

From Harm to Healing:

The Blueprint to
Healthier Outcomes for
Kansas Youth



Juvenile Correctional Complex

Executive Summary

Kansas made progress in reforming the youth justice system with the passage SB 367 in 2016. But there still is much work to be done. There is a growing movement among activists, formerly incarcerated people, youth correctional leaders, and prosecutors to end the use of youth prisons in favor of community programs and supports for young people who have entered the justice system.¹ Replacing large, centralized prisons with small, homelike facilities close to home that are rooted in rehabilitation and community is supported by research and has growing support across the country.²

This report however, examines the fiscal and social costs of imprisoning youth in Kansas, looking at some of the other models that exist elsewhere and what has been proven to work, with data to back up claims. This report will make recommendations for reform that include closing the last centralized youth prison - the Kansas Juvenile Correctional Complex (KJCC) and offer action steps to be taken by Kansas. The perfect system for youth who have encountered the justice system or the foster system does not currently exist. We at Progeny think this is the opportunity to reimagine the juvenile justice system here in Kansas and build it uniquely to best serve young people's specific needs. Make our state the shining example of how best to ensure effective youth justice.

As a companion to this report, Progeny, in collaboration with Youth First Initiative, is releasing its Five Years of SB 367: Kansas's Landmark Juvenile Justice Reform and Its Implementation. Although based on some of the same information shared in this report, the Blueprint shares more detail on Progeny's and its youth leaders' vision for making Kansas a better place for youth and families.

¹Schiraldi, V. "Can we eliminate the youth prison? (And what should we replace it with?)." The Square One Project. 2020. <https://academiccommons.columbia.edu/doi/10.7916/d8-621e-2e75/>

²Id.

4 Key Principles

that need to inform reform efforts



Juvenile Justice belongs under the heading of behavior and health care, not punitive crime and punishment.



Asset mapping is essential. Before implementing new programs, we need to assess what community support programs already exist that can be propped up, including practices that already are working.



Redefining what it means to be evidence-based. We must recognize what data exist, why there might not be data, what barriers prevent the collection of data, and consider the lived experiences and testimony of community members as evidence when assessing the viability of youth justice programs.



Youth impacted by incarceration must be part of the decision process for youth justice policies.

Section 1

The current status of youth incarceration in Kansas.

Fiscal Cost

Youth incarceration in Kansas is expensive. The fiscal cost of the status quo is significant, especially when compared to alternative options. In 2016, Kansas spent 70% of its juvenile service resources incarcerating young people. By comparison, Kansas spent only around 3% in 2017 on community-based prevention programs.³ In 2019, Kansas spent an average of \$368 a day per incarcerated youth. This adds up to \$134,224 annually per incarcerated youth.⁴ In fiscal year 2020, juvenile facility operations costs were \$20,980,393.⁵ The combined expenditures by the Kansas Department of Corrections on Juvenile Services, Juvenile Facility Operations, and Juvenile Out-of-home placements was \$61,342,568, or approximately \$200 per young person of juvenile justice age (10-17) in Kansas.⁶

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Alternatives to youth incarceration are significantly less expensive.

Kansas spends \$21 a day supervising one youth on probation, a full \$347 less than incarcerated youth.⁷

There are long term fiscal benefits too. The Washington State Institute for Public Policy has rigorously measured the economic benefits and costs of implementing various alternatives to incarceration in their state,⁸ including:



Intensive Supervision for court-involved youth (vs. confinement): \$43,179 average benefit with a 100% chance benefits will exceed costs.



Adolescent Diversion Project: \$23,151 average benefit with a 100% chance benefits will exceed costs.



Multisystemic therapy: \$17,083 average benefit with a 99% chance benefits will exceed costs.



Functional Family Probation and Parole (FFP): \$14,531 average benefit with a 74% chance benefits will exceed costs.



Diversion (no services) vs. traditional juvenile court processing: \$10,040 average benefit with 99% chance benefits will exceed costs.

When Kansas passed comprehensive juvenile justice reforms with Senate Bill 367 in 2016, the state closed the Larned Juvenile Correctional Facility. The savings from this closure were invested in community-based alternatives for youth.⁹ Youth are now incarcerated solely in the Kansas Juvenile Correctional Complex in Topeka.¹⁰ The average month-end population for fiscal year 2021 is 138 kids.¹¹ Youth incarceration fell by more than 50% between 2010 and 2019.¹²

Kansas imposes numerous fines and fees on youth involved in juvenile court, as well as their families. A statewide Assessment by the National Juvenile Defender Center (NJDC) found that costs are incurred during virtually every interaction and service required by juvenile courts.¹³

³ Love, H. & Harvell, S. "Data Snapshot of Youth Incarceration in Kansas". Urban Institute. 2017.

⁴ https://www.urban.org/sites/default/files/publication/91556/data_snapshot_of_youth_incarceration_in_kansas_0.pdf

⁵ Id.

⁶ Kansas Department of Corrections. "Annual Report: Fiscal Year 2020." <https://www.doc.ks.gov/publications/Reports/fy-2020-annual-report>

⁷ Id. and US Census Bureau. "State Population by Characteristics: 2010-2019." 2020.

⁸ <https://www.census.gov/data/tables/time-series/demo/popest/2010s-state-detail.html>

⁹ Marcellin, C., Harvell, S., & Love, H. "Data Snapshot of Youth Incarceration in Kansas: 2020 Update". Urban Institute. 2020.

¹⁰ https://www.urban.org/sites/default/files/publication/102130/data-snapshot-of-youth-incarceration-in-kansas-2020-update_0.pdf

¹¹ Washington State Institute for Public Policy. "Benefit-Cost Results." 2020. <https://www.wsipp.wa.gov/BenefitCost?topicId=1>

¹² Marcellin, C., Harvell, S., & Love, H. "Data Snapshot of Youth Incarceration in Kansas: 2020 Update". Urban Institute. 2020.

¹³ https://www.urban.org/sites/default/files/publication/102130/data-snapshot-of-youth-incarceration-in-kansas-2020-update_0.pdf

¹⁴ Id.

¹⁵ Kansas Department of Corrections. "Juvenile Correctional Facility Population Activity." 2021.

¹⁶ <https://www.doc.ks.gov/publications/juvenile/population/juvenile-correctional-facility-fy21/view>

¹⁷ Marcellin, C., Harvell, S., & Love, H. "Data Snapshot of Youth Incarceration in Kansas: 2020 Update". Urban Institute. 2020.

¹⁸ https://www.urban.org/sites/default/files/publication/102130/data-snapshot-of-youth-incarceration-in-kansas-2020-update_0.pdf

¹⁹ National Juvenile Defender Center. "Limited Justice: An Assessment of Access to and Quality of Juvenile Defense Counsel in Kansas. 2020. <https://njdc.info/wp-content/uploads/Kansas-Assessment-Web.pdf>



This includes a docket fee of \$34, with an additional charge up to \$22 to fund non-judicial personnel, a fee up to \$7 to support the county law library, \$176 fee for expungement with an additional surcharge of up to \$19, and fees observed up to \$250 to exercise right to counsel.

Intervention programs also have fees. Immediate intervention program (IIP) fees for misdemeanors are around \$50 and for felonies are \$100. Law Enforcement also imposes fees: \$45 for a fingerprint, \$200 for a DNA sample, \$400 per offense if forensic science or lab services are performed by the Kansas Bureau of Investigation, \$150 for drug or alcohol evaluation.

Detention fees are also imposed - one defender in Kansas reporting seeing detention bills in excess of \$10,000. And all of that is just fees - not to mention fines the court can impose on juveniles up to \$1,000 per offense plus restitution for damage or loss caused.

Repurposing youth facilities can have substantial fiscal impact. Communities have repurposed former youth prisons into everything from technology parks to teen centers. They have also leveraged the land value of the property to create new funding streams for services and supports for youth.¹⁴

Centralized juvenile detention systems cost more than alternatives and provide less in return. As we often say at Progeny, "young people and alternatives to youth prison yield the most return for our investments. This is why we must truly invest in the young people, we say we serve."

If you just wait for a young person to get in the system that's not addressing the problems, you need to do prevention."

**-Progeny
Youth Leader**

¹⁴Urban Institute. "Promoting a New Direction for Youth Justice: Strategies to Fund a Community-Based Continuum of Care and Opportunity." 2019. https://www.urban.org/sites/default/files/2019/03/26/new_direction_for_youth_justice_summary.pdf

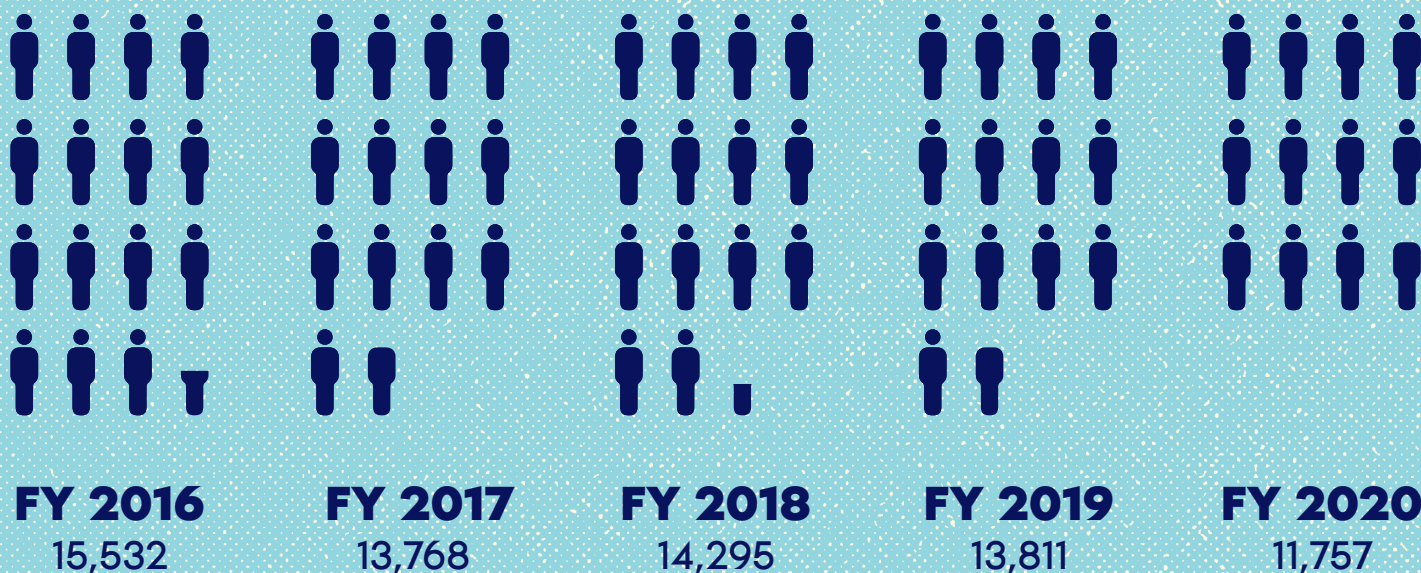
Social Cost

The social costs of the status quo are significant and detrimental.

In 2020, the total number of juvenile intakes was 11,757.¹⁵ 6,725 of these intakes were for juvenile delinquency cases, while the remaining 5,032 were for Child In Need of Care (CINC) cases. Over

the period from 2016-2020, there were 69,168 intakes into the Juvenile System. The average number of youth at month-end in the Kansas Juvenile Correctional Complex (KJCC) in 2020 was 162.¹⁶ The numbers have been declining, likely in part due to the reforms passed in Senate Bill 367 in 2016.

Total Number of Juvenile Intakes FY 2016-2020



¹⁵Kansas Department of Corrections. "ANNUAL REPORT FISCAL YEAR 2020." 2020.
<https://www.doc.ks.gov/publications/Reports/fy-2020-annual-report>

¹⁶ Id.

**Investing in communities
before incarceration is
what needs to happen."**

**-Progeny
Youth Leader**

Youth incarceration in centralized prisons is ineffective at keeping youth from reoffending. The Kansas Department of Corrections tracks recidivism within three years of release, either through conditional release violations, new convictions, or returns to adult facilities. In 2016, this number reached 39%. The average recidivism rate from 2012-2016 was 37.63%.¹⁷ When more than a third of youth are ending up back in jail, something is broken.

Racial and ethnic disparities are significant in juvenile correctional intake. Nationally, Black children are held in Juvenile Facilities at strongly disproportionate levels to other racial groups. The United States

Census Bureau estimates that roughly 6.1% of Kansans are Black.¹⁸ However, Black youth represent around 30.66% of the Juvenile Facility population in Kansas.¹⁹ And in 2018, Black youth were more than seven times as likely to be in secure confinement as white youth for the same offenses. There is also a stark difference in terms of gender: boys make up the vast majority of the juvenile facility population. In 2019, the Kansas Juvenile Correctional Facility's population was made up of 93% boys and 7% girls.²⁰ In 2020, the population was almost entirely male: 164 (99%) boys, and only two girls.²¹

Youth incarcerated at Juvenile Facilities face additional risks of violence, harassment, hunger, abuse, and misconduct. In Kansas, from 2016 to 2020, there were 9 official incidents of battery in Juvenile Facilities, with one of these incidents being youth on youth. And in 2020, there were 8 total reports of sexual misconduct and abuse. Five of these were resident-on-resident sexual harassment, two were resident-on-resident abusive sexual

contact, and one was related to staff-on-resident sexual misconduct.²²

Official incidents of harassment and abuse likely undercount the scope of violence within KJCC. A Legislative Audit Report in December 2018, surveying 48 current and former KJCC staff, also details several troubling findings.²³ The audit was prompted by concerns about KJCC's management culture following the assault of a staff member by the former superintendent in December 2017. Only six people said they agreed with the statement that employee morale was high at KJCC, while 30 said they disagreed or strongly disagreed with that statement. Twenty-two respondents said they observed incidents or violations of policy within the last year that were not handled appropriately.

If youth need to be in care, it should not be a prison-like setting but a regional place that can remove them from the situation and get them the care and things they need on an individual basis."

-Progeny Youth Leader

¹⁷ Kansas Department of Corrections. "ANNUAL REPORT FISCAL YEAR 2020." 2020. <https://www.doc.ks.gov/publications/Reports/fy-2020-annual-report>

¹⁸ US Census Bureau. "QuickFacts: Kansas". 2019. <https://www.census.gov/quickfacts/KS>

¹⁹ Kansas Department of Corrections. "ANNUAL REPORT FISCAL YEAR 2020." 2020. <https://www.doc.ks.gov/publications/Reports/fy-2020-annual-report>

²⁰ Marcellin, C., Harvell, S., & Love, H. "Data Snapshot of Youth Incarceration in Kansas: 2020 Update". Urban Institute. 2020. https://www.urban.org/sites/default/files/publication/102130/data-snapshot-of-youth-incarceration-in-kansas-2020-update_0.pdf

²¹ Kansas Department of Corrections. "ANNUAL REPORT FISCAL YEAR 2020." 2020. <https://www.doc.ks.gov/publications/Reports/fy-2020-annual-report>

²² Id.

²³ Legislative Division of Post Audit. "Limited-Scope Performance Audit Report - Kansas Juvenile Correctional Complex: Surveying Staff on the Management Culture at the Facility." 2018. <https://www.kslpa.org/wp-content/uploads/2019/07/l-18-015.pdf>

Survey respondents detailed a culture of inappropriate sexual misconduct between staff members, or between staff and juvenile offenders - including three allegations of sexual misconduct between staff members and juveniles. Survey respondents also said that there was inaccurate reporting of the facility's performance in certain metrics. This included allegations that staff would remove youth from segregation only for the duration of time auditors were at the facility.

Research provides evidence that there are several negative outcomes associated with Juvenile intake for incarcerated youth. Youth who have been incarcerated, compared to other youth, show significantly lower levels of psychosocial maturity, in addition to having lower levels of educational and employment attainment in young adulthood. Educationally, detained youth often do not return to school after release. One Department of Education study found that 43% of detained youth who received education while incarcerated did not re-enroll in school, and an additional 16% re-enrolled in school but dropped out 5 months later. As far as employment, one study found that jailing youth reduced work time over the next decade by 25-30%. Of course, this negative economic effect bleeds out to the economic well-being of the youth's communities. Studies continue to show the possibility that detention increases recidivism. In fact, one particular Arkansas study finds that it is the most significant factor in determining recidivism, above carrying a weapon, gang membership, and poor parental relationship.

There is also research showing that bringing youth together for treatment or services, such as detention centers, leads to a number of negative outcomes. Mass youth detention is associated with higher levels of substance abuse, school difficulties, delinquency, violence, and adjustment difficulties in adulthood. There is evidence that the act of detaining youth can increase their likelihood of criminal behavior later into their lives. This is because detaining youth can disrupt the process of "aging out of crime," the phenomenon that, as one gets older, the likelihood of them committing a crime lessens. Incarceration is to the detriment of youth's mental health as well. Juvenile detention centers hold a significant number of mentally ill youth, and the evidence suggests that detention further deteriorates detained youth's mental health, leading to significantly higher rates of depression, self-harm, and suicidal ideation. The process itself, particularly youth's interactions with courts, also constitutes negative outcomes.

²⁴ Shelly Schaefer and Gina Erickson. "The Impact of Juvenile Correctional Confinement on the Transition to Adulthood". Report submitted to the US Department of Justice. 2016. <https://www.ojp.gov/pdffiles1/nij/grants/249925.pdf>

²⁵ Barry Holman and Jason Ziedenberg. "The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities". Justice Policy Institute. 2006. http://www.justicepolicy.org/images/upload/06-11_rep_danger-sofdetention_jj.pdf

Nationally, judges choose to detain youth in 26% of all delinquency cases. This results in around 1 in 4 youth in juvenile facilities being locked up before even being found guilty or delinquent. And detained youth are also more likely to be referred to court, see their case progress through the system to adjudication and disposition, have a formal disposition filed against them, and receive a more serious disposition.

The status quo of incarcerating youth is detrimental to both youth affected by this system and to their communities as a whole. The fiscal and social impacts of incarceration are difficult to justify, especially in the face of better alternatives. It is clear that a shift from the status quo is needed, for our youth and our communities.

²⁴Wendy Sawyer. "Youth Confinement: The Whole Pie 2019". Prison Policy Initiative. 2019.

<https://www.prisonpolicy.org/reports/youth2019.html>

²⁵Barry Holman and Jason Zidenberg. "The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities". Justice Policy Institute. 2006.

http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_jj.pdf

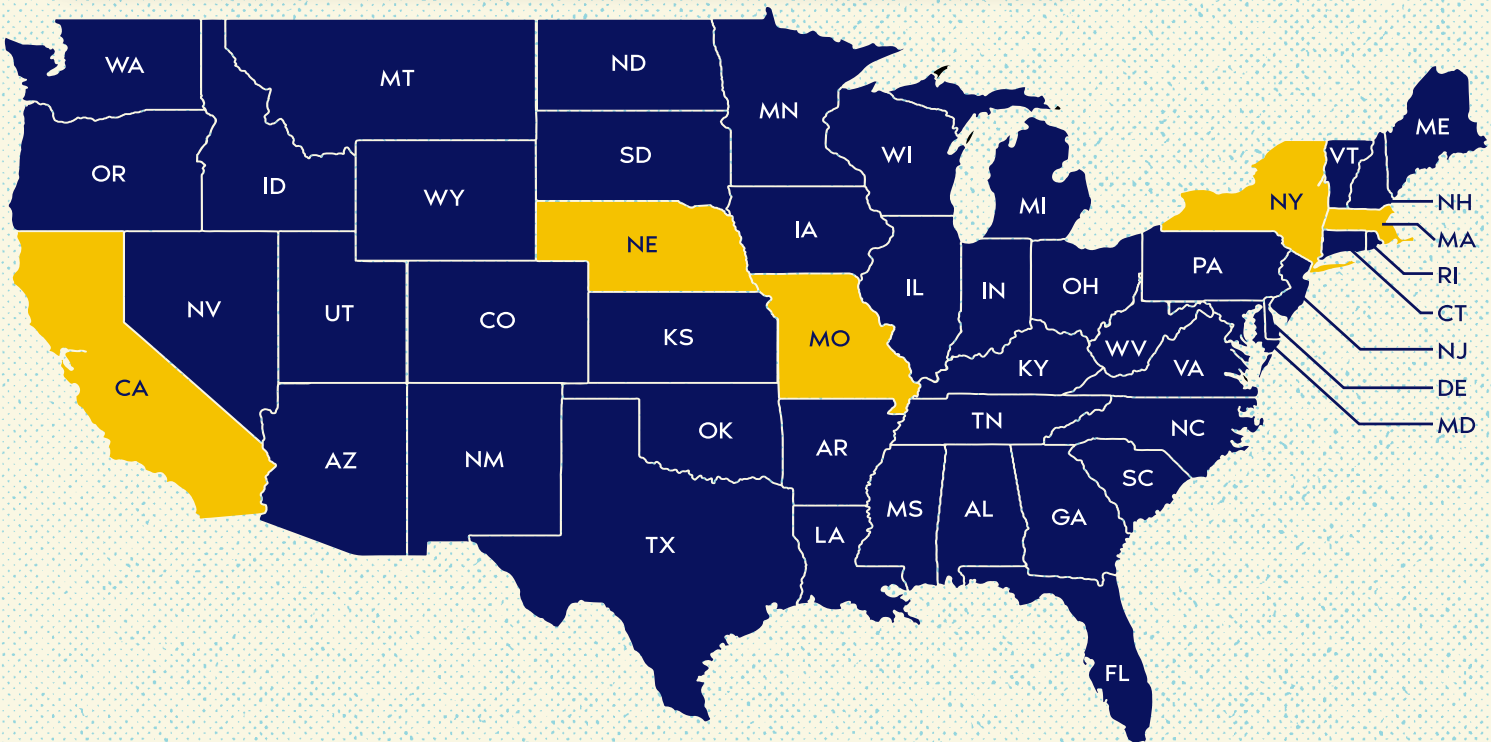


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Section 2

Alternatives by State



The Youth Prison Policy Initiative has an extensive list of reports on youth incarceration, and alternative models like Youth First, and the programs in California, New York City, Nebraska, Massachusetts, and Missouri.



California

California's program focuses on the closure of youth detention facilities and utilizing these spaces for their homeless population as housing. It also aims to provide job skills training, and mental health and medical services. California's initiative also focuses on the racial discriminations involved in how their initiatives impact communities differently.

²⁸Prison Policy Initiative, "Youth," Prison Policy Initiative, March 30, 2021, <https://www.prisonpolicy.org/research/youth/>.

When California statutorily limited youth corrections to youth with more serious convictions and reallocated savings to counties to fund local solutions to youth offending, both states experienced marked declines in youth incarceration and offending.²⁹ A common recommendation regarding the financial side of this issue focuses on cost for those in the system with a decrease in reliance on probation fees. Instead of focusing on monetary gain it suggests allowing youth to complete rehab programs in lieu of payment. Another recommendation is to further financially incentivize programs that focus on best practice by prioritizing grant awards to these programs.



New York City's programming uses the phrase "close to home" in a similar way to the Missouri model. Their program initiatives have led to youth no longer being sent from Family Court to state-operated youth prisons and only ~100 youth are placed into a residential facility of any kind. These facilities are primarily, "smaller, more home-like settings that attend to public safety without mirroring the punitive, correctional approaches embodied by previous youth prisons." Of these youth, only ~12 are in a locked facility; these facilities are reserved for youth presenting the most risk or are accused of the most serious offenses. These secure facilities do not look like the traditional youth prison we offer here in Kansas; they include intensive case management services, among other activities and interventions to support the youth in this setting.³⁰ It is also important to note that from 2016 to 2019, NYC did not send any youth from its Family Court to state-operated youth prisons.³¹



Nebraska's program focuses heavily on utilizing restorative justice in order to grow accountability. Their programs are centered on victims, and get youth reintegrated back into society.³² **Restorative Justice is a theory of justice that emphasizes repairing the harm caused by the youth's offense, ideally through cooperative processes that include all willing stakeholders to meet, with alternatives if this is not possible.**³³ The intention of this intervention is the transformation of people, relationships, and communities. Nebraska's use of this alternative fits with their work to center efforts more heavily on the creation of diversion programs and introducing probation rather than incarceration.

²⁹ Patrick McCarthy, Vincent Schiraldi, and Miriam Shark, "The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model," October 2016, https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/ntcc_the_future_of_youth_justice.pdf.

³⁰ "ACS - Secure Detention," Administration for Children's Services, n.d., <https://www1.nyc.gov/site/acs/justice/secure-detention.page>.

³¹ Marsha Weissman, Vidhya Ananthakrishnan, and Vincent Schiraldi, "Moving Beyond Youth Prisons: Lessons from New York City's Implementation of Close to Home," n.d., <https://thecrimereport.org/wp-content/uploads/2019/02/close-to-home-report-.pdf>.

³² Kristen Blankley and Alisha Caldwell Jimenez, "Restorative Justice and Youth Offenders in Nebraska," SSRN, June 28, 2019, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3410502.

³³ "Lesson 1: What Is Restorative Justice?," Restorative Justice, n.d., <http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/lesson-1-what-is-restorative-justice/#sthash.PqFZfhkK.dpbs>.



Massachusetts' program has been growing for a long time (mid to late 80s) beginning with an expansion of group homes and creation of more programming to reduce rates of incarceration through prevention focused and "day treatment". These programs were continuously expanded and began down a similar "close to home" path with focuses on keeping youth in their communities and having "neighborhood centers". They also include reentry services and other policies to reduce recidivism and support rejoining the community.³⁴ Entities, such as the Justice Resource Institute (JRI), provide these services to youth through referral; for example, "day treatment" provides evidence-based interventions such as Dialectic Behavioral Therapy, and Applied Behavioral Analysis in a non-residential way. Meaning youth attend these services as part of their daily routines rather than being pulled away from their home and school for intensive in-patient treatment.³⁵ This allows them to continue attending school, living in their homes, and participating in other positively impactful community activities with less interruption.



Illinois' Juvenile Justice Initiative presents several recommendations that also focus on utilizing alternative programs known as "Intermediate community-based sanctions" and exhausting all less restrictive options before resorting to juvenile detention. They also recommend raising the minimum age of detention to 13; presently a youth can be tried for a misdemeanor at age 10. Another recommendation is requiring a 24/7 review process with lawyers on staff to represent the youth in their hearings. These changes could be tracked by the existing "Office of the Independent Juvenile Ombudsman" or through the creation of an alternative **public and independent** oversight system (which is recommended).³⁶ They also recommend collecting data on youth involvement and incarceration in order to better understand disparities between populations in order to increase equity and make sure the system is reflective of national best practice and human dignity definitions.³⁷

These programs are effective with 86% of youth remaining arrest free while in the programs and 93% remaining in their community following the end of their respective program.³⁸

³⁴ "DYS - History of Youth Services," Mass.gov, 2021, <https://www.mass.gov/service-details/dys-history-of-youth-services#:~:text=Massachusetts%20created%20the%20nation%27s%20first,in%20Westborough%20during%20the%201860%27s.>

³⁵ "Massachusetts Home and Community Based Services," JRI Leader in Social Justice, accessed April 19, 2021, <https://jri.org/services/community/ma-cbs.>

³⁶ "Independent Ombudsman," Independent Ombudsman - IDJJ, n.d., <https://www2.illinois.gov/idjj/Pages/IndependentOmbudsman.aspx.>

³⁷ Juvenile Justice Initiative, "Detention of Juvenile in Illinois: Recommendations to Right-Size Detention through Reforms and Fiscal Incentives to Develop Community-Based Alternatives," April 2018, https://www.prisonpolicy.org/scans/juvenile_justice_initiative/JJI-Detention-Report-April-25-2018.pdf.

³⁸ National Collaboration for Youth, "Keeping Young People Safe at Home and Out of Youth Prisons," n.d., https://www.prisonpolicy.org/scans/national_collaboration_for_youth/BeyondBars.pdf.



In Washington State, alternatives to youth prisons include education programs, trails to success programming, evening teen programs, drug treatment court alternative programs, structured weekend and alternative programs. Education Programs include Program Alternative to Structure Sentencing (PASS), Day for Day, and Juvenile Educational Transitional Services (JETS). The education programs are led by school teachers while including community partners, and programming involves giving youth a chance to be heard in program design. Trails to Success (TTS) is a program that involves youth constructing nature trails as part of a restorative justice approach to restitution and community service projects. The Teen Evening program involves youth mostly as part of a diversion agreement and includes work with community partners such as Project Girl, a mentoring program that advocates for empowerment and positive self-esteem among young women of color, or local art centers that focus on mindfulness, reflection, and utilization of the youth's voice within art and culture composition. All of these programs seek to uphold positive youth justice principles, and explicitly state that racial equity is an essential part of the approach.³⁹



A present alternative to youth prisons that reflects these long seen trends is the **Missouri Model**. Missouri spends \$87 million on its Department of Youth Services [DYS], approximately \$155 for each young person in the state of juvenile (10 to 16 years old).⁴⁰ It is a partnership between the youth, family, and community supports that focuses on prevention and early intervention at "the front-end" of the system. It focuses on therapeutic youth development and treatment based on the youth's level of need. The goal is to strengthen and increase safety in the communities by supporting youth. This model moves away from traditional prison incarceration for smaller facilities located close to youth's community networks; in these settings youth are provided support to continue academic, pre-vocational, and communication skills to help them succeed. This process includes youth's families.⁴¹

The Missouri Youth Services Institute shares that the treatment within these Missouri facilities utilize components of positive youth development and cognitive behavioral therapy; these interventions are delivered to youth in a "fully integrated treatment team approach where social-emotional competencies are learned and practiced."

³⁹Washington State Center for Court Research. "Juvenile Detention Alternatives Initiative (JDAI): 2019 Annual Report." 2020.

<https://www.courts.wa.gov/subsite/wsccr/docs/2019JDAIReport>

⁴⁰Annie E. Casey Foundation. "The Missouri Model: Worthwhile Reform Benefits Youth and States." 2020.

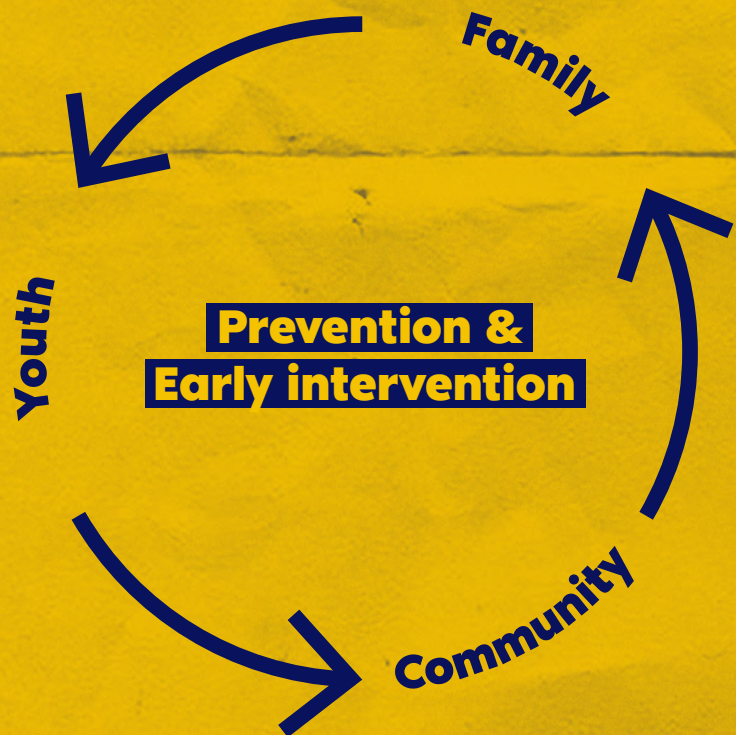
<https://www.aecf.org/blog/the-missouri-model-worthwhile-reform-benefits-youth-states>

⁴¹"The Missouri Approach," The Missouri Approach, 2018, <http://missouriapproach.org/>.

Positive youth development is an innovative approach that focuses on the aspects of growth and potential of youth. It redefines the experiences and risks of youth as challenges to confront by using positive resources relevant to the youth.⁴² Cognitive behavioral therapy works well in tandem with this approach as a way to support youth in addressing distorted or dysfunctional thinking and teaching them new cognitive skills to engage more effectively across a variety of domains.⁴³

According to a 2010 report by the Annie E. Casey Foundation, no youth in DYS custody died by suicide in the 25 years since Missouri closed its alternative training schools and replaced them with this model.⁴⁴ This is especially important when compared to national statistics. These show US juvenile detention centers in 2014 held ~61,000 youth in custody; an estimated 22,000 of these youth had considered suicide while in custody, 17,900 had attempted suicide at least once, and 5,200 had made a recent suicide attempt.⁴⁵ Detained youth are 19x more likely to commit suicide than youth in the general population.

The Missouri Model



⁴² Sanders, J., & Munford, R. (2014). Youth-centred practice: Positive youth development practices and pathways to better outcomes for vulnerable youth. *Children and Youth Services Review*, 46(C), 160–167. <https://doi.org/10.1016/j.childyouth.2014.08.020>

⁴³ Landenberger, N., & Lipsey, A. (2005). The positive effects of cognitive–behavioral programs for offenders: A meta-analysis of factors associated with effective treatment. *Journal of Experimental Criminology*, 1(4), 451–476. <https://doi.org/10.1007/s11292-005-3541-7>

⁴⁴ The Annie E. Casey Foundation, "The Missouri Model - National Juvenile Justice Network (NJJN)," n.d., <https://www.njjn.org/uploads/digital-library/model.pdf>.

⁴⁵ "Youth Suicide in Detention Centers," MST Services, March 28, 2019, <https://info.mstservices.com/blog/youth-suicide-in-detention-centers>.



Alternative Programs Defined

The following provides examples of these alternatives to incarceration via “community-based programs”: home confinement, alternative education, family preservation, mentoring, victim-offender mediation, restitution, community services, respite care, and day and evening reporting centers with educational, recreational and counseling opportunities. All or some of these alternatives are being utilized in the previous examples of state movements to move away from incarceration.⁴⁶ Home confinement keeps youth in their homes while letting them continue to work and participate in other selected activities.⁴⁷

Alternative education’s primary function is to educate students who have experienced disciplinary actions in their regular school settings. Alternative education can potentially be an effective tool in providing continued education opportunities. There are, however racial disparities in youth recommended to alternative education programs similar to the disparities in those who are incarcerated or otherwise impacted by the school-to-prison pipeline.⁴⁸ Policy makers must be careful not to use these programs to further segregate education.

Family preservation is a concept utilized here in Kansas as a preliminary alternative to the removal of children from their homes in response to a DCF report. This practice is the provision of mental

health services that focus on “preserving the family” by building skills around managing conflict, communication, building positive and supportive relationships, etc.⁴⁹

Mentoring is the use of mentee-mentor relationships for youth who are on parole/probation or otherwise at risk of incarceration. The relationship supports the youth in building awareness, skills, and positive relationships that are uplifting. Research shows different levels of effectiveness for this intervention. For example, one program showed a 31% decrease in recidivism for youth participating in a mentoring program, while 21% had decreased recidivism when mentoring was not used. This 10% change was not statistically significant.⁵⁰ There is still a lack of concrete empirical support for the aspects of mentoring that are most effective and which youth would benefit the most from it.⁵¹

Victim-offender mediation is a direct form of restorative justice. It is a meeting between the victim and offender mediated by a trained professional with the purpose of both expressing their perspective and feelings regarding the inciting incident. The goal of this meeting is reconciliation between parties and an agreement on how the offender can make repairs to mitigate the suffering of the victim (“make things right”). Participation is voluntary especially for the person identified as a victim.

⁴⁶ “Keep Youth at Home,” Community-Based Alternatives to Youth Incarceration, n.d., <https://www.njjn.org/about-us/create-a-range-of-community-based-programs>

⁴⁷ Weisburd, Kate. “Monitoring Youth: The Collision of Rights and Rehabilitation.” *Iowa Law Review* 101, no. 1 (11, 2015): 297-341. <https://www2.lib.ku.edu/login?url=https://www-proquest-com.www2.lib.ku.edu/scholarly-journals/monitoring-youth-collision-rights-rehabilitation/docview/1770930448/se-2?accountid=14556>.

⁴⁸ Tary Tobin and Jeffrey Sprague, “Alternative Education Programs for At-Risk Youth: Issues, Best Practice, and Recommendations,” 1999, <https://files.eric.ed.gov/fulltext/ED432805.pdf>.

⁴⁹ Henggeler SW, Melton GB, Smith LA. Family preservation using multisystemic therapy: an effective alternative to incarcerating serious juvenile offenders. *J Consult Clin Psychol.* 1992 Dec;60(6):953-61. doi: 10.1037//0022-006x.60.6.953. PMID: 1460157.

⁵⁰ Stephanie Duriez et al., “Mentoring Best Practices Research: Effectiveness of Juvenile Mentoring Programs on Recidivism,” November 2017, <https://www.ojp.gov/pdffiles1/ojjdp/grants/251378.pdf>.

⁵¹ Id.

Research supports this intervention noting that there is a high satisfaction rate by participants, high participation rate, high levels of restitution completion, and that these programs result in reducing fear among victims and future criminal behavior by offenders.⁵²

Restitution is similar to mediation in the sense that the goal is to directly impact the harm from offender to victim, but rather the thing done to “make things right” can be in kind service OR monetary payments. The basis being that financial compensation of service is a more tangible and direct way to mitigate impacts of an offense. Essentially this intervention is an act of restoring; either by returning things to the rightful owner; the act of making good or giving equivalent for any loss, damage, or injury; and indemnification.⁵³

Community service functions from the same framework as restitution with the understanding being that an offense impacts the community and therefore an offender must make amends and give restitution to those impacted through service.⁵⁴ Essentially it is restitution but from the perspective of impacts on many individuals (a community) versus a single impacted individual (restitution).

Respite care is a familiar intervention for youth who experience severe and persistent struggles with their mental health. The purpose of this intervention is to have a youth safely monitored and ideally engaged in preferred activities for the

purpose of both the youth and caretakers of the youth having a break in order to better resolve conflict.⁵⁵ Similar to mentoring, this intervention is rarely used as the primary intervention but functions best in tandem with other alternatives also in place to provide full support and education.

Reporting centers function in a similar way to probation in that a youth is not incarcerated but rather lives at home but is required to check in on a predetermined basis. These centers track the activities of the youth with the intention of looser supervision than incarceration, while also providing direct supportive services during clients scheduled times at the reporting center.⁵⁶

"We need more year-long community-based programs, things that give [youth] a creative or emotional outlet, skills to take into the future."

-Progeny Youth Leader

⁵² Center for Justice and Reconciliation, "Victim Offender Mediation," Restorative Justice, n.d., <http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/lesson-3-programs/victim-offender-mediation/>.

⁵³ Center for Justice and Reconciliation, "Restitution," Restorative Justice, n.d., <http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/lesson-3-programs/restitution/#sthash.nxtUEAK3.dpbs>.

⁵⁴ Center for Justice and Reconciliation, "Community Service," Restorative Justice, n.d., <http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/lesson-3-programs/community-service/#sthash.9U0k07SU.dpbs>.

⁵⁵ "Alternatives to Confinement," Alternatives to Confinement | CJJ, n.d., <https://www.juvjustice.org/our-work/safety-opportunity-and-success-project/national-standards/section-iii-efforts-limit-court-7>.

⁵⁶ "Day Reporting," Youth Opportunity Center, August 27, 2020, <https://www.yocinc.org/programs/community-based/day-reporting/>.

Diversion is an alternative to formal sanctions or processing in the juvenile justice system. Diversion programs can vary but they generally are available at an initial appearance once a case reaches the juvenile courts. Diversions are generally only an option for first offenses that are relatively minor. The benefit is that at the end of the process, the charge against you is dismissed. Diversion programs are usually stricter than probation terms and involve additional fees to the regular court process. Oftentimes diversion programs include automatic guilty pleas to the initial offense if the terms of the program are not upheld.⁵⁷

These interventions all offer positive outcomes when compared to incarceration; however, it is important to note that some also present different challenges or issues that must be considered.

⁵⁷ Kansas Legal Services. "Juvenile Crime and Consequences in Kansas: An information booklet for juveniles."
<https://www.doc.ks.gov/reentry/OWDS/juvenile/juvenile-crime>

Systems want to help young people, after the fact. After they have spent time in a facility. They want to make sure the young person stays "active" with them, in hope to profit off the young person"

-Progeny Youth Leader



Section 3

Policy Recommendations

Reevaluating Evidence Based Programming

Juvenile Justice reforms have repeatedly been frustrated by difficulties in adopting evidence-based practices and trauma-informed care.⁵⁸ Adoption of these terms have often served to work as gatekeeping, especially preventing true community organizations and organizations of color from serving their communities which are most impacted by mass incarceration. Juvenile justice systems often implement evidence-based practices based on the evidence that is available, but often fail to interrogate what evidence is not available and why it might not be available. Equitable reform efforts should be based on evidence as much as possible, but also should consider the limits of that evidence and the barriers that prevent the collection of evidence. In the absence of readily available data, other forms of evidence ought to be considered. Suggestions from the EBP+ Collaborative (a coalition of organizations around the United States working on juvenile justice reforms) include: elevating youth leadership and expertise, collecting survey responses from youth before and after programming, documenting the complexities of programs and relationships that exist between youth and staff of a program, and putting together data that measures effectiveness but does so in the context of the broader story of youth and staff experiences.⁵⁹

Considerations

Home-confinement is a more supportive and community-oriented approach when compared to incarceration; however, not all youth will have a positive experience with this intervention. Youth who may experience abuse or have limited space in the home could have adverse reactions to this alternative. Similarly, the monitoring involved with home-confinement also presents issues. For example, youth struggling with truancy, an infraction that would not have otherwise led to incarceration, have been subject to electronic monitoring. Being monitored at all times and having to follow the prescribed and detailed electronic monitoring conditions is also in tension with the behavioral, emotional, and intellectual development of adolescents, and is especially burdensome for those youth with mental illness or learning disabilities.⁶⁰

⁵⁸ The EBP+ Collaborative. "The EBP-Plus Model: Liberating Youth, Families, and Community from the Justice System: Policy Brief #1." <https://static1.squarespace.com/static/58ba8c479f7456dff8fb4e29/t/5abec8166d2a73e772895bd4/1522452509081/ebp.policy.brief.30mar2018.formatted.pdf>

⁵⁹ Id.

⁶⁰ Weisburd, Kate. "Monitoring Youth: The Collision of Rights and Rehabilitation." Iowa Law Review 101, no. 1 (11, 2015): 297-341. <https://www2.lib.ku.edu/login?url=https://www.proquest.com/scholarly-journals/monitoring-youth-collision-rights-rehabilitation/docview/1770930448/se-2?accountid=14556>.

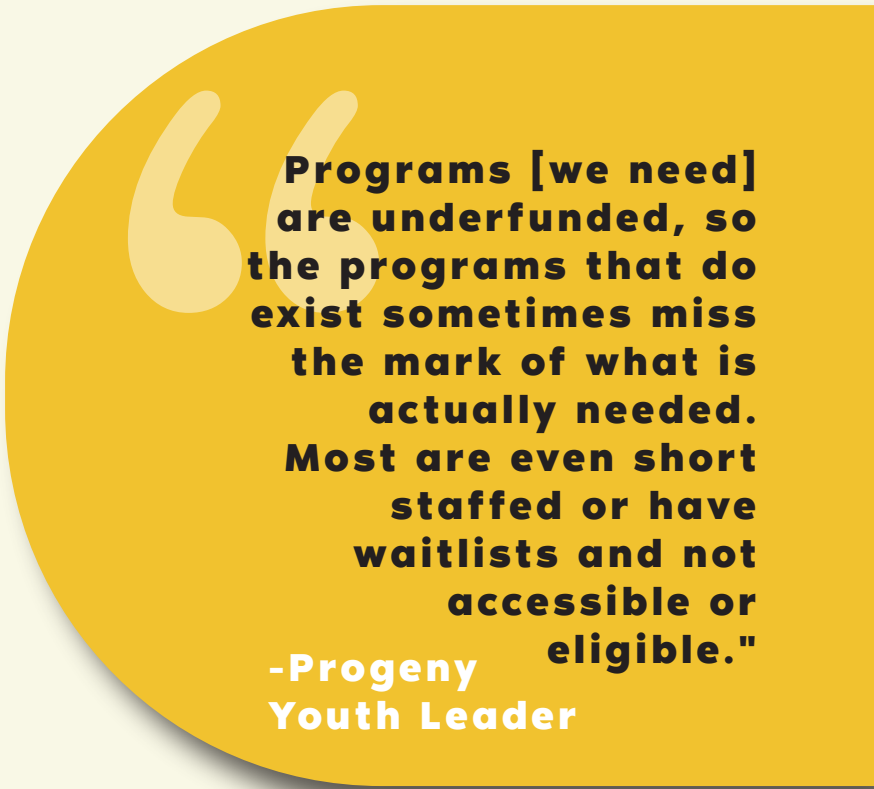
This gap between the requirements of electronic monitoring and the capacity of youth to understand and cope with its requirements calls into question its effectiveness as a tool for rehabilitation. Considering this, home-confinement should only be supported for youth who would otherwise be in a youth prison, and this alternative should include opportunities to leave the home outside of school through other youth programs. The youth's home life should also be considered.

Raising the age for justice involved youth has empirical backing. The United States Supreme Court recognized the scientific evidence of adult incarceration harming youth, and has banned capital punishment for those who committed the crime under the age of eighteen.⁶¹ Massachusetts ended the automatic prosecution of 17-year-olds as adults in 2013 and found that the juvenile justice system's caseload and expenses actually decreased.⁶²

Research on mentoring shows different rates of success, but it is most effective at reducing recidivism when it is paired with other alternatives.⁶³

Youth monetary reparations as an alternative present potential issues when considering the availability of funds for an individual in a low-income household. This alternative involves "repaying" damages, but for some youth their opportunity to repay monetarily is limited. Focusing on repayment through service or relying more on restorative justice practices that focus on repairs between the perpetrator and victim are safer and more considerate alternatives.

Alternative education is effective at reducing the number of youth being introduced into the juvenile justice system; however, there are concerns regarding the stigmatization of youth who are placed in these different learning environments and the potential connection between bias and youth placement.⁶⁴



Programs [we need] are underfunded, so the programs that do exist sometimes miss the mark of what is actually needed. Most are even short staffed or have waitlists and not accessible or eligible."
-Progeny Youth Leader

⁶¹ Harty, P. "The Moral and Economic Advantages of Raising the Age of Criminal Responsibility in New York among Juvenile Offenders, and Plans for Rehabilitation." *Touro Law Review*. 2017.

<https://digitalcommons.tourolaw.edu/cgi/viewcontent.cgi?article=2842&context=lawreview>

⁶² Massachusetts Coalition for Juvenile Justice Reform. "Reforming Police Standards Testimony - House Hearing on S.2820." 2020.

⁶³ Amanda Claire Workman, "Can Mentoring Help Reduce the Risk of Recidivism?: an Analysis of the Serious and Violent Offender Reentry Initiative (SVORI) Data," *Can Mentoring Help Reduce the Risk of Recidivism? An Analysis of the Serious and Violent Offender Reentry Initiative (SVORI) Data* (dissertation, 2018), <https://scholarsarchive.byu.edu/cgi/viewcontent.cgi?article=7827&context=etd>.

⁶⁴ Tobin, T., Sprague, J., & Oregon School Study Council, E. (1999). *Alternative Education Programs for At-Risk Youth: Issues, Best Practice, and Recommendations*. Oregon School Study Council Bulletin, 42(4), 20.

Recommendations based on our Experiences

Kansas needs regional based care facilities for serious offenders instead of a centralized prison. These facilities should be small - no more than 10 beds - and should only be used as a last resort. Home care and confinement should be the primary option.

Out-of-home facilities for youth should be focused on rehabilitation and skills. They should recognize and work on addressing the trauma that is very likely at the root of behavior. Facilities should never use hunger or isolation in a punitive manner for youth, which we have seen happen in Kansas before.

Care should be individualized. Youth should be connected to someone who is actually assigned to helping them navigate the system and is actively involved in seeing rehabilitation.

A community-based continuum of care for youth should be provided. A continuum of care involves providing prevention, treatment, intervention, supports, opportunities, and community development youth justice solutions. To ensure success this continuum should promote positive youth development and be concerned with what resonates with young people. We should recognize that public safety is more than just law enforcement. The system should be based on the needs of the youth rather than whatever slot we put them in. Services must be culturally competent, neighborhood base, and responsive to the needs of LGBTQ+ and gender non-conforming youth. Programming should be family centered. And youth should always be involved in the creation of programming.

Restorative Practices should focus on healing as opposed to punishment. They need to be grounded in both accountability and respect for all participants.

The system should focus on building community support. Programming needs to be rooted in the community. Barriers preventing community organizations and nonprofits, particularly organizations that are led by people of color, should be eliminated. Evidence of effectiveness should be evaluated in programming, but we must recognize the limits of existing evidence and not use "evidence-based" terminology as a means of excluding the community from being eligible for grants and funding based around prevention and intervention.

“What worked for me was being involved in different groups (like Progeny) with people who can relate. Have conversations without feeling like nobody gets you. We need rec centers, free access to a YMCA, something for youth to do in their own communities, walking distance where you feel safe and free to have fun”

-Progeny Youth Leader

Staff members, especially staff working day-to-day with youth, need cultural competency training, implicit-bias training, credible messenger training, trauma-informed training, and de-escalation training. But training is not enough. The culture of staffing and management at facilities has to shift with the changing times. The culture of hiring needs to change so that skills and knowledge of these ideas are prioritized up front in who is selected for these positions.

Access to mental health services is essential. But this cannot consist merely of medicating youth. If medication is used, it should be accompanied by clear and understandable explanations. There should be a well-defined medical plan, including a plan for transitioning away from medicine. Again, it is important for mental health services to be community based.

Steps to take:

Follow the recommendations from the National Juvenile Defender Center Assessment of Kansas⁶⁵



Implement a strong, specialized system of juvenile defense.



Institute statewide standards and oversight of juvenile defenders and of county-level juvenile defense delivery systems.



Establish a juvenile defense system that allows defenders to become specialists in juvenile delinquency defense.



Ensure youth have access to counsel at all stages of the juvenile court process, including for post-disposition and appeals.



Eliminate fines, fees, and costs associated with juvenile court involvement.



Eliminate the indiscriminate shackling of youth in juvenile court.



Eliminate racial disparities in the juvenile court system.

⁶⁵ Nat. Juvenile Defender Ctr., Limited Justice: An assessment of access to and quality of juvenile defense counsel in Kansas (2020). <https://njdc.info/wp-content/uploads/Kansas-Assessment-Web.pdf>

Steps to Close the Kansas Juvenile Correctional Complex

Conduct Individual Youth Assessment and Create Transition Plans

The state should contract with a community organization to conduct an assessment of the needs of youth remaining in KJCC and create an individual plan for each youth.

Reinvest in Community-Based Programs and Services

The programs that keep young people in their communities should be prioritized for funding without additional stipulations.



3 Key Principles that Need to Inform Reform Efforts

- 1)** Juvenile Justice belongs under the heading of behavior and health care, not punitive crime and punishment.
- 2)** Asset mapping is essential. Before implementing new programs, we need to assess what community support programs already exist that can be propped up, including practices that already are working.
- 3)** Redefining what it means to be evidence-based. We must recognize what data exists, why data may be incomplete or missing, what barriers prevent the collection of data, and consider the lived experiences and testimony of community members as evidence when assessing the viability of youth justice programs.

Build an Implementation Plan and Timeline

Make the hard decisions: Set the implementation plan in stone with a closure date. Goals should be set around this timeline and implementation plan to ensure progress and accountability.

Address Workforce and Community Concerns

The workforce transition plan around facility closure must include mitigating the economic impact, especially considering job losses. The plan should detail support and relocation benefits as well as community infrastructure for new community programs.

Create An Oversight and Accountability Mechanism

Each implementation plan should involve creating an oversight mechanism to monitor progress and outcomes of the youth within the new continuum of care.

**CLOSE
KJCC!**

Assess Existing Programs, Youth Outcomes and Potential Supports

Asset mapping is needed to assess effective programs, potential youth outcomes, the legislator, boards and oversight committees. The focus should be on youth feedback, community-based projects and legislation in progress to determine support for existing and proposed programs.

Power Map with Data and Research

The state should collect and analyze data on the drivers of youth incarceration, particularly in high-incarceration areas. Data on the outcomes of youth released from KJCC compared to those of youth who received alternative sentences, in lieu of KJCC placement, should also be collected and compared.

Collaborate with Youth, Families and Community Stakeholders

Youth who have experienced incarceration, their families and our community members, must have a seat at the table. They are valuable sources of input on the supports needed to ensure positive outcomes for system-involved young people and their communities.

Conclusion

Kansas should close the KJCC. Centralized youth prisons are costly and ineffective. But it is not enough just to turn off the lights at the last prison. We need community-centered alternatives that focus on rehabilitation, skill-building, and health care - not punishment. System leaders, such as those who sit on the Juvenile Justice Oversight Committee, need to eliminate a punishment based corrections system and create a real continuum of care.

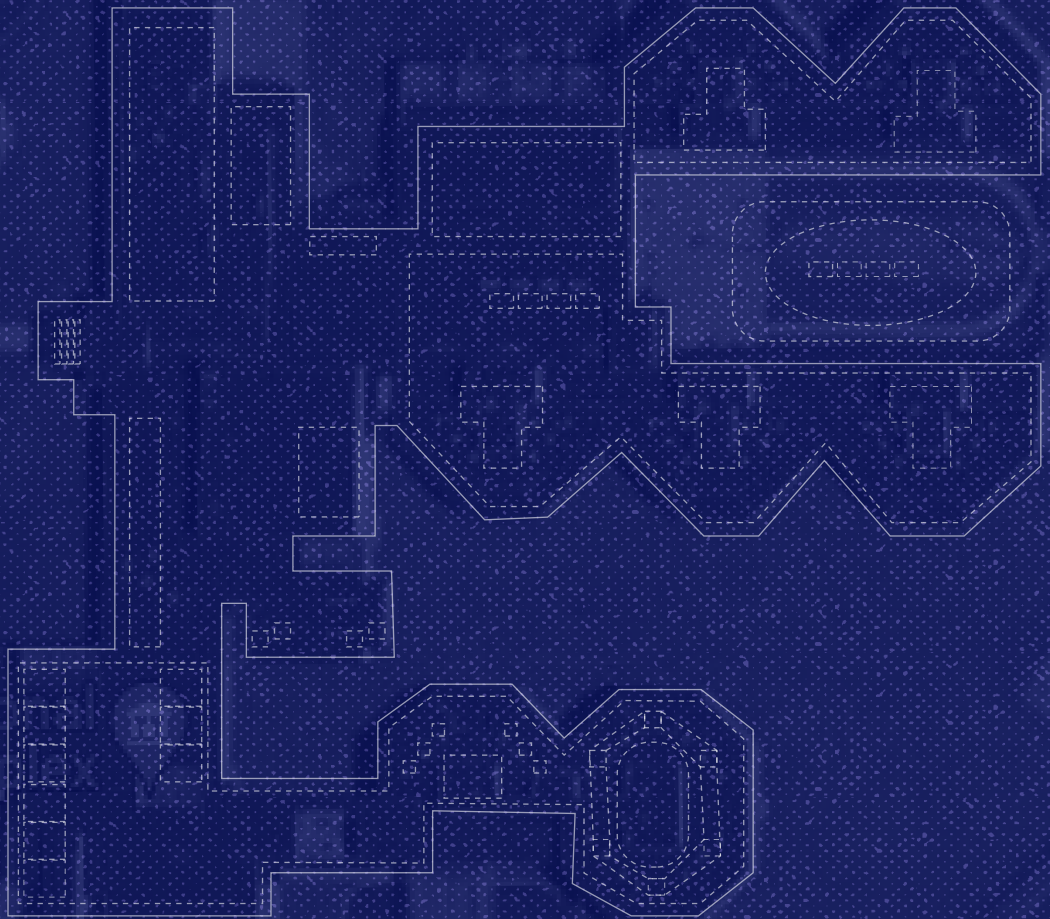
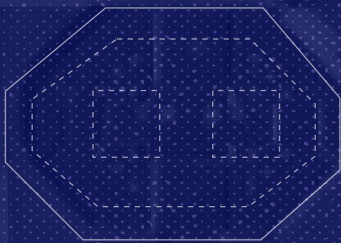


**We need support
officers not probation
officers, we need them
to close KJCC**

**-Progeny
Youth Leader**

We have the opportunity to make Kansas a national leader in youth justice reform. By recognizing the costs of youth prisons, examining the alternatives that exist in other states, and centering our Kansas communities in our reform efforts, we can build a better youth justice system in Kansas. Let's make that happen!





Juvenile Correction
Center