

Kansas Juvenile Justice Oversight Committee

06/26/2018

To:

The Honorable Jeff Colyer
Governor of the State of Kansas

The Honorable Jim Ward
Minority Leader of the House
Member of the Legislative Coordinating Council

The Honorable Susan Wagle
President of the Senate
Chair of the Legislative Coordinating Council

The Honorable Rick Billinger
Vice Chair of the Ways and Means Committee

The Honorable Ron Ryckman
Speaker of the House
Vice Chair of the Legislative Coordinating Council

The Honorable Troy L. Waymaster
Chair of the Appropriations Committee

The Honorable Jim Denning
Majority Leader of the Senate
Member of the Legislative Coordinating Council

The Honorable Richard Proehl
Vice Chair of the Appropriations Committee

The Honorable Don Hineman
Majority Leader of the House
Member of the Legislative Coordinating Council

The Honorable Jeff Longbine
Vice President of the Senate

The Honorable Scott Schwab
Member of the Legislative Coordinating Council

The Honorable Anthony Hensley
Minority Leader of the Senate
Member of the Legislative Coordinating Council

From: The Juvenile Justice Oversight Committee

Regarding: The movement of \$6,000,000 from the Evidence-Based Programs Account to the General Fund

Gentlemen and Ladies:

This letter is in regards to the appropriation of \$6,000,000 to the Kansas Department of Health and Environment (KDHE) from the evidence-based programs account established by K.S.A. 75-52,164, referred to as evidence-based juvenile program in Senate Bill 109 (SB 109). As it is the charge of the Juvenile Justice Oversight Committee (JJOC) to monitor juvenile justice reform and the evidence-based program accounts as outlined in K.S.A. 75-52,161, we are inquiring about the above-mentioned appropriation.

It is our understanding that the final appropriations actions by the 2018 Kansas Legislature in SB 109 appropriated \$6,000,000 to KDHE from the Evidence-based program accounts established by K.S.A. 75-52,164, "to be administered by department of corrections." K. S. A. 75-52,164 further states "All expenditures from the evidence-based programs account of the state general fund shall be for the development and implementation of evidence-based community programs and practices for juvenile offenders and their families by community supervision offices, including, but not limited to, juvenile intake and assessment, court services and community corrections."

As the JJOC, it is our statutory duty, as outlined in K.S.A. 75-52,161, to monitor the moneys within the Evidence-Based Programs Account and we request an explanation for this transfer of funds.

When the Evidence-Based Programs Account was created through the codification of 2016 Senate Bill 367 (SB 367) on April 11th, 2016, language in the Bill was designed to ensure funds designated to assist juvenile offenders and their families were used only for those purposes. We are concerned removing these funds runs contrary to the goals of SB 367.

The juvenile justice reform legislation, SB 367, and subsequent amendments, aim to increase public safety, effectively hold juvenile offenders accountable, and reduce the costs of juvenile justice. A vital piece of this legislation was to secure reinvestment funds for juvenile offenders and their families. K.S.A. 75-52,164 outlines the uses for the reinvestment funds, specifically that the "fund shall be for the development and implementation of evidence-based community programs and practices for juvenile offenders and their families...." Further, the movement of the funds opposes KSA 75-52,164 (f) (2016) which states "The Kansas juvenile justice improvement fund and any other moneys transferred pursuant to this section shall be used for the purposes set forth in this section and for no other governmental purposes. It is the intent of the legislature that the funds and the moneys deposited in this fund shall remain intact and inviolate for the purposes set forth in this section." These funds are to be used solely for the juvenile justice improvement fund (as above, later called the Evidence-Based Programs Account) and any attempt to move these funds appears to be contrary to this section of the law.

Research consistently shows that in order to reduce recidivism, and thereby increase public safety, youth need to receive appropriate interventions. The reinvestment funds are crucial to obtaining and implementing evidence-based practices and programs that can be used by youth and their families across the state in order to reduce recidivism, increase public safety, and ultimately reduce costs.

The Juvenile Justice Oversight Committee requests to know the following:

- The reason the funds were transferred.
- The purpose of the fund transfer.
- The services that are to be provided with these funds and targeted recipients of these funds.
- The process to define the services provided with these funds.
- Individual(s) or agency that has oversight of these funds.
- The legal basis on which these funds were transferred.

The JJOC requests a written response by September 1, 2018 and the presence of you or your representative at the next JJOC meeting to address the issues listed above.

Respectfully,

Greg Smith
Chair of the Juvenile Justice Oversight
Committee
Sheriff's Liaison, Johnson County

Delia York
Vice Chair of the Juvenile Justice Oversight
Committee
District Court Judge, 29th Judicial District

Kathy Armstrong
Assistant General Counsel, DCF Prevention &
Protection Services

Lara Blake Bors
Juvenile Defense Attorney

Randy Bowman
Deputy Secretary of Juvenile Services, KDOC

Kevin Emerson
Chief Court Services Officer, 28th Judicial District

Gail Finney
Representative, District #84

Paula Hofaker
District Magistrate Judge, 17th Judicial District

Donald Hymer
Assistant District Attorney, Johnson County

Max Mendoza
Director, Heartland 180

Megan Milner
Director of Community-Based Services KDOC

Joe Norwood
Secretary of Corrections

Melody Pappan
Cowley County Youth Services Director

Pat Pettey
Senator, District #6

Derrick Ploutz
Chief of Police, Sterling, Kansas

Randy Powell
Representative, District #30

Janet Waugh
District #1, State Board of Education Member

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