

TESTIMONY OF MIKE FONKERT
JUST CAMPAIGN DIRECTOR
KANSAS APPLESEED CENTER FOR LAW AND JUSTICE

HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE
IN OPPOSITION TO HB 2505
FEBRUARY 18, 2020

Members of the House Committee on Corrections and Juvenile Justice:

My name is Mike Fonkert; I am the Just Campaign Director 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 2505.

HB 2505 would impose a two day sentence to juvenile detention for children with a fourth technical violation, and a five day sentence to juvenile detention for children with a fifth technical violation. This form of punishment is premised on a flawed theory. Youth confined to juvenile detention are significantly more likely to have worse health outcomes, and are more likely to experience lifelong effects from stigmatized labeling and differential association that hinder rehabilitation. There is an important conversation to be had around positive interventions for kids with multiple offenses, but secure confinement most assuredly is not such a positive intervention.

While confinement has long been used as a deterrent in criminal justice policy, it's effectiveness is mostly a mixed bag.¹ Severe sanctions like confinement are particularly ineffective at deterrence in juvenile populations.² "Get tough" policies that attempt to reduce recidivism or prevent criminal behavior by using confrontational methods simply do not work.³ The National Council of Juvenile and Family Court Judges encourages "jurisdictions to develop alternatives 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."⁴

Health outcomes for youth sent to detention are significantly worse. Confined youth have significantly higher rates of self-injuries, traumatic brain injuries, and injuries in general.⁵ Detained youth have higher

¹ Tomlinson, K. "An Examination of Deterrence Theory: Where Do We Stand?." Federal Probation. 2016.

https://www.uscourts.gov/sites/default/files/80_3_4_0.pdf

² Wallace, L. "Illicit juvenile weapon possession: The role of serious sanction in future behavior." 2017.

<https://europepmc.org/article/PMC/5793880>

³ 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

⁴ National Council of Juvenile and Family Court Judges. "Resolution Regarding Juvenile Probation and Adolescent Development." 2017.

⁵ 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.

rates of asthma, dental decay, hypertension, obesity, and mortality from firearm injuries, suicide, and illness.⁶

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.⁷ The stigmatization of the labeling effect reinforced by juvenile confinement may have lifelong negative psychological effects on the youth in question.⁸

It is also important to note that, as the bill is worded, the only counting factor is the number of technical violations. A single incident that involves multiple technical violations could end up resulting in a kid being sent to detention.

Because this bill directly contradicts the best practices suggested by the National Council of Juvenile and Family Court Judges, and will likely result in the physical and psychological harm of more Kansas kids while likely failing to prevent repeat incidents, Kansas Appleseed Opposes HB 2505.

⁶ Id.

⁷ Larson, L. “Reducing Juvenile Offender Recidivism Through Diversion.” 2017.

⁸ Id.