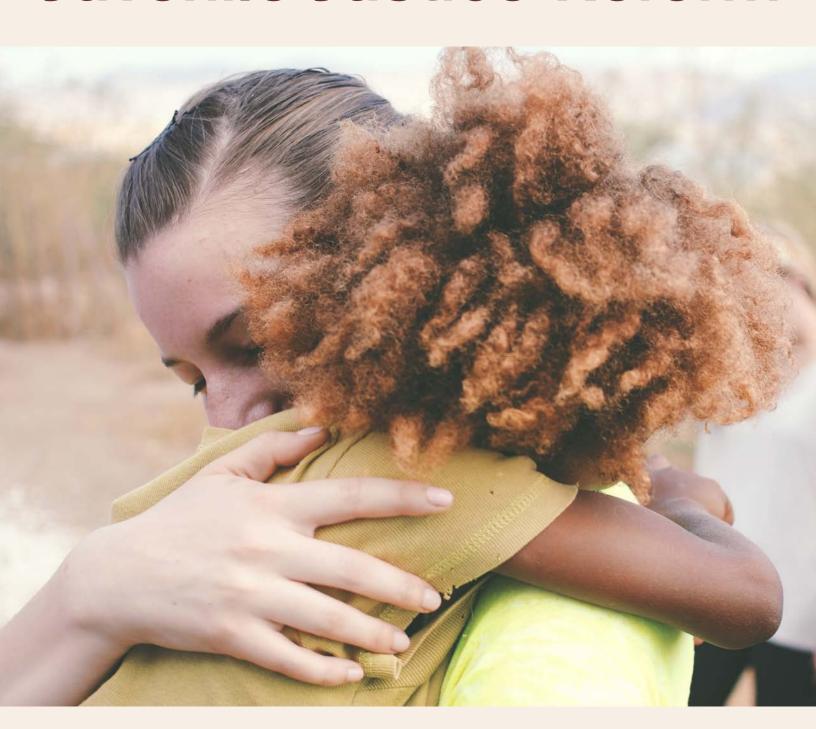
## Principles for Kansas Juvenile Justice Reform





### Introduction

Kansas is rethinking our approach to kids who get in trouble. Our current juvenile justice system has become too reliant on incarceration and hasn't done enough to support local programs that provide better outcomes for kids and our communities. If we shift our policies and our budgets away from incarcerating kids and towards local intensive rehabilitation programs, we will keep our communities safer, our kids healthier, and our funding stronger.

Each year, Kansas spends over \$53 million to incarcerate kids or send them to out-of-home placements. Extensive national research shows prisons and out-of-home placements are in fact the most expensive and least effective ways to respond to offenses committed by children. Recent studies in Kansas have shown that our \$53 million annual investment in youth incarceration does little to hold kids accountable and is likely increasing the risk of crime in our state.

We need a system that provides both accountability for kids when they commit an offense and rehabilitation so they can get back on the right path and won't reoffend in the future. This brief issue paper highlights current problems in the Kansas juvenile justice system and offers three principles that can guide reform in Kansas: our youth justice system should be effective, our youth justice system should be consistent, and our youth justice system should be sustainable.

Kansas currently ranks 8th worst in the nation for confinement of youth. Although our youth incarceration rate remains higher than most other states, the youth crime rate in Kansas is actually lower than the national average and has fallen more than 50 percent in the past ten years. With strong reforms, Kansas can stop sending so many kids to prison and invest in effective community programs instead.

### Reform Principle #1

### Our youth justice system should be effective

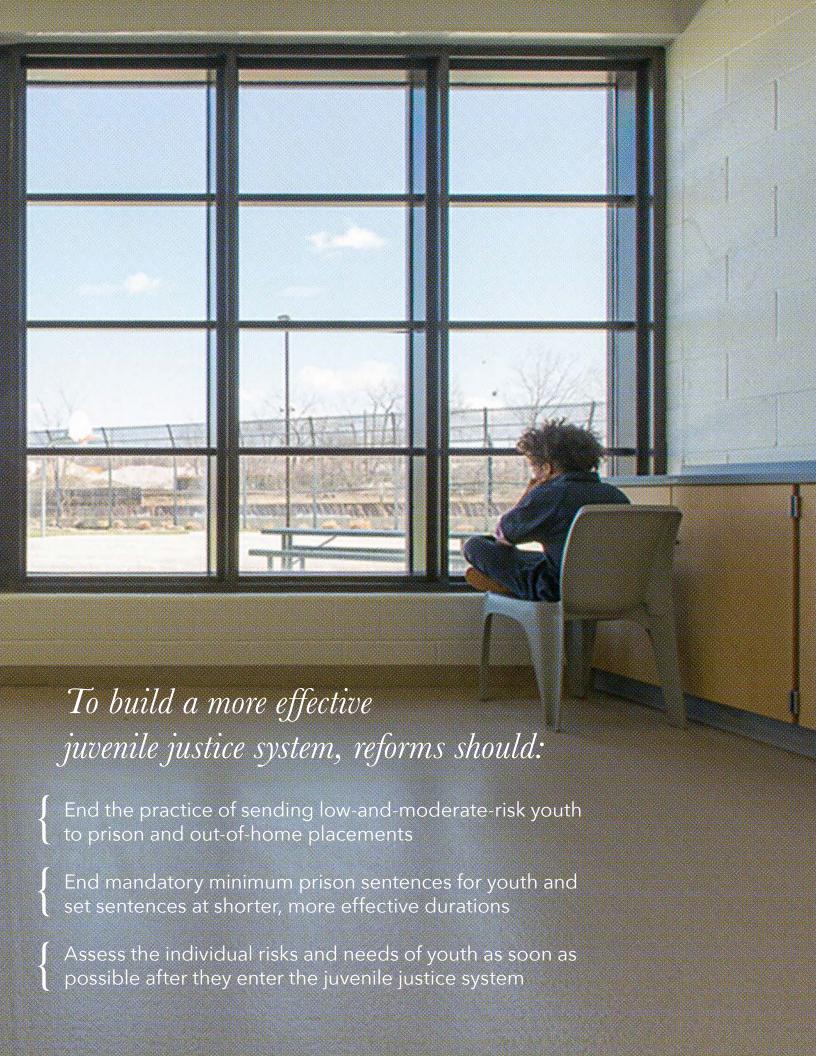
The current juvenile justice system in Kansas is not effective. A 2014 study by the Kansas Department of Corrections found 54 percent of Kansas youth sent to out-of-home, non-secure juvenile justice facilities were not successfully discharged. A 2015 study by the Council of State Governments reported 42 percent of Kansas youth sent to a secure juvenile prison were incarcerated again within three years of release.

There are two main reasons why the current juvenile justice system in Kansas is not effectively addressing juvenile offenses: (1) Too many low-risk youth are sent to prisons and non-secure placements, and (2) Youth are staying in prison and out-of-home placements for too long.

Eighty percent of youth sent to juvenile justice placements in Kansas are only low or moderate risk. Many in-depth studies have shown incarceration and out-of-home placements of low- or moderate-risk youth actually increase the risk that youth will commit an offense in the future.

Very Even for youth who commit very serious offenses, incarceration longer than three months does nothing to reduce the risk of future offenses. Unfortunately, youth in non-secure out-of-home placements in Kansas stay much longer than 3 months (on average, they stay 14 months in Kansas (91 percent of those youth stay longer than three months in prison; 48 percent stay longer than a year.

Local alternatives provide intensive rehabilitation more effectively than prison or out-of-home placements. Sixty local rehabilitation programs have earned model or promising status from the scientifically rigorous Blueprints program, meaning they have high intervention specificity, valid and reliable evaluation quality, proven sustained intervention impact, and documented success in more than one community. The US Office of Juvenile Justice and Delinquency Prevention has identified 200 effective and promising alternatives to incarceration for youth. In Kansas, Wyandotte County implemented an intensive local alternative called MultiSystemic Therapy in 2013 and reduced out-of-home placements by more than 25 percent.



### Reform Principle #2

#### Our youth justice system should be consistent

A 2015 study by the Pew Charitable Trusts found out-of-home placement rates and other juvenile case outcomes vary widely among Kansas counties –creating justice by geography– and disproportionately large numbers of youth of color are punished at each step of the juvenile justice system in Kansas.<sup>XI</sup>

# That study also found other significant inconsistencies in our juvenile justice system:

- Youth supervision officers in Kansas report a lack of uniformity in the factors guiding responses to technical violations of probation.
- Kansas youth are placed in detention facilities after arrest at a significantly higher rate than the national average.
- A third of youth on case management were sent to seven or more out-of-home placements.
- More than one-in-five entries into juvenile prisons in Kansas is a return admission due to a technical violation of conditional release.
- Although Kansas never sentences adults to prison for misdemeanor convictions, 35 percent of Kansas youth released from prison in the previous year had been convicted of misdemeanors only.<sup>XII</sup>

A 2015 study in Texas found girls there were confined significantly longer in local facilities than boys, even after controlling for other variables such as offense severity and prior record, and girls with histories of trauma were confined longer than boys for violating conditions of probation.<sup>XIII</sup>



A separate national study in 2015 found girls have increasingly made up a larger share of youth at every stage in the juvenile justice system over the past two decades. VIV Unfortunately, Kansas has followed this national trend. As the incarceration rate for boys has fallen in Kansas over the past several years, an increasing share of the youth incarcerated in our state juvenile prisons are girls. At the end of July of 2015, girls were 8.1% of all kids incarcerated in youth prisons in Kansas (20 girls). That's compared to 4.7% in July of 2014 (14 girls) and 5.7% in July of 2010 (19 girls).

The National Disability Rights Network released a report in 2015 that found children with disabilities are also disproportionately punished in juvenile justice systems nationally and do not receive adequate and appropriate treatment and educational opportunities.<sup>XV</sup>

When partnered with trauma-informed policies and adequate funding for appropriate programming, statewide structured decision making tools, including detention risk screening instruments and sanctions grids, provide greater consistency across geographies and demographics than the current juvenile justice system in Kansas.<sup>XVI</sup>

Youth attitudes and family problems do not drive juvenile incarceration in Kansas. Only 11 percent of youth in prison in Kansas have high-risk family problems, and only 6 percent show a high-risk criminal attitude. In contrast, 69 percent show a high-risk lack of positive leisure activities in their community, and 40 percent show high-risk substance use. Nationally, 50 to 70 percent of youth in the juvenile justice system have a mental health disorder and 60 percent have a substance use disorder. Research shows that past trauma is the largest predictor for how deep a youth will go into the juvenile justice system, and trauma-informed juvenile justice reforms can effectively divert these youth.

## To build a more consistent juvenile justice system, reforms should:

Implement standardized detention risk screenings and sanction grids across all jurisdictions

Provide meaningful alternatives to prison and out-of-home placements for youth with mental health or substance use disorders

Eliminate the disparate punishments of minority youth

Implement specialized policies and programs to reduce the incarceration of girls

Ensure youth with disabilities receive appropriate programs and requirements

End the practice of sentencing youth who have been convicted of only misdemeanors to prison

Implement trauma-informed policies and practices throughout the juvenile justice system

"After we removed misdemeanants from our state facilities, the judge who opposed the change came to me and said it was the best decision — it forced us to find better alternatives."

Jerry Madden, former Chair of Texas House Committee on Corrections, testifying to the Kansas House Corrections and Juvenile Justice Committee on January 21, 2014

### Reform Principle #3

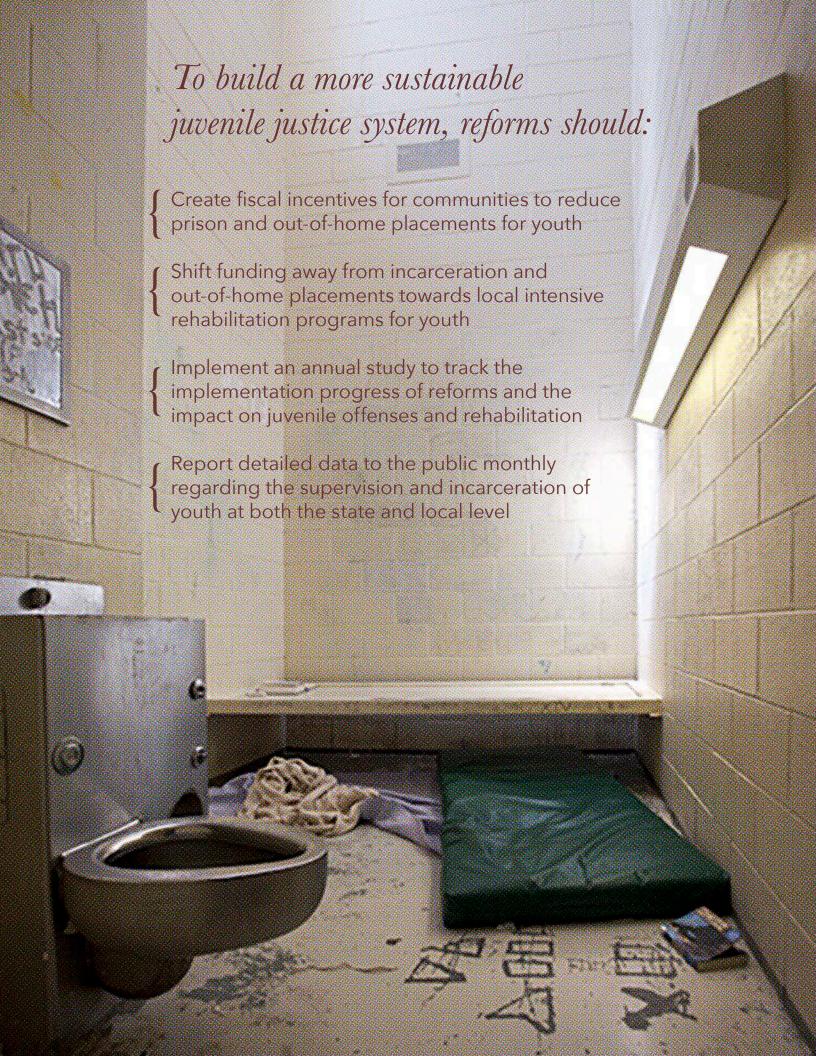
### Our youth justice system should be sustainable

The high rate of incarceration and out-of-home placements in Kansas has shifted needed funding away from prevention and intensive community rehabilitation programs. More than two thirds of the state's juvenile justice budget is spent on juvenile prisons or out-of-home placements. Less than one percent is dedicated specifically to evidence-based community rehabilitation programs. Only 2.3 percent is dedicated to programs that prevent juvenile offenses. XXIII

Intensive community rehabilitation programs for youth are more sustainable than juvenile prisons and out-of-home placements. Local programs are able to intervene more quickly when youth first get on the wrong path, reducing expensive incarceration in the future, and unlike rehabilitation programs offered in prisons or out-of-home placements, community rehabilitation programs are able to address problems in a youth's family and peer networks at the same time that they address the youth's own behavior and risks.XXIII

Prisons and out-of-home placements are the most expensive and least effective ways to respond to offenses committed by children. It costs more than \$240 per day to place a youth in one of Kansas's juvenile prisons; it costs more than \$130 per day to place a youth in other out-of-home facilities; but it costs only \$16 per day to place a youth under intensive supervision probation in the community.<sup>XXV</sup>

Intensive community interventions for juvenile offenders provide a more cost effective response to offenses committed by children: Functional Family Therapy would save the state over \$13 dollars for every dollar invested, and Life Skills Training would save more than \$25 dollars for every dollar invested. Proven prevention programs reduce youth recidivism by 20 percent on average and save \$2 to \$10 for every \$1 invested.



### Conclusion

In an effective, consistent, and sustainable juvenile justice system, youth who commit offenses are held accountable for their actions and complete appropriate rehabilitation programs to prevent future crimes. The current juvenile justice system in Kansas relies too heavily on incarceration and out-of-home placements, which extensive research shows do not promote accountability or rehabilitation. Our current policies pull funding and focus away from local intensive rehabilitation programs that do a better job addressing juvenile offenses.

Our current juvenile justice system was created by the Kansas Legislature in the Juvenile Justice Reform Act of 1996. In the nearly two decades since that legislation, Kansas juvenile justice professionals have gained experience with the advantages and disadvantages of the Revised Kansas Juvenile Justice Code; national juvenile justice research has significantly expanded our understanding of what works best for kids in trouble; and many other states have paved the way with successful juvenile justice reforms in their communities.

States that have already implemented reforms to minimize incarceration and increase funding for local intensive rehabilitation programs are faring better than Kansas. Since 1997, 28 other states have reduced confinement of children more than Kansas, and those states continue to see falling juvenile crime rates.

Polls consistently show strong, bipartisan support for juvenile justice reform. Together we can shift Kansas's approach towards proven, lower-cost alternatives to youth prisons that will give our youth a brighter future, make our communities safer by providing true accountability, and build justice that lasts.

#### Sources

- **I.** Kansas Department of Corrections "Cost Study of Youth Residential Centers for Juvenile Offenders Pursuant to Senate Substitute for House Bill 2588" January 2015.
- **II.** Council of State Governments "Reducing Recidivism for Youth in the Juvenile Services Division of the Kansas Department of Corrections: Analyses and Recommendations" March 2015.
- **III.** US Department of Justice "Kansas State DMC Assessment" 2013.
- **IV.** National Research Council "Reforming Juvenile Justice: A Developmental Approach" 2013.
- **V.** University of Pittsburgh "Pathways to desistance: A study of serious adolescent offenders as they transition to adulthood and out of crime; Estimating a Dose-Response Relationship between Length of Stay and Future Recidivism in Serious Juvenile Offenders" 2009.
- **VI.** Pew Charitable Trusts, Presentation to Kansas interbranch Juvenile Justice Workgroup, August 2015.
- **VII.** Council of State Governments "Reducing Recidivism for Youth in the Juvenile Services Division of the Kansas Department of Corrections: Analyses and Recommendations" March 2015.
- **VIII.** University of Colorado Boulder "Blueprints for Healthy Youth Development" 2015.
- **IX.** Office of Juvenile Justice and Delinquency Prevention "Model Program Guide" 2015.
- **X.** Kansas Department of Corrections, Kansas Juvenile Justice Trends: Report to the Kansas Joint Committee on Corrections and Juvenile Justice Oversight, October 2014.
- **XI.** Pew Charitable Trusts, Presentations to Kansas interbranch Juvenile Justice Workgroup, 2015.

XII. Ibid.

- **XIII.** University of Texas Austin "The Influence of Gender and Traumatic Experiences on Length of Time Served in Juvenile Justice Settings" September 2015
- **XIV.** National Crittenton Foundation & National Women's Law Center "Gender Injustice: System-Level Juvenile Justice Reforms for Girls" September 2015.

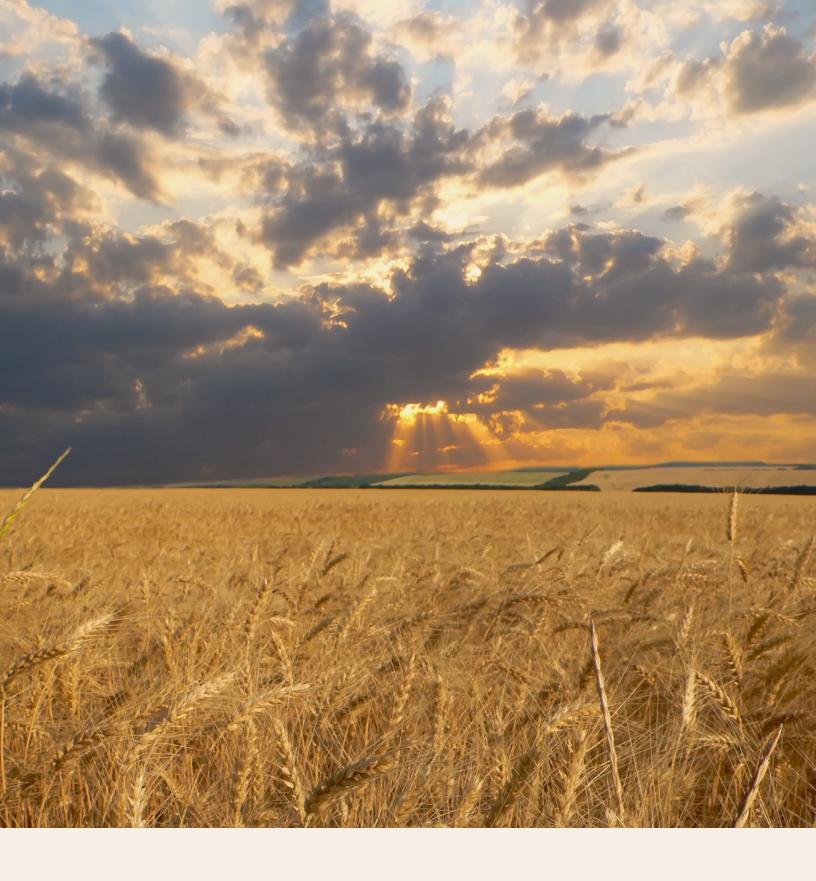
- **XV.** National Disability Rights Network "Orphanages, Training Schools, Reform Schools and Now This? Recommendations to Prevent the Disproportionate Placement and Inadequate Treatment of Children with Disabilities in the Juvenile Justice System" June 2015.
- **XVI.** Annie E. Casey Foundation "Detention Reform: An Effective Approach to Reduce Racial and Ethnic Disparities in Juvenile Justice" 2009.
- **XVII.** Pew Charitable Trusts, Presentation to Kansas interbranch Juvenile Justice Workgroup, August 2015.

XVIII. Ibid.

- **XIX.** Substance Abuse and Mental Health Services Administration "Behavioral Health and Justice Involved Populations" 2011; National Center for Mental Health and Juvenile Justice "Blueprint for Change: A Comprehensive Model for the Identification and Treatment of Youth with Mental Health Needs in Contact with the Juvenile Justice System" 2006.
- **XX.** University of Texas Austin "Youth pathways to placement: The influence of gender, mental health need, and trauma on confinement in the juvenile justice System" 2011.
- **XXI.** Hogg Foundation for Mental Health "It's Time for Positive Change: Reducing Seclusion and Restraint in Texas" 2009.
- **XXII.** Kansas Division of the Budget "FY 2016 Comparison Report" Updated September 2015.
- **XXIII.** National Research Council "Reforming Juvenile Justice: A Developmental Approach" 2013.

XXIV. Ibid.

- **XXV.** Kansas Department of Corrections "Annual Report" 2013
- **XXVI.** Washington State Institute for Public Policy "Benefits and Costs of Prevention and Early Intervention Programs for Youth" 2004.
- **XXVII.** Colorado Department of Public Safety "What Works: Effective Recidivism Reduction and Risk-Focused Prevention Programs: A Compendium of Evidence-Based Options for Preventing New and Persistent Criminal Behavior" 2008; Washington State Institute for Public Policy "Benefits and Costs of Prevention and Early Intervention Programs for Youth" 2004.



# Kansans United for Youth Justice