

Kansas Juvenile Justice Workgroup Final Report: Executive Summary

Overview:

Established in June 2015, the bipartisan, inter-branch Kansas Juvenile Justice Workgroup consisted of 17 representatives from all parts of the juvenile justice system, including judges, district/county attorneys, law enforcement, public defenders, the Kansas Department of Corrections (KDOC), and legislators from both parties and chambers. The Workgroup undertook a comprehensive analysis of the state's juvenile courts and corrections system and reached consensus on a set of data-driven recommendations to improve outcomes for Kansas. If adopted, the recommendations would:

- Protect public safety and hold juvenile offenders accountable;
- Contain taxpayer costs by focusing system resources on the most serious offenders; and
- Improve outcomes for youth, families, and communities in Kansas.

Workgroup Findings

1. **As crime falls, the juvenile justice system does not keep pace:** While the juvenile arrest rate in Kansas dropped more than 50 percent from 2004 to 2013, the state's community supervision and residential commitment populations have not fallen at the same rate. In particular, the out-of-home placement population did not mirror the drop in the juvenile arrest rate, declining by roughly half as much (24 percent). The Workgroup found that youth spend more time on supervision, cycle through a greater number of facilities, go missing from facilities at a higher rate, and remain out of home longer than they did a decade ago.
2. **Lower-level offenders make up a greater share of the out-of-home population:** The proportion of youth placed out of home for misdemeanors has grown over the past decade, accounting for roughly two-thirds of youth placed on Case Management supervision—primarily in costly state-funded residential facilities—and one-third of youth placed in the Juvenile Correctional Facilities (JCF). More than 90 percent of Case Management and JCF youth had two or fewer prior adjudications when they were placed in custody.
3. **Bed costs are high:** More than two-thirds (over \$53 million) of the KDOC juvenile services budget is spent on out-of-home placements at a cost of as much as \$89,000 per year per youth—10 times the cost of probation.
4. **Evidence-based services in the community are scarce:** Research shows evidence-based alternative services and sanctions in the community reduce reoffending. However, the Workgroup found that the courts lack access to these evidence-based alternatives, leading to higher costs, less public safety, and poorer outcomes for youth, families, and communities.
5. **Lack of standardization leads to disparate outcomes:** The Workgroup found wide variation among counties and judicial districts in how youth flow into and through the system. An absence of statutory guidance or standardized assessment of a youth's risks and criminogenic needs leads to geographically disparate use of out-of-home placements across the state.
6. **Information sharing is insufficient and inconsistent:** A lack of comprehensive outcome data collection impedes the accountability necessary to incentivize better system performance.
7. **Out-of-home placement and longer lengths of stay do not reduce reoffending for most youth:** Research demonstrates that out-of-home placements generally do not reduce reoffending and can actually increase recidivism for certain youth. Holding youth accountable through evidence-based alternative sanctions and services such as strengthened community supervision and substance abuse and mental health treatment improves public safety at a much lower cost.¹

¹ Andrews et al., 2006; Andrews et al., 1990; Dowden et al., 1999; Lipsey, 2009; Lowenkamp & Latessa, 2005; Mulvey et al., 2010; Nagin et al., 2009; Smith et al., 2002; Vieira et al., 2009; Villettaz et al., 2006.

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Workgroup Policy Recommendations

The Workgroup came to consensus on 40 data-driven, fiscally sound policy recommendations. If enacted together, the policies are projected to reduce the average daily out-of-home population by at least 62 percent from projected levels by 2021, creating \$81 million in funding over five years for reinvestment in evidence-based options to hold youth accountable in the community, reduce recidivism, and improve other outcomes. The Workgroup recommends that all of the costs averted be reinvested in evidence-based practices and programs in the community that will help Kansas youth become law-abiding and productive citizens of the state.

Prevent deeper juvenile justice system involvement

Provide swift, appropriate responses to youth behavior

- Provide law enforcement with additional tools for responding to youth behavior by establishing statewide criteria for an optional “notice to appear” citation program
- Enhance and standardize pre-court and post-file diversion to ensure swift and consistent responses to youth behavior

Target the use of pre-adjudication detention for higher-level youth

- Focus the use of pre-adjudication detention on youth who pose a higher likelihood of rearrest or failure to appear at a subsequent court hearing, and incentivize the development and use of local alternatives to detention

Protect public safety by focusing system resources

Focus residential beds on youth who pose the greatest public safety risk

- Tailor eligibility for removal from the home, and limit the length of time youth may spend both out of home in residential facilities and under the court’s jurisdiction over the course of an individual case

Hold youth accountable through stronger community supervision

- Develop a statewide system of structured, community-based graduated responses to incentivize compliance through a continuum of swift and certain sanctions and rewards
- Improve case planning to streamline service referrals and reduce inefficiencies

Sustain effective practices through oversight and reinvestment

Reinvest in evidence-based community alternatives to reduce reoffending and improve outcomes

- Reinvest all costs averted from reductions in out-of-home placement into evidence-based sanctions and services in the community

Ensure juvenile justice professionals receive effective training

- Provide comprehensive training on evidence-based practices to professionals who work in the juvenile justice system
- Improve the quality of juvenile defense

Incentivize better system performance through oversight and data collection

- Increase data collection and sharing across all parts of the system and develop performance measures to track outcomes
- Establish an oversight entity to monitor reforms, study additional areas in need of improvement, and review and report performance data to state leadership