KANSAS JUVENILE JUSTICE WORKGROUP
July 8, 2015 Meeting Summary

On July 8, 2015 the Kansas Juvenile Justice Workgroup met for the second time. On this occasion, the Workgroup reviewed the front end of the state's juvenile justice system, from complaint through disposition. Information reviewed was compiled using national juvenile justice data, Kansas data from the Kansas Judicial Branch, Office of Judicial Administration (OJA), and Juvenile Services Division of the Kansas Department of Corrections (KDOC), as well as from numerous interviews with Workgroup members and other system stakeholders. Information from surveys of Court Services Officers and Community Corrections Officers was also included.

Kansas Juvenile Justice System Assessment

The Workgroup reviewed and discussed analysis showing how youth flow through the juvenile justice system at key decision points: complaint, intake, filing, adjudication, and initial disposition.

Complaint: Workgroup members discussed the limited statutory criteria that guide complaint, arrest, and referral decisions, and system stakeholders' wide discretion to determine how to handle youth behavior. They also discussed juvenile arrest rate trends. Statewide, juvenile arrests dropped more than 50 percent over the past ten years, a decline that is consistent with national trends.

Intake: At the point of intake, law enforcement and intake workers make two principal decisions: custody and referral. Broad statutory criteria surround custody, and, in particular, detention decisions. Intake data showed that nearly one-third (30%) of Kansas intakes in 2014 resulted in detention, a proportion higher than national trends.

Regarding referrals, the Workgroup discussed disconnects between decision-making and results of assessments required at intake. Further, they discussed the opportunities for early intervention that exist at the point of intake; referrals can be made to community-based services and immediate intervention programs prior to filing formal charges, but are not routinely utilized.

Filing of Charges: Authority to file charges lies with the prosecutor's office. Prosecutors must decide whether to file, and if filing, what type of petition to elect. Data showed that over the past ten years, total filings declined 24 percent. And, while juvenile offense filings decreased significantly, CINC filings increased over the past decade. The group discussed the broad criteria permitting filing of charges under the adult transfer and extended-jurisdiction juvenile (EJJ) statute.

Adjudicatory Process: The court is the primary decision-maker throughout the adjudicatory process. While examining the court process, the Workgroup discussed the lack of mandatory, comprehensive, juvenile-specific training for decision-makers such as judges, prosecutors and defense attorneys. Further, members discussed the variation across circuits in who presides over juvenile offense cases: judges, law-trained magistrates, or non-law trained magistrates.

Members learned that since 2006, juvenile offense adjudications decreased 39 percent but CINC adjudications remained relatively flat (down just 3%). Additionally, FY14 data demonstrate large variation across counties for juvenile offense and CINC case outcomes.

During the adjudicatory process, but prior to disposition, youth may be placed indeterminately in temporary custody. The data on temporary custody demonstrated that while the number of youth placed in temporary custody dropped 17 percent overall between 2004 and 2014, the reduction was inconsistent with the decline in juvenile arrests (down 50%) and juvenile offense and CINC filings (down 24%).

Disposition: At the point of disposition, judges rely largely on their own discretion and the recommendations of officers of the court. Very little statutory criteria guide judicial choices among disposition options. Further, while the Youth Level of Service-Case Management Inventory (a risk and needs assessment instrument) is now required in many cases, it does not necessarily guide choices among disposition options.

The Workgroup then reviewed and discussed data analyzing initial disposition decisions made by judges. Specifically, the Workgroup looked at direct dispositions to Court Services probation and KDOC. The data showed direct dispositions to Court Services for juvenile offense cases decreased 34 percent, while CINC cases disposed immediately to Court Services rose 12 percent.

Data also showed variation across counties in the proportion of youth sent directly to ISP, Case Management, or the JCF for their first KDOC disposition. However, the offense type and offending background of the population of youth disposed immediately to ISP and Case Management for their first KDOC dispositions looked nearly identical. Misdemeanants made up roughly two-thirds of the youth disposed directly to KDOC for both ISP and Case Management. And, for both types of supervision, the youth's prior adjudicatory history looked nearly identical.

38 percent of youth went out of home for their first KDOC disposition. That number declined 55 percent from 2004 to 2014. For those disposed directly to a JCF, nearly all were adjudicated for felonies.

Key Takeaways: Throughout the meeting, Workgroup members discussed key takeaways from this review of the juvenile system's front end. The key takeaways were broken down into two categories: Decision-making and youth flow. Some of those key takeaways include:

Decision-making takeaways:

- Opportunity for early intervention exists through referral to community-based services and immediate interventions at intake.
- Where immediate interventions or other diversion exists, no standard criteria guide referrals of youth.
- Decision-makers have some information to inform decisions but few guidelines and little specialized training.
- Assessments are required at various stages but do not necessarily inform decision-making
- System relies on state funding but is characterized by local control and discretion.
- Funding sources do not necessarily oversee or control how monies are spent.

Youth flow takeaways:

- Consistent with national trends, the state has seen a large decline in youth arrests (52%) over the past ten years.
- Detention pre-adjudication has accounted for approximately 30% of intakes over last 5 years, higher than national estimates of 21%.
- Counties show wide variation in how youth flow into and through the system.
- Overall filings are down 24% over past 10 years.
- Juvenile offense adjudications are down 39% in last 10 years but CINC adjudications are relatively flat (down 3%).
- Except in JCF decisions, limited or no guiding criteria exist to inform disposition decisions.
- Variation exists across counties regarding whether CINC or juvenile offense cases are sent to Court Services.
- First disposition to ISP and Case Management are about two-thirds misdemeanors, while first disposition to JCF is nearly all felonies.
- On first disposition to KDOC, 38% of youth are placed out of home.
- For all KDOC disposition types (ISP, Case Management, JCF), more than 90% of youth have two or fewer prior adjudications.

Next Steps

The next Workgroup meeting will be held on August 19, 2015 in Topeka. At that time, the Workgroup will examine what happens to a youth who is adjudicated and sentenced as a juvenile. The workgroup will also begin conducting stakeholder roundtable discussions.

The Workgroup is acting on the charge of state leadership to develop proposals for comprehensive juvenile justice reform. In doing so, its focus is to:

1) Promote public safety and hold juvenile offenders accountable;
2) Control taxpayer costs; and
3) Improve outcomes for youth, families, and communities in Kansas.

Any recommendations made by the Workgroup will be used as the foundation for statutory, budgetary, and administrative changes during the 2016 legislative session.