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Written Testimony in Opposition of HB 2021  
Senate Committee on Judiciary

Chair Warren, Vice Chair Wilborn, and Members of the Senate Committee on Judiciary:

Thank you for the opportunity to testify today on HB 2021. Kansas Appleseed Center for Law and Justice is a nonprofit, nonpartisan organization dedicated to the belief that Kansans, working together, can build a state full of thriving, inclusive, and just communities.

### **Kansas Appleseed opposes HB 2021.**

HB 2021 makes three changes which we oppose and would like removed from the bill. First, the bill would double the amount of time a child could spend in jail during their case. Second, the bill would remove case length limit protections that were set to prevent children from being kept on supervision indefinitely. And third, the bill would bring back the use of detention as a sanction for technical violations of probation. It is our view that none of these changes are consistent with the current best practices identified in the youth justice space nor has any research or data been presented to us to show that these changes represent any real solution to the problems that have been expressed to this committee regarding “out of control” kids or “middle level offenders”.

There is an important conversation to be had around positive interventions for kids, especially those with multiple offenses, but secure confinement most assuredly is not a positive intervention. Imposing time in juvenile detention for children due to a technical violation of their probation is a form of punishment premised on a flawed theory – that this is for their own good. But youth confined to juvenile detention are significantly more likely to reoffend, have worse health outcomes, and are more likely to experience lifelong effects from stigmatized labeling and differential association that hinder rehabilitation.

While confinement is used as a deterrent in criminal justice policy, sanctions like confinement are particularly ineffective at deterrence in juvenile populations.<sup>1</sup> “Get tough” policies that attempt to reduce recidivism or prevent criminal behavior by using confrontational methods simply do not work.<sup>2</sup> The National Council of Juvenile and Family Court Judges encourages “jurisdictions to develop alternatives

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<sup>1</sup> Wallace, L. “Illicit juvenile weapon possession: The role of serious sanction in future behavior.” 2017. <https://europemc.org/article/PMC/5793880>

<sup>2</sup> Klenowski, P. et al., “An Empirical Evaluation of Juvenile Awareness Programs in the United States: Can Juveniles be ‘Scared Straight’?” *Journal of Offender Rehabilitation*. 2010.

[https://www.researchgate.net/publication/233046518\\_An\\_Empirical\\_Evaluation\\_of\\_Juvenile\\_Awareness\\_Programs\\_in\\_the\\_United\\_States\\_Can\\_Juveniles\\_be\\_Scared\\_Straight](https://www.researchgate.net/publication/233046518_An_Empirical_Evaluation_of_Juvenile_Awareness_Programs_in_the_United_States_Can_Juveniles_be_Scared_Straight)



to formal probation revocations for technical violations, to ensure that detention or incarceration is never used as a sanction for youth who fail to meet their expectations or goals.”<sup>3</sup>

Health outcomes for youth sent to detention are significantly worse. Confined youth have significantly higher rates of self-injuries and injuries in general.<sup>4</sup> Detained youth have higher rates of asthma, dental decay, hypertension, obesity, and mortality from firearm injuries, suicide, and illness.<sup>5</sup>

The negative effects of juvenile confinement extend beyond just physical health outcomes. The use of confinement can reinforce the “labeling” of a kid as delinquent - which research shows is likely to result in increased chances that a juvenile will continue to participate in negative activities.<sup>6</sup> The stigmatization of the labeling effect reinforced by juvenile confinement may have lifelong negative psychological effects on the youth in question.<sup>7</sup>

While we understand that this bill has been brought with good intentions, I encourage the committee to use great caution as you consider this bill. Many entities exist that can assist this committee in thoroughly vetting proposed policy changes: the Juvenile Justice Oversight Committee and their connections with the Criminal Justice Institute; the Joint Committee on Corrections and Juvenile Justice oversight and their authority to engage with legislative research; the Kansas Advisory Group on Juvenile Justice and Delinquency Prevention represents many stakeholders and routinely engages in explorations of policy change; not to mention groups like Kansas Appleseed and dozens of other concerned stakeholders that exist to help the legislature craft good public policy. We would be eager and willing to work with you all and any of these groups to bring our youth justice system together to consider what changes need to be made.

We need more positive interventions for young people – more mentoring, more credible messengers, more innovative programs to intervene in a child’s life in ways that don’t harm them. Not to mention more access to PRTFs so our kids with those needs are not waitlisted – perhaps we could work to establish one or more PRTFs that are specifically for kids with offending behaviors. It is clear that we all agree that we need more ways to positively benefit the children of Kansas, but we do not see this bill offering up the path to achieve that goal.

Kansas Appleseed opposes HB 2021.

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<sup>3</sup> National Council of Juvenile and Family Court Judges. “Resolution Regarding Juvenile Probation and Adolescent Development.” 2017.

<sup>4</sup> Udell, W. “The Prevalence of Physical Health Problems among Youth in the Juvenile Justice System: A Systematic Review.” Journal of Health Disparities Research and Practice. 2011.

<sup>5</sup> Id.

<sup>6</sup> Larson, L. “Reducing Juvenile Offender Recidivism Through Diversion.” 2017.

<sup>7</sup> Id.