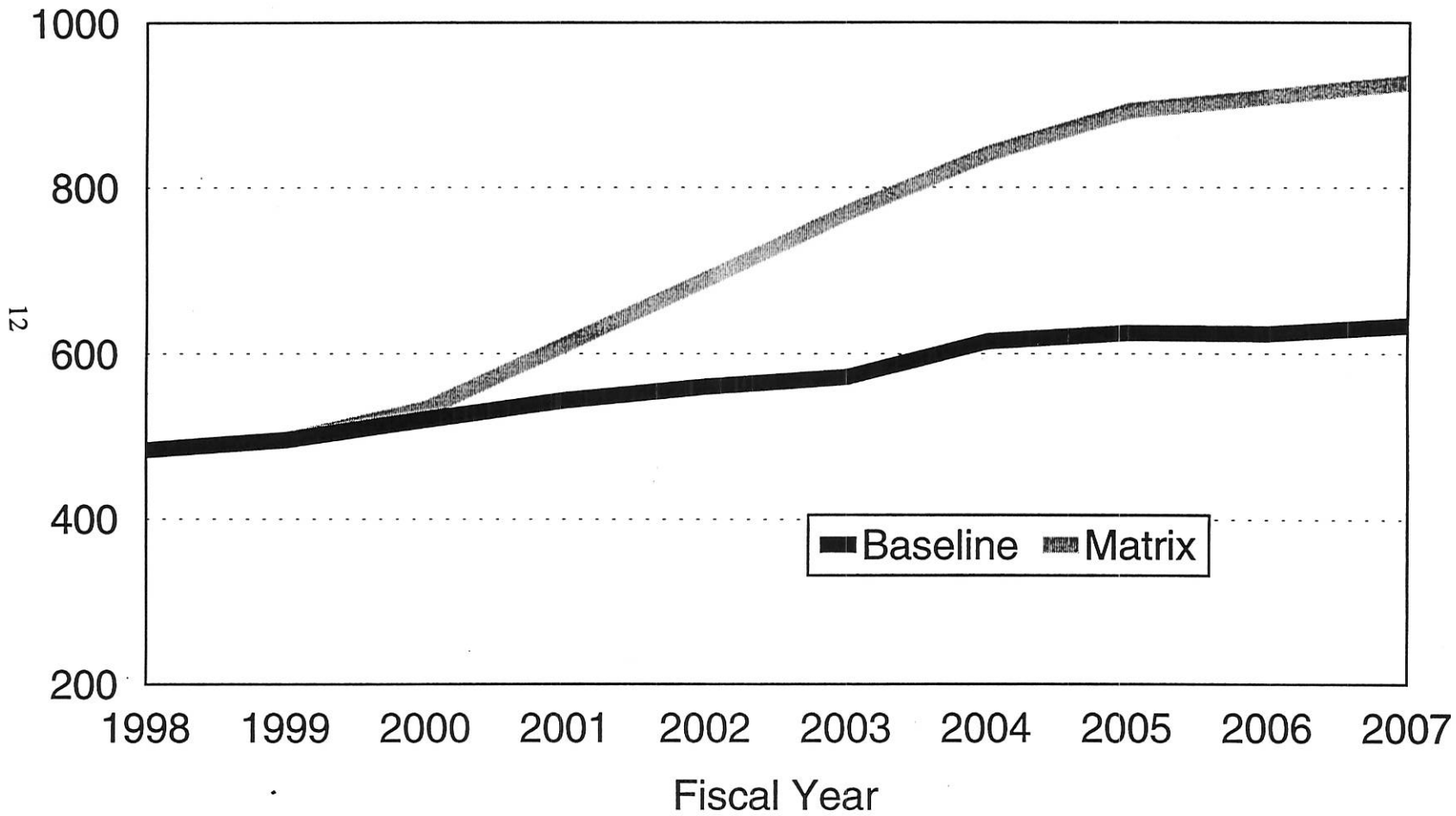
**KANSAS JUVENILE CORRECTION FACILITIES
 PROJECTED OFFENDER POPULATIONS FY 1998 TO FY 2007
 BASELINE FORECAST**

Fiscal Year	Monthly Average	Monthly Low	Monthly High
1998	484	471	499
1999	496	487	508
2000	521	508	532
2001	544	519	570
2002	560	548	573
2003	572	556	603
2004	615	603	630
2005	625	612	643
2006	624	606	642
2007	634	620	647
Total Percent Growth FY 1998 - FY 2007	31.0%	31.6%	29.7%
Average Yearly Percent Growth FY 1998 - FY 2007	3.4%	3.5%	3.3%

**KANSAS JUVENILE CORRECTION FACILITIES
 PROJECTED OFFENDER POPULATION FY 1998- FY 2007
 PLACEMENT MATRIX FORECAST
 IMPLEMENTED ON JULY 1, 1999**

Fiscal Year	Monthly Average	Monthly Low	Monthly High
2000	534	492	578
2001	612	584	650
2002	690	658	728
2003	770	733	804
2004	841	806	885
2005	893	876	909
2006	910	905	921
2007	927	913	943
Total Percent Growth FY 1998 - FY 2007	73.6%	85.6%	63.1%
Average Yearly Percent Growth FY 1998 - FY 2007	10.5%	12.2%	9.0%

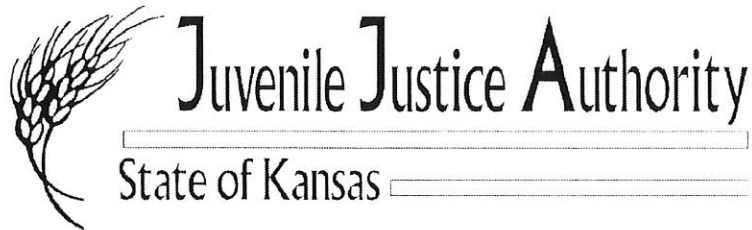
KANSAS JUVENILE CORRECTIONAL FACILITIES POPULATION PROJECTION FY 1998 - 2007 MONTHLY AVERAGE



Placement matrix will be implemented on July 1, 1999.

In chart format, the previous categories, lengths of stay and The 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 with 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 + appealable finding	3 - 6 mo	3 - 6 mo
Conditional Release Violator	All	3 - 6 mo	2 - 6 mo



Presentation to the Senate Judiciary Committee

**J. Kenneth Hales
Deputy Commissioner
Juvenile Justice Authority**

Tuesday, January 26, 1999

Juvenile Offender Placement Matrix

PREFACE:

The impetus for crafting and passage of the Juvenile Justice Reform Act had many aspects. One significant aspect related to why and for how long juvenile offenders were placed at the state's facilities for its most chronic, serious and violent youth. There are many concerns related to this, but most often heard were concerns over the consistency of judicial decisions to send youth to the state's facilities and the "revolving door" nature of how long offenders remained at the facilities. In general, the way and the term of offender placement at the state's juvenile facilities failed to effectively embrace the state's values of the preeminence of public safety, the importance of offender accountability, and the commitment to house offenders for a term necessary to affect behavioral change. A new way to effect juvenile offender placement to the state's facilities was sought.

REFORM ACT DEVELOPMENTS:

Before inception of the Kansas Youth Authority, the value of some type of juvenile sentencing guidelines was discussed. In 1994 the Criminal Justice Coordinating Council's Juvenile Task Force recommended the establishment of a presumptive placement criteria. In 1996, the Kansas Youth Authority submitted its recommendations to the legislature for the new Juvenile Justice Reform Act. Included was a recommendation that "a placement matrix shall be developed to promote uniformity in placement and efficient use of resources. Thresholds will be established to govern access to state provided placements (youth centers, maximum security). A juvenile's offense, offense history and risk factors shall define these thresholds. The state would establish minimum and maximum placement lengths." With submission of the transition blueprint in March of 1997, the Kansas Youth Authority presented its recommendations for the juvenile

placement matrix, which became law with passage of House Substitute for Senate Bill 69 in 1997.

PURPOSE & INTENT:

It is the understanding of the Juvenile Justice Authority that the purpose of the juvenile placement matrix is to provide the greatest possible assurance that those juveniles whose behavior demand removal from the community may be removed from the community and will be in placement for a sufficient period of time to affect meaningful change of behavior. The agency believes it is the legislature's intent that only violent, serious and chronic juvenile offenders should be committed to the state's juvenile correctional facilities. Also, that the court should retain discretion to make alternative placements to the community when warranted, and that all placements other than those involving juvenile correctional facilities, are best made within the community. The agency also understands that the goal of the placement matrix system is to keep non-violent offenders in the community and to allow juvenile correctional facilities a longer period of time to work with youth placed in state custody than is presently feasible. Providing for longer lengths of stay in state facilities will allow the juvenile correctional system to provide for public safety, juvenile accountability and will promote rehabilitation of the violent, serious and chronic offenders.

KEY CHARACTERISTICS OF THE MATRIX:

One characteristic of particular significance is that the juvenile placement matrix does not prescribe a presumption for incarceration. In this regard, it is different than the adult sentencing guidelines and the recommendations provided by the Juvenile Task Force in 1994. The current placement matrix establishes a threshold that must be met by an offender's current offense and criminal history to gain entry to a state juvenile correctional facility.

Placement with the commissioner of juvenile justice for juvenile correctional facility incarceration is not required, however. Thereby, the court retains judicial discretion. If the court has determined that a juvenile offender will be committed to state custody the court shall specify a specific term of incarceration and aftercare supervision within the appropriate range of the placement matrix. The court may modify the length of incarceration or aftercare supervision downward but no lower than the specified minimum. Upon successful completion of the minimum term, the commissioner of the juvenile justice Authority may request a hearing of the court to modify sentence and reduce the term of incarceration from that which was originally ordered. The decision rests ultimately with the court. This is a significant departure from previous law which provides release authority with the superintendent of the facility.

LENGTHS OF STAY AND AFTERCARE TERMS:

The accompanying attachment provides a narrative and table specific to the different categories of offenders and their terms of incarceration and aftercare supervision. In general, juvenile offenders convicted of the most serious or more

serious person felonies or drug crimes may gain entry to the system upon their first conviction and serve the longest sentences. Offenders convicted of the lowest level person felonies would require a prior felony conviction to gain entry to a state correctional facility. Nonviolent felony offenders require two prior nonviolent or misdemeanor convictions to gain entry to a state facility and, compared to the violent or serious category of offenders, serve the shortest term of incarceration or aftercare.

There is allowance for misdemeanor offenders to be ordered into the commissioner's custody for juvenile correctional facility placement under special circumstances. Misdemeanors require two prior misdemeanor, or level four drug offense, convictions plus two prior probation violations for out of home placement failures. Additionally, the court must determine that all community bases options are exhausted for the specific offender.

IMPACT OF THE MATRIX ON JUVENILE CORRECTIONAL FACILITIES:

In very general terms, the impact of the placement matrix will be significant on both community-based services and juvenile correctional facility capacity. For the juvenile correctional facilities, there will be a diminishment in the trend concerning admissions to the facilities. That is, there will be fewer admissions to the juvenile correctional facilities, particularly for misdemeanor offences. However, due to the increase in lengths of stay the overall population will increase significantly.

In addition to a change in the demand for more capacity, there will be a change in the mix of juvenile offenders that make up the population. The population will become composed of offenders serving longer periods of time for more serious offenses. Additionally, due to the matrix and other changes in juvenile court proceedings, the offender population will age, thereby be comprised of a larger number of older juvenile offenders. These changes in the population will require significant programmatic changes within the facilities' operations.

COMMUNITY IMPACT:

The impact on the community is also expected to be significant. More offenders will remain under local supervision. They will be the misdemeanor offender, property offender and the less severe felony offenders. We expect growing reliance on essential services such as community corrections and intake and assessment. However, we expect the greatest or most intensely felt impact will be for more community based out of home placements.

LENGTHS OF STAY AND AFTERCARE TERMS

VIOLENT I

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 is set at a minimum 6 months and a maximum of age 23.

VIOLENT II

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.

SERIOUS I

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 is set at a minimum 6 months to a maximum 24 months.

SERIOUS II

The Serious II category is defined as a 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 is set at a minimum 6 months to a maximum 24 months.

CHRONIC I

The Chronic I is the chronic felon category. It is defined as a combination of:

- a) one present nonperson felony and two prior felonies
- 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 is set at a minimum 6 months to a maximum 12 months.

CHRONIC II

The Chronic II applies to offenders with misdemeanor offense histories escalating into felony offenses. This category is defined as a combination of:

- a) one present felony and two prior misdemeanor convictions

- b) present felony and two prior severity level 4 drug convictions
- c) present severity level 3 drug felony and two prior misdemeanor convictions
- 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 is set at a minimum 6 months to a maximum 12 months.

CHRONIC III

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
- b) one present misdemeanor and two prior severity level 4 felony convictions and two out of home placement failures
- c) one present severity level 4 drug felony and two prior misdemeanor convictions and two out of home placement failures
- 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 placed out of home in a juvenile offender case and the offender has significantly violated the terms of probation in that case. A 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.

This category can be committed a minimum 3 months in state custody and maximum 6 months. The aftercare term is set at a minimum 3 months to a maximum 6 months.

MATRIX GRID

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 months – 22 ½ years of age	6 months – 23 years of age
Violent II	1-3 Person Felony	24 months – 22 ½ years of age	6 months – 23 years of age
Serious I	4-6 Person OR 1-2 Drug felony	18-36 months	6-24 months
Serious II	7-10 person felony + prior felony conviction	9-18 months	6-24 months
Chronic I Chronic Felon	Present non-person felony OR level 3 drug felony + 2 prior felony convictions	6-18 months	6-12 months
Chronic II – Escalating Felony	Present felony OR level 3 drug + 2 prior misdemeanor convictions OR level 4 drug convictions	6-18 months	6-12 months
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 placement finding	3-6 months	3-6 months
Conditional Release Violator	All	3-6 months	2-6 months