

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 13, 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

Conferees appearing before the committee: Trudy Aron, Executive Director, American Institute of Architects  
Senator Don Sallee

Others attending: See attached list

Chairman Moran called the meeting to order at 9:45 a.m. Trudy Aron, Executive Director of the American Institute of Architects introduced a Good Samaritan Bill for architect and engineer volunteers in times of disasters (Attachment No. 1) and answered questions from the Committee. A motion was made by Senator Parkinson and seconded by Senator Harris to introduce the Good Samaritan Bill. The motion carried.

Senator Don Sallee introduced a bill to raise the small claim cap to \$2500 and answered questions from the Committee. A motion was made by Senator Bond and seconded by Senator Emert to introduce the bill. The motion carried.

Chairman Moran directed the discussion to the juvenile justice policy issues (Attachment No. 2) prepared by Legislative Research staff during the interim.

### JUVENILE JUSTICE POLICY ISSUES

1. Juvenile possession of a hand gun issue -- a bill will be introduced today in the Senate, however, does not include gun replica issue. Bill will be discussed when it is sent to Committee.
2. Adults furnishing handguns to juveniles be charged with a crime -- will be discussed when the handgun bill is sent to Committee. There is a possibility it could be included with that bill.
3. State law to make it a crime to permit access to a loaded gun to a juvenile -- will be discussed when the handgun bill is sent to Committee.
4. Battery against a youth center officer/employee be made a more serious crime -- bill will be introduced in both House and Senate in regard to this issue.
5. Enact an intermediate adult sanctions system like Colorado to deal with juveniles sentenced as adults for convictions of violent crimes -- include with this juveniles who have committed crimes. Harold Allen, Superintendent, Youth Center at Topeka defined a violent juvenile offender as any juvenile offender committed to the youth center that has been adjudicated for an A, B, or C felony, crime against a person. He said the percentage of those types of offenders at the youth center is approximately 35-40%. It was reported that approximately 140 juveniles were waived into the adult system last year. It was suggested a sub-committee be appointed to deal with this issue and look at an additional facility and report back to the Committee.

Chairman Moran informed the Committee that Labette County Community Conservation Camp had been scheduled to meet with the Judiciary Committee for next Thursday. On Friday conferees would be scheduled to discuss the juvenile boot camp issue.

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY, Room 514-S Statehouse, at 10:00 a.m. on January 13, 1994.

6. Ability to try juveniles as adults be expanded to include more crimes for 14 and 15 year olds or for juveniles of any age -- Bill will be introduced and discussed when bill comes to Committee.
7. All intentional killing crimes be excluded from the juvenile code -- will be included with bill introduced to expand ability to try juveniles as adults.
8. The minimum juvenile age be raised to 12 -- the Committee did not wish to pursue the issue.
9. Secretary of Corrections be required to segregate juveniles tried and convicted as adults from other inmates until the juvenile reaches a certain age -- this will be included under the adult sanctions systems issue to be discussed in future meetings.
10. Recommendation 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 -- this will be included under the adult sanctions systems issue to be discussed in future meetings.
11. Ability of judges to sentence certain juveniles to youth centers be restricted to only those adjudicated of committing certain more serious crimes -- this will be included under the adult sanctions systems issue to be discussed in future meetings.
12. Allow disposition in a boot camp for certain juvenile offenders -- this issue will be discussed further with boot camp conferees.
13. Youth centers to be placed under DOC -- this will be discussed further and be included with adult sanctions systems issue.
14. Youth Center at Beloit to include both male and female offenders -- to be discussed further with adult sanctions systems issue.
15. Jail term of up to 30 days be allowed as a condition of probation or probation violation for offenders 18 years of age at the time of disposition -- a bill will be introduced dealing with this issue.
16. Jail of up to one year be permitted for juveniles 18 or more at the time of disposition -- a bill will be introduced dealing with this issue.
17. 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 -- this issue is presently in litigation.
18. Warrant to be issued for juveniles who fail to appear at court -- a bill will be introduced dealing with this issue.
19. Warrant be issued for juveniles who escape from court ordered placement -- a bill will be introduced dealing with this issue.
20. Requirement of the closest living relative attending a disposition hearing be repealed -- will be included in bill to be introduced.
21. 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 -- the issue was tabled.
22. Juvenile code be amended to require notice to parents within 12 hours of taking a child into custody or detention -- A motion was made by Senator Petty and seconded by Senator Vancrum to introduce a bill to amend juvenile code for parental notice requirement. The motion carried.

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY, Room 514-S Statehouse, at 10:00 a.m. on January 13, 1994.

23. All juvenile official file records be open to the public -- a bill will be introduced dealing with this issue.
24. K.S.A. 38-1633 be amended to clarify that a juvenile has a right to decline to testify in proceedings -- the issue was tabled. The Committee was informed that such testimony is already prohibited by U.S. Constitution.
25. Parents be made responsible for restitution for juvenile crimes -- a bill will be introduced dealing with this issue.
26. Parents be required to participate in drug or alcohol treatment, other counseling -- this issue is in litigation. Juvenile code and how it meshes with sentencing guidelines is presently being appealed.
27. Juvenile code provide for appointment of special advocates for juveniles -- A motion was made by Senator Petty and seconded by Senator Emert to introduce a bill that would allow for the appointment of special advocates in the juvenile offender setting and to include a provision that limits the liability in regard to Court Appointed Special Advocates volunteers. The motion carried.
28. All community corrections programs be required to have a juvenile component -- to be discussed further with adult sanctions systems issue.
29. 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 -- A motion was made by Senator Ranson and seconded by Senator Vancrum to introduce a bill on this issue. The motion carried.
30. Truancy laws be amended to include five or more unexcused absences -- a bill will be introduced in the House in regard to this issue. Chairman Moran will take this issue up with Senator Kerr of Senate Education Committee.
31. Compulsory education law be extended to age 18 -- Chairman Moran will take this issue up with Senator Kerr of Senate Education Committee.
32. Juvenile cases be converted into a child in need of care case when the juvenile is determined to be mentally incompetent -- this issue was tabled.
33. A cabinet level agency be established to handle juvenile matters -- this issue was tabled.
34. Added judges be created or assigned from current positions to deal with juvenile crime -- this issue will be included in the Family Court bill.
35. 18 year olds and older be placed in separate facilities -- to be discussed further with adult sanctions systems issue.
36. Adjudication as a juvenile offender for a felon offense be made a predicate crime for a list of other crimes -- bill will be introduced.

A question was asked about "3 strikes and your out" that was discussed previously. Chairman Moran said a bill had been introduced by the Kansas County District Attorney's Association similar to the "3 strikes and your out".

It was called to the attention of the Committee that the American Correctional Association Audit for the Kansas youth centers was available for each Committee member (Attachment No. 3).

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY, Room 514-S Statehouse, at 10:00 a.m.  
on January 13, 1994.

The meeting adjourned at 11:00 a.m.

The next meeting is scheduled for January 19, 1994.



# GUEST LIST

COMMITTEE: Senate Judiciary Committee

DATE: 1/13/94

NAME (Please Print)	ADDRESS	COMPANY/ORGANIZATION
Barbara Berggren	Topeka	KBI
Duane Waterworth	Topeka	Division of Budget
Harry Allen	"	UCAT
Trudy ARON	"	Am Inst of Architects
Jan Johnson	"	KDOC
Dan Mitchell	"	District Judge
Cathy Leonard	Topeka	Ct. Services
Paul Shelby	Topeka	OJA
Renee Gardner	Topeka	Governor's Office
Ron Smith	"	Ks Bar #802
Bob BARNUM	"	CITIZEN
Ken Coates	"	KPA
Toni Wheeler	Topeka	Sen. Kan's ofc.
Leonard A. Mostrom	LaCrosse	District Court
Jim Clark	Topeka	KC DAA
Mike Martin	Wichita	Adgworth County
Robert McKenna	Topeka	SRS
Nancy Whitman	Topeka	SRS
Karen Spink	"	DOB
Walter Clark	"	KDAA
Mike Bauer	Top	KBI
GERRY RAY	Overland Park	Jo Co V Overland PK
HAROLD PITTS	Topeka	AAKP-CCTF

## GUEST LIST

**COMMITTEE:** Senate Judiciary Committee

**DATE:** 1/13/94

[illegible]

# AIA Kansas

A Chapter of The American Institute of Architects

January 13, 1994

TO: Senator Moran and Members of the Senate Judiciary Committee

FROM: Trudy Aron, Executive Director

RE: Introduction of Good Samaritan Bill for Architect and Engineer Volunteers in Times of Declared Disasters



#### 1994 Executive Committee

John H. Brewer, AIA  
President • Wichita

Donnie D. Marrs, AIA  
President-Elect • Salina

F. Lynn Walker, AIA  
Secretary • Wichita

Vincent Mancini, AIA  
Treasurer • Garden City

Mark E. Franzen, AIA  
Director • Topeka

Wendy Ornelas, AIA  
Director • Manhattan

Sanford L. Roberts, AIA  
Director • Wichita

David L. Schaecher, AIA  
Director • Lawrence

Gregory D. Sims, AIA  
Director • Topeka

Alan M. Stecklein, AIA  
Director • Hays

Shad T aylor, Associate AIA  
Director • Wichita

Matthew D. Werner, AIA  
Director • Topeka

Robert A. Simmons, AIA  
Director • Kansas City

Steven A. Scannell, AIA  
Past President • Topeka

Eugene Kremer, FAIA  
KSU Liaison • Manhattan

Rene Diaz  
KU Liaison • Lawrence

Trudy Aron, Hon. AIA  
Executive Director

I am Trudy Aron, Executive Director of the American Institute of Architects. I appreciate this opportunity to come before the committee.

Late last session SB 395 was introduced at our request. Since it was so late in the session, we did not pursue a hearing on this bill. Because we did not discuss the bill with the Committee, this bill was killed during your interim committee hearings. This legislation is of great importance to our members and we request that you reintroduce the bill.

This Good Samaritan Bill would give architects and engineers liability protection when they are asked by a public official to provide voluntary structural inspection services at the scene of a declared national, state or local emergency. This bill would extend to architects and engineers the same immunity public officials, public safety officers, and city or county building inspectors receive under the state or municipal statutes as long as architects and engineers provide these services, without compensation, during times of disaster.

Each year Kansas experiences a number of tornadoes and other disasters. Sometimes these disasters are of such magnitude that the local building inspector at the location of the disaster does not have the personnel to inspect damaged buildings and determine their condition (from those which need no repair to those which are so heavily damaged that they require demolition). Architects and engineers are often needed to help the local building inspector supplement his/her staff in the inspection and determination of the condition of damaged structures.

AIA Kansas and the Heart of America Chapter of the International Conference of Building Officials (ICBO) have worked together to develop a Disaster Assistance Program which was accepted by the Kansas Division of Emergency Preparedness as part of the Kansas Disaster Plan. In the event of a disaster in which the local building inspector needs assistance, he/she will notify the Kansas Division of Emergency Preparedness office which will notify AIA/ICBO to contact the number of volunteers (architects, engineers, and/or building officials) needed at the disaster site. All volunteers must attend a training session prior to assisting at the site of a disaster. AIA Kansas has just received a grant which will enable us and our program partners ICBO to print and distribute the "Kansas Uniform Disaster Building Damage Assessment, Inspection and Recovery Plan" to each of Kansas' 105 counties. In addition to the plan, each county will receive a kit which will include all the forms, model ordinances, model news releases, identification signs, markers, etc. needed for inspections of structures.

This Good Samaritan bill is needed to protect architects and engineers who volunteer their services in times of disaster. We urge you to introduce the bill and when it is introduced, to schedule a hearing at your earliest convenience. Thank you.

700 SW Jackson, Suite 209  
Topeka, Kansas 66603-3757  
Telephone: 913-357-5308  
800-444-9853  
Facsimile: 913-357-6450

*Senate Judiciary*  
*1/13/94*  
*attachment 1*



## SENATE BILL No. 395

By Committee on Governmental Organization

2-25

AN ACT concerning architects and engineers; immunity from certain liability.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. An architect, defined and licensed under K.S.A. 74-7003 *et seq.* and amendments thereto, or professional engineer, defined and licensed under K.S.A. 74-7003 *et seq.* and amendments thereto, who voluntarily, without compensation or expectation of compensation, provides structural inspection services at the scene of a declared national, state or local emergency caused by a tornado, flood or other national disaster at the request of a public official, public safety officer or city or county building inspector acting in an official capacity shall not be liable in negligence for any personal injury or property damage caused by the architect's or engineer's good faith but negligent inspection of a structure used for human habitation or a structure owned by a public entity for structural integrity or nonstructural elements affecting life and safety.

The immunity provided by this section shall apply only for an inspection that occurs within 90 days of the disaster. Nothing in this section shall provide immunity for gross negligence or willful misconduct.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.



# MEMORANDUM

DR

## Kansas Legislative Research Department

300 S.W. 10th Avenue  
Room 545-N – Statehouse  
Topeka, Kansas 66612-1586  
Telephone (913) 296-3181 FAX (913) 296-3824

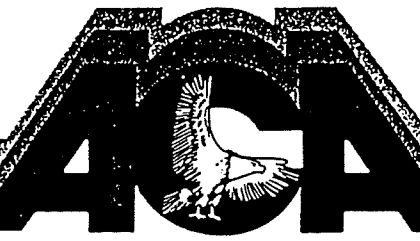
November 17, 1993

### 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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*attachment 2*

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?



## 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;

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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 Manzahares, 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

✓ 12.5 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.