Testimony on Senate Bill 367 February 2, 2016

To: Senate Committee on Corrections and Juvenile Justice

Fr: Jeffrey Leslie
102 East Magnolia Street
Girard, KS 66743
Cell Phone: 620-724-2707

Dear Members of the Committee,

I have some opinions to express concerning Juvenile Justice Reform as proposed in SB 367. My opinion is drawn from 33 years of experience working with juvenile offenders in Kansas. In that time I have had contact with nearly 10,000 juveniles.

I am currently the Director of the Southeast Kansas Regional Juvenile Detention Center, but am planning to retire in 2017. I mention retirement only to illustrate to you that I have no vested career or financial interest in filling beds with youth in detention or other out of home placements.

I have great respect for the intentions and efforts of the recent Juvenile Justice Workgroup from which it appears many of the proposed changes to the state juvenile justice system has come. There is much good contained in this bill, including Training, Education, Treatment, Re-integration services, and the Juvenile Improvement Fund. **However, I have serious concerns about some elements of the bill.**

I. The revisions to juvenile justice appear to be a very substantial makeover. The Workgroup's own report stated that **from 2004 to 2013 juvenile arrests in Kansas declined by 52%**, but they apparently chose to interpret the reduction of out of home placement by only 24% as an indicator that the current system requires sweeping changes, even regarding the most serious offenders.

52% reduction in arrests is an indicator that much is being accomplished. I maintain that the current practices of serious consequences for serious offenses is proper, is behavior driven, and has much to do with reducing juvenile crime. We need to address issues with the lack of success of out of home placements and the cycling of youth from one to another of these placements instead of so dramatically changing the established system of consequences for the most egregious acts committed by offenders. To establish dramatically reduced Case Limits for the court (New Section 1) and a statutory limit of **36 months** of **commitment** to the Juvenile Correctional Facility (JCF), with a possible extension to 60 months with a departure hearing for an Off Grid offense, as the consequence **for a Violent Offender I (Off Grid felony - First Degree Murder)**, or **12 - 24 months commitment for a Violent Offender** II (with specific exceptions for Murder 2, Rape, and Aggravated Sodomy) is completely improper. (See Section 45, subsection (a) (1), (A) and (B). Additionally, the other included time limits for commitments seem far too restrictive of the court's discretion.

It seems doubtful that very many people who have ever been the victim of a serious crime, or had a child or other loved one victimized in such a manner, could seriously favor the adoption of such limits. If and when such events were to occur with the above mentioned proposed consequences in place, the public outcry would be overwhelming. Second chances are a wonderful thing and forgiveness is divine, but in cases where great harm has been done, second chances need to come after meaningful consequences are served.

Fr: Jeffrey Leslie, Testimony regarding SB 367 cont.,

II. The proposed changes to limit the length of stay in detention to 30 days seems inadequate considering the seriousness of offenses committed by many of the youth held there. (See New Section 1, (g). In our area many times it is continuances by the defense that cause cases to go over 30 days and longer. It doesn't seem appropriate to place such a short time limit on these matters. 90 days as the limit and a review each 30 days instead of the proposed 30 days limit with a court review each 7 days would seem more sensible. Even then, I think it is important that the court decide how long a youth should remain in detention in each individual case based upon the circumstances of that case.

The District Courts in our area have done a very good job over the last decade at limiting the use of detention to cases where they needed to do so. Indeed, to assume the rural counties which make up our region excessively use detention and send a deputy on a drive of up to three hours to take a youth to detention that could go somewhere else is misguided. Youth are only kept in our facility when there is an apparent need to do so. The juvenile offenders sent to our facility in Girard are not the ornery 5'3" 105 lb. kid from down the street who is just an annoyance, but instead are youth who have caused serious trouble and in many cases are violent offenders who aren't someone you, or your spouse or children, would want to meet on a dark night in a parking garage. As of this date, there is a 17 year old juvenile in our facility in Girard who is 6'3" and weighs 340 pounds, we get a lot of youth who could hurt you.

III. SB 367, as I understand it, proposes to change how admissions to detention are done and utilize criteria with a detention risk assessment tool (See Section 33) that is to be developed, but for which there is inadequate details provided for when offenders will be detained. (See Section 60 (d) (2). This issue should be addressed before adoption of any changes in the law as the criteria has been previously established in statute.

Admissions to our facility in Girard are regularly reported to a contractor for the Federal Government. She has been very complimentary to us about the limited use of detention by the counties we work for.

IV. Reduction of law enforcement referrals from schools seems a worthwhile goal, but depending upon the practices which come out of this goal I fear the beginning of a trend toward more violence and disruptive behavior within our schools because our schools are urged to not refer offenders to law enforcement. (See Section 57 (i)). It is very concerning that we are progressing in a direction where the interests of the few who exhibit poor behavior are far outweighing the interests of the many who are at school to learn. Our schools are administered by highly educated individuals with Master's Degrees and PhD's and our Police Departments are run by Academy trained intelligent and highly experienced public servants. It seems as if it should be left to their expertise and knowledge of local circumstances to determine when law enforcement referrals are made by our schools, and without interference from the state designed to achieve arbitrary statistical benchmarks.

V. Sec 50 of the bill removes the court's ability to return an offender to the JCF for violating Conditional Release. This seems much too limiting of the court's discretion in these matters, as does the limits established in the bill for the courts to manage violations of probation.

VI. Successful implementation of the proposed changes to the Juvenile Justice System by January 1, 2017 seems questionable. There is a lack of currently available resources and alternative programs to replace what is being done to manage juvenile crime, and it seems doubtful these resources will be available and programs in place around the state by the prescribed date, although I certainly hope they are in place in time.

Fr: Jeffrey Leslie, Testimony regarding SB 367 cont.,

Conclusion: It is interesting that the **first priority** established for the Kansas Juvenile Justice Workgroup was to **"Promote public safety and hold juvenile offenders accountable."** My concern with some suggestions of the workgroup report and the subsequent proposed legislation is that it appears as though an overwhelming desire to reduce state custody regardless of the practical consequences has exceeded this established first priority, as related to the most serious offenders.

Please don't misunderstand my criticisms. The workgroup obviously worked long and hard and has many very good suggestions which have been included in SB 367. I have no doubt the best interests of youthful offenders is in mind. However, we need to maintain proper consideration for public safety, the rights of victims, and the well-being of our communities.

As a Detention Administrator over the last 30 years, I am very proud of the improvements made in our Juvenile Justice System and assure you we operate in Girard with priorities of (1) **Safety**, (2) S**ecurity**, (3) **Academic Recovery**, and an established expectation from this administrator that we do everything possible to **Not Make Them Worse**. The facility I manage has a history of outstanding compliance with state regulations for licensing. I strongly welcome any improvements in our system that will be better for our youth and better for our society.

As mentioned previously, during my years working in detention I have had contact with nearly 10,000 juvenile offenders. Interestingly, I don't recall ever sending to the JCF, or its previous manifestations, any youth who were Varsity Athletes or who were heavily involved in other School Activities. Maybe our efforts at reform should include getting youth involved in worthwhile activities and helping change their behaviors without reducing the tools available to provide consequences for criminal acts. I urge you to revise SB 367 and avoid unintentionally sending a wrong message that Kansas has become soft on serious crime.

Sincerely,

Jeffrey Leslie