

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Edward F. Reilly, Jr. at
Chairperson

11:00 a.m./~~p.m.~~ on January 27, 1988 in room 254-E of the Capitol.

All members were present ~~except~~

Committee staff present:

- Mary Torrence, Assistant Revisor of Statutes
- Mary Galligan, Legislative Research
- Alan Conroy, Legislative Research
- June Windscheffel, Committee Secretary

Conferees appearing before the committee:

- Mr. Don Lind, Director, Johnson County Community Corrections
- Mr. Sam Alvey, Montgomery County Community Corrections
- James T. Dedloff, Director, Leavenworth County Community Corrections
- Mr. Jeff Loane, Director, Community Corrections for Sedgwick County
- Mr. Joseph A. Ruskowitz, Wyandotte County Community Corrections
- Mr. Roger Endell, Secretary of the Department of Corrections

The Chairman announced that SB457, which was by the Special Committee on Federal and State Affairs, was before the Committee. It deals with Proposal No. 13, concerning the formula for determining the amount of community corrections grants. The Chairman called to the Committee's attention the Report of the Special Committee on Federal Affairs. (Attachment #1)

He then welcomed Mr. Don Lind, of the Johnson County Community Corrections. Mr. Lind's statement on SB457 was distributed to the Committee. (Attachment #2) He mentioned that some questions and concerns have been raised by directors and advisory boards, and he would like to share those with this Committee in the hope that they could be resolved by legislation. The first issue deals with supplemental funding. The second issue pertains to the expansion of Community Corrections services. The third issue concerns proposed language allowing the Secretary of Corrections to transfer unused funds between Community Corrections programs. The stability of the entitlement formula is addressed as the fourth issue. He pointed out that although there is a cost associated with the legislation, the benefits are considerable. His statement explains at length these benefits. Mr. Lind expressed the desire of the ~~directors for~~ SB457, their thanks to the interim committee for its fine work, and that the program directors wish to work with the Legislature toward the resolution of the correctional issues facing the state.

Mr. Lind answered questions from the Committee. There was much discussion concerning chargebacks. Mr. Lind explained this procedure for the Committee.

Mr. Jeff Loane explained the way it is with the application of the formula as in the law. There was more Committee discussion with the conferees. Then Mr. Joseph W. Ruskowitz answered a question. He said that Wyandotte County's budget was reduced, based on the criteria in the entitlement. Last year they had to reduce their operating budget by \$250,000 and the budget was \$850,000. The caseloads have increased 400%. He emphasized if the entitlement formula is not going to be changed that it must be stabilized. Mr. Lind pointed out that at this time a number of the programs are experiencing a great deal of stress. Some are looking at the possibility of having to close down. His concern is one of timeliness. For the sake of some of the programs they need help quickly. There was more discussion concerning chargebacks.

Mr. Sam Alvey, the next conferee, was welcomed by the Chairman. His handout expresses his feelings. (Attachment #3) He asked the Committee to reconsider on Section 3, and that qualifying counties receive supplemental funding, even if at a reduced rate. The Chairman said he did not think it was the intention of the Interim Committee to cut out any community corrections.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS,
room 254-E, Statehouse, at 11:00 a.m. ~~XXXX~~ on January 27, 1988.

The Chairman welcomed Mr. James T. Dedloff, Director, Leavenworth County Community Corrections. His statement was distributed to the Committee. (Attachment #4) Mr. Dedloff said he is deeply concerned with the overcrowding crisis faced by our corrections system. He said although stopgap measures have been implemented to keep programs operating, the legislation has not supported long term stability for programs throughout the state.

Mr. Dedloff feels there are two major goals that have emerged in Kansas concerning Community Corrections: to restrain the growth of the Kansas adult prison population, and to enhance local correctional services and programs. Mr. Dedloff's statement sets out major problems. He gives an indepth overview of these, including the chargeback system. He also cites three recommendations omitted from the proposed bill which he would urge the Legislature to consider including in the bill.

There was more Committee discussion.

Mr. Roger Endell, the Secretary of the Department of Corrections, was welcomed as the next conferee by the Chairman. Mr. Endell said he would like to express a few opinions. He said that as the Community Corrections is set up in the State of Kansas, it appears to him that there is a contract between the Legislature and ten counties of the State of Kansas. He said that is not an efficient way of handling the problem. He said if the money now allocated to Community Corrections were allocated to the Department of Corrections, and the Department were given the contract to provide bids for diverting inmates, they would put out on a competitive basis the contract bids for inmates. Any private sector can compete for that program money. The Department will set and monitor standards and pay them for housing those inmates diverted from the system. They would need an administrator and clerk typist.

Secretary Endell said if that is not acceptable to give it to the probation people.

The Chairman thanked him for appearing. The Chairman stated he has told Leadership we are all tired of hearing about prison overcrowding every year. This year he hopes the Legislature can come up with some real solutions as to how to address this problem. The Chairman asked the Secretary to lay out for the Committee his basic philosophy when he appears to testify at the meeting on Tuesday, February 2, 1988. This Committee ought to be given some guidelines.

The Minutes of January 26, 1988, were before the Committee. Senator Morris moved they be approved. The motion was seconded by Senator Daniels. The motion carried.

The meeting was adjourned at noon.

1/27/88
Attachment

RE: PROPOSAL NO. 13 -- SELECTED CORRECTIONS PROGRAMS
AND PAROLE*

Proposal No. 13 directed the Special Committee on Federal and State Affairs to:

"review the Community Corrections Act, especially the funding mechanism; the role and responsibility of the Parole Board; inmate treatment programs; any implementation of a boot camp as an alternative to incarceration; and identify legislative changes related thereto in order to retard the growth of prison populations."

Background

During the 1987 Legislative Session, considerable attention was focused on possible changes in the Community Corrections Act, the Kansas Parole Board, and inmate treatment programs. Discussion on possible changes was held against a backdrop of a rising inmate population for FY 1988. The anticipated net increase in the inmate population for FY 1988 is 754 inmates, or an average daily inmate population of 5,965.

Kansas Parole System

The parole function is a unique one, because in deciding to release an inmate on parole, the paroling body both completes the judicial decision of sentence and renders an executive decision that an inmate is "corrected" sufficiently to return to society on a supervised basis. In this sense, parole is a crucial part of the corrections responsibility of state government. Its practical significance is even greater, because parole is the avenue of exit for most inmates; the rate at which inmates are paroled has a direct and immediate effect on the size of prison populations.

In Kansas, the paroling agency is the Kansas Parole Board, an independent commission composed of three full-time members. The

* S.B. 456 and S.B. 457 accompany this report.

Senate FSA
1/27/88
Attachment #1

members of the Parole Board are appointed by the Governor, subject to confirmation by the Senate, and serve a term of four years. The Kansas Adult Authority (KAA) was established July 1, 1974, by K.S.A. 22-3707 to replace the former Board of Probation and Parole, which was created in 1957. From July 1, 1974 to January 1, 1979, the Authority consisted of five part-time members. In January, 1979, the KAA was changed to a full-time five-member board. However, effective July 1, 1984, the size of the board was reduced to three full-time members. The 1984 Legislature changed the name of the agency effective January 1, 1986, to the Kansas Parole Board.

In addition to making parole decisions related to eligible inmates in the custody of the Secretary of Corrections, the Parole Board performs the related functions of conducting initial hearings with offenders upon their entry into the system, conducting parole revocation hearings, issuing final discharges from parole supervision, and reviewing applications for executive clemency and pardons. Responsibility for supervising parolees is held by the Department of Corrections.

Parole eligibility automatically entitles an inmate to a hearing before the Parole Board, with the hearing generally being scheduled within 20 days of the date of eligibility. Members of the Parole Board visit each major corrections institution monthly for the purpose of conducting regular parole hearings and revocation hearings. During the regular parole hearing, the inmate is interviewed as to the circumstances of the offense; participation in educational, work, or treatment programs in the prison; the proposed parole plan; the reasons why the inmate is ready for release; and other factors relevant to the parole decision. A member of the unit team assigned to the inmate may also be present at the hearing and is available for consultation with members of the Parole Board after the hearing.

Parole decisions must be made by the Board with a majority of affirmative votes required to grant parole. Under current procedure, the Parole Board is requiring unanimous agreement of the three members to grant parole of offenders convicted of an A or B felony. In granting a parole, the Parole Board must, to be consistent with its statutory charge, find that a "reasonable probability" exists that the inmate in question can be released without detriment to the community or the inmate.

11/21/88

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Normally, the Parole Board takes one of three actions after a parole hearing: parole is granted; the inmate is "passed," i.e., parole is denied; or the hearing is continued. Continuances are used when some reason exists to defer a decision for a relatively short period of time, for example to verify or modify a component of a parole plan. Passes are denials of parole, usually for a specified duration, after which the inmate returns to the Parole Board for another hearing. Passes vary in length and could range from several months to several years.

If parole is granted, the state and the inmate enter a contractual agreement whereby the state, through the action of the Parole Board, agrees to release the inmate from incarceration to serve the remainder of his or her term, under supervision, in the community. In exchange, the inmate agrees to comply with several standard conditions of parole and perhaps some special ones as well.

Satisfactory behavior while on parole results in the discharge of the parolee from the jurisdiction of the Department. Violation of conditions of parole may lead, however, to reincarceration.

Community Corrections

The Kansas Legislature passed the Community Corrections Act (K.S.A. 75-5290 et seq.) in 1978. Under the provisions of the 1978 law, the Department of Corrections is authorized to grant and administer funds to counties for the development and operation of local corrections programs for certain nonviolent offenders who otherwise would be incarcerated in the state correctional system. The program's premise is that some offenders can be punished and rehabilitated more effectively and more cheaply in the community than in prison, but that a gap exists when there is no sentencing choice between probation and prison. Community corrections attempts to fill the gap by providing more structured supervision of offenders than is possible through regular probation and by providing treatment and other programs designed to meet the needs of individual offenders. The advantage to the state, according to the Department of Corrections, is that community corrections, when working as intended, diverts people from prison and thus saves money not only by reducing operating expenditures, but also hopefully moderating demands to expand capacity.

The statute authorizes a number of program uses for grant funds, including restitution, victim services, preventive or diversionary correctional programs, and facilities and services for the detention, confinement, care, or treatment of adult and juvenile offenders. The component mix of each community corrections program is decided locally, except that the program proposal in the form of a comprehensive plan, must be submitted to and approved by the Department of Corrections. Formulation and any subsequent modification of the plan, in turn, must involve participation of a local corrections advisory board, composed of 12 members representing law enforcement, prosecution, judiciary, education, corrections, ethnic minority, and social service groups, as well as the general public.

Grant amounts are determined by a statutory formula which is population-based, but which is also weighted for per capita income, adjusted assessed valuation, crime rate, and population aged 5-29. During the first year of participation in the program, a county or group of counties receives up to 70 percent of the formula entitlement, during the second year, 90 percent, and third and subsequent years, 100 percent. However, the actual amount granted is not the entitlement amount, but the entitlement minus the cost of chargeback offenders sent by the county to the state corrections system.

The chargeback concept is crucial to understanding the operation of community corrections in the state, because it clearly identifies the target group of offenders to be retained in the community and provides somewhat of an indicator on how each program is operating. A community corrections county is "charged" for all adult felons sent to the Department of Corrections, unless their conviction falls in one or more of the following categories: (1) A, B, or C felony; (2) D or E felony with more than one prior felony conviction; (3) aggravated assaults; (4) sex offenses; and (5) convictions under the mandatory firearms sentencing statutes.

In essence, then, most chargeback offenders are those convicted of D and E felonies with no more than one previous felony conviction. The amount charged by the Department of Corrections is set by the Secretary and is statutorily required to be equal to the ". . . total of per diem costs to the State General Fund of confinement and rehabilitation of those persons" The adult chargeback rate effective January 1, 1987 is \$29.35 per day.

There are 12 counties participating in ten community corrections projects in the state. The counties include Bourbon-Linn-Miami, Wyandotte, Leavenworth, Riley, Sedgwick, Shawnee, Montgomery, Johnson, Saline, and Douglas. Johnson County was suspended from the program on December 1, 1983 and reentered the program on November 1, 1985. The 1987 Legislature appropriated \$4,988,062 (all from the State General Fund) for FY 1988 community corrections grants to counties. The funds are based upon a chargeback rate of 45 percent for those participating counties which commit community corrections eligible individuals to the state correctional system.

Program features vary somewhat among counties, but there are several core components which are found in all or most community corrections counties. These include: intensive supervision, employment and education services, restitution and community service, and substance abuse treatment.

Inmate Treatment Program

According to the Department of Corrections, one of the major problems confronting the Kansas correctional system is the absence of mental health and substance abuse treatment resources sufficient to meet the needs of the inmate population. As of early March, 1987, the Kansas State Penitentiary had over 1,300 inmates and the State Industrial Reformatory had over 385 inmates on waiting lists for such services.

Part of the increased demand for inmate treatment programs is attributable to the increased admissions to the correctional system. The Kansas Parole Board has also placed an increased emphasis on treatment programs for certain types of offenders. There are certain groups of offenders the Parole Board uniformly expects to successfully complete some type of mental health counseling prior to release. These include all persons convicted of crimes involving violence or the threat of violence, crimes involving weapons, and sexual offenses. A second group includes those offenders who have counseling needs identified in their State Reception and Diagnostic Center report. A third group is comprised of those inmates whose institutional behavior indicates the need for counseling services. The Department of Corrections has indicated that release of some inmates is delayed as a result of not having the expected counseling services.

The 1987 Legislature, in addition to funds appropriated to the Department of Social and Rehabilitation Services for inmate substance abuse counseling, approved \$550,000 and 25 FTE positions for an expanded inmate counseling and drug screening program at the various correctional institutions. The agency was also authorized to receive \$25,000 in federal drug abuse funds to assist in hiring a special projects Alcohol-Drug Abuse Program Consultant I to coordinate inmate treatment programs.

Boot Camp Style Incarceration

The 1987 Legislature approved establishing a boot camp style facility for Kansas inmates near the Kansas State Industrial Reformatory in Hutchinson. However, the item was vetoed by the Governor from the omnibus appropriation bill. Boot camp style incarceration has been developed by several states, perhaps most notably, Oklahoma and Georgia. The program for young offenders emphasizes rigid standards and strict discipline similar to that of the military. The main thrust of the program is to make the offender accountable for his or her behavior.

Participants in the Oklahoma program must be less than 22 years of age and not convicted of one of 39 crimes defined by state statute as violent. Offenders meeting these criteria are given indeterminate sentences until age 22. A final disposition hearing must occur before the offender's 22nd birthday. At that hearing, the court may discharge the person from custody of the department, impose a determinate sentence, or continue the individual under the indeterminate sentence.

A typical day in the program starts at 5:30 a.m. and includes physical conditioning, work and program assignment, supervised recreation, cell inspection, formation marching, program participation or free time, and finally, lights out at 9:00 p.m. Preliminary results indicate that individuals who participate in the Oklahoma program are more likely to succeed once placed on probation than those individuals who do not participate in the boot camp style program.

Committee Activity

Committee hearings provided all interested parties the opportunity to appear before the Committee. The following is a summary of the principal testimony and recommendations of the conferees.

Department of Corrections. Secretary of Corrections Richard Mills and staff appeared before the Committee on several occasions to discuss all of the topics of the Committee's charge. The Secretary recommended increasing the community corrections offender population that can be served by the program, including adding new participating counties; reducing or eliminating the chargeback penalty for participating counties; and increasing the Department's monitoring abilities for oversight of participating counties. In the area of parole, Secretary Mills recommended expanded funding for the technical parole violators program for crisis intervention to prevent return of the individual to a correctional facility. Secretary Mills indicated a boot camp facility could work in conjunction with probation services or community corrections programs in Kansas. He also noted such a facility would give sentencing judges another option for youthful offenders. Finally, the Secretary stressed the need for additional inmate treatment programs.

Kansas Parole Board. Chairperson Elwaine Pomeroy of the Kansas Parole Board recommended additional inmate treatment programs and parole officers for the Department of Corrections. He also recommended additional staffing for the Parole Board and a statutory change to grant the Chairperson explicit administrative authority. Finally, Chairperson Pomeroy recommended consideration be given to expanding the membership of the Board and utilizing panels to render parole decisions.

Kansas Community Corrections Association. Mr. James Dedloff, Task Force Chairman, Kansas Community Corrections Association, recommended several major changes in the Community Corrections Act. Mr. Dedloff recommended the entitlement formula be utilized at the current calendar year 1987 funding levels and that the chargeback feature be modified to reduce or eliminate the financial penalty to participating counties. He also suggested that participating programs be required to devote a minimum given percentage to core service components with another minimum given percentage to auxiliary service components. Mr. Dedloff urged the Committee to maintain a balance

between local and state government control of the community corrections programs. Finally, he suggested that community corrections be expanded through financial credits, contracting for services, and by incorporating new participating counties.

Judge Michael Barbara, Washburn University. Judge Barbara recommended that chargebacks be abolished to all participating counties. He also recommended that counties with a certain minimum number of prison-bound eligible D and E felons be required to participate in community corrections. Judge Barbara also urged the Committee to consider requiring participating counties to provide treatment programs to any prison inmate paroled to that county by the Kansas Parole Board. Finally, he cautioned the Committee on the potential impact a boot camp facility might have on the community corrections eligible offender population.

Riley County Attorney. Mr. William Kennedy, Riley County Attorney, appeared before the Committee to urge the Committee to provide greater certainty of funding amounts for participating community corrections counties. He also suggested imposing a flat chargeback amount in the \$3,000 to \$4,000 range for adult offenders. Mr. Kennedy suggested allowing a judge through a journal entry to deny the chargeback for an individual sentenced to prison or by allowing a person who might not fit the criteria for a community corrections program to stay in the community program. He also suggested that the Committee not consider any additional state control over the local programs.

Sedgwick County Public Defender. Mr. Richard Ney, Sedgwick County Public Defender, testified that the community corrections program should be broader in scope to allow additional offenders into the program, including a greater variety of offenses. He suggested that a set of guidelines be established for judges to use when determining if an individual is going to be placed in a community corrections program. Mr. Ney also proposed the Committee consider implementation of sentencing guidelines or determinate sentencing to reduce the prison population.

Shawnee County Community Corrections Advisory Board. Mr. Ted Heim, Chairperson of the Shawnee County Community Corrections Advisory Board, testified that the Committee should review the Minnesota sentencing guidelines system to see if such an approach to

control prison crowding would work in Kansas. He also testified that if the chargeback system must be continued, that a flat rate or a three- to five-year average chargeback be used in determining the penalty. Finally, Mr. Heim suggested that the process of determining whether an individual is a chargeback offender or not be simplified.

Leavenworth County Commissioner. Mr. Gerald D. Oroke, Leavenworth County Commissioner, appeared before the Committee to urge continued local control of community corrections programs and that the role of local community corrections advisory boards be reviewed. He also testified that the community corrections funding mechanism be completely revised to provide greater funding stability for the participating counties.

Office of Judicial Administration. Mr. Mark Roberts, Court Services Specialist from the Office of Judicial Administration, appeared before the Committee to review the role and responsibility of court services officers in Kansas. Mr. Roberts discussed the effectiveness of probation, the amount of restitution collected, and how probation can be a viable alternative to institutionalization of an offender. The Committee was also informed that court services officers are attempting to meet the demands of a dramatically increasing caseload. Finally, Mr. Roberts indicated that the FY 1988 budget request of the Judicial Branch had included a request for 20 additional court services officers.

Conclusions and Recommendations

The Committee acknowledges that the idea of establishing a boot camp style correctional facility in Kansas appears to have merit. However, during Committee review and discussion, a great many questions were raised concerning the location, cost, operation, and effectiveness of such a facility. Therefore, the Committee makes no recommendation on establishing a boot camp style correctional facility in Kansas. The Committee does request that the Department of Corrections respond to the following questions and submit the answers to the standing House and Senate Federal and State Affairs Committees at the beginning of the 1988 Session. The Committee raised the following questions regarding a boot camp style correctional facility: the criteria for an individual to be placed in the facility; the appropriate level of staffing; the construction costs; any potential impact

on community corrections; the number of potential individuals that fit the criteria to be placed in the program; the length of the program; the operating costs, including any programming costs; and the program, staff, and operating costs of the Georgia and Oklahoma boot camp correctional facilities.

The Committee reviewed and discussed the workload and responsibilities of the Kansas Parole Board. The Committee noted the rising Kansas inmate population of over a 121 percent increase from FY 1981 to FY 1988 (estimated). The rising inmate population has necessitated the creation of new correctional facilities in Topeka, Winfield, El Dorado, Ellsworth, Norton, and Osawatomie. The increased inmate population has substantially and directly increased the workload of the Parole Board, as well as the increased physical distances the Board must travel to meet with inmates. Given these increased demands, the Committee recommends that a bill be introduced to enlarge the Parole Board from three full-time members to five full-time members. S.B. 456 would permit the Parole Board to sit in panels of three members that would be fully empowered to make parole decisions. S.B. 456 also grants the Chairperson of the Board explicit administrative authority over the Board members. The Committee notes that explicit authority will ensure that the Board functions in an effective and efficient manner.

The Committee also expressed concern over the lack of adequate inmate treatment programs in the state's correctional facilities. The Committee notes that inmate treatment programs are one component of an inmate's successful rehabilitation program. The Committee recommends that the lack of inmate treatment programs be studied further by the 1988 Legislature.

The Committee held considerable discussions about community corrections in Kansas. The Committee noted the number of felony offenders that have been successfully diverted from the state penal system to local community corrections programs. Many individuals can be rehabilitated more effectively and economically in a local setting rather than a state correctional facility. During Committee hearings it became apparent that local community corrections programs are having difficulty delivering the needed services within the financial limitations of the existing chargeback system. Having clearly identified this problem, the Committee recommends the introduction of S.B. 457, which would provide that the chargeback fee for the community corrections

programs be set at a flat \$1,500 per inmate with a potential \$500 credit if the sentence is modified within the 120-day period. The recommended chargeback system contained in S.B. 457 would only apply to adult, targeted offenders and would be eliminated entirely for juvenile offenders. In addition, to ensure the future financial viability of local community corrections programs, the Committee recommends that the funding levels for community corrections programs should not fall below FY 1988 levels and that the Secretary of Corrections should be allowed to allocate unused funds for community corrections from one program to another. Authority for the Secretary to transfer funds between programs is contained in S.B. 457. Finally, the Committee is hopeful that community corrections will continue to assist in addressing the Kansas prison crowding problem. To meet this goal, the Committee recommends that the Department of Corrections develop guidelines regarding expansion of community corrections in the areas of allowing existing programs to enter into contractual relationships for provision of services in contiguous counties; allowing financial credits for existing programs that serve nontargeted offenders; and identification and allocation of planning funds for two additional counties to establish community corrections programs. The Committee requests that the Department of Corrections submit the requested guidelines to the 1988 Legislature for review.

Respectfully submitted,

November 4, 1987

Rep. Robert H. Miller, Chairperson
Special Committee on Federal and
State Affairs

Sen. Edward Reilly,
Vice-Chairperson
Sen. Neil Arasmith
Sen. Richard Bond
Sen. Phil Martin
Sen. John Strick
Sen. Ben Vidricksen

Rep. Ginger Barr
Rep. Martha Jenkins
Rep. J. C. Long
Rep. Michael Peterson
Rep. Alfred Ramirez
Rep. L. V. Roper
Rep. Kathleen Sebelius
Rep. Burr Sifers
Rep. Kathryn Sughrue

DL
Don Lind

January 27, 1988

TO: Senate Federal and State Affairs Committee
FROM: Don Lind
Director, Johnson County Community Corrections
SUBJECT: Testimony on SB457

Senate FSA
Mr. Don Lind
1/27/88
Attachment #2

My name is Don Lind. I am the Director of the Community Corrections program in Johnson County. I would like to speak briefly in support of SB 457 and urge the members of this committee to also recommend passage of the legislation.

Some of the senators on the committee served on the Interim Committee on Federal and State Affairs which heard testimony on proposal number 13. At that time you were presented extensive information about the funding mechanism of the Community Corrections Act with its complicated entitlement formula, targeted offender population, and chargeback penalties. You were advised about the difficulties of programs securing a stable future without a change in that funding mechanism.

After receiving testimony, the Interim Committee formulated a number of recommendations and a draft bill, which is now SB 457. I strongly support this bill, as do the other Community Corrections program directors across the state. We need this amendment to accomplish our goals of restricting the growth of the prison population and enhancing local correctional services.

However, some questions and concerns about SB457 have raised by directors and advisory boards. I would like to share these questions and concerns with the committee in hopes that they could be resolved in the legislation.

The first issue is with section 3 of SB 457, which repeals

supplemental funding. Supplemental funding was designed for smaller counties with high incarceration rates. These counties would not be able to participate in the Community Corrections Act, because without the additional grant there would not be adequate operating funds to provide correctional alternatives. At present, two programs receive supplemental funding. Without continuation of some form of supplemental grant, Montgomery County faces a fiscal shortfall and the need to reduce services or staff. This result runs counter to the concern of the committee to encourage Community Corrections programs to play a greater role in providing correctional alternatives to offenders. The Kansas Community Corrections Association would urge the committee to consider replacing supplemental funding for eligible counties in SB 457.

The second issue concerns the expansion of Community Corrections services. The recommendations of the Interim Committee included three areas of expansion, two of which could be included in SB 457. These two areas of expansion are contractual services to offenders from non-participating counties and financial incentives or credits to programs that would extend correctional alternatives to non-targeted, prison-bound offenders. The program directors would urge the committee to consider developing language for this amendment that encourages the Department of Corrections to formulate policies and procedures that facilitate expansion of Community Corrections

alternatives in these areas.

The third issue concerns the proposed language of section 2(c) addressing the authority of the Secretary of Corrections to transfer unused funds between Community Corrections programs. Presently county programs receive grant payments on a quarterly basis. The language can be construed to mean that following an initial quarterly grant payment, subsequent quarterly grant payments would be reduced by the amount of unexpended funds from the previous quarter.

This issue could be resolved if the committee could develop language that permits the Secretary to transfer funds that are unexpended at the conclusion of a program's fiscal year or are unbudgeted entitlement funds. These resources could then be allocated to another program for correctional alternatives according to the Act.

The fourth issue concerns the stability of the entitlement formula. The committee has previously heard testimony about problems of planning, budgeting, and managing an entitlement formula that fluctuates each year. A recommendation resulting from the Interim process was that the entitlement funding would not fall below the 1988 level. The Community Corrections directors would request that the committee consider language incorporating that recommendation into SB 457.

SB 457 is a good bill, the result of careful work by the Interim Committee. The modifications of the Community Corrections Act will enable programs across the state to

share in the solutions to the correctional problems that face the state.

There is a cost associated with SB457. The Department of Corrections has projected that cost to be approximately \$2.3 million dollars. However, the benefits in correctional alternatives to prison for those dollars are considerable. Programs in the larger urban areas of the state are threatened with the possibility of closing down, adding a considerable population to the prison overcrowding problems of Kansas. SB 457 would provide resources to stabilize those programs and ensure their ability to continue providing prison alternatives. Funds would be available to improve the quality of supervision of the offenders presently assigned to Community Corrections programs. This bill would enable programs to expand correctional services to offenders who are presently non-targeted for Community Corrections services. With the additional resources, Community Corrections could play a stronger role in the process of re-integrating offenders into the community after they leave the state correctional facilities. Presently our programs provide correctional alternatives to divert offenders at the front door of the corrections process. Community Corrections can also help address prison crowding problems by providing supervision and services to offenders at the other points in the correctional process. And finally, SB 457 amends the Act so that additional counties may seek to establish Community

corrections programs and prison alternatives.

In conclusion, let me again state the support of the program directors for SB 457. I have raised for the committee's consideration several questions and concerns that, when addressed, could make the bill even stronger. I also wish to thank the committee members for their hard work on these issues over many months. It is our desire as program directors to work with you toward resolution of the correctional issues facing our state.

Coffeyville Office
Coffeyville, P.O. Box 11
Coffeyville, Kansas 67337
(316)251-7531

Community Corrections
MONTGOMERY COUNTY

Independence
311 E. Main, P.O. Box
Independence, Kansas
(316)331-6631

The Impact on funding of Montgomery County Community Corrections is best illustrated when current and proposed levels are compared side-by-side:

	CURRENT	PROPOSED
1988 Entitlement	264,944.00	264,944.00
1988 Supplement	221,950.00	-0-
1988 Approved Carryover	18,960.00	?
TOTAL AVAILABLE FUNDING	505,854.00	264,944.00
Less Adult Chargebacks	- 198,286.28	- 33,500.00
Less Juvenile Chargebacks	- 30,000.00	-0-
OPERATIONS FUNDING	\$ 277,567.72	\$ 231,444.00

Thus, S.B. 457 results in a LOSS of \$ 46,123.72 of operations funding for Montgomery County, in 1989.

In order to meet such a reduction, we would anticipate reducing services, rather than increasing them. Among the services likely to be reduced are:

- Contracted psychological evaluations and treatment
- Contracted Substance Abuse treatment, inpatient & intensive outpatient
- Lay off a 1/2 time employee
- Eliminate Victims' brochures
- Eliminate employee certification and licenses
- No merit increases
- No cost-of-living increases
- No support of a new 15 bed jail work release center
- Reduced Community Service Work program
- Eliminate employee attendance at conferences for training
- Eliminate meals and motel reimbursement for training and meetings
- Reduced mileage payment to employees

It seems to me that 1988 S.B. 457 was developed to "shore up" Community Corrections. Indeed, it does just that in most counties. However, in Montgomery County, S.B. 457 may result in a reduction of services, and reduce or eliminate the likelihood of either expanding current programs, or of implementing new programs to serve targeted offenders.

I ask the Committee to consider continuing supplemental funding to qualifying counties, even if at a reduced rate. Thus allowing us to continue to make a major impact on the number of Department of Corrections commitments from Montgomery County. (Attached are graphs depicting the impact we have had on commitments from Montgomery county.)

Senate FSA
Mr. Sam Alvey
1/27/88
Attachment #3

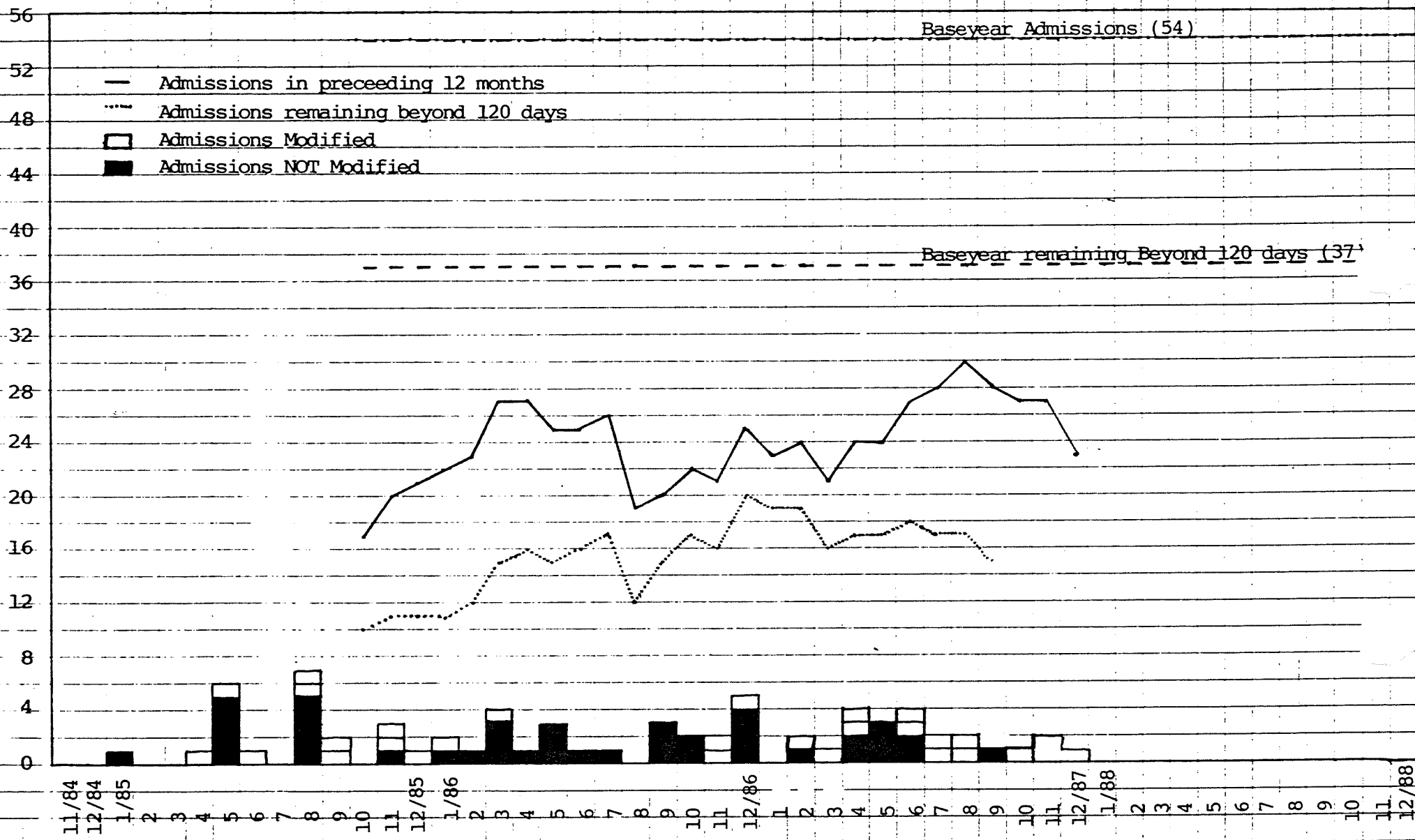


EXHIBIT 2

CHARGEBACK
COMMITMENT RATES
(Number Committed + Baseyear Committed)
(X + 54)

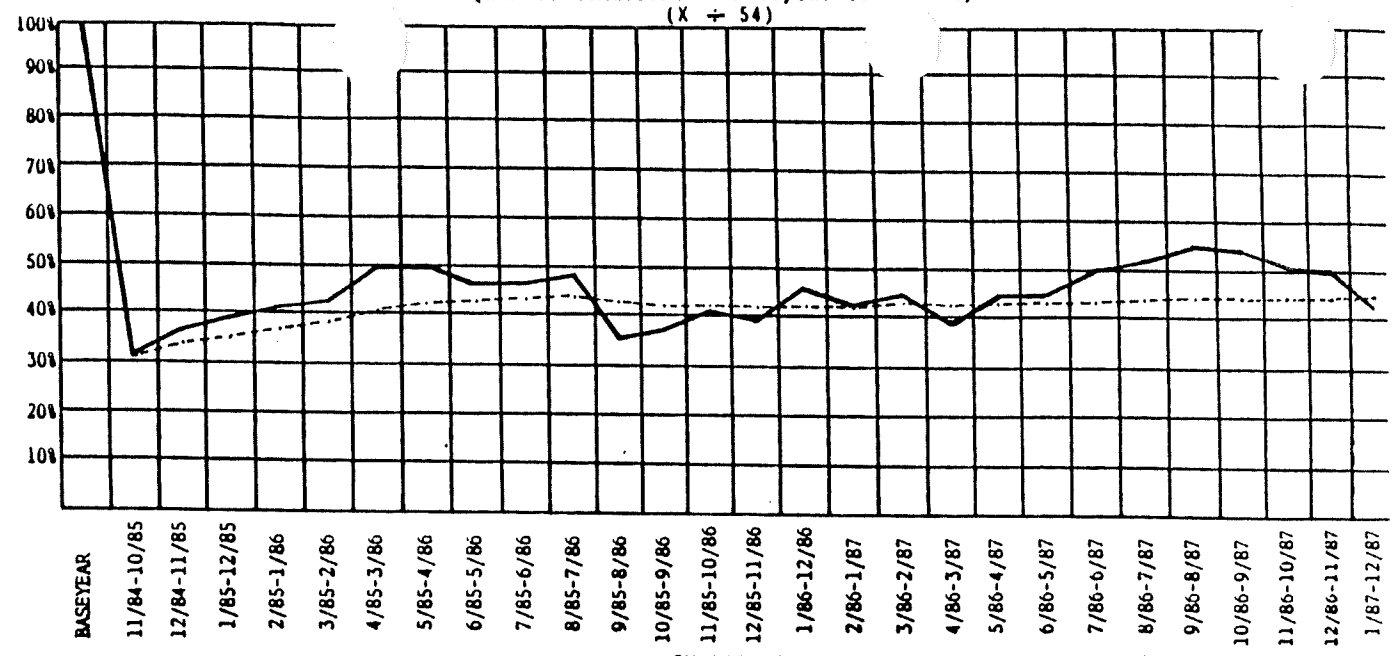


EXHIBIT 3

CHARGEBACK
REMAINING OVER 120 DAY RATE
(Number remaining + Number Remaining in Baseyear)
(Y + 37)

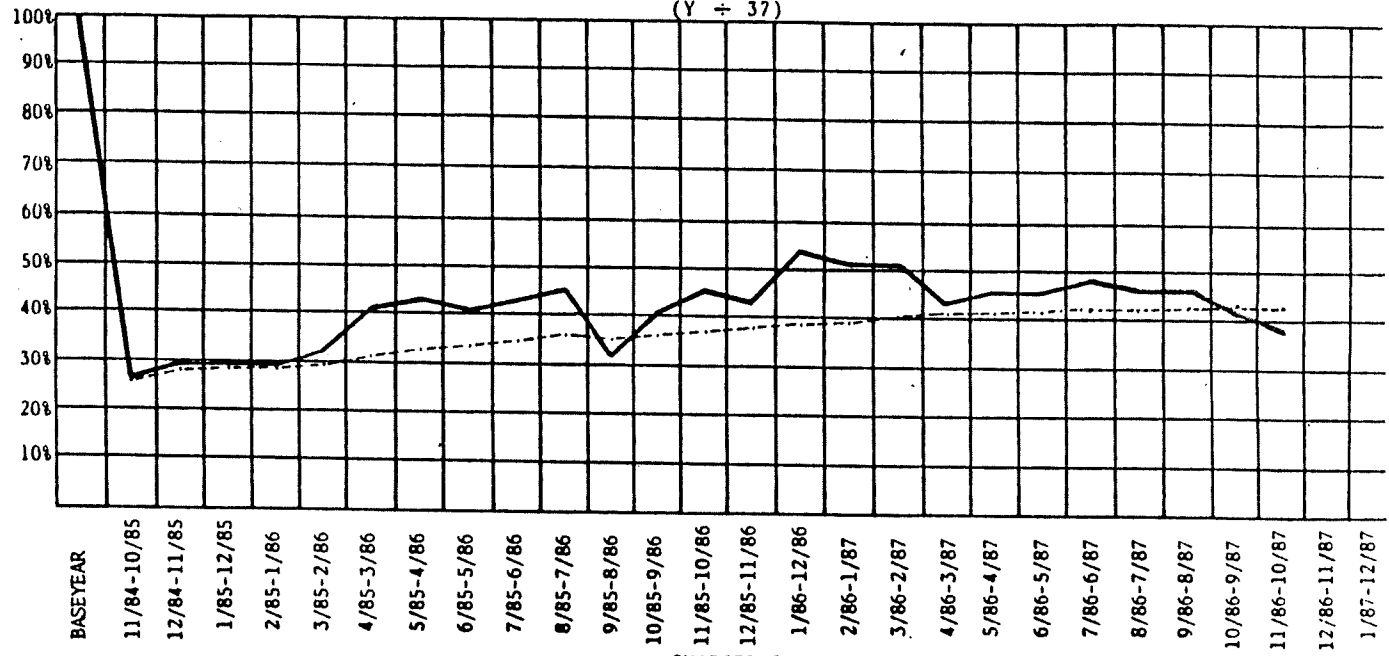
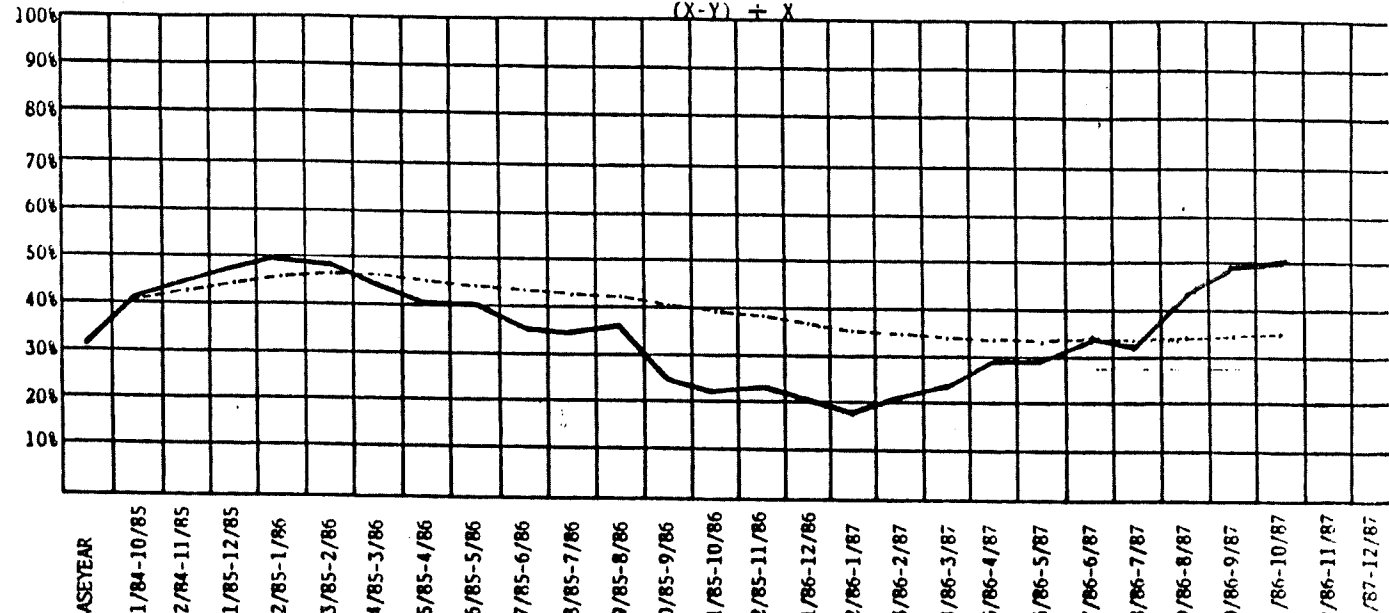


EXHIBIT 4

CHARGEBACK
MODIFICATION RATES
(Number Modified + Number Committed)
(X-Y) + X



Testimony for the Senate Committee on
Federal and State Affairs (Senate Bill 457)

January 27, 1988

by

James T. Dedloff
Director, Leavenworth County
Community Corrections

*Senate FSA
James T. Dedloff
1/27/88
Attachment #4*

Senator Reilly, members of the Senate Committee on Federal and State Affairs, I appreciate this opportunity to speak with you in support of and concerning Senate Bill 457.

When I testified to the Special Committee on Federal and State Affairs last August 14, I did so as the Chairman of the Kansas Community Corrections Association Task Force on Community Corrections Legislative change. Today I am speaking before you as a Community Corrections Director, and as a Kansas resident deeply concerned with the overcrowding crisis that our corrections system faces today.

Last August I mentioned to the members of the Special Interim Committee that since the first Community Corrections programs were implemented in the early 1980s, various problems have emerged and have been addressed through amendments to the Act. For example, aggravated assault, a Class D Felony, became an excluded offense as an amendment to the original legislation. Additionally, when longer minimum sentences and increasing Class D and E felonies threatened Community Corrections programs with rising chargeback costs, the Act was amended to include a cap on chargeable days for an individual offender. More recently the Act was amended to eliminate chargeback costs against programs for juveniles that were administrative placements at Youth Centers by Kansas Social and Rehabilitation Services.

These amendments to the Community Corrections Act, while helpful, have not addressed the basic problems and issues of the programs. Rather, they have been stopgap measures to keep programs operating. The legislation has not supported

long term stability for programs throughout the state, and, in fact, several major programs are facing a great deal of financial pressure.

I would mention to this committee as I did to the special committee that I believe two major goals have emerged as the purpose for Community Corrections in Kansas. The first goal is to restrain the growth of the Kansas adult prison population. The second goal of Community Corrections is to enhance local correctional services and programs. If in fact these two goals encompass the purposes desired of Community Corrections in Kansas, I am concerned that all programs, that all funding mechanisms, that all revisions of the Act should be guided by these goals.

The Special Committee was informed of several major problems or issues in Community Corrections that prevent local programs from satisfactorily addressing their primary purposes. Those issues included:

- 1) A complex, fluctuating somewhat obscure entitlement formula that should be stabilized.
- 2) The second major issue is the target population that has been identified for Community Corrections services. Under the present funding mechanism, local programs receive no encouragement or incentives to provide alternative correctional services to prison-bound offenders outside the target population.

If, in fact, the goal of Community Corrections is to restrain the prison population expansion, the group targeted for services needs to reflect that objective, rather than the limitations of the present target population.

Additionally, as you are aware, the present target population addresses

offenders primarily at the front end of the correctional process. Expansion of the target population for Community Corrections services could include those at the back end of the correctional process who are approaching release from prison. Local programs could provide counseling services, intensive supervision, residential services, and supervision as a supplement to parole.

Additionally, a Community Corrections approach could provide services to appropriate offenders while they are still on inmate status with the Kansas Department of Corrections. The Secretary could contract, as is presently done in other states, with local programs to provide residential treatment, transitional programs, house arrest, intensive supervision, and substance abuse services. Inmates could receive such services prior to parole status and as adjunct services during their parole.

3) The third issue addressed was the chargeback feature. Briefly, there are several ways in which the chargeback feature negatively and punatively impacts programs across the state.

No program in the state is able to divert 100% of the targeted population from prison. In the larger urban areas where the potential target population is very large, where the number of case filings and convictions is sharply escalating, the volume of chargeback costs increases very rapidly. As more offenders enter the criminal justice system, the demand for correctional sanctions in the community grows. At the same time, a certain proportion of the population will be institutionalized, creating a drain on Community Corrections resources to meet those service demands because of chargeback penalties.

The chargeback feature creates credibility issues within the criminal justice system. Even though Community Corrections program directors and staff are guided in their recommendations and decisions by sound correctional practice, other elements of the criminal justice system sometimes perceive Community Corrections decision making as primarily impacted by potential chargeback penalties. In short, a frequent perception is that decisions concerning offenders may be made on the basis of fiscal threat to program dollars rather than the best interests of the community and the offenders themselves.

The chargeback feature, the actual per-day penalty for incarcerated adults fluctuates each year. An unstable, floating cost figure that has such major implications for the total amount of resources available makes planning and budgeting very difficult.

Another difficulty of the chargeback system concerns the decision making processes of the local criminal justice system. In most areas across the state decisions about offenders, including the decision about incarceration or community sanctions, are made in a process in which Community Corrections actually plays a small part. District or County Attorneys, the judiciary, or Court Service staff may play a much stronger role in determining the disposition of a criminal case. However, the punitive chargeback costs for an incarceration decision are applied to the Community Corrections programs.

A final problem with the chargeback feature of our Community Corrections legislation concerns the amount of administrative difficulty the chargeback

system creates. A large portion of the Community Corrections resources, both in terms of dollars and personnel time, are diverted from services to offenders to managing the chargeback system.

Given testimony such as this, and much much more, the Special Committee on Federal and State Affairs made a number of very positive recommendations on Proposal No. 13.

You are now considering proposed Senate Bill 457 -- which, I believe is a fair representation of some of the recommendations made by the Special Committee, I believe that the enactment of this bill will be beneficial both to Leavenworth County Community Corrections and to Kansas Community Corrections in general.

However, comparing the content and recommendations of Proposal 13 with the Senate Bill you are now considering will show that several of the recommendations have been omitted from the Bill.

Specifically, there are three recommendations that were omitted from the proposed Bill that I would urge you to consider including in the Bill. They are:

- I. That Entitlements be stabilized so as not to go below the 1988 level of funding.
- II. The Department of Corrections develop administrative regulations providing financial credits for services to "non-targeted" (other than D and E felons) prison-bound offenders.
- III. That participating Community Corrections counties be allowed to contract

with the Department of Corrections for supervision services to offenders from non-participating counties.

I believe that each of these recommendations are valid and sound. Further, it is essential that they be included with those changes proposed in SB 457 if community corrections stability is to be achieved and if maximum benefit is to be attained from community corrections at this time in addressing the prison overcrowding problem.

As the Leavenworth County Director, I would hope that the 1988 Legislature will be given the opportunity to consider, review and act on all of the recommendations made by the Special Committee.

Thank you for your interest and your attention. If you have any questions, I will attempt to address them.