

TESTIMONY OF MIKE FONKERT
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COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE
IN OPPOSITION OF HB 2445
JANUARY 28, 2020

Members of the Committee on Corrections and Juvenile Justice:

My name is Mike Fonkert. I am the Just Campaign Manager for the Kansas Appleseed Center for Law and Justice, 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 2445. This bill attempts to undermine Kansas’ successful juvenile justice reforms. SB 367, passed in 2016, specifically amended K.S.A. 38-2202 to define a “secure facility” as a facility other than a juvenile detention facility. The purpose of this amended definition in SB 367 was to limit the use of juvenile detention facilities to situations where there is probable cause of a significant risk of harm to others or damage to property.¹ HB 2445 attempts to redefine “secure facility” to allow for new instances of children to be locked up in juvenile detention facilities. This erodes a clear line that was set up separating secure facilities from juvenile detention, making it more likely that children experiencing trauma will be locked up instead of receiving the community-based detention alternatives we know are more effective.²

Research shows that locking children up in juvenile detention facilities is harmful to their mental and physical health.³ Children who enter juvenile detention centers are at greater risk of suicide.⁴ Confining children who have run away in juvenile detention centers is demonstrably ineffective. The federal Juvenile Justice and Delinquency Prevention Act prohibits the secure confinement of status offenders, except in extreme circumstances to ensure their safety.⁵ “Not only is the routine confinement of runaways illegal, it also does not address the underlying issues and can inflame tensions between the juveniles and their families.”⁶ A well functioning juvenile justice system should utilize trauma-informed interventions that address the needs of youth, not lock away kids in juvenile detention centers without consideration for the history of adversities informing their behavior.⁷

¹ Kansas Legislature. “Summary of Legislation: Juvenile Justice System; SB 367.” 2016. p. 9.

http://www.kslegislature.org/li_2016/b2015_16/measures/documents/summary_sb_367_2016.pdf

² The Pew Charitable Trusts. “Kansas’ 2016 Juvenile Justice Reform.” Brief. 2017.

https://www.pewtrusts.org/-/media/assets/2019/06/pspp_kansas_2016_juvenile_justice_reform_brief_v2.pdf

³ Golzari, M., Hunt, S., and Anoshiravani, A. “The health status of youth in juvenile detention facilities.” Journal of Adolescent Health. 2006.

<http://www.pp-js.org/SiteCollectionDocuments/JDCAP%20Health%20Status%20Youth%20Detention.pdf>

⁴ Chapman, J. and Ford, J. “Relationships Between Suicide Risk, Traumatic Experiences, and Substance Use Among Juvenile Detainees.” Archives of Suicide Research. 2008. <https://www.tandfonline.com/doi/abs/10.1080/13811110701800830>

⁵ Dedel, K. “Problem-Oriented Guides for Police - Problem-Specific Guides Series No. 37: Juvenile Runaways.” US Department of Justice - Office of Community Oriented Policing Services. 2010. <http://www.justiceacademy.org/iShare/Library-COPS/cops-p095-pub.pdf>

⁶ Id.

⁷ Skinner-Osei, P. et al. “Justice-Involved Youth and Trauma-Informed Interventions.” Justice Policy Journal. 2019.

http://www.cjci.org/uploads/cjci/documents/justice-involved_youth_and_trauma-informed_interventions.pdf