



Dear members of the committee,

I am state policy manager for the Justice Action Network (JAN), the nation's largest bipartisan criminal justice reform organization, and I am writing to request amendments to House Bill 2021. JAN works in nearly 20 states across the country—from Louisiana, Missouri, and Arkansas, to Oregon, Washington, and New Mexico. We support lawmakers like yourselves interested in enacting bipartisan justice reform laws that improve lives and protect the safety of the public.

This committee has a demonstrated track record of considering bills that are supported by data and research about how to prevent crime and keep communities safe. To that end, there are provisions in House Bill 2021 that are positive, like improving the grant program that funds community-based services through reinvestment dollars freed up by Kansas' recent success in safely reducing costly out-of-home placement. However, HB 2021 also contains provisions that are contrary to what we know will keep Kansans safer and put kids back on track.

First, language around detaining kids for first- and second-time probation violations (i.e. behaviors that are not new offenses) that should be troubling to anyone concerned with the evidence about how to keep the public safe while strengthening families. Current law requires probation officers and the court to use what are called community-based graduated sanctions and incentives—nonresidential tools like adjusting curfew or requiring more treatment—before resorting to lock-up. This is a statute reflecting best practices, given its focus on intervening first with sanctions that keep families together. However, statutory changes in House Bill 2021 circumvents this requirement, allowing for the use of harshest punishment in response to the very first time a kid misses an appointment or comes in late for curfew. This provision explicitly applies to the lowest-level behavior—that which by definition cannot be charged as a new crime and that is *not* part of a pattern of behavior (i.e. first- and second-time violations).

The research on the importance of using graduated sanctions and incentives while youth are living at home is clear and supported by any number of professional associations that propagate best practices for juvenile probation – from the American Legislative Exchange Council (ALEC) to the American Probation and Parole Association (APPA). JAN would be glad to provide as a reference to the committee studies about the success of community-based graduated sanctions and incentives.

In contrast, research shows the “short stints” in jail that some adult corrections systems sometimes use do not work for kids. It is the *certainty*, not the *severity*, of the response to kids' behavior that matters in terms of public safety. That is, establishing that youth will experience clear and certain graduated responses to their violations—especially when there is not yet a pattern of such behavior—is the best route to ensuring good outcomes. This is because stays in detention—no matter the length



and especially for lower-level cases—are highly correlated with increased recidivism (i.e. more victims in the community when kids inevitably return home) and worse outcomes for kids in terms of high school graduation and other important metrics. To cite one of many examples, [a randomized controlled trial of tens of thousands of teenagers](#) by MIT researchers found that, all else being equal, “juvenile incarceration lowers high-school graduation rates by 13 percentage points and increases adult incarceration by 23 percentage points.”¹ This is not what Kansas wants or needs, especially in lieu of any concrete data showing that the problem with the current system is kids violating probation for the first or second time without committing a crime.

In addition, this bill contains revisions that remove caps that have successfully focused probation on kids with the highest risk to reoffend by allowing less-serious cases to complete their term and get on with their lives. Removing these caps is a step in the wrong direction, evidenced by years of data from the Kansas Juvenile Justice Oversight Committee showing positive progress. We urge the removal of these changes in law contained in House Bill 2021.

Conservative legislators across the country in states like Utah, Kentucky, Texas, and many others have enacted bipartisan bills with policies that contrast with the two House Bill 2021 provisions outlined in this testimony. These states aimed to reduce the number of kids locked up for first- or second-time violations and to move youth off probation and out of the system at the earliest stage supported by research. Again, JAN would be glad to act as a resource, connecting this committee with legislators and system leaders who have implemented these policies successfully.

JAN hopes the committee will look carefully at the evidence and make changes to this bill to keep its focus on expanding policies, practices, and programs proven to achieve the best outcomes for public safety and for kids and families.

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¹ “Study: Juvenile incarceration yields less schooling, more crime,” <https://news.mit.edu/2015/juvenile-incarceration-less-schooling-more-crime-0610>