



Jim Howell
Chair Pro Tem

Commissioner – Fifth District
Board of County Commissioners
Sedgwick County, Kansas

Date: January 30, 2023

To: Chair Owens, Corrections and Juvenile Justice Committee

Re: **Proponent Testimony for HB2021**

From: James M. Howell, Sedgwick County Commissioner, Fifth District

Chair Owens and members of the committee:

My interest in Juvenile Justice/Corrections goes back to 2012 through 2014 when (as a state representative in District 82), I fought to permanently improve the law as it relates to YRCII ‘criminogenic’ medium to high-risk youth residential homes like the renowned Judge Riddel Boys Ranch at Lake Afton. In 2014, I worked closely with Representative **Russ Jennings** to develop **Sub HB2633**. Despite those efforts, we were unable to stabilize that type of YRCII program. In the years following, the state defunded resources like JRBR in lieu of more progressive programming options.

In 2016, a total rewrite to Kansas’ Juvenile Justice Law, famously known as **SB367** passed. Again, **Representative Russ Jennings, Rep Blain Finch**, and **Senator Greg Smith** did a great job developing this sweeping legislation. They worked tirelessly to pass this 72-page bill which **is now Rep. Jennings legacy**. I do not want to take anything away from SB367 and I respect the work that Jennings, Finch and Smith did that year. Representative Jennings strongly wanted **to let the new law rest for 5 years** before any revisions would be considered so that we could see the benefits and the challenges better. **We are in the 6th year now since the bill was passed into law.**

I am not an expert on SB367. Nevertheless, I know enough to know the law is complex and made extensive changes to the state’s Juvenile Corrections strategy. This has been a positive change for the majority of the juvenile offenders in Sedgwick County. Anecdotally and unfortunately, about 10 to 15% of the criminogenic youth have fallen through the cracks. Rather than effectively helping these youth get on a better track, these youth have escalating criminal and violent behavior that is victimizing more citizens. Strangely, we cannot see these trends by examining the conviction data because SB367 skews the data. SB367 strips prosecutors and judges from doling out any meaningful consequences and protects these youth from the consequences of their criminal or violent actions.

In November 2021, I hosted a meeting among local, county, and state juvenile justice experts to share their thoughts on SB367. In this meeting, five bipartisan legislators, key leaders from the District Attorney's office, several juvenile district court judges, members from County Corrections, DCF, Saint Francis, and other county staff actively participated. Sedgwick County hosted a second, larger meeting just a few weeks ago. Altogether, 49 people have presented their thoughts on what is working and where we need to make changes. (The meeting minutes to these meetings are available upon request. I will list the conclusive recommended changes at the end of this testimony.)

The key take away from those meetings is the situation is worse today than it was just 14 months ago. The lack of meaningful juvenile justice options and the corrections damaging impact on foster care is more pronounced and more challenged today. Everyone seems to agree: we must rebalance the law.

SB367 was well meaning and would more effectively correct a great number of our troubled youth through community-based programs. Community programming was also considerably less expensive. I understand the state has now piled up more than \$60M that should be used to help these youth since SB367 became law.

Unfortunately, this new law eliminated some tools in the tool box. This deficiency is more apparent in urban counties such as Sedgwick County. For example, I understand we have a dozen youth being held on murder charges in Sedgwick County. We have to use the ADULT corrections system to charge or prosecute anyone in the juvenile system because SB367 took the more traditional options away. There were about 50 Motions for Adult Prosecution in 2021 when historically we would have about 5 or so. This is a result of the out-of-balance SB367 law.

Without effective interventions, some of these troubled youth end up in a downward spiral. The downstream costs to the taxpayer can far outweigh the short-term savings if programming is shown to be ineffective for one of these youth. In urban counties such as Sedgwick County, the advantages and shortfalls of SB367 are easily recognized.

Under SB367, rather than charge a youth with a petty crime, those charges would be suspended and eventually erased and the case would be closed if the young person would complete some sort of mandatory community-based program or just 30-days of home-based detention. SB367 created sanction guidelines and limited the options for prosecutors and judges. The programming in most cases is effective but for some, it's just not enough.

Here are a few example problems to note:

- On Paper, juvenile offenders are essentially equivalent to Children In Need of Care (CINC) and are being managed by DCF rather than KDOC. That means children that would have historically remained separate from CINC kids are now intermingled with CINC kids. Some of these “J.O.” kids are placed as regular foster care kids by DCF. This has had a direct negative impact on the state’s foster system. Many foster parents have chosen to stop being a foster home when they have a bad placement. The law should prohibit JO children to be housed alongside CINC children.
- HB2021 recognizes that KDOC has realized \$60M+ in state savings under SB367. Unfortunately, the savings are not being used uniformly or adequately across the state to establish community-based programming. This bill mandates that KDOC must coordinate with the Judiciary and DCF to determine what is best for the youth. This is great and is why HB2021 exists. We need this coordination to happen.

Here are several requested improvements from the November 2021 round-table discussion:

- Remove or allow extension of juvenile case and probation length limits. (HB2021 addresses this)
- Remove or increase juvenile detention limits.
- Allow juvenile judges the discretion to retain jurisdiction over an offender even following an adult conviction.
- Create an out of home placement option for high-risk juvenile offenders.
- Provide a possible immediate punishment/sanction for juveniles found in contempt of court.
- Create some short term ‘cooling-off’ regional residential beds where Juvenile Offender youth can be evaluated, go through detox, and receive psychological therapy.

Thanks for this opportunity to testify in favor of HB2021. I encourage the members of this committee to amend HB2021 with the recommended improvements listed above and pass it out favorably as amended.

Respectfully,



Jim Howell
Commissioner – Fifth District