



TESTIMONY OF  
**DR. MICAH W. KUBIC**  
EXECUTIVE DIRECTOR, AMERICAN CIVIL LIBERTIES UNION OF KANSAS  
**IN SUPPORT of SB 367**  
KANSAS SENATE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE  
FEBRUARY 2, 2016  
*--WRITTEN TESTIMONY ONLY--*

Thank you, Chairman Smith, and members of the committee for affording this opportunity to provide testimony on SB 367. The American Civil Liberties Union (ACLU) of Kansas is a membership organization dedicated to preserving and strengthening the constitutional liberties afforded to every resident of Kansas.

The ACLU of Kansas is pleased to **strongly support SB 367**, which will implement desperately needed, evidence-based reforms in the state's juvenile justice system.

- **The juvenile justice system in Kansas is in desperate, immediate need of reform.** Americans are becoming increasingly concerned about high levels of incarceration, as it becomes ever-more clear that levels of incarceration and confinement are the product of criminal justice policies rather than crime rates. Current policies lead to over-incarceration and over-confinement, with many individuals facing overly severe penalties for minor infractions. This is particularly true of juveniles in Kansas, causing the state to earn the unenviable distinction of being the 6<sup>th</sup> worst in the nation for its over-confinement of children. Extensive research shows that prisons and out-of-home placements—which are both widely used in Kansas—are almost always the most expensive and least effective response to juvenile offenses.

This means that the juvenile justice system in Kansas is confining too many children, for too trivial of reasons, with too little in the way of results, and at too great of an economic, moral, and community cost. That, in turn, contributes to challenges with the state's adult justice system, including the over-crowding exhibited in Kansas adult prisons. As a result, the juvenile justice system is in urgent need of the overhaul that SB 367 provides.

- **The juvenile justice system demonstrates high levels of inconsistency, making it unfair and ineffective.** Research conducted by the recent Pew workgroup in Kansas found startling levels of inconsistency and lack of uniformity in out-of-home placement rates and juvenile case outcomes between counties. Although the ACLU is supportive of the principle of local control, the extraordinary disparities between counties are reason for concern. A system that is that inconsistent cannot be effective or fair. Kansas must adopt statewide reforms and standards to address these problems.

- **The reforms contained in SB 367 have been proven effective.** The reforms proposed in this legislation were developed through a blue-ribbon workgroup, with the assistance of leading criminal justice policy experts from the Pew Charitable Trusts. The reforms proposed are consistent with national research on best practices and have already been embraced by many other states. In those states, the reforms have proven their effectiveness—at reducing the level of juvenile confinement and reducing juvenile crime rates. Since 1997, 28 other states have reduced confinement of children more than Kansas has, but those states continued to see falling juvenile crime rates.

We urge the committee to **support SB 367**.