House Committee on Corrections and Juvenile Justice
Hearing on House Bill 2329
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Kansas Department of Corrections
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Thank you for the opportunity to provide testimony in opposition to House Bill 2329 (HB2329).

2016 Senate Bill 367, our state's comprehensive juvenile justice reform bill, was a bi-partisan, multi-branch collaboration that heralded significant reform for all areas of the system. The formation of that bill, and the reform that followed, was informed by data and research specific to Kansas. Not only did this bill implement important reforms for kids and families, but it signaled our state's commitment to data-driven decisions that better align our juvenile justice system in Kansas with evidence-based practices. A significant concern with the changes proposed in HB2329 is the lack of data that supports the need for these changes, as well as research or data that supports out-of-home placements as the solution. Recognizing the challenges some communities have in working with the justice-involved population, effective collaboration and partnership are important to address such challenges. To support changes such as those proposed by HB2329, it would be important to have a broader understanding of the level of need across the state, as well as research or evidence demonstrating out-of-home placements as the appropriate solution.

In 2014, the legislature requested a study of Youth Residential Centers (YRCIIs), pursuant to 2014 Senate Substitute for House Bill 2588. Please see a copy of the Executive Summary of the report that accompanies this testimony. The findings of this study, published in a report in 2015, included the following:

- Secure and non-secure placements were used in Kansas at a higher rate than in other states
- Group home placements were costly – in FY14, KDOC expended more than $16 million on such services
- Most group home discharges were unsuccessful
- Group home placements did not produce long term positive outcomes for youth

At best, youth were leaving residential placements with the same risk and needs as when they went in; but, in some scenarios, putting youth in group homes increased their risk and negative outcomes.

The American Probation and Parole Association (APPA) recently released 10 Core Principles of Juvenile Probation, one of which is to minimize confinement and removal from home, stating:

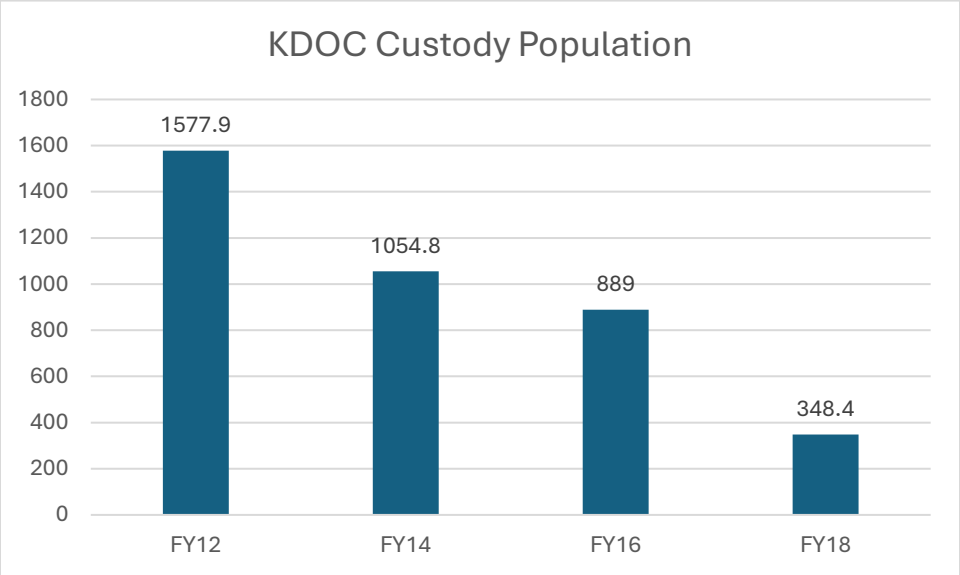
> *"Probation should seek to minimize the use of confinement and should remove young people from their homes only when they pose an immediate risk to the health and safety of others, and then only for the shortest period possible. Research shows that removing youth from their homes and placing them in facilities causes lasting damage, including heightening dropout rates, reducing college enrollment as well as future employment and income, harming physical and mental health, and greatly increasing future involvement with the justice system."*

Regarding the proposed language in HB2329:

- The modifications to K.S.A. 38-2361, as currently written, would authorize courts to sentence <u>any</u> youth adjudicated as a juvenile offender to the custody of the Secretary of Corrections for

placement in a youth residential facility. It is important to note that this would include first time offenders, as well as misdemeanor offenders.

- The language of the proposed bill does not provide parameters for who would be eligible for out-of-home placements. For instance, research states that out-of-home placements should be reserved for those youth who are highest risk/need and who pose a public safety risk.
- The language in the proposed bill re-institutes the Case Management level of supervision. This level of supervision was removed as a sentencing option in 2018. A youth sentenced to case management supervision is one who is placed in the custody of the Secretary of Corrections, but not sentenced to the correctional facility. Instead, they are placed in a group home. It is reasonable to project that this population would greatly increase, as the data below demonstrates.
    - In FY12, the average KDOC custody population in Kansas was 1,577.9 youth each month
    - In FY14, the average KDOC custody population in Kansas was 1054.8 youth each month
    - In FY16, when SB367 was signed into law, the average dropped to 889.0 and decreased even further in FY18 to 348.4.



K.S.A. 38-2399 currently authorizes the Secretary of Corrections to contract for no more than 50 residential beds across the state. KDOC published two Request for Proposals (RFPs). The first RFP received only one bidder who, at the time, was on a corrective action plan for performance issues, and was, therefore, ineligible to be awarded the bid. The second RFP, published in 2020, had no bidders. Additionally, KDOC has received no requests in at least 12 months from community corrections agencies, or any other entity, to place a youth in a group home setting. It does not appear as though this is a widespread need.

Finally, it is important to recognize the fiscal impact this bill would have on Kansas communities. As written, this bill allows $10 million from the Evidence Based Programs Fund (EBPF) to be used towards these out-of-home placements. In FY24, $21.5 million was invested through the EBPF into the community to fund important, evidence-based programs such as Functional Family Therapy, behavioral health services, cognitive behavioral programs, The Stepping Up Initiative, Youth Defense work, and more.

The base appropriation for the EBPF totals just over $13 million annually. If $10 million is diverted to group homes, combined with the proposed lapses and targeted spending in House Bill 2007, difficult decisions will need to be made about which evidence-based programs continue to be funded and which programs must be cut going forward. Beginning in FY 2027, the base appropriation of $13,466,907 will be insufficient to meet mandatory spending requirements in statute and the appropriations bill, which totals $17.0 million, and leaves no funding for evidence-based programs. It is anticipated that the elimination of these programs will result in an increase in more costly group home and juvenile correctional facility placements. In FY 2016 (the last year before SB367 took effect), over $45.3 million was spent on group homes and incarceration.

If this bill moves forward, there is the potential of adversely impacting youth and families in Kansas. One possible solution may be to seek technical assistance from a national organization (for example, the Council of State Governments or the Crime and Justice Institute) to assess the need in Kansas for out-of-home placements and assist us with identifying evidence-based solutions prior to similar legislation mandating placements for youth.

For the reasons stated here, the Kansas Department of Corrections is opposed to House Bill 2329.