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Bill # HB 2021
Please note nomenclature (HB, SB, SCR, etc.)

Date of Testimony 03/07/2023
(MM/DD/YY)

Category:

Please select one

- Proponent
 Opponent
 Neutral

Conferee

Don Hymer
First name Last Name

Delivery:

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- In-person
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Laura Kelly, Governor

March 7, 2023

Testimony on HB 2021 Submitted to The Senate Committee on Judiciary

By Juvenile Justice Oversight Committee of Kansas

The Juvenile Justice Oversight Committee (JJOC) appreciates the opportunity to offer a perspective on the proposed changes in House Bill 2021. We are opposed on the bill.

JJOC met on March 7th, 2023, and the will of the body by the majority was to oppose HB 2021. The JJOC is committed to data driven, evidence-based policies that increase public safety and hold youth accountable.

The JJOC was created as part of Senate Bill 367, passed in 2016. This bill was a comprehensive juvenile justice reform bill, supported by all three branches of government following a need for data driven, evidence-based policies that decreased recidivism and increases public safety. As a result of those efforts, the state has seen a 50% decline in juvenile arrests, a 23% decrease in the number of youths coming through juvenile intake, and a 27.5% recidivism rate (down from 43.6% in 2015).

Despite the progress the state has made, JJOC recognizes there is still work to be done and acknowledges that there are valid concerns and challenges in the juvenile justice system that must be addressed; however, any legislative effort in response to concerns and challenges must be data-driven and evidence-based. House Bill 2021 as it is written, is neither data-driven nor are they evidence-based practices and does not appropriately address concerns and challenges that have been shared. If passed, HB 2021 will not necessarily address system flaws, but may likely come with additional unintentional consequences, such as increased recidivism, decreased public safety and harmful effects on youth and system stakeholders.

The following testimony outlines feedback collected from the JJOC related to HB 2021

Section 4. Length of stay: HB 2021 doubles the maximum amount of time youth can be placed in detention.

- Measures proposed in this section of HB 2021 are not data-driven or evidence based, and do not align with best practices that reduce recidivism and increase public safety.
- JJOC finds that the legislation lacks specific guidance and parameters to the stakeholders responsible for implementing related policies.
- JJOC questions if the amended sections adhere to evidence-based practices and best practices. Extended time spend in detention, specifically for youth identified as low to moderate risk to recidivate, can increase youths' likelihood to reoffend.

Section 5 - Gives the courts discretion to extend probation beyond the maximum case length limit.

- Measures proposed in this section of HB 2021 are not data-driven or evidence based, and do not align with best practices that reduce recidivism and increase public safety.
- JJOC finds that the language is vague and questions if it adheres to evidence-based practices and best practices.
- JJOC is concerned that the legislation allows for the extension of probation, beyond case length limits. It is unclear if this bill would eliminate any case length limit in certain circumstances.
- Without adherence to evidence-based practice, there is a risk of increasing recidivism and causing additional harm.

Section 6- HB 2021 lengthens the amount of time youth can be placed in detention for a probation violation and adds contempt of court to the eligibility criteria for detaining youth.

- Measures proposed in this section of HB 2021 are not data-driven or evidence based, and do not align with best practices that reduce recidivism and increase public safety.
- JJOC has concerns regarding the use of detention, when not based upon risk level to recidivate or graduated responses. When confinement is allowed to be used as a response for low level behaviors, a number of youths will be unnecessarily removed from their homes and placed in detention. This practice disconnects youth from their support system, without treatment, programs, education services, and other pro-social activities.
- Current law prevents the use of detention in response to specific behaviors to ensure that when youth exhibit typical adolescent behavior and/or youth are identified as low risk to re-offend, that the juvenile justice system responds in a proportionate and age-appropriate manner.

Section 1, 2, & 3- HB 2021 expands eligibility of juvenile justice practices/programming to include youth identified as a child in need of care (CINC), without an allegation/adjudication of a juvenile offense.

- This creates a lot of crossovers in CINC and justice involved youth. Programs that are best practice for justice involved youth, and not necessarily best practices for CINC cases.
- Risk assessments that have been researched, developed, and validated for justice involved youth are not always appropriate or intended for children in need of care.
- JJOC is currently extending funding to an evidenced based program (Crossover Youth Practice Model) which is in its development statewide. JJOC supports the initiative and wants to encourage this practice with data and research.

Section 7& 8 - HB 2021 increases KDOC's role in facilitating data sharing and overseeing programs funded by the EBPA.

- JJOC is utilizing the Evidenced Based Practice Account to fund evidenced based programs in the community that have a substantial impact on reducing recidivism and increasing public safety.
- KDOC currently, as part of all grant awarding processes, require quarterly updates and outcomes.
- KDOC and JJOC currently publish juvenile justice data, while the JJOC Data Sub-committee continue to increase available data and foster collaboration among agencies.

Summary

- Various parts of the legislation may result in unintended consequences that could increase harm to youth and system stakeholders and decrease public safety.
- Public safety needs to be a primary focus in juvenile justice. Any effort to address the expressed concerns, must be data-driven and evidence based, with a focus of effective practices that reduce recidivism and increase public safety.
- JJOC looks forward to being a part of the decision and being consulted because of our charge. We want to fulfill our statutory obligations. JJOC was created for implementing/supporting “what works” in juvenile justice and ensuring policies that focus on reducing recidivism and increasing public safety.

Sincerely,
Don Hymer, Chair
Juvenile Justice Oversight Committee