

## Testimony on HB2021

### Submitted To

### The House Corrections and Juvenile Justice Committee

### By

### Randy Bowman, Executive Director of Public Affairs Kansas Department of Corrections

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The Kansas Department of Corrections (KDOC) appreciates the opportunity to offer a perspective on the proposed changes in House Bill 2021. We are neutral on the bill.

The Kansas Juvenile Justice System is seeing results as were envisioned eight years ago by leaders of the executive, judicial and legislative branches of government when they established a bipartisan, inter-branch Juvenile Justice Workgroup to comprehensively examine Kansas' juvenile justice system and to develop data-driven policies based upon research and to build consensus among key stakeholders from across our state. That leadership charge sought to advance these three goals:

- Promote public safety and hold juvenile offenders accountable;
- Control taxpayer costs; and
- Improve outcomes for youth, families, and communities in Kansas.

The major findings from that work in 2015 included:

- **As crime falls, the juvenile justice system does not keep pace:** From 2004-2013, the decline in the KDOC out of home population (24 percent) was less than half the decline in the rate of juvenile arrests (52 percent).
- **Lower-level offenders make up most of juvenile justice system:** The vast majority of youth placed in state-funded residential facilities and under the most intensive level of community supervision are not chronic offenders adjudicated for serious offenses. Rather, youth with lower-level offenses and limited criminal histories make up a large proportion of the population placed out of home in state custody under Case Management, as well as on Intensive Supervision Probation (ISP).
- **Bed costs are high:** More than two-thirds (over \$53 million) of KDOC's juvenile services budget is spent on out-of-home placements at a cost of as much as \$89,000 per year per youth. That is more than 10 times the cost of probation.
- **Evidence-based services in the community are scarce:** The courts lack sufficient evidence-based alternatives to residential placement. The services that are available in the community are

the same as those available to any non-court-involved youth, are generally not shown to reduce recidivism, and are not monitored for quality by the juvenile justice system.

- **Lack of standardization leads to disparate outcomes:** Throughout the system, decisions about how to handle youth are made without statutory guidance or standardized assessment of a youth's risks and criminogenic needs, leading to geographically disparate use of out-of-home placements.
- **Data collection is insufficient and inconsistent:** A lack of comprehensive outcome data collection impedes the accountability necessary to incentivize better system performance.

Over the past several years, stakeholders from across Kansas have worked to implement the reforms enacted in 2016 Senate Bill 367 and have improved public safety and outcomes for youth and families across Kansas.

- **Juvenile arrests down 52%** (from 10,064 in CY15 to 4,818 in CY21) [KBI - Kansas Bureau of Investigation - Statistics - Crime Statistics](#)
- **Juvenile intakes for a crime down 23.5%** (from 8,959 in FY15 to 6,850 in FY22) [ARCHIVED: Juvenile Services Population Reports — \(ks.gov\)](#) and [KDOC Dashboards — \(ks.gov\)](#)
- **Juvenile offender court filings down 20.7%** (from 8,463 in FY15 to 6,708 in FY19) [KS Courts - Case Statistics](#)
- **Waiver from juvenile to adult court for prosecution resulted in the transfer of 24 juveniles in FY19** (average FY15-19 was 31.2) [KS Courts - Case Statistics](#)
- The number of **residents 24 years of age and younger in adult correctional facilities was 13% of the population in FY15 and has decreased to 7.5% in FY22** [KDOC Annual Reports — \(ks.gov\)](#)
- **Three years after their release, 72.5% of youth released from the Kanas Juvenile Correctional Facility (KJCC) in CY18 did not return and were not admitted to prison** [KDOC Annual Reports — \(ks.gov\)](#)

In this committee and others, some have raised their concerns with juvenile justice reform, some of which is constructive and helpful to continuing to improve the system, some that is not. Adding collaborative language to the child in need of care code and modifying that same concept in the juvenile offender code, while expanding to include the Office of Judicial Administration (OJA) in both are helpful. We are concerned about those elements in the bill that would reimplement failed policies and practices from the past. Specifically:

**Section 4** proposes to double the total number of post adjudication days that a youth could be confined in juvenile detention as violation of a condition of sentence from 45 to 90 days. I am aware of no evidence that supports this approach as effective in reducing juvenile crime or changing behavior, rather the research is extensive as to the harm caused by confinement.

**Section 5** would allow extension of the overall case length limit when a delay in completing an evidence-based program is by the juvenile and then eliminate the overall case length limit. If a

juvenile is not completing a program and our adult interpretation is that they are working the system to reach the end of their probation, we must ask our selves this question. Has the youth committed a new crime? If the answer to that is yes, then the prosecutor can file that new case and upon adjudication a new case length limit would begin. If the answer is no, then didn't we get the outcome we seek of reducing crime? Programs are very helpful and valuable, but if a youth is crime free with out "completing" a program it would be counter-productive to punish them with more time under supervision.

**Section 6** further expands the use of juvenile detention by adding new options on when a youth can be detained under orders of the court. Appearances are that this is a purely punishment-oriented proposal which is as, if not more, likely to reinforce negative behaviors than to change them.

Over the years, and as recently as the joint meeting of the Corrections and Juvenile Justice and the Child Welfare and Foster Care committees, we hear calls for increased investment in behavioral health care, expansion of community-based solutions, increased training, restructuring of child welfare service delivery systems, advocacy for Medicaid expansion to fund these services, mixed with a some calls for more punishment of certain youth.

The Kansas Department of Corrections continues to encourage legislators and stakeholders to find ways to advance and finance those ideas that are not incarceration or punishment.