



TESTIMONY OF MIKE FONKERT
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HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE
IN OPPOSITION TO HB 2200
JANUARY 27, 2022

Members of the House Committee on Corrections and Juvenile Justice:

My name is Mike Fonkert; I am a Campaign Director for Kansas Appleseed Center for Law and Justice, a nonprofit, nonpartisan organization dedicated to the belief that Kansans, working together, can build a state full of thriving, inclusive, and just communities.

Kansas Appleseed is providing testimony in opposition to HB 2200. This bill expands the use of evidence-based program account money beyond its intended original use, requires the Kansas Department of Corrections (KDOC) to build data systems, and allows for case length limit extensions for youth offenders in the juvenile justice system.

Expanding Expenditures of the Evidence-Based Programs Account

HB 2200 expands the use of funds in the evidence-based programs account to include additional children who have been identified by a risk and needs assessment. Since the Evidence-Based Programs Account was created to support community-based programs for youth offenders following the reform efforts of SB 367 passed in 2016, there has been a struggle to use and maintain the money set aside in this account for its intended purpose. It is our position that there should be more focus on ensuring this money is being used to deliver the intended services directly to youth in the juvenile justice system before expanding the scope of how the money is spent.

Case Length Limits

HB 2200 would allow for unlimited extensions of the overall case length limits in place for youth offenders. This would undercut one of the important provisions of juvenile justice reforms that have taken place in Kansas.

In 2015, Kansas Governor Sam Brownback, Chief Justice Lawton Nuss, Senate President Susan Wagle, Senate Minority Leader Anthony Hensley, House Speaker Ray Merrick, and House Minority Leader Tom Burroughs charged the Kansas Juvenile Justice Workgroup with developing

policy recommendations in response to reports on the high costs and unsatisfactory outcomes of the Kansas youth justice system. The workgroup reviewed research showing there was no evidence of a connection between longer case lengths and reduced recidivism. The group found that outcomes were getting worse over the 10 previous years as case lengths were increasing. As a result, the bipartisan Workgroup recommended limiting overall case time. Specifically, Policy Recommendation 15 of the Workgroup was to “Require a case length limit (limit of the court’s jurisdiction) defined by risk level and offense type, and create a presumptive length for each level of supervision subject to the overall case length limit. The case shall be terminated once the case cap expires and it may not be extended.”¹

Courts are already able to extend the terms of probation if a juvenile is determined to need time to complete an evidence-based program. Allowing overall case lengths to be extended indefinitely is contrary to one of the essential findings that led to reform: longer case lengths do not produce better outcomes.

For these reasons, Kansas Appleseed is opposed to HB 2200.

¹ Kansas Juvenile Justice Workgroup. “Final Report - November 2015.”
<https://www.doc.ks.gov/juvenile-services/Workgroup/report/Final>