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Juvenile Justice Oversight Committee of Kansas

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Don Hymer, Chair

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Testimony on HB 2329
Submitted to House Corrections and Juvenile Justice

By Juvenile Justice Oversight Committee of Kansas

The Juvenile Justice Oversight Committee (JJOC) is established in K.S.A. 75-52,161 and tasked with several items related to juvenile justice reform, to include guiding and evaluating the implementation of the changes in law. The JJOC appreciates the opportunity to offer a perspective on the proposed changes in House Bill 2329.

The JJOC Legislative Subcommittee and the JJOC Chair – offer opposing testimony on HB 2329

The JJOC appreciates the opportunity to provide information regarding HB 2329, which addresses increased placement of juvenile offenders' in youth residential centers (YRC). Any change in policy or statute should come with data and research. The JJOC is committed to data driven, evidence-based policies that increase public safety and hold youth accountable. While we acknowledge there are valid concerns in the years following passage of SB 367, and challenges in the system need to be addressed, however, any legislative efforts must be data driven and evidence based. The decision to move away from using group homes came after years of research, discussion, workgroups, and data analysis. The Governor, Kansas Supreme Court, and legislators recognized a need for change and put together a workgroup to make policy recommendations. That workgroup conducted comprehensive analysis of the juvenile justice system, reviewed current research, and held more than two dozen roundtable discussions, including OJA, DCF, and KDOC. The recommendations of the work group were to end the use of these youth residential centers. To unravel and act in opposition of those recommendations, without comparable data, analysis, and research, puts in jeopardy the success in improving outcomes for youth in Kansas.

According to the Kansas 2015 YRC Study, $16 million was spent on these group homes in FY 2014, with a success rate of just 46%, where only 14% were in a lower level of care 6 months later. To revert back to this practice, should only be done so with statewide data and research to support such a decision. For JJOC to be able to support these actions, we would like to see research or data to reflect that these youth residential centers would produce a positive outcome, especially considering the amount of funds required to manage a YRC. There is various research, some of which conducted in Kansas, show that out of home placements do not improve outcomes for youth, and can increase the likelihood of re-offending for some.

We encourage a statewide approach to this legislative decision. Are the concerns that resulted in a proposal from this bill reflective of statewide concerns, or more concentrated areas of the state. The JJOC is committed to best practices in juvenile justice, and if there are concentrated concerns, we would offer the expertise and resources of the JJOC to work with those areas in developing practices that address certain concerns, without the threat of unintended consequences in other areas of the state.

JJOC would offer to participate in a workgroup to address these concerns and rework this bill to be able to reach an agreement on what is the best solution going forward to address these valid concerns. The current language of the bill offers not parameters on what youth would be going to these residential centers. It gives on no guardrail in sending low level misdemeanor youth deeper into the justice system where other options might be more appropriate. As it was discussed in previous years, sending low level risk youth deeper into the justice system, creates more risk of recidivism and further criminal activity. Resulting in more intensive and costly intervention, while also adding more risk to the safety of the public and property.

The funding source, in the proposed legislation, is to expend up to $10 million from the Evidenced Based Practice Fund (EBPF). The JJOC oversees the use of this and helps plan allocations from the fund. We have made projections based on previous years expenditures, and already approved funds for the next few years. If $10 million must be allocated every year, and other required allocations and pending lapses hold the same, then the EBPF will have a negative balance by end of fiscal year 2027. After that, the EBPF would continue to receive appropriations in the amount of $13.4 million a year. Other required allocations that have been made from the Governors' office and appropriation total more than $3.4 million. Therefore, it is apparent that the EBPF will no longer be able to fund the over 100 evidenced based programs that is currently does now. Some of which include community sex offender treatment, substance abuse and behavioral health treatment, Stepping Up (recently presented to this committee), and Functional Family Therapy. EBPF also funds KDOC grants to community organizations and community supervision agencies, and the recent popular rolling grants. A complete list of programs and allocation amounts are in the 2024 JJOC Annual Report.

The JJOC is continuously working to build its capacity to support research-based, data-driven discussions and to provide stakeholders and communities with accurate information about the state of the youth justice system in KS. The JJOC welcomes the opportunity to discuss and address concerns and to provide clarifying information regarding questions related to youth justice policies, especially as it relates to proposed legislation

After careful consideration and discussion, it is the request of the Juvenile Justice Oversight Committee that conversations and concerns in this topic continue, but that changes to current laws happen after a more statewide approach is conducted. We are in opposition of this bill as it is currently written.

JJOC looks forward to being a part of the policy-making process and to fulfilling our statutory charge.

Legislative Subcommittee Chair, Lara Blake Bors
Juvnile Justice Oversight Committee