



Kansans  
United for  
Youth  
Justice

*Kansas Juvenile Justice*

REFORM HANDBOOK  
2017

# Why did Kansas need to reform its juvenile justice system?

**Ineffective.** The juvenile justice system in Kansas had become badly ineffective. A 2014 study by the Kansas Department of Corrections found 54 percent of Kansas youth sent to out-of-home, non-secure juvenile justice facilities were not successfully discharged.<sup>1</sup> A 2015 study by the Council of State Governments reported 42 percent of Kansas youth sent to a secure juvenile prison were incarcerated again within three years of release.<sup>2</sup>

While eighty percent of youth sent to juvenile justice placements in Kansas were only low- or moderate-risk<sup>3</sup>, many in-depth studies showed incarceration and out-of-home placements of low- or moderate-risk youth actually increase the risk that youth will commit an offense in the future.<sup>4</sup> Even for youth who commit very serious offenses, incarceration longer than three months does nothing to reduce the risk of future offenses.<sup>5</sup> Unfortunately, youth in non-secure out-of-home placements in Kansas stay much longer than 3 months (on average, they stay 14 months<sup>6</sup>), as do youth sent to prison in Kansas (91 percent of those youth stay longer than three months in prison; 48 percent stay longer than a year<sup>7</sup>).

**Inconsistent.** A 2015 study by the Pew Charitable Trusts found out-of-home placement rates and other juvenile case outcomes varied widely among Kansas counties —creating justice by geography— and disproportionately large numbers of youth of color are punished at each step of the juvenile justice system in Kansas.<sup>8</sup>



The same study also found:

- Youth supervision officers in Kansas report a lack of uniformity in the factors guiding responses to technical violations of probation.
- A third of youth on case management were sent to seven or more out-of-home placements.
- Although Kansas never sentences adults to prison for misdemeanor convictions, 25 percent of Kansas youth released from prison in the previous year had been convicted of misdemeanors only.
- More than one in five entries into juvenile prisons in Kansas was a return admission due to a technical violation of conditional release.
- More than a third (36 percent) of Case Management youth went AWOL at least once in 2014—up from 26 percent in 2006—which translates to more than 100 AWOL youth on a given day. 41 percent of AWOL events were one month or longer.
- Between 2004 and 2014, the average number of placements over the course of a case, including detention, increased 25 percent to 6.2 for youth on Case Management and 42 percent to 8.3 for JCF youth.



**Unsustainable.** The high rate of incarceration and out-of-home placements in Kansas had shifted needed funding away from prevention and intensive community rehabilitation programs. More than two thirds of the state’s juvenile justice budget was spent on juvenile prisons or out-of-home placements. Less than one percent was dedicated specifically to evidence-based community rehabilitation programs. Only 2.3 percent was dedicated to programs that prevent juvenile offenses.<sup>9</sup>

Prisons and out-of-home placements are the most expensive and least effective ways to respond to offenses committed by children. It costs more than \$240 per day to place a youth in one of Kansas’s juvenile prisons; it costs more than \$130 per day to place a youth in other out-of-home facilities; but it costs only \$16 per day to place a youth under intensive supervision probation in the community.<sup>10</sup>

Intensive community interventions for juvenile offenders provide a more cost effective response to offenses committed by children: Functional Family Therapy would save the state over \$13 dollars for every dollar invested, and Life Skills Training would save more than \$25 dollars for every dollar invested.<sup>11</sup> Proven prevention programs reduce youth recidivism by 20 percent on average and save \$2 to \$10 for every \$1 invested.<sup>12</sup>



# How does Senate Bill 367 (2016) address these problems in the juvenile justice system in Kansas?

## *What does Senate Bill 367 (2016) do?*

- Requires the state to fund evidence-based community programs with 100% of all money that otherwise would have been spent on juvenile incarceration or other out-of-home placements.
- Sets case and probation length limits for misdemeanors and low-level felonies so cases don't drag on for years.
- Reserves placement in the state secure facilities only for high-risk youth and youth who commit off-grid or level 1-4 felonies.
- Reduces YRC-II out-of-home placement beds to 50 statewide.
- Requires each school district to create a memorandum of understanding with local law enforcement agencies and other stakeholders to reduce the number of students referred to law enforcement for misbehavior at school.
- Implements additional oversight and procedural protections including the Kansas Juvenile Justice Oversight Committee to oversee the implementation of reforms and relevant data.

## *When does Senate Bill 367 (2016) go into effect?*

- \$2 million was transferred into community programs in a February 2016 budget amendment.
- The bill instructs the Department of Corrections to transfer up to \$8 million each year into community programs, starting July 1, 2016.
- The reduction of YRC-II beds goes into effect January 1, 2018. Approximately \$16 million will be transferred into community programs each year after that date.
- The new case limits and restrictions on placements in secure facilities go into effect July 1, 2017.
- Additional reforms go into effect in 2017 and 2018.

## **Kansans overwhelmingly support these juvenile justice reforms.**

Senate Bill 367 (2016) passed the Kansas Senate with a unanimous vote of 40-0, and it passed the Kansas House with a very strong majority of 118-5. Both the Governor and Chief Justice of the Kansas Supreme Court participated in and support the reform efforts. SB367 (2016) was a rare achievement of bi-partisan collaboration during the 2016 legislative session.

There is also broad support among Kansans for the juvenile justice reform legislation. According to an early 2016 poll, a clear 82% majority of adult Kansans favor juvenile justice reform with broad support across partisanship (81% of Democrats, 87% of Independents, and 79% of Republicans).<sup>13</sup>

- 86% supported providing financial incentives for states and municipalities to invest in alternatives to youth incarceration, such as intensive rehabilitation, education, job training, community services, and programs that provide youth the opportunity to repair harm to victims and communities.
- 75% supported the state reducing racial and ethnic disparities in the youth justice system.
- 94% agreed that, when it comes to youth offenders, what is most important is that the system does a better job of making sure that he or she gets back on track and is less likely to commit another offense.
- 75% agree that teaching youth who commit an offense to take responsibility for his or her actions does not require incarceration.

A second Kansas poll conducted in September 2016 found similarly broad support for juvenile justice reforms:<sup>14</sup>

- Nearly all (95%) respondents said they would choose to live in a community that invested in rehabilitation programs for youth in trouble with the law, as oppose to incarceration.
- A majority (89%) of respondents said they would be “more likely” to start a business in a community that had a wide range of rehabilitation programs for youth who get in trouble with the law, as opposed to incarceration.

## **Organizational members of Kansans United for Youth Justice:**

Kansas Children's Service League

Keys for Networking

IBSA, Inc.

Down Syndrome Guild of Greater Kansas City

Susan J. Whitfield Harding, PA

Kansas Association of Community Action Programs

Kansas Action for Children

Kansas Appleseed Center for Law and Justice

Mid-Kansas Community Action Program

HandsOn Kansas State

Community Action, Inc.

RESULTS K-State

Kansas Action for Children

Thrive Allen County

National Alliance on Mental Illness – NAMI Kansas

Disability Rights Center of Kansas

ACLU of Kansas

Kansas/Missouri Dream Alliance





NAACP - Kansas  
RESULTS KC  
Equality Kansas  
Urban League of Kansas  
Stop Gap, Inc.  
Equality Kansas  
Economic Opportunity Foundation  
Southeast Kansas Community Action  
Big Brothers Big Sisters of Finney & Kearny Counties  
Kansas Center for Economic Growth  
Sunflower Community Action  
Oread Friends Meeting  
Communities Creating Opportunity  
Kansas Association of Criminal Defense Lawyers  
American Civil Liberties Union Kansas  
Southeast Kansas Independent Living Resource Center  
Kansas Enrichment Network

In addition to these organizational members, hundreds of grassroots members from across the state are members of Kansans United for Youth Justice.



# Editorials and articles in support of Senate Bill 367 (2016):

## *Topeka Capital-Journal*

Editorial Board: "Juvenile justice reform bill a major achievement." April 28, 2016.

"To decrease our state's juvenile crime rate, we need to do away with excessively harsh punishments, enact measures to reduce recidivism and offer programs that will diminish the appeal of illegal behavior. SB 367 does all of these things. We applaud Gov. Brownback and the Kansas Legislature for working toward a more rational, compassionate justice system in Kansas."

"Former Shawnee County judge speaks bluntly for juvenile justice reform." April 27, 2016.

"I think it's a wonderful bill," Schmidt said. "You might hear criticism from people saying it's soft on crime. It's not soft on crime. It's being smart on crime. Being smart on crime means making people less likely to commit those acts in the future and be higher-functioning people."

## *Kansas City Star*

Editorial Board: "Bipartisan group on track with juvenile justice reforms in Kansas." January 15, 2016.

"It is troubling to see a juvenile justice system in such disarray. The safety of communities and the futures of young people depend on the state doing this work correctly... Criminal justice and corrections has proven to be an issue for which people are willing to put aside partisan bickering and work toward solutions. That seems to be taking place in Kansas."

"Juvenile justice overhaul wins Kansas House vote." March 18, 2016.

"In what could be the most significant Kansas public policy reform this year, the House agreed in an initial vote Friday to join the Senate in a major overhaul of the state's juvenile justice system."

## *Wichita Eagle*

Benet Magnuson and Marcia Dvorak: "Stop locking up so many Kansas kids." October 22, 2016.

"We must seize this opportunity to develop truly sustainable rehabilitation programs and continuums of care in every county. If we fully implement these reforms, we can redirect millions of dollars away from youth prisons to ensure youth receive appropriate, effective treatment in their communities... Kansas must keep the progress going to repair our youth justice system and invest in comprehensive reforms across Kansas. In doing so, we'll raise the bar nationwide to do the right thing for our kids and communities."

"Kansas juvenile justice reform bill advances to governor's desk." March 24, 2016

"The bill was a rare exception in the hyperpartisan atmosphere that has reigned under the Capitol dome for years – a major piece of legislation strongly supported on both sides."

Sen. Greg Smith: "Juvenile justice reform relies on proven methods." February 23, 2016.

"When I was appointed to the work group, I was not supportive of reform, given my law enforcement background and the murder of my daughter, Kelsey Smith. But as I pored over our state's data and compared it with research about how to reduce reoffending and improve outcomes, my thinking changed."



# **How Kansas Can Continue To Build A More Effective, Consistent, And Sustainable Juvenile Justice System**

## ***Protect and increase funding for the new Juvenile Justice Improvement Fund***

Senate Bill 367 (2016) addressed many of the problems with Kansas's juvenile justice system, and the legislation positions the state to become a national leader in juvenile justice reform. But the law will only work if it is fully implemented and fully funded.

Senate Bill 367 (2016) requires 100% reinvestment – that is, every dollar the state saves from reduced youth incarceration is required by the law to be reinvested in community-based alternatives to incarceration through the new Juvenile Justice Improvement Fund. Fortunately, the dollars in the Juvenile Justice Improvement Fund are protected by “lock box” provisions in the legislation that prevent the governor from unilaterally sweeping those dollars into the State General Fund.

The legislature must continue to protect the Juvenile Justice Improvement Fund: The state's investment in evidence-based programs is critical to the reforms' future success in reducing youth recidivism and improving outcomes for youth and their families. Preventing youth from ending up behind bars is only possible if the right programs and resources receive adequate funding.

## ***Protect and strengthen the substantive reforms in Senate Bill 367 (2016)***

Although Senate Bill 367 (2016) addressed many of the most serious problems in the state's juvenile justice system, additional reforms are still needed, including ensuring youth with mental health needs and youth with disabilities receive appropriate supports, and youth of color are not disproportionately punished. Additional reforms are also needed to address arrests of students at school for minor misbehavior, as well as the interrogation of students between the ages of 14 and 18 without the presence of their parents.

***Provide meaningful oversight of the implementation of juvenile justice reforms.***

Senate Bill 367 (2016) created the new Juvenile Justice Oversight Committee, charged with: guiding implementation of the changes in law; defining performance measures and recidivism; approving processes for comprehensive data collection to measure performance, recidivism, costs and outcomes; considering systems for data collection and analyses; ensuring system integration and accountability; monitoring implementation and training efforts; calculating avoided state expenditures by reductions in out-of-home placements to make recommendations to the governor and legislature; and reviewing topics related to continued improvement of the juvenile justice system.

Each of the 31 judicial districts in Kansas also has a Juvenile Corrections Advisory Board (JCAB) that consists of 12 or more members who represent law enforcement, prosecution, defense, judiciary, education, corrections, ethnic minorities, and the general public. Each JCAB is responsible for developing a local comprehensive plan to address problems in their local juvenile justice system.

In order for juvenile justice reforms to succeed, policymakers and the public must exercise meaningful oversight over implementation. All policymakers and the public must have adequate access to data and other reports from state and local juvenile justice systems, and should regularly communicate with the Juvenile Justice Oversight Committee and the Juvenile Corrections Advisory Boards regarding implementation of juvenile justice reforms.



# FOR MORE INFORMATION

## *(Endnotes)*

1. Kansas Department of Corrections "Cost Study of Youth Residential Centers for Juvenile Offenders – Pursuant to Senate Substitute for House Bill 2588" January 2015.
2. Council of State Governments "Reducing Recidivism for Youth in the Juvenile Services Division of the Kansas Department of Corrections: Analyses and Recommendations" March 2015.
3. US Department of Justice "Kansas State DMC Assessment" 2013.
4. National Research Council "Reforming Juvenile Justice: A Developmental Approach" 2013.
5. University of Pittsburgh "Pathways to desistance: A study of serious adolescent offenders as they transition to adulthood and out of crime; Estimating a Dose-Response Relationship between Length of Stay and Future Recidivism in Serious Juvenile Offenders" 2009.
6. Pew Charitable Trusts, Presentation to Kansas inter-branch Juvenile Justice Workgroup, August 2015.
7. Council of State Governments "Reducing Recidivism for Youth in the Juvenile Services Division of the Kansas Department of Corrections: Analyses and Recommendations" March 2015.
8. Pew Charitable Trusts, Presentations to Kansas inter-branch Juvenile Justice Workgroup, 2015.
9. Kansas Division of the Budget "FY 2016 Comparison Report" Updated September 2015.
10. Kansas Department of Corrections "Annual Report" 2013.
11. Washington State Institute for Public Policy "Benefits and Costs of Prevention and Early Intervention Programs for Youth" 2004.
12. Colorado Department of Public Safety "What Works: Effective Recidivism Reduction and Risk-Focused Prevention Programs: A Compendium of Evidence-Based Options for Preventing New and Persistent Criminal Behavior" 2008; Washington State Institute for Public Policy "Benefits and Costs of Prevention and Early Intervention Programs for Youth" 2004.
13. Kansans United State Poll: February 2016,  
<http://www.kansansunitedforyouthjustice.org/resources/>
14. Kansans for Smart Justice Poll: September 2016,  
<https://www.aclukansas.org/en/publications/criminal-justice-reform-poll>



### **ADDITIONAL INFORMATION**

Kansans United for Youth Justice – Resources webpage  
<http://www.kansansunitedforyouthjustice.org/resources/>

Kansans United for Youth Justice – Contact Us  
<http://www.kansansunitedforyouthjustice.org/contact-us/>