

**Trent Wetta Testimony in Support of Senate Bill 367**  
**February 2, 2016**

Thank you for the opportunity to speak to you today in support of Senate Bill 367. My name is Trent Wetta. I am a juvenile defense attorney in Sedgwick County, and I served on the Kansas Juvenile Justice Workgroup that made the consensus recommendations upon which Senate Bill 367 is based.

As you have heard repeatedly in testimony supporting this bill and from the data that our Workgroup evaluated, our current approach to juvenile justice is not working. Anyone who says otherwise has not looked at Kansas' data and has not spoken with professionals like me who work on the front lines every day. Throughout our comprehensive assessment of Kansas' system, we heard again and again from stakeholders that the system must change. After careful study of our data and of research, now is the time to take action in response to this input by aligning our system with the evidence-based practices that have worked in other states across the country and that have worked in the areas of Kansas where they are in place and available today.

In the courtroom where I work, I see on a daily basis that the absence of a graduated continuum of community-based responses to youth behavior leads to punishments that do not fit the crime and that do not protect public safety. My clients are sent to detention when they are picked up not because they are at risk of failing to appear for their next hearing or because they are a risk to reoffend, but rather because there are no alternatives available or simply because they've angered someone with their adolescent behavior. And if these youth are adjudicated, they once again face the specter of counterproductive out-of-home placement only because effective, evidence-based community options do not exist across our state. Again and again, we break families apart and fail to take the approach that evidence shows produces the best outcomes for public safety.

To address these issues, this bill takes steps we need to ensure that we are responding swiftly, appropriately, and proportionately to youth behaviors at every stage of the system and in every part of Kansas. By requiring the use of a validated detention risk assessment tool and incentivizing community-based alternatives to detention, the bill focuses state-funded detention beds on high-risk youth and

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ensures that every community has options for keeping families together as a lower-risk youth is awaiting a determination of guilt or innocence. Once a youth is adjudicated and if he or she is found responsible for the offense, the bill makes sure that there is an opportunity for rehabilitation and family strengthening by creating a presumption that a youth will remain in the community. Research and evidence from other states tell us that strong community supervision is more effective than placement for nearly all youth, so why would we not presume that this is the appropriate response for nearly all of the youth that enter our system?

In addition, this bill establishes presumptive lengths of court jurisdiction and caps on the length of time a case can go on. The clients that I serve are trapped in the system at taxpayer expense—they are unable to extract themselves from a juvenile justice system that will not let go. Many youth come from households that face difficulties, but we have to decide: is the state going to give them everything and set up a family that looks like a Norman Rockwell painting or are we going to reduce recidivism? Does the state want to be parents to the kids or does it want to focus on the evidence-based community services that actually prevent crimes? These case caps allow the state to establish reasonable standards for how long the system has to rehabilitate a youth, and the bill provides the reinvestment necessary to support this rehabilitation in the community.

Another essential component for enabling the courts to respond effectively to youth in our juvenile justice system is establishing due process protections. These protections are currently absent: youth do not receive preliminary hearings, youth can be presumed to be adults and must provide evidence that they are, in fact, children, and youth are transferred to the adult system without cause. You may hear testimony that this bill makes it impossible for youth to be charged as adults. This is not the case; rather, the bill requires prosecutors to provide evidence in court that a youth should be tried as an adult. If the case is made, the court can simply grant the motion. This is not revolutionary—it is common sense.

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The policies represented in this bill will only serve to strengthen our juvenile justice system and make our communities safer. Only by emphasizing a system with strong, evidence-based community responses to youth behavior can we ensure better outcomes for youth and families in our state. I encourage you to support Senate Bill 367 because I know—as do all those who have come here this week to support this effort—that Kansas can and must do better. Thank you very much for your time.