

Articles published on juvenile justice in issues of the LWV Topeka-Shawnee County *Voter* and LWV Johnson County *Voter* in 2004.

(From LWV Topeka-Shawnee Co *Voter*)

Report on presentation by Denise Everhart, by Edith Bronson

Denise Everhart, who finished her first year as commissioner of the Kansas Juvenile Justice Authority, began her talk at the February 3, 2004, Tuesday Topics by reciting the JJA vision and mission statements.

The vision is "A safer Kansas through the reduction of juvenile crime." The mission is "to promote public safety by holding juvenile offenders accountable for their behavior, and improve the ability of youth to live productively and responsibly in their communities." Kansans will enjoy safer communities through prevention, intervention, rehabilitation and reintegration services provided to children and their families.

JJA which was established by the legislature in 1997 took over program pieces which were already out there-intake, assessment, Juvenile Intensive Supervision (JIS□□P) in home communities, offender placement, and correction facilities.

A sentencing matrix (guidelines for judges) reduced the number of juveniles being admitted to facilities from 1000-1300 in the early '90's to around 600 now. Less serious offenders are helped in their local community. Facility beds are reserved for the more serious offenders who need to stay longer. Average number of kids was 572 and now is 500.

Commissioner Everhart described the facilities.

Atchison is a 100-bed minimum security facility for the youngest males from 10 to 15 years old. They are very needy. The younger the age of the offender, the more essential it is to turn them around.

Serious offenders comprise 70% of the offenders and of that group 70% are sex offenders. They often come from an environment where they were first a victim. More early intervention is necessary.

At Beloit the sentencing matrix reduced the female population from around 100 to the mid 40's where it should remain for 10 years. There are a lot of programs.

The new Larned facility was completed in July of 2003. Of the 152 beds, 32 are reserved for mental health illness. The rest are for substance abuse.

Topeka is an old medium and maximum security facility for older males (16-22 1/2 years) and has a perimeter fence. Designed for 219, it currently houses 250, some in 30-cot dormitories. The overcrowding is not good. Residents are there not so much for sex offenses (40%) but for violent ones.

The new Topeka facility, which will not open this year because of budget, is located next to the current one. It has 150 maximum security beds, 60 beds for reception and diagnostic purposes (currently done at each facility), and a 15-bed infirmary. Facilities now use local hospitals requiring special staffing. Pregnant girls from Beloit are sent to Florence Crittenton.

Everhart said that Kansas was forward-looking, going in the right direction by working with 2000-3000 juveniles in their home communities and institutionalizing about 500. Half of their \$90 million budget goes to community programs. Other states are a flipflop from that.

In response to questions, Everhart described examples of offenses and what is required of the offender, outside and inside the criminal system, based on need. Judges have a lot of discretion in working with the sentencing matrix. But the court does not have as many options in correcting a family situation as for a Child in Need of Care (CINC). The intent of family preservation under SRS is good; removal is more traumatizing to kids. No matter how much good is done for the individual and the family, a bad neighborhood can negate it. Juvenile arrests are down; they peaked in 1994-95.

Denise L. Everhart background:

January 2003--Commissioner, JJA

1997-2002--Pro Tem Judge, 3rd Judicial District Court, Division Ten, juvenile cases

1995-96--Director, Planning and Research, Koch Crime Commission

Private practice: Full range of juvenile cases

1989--Juris Doctor with honors, Washburn U. School of Law

1988-1994--Kansas House of Representatives

1986--BA in History and Political Science, Summa Cum Laude, Washburn U.

Juvenile Justice Authority has an extensive website at <<http://jja.state.ks.us/index.htm>>

(From LWV Topeka-Shawnee Co Voter)

Report on presentation by Sarah Mays, by Edith Bronson

Sarah Mays, Assistant Director of Domestic and Juvenile Services for the Third Judicial District Court Services, shared experiences from her 27-year career there at March Tuesday Topics.

She has a BA degree from Washburn University and masters degrees from Kansas University in social work and in public administration.

Court Services handles probation for juvenile offenders and Children in Need of Care (CINC.) CINC may be those from birth to 18 years who reside at home (are not under SRS) and who are truant or experience neglect, sexual abuse and/or physical abuse. Offenders convicted of a crime range from age ten to 18 or older.

The Third District has a staff of 16, all with degrees in social work. They try to link families with services which is difficult because both the families and the District have little money.

In order to get a true picture of the child, issues involved, and resources needed, staff interview parents (preferably in the home), the child, teachers or school reports, therapist, etc. Staff are often parents to the parents, and the most consistent person in the child's life. Cases are not related to race, and are found in every part of Topeka.

For parents to get their children (CINC) back, they must resolve a long list of issues such as be employed, be drug and alcohol free (most relapse), handle their anger, etc. Staff help parents to prioritize issues on which to work, and when one step is met successfully, encourage them in the next. They teach budgeting. They teach developmental points in kids lives. If the issues are not resolved, parental rights may be severed.

Court Services officers enforce the order of the court to remove children from the home. They go into really rough parts of town. They have no weapons, no mace, no hand cuffs, and cannot put

their hands on anyone. They do go in teams of two or three, wear bullet proof vests, and keep dispatch aware of their locations in case backup is needed.

The path of the juvenile offender goes from a police report to district attorney investigation to court for trial, sentencing and probation. The offender has a 19-point probation order; breaking one results in house arrest.

Sarah reads probation orders out loud with the child and parents following along, because otherwise they would sign without reading them. Orders are signed, sent to the judge and copies go to parents, the child, and the file.

Asked about her caseload, Sarah said that it is down to 35. Caseloads depend on whether or not the district attorney files cases. The current administration emphasizes sex offense and high profile cases, but only 29 truancy cases were filed since September 2003. There are many times that.

Asked what improvements could and should be made if there were money, she said treatment beds for kids on drugs are needed. All are out-patient. Many mental health beds were lost and crisis beds are in short supply.

Sarah shared many tactics she uses to hold persons accountable. She shows up at homes to take urinalysis tests for drugs and breathalyzer tests for alcohol. She drives to the house, after a call from a parent of a juvenile who refuses to go to school, gives the juvenile a time limit to get dressed, drops her off at the school front door and positions herself at the rear door so the child can't exit. When a juvenile is suspended from school, she makes him get up, come in and work on a GED or do community service work. There are more boys than girls in the system, but crime now offers equal opportunity.

Sarah observed that parents often aren't being parents. They may know little about their children's lives--even who their teachers are. Kids are treated but they go back to the same parents. They need "habilitation" not "rehabilitation"--because they never had it.

"We say children are our future, but we don't fund programs for kids or pay those who work with kids, such as teachers, adequately," she said.

Sara Mays is a Licensed Specialist Clinical Social Worker and Certified and Approved Mediator. She is a member of the Families First Advisory Board, Safe Visits Advisory Board and Shawnee County Multidisciplinary Child Protection Team.

(From LWV Topeka-Shawnee Co Voter)

Report on Juvenile Corrections Advisory Board (JCAB), by Georgia Sandlin

In 1995, the Kansas Legislature enacted Senate Bill 312 creating the Juvenile Justice Authority (JJA) and the Kansas Youth Authority. The Kansas Youth Authority was charged with designing the blueprint for Juvenile Justice Authority's functions.

In 1996, the legislature passed HB 2900, and in 1997 House Substitute for SB 69 was passed. Together, these two bills are referred to as the Juvenile Justice Reform Act, and in 1997, they launched the Juvenile Justice Authority (JJA).

In 1998 and early 1999 community planning teams were formed in each judicial district. Under the guidance of JJA staff these planning teams identified the particular strengths and weaknesses of their communities. The planning process involved a cross section of each district's citizens. People

from the judiciary, education, social services and other community leaders were represented on the planning committees. With knowledge of the communities' strengths and weaknesses they could identify appropriate prevention and graduated sanctions programs specific to each judicial district. No two districts in the state have identical programs. The planning teams completed their work in late 1999, and Juvenile Corrections Advisory Boards were formed in each district to take over from the community planning teams in 2000.

Shawnee County is the Third Judicial District. The Shawnee County Commissioners appointed those on the Advisory Board. There are 12 voting members. There may be 20 to 30 people at each meeting. There are representatives from the police department, sheriff's department, the DA, SRS, Family Service and Guidance Center, CASA, school district, United Way, and others. Administrative contacts, appointed by the county, act as a liaison between the JCAB and the JJA.

A major focus of the Juvenile Corrections Advisory Board is prevention. They work to implement cooperation among agencies in the community. Many agencies in the community are designed to be family-based crime prevention programs such as Big Brothers and Big Sisters or Parents as Teachers. Others are immediate intervention programs that bring parents and/or other community members into the process quickly after the juvenile commits an offense.

The Advisory Board gives recommendations on the distribution of money. Block grant money (tobacco) or money from other grants is used. Decisions are submitted to the County Commission and from there they are sent to the Juvenile Justice Authority for approval. When the money is distributed the agency receiving the money is required to give monthly, quarterly and yearly reports.

Collaboration among agencies is a priority with the Advisory Board. Most of the cooperating groups also have their own grant money, but many grants call for cooperation with other agencies. Board members feel there has been a significant improvement in collaboration of services. This local board is able to target the needs of high-risk youth in Shawnee County as well as the resources that are currently available to serve these young people.

Cathy Leonhart, Chief Court Services Officer, chairs the meetings. Dina Pennington, from Community Corrections, is the administrative contact person.

The Juvenile Corrections Advisory Board meets in the Anchor Building, 712 S. Kansas. on the Third Wednesday of each month from 8:00 to 10:00 a.m. The public is invited.

(From LWV Johnson Co Voter)

The State of Juvenile Justice in Kansas, by Ann Hebberger, Mary Ellen Schaid, et al. The League of Women Voters of Kansas adopted a position on Juvenile Corrections and Services in 1993. At that time, juvenile justice issues were under the purview of the Department of Social and Rehabilitation Services. In 1997 the Juvenile Justice Authority was formed, and this agency assumed responsibility for all programs and funding associated with juveniles who, through their actions, come in contact with law enforcement. The purpose of the 2004/5 LWVK study is to determine if the JJA is meeting the needs of juveniles, seven years after assuming responsibility for such juveniles.

Juvenile Justice Reform in Johnson County. The Juvenile Justice Reform Act was enacted in Kansas in 1996 in response to increases in violent crime rates among children. As a result of this legislation, responsibility for juvenile offenders was given to the new Juvenile Justice Authority. The mission of the JJA is: 1) promoting public safety by 2) holding juvenile offenders accountable for their behavior, and 3) improving the ability of youth to live productively and responsibly in their communities.

Reform called for a transfer of much of the responsibility and authority for juvenile justice services from the state to the local community, through each Judicial District, administered by the county or counties within that district. JJA issues the state funds for juvenile corrections services to each administrative county through a grant allocation and provides technical assistance. The Reform Act further required each District to design a Comprehensive Strategic Plan to prevent, reduce and control juvenile crime and to convene a Juvenile Corrections Advisory Board (JCAB). The JCAB makes recommendations to the Board of County Commissioners and ensures that grants received conform to the plan. Core programs that districts are required to provide are: 1) Juvenile Intake and Assessment Services, 2) Juvenile Intensive Supervision and 3) Community Case Management. The only service the state, through JJA, maintains direct operational responsibility for is the juvenile correctional facilities, which are limited to serious, violent or chronic offenders. Of the 6000-7000 reports of juvenile offenses Johnson County Court Services receives each year, about 25 offenders end up in the Youth Correctional Facility.

The Johnson County JCAB and plan has provided for a continuum of services for juvenile offenders that include:

Prevention- strengthening families, youth activities, after school programs, school resource officers, recreation, and school-based substance abuse programming.

Intervention- Juvenile Intake and Assessment Center, provision of human service or legal strategies based on juveniles' offending behavior, risk factors, available resources, Youth Court, and truancy initiative which includes attendance monitoring and alternatives to out of school suspension.

Detention- Johnson County Community Corrections, detention center, case management, and education and counseling programs while in detention.

Graduated Sanctions- probation, intensive supervision probation, substance abuse treatment, house arrest, and out of home placement.

The community planning team utilized a survey from the Communities That Care prevention program to identify four priority risk and protective factors of concern to Johnson County to be the focus of prevention efforts:

- 1) Community laws and norms favorable to drug use. Adult attitudes such as "it's only beer" and "we let them learn to drink at home". Tobacco and alcohol are often gateway drugs.
- 2) Early initiation of the problem behavior. The earlier youth begin using drugs or exhibiting other problem behaviors, the greater the likelihood they will continue to have these problems later in life. For each category of arrests, the rates in Johnson County are higher than the Kansas statewide arrest rate.

- 3) Favorable parental attitudes and involvement in the behavior of their children. For example “we do not need to be at the party,” or “we need our free time, we work hard.”
- 4) Family management problems complicate and increase the risk of problem behavior among children. Poor family management includes lack of clear expectations, failure to monitor (knowing where children are and who they are with), lack of awareness of substance use, staying out late, missing school.

In Johnson County the Juvenile Intake and Assessment Center (JIAC) is the entry point into the juvenile justice system and is legislatively mandated to complete the intake and assessment process with every juvenile taken into custody. Trained professionals conduct evaluations that include background information and a self-screening instrument. Information collected helps to direct juveniles to appropriate services and provides valuable data for the agencies involved with them. The purpose of the intake and assessment is to intervene with youth in crisis, get them to a safe place, identify the root causes of their problems and link them with the services best able to meet their needs or required by statute as a result of their offenses.

Johnson County Community Corrections and Johnson County Court Services share responsibility for supervising sanctions imposed by the District Court. Both agencies provide extensive services and interventions ranging from less to more restrictive.

(From LWV Johnson Co Voter)

Definitions for the State Study of the Kansas Juvenile Justice System, by Ann Hebbberger

38-1602

Chapter 38.--MINORS

Article 16.--KANSAS JUVENILEJUSTICE CODE

38-1602. Definitions. As used in this code, unless the context otherwise requires:

- (a) "Juvenile" means a person 10 or more years of age but less than 18 years of age.
- (b) "Juvenile offender" means a person who commits an offense while a juvenile which if committed by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 21-3105, and amendments thereto, or who violates the provisions of K.S.A. 21-4204a or K.S.A. 41-727 or subsection (j) of K.S.A. 74-8810, and amendments thereto, but does not include:
 - (1) A person 14 or more years of age who commits a traffic offense, as defined in subsection (d) of K.S.A. 8-2117, and amendments thereto;
 - (2) a person 16 years of age or over who commits an offense defined in chapter 32 of the Kansas Statutes Annotated;
 - (3) a person under 18 years of age who previously has been:
 - (A) Convicted as an adult under the Kansas code of criminal procedure;

(B) sentenced as an adult under the Kansas code of criminal procedure following termination of status as an extended jurisdiction juvenile pursuant to K.S.A. 38-16,126, and amendments thereto; or

(C) convicted or sentenced as an adult in another state or foreign jurisdiction under substantially similar procedures described in K.S.A. 38-1636, and amendments thereto, or because of attaining the age of majority designated in that state or jurisdiction.

(c) "Parent," when used in relation to a juvenile or a juvenile offender, includes a guardian, conservator and every person who is by law liable to maintain, care for or support the juvenile.

(d) "Law enforcement officer" means any person who by virtue of that person's office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

(e) "Youth residential facility" means any home, foster home or structure which provides twenty-four-hour-a-day care for juveniles and which is licensed pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated.

(f) "Juvenile detention facility" means any secure public or private facility which is used for the lawful custody of accused or adjudicated juvenile offenders and which shall not be a jail.

(g) "Juvenile correctional facility" means a facility operated by the commissioner for juvenile offenders.

(h) "Warrant" means a written order by a judge of the court directed to any law enforcement officer commanding the officer to take into custody the juvenile named or described therein.

(i) "Commissioner" means the commissioner of juvenile justice.

(j) "Jail" means:

(1) An adult jail or lockup; or

(2) a facility in the same building as an adult jail or lockup, unless the facility meets all applicable licensure requirements under law and there is (A) total separation of the juvenile and adult facility spatial areas such that there could be no haphazard or accidental contact between juvenile and adult residents in the respective facilities; (B) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping, and general living activities; and (C) separate juvenile and adult staff, including management, security staff and direct care staff such as recreational, educational and counseling.

(k) "Court-appointed special advocate" means a responsible adult, other than an attorney appointed pursuant to K.S.A. 38-1606 and amendments thereto, who is appointed by the court to represent the best interests of a child, as provided in K.S.A. 38-1606a, and amendments thereto, in a proceeding pursuant to this code.

(l) "Juvenile intake and assessment worker" means a responsible adult authorized to perform intake and assessment services as part of the intake and assessment system established pursuant to K.S.A. 75-7023, and amendments thereto.

(m) "Institution" means the following institutions: The Kansas juvenile correctional complex, the Atchison juvenile correctional facility, the Beloit juvenile correctional facility, the Larned juvenile correctional facility and the Topeka juvenile correctional facility.

(n) "Sanctions house" means a facility which is operated or structured so as to ensure that all entrances and exits from the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or which relies on locked rooms and buildings, fences, or physical restraint in order to control the behavior of its residents. Upon an order from the court, a licensed juvenile detention facility may serve as a sanctions house.

(o) "Sentencing risk assessment tool" means an instrument administered to juvenile offenders which delivers a score, or group of scores, describing, but not limited to describing, the juvenile's potential risk to the community.

(p) "Educational institution" means all schools at the elementary and secondary levels.

(q) "Educator" means any administrator, teacher or other professional or paraprofessional employee of an educational institution who has exposure to a pupil specified in subsection (a)(1) through (5) of K.S.A. 72-89b03, and amendments thereto.

(r) "Juvenile corrections officer" means a certified employee of the juvenile justice authority working at a juvenile correctional facility assigned by the commissioner with responsibility for maintaining custody, security and control of juveniles in the custody of the commissioner at a juvenile correctional facility.

(s) "Investigator" means an employee of the juvenile justice authority assigned by the commissioner with the responsibility for investigations concerning employees at the juvenile correctional facilities and juveniles in the custody of the commissioner at a juvenile correctional facility.

Text from <http://www.kslegislature.org/cgi-bin/statutes/index.cgi/38-1602.html>