

Approved: 1/20/94
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Jerry Moran at 10:00 a.m. on January 12, 1994 in Room 514-S of the Capitol.

All members were present.

Committee staff present: Mike Heim, Legislative Research Department
Gordon Self, Revisor of Statutes
Darlene Thomas, Committee Secretary

Others attending: See attached list

Chairman Moran called the meeting to order at 10:05 and directed the discussion of the Committee in the areas of juvenile crime and the violent juvenile offender.

Juvenile justice policy issues (Attachment No. 1) prepared by Legislative Research staff during the interim, were distributed to each Committee member.

Donna Whiteman, Secretary of Kansas Department of Social and Rehabilitation Services, submitted a list of recommendations for the Committee to review (Attachment No. 2). Secretary Whiteman stated there was a request for additional funding to expand the day reporting. SB400 would change the statute and generate funds plus allow them to receive federal funds.

Secretary Whiteman stated youth center beds for more violent offenders could be made available by taking away the judges ability for direct placement into the youth centers. She said the real weakness in our system is because the numbers have not been managed on intake, therefore they are managed at the youth centers by determining who is ready to go back into the system to make beds available. Secretary Whiteman stated there was a need the return to intake and assessment statewide to be sure the beds are being used for those who need them. She said there was not adequate data resources at this time to do the intakes. She also stated community based programs should be the primary focus. She said the confidentiality statutes needed to be changed in order to get necessary information about each juvenile.

Gary Stotts, Secretary, Department of Corrections gave the following suggestions on dispositional issues:

- Organizational change to provide a higher profile for juvenile offender issues.
- A facility should be provided for violent offenders.
- Look at the use of community corrections for deliverance of community programs.
- Determine who will be incarcerated (adult and juvenile)
- Review state versus local, as well as state agency responsibility. Review criminal justice in general inviting the Federal Government for input.
- Organize a criminal justice coordinating body
- Further development of a criminal justice information system

When asked about a boot camp alternative, Secretary Stotts said he felt boot camps were oversold, however, if a certain type of offender was selected for them, they could work.

Secretary Stotts stated that the PSI report on those being sentenced under sentencing guidelines obtains criminal history information.

Harold Allen, Superintendent, Youth Center at Topeka said the four youth centers within the state are part of a system and dependent upon each other. He answered questions from the Committee.

It was requested that Superintendent Allen provide copies of the recent American Correctional Association Audit to the Committee for review.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY, Room 514-S Statehouse, at 10:00 a.m. on January 12, 1994.

Judge Dan Mitchell of Topeka stated the Committee's primary decision was to determine whether to maintain an attitude toward rehabilitation or move to a punishment mode as directed by the public. When asked if we have lost a generation of youth, Judge Mitchell said he felt our current generation of youth was much more violent at an earlier age than previous generations, however, there were those within that group who could be rehabilitated. He stated he would like to take the violent juvenile offender out of the youth center and provide an appropriate program for them. He said perhaps a modification of the system to deal with the nature and classification of the type of offense as opposed to age is more appropriate. And then better programming and treatment could be provided to meet the needs of those offenders either violent or non-violent.

Judge Leonard Mistrone recommended an intermediate type juvenile facility and the community correctional program be expanded to take care of the juvenile offenders. He said there seemed to be some support for a juvenile boot camp.

Meeting adjourned at 11:00 a.m.

The next meeting is scheduled for January 13, 1994 at 9:45 a.m.

GUEST LIST

COMMITTEE: Senate Judiciary Committee

DATE: 1/12/94

NAME (Please Print)	ADDRESS	COMPANY/ORGANIZATION
Donna McDaniel	Topeka	Senator Burke's office
DK Shovel	Topeka	KS Legal Services
Rolando McKenna	Topeka	SRS
Sherry Ray	Overland Park	Jo Co & Overland Pk
Willie Martin	Wichita, Ks.	Sidgwick Co
Duane Waterworth	Topeka	Division of the Budget
Harry Allen	ICAT	
Cathy Leonhart	Ct Services Topeka	
Paul Shelby	Topeka	QTA
Thomas A. Mott	Topeka	District Court
Dan Finch	KWIC Topeka	KWK
Kenn Darr	Topeka	Gov. Office
Jim Clark	Topeka	ICC DAA
Jan Johnson	Topeka	KDOC
Kristie Sparks	"	DOB
Charles Simmons	Topeka	DOC
Ellen P. Sullivan	Topeka	Assoc. of CMHCs
Dan Mitchell	Topeka	District Judge
Nancy Lindberg	Topeka	AG
Mike Bay	Topeka	KBI
Barbara Berggren	Topeka	KBI
Gary Stots	Topeka	DOC
Toni Wheeler	Topeka	Sen. Karris of
Danna Whitman		Shel

MEMORANDUM

DR.

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November 17, 1993

JUVENILE JUSTICE POLICY ISSUES

1. Should the committee recommend legislation to make it illegal for a juvenile to be in possession of a handgun? A gun replica?
2. Should adults furnishing handguns to juveniles be charged with a crime?
3. Should a state law be enacted to make it a crime to permit access of a loaded gun to a juvenile?
4. Should battery against a youth center officer or employee be made a more serious crime?
5. Should Kansas enact an intermediate adult sanctions system like Colorado to deal with juveniles sentenced as adults for convictions of violent crimes?
6. Should the ability to try juveniles as adults be expanded to include more crimes for 14 and 15 year olds or for juveniles of any age? In other words, should Kansas make it easier to try more juveniles as adults?
7. Should all intention killing crimes be excluded from the juvenile code?
8. Should the minimum juvenile age be raised to 12?
9. Should the Secretary of Corrections be required to segregate juveniles tried and convicted as adults from other inmates until the juvenile reaches a certain age?
10. Should a recommendation be made to provide an intermediate juvenile facility for juveniles adjudicated for less serious crimes be established so youth centers may be reserved for only felony type offenders?
11. Should the ability of judges to sentence certain juveniles to youth centers be restricted to only those adjudicated of committing certain more serious crimes?
12. Should disposition in a boot camp be allowed for certain juvenile offenders?
13. Should youth centers be placed under DOC?
14. Should the Youth Center at Beloit include both male and female offenders?
15. Should a jail term of up to 30 days be allowed as a condition of probation or probation violation for offenders 18 at the time of disposition?

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16. Should jail of up to one year be permitted for juveniles 18 or more at the time of disposition?
17. Should the law be clarified to insure the juvenile code covers violations of city ordinances or county resolutions and that these offenses may be prosecuted in district court?
18. Should a warrant be issued for juveniles who fail to appear at court?
19. Should a warrant be issued for juveniles who escape from court ordered placement?
20. Should the requirement of the closest living relative attending a disposition hearing be repealed?
21. Should court services officers be allowed to take juveniles into custody pending a hearing when the juvenile appears to represent a danger to self or others?
22. Should the juvenile code be amended to require notice to parents within 12 hours of taking a child into custody or detention?
23. Should all juvenile official file records be open to the public? Currently, official file records are open for those juveniles 16 or over.
24. Should K.S.A. 38-1633 be amended to clarify that a juvenile has a right to decline to testify in proceedings?
25. Should parents be made responsible for restitution for juvenile crimes?
26. Should parents be required to participate in drug or alcohol treatment, other counseling?
27. Should the juvenile code provide for the appointment of special advocates for juveniles?
28. Should all community corrections programs be required to have a juvenile component?
29. Should juveniles adjudicated of certain crimes other than alcohol and drug violations now covered have their ability to get a driver's license restricted or revoked?
30. Should truancy laws be amended to include five or more unexcused absences?
31. Should the compulsory education law be extended to age 18?
32. Should all juvenile cases be converted into a child in need of care case when the juvenile is determined to be mentally incompetent?
33. Should a cabinet level agency be established to handle juvenile matters?
34. Should added judges be created or assigned from current positions to deal with juvenile crime?
35. Should 18-year-olds and older be placed in separate facilities?
36. Should adjudication as a juvenile offender for a felony offense be made a predicate crime for a list of other crimes?

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Youth and Violence Initiatives

We continue to be concerned about the number and seriousness of juvenile offenses and plan to strengthen the Department's response to public safety and habilitation of young offenders. Outlined below are a number of initiatives we are pursuing or supporting which include statutory change, community resource development, and improvement in the work of our state Youth Centers. As we develop initiatives we need to consider ourselves a partner with others responsible for the juvenile system particularly courts, prosecutors and law enforcement.

I. YOUTH CENTERS

The mission of our state Youth Centers is to provide juvenile correctional programs with a blended mission of care, habilitation, treatment and public safety, which assures:

- Protection of the safety of youth, staff and the public.
- Youth come to understand the predictable connections between behavior and consequences and that they can control what happens to them by controlling their behavior.
- Realistic treatment and programming for youth and their families.
- Protection of the legal and civil rights of youth.
- Spiritual, moral, physical, intellectual and social needs of youth are met.
- Constructive training aimed at habilitation and re-establishment of youth in society.

Length of Stay:

The four state Youth Centers should be reserved to address the needs of only the most serious and habitual Juvenile Offenders, but the Kansas Juvenile Offenders Code makes essentially no dispositional differences for different levels or types of offense. Youth Center census has been managed by the department partially through releases. In an effort not to crowd the Youth Centers youth have been released to accommodate new admissions. Increased length of stay at the state Youth Centers means serving fewer youth in these institutions and more in other settings.

--Reduce the number of youth entering the state Youth Centers by limiting the ability of the court to place youth in state custody to felony type offenders only and by limiting direct commitments to A, B, and C felony type offenses.

--Continued refinement of the departments efforts to operate a classification system to limit department placements in Youth Centers to serious and habitual offenders. This would also limit by assuring

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--that youth are placed on the basis of adjudicated behavior and not on other factors such as the social needs of the youth.

--Continue to build community based programs that can provide both safety for the public and habilitative program elements directed at changing the behavior of assigned youth. Day reporting, mentorship, electronic monitoring, and linkages between community agencies are examples of elements in this initiative.

Admission Screening:

The Kansas Juvenile Offenders Code makes essentially no dispositional differences for different levels or types of offense. This creates a situation where youth are placed in Youth Centers for a variety of reasons beyond their adjudicated offenses. The department has begun to centrally screen Youth Center referrals through a new screening process that considers current offenses, offense history and prior attempts to intervene. The process also requires that a community staffing team attempt to develop community options prior to placement in a Youth Center.

-Screening referrals is a method of reducing Youth Center admissions through the application of objective criteria and professional judgement toward the end of reserving the Youth Centers for the most serious and habitual offenders.

-Continue to refine the screening instrument toward a more standard classification system that depends less on judgement and more on objective items such as current offense, offense history, and risk to the community.

-Develop more opportunities for the community to respond to youth being considered for state custody by requiring the judge to convene a community staffing team made up of representatives of the community agencies that serve youth and families prior to giving custody to the state. The team would be responsible to attempt to develop a service system in the community that would meet the youth and community needs.

Expected Outcomes:

-Our Youth Centers serve only the most serious and repeat offenders and do so for the length of time required to make a difference.

-Communities assume greater responsibility for misdemeanor offenders and develop responses through community consensus.

II. STATUTORY CHANGE

K.S.A. 38-1663, relating to authorized dispositional alternatives.

authorizes direct commitment to a state Youth Center as a dispositional alternative by district court only for A, B, or C felonies

Expected Outcomes

- to increase the average length of stay and program benefit at our state Youth Centers
- to limit placements at state Youth Centers to only the most serious offenders
- to enhance protection of the public
- to reduce over use of state Youth Centers for misdemeanor offenders

III. STATUTORY CHANGE

K.S.A. 21-3413, relating to battery against an officer or employee of a state Youth Center.

- make battery against a state Youth Center officer or employee engaged in the performance of such officer's duty a class A person misdemeanor
- make battery against a state Youth Center officer or employee by a person confined in such a Youth Center while such officer or employee is engaged in the performance of such officer's or employee's duty a severity level 7, person felony

Expected Outcomes

- to punish and structure youth who battery staff of state Youth Centers
- to enhance staff safety at state Youth Centers
- to enhance the safety of youths at state Youth Centers

IV. STATUTORY CHANGE

An Act concerning records of the Secretary of the Department of Social and Rehabilitation Services concerning certain juvenile offenders

authorizes the Secretary to release an adjudicated juvenile offender in SRS custody, the name, likeness and other information to assist in the apprehension of an offender who has escaped custody

Expected Outcomes

- to protect the public from juvenile offenders who have escaped from custody
- to protect the juvenile from delinquent activity and falling victim to abuse while on escape status

V. STATUTORY CHANGE

Legislation is expected to be introduced which allows district court judges to order parents into counseling, much as the Children in Need of Care Code allows the court to issue an order of informal supervision.

Expected Outcomes

- to enhance community responsibilities for families and offenders
- to define juvenile offenders as families with problems needing family solutions.

VI. STATUTORY CHANGE

Legislation was introduced in 1993 which modifies the juvenile offender code to allow federal financial participation in juvenile offender programs.

Expected Outcomes

- to expand federal funding directed to community based juvenile offender programs
- to reduce reliance on all state general funds for community based juvenile offender programs
- reinvestment of federal funds to juvenile offender programs will support expansion of programs.

VII. STATUTORY CHANGE

Although not included in the SRS legislative package, statutes need to be revised to allow placement of boys in the Youth Center at Beloit, making it a coeducational program.

- to increase the average length of stay and program benefit for boys at the Youth Center at Atchison.
- to reduce over use of state Youth Centers for misdemeanor offenders, resulting in less incarceration of girls.

VIII. COMMUNITY RESOURCES NEEDED

Community based services for juvenile offenders are delivered by the Department, Court Services and in a few Community Corrections programs. Services range from mental health services to drug treatment to supervision of youth released from Youth Centers.

- there should be efforts to coordinate the delivery of services and to allocate resources to communities to develop a range or continuum of services for juvenile offenders.
- these services should be driven by the values of the community and targeted for the types of juvenile offenders in each community.

- resources are needed for juvenile offender supervision and screening for pre and post incarcerated juvenile offenders. This should include resources for job training, educational and counseling type programs as well as drug and mental health treatment.

Expected Outcomes

- community ownership and coordinated service planning
- reduced reliance on Youth Centers and more community protection.

DAY REPORTING CENTERS

Day Reporting Centers were developed to provide alternatives for juvenile offenders to reduce placement in the custody of SRS and in state Youth Centers. The purpose is to reduce the number of youth in state custody. These Centers provide a high level of structure and activities for youth screening, supervision, crisis intervention, family involvement, educational and vocational training, and independent living and recreational programming. Youth in the program have daily schedules and report to the center daily for classes, drug testing, and verification of activities. Some youth are monitored with the additional structure of an electronic monitoring device. There are three centers located in Kansas City, Wichita, and Pittsburg. Kansas City and Wichita have the capacity of 50 youth and Pittsburg has the capacity of 20. During FY 1993 82 youth were served by these programs and during FY 1994 to date they have served 114. This is resource on the continuum of services for juvenile offenders and should continue to be expanded to provide services across the state.

Expected Outcomes

- reduced custody or commitment to the Department
- reduced criminal activity and increased participation in school and work

INTAKE AND ASSESSMENT

Intake services are viewed as the "gatekeeper" for the juvenile justice system. Such service provide twenty four hour, on-call screening of youth who have been arrested or who come into contact with law enforcement. The purpose is to make the best placement possible for the youth. Historically, intake services were provided by Court Services and then by the Department. Currently, there are five intake programs funded through the Juvenile Justice and Delinquency Prevention Formula Grants program.

Expected Outcomes

- intake services at a community level across the state.
- effective placement decisions that could work in tandem with the existing and regional detention facilities.