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Written testimony in partial opposition to HB 2021

Members of the House Committee on Corrections and Juvenile Justice:

I write this today to express my opposition to aspects of House Bill 2021. While there are aspects of this Bill that address changes needed in the Juvenile Justice Reform Bill of 2016, there are three portions that would cause unintended consequences to the youth and future adults of Kansas and would fail to achieve the intended results.

I hold a Bachelor's Degree, Bachelor of Arts Honours Degree, Master's Degree, and the course work of a PhD in criminology and criminal justice. I have been working in the criminal justice arena for over 20 years, and was involved in Kansas juvenile justice implementation for four years from 2016 to 2020. This education and experience allow me to speak with expertise regarding juvenile justice policy, research, and best practice.

Section 4(g)(4) and Section 5(h) both lengthen the amount of time that youth can spend in detention. This will not achieve a reduction in recidivism, nor will it increase the likelihood of any positive outcomes. In fact, for over 40 years, research has consistently shown that juvenile incarceration does not decrease recidivism and most shows demonstrably *worse* outcomes for juveniles who were detained and/or incarcerated. (See, for example Aizer and Doyle, 2013; Clarke, 1975; Cortes, Grau, and Rivera, 2019; Fagan and Kupchik, 2011; Gilman, Hill, and Hawkins, 2015; Holman and Ziedenberg, n.d.; Lambie and Randell, 2011; Walker and Hertig, 2020 to name a few. Further references available if requested).

More problematically, Section 6(b)(4) allows juveniles to be detained due to probation violations (including technical violations) and contempt of court. In my view, this provision will increase the number of youth placed in detention substantially. I have worked in juvenile justice across 10 states, including Kansas, and it is well known that one of the most common ways that youth get detained and pushed deeper into the juvenile justice system is by angering an adult – namely judges and supervising staff. If this section of HB 2021 is allowed to pass, the number of youth placed in detention will rise. And detaining youth has negative outcomes.

To be brief: incarceration does not work to improve outcomes. Rather, youths' protective factors are reduced, and their risk factors are increased. For example, a youth who is detained misses school, potentially misses work, separated from family is at risk of being alienated by their prosocial friends and family members, and is exposed to higher risk youth, possible traumas, and criminogenic ideas and ideals. Meta-analyses list increases in:

- Victimization
  - Nearly 40% of incarcerated youth experience physical or sexual victimization while detained (Wolff, 2009)

- Leaving school before completion
  - One study shows dropout rates up to 11% higher for those who have been detained (Cortes, Grau, and Rivera, 2019). Another shows juvenile incarceration
- Experience substance use dependence
  - Youth who have been incarcerated are more than two times as likely to meet the criteria for alcohol abuse and dependence (Gilman, Hill, and Hawkins, 2015)
- Receive public assistance
  - Youth who have been incarcerated are more than two times as likely to receive public assistance (Gilman, Hill, and Hawkins, 2015)
- Suicidality
  - 24 % of detained Oregon youth were found to have had suicidal ideations over a seven-day period, with 34% of the youth suffering from “a current significant clinical level of depression.” (Mace, Rohde, and Gnau, 1997)
- Recidivism
  - The impact of incarceration is larger even than gang involvement, poor parental relationships, and carrying a weapon (Brenda and Toilet, 1999)
  - In one study, detention was associated with a 33% increase in felony recidivism and 11% increase in misdemeanor recidivism (Walker and Hertig, 2020)
  - Gilman, Hill, and Hawkins found youth who have been incarcerated as youth are more than four times as likely to be incarcerated as adults (2015)

Given the glut of information that shows how damaging detention can be, extending the amount of time in detention and widening the net of who can be detained would do nothing to help the youth. The only positive outcome would be a feeling of vindication for the adults, which is surely not the goal of the juvenile justice system.

For all these reasons, I recommend opposing the three sections described above.

Thank you for the opportunity to testify in regard to this bill. For any further information, please contact me at [jchristie@ahpnet.com](mailto:jchristie@ahpnet.com)

## References

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