

# Juvenile Justice Oversight Committee for the Senate Ways and Means Committee

January 30, 2019

Madam Chair McGinn, Vice Chair Billinger, Ranking Minority Member Hawk, and Committee Members,

I am speaking to you today about Senate Bill 14, Evidence based juvenile programs; lapsing and appropriating \$6,000,000 state general fund moneys from department of health and environment-- division of health care finance to the department of corrections. It is the responsibility of the Juvenile Justice Oversight Committee to oversee the evidence-based program fund; while the JJOC does not make the laws related to the fund, we are responsible for guiding implementation and overseeing the use of the funds.

In order to address Senate Bill 14, however, I would like to speak about implementation and outcomes of the Juvenile Justice Reform Act (better known as Senate Bill 367, passed into law in 2016). The purpose and outcomes of Senate Bill 367 make clear why Senate Bill 14 should be passed.

The law:

- Establishes consistent statewide standards to hold youth accountable for their behavior;
- Restricts out-of-home placement for lower-level youth, consistent with the best available research about interventions that work;
- Focuses intensive system responses on the highest-risk juveniles;
- And shifts resources toward evidence-based alternatives that allow youth to be supervised safely while remaining at home.

The bill process began much earlier with an almost year-long examination of our own state's system, directed by the legislature and other leaders (*Report Outlines Flaws in Kansas' Juvenile Justice System*, *Topeka Capitol Journal*, March 4, 2015 - <https://csqjusticecenter.org/youth/media-clips/report-outlines-flaws-in-kansas-juvenile-justice-system/> ). In 2015, as a result of this study I was invited to participate in a workgroup convened by Governor Brownback, Senate President Wagle, Senate Minority Leader Hensley, House Speaker Merrick, House Minority Leader Burroughs, and Chief Justice Nuss who recognized Kansas had some pressing problems in the juvenile justice system.

This multi-branch group tasked us with studying our juvenile justice system in Kansas and making recommendations for legislative reform. Within that, we were charged with three tasks; to:

- Promote public safety and hold juvenile offenders accountable
- Control taxpayer costs
- Improve outcomes for youth, families, and communities in Kansas.

The workgroup met regularly for months, analyzing state and local data and information from local stakeholders, and national experts regarding best practices, and based on substantial amount of research and related findings. There was so much information I often referred to this process as "drinking from a fire hose." We developed a thorough understanding of how juvenile justice was functioning in Kansas, and how it **should** be functioning. We saw there was a disconnect between the

way it was, and the way it should be. We took this opportunity to make some major changes in an effort to bridge that gap and bring us closer to where we wanted to be. The work group found that a scarcity of evidence-based, community interventions combined with a lack of state standardized practices led to the state spending most of its juvenile justice-focused resources on out-of-home placements, facilities which separated youth from their family and often failed to keep some youth from repeating their poor behavior.

The workgroup had representatives from many different agencies, varied political beliefs, and relied on the expertise of state stakeholders both skeptical and supportive of the juvenile justice system. This diversity within the workgroup was crucial to get a broad understanding of the current intentions and functions of the juvenile justice system. We came into this process with the intention of improving the functionality of the juvenile justice system, and that includes better cooperation across the agencies.

At the end of this process, the workgroup had a very good understanding of best practices for juvenile justice and made recommendations unique to Kansas's needs for comprehensive juvenile justice reform. In the end, the reform effort was successful – SB 367 signed into law on April 11, 2016.

We successfully created a law that would keep more youth in their own communities, increase the chances that youth would leave our justice system and **not** return, keep our state safer than before, and be more cost-effective. We knew, however, implementing the reform was the hard part. We put words on paper; we made a law. That's the easy part. After passage came the hard part for all of our state and local agencies.

As part of the workgroup process we learned about the science of implementation. We learned implementation is not a quick process. We learned, on average, reaching full implementation takes four years. Doing something right takes a long time.

In addition, implementing these policies, adhering to the goals of policy change requires the Oversight Committee, this joint committee, and legislature as a whole reinforce the intent of reform, communicate its challenge and successes, and make sure that we hold ourselves accountable for the experience of our state's youth and their families, and the safety of our communities. To that end, I brought data which was supplied for the Juvenile Justice Oversight Committee's annual report, which will be publicly available November 30<sup>th</sup>. The overall picture is that things in Kansas **are** getting better. We **are** making improvements:

- The number of youth placed in the Juvenile Correctional Facility has dropped from 237 in FY15 to 164 in FY18 – a 31% reduction
- The number of misdemeanants placed in the Juvenile Correctional Facility has dropped from 34 in FY15 to 4 in FY18 – a reduction of almost 90%
- 3,266 youth received pre-file or post-file diversion in FY18 – we know from the research diversion is an effective practice for youth
- More than 80% of youth receiving a notice to appear at intake successfully appeared at their intake appointment – this change has reduced the need for intake staff to be called to their office in the middle of the night
- 447 youth in Community Corrections and 330 youth in Court Services have earned a total of 7,308 days off their probation through the Earned Discharge Credit – which comes when a youth is doing what they're supposed to do on probation

- Judges and attorneys who work with juveniles have reported more than 220 hours of continued legal education credit hours, showing increased breadth of knowledge of what works best for youth
- We have saved nearly 30 million dollars.

That final point is what brings me here today. During the workgroup process, we realized very quickly the changes we were making would result in averted costs that would have been spent on expensive out-of-home placements, under the old way of doing business. From the start, this body intended those funds to be reinvested into the community to give judges and prosecutors more options to treat youth, and increase programs across the state proven to reduce recidivism and improve public safety. So, as part of the legislative process, we put what I call a 'lockbox amendment' on the reinvestment funds, to prevent those funds being used for anything other than what is outlined in SB367.

This brings us to 2019. We are two years in to implementation, and we are seeing good progress. On the whole SB367 is having the impacts we targeted. As we get deeper into this process, we will collect more outcomes. As an example, we measure recidivism as "a delinquency adjudication or adult conviction in Kansas while under court supervision or in DOC custody, or within 24 months of discharge from supervision or custody." By pure definition, we can't even begin to look at recidivism until two years after implementation, and that would only capture youth who were adjudicated immediately after being placed on supervision! My point is that it would be unfair and unwise to make proclamations about where we need to go next until ample time has passed. That said, there are other data points I mentioned earlier, that do give us indication that things are working.

For this reason, we are only now starting to determine how the reinvestment funds should be used. We used the data we analyzed during the working group process to make some immediate investments in programs like Functional Family Therapy and Moral Reconciliation Therapy – evidence-based programs in the community. Counties and judicial districts are only beginning to collect and compile more of the data they need to show what program gaps exist in their communities. KDOC, OJA, and DCF are only approaching a time when they can contemplate what they need that would be best for youth across Kansas. We have a subgroup tasked with investigating how money should be spent, but that group is still in its infancy.

This brings me to the complications of two further legislative changes (SB109 and SB179) that have occurred in the last year. Because of SB109 and SB179 which have legislated money be taken from the reinvestment fund to be used for other populations, the Juvenile Justice Oversight Committee, the agencies involved, and stakeholders across the state are running scared about what is going to happen if this money is taken away. We are worried about the reinvestment funds we have worked hard to collect, and are working even harder to spend in appropriate, responsible, evidence-based ways. We are worried before we even have a chance to make good decisions about these funds that they will be taken from us.

Now, let me be very clear about one thing: we all agree that other populations have needs. That crisis intervention centers, mental health facilities, and any number of other endeavors are needed, important, and valuable. No one on our Oversight Committee is going to dispute that. However, we feel the juvenile justice reinvestment funds should be saved for use first for juvenile offenders and their families, as was the original intention of the reform the legislature passed with broad support.

One of the tasks assigned to the Juvenile Justice Oversight Committee is to monitor the reinvestment funds and make recommendations regarding how they are spent. It is our duty to ensure that those funds are spent on juvenile offenders and their families in evidence-based ways.

We have several key points we would like to share with this body. First, the reform was designed to keep youth in their communities and away from out-of-home placements – because as we learned from the research, this is what is effective for seeing long-term behavior change in youth. Second, if the funds are needed for juvenile justice and are taken away from that purpose, we should expect that there will be costs to society, both social, and financial. Third, the Juvenile Justice Oversight Committee has spent the past two-and-a-half years becoming educated about and invested in best practices in juvenile justice issues, and we feel our body should be consulted when possible changes arise regarding the juvenile justice system in Kansas or the use of juvenile justice funds (*Juvenile Justice Reform Can Help Young People “Turn Their Lives Around,” The Pew Charitable Trusts, June 8, 2018 - <https://www.pewtrusts.org/en/research-and-analysis/articles/2018/06/08/juvenile-justice-reform-can-help-young-people-turn-their-lives-around>* ).

During the workgroup process, we learned that research consistently shows the importance of keeping youth in their communities and avoiding out-of-home placement as much as possible. Youth referred to the juvenile justice system have better outcomes when they are kept at home and provided the resources they need to thrive. By definition, the crisis intervention centers, which reinvestment funds have been slated to support, take youth out of home. Once again, do not misunderstand, we understand that there is a need for additional support for youth in crisis, but we feel strongly that funds intended to keep youth at home should not be used for centers whose express purpose is to keep youth out of home for a period of time.

Second, as I mentioned before, stakeholders across the state have expressed concern that if the funds in SB109 and SB179 were able to be swept, the lockbox amendment is not doing what it was designed to do, and is essentially a law that is being ignored. What is stopping other initiatives from being able to sweep more funds? All the funds? If that happens, our reform will fail not because it is not an effective approach, but because it was cut off at the knees. We will not be able to have the positive outcomes for youth we expect. That would have sweeping repercussions for the state. If we are not able to implement the reforms, we can expect more youth will be involved in the juvenile justice system, be deeper in the system, and stay longer. Remember, research shows that the deeper a youth gets into the system, the more likely they are to return to the system, either by recidivating as a youth, or as an adult, entering the adult system. Either way, this is bad for society. More crimes equals more victims, more cost, and more disrupted families. Basically, there are real costs involved if juvenile justice reform fails.

Finally, we want to let this Committee know that the members of the Juvenile Justice Oversight Committee truly are experts in best practices in juvenile justice and on this reform. We have spent countless hours reading, studying, learning, questioning, reading more, and developing a firm understanding of what, empirically, works best for youth. That does not mean we have all the answers, of course, but it does mean that between our committee members, we have a lot of expertise. Our request to you is that, in the future, before you make a recommendation regarding the juvenile justice system, we would like an opportunity to weigh in.

Thank you for the opportunity to speak here today. We value the work you do and we hope to continue building a strong collaborative relationship for years to come.

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