



TESTIMONY OF MIKE FONKERT  
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JOINT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE OVERSIGHT  
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Members of the Joint Committee on Corrections and Juvenile Justice Oversight:

My name is Mike Fonkert; I am a Campaign Director for 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.

The youth justice system in Kansas has seen quite a bit of change for the better over these past several years with dramatic reductions of incarceration of kids in Kansas and increased access to positive programs and supports in local communities. But we still have much work to do in order to realize a youth justice system that is truly able to positively benefit kids who come into contact with it. Today, I'd like to turn your attention to several issues that can continue to move the ball forward in this policy realm, and urge this committee to make recommendations supporting action on the following items.

I'd like to begin by addressing the \$21 million that was taken from the Evidence-Based Programs Account last year. Not only was that move contrary to the intent of the law, but it was completely unnecessary. Rationalizing balancing the budget by sacrificing advancements to a youth justice system was flawed to begin with, but given the positive ending balance that the State saw, it becomes even more egregious. The rationale that the money "wasn't being used" is also flawed -- it ignores the fact that many millions flow out of that account every year and that many legislators, agency officials, and other system stakeholders continue to work to find productive ways to improve our youth justice system and invest in our young people. Taking that money away cuts short the vision for creating the best possible youth justice system, when so many worthwhile goals remain unattained.

We still have a wildly fractured and under-resourced youth defense system. The National Juvenile Defender's Center (NJDC) 2020 Kansas Assessment paints a very clear picture of the failings of that system and offers many solutions that this committee can look at to improve that system. All of those improvements will take money, and the Evidence-Based Programs Account is a source of reserve funds that can help ease the financial burden of pursuing those improvements.

We continue to lack adequate mental health supports for young people, particularly young people in crisis, across the state. No juvenile crisis intervention centers have been established and PRTF beds remain too limited. Members of the Juvenile Justice Oversight Committee have been working for years to try to figure out how to improve that situation, but bureaucratic red tape has continued to stymie

those efforts to date, but the work to find solutions continues. The Evidence-Based Programs Account holds funds that can help create the services that kids and communities desperately need.

And there is so much more: lack of substance abuse program access, lack of mentoring and positive behavior supports in local communities, failure to get money flowing to community organizations that are working to support kids and keep them on the right path, and transitioning Kansas away from a youth prison model and towards therapeutic secure care, all remain on the list. The youth led group, Progeny recently released two different reports covering topics that would help move this system forward in positive directions. KDOC and National Crittenton are specifically studying young women that end up in KJCC and will soon release a report detailing the system failures that allowed those girls to slip so deep into the system. Recommendations to address these issues will take money and the Evidence-Based Programs Account can help the state achieve those goals

**I ask this committee to work to make sure the \$21 million that was taken from the Evidence-Based Programs Account is rededicated to youth justice spending.**

Next, I'd like to address the elimination of fines and fees for justice-involved youth. Financial barriers continue to exist for many young people in the system. The unfortunate reality is that many of the young people caught up in the system come from families in poverty and lack the resources to cover costs associated with justice involvement. This reality means that the playing field still isn't even for Kansas kids and kids from families with more money successfully complete the conditions of their adjudication more often than those that come from families that lack those financial resources. Financial penalties against children can negatively impact them well into their young adult lives, not to mention the reality that these fines and fees oftentimes cause additional stress and tension at home and can exacerbate already tenuous parent-child relationships. That's why we are working on eliminating them, so that children and families don't have to shoulder a financial burden in order for their child to successfully complete their time in the justice system. We are still working to put together the full scope of the dollars and cents we are talking about here -- as there is not one spot that tracks that info, but rather many levels and jurisdictions that all track their own information in their own ways. What we do know is that this change would be very manageable to incorporate into the state budget and will help more children and families be successful, and Kansas will reap the rewards of that as those kids become successful adults.

Finally, I'd like to talk about the practice of shackling children in the courtroom. Currently, Kansas has no laws governing that practice, so its use becomes a matter of local discretion or local court rule. The NJDC assessment revealed, yet again, that this practice is far too common, is almost always unnecessary, and actively causes trauma for the children involved. 33 states and the District of Columbia have created laws, most of them in the past 10 years, that seriously restrict this practice. I would urge this committee to support legislation that would get us in line with those other states by creating a process through which the state would need to show just cause for shackling a child in a courtroom.



Thank you for the opportunity to address these issues.