

Approved: April 27, 1994
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Michael O'Neal at 3:30 p.m. on February 3, 1994 in Room 313-S of the Capitol.

All members were present except:

Representative Tom Bradley - Excused
Representative David Heinemann - Excused
Representative Judith Macy - Excused
Representative Candy Ruff - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes
Cindy Wulfschle, Committee Secretary

Conferees appearing before the committee:

Representative Joan Wagnon
Senator Anthony Hensley
Stephen Hiebsch, YCAT
Jim Clark, Kansas County & District Attorneys Association
Wylie Kerr, Kansas Peace Officers Association
Lane Ryno, Kansas Peace Officers Association
Carolyn Hill, Kansas Department of Social and Rehabilitation Services
Penny Sue Johnson, The Kansas Coalition, Inc.

Others attending: See attached list

Hearings on **HB 2707** - Creating the Kansas youth authority; establishing a youth commissioner and a state department of youth to be responsible for juvenile offenders, were opened.

Representative Joan Wagnon appeared before the Committee as the sponsor of the bill. She explained that in 1989 the Juvenile Offender Policy Conference brought together 200 conferees. Many of their recommendations are current law. One of their recommendations was that Kansas needed to create a Youth Authority. They came to the conclusion that real reform was possible only if there was a focus for that reform and if juveniles were dealt with in one place. The current system is fragmented and unaccountable for its results. The juvenile code is about 15 years old and it isn't working for today's youths. Part of this bill is a resource issue and it won't solve all the problems. The Commission recommended toughening responses to juvenile offenders so that they are discouraged from committing further offenses; encourage counseling and restitution for first time offenders; increasing the use of probation of support groups; and establishing a 24 hour intake system.

In order to keep the cost down to make the Youth Authority effective there are only five people: one from each congressional district and one appointed by the Governor. If this bill would passed, in the Winter of 1994 it would repeal the Juvenile Offender Advisory Commission and create the Kansas Youth Correctional Authority. The Youth Authority would study confinement of juveniles, alternate dispositions strategies, rehabilitation, supervised release, out-of-home placement, fines, restitution, and community services. During 1995 the Youth Authority would issue an interim report to the Legislature. By the end of 1995 there would be a phase-out of juvenile detention centers to fund the new agency. In January 1996, the Governor would hire the Youth Corrections Commissioner. The Youth Corrections Department would be created and have a list of duties, (see attachment 1). Statistics from the Kansas Bureau of Investigations shows that 50% more juveniles are committing crimes. This shows that we as a State are losing the fight against juvenile crime.

Chairman O'Neal commented that studies show that SRS is no longer the agency for juvenile offenders. This isn't a criticism of SRS but just the fact that juvenile offenders need separate treatment. He stated that the time table is really spread out and questioned if this was the quickest that the implementation of a Youth Authority could happen. Representative Wagnon replied that they would prefer it be done sooner, but because of all the changes there really isn't any possible way to do it sooner.

Senator Hensley appeared before the Committee as a proponent of the bill. He stated that this is one of the most important issues that the Legislature has to deal with this Legislative Session. The Shawnee County Delegation has proposed several bills that would be safety nets for juveniles. However, this bill takes a comprehensive approach to improving juvenile offender programs in the State. Recently the American Correctional Association came into the State and looked at the Youth Centers, juvenile offender programs and programs administered by SRS that deal with juveniles. They published a report entitled *Review of Juvenile*

Offender Programs, Policy and Practice for the Kansas Department of Social and Rehabilitation Services (see attachment 2). Their conclusion was that the greatest danger facing the department was the tendency of the Legislature to overreact as a result of public concern and operate superficial solutions that appear to protect the public but in fact do not. This proposed bill is not a superficial solution nor an overreaction to the juvenile crime problem in the State; it is a thought out plan. The report also states that the family agenda fails to recognize the difference between child in need of care cases and juvenile offender cases. The family agenda administered by SRS needs to talk specifically about juvenile offenders accountability, responsibility, control, public protection and coordination with adult corrections. The Senator stated that he does not support having the Department of Corrections administer the juvenile program. Setting up a Youth Authority is a more responsible approach to this issue. Reorganization is needed in SRS, and they should show that they can protect the public from juvenile offenders or the juveniles should be removed.

Stephen Hiebsch, YCAT, appeared before the Committee as a proponent of the bill. He commented that juvenile crime has changed. Fifteen years ago they committed crimes like shoplifting, and running away but 70% of today's juveniles commit crimes that range from burglary to 1st degree murder. The juvenile system has not kept up to date with these changes. Kansas recently ranked 45 in the nation in the incarceration of juvenile offenders, (see attachment 3).

Chairman O'Neal asked what his reaction would be to transferring the jurisdiction from SRS to DOC. Mr. Hiebsch replied that the focus on juvenile programs would be lost because DOC focuses on adult criminals.

Jim Clark, Kansas County and District Attorneys Association, appeared before the Committee as a proponent of the bill. He stated that this bill is a step in the right direction. Government entities work better when they have a single mission. SRS has a large area of responsibility other than taking care of juvenile offenders. SRS talks about the people they are involved with as "clients", which juvenile offenders are not. By moving the juveniles to a separate agency this would show the public that, as a State, we are concerned with public safety, (see attachment 4).

Wiley Kerr, Kansas Peace Officers Association, appeared before the Committee in support of the proposed bill. The majority of juvenile offenders in this State are aware that the system is not working and that there is a lack of sufficient punishment for breaking the rules. He is constantly told that juvenile offenders he brings before the system are being returned to their homes because there is no place to put them or because they do not meet the criteria for a SRS program. **HB 2707** alone will not resolve all the problems associated with juvenile offenders, but it is a step in the right direction, (see attachment 5).

Representative Plummer questioned what he thought about having Sentencing Guidelines for juvenile offenders. Mr. Kerr replied that he would be in favor of that idea.

Lane Ryno, Kansas Peace Officers Association, appeared before the Committee as a proponent of the bill. This bill would consolidate the juvenile system and aid law enforcement officials to deal with one agency instead of several, (see attachment 6).

Carolyn Hill, Kansas Department of Social & Rehabilitation Services, appeared before the Committee in opposition to **HB 2707**. She stated that this proposed bill does not state its public policy objectives that it intends to address. There are currently 9,000 juvenile offenders in the State and SRS has around 1,700-1,800 in their custody. They favor any legislative change that would improve children and families and increase public safety. SRS doesn't believe the bill would accomplish this. This bill transfers responsibility of juvenile offenders from an existing agency to a new and untested one. This bill would result in duplication of existing programs at an added cost to the State. They believe that the newly created agency would require more resources than what are estimated. SRS believes that an umbrella agency would have an advantage of having a common mission, established lines of authority and accountability, and coordination of services.

Ms. Hill requested that the Committee take a look at **SB 400** which would allow the State to draw an estimated \$1.2 million in federal title IV-E funds to improve services to juvenile offenders. A youth correctional authority would need to develop the capacity to provide preventive services for the State to be eligible for these funds.

SRS's major objection was that the bill does not add or improve a single service to juvenile offenders. It does nothing to improve public safety, and ignores the need for prevention services. Any potential for improvement in these areas could be accomplished under an "umbrella" of SRS and recommended that funds be dedicated to their agency to implement **HB 2707** instead of establishing another agency, (see attachment 7).

Representative Everhart commented that SRS does some work for juvenile offenders, some for the adult population and some for child in need of care cases. She believes that juvenile offenders get left behind. It appears that a hidden benefit would be that if an agency only had to oversee one group, the efforts would be focused. When an agency has many groups to oversee then the effectiveness goes aside and not one group is getting the attention that they need. Ms. Hill commented that anytime an agency has a narrow focus, a better job can be done.

Chairman O'Neal commented that she suggested that **HB 2707** does not state its public policy objectives and asked if she could tell the Committee what SRS's policy and objective statement is for juvenile offenders. Ms. Hill responded that it's twofold: one is rehabilitation and the other is public safety. The Chairman stated that the 1994 Budget Book says that the goal for SRS juvenile offenders is "to serve offending youths by assisting them and developing them into productive and responsible citizens while being cared for in the least restrictive environment possible." He stated that there isn't anything that addresses public safety. The fact that **HB 2707** doesn't have language about public safety doesn't make their mission statement defective.

The Chairman stated that he has served on the House Judiciary Committee for 10 years and can't remember SRS ever coming in with their own legislative package telling the Legislature how to improve the Juvenile Code for juvenile offenders. Ms. Hill replied that they have had bills that related to who should go to the youth centers and have requested several bills this year regarding juvenile offenders.

Representative Goodwin questioned if there are backlogs of cases where counties don't have juvenile detention centers. Ms. Hill responded that it varies from office to office. They respond to those cases that they feel are most urgent. Representative Goodwin asked that if there was a backlog would it take 30 to 45 days to place the juvenile. Ms. Hill responded that it could take that long for a bed in a home or residential center to become open but it depends on the crime that they have committed.

Penny Sue Johnson, The Kansas Coalition, Inc., appeared before the Committee and stated that the State needs a Kansas Youth Authority and SRS needs to take care of child in need of care cases.

Hearings on **HB 2707** were closed.

The Committee adjourned at 5:30 p.m. The next meeting is scheduled for February 7, 1994.

GUEST LIST

HOUSE JUDICIARY COMMITTEE

DATE _____

NAME	ADDRESS	ORGANIZATION
STEPHEN HIEBSCH	TOPEKA	VAT/NAGE
R. Proctor	Manhattan	Mercury
Steve Johnson	Topeka	KS ADAP ASSN
Duane Waterworth	Topeka	Division of the Budget
Lisa Unruh	Topeka	DOB
Carolyn Kistner Hill	"	SRS
Mel Cathers	" "	BIDS
Toni Wheeler	Topeka	Sen. Harris ofc
Rachael Kennedy Schneider	Lawrence	Rep. Macy's Intern
Donald Butterbaugh	Yassau	Rep. Sebelius's Intern
Terry D. Younkin	1300 R.S. Suite 1 Great Bend, KS 67530	Central Kansas Community Corrections
Renny Sue Johnson	Followed Jan, OP, KS	The Ka. Coalition for
Jim Johnson	Topeka	KDOC
Gary Smith	Topeka	KDOC
Gary Leber	Topeka	SRS
Paul Shelby	Topeka	QJA
Jim Cloud	Topeka	KCDAA
KEITH R LANDIS	TOPEKA	CHRISTIAN SCIENCE COMM ON PUBLICATION FOR KS
Jim McHenry	Topeka	KCSL
Doug Bowman	"	Corporation for Change
Renee Gardner	"	Legislative Office
Christopher Fikes & James Crawford	Topeka	WU

JOHN W. KERR

CHANDLER, ARIZONA

Roger Fraudie

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EMPORIA, KS.

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TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENT

CHAIRMAN: BOARD OF DIRECTORS
CORPORATION MANAGEMENT
RANKING MINORITY MEMBER: TAXATION
MEMBER: JUDICIARY

Testimony on HB 2707
Kansas Youth Correctional Authority
February 3, 1994

The Shawnee County Legislative Delegation has introduced a package of bills designed to impact and lessen juvenile crime in Kansas. HB 2707 which creates a Kansas Youth Correctional Authority is one of those bills and a key component of the package.

The concept of a youth authority is not new. In fact, in 1989 at a Juvenile Offender Policy Conference sponsored by the Juvenile Offender Advisory Commission and the Kansas Department of Social and Rehabilitation Services, this recommendation emerged as a priority from every work group. (Executive Summary of this conference is attached.) Despite the overwhelming need to change the system, inertia prevailed and the systemic change, so necessary to implement the other recommendations, was never considered seriously.

Today, juvenile crime is continuing to rise, and the need for a different approach is more critical than ever. The current system is fragmented and as a result, unaccountable for its results. The juvenile code is about 15 years old, and no one ever contemplated the magnitude of juvenile crime or the dangerous nature of some of today's juveniles.

Many legislative changes have been implemented since the 1989 conference: the Blueprint for Children and Families which focuses on prevention; laws regarding confidentiality and sharing of information; local council structures to attempt to reorganize services in communities. Other legislation, such as the family court bill, propose new mechanisms. But the Youth Authority is stuck! It is now time to change our state structures in order to implement the much needed changes in our juvenile justice system.

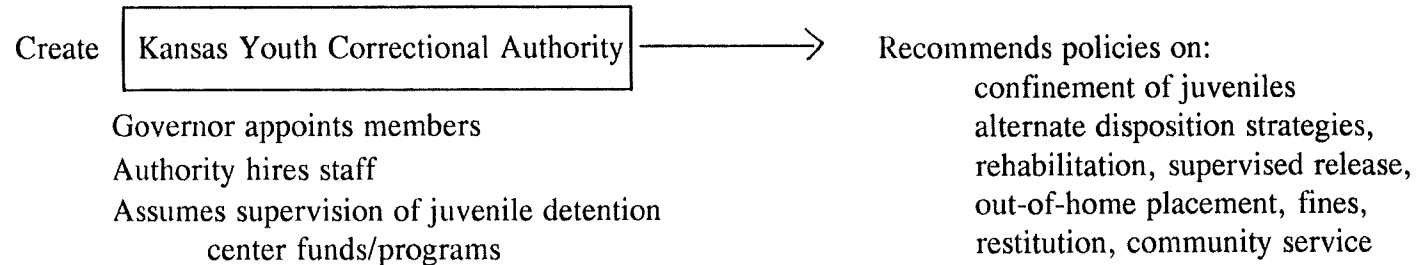
The attached chart shows how the Kansas Youth Correctional Authority would be implemented. With the implementation of sentencing guidelines, many people see the value of such a process. The creation of the Youth Authority would allow a similar process to begin for juvenile crime.

HB 2707 Kansas Youth Correctional Authority

Winter, 1994

Publish Kansas Register

Repeal Juvenile Offender Advisory Commission



2/1/95

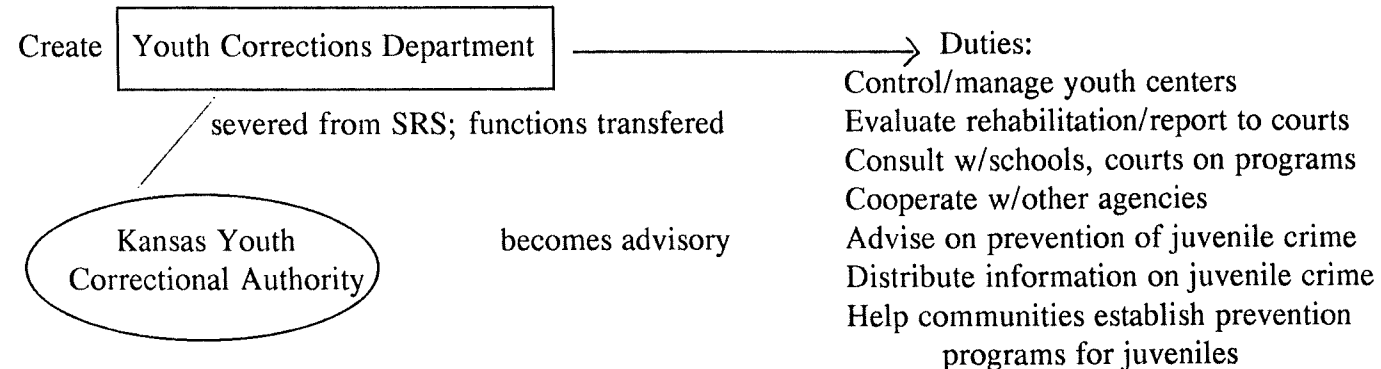
Authority issues Interim Report to Legislature

12/31/95

Transfer Juvenile detention center funding to new agency; (sec. 10)
Staff Appointments expire

1/1/96

Governor hires Youth Corrections Commissioner



7/1/96

September 30, 1989

The Honorable Mike Hayden
Capitol Building
Topeka, Kansas 66612

Dear Governor Hayden, Legislators, and Kansas State Leaders:

The report which follows is the result of the deliberations of nearly 200 conferees, facilitators, and resource people who attended the Juvenile Offender Policy Conference, September 7-8, 1989, in Topeka. The report contains recommendations for you and other state leaders to consider as you determine future Kansas policy in response to the juvenile offender.

The recommendations are divided into five categories: the community response to the pre-delinquent, pre-disposition processes, post-disposition processes, the transition out of the juvenile justice system, and structural problems within the juvenile justice system. It is hoped that the work of the conferees will result in a statewide, concerted effort to combat the problems associated with the present response of the juvenile justice system to the juvenile offender.

The report is co-sponsored by the Advisory Commission on Juvenile Offender Programs and the Kansas Department of Social and Rehabilitation Services. If you have any questions or comments regarding the report, please contact any member of the Advisory Commission.

Sincerely,

Honorable John White
Co-Chair

Sue Lockett
Co-Chair

EXECUTIVE SUMMARY

Conferees who attended the Juvenile Offender Policy Conference were assigned to a single Tract for the deliberations of the two day conference. Their assignment was decided by their expressed interest and the specific expertise they brought to the conference. The five tracts were: Community Response to High Risk Youth, Pre-Disposition, Disposition, Transition Out, and The Structure of the Juvenile Justice System.

The five tracts were further divided into three or four small groups of 6-10 members. The members of each small group were asked to make recommendations in response to pre-selected topic questions. In Tracts A-D there were two topic questions for which all small groups were asked to make recommendations. Then, at a general meeting of tract members, an overall tract recommendation was determined.

Each tract was assigned a resource person and each small group was assigned a facilitator and recorder. The resource person assumed responsibility for the success of the overall process within the tract. Facilitators were responsible for the small group process, that is, assuring that recommendations were concluded for the topic questions.

Dr. Mary Finn Maples was asked to oversee the entire two-day conference. Dr. Maples helped prepare the conference process; gave instructions to the resource persons, facilitators, and recorders; and assisted the tract and small group leaders in their tasks.

Despite the large number of people (200) who participated in the conference, there were six recommendations which were made by members of all five tracts.

1. Establish a cabinet level department or commission (Kansas Youth Authority).
2. Improve the coordination and communication between people and agencies responsible for the delivery of services to the juvenile offender through the creation of a central agency or case manager that will disseminate information, track juveniles within the system, and identify gaps in the continuum of care.
3. Develop more community-based services either through state funding and/or a mandated juvenile community corrections plan.
4. Increase services to the juvenile offender by expanding the continuum of care with special emphasis on prevention and/or diversion at one end and the discretionary use of secure settings at the other end.
5. Standardize statewide the quality of certain segments of the juvenile justice system such as intake, evaluation, transition out, and after care.
6. Revise the confidentiality law to permit earlier access to and exchange of information between appropriate professionals.

Tract E

Structure of Juvenile Justice System

The Structure of the Juvenile System covers a broad range of topics. The authors of this background material have attempted to provide a brief overview of the existing laws, policies, and structure of the Kansas juvenile system. Hopefully, this information will be helpful to participants as they address the issues in this tract.

THE JUVENILE CODE

The Juvenile Code in Kansas consists of two separate parts. The Code for Care of Children (K.S.A. 38-1501 et seq.) covers children who are abused, neglected, or otherwise without proper parental care. It also deals with the class of children sometimes referred to as status offenders (i.e. runaways, truants, wayward, etc.) and children under 10 who commit criminal offenses. The children adjudicated under the Code for the Care of Children are referred to as CHILDREN IN NEED OF CARE (CINCS).

The Juvenile Offenders Code (K.S.A. 38-1601 et seq.) deals with juveniles 10 through 18 years of age who commit an act, which if committed by an adult would be a felony or misdemeanor. Excluded from the Juvenile Offenders Code are: 1) Traffic offenders, 14 years of age or older; 2) Fish and game law violators, 16 years of age or older; 3) A juvenile 16 years of age or older who is charged with a felony after having been adjudicated in two separate prior juvenile proceedings as having committed felonies (so called "three strikes, you're out" provision); 4) Juveniles certified for adult court pursuant to K.S.A. 38-1636. (The court can authorize juveniles 16 years of age or older to be prosecuted as an adult if the juvenile meets the criteria set out in the statute); 5) Juveniles convicted of aggravated juvenile delinquency (K.S.A. 21-3611) (Generally, juveniles in youth centers who commit aggravated assault or aggravated battery; arson or criminal damage to state buildings; or juveniles that have run twice from a youth center.)

The court may maintain jurisdiction over a juvenile in either the Code for Care of Children or the Juvenile Offender Code until the juvenile attains the age of 21 years. There is no provision within the juvenile code to maintain jurisdiction beyond the juvenile's 21st birthday.

The court may discharge the juvenile and thus terminate jurisdiction at any time. In the Code for Care of Children, jurisdiction also is terminated when the child is adopted. Although not specified in statutes the Court generally dismisses actions filed under the Code for Care of Children (but not the Juvenile Offender's Code) when a juvenile marries or legally attains the right of majority.

RUNAWAYS

In 1988 the legislature added a new category to the "Child In Need of Care" definition under the Kansas Code for Care of Children. K.S.A. 38-1502(a)(10) was added in order to deal with youth who run away from court-ordered placements. If a youth who has been adjudicated under K.S.A. 38-1502(a)(10) violates a valid court order to remain in a court-ordered placement, the youth can be placed in a secure facility for a sixty-day period of time including Saturdays, Sundays, and holidays. The court can extend that time period for two additional periods not exceeding 60 days each. The legislature appropriated approximately \$800,000 for both

FY '89 and FY '90 to provide funding for the placement of juveniles in runaway facilities. The two facilities initially selected to provide these services were Wyandotte House in Kansas City, Kansas and Booth Memorial in Wichita. Currently the program is only offered at Booth Memorial in Wichita, and they have a 12-bed capacity in the program. The legislative intent for the statutory change and the funding was to provide a secure placement to evaluate and provide treatment for chronic runaways.

TRUANCY

In 1986, the legislature divided up the responsibility of investigating truancy reports from local schools. For the younger children aged 7-12, SRS receives and investigates the reports of truancy prior to making a referral to the county or district attorney. For juveniles, 13 or older, the truancy reports bypass SRS and go directly to the county or district attorney. The change was made in order to expedite the process by which the court intervened with the older truant.

CONFIDENTIALITY OF COURT RECORDS AND PROCEEDINGS UNDER THE JUVENILE OFFENDER CODE

The official file which consists of court documents such as the complaint, orders, journal entries, etc. is privileged information with respect to any child under the age of 16. For a juvenile 16 or older at the time the alleged act was committed the official file is open to the public.

On the other hand, the juvenile's social file is privileged and open to inspection only by the attorneys for the parties or upon a judge's order (K.S.A. 38-1607).

The diagnostic treatment or medical records concerning juvenile offenders are privileged and can only be disclosed if: 1) The juvenile's parents consent (or the juvenile is over 18 and the former juvenile consents); 2) The court orders the disclosure; 3) The treatment facility determines that disclosure is necessary for further treatment of the juvenile; or 4) The juvenile offender's attorney requests disclosure either orally or in writing.

Fingerprinting and photographing juveniles are allowed if: 1) the judge orders, 2) the alleged offense is a felony, or 3) the juvenile will be prosecuted as an adult (K.S.A. 38-1611).

If a juvenile is 16 or older at the time the alleged offense was committed the proceedings are open to the public. Otherwise, the proceedings are closed to the public unless all interested parties agree to open the proceedings.

DISPOSITION AND PLACEMENT

The court has several dispositional alternatives under the juvenile code. K.S.A. 38-1663 provides that the judge may place the juvenile offender:

- 1) On probation
- 2) In the custody of a parent or other suitable person
- 3) In a youth residential facility
- 4) In the custody of SRS, or
- 5) In a state youth center if the juvenile has had a previous adjudication as a juvenile offender or has committed an A, B, or C felony.

The code authorizes the judge to place a juvenile directly in the custody of a youth residential facility (defined as a home, foster home or structure that provides 24 hour-a-day care for juveniles). The difficult question is, who pays if the court makes a direct placement. If SRS does not have custody, they generally will not be responsible for the bill. The other parties that could be responsible for the payment are the county, the juvenile's parents or guardians, parents' insurance, etc.

Because of the difficulty in providing payment from the above sources, generally the juvenile is placed in the custody of SRS if out of home placement is warranted, with the exception being a direct commitment to a state youth center. If SRS has custody of the juvenile offender (or CINC for that matter) the ultimate decision on placement resides with SRS. The judge may recommend placement in a particular group home or foster home, but the final decision is up to SRS.

SRS has purchase of service agreements with group homes, shelters, detention centers, etc. Under the purchase of service agreements, certain requirements are placed on the private provider including maintaining a license which is issued and monitored by the Department of Health and Environment. The private providers are paid per diem rate for that type of facility which is adjusted annually based on the legislative appropriation. For nearly all facilities the per diem rate falls short of the actual audited cost of providing the care for the juveniles.

Juvenile offenders and Children In Need of Care are referred to various youth residential facilities by their SRS social workers. Once the referral is received, private providers have the right to refuse the placement of any child that would be "inappropriate" for the facility's particular program. Even after a child has been placed, if the private provider determines that the placement is inappropriate (for example, that the child is too disruptive to the program) the provider can give SRS a seven-day notice that the child must be removed. For foster parents, the notice requirement is 48 hours.

Because of the referral system and waiting lists for many group homes, immediate placement of juveniles in group homes is not possible. Juveniles remain in temporary placements such as shelters, detention centers, emergency foster homes, psychiatric evaluation units, or homes of relatives for weeks and even months at times before a placement is available.

JUVENILE COMMUNITY CORRECTIONS

In Kansas, juvenile programs are included in the panorama of services that counties may implement and the state may fund under the Community Corrections Act. The statute is permissive rather than mandatory as to the implementation of juvenile programs.

The original Community Corrections Act (K.S.A. 75-5290 et seq.) assessed penalties (called chargebacks) to counties operating community corrections programs for each adult committed to the custody of the Secretary of Corrections and also for each juvenile sent to a state youth center. The chargeback provision for juvenile offenders committed to state youth centers provided a definite "incentive" for counties to include juvenile programs within their community corrections plan. The legislative scheme was that counties would create juvenile community corrections programs to decrease the number of commitments to state youth centers which would thereby decrease the chargeback penalties to that county.

The chargeback statute (K.S.A. 75-52,104) after being amended during several legislative sessions finally was repealed during the 1988 legislative session. Currently, there are no chargeback penalties for either adults or juvenile offenders committed to state institutions.

Sixteen counties now participate in community corrections programs. All but Wyandotte County and the 2nd Judicial District counties (Jackson, Jefferson, Wabaunsee, and Pottawatomie) have a juvenile community corrections component. By far the most common program for juveniles is a juvenile supervised intensive probation program. The following counties operate Juvenile ISP programs: Bourbon-Linn-Miami, Douglas, Leavenworth, Montgomery, Riley, Sedgwick, and Shawnee. Saline County operates a juvenile diversion program. Part of the funding for the programming (i.e., a substance abuse program called Crossroads) in the Johnson County youth detention center is funded through community corrections dollars.

Note: is mandated for adults, not juveniles

In 1989 the legislature revamped the formulas for community corrections and in addition mandated that counties 1) set up community corrections programs within their county, 2) cooperate with other counties to set up a program, or 3) contract with another county to provide community correction services.

One of the issues that the Department of Corrections is currently reviewing is "Should the Department of Corrections continue to fund juvenile community corrections programs?" The current statutory structure provides no incentive for including juvenile programs in the county community correction plan and no penalty for not including juveniles in the plan. DOC has limited funds that have been appropriated for community corrections and to the extent that juvenile programs don't provide any immediate relief to the prison overcrowding problem, juvenile programs may be relegated to a low funding priority by the Department.

STRUCTURE OF STATE AGENCIES PROVIDING SERVICES FOR YOUTH

Social and Rehabilitation Services (SRS) is the agency within the executive branch of government that has the greatest responsibility for dealing with either youth at risk or juvenile offenders.

Within SRS is Youth Services which has the responsibility for the Youth Centers and the screening unit and in addition receives the funding for foster care for Juvenile Offenders and Children in Need of Care who are placed in the custody of the Secretary of SRS. Under the control of Youth Services are the SRS front line case workers located in area offices around the state. In some area offices the social workers are generic and provide a range of services to families. In other area offices, the social workers

specialize and may only deal with juveniles in a particular type of placement.

Also within SRS is the Division of Mental Health and Retardation Services which has the responsibility for the state mental health institutions and the state mental retardation institutions. State funding for community mental health centers is located in the MHRS budget. Juveniles make up part of the population served by these institutions and community mental health centers.

The division of Alcohol and Drug Abuse Services (ADAS) is also located in the Department of SRS. ADAS funds programs for both the adult and juvenile population.

The Income Maintenance division of SRS also has a role to play with children in the custody of SRS. That division provides the medical cards for youth in out-of-home placements as well as providing the information as to rules and regulations regarding the use of medical cards.

Some states have consolidated all agencies that deal with youth into a Department of Youth services which is outside their welfare agency. Other states separate juvenile corrections from their youth service agencies by making juvenile corrections a stand alone agency. In other states, juvenile corrections is a part of the adult corrections agency.

The Department of Health and Environment inspects and licenses juvenile detention centers, youth shelters, group homes, foster homes, etc.

The Department of Education monitors and provides resource services for local school districts across the state. Within the Department of Education are special divisions that deal with Special Education and Vocational Education.

The 1989 legislature appropriated \$2.25 million in FY 1990 for state matching incentive grants for Educational System Enhancement Plans and At Risk Pupil Assistance Plans. The state can provide up to 50% of the funding for the project. The At Risk pupil is defined as a person of school age who is at risk of failing or dropping out of school. The person may have one or more of the following characteristics: an excessive rate of unexcused absences from school; parenting a child or currently pregnant; adjudicated as a juvenile offender; two or more credits behind other pupils in the same age group in the number of graduation credits attained; or retained for one or more grades.

The type of programs that could be funded under the grant include remedial instruction; intensive guidance and counseling; child care; independent study assistance; instruction in parenting, consumer, work, and other life skills; and opportunity to complete requirements for grade level promotion or graduation from high school. Some school districts currently offer alternative education programs for at risk pupils.

Other state agencies also have a role in providing services to juveniles. The Job Training Partnership Act (JTPA) funding is administered by the Department of Human Resources and provides funding for some youth job training programs. In addition, the Department of Human Resources also administers Job Corp Programs, another resource for juveniles in need of training.

The Juvenile Offender Policy Conference of 1989 is designed to take a comprehensive look at the Juvenile Justice System in Kansas. Policymakers and practitioners from every discipline relating to juvenile offenders are being asked to look beyond their own disciplines and to help examine the entire system and then collectively to make recommendations for policies and the implementation of those policies which will result in an improved juvenile justice system and improved delivery of services both for the youth involved and for the state.

TRACT A. COMMUNITY RESPONSE TO HIGH RISK YOUTH

Those conferees participating in Tract A will discuss questions of prevention and early intervention. The two primary questions of this tract are:

1. What should be the policy of Kansas in regard to keeping children out of the court system?
2. What are the ideal community and state resources available or needed to divert the pre-delinquent from entering the court system?

Before we decide what state policy should be, let us examine what is. The State of Kansas currently has no defined policy regarding prevention of juvenile offenders.

At K.S.A. 38-1601, it is stated:

"K.S.A. 38-1601 through 38-1685 shall be known and may be cited as the Kansas juvenile offenders code and shall be liberally construed to the end that each juvenile coming within its provisions shall receive the care, custody, guidance, control and discipline, preferably in the juvenile's own home, as will best serve the juvenile's rehabilitation and the protection of society."

K.S.A. 38-1635 states:

"Diversion. Each court may adopt a policy and establish guidelines for a diversion program by which a respondent who has not been previously adjudged to be a juvenile offender may avoid such an adjudication."

For our purposes, we will identify diversion mentioned above as a form of early intervention which we consider a secondary prevention but not a primary prevention. Primary prevention would mean that the youth had never come in contact with the court in the first place. Secondary prevention or intervention are those actions which prevent a youth's continued progression or repeat appearances through the court system.

Primary prevention takes place in the community response to high risk youth. Many studies indicate that if we prevent child abuse or school dropouts, we might also prevent some crime. What are other primary preventions which might impact juvenile offender prevention? To be sure, Kansas has in place some primary prevention measures in its services to children who are adjudicated "children in need of care," and various

agencies, communities and local entities have implemented numerous programs to identify and serve children at risk, but the State of Kansas has no stated policy regarding prevention.

Society generally does not address prevention as a well-defined policy. For the most part, neither juveniles nor adults are dealt with until they become a stress on the system. This then, by practice, becomes the policy which generally consists of rehabilitation and/or punishment and protection of society.

The cost of this unstated policy has been enormous in terms of human and financial resources, and many states, including Kansas, and other public and private entities have been involved in re-examining the social ramifications and the economics of prevention policies.

If Kansas were to adopt a policy of juvenile offender prevention, do we have enough information to implement it?

The focus of much research in the juvenile justice system has been to identify those youth who are at risk for becoming juvenile offenders. Generally researchers look for indicators in two categories: (1) Behavioral and Developmental, and (2) Life Circumstances - Biological and Environmental. In both instances, it should be remembered that indicators do not constitute 100% identification but should be used as clues to look further, while being mindful of the interrelatedness of many of the indicators.

Some of the developmental/behavioral indicators which have been identified (see Tract A Reference Reading List) include:

Persistent lying	Theft
Drug use	Vandalism
Aggression	Fighting
Truancy	Low educational achievement

Educators tell us that a child who cannot read and/or has excessive absences from school (indicators are often in combination or interrelated) is clearly a child at risk.

Some of the "life circumstances" factors which may indicate a child at risk include:

Poverty	Abuse/Neglect
Genetics	Learning disabilities
Diet/Nutrition	Hyperactivity
Ineffective parenting	Antisocial peer group
Alcohol/drug abuse	associations
in the home	School dropout
Unemployment	

What, in your own experience, are other behavioral and developmental indicators of a child at risk? What are other factors of life circumstances which might identify a Kansas child at risk?

Certainly Kansas has the benefit of nationwide research to combine with the very broad range of research and experience among our own professionals to guide the implementation of policy.

Can a juvenile offender prevention policy be successful?

To some extent that may depend on our expectations for prevention and, of course, on our willingness to commit the resources necessary to implement the policy.

- * Do we expect a "sure cure" for 100% of the offenses committed by juveniles in the state?
- * Can we think in terms of prevention being successful if it significantly reduces the number of juvenile offenders in the system rather than eliminating all cases?
- * Should we expect to always have to spend some resources on rehabilitation/punishment and protection of society?
- * Should we expect to have to spend as much as we do now for rehabilitation/punishment and protection?

Reliable research has given us many clues, many indicators and factors, for children at risk of becoming juvenile offenders. Creative people in many disciplines have designed programs to prevent children at risk from becoming juvenile offenders.

Can we bring the two together?

We know that some of the most successful prevention programs involve cooperation from more than one discipline or jurisdiction.

Can we muster and sustain that cooperation in Kansas?

If we adopt a policy of juvenile offender prevention in the State of Kansas, then we turn to the second primary question of Tract A:

What are the ideal community and state resources available or needed to divert (or prevent) the pre-delinquent from entering the court system?

- * How do we or shall we identify the children at risk?
- * There are those who believe that prevention programs geared to targeted "at risk" populations should be used only on a short-term basis, while a community-wide, comprehensive approach is being developed. What approach should be used in Kansas?
- * What is the earliest point of identification of risk and what action(s) should be taken at that point? By whom?

Example: If a teacher has a child in his/her 3rd grade class who cannot read, what should be done? By whom? How many days of school in a week or a month is too many days to be absent? If a child is absent too many days, what action should be taken? By whom?

Example: If a doctor sees a kindergarten child who is determined to be undernourished, what action should be taken? By whom?

- * In each community, what can each sector involved with juvenile justice contribute toward prevention?

Local community?
Service providers?
Court system?
Education?
State agencies?
Private Sector?
The family?

- * When we discuss what resources should be available, there are numerous factors to be considered. What role, if any, does gender play in juvenile offender status? What role, if any, does age, race, socio-economic background, ethnic background play? What are other factors which may play a determining role in juvenile offenses and the status of juvenile offenders?
- * What are the differences between urban and rural service delivery systems in Kansas?

In conclusion, we return to the questions of the title of this paper:

JUVENILE OFFENDER PREVENTION:

DO WE? Kansas does not have a stated policy but we do have in practice a number of the programs known to be effective in prevention.

CAN WE? If we have realistic expectations of what comprehensive prevention programs could accomplish, and if we make full use of the expertise and experience available, Kansas could most certainly implement a policy of prevention.

SHOULD WE? That is the primary question for the conferees in Tract A of this conference to decide. The related policy question of Early Intervention is addressed in a second policy question to be discussed later on in Tract A.

Once these questions are decided, we add another:

WILL WE? If a prevention policy is adopted, then commitment becomes the primary issue for the policymakers of Kansas. Will we commit the resources necessary to implement and sustain a prevention policy?

Attached are references to various articles and documents for additional reading. This material barely scratches the surface of information available and is not intended to be comprehensive. It is not the goal of this conference to design a juvenile offender prevention program for the State of Kansas but, rather, to decide the policy issues surrounding prevention and to make a recommendation of policy for the State.

As the conferees formulate a collective response to the questions of the tract, it is hoped that each of you will step away from the limits of your own discipline; that you will be energized by the experience and knowledge of the others in your group and that they, in turn, will learn from you; that you will help create an improved juvenile justice system in Kansas.

Pre-Disposition

Juvenile offenders are a diverse group of young persons under the age of eighteen who have committed an offense that would be a misdemeanor or felony if the juvenile were an adult. One of the most important stages in the juvenile process is the time between the child's arrest and adjudicatory hearing. Pre-disposition of juveniles is a time of evaluation for the young person's mental, physical, educational, and family status. It is then that decisions are made about what to do with the child. There appears to be at least four major policy questions relating to the pre-disposition phase in the life of each Kansas juvenile offender.

What are the roles of the family, schools, mental health agencies, and other public and private organizations that are involved with the juvenile offender prior to disposition? How does law enforcement's role affect the juvenile and the community? Only about half of all young persons arrested by the police are actually referred to the juvenile court and most are returned to their parental homes. Each of the agencies and key actors listed above play a significant role in the development of resources available to the judge at the detention hearing and later at the dispositional hearing.

How can both the concerns of the community regarding public safety and the needs of the juvenile offender be met prior to disposition? A model code developed by the Rose Foundation and the American Legislative Exchange council recommends required pre-trial detention for any juvenile who is arrested for serious offenses, considered likely to miss court appearances, considered a threat to the community, a repeat offender, or considered likely to intimidate witnesses, upon showing of probable cause or an admission of guilt. Release could be obtained if the parent or guardian posts bail. Adoption of this model would change the overall goal of juvenile justice from one of treatment to accountability. Is this the policy that the State of Kansas wants to adopt?

What are the procedural problems presently existing which prevent timely and effective responses to the juvenile offenders needs prior to disposition? Juvenile Justice Agencies should be well organized and efficient. This requires qualified personnel, adequate organizational structure, and development of successful programs. The general public has for the most part been unenthusiastic about providing money for the care and protection of children in the juvenile justice system. Often, facilities for juveniles are crowded, courts lack personnel, probation services are not sufficiently extensive, and educational and recreational programs are underfinanced and inadequate. Resources must be developed to provide efficient, effective responses to pre-dispositional juveniles and their families.

What should be the criteria for evaluating the psychological, emotional, and substance abuse status of juvenile offenders prior to disposition? Should juveniles be evaluated by a detention facility, state mental hospital, community mental health center or other type of program or facility? Is one criteria for evaluation that all other methods of family/community intervention have been tried or should evaluation of every young person coming into contact with the juvenile court be done?

One of the guiding ideas of the juvenile court since its inception has been the notion of individualized treatment. This means, ideally, that the court's action should be tailored to the particular needs and circumstances

of a juvenile. The purpose of the predisposition report is to expand the amount and types of information available to the judge for making the decision about how to sentence a youth.

Cases are assigned to probation officers or intake officers for investigation, and the following types of information generally are included in the report. A complete legal history is compiled, listing previous court contacts and actions taken. The family situation is evaluated, with an emphasis on the ability and willingness of the parents to supervise the youth and assist in working out the problem. Some information on the youth's school performance and adjustment normally is included. Psychological evaluations are sometimes ordered by the judge hearing the case.

In the final section of the report, the probation officer makes a recommendation for a specific sentence or disposition. Since most judges hear a large number of cases and their contact with the youth during the adjudication hearing usually is quite limited, they tend to rely heavily on the recommendation of the probation officer. One study found that judges followed the probation officer's recommendation in one out of every five cases (Ariessohn, 1972). In part, this probably reflects a recognition on the part of the judge that the probation officer has more detailed knowledge about the case and the youth's circumstances. On the other hand, experienced probation officers develop a sense of how judges handle different types of cases and are likely to tailor their recommendations in line with how they expect a judge to handle a case.

Written guidelines in Kansas are needed to assist intake personnel in their duties and to alert juveniles and their families to their procedural rights. Intake officers could screen juveniles for further evaluation based on formal written policy developed for Kansas juveniles.

Many issues relating to pre-disposition of juveniles remain unresolved in 1989. Issues such as:

- Section criteria for diversion programs

- Preventative detention

- Data collection on predispositional juveniles

- Awaiting disposition, the juvenile may wait two weeks to one year for a final court disposition. What programs and/or intervention should that juvenile be involved in?

- Special needs cases such as minority issues, no family home, low mental functioning, physical problems, substance abuse issues, children of children, need to be addressed when considering policy issues.

Disposition

The Kansas Juvenile Offender Code is split into sections, having to do with the steps taken before adjudication, and the process of adjudication, then disposition. The focus of this paper, and of the focus group, is on the dispositional phase. It can be assumed that at the stage of disposition the youth has been found to have committed an act which, if he or she were an adult, would have been a felony or a misdemeanor in the State of Kansas. In a general sense, the normal process following adjudication is to conduct any studies or evaluations needed to assist the court in understanding the youth. These studies would provide an understanding of the youth, the family and the situation upon which disposition may be based. Consequently, it is within the scope of this focus group to consider all activities occurring after adjudication including the assessment phase and the dispositional actions taken by the court toward resolution of the identified difficulties.

In its preamble the Kansas Juvenile Offender Code establishes two basic missions. The first mission is that of rehabilitation of the juvenile through the provision of care, custody, guidance, control and discipline. A preference is expressed in this section for the juvenile to remain in his/her own home. The second mission of the code is the protection of society. Actions taken under this code are noncriminal and are taken and done in the exercise of the parental power of this State.

Pre-dispositional investigations completed at the order of the court include issues related to circumstances of the offense: the attitude of the victim or the victim's family, the record of juvenile offenses, the social history, and the present condition of the youth involved. The court may order a specific evaluation of the youth's development and needs, which would include psychological and emotional assessment, medical assessment, and educational assessment.

Based on the predispositional investigation and other studies, the court is in a position to make disposition. The code lists six separate dispositional alternatives. Five of the dispositions appear to be mutually exclusive with one disposition being a combination of other dispositions. The dispositional alternatives include: 1) placing the juvenile on probation subject to terms and conditions of the court including a requirement of restitution, 2) placing the juvenile in the custody of the parent or other suitable person subject to conditions of the court including the requirement of restitution, 3) placing the juvenile offender in the custody of a youth residential facility subject to the conditions of the court, 4) placing the juvenile in the custody of the Secretary, 5) committing the juvenile to a state youth center. Limitations on this alternative requires that the offender must be at least age 13 and have either a previous adjudication as a juvenile offender or have been adjudicated for an A, B, or C felony. The sixth alternative is a combination of the other dispositions, wherein, the court may also direct other orders to the juvenile as it deems appropriate, and order the juvenile offender and parents to attend counseling sessions directed by the court. Restitution is a required part of disposition when custody is to a parent or when probation is ordered unless it would be unworkable. Fines are also authorized under this code up to \$250.00 for each offense.

The two major stated goals of the juvenile offender code are rehabilitation of the juvenile and protection of society. This is a procedural due process code which emphasizes certain rights of the juvenile

which are the same as those afforded to adults in the criminal court process.

References to articles are being provided to accompany this report which describe the variety of treatment and program options needed for juveniles who find themselves in the juvenile justice system. These articles were selected because of their broad scope and because of their 1989 publication. The article entitled "Juvenile Justice" provides a list of types of programmatic options that are needed in a comprehensive system. The article on Minnesota programs provides some insight into how one program addressed both the rehabilitation needs and the protection of society needs in one programming effort. The article on "Violent Kids" was also included because of its insight into the background of a good many serious offenders that are encountered in the system.

Transition Out

Transition is the phase in the processing of juvenile offenders which has as its basic mission maintenance of the positive change which has been achieved through the intervention process. Said another way this is the time when efforts are made to assist youth in continuing the behaviors they learned as they leave our jurisdiction and control. As such, this is one of the most important issues that needs to be addressed as we look at juvenile policy. This is an area that has not received as high a level of attention as the other areas which seem to be more directly understood to relate to a positive outcome for youth and for public safety.

In its preamble the Kansas Juvenile Offender Code establishes two basic missions. The first mission is that of rehabilitation of the juvenile through the provision of care, custody, guidance, control and discipline. A preference is expressed in this section for the juvenile to remain in his/her own home. The second mission of the code is the protection of society. Transition is addressed only in a procedural way having to do with youth who are leaving the state youth centers. The code specifies that the court must set a date at which the court jurisdiction will be terminated.

Transition is a concept that should be considered from the point of view that transition between programmatic elements in the intervention process needs to be guided and managed. Most youth who enter the system make substantial strides in achieving more socially acceptable lifestyles while they are actively involved in the intervention. Particularly for those youth who are placed away from their own families and home, they are living in an environment designed to support positive growth development and provide rewards for socially acceptable behavior. Without active and effective transitional programming the family from which the youth came has not had the opportunity to make subsequent change, when youth return to the former situation they tend to be influenced to move in a negative direction and return to their earlier lifestyle pattern. Programming seems to be required and seems to be successful in helping youth and families maintain the growth and development that has taken place while in care. The Juvenile Corrections newsletter published in Nov. 1987 by the Office of Juvenile Justice and Delinquency Prevention in the American Correctional Association contained three articles relating to transition which provide further background information on national thinking on transitional services. These particular articles are directed primarily at youth leaving direct youth center type programs; however, the concepts are applicable to the full range of programming encountered in the juvenile justice system. Particular emphasis is placed on the broad scope of agencies that are involved or could be involved in the transitional process and the need to develop coordinated and cooperative efforts toward the end of serving this particular client. The inner agency cooperation and commitment to transition seems to be imperative.

COURT SERVICES - POSITION PAPER NO. 1

JUVENILE JUSTICE COMMISSION

TOPIC: Juvenile Justice Commission (Comments Regarding "Recommendations of The Juvenile Offender Policy Conference")

BACKGROUND: The report from the Juvenile Offender Policy Conference dated September 30, 1989 lists six recommendations - with recommendation #1 being; "Establish a cabinet level department or commission (Kansas Youth Authority)". Court Services Officers in Kansas strongly agree with the general direction of this recommendation. On the other hand, we disagree with the possible scope of the recommendation as it is worded, and we are concerned that the concept is not clearly defined. For example, we see a significant difference between a "youth authority" and a "Commission".

Again, though, we strongly agree with the direction of the recommendation because our assessment of the Juvenile Justice System in Kansas reveals:

- *a current state of crisis in the services area:
- *a lack of long range planning:
- *an extremely low priority in the budgeting process:
- *a lack of political power:
- *a lack of accountability to the public and children:
- *a failure to deal with the inter-relatedness of various issues (family services, child abuse, education, health, crime, etc):

It appears to us that we are closer to a non-system than a system, and that if we don't respond to the crisis in this system immediately, that our State as a whole faces a bleak future.

We are aware that currently the State has a youth "Commission" entitled the "Advisory Commission on Juvenile Offender Programs". We would assert that this current "Commission" does not, would not, and could not achieve the desired goals. This assertion relates both to the design and structure of the current Commission. For example, its attachment to SRS creates several problems in staffing, role perceptions, and activities; its lack of State funding creates problems; its low standing in the State's power structure creates problems; its unbalanced make-up creates problems; and the lack of sufficient funding creates problems. Any new authority or commission must rectify these problems.

COURT IMPACT: The Court System in Kansas represents the largest Juvenile Corrections Component in the State. The Court must have more than the token role it has been given in the past if a new commission or authority is created. Failure to recognize the Court as an equal branch of government deserving equal representation or failure to recognize Court Services as the primary corrections component deserving equal representation will seriously impair any new commission. The Court's positioning in the system, its data elements, and its cooperation is key to the success of any new authority.

AGENCY ISSUES: Obviously, a commission with any power could have a major impact on all agencies providing services to youth and families at all points on the continuum of care. Except for SRS, many of the service providers currently feel like victims of the "system" with little power to positively effect change. We would see a commission as giving them access to an independent body having some power in the children's services arena. We see this as positive.

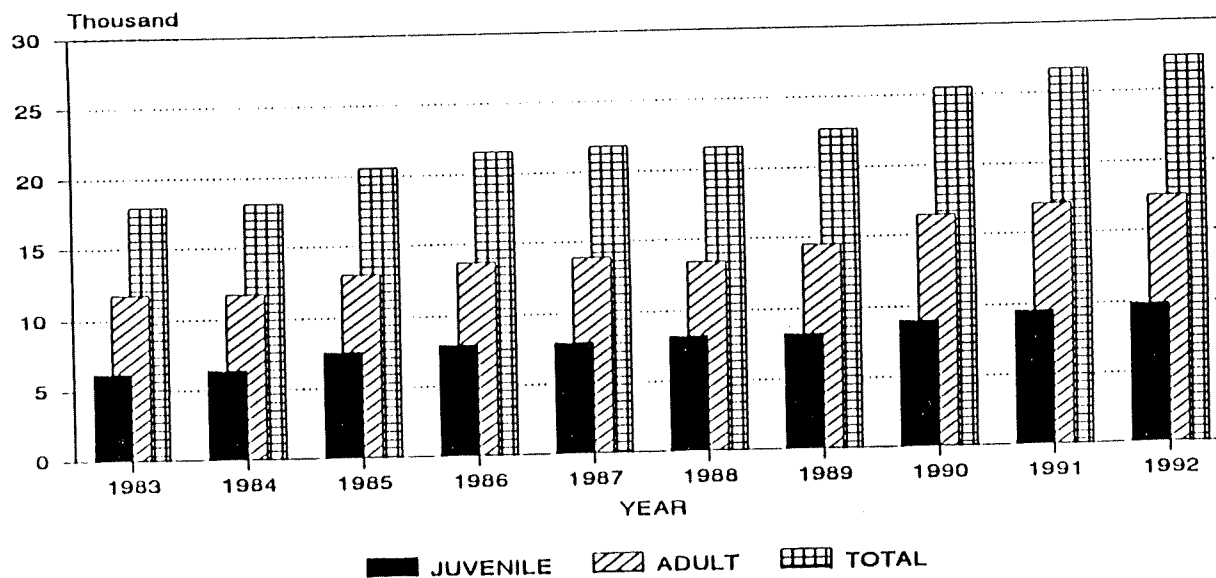
RECOMMENDATIONS: Court Services in Kansas recommends the creation of a Juvenile Justice Commission with sufficient funding, staffing and authority to significantly address the current crisis in children's services in Kansas. Funding and staffing should at least be at the level of the Adult Sentencing Commission. (If funding and staffing are not provided, the Commission should not be created.) Membership on the Commission must include people with enough knowledge and clout to make it a successful Commission and not just a Commission in name only. The Court System should control the appointment of one-third of the membership on the Commission. We would see the Governor appointing another one-third of the Commission from the private sector and legislative ranks and the final one-third coming from key State agencies such as the Department of Education, SRS, etc. The youth authority concept would need further study by this Commission and should be delayed until that study is completed.

ARRESTS: CRIME INDEX OFFENSES 1983 - 1992

YEAR	MURDER/ NON-NEG. MANSL.	RAPE	ROBBERY	AGG. ASSAULT/ BATTERY	TOTAL VIOLENT CRIME ARRESTS	BURGLARY	THEFT	MOTOR VEHICLE THEFT	ARSON	TOTAL PROPERTY CRIME ARRESTS	TOTAL CRIME INDEX ARRESTS	PERCENT OF CHANGE*	RATE PER THOUSAND POPULATION
1983	80	222	532	1,705	2,539	3,344	11,047	806	207	15,404	17,943	- 4.3	7.5
1984	72	237	459	1,774	2,541	3,025	11,609	809	154	15,596	18,139	+ 1.1	7.5
1985	92	233	507	1,903	2,735	3,421	13,402	859	172	17,853	20,589	+13.5	8.4
1986	92	246	419	2,001	2,758	3,514	14,259	900	181	18,854	21,612	+ 5.0	8.8
1987	103	231	471	1,926	2,731	3,734	14,409	827	144	19,114	21,845	+ 1.1	8.8
1988	69	215	467	1,912	2,663	3,510	14,300	967	170	18,947	21,610	- 1.1	8.7
1989	83	212	540	2,213	3,048	3,601	14,850	1,028	187	19,666	22,714	+ 5.1	9.0
1990	97	282	652	2,687	3,718	4,089	16,431	1,035	212	21,767	25,485	+12.2	10.1
1991	127	287	787	2,935	4,136	4,230	17,248	820	238	22,536	26,672	+ 4.7	10.7
1992	125	288	748	3,646	4,807	4,453	17,027	874	246	22,600	27,407	+ 2.8	10.9

*All percentages rounded.

CRIME INDEX ARRESTS, JUVENILE AND ADULT 1983 - 1992



YEAR	JUVENILE	ADULT
1983	6,180	11,763
1984	6,395	11,744
1985	7,563	13,026
1986	7,922	13,690
1987	7,942	13,903
1988	8,201	13,409
1989	8,196	14,518
1990	9,008	16,477
1991	9,540	17,132
1992	9,873	17,534

ARRESTS BY STATUS AND SEX OF PERSONS ARRESTED
TYPE OF OFFENSE
1992

CRIME INDEX OFFENSES	JUVENILE MALE	JUVENILE FEMALE	TOTAL JUVENILE	ADULT MALE	ADULT FEMALE	TOTAL ADULT
Murder	9	0	9	103	13	116
Rape	30	0	30	255	3	285
Robbery	187	22	209	503	36	539
Aggravated Assault	703	112	815	2,432	399	2,831
Burglary	1,855	110	1,965	2,333	155	2,488
Theft	4,546	1,773	6,319	6,754	3,954	10,708
Motor Vehicle Theft	331	86	417	397	60	457
Arson	103	6	109	111	26	137
TOTAL CRIME INDEX	7,764	2,109	9,873	12,888	4,646	17,534
CLASS II OFFENSES						
Neg. Manslaughter	0	0	0	17	3	20
Other Assaults	1,545	538	2,083	14,280	3,037	17,317
Forgery	146	40	186	764	385	1,149
Fraud	13	7	20	1,895	1,585	3,480
Embezzlement	2	0	2	51	25	76
Stolen Property	136	13	149	269	41	310
Vandalism	2,080	162	2,242	2,075	392	2,467
Weapons	562	23	585	1,632	172	1,804
Prostitution	2	4	6	98	594	692
Other Sex Offenses	192	26	218	806	49	855
DRUG OFFENSES						
Sale-Narcotics	53	4	57	597	121	718
Sale-Marijuana	59	11	70	645	133	778
Sale-Synth Narc	0	0	0	60	13	73
Sale-Other	3	1	4	31	22	53
SALE SUBTOTAL	115	16	131	1,333	289	1,622
Poss-Narcotics	87	19	106	1,174	347	1,521
Poss-Marijuana	265	54	319	3,127	552	3,679
Poss-Synth Narc	12	2	14	56	13	69
Poss-Other	12	1	13	169	53	222
POSSESSION SUBTOTAL	376	76	452	4,526	965	5,491
DRUG OFFENSE TOTAL	491	92	583	5,859	1,254	7,113
GAMBLING OFFENSES						
Bookmaking	0	0	0	2	0	2
Numbers	0	0	0	1	0	1
Other Gambling	3	0	3	37	2	39
GAMBLING TOTAL	3	0	3	40	2	42
Family Offenses	0	0	0	377	99	476
DWI	252	52	304	19,044	3,221	22,265
Liquor Violations	1,077	373	1,450	5,359	1,223	6,582
Drunkenness	14	0	14	34	5	39
Disorderly Conduct	640	257	897	3,836	1,108	4,944
Vagrancy	12	0	12	57	12	69
All Other	2,052	527	2,579	27,716	7,618	35,334
Suspicion	30	12	42	26	3	29
Curfew-Loitering	1,083	494	1,577	0	0	0
Runaway	1,134	1,601	2,735	0	0	0
CLASS II TOTAL	11,466	4,221	15,687	84,235	20,828	105,063
GRAND TOTAL	19,230	6,330	138 25,560	97,123	25,474	122,597

1-23

**ARRESTS BY AGE
TYPE OF OFFENSE
1992**

**JUVENILE
TOTAL**

CRIME INDEX OFFENSES	<10	10-12	13-14	15	16	17	JUVENILE TOTAL
Murder	0	0	0	2	5	2	9
Rape	1	3	5	4	4	13	30
Robbery	2	11	42	39	45	70	209
Aggravated Assault	26	98	195	116	202	178	815
Burglary	61	186	508	342	488	380	1,965
Theft	250	993	1,710	1,073	1,229	1,064	6,319
Motor Vehicle Theft	6	38	119	95	89	70	417
Arson	23	19	32	14	12	9	109
TOTAL CRIME INDEX	369	1,348	2,611	1,685	2,074	1,786	9,873
CLASS II OFFENSES							
Neg. Manslaughter	0	0	0	0	0	0	0
Other Assaults	58	301	572	336	388	428	2,083
Forgery	0	3	23	34	61	65	186
Fraud	1	3	3	0	5	8	20
Embezzlement	0	0	1	0	0	1	2
Stolen Property	1	9	34	28	37	40	149
Vandalism	196	358	536	347	507	298	2,242
Weapons	9	30	126	105	154	161	585
Prostitution	0	1	2	2	0	1	6
Other Sex Offenses	15	40	54	37	35	37	218
DRUG OFFENSES							
Sale-Narcotics	0	0	3	5	22	27	57
Sale-Marijuana	0	1	13	13	21	22	70
Sale-Synth Narc	0	0	0	0	0	0	0
Sale-Other	0	0	1	0	1	2	4
SALE SUBTOTAL	0	1	17	18	44	51	131
Poss-Narcotics	0	2	12	19	25	48	106
Poss-Marijuana	0	4	45	52	87	131	319
Poss-Synth Narc	0	0	5	4	3	2	14
Poss-Other	0	1	3	2	6	1	13
POSSESSION SUBTOTAL	0	7	65	77	121	182	452
DRUG OFFENSE TOTAL	0	8	82	95	165	233	583
GAMBLING OFFENSES							
Bookmaking	0	0	0	0	0	0	0
Numbers	0	0	0	0	0	0	0
Other Gambling	0	0	1	1	1	0	3
GAMBLING TOTAL	0	0	1	1	1	0	3
Family Offenses	0	0	0	0	0	0	0
DWI	2	1	4	20	82	195	304
Liquor Violations	0	8	104	220	440	678	1,450
Drunkenness	0	1	7	0	3	3	14
Disorderly Conduct	13	84	254	162	184	200	897
Vagrancy	0	0	4	0	0	8	12
All Other	69	227	528	419	559	777	2,579
Suspicion	10	3	10	6	7	6	42
Curfew-Loitering	8	67	393	330	381	398	1,577
Runaway	56	166	856	678	599	380	2,735
CLASS II TOTAL	438	1,310	3,594	2,820	3,608	3,917	15,687
GRAND TOTAL	807	2,658	6,205	4,505	5,682	5,703	25,560

ACA

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November 30, 1993

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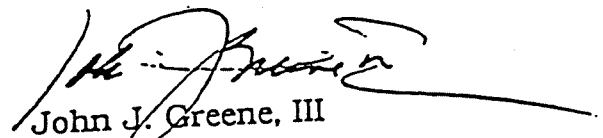
Ms. Carolyn Risley-Hill
Commissioner
Youth and Adult Services
Smith-Wilson Building
300 SW Oakley
Topeka, KS 66604

Dear Ms. Risley-Hill:

Here is the American Correctional Association's final report on the
Review of Juvenile Offender Programs, Policies and Practice for the Kansas
Department of Social and Rehabilitation Services.

We trust this review will benefit your agency and assist in providing
the best possible services to juveniles under your care.

Sincerely,


John J. Greene, III
Director
Training and Contracts Division

Enclosure

cc: Betty Adams
Lloyd Mixdorf
Samuel Sublett, Jr.

1993 Winter Conference - January 11-13, 1993 - Miami, Florida
123rd Congress of Correction - August 1-5, 1993 - Nashville, Tennessee
1994 Winter Conference - January 17-19, 1994 - Orlando, Florida
124th Congress of Correction - August 7-11, 1994 - St. Louis, Missouri

House Judiciary
Attachment 2
2-3-94



AMERICAN CORRECTIONAL ASSOCIATION

8025 Laurel Lakes Court • Laurel, Maryland 20707 • 301-206-5100 • Fax: 301-206-5061

AMERICAN CORRECTIONAL ASSOCIATION REVIEW OF JUVENILE OFFENDER PROGRAMS, POLICIES & PRACTICE FOR THE KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

PROJECT DESCRIPTION

At the request of the Kansas Department of Social and Rehabilitation Services, the American Correctional Association conducted an evaluation of Juvenile Offender Programming on November 8--10, 1993. Conducting the site visit for ACA was Betty Adams (Tennessee), Samuel Sublett (Illinois) and Lloyd Mixdorf (Maryland). The Kansas request asked the evaluation team to determine:

1. the inter-relationship among the requirements and expectations of the Kansas Juvenile Offenders Code, the Department's Family Agenda and policy and practice of our Youth Centers;
2. if current policies and practice provide adequate guidance and process to assure effective resolution or balance between habitation of youth and protection of the public;

3. if the Kansas Juvenile Offenders Code is current and responsive to recent changes in juvenile behavior and risk to the public;
4. whether the Kansas system operates within national policies and standards as defined by ACA; and
5. the specific ACA recommendations on management of juvenile offenders and transition back to community living, including home passes, work study and other off-campus activity.

Prior to the site visit, the team members received and read the Kansas Juvenile Code, SRS Family Agenda, policies and other relevant miscellaneous materials.

The site visit began on Monday, November 8, at 9:00 a.m. with a meeting attended by the ACA team, John Alquest, Service Delivery Chief, Robert Clawson, Support Service Chief, and Commissioner Carolyn Risley-Hill. After a discussion of the issues, the team met separately with the Secretary of SRS, Donna Whiteman.

In the afternoon, the team met with SRS and Youth Center staff Robert Clawson, John Alquest, Harry Allen, Dell Hayden, Shannon Manzaheares, Robert Hedberg, Michael Clarkin, Philip Knapp, Denis Shumate and James Trast.

On Tuesday morning, November 9, Lloyd Mixdorf traveled with Commissioner Hill to

Junction City, Kansas and gave a presentation to the Joint Legislative Committee on Children and Families. The presentation included a description of ACA, the national conditions within juvenile justice and comments on the Kansas Juvenile Offender System.

Betty Adams and Sam Sublett met with the Kansas Reinventing Government Youth Team. In the afternoon, Ms. Adams and Mr. Sublett toured the Youth Center at Topeka and spoke with a number of students and staff. Later they were joined by Mr. Mixdorf. The team met independently to share information and formalize preliminary positions on a variety of issues. They also met with Superintendent Harry Allen.

On Wednesday, November 10, the team held a phone conference with Field Services Director, Michael Van Landingham and met with a group of five parents.

In the afternoon, the team met with three selected students and held an exit interview with Commissioner Hill and Mr. Clawson.

PROBLEM STATEMENT

Juvenile crime and the increase of violent acts committed by juveniles is of great concern to the public throughout the United States. As a result, juvenile offender programs are being questioned or attacked in many jurisdictions. Kansas appears to be no different than other states in this respect. When an incident occurs, such as the Kansas case of a murder perpetrated by a juvenile offender AWOL from a pass, the entire system is scrutinized. Often, cries for increased punitive sanctions arise while the many positive accomplishments of the system are ignored. Juvenile offender systems become the scapegoat for the many and varied ills of our entire society. Kansas, therefore, has a need to review its juvenile offender policy and operations in order to be more responsive to the concerns of the public.

Although the Kansas Juvenile Offender System is not perfect, and recommendations for improvement will be included in this report, **it is providing better services for juvenile offenders than many other states.** The state should be proud of the management, public protection and individual services offered to juveniles in their four youth centers, field offices and community contract programs. The greatest danger facing the Department is the tendency of the legislature to over-react as a result of public concern and inaugurate superficial, simplistic solutions that appear to better protect the public, but in fact, do not.

JUVENILE CODE

All three team members read the present code and found it meets the needs of community protection and services for juvenile offenders adequately. It is not recommended that any changes in the code be made at this time. However, it would be advisable for the Department to develop a back-up legislative agenda in anticipation of outside attempts to challenge the present Juvenile Offender Code.

The present code allows courts all of the discretion necessary to transfer serious older offenders to the adult corrections system. It would be in error to jeopardize the present judicial discretion on transfers. If, however, the code is opened for substantial change, it would be beneficial to attempt to have all commitments made to the Department. Without direct court commitments the Department could manage their population more effectively, thereby protecting the community better. Also, a plan to create a legally separate Juvenile Offender Program, managed by a commission under SRS, may be an alternative that could be suggested to offset transfers of juvenile offenders to the adult corrections department.

Although it probably would not change the type of juveniles committed to the Department, it is recommended that misdemeanants be excluded from the SRS delinquency system. Such action would make courts and prosecutors more responsible in the adjudication process.

To repeat, this is not a good time to open a legislative code agenda, but the Department should be fully prepared to offer pro-active code changes should someone else open it.

FAMILY AGENDA FOR CHILDREN AND YOUTH

The Family Agenda plan is a positive response for dealing with juvenile offenders, and contains all of the elements of good juvenile justice philosophy and practice. It fails, however, to clearly recognize the differences between children in need of care and juvenile offenders. Although those persons actually working in the child welfare and juvenile justice fields understand that the two groups contain many of the same children with many of the same problems, the public does not.

Since the public primarily views the juvenile offender population in terms of being violent, the difference between the two groups must be addressed specifically in the agency mission statement, program documents and rhetoric. So far, this has not occurred. The Family Agenda needs to talk specifically about juvenile offenders, accountability, responsibility, control, public protection and coordination with adult corrections. This can be accomplished within the framework of the Family Agenda description of continuum of care and supervision. The description should explain how the Family Agenda works when the juvenile's natural family is substituted by community programs and services that are designed to help the independent juvenile offender become a responsible, accountable member of society.

Simply stated, the image of SRS must demonstrate the ability to properly handle and control violent juvenile offenders while protecting the community.

On a practical level, it appears the field offices do not have clear, specific direction in handling juvenile offenders. Although SRS workers in some of the larger communities specialize in juvenile offenders, it does not appear that the Department clearly emphasizes the juvenile offender agenda. As an example, there are estimates that it has been up to six years since all of the SRS field office supervisors have met with the superintendents of the Youth Centers.

Rather than discussing whether or not juveniles now come from families that are dysfunctional and not amenable to the Family Agenda, it is recommended that clear community reintegration programs be emphasized as an adaptation of the Family Agenda.

DEPARTMENT POLICIES AND PROCEDURES

It is recommended that the Department adopt some of the written philosophy contained in the Youth Center at Topeka draft policy and procedures. Using nationally accepted and defensible mission statements, standards, policies, procedures and practices, SRS can continue its Family Agenda in substance and not be diverted from their goal of protecting the community and providing services to the youth under their care.

ALTERNATIVE AND REINTEGRATION COMMUNITY PROGRAMMING

As is true in most, if not all of the United States, Kansas falls short in the provision of highly structured alternative and reintegration programming. The range of alternatives between various forms of counseling and institutionalization in the state is limited, but there are two recently instituted day treatment programs that head in the right direction. Community residential programs need to balance treatment with control, responsibility and accountability of youth. Because, based upon its population, Kansas is presently delivering more institutional services than other states, a transfer of some revenue from institutions to structured community programs would provide this balance.

Intensive supervision and tracking has not been instituted in any meaningful manner, although some claim that weekly family meetings are intensive supervision. The team's definition of tracking includes such activities as three contacts per day during the first few weeks in the program. These types of programs, as well as electronic monitoring, could be of significant benefit and could utilize staff that are trained in the work, but not necessarily social workers or even college graduates. Also, night and weekend report centers, community restitution programs and more extensive job programs are needed. Most of the counseling and family treatment agenda is wasted effort if the juvenile is not in school or work daily. Both the parents and the juveniles the ACA team spoke with indicated that lack of good reintegration programming was a primary concern.

PASS AND RELEASE POLICY

In reviewing the pass policy that was in effect at the time of the unfortunate incident, the team found the policy and practice to be acceptable and reasonable. The statistics show it to be actually better than most programs. The original policy is considered better than the new policy presently in effect, but the team realizes the Department's need not to appear unresponsive to the community. It is believed that there should be a formal authorization provided by SRS on passes and releases for all A and B felons. This would establish an objective overview, with SRS taking the responsibility, rather than allowing the superintendent to be caught between competing needs.

The Department must remain aware of the public mood and take pro-active steps to protect the community. The authority to issue passes and make release decisions (within present guidelines, checks and balances) should be protected. To lose that authority would work against the best interests of the juveniles and the community.

When community outrage dictates, reality necessitates a tightening of pass and release policies and practice. It should not, however, be a permanent reaction. All juveniles in the system will return to the community, so meaningful reintegration practices must be continued for the long-term benefit of the community.

ADMINISTRATION AND MANAGEMENT

Before any of the issues mentioned in this report can be adequately addressed, it will be necessary to develop a clear juvenile offender identity within SRS. That identity can be created by a reorganization that separates children in need of care and adult services from juvenile offender services.

There are several ways to achieve this, with the most obvious being the creation of adult, children in need of care and juvenile offender divisions. Youth Centers and field workers with specific juvenile offender problems need to have a central office contact available on a daily basis--someone not diverted to other programs. The commissioner with the responsibility for policy and other broader functions can not, and should not, fill that daily support and problem solving role.

There is a need, also, for a visible Juvenile Offender Program presence in central office. Until that occurs, critics will have proof that SRS is not responding to juvenile offender needs. At a minimum, this position must incorporate a name and a title that instills confidence in the community that the public will be protected.

Although it may not be possible to create district juvenile offender services in each county, whenever possible, such offices should be established. Coordination between Youth Centers and the field needs improvement and is essential, particularly if accountability-based supervision programs in the community are expanded.

RECOMMENDATIONS

In accordance with the tasks assigned to team members, the following recommendations are offered.

1. The Kansas Juvenile Code is an excellent code that needs no major changes. The code is very flexible and responsive to recent changes in juvenile behavior and public risk. If, however, in the next legislative session, the code comes under major attack, SRS should prepare a backup set of recommended code changes. Don't be caught empty handed--juvenile crime will be a major issue.
2. The Family Agenda provides Kansas with a professional, sensible philosophy for handling problems related to children and families. However, it does not clearly delineate juvenile offender problems and solutions from children in need of care problems and solutions. It creates the impression of being soft on crime and ignoring victims. Without changing the substance of the Family Agenda, SRS can change the image by speaking specifically about public safety, controls, accountability and responsibility.
3. The Youth Centers operate programs better than most in the United States. The state is fortunate to have experienced, thoughtful facility leaders who understand the symmetry between public safety and community/family treatment needs. Current policy and practice in the Youth Centers provide

adequate balance between public safety and treatment of juvenile offenders. The Youth Centers operate well within national juvenile corrections vision, mission, standards, policies, procedures and practices as defined by both ACA and the broader juvenile justice community.

4. The SRS Field Offices may need additional support, guidance, organization and training to implement additional community-based programs that stress accountability, responsibility, control and structure. These programs differ from traditional children in need of care programs and must be supported with additional resources. Failure to do this will cause the courts, as a result of public demands, to increase institutional commitments at a far greater cost.
5. The flexibility given SRS in the determination of juvenile passes and releases should be protected. The record and statistics indicate that both public safety and juvenile offenders are considered adequately. SRS should create a formal review structure for passes and releases on all A and B felony cases to protect institution superintendents and show the community the Department's concern for public safety.
6. Reorganization (either formal or informal) to give a specific identity to juvenile offenders is needed before the legislative session. SRS must show they can protect the public or Juvenile Offender Programs will be removed from their jurisdiction.

My Name is STEPHEN HIEBSCH,
I REPRESENT NAGE. LOCAL R14-147 (YCAT)
AND REPRESENT THE LARGEST GROUP OF
EMPLOYEES (53%), THAT BEING YOUTH
SERVICES. YOUTH SERVICES PROVIDE THE
24 HOUR SUPERVISION OF THOSE YOUTHS
INCARCERATED AT THE FACILITY. I
MYSELF HAVE BEEN AT YCAT SINCE
NOV. 1987.

I COME BEFORE YOU TODAY
IN SUPPORT OF H.B. 2707.

THE FACE OF KANSAS
JUVENILE CRIME HAS CHANGED, BUT
THE SYSTEM HAS NOT CAUGHT UP
WITH THE TIMES. (H.B. 2707 WILL)

KANSAS RECENTLY WAS RANKED THE
15TH WORST STATE TO LIVE IN i.e.,
THIS INCLUDED JUVENILE CRIME AS CRITERIA.

KANSAS AGAIN SCORES POORLY IN OUR
RANKING 45TH IN THE NATION, IN THE
INCARCERATION OF JUVENILES. (12-18)

THE KINDS OF CRIME 10-20
YEARS AGO WHICH BROUGHT YOUTHS TO
YCAT WERE: SHOPLIFTING, RUNNING
AWAY, NOT ATTENDING SCHOOL, etc.

(2)

Now in 1994 Kansas
VCAT HOUSES SOME OF THE MOST
VIOLENT YOUNG MEN! BETWEEN 14-21
YEARS OLD. OVER 70% OF THOSE
HOLD AT VCAT HAVE COMMITTED CRIMES
THAT RANGE FROM BURGLARY TO 1ST
DEGREE MURDER.

THE RECIDIVISM RATE AT
VCAT FOR 1991 AND 1993 FISCAL YEARS
ARE IDENTICAL (REFER TO ATTACHMENTS).

IN 1991 A SHAWNEE Co.
DIST ATTY. IN REVIEWING THE RECIDIVISM
RATE IN SHAWNEE Co., FOR YOUTHS RETURNING
TO VCAT AT 80%. (SEE ATTACHMENT)

INVESTIGATIONS BY THE
POST AUDIT IN 1986 AND 1988, IDENTIFIED
PROBLEMS PERTAINING TO SECURITY AND
PUBLIC SAFETY. IT IS THE LPA 1989,
WHICH I BELIEVE IS THE YARDSTICK
BY WHICH THE QUESTION OF WHETHER
OR NOT YOU PASS THIS BILL SHOULD
BE ANSWERED.

IN 1988 A WOMAN WAS
RAPED BY 4 YOUTHS WHO ESCAPED
FROM VCAT. FOLLOWING THIS INCIDENT
A FENCE WAS ERECTED AND AN INVESTIGA-
TION BY THE LPA ALSO WAS DONE IN
1989.

(3)

IN 1993 ACCORDING TO A WICHITA EAGLE ARTICLE, IDENTIFIES A SERIES OF HOMICIDES (3 IN TOPEKA, 2 IN WICHITA, AND 1 IN LAWRENCE) WHICH LINK THESE YOUTH TO YCAT.

IN 11/91 IN THE DRUG AND ALCOHOL PROGRAM AT YCAT, A STAFF MEMBER (YSS) ASSISTED 3 YOUTHS TO ATTEMPT ESCAPE FROM THE FACILITY, ONLY ONE CLIMBED THE FENCE. THE YOUTHS WERE SO DRUNK THE OTHER TWO COULDN'T GET OVER.

THE MURDER OF TIM RILEY BRINGS TO MIND ANOTHER EXAMPLE OF THE NEED TO HAVE AN AGENCY THAT SPECIFICALLY FOCUS ON AND ADDRESS JUVENILE ISSUES.

LETTERS BETWEEN SEN. HENSLEY AND SEN. DONNA WHITEMAN WERE WRITTEN, TO ADDRESS ISSUES THE SENATOR HAD IN REGARD TO A YOUTH (NOW CONVICTED) IN THE HOMICIDE WHO HAD NUMEROUS ESCAPES FROM HIS PLACEMENTS WHILE ON "EXTENDED PASS" (REFER TO LETTERS)

DEFINITION - 21-3611

EXTENDED PASS NOT RELEASE FROM YCAT 3-3

I COULD CITE OTHER
EXAMPLES WHICH I BELIEVE SUPPORT
THE PASSAGE OF 2707.

HOWEVER, ANOTHER COMPONENT
IS THE REHABILITATION PROCESS AGAIN
THE USE OF A "BEHAVIOR MODIFI. SYSTEM"
WHICH AWARDS POINTS FOR POSITIVE BEHAVIOR.
FALLS SHORT OF PREPARING YOUTHS TO
GO BACK TO SOCIETY. AS PUBLIC
DEFENDER ROBERT WELF SAID, "PROGRAMS
WHICH AWARDED POINTS FOR 'CLEANING
ROOMS OR MAKING BEDS ARE BOUND
TO FAIL." HE WENT ON TO SAY
"THERE'S NO ONE GIVING POINTS ON
THE OUTSIDE." (WICHITA EAGLE '91)

PROGRAMS WHICH TRAIN A
YOUTH IN A VOCATIONAL PROGRAM, I
BELIEVE NEED TO BE IN PLACE.
IMPROVED AND SPECIFIC FOCUS PLACED
ON YOUTHS GOING ON PASSES OR BEING
RELEASED ALSO NEED TO BE ADDRESSED
AND I BELIEVE HAVING AN AGENCY
WHICH LOOKS ONLY AT JUVENILE ISSUES
CAN ACCOMPLISH THIS MISSION, 2707
DOES THAT. EXAMPLES PREVIOUSLY
MENTIONED SUPPORT THIS ISSUE TOO.

IN CLOSING I WOULD
ONLY POINT OUT THAT IN THE
ACA REPORT ON YCAT ON (pg 8)
(QUOTE)

I BELIEVE THAT WHAT KANSAS
NEEDS IS A MORE CLEAR FOCUSED
APPROACH IN RESOLVING ISSUES INVOLVING
JUVENILE INCARCERATION, JUVENILE PROGRAMS,
RELEASES (PASSES/DISCHARGE), SECURITY AND
PUBLIC SAFETY.

"IT IS THE RESPONSIBILITY
OF GOV'T TO ENSURE THE SAFETY OF
ITS PEOPLE" (- T. JEFFERSON)

I THANK YOU FOR ALLOWING
ME AGAIN TO SPEAK TO THIS COMMITTEE.

I AM AVAILABLE TO MEET WITH
ANY OF YOU WHO MIGHT WISH TO TALK
TO ME OUTSIDE OF THIS BODY.

Stephen L. Hirsch

STATE OF KANSAS

ANTHONY HENSLEY
STATE SENATOR, NINETEENTH DISTRICT
SHAWNEE, DOUGLAS & OSAGE COUNTIES

HOME ADDRESS:
2226 S.E. VIRGINIA AVENUE
TOPEKA, KANSAS 66605-1357
(913) 232-1944—HOME

STATEHOUSE ADDRESS
ROOM 403-N
STATEHOUSE
TOPEKA, KANSAS 66612-1504
(913) 296-7373
1-800-432-3924



TOPEKA

KANSAS SENATE

March 4, 1993

COMMITTEE ASSIGNMENTS
RANKING MINORITY MEMBER: FINANCIAL INSTITUTIONS
AND INSURANCE
MEMBER: COMMERCE
EDUCATION
FEDERAL AND STATE AFFAIRS
LEGISLATIVE POST AUDIT
HEALTH CARE DECISIONS FOR
THE 1990S
KANSAS HEALTHY KIDS, INC.

Mr. Harold F. Allen, Superintendent
Youth Center at Topeka
1440 NW 25th Street
Topeka, KS 66618

Re: Joshua Kaiser

Dear Mr. Allen:

It has come to my attention that a youth from the Youth Center at Topeka named Joshua Kaiser was allegedly involved in the homicide of a Topeka man on the morning of March 1, 1993.

Several issues regarding the stay of Joshua Kaiser at YCAT have caused me to be concerned about the security and placement procedures of the youth center and the effects those procedures could have on public safety.

Initially, I would like to know why there were no charges filed under the aggravated juvenile delinquent code for escape from custody against Joshua Kaiser in light of his previous escapes from custody? As I understand it, he has previously escaped five times from various placements. Those escapes included four times from Douglas County Citizens Committee on Alcoholism program and an additional escape from Sedgwick County Youth Project.

My second concern pertains to the placement of Joshua Kaiser on an extended pass on February 1, 1993, immediately following his placement in Jayhawk (maximum security) cottage on January 1, 1993. I would be interested to hear your justification for that action.

Thirdly, although Joshua is formally listed as a non-violent offender, are there any incidents of violence listed in his master file which would indicate he could have been a threat to public safety?

Additionally, I would like to know what the reporting policy of YCAT is when a youth walks off or escapes from an off-campus placement such as DCCA or SCYP? At what point does the administration consider it to be appropriate to file charges against a youth for aggravated juvenile delinquency - escape from custody? Was there a recommendation for releasing Joshua Kaiser in spite of his numerous walk-aways from custody? If so, who made that recommendation and what was the rationale used?

Mr. Harold Allen
March 4, 1993
Page 2

A February 22, 1993 memorandum on the subject of "purges" from Dr. Leo Herrman, YCAT program director, said that Joshua Kaiser could be discharged in the middle of March. What were the results of the clinical assessment which justified the release of Joshua at that time?

In the same memo sixty-one (61) other youths are listed as candidates for release. I have been made aware that some of these youths are violent offenders, while others are not. Specifically, I would like to know the current criteria for releasing youths from the facility. Are you releasing youths named on this list that have recently been placed in maximum security due to inappropriate behavior at YCAT? If so, could you please explain to me how you will justify their release?

Next, I want to know how many youths presently housed at YCAT are under the custody of the Department of Corrections as authorized by K.S.A. 75-5206(d)? How many of these youths have been allowed to go off campus within the last year to participate in activities and events in the Topeka community?

Finally, I would like to know how many youths have been "purged" within the last year from YCAT and then returned because they violated the conditions of their release? Also, please let me know how many youths were placed in off-campus programs such as DCCA and SCYP and then returned to YCAT due to violating the conditions of their placement?

Certainly, you can understand my concerns regarding the inappropriate early release of youth who could be a threat to the safety of the citizens of Topeka and the state of Kansas. YCAT has a responsibility to maintain the safety of the public and I want to be assured that such a responsibility is being carried out.

I look forward to receiving your written response to my concerns as soon as possible.

Sincerely,

Anthony Hensley
State Senator

cc: Governor Joan Finney
Donna Whiteman, SRS Secretary
Members of the Shawnee County Legislative delegation



JOAN FINNEY, GOVERNOR OF THE STATE OF KANSAS

KANSAS DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES

DONNA WHITEMAN, SECRETARY

March 8, 1993

The Honorable Anthony Hensley
Capitol Bldg. 403 N
Topeka, Kansas 66612

Dear Senator Hensley,

This letter is in response to your recent letter to Superintendent Allen concerning the issues regarding Joshua Kaiser's placement at the Youth Center at Topeka. We cannot address Mr. Kaiser's case directly as pursuant to federal and state law he is entitled to have his records remain confidential. I will attempt however to respond to your questions in the order you addressed them in your letter to Superintendent Allen.

In KSA 21-3611, Aggravated Juvenile Delinquency, is defined as specific acts committed by a child 16 or more years subject to the Kansas Juvenile Code who is confined in any training or rehabilitation facility under the jurisdiction and control of SRS. Paragraph 4 defines running away or escaping from any such institution or facility after having previously run away or escaped from one as one of the acts which gives rise to charges of Aggravated Juvenile Delinquency. The Youth Center's experience has been that county and district attorneys are reluctant to prosecute when the specific statutory requirement of having escaped from an SRS institution are not present.

A student may be placed in Jayhawk not because he is considered a security risk or a danger but as a matter of holding when returned from an off-campus program until the treatment team can make a decision on disposition.

While all acts of violence are consequented, they are not all equal. Classification of youth as violent offenders is serious and requires careful consideration of the facts and circumstances of each incident. An accumulation of serious incidents may result in classification as a violent offender if they indicate others are in danger.

When a student escapes from an off-campus placement, the agency notifies the Youth Center security who in turn makes an entry into the National Crime Information Center System and informs the Superintendent who notifies central

The Honorable Anthony Hensley
March 8, 1993
Page 2

office. Additionally the primary clinician is informed so that the parents are alerted. The Youth Center would also consider filing charges.

The criteria used for releasing youth from the facility include seriousness of committing offense, age, length of stay, achievement of treatment goals, community reaction to release, student is a danger to himself or others, and the appropriateness of the placement. The purge list includes students who are completing their program and who could be released if evaluation of the above criteria justifies release. The list is strictly for names being considered and not a decision document. There are times when the Youth Center releases students from Jayhawk Cottage. Experience has taught us that students often become over anxious or exhibit inappropriate behavior because of their pending release. They may be placed in Jayhawk to reduce negative pressure on other students or staff. The Youth Center does not release a student who is considered a significant threat to himself or others.

There are three Juvenile Felons at the Youth Center who are under the custody of the Department of Corrections (DOC). Two of these juveniles did leave campus and then only with staff supervision. This was in accordance with the Memorandum of Agreement with DOC. One student is a member of the Youth Center's Speaker's Bureau and Youth Mentor Group so he does go off campus on occasion but is restricted to Shawnee County.

The Youth Center cannot give you an accurate listing of students who have been purged and returned. However since July 1, 1992 the Youth Center released 205 students and experienced 11 returnees. Also during the same period, we placed 43 students in off-campus programs and 17 have been returned to the Youth Center.

I hope these responses will answer your issues/concerns. The Youth Center shares your feeling of its responsibility to maintain the safety of the public. We take this responsibility seriously and make every effort to exercise Professionally sound judgment in predicting which youth are likely to harm themselves or others. As a teacher of students at Topeka State Hospital Campus I'm sure you appreciate how difficult it is to predict human behavior. I am proud of our staff, the work they do and the tough decisions they make every day.

Sincerely,


Donna L. Whiteman

HFA:csw
cc: Governor Finney
cc: Superintendent Harry Allen
cc: Carolyn Hill
cc: Shawnee County Legislative Delegation

March 22, 1993

Donna Whiteman, Secretary
Kansas Department of SRS
Docking State Office Building
Topeka, Kansas 66612

Re: Your letter of March 8, 1993 and other issues

Dear Secretary Whiteman:

Thank you for your letter, dated March 8, 1993, in which you addressed several of my concerns regarding the Youth Center at Topeka (YCAT) and the case of Joshua Kaiser. Unfortunately, I still have some questions regarding the security and placement procedures used by YCAT, which I hope you are able to answer.

But, before going into those questions I have two other issues I would ask you to address. First, I must advise you that I have been informed that the other youth, Jason Shaeffer, who was allegedly involved in the recent murder of a Topeka man is on release from the Youth Center at Atchison. None of the news media accounts of the murder have mentioned this, and I would like to know if this is true.

Second, this past Saturday night, March 20, 1993, an undetermined number of youths in Jayhawk (maximum security) cottage overcame three staff people and attempted to escape from YCAT over the fence. How many youths were involved in this incident? How could this breach of security have occurred in a maximum security cottage? How was this incident responded to? As a result of the response, were any other cottages left with single coverage? Were any persons injured as a result of this incident? Were any of the staff people involved in the incident also victims of previous escapes from Jayhawk cottage? What has been done by the YCAT administration to find out what happened?

Initially, you claim in your March 8th letter that the decision not to prosecute for escape from custody occurs because of the absence of the specific statutory requirement. It is my understanding that Joshua Kaiser has violated KSA 21-3611 several times, yet SRS officials have never filed charges. Once again, I must ask at what point does that YCAT administration consider it appropriate to file aggravated juvenile delinquency charges? Apparently, the administration considers this an important matter given the fact that each youth entering YCAT must sign a "Notice of Advisement" to indicate that he has been informed of the consequences of violating KSA 21-3611. I am attaching a copy of YCAT's "Notice of Advisement" to this letter.

Secretary Donna Whiteman
March 22, 1993
Page 2

You believe that county and district attorneys are reluctant to prosecute under KSA 21-3611. Have you discussed this issue with the present Shawnee County District Attorney, Joan Hamilton? Was Ms. Hamilton informed when Joshua Kaiser escaped from custody in January of this year?

Your explanation that an offender may be placed in Jayhawk (maximum security) cottage for the purpose of evaluation certainly makes sense. However, I still do not understand why a student who had been returned to YCAT from off-campus programs several times was released into the community again. Your explanation fails to address my concern regarding the justification for releasing Joshua Kaiser into the community. Finally, I would like to know who deemed the recommendation of his release to be appropriate.

You indicate that off-campus placement agencies and YCAT have a specific procedure for reporting escapes. Has the Douglas County Citizens Committee on Alcoholism facility consistently followed that procedure? Were those procedures followed in the case of Joshua Kaiser? You also indicate that YCAT would consider filing charges. Once again the question arises, how many escapes must occur before the YCAT administration recognizes the escape as a crime?

You describe that a part of the criteria for releasing youth from YCAT is the achievement of treatment goals. If Joshua Kaiser has escaped from various placements five different times, how did he achieve his treatment goals? The next criteria that you mention is the community reaction to the release of the offender. How is community reaction ascertained in the release of an offender from YCAT? Was the Shawnee County District Attorney notified of Joshua Kaiser's release? Was the District Attorney aware that Joshua had escaped several times from various placements? Most importantly, was the District Attorney aware that the majority of those escapes occurred from a Shawnee County placement?

You stated that there are occurrences of releasing youths directly from Jayhawk cottage to the community. I do not understand why a student who had demonstrated inappropriate behavior would be released. What type of assessment does YCAT perform to justify a release?

You referred to the instances of juveniles under the custody of the Department of Corrections leaving the YCAT facility. What is the criteria outlined in the Memorandum of Agreement with the DOC? I have been informed of two instances in which youths under DOC custody were allowed off campus for activities in Shawnee County.

First, a youth under DOC custody and two other youths were allowed off campus from 8:00 p.m. to 2:30 a.m. on the weekend of February 13 and 14, 1993. How many staff people accompanied these youths that weekend and were any other violent offenders allowed on the same trip? Was this occurrence in accordance with the DOC memorandum and YCAT policy?

Secretary Donna Whiteman
March 22, 1993
Page 3

Secondly, according to a memorandum dated February 22, 1993, a staff member took nine youths off campus to the Starlight Skate Center in South Topeka. The trip occurred on February 21, 1993, and the students were gone from 7:00 p.m. to 9:30 p.m. Two of the youths on the trip were juvenile felons and four were incarcerated in YCAT for conviction of first degree murder. In addition, two of those four youths are from the Topeka area. How many staff provided escort for this activity? Was there an adequate number of staff to provide supervision for nine youths? What is the rationale for allowing these youths off campus rather than youths who are in YCAT for lesser violations?

In my opinion, these activities pose a potential threat to the safety of the citizens of Topeka. Did the YCAT administration notify anyone in Shawnee County or the home counties of the youths regarding these trips? Did YCAT provide public notification to the District Attorney, local law enforcement officials, or the victims families when these incidents occurred?

It is my impression that the assessment, security and off-campus placement procedures used by the Youth Center at Topeka must be strengthened. I support adequate rehabilitation for each youth who is placed at YCAT. However, I also hope that attempts at rehabilitation do not pose a threat to the safety of the public.

I appreciate your response to my concerns and I look forward to hearing from you again soon.

Sincerely,

Anthony Hensley
State Senator
19th District

AH:bd
cc: Governor Joan Finney
YCAT Superintendent Harry Allen
Carolyn Hill
Shawnee County Legislative delegation



JOAN FINNEY, GOVERNOR OF THE STATE OF KANSAS

KANSAS DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES

DONNA WHITEMAN, SECRETARY

April 2, 1993

The Honorable Anthony Hensley
Capitol Bldg. 403-N
Topeka, KS 66612-1504

Dear Senator Hensley:

This letter is in response to the your letter of March 22, 1993 regarding security and placement procedures used by the Youth Center at Topeka. I will respond to your questions in the order you addressed them but questions concerning Joshua Kaiser or Jason Shaeffer cannot be answered based on federal and state law. Both are entitled to have their records remain confidential.

You asked about the recent attempted escape by students from Jayhawk Cottage. Four students overpowered staff in the cottage. The students were quickly apprehended while still on campus and returned to Jayhawk Cottage. As a result of the alert, all available staff responded to the incident. This would leave some cottages with single coverage, however the cottage is secured before staff respond. Some staff involved in the incident did sustain minor injuries. Two of the staff had been involved in a previous escape attempt from Jayhawk Cottage. As with any escape or attempted escape, Incident Reports and debriefings are used to examine the incident and respond with corrective action if needed. A full investigation is being conducted.

The Youth Center would request charges of Aggravated Juvenile Delinquency when serious or chronic escapes occur from institutional grounds present a threat to public safety or the habilitation program. It is difficult to prosecute students for Aggravated Juvenile Delinquency as a result of their running from passes and transitional living programs because K.S.A. 21-3611 requires escape from an SRS institution. This interpretation was confirmed by the previous Shawnee County district attorney's office and SRS legal. We have not discussed this issue with the present Shawnee County district attorney.

The Honorable Anthony Hensley
April 2, 1993
Page 2

Jayhawk Cottage is the most secure facility at the Youth Center but certainly is not maximum security by any standard definition in its programming nor reasons for placing students in Jayhawk. It may alleviate some of your concerns to learn you were provided incomplete and inaccurate information. Some of your assertions are simply not true. The Superintendent, statutorily, has the responsibility for release from the Youth Center campus. He must rely upon the professional skills of the Treatment Team to provide recommendations on any student. They work very hard and make tough decisions daily.

You question whether the Douglas County Citizens Committee on Alcoholism facility has followed procedure for reporting escapes. To my knowledge, they have and the Youth Center has had several meetings with DCCCA to refine/strengthen their reporting procedures since they are a new facility. You may want to contact Mr. Bob Rooks, Program Director at DCCCA for more information. I requested Commissioner Hill and Andrew O'Donovan to do a site visit to this facility to review its structure and programming.

Regarding the question of community reaction to releases of an offender from YCAT, a notice is sent to area SRS offices and the courts informing the communities about proposed releases for Youth Center students. For more serious or violent offenders, there is legislation which requires a 45 day notice and opportunity for communities to have a court hearing if they have a problem with a release. Extended passes are not considered releases from the Youth Center.

Students are released from the Youth Center even though they may have demonstrated "inappropriate behavior". The Youth Center serves the most problematic and disturbed youths in the State of Kansas. The objective often is to bring youths to their maximum level of appropriate behavior and insure that they are a not danger to themselves or others. The Treatment Team makes recommendations regarding release based on criteria dealing with the maximum benefit the student has received from the program, level of functioning, treatment goals and plans, and safety to himself and others.

There have been instances in which youth under DOC custody have been allowed off campus for activities in Shawnee County and in accordance with the memorandum of agreement (attached). There has always been adequate staff supervision when these students have been off campus. Three students were taken off campus on the days indicated with one staff member as part of the Mentor Program. This off campus activity was indeed in accordance with the DOC memorandum and Youth Center policy. The trip to the skating center occurred with one staff and two volunteers also as part of the

The Honorable Anthony Hensley
April 2, 1993
Page 3

Mentor Program. These students are mentored by significant role models from the Topeka community. This has been demonstrated to be a effective volunteer program with very good results. We have found our serious offenders are most in need of proper role modeling and benefit most from this program. The Mentor Program permits serious offenders the opportunity to spend time off campus in supervised and structured activities and it works well both in rehabilitating youth and safeguarding the public.

Your last question concerns notification when these supervised off-campus activities occur. The Youth Center does not routinely notify the personnel you list. These off-campus activities are numerous, well supervised, and have been without incident. There is always some degree of risk whenever a youth leaves the Youth Center campus however this is minimized with proper supervision and the fact students known to be dangerous would not be permitted to participate. This raises the broader debate regarding rehabilitation versus public safety and, of course, everyone has their opinion on this. For your information, since July 1, 1992 the Youth Center released 205 students and experienced 11 returnees. Your last paragraph states you support adequate rehabilitation for each youth placed at the Youth Center. I would welcome the opportunity to sit down with you and discuss how we can do a better job of rehabilitation. I look forward to this opportunity.

Sincerely



Donna L. Whiteman

DLW:pl
Attachment
cc: Governor Finney
Superintendent Allen
Carolyn Hill
Shawnee County Legislative Delegation

Study: 80% of youth center clients relapse

By MICHAEL RYAN
Capital-Journal legal affairs writer

As many as 80 percent of area youths released from the Youth Center at Topeka are still a danger to society.

That was the preliminary conclusion of a study by the Shawnee County District Attorney's Office.

Assistant District Attorney Jean Schmidt, who handles juvenile offender cases in Shawnee County, said she was concerned that youths weren't seeming to benefit from the juvenile court's varied rehabilitation programs.

So Schmidt decided to study the situation. She started with YCAT because it held the most readily available data.

The YCAT figures also are in-

structive because the state-run facility north of Topeka is the most severe punishment available for juveniles who commit crimes.

What Schmidt did was cross-check YCAT release records with computer-held arrest information.

What Schmidt found is this: Eighty percent of Shawnee County youths sent to YCAT since 1984 have been arrested for a felony after being released.

Of those 80 percent who were re-arrested, about two-thirds were convicted. That figure may be higher — Schmidt doesn't have all the numbers yet.

While another arrest doesn't necessarily mean the youths didn't gain anything from YCAT, Schmidt said it does indicate one thing.

"It has not made them less dan-

gerous to the community," she said.

But neither Schmidt nor her boss, District Attorney Gene Olander, blame YCAT for the figures.

Kids are simply more violent, they said.

"Maybe they're too far gone by the time we're sending them there," Schmidt said.

Olander has a shorter explanation. "Inadequate and indifferent parenting," he said. "It's an illness of our society. I don't think our criminal justice system is where the answer lies. We can respond to it. But it's not a cure."

Both prosecutors agreed the cure might be in quicker state action — stepping in earlier to correct abusive and neglectful parenting.

"'Big Brother,' unfortunately," Olander said.

And then it may be too late.

Juvenile judges have the option of stepping aside and letting adult courts handle the worst juvenile offenders, such as murderers.

Schmidt said trying such juveniles as adults may be something the system should do more often.

Children are more violent than they used to be because of the availability of guns and drugs, Schmidt said. "That's my main concern."

Schmidt said her study needs more work. But in the end, she said, she hopes it creates awareness in the community and the criminal justice system that more must be done about violent youths.

"It sounds trite, but it's true. If you don't get them while they're young, you can just write them off when they're older," she said.

Juveniles in the criminal justice system are classified in one of two ways: a "child in need of care," the victim of abuse or neglect; and a "juvenile offender," one who victimizes others.

Many children in need of care tend to lash out and become juvenile offenders. Thus, prosecutors say, to cut down on the number of offenders, the children in need of care must be reached earlier.

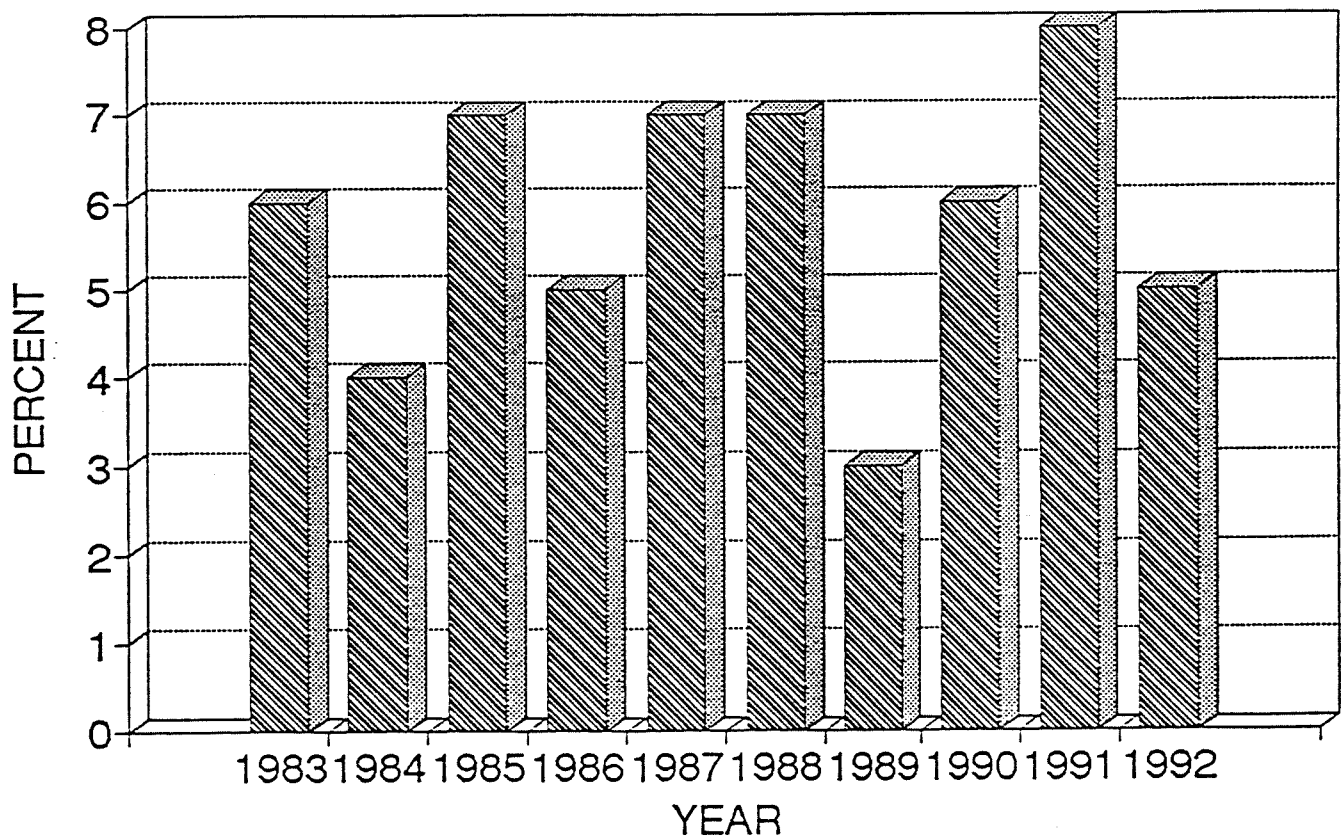
Teachers, counselors, social workers and even neighbors are charged with identifying children in need of care. The state Department of Social and Rehabilitation Services and the juvenile courts are charged with doing something about them.

One problem is a child's situation must be dire for state officials to intervene, Schmidt said.

CAPITOL JOURNAL
1/6/91

GRAPH 6

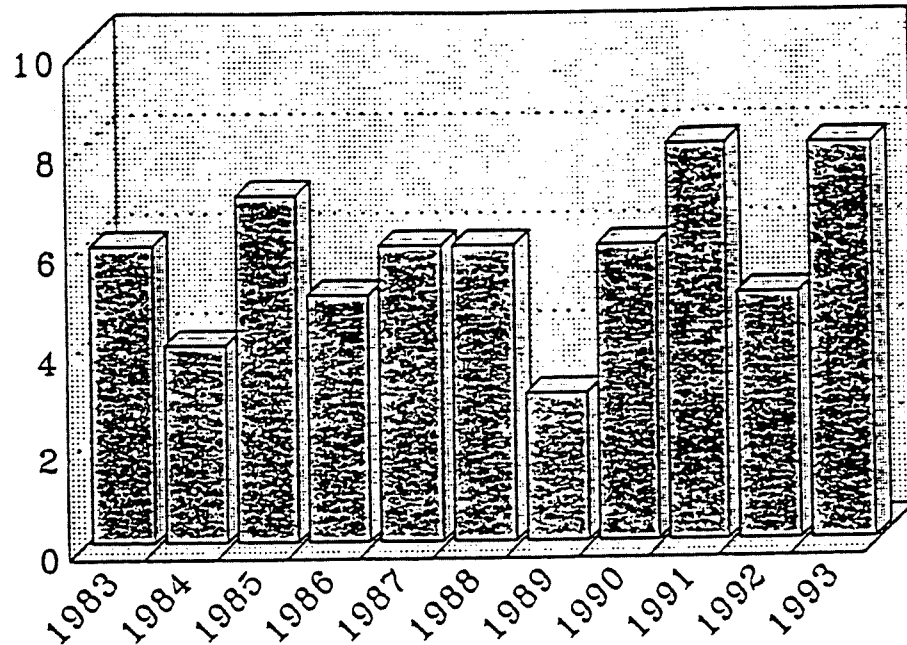
RECIDIVISM PERCENT OF RETURNEES



192 FISCAL REPORT
(VCAT)

RECIDIVISM

PERCENT OF RETURNEES



PERCENTAGE	6	4	7	5	6	6	3	6	8	5	8
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This graph compares the number of returnees over an 11 year period. Nineteen ninety-three (1993) was relatively high with 8% of the students who left the Youth Center at Topeka returning. This data should not be taken as a true measure of the Youth Center's success as it is unclear as to how many of the students released from the Youth Center may have gone on to the adult system and thus would not be a returnee even if they failed on their release.

193 FISCAL REPORT
YCAT

Juvenile justice lets society down

Topeka should have a warning posted at its border telling newcomers, "You must be as tall as this sign to commit a crime in this city."

Until the chamber of commerce gets that done, we'll just have to put up with a certain amount of juvenile crime.

The question is, though, how much? How much is occurring naturally and how much happens because the juvenile justice system allows it to happen?

Even at its flawless best, the juvenile justice system would face a tall order in dealing with juvenile crime.

The nature of the juvenile beast has changed in the past few decades; we're no longer talking about miscreants stealing fruit from the corner grocery. Kids are shooting, maiming, killing and raping — no misdeeds, it seems, are relegated solely to those over 18.

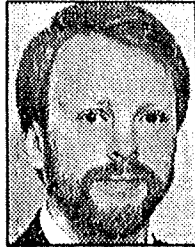
But guess what? The justice system isn't responding flawlessly, or even acceptably.

In many ways the system is flawed from the start. Despite the fact that there are some downright cold-blooded killers in our teen-age ranks, Kansas law has a ludicrous sunset provision which orders authorities to release juvenile offenders once they reach age 21 (and because of overcrowding and ill-designed rehabilitation programs, many of the youthful offenders are long gone by age 21). Clearly, the law gives us precious little time to rehabilitate the most violent offenders.

And perhaps the law is wrong in how it defines a juvenile in the first place. Maybe adulthood really starts at age 16 instead of 18. Face it. Not only have children changed, childhood itself has evolved. It ends sooner than it used to. And often, uglier than it used to. The legal system might like to wake up to that fact.

And what of rehabilitation?

We talk a lot about it in the adult criminal



Michael Ryan

Legal
affairs

justice system, but that's plainly gibberish; we all know that most adults, particularly the anti-social ones, are loathe to change — and, anyway, that they face an uphill battle doing so in the adult system. Whether they admit it or not, adult correctional officials have their hands full just warehousing these misfits; any notion of rehabilitation must wait until the advent of the 48-hour day.

But we've always thought kids were different. We can get to them in time. They're still impressionable. We can show them there's more to life than rotten family lives.

It can work. A lot of times. So we shouldn't give up on rehabilitation in the juvenile system.

But we also need to be realistic. There's too many troubled kids to get to very early, and juvenile authorities freely admit to that. And even when we do intervene in a young life, the facilities we have to help them are so strained as to be useless at times.

So the choice must be made here; do we pump enough money and new life into those juvenile facilities — the youth centers, group and foster homes, the drug and alcohol programs — to really make a difference? Or should we accept the fact that we can't follow through on the promise of rehabilitation and concentrate more on pure punishment?

The sensible answer, unfortunately, is to do a little of both.

The first thing to do is give the problem its due airing in the Legislature. Too often, a small circle of legislators who really care about the problems of youth is looked down on by other

legislators as some sort of kiddie special interest group, or advocates of "women's" issues. Well, the kinds of crime being perpetrated by juveniles are no longer kid's stuff, and these aren't women's issues; they affect men and women alike. Violent people, young or old, don't much care which restroom you frequent.

The legislators who look down their noses at these problems ought to be dumped on the south steps of the Statehouse so the rest can get some work done.

The next step, after the Legislature pumps some resources into the system, may be to question whether the state's Department of Social and Rehabilitation Services — a nightmarish bureaucratic leviathan by any standard — is really up to the task of dealing with our delinquents.

Its past performance has been, diplomatically speaking, questionable. A year ago, four Youth Center at Topeka escapees brutally raped a southeast Topeka woman in her home. Now, in the recent gang rape of a 15-year-old Topeka girl, allegations have surfaced that one of the attackers was a twice-convicted sex offender that SRS had held at YCAT only from April of this year to Sept. 19 — mere hours before the attack on the girl. The youthful suspect was reportedly unconditionally released by SRS, despite his not having entered and completed YCAT's sex offender program.

If true, these allegations are a sickening indictment of SRS incompetence, especially given the lesson that last year's gang rape taught the Topeka community and should have taught SRS.

The state's response to the 1988 gang rape was a security fence. But no matter how high it is, it won't block the acts of youths who are voluntarily released by the center.

It makes you wonder how some YCAT workers and SRS officials sleep at night.

And whether the juvenile justice system would know a violent kid if he thwacked it on the head.

Michael Ryan is Capital-Journal legal affairs writer.

The legislators who look down their noses at these problems ought to be dumped on the steps of the Statehouse so the rest can get some work done.

8-D The Topeka Capital-Journal, Friday, December 11, 1992

Gang-related shots reported at house

The Capital-Journal

A 20-year-old Topeka woman told police she was shot at early Wednesday during what she said was a botched gang initiation.

The woman reported the gunfire at 6:35 p.m. Wednesday and said the shots were fired at 1 a.m.

The victim told police she was asleep in her house in the 600 block of S.W. Polk when she heard two people kicking at the front door.

Detective Sgt. William Huffmier said the victim asked the two what they were doing. They told her they were looking for a fugitive from the Youth Center at Topeka who was allegedly being housed in the woman's residence.

The woman told police the people were looking for the escapee to initiate him into a sect of a street gang.

Other officers said the escapee reported two weeks ago the same people had taken his shoes and shirt during some sort of attack.

Wednesday, the woman told the

two at the front door the escapee wasn't there.

One of the two assailants pulled a handgun and began shooting at the woman. She ducked down under the window and wasn't injured.

Police found several bullet holes in the building and shell casings on the ground outside.

The area is the scene of frequent gunshot calls.

The same assailants also apparently broke into a man's apartment in the 600 block of S.W. 7th around 1 a.m. Wednesday.

An officer said they were looking for the YCAT escapee in that apartment but had the wrong address.

The occupant of the apartment chased them out the back door.

The escapee in question has since surrendered to authorities.

Wednesday's case remains under investigation.

Complete descriptions of the assailants weren't available, but they were seen getting into a dark-colored, four-door, unknown model Lincoln car.



POLICE REPORTS



System breakdown

What's the difference between the average citizen and a state expert on juvenile offenders?

One has little idea how to deal with violent criminals and the other is a lay person.

For years, the state allowed its Youth Center at Topeka murderers, rapists, thieves and miscreants to simply walk away from the facility, sometimes to prey on unsuspecting Topekans doing no more than sleeping in their beds. Then, the state cracked down and erected a high-dollar fence around the compound to make Topekans feel safe.

Of course, that does little good when the people with the key open the gate willingly.

Donnell Timley, 19, was housed at YCAT for the 1990 cold-blooded murder of developer Paul Bramlage when Timley was let out on a weekend pass, went AWOL and later was charged with the murder of YCAT supervisor Edwin Landrum on a Topeka street.

Superintendent Harry Allen's response? "The Timleys happen. You can't condemn the system without looking at the failures and successes."

Just how many successes, Mr. Allen, add up to one innocent life? Do you have a number handy?

No, the successes don't matter. The system has broken down.

The simple fact is, YCAT is a fish out of water. It is a well-meaning facility for wayward children when, in fact, the state is asking it to be a prison for dangerous young predators. Children have changed. YCAT hasn't kept up. Indeed, neither has the juvenile justice system.

For latest victim Edwin Landrum's upstanding life to shine, the state must fix the system.

For one thing, the state could decide that vicious murderers of any age must be kept away for more than a few years. The juvenile system now requires release of all youths by their 21st birthday, and many get out long before that.

For another, the state could lower the age at which the most violent offenders are treated as adults, perhaps from 18 to 16.

And finally, the state should be honest with itself and society by putting dangerous youths such as Timley into a more secure and prison-like environment than the current YCAT. If that means a few changes at YCAT, or a new juvenile prison, so be it.

In fairness to Allen and other YCAT officials, they merely play the hand dealt to them by the Legislature. And yet, it should be up to them to summon help when they are in over their heads.

Clearly, they are.

7/11/93 C.J.

PLEASE ROUTE TO STAFF IN YOUR AREA

Communication Meeting
November 2, 1992

O.D. - Mr. Jones:

Saturday October 31, 1992: Called cottages and checked coverage. Made responder team. Two cottages had single coverage. 23 staff on duty. Approved a phone call at the request of Kanza staff. Campus very mellow at this time. BDR had a group come to do clogging, a form of dance. There were 11 people, including our own Phil from Power Plant and his wife. There were 16 visitors on Saturday. On the 3 - 11 shift all cottages had double coverage but one. Responder team selected. Overall good day.

Sunday November 1, 1992: Received a statement that a Chippewa student, while on pass, was taken into custody for carrying a sawed off shotgun. Student is in custody at YRH, in Wichita Kansas. A couple cottages had single coverage. Moves were made on a temporary basis until cottage directors came in. Made responder team. 17 students attended Chapel. Went to Jayhawk talked with a student on cool-off. Campus mellow most of the morning. Was advised that around 9:40PM Saturday Night, two students in Arapaho had a confrontation which resulted in a fight. There was also an incident in Mohawk that occurred around 9:00PM where a student was put in restraints due to possibly harming himself. There were 62 visitors today. All appeared quiet. Evening coverage was double. Made responder team. Had two calls from parents stating that students would be late coming back. Cherokee wanted an okay to put a Suicide Precaution in Jayhawk if necessary. Told them to try Mohawk. Had one staff that left campus without permission. Officially I was off duty but I ran into staff and they went out gate upset. Will be doing memo regarding this.

Nurse: Had 3 calls. One student out of medication, one student injured during basketball game, one student with a sore throat that staff took care of. Also mentioned that there is currently a long waiting period for eye exams of approximately 45 days from time request is submitted until time student gets appointment at Topeka State Hospital for students. They are trying to get time shortened.

Beeper O.D.: Ron Simmons: Had 2 calls. One from security regarding student picked up in Wichita. One Sunday afternoon from Don Jones about same student picked up in Wichita.

Leo Herrman: We are closing in on time to purchase tickets for SRS Benefit Christmas Dance. You can purchase raffle and dance tickets from Debbie Kadous.

There will be a Parents Advisory meeting on Saturday November 7, 1992 at Jayhawk Towers. Everyone is encouraged to attend. The main issue they hope to discuss will be telephone policy. The meeting is from 10:00 AM to 12:00 Noon.

Tomorrow, November 3, 1992 there will be students from Mr. Hymer's class doing a YCAT poll for President. You may be asked to cast your ballot.

9/26/93

Well-meaning state policies have only helped create gangs

By FRANK JACOBS
Special to The Capital-Journal

I noted on the news that Abe Orr was arrested for an attempted carjacking, not more than two weeks after his brother was shot dead on the streets. The Capital-Journal reported that both brothers had been released from the Youth Center at Topeka.

Orr's alleged crime and Donnell Timley's alleged commission of a recent murder weren't isolated incidents of crime, among many "rehabilitated" releases from YCAT. In the 1970s a well-meaning Legislature shielded the proceedings of the juvenile court so as not to give a stigma to a well-intentioned youth trying to reform. Unfortunately, such a law prevents the public from scrutinizing when such policies of "rehabilitation" aren't working.

Our current laws and policies have deposited in Topeka a core group of more than 20 older adolescents who are neither in the work force nor in the school system and who cruise the community with impunity, terrorizing the citizenry. These youths are well-known to the courts and the police. But the public is not privy to their careers, or how public policies impact them.

Many have done time in YCAT, but after they have done their determined time, most are anointed with the absolution of rehabilitation. And by state Department of Social and

Rehabilitation Services policy — and because of a shortage of resources — they are reintegrated into the community that spawned them.

In essence, the Legislature and its instrument, SRS, have indirectly and unintentionally created gangs. The Bloods and Crips just gave a name and organizational identity to them.

But they are quite home-grown.

It is not my intent to condemn YCAT, although I feel its functions should be split into two classes. YCAT is attempting to do an impossible task, without adequate community resources and a confused mission statement.

Y C A T should really have a dual function. One is public safety and the other is rehabilitation. Lacking resources, and facing continuous pressure for more bed space, YCAT is pressured to abandon public safety and hope that rehabilitation worked on its graduates, often in the face of contrary evidence.

The real culprit in this situation is a trio of legislative and SRS policies:

1. community reintegration in all cases, as opposed to emancipation placements and severance of parental rights when indicated;

2. a naive expectation that community-based treatments will address the problem. Shawnee County and national data is beginning to indicate 20 percent of cases will fail in community-based treatment;

3. the companion to community-based treatment, a state moratorium on further juvenile residential development (such as the Villages). If we pretend that our policies are working, we can also avoid funding solutions. But we will continue to feed aggressive manpower into the local communities as we hide the reality from our citizenry with confidentiality laws.

The solution is in identifying those 20 percent of court-involved families who will never respond to programming and to socialize their children and place those children in better situations at much younger ages, where they can grow into productive citizenry — and taxpayers — and not into future wards of the state.

If this means abandoning our sacred cows of "reintegration with family of origin at any cost," and our moratorium on further residential development, so be it. What we're currently doing isn't working.

Likewise, the solution will cost money and take vision beyond the time frame of one political administration.

But then, so will doing nothing.

Jacobs has served as a professional in juvenile delinquency programs in Topeka for more than 20 years.



LETTERS

On a practical level, it appears the field offices do not have clear, specific direction in handling juvenile offenders. Although SRS workers in some of the larger communities specialize in juvenile offenders, it does not appear that the Department clearly emphasizes the juvenile offender agenda. As an example, there are estimates that it has been up to six years since all of the SRS field office supervisors have met with the superintendents of the Youth Centers.

Rather than discussing whether or not juveniles now come from families that are dysfunctional and not amenable to the Family Agenda, it is recommended that clear community reintegration programs be emphasized as an adaptation of the Family Agenda.

ACA

THE TOPEKA METRO NEWS

The Business, Community and Legal Newspaper of Topeka and Shawnee County
Volume 99, Number 79 Single Copy 50 cents Wednesday, September 30, 1992

Can family preservation cut state's juvenile incarceration rate?

BY BILL CRAVEN
Metro News Staff

First of two parts.

Kansas ranks in the top-third when compared to other states in many numerical ratings of juvenile welfare. But when it comes time to look at Kansas' juvenile incarceration rate, the states' national ranking plummets. Kansas Action for Children (KAC), a child advocacy group, says Kansas has a problem.

In fact, a review of county and court records places Kansas 45th in the nation in jailing kids between the ages of 12 and 18. The data was compiled as part of the Kansas Kids Count effort. KAC is lead agency for the project, funded by the Annie B. Casey Foundation.

If there is any good news in the report, it is that Kansas has the physical facilities to house kids who are in trouble, said Jennie Rose, the Kids Count project director for KAC. But the real lesson, she contends, is that Kansas is missing the chance to reach kids before they get into serious trouble.

"If we are locking up that many kids, something is wrong," she said.

Rose said the data should be considered a red flag—an alert to families, juvenile workers, teachers, and others that Kansas needs to re-think its strategy for dealing with juveniles who show signs of criminal



Jennie Rose, Kids Count project director for the Kansas Action for Children advocacy group, feels that the rate of incarcerated youth should be a "red flag" to officials that we aren't doing enough to preserve the family.

conduct.

KAC used data defining juvenile incarceration as placement in youth centers, according to Dr. Tom McDonald, a professor of social work at Kansas University and the person responsible for compiling the data. The data does not include status offenses such as truancy or running away from home, he said.

Rose said other states with available rankings include Colorado (28), Iowa (47), Missouri (32), California (44), New Jersey (11), and New York (35).

Rose and McDonald both said that Kansas should provide more flexibility to local officials so that early intervention into

please turn to page 7

Drag racers compete for \$1.1 million at Sear's Craftsman Nationals

Oct. 1-4 marks the fourth annual National Hot Rod Association weekend of drag racing at Heartland Park. The purse is set for \$1.1 million in the Sears Craftsman Nationals, and 600 drivers are expected to race in Topeka this weekend. It is one of the biggest race weekends of the season for Heartland Park.

Race fans have become accustomed to the Top Fuel event of the NHRA weekend here setting records. First, there was Shirley Muldowney's personal best time in 1989. In 1990, Heartland Park was the scene for the world record time of the late Gary Ormsby, a first-ever sub 4.9 second time. And in 1991, Pat Austin won in both the Top Fuel and the Top Alcohol Funny Car races, the first driver ever to win two categories at the same National event.

What records will fall this year? Kenny Bernstein, locked in a tight points race with reigning and four-time Winston Top Fuel champion Joe Amato thinks Heartland Park could be the place where the 300 mile per hour barrier can be broken. Bernstein should know. He has two recent runs of 301 and 300.70 mph.

Another record in danger is the 4.799 second record for the "world's quickest drag racer," which now belongs to Cory McClenathan, who will race here this weekend.

There are tight races for points in two of the three categories of the NHRA Winston Point series, top fuel, funny car, and pro stock. Driver Warren Johnson has quite a lead in the pro stock points, leading second place Scott Geoffrion by nearly 2,400 points.

Ticket prices range from \$10 for Thursday's time trials to \$23 or \$28 for general admission tickets on Saturday and Sunday, respectively. Pit passes cost an additional \$8 on weekends.

Gather up that hazardous waste, county's first collection day Nov 9

County residents can bring, paint, pesticides, drain cleaners—anything that can't go to the landfill

BY PETER HANCOCK
Metro News Staff

The Topeka-Shawnee County Household Hazardous Waste Collection Program will hold its first collection day on Saturday, Nov. 7, beginning at 9 a.m.

The collection site is located at the northeast corner of 9 North Street and E Street at Forbes Field.

Waste products that may be brought to the collection site include: paints, thinner, auto fluids, pesticides, rat and mouse poisons, herbicides, household products, photo chemicals and drain cleaners — items are not supposed to be dumped in landfills along with regular household trash.

There is a 50 pound limit on solid materials and five gallon limit on liquid materials. No business or commercial

gram is funded by a surcharge placed on commercial trash haulers who dump at the county landfill as well as users of construction and demolition landfills.

Materials brought to the collection site will be packaged, labeled and catalogued according to federal regulations, Voth said. Then they will be offered to other government departments for possible re-use and anything left over will be hauled to a commercial hazardous waste incinerator.

Voth said in addition to coordinating the household hazardous waste program, the county refuse department also is working to develop a county-wide recycling program for other materials, including paper, glass, plastic and metals.

The focus of those efforts now, he said, is to develop a regional program with several counties in the area to improve markets and reduce the cost collecting recyclable materials.

...in addition to coordinating the household hazardous waste program, the county refuse department also is working to develop a county-wide recycling program for other materials, including paper, glass, plastic and metals.

3-25

cent funding by the state of Kansas, as opposed to 50 percent funding for counties that operate on their own.

People needing further information about the household hazardous waste re-

Children's Action League continued from page 1

the lives of troubled juveniles is possible. Rose said "family preservation," her policy-of-choice, would provide such tools.

Rose said the public should understand that family preservation efforts are extremely labor intensive and don't "provide instant gratification," as she put it.

But family preservation is "less expensive than foster care, much less expensive than putting kids in the youth center, and more effective in the long-term," she stated.

When there is no family to preserve, Rose said, then society, "needs to make the hard choices" about placing a child into foster care or placement away from immediate relatives.

As a general practice, she believes that in most cases, the state should intervene in families at much earlier stages, as a way to prevent juvenile crime from becoming worse, to fend off alcohol and drug abuse which are early stages of juvenile criminal behavior, and to keep juveniles current in school.

While it is true, McDonald said, that juveniles are committing more serious crimes at earlier ages, the Kids Count data should not be interpreted as a measure of the social behavior of adolescents.

"Kids in Kansas don't act any worse than kids in the rest of the nation," McDonald said. "My personal interpretation of this data is that it shows Kansas is overusing its institutional responses. Kansas also ranks high in out-of-home placement rates.

"We intervene late and in only the most extreme cases.

The data points to the need to develop early intervention strategies."

At the same time, McDonald said, there is no doubt that there are juvenile offenders who must be removed from their family and incarcerated simply to protect the rest of society.

The Kids Count program is not designed to provide long-term solutions to the difficult issues involved when juveniles find themselves branded as criminals.

"The project is designed to give substantive information to policy makers so they can use their hearts, our pocket-books, and solid numbers to make rules," Rose said. "The value of these numbers is that we are now aware of the problem."

What The Statistics Show

The third judicial district—composed entirely of Shawnee County—has the third highest juvenile incarceration rate of the state's judicial districts, with nearly four of every 1,000 children being incarcerated. That is nearly an 18.5 percent increase from 1989-91. Shawnee County has 15,000 juveniles in the 12-18 age bracket.

KAC has received a grant from the Annie B. Casey Foundation as part of a national Kids Count campaign undertaken by the foundation.

The Kansas Kids Count effort will compile, tabulate, and publish extensive information about children in Kansas based on approximately 20 indicators of economic well-being, physical health and safety, academic achievement, emotional well-being, and social behavior and social

"We intervene late and in only the most extreme cases. The data points to the need to develop early intervention strategies."

Jennie Rose
Kansas Action for Children

control.

Early 1993 is the target date for release of the data book for Kansas, KAC's executive director Johannah Bryant said.

Kansas is one of 18 states currently undertaking this data collection effort, and the foundation expects to have its national effort completed by the mid-1990's.

The juvenile custody statistics were compiled by McDonald. He obtained his data based on county data as well as from information from the state's 31 judicial districts.

The national juvenile incarceration rate for 1989 was approximately 156 per 100,000. In 41 of Kansas' 105 counties, that rate is exceeded, sometimes by more than three times.

The data shows that 58 counties in Kansas reported no change in the rate from 1989. McDonald explained that those counties have very few children living—or incarcerated—there.

However, three of the state's most populated judicial districts—those comprising Wyandotte, Johnson, and Shawnee counties—have the highest rates of incarceration.

The Wyandotte County rate is 719.02 (per 100,000 juveniles in custody), four times the national average.

Next: The view from across the bench of Shawnee County Juvenile Judge Daniel Mitchell.

Southwest Kansas continued from page 2

plant was opened at Hickock east of Ulysses. Demand for carbon black, made from the incomplete burning of natural gas, included the manufacture of Polaroid film, chocolate candy, house paint, explosives, eye makeup, plastics and panty hose.

But agriculture would benefit most from the Hugoton discovery. For years, farmers and ranchers had known of the Ogallala aquifer, a vast sea of fresh water beneath the entire region. The trouble was how to bring it to the surface. With natural gas, they had found a cheap and plentiful fuel for pumps to make rain on the dust-choked southwest.

Irrigation would transform the flat and arid fields into a vast quiltland of corn and maize, wheat and soybeans. Cattle feeders and meat packers moved to be near the source of feed. Oil and gas, farming and agri-business brought to the region a wealth that had been unthinkable a generation earlier.

Men and women had plowed deep, worked hard and were rewarded for their faith and independence. They were responsible for the improvement, and they had passed the ethic to their children, who embraced it with as much conviction as their elders.

(Next: "You lose; we don't care")



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Testimony in Support of

HOUSE BILL NO. 2707

The Kansas County and District Attorneys Association appears in support of HB 2707, which creates a separate youth correctional authority. The bill is a step toward what many of us think is a defect in state government. The problem of crime, and particularly crimes committed by juveniles is a paramount concern to the people of Kansas, and the entire country. While the root causes of this epidemic is largely debated, i.e. recent attempts by Congress and the television industry to monitor television violence; there seems to be little disagreement over a method of treatment: the public needs protection from violence committed by youthful offenders.

Your attention is called to the recommendations of The Juvenile Offender Policy Conference, which was held on September 7 and 8, 1989. Approximately 200 conferees from across Kansas attended the conference, and in spite of a diversity ranging from prosecutors to judges to child advocates to interested citizens, they all agreed on six recommended changes in juvenile offender policy. The first of those was to establish a separate cabinet-level Youth Authority. While HB 2707 is more limited in its approach, it is a step in the right direction.

There are two other reasons to support the bill. The examination of government and how it works recognizes that government entities work better when they have a single mission. At the present time, juvenile criminals are almost exclusively under the domain of the Department of Social and Rehabilitation Services, which has a huge area of responsibility other than juvenile crime. That agency deals primarily with services to those of us who fall between the cracks, which the Department refers to as "clients". Youthful offenders are not clients, they are criminals. A separate agency with a limited scope would be much more effective in both the recognition and improvement of public safety. Another reason to support the bill, and possibly an improvement over the Conference recommendation is that the bill emphasizes the recognition between children who are in need of care and children who commit crimes. While our juvenile code has split the two concepts, there is a tendency to blur the distinction in disposition of cases involving these two very different problems.

The creation of a separate youth correctional authority will send a message not only that public safety is a primary concern; but that the state response to such concern will be more focused.

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2-3-94

February 3, 1994

My name is John Wiley Kerr and I am the Sheriff of Washington County Kansas. I have been a law enforcement officer in Washington County for the past twelve years, and as such, I have witnessed a great many changes in Washington County and throughout our state. One of the most significant changes that I have witnessed is how society governs itself. In Kansas, the adult portion of our society is governed by a set of rules that are known as laws. The system is relatively simple, in that if an adult is caught breaking the rules, that adult is processed through our justice system and typically punished in some manner. The punishment for adults can be in the form of monetary fines, removal from society through confinement for a specific period of time, or a combination of both. In Kansas, the juvenile portion of our society is governed by the same set of rules that governs the adults, but the system is far more complex and confusing. It seems that a large part of the confusion and complexity associated with our juvenile justice system stems from an additional set of rules and regulations known as the "juvenile code" that we have imposed upon ourselves.

Our present system of governing the conduct of the juvenile portion of our society is not working as is evident by the ever increasing number of crimes committed by juveniles. The juvenile portion of our society now commits the highest percentage of all of the crimes committed in the state of Kansas. The juvenile portion of our society now has the highest percentage of repeat offenders in the state of Kansas. The majority of the juvenile offenders in this state are well aware that the system is not working, in that there is a lack of sufficient punishment for breaking the rules to serve as a proper deterrent. Our present system can best be compared to a "revolving door" form of justice as it pertains to juveniles, in that the juvenile offenders are back on the streets committing additional crimes before the paperwork can be completed on their prior offenses.

The Social Rehabilitation Services of the State of Kansas were instrumental in the formulation of the juvenile code and were given the responsibility and funding for dealing with the juvenile offenders, in addition to their other areas of responsibility. I am constantly told that the juvenile offenders that I bring before the system are being returned to their home because there is no place to put them, or they do not meet the criteria for this program or that program. We now have a system that is not working and it is in large part due to inter-agency "turf wars" and priorities within the system.

HB 2707 addresses several areas that I feel need to be addressed if we are to impact the problems associated with

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2-3-94

juvenile offenders. First and foremost is the creation of the Kansas youth correctional authority; establishing a commissioner of youth corrections and a state youth corrections department to be responsible for juvenile offenders. I feel that it is time to make the problem of juvenile offenders a number one priority and place the control of all of our available resources under the control of a responsible entity to eliminate "turf wars" and begin to concentrate on the problem. If the juvenile offender problem is the sole responsibility of an entity, then it should be able to focus all of it's attention on that problem.

HB 2707 also contains provisions that would allow for generating a new source of revenue that would be utilized to expand the existing facilities and resources necessary to confine juvenile offenders and thusly serve as a deterrent to juvenile crime. Under the present system, the detention facilities are normally filled to capacity and the juvenile offenders end up back on the streets while awaiting placement in an existing facility.

HB 2707 also contains provisions that would allow for placing some of the responsibility for dealing with juvenile offenders with the offenders parents or legal guardian, by allowing for court-ordered payment or reimbursement for part or all of the care and support of the juvenile. Perhaps the largest contributing factor in the juvenile offender problem today, is the lack of parental responsibility and control that allows the juveniles the opportunities to commit the crimes in the first place.

As with any problem that needs to be solved, the best course of action is most often to approach the solution one step at a time, until a resolution to the problem is achieved. HB 2707 alone will undoubtedly not totally resolve all of the problems associated with juvenile offenders, but it appears to be a step in the right direction. I would ask that you give your consideration and support to the passage of HB 2707.

I would support H.B. 2707 for the following reasons:

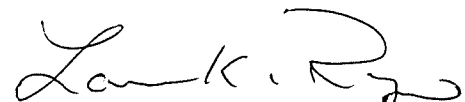
1. Under the current system there seems to be several inconsistency's. There are several agency's involved now and the disposition of juvenile offenders is being piece milled out through these different agency's. This can and does create contradictions and impedes the disposition of the juvenile offenders.

2. In all fairness to the agency's now involved with the juvenile system, juvenile correction is only a small part of their entire responsibility. They can not be expected to give this area a priority it may deserve.

3. This bill would consolidate the juvenile system and would aid law enforcement in dealing with just one entity, instead of several. It would help in the area of consistency with dealing with the juvenile offender. I feel this consistency would also help the juvenile. For some it would make it harder to "play the system". For others it would help provide a more concise and measurable means in which to counsel and monitor progress.

I also feel the creation of one entity to deal with juveniles will aid in the enforcement and prevention of juvenile crime.

4. I am also aware there was a task force created 3 or 4 years ago to study the problem of juvenile crime. This task force was made up of members of the judiciary, law enforcement, SRS, DOC, KDHE, court services and members of the public. It was my understanding the consensus of the task force was, a separate entity should be created to handle juvenile offenders.



Sgt. Lane Ryno
Emporia Police Department

KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
Donna L. Whiteman, Secretary

House Judiciary Committee
Testimony on House Bill 2707

February 3, 1994

SRS Mission Statement

"The Kansas Department of Social and Rehabilitation Services empowers individuals and families to achieve and sustain independence and to participate in the rights, responsibilities and benefits of full citizenship by creating conditions and opportunities for change, by advocating for human dignity and worth, and by providing care, safety and support in collaboration with others."

TITLE

An Act creating the Kansas youth correctional authority; establishing a commissioner of youth corrections and a state youth corrections department to be responsible for juvenile offenders; amending K.S.A. 8-241, 8-2110, 38-1602, 38-1616, 38-1618, 38-1622, 38-1624, 38-1632, 38-1638, 38-1639, 38-1655, 38-1662, 38-1663, 38-1664, 38-1665, 38-1671, 38-1672, 38-1673, 38-1676, 38-1692, 38-16,119, 76-12a18, 76-12a19, 76-12a21, 76-2101, 76-2125, 76-2201, and 76-2219 and K.S.A 1993 Supp. 79-4803 and repealing the existing sections: also repealing K.S.A 38-556, 75-5388, 75-5390a and 75-5398 and K.S.A. 1993 Supp. 75-5389 and 75-5390.

Mr. Chairman, on behalf of the Secretary of SRS, I thank you for the opportunity to provide testimony in opposition to House Bill 2707.

PURPOSE

House Bill 2707 does not state its public policy objectives. Without a clear statement of desired outcomes, it is difficult to determine whether the proposed legislation will have the effect envisioned by its supporters.

The Department favors public dialog to clarify and re-evaluate the public policy goals, objectives and strategies for coping with the problem of juvenile crime. We believe a consensus does not yet exist to guide legislative and departmental responses and that major departures, such as HB 2707 are premature. One feature of the bill, the establishment of an entity to "look at confinement as well as rehabilitative services" and other aspects of a comprehensive juvenile offender program, might be an appropriate first step in development of a coherent plan and should precede legislation to transfer responsibility for juvenile offender programming.

BACKGROUND

The Department favors any legislative changes which will improve services to the juvenile offender population and which will increase public safety. If HB 2707 would accomplish either of those worthy objectives, we would be testifying for rather than against the bill. However, we believe the bill will accomplish neither. At best, the bill transfers responsibility but insufficient resources

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from an existing entity to a new and untested one. At worst the bill will result in duplication of existing programs at added cost. In order to move existing programs, an additional administrative structure and some duplication of staff will be necessary.

EFFECT OF PASSAGE

Passage of the bill will create a new advisory body complete with staff support, offices, compensation, subsistence, mileage, and other expenses. The bill will create a new commission with attendant salaries and related costs for a commissioner and central office staff. All added costs to the State.

Although the bill proposes to transfer SRS staff with existing juvenile offender responsibilities to the youth corrections department, not all such staff exist or could be readily transferred. In addition, some current and potential sources of non-state revenue would not be available to the proposed department.

When the Department conducted a self-study in 1991 in collaboration with the Child Welfare League of America (a national accrediting and standard setting agency for child welfare services), CWLA concluded the Youth and Adult Services central office professional staff was too small to carry out its responsibilities. The comparable state with the next smallest central office had a professional staff three times the staff of Kansas.

In many of the rural and semi-rural areas of Kansas, SRS social workers carry a mixed caseload which may include juvenile offender clients but which may not constitute an entire caseload of juvenile offenders. Creation of a separate youth corrections department would necessitate replacement (and partial duplication) of staff either for SRS or the new department.

As the Department is the designated agency for receipt of federal IV-A, IV-E and Title XIX funds for program administration, we are able to incorporate the administrative cost base for juvenile offenders into service costs. If there is a separate youth corrections department, the maintenance costs can continue to be charged to federal funds but the administrative component will be borne by the state.

The committee may wish to consider Senate Bill 400 would require a judicial finding of reasonable efforts to avoid unnecessary out-of-home placement of youth adjudicated as juvenile offenders. If passed, this bill would allow the State to draw down an estimated \$1.2 million in federal title IV-E funds to improve services to juvenile offenders. A youth correctional authority would need to develop the capacity to provide such preventive services for the State to be eligible for these funds.

The State has a long-standing policy of providing the full range of integrated services through a network of area and local SRS offices. Creation of a youth corrections department separate from SRS but with client needs similar to services provided by SRS will lead either to duplication of services, fragmentation in the delivery of existing services, or both.

An "umbrella agency" organization has certain advantages which result from having a common mission, established lines of authority and accountability, and coordination of services. Youth with an alcohol or drug problem have counselors available during their stay in a state youth center and community-based adolescent treatment programs available to them upon their release, through the Alcohol and Drug Abuse Services Commission (ADAS). ADAS is also planning with the youth centers for training of youth center staff. Within the Department, Medical Services provides level V and level VI residential care and enhanced in-home family services funded by Medicaid. Mental Health and Retardation Services provides coordination among the commissions to ensure the least restrictive environment for youth with mental health or retardation concerns. Rehabilitation Services provides disability determination and referral for youth transitioning to adult programs, and Youth and Adult Services provides a broad range of family, aftercare, and placement services.

While these programs and services could conceivably be available to youth under a variety of organizational structures, having them all within a single agency facilitates service delivery by avoiding the inevitable difficulties of communication and coordination across department lines. In the current structure the Secretary of SRS meets regularly with the commissioners and directors and these division heads report directly to the Secretary.

In addition to these more visible programs and services are information and reports, planning and evaluation, audits, and legal services which are essential to management of juvenile offender programs. These are services and positions which do not lend themselves to straight FTE transfer to another agency without severely impacting the parent agency.

Another major objection of the Department is the bill does not add or improve a single service to juvenile offenders, it does nothing to improve public safety, it ignores the need for prevention services, and any potential for improvement in these areas could be accomplished under the umbrella of SRS. If the legislature is willing to support allocation of the additional resources required to implement HB 2707, the Department of SRS recommends the funds be dedicated instead to services to prevent offenses by juveniles.

RECOMMENDATION

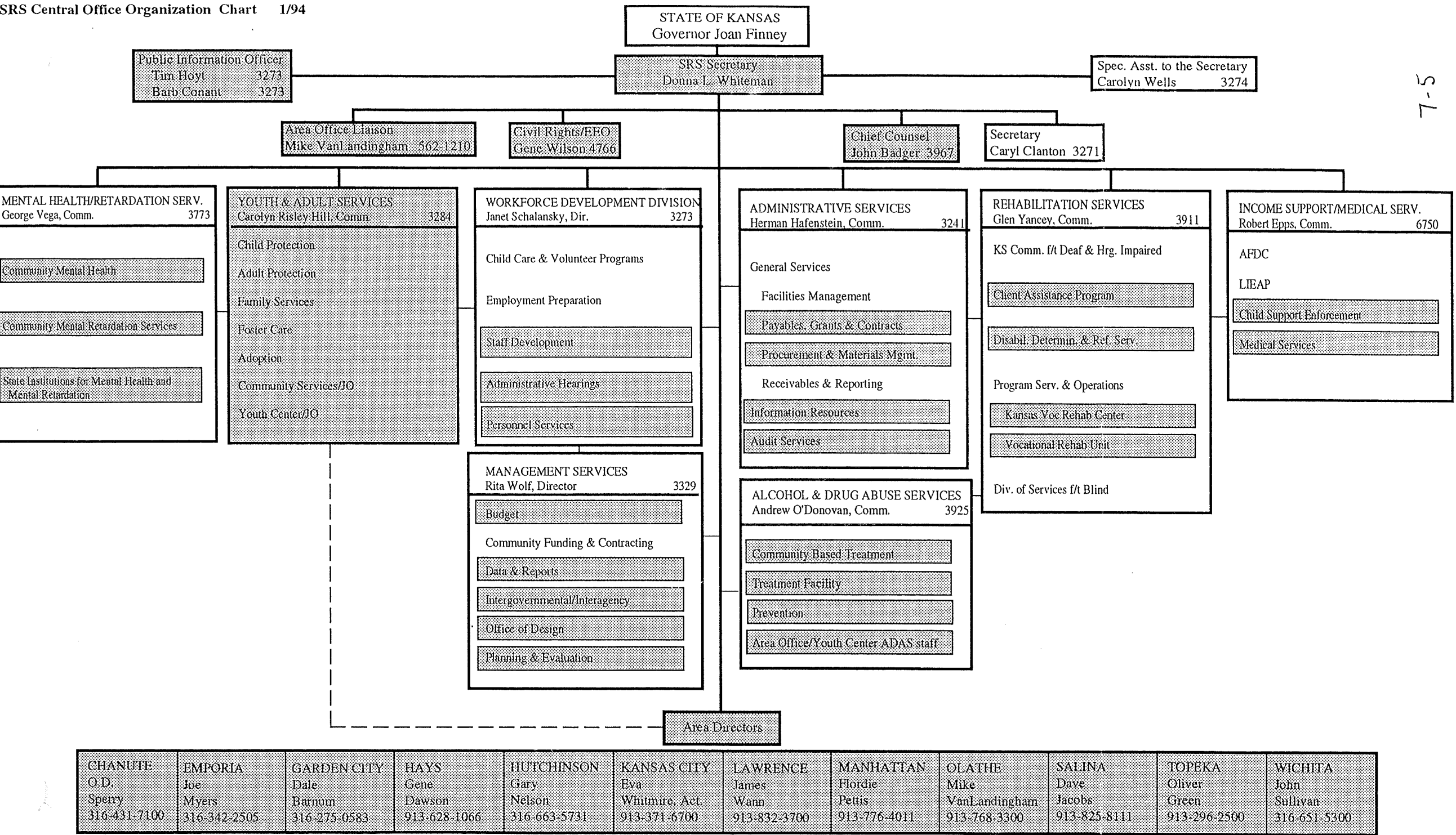
The Department of Social and Rehabilitation Services recommends House Bill 2707 not be recommended for passage.

Carolyn Risley Hill, Commissioner
Youth and Adult Services
Department of Social and
Rehabilitation Services

(913) 296-3284

Comparison of the Administration of Juvenile Offender programs
as a Separate Authority (HB-2707) or as Part of an Umbrella Agency

Separate Corrections Agency	Umbrella Agency
<p>Competition for funds is with other state agencies and occurs at the cabinet level.</p> <p>When immediate demands for additional funds are required, program must often wait for the annual budget cycle to repeat itself before additional resources are available.</p> <p>Programs have more visibility within the operation of state government. Program can more directly access the personnel, purchasing, budgeting, accounting, building construction, etc..</p> <p>Administrative costs would be borne by the State.</p> <p>Coordination of programs with other programs must be on an interagency level outside the confines of the authority's management structure.</p> <p>No linkages for prevention activities. Program not linked with the front end for non-custody court adjudicated youths.</p>	<p>Competition for funds is with other programs within the umbrella agency.</p> <p>When immediate demands for additional resources are required, program benefits from immediate availability of resources in a much larger umbrella agency. Likewise, the umbrella can protect the program from resource shortfalls.</p> <p>Economy of scale saves in overhead cost of administration both at the policy and field level.</p> <p>As the designated Agency for Federal funds for program administration, the umbrella agency is able to incorporate federal funding into the administrative cost base for services to Juvenile Offenders.</p> <p>Programs are directly accountable to a cabinet level Secretary.</p> <p>Coordination of programs with other programs at both the policy level and at the field services level may be handled within the confines of the management structure of the umbrella agency.</p> <p>Prevention linkages exist with other Human Services programs such as family preservation, children in need of care. Program not linked with the front end for non-custody court adjudicated youths.</p>



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