Juvenile Justice Reform Can Help Young People ‘Turn Their Lives Around’
Deputy sheriff and former Kansas state Senator Greg Smith on why he champions new strategies

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Former Kansas state Senator Greg Smith (R) was a leader on comprehensive juvenile justice reform efforts in his state. With the passage of S.B. 367 in 2016, the state prioritized out-of-home placements and intensive system responses for the highest-risk juveniles and shifted significant resources toward evidence-based alternatives that allow youth to be supervised safely at home. Smith, now a deputy sheriff in Johnson County, chairs the Kansas Juvenile Justice Oversight Committee, which monitors implementation of the law. He serves as a distinguished adviser to The Pew Charitable Trusts and is president of the Kelsey Smith Foundation, which he launched with his wife, Missey, in honor of their daughter, who was abducted and murdered in 2007.

Q: How would you describe your position on criminal justice or juvenile justice in the past?
A: I've been a cop most of my adult life, so I'm sure my views were shaped by that. When I was out on the street, I was definitely a lock-'em-up kind of guy. That was what you did with people who broke the law, whether they were kids or adults: Remove them from society for the benefit of everybody else. Growing up, I had your typical "Beaver" Cleaver childhood, and I just developed certain strong views on the way the world worked. If you did something wrong, you were supposed to get arrested and go to jail. It made sense, and that's what we did.

Q: What were your early views on how youth confinement affects crime?
A: Before my election to the Legislature, I didn't think or know much about it. That was a separate branch of the criminal justice system, and I had no real reason to look at outcomes or research. My traditional upbringing and 10 years in the Navy left me with the belief that you don't do the crime if you can't do the time, and my experience as a patrol officer only hardened that perspective. I do remember how disheartened I would get when a call would come over the radio and, sure enough, it was little Johnny again doing the same old stuff. But I essentially viewed juveniles who commit crimes as smaller, younger criminals and believed the best way to control crime was to get them off the street.

Q: Can you describe your views about juvenile justice today?
A: I've learned a lot and know a lot more than I used to. I've read a lot of evidence-based research that shows that for certain types of lower-level crimes, locking up kids can do more harm than good. I've also learned a lot about cognitive development in kids, and the fact is, adolescence doesn't really end until age 25. Young people aren't as able as adults to see the consequences their actions and behaviors might have.
Some of what I've learned came through working as a schoolteacher after my career as a police officer. What you see in the classroom is that at a certain point in life, kids are just totally self-centered; life is all about them and their peer group. And no matter what the teacher or mom or dad says, they are impulsive, and they're going to make bad decisions sometimes. Crossing over to juvenile justice, I don't believe we should condemn them or give up on them because of those bad decisions. On the other hand, they need to be accountable for their behavior. Overall, I've come to believe that locking up a kid for shoplifting or vandalism and mixing him with more serious offenders is a bad idea. It's bad for the kid, it's expensive for taxpayers, and it's not the best approach for public safety.

Q: What caused you to change your mind?

A: It started when I was elected to the Legislature and began hearing some of these other theories and views on juvenile crime. It was new to me, and honestly I took it all with a grain of salt. Initially I wasn't seeing anything presented in any of my committees that convinced me that people had the answers to the key question: How do we change our approach and make things better?

Then I was appointed co-chair of the Kansas Juvenile Justice Workgroup in 2015. In the beginning, my mindset was: Here we go, this is just another touchy-feely thing to make everybody feel like they're doing the right thing but it won't make a bit of difference. But I had a job to do, and I listened to everybody. There was one criminal defense lawyer [on the panel] who did nothing but juvenile work, and despite my bias against attorneys because of my law enforcement background, I listened to him. He had insights on things I never would have thought about. The judges also had some valuable insights.

What was really huge for me was the data on the adolescent brain, especially how long it takes for the prefrontal cortex—the decision-making part of the brain—to develop. That research and data on Kansas was convincing, and it all started to make sense. That's why I championed S.B. 367.

Q: Was there a moment when you realized that things had to change?

A: Not one moment. But during that six months with the work group, as we went over the data, heard presentations, met with all the stakeholders, I realized how reliant we were on out-of-home placements for all sorts of behavior. That's when it came together for me, and I started taking a hard look at all the ridiculous things we were doing to kids in Kansas. One example would be a kid who commits maybe his second or third shoplifting offense and would be sent to a group home 100 miles away, with no support or family contact.

One of the most meaningful groups we heard from included parents of children who had committed crimes. Not a one of them was impressed with the juvenile justice system. I remember one father who recognized that his son had issues and was in the system for legitimate reasons, but who was frustrated because there seemed to be no end to it. We'd hear these stories of kids being sent hundreds of miles from home for six months, but then if a kid didn't complete a program or broke a rule or something, the clock would restart and suddenly it's 12 months. It seemed like there was a fundamental lack of fairness. It became obvious from what I was hearing and from the data that our approach simply wasn't working.
Q: Have you encountered any interesting reactions to the change in your views?

A: Yes. One of the most amusing stories happened when we were working to pass the bill, and the lobbying group supporting it had a meeting with the minority party, the Democrats. I was chairman of the Senate Corrections and Juvenile Justice Committee, and they knew the bill would have to come out of my committee. I guess the Democrats asked what I thought of the legislation and when they heard, the reaction was, "Smith? Greg Smith? You mean he supports this?" It definitely surprised some people.

Since we passed it, I've received some pushback. Sometimes people will approach me, and they have a misunderstanding about what the reforms have actually done. But I have found that if I can explain the research and show them the results, including the cost savings, sometimes a lightbulb goes off.

Q: What do you find most gratifying about the changes in Kansas' juvenile justice system?

A: Out-of-home placements are way down, and that's encouraging. We used to be very good at taking low-level, low-risk kids and locking them up. That wasn't helping; it was only creating the next batch of adult criminals by exposing them to violent, high-risk offenders. Now we can intervene with kids early on to help them turn their lives around, avoid a future in the system, and become productive citizens.

Another big thing for me is the cost savings we've recouped here in Kansas. Because of the reduction in out-of-home placements, we've had several facilities close. In one year, we had about $12 million in savings, and for Kansas that is huge. The great part is we've turned around and reinvested that money to give grants to areas of our state that lack resources. The vast majority of our state is rural, and small-town Kansas needed help to develop programs and services for youth. The challenge is that rural areas don't have the resources that the urban areas have. But savings from our reforms are being reinvested to address that gap. It's a start.

Q: What have been the greatest challenges in adopting and carrying out reform?

A: Getting it passed was much easier than carrying it out. I say that somewhat jokingly because it was a big process in the Legislature to get it done. In my committee, I devoted an entire week to showing people what the bill did, then we had a week of testimony from people who were supportive and then another week of testimony from those who were neutral or opposed. Then we waited for a week so members could come up with amendments, and then it took another two or three days to pass the final product.

This is unheard of in the Kansas Legislature. We only meet for about 90 days a year so to take that long on one bill was incredible. One of most gratifying moments was when we were debating the bill on the floor of the Senate, and some people who I don't consider political allies stood up and said this is how the process should work.

But putting it all into action has been even more difficult. Fortunately, there has been a lot of support and good anecdotal feedback from people who work in the system. They say that things are better and they're able to get more resources for kids, so that's encouraging. But not everyone has their heart in wanting it to succeed, so that can be challenging. Changing the culture we had in Kansas still needs to happen in some places.
Q: The abduction and murder of your daughter Kelsey in 2007 was a major reason you ran for office and worked to improve the juvenile justice system. Talk about that and the foundation that bears her name?

A: After Kelsey was murdered, we worked to get the Kelsey Smith Act passed in Kansas in 2009. Our state now has one of the best missing person laws in the country, and it is easier to make a report of a missing person. At that point, I looked at my wife and said, "I wonder what else we could accomplish if we were more involved in the political system." Now 23 states have passed similar legislation, and the act was reintroduced on Missing Children's Day—May 25, 2018—in both houses of Congress. So, my entire legislative career was based on that, and those issues are things I worked on with the most passion.

When we formed the Kelsey Smith Foundation, our overriding goal was to spread information that would help youth and young adults stay out of situations that put them at risk for kidnapping, sexual assault, or murder. So, we provide safety awareness seminars and other programs all across the country, and everything we do is evidence-based. The United Kingdom and Europe also have expressed interest in our work.

Q: Any thoughts on next steps for juvenile justice improvements in Kansas?

A: I think S.B. 367 was a big step in the right direction, but there's still more work to do. We have the oversight committee to guide us and our state advisory group. No legislation is perfect the first time it goes through, and I think that as time goes on, we will continue to see things that need to be tweaked. As data comes in and we monitor and evaluate it, changes will be necessary to help us move forward.

But clearly what we were doing in the past, just tossing kids into group homes, didn't work. The overwhelming theme in our work group's review was that the juvenile justice system didn't want to deal with kids. It was out of sight, out of mind. And that isn't going to help anyone.

As I went through this process, I was often struck by how counterintuitive our approach to juvenile justice needs to be, and that reminded me of my cousin who was a Navy pilot during the Vietnam War. He once described learning to take off from an aircraft carrier and how pilots must rely on instruments to get airborne safely. The physical sensations of takeoff disorient the body, and a pilot believes he is rising when in fact the plane is heading for water. He said if he had relied on what he was feeling, he would have crashed. It was only by following his instruments that he completed a successful takeoff.

It's the same with juvenile justice reform. We need to follow our instruments—the data and evidence-based research—to reach our goals, which are to protect public safety; hold juvenile offenders accountable; contain taxpayer costs; and improve outcomes for youth, families, and communities.