

# 2019

## Juvenile Justice Report



Presented to the Governor and Legislature by the  
Kansas Advisory Group on Juvenile Justice and  
Delinquency Prevention (KAG)

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## **About the KAG**

The Office of Juvenile Justice and Delinquency Prevention (OJJDP), requires each state to maintain a State Advisory Group (SAG). In Kansas, this group is called the Kansas Advisory Group on Juvenile Justice and Delinquency Prevention (KAG).

One of the roles of the KAG is to advise on, and advocate for, juvenile justice matters that are consistent with industry standards and best practices. In accordance with this role, the KAG makes annual recommendations to state policy makers and the Kansas Department of Corrections (DOC).

The DOC is the designated state agency for receiving federal funds from OJJDP. The DOC and KAG partner to oversee the federal funds (Title II) for the State of Kansas. The KAG also assists in providing oversight to keep Kansas in compliance with the provisions of the federal Juvenile Justice and Delinquency Prevention Act (JJDP).

The KAG meets quarterly and is made up of members who are appointed by and serve at the pleasure of the Governor.

## **Current Activities**

### **Compliance Monitoring:**

OJJDP funding is allocated to each state contingent upon its compliance with four core requirements of the JJDP Act. The KAG and DOC are responsible for overseeing and monitoring these requirements. The requirements are:

- Jail Removal – Juvenile offenders shall not be securely detained in adult jails.
- Sight and Sound Separation – Juveniles must be kept sight and sound separate from adult offenders.
- Deinstitutionalization of Status Offenders – Juveniles charged with status offenses should not be placed in secure detention or correctional facilities
- Racial and Ethnic Disparities – States must address over-representation of minorities in the juvenile justice system.

Kansas employs a Compliance Monitor that visits all juvenile facilities in the state to educate staff on the federal statutes and ensure the facilities are in compliance with said statutes.

Kansas has maintained full compliance with the core requirements since 1999. This allows the State to continue receiving 100% of the Title II funds available under the federal funding formula.

## **Current Activities**

### **Community System Improvement Initiative:**

In early 2018, the KAG held a strategic planning retreat in conjunction with OJJDP. At that time, the KAG recommended using the state's 2015, 2016, and 2017 Title II allocations for system improvement projects in three pilot sites. The sites chosen were:

- 1) The 25th Judicial District (Finney, Greeley, Hamilton, Kearny, Scott, and Wichita Counties)
- 2) The 29<sup>th</sup> Judicial District (Wyandotte County)
- 3) The combined 15th, 17th, and 23rd Judicial Districts (Cheyenne, Logan, Sheridan, Sherman, Rawlins, Thomas, Wallace, Decatur, Graham, Norton, Osborne, Phillips, Smith, Ellis, Gove, Rooks, and Trego Counties).

A request for proposal (RFP) was created and distributed to the universities in the state. Kansas State University (KSU) was selected to facilitate work in the 25<sup>th</sup>, 15<sup>th</sup>, 17<sup>th</sup>, and 23<sup>rd</sup> Judicial Districts, and the University of Kansas (KU) was selected to work in the 29<sup>th</sup> Judicial District. There were a number of deliverables cited as requirements in the RFP including:

- ✓ Increase the community's capacity to collect data,
- ✓ Assist the community with collecting data from the past three fiscal years,
- ✓ Increase the community's data analysis capacity,
- ✓ Assist the community to complete a thorough data analysis,
- ✓ Identify areas in the data where outcomes for area youth could be improved via juvenile justice system improvement,
- ✓ Increase the community's collaborative capacity,
- ✓ Assist the community to identify and approach relevant stakeholders, and
- ✓ Address identified system improvement needs.

During this initiative, KSU and KU were directed to educate local communities on best practices for youth including: the reduction of Disproportional Minority Contact (DMC), the developmentally-appropriate approach for youth, trauma informed care, and best practices working with LGBTQI+ youth.

At the end of the two-year facilitation, the KAG and DOC hope to have a toolkit available to bring to other Kansas communities that includes lessons learned during this facilitation.

This initiative has reached the halfway mark and there is promising movement around the state. Community groups are meeting in the pilot sites, discussing their data, and planning ways to improve their local systems. We will include the project results in the 2020 KAG report.

## **Policy Recommendations**

### **Policy Recommendation #1: Enhanced Data Collection and Analysis of Data Pertaining to Racial and Ethnic Disparities**

As noted previously, one of KAG's areas of focus is on the overrepresentation of youth of color in our juvenile justice system. This is an issue that plagues juvenile justice systems across the country. The KAG has recently modified the name of the Disproportionate Minority Contact (DMC) Committee to the Equity Committee. This shift allows review of disproportionate representation in the system of other groups (e.g. girls and LGBTQ+ populations).

The KAG wishes to work with DOC and other stakeholders to more critically review the existence of disproportionate representation of various minority groups at all points in the justice system. The KAG wants to collaborate and work toward developing a plan to not just recognize the existence of this issue, but to work on a strategy to review, analyze, and set goals to reduce such overrepresentation.

To begin this, the KAG requests access to comprehensive information on the current and historic data for various minority groups. We would request that data be available to examine the demographic trends for justice-involved youth for the last 5 years. It is requested that such a report include as much information on each part of the system involvement as possible (e.g., arrest, detention, probation, custody, JCF) and analyze the outcomes of programming for youth based upon such characteristics. It is also requested to include data on cross-over youth. The KAG desires the report include any current system gaps (including data collection) and the plan to overcome such gaps. We would like to see a plan for mitigating overrepresentation to include the identification of evidenced-based models that are culturally and gender responsive, as well as the establishment of incremental goals for a reduction of overrepresentation.

The KAG is excited to collaborate with DOC on this important project and to provide input and guidance on what data should be collected, in what format, at what frequency, and goals for system improvement. We would wish to start this process as soon as possible, with a goal for the initial collaboration meeting to be held no later than March 1, 2020 and the initial report submitted to the KAG no later than July 1, 2020.

## **Policy Recommendation #2: Compliance Monitoring Authority Codification**

In order to receive Title II funding from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), Kansas must show that it is in compliance with the four OJJDP requirements listed on page 4 of this report.

In order to accomplish this, Kansas employs a Compliance Monitor who visits over 150 jails and lockups each year to monitor each facility's adherence to these requirements.

Currently, no Kansas Statute exists that requires facilities to comply with these visits. Facilities are only compelled to do so because Title II funding to their jurisdiction is dependent on their cooperation.

If the authority for this Compliance Monitoring were codified in state statute, it would ensure that no one jurisdiction could endanger the state's Title II funding by choosing not to allow Compliance Monitoring visits.

This authority could be codified by inserting the following language into KSA 75-7007:

- (1) There is established a Compliance Monitor within the Kansas Department of Corrections to work in cooperation with the Kansas Advisory Group on Juvenile Justice and Delinquency Prevention described in KSA 75-7007. Compliance Monitor shall be responsible for monitoring secure and non-secure juvenile justice facilities throughout the state to ensure that the facilities operate in compliance with national best practices and federal law. Nothing in this section shall be construed as giving the Compliance Monitor authority to monitor foster care or shelter care placements. The inspections by the Compliance Monitor shall encompass the following:
- (2) The Compliance Monitor is authorized to monitor the provisions of the federal Juvenile Justice and Delinquency Prevention Act in the four (4) core protection requirements of the Act for the state as follows:
  - (a) Deinstitutionalization of status offenders;
  - (b) Separation of juveniles from incarcerated adults;
  - (c) Removal of juveniles from adult jails and lockups; and
  - (d) Disproportional minority contact.
- (3) If any staff or individual of a secure facility prohibits the Compliance Monitor from fully performing their duties, as prescribed in the federal Juvenile Justice and Delinquency Prevention Act, then such staff or individual shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00).

## **Policy Recommendation #3: Continued Support for the Purposes in SB 367**

In 2016, Kansas sought to improve treatment of youth in the juvenile justice system by enacting Senate Bill 367. SB 367, which comports with federal law, was based on the recommendations of a bipartisan work group, appointed by leadership from all three branches of the state's government.

SB 367 restricts the use of out-of-home placement, focuses intensive system responses on the highest-risk juveniles, and shifts resources toward evidence-based alternatives that allow youth to be supervised safely while remaining at home.

Initially, it was projected to cut residential placements by more than half and yield \$72 million for reinvestment over five years. Already, Kansas has seen a decrease in out-of-home confinement by 63% between 2015 and 2018. Placement in group homes declined 87% and confinement in state juvenile correctional facilities declined by 31 percent. Simultaneously, Kansas has seen a decline in juvenile arrests by 29 percent from 2015 to 2017. Over \$30 million has been saved and reinvested in an array of evidence-based programming for justice involved youth available in communities across the state. Thousands of youth and families in Kansas benefit from this shift each year, a great advance for the juvenile justice system and those it serves. SB367 has led to better outcomes for youth and a significant savings for the state.

Kansas' juvenile justice statutes and practices are considered to be among the most well regarded in the nation. Kansas officials are regularly asked to speak at national forums about the reform and the success of the reinvestment strategy. The KAG would like to continue its support for the current juvenile justice statutes and would caution against rollback efforts. The KAG desires a continued improvement by DOC, and the Office of Judicial Administration (OJA) in data collection, transparent reporting, and evaluation of the programs funded through the Juvenile Justice Reinvestment Fund. We support the continued protection of the Juvenile Justice Reinvestment Fund for use for justice-involved youth. We support the Juvenile Justice Oversight Committee's multi-year plan for program expansion in a way that ensures sustainability of the established evidence-based services, including investment in the Crossover Youth Initiative (outlined in more detail in Policy Recommendation #4).

## **Policy Recommendation #4: Support for the Crossover Youth Initiative**

In 2010, Georgetown University's Center for Juvenile Justice Reform (CJJR) developed the Crossover Youth Practice Model (CYPM) to address the unique needs of youth that are at risk of or are fluctuating between the child welfare and juvenile justice systems. These youth are commonly referred to as "crossover youth".

The Crossover Youth Practice Model is a nexus between research and best practices that outlines systemic changes youth-serving systems can make to improve their ability to serve youth.

The CYPM has four overarching goals:

1. Reduction in the number of youth crossing over and becoming dually-involved;
2. Reduction in the number of youth placed in out-of-home care;
3. Reduction in the use of congregate care; and
4. Reduction in the disproportionate representation of youth of color, particularly in the crossover population.

In October 2019, The Kansas Department of Corrections and the Kansas Department for Children and Families began working with the CJJR to bring the CYPM to Kansas on a statewide basis.

The KAG wholeheartedly supports investment in this initiative and recommends that this work continue in Kansas. This initiative will improve communication, data sharing, and coordination between DCF and DOC, resulting in improved outcomes for youth and families in both systems. KAG has particular interest in the reduction of the disproportionate representation of youth of color in the crossover population. We urge DCF and DOC (as part of the project) to establish a data collection process that will measure the historic and current demographics of crossover youth in Kansas and set multi-year measurable goals for reductions. KAG recommends that this data be part of annual statistical reports for both agencies.

## **Policy Recommendation #5: Ensure Juvenile Justice Focus Remains at DOC**

In June of 2019, the Kansas Department of Corrections announced a restructuring plan that impacted Juvenile Services. One of the changes consolidated both adult and juvenile community services under one director rather than having a dedicated Deputy Secretary of Juvenile Services. It also resulted in the transfer of \$290,797 from the Juvenile Services budget and shifted 3 full-time equivalent (FTE) staff to Central Office Administration. DOC has stated that part of the shift involved diversion of staff and funds to the Research Unit in the Department. DOC staff assert that “the Department, including Juvenile Services, will become more data literate and this will drive decision making, policy recommendations and resource allocation. This will translate to better programs that directly impact the youth, better policies that enhance the services and care for the youth, and having the data to assist in the efforts to impact youth in the least restrictive environment.”

While KAG understands that the Secretary of Corrections is free to make organizational shifts as he/she deems appropriate, the elimination of a leadership position dedicated to juvenile justice can be construed as further consolidation of juvenile justice into the adult criminal justice arm of the agency. We want to ensure that DOC maintains a strong focus on juvenile justice with a clear distinction and understanding of the unique needs of the juvenile population. We would have concern with further erosion of resources dedicated to Juvenile Services.

The KAG Chairperson has met with the Acting Secretary of Corrections and shared the body’s concern with these organizational shifts and the KAG’s intent to monitor resource allocations, and requested that the DOC’s Research Department produce data analysis on items outlined further in Policy Recommendations #1 and #6. Additionally, the Chair requested that the KAG establish regular meetings (at least twice annually) with the Secretary of Corrections to discuss juvenile justice issues and recommendations. Acting Secretary Zmuda was receptive to these requests.

## **Policy Recommendation #6: Ensure Juvenile Justice Programs be Evidence Based**

Local communities throughout the State of Kansas receive State Block Grant (SBG) funding from the state on an annual basis to carry out juvenile justice activities in their community. These funds can go to local prevention programs.

In an effort to ensure that funds are used in an efficient and effective matter, the KAG recommends that any juvenile justice program that receives state or federal funds be evidence based. This would be defined as programs and services that have demonstrated effectiveness through scientific research and evaluation. Tools and resources such as Blueprints for Healthy Youth Development, CrimeSolutions.gov; OJJDP's Model Program Guide, and PEW's Results First Clearinghouse Database should continue to be used as guides in evaluating proposed programs. Priority should be given to those that demonstrate effectiveness or, at a minimum, are designated as a promising practice that addresses local criminogenic needs.

KAG recommends these same standards be maintained for youth at the state juvenile correctional facility (JCF). As a result of the reform initiative, there have understandably been changes in the composition of the youth population at the JCF. This includes a reduction in the number of youth, an increase in the population's risk level, and the average length of stay. The KAG recommends that DOC review the offerings at the JCF and consider enhancing opportunities for JCF youth (e.g., college courses, vocational opportunities/certifications, and employment services).

The KAG recommends that DOC enhance its analysis and public reporting on program outcomes for both the community-based and JCF-based programs.

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