

2022

Juvenile Justice Report



Presented to the Governor and Legislature by the
**Kansas Advisory Group on Juvenile Justice and
Delinquency Prevention (KAG)**

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About the KAG

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) requires each state to maintain a State Advisory Group (SAG). In Kansas, this group is named the Kansas Advisory Group on Juvenile Justice and Delinquency Prevention (KAG).

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 (KDOC).

The KDOC is the designated state agency for receiving federal funds from OJJDP. The KDOC and KAG partner to oversee the Title II federal funds 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).

The KAG meets quarterly and is made up of members who are appointed by, and serve at, the pleasure of the Governor.

Ongoing Activities

OJJDP funding is allocated to each state contingent upon its compliance with four core requirements of the JJDP Act. The KAG and KDOC 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.

Compliance Monitoring:

Kansas employs a Compliance Monitor who visits all juvenile facilities in the state to educate staff on the federal statutes and ensure the facilities are complying with said statutes. Kansas has maintained full compliance with the core requirements since 1999. This allows the State to continue to receive 100% of the Title II funds available under the federal funding formula.

In alignment with these requirements, the KAG has continued to review policy needs, services, and assessments for juveniles based on associated risk-level factors. The Compliance Monitor has been able to conduct all in-person on-site visits.

Current Activities

Community System Improvement Initiative:

Kansas University (KU) was awarded the Title II funding for the state's 2018 Title II allocations. The project focused on collaboration with the 11th Judicial District. KU worked with Crawford County from October 2020 through June 2022. The contractual deliverables included requirements to:

- Identify system gaps or areas where outcomes for area youth could be improved through juvenile justice system improvement or other system interventions;
- Assist in the creation of a sustainable strategic plan; and
- Create a toolkit detailing steps taken and lessons learned during the facilitation process.

The KU work was guided by an evidence-based model for enhancing community capacity. Through the model, community participation was facilitated in each phase of the process through collaborative assessment and planning. KU collaborated with local stakeholders and Greenbush Educational Service Center.

KU has now also secured available funds with the Juvenile Justice Oversight Committee to continue similar work. The KAG will soon discuss allocating future Title II funding for work in the 11th Judicial District. At the culmination of the project, KU will:

- Increase Crawford County's capacity to collect juvenile justice data, with 3-years of baseline;
- Increase Crawford County's capacity to collaborate to address system change that supports juvenile justice improvement based on a community-informed system assessment; and
- Facilitate longer-term community capacity for data informed decision-making by justice system partners.

Strengthening Juvenile Defense in Kansas:

In January 2021, the KAG included a recommendation for legislative action to address The Gault Center's (previously the National Juvenile Defender Center's) findings from their 2020 Kansas report. In late May 2021, the KAG voted to use Title II funds to partner with The Gault Center to strengthen juvenile defense in Kansas. In consultation with The Gault Center, the KAG voted to approve a multi-faceted training and resource plan. This included:

JTIP Trainer Certification: The Juvenile Training Immersion Program (JTIP)—a 42-lesson trial advocacy training program designed to enhance the capacity of youth defense attorneys across the country. JTIP is intended to serve as the gold standard in training for youth defenders and reflects a core commitment to the unique role and critical importance of specialized defense counsel in juvenile courts across the United States. Prior to the JTIP, Kansas had only one JTIP certified

trainer. Funding was allocated for **Pre-Certification JTIP Training** (on topics pertaining to juvenile defense). Allocated funds were also used for **Post-Certification JTIP Training** for out-of-state JTIP certified trainers to partner with the newly certified Kansas team members during the initial year of training.

The funds also established a **Juvenile Defense Training and Resource Hub**. In partnership with The Gault Center, the Kansas Youth Defense HUB was created. This initiative served to create a comprehensive training plan to address the needs of juvenile defenders in the state.

Policy Recommendations

Policy Recommendation #1:

Continued Data Collection and Analysis of Racial and Ethnic Disparities Data

Per the KAG's request, in late 2020, the KDOC provided the "Youth Disparity at Key Steps in the Juvenile Justice System" data evaluation report. At that time, the KAG requested a similar report, yearly. Yet, with the new data system, Athena, new opportunities for data collection and sharing are now available.¹ The KDOC has created a dashboard for the KAG, entitled the "Kansas Advisory Group's Key Steps Report"² while other dashboards also exist on juvenile data in Kansas.

The KAG dashboard data includes:

- 1) Information on different decision-points for system involvement (e.g., intake, detention, probation, custody, JCF) to include data on crossover youth.
- 2) Outcomes of programming for youth categorized by race, ethnicity, and gender.

While the dashboard does provide easily accessible data, the dashboard does not:

- 1) Outline any current system gaps (including data collection) and the plan to overcome such gaps.
- 2) Provide outcomes for certain disparities such as sexual orientation or gender identity.
- 3) Outline a plan for mitigating overrepresentation to include the identification of evidenced-based models that are culturally and gender-responsive.
- 4) Establish incremental goals for a reduction of overrepresentation.
- 5) Clearly articulate any system disparities *across* systems as only raw numbers and percentages are provided at each decision-point.

While the different decision-points can be interpreted through a lens of gender, race, as well as gender and race, the public-facing available data does not clearly outline any system disparity. One would need to manually calculate disparity from one decision point to the next (e.g., from intake to IIP), while data is lacking to draw such conclusions (e.g., lacking offense type to fully understand who was issued IIP).

The new dashboard is still unable to identify multiple races and reports just a "primary race." The KAG would continue to urge more robust analysis to look for common themes *across* data points, including Judicial District, age, income, race, sex, gender identity, and so forth, rather than only aggregate data, for each data point. The KDOC plans to begin training "Athena Champions" in FY24 to provide intense detailed training to JDs. The KAG would support the implementation of this training process to teach JDs to interpret their local data.

¹ Kansas Department of Corrections. Retrieved on November 4, 2022, from <https://idashboards.doc.ks.gov/idashboards/view>

² Kansas Department of Corrections. Retrieved on November 4, 2022, from <https://idashboards.doc.ks.gov/idashboards/view?dashId=828>

Recommendation 1.1 – Improve Juvenile Justice Data Systems

The Office of Judicial Administration (OJA) produces similar data decision-points for youth in Kansas. Within both systems, there continues to be a lack of consistent reporting of race/ethnicity at various system points and they lack a current analysis providing an intersectional lens in understanding racial/ethnic disparities alongside other factors. Therefore, the KAG recommends expanding data points, but not limited to, the following:

- 1) Gender identity
- 2) Sexual orientation
- 3) Clarification on KDAI overrides/departures (upward or downward)
- 4) City or county of residence
- 5) Native/primary language spoken in the home

Recommendation 1.2 – More In-Depth Review of Program Access, Outcomes, and Fidelity

The KDOC's dashboard does not provide for a clear interpretation of disparate responses when for youth-of-color, although historically, this has been noted in previous KDOC data. The KAG recommends future reports seek to further explore meaningful ways to interpret and reduce any disparity for youth-of-color. Additionally, the KAG requests the KDOC establish protocols to measure program effectiveness, or outcomes, for youth involved in KDOC-sponsored programming. Lastly, the KAG encourages all KDOC programming to establish ongoing practices to ensure the fidelity of offered programs (e.g., compliance monitoring).

Policy Recommendation #2

Strengthening Juvenile Defense for Youth in Kansas

On December 2, 2020, The Gault Center (National Juvenile Defender Center - NJDC) officially released a report on the juvenile defense delivery systems in Kansas. The Gault Center made five overall recommendations for strengthening juvenile defense for Kansas youth. Some of the recommendations are being addressed through the KAG-funded collaborative project with the Gault Center outlined in the Current Activities section of this report. Two remaining recommendations include:

Recommendation 2.1 – Support the Elimination of Fines and Fees for Kansas Youth

One suggestion in the 12/20 report was to make changes to the fines and fees that negatively impact youth and families in Kansas. In October 2022, Debt Free Justice presented to the KAG Executive Committee regarding the elimination of fines and fees for youth in Kansas³. Debt Free Justice then met with the full KAG in November 2022. The KAG supports the Debt Free Justice Kansas initiative and will look forward to the opportunity to contribute to the anticipated discussion of proposed legislation to eliminate fines and fees during the upcoming legislative session.

Recommendation 2.2 – Support Legislation on the Restriction of Shackling for Kansas Youth

A second suggestion of the NJDC report was to recognize the harm and continued trauma surrounding the shackling of youth in Kansas, largely due to defenders failing to advocate against such practices. The KAG supports the written testimony submitted by Kansas Appleseed in January 2022⁴ on this topic. This proposed change was referred to the Committee of Judiciary and Died in Committee, but did not progress through the legislative process. Kansas is one of 16 states that does not have laws, administrative rules or court rulings that establish a presumption against youth shackling⁵. The KAG would recommend continued discussion on restricting or prohibiting the shackling of youth in Kansas and would welcome the opportunity to provide testimony during the upcoming legislative session.

To address the two issues above, as well as The Gault Center's remaining three recommendations, the KAG continues to urge the Kansas Legislature to take action to remedy all noted system deficiencies in the juvenile defense system in Kansas during the upcoming legislative session. Specifically, the KAG would like to encourage movement on this issue as many of the five key points impact a youth's experience throughout the entire system, and potentially, across systems (DCF and KDOC).

³ Debt Free Justice. Retrieved from <https://debtfreejustice.org/kansas>

⁴ Kansas Appleseed. (2022, January 26). *In support of SB 321*. Retrieved from http://www.kslegislature.org/li/b2021_22/committees/ctte_s_jud_1/documents/testimony/20220126_12.pdf

⁵ National Juvenile Defender Center. (2019, July). *Eliminating Shackling in Juvenile Court: Continuing the Momentum*. Retrieved from http://njdc.info/wp-content/uploads/NJDC_Shackling_FINAL_Web.pdf

Policy Recommendation #3: Continued Support for Juvenile Justice System Improvements

Current Kansas juvenile justice statutes seek to restrict the use of out-of-home placement while focusing on evidence-based alternatives and graduated sanctions, targeting moderate and high-risk youth. The KAG continues its support for the current juvenile justice statutes and would caution against further legislative, policy, or budgetary rollback efforts as such practices reduce Kansas's ability to remain on-target with the guidelines set forth by SB 367. Continued support for juvenile justice system improvements of particular interest to the KAG include:

Recommendation 3.1 – Addressing System Gaps Identified by the Opioid Response Network

In 2022, the Juvenile Justice Oversight Committee (JJOC) partnered with the Opioid Response Network (ORN). ORN completed site visits across Kansas while also engaging in interviews with stakeholders in May 2022. The ORN observed barriers to accessing evidence-based treatment for low-income and rural families. In August 2022, the JJOC shared the findings with the Kansas Department for Aging and Disability Services, Kansas Department of Health and Environment, and the Department for Children and Families. The KAG supports the implementation of the work group which will now seek to identify gaps and needs and how to overcome barriers for low-income and rurally located youth.

Recommendation of 3.2 – Supporting Funding of the Innovations for Juvenile Justice Grants

In April 2022, the JJOC approved use of one-time funding to provide large grant opportunities for Innovations in Juvenile Justice. An allocation of \$15 million has been approved for grants and the JJOC foresees allocating funds to agencies before December 2022. These grants can provide support for juvenile intake, gaps associated with youth in custody, and promote or enhance collaboration amongst agencies. The JJOC would like to see an emphasis on civil rights and racial equity, increases in access to justice, support for victims of crime, and building trust with law enforcement.

Recommendation of 3.3 – Continuing Implementation of the Crossover Youth Project Model

The restoration of the \$21 million from the Evidence-based Funds has provided continued pay for the Georgetown University McCourt School of Public Policy's Center for Juvenile Justice Reform to address crossover youth in Kansas. The KAG continues to support this intentional interagency collaboration and the expansion from a pilot of two Kansas counties to statewide implementation.

Recommendation 3.4 – Building Community Capacity for Gender-Based Needs

The KDOC continues to work with the National Girls Initiative to build momentum, create stronger networks of juvenile justice stakeholders, and to develop programs resulting in systemic improvement with lasting effects for the girls of Kansas. As part of this initiative, the working

group provided a data and case study analysis in 2022⁶. The KAG would encourage the KDOC to support changes based on the case study's three overarching recommendations:

1. Address DMC for girls throughout the legal system, while cross-referencing gender identity, sexual orientation, and race/ethnicity in all data points.
2. Expand community-based programs for girls-of-color to focus on programs matching girls' needs and strengths.
3. Incorporate youth as partners in all analysis and implementation of youth legal system reforms.

⁶ National Crittenton Foundation and Kansas Department of Corrections, Juvenile Services. (2022). *A deeper look at the problematic pathways of girls in the Kansas youth legal system: A data and case study analysis*. Retrieved from https://mcusercontent.com/7eeb984a8693b594683bb12c9/files/42f78e31-e562-5879-09e2-01b9067ef9ed/Kansas_Girls_Report.pdf

Policy Recommendation #4: Validation, Reliability, and the Fidelity of Assessments

The KAG supports Kansas's efforts to create tools specific to the needs of Kansas youth and to support the use of such instruments. Specifically, the KAG recommends the following, regarding different measures currently utilized across Kansas:

Recommendation 4.1 – Ensure Reliability and Validation of the KDAI

During the previous year, the KAG recommended the KDOC continue to seek acceptable outcomes on the inter-rater reliability exercises on the Kansas Detention Assessment Instrument (KDAI). A technical assistance provider was identified and MOAs were shared with the KDOC and OJA. OJA did not sign the MOA and therefore data was not shared and the validation was not completed. The KAG urges the signing of the KDOC/OJA MOA to ensure validation of the KDAI during the upcoming year.

Recommendation 4.2 – Fidelity of the YLS/CMI

The KDOC entered into an agreement with the University of Cincinnati to utilize a service called Certify System—the same provider and service is used by OJA. This system allows for those trained in the YLS/CMI to complete an annual recertification process and ensure ongoing inter-rater reliability. In FY24, a review and validation of the YLS/CMI will occur. The KAG supports the new usage of the YLS/CMI Pre-Screen (SRV) specific for the Immediate Intervention Program.

Last year, the KAG supported a recommendation by the Crime and Justice Institute (CJI) to establish and adopt new level cut-offs. At this time, an established agreement has yet to be met.

Policy Recommendation #5: Increase and Expand Training Protocols

The KAG is pleased with the ongoing training initiatives being offered through KDOC, OJA, DCF, and other Kansas youth agencies. As an example, the KDOC has two training curricula consistently offered statewide. These trainings include Mental Health First Aid and the Parent Project Training. The KAG would like to encourage expansion of currently offered training as well as the implementation of new training efforts.

Recommendation 5.1 – Continue Training Expansion and Development

The KAG commends KDOC for their ongoing training initiatives for both new and established facility and community employees and partners. Last year, the KAG recommended the KDOC establish a training protocol on culturally-responsive approaches and gender-responsive programming. The KDOC is working on a contract with the Burns Institute to provide culturally-responsive training. The KDOC is also working with Bauman Consulting Group to offer gender-responsive programming. Both trainings will be required for juvenile staff across the state. Lastly, the KDOC has a contract approved with Correctional Counseling, Inc. to provide training on Moral Reconation Therapy.

In the 2016 passing of SB 367, OJA was required to develop or designate a training protocol for judges, county and district attorneys, and defense attorneys who work in juvenile court. OJA has their first webinar scheduled for November 2022 on, “Childhood Trauma and the Impact of Toxic Stress.” OJA has plans to continue offering a series of webinars to address juvenile justice specific topics throughout the upcoming year.

KAG Membership

Below is a listing of the KAG membership as of December 1, 2022.

Terri Williams - Topeka - **KAG Chair** - CDO, Community Solutions Inc.

Melody Pappan – Winfield - **Operations Committee Chair** - Cowley Co. Youth Services Director

Beryl Ann New - Topeka - **Equity Committee Chair** - Dir. Equity, Topeka Public Schools

Maximilian Mendoza - Kansas City - **Membership Committee Chair** - Director of Heartland 180

April Terry - Hays - **Policy Committee Chair** – Professor, FHSU Criminal Justice Department

Angela McHardie - Topeka - SNCO DOC Deputy Director

Marquetta Atkins - Wichita - Dir. of Programming, The Seed House

Elaine Johannes - Manhattan - Extension Specialist, KSU

Kellie Hogan - Wichita - District Judge, 18th Judicial District

Isidro Marino - Garden City - Student

Boog Highberger - Lawrence – Legislator, Kansas House

Peggy Pratt - Norton – Director, Juvenile Services

Bruce Johnson - Sedgwick - Retired Police Chief, Concordia

Carol Cadue-Blackwood - Lawrence - Education Outreach Coordinator

Traci Dotson - Lawrence - Social Worker, LDCHD

Tyler Williams - Wichita - Community Organizer, The Seed House

Preston Thomas - Mission Hills - Student

Yeni Telles - Wichita – Wichita State University

Chrishayla Adams – Topeka - Student