

DATE: January 27, 2020

TO: House Corrections and Juvenile Justice Committee

FROM: Terri Williams, Chairperson
Kansas Advisory Group on Juvenile Justice and Delinquency Prevention (KAG)

RE: Testimony in Opposition to HB 2445

Thank you for the opportunity to provide testimony on HB 2445. The Kansas Advisory Group (KAG) is in opposition to this bill.

As many of you are aware, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) requires each state to maintain a State Advisory Group (SAG). In Kansas, this group is called the Kansas Advisory Group on Juvenile Justice and Delinquency Prevention (KAG). The KAG is comprised of members who are appointed by, and serve at the pleasure of, the Governor.

One of the roles of the KAG is to advise on, and advocate for, juvenile justice matters that are consistent with industry standards and best practices. In accordance with this role, the KAG makes annual recommendations to state policy makers and the Kansas Department of Corrections (DOC).

The DOC is the designated state agency for receiving federal funds from OJJDP. The DOC and KAG partner to oversee the federal funds (Title II) for the State of Kansas. The KAG also assists in providing oversight to keep Kansas in compliance with the provisions of the federal Juvenile Justice and Delinquency Prevention Act (JJDP Act).

OJJDP funding is allocated to each state contingent upon its compliance with four core requirements of the JJDP Act. The KAG and DOC are responsible for overseeing and monitoring these requirements. The requirements are:

- Jail Removal – Juvenile offenders shall not be securely detained in adult jails.
- Sight and Sound Separation – Juveniles must be kept sight and sound separate from adult offenders.
- Deinstitutionalization of Status Offenders – Juveniles charged with status offenses should not be placed in secure detention or correctional facilities
- Racial and Ethnic Disparities – States must address over-representation of minorities in the juvenile justice system.

Kansas has maintained full compliance with the core requirements since 1999. This allows the State to continue receiving 100% of the Title II funds available under the federal funding formula.

The KAG is opposed to HB 2445 for a number of reasons:

- 1) This bill would be in direct opposition of two of the four core requirements of the JJDP Act. Firstly, it would allow for the detention of youth charged with status offenses. Secondly, absent any data that would be presented on the demographics of the population of youth in Kansas that this bill seeks to detain, we can only conclude that the youths' demographics mirror those seen in national data. Nationally, a majority of children who are petitioned to the court are girls between the ages of 13 and 17. Running away from home is the only category of status offenses for which more girls are charged than boys. African American youth are more than 3 times as likely as their white peers to be petitioned to the courts for running away from home (Juvenile Court Statistics 2010 pages 69-75). A bill that would disproportionately impact youth of color is not good public policy, is against the core requirements of the JJDP Act, and is a practice that the KAG would strongly oppose.
- 2) Generally, reasons that children runaway involve the youth being subjected to repeated physical and/or sexual abuse. Detainment of youth involves a number of processes that are often identified as triggers for youth who have experienced such trauma. This is true even for a "short" duration of detainment. Should this bill become statute, youth would be subjected to shackling and/or strip searches upon admission to detention. Both have the potential to re-traumatize youth, particularly youth (often girls) who have been victims of sexual abuse.
- 3) It is unclear to what extent this recommendation has been made using objective data. It is our understanding that the prohibition of the Valid Court Order (VCO) portion of SB367 has only just recently been implemented according to the timeline established in that legislation. With the effective date of July 1, 2019, it has only been in effect for roughly 8 months. This is not enough time to thoroughly collect, vet, and analyze its impact.
- 4) We would encourage that rather than pass legislation that would impose the most restrictive penalty for status offenses (and one that is generally detrimental to youth), that time be allowed to fully examine other, less restrictive (and more effective) approaches to assisting this population. Many other states and counties across the country have implemented programs and prioritized youth engagement practices to help ascertain the root causes of the runaway behavior and tailor services accordingly. Kansas youth deserve the same consideration and assistance.

The KAG remains committed to our statutory duty to oversee and monitor Kansas's compliance of the four core requirements of the JJDP Act. We remain equally committed to ensuring that Kansas remains a leader in sound practices pertaining to youth. We would gladly participate in any group that was established to study the runaway data in Kansas and serve as a resource to make recommendations on programs and services to effectively serve these children.