

MINUTES

JOINT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE OVERSIGHT

November 2-3, 2015

Members Present

Representative John Rubin, Chairperson
Senator Carolyn McGinn, Vice-chairperson
Senator Molly Baumgardner
Senator Steve Fitzgerald
Senator Forrest Knox
Senator Jacob LaTurner
Senator Pat Pettey
Senator Greg Smith
Representative Sydney Carlin
Representative Pete DeGraaf
Representative Ramon Gonzalez
Representative Amanda Grosserode
Representative Jerry Henry
Representative Jim Ward (November 2)

Member Absent

Representative Jim Ward (November 3)

Staff Present

Jason Thompson, Office of Revisor of Statutes
Natalie Scott, Office of Revisor of Statutes
Robert Gallimore, Legislative Research Department
Lauren Douglass, Legislative Research Department
Justin Carroll, Legislative Research Department
Linda Kentch, Committee Assistant

Conferees

Ray Roberts, Secretary, Kansas Department of Corrections
Johnnie Goddard, Deputy Secretary of Facilities Management, Kansas Department of Corrections
Terri Williams, Deputy Secretary of Juvenile Services, Kansas Department of Corrections
Pam Lachman, Pew Charitable Trusts Public Safety Performance Project
Don Hymer, Kansas County and District Attorneys' Association
Kevin Barone, Capitol Lobby Group
Betsy Gillespie, Director, Johnson County Department of Corrections
Margie Phelps, Director of Reentry Services, Kansas Department of Corrections
Scott Schultz, Executive Director, Kansas Sentencing Commission
Julie Solomon, Chief Strategic Management Officer, Wyandot, Inc.
Honorable Kathleen Lynch, Wyandotte County District Court

Officer Tom Keary, Overland Park Police Department
Officer Ken Whiteside, Leawood Police Department
Jason Hess, Executive Director, Heartland Regional Alcohol and Drug Assessment Center
Nick Reinecker
Sky Westerlund, Kansas Chapter of the National Association of Social Workers
Steve Denny, Clinical Director, Four County Mental Health Center, and President, Kansas Association of Addiction Professionals
Representative Gail Finney
Dr. Walt Chappell, Racial Profiling Advisory Board of Wichita
Senator David Haley
Djuan Wash, Sunflower Community Action
Micah Cubic, Executive Director, American Civil Liberties Union of Kansas
Ed Klumpp, Kansas Association of Chiefs of Police, Kansas Peace Officers Association, Kansas Sheriffs' Association
Sheriff Frank Denning, Johnson County
Chief Daniel Ward, Arkansas City Police Department
Chief Tom Honglo, Lenexa Police Department
Eric Smith, on behalf of the League of Kansas Municipalities

Others Attending

[See Attached List.](#)

Monday, November 2
Morning Session
Room 112-N—Statehouse

Welcome and Introductions

Chairperson John Rubin called the meeting to order, welcomed the attendees and Committee members, and asked Committee members to introduce themselves.

Overview—Kansas Department of Corrections' Operations

Secretary Roberts gave an overview of Kansas Department of Corrections' (KDOC's) operations, including adult inmate and juvenile offender populations, options for prison bed expansion, the work of the Prisoner Review Board, the status and effects of the Justice Reinvestment Initiative (JRI), the outcome of statewide behavioral health interventions and substance abuse programs, and corrections officer turnover ([Attachment 1](#)). Committee members asked about the challenges of available inmate bed space; the success of programs for the mentally ill prison population; and the Pew-MacArthur Results First Initiative in Kansas, a partnership with those organizations to establish a cost-benefit model customized to the Kansas criminal justice system. Additionally, Chairperson Rubin requested someone from KDOC speak to the Committee about the Department's sex offender treatment program.

Overview—KDOC Contracts for Food and Medical Services

Deputy Secretary of Facilities Management Johnnie Goddard, KDOC, presented an overview of KDOC contracts for food and medical services ([Attachment 2](#)). Representative

Ward asked for information about inmate eligibility for Medicaid, potential corrections savings if Medicaid was expanded in Kansas, the programs, and total amounts collected from fees for phone calls and email. Senator Baumgardner asked for a comparison of costs for medical services in other states.

Deputy Secretary Goddard also provided information on the outcome of programs in the facilities, including education and job training, substance abuse, and cognitive behavioral therapy programs ([Attachment 3](#)). Chairperson Rubin asked for a list defining the acronyms used in the materials provided. Additionally, members asked for information concerning the numbers enrolled in programs, placement and employment rates for inmates who participated in programming, costs per program, and the number of individuals who enter prison without a high school diploma.

Secretary Roberts followed with more information on programs. Representative Gonzales asked about geriatric populations, and Representative Ward asked for data on the mentoring program, such as the number of participants, costs, and recidivism rates among participants.

After lunch, which was provided for Committee members and staff, the Committee moved to Room 346-S due to the malfunctioning sound system in Room 112-N.

Afternoon Session **Room 346-S—Statehouse**

Overview—Kansas Juvenile Justice System

Deputy Secretary of Juvenile Services Terri Williams, KDOC, gave an overview of the Kansas Juvenile Justice System, including data trends for youth in state custody and updates on assessments and education and substance abuse programming within the juvenile correctional facilities; the Council of State Governments' Justice Center recommendations and strategies to improve outcomes; and the Juvenile Justice Workgroup, which met several times during the 2015 interim, with technical assistance from the Pew Charitable Trusts' Public Safety Performance Project ([Attachment 4](#)). Representative Gonzales, Vice-chairperson McGinn, Representative Ward, and Chairperson Rubin had questions for Deputy Secretary Williams. Representative Ward asked for a list of the members of the Juvenile Justice Workgroup, as well as the Department's response to a recent audit performed by the Legislative Division of Post Audit. Vice-chairperson McGinn requested a list of programs that target youth.

Pam Lachman, Pew Charitable Trusts Public Safety Performance Project, provided additional information about the work of the Juvenile Justice Workgroup, including the Workgroup's research principles, key data findings, and key takeaways ([Attachment 5](#)). Chairperson Rubin asked for a list of the people serving on the Juvenile Justice Workgroup. Chairperson Rubin, Senator Pettey, Representative Ward, and Senator Knox had additional questions.

Don Hymer, Kansas County and District Attorneys' Association, testified on concerns about recommendations of the Juvenile Justice Workgroup that suggest sweeping changes to the current Juvenile Justice Code ([Attachment 6](#)). Chairperson Rubin, Senator Smith, Senator

Knox, and Representative Ward had questions for Mr. Hymer. Chairperson Rubin requested a copy of the documents presented at meetings of the Juvenile Justice Workgroup.

Overview—Electronic Monitoring

Secretary Ray Roberts testified he did not believe Kansas needed new law concerning electronic monitoring ([Attachment 7](#)). He stated electronic monitoring and house arrest were useful for persons who would otherwise be in minimum custody, but would not address the need for higher custody level beds. Senator Smith, Representative Gonzales, and Senator LaTurner had questions and comments on Secretary Robert's testimony. Representative Gonzales said he would like electronic monitoring to be reevaluated. Chairperson Rubin stated time had been allotted during the November 3 afternoon meeting to make recommendations.

Kevin Barone, Capitol Lobby Group, testified on behalf of the Kansas Alternative Corrections Association in support of alternative forms of corrections, including alcohol-related monitoring devices and GPS electronic monitoring technology ([Attachment 8](#)). Senator LaTurner requested a hard copy of recommendations on electronic monitors. Senator Fitzgerald had questions on whether to rent or own electronic monitoring devices.

Elizabeth Gillespie, Director, Johnson County Department of Corrections, testified in support of revising the current offense of unlawful tampering with electronic monitoring equipment, KSA 2015 Supp. 21-6322, to a series of offenses similar to the categories of offenses for escape and aggravated escape from custody, KSA 2015 Supp. 21-5911 ([Attachment 9](#)). Chairperson Rubin asked the Director whether she was in favor of the Johnson County Department of Corrections program of electronic monitoring. She said she most definitely is in favor of the program. Representative Gonzales had questions and comments for Director Gillespie.

Chairperson Rubin requested hard copies of the KDOC criteria for use of house arrest and electronic monitoring be provided to the Committee.

Adjourn

Chairperson Rubin adjourned the meeting.

Tuesday, November 3
Morning Session
Room 346-S—Statehouse

Others Attending

[See Attached List.](#)

Margie Phelps, Director of Reentry Services, KDOC, spoke to the Committee at the request of Chairperson Rubin on the current Sex Offender Treatment Program ([Attachment 10](#)).

Chairperson Rubin stated two documents requested at the previous day's meeting concerning house arrest ([Attachment 11](#)) and electronic monitoring ([Attachment 12](#)) had been distributed and the other documents requested from the Juvenile Justice Workgroup were accessible electronically at <http://www.doc.ks.gov/juvenile-services/workgroup> (the link to these documents had been emailed to Committee members).

Overview—FY 2016 Adult Prison Population Projections, JRI, and the 2003 SB 123 Program

Scott Schultz, Executive Director, Kansas Sentencing Commission, presented an overview of FY 2016 Adult Prison Population Projections, JRI, and the 2003 SB 123 Program ([Attachment 13](#)). Chairperson Rubin, Representative Carlin, Senator Baumgardner, and Senator Fitzgerald had questions.

Overview—Emergency Observation and Treatment Services

Senator Fitzgerald stated failure to properly address mental illness is costly. He stated mental health is a health problem, not a corrections problem ([Attachment 14](#)). Chairperson Rubin commented on the cost savings in treating those with mental illness. Senator Smith asked a question.

Julie Solomon, Chief Strategic Management Officer, Wyandot, Inc.; Honorable Kathleen Lynch, Wyandotte County District Court; Officer Tom Keary, Overland Park Police Department; Officer Ken Whiteside, Leawood Police Department; and Jason Hess, Executive Director, Heartland Regional Alcohol and Drug Assessment Center, testified on behalf of their group working on Emergency Observation and Treatment (EOT) legislation ([Attachment 15](#)). EOT applies only to patients who are deemed a danger to self or others. Chairperson Rubin asked for the draft of the EOT proposed bill to be distributed ([Attachment 16](#)).

Jason Hess, Executive Director, Heartland Regional Alcohol and Drug Assessment Center, testified in support of the modification of KSA 2015 Supp. 59-2946 for communities to have an addition to the array of crisis services already available and to prevent individuals with mental illness and substance use disorders from unnecessary admissions in state hospitals, jails, and hospital emergency rooms ([Attachment 17](#)). Chairperson Rubin, Senator Baumgardner, and Representative Gonzales asked questions about the proposed legislation.

Nick Reinecker testified that the proposed legislation would give broad law enforcement authority ([Attachment 18](#)).

Sky Westerlund, Kansas Chapter of the National Association of Social Workers, testified in support of alternatives to incarceration ([Attachment 19](#)).

Steve Denny, Clinical Director, Four County Mental Health Center, and President, Kansas Association of Addiction Professionals, testified there are gaps in the juvenile Substance Use Disorder treatment array of services. He stated the Problem Gambling and Addictions Fund is a resource that has not been used yet ([Attachment 20](#)). Senator Pettey and Representative Carlin asked questions.

Afternoon Session

Overview—2015 SB 18, the Police and Citizens Protection Act

Representative Gail Finney testified in support of 2015 SB 18, the Police and Citizens Protection Act ([Attachment 21](#)).

Dr. Walt Chappell, Racial Profiling Advisory Board of Wichita, urged the Committee to pass SB 18, as introduced, but asked that body-worn cameras not be required. He also stated the subjects of the recordings should be able to view the videos without hiring an attorney ([Attachment 22](#)).

Senator David Haley provided written testimony in support of SB 18 ([Attachment 23](#)).

Djuan Wash, Sunflower Community Action, testified in support of SB 18 with the Kansas Open Records Act amendments ([Attachment 24](#)).

Micah Cubic, Executive Director, American Civil Liberties Union of Kansas, testified in support of the use of body-worn cameras by law enforcement officers in every jurisdiction in Kansas, but with minimal discretion when cameras are to be activated ([Attachment 25](#)).

Ed Klumpp, Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs' Association, testified that while the organizations he represents are not opposed to the use of body-worn cameras, they are ardently opposed to unfunded mandates requiring immediate implementation among all officers; statutory determination of what should be local decisions on policies such as retention periods; the "gotcha" clause in SB 18 providing the law enforcement officer is guilty of any accusation if there is no video; and use of local forfeiture funds to fund the cameras ([Attachment 26](#)). Vice-chairperson McGinn asked questions of Mr. Klumpp.

Sheriff Frank Denning, Johnson County, testified in opposition to mandating law enforcement officers to wear body cameras and possible funding sources, including proceeds of civil asset forfeiture ([Attachment 27](#)).

Chief Daniel Ward, Arkansas City Police Department, testified in opposition to SB 18 ([Attachment 28](#)). He stated he supports the use of body-worn cameras, but does not support legislation that requires it. He said he believes the State cannot legislate trust and community relations for police departments.

Chief Tom Hongslo, Lenexa Police Department, testified his department initiated a body-worn camera program over five years ago ([Attachment 29](#)). He stated members of his department support the use of body-worn cameras and video technology, but strongly opposed legislative mandates requiring law enforcement officers to wear body-worn cameras and the use of civil asset forfeiture funds to purchase body-worn cameras.

Eric Smith, on behalf of the League of Kansas Municipalities, testified in opposition to SB 18 ([Attachment 30](#)). He stated the primary objection to the original bill was the mandate that all law enforcement agencies would be required to use body-worn cameras with no funding provided for the mandate. Chairperson Rubin, Senator Smith, Representative Gonzales, Senator LaTurner, and Senator Fitzgerald had questions for the conferees.

Committee Comments and Recommendations for the Committee Report to the 2016 Legislature

Chairperson Rubin moved the Committee introduce legislation in the House, in response to bed space demands, to increase from 90 to 120 days the amount of time an inmate can earn for successful completion of programs and have subtracted from a sentence for a nondrug severity level 4 through 10 crime or a drug severity level 3 through 5 crime. The motion was seconded by Vice-chairperson McGinn. The motion passed unanimously.

Senator Baumgardner discussed a pay raise for the Department of Correction workers. Chairperson Rubin suggested a recommendation from this Committee could be to budget for significant pay raises for uniformed staff commensurate with pay for the federal uniformed staff in the federal prisons and with staff in private prisons. Representative Grosserode stated this is a “pie in the sky” recommendation as it is unrealistic to compare state pay to pay in federal and private correctional institutions when the federal government can run a deficit and private facilities may not provide the same benefits and retirement compensation. Chairperson Rubin stated the State of Kansas needs to consider there are other priorities as important as public education, including the Department of Corrections. Senator Knox, Senator Baumgardner, Representative Carlin, and Senator Fitzgerald also commented on the recommendation.

Chairperson Rubin moved, in light of the testimony of Secretary Roberts regarding the difficulty of recruiting and retraining uniformed staff and the potential impact on public safety, to recommend the House Appropriations and Senate Ways and Means Committees appropriate additional funds to KDOC in fiscal year 2017 for the purpose of providing pay raises for uniformed staff working at correctional facilities to make salaries commensurate with those of federal and private correctional officers in Kansas. The motion was seconded by Senator LaTurner. The motion passed.

Representative Rubin recommended that the Legislature carefully consider the work of the Juvenile Justice Workgroup, the recommendations in its final report, and any legislation it recommends. The Committee accepted the recommendation without objection.

Representative Gonzales recommended legislative review of the criteria KDOC uses to put current inmates on house arrest to allow additional flexibility. The Committee accepted the recommendation without objection.

Chairperson Rubin moved to introduce legislation in the House changing the severity level for tampering with an electronic monitoring device from severity level 6 to level 8. The motion was seconded by Senator Pettey. The motion passed unanimously.

Vice-chairperson McGinn requested the report highlight the results of community programming and the Committee’s concerns about decreased funding for SB 123 programs.

The Committee discussed the EOT testimony involving receiving centers and alternatives to detention. *Senator Pettey recommended consideration of legislation concerning state-designated crisis receiving centers. The Committee accepted the recommendation without objection.*

The Committee discussed mandating law enforcement officers to wear body cameras. Senator Knox commented that the issue was advancing well enough on its own.

Adjourn

Chairperson Rubin adjourned the meeting.

Prepared by Linda Kentch
Edited by Lauren Douglass

Approved by the Committee on:

January 6, 2016

(Date)