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EQUALITY ♦ LAW ♦ JUSTICE

**Written-Only Neutral Testimony on HB 2264  
House Corrections & Juvenile Justice Committee  
February 8, 2017**

**Chairman Jennings and members of the Committee:**

My name is Kasey Considine. I am a staff attorney at the Disability Rights Center of Kansas (DRC). DRC is a public interest legal advocacy organization that is part of a national network of federally mandated organizations empowered to advocate for Kansans with disabilities. DRC is the officially designated protection and advocacy system in Kansas. DRC is a private, 501(c)(3) nonprofit corporation, organizationally independent of state government and whose sole interest is the protection of the legal rights of Kansans with disabilities.

Mr. Chairman, thank you for the opportunity to submit comments regarding changes to 2016 SB 367.

DRC strongly urges the committee not to make any changes to SB 367 that would undo the progress that Kansas is making. SB 367 was one of the most thoroughly researched and debated bills in recent history. It received nearly unanimous legislative approval and is supported by the vast majority of the public. SB 367 provides realistic, workable solutions to the problems plaguing the juvenile justice system in Kansas.

More importantly, SB 367 is working. Kansas has already seen significant benefits from the juvenile justice reforms, including more effective responses for youth with high needs. The state has built an additional 295-youth capacity through new statewide Functional Family Therapy, Youth Advocate Program, and sex offender treatment programs funded by re-investment dollars that otherwise would have gone to incarceration. Together with increased training for probation officers and other stakeholders, Kansas saw a 42% reduction in the state's juvenile offender custody population from November 2015 to November 2016. This rapid decrease in custodial placements, even before the majority of the policy provisions in SB367 have gone into effect, is consistent with the experiences of other states that have

passed similar reform legislation. As systems and practitioners receive more training and revise policies and procedures in preparation for the statewide policy changes, they reduce reliance on incarceration. Rolling back provisions of SB 367 threatens to undo that progress, create problematic uncertainty and confusion among practitioners and families, and take Kansas back to the broken juvenile justice system we have just started to fix.

In addition to preserving the progress that has already been gained through SB 376, we urge the committee to support solution to problems that were not included in SB 367. The committee should create a presumption against shackling youth in court. Several district courts in Kansas regularly restrain every youth brought the court from local juvenile detention facilities. The practice of indiscriminately shackling youth during court proceedings, which usually involves the use of leg irons, belly chains, and handcuffs, raises serious concerns related to youth's due process right and psychological health, and offer only de minimis security benefits.

Thank you for the opportunity to share our comments with you.