

## Testimony for the Senate Committee on Judiciary

March 2023

### Kansas Advisory Group (KAG) on Juvenile Justice and Delinquency Prevention

Letter from the KAG Executive Committee

Dear Senate Committee on Judiciary:

The Executive Committee of the Kansas Advisory Group (KAG) on Juvenile Justice and Delinquency Prevention would like to provide written testimony in *opposition* to certain provisions proposed in HB 2021. As the House Committee is aware, in 2016, SB 367 created and amended laws to seek juvenile justice reform in Kansas after comprehensive review of our system by the bi-partisan Juvenile Justice Workgroup appointed by leadership from all three branches of government. These revisions resulted in statutes which were much more aligned with decades of juvenile justice research and evidence-based practices. SB 367 included research-based, progressive reforms such as requiring completion of a risk assessment to determine placement of youth and length of commitment while also including required reductions in stay lengths for detainment in juvenile detention. Approval of proposed amendments in HB 2021 would retract many of these efforts, undermine juvenile justice reform in Kansas, and would have detrimental effects to both youth and public safety outcomes. Therefore, we are writing in *opposition* of HB 2021 as it seeks to allow for overall case length limit extensions for certain youth, including low-risk youth.

According to the Crime and Justice Institute (2017), Kansas's efforts to reduce detention and limit out-of-home placement was successful, as shown by a 23% reduction in detention at intake.<sup>1</sup> In 2020, the Kansas Legislative Division of Post Audit found a decline in out-of-home placements between 40-60% since implementation of the reform.<sup>2</sup> Kansas was seeing declines in practices that harmed youth while increasing community-based services for youth. Yet, HB 2021 seeks to *increase* the use of detention for Kansas youth—a contradiction to SB 367 and decades of evidence-based research on best-practices in corrections. HB 2021 seeks to rollback data-driven evidence proving that detaining youth is harmful, especially for low-risk youth,<sup>3</sup> which will result in negative outcomes for Kansas youth, their families, and our communities.

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<sup>1</sup> Crime and Justice Institute. (2017). *Kansas's Senate Bill 367: Comprehensive reform implementation success*. Retrieved from [http://www.cj.org/assets/2017/08/KS\\_SB367\\_Infographic\\_FINAL.pdf](http://www.cj.org/assets/2017/08/KS_SB367_Infographic_FINAL.pdf)

<sup>2</sup> Kansas Legislative Division of Post Audit. (2020, January). *Juvenile justice reforms: Evaluating the effects of Senate Bill 367*. Retrieved from <https://www.kslpa.org/audit-report-library/juvenile-justice-reforms-evaluating-the-effects-of-senate-bill-367/#:~:text=Toggle%20Section%20Visibility-,Senate%20Bill%20367%20reforms%20reduced%20out%2Dof%2Dhome%20placements%20and,for%20juvenile%20offenders%20in%20Kansas.>

<sup>3</sup> Brogan, L., Haney-Caron, E., NeMoyer, A., & DeMatteo, D. (2015). Applying the risk-needs-responsivity (RNR) model to juvenile justice. *Criminal Justice Review*, 40(3), 277-302.

The KAG is also concerned about the nature of extending terms of probation if a juvenile “needs time” to complete an evidence-based program, including extending probationary time if failure to complete such programming is due to a “delay by the juvenile.” The approach of blaming youth for an inability to complete court-ordered programming lacks a critical lens for assessing why said youth are unsuccessful at securing and completing required programs. As both national and Kansas data have shown, youth-of-color are less successful at completing programming.<sup>4</sup> Many justice involved youth, again, nationally and locally, come from families of lower socioeconomic status—making the affordability to complete evaluations, travel to services, and pay for said services, an additional barrier.<sup>5</sup> HB 2021 would penalize poor families and youth-of-color, amongst others, as justification for extended probationary periods, including low-risk youth—a direction violation of correctional research on matching youth risk with level of supervision. Lastly, more than 80% of Kansas is rural, and rural locations have less access to certain correctional services. Geographic issues, in this example, are a form of responsivity that prevents youth from successful completion of evidence-based programs in Kansas.

Kansas juvenile justice reform has been successful on many fronts. Youth and families have greater access to evidence-based services and programming than ever before. This aids in providing services to divert system-involvement and gives access to youth on probation to keep them from penetrating deeper into the juvenile justice system. More youth are safely served in their communities, youth incarceration and out-of-home placements have been reduced and the funds for those incredibly expensive (and often ineffective) placements are reinvested in services that actually work to reduce risk and increase public safety. All this has been done without an increase in juvenile arrests and the number of AWOL cases have been drastically reduced. Kansas’s juvenile justice statutes and our refined processes and policies have served as a model for other states since implementation of SB 367. HB 2021 demeans the progressive efforts Kansas fought for less than a decade ago. HB 2021 supports the reversal of many evidence-based practices, at a time when Kansas has finally seen a steady decline in use of out-of-placements and unnecessary and unwarranted lengths of probationary supervision and an unprecedented investment in evidence-based services for youth across the state.

The KAG Executive Committee wish to thank you for your consideration of our recommendation to remain focused on data-driven decisions that support Kansas youth and families. Please feel free to contact Maximilian Mendoza, with the KAG, at [Max.Mendoza@Heartland180.org](mailto:Max.Mendoza@Heartland180.org) or 913-521-3312.

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<sup>4</sup> Smith, H., Rodriguez, N., & Zatz, M. S. (2009). Race, ethnicity, class, and noncompliance with juvenile court supervision. *The Annals of the American Academy of Political and Social Science*, 623(1), 108-120.

<sup>5</sup> Lee, J. S., & Taxman, F. S. (2020). Using latent class analysis to identify the complex needs of youth on probation. *Children and Youth Services Review*, 115, 105087.