

TESTIMONY OF BENET MAGNUSON  
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BEFORE THE KANSAS SENATE CORRECTIONS  
AND JUVENILE JUSTICE COMMITTEE



IN SUPPORT OF SENATE BILL 367

FEBRUARY 2, 2016

My name is Benet Magnuson; I am the Executive Director of the Kansas Appleseed Center for Law and Justice, a nonprofit, nonpartisan organization that advocates for systemic solutions for the problems facing vulnerable or disadvantaged Kansans. Because few Kansans are as potentially vulnerable as kids in the custody of the state, our advocacy focuses especially on youth in the foster care and juvenile justice systems. Our goal is for every kid in Kansas to have a safe and secure childhood and a hopeful future.

**Kansas Appleseed strongly supports Senate Bill 367, which successfully addresses several key juvenile justice priorities identified by the Kansas Juvenile Justice Workgroup.**

Kansas's juvenile justice system is at a crossroads. As a response to youth offenses, the state has increasingly relied on taking children out of their communities and placing them in prisons and other out-of-home placements. Currently, our state has the 6th highest youth detainment rate in the country.<sup>1</sup> But those strategies aren't working to keep our communities safe: 42 percent of Kansas youth sent to a secure juvenile prison were incarcerated again within three years of release,<sup>2</sup> and 54 percent of Kansas youth sent to out-of-home, non-secure juvenile justice facilities were not successfully discharged.<sup>3</sup> Kansas must decide either to continue to spend tens of millions of dollars on failed incarceration strategies, or to change course and invest in family and community alternatives instead.

While incarceration of youth often makes future crime worse, family-based juvenile justice programs produce better outcomes. Along with being safer than confinement, family-based approaches are better at holding young people accountable for their behavior in their communities, and the public supports redirecting money away from facilities to support these programs. Youth crime in Kansas has fallen over 50 percent in the last decade, but the state's incarceration of youth is still much higher than the national average.<sup>4</sup> Kansas legislators have a golden opportunity this year to reduce youth confinement and invest in family-based approaches to juvenile justice that are safer and more effective.

A large number of the youth Kansas incarcerates or sends to other out-of-home placements are not a threat to public safety: 80 percent of youth sent into the custody of the Kansas Department of Corrections are low- or moderate-risk;<sup>5</sup> 35 percent of youth discharged from Kansas juvenile prisons last year were convicted of misdemeanors only.<sup>6</sup> Placing a low-risk youth in the state's juvenile prisons exposes the low-risk youth to traumatic experiences and very serious offenders, which makes it more likely that the youth will commit more serious crimes after release.<sup>7</sup>

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

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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.<sup>8</sup>

Prisons and out-of-home placements are the most expensive and least effective ways to respond to offenses committed by children.<sup>9</sup> 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>10</sup>

Intensive community rehabilitation programs for youth are more effective 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.<sup>11</sup> 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.<sup>12</sup> Proven prevention programs reduce youth recidivism by 20 percent on average and save \$2 to \$10 for every \$1 invested.<sup>13</sup>

The Kansas Juvenile Justice Workgroup's research showed our current juvenile justice system is very inconsistent, which makes it ineffective. The workgroup's research found out-of-home placement rates and other juvenile case outcomes vary widely among Kansas counties. Their research also found that youth supervision officers in Kansas report a lack of uniformity in the factors guiding responses to technical violations of probation; that Kansas youth are placed in detention facilities after arrest at a significantly higher rate than the national average; that a third of youth on case management were sent to seven or more out-of-home placements; that more than one-in-five entries into juvenile prisons in Kansas is a return admission due to a technical violation of conditional release; and that, 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>14</sup>

A system that is that inconsistent cannot be effective or fair. Kansas must adopt statewide reforms and standards to address these problems. It is not practical to try to reform the juvenile justice system county by county, and until the state implements statewide reforms and standards, the state system will continue to be overwhelmed by the high number of youth placed in the state's custody from the counties that have high rates of out-of-home placements.

Our current juvenile justice system was created by the Kansas Legislature in the Juvenile Justice Reform Act of 1996. In the 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 across the country are embracing community-based alternatives to youth incarceration and achieving successful results. Texas,<sup>15</sup> Ohio,<sup>16</sup> Connecticut,<sup>17</sup> Georgia, Kentucky, and many other states<sup>18</sup> have implemented these reforms and have seen continued reductions in youth offenses and millions of dollars reinvested in better strategies. Since 1997, 29 states have reduced confinement of children more than Kansas has, and those states continue to see falling juvenile crime rates.<sup>19</sup>

Senate Bill 367 is based on recommendations from the Kansas Juvenile Justice Workgroup, which included legislators, judges, prosecution and defense attorneys, and other Kansas juvenile justice practitioners. The workgroup had technical assistance from the Pew Charitable Trusts and consulted with the top experts in the nation. They met several times over months to study national research and highly detailed Kansas data before reaching consensus on their recommendations.<sup>20</sup> The recommendations are supported by Governor Brownback, Chief Justice Nuss, Speaker Merrick, Senate President Wagle, Senate Minority Leader Hensley, House Minority Leader Burroughs.<sup>21</sup> Public polls consistently show strong, bipartisan support for juvenile justice reform.<sup>22</sup>

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. Kansas Appleseed strongly supports Senate Bill 367 as an extensively researched solution to many of the most pressing problems facing our state's juvenile justice system.

Thank you for your leadership on this important issue. These reforms will give Kansas kids a better path to a brighter future.

Respectfully submitted,



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## REFERENCES

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- <sup>1</sup> Office of Juvenile Justice and Delinquency Prevention “Statistical Briefing Book” 2015.
- <sup>2</sup> Council of State Governments “Reducing Recidivism for Youth in the Juvenile Services Division of the Kansas Department of Corrections: Analyses and Recommendations” March 2015.
- <sup>3</sup> Kansas Department of Corrections “Cost Study of Youth Residential Centers for Juvenile Offenders – Pursuant to Senate Substitute for House Bill 2588” January 2015. For this study, successfully discharged youth were defined as those released from court supervision, to home or to a less intensive placement type. Unsuccessful discharges were youth discharged due to behavior problems, revocations, new charges, regulatory removals or leaving the facility without permission (AWOL).
- <sup>4</sup> Council of State Governments “Reducing Recidivism for Youth in the Juvenile Services Division of the Kansas Department of Corrections: Analyses and Recommendations” March 2015.
- <sup>5</sup> US Department of Justice “Kansas State DMC Assessment” 2013.
- <sup>6</sup> Pew Charitable Trusts, Presentations to Kansas inter-branch Juvenile Justice Workgroup, 2015.
- <sup>7</sup> Richard Mendel, “No Place for Kids,” Annie E Casey Foundation, 2011.
- <sup>8</sup> Kansas Division of the Budget “FY 2016 Comparison Report” Updated September 2015.
- <sup>9</sup> National Research Council “Reforming Juvenile Justice: A Developmental Approach” 2013.
- <sup>10</sup> Kansas Department of Corrections “Annual Report” 2013.
- <sup>11</sup> National Research Council “Reforming Juvenile Justice: A Developmental Approach” 2013.
- <sup>12</sup> Washington State Institute for Public Policy “Benefits and Costs of Prevention and Early Intervention Programs for Youth” 2004.
- <sup>13</sup> 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.
- <sup>14</sup> Pew Charitable Trusts, Presentations to Kansas inter-branch Juvenile Justice Workgroup, 2015.
- <sup>15</sup> Council of State Governments “Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms” 2015.
- <sup>16</sup> Annie E Casey Foundation “Bring Youth Home: Building on Ohio’s Deincarceration Leadership” 2015.
- <sup>17</sup> Justice Policy Institute: “Juvenile Justice Reform in Connecticut: How Collaboration and Commitment Have Improved Public Safety and Outcomes for Youth” 2013.
- <sup>18</sup> Pew Charitable Trusts “Re-Examining Juvenile Incarceration High cost, poor outcomes spark shift to alternatives” 2015.
- <sup>19</sup> Council of State Governments “Reducing Recidivism for Youth in the Juvenile Services Division of the Kansas Department of Corrections Analyses and Recommendations” 2015.
- <sup>20</sup> Pew Charitable Trusts, Presentations to Kansas inter-branch Juvenile Justice Workgroup, 2015.
- <sup>21</sup> Kansas Department of Corrections “State Releases Plans to Improve Juvenile Justice System, Promote Public Safety, and Reduce Costs” 2015.
- <sup>22</sup> Pew Charitable Trusts “Public Opinion on Juvenile Justice in America” 2014.