

HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE

Hon. Russ Jennings, Chairman
Hon. Leo Delperdang, Vice Chairman
Hon. Dennis “Boog” Highberger, Ranking Minority Member

February 18, 2020
1:30 p.m.

Chief Judge Nicholas St. Peter
Nineteenth Judicial District
311 East 9th Ave.
Winfield, KS 67156
nstpeter@cowleycourt.com
620-221-5473

WRITTEN TESTIMONY IN SUPPORT OF HB 2505

Thank you for the opportunity to present testimony in support of HB 2505. This testimony is being presented by Nicholas St. Peter, Chief Judge of the Nineteenth Judicial District (Cowley County) on behalf of Kansas District Judges Association (KDJA).

KDJA wishes to take this opportunity to express our support to the passage of HB 2505 relating to the use of short detention sanctions for juvenile offenders following multiple probation violations that occur in separate transactions.

I offer this testimony as a judge who regularly hears juvenile and CINC cases and has done so since 2004.

SB 367 provided a number of needed changes in the way we treat juvenile offenders. It changed the focus from a matter of mere punishment to a system that looks at the offender’s entire family structure. With the use of programs such as Functional Family Therapy, the Parent Engagement Project as well as Juvenile MRT, we focus much more on change, not just for the offender, but also their family. In the past we removed kids, many of them got better as a result of structure, but did nothing with the home. Once they came back, it wasn’t long before they found trouble again because we did not change the dynamics of their home environment. Too many children were removed for too long. SB 367 also expanded the use of intervention programs, this allows for offenders and their families to access services without creating a juvenile record. This has resulted in a reduction of JV cases, at least in my district.

We also now use evidence based tools to determine detention placement. We use an YLS to determine intensity of supervision and problem areas that need to be addressed through probation. Judges use these tools to tailor probation to the offender and their family. Often times this involves participation in treatment and other cognitive programs, school participation and restriction of association with other kids who might influence negative behavior. This is all of course accomplished through an order of probation.

The concept of providing positive reward for good behavior is an important tool in an offender’s rehabilitation. SB 367 allows for good time credits toward the time an offender is on

probation and sets strict case length limits that allow for a case to end even if there has not been full compliance. However, the opposite is also true. Negative consequences provide motivation to encourage good behavior. This is where SB 367 falls short, but will be addressed by this bill.

Unfortunately, not every offender takes advantage of the programs available for change. When this occurs, supervising officers increase reporting requirements, extend supervision, and use programming to try and effect change. However, sometimes despite their best efforts, the offender just will not participate. The court is then left with really very little leverage to effect change. This bill gives both the court and the probation officer the needed leverage. The possibility of the sanction is probably more important than the sanction itself. Without this, we really have hollow court orders. Kids are smart enough to know this, they talk to each other. This puts probation staff and the court in a difficult position. It also sends the offender the message that there really are no consequences for violating probation.

The statute proposed provides a reasonable response to failure to comply. Keep in mind, that most of the offenders on probation have either had two separate cases that have gone through intervention prior to the present case, or have been adjudicated for a serious offense. At that point they have likely had multiple chances to work toward change. While there is an impact with a detention placement, not all of them are negative. Sometimes a glimpse of what life could be like without change creates perspective for the offender. HB 2505 provides a mechanism for this short glimpse but does not remove the offender from his or her community and family or disrupt and positive progress that might exist.

Respectfully submitted,

Nicholas M. St. Peter, Chief Judge