Kansas House Committee on Corrections and Juvenile Justice
Room 546-S, Kansas State Capitol,
300 SW 10th Street
Topeka, KS 66612-1504

Chair Lewis, Vice-Chair Resman, Ranking Member Schlingensiepen, and members of the committee,

My name is Noah Bein and I am writing in a personal capacity in opposition to H.B. 2329. While I do not reside in Kansas, my interest in the success of your youth justice system dates back many years. My testimony here represents solely my personal views and not those stemming from any current or former professional role. I hope that the data I share will raise concerns among your members about such a haphazard piece of legislation.

In 2015-16, I was a member of the team from the Pew Charitable Trusts that provided data and research technical assistance to the Kansas Juvenile Justice Work Group, created by then-Governor Sam Brownback and Republican leaders in the House and Senate, alongside their Democratic counterparts and the courts. These leaders established the Work Group in part because of serious concerns about the very group homes that H. B. 2329 seeks to reestablish. During the 2016 legislative session, Senate Bill 367, which was based upon the consensus recommendations of that Work Group, passed through your committee unanimously after its unanimous passage in the Senate. It was ultimately enacted by the House 118-5. The bill before you overturns the core of the bipartisan legislation that your predecessors agreed was necessary to fix a broken system.

Because H.B. 2329 seeks to re-authorize group home facilities and to undo the careful limitations on judicial discretion that lawmakers approved in 2016, I will summarize for you the troubling findings the Work Group uncovered about those group homes in its final report, which I have linked to below for your reference:[1]

- **Youth were warehoused in group homes that did not provide any treatment services.** The work group found that the facilities themselves did not provide services; any services youth might receive came from whatever happened to be available in the area surrounding the group home. This would remain true if your committee votes to bring them back under HB 2329.

- **Because Kansas had no firm statutory guidelines from the legislature, an increasing number of these warehoused kids had committed misdemeanors—and nearly all had little or no prior history of offending. HB 2329 seeks to return Kansas to the system of judicial free reign that led to the incarceration of kids with low-level cases.** As Pew reported in a 2017 brief, "the overall proportion of misdemeanants in residential placements began to increase in 2004 and by 2014 accounted for roughly two-thirds of the youth in nonsecure facilities and one-third of those in the [secure facilities]. Moreover, more than 90 percent of

[1] https://www.doc.ks.gov/juvenile-services/Workgroup/report/Final

youth in out-of-home placements had two or fewer prior adjudications before they were first placed."[2]

- **Youth endlessly cycled through placements, a key indication of system failure.** The Work Group report states: "Between 2004 and 2014, the average number of placements over the course of a case, including detention, increased 25 percent to 6.2 for youth on Case Management and 42 percent to 8.3 for [secure facility] youth."[3]

- **Huge numbers of young people went AWOL from the facilities this bill seeks to bring back to Kansas—the opposite of accountability.** The Work Group report states: "More than a third (36 percent) of youth under case management supervision went AWOL at least once in 2014—up from 26 percent from 2006—which translate[d] to more than 100 AWOL youth on a given day. 41 percent of AWOL events were one month or longer."[4]

Kansas has made enormous strides in the years since the passage of Senate Bill 367. This is not to say there have not been challenges along the way. Indeed, the legislature has enacted many alterations to the statute over the years, including a large set of changes over just the last few sessions.

But at each of these junctures, the legislature rejected calls to gut the legislation wholesale. This bill would do exactly that. I urge you to take the time to read through the careful findings of the group of Kansas leaders who crafted the system changes that H.B. 2329 seeks to revoke. Where is the comparable collaborative, data-driven process to justify such a drastic reversal? In its absence, I ask you to vote no on this legislation.

Sincerely,

Noah Bein

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[2] https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2017/06/kansas-2016-juvenile-justice-reform
[3] https://www.doc.ks.gov/juvenile-services/Workgroup/report/Final
[4] Ibid.