

KANSAS YOUTH AUTHORITY

SUMMARY OF RECOMMENDATIONS: "THE JUVENILE JUSTICE REFORM ACT OF 1996"



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Mission Statement §2, p. 2, KSA 38-1601

Our mission is to serve the citizens of Kansas by designing a system of juvenile justice which promotes public safety, holds juvenile offenders accountable for their behavior, and improves the ability of juveniles to live more productively and responsibly in the community.

I. This mission shall be pursued through the development of juvenile justice policies which reflect principles that:

- ☆ establish public safety as the primary goal of the system;
- ☆ recognize that the ultimate solutions to juvenile crime lie in the strengthening of families and educational institutions, the involvement of the community and the implementation of effective prevention and early intervention programs;
- ☆ are community-based to the greatest extent appropriate;
- ☆ are family centered;
- ☆ facilitate efficient and effective cooperation, coordination and collaboration among agencies of state government and among all levels of government;
- ☆ are outcome based, allowing for effective and accurate assessment of program performance;
- ☆ are cost-effectively implemented and administered and utilize resources wisely;
- ☆ encourage the recruitment and retention of well-qualified, highly-trained professionals to staff all components of the system;
- ☆ appropriately reflect community norms and public priorities;
- ☆ encourage public/private partnerships to address community risk factors.

II. This mission shall also be implemented through the development of a juvenile justice system composed of components which:

- ☆ establish a full range of placement options from diversion through maximum security confinement and a full continuum of post-release, aftercare services;
- ☆ impose appropriate sanctions and consequences fairly, swiftly and uniformly;
- ☆ deal effectively with chronic, serious and violent juvenile offenders;
- ☆ provide for individualized supervision, care, accountability and treatment of youthful offenders;
- ☆ empower parents and encourage parental involvement and responsibility;
- ☆ require the collection and dissemination within the juvenile justice system of relevant and accurate information on youthful offenders and mandate the sharing of information among appropriate entities;
- ☆ allow communities to develop, implement and operate programs appropriate to local needs;
- ☆ provide for ongoing innovation, research and evaluation to improve and support all components of the system;
- ☆ allow for the utilization of private and non-profit service providers when appropriate, and encourage the use of intergovernmental agreements by the commissioner of juvenile justice.

Prevention

1. Kansas Endowment for Youth (KEY): Prevention is the KEY. An endowment shall be created from which funds generated will be available for preventions programs. Private and Public dollars shall be utilized to fund the endowment with incentives granted by the state to encourage private contributions. The Authority requests funding to develop a specific program proposal. The Authority requests authorization to contract with an appropriate consultant to determine the elements of a successful endowment program.

§ 134, p. 154, KSA 1995 Supp. 75-7008(i)

2. Official Recognition. The Youth Authority shall annually recognize up to six organizations or individuals that have made significant and positive contributions to Kansas youth. Additionally, the Youth Authority shall recognize one male and one female young Kansan for significant contributions to the eradication of youth risk factors in their communities. The awards would include an honorarium.

§ 134, p. 154, KSA 1995 Supp. 75-7008(g)

3. Drug and Alcohol Prevention. The Youth Authority shall coordinate all state efforts to prevent alcohol and drug abuse by juveniles.

§ 134, p. 154, KSA 1995 Supp. 75-7008(e)

4. Comprehensive Strategy. The Youth Authority shall develop a comprehensive strategy for prevention and early intervention including a program to assist each community in performing a comprehensive risk assessment.

§ 134, p. 154, KSA 1995 Supp. 75-7008(f)

5. Youth Council. The Youth Authority shall appoint a youth advisory council with which to confer on policy recommendations and programs.

§ 134, p. 154, KSA 1995 Supp. 75-7008(h)

Commissioner of Juvenile Justice: Powers/Duties/Functions.

1. The Commissioner shall administer the juvenile justice system utilizing several core functions including:

New § 3, p. 2,
(a)(1)

a. Operations: Through this function the commissioner shall oversee intake and assessment, provide technical assistance and facilitate community collaboration, license youth correctional facilities, programs and providers, assist in coordinating a statewide system of community based service providers and operate youth correctional facilities.

New § 3, p. 2,
(a)(2)

b. Research: Through this function the commissioner shall generate, analyze and utilize data to develop new program initiatives, restructure existing programs and assist communities in risk assessment and effective resource utilization. Particular focus would be given to the identification or development of effective preventions programs.

New § 3, p. 2,
(a)(3)

c. Contract: Through this function the Commissioner would secure the services of direct providers. It is not anticipated that the Commissioner will oversee a large staff of correctional officers or social workers. Rather, the Commissioner shall, when appropriate, contract with non-profit, private or public agencies to perform functions or provide services necessary to operate the state's portion of the juvenile justice system. The contract function could also be utilized in the administration of state programs funded by grants to local communities.

New § 3, p. 2,
(a)(4)

d. Performance Audit. Through this function the Commissioner would audit contracts to determine that service providers were performing as required. This function would grant the Commissioner regulatory authority to administer programs to be performed pursuant to contracts.

§ 132, KSA 1995 Supp.
15-7001 + current
law 15-7003.

e. Personnel Services. Through this function the Commissioner would provide appropriate training opportunities and administer the employees that answer to the Commissioner.

Other Duties. In addition to the above-noted functions, the Commissioner shall:

New § 3, p. 2, (c)
" " (d)
" " (e)

- a. Administer all state and federal funds appropriated within the executive branch for juvenile justice.
- b. Administer the development and implementation of appropriate information systems.
- c. Administer the transition to and implementation of system reforms.

New § 3, p. 2, (h) d.

Have authority to enter into contracts with other public agencies or private entities.

" (f) e.

Shall coordinate functions with the Judicial branch and serve as a resource to legislators and other policy makers.

§ 25, p. 23, KSA 22-4701(c)(6)

3. Access to Records. To ensure maximum access to records the juvenile justice authority shall be designated a criminal justice agency and an educational agency, and the commissioner shall be a member of the Criminal Justice Coordinating Council. The commissioner shall have access to all existing and historical Kansas juvenile justice records.

current law, KSA 1995 Supp. 75-7005

§ 127, p. 147, KSA 1995 Supp. 74-9501(b)

4. Accept Custody of Juveniles. The Commissioner shall be authorized to accept custody of juveniles so assigned by a court.

New § 3, p. 2, (i)

5. Date of Appointment. Although current law calls for the appointment of a commissioner July 1, 1997, the Youth Authority recommends the hiring of a commissioner at least by January 1, 1997, with appropriate staff, to facilitate the creation of the juvenile justice authority and the transition of responsibilities to the commissioner. July 1, 1997 would remain the date upon which transfer of authority would become effective.

§ 132, p. 152, KSA 1995 Supp. 75-7001

6. Kansas Youth Authority Subsequent to 1997. The Kansas Youth Authority members shall serve staggered terms of four years. The authority shall control its own agenda and shall meet at the call of its chair. The seven statutory members may be augmented by ex-officio appointments to serve at the pleasure of the Governor. The Attorney General and the Chief Justice of the Supreme Court or their designees shall be permanent ex-officio members.

§ 135, p. 156, KSA 1995 Supp. 75-7009

System Nomenclature.

The terms used in the juvenile justice system shall be changed to avoid confusion and to clarify procedure. For example, the following terms shall be used:

“trial” not “adjudication”
“guilty” or “not guilty” not “admit” or “deny”
“sentence” not “disposition”
“juvenile correctional facility” not “youth center”
“immediate intervention” not “diversion”
“juvenile justice code” not “juvenile offender code”.

However, some distinctions will remain. For example,

“juvenile proceedings” not “criminal proceedings”
“offense” not “crime”

Throughout the bill.

Intake and Assessment.

1. Commissioner to Oversee Intake and Assessment.

Intake and Assessment functions shall be conducted by the Commissioner of Juvenile Justice.

New § 7, p. 5.

2. Intake and Assessment Model: State Mandates/Local Options.

The Commissioner shall contract with local service providers, when available, to provide 24-hour a day intake and assessment services. Local providers will be required by the state to provide a basic package of intake and assessment services but may provide additional services as determined by local authorities. Local innovation will be encouraged through the funding of pilot programs and through the utilization of facilitators from the Commissioner's office. Programs operating collaboratively, encouraging local interagency cooperation directly in the intake and assessment process are to be pursued. In such communities where need justifies such a model, representatives of law enforcement, education, mental health agencies, substance abuse programs and other key agency representatives will jointly staff the intake and assessment center.

New § 3, p. 2, (a)(3)

3. Immediate Intervention Options.

§ 62, p. 67, SA 1995
The state shall allow each judicial district, at its option, to develop and implement immediate intervention programs. Pursuant to agreement between the District Attorney and Court and Intake and Assessment Center local programs may be developed to allow:

- supp 38-1635* (a)(1) a. Direct referral of cases by the prosecutor and/or intake and assessment worker to youth courts.
- (a)(1) b. Allow intake and assessment workers to issue a summons to appear, requiring a court appearance at a date certain.
- (a)(1) c. Develop restorative justice centers and allow direct referrals by intake and assessment workers and/or prosecutors.
- (a)(1) d. Allow direct referral of cases by the prosecutor or intake and assessment worker to citizen review boards or hearing officers for determination.
- (a)(3) e. Intake and assessment centers to directly purchase services for youth and their families.

Immediate Intervention Programs shall be utilized pursuant to specific authorization by the court and prosecutor. State law shall prohibit the use of any such programs for persons who commit felonies or crimes committed while in possession of a deadly weapon.

(§ 62, p. 67, KSA 1995 Supp. 38-1635(a))

(§ 62, p. 67, KSA 1995 Supp. 38-1635(b)(2))

4. Statutory Clarification.

§ 57, p. 58, SA 38-1624
The juvenile offender code shall be revised to more clearly define the role of intake and assessment. Intake and assessment workers shall be granted specific authority to set conditions for release, be listed as mandatory reports of alleged child abuse, be authorized to take custody of a juvenile from law enforcement and be granted authority to assist juveniles in accessing services. *§ 62, p. 67, KSA 1995 Supp. 38-1635*

§ 62, p. 67, SA 1995 Supp. 38-1635 (a)(4)

§ 34, p. 33, KSA 1995 Supp. 38-1522(a)

§ 57 n. 58, KSA 38-1624(c)

2. Intermediate/Long-Term Reforms.

New § 3 (m)
p. 2

a. The mission of the youth centers shall be restructured to allow greater specialization. Instead of assigning juveniles based on age and sex a more appropriate classification model would be developed for each institution. A military corps model might be utilized in one facility and a substance abuse focus might characterize another.

New § 3, p. 2, (j)

b. Assignment to a specific state custody facility would be made based on information collected at intake and assessment and at a juvenile reception and diagnostic center and information contained in the court's presentence report.

New § 3, p. 2, (k)

c. A reception and diagnostic function shall be created and utilized to effectively administer placements at all state youth correctional facilities.

New § 3, p. 2, (l)

d. Community corrections services for juveniles and aftercare transition services for juvenile offenders released from a state juvenile correctional facility shall be available in each judicial district.

New § 4

3. Maximum Security Facility. To augment our state's juvenile placement options, a maximum security youth correctional program shall be developed pursuant to the following:

- a. Federal funds to assist with construction costs shall be sought and cost-efficient conversion of existing state facilities shall be considered.
- b. The program would be designed to house chronic, serious and violent juvenile offenders.
- c. A capacity of 150 beds is required to meet existing needs.
- d. The Department of Corrections shall have responsibility, with appropriate appropriations, to develop a plan to construct a facility or facilities to house 150 offenders.
- e. Ideally, three 50 bed facilities would be built, dispersed geographically throughout the state with flexibility of expansion or future conversion to other uses. Facilities should also be planned to accommodate the possible co-location of other functions such as detention or intake and assessment centers, or reception and diagnostic services.
- f. It is anticipated that the maximum security facilities would be administered by the Department of Corrections pursuant to a contract with the commissioner.