

## A B O U T PROGENNY

Progeny is a youth/adult partnership focused on reimagining the juvenile justice system and reinvestment into community-based alternatives. Our shared vision and goal is to transform the juvenile justice system in Kansas by closing the remaining state youth prison and shifting power to the communities most impacted by these systems through investment in alternatives to incarceration and programs that build a healthier Kansas for youth development.

To learn more about our work, or to get involved, please visit our website at progenyks.com or follow us on twitter, instagram, or facebook @progenylCT.

Progeny would like to thank the dozens of young people who shared their experiences, insights, and passion for change with us during our visioning sessions. We also appreciate the support of the Progeny youth leaders in the development of this publication, our partners at the Youth First Initiative for their editorial assistance, and Yadira Palacios for designing the document.



## Introduction

In 2016, Kansas made the laudable decision to try to fix its flawed youth justice system and shift resources to more appropriately meet the needs of communities and youth. That year, the state enacted Senate Bill 367 (SB 367), which was unanimously approved by the Senate and passed by an overwhelming majority (118-5) in the House, with support from a range of groups including Kansas Department of Corrections (KDOC), Kansas Sheriffs Association, Kansas Center for Economic Growth, and Kansas Association of School Boards.<sup>1</sup> Public polling that year also confirmed that Kansans across political parties supported reforming the juvenile justice system and that Kansans favored investing in rehabilitation rather than incarceration for youth.<sup>2</sup> Consistent with this, SB 367 was based on an approach that focuses more intensive responses to youth at high risk, while serving lower risk youth in more effective community-based programming. The law also established a structure where the community-based services could be funded by the savings from decreased use of expensive incarceration. Four years into these changes, however, many youth are still being harmed by a broken system, and communities are still not getting what they need to support their young people.

Progeny believes that a large part of the reason the current response has not accomplished what it needs to is that the voices and insights of youth have not been adequately considered in developing new solutions and approaches. To remedy this, we gathered insights from dozens of young people about how to best invest in Kansas' youth and communities; their thoughts and suggestions are shared here.

#### VOICES OF FUTURE LEADERS

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With the money now used for incarceration, I would invest helping the foster care system, because it is broken.

### Youth Justice Reform in Kansas

Recognizing that its youth justice system was in deep need of reform, Kansas' executive, legislative, and judicial branches formed a workgroup to review the existing system and recommend changes in 2015. The workgroup was aided by technical assistance from The Pew Charitable Trusts and the Crime and Justice Institute at Community Resources for Justice. The workgroup, with assistance from its technical assistance providers and other experts, reviewed Kansas youth justice data, law, policy and practice, and national research, and gathered information from stakeholders across the state, including community supervision staff. Based on this learning, as well as many full workgroup and subcommittee meetings, the workgroup developed a report with findings and specific recommendations. Based on the group's work, policymakers enacted Senate Bill 367 (SB 367) in 2016.

SB 367 included improvements designed to: reduce placements for lower risk youth, better focus system resources for higher risk youth, and ensure youth consequences were consistent throughout the state. A hallmark of the legislation was a requirement that funds saved by having fewer youth in correctional facilities and ineffective residential placements would be reinvested in, as SB 367 states, "the development and implementation of evidence-based community programs and practices for juvenile offenders and their families." Kansas took additional steps to achieve reform in 2016, including an initial legislative allocation of \$2 million for community-based programming, and the announcement that Kansas Department of Corrections would close one of its two youth correctional facilities in 2017.

According to a report from the Pew Charitable Trusts, the 2016 reforms were expected "to cut residential placements by more than half and yield \$72 million for reinvestment over five years." In its 2019 Annual Report, the Kansas Juvenile Justice Oversight Committee provided a summary of the law's impact to date. Notable improvements included placements in the Juvenile Correctional Facility (JCF) dropping 25%, with zero youth confined at JCF for misdemeanors. However, in State Fiscal Year 2019, almost half (48%) of youth at JCF were moderate or low risk youth. Additionally, average probation length that year was 15.5 months--an improvement from 20.2 months in 2015, but still a significant amount of time in the life of a young person. The 2019 Annual Report also stated that the reinvestment fund had a balance of \$30,000,000 and annual revenue of approximately \$17,000,000. However the planned spending for Fiscal Year 2020 is only \$9,104,048, increasing to \$21,854,048 in Fiscal Year 2021, in order to ensure sustainability of funded programs.

Sources: KS Senate Bill No. 367 (2016); Pew Charitable Trusts. Kansas' 2016 Juvenile Justice Reform (June 2017); Crime and Justice Institute, Implementing Comprehensive Juvenile Justice System Improvement In Kansas (March 2019); Kansas Juvenile Justice Oversight Committee, 2019 Annual Report.

### Progeny visioning sessions

In Wichita and across Kansas, young people go to school, spend time with peers and family, and pursue goals and dreams of successful adulthood every day. Yet for far too many youth, particularly youth of color, these experiences are disrupted by involvement with the justice system, often stemming from unaddressed trauma. For young people whose families are struggling with substance abuse, who live in under-resourced communities served by inadequate schools, or who live in neighborhoods that do not have safe and supportive spaces where youth can engage in healthy activities, involvement in the justice system can become a harmful and expensive response to underlying issues that never get addressed.

#### What we learned from youth

Progeny held visioning sessions in several Wichita high schools and a youth facility.

Each session began with an activity designed to simulate a journey through the youth justice system.

Next, youth who had been involved in the youth justice system were asked about their experiences.

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Finally, Progeny youth leaders shared information on how much youth incarceration currently costs Kansas, and asked participants how they thought those resources could be better spent.

For some participants, it may have been the first time they were ever asked what they and their communities needed. The environment in the room was alive as young people who'd never before been given a voice in issues that impacted them shared their hopes for themselves, their loved ones, and their larger community.

### Racial and ethnic disparities

Racial inequities and tensions were raised frequently by the participants in Progeny's visioning sessions; this may have been reflective of the significant racial and ethnic disparities that exist in Kansas' youth justice system, including in its incarceration of young people. In 2018, 32% of youth in JCF were Black (although Black youth make up only 8.8% of 14-20 year olds in Kansas), and 23% were Latinx (although Latinx youth make up only 17% of 14-20 year olds in Kansas).

Sources: KDOC FY2018 Annual report; Puzzanchera, C., Sladky, A. and Kang, W. (2019). "Easy Access to Juvenile Populations: 1990-2018." Note that the figures referenced here for "Latinx" youth are based on the DOC and Census reported figures for "Hispanic" youth.

### Using resources effectively

In 2019, Kansas spent **\$134,223** per youth in its Juvenile Correctional Facility, and over **\$22 million** in total on the facility in operating costs alone. Source: KDOC FY2019 Annual Report

When asked how they would spend the money used to incarcerate a single young person for a year (over \$100,000 the past few years), many young people talked about using the money to support family members who were struggling, or to obtain housing or a car for themselves or others. Some also talked about longer term goals, such as going to college, starting a business, or investing.

In the discussion about what could be done with the total amount spent on youth correctional facilities (more than \$22 million currently), the young people shared bigger plans. They wanted more positive options and support for youth and families, including basic necessities (food and clothing), access to safe and healthy places to spend time, and more intensive services such as substance use services, as well as improvements to key child-serving systems such as education and foster care. Several young people also talked about using the money to support charities or churches.



#### VOICES OF FUTURE LEADERS

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With the money now used for incarceration, I would invest in a nonprofit that gives food to people in poverty.

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## Meeting basic needs

Youth wanted to see more money invested in homeless shelters and affordable housing, as well as improvements to neighborhoods that are unhealthy environments, but may be the only places some people can afford to live. They wanted people in need to be able to receive food, clothing, health care (including mental health and substance abuse services), and child care. They also emphasized that these services needed to be safe, as current offerings, such as homeless shelters, may not be safe places for youth to be. Youth also wanted their communities to have access to better jobs, like construction or engineering. They also thought funding should be used to help people with criminal records or mental or physical disabilities build skills and obtain jobs, so that individuals would be able to support themselves and not be dependent on public services or charities.

# Positive and safe opportunities for growth

Adolescence is a time of enormous growth and learning, and youth wanted their communities to have safe spaces where they could participate in fun and healthy activities with peers, such as sports or martial arts, music and art, and other activities that can help youth release stress. Several youth also suggested that these spaces should also be places young people can get help. Youth also wanted to support mentoring/peer counseling, including from Credible Messengers from their own communities, noting that youth need role models and emotional support. Youth also talked about the racial tensions in their communities, and hoped to invest in solutions to address them.

## Schools and education

Youth talked about funding education for themselves or their families, and for others in their communities. They also talked about investing in schools—particularly in under-resourced neighborhoods—to improve their quality and ensure they could prepare young people for jobs.

This included paying teachers better and investing in supportive services like tutoring and counseling. Participants also suggested that youth could benefit from education around budgeting/money management and other "life skills," as well as social-emotional skills such as self-control and anger management. Youth also wanted parenting education and health education to be more easily accessible.





When youth in the youth facility were asked about the change they would like to see, they initially focused on changes to the system, like not using ankle monitors (or using smaller ones). Then a Progeny youth leader who was helping facilitate the session asked how many participants were struggling because their parents don't have jobs, or because of mental health or substance use issues. Many of the young people raised their hands, and the tone of the conversation changed, with young people making broader suggestions. Progeny believes that youth are bigger than the box they are put in, and this experience was just a small demonstration of how, as one meeting facilitator put it, "if you let youth look outside the box they have big ideas."

### Helping system-involved children and youth

Many young people talked about wanting to invest in improving foster care in Kansas. Youth also wanted the justice system to be fair for people of all races, decreased use of electronic monitoring and probation, and more opportunities for restorative justice.

#### **VOICES OF FUTURE LEADERS**

With the money now used for incarceration, I would invest in helping kids go to college.

### Reinvesting Kansas' Youth Justice Savings

In a 2018 report, Kansans United for Youth Justice (KUYJ) discussed the reinvestment funding that had been distributed by KDOC through early that year. They noted that Boards of County Commissioners applied to KDOC for grants, which were distributed either to individual judicial districts or to collaboratives across districts. Although some funding had been awarded to support young people in Kansas through vocational programming, case management, behavioral health and other important services, the funding was still falling short of the need in many parts of Kansas. For example, one judicial district received less than half of the funding they required to implement needed programming, and another district received less than one tenth of what they needed. KUYJ advocated in their report, as we do here, for more investment, and noted that KDOC could also leverage the money already set aside for reinvestment funds had approximately \$12 million available, but Kansas had committed to spending only \$7.5 million of that amount, asserting that this left "substantial remaining funds to invest in best practices to reduce youth involvement in the justice system."

Source: Kansans United for Youth Justice Making the Case: Community-Based Alternatives to Youth Incarceration (August 2018).

## What a better system would look like

In terms of the system itself, young people shared that if a young person must be involved in the youth justice system, they would want it to be one where:

The process begins with the youth and family receiving an explanation of what will happen (and a chance to say goodbye if the youth is going to a placement); youth and families receive accurate and timely information throughout the process.

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Staff have empathy for young people, and encourage them to make positive changes, rather than judging them solely on past mistakes or viewing them as "bad."

Youth and parents/caregivers have the opportunity to receive counseling/ therapy to work through family issues; youth are supported in resolving conflicts that they experienced before their justice system involvement, whether with family members or other youth.

All young people receive equal and fair treatment, from staff and service providers who "meet youth where they are."

Youth receive the support they need to "get on the right path," and work towards life goals such as going to college or joining the military.

Young people also emphasized that schools should be a place where young people and their families receive support, rather than a place where youth are frequently arrested in traumatizing ways in front of their peers. (Nearly all of the youth who participated in the visioning session at the youth facility had been arrested at school, with some sharing that they'd avoided school because they feared arrest there.)

#### **VOICES OF FUTURE LEADERS**

With the money now used for incarceration, I would invest in a safe place for all kids who need it, similar to a rec center that is free.

## Conclusion and recommendations

The insights shared in Progeny's visioning sessions illustrate several important recommendations that must guide Kansas' future, if we are to have a state where all youth have the opportunity to grow and succeed:

**Listen to youth:** Young people understand the challenges and strengths present within themselves, their peers, and communities. This expertise is invaluable in designing solutions that will actually work. Kansas should:

Add at least two directly impacted youth members to the statewide Juvenile Justice Oversight Committee and to each judicial district's Juvenile Corrections Advisory Board (JCAB). This is particularly important in areas that incarcerate the greatest number of youth, such as Sedgwick, Johnson, Wyandotte, and Shawnee counties. According to KDOC, these 4 counties "account for 53 percent or 88 of the total 166 housed in a juvenile correctional facility." <sup>3</sup>

Hold listening sessions with youth and community members in the counties that send the most youth to incarceration facilities and throughout the state in 2021 and every 2 years thereafter.



**Increase spending of available reinvestment funds:** Kansas must make more reinvestment funding available so that prevention and diversion efforts have a true chance to succeed. Although some stakeholders have said that underspending is necessary to ensure the "sustainability" of programming, investing in earlier prevention would decrease the need for sustaining interventions at the current level. Additionally, Kansas should be allocating funding to try new and promising approaches, with the expectation that approaches that do not work will not be sustained, and those that are effective may be able to attract private or other funding support. Leaving money in the reinvestment fund also increases the risk that it will be used for unrelated purposes, as was acknowledged by Greg Smith, chairman of the Kansas Juvenile Justice Oversight Committee.<sup>4</sup> Kansas should:

- Require that at least 85% of the available reinvestment funds be distributed each year.
- Provide support and technical assistance to judicial districts and community groups (see below) to aid them in applying successfully.
- C Reduce other barriers to applying for and receiving funding.



**With the money now used for incarceration**, I would invest in more places where kids can go just to be kids.

With the money now used for incarceration, I would invest in mentoring.



**With the money now used for incarceration**, I would invest in the public schools that don't necessarily get all that much.

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**Move beyond EPBs and invest earlier:** Youth and community needs go deeper than the evidence based practices Kansas is currently investing in. Housing, food, health care, and even safe spaces to spend time need to be available in every neighborhood, for all who need them. Providing more afterschool programming and mental health support could also help youth and families before they become involved in the justice system. Kansas should:

- Allow reinvestment funds to be used to support basic needs, and emerging/promising practices (see below), rather than solely established evidence-based practices. Also, as recommended by Kansans United for Youth Justice, "reinvestment funds should also flow to community organizations, not just judicial districts, to allow for a holistic approach to community-based interventions not directly tied to the judicial system." <sup>5</sup>
- JCABs should partner with local community-based providers to learn more about basic needs in their communities, and about existing opportunities for mentoring, counseling, and other services that could be expanded to include youth at risk for justice involvement. (This could be accomplished by inviting representatives from these organizations to serve on the JCAB, or by holding dedicated meetings at least twice per year focused on these issues with appropriate community partners invited.)

#### Continue to improve systems to prevent negative youth experiences.

Although SB 367 made improvements to the youth justice system, there is still much work to be done to ensure that youth do not have traumatic and disruptive experiences such as being arrested at school, or placed in youth facilities far from their families and/or without being allowed to say goodbye. Improvements to the foster care system should also be prioritized. Kansas should:

- Revise policies and practices on school discipline and arrests, in accordance with the other principles shared here (e.g., listen to youth, look at innovative practices used elsewhere).
- Hire peer navigators to help families understand and navigate the youth justice system.<sup>6</sup>
- C Develop and implement policies and procedures that ensure that all youth and families who become involved in the youth justice system receive guidance on what is happening, and what will happen next, and that families have frequent access to their children, even during short term detention stays.
- Develop regional options so youth who do need longer term out of home and/or secure care are able to stay close to home, and ensure that all placements offer liberal visitation and transportation assistance.



Look for innovative and promising practices within and outside Kansas. Kansas should replicate and expand practices and programs that support communities, and reduce justice system involvement. For the very small number of youth whose circumstances warrant placement, those placements should be closer to home and should be environments that foster healthy development for youth and put them on a path to successful adulthood. Kansas should also work to identify common pathways to justice system involvement (e.g., foster care placements, being a victim of crime, school-based involvement) and develop and implement strategies to disrupt those pathways. Kansas should:

Collect and publicly report data on outcomes from reinvestment-funded programs, and provide support to emerging community-based programs to help them evaluate, improve, and develop an evidence-base for successful work.

Identify and support the spread of best practices, for example through a bi-annual statewide conference beginning in 2021, reinforced by a quarterly publication and quarterly webinars or other virtual convenings.

**Ensure equity.** As Kansas works to reduce system involvement and improve the experiences of young people who do become system-involved, decision-makers must pay attention to the fact that youth of color are much more likely to be incarcerated in Kansas, and work to both address these existing inequities, and to make sure that system improvements benefit all Kansas youth. Kansas should:

Undertake specific and concrete efforts to address racial and ethnic disparities in youth justice, guided by research and experts. For example, Kansans for Youth Justice highlighted Johnson County Department of Corrections for its engagement of the Burns Institute and United Community Services of Johnson County to evaluate local practices and policies and assist with reforms to address challenges identified.<sup>7</sup>

Collect and publicly report information on racial and ethnic disparities in youth corrections in every judicial district.

#### **VOICES OF FUTURE LEADERS**

With the money now used for incarceration, I would invest in making a system that gives all people justice and equality without being judged by your race.

### **Citations**

<sup>1</sup> Pew Charitable Trusts. *Kansas' 2016 Juvenile Justice Reform* (June 2017).

<sup>2</sup> Kansans United for Youth Justice. *Kansas Juvenile Justice Reform Handbook 2017* <u>https://ww-w.kuyj.org/uploads/2/1/9/2/21929892/ksjhandbookwebsinglepages.pdf</u> (citing Kansans United State Poll: February 2016, <u>http://www.kansansunitedforyouthjustice.org/resources/</u> and Kansans for Smart Justice Poll: September 2016, <u>https://www.aclukansas.org/en/publica-tions/criminal-justice-reform-poll</u>.)

<sup>3</sup> Kansas Department of Corrections. Fiscal Year 2019 Annual Report. <u>https://www.doc.ks.gov/-publications/Reports/fy-2019-kdoc-annual-report.</u>

<sup>4</sup> "The problem is now we're having to defend people wanting to take that money, because they're saying, 'You're not spending it." The Topeka Capital-Journal/Tim Carpenter. *Kansas juvenile arrests, incarceration plummet as state strives to implement reform.* (Apr 25, 2019).

<sup>5</sup> Kansans United for Youth Justice. *Making the Case: Community-Based Alternatives to Youth Incarceration* (August 2018).

<sup>6</sup> See, e.g., Lucas County Ohio's Family Navigator program (https://cohfs.org/family-navigator) and New York City's Parent Peer Support Program (https://cc-fy.org/project/parent-peer-support-program/).

<sup>7</sup> Kansans United for Youth Justice. *Making the Case: Community-Based Alternatives to Youth Incarceration* (August 2018).



