

Juvenile Justice Oversight Committee

Agenda

Date and Time: October 14, 2020 from 9:30 am – 12:30 pm

Location: Zoom Conference:
<https://kdoc.zoom.us/j/91997904273?pwd=LONpM0JvVIFLNzJQSk9ETm1sUU0zZz09>

1. KOMA Statement
2. Roll Call and Introduce New Members
 - a. Kate Davis
 - b. Mary Snipes
 - c. Stephanie Springer
3. Overview of Roles, Reasons for Reform, Progress to Date
4. Vote for Chair and Vice Chair
5. Update on Annual Report
6. Update on Reinvestment
7. Data Presentation and Updates from Stakeholders
8. New Business
9. Agenda for December

Juvenile Justice Oversight Committee

An Overview

Presentation Overview

- During this presentation, we will discuss
 - System Before Senate Bill 367
 - Policy Changes and Progress to Date
 - Role of the Juvenile Justice Oversight Committee

System Before Senate Bill 367

Charge to the Kansas Juvenile Justice Workgroup

- “In developing proposals for reform, the group’s priorities will be to
 - Promote public safety and hold juvenile offenders accountable
 - Control taxpayer costs
 - Improve outcomes for youth, families, and communities in Kansas
 - The Workgroup’s recommendations will be used as the foundation for statutory, budgetary and administrative changes during the 2016 legislative session”

Governor Brownback	Senate President Wagle	Senate Minority Leader Hensley
Chief Justice Nuss	House Speaker Merrick	House Minority Leader Burroughs

Workgroup Members

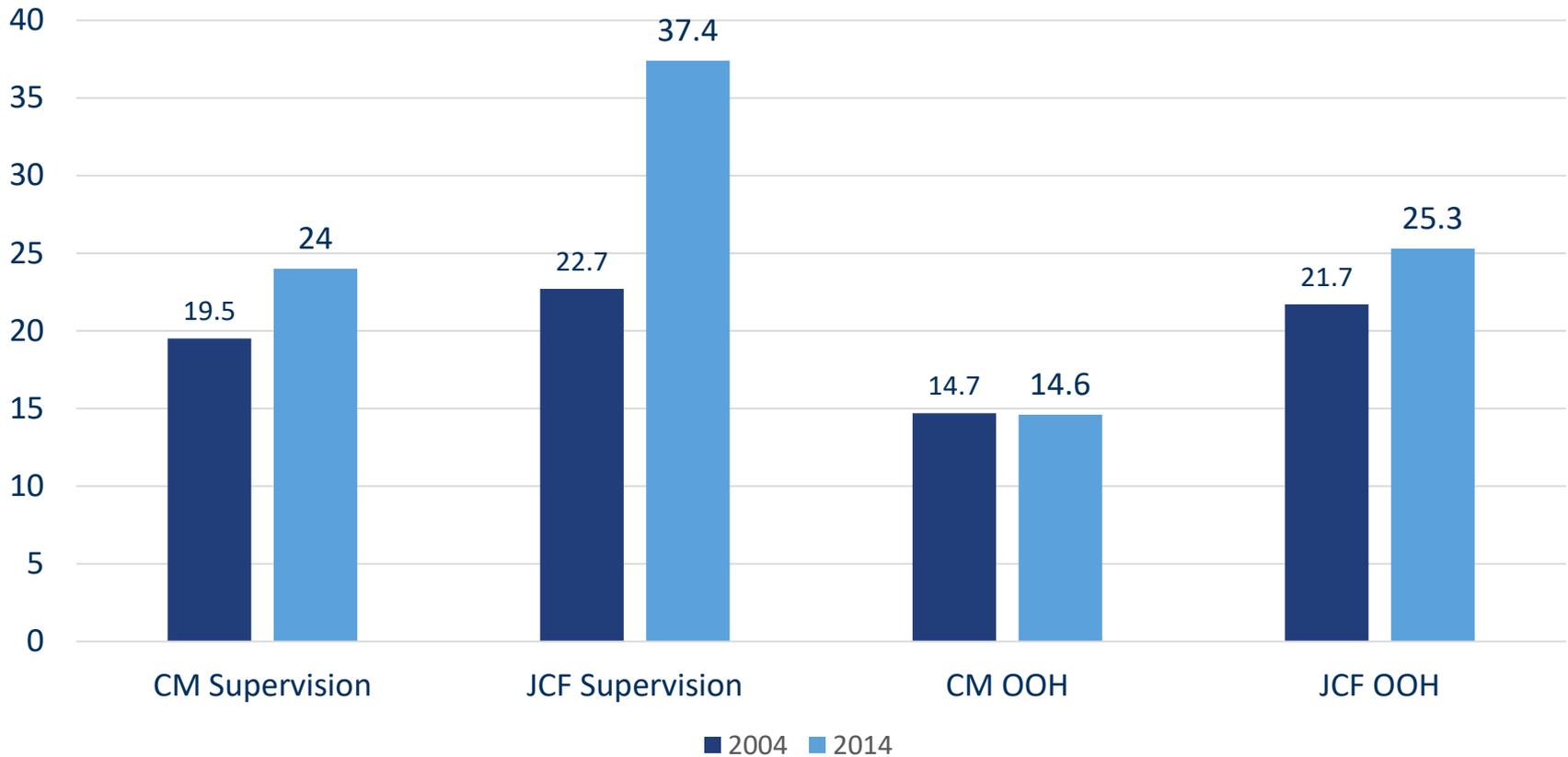
- Senator Greg Smith (Co-Chair)
- Representative John Rubin (Co-Chair)
- Representative Gail Finney
- Senator Pat Pettey
- Judge Thomas Foster
- Judge Mary Thrower
- Judge Delia M. York
- Mark Gleeson, OJA
- Stephanie Springer, 27th Dist. Chief CSO
- Ray Roberts, former KDOC Secretary
- Terri Williams, Deputy Secretary of Juvenile Services, KDOC
- Randy Bowman, Director of Community Based Services, KDOC
- Melody Pappan, Cowley County Youth Services Administrator
- Jaime Rogers, DCF Deputy Secretary
- Trent Wetta, Kansas Legal Services
- Karen Griffiths, Assistant County Attorney
- Ed Klumpp, Kansas Association of Chiefs of Police and Kansas Sheriffs Association

Workgroup Findings Summary

- Despite 50% decline in juvenile arrests since 2004, in 2014, youth
 - Spent more time on supervision
 - Average supervision periods were 10.9 months for Jos on Court Services, 24 months for Case Management, and 37 months for JCF
 - Cycled through a greater number of facilities
 - Youth placed in JCF average 8.3 out of home placements
 - Went missing from facilities at a higher rate
 - 36% of Case Management youth go AWOL; 41% of these events are for one month or longer
 - Remained out of home longer than they did a decade ago
 - Youth in Case Management spent an average of 14.6 months out of home; youth in JCF are out of home for an average of 25 months

Workgroup Findings Summary

Average Supervision and Out of Home Lengths in Months



Workgroup Findings Summary

- Lower-level youth made up a large and growing share of both community supervision caseloads and residential beds
 - 90% of youth in both out-of-home case management and intensive supervision probation have two or fewer adjudications prior to placement
 - 7 out of 10 offenses are misdemeanors
 - More than 400 youth were placed out of home for truancy, running away, or other behavior problems

Workgroup Findings Summary

- Evidence-based services in the community were unavailable for court-involved youth in most jurisdictions
 - Youth are referred to the same services in the community regardless of whether they are on community supervision or are in a non-secure placement though DCF custody or KDOC Case Management
 - These are publicly available services that any youth may access without court intervention
 - Publically available services are generally not evidence-based for reducing recidivism and are not monitored for quality by the juvenile justice system

Policy Changes Due to SB 367 and Progress to Date

Policy Changes

- The section will discuss the major components of SB 367
 - Increase in Evidence-Based Services
 - Changes in Decision-making Processes
 - Referrals into System
 - Diversion/Immediate Intervention
 - Detention
 - Transfers to Adult System
 - Disposition Decision-making
 - Violations
 - Length of Supervision

Increase in Evidence-Based Services

- Requires costs averted from reduced out-of-home placements be reinvested into evidence-based practices and programs in the community for use by intake, diversion, probation, and conditional release
 - Priority reinvestment areas target criminogenic needs, including cognitive-behavioral and family-centered therapies, substance abuse, and sex offender therapy

Increase in Evidence-Based Services

- Functional Family Therapy and Sex Offender risk assessment and treatment are available statewide
- Youth Advocacy Program and Moral Reconciliation Therapy are available in many locations
- Aggression Replacement Training is being implemented
- Family engagement services and the Parent Project have begun across the state
- Georgetown Crossover Youth Practice Model has begun

Increase in Evidence-Based Services

- Sustainability and data-driven decisions have guided the JJOC in plans for future reinvestment
 - Focus on:
 - Mental health
 - Substance use
 - Family support
 - Infrastructure

Referrals Into System

- Increased collaboration with schools and law enforcement (7/1/17)
 - Requires Memoranda Of Understanding between schools and system stakeholders (including courts and county/district attorneys) to reduce referrals to law enforcement and the courts
- Notice to Appear (1/1/17)
 - Authorizes optional Notice to Appear protocol for first contact with law enforcement officer

Referrals Into System

- All schools had an MOU in 2017
 - The JJOC has been discussing potential changes to ensure these are updated regularly
- Notices to Appear have been used consistently
 - In SFY19 there were 4,064 NTAs issued
 - 81% appeared as requested

Diversion/Immediate Intervention

- Diversion/Immediate Intervention (1/1/17)
 - KDOC and OJA to develop immediate intervention standards (1/1/17)
 - Immediate intervention can be up to 6 months, and can be extended up to 2 months for evidence-based program
 - Unsuccessful youth can be referred to a multidisciplinary team, who can extend the plan up to 4 months
- Currently, 100 counties are using pre- and/or post-file diversion
 - In SFY19, 88.5% of youth in those programs completed successfully

Detention

- Pre-adjudication Detention (7/1/17)
 - Initial detention determinations will be standardized, guided by a validated detention risk assessment instrument
 - Detention should be reserved for high risk youth charged with serious offenses
 - All suitable detention alternatives should be exhausted
- Currently, the KDAI is used statewide and is working towards a validation study

Transfers to Adult System

- Transferring juvenile cases to the adult system
 - No youth under age 14 may be prosecuted as an adult and the presumption of adulthood burden is now on the prosecution
 - Extended jurisdiction juvenile (EJJ) prosecution eliminated for all but the highest severity offenses

Disposition Decision-Making

- Pre-disposition decision making
 - A single, statewide risk and needs assessment will be used and standard processes for providing information to the court will be developed
 - A summary of that standard assessment will be provided to court post-adjudication, pre-disposition
 - OJA and KDOC will also collaboratively case-plan to provide the court and the youth with uniform information on progress

Disposition Decision-Making

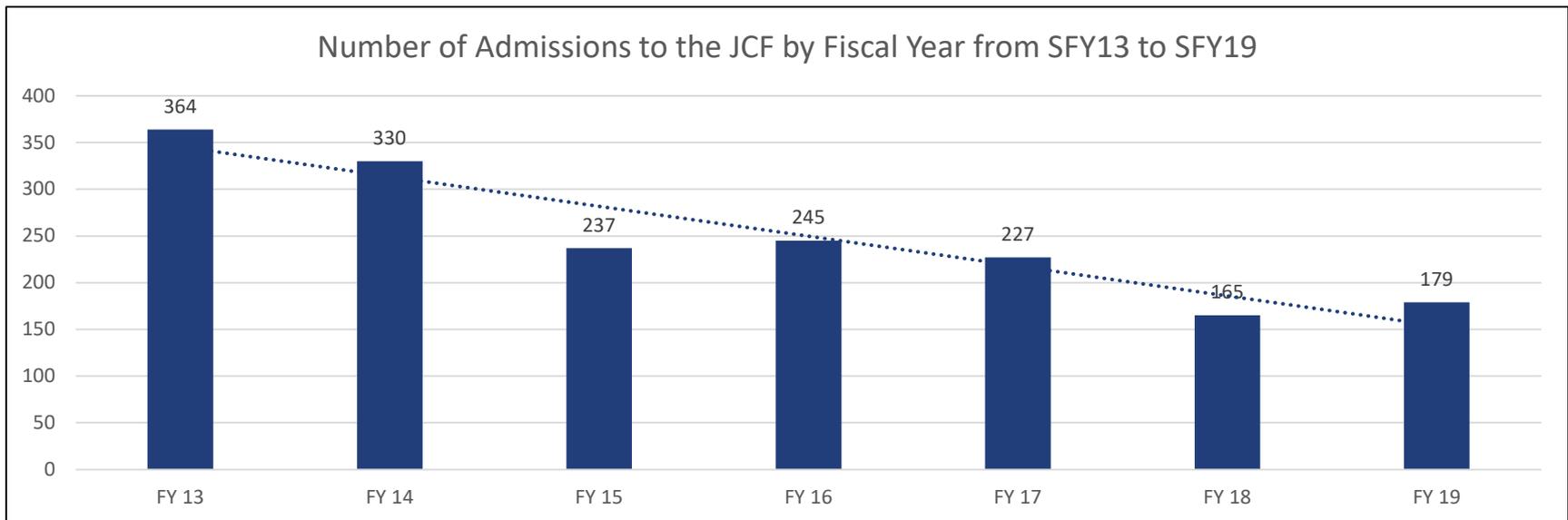
- The YLS/CMI was validated this year
 - OJA and KDOC are discussing potential changes to make the use of the tool even more consistent across the state

Disposition Decision-Making

- Group Homes (1/1/18)
 - Reduces the use of group homes with clear criteria
 - Creates rebuttable presumption that 10-14 year olds serious offender II, III, IV who would otherwise be placed at the JCF will be placed in youth residential facilities
 - Up to 50 beds can be used for this purpose
- JCF (7/1/17) revised matrix
 - The matrix revises offender types, length of stay, aftercare terms, and adds overall case limits
 - Off-grid and 1-4 persons felonies DO NOT change

Disposition Decision-Making

- Group Homes
 - Consistently, there have been only a handful of youth, if any, in group homes
- JCF



Violations

- Graduated responses for youth on community supervision (7/1/16)
 - KDOC and OJA developing sanctions and incentives continuum to respond to technical violations of probation

- KDOC and OJA developed responses and have been using them since 2016

Length of Supervision

- No overall case length limit for off-grid felony or non-drug severity level 1-4 felony offenders
- Overall Case Length Caps for all other offenses (7/1/17)
 - Up to 12 months for misdemeanor offenders
 - Up to 15 months low-risk and moderate-risk felony offenders
 - Up to 18 months for high-risk felony offenders

Length of Supervision

- Limits on length of probation (7/1/17)
 - Up to 6 months for low-risk and moderate-risk misdemeanor offenders and low-risk felony offenders
 - Up to 9 months for high-risk misdemeanor offenders and moderate-risk felony offenders
 - Up to 12 months for high-risk felony offenders
 - Extensions allowed up to 1 month for low-risk, 3 months for moderate-risk, and 6 months for high-risk
 - Subject to overall case length caps

Role of the Juvenile Justice Oversight Committee

Membership

- Members are tasked with, “overseeing the implementation of reform measures intended to improve the state's juvenile justice system”
 - Two year terms
 - 21 members

Duties

1. Guide and evaluate the implementation of the changes in law relating to juvenile justice reform;
2. Define performance measures and recidivism;
3. Approve a plan developed by court services and the department of corrections instituting a uniform process for collecting and reviewing performance measures and recidivism, costs and outcomes of programs;
4. Consider utilizing the Kansas criminal justice information system for data collection and analyses;
5. Ensure system integration and accountability;
6. Monitor the fidelity of implementation efforts to programs and training efforts;

Duties

7. monitor any state expenditures that have been avoided by reductions in the number of youth placed in out-of-home placements to recommend to the governor and the legislature reinvestment of funds into:
 - (A) **Evidence-based practices and programs in the community** pursuant to K.S.A. 2019 Supp. [38-2302](#), and amendments thereto, for use by intake and assessment services, immediate intervention, probation and conditional release;
 - (B) **training on evidence-based practices** for juvenile justice system staff, including, but not limited to, training in cognitive behavioral therapies, family-centered therapies, substance abuse, sex offender therapy and other services that address a juvenile's risks and needs; and
 - (C) **monitor the plan** from the department of corrections for the prioritization of funds pursuant to K.S.A. [75-52,164\(d\)](#), and amendments thereto;

Duties

8. continue to review any additional topics relating to the continued improvement of the juvenile justice system, including:
 - (A) The confidentiality of juvenile records;
 - (B) the reduction of the financial burden placed on families involved in the juvenile justice system;
 - (C) juvenile due process rights, including, but not limited to, the development of rights to a speedy trial and preliminary hearings;
 - (D) the improvement of conditions of confinement for juveniles;
 - (E) the removal from the home of children in need of care for non-abuse or neglect, truancy, running away or additional child behavior problems when there is no court finding of parental abuse or neglect; and
 - (F) the requirement for youth residential facilities to maintain sight and sound separation between children in need of care that have an open juvenile offender case and children in need of care that do not have an open juvenile offender case;

Duties

9. adhere to the goals of the juvenile justice code as provided in K.S.A. 2019 Supp. [38-2301](#), and amendments thereto;
10. analyze and investigate gaps in the juvenile justice system and explore alternatives to out-of-home placement of juvenile offenders in youth residential facilities;
11. identify evidence-based training models, needs and resources and make appropriate recommendations;

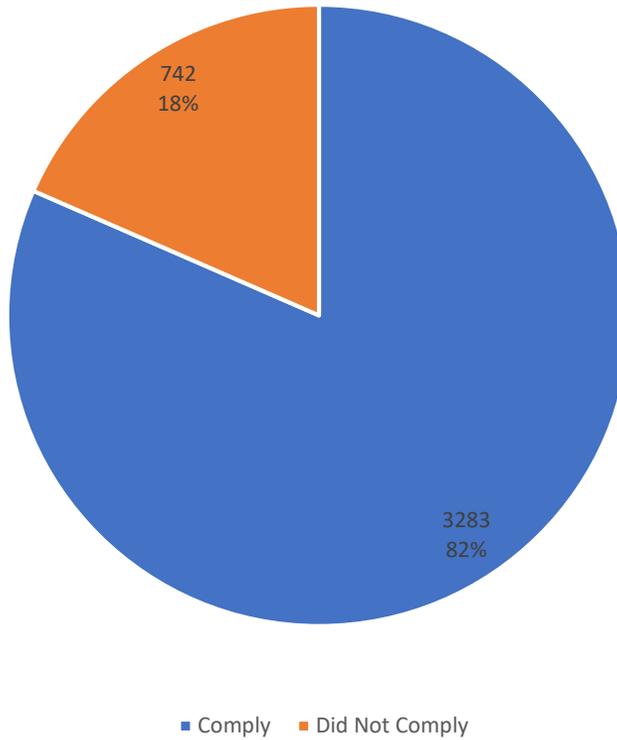
Duties

12. study and create a plan to address the disparate treatment and availability of resources for juveniles with mental health needs in the juvenile justice system; and
13. review portions of juvenile justice reform that require the department of corrections and the office of judicial administration to cooperate and make recommendations when there is not consensus between the two agencies.

KDOC JJOC NUMBERS

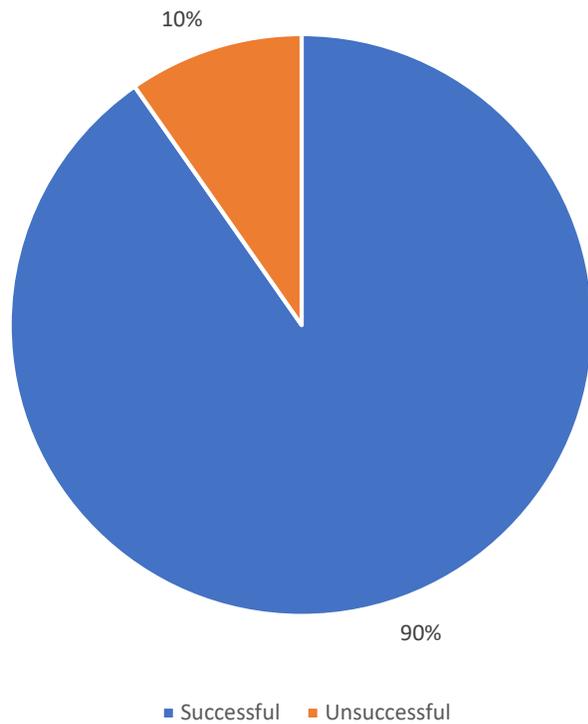
NTA (Pg4)

NTA COMPLIANCE (Total Issued = 4025)

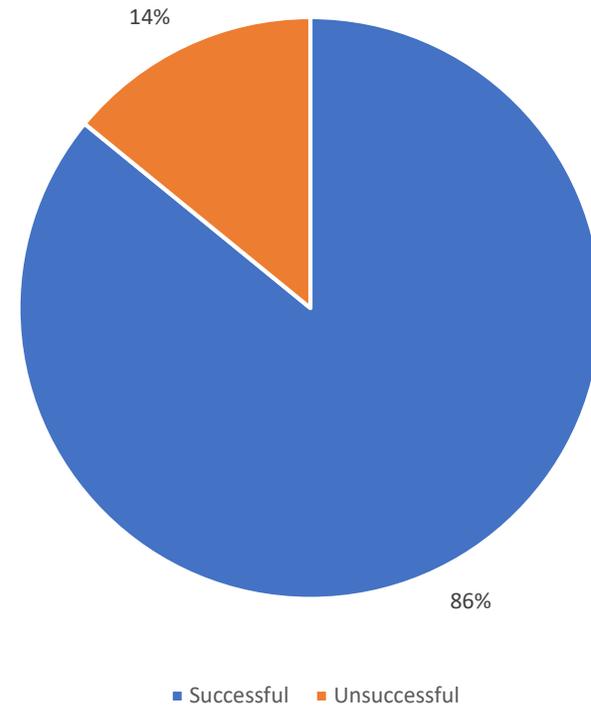


PRE/POST FILE IIP (pg5)

FY20 Pre-File Immediate Intervention Program Outcomes

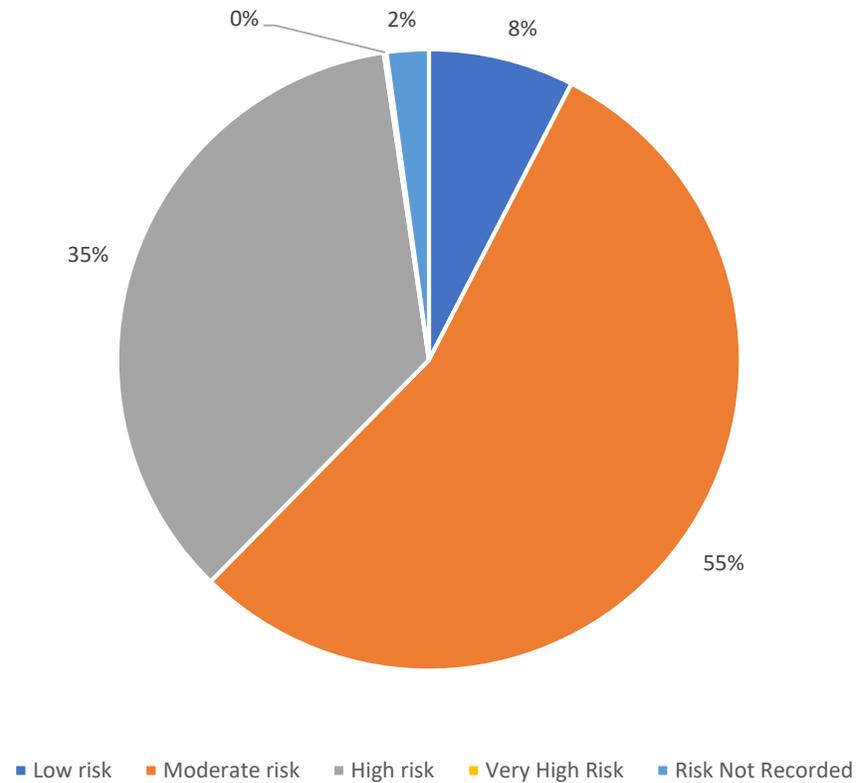


FY20 Post-File Immediate Intervention Program Outcomes



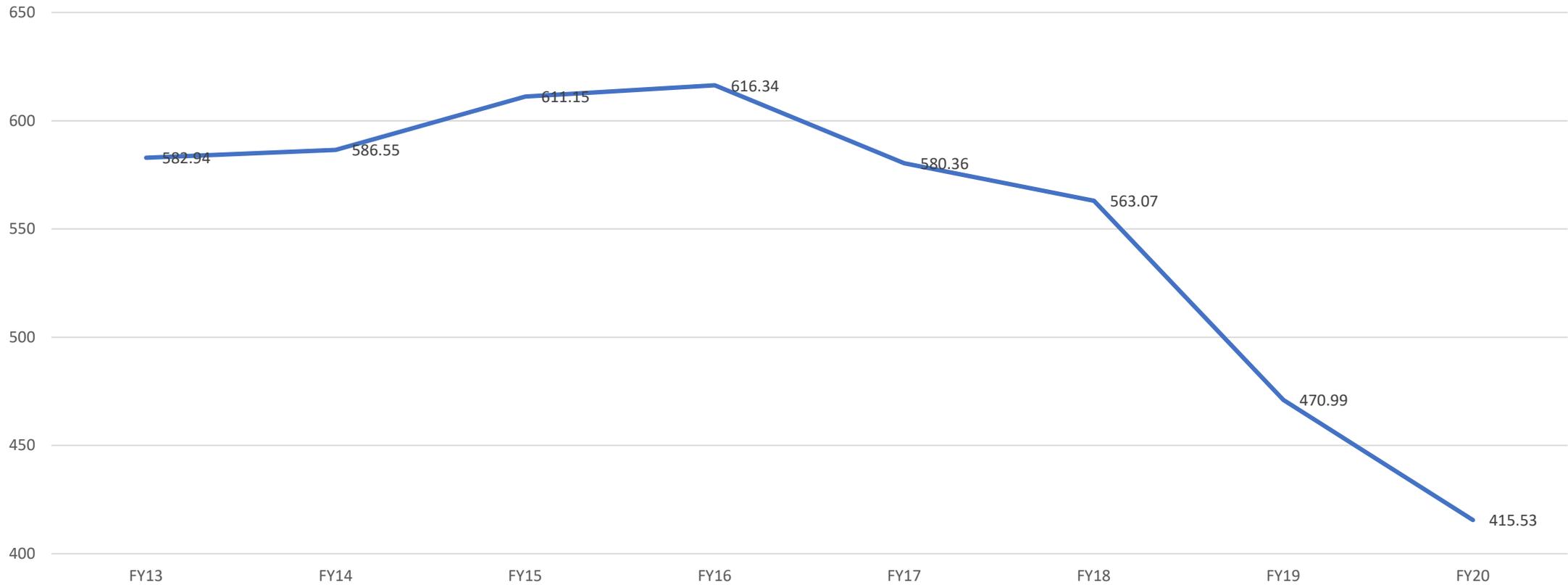
Risk Level of Youth Placed on Probation (pg7)

Total annual number of youth placed on probation by risk level , N=688



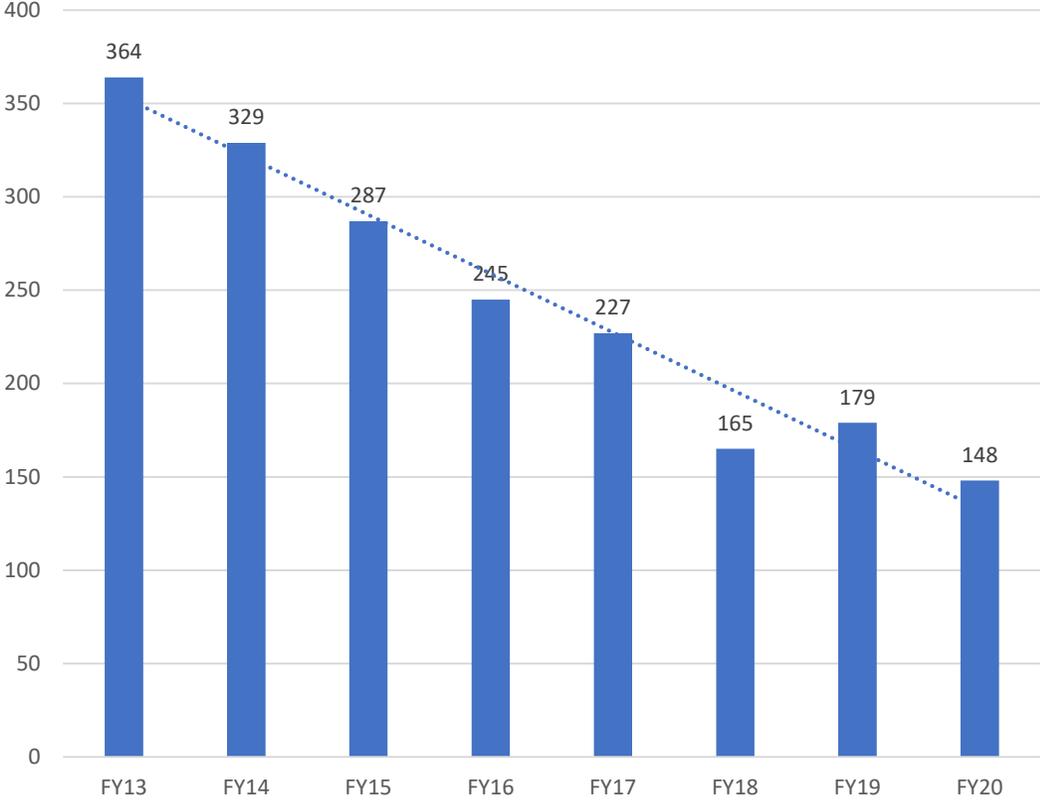
Average Days of Community Corrections Supervision (pg8)

Average Days of Community Corrections Supervision from FY13 to FY20

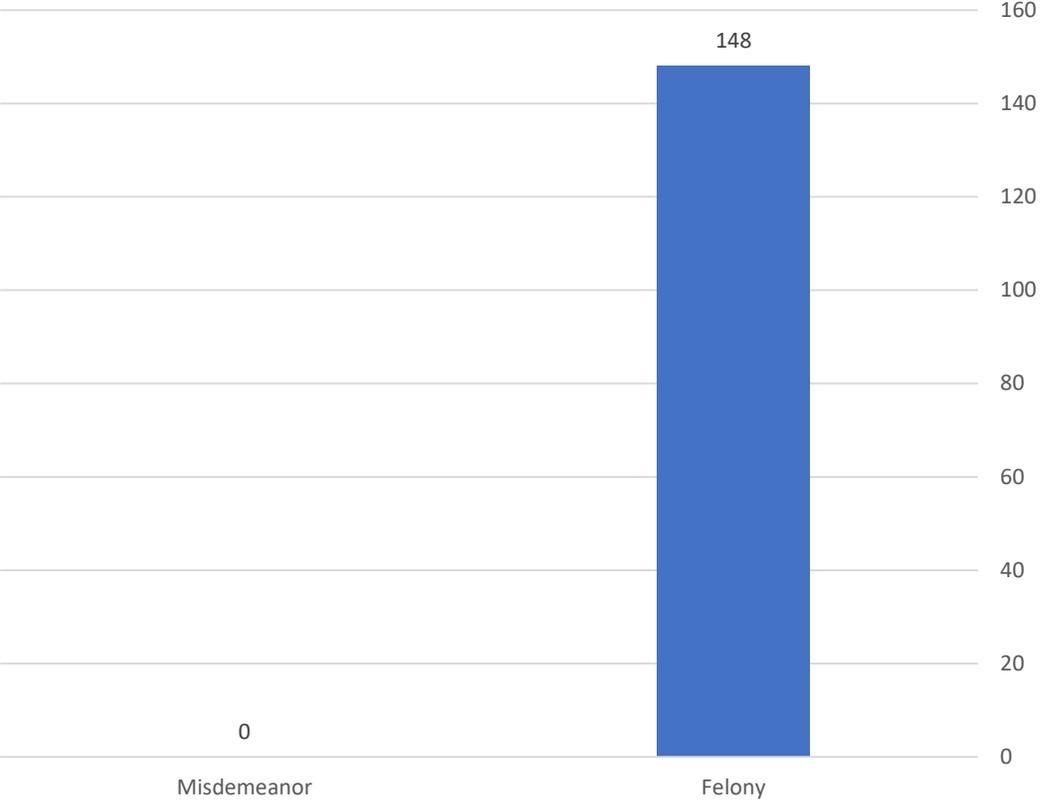


JCF ADMISSIONS (Pg9)

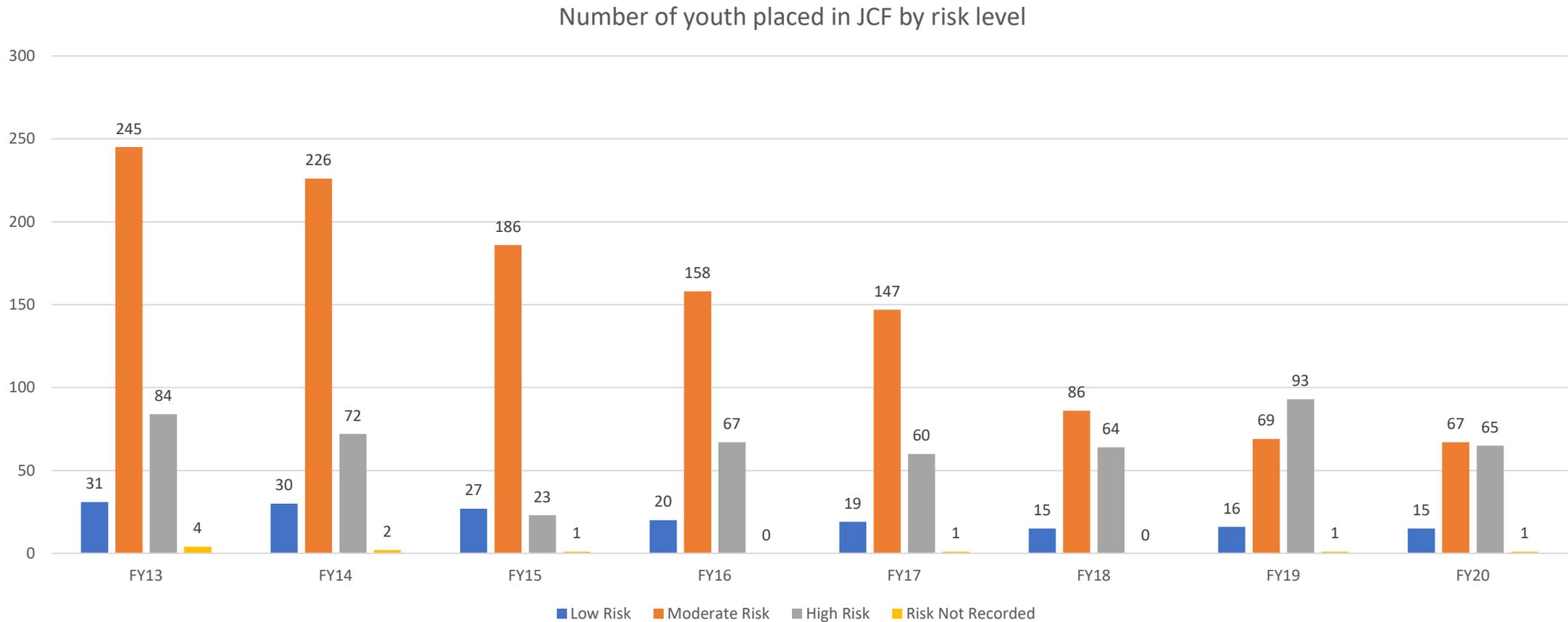
Admissions to JCF by FY



FY20 JCF Admissions



Number of youth placed in JCF by risk level (pg10)



Percent of Youth Placed in Community Corrections (Pg11)

Percent of Youth Placed on Probation by Risklevel and FY

