



DATE: February 5, 2013

TO: Members of the Senate Judiciary Committee

### **Juvenile Justice Reform in Kansas and Establishment of a Juvenile Justice Authority**

In the late 1980's and early 1990's, Kansas, similar to other states, was concerned about increasing juvenile crime and began to question how to most effectively respond. Data from the 1994-1996 State of Kansas Juvenile Justice and Delinquency Prevention Plan, cited Kansas Bureau of Investigation arrest records for juveniles as increasing from less than 7,500 in 1980 to approximately 10,000 in 1992 (Attachment A).

A series of studies and legislative reports completed in Kansas from 1989 to 1995 began to assess issues of juvenile offending, (see Attachment B: reference list from the Koch Crime Commission, Juvenile Justice Research Project, April 1996). Among these eleven (11) reports, themes are noted as to concerns within the system, such as:

- Increases in juvenile crime and in the severity of those offenses,
- Capacity and effectiveness of responses to juvenile offending behavior,
- Policy with regard to decision making and roles of each component of the juvenile justice system, and
- Coordination and limitations of data

Some of the reports also included proposed solutions to the problems observed, some of which are present in the Kansas Juvenile Justice system in 2013, such as:

- Utilization of community based responses to the extent possible, reserving secure facilities for the most serious juvenile offenders,
- Expanded public access to juvenile records,
- Increased emphasis on public safety, and
- Sentencing matrix for those in secure facilities

The question of which entity or entities could most effectively address juvenile offending behavior was also considered, and at times offered conflicting recommendations, including:

Mainstream, Inc., Recommendations of the Juvenile Offender Policy Conference, September 30, 1989 offered as their first recommendation to, "Establish a cabinet level department or commission".

Juvenile Justice Task Force, Report on Juvenile Offenders, Presented to the Kansas Criminal Justice Coordinating Council and the Kansas Legislature, March 1, 1995 offered the opposite opinion stating, "As far as the issues of financing strategies and the implications of a youth authority are

concerned, the task force report recommends that scarce resources be dedicated directly to services to youth rather than the creation of a new agency. The report recommends that the Department of Corrections assume responsibility for the operation of state confinement facilities for juvenile offenders, and that the other pieces of the system remain where they are....The task force concluded that the Department of Corrections has historically demonstrated an ability to protect the public from offenders in its custody while implementing rehabilitative programs which are compatible with the focus on public safety...”

Emerging from this body of work, the Juvenile Justice Reform Act of 1996, herein referred to as the “Act”, introduced as House Bill 2900 (L. 1996, Ch. 229), enacted a series of reforms. The Act included amendments to K.S.A. 1995 Supp. 75-7001 to require the Governor to appoint a commissioner of juvenile justice on January 1, 1997 and set in motion the transfer of powers, duties and functions of the department of social and rehabilitation services concerning juvenile offenders. The Act further amended laws to require the Kansas Youth Authority to submit a transition plan on the commencement of the 1997 legislative session to:

*Sec. 134(b) Such transitional plan shall include a plan for the transfer of the powers, duties and functions of the department of social and rehabilitation services and other state agencies concerning juvenile offenders to the juvenile justice authority and the commissioner of juvenile justice; a plan for a juvenile offender placement matrix to promote uniformity throughout the system; a plan for aftercare services upon release from a juvenile correctional facility including the development of discharge plans which will coordinate the efficient delivery of services including educational services; a plan in coordination with the department of social and rehabilitation services to consolidate the functions of juvenile offenders and children in need of care intake and assessment services to provide a statewide plan for coordinating services on a 24-hour a day basis; a plan to recommend how all juveniles in police custody will be processed through the juvenile intake and assessment system; and a plan to facilitate the transfer from a state-based juvenile justice system to a community-based juvenile justice system. The plan for transition to a more community-based juvenile justice system shall be based on judicial districts and shall specifically address the governance, financial needs, compliance requirements and accountability of the system. The Kansas youth authority may contract with a consultant to provide assistance with such transitional plans.*

In 1997, House Substitute for Senate Bill 69 passed which addressed this transition and set the course of action for the new Commissioner of Juvenile Justice and the Juvenile Justice Authority (JJA). Commissioner Albert Murray was appointed by Governor Graves effective May 5, 1997 with the agencies first official day of operation as July 1, 1997. This legislative action also included the transfer of the powers, duties, and functions of the department of corrections concerning juvenile community correctional services [New Sec. 3 (b)] and amended K.S.A. 1996 Supp. 75-7023 (Sec. 98) with regard to establishment of a juvenile intake and assessment system by the commissioner, which was previously administered by the office of judicial administration.

From 1997-2000, JJA and system stakeholders from across Kansas planned, developed and implemented the juvenile justice system as envisioned by the provisions of this Act.