



Kansans United for **Youth** Justice

Accountability that Works, Justice that Lasts

**RACIAL DISPARITIES IN THE KANSAS
JUVENILE JUSTICE SYSTEM**

FEBRUARY 2019

INTRODUCTION

Racial inequity is unfortunately a pervasive problem in the United States' criminal justice system. In 2016, African American and Latinx persons represented 56% of the total inmate population in our country while representing only 28% of the United States' adult population.¹ Racial disparity is particularly present in the juvenile justice system. While the total population of youth committed to detention facilities fell by 47% between 2003 and 2013, the gap between white youth and youth of color in these facilities increased by 15%.² The rates of disparity are much higher in Kansas than the national average.

In 2016, Kansas passed a comprehensive set of juvenile justice reforms known as Senate Bill 367. This legislation sought to reduce incarceration of youth in Kansas and increase funding for evidence-based community alternatives to incarceration. SB 367 set case and probation length limits for misdemeanors and low-level felonies, limited placement in state secure facilities for only high-risk youth, instituted community-based alternatives to incarceration, and created a reinvestment fund to provide money for those community-based alternatives, as well as many other reforms. The rate of youth incarceration has steadily decreased since passage of the bill.³

While these reforms have made a considerable impact on the juvenile justice system in Kansas, racial disparities unfortunately remain prevalent. Racial disparity in Kansas begins as early as a youth's first contact with the school system and continues through

each step of the juvenile justice system. This report will discuss each of those steps, from disproportionate disciplinary actions against Kansas students of color in preschool to disparities in the juvenile justice system. This report will also discuss the inconsistencies seen across Kansas law enforcement agencies with respect to contact with communities of color and police policy and implementation. This report highlights data from the Department of Education Civil Rights Data Collection, the Kansas Attorney General, the Office of Juvenile Justice and Delinquency Prevention, the Kansas Judicial Branch, and the Kansas Department of Corrections in an effort to call attention to—and provide recommendations to address—the disparities that persist for youth of color in Kansas.

What is Racial Disparity?

Racial disparity in the United States refers to the unequal social, economic, and environmental advantages and disadvantages that affect people of different races. These inequalities can manifest in the distribution of wealth,⁴ power,⁵ and opportunity for upward social mobility.^{6,7} With respect to the juvenile and criminal justice systems in particular, disparity is caused by a wide-ranging variety of issues including unequal policing, legislative policies, and other decision-making by those in power.⁸ While not always overt, racial bias in schooling, law enforcement, and court systems is a key component in the unequal treatment of youth of color.

Kansans United for **Youth** Justice

Kansans United for Youth Justice is a grassroots coalition dedicated to decarceration of kids and investment in local, community-based programs and services. The coalition came together in 2015 to advocate for juvenile justice system reform. For more information about Kansans United for Youth Justice, visit www.KUYJ.org.

“Racial disparity in Kansas begins as early as a youth’s first contact with the school system and continues through each step of the juvenile justice system.”

SCHOOL DISCIPLINE

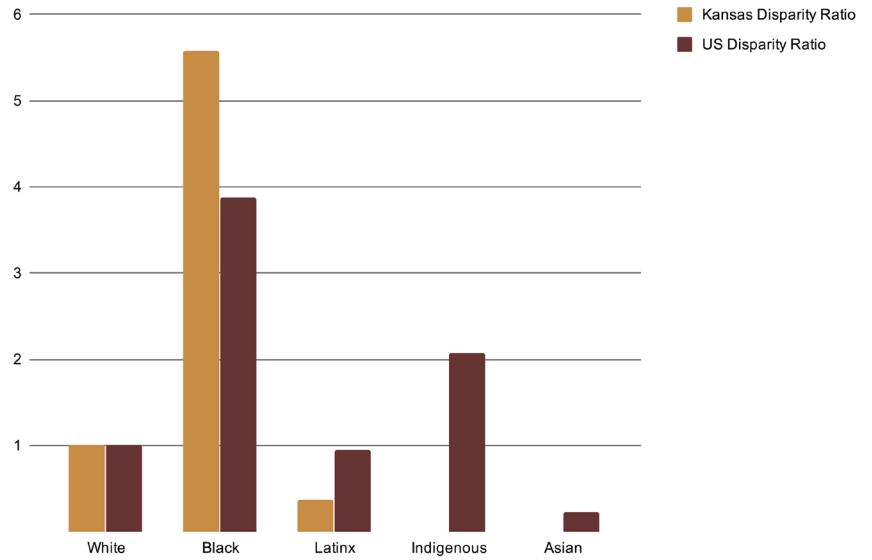
For many youth in Kansas, their first contact with institutional punishment starts at school.⁹ Unequal punishment starts as early as preschool. For the 2013-2014 school year, the most recent year for which the Office for Civil Rights has compiled data, black students represented 5.9% of total preschool enrollment, but 29.4% of Kansas preschool students who received one or more out-of-school suspensions. Overall, black preschool students in Kansas were 5.6 times more likely to receive one or more out-of-school suspensions than white students in 2013-14.¹⁰ (See Figure 1.)

Nationally, the disparity ratio for black preschool students receiving one or more out-of-school suspensions in 2013-14 was 3.9. This means the disparity ratio was 44% larger in Kansas than the United States as a whole.

The gap that begins in preschool persists throughout primary and secondary education in Kansas. In Kansas, 4.1% of white K-12 students received one or more in-school suspensions, compared to 7.2% of all non-white K-12 students, and 12.5% of all black K-12 students. When comparing out-of-school suspensions, the gap is even more pronounced: While only 2.8% of white K-12 students received one or more out-of-school suspensions, 6.4% of all non-white students, and 14% of all black students received the same. This means that the disparity ratio for black students who receive in-school suspensions is 3.1, and the disparity ratio for black students receiving out-of-school suspensions is 5.0. (See Figure 2.)

A child's school can also lead them into contact with the juvenile justice system. Black students in Kansas make up 7% of public school enrollment but more than 20% of school-related arrests. Black students are referred to law enforcement at three times the rate of their white peers. (See Figure 3.)

Figure 1: Kansas Preschool Students Receiving One or More Out-of-school Suspensions (2013-14)



Disparity Ratio Calculation:

$$\left(\frac{\text{\# of [black] preschool students receiving out of school suspensions}}{\text{Total \# of [black] preschool students}} \right) \div \left(\frac{\text{\# of white preschool students receiving out of school suspensions}}{\text{Total \# of white preschool students}} \right)$$

Figure 2: Kansas K-12 Students Receiving In-school and Out-of-school Suspensions (2013-14)

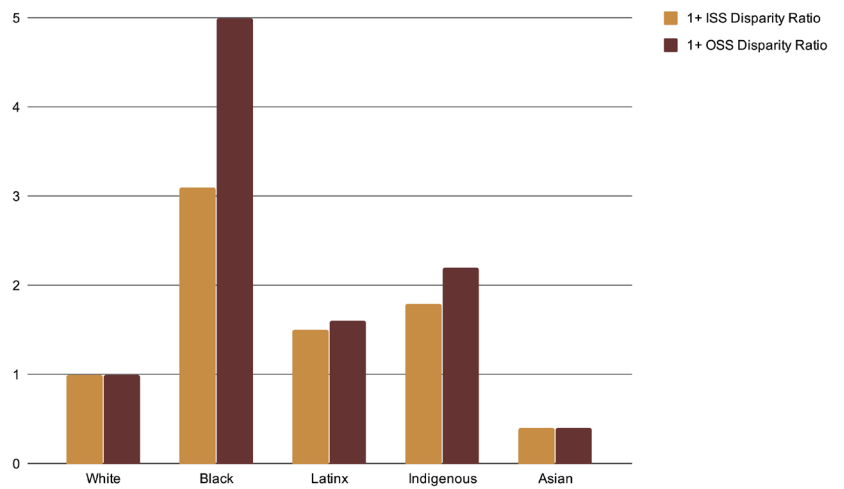
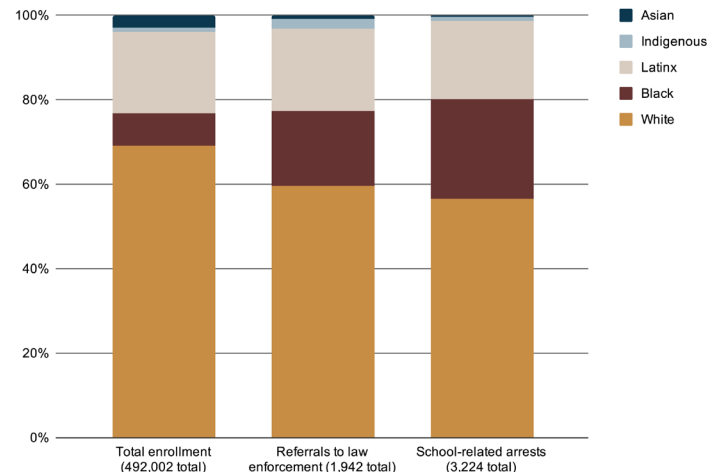


Figure 3: School Discipline (2013-14)



STAGES OF THE JUVENILE JUSTICE SYSTEM

In broad strokes, the Kansas juvenile justice system can be thought of in five stages. Stage 1 is arrest; Stage 2 is referral to court proceedings; Stage 3 is either detainment or diversion; Stage 4 is a finding of delinquency or transfer to adult court; and Stage 5 is incarceration or probation.

Examining the existing gaps at each contact point in the justice system reveals that while there are several important disparities at each stage, the disparity is most profound at the arrest level. Below is a look at the inconsistencies at each stage of the juvenile justice system in Kansas.

A note about the stage analysis in this report:

Each level of the stage analysis has been controlled to only examine the disparity at the given stage. Kansans United for Youth Justice analyzed this data by controlling for the measured disparities from each previous stage. In statistical analysis,

controlling for a variable is an attempt to separate its potential confounding effect from the variable being measured. In this stage analysis, Kansans United for Youth Justice was interested in measuring only one variable per stage — the disparity resulting from that particular stage.

For example, measuring just the total disparity in court referrals in Stage 2 would capture the disparities at the arrest level in Stage 1 as well as the disparity particular to Stage 2 court referrals. By controlling for the Stage 1 arrest disparities before analyzing court referrals, the effect of the disparities at the court referral decision point can be isolated. Detailed information concerning these stage data can be found in Appendix A.

STAGE 1: ARRESTS

The racial disparities in the juvenile justice system are the worst at the arrest level. Even as the total number of juvenile arrests has fallen over time, the disparity ratio has trended upwards.

The Office of Juvenile Justice and Delinquency Prevention, part of the U.S. Department of Justice, requires states to track disproportionate minority contact (DMC) numbers for certain specified counties based on their potential for DMC reduction. In Kansas, data is publicly available for eight counties: Douglas, Finney, Johnson, Lyon, Sedgwick, Seward, Shawnee, and Wyandotte. The total number of reported juvenile arrests among these counties has decreased from 16,398 in 2008 to 7,231 in 2013. That is a decrease of 56%. During this same time, the disparity ratio for black juveniles compared to white juveniles increased from 3.9 to 4.5. In these eight counties, in 2006, black youth constituted 10.6% of the juvenile population and 18.7% of juvenile arrests, while in 2013, black youth constituted 9.9% of the juvenile population and 26.5% of juvenile arrests. (See Figures 4 and 5.)

Figure 4: Juvenile Population
Douglas, Finney, Johnson, Lyon, Sedgwick, Shawnee, and Wyandotte Counties

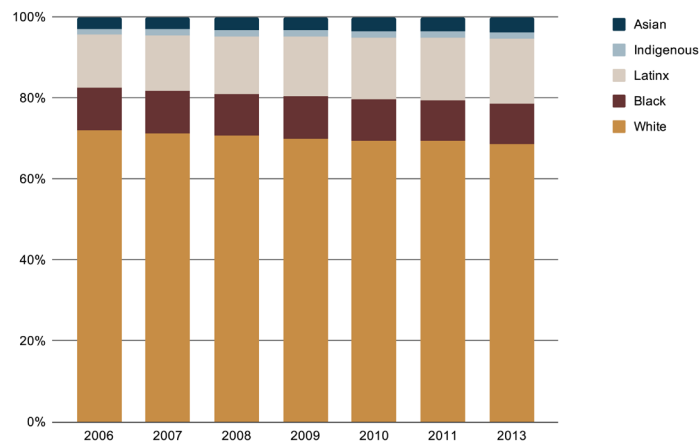
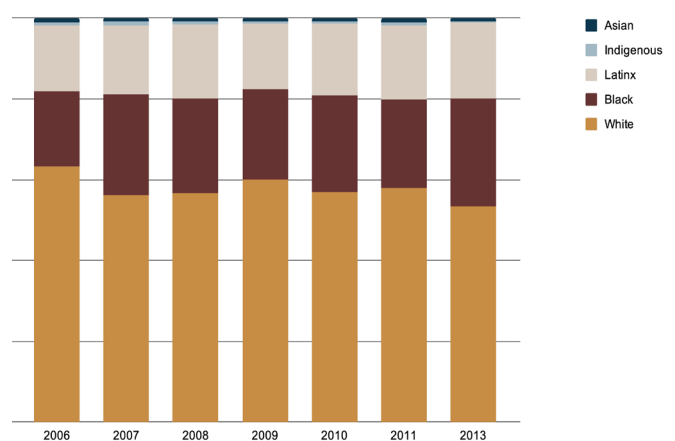
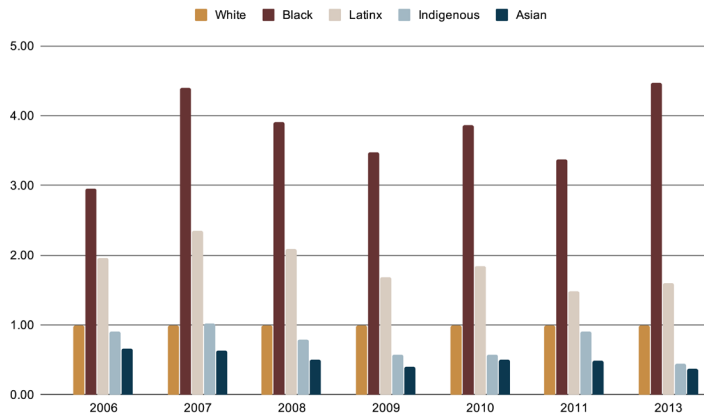


Figure 5: Juvenile Arrests
Douglas, Finney, Johnson, Lyon, Sedgwick, Shawnee, and Wyandotte Counties

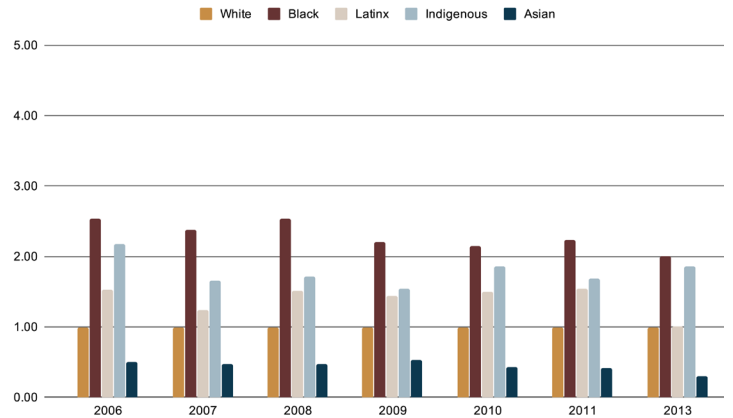


The problem of disproportionate contact is particularly bad in Kansas, and it is getting worse. In 2013, the national arrest ratio disparity for black juveniles was 2.00, a decrease from 2.54 in 2006. However, as the national disparity rate for black youth dropped 21% between 2006 and 2013, the disparity rate in Kansas for black youth rose 51% during the same period. The 2013 disparity gap between black and white youth in Kansas was 123% larger than it was nationally. (See Figures 6 and 7.)

**Figure 6: Stage 1 - Arrests
Kansas Disparity Ratio**



**Figure 7: Stage 1 - Arrests
National Disparity Ratio**



STAGE 2: REFERRAL TO COURT PROCEEDINGS

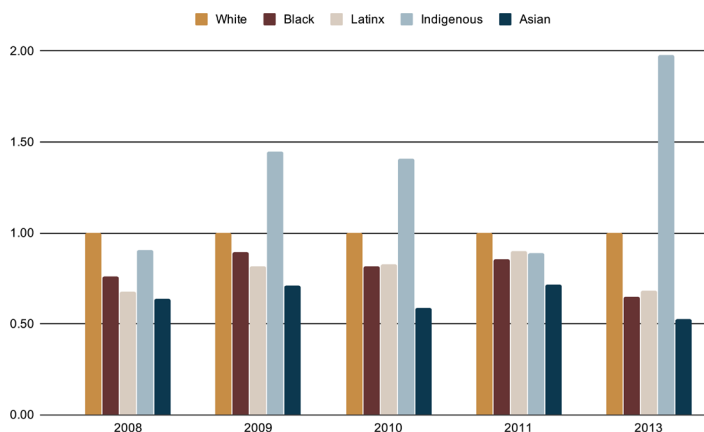
While large racial disparities exist at the arrest stage, minority youth are somewhat less likely to be referred to court proceedings in Kansas. For example, among juveniles who were arrested in 2013, black youth were about 33% less likely to be referred to court proceedings than their white counterparts.

This trend in Kansas is notable because at the national level, referral to court proceedings tend to correspond with an increase in racial disparities. Nationally, among those arrested, black juveniles were 46% more likely to be referred to court proceedings than their white peers.

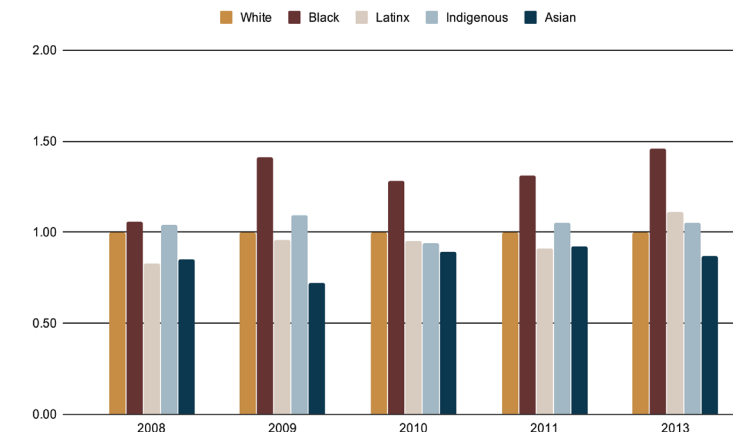
The difference between Kansas and the United States as a whole at this stage may likely be explained by how severe the disparity is at the arrest level in Kansas. Because Kansas is disproportionately arresting so many more youth of color, it is probable that at least some of those arrests do not have the underlying facts to support a referral to a court proceeding.

One important exception to the reduction in disparity at this stage is with Indigenous youth. In 2013, among those arrested, Indigenous youth in Kansas were 98% more likely than white youth to be referred to a court proceeding. The disparity among Indigenous youth at this stage has been generally trending upward in Kansas. (See Figures 8 and 9.)

**Figure 8: Stage 2 - Referred to Court
Kansas Disparity Ratio**



**Figure 9: Stage 2 - Referred to Court
National Disparity Ratio**



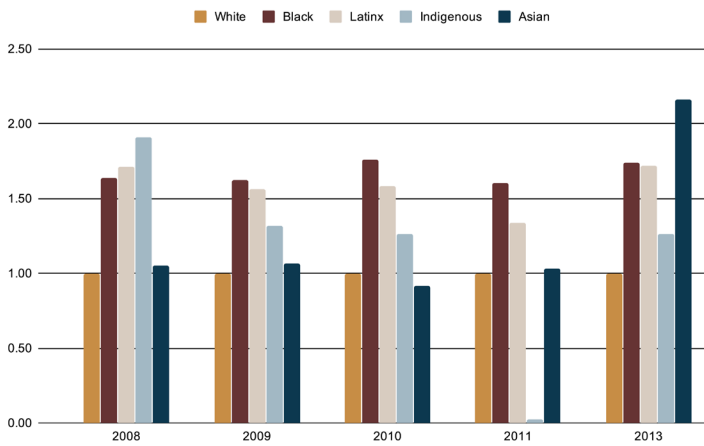
STAGE 3: DETAINMENT AND DIVERSION

Detainment

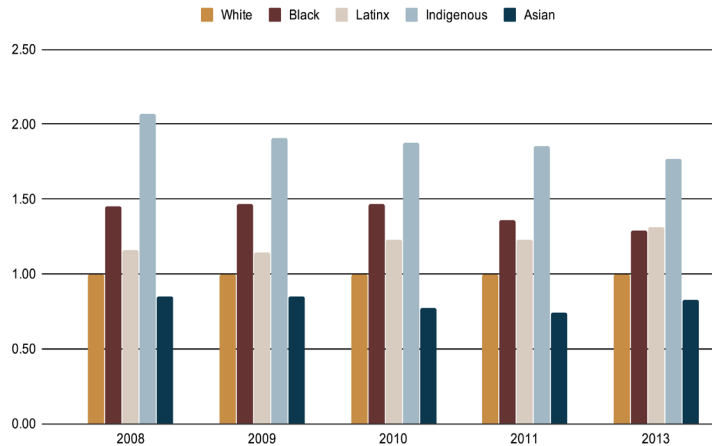
Across the United States, youth of color are overrepresented when it comes to the population of youth in detention. This stage includes juveniles held while waiting for a hearing or trial in juvenile or adult court. It also includes those who are held after adjudication while waiting for disposition or a different placement.

Kansas falls starkly behind national averages in this stage. Despite controlling for disparities present in the previous stages, black and Latinx youth in Kansas were still about 75% more likely to be detained than white youth at this stage in 2013. Nationally, that disparity was only about 30% in 2013. (See Figures 10 and 11.)

**Figure 10: Stage 3 - Detained
Kansas Disparity Ratio**



**Figure 11: Stage 3 - Detained
National Disparity Ratio**

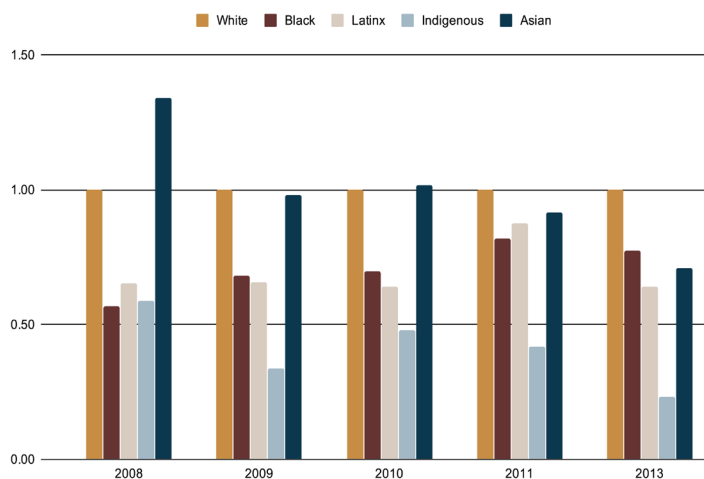


Diversion

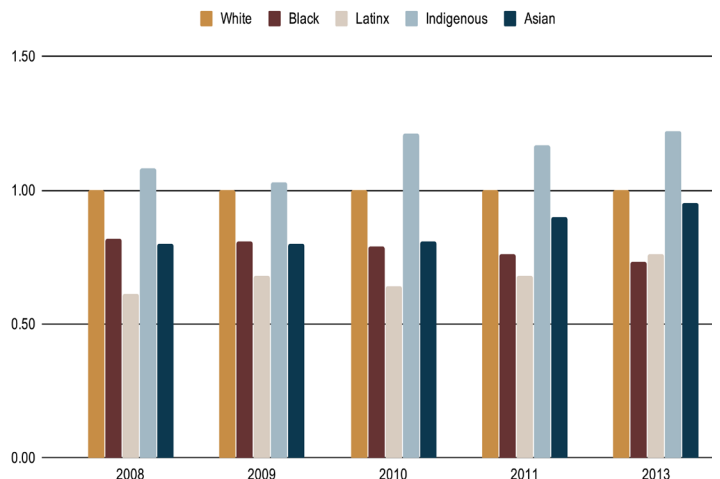
Youth of color in Kansas are much less likely to have their cases diverted, which occurs when a youth is referred to court but their case is handled without formal charges being filed. On average, about one quarter of youth of color receive diversions, compared to about 45% of white youth.

Youth who are sent to diversion and successfully complete the provisions of their diversion are able to exit the juvenile justice system with no permanent record. White youth are offered avenues to avoid lasting impacts to their legal record through diversions at a significantly higher rate than youth of color. (See Figures 12 and 13.)

**Figure 12: Stage 3 - Diverted
Kansas Disparity Ratio**



**Figure 13: Stage 3 - Diverted
National Disparity Ratio**

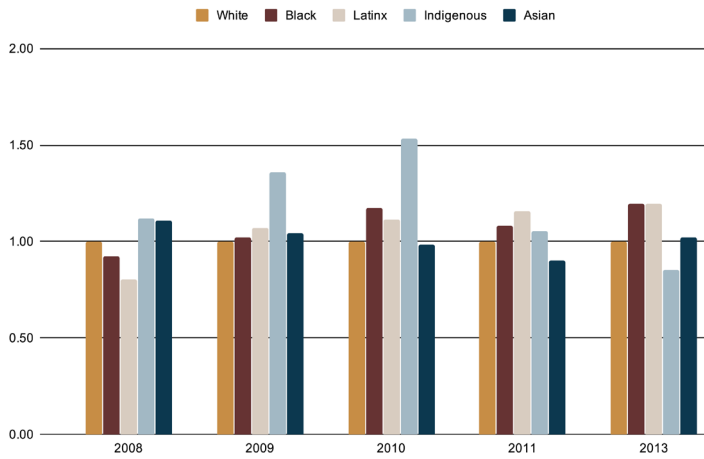


STAGE 4: FINDING OF DELINQUENCY OR TRANSFER TO ADULT COURT

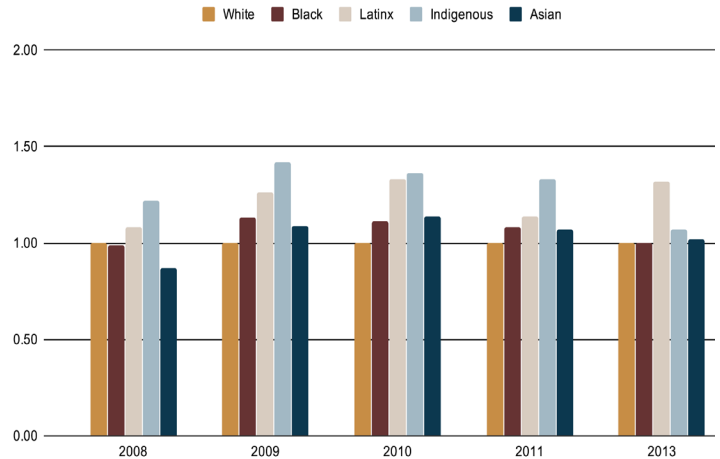
Court Outcomes

Nationally, black youth are found delinquent at a similar rate to white youth, but there are significant disparities at this stage in Kansas. Since 2009, the disparity ratio for black and Latinx youth in Kansas steadily increased. In 2013, black and Latinx youth were 20% more likely to be found delinquent than white youth. Data concerning Indigenous youth vary widely from year to year due to the relatively small number of Indigenous individuals who reach the stage of adjudication. (See Figures 14 and 15.)

**Figure 14: Stage 4 - Found Delinquent
Kansas Disparity Ratio**



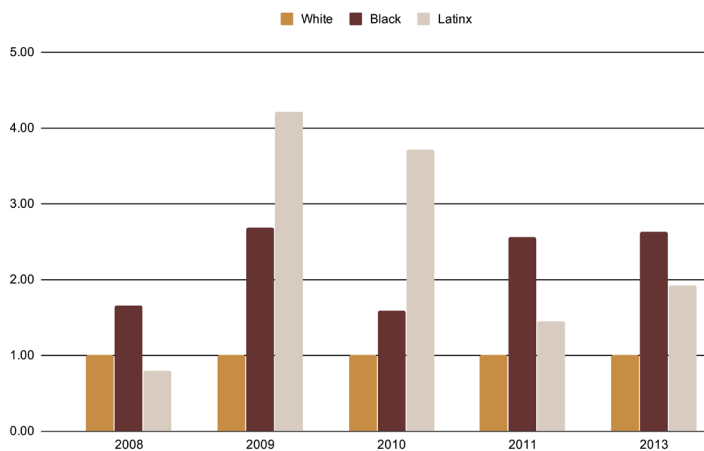
**Figure 15: Stage 4 - Found Delinquent
National Disparity Ratio**



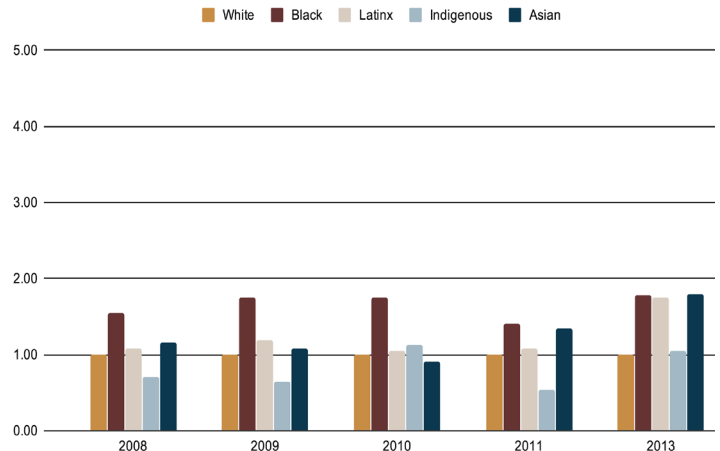
Transfer to Adult Court

Black youth are 2.5 times more likely than white youth to be transferred to adult court in Kansas. Youth of color in Kansas are widely over-represented in both delinquency findings and transfers to adult courts. (See Figures 16 and 17.) *Note - the number of Asian and Indigenous youth involved in this stage in Kansas is too small for the ratio to provide valuable information. From 2008-2013, no Indigenous youth and only one Asian youth in 2013 were reported as being transferred to adult court.

**Figure 16: Stage 4 - Transferred to Adult Court
Kansas Disparity Ratio**



**Figure 17: Stage 4 - Transferred to Adult Court
National Disparity Ratio**

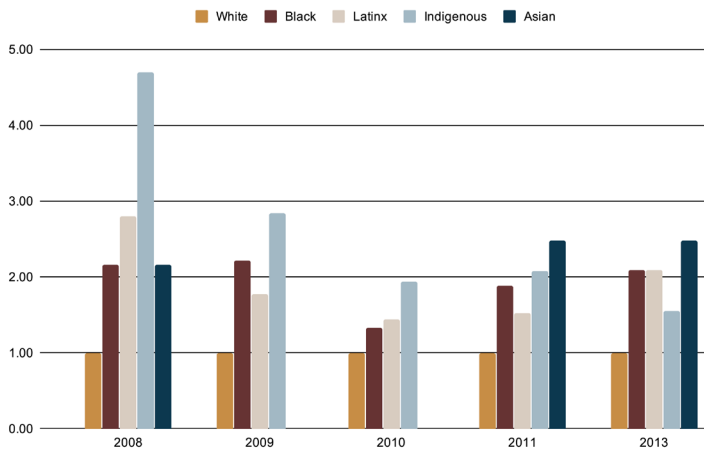


STAGE 5: INCARCERATION OR PROBATION

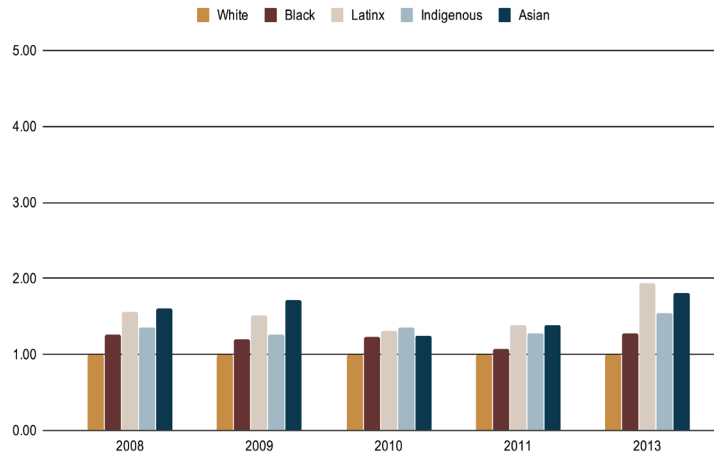
Incarceration

Of youth found delinquent in Kansas, 4% of white youth are incarcerated, compared to 8% of black and Latinx youth. White youth make up about two-thirds of those detained for drug offenses, but they constitute less than half of those who are committed to a facility as part of a court-ordered disposition for drug offenses. (See Figures 18 and 19.)

**Figure 18: Stage 5 - Incarceration
Kansas Disparity Ratio**



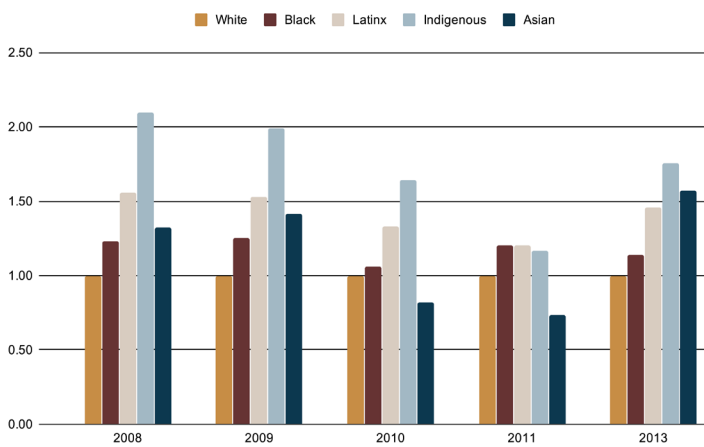
**Figure 19: Stage 5 - Incarceration
National Disparity Ratio**



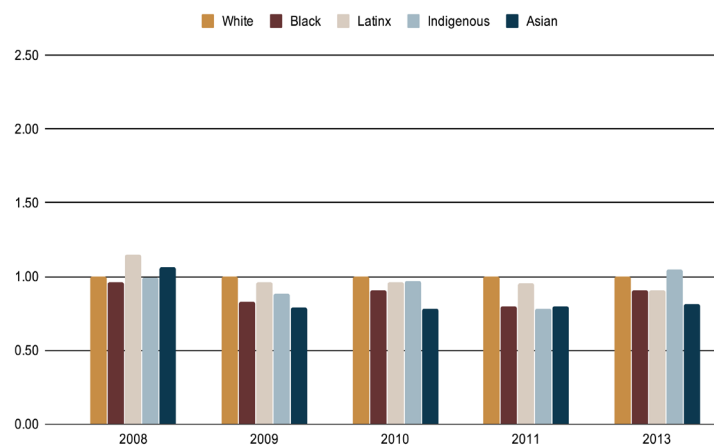
Probation

White juveniles are less likely to receive probation in Kansas than other racial and ethnic minorities. This is a departure from the national trend, where white juveniles are more likely to receive probation. (See Figures 20 and 21.)

**Figure 20: Stage 5 - Probation
Kansas Disparity Ratio**



**Figure 21: Stage 5 - Probation
National Disparity Ratio**



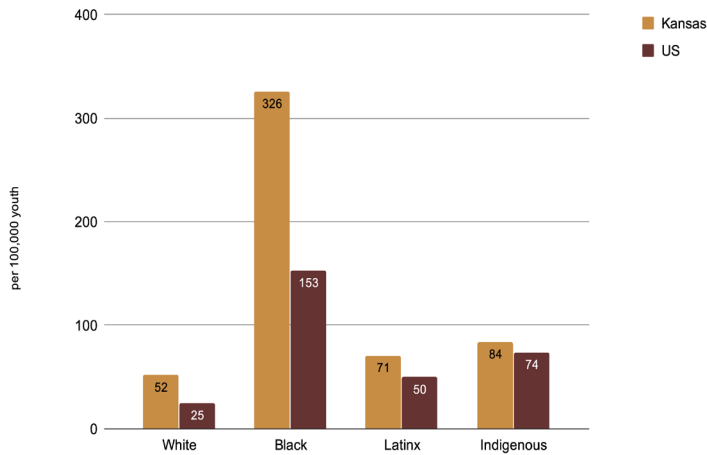
RACIAL DISPARITY ANALYSIS BEYOND THE 5 STAGES

The data presented in the following sections include additional analysis that is not stage-controlled. The disparities presented here are the result of the cumulative effect of all the disparities that take place throughout the stages up to the particular point of measurement. This section also includes one-day counts from the Office of Juvenile Justice and Delinquency Prevention (OJJDP). One-day counts compare Kansas' racial disparities to the national level at a single point in time.

YOUTH IN SECURED FACILITIES

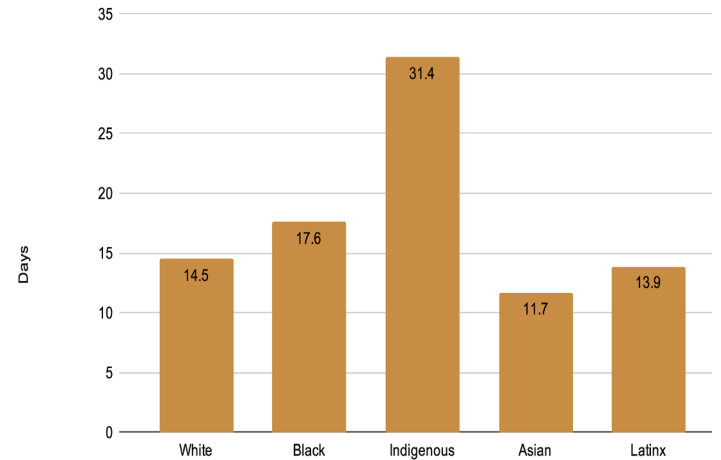
Juvenile justice cases involving youth of color are much more likely to result in secure detention in Kansas. After committing a felony or misdemeanor, one in five white youth are placed in secure detention, while one in four Latinx youth and one in three black youth receive the same placement. (See Figure 22.)

Figure 22: 2015 Detention Rates



Once they enter secure detention, black and Indigenous youth are also confined longer than others. While white youth spend an average of 14.5 days in detention, black youth spend an average of 17.6 days, and Indigenous youth spend an average of 31 days. (See Figure 23.)

Figure 23: Average Length of Stay in Secure Detention



One-day Counts

The Office of Juvenile Justice and Delinquency Prevention one-day counts reveal black juveniles in Kansas are placed in detention at a disproportionate rate compared to other juveniles, both within the state and nationally. In 2015, Kansas had the ninth highest rate in the nation, with 721 black youth in detention for every 100,000. The national average detention rate is 433 black youth per 100,000.¹¹ In Kansas, Latinx youth are detained at double the rate of white youth, and black youth are detained at nearly seven times the rate. (See Figures 24, 25, and 26.)

- % of all youth
- % of all arrests of juveniles
- % of all detained juveniles

Figure 24: Black Youth

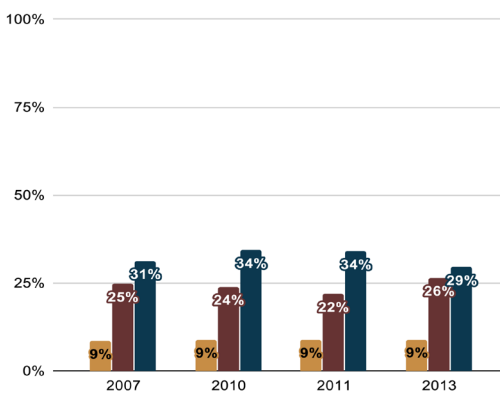


Figure 25: White Youth

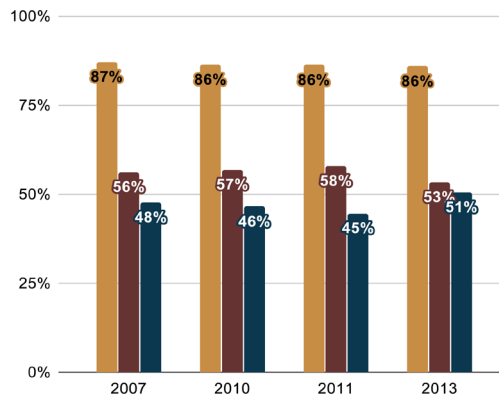
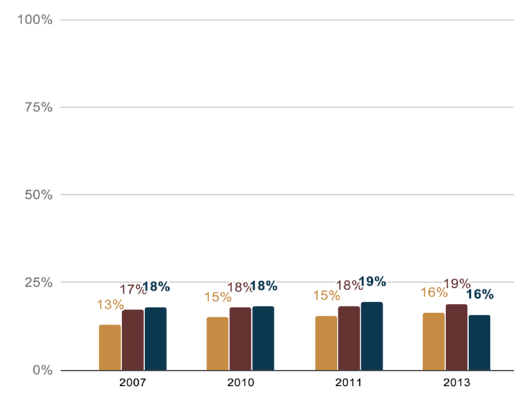


Figure 26: Latinx Youth



BIASED POLICING

Since racial disparities for Kansas youth are most significant at the point of arrest, Kansans United for Youth Justice analyzed additional data from the Kansas Attorney General's office to determine whether the disparities at arrest may be related to policing practices.

Kansas Senate Bill 77, which became law on July 1, 2005, made racial and other bias-based profiling unlawful. Specifically, it requires all law enforcement agencies in Kansas to adopt a detailed written policy to preempt racial profiling and to have implemented all of the provisions of that policy within one year of the act becoming law. The policies are required by statute to include annual educational training for law enforcement officers and disciplinary measures for law enforcement officers and agencies who were found to be engaged in racial profiling. Every law enforcement agency is required to compile and submit an annual report to the Office of the Attorney General for review, and these reports are required to be posted on the official website of the Attorney General.¹² All of these provisions remain legal mandates today.¹³

Some law enforcement agencies in Kansas have failed to implement the legally required policies regarding Racial and

Biased-based Policing. In the first year after the SB77 was passed, only 147 of 431 agencies— 34.1%—filed the required annual report.¹⁴

Kansans United for Youth Justice analyzed all 402 individual agency reports submitted and posted on the Attorney General's website for fiscal year 2018.¹⁵ Twenty-one (5.2%) of the reporting law enforcement agencies in Kansas revealed that their officers had not completed the required annual racial or other biased-based policing training, and six (1.5%) of the agencies reported that they did not even have a policy prohibiting racial or other biased-based policing. Forty-nine (12.2%) of the agencies reported that they did not have a specific disciplinary procedure for officers who engaged in racial or other bias-based policing. In total, 70 (17.4%) of the reporting law enforcement agencies in Kansas self-reported that they were in violation of at least one of these three policies required by K.S.A. 22-4610. Specific information concerning the individual violations in each county can be found in Appendix B.

RECOMMENDATIONS

The data are clear: youth of color are disproportionately punished in Kansas. This disproportionate punishment starts with school discipline as early as preschool suspensions, where black and Latinx youth are significantly overrepresented in comparison to white students. Through school, black youth and Latinx youth are referred to law enforcement at disproportionately higher rates. Throughout the stages of the juvenile justice system, youth of color are disproportionately affected, with the most significant differences occurring at the arrest level. This large disparity in arrest rates is connected to a larger problem of racially biased policing. Despite state law mandating Kansas law enforcement agencies take active steps to reduce racially biased policing, 70 law enforcement agencies are in violation of at least one provision outlined in K.S.A. 22-4610, and some counties are in violation of all three: required training, local policies, and discipline of officers in violation of anti-bias policy.

Kansas has significant room for improvement to close the gap on racial inequality in the state's juvenile justice system. Kansans United for Youth Justice recommendations include:

1. Involve formerly incarcerated youth and families to guide changes

Partner with youth and families affected by the juvenile justice system, with specific attention to disparate access to legal counsel, pre-trial confinement, and conditions of probation or diversion.

2. Revise policies and laws to address disparate racial impact

3. Develop accountability and policy compliance enforcement for Kansas law enforcement agencies

Kansas law enforcement agencies need clear training requirements. If law enforcement agencies are noncompliant with any or all sections of K.S.A. 22-4610, they should no longer be eligible for state funding.

4. Address implicit bias within law enforcement, court services, judges, and jurors

Incorporate clear and specific training for those involved with the juvenile justice system.

APPENDIX A

Table - Stage Controlled Relative Rate Index for juvenile justice racial disparity gap in Kansas and U.S.

-- Beginning with Stage 1, Values represent the number of times more or less likely that a particular racial minority group is to experience a Point of Contact relative to white youth

-- Arrests are in relation to Population

-- Court Referrals are controlled for disparities in Arrests

-- Detainments, Diversions, and Petitions are controlled for disparities in Court Referrals and Arrests

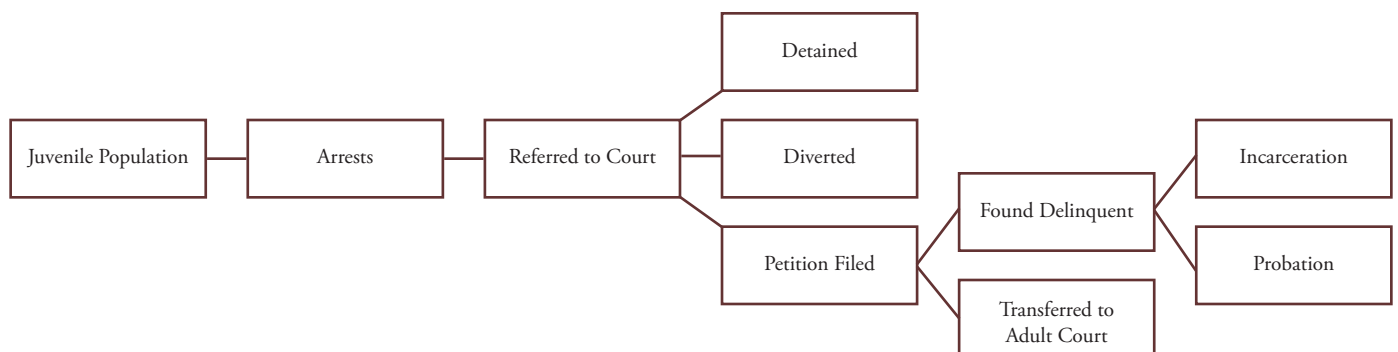
-- Delinquency Findings and Adult Court Transfers are controlled for disparities in Petitions, Court Referrals, and Arrests

-- Probations and Incarcerations are controlled for disparities in Delinquency Findings, Petitions, Court Referrals, and Arrests

Stage Controlled RRI			Kansas					National				
Year	Stage	Point of Contact	White	Black	Latinx	Indigenous	Asian	White	Black	Latinx	Indigenous	Asian
2006	0	Population	0.79	0.08	0.10	0.01	0.02	0.62	0.18	0.14	0.01	0.04
2007	0	Population	0.79	0.08	0.10	0.01	0.02	0.54	0.16	0.24	0.01	0.04
2008	0	Population	0.77	0.08	0.12	0.01	0.02	0.55	0.16	0.22	0.01	0.04
2009	0	Population	0.76	0.08	0.12	0.01	0.02	0.59	0.14	0.20	0.01	0.04
2010	0	Population	0.76	0.08	0.13	0.01	0.02	0.55	0.17	0.21	0.01	0.04
2011	0	Population	0.73	0.08	0.15	0.01	0.03	0.54	0.16	0.23	0.01	0.04
2013	0	Population	0.72	0.08	0.16	0.01	0.03	0.49	0.16	0.26	0.01	0.06
Year	Stage	Point of Contact	White	Black	Latinx	Indigenous	Asian	White	Black	Latinx	Indigenous	Asian
2006	1	Arrests	1.00	2.96	1.97	0.91	0.67	1.00	2.54	1.52	2.17	0.50
2007	1	Arrests	1.00	4.40	2.34	1.02	0.63	1.00	2.38	1.24	1.65	0.47
2008	1	Arrests	1.00	3.91	2.09	0.80	0.50	1.00	2.53	1.51	1.71	0.48
2009	1	Arrests	1.00	3.47	1.69	0.57	0.40	1.00	2.20	1.44	1.54	0.53
2010	1	Arrests	1.00	3.86	1.84	0.57	0.50	1.00	2.15	1.50	1.86	0.43
2011	1	Arrests	1.00	3.38	1.49	0.90	0.49	1.00	2.23	1.54	1.69	0.42
2013	1	Arrests	1.00	4.46	1.60	0.44	0.37	1.00	2.00	1.01	1.86	0.30
Year	Stage	Point of Contact	White	Black	Latinx	Indigenous	Asian	White	Black	Latinx	Indigenous	Asian
2008	2	Referred to court	1.00	0.76	0.68	0.90	0.64	1.00	1.06	0.83	1.04	0.85
2009	2	Referred to court	1.00	0.89	0.82	1.45	0.71	1.00	1.41	0.96	1.09	0.72
2010	2	Referred to court	1.00	0.82	0.83	1.41	0.59	1.00	1.28	0.95	0.94	0.89
2011	2	Referred to court	1.00	0.86	0.90	0.89	0.72	1.00	1.31	0.91	1.05	0.92
2013	2	Referred to court	1.00	0.65	0.68	1.98	0.52	1.00	1.46	1.11	1.05	0.87
Year	Stage	Point of Contact	White	Black	Latinx	Indigenous	Asian	White	Black	Latinx	Indigenous	Asian
2008	3	Detained	1.00	1.64	1.71	1.91	1.05	1.00	1.45	1.16	2.07	0.85
2009	3	Detained	1.00	1.63	1.56	1.32	1.07	1.00	1.47	1.14	1.91	0.85
2010	3	Detained	1.00	1.76	1.58	1.26	0.91	1.00	1.47	1.23	1.88	0.77
2011	3	Detained	1.00	1.60	1.34	0.02	1.03	1.00	1.36	1.23	1.85	0.74
2013	3	Detained	1.00	1.74	1.72	1.26	2.16	1.00	1.29	1.31	1.77	0.83
Year	Stage	Point of Contact	White	Black	Latinx	Indigenous	Asian	White	Black	Latinx	Indigenous	Asian
2008	3	Diverted	1.00	0.57	0.65	0.59	1.34	1.00	0.82	0.61	1.08	0.80
2009	3	Diverted	1.00	0.68	0.66	0.34	0.98	1.00	0.81	0.68	1.03	0.80
2010	3	Diverted	1.00	0.70	0.64	0.48	1.02	1.00	0.79	0.64	1.21	0.81
2011	3	Diverted	1.00	0.82	0.88	0.42	0.92	1.00	0.76	0.68	1.17	0.90
2013	3	Diverted	1.00	0.77	0.64	0.23	0.71	1.00	0.73	0.76	1.22	0.95

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Year	Stage	Point of Contact	White	Black	Latinx	Indigenous	Asian	White	Black	Latinx	Indigenous	Asian
2008	3	Petition filed	1.00	1.00	1.00	1.00	1.00	1.00	1.05	0.87	1.12	0.84
2009	3	Petition filed	1.00	1.00	1.00	1.00	1.00	1.00	1.01	0.87	1.06	0.80
2010	3	Petition filed	1.00	1.00	1.00	1.00	1.00	1.00	0.97	0.87	0.95	0.76
2011	3	Petition filed	1.00	1.00	1.00	1.00	1.00	1.00	1.10	1.03	1.08	0.81
2013	3	Petition filed	1.00	1.00	1.00	1.00	1.00	1.00	1.07	0.93	1.02	0.86
Year	Stage	Point of Contact	White	Black	Latinx	Indigenous	Asian	White	Black	Latinx	Indigenous	Asian
2008	4	Found delinquent	1.00	0.92	0.80	1.12	1.11	1.00	0.99	1.08	1.22	0.87
2009	4	Found delinquent	1.00	1.02	1.07	1.36	1.04	1.00	1.13	1.26	1.42	1.09
2010	4	Found delinquent	1.00	1.17	1.11	1.53	0.98	1.00	1.11	1.33	1.36	1.14
2011	4	Found delinquent	1.00	1.08	1.16	1.06	0.90	1.00	1.08	1.14	1.33	1.07
2013	4	Found delinquent	1.00	1.19	1.20	0.85	1.02	1.00	1.00	1.32	1.07	1.02
Year	Stage	Point of Contact	White	Black	Latinx	Indigenous	Asian	White	Black	Latinx	Indigenous	Asian
2008	4	Transferred to adult court	1.00	1.66	0.80	0.00	0.00	1.00	1.54	1.07	0.70	1.15
2009	4	Transferred to adult court	1.00	2.67	4.22	0.00	0.00	1.00	1.75	1.18	0.64	1.07
2010	4	Transferred to adult court	1.00	1.58	3.71	0.00	0.00	1.00	1.74	1.05	1.12	0.90
2011	4	Transferred to adult court	1.00	2.55	1.45	0.00	0.00	1.00	1.41	1.07	0.53	1.34
2013	4	Transferred to adult court	1.00	2.63	1.92	0.00	10.33	1.00	1.77	1.74	1.04	1.80
Year	Stage	Point of Contact	White	Black	Latinx	Indigenous	Asian	White	Black	Latinx	Indigenous	Asian
2008	5	Incarceration	1.00	2.16	2.80	4.69	2.16	1.00	1.26	1.56	1.35	1.61
2009	5	Incarceration	1.00	2.22	1.77	2.84	0.00	1.00	1.20	1.51	1.26	1.71
2010	5	Incarceration	1.00	1.34	1.44	1.93	0.00	1.00	1.23	1.31	1.35	1.24
2011	5	Incarceration	1.00	1.89	1.52	2.07	2.49	1.00	1.07	1.38	1.27	1.39
2013	5	Incarceration	1.00	2.09	2.10	1.55	2.48	1.00	1.28	1.93	1.54	1.81
Year	Stage	Point of Contact	White	Black	Latinx	Indigenous	Asian	White	Black	Latinx	Indigenous	Asian
2008	5	Probation	1.00	1.23	1.55	2.10	1.32	1.00	0.96	1.15	0.99	1.06
2009	5	Probation	1.00	1.25	1.53	1.99	1.41	1.00	0.83	0.96	0.88	0.79
2010	5	Probation	1.00	1.06	1.33	1.64	0.82	1.00	0.91	0.96	0.97	0.78
2011	5	Probation	1.00	1.20	1.20	1.17	0.73	1.00	0.80	0.95	0.78	0.80
2013	5	Probation	1.00	1.14	1.46	1.76	1.57	1.00	0.91	0.91	1.05	0.81



APPENDIX B

Table - Kansas Law Enforcement Agencies with Racial and Other Bias Based Policing Policy Violations (Self-reported by each agency in Fiscal Year 2018 Annual Report)

County	Agency	Required Training	Policy	Specific Discipline
Allen	Humboldt Police	X	✓	✓
Anderson	Anderson County Sheriff	✓	✓	X
	City of Colony	✓	X	X
Atchison	Atchison County Sheriff	✓	✓	X
Barber	Barber County Sheriff	✓	✓	X
Barton	Barton County Attorney	✓	X	X
	Clafin Police	X	✓	✓
Brown	Brown County Sheriff	X	✓	✓
	Kickapoo Tribal Police	✓	✓	X
Butler	Rose Hill Police	✓	✓	X
Chautauqua	Cedar Vale Police	✓	✓	X
Cherokee	Baxter Springs Police	X	✓	✓
	Galena Police	✓	✓	X
Clark	Clark County Sheriff	✓	✓	X
Cloud	Cloud County Sheriff	✓	✓	X
	Concordia Police	✓	✓	X
Comanche	Comanche County Sheriff	✓	X	X
Crawford	Mulberry Police	✓	✓	X
Dickinson	Chapman Police	✓	✓	X
Doniphan	Doniphan County Sheriff	✓	✓	X
Douglas	Eudora Police	✓	✓	X
Ellis	Hays Police	✓	✓	X
	Victoria Police	✓	✓	X
Ellsworth	Wilson Police	✓	✓	X
Ford	Bucklin Police	✓	✓	X
Gove	Gove County Sheriff	✓	✓	X
	Quinter Police	✓	✓	X
Harper	Harper County Sheriff	✓	✓	X
Harvey	Harvey County Sheriff	✓	✓	X
Jackson	Holton Police	X	✓	✓
	Mayetta Police	✓	✓	X
Jefferson	McLouth Police	X	✓	✓
	Oskaloosa Police	✓	✓	X
	Perry Police	✓	✓	X
Johnson	Bluestem USD 205 Campus Police	✓	✓	X
	Fairway Police	✓	✓	X
	Lenexa Police	✓	✓	X
	Mission Police	✓	✓	X

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County	Agency	Required Training	Policy	Specific Discipline
Lane	Lane County Sheriff	X	✓	✓
Leavenworth	Leavenworth County Attorney	✓	X	X
Lincoln	Lincoln County Sheriff	X	✓	✓
McPherson	Inman Police	✓	✓	X
Mitchell	Beloit Police	X	✓	✓
	Mitchell County Sheriff	X	✓	✓
Montgomery	Cherryvale Police	✓	✓	X
	Coffeyville Police	✓	✓	X
Morris	Morris County Sheriff	✓	✓	X
Nemaha	Seneca Police	X	✓	✓
Osage	Burlingame Police	✓	✓	X
	Carbondale Police	X	✓	✓
	Melvorn Police	✓	✓	X
	Overbrook Police	✓	✓	X
Pawnee	Pawnee County Sheriff	✓	✓	X
Pratt	Pratt County Sheriff	X	✓	✓
Sedgwick	Bentley Police	✓	✓	X
	Goddard Police	✓	✓	X
	Mount Hope Police	X	✓	✓
	Valley Center Police	✓	✓	X
Shawnee	Kansas Alcoholic Beverage Control	✓	X	X
	Kansas Dept. of Revenue - Office of Special Investigation	✓	✓	X
	Kansas Dept. of Wildlife, Parks & Tourism	✓	✓	X
	Kansas Lottery - Security	X	✓	✓
	Topeka Municipal Court	X	✓	✓
	Topeka Public Schools Police	✓	✓	X
Stafford	St. John Police	X	✓	✓
Sumner	Caldwell Police	X	✓	✓
	Conway Springs Police	X	✓	✓
	Wellington Police	X	✓	✓
Thomas	Thomas County Sheriff	X	✓	✓
Wabaunsee	Alma Police	✓	X	X
Total number of violations		21	6	49

Source: Kansas Attorney General. "Racial and Bias-Based Policing: FY 2018 Annual Reports." Retrieved at: <https://ag.ks.gov/public-safety/racial-and-bias-based-policing/fy-2018-annual-reports>

APPENDIX C

K.S.A. 22-4610. Law enforcement policies preempting profiling, requirements; annual training required; community advisory boards; annual reports of complaints.

- (a) All law enforcement agencies in this state shall adopt a detailed, written policy to preempt racial or other biased-based policing. Each agency's policy shall include the definition of racial or other biased-based policing found in K.S.A. 22-4606, and amendments thereto.
- (b) Policies adopted pursuant to this section shall be implemented by all Kansas law enforcement agencies within one year after the effective date of this act. The policies and data collection procedures shall be available for public inspection during normal business hours.
- (c) The policies adopted pursuant to this section shall include, but not be limited to, the following:
- (1) A detailed written policy that prohibits racial or other biased-based policing and that clearly defines acts constituting racial or other biased-based policing using language that has been recommended by the attorney general.
- (2) (A) The agency policies shall require annual racial or other biased-based policing training which shall include, but not be limited to, training relevant to racial or other biased-based policing. Distance learning training technology shall be allowed for racial or other biased-based policing training.
- (B) Law enforcement agencies may appoint an advisory body of not less than five persons composed of representatives of law enforcement, community leaders and educational leaders to recommend and review appropriate training curricula.
- (3) (A) For law enforcement agencies of cities or counties that have exercised the option to establish community advisory boards pursuant to K.S.A. 2018 Supp. 22-4611b, and amendments thereto, use of such community advisory boards which include participants who reflect the racial and ethnic community, to advise and assist in policy development, education and community outreach and communications related to racial or other biased-based policing by law enforcement officers and agencies.
- (B) Community advisory boards shall receive training on fair and impartial policing and comprehensive plans for law enforcement agencies.
- (4) Policies for discipline of law enforcement officers who engage in racial or other biased-based policing.
- (5) A provision that, if the investigation of a complaint of racial or other biased-based policing reveals the officer was in direct violation of the law enforcement agency's written policies regarding racial or other biased-based policing, the employing law enforcement agency shall take appropriate action consistent with applicable laws, rules and regulations, resolutions, ordinances or policies, including demerits, suspension or removal of the officer from the agency.
- (6) Provisions for community outreach and communications efforts to inform the public of the individual's right to file with the law enforcement agency or the office of the attorney general complaints regarding racial or other biased-based policing, which outreach and communications to the community shall include ongoing efforts to notify the public of the law enforcement agency's complaint process.
- (7) Procedures for individuals to file complaints of racial or other biased-based policing with the agency, which, if appropriate, may provide for use of current procedures for addressing such complaints.
- (d) (1) Each law enforcement agency shall compile an annual report for the period of July 1 to June 30 and shall submit the report on or before July 31 to the office of the attorney general for review. Annual reports filed pursuant to this subsection shall be open public records and shall be posted on the official website of the attorney general.
- (2) The annual report shall include:
- (A) The number of racial or other biased-based policing complaints received;
- (B) the date each racial or other biased-based policing complaint is filed;

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- (C) action taken in response to each racial or other biased-based policing complaint;
- (D) the disposition of each racial or other biased-based policing complaint;
- (E) the date each racial or other biased-based policing complaint is closed;
- (F) whether or not all agency law enforcement officers not exempted by Kansas commission on peace officers' standards and training received the training required in subsection (c)(2)(A);
- (G) whether the agency has a policy prohibiting racial or other biased-based policing;
- (H) whether the agency policy mandates specific discipline for sustained complaints of racial or other biased-based policing;
- (I) whether the agency has a community advisory board; and
- (J) whether the agency has a racial or other biased-based policing comprehensive plan or if it collects traffic or pedestrian stop data.

History: L. 2005, ch. 159, § 5; L. 2011, ch. 94, § 3; May 26.

K.S.A. 22-4606. Racial and other profiling; definitions. As used in this act:

- (a) "Governmental unit" means the state, or any county, city or other political subdivision thereof, or any department, division, board or other agency of any of the foregoing, except governmental unit shall not include the board of education of any school district employing school security officers.
- (b) "Law enforcement agency" means the governmental unit employing the law enforcement officer.
- (c) "Law enforcement officer" has the meaning ascribed thereto in K.S.A. 74-5602, and amendments thereto, except law enforcement officer shall not include school security officers designated as school law enforcement officers pursuant to K.S.A. 2018 Supp. 72-6146, and amendments thereto.
- (d) "Racial or other biased-based policing" means the unreasonable use of race, ethnicity, national origin, gender or religion by a law enforcement officer in deciding to initiate an enforcement action. It is not racial or other biased-based policing when race, ethnicity, national origin, gender or religion is used in combination with other identifying factors as part of a specific individual description to initiate an enforcement action.**
- (e) "Enforcement action" means any law enforcement act, as described in K.S.A. 22-4609, and amendments thereto, during a nonconsensual contact with an individual or individuals.
- (f) "Collection of data" means that information collected by Kansas law enforcement officers after each traffic stop.

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