

Pre-Adjudication Decision-Making	
<i>Topics</i>	<i>Associated Findings</i>
Diversion	<ul style="list-style-type: none"> • Diversion available in some counties, however: <ul style="list-style-type: none"> ○ Most counties that have diversion only pre- OR post-file diversion ○ No standardized criteria ○ Eligibility varies widely across offense type and pre/post file ○ Statutory prohibitions on diversion for certain JOs ○ Some counties require diversion fee to be paid by youth ○ Length of stay on post-file diversion 2-3 times longer than pre-file diversion • Juvenile Intake and Assessment offers opportunity for early intervention for both JOs and CINCS: <ul style="list-style-type: none"> ○ Opportunity for early intervention exists through referral to community-based services and immediate intervention programs ○ Counties may create immediate intervention programs for JOs but need not • Low-level youth account for majority of community supervision and non-secure placement population <ul style="list-style-type: none"> • Increasing number of CINC and CINC-NAN youth on Court Services probation • Increasing proportion of misdemeanants on ISP, Case Management, and JCF • More than 400 youth placed out of home for truancy, running away, or other behavior problems
Pre-Adjudication Detention and Temporary Custody	<ul style="list-style-type: none"> • No limit on the length of pre-adjudication detention or temporary custody • Criteria permitting law enforcement to detain and judge to remove a youth post detention hearing is broad and very inclusive • Pre-adjudication detention use in KS higher than national average: <ul style="list-style-type: none"> ○ Detention in Kansas has accounted for approximately 30% of

	<p>intakes over last 5 years, higher than national estimates of 21%</p> <ul style="list-style-type: none"> • Pre-adjudication detention decision has limited and regionally varied structure: <ul style="list-style-type: none"> ○ Assessments required at intake, but type of assessment used varies and results do not necessarily inform decision-making <ul style="list-style-type: none"> ▪ Some jurisdictions have developed their own instrument (KRAI) to guide consistent decision-making • Stakeholders report youth frequently do not receive credit for time served in detention pre-adjudication
Notice to Appear/Citation	<ul style="list-style-type: none"> • Pre-adjudication detention is higher than the national average • Some jurisdictions in Kansas have successfully adopted notice to appear programs in partnership with local law enforcement and schools • Opportunity for early intervention exists through intake referral to community-based services and immediate intervention programs for youth who are not in custody
Family Engagement	<ul style="list-style-type: none"> • Opportunity for family engagement at intake and throughout system • Stakeholders reported a need for better and more immediate family engagement: <ul style="list-style-type: none"> ○ Sometimes the system unintentionally disenfranchises parents ○ Youth and family should understand conditions and length of supervision, know how to work toward successful completion • ISP, Case Management, and JCF youth all have low proportion of youth who score high on family, attitudes needs <ul style="list-style-type: none"> ○ Stakeholders report youth should not be sent out of home because families are frustrating. Kids generally go back to their families, so it makes sense to engage them upfront
Defense Representation	<ul style="list-style-type: none"> • No mandatory juvenile-specific training for defense bar • Stakeholders report that quality of defense representation for juveniles poor: <ul style="list-style-type: none"> ○ In some jurisdictions, too many attorneys take a few cases, do not take time to develop advocacy skills for juvenile in

	<p>particular</p> <ul style="list-style-type: none"> ○ Defense attorneys not required to meet with clients prior to court per contracts or appointment ○ Defense attorneys do not advocate for their clients throughout the appeals process
Timeliness of Pre-Adjudication Process	<ul style="list-style-type: none"> ● No concrete statutory guidelines re: court processing times (filing, speedy trial, trial to disposition, etc.) ● Stakeholders report varied experiences in court processing timelines <ul style="list-style-type: none"> ○ Detention facilities overcrowded with youth awaiting trial for long periods of time ○ Youth report serving 1 year in detention prior to trial and not receiving credit for time served pre-adjudication ○ Youth spend extended periods on pre-adjudication supervision prior to trial – no credit for time supervised on post-disposition ○ Time between first appearance and diversion acceptance can sometimes be months long
EJJ/Adult Transfer	<ul style="list-style-type: none"> ● Eligibility criteria for EJJ and Adult Transfer broad <ul style="list-style-type: none"> ○ Inclusive of many low level felonies ● Presumption of adulthood must be rebutted: <ul style="list-style-type: none"> ○ In EJJ and Adult Transfer hearings, some youth presumed adults and must rebut presumption of adult designation ● Once a youth is found to be an adult, that designation remains in future cases ● 24% of CSOs and 53% of CCOs report having EJJ cases on their ISP or Case Management caseloads
Training Officers of the Court: Judge/Prosecutor/Defense	<ul style="list-style-type: none"> ● No mandatory comprehensive training for decision makers
<p><i>Members: Ed Klumpp, Judge Thrower, Rep. Finney, Jaime Rogers, Karen Griffiths, Melody Pappan</i> <i>Pew Staff: Noah Bein</i></p>	

Investment in/Oversight of, Evidence-Based Practices and Programming	
<i>Topics</i>	<i>Associated Findings</i>
Risk/Needs Assessment/Structured Decision Making	<ul style="list-style-type: none"> • Assessments required at intake, but results do not necessarily guide detention decision, immediate intervention, or service delivery • YLS-CMI is now required in many cases but does not necessarily guide disposition choice • Except in JCF decisions, limited or no guiding criteria to inform disposition decisions • Large variation across counties for juvenile offense and CINC case outcomes
Graduated Responses	<ul style="list-style-type: none"> • Overall, limited standards, structure, or statutory guidance on supervision practices and revocation decisions from Court Services, ISP, and Case Management <ul style="list-style-type: none"> • No system-wide use of graduated responses • Court Services revocations represent ¼ of new KDOC custody admissions <ul style="list-style-type: none"> • 17% of JO youth released from Court Services supervision are revoked to ISP, detention, or KDOC custody • Greater proportion of youth spending time on all types of KDOC supervision than a decade ago
Community Based Programming	<ul style="list-style-type: none"> • Youth are referred to the same services in the community regardless of whether they are on community supervision or are in a non-secure placement though DCF custody or KDOC Case Management • When surveyed, most CCOs and CSOs report there are not enough services in the community and that services are too costly and have long waitlists • IV-E funding mechanism supports OOH population services but not community-based services
Data Collection/Info Sharing	<ul style="list-style-type: none"> • Stakeholders report information sharing not uniform across state, and across different system stakeholders:

	<ul style="list-style-type: none"> ○ Services and supervision are duplicated because information isn't shared ○ Youth do not get credit for time they have served in detention because of poor information sharing ○ Case plans not coordinated across JCF, Case Management, ISP, Court Services Probation ○ Prosecutors not able to access information about youth priors without calling colleagues across the state ● No recidivism data ● Data is not collected and entered uniformly (court, DCF, and KDOC systems do not interact) <ul style="list-style-type: none"> ○ Revocation/violation data is very limited ○ Filing data is sparse ○ Temporary custody overwritten if subsequent placement ● Court Services does not track individual level data ● Court Services does not break out cost of youth supervision
Integrated Case Planning	<ul style="list-style-type: none"> ● Stakeholders report need for integrated case planning <ul style="list-style-type: none"> ○ Each youth should have one case plan that stays with them regardless of supervision type or placement ○ Youth do not know when their supervision will end or what terms are in placement because case plan for placement differs from probation case plan ○ Youth needs to be able to understand what they need to do to progress and successfully complete supervision <ul style="list-style-type: none"> ▪ To keep case plan development and progress running smoothly, youth should be encouraged to leverage skills developed in Thinking for a Change, and other evidence based programs, throughout the system
Training	<ul style="list-style-type: none"> ● Stakeholders report that comprehensive training for decision makers should be provided across the state to officers of the court and supervising officers so that there is consistency and they are all speaking from the same script

Oversight	
Contracting and Fiscal Incentives	<ul style="list-style-type: none"> • KDOC funds Case Management and oversees provider contracts • Private providers have broad discretion to accept, reject, and eject youth from residential placement <ul style="list-style-type: none"> - No notice required before youth discharged from placement - No threshold behavior required before discharge is permitted • Majority of non-secure population is in YRCIIs, but study showed most YRCIIs do not provide funding for services • YRCIIs do not provide reintegration planning • Data collection/reporting from YRCIIs poor • Evidence-based program MST with Wyandotte County has led to 26% decrease in out-of-home placements
Reinvestment	<ul style="list-style-type: none"> • Out-of-home placements have decreased over the last decade but large proportion still used by low-level youth • The majority of the KDOC budget is spent on out-of-home placements • The annual cost of Case Management for a youth is over 8x more than the annual cost of ISP • Consensus caseload process only covers out-of-home programs, not community-based • Stakeholders commented that bed reductions could provide savings that should be reinvested in evidence-based community programs
<p><i>Members: Rep. Rubin, Terri Williams, Mark Gleeson, Judge York, Sect. Roberts, Sen. Pettey</i> <i>Pew Staff: Gabriella Priest</i></p>	

Dispositions, Supervision and Placements	
<i>Topics</i>	<i>Associated Findings</i>
Judicial Choice Among Disposition Options	<ul style="list-style-type: none"> • Except in JCF decisions, judges have limited or no statutory criteria guiding their selection among disposition options <ul style="list-style-type: none"> • YLS-CMI is now required in many cases but does not necessarily guide disposition choice • No statutory criteria distinguish Court Services Probation from ISP • Discrepancy among counties' proportion of out of home population relative to their proportion of JO dispositions or youth population • Current outcomes of supervision not optimal: <ul style="list-style-type: none"> • 17% of JO youth released from Court Services supervision are revoked to ISP, detention, or KDOC custody • 40% of ISP youth also go out of home • KDOC post-adjudication detention population up 27% • Youth who are placed on Case Management or JCF after ISP stay on KDOC supervision more than 14 months longer than youth who are only on ISP • Case Management youth average 6.2 out of home placements; JCF youth average 8.3 out of home placements • 36% of Case Management youth go AWOL
Length of Supervision (Overall and Out-of-Home)	<ul style="list-style-type: none"> • No statutory cap or guidance on total length of supervision apart from age of jurisdiction <ul style="list-style-type: none"> ○ Courts set a term of supervision for Court Services, ISP, and JCF, but not Case Management or DCF Custody ○ No limit on number of supervision extension requests or length of extensions ○ <u>Court Services</u>: CINC and CINC-NAN supervision 7 months longer (18.1 months) than JO supervision on Court Services

	<p>(10.9 months)</p> <ul style="list-style-type: none"> ○ <u>ISP</u>: Youth who are placed on Case Management or JCF after ISP stay on KDOC supervision more than 14 months longer than youth who are only on ISP ○ <u>Case Management</u>: 24 month average length of total supervision for Case Management youth, up 23% since 2004 ○ <u>JCF</u>: Youth placed in JCF have an average of 37 months total KDOC supervision, up 64% since 2004 ● No limit on length of out-of-home placement time, apart from JCF guidelines <ul style="list-style-type: none"> ○ <u>Detention</u>: Statute limits detention to 28 days per charge but interpretation of statute and application across counties varies ○ <u>Case Management</u>: 14.6 month average length of stay out of home for youth placed on Case Management ○ <u>DCF</u>: Youth removed for child behavior problems, truancy, and running away stay out of home 17 months on average. DCF out of home length of stay varies dramatically based on ending out of home placement outcome (emancipation has longest ALOS, reunification has shortest ALOS) ○ <u>JCF</u>: 30% increase in average time spent in JCF, now 15 months <ul style="list-style-type: none"> ▪ Youth who end up in a JCF stay 25 months out of home on average over the course of one case, up 16% since 2004 ● 21% of Case Management youth and 52% of JCF youth stay more than 21 months out of home ● Discharge: <ul style="list-style-type: none"> ○ JCF has good time policy; no good time/earned discharge for probation or non-secure residential ○ Discharge from placement, termination of supervision often requires extensive notifications and approvals
Out-of-Home Placement (Criteria, Alternatives)	<ul style="list-style-type: none"> ● Limited criteria guide judicial decision to remove child from the home ● Stakeholders report limited alternatives to out-of-home placement

	<ul style="list-style-type: none"> • Acknowledgment that community supervision more effective for most youth but alternatives not evidence-based or widely-available • Alternative evidence-based MST RFP developed in Wyandotte County <ul style="list-style-type: none"> • 26 percent decline in out of home placements of all types in Wyandotte County after launch of MST pilot program • Out-of-home placement criteria allows removal for reasons generally associated with child welfare rather than juvenile offending • Detention use high <ul style="list-style-type: none"> • Pre-adjudication detention rate higher than national average • Post-adjudication detention use increased 27% in ten years • Youth placed directly out of home on Case Management share similar case types and characteristics as youth placed directly on ISP <ul style="list-style-type: none"> • 7 out of to 10 offenses misdemeanors • >90% have 2 or fewer adjudications • Similar dynamic risk factors (criminogenic needs: leisure, peers, substance use) • Majority of youth on ISP first don't go out of home after ISP, but majority of youth on Case Management and JCF first have subsequent out-of-home placement • Presumption against placement of misdemeanants out of home in JCF, but not YRCIIs • Stakeholders report need for criteria restricting or barring placement for specific groups of youth (e.g. misdemeanants, youth under 13, low and moderate risk youth)
Alternative CINC/Status Processes	<ul style="list-style-type: none"> • CINC's rising in proportion of overall intakes since 2010 (from 37% to 43%) • Juvenile offense filings decreased 42% while CINC filings increased 23% over the past decade • Stakeholders report that youth crossover from DCF should perhaps be handled differently: <ul style="list-style-type: none"> ○ Youth who go from DCF CINC custody to JO often bypass

	<p>diversion, going straight to Case Management placement. That should be changed so that there are either more intervening services or diversion opportunities for crossover kids.</p>
<p>Post-Adjudication Detention</p>	<ul style="list-style-type: none"> • 27% increase in KDOC post-adjudication detention population • Detention is used pending Case Management placement or JCF admission <ul style="list-style-type: none"> ○ Length of detention can be extended beyond 5 day statutory limitation if placement is not readily available • Among FY 2014 detention releases, the average length of a detention stay was 23.5 days • Detention used post-adjudication for technical violations, discharges from placement, runaways, mental health stabilization
<p>Community Supervision (Options: Court Services v. Community Corrections Probation)</p>	<ul style="list-style-type: none"> • No statutory criteria distinguish Court Services probation from ISP • Judge's determination regarding which type of probation supervision to utilize for each youth is not guided by statute • YLS-CMI not used to determine appropriate level of community supervision • Stakeholders report that there is no practical difference between the two levels of supervision: <ul style="list-style-type: none"> • Intent was to use ISP for the high risk youth, and Court Services for lower risk youth • Supervision level determined by judge's relationship with individual officers
<p>Case Management Supervision</p>	<ul style="list-style-type: none"> • KDOC funds Case Management, sets some standards; local officers determine trajectory of youth supervision <ul style="list-style-type: none"> • Local CCOs determine length of supervision for each youth, in addition to whether, where, and when youth placed • Stakeholders report that: <ul style="list-style-type: none"> ▪ KDOC standards carry little weight in actual supervision decisions ▪ Officers hands are tied when placements decide to kick a youth out or reject a youth's placement

	<ul style="list-style-type: none"> ▪ CCOs send youth to placements far away; do not always know whether placement has a positive reputation or influence ▪ CCOs do not always continue supervision of youth while in placement or JCF • Outcomes in Case Management not strong: <ul style="list-style-type: none"> • Case Management youth average 6.2 out of home placements • 36% of Case Management youth go AWOL • Case Management youth average 14.6 months out of home • 24 month average length of total supervision for Case Management youth, up 23% since 2004
<p>Number of Placements</p>	<ul style="list-style-type: none"> • Case Management youth average 6.2 out-of-home placements; JCF youth average 8.3 out-of-home placements <ul style="list-style-type: none"> • 41% increase in out-of-home placements for JCF youth, now 8.3 placements on average <ul style="list-style-type: none"> ▪ Nearly 1/3 of youth placed in JCF have 10 or more total out-of-home placements ▪ Youth placed in JCF average 2 JCF placements • 25% increase in number of out-of-home placements for Case Management youth, now 6.2 on average <ul style="list-style-type: none"> ▪ More than 1/3 of Case Management youth have 7 or more out-of-home placements ▪ 52% increase in average number of long-term non-secure placements
<p>Release/Discharge from Non-Secure Out-of-Home Placement</p>	<ul style="list-style-type: none"> • Criteria for successful completion of placement not standardized <ul style="list-style-type: none"> • Stakeholders report that youth/families often do not know when/how placement will end and what they need to do to be released • Private providers have broad discretion to eject youth from placement <ul style="list-style-type: none"> - No notice required before youth discharged from placement - Minimal to no transition planning and reintegration planning

	<ul style="list-style-type: none"> - No threshold of behavior required for discharge • Placement case planning not coordinated with probation officers, other facilities
Violation Procedure	<ul style="list-style-type: none"> • Limited structure guides CSOs or CCOs on responses to technical violations of supervision <ul style="list-style-type: none"> • Some counties use graduated responses • Some judges use disposition matrices • When courts revoke a youth’s supervision, all original disposition options are available at resentencing • When an EJJ violation is alleged, burden is on youth to request a hearing after adult sentence has been imposed <ul style="list-style-type: none"> • Reporting of EJJ violations is inconsistent and lacks uniform guidelines • No good data on supervision violations from KDOC (ISP, Case Management, KDOC)
<p><i>Members: Senator Smith, Randy Bowman, Trent Wetta, Judge Foster, Stephanie Springer</i> <i>Pew Staff: Ruth Rosenthal</i></p>	