



TESTIMONY OF  
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EXECUTIVE DIRECTOR, AMERICAN CIVIL LIBERTIES UNION OF KANSAS  
HEARING ON HB 2264  
KANSAS HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE  
FEBRUARY 8, 2017  
- WRITTEN TESTIMONY ONLY -

Thank you, Chairman Jennings, and members of the Corrections and Juvenile Justice Committee for affording us the opportunity to participate in this hearing on HB 2264, which concerns implementation of the juvenile justice reforms contained in 2016's SB 367. The American Civil Liberties Union (ACLU) of Kansas is a non-partisan, non-political membership organization dedicated to preserving and strengthening the constitutional liberties afforded to every resident of Kansas. We work to preserve and strengthen our constitutional rights and freedoms through policy advocacy, litigation, and education. We proudly serve over 10,000 supporters in Kansas and represent more than 1 million supporters nationwide.

**The ACLU of Kansas continues to strongly support the reforms made during 2016. We urge the Legislature to give the reforms adopted through SB 367 the opportunity to work, rather than rolling back progress after just a few short months.** The criminal justice system in Kansas is badly broken and, until 2016, the juvenile portion of the system was among its most broken components. The system was ineffective, inconsistent, overly expensive, resulted in shockingly high levels of juvenile confinement or out-of-home placements, and did nothing to improve community safety.

However, the Legislature and stakeholders are to be commended for having identified the system's problems and seeking to remedy them. Some of the most exhaustive research ever conducted in Kansas was undertaken in order to produce the policy framework contained in SB 367. The result was a comprehensive set of reforms that had nearly-unanimous, bipartisan legislative approval, was widely lauded by experts in the field, and that has proven remarkably popular among Kansans themselves. Indeed, a poll conducted by Ft. Hays State University in the fall of 2016 found that the types of reforms embraced by SB 367—especially reliance on community-based alternatives rather than incarceration—were viewed favorably by eighty percent or more of the population.

The reforms contained within SB 367 have been in place for less than a year, but have already had a dramatic impact. For example, the population of the state's juvenile offender custody population dropped by 42% between November 2015 and November 2016. That rapid drop in custodial placements is fully consistent with the outcomes projected for the reform in the overall framework and with the experience of other states. As all of the reforms required by SB 367 become operational, we should expect to see even more significant drops in the juvenile custodial population. The decline in juvenile incarceration is not accompanied by an increase in crime, or by any harm to community safety. Instead, it is good for our state's young people and for our communities.

Rather than reversing the remarkable progress made in 2016, we urge the Legislature give the reforms time to work. If any changes are to be made to the framework contained in SB 367, they should not undo the emphasis placed on community-based alternatives or decarceration. Instead, we urge the committee to

consider reforms that enhance community-based alternatives. For example, even with reform, there continues to be disparate treatment of, and inadequate resources for, youth with mental health needs, youth with disabilities, and youth of color. Youth of color are punished at rates that are wildly disproportionate to their share of the population, a phenomenon that must be studied and addressed. In addition, we encourage the committee to revise the statute to create a presumption against shackling youth in court. The current practice of widespread shackling not only raises grave constitutional concerns—by threatening the due process rights of juveniles—but also causes long-term psychological harm to youth and does nothing to improve security or safety.

Again, we thank the chair and the committee for holding these informational hearings. We strongly urge the committee to resist any call to roll back the reforms contained within SB 367. Those reforms made great progress, are making a significant impact, and, if given time to be implemented, will result in dramatic improvements in public safety and the quality of life for Kansas youth.