

2023

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 named 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. Per this role, the KAG makes annual recommendations to state policymakers and the Kansas Department of Corrections (KDOC).

The KDOC is the designated state agency for receiving federal funds from OJJDP. The KDOC and KAG partner to oversee the Title II federal funds 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 Act).

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

Ongoing Activities

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

- **Jail Removal**: Juvenile offenders shall not be securely detained in adult jails.
 - **Pursuant to section 223(a)(11)(B) of the Juvenile Justice and Delinquency Prevention Act (JJDP) (see 34 U.S.C. §11133(a)(11)(B))**: a juvenile who is charged as an adult must not be held in an adult jail or lockup, nor have sight or sound contact with adult inmates, unless the Court determines that it is in the interest of justice, by making certain findings. (Effective 2025)
- **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 the over-representation of minorities in the juvenile justice system.

Compliance Monitoring:

Kansas employs a Compliance Monitor who visits all juvenile detention centers and juvenile correctional facilities annually in the state to educate staff on the federal statutes and ensure the facilities are complying with said statutes. Kansas has maintained full compliance with the core requirements since 1999. This allows the State to continue to receive 100% of the Title II funds available under the federal funding formula.

Current Activities

Community System Improvement Initiative: Strengthening Juvenile Defense in Kansas:

In January 2021, the KAG included a recommendation for legislative action to address The Gault Center's (previously the National Juvenile Defender Center) findings from their 2020 Kansas report. In late May 2021, the KAG voted to use Title II funds to partner with The Gault Center to strengthen juvenile defense in Kansas. In consultation with The Gault Center, the KAG voted to approve a multi-faceted training and resource plan. This included:

JTIP Trainer Certification: The Juvenile Training Immersion Program (JTIP)—a 42-lesson trial advocacy training program designed to enhance the capacity of youth defense attorneys across the country. JTIP is intended to serve as the gold standard in training for youth defenders and reflects a core commitment to the unique role and critical importance of specialized defense counsel in juvenile courts across the United States. Before the JTIP, Kansas had only one JTIP-certified trainer. Funding was allocated for **Pre-Certification JTIP Training** (on topics of juvenile defense). Allocated funds were also used for **Post-Certification JTIP Training** for out-of-state JTIP-certified trainers to partner with the newly certified Kansas team members during the initial year of training.

Kansas Youth Defense Hub: The Gault Center (TGC) identified the Kansas Association for Criminal Defense Lawyers (KACDL) as a potential location for the Youth Defense Hub, Youth Defense Chair, and youth defense-specific online resources. The contract between The Gault Center and The Kansas Association for Criminal Defense Lawyers (KACDL) was finalized and signed and a meeting was scheduled for August 9th to begin discussing the Youth Defense Hub (“the Hub”) and KACDL website rebuild. TGC and KACDL will continue to troubleshoot any issues with the Youth Defense Hub, plan the Youth Justice Summit, and develop the KACDL Youth Defense Committee.

Youth Defense Practice Manual: TGC identified attorney Ben Long as the primary drafter of the Youth Defense Manual. Long is a private attorney who serves with the Kansas Ambassador Program, is a Youth Defense Advocacy Program certified trainer, and National Advisory Board member with the South-Central Region of TGC. The contract between TGC and Ben Long was finalized and weekly meetings with TGC commenced in August to ensure that the deliverables for this project are met. Ben intends to have the first few chapters of the manual drafted before the end of December 2023. Those chapters will be released to youth defenders once finalized and approved, with related training to coincide with that release.

Policy Recommendations

Policy Recommendation #1: Continued Data Collection and Analysis of Racial and Ethnic Disparities Data

Per the KAG's request, in late 2020, the KDOC provided the "Youth Disparity at Key Steps in the Juvenile Justice System" data evaluation report. At that time, the KAG requested a similar report, yearly. Yet, with the new data system, Athena, new opportunities for data collection and sharing are now available.¹ The KDOC has created a dashboard for the KAG, entitled the "Kansas Advisory Group's Key Steps Report"² while other dashboards also exist on juvenile data in Kansas.

The KAG dashboard data includes:

- 1) Information on different decision points for system involvement (e.g., intake, detention, probation, custody, JCF) to include data on crossover youth.
- 2) Outcomes of programming for youth categorized by race, ethnicity, and gender.

While the dashboard does provide easily accessible data, the dashboard does not:

- 1) Outline any current system gaps (including data collection) and the plan to overcome such gaps.
- 2) Provide outcomes for certain disparities such as sexual orientation or gender identity.
- 3) Outline a plan for mitigating overrepresentation to include the identification of evidenced-based models that are culturally and gender-responsive.
- 4) Establish incremental goals for a reduction of overrepresentation.
- 5) Clearly articulate any system disparities *across* systems as only raw numbers and percentages are provided at each decision point.

While the different decision points can be interpreted through a lens of gender, race, as well as gender and race, the public-facing available data does not clearly outline any system disparity. One would need to manually calculate the disparity from one decision point to the next (e.g., from intake to IIP), while data is lacking to draw such conclusions (e.g., lacking offense type to fully understand who was issued IIP).

The new dashboard is still unable to identify multiple races and reports just a "primary race." The KAG would continue to urge more robust analysis to look for common themes *across* data points, including Judicial District, age, income, race, sex, gender identity, and so forth, rather than only aggregate data, for each data point.

Recommendation 1.1 – Improve Juvenile Justice Data Systems

¹ Kansas Department of Corrections. Retrieved on November 4, 2022, from <https://idashboards.doc.ks.gov/idashboards/view>

² Kansas Department of Corrections. Retrieved on November 4, 2022, from <https://idashboards.doc.ks.gov/idashboards/view?dashId=828>

The Office of Judicial Administration (OJA) produces similar data decision points for youth in Kansas. Within both systems, there continues to be a lack of consistent reporting of race/ethnicity at various system points and they lack a current analysis providing an intersectional lens in understanding racial/ethnic disparities alongside other factors. Therefore, the KAG recommends expanding data points, but not limited to, the following:

- 1) Gender identity
- 2) Sexual orientation
- 3) Clarification on KDAI overrides/departures (upward or downward)
- 4) City or county of residence
- 5) Native/primary language spoken in the home

Recommendation 1.2 – More In-Depth Review of Program Access, Outcomes, and Fidelity

The KDOC's dashboard does not provide for a clear interpretation of disparate responses when for youth of color, although historically, this has been noted in previous KDOC data. The KAG recommends future reports seek to further explore meaningful ways to interpret and reduce any disparity for youth of color. Additionally, the KAG requests the KDOC establish protocols to measure program effectiveness, or outcomes, for youth involved in KDOC-sponsored programming. Lastly, the KAG encourages all KDOC programming to establish ongoing practices to ensure the fidelity of offered programs.

Policy Recommendation #2: Strengthening Juvenile Defense for Youth in Kansas

On December 2, 2020, The Gault Center (National Juvenile Defender Center - NJDC) officially released a report on the juvenile defense delivery systems in Kansas. The Gault Center made five overall recommendations for strengthening juvenile defense for Kansas youth. Some of the recommendations are being addressed through the KAG-funded collaborative project with the Gault Center outlined in the Current Activities section of this report. Two remaining recommendations include:

Recommendation 2.1 – Support the Elimination of Fines and Fees for Kansas Youth

Eliminate the fines and fees that negatively impact youth and families in Kansas. The KAG supports the Debt Free Justice Kansas initiative and will look forward to the opportunity to contribute to the anticipated discussion of proposed legislation to eliminate fines and fees during the upcoming legislative session.

Recommendation 2.2 – Support Legislation on the Restriction of Shackling Youth

Recognize the harm and continued trauma surrounding the shackling of youth in Kansas, largely due to defenders failing to advocate against such practices. Kansas is one of 16 states that does not have laws, administrative rules, or court rulings that establish a presumption against youth shackling³. The KAG would recommend continued discussion on restricting or prohibiting the shackling of youth in Kansas.

To address the two issues above, as well as The Gault Center's remaining three recommendations, the KAG continues to urge the Kansas Legislature to take action to remedy all noted system deficiencies in the juvenile defense system in Kansas during the upcoming legislative session. Specifically, the KAG would like to encourage movement on this issue as many of the five key points impact a youth's experience throughout the entire system, and potentially, across systems.

³ National Juvenile Defender Center. (2019, July). *Eliminating Shackling in Juvenile Court: Continuing the Momentum*. Retrieved from http://njdc.info/wp-content/uploads/NJDC_Shackling_FINAL_Web.pdf

Policy Recommendation #3: Support for Juvenile Justice System Improvements

Current Kansas juvenile justice statutes seek to restrict the use of out-of-home placement while focusing on evidence-based alternatives and graduated sanctions, targeting moderate and high-risk youth. The KAG continues its support for the current juvenile justice statutes and would caution against further legislative, policy, or budgetary rollback efforts as such practices reduce Kansas's ability to remain on target with the guidelines set forth by SB 367. Continued support for juvenile justice system improvements of particular interest to the KAG include:

Recommendation 3.1 – Addressing System Gaps Identified by the Opioid Response Network

In 2022, the Juvenile Justice Oversight Committee (JJOC) partnered with the Opioid Response Network (ORN). ORN completed site visits across Kansas while also engaging in interviews with stakeholders in May 2022. The ORN observed barriers to accessing evidence-based treatment for low-income and rural families. In August 2022, the JJOC shared the findings with the Kansas Department for Aging and Disability Services, Kansas Department of Health and Environment, and the Department for Children and Families. The KAG supports the implementation of the work group which will now seek to identify gaps and needs and how to overcome barriers for low-income and rurally located youth.

In 2023, the JJOC created a Behavioral Health workgroup. This group was created to address the concerns raised in the ORN report. The group identified areas with the most need and where the workgroup could assist.

Recommendation of 3.2 – Supporting Funding of the Innovations for Juvenile Justice Grants

Due to multiple changes with existing grants, KDOC was not able to offer these grants in FY 2023, but they will be offered in FY 2024.

Recommendation of 3.3 – Continuing Implementation of the Crossover Youth Project Model

The restoration of the \$21 million from the Evidence-based Funds has provided continued pay for the Georgetown University McCourt School of Public Policy's Center for Juvenile Justice Reform to address crossover youth in Kansas. The KAG continues to support this intentional interagency collaboration and the expansion from a pilot of two Kansas counties to statewide implementation. **Other efforts related to this work include the reflection of crossover youth in KDOC and DCF policies, support for alignment between the CYPM and HB2021-related practices, school- and transition-

specific efforts, expanded awareness of crossover in Kansas, and a burgeoning focus on crossover youth placed in KJCC."

Recommendation 3.4 – Building Community Capacity for Gender-Based Needs

KDOC partnered with Justice and Joy National Collaborative (formerly known as National Crittenton), directors of the OJJDP Reducing Risks for Girls in the Juvenile Justice System TTA cooperative agreement (formerly the National Girls Initiative) to build momentum, create stronger networks of juvenile justice stakeholders, and to develop programs resulting in systemic improvement with lasting effects for the girls of Kansas. As part of this initiative, the working group provided data and a case study analysis in 2022. The KAG would encourage the KDOC to support changes based on the case study's three overarching recommendations:

1. Address DMC for girls throughout the legal system, while cross-referencing gender identity, sexual orientation, and race/ethnicity in all data points.
2. Expand community-based programs for girls of color to focus on programs matching girls' needs and strengths.
3. Incorporate youth as partners in all analysis and implementation of youth legal system reforms.

Joy National Collaborative presented to the KAG their involvement in the next steps to continue the work with girls in Kansas. The next step intends to bring the work to a local level with agencies, schools, and other sectors to provide early intervention services to girls who are exhibiting problematic pathways.

Rec. 3.5 – Valid Court Order Exception (either to revise the Kansas statute or eliminate)

Valid Court Orders (VCO) are currently present in Kansas Legislature, K.S.A. 38-2260. VCOs are being used to detain Status Offenders and Child in Need of Care (CINC) cases in Juvenile Detention Centers (JDC). Kansas has had several occasions where a Judge has ordered a VCO for a Status Offender and ordered to place the youth in a JDC. The JDCs can detain a Status Offender or CINC up to a limit of 24 hours required by Federal Statute⁸. After 24 hours, this will result in a non-compliance violation for the state of Kansas that will impact Title II funding. The usage of VCOs to detain Status Offenders has resulted in keeping youth in secure detention over the 24-hour limit, past the Federal requirement maximum. All of Kansas Deinstitutionalization of Status Offenders (DSO) violations occur from Judges detaining Status Offenders and CINC cases using VCOs.

VCOs can be used, but under Federal Standards utilizing the required process courts must take to use VCOs. The maximum courts can give a VCO violator in a JDC is 7 days to comply with Federal Standards. OJJDP recommends every state eliminate the VCO from their state statutes.

Policy Recommendation #4: Validation, Reliability, and the Fidelity of Assessments

The KAG supports Kansas's efforts to create tools specific to the needs of Kansas youth and to support the use of such instruments. Specifically, the KAG recommends the following, regarding different measures currently utilized across Kansas:

Recommendation 4.1 – Ensure Reliability and Validation of the KDAI

During the previous year, the KAG recommended the KDOC continue to seek acceptable outcomes on the inter-rater reliability exercises on the Kansas Detention Assessment Instrument (KDAI). A technical assistance provider was identified and MOAs were shared with the KDOC and OJA. OJA did not sign the MOA and therefore data was not shared and the validation was not completed. The KAG urges the signing of the KDOC/OJA MOA to ensure validation of the KDAI during the upcoming year. Last year, the KAG supported a recommendation by the Crime and Justice Institute (CJI) to establish and adopt new level cut-offs. At this time, an established agreement has yet to be met. KDAI assessment data has been given to CJI (Crime and Justice Institute), for cleaning and validation. CJI will complete this process before the end of 2024.

Recommendation 4.2 – Fidelity of the YLS/CMI

The KDOC entered into an agreement with the University of Cincinnati to utilize a service called Certify System—the same provider and service used by OJA. This system allows those trained in the YLS/CMI to complete an annual recertification process and ensure ongoing inter-rater reliability. KDOC will complete its first statewide round of recertification before the end of calendar year 2023. In FY24, a review and validation of the YLS/CMI will occur. The KAG supports the new usage of the YLS/CMI Pre-Screen (SRV) specific for the Immediate Intervention Program". KDOC is currently working on the implementation of the SRV into an electronic database.

Policy Recommendation #5: Increase and Expand Training Protocols

The KAG is pleased with the ongoing training initiatives being offered through KDOC, OJA, DCF, and other Kansas youth agencies. As an example, the KDOC has two training curricula consistently offered statewide. These trainings include Mental Health First Aid and the Parent Project Training. The KAG would like to encourage the expansion of currently offered training as well as the implementation of new training efforts.

Recommendation 5.1 – Continue Training Expansion and Development

The KAG commends KDOC for their ongoing training initiatives for both new and established facility and community employees and partners. Last year, the KAG recommended the KDOC establish a training protocol on culturally responsive approaches and gender-responsive programming. The KDOC is working on a contract with the Burns Institute to provide culturally responsive training. The KDOC is also working with Bauman Consulting Group to offer gender-responsive programming. Both trainings will be required for juvenile staff across the state. Lastly, the KDOC has a contract approved with Correctional Counseling, Inc. to provide training on Moral Reconciliation Therapy.

The KAG recommends that KDOC continue its partnership with Bauman Consulting Group and provide training for Gender-Responsive Principles and Practices. Gender-Responsive Principles and Practices is a self-paced course that will run for two weeks. Gender-responsive principles and practices are required for all staff who work in Intake, IIP, or Supervision. The training utilizes the cohort module to give a small classroom feel for discussions and practice. It allows for space to have important dialogue and allows everyone the chance to learn and grow from each other.

In the 2016 passing of SB 367, OJA was required to develop or designate a training protocol for judges, county and district attorneys, and defense attorneys who work in juvenile court. OJA has plans to continue offering a series of webinars to address juvenile justice-specific topics throughout the upcoming year.

KAG Membership

Maximilian Mendoza - Kansas City - **KAG Chair** - Director of Heartland 180

Melody Pappan – Winfield - **Operations Chair** - Cowley Co. Youth Services Director

Beryl Ann New - Topeka - **Equity Chair** - Dir. Equity, Topeka Public Schools

Brock Landwehr - Lawrence - **Policy Chair** – Associate Director, CJJ

Isidro Marino – Garden City - **Youth Chair** – Student

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April Terry - Hays - Professor, FHSU Criminal Justice Department

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Marquetta Atkins - Wichita - Dir. of Programming, The Seed House

Kellie Hogan - Wichita - District Judge, 18th Judicial District

Boog Highberger - Lawrence – Legislator, Kansas House

Bruce Johnson - Sedgwick - Retired Police Chief, Concordia

Carol Cadue-Blackwood - Lawrence - Education Outreach Coordinator

Traci Dotson - Lawrence - Social Worker, LDCHD

Tyler Williams - Wichita - Community Organizer, The Seed House

Preston Thomas - Mission Hills - Student

Chrishayla Adams – Topeka - Student