

Approved January 30, 1991
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Wint Winter, Jr. at
Chairperson

10:00 a.m./~~p.m.~~ on January 22, 1991 in room 514-S of the Capitol.

All members were present except: Senators Moran, Feleciano and Martin who were excused.

Committee staff present:

Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:

Roger Werholtz, Deputy Secretary of Corrections

Chairman Winter called the meeting to order by opening the hearing for the sex offender measures currently assigned to the committee.

SB 18 - sexually violent offenders.

SB 19 - persons likely to commit sexual acts as mentally ill person under treatment act for mentally ill persons.

SB 20 - required supervision and treatment by mental health professional for sex offenders.

Jerry Donaldson, Kansas Legislative Research Department, reviewed Proposal No. 42, Child Sex Offenders, which originated the three bills being heard.

Rogert Werholtz, Deputy Secretary of Corrections, addressed the committee in support of SB 20 and outlining concerns of the Department of Corrections. (ATTACHMENT 1)

The meeting was adjourned at 10:30 a.m.

The hearings will continue at the next meeting of the Senate Judiciary Committee on Wednesday, January 23, 1991 at 10:00 a.m. in Room 514-S.

TESTIMONY TO THE SENATE JUDICIARY COMMITTEE ON SENATE BILL 20
ROGER WERHOLTZ, DEPUTY SECRETARY OF CORRECTIONS
DIVISION OF COMMUNITY AND FIELD SERVICES MANAGEMENT
JANUARY 22, 1991

The Department of Corrections would like to express its support for the concept of mental health treatment and aftercare of sex offenders that is contained in Senate Bill 20. The Department believes that this type of aftercare and attention is needed and is an appropriate response to the problems presented by sex offenders once they are returned to the community from KDOC institutions. While treatment is not mandatorily placed on every sex offender under parole supervision, it is a goal that is almost uniformly pursued by parole officers in supervising these types of offenders.

While we do believe that sex offenders require treatment and aftercare upon their return to the community, the Department wishes to express a number of concerns which must be considered if this bill is adopted. First, do sufficient mental health resources currently exist to respond to this mandate? Some parole offices have experienced a great deal of difficulty in obtaining access to mental health services for their clients, particularly sex offenders. As an example, Sedgwick County reports that they have currently saturated the capacity of the community mental health center and have a number of these offenders being seen by private practitioners. Access to mental health services in the Wichita area is described as problematic by parole staff. Similar reports are received from the Eastern Parole Region, which includes Kansas City, with the problem reported to be most acute in Wyandotte County.

The second issue concerns who will be responsible for payment for these services? Even if sufficient services are available in an area, there is considerable difficulty surrounding the issue of payment for services. There is apparently a policy of community mental health centers that requires full fee payment if treatment is a condition of parole or probation or if treatment is ordered by

*Senate Judiciary Committee
January 22, 1991*

Attachment 1

the parole officer or court services officer. The rationale behind this policy apparently is that the court or the state is the client rather than the individual offender. The rationale for this policy from the point of view of community mental health centers is understandable in that clients referred from the criminal justice system are frequently uncooperative, unmotivated, fail to keep appointments on a regular basis, and have a poor record of payment for services. These offenders represent a significant drain on the resources of community mental health centers. Prior to becoming aware of the existence of Senate Bill 20, the Kansas Department of Corrections had requested \$100,000.00 in its FY 1992 budget submission for sex offender treatment and aftercare services for parolees. We have not yet been able to assess the fiscal impact of a mandatory requirement for participation for the extended period of time proposed in Senate Bill 20. As soon as we are able to assess the fiscal impact of this proposal, we will provide those figures to the committee.

The third issue relating to carrying out the mandate of Senate Bill 20 is the additional supervisory responsibilities we believe will be created for an already overloaded parole staff. Current caseloads for parole staff are approximately 74 on average. This is approximately 50% higher than the recommended caseload of 50 that the Department deems appropriate for parole officers. It will become necessary for parole staff to monitor the attendance, cooperation, and progress of every sex offender in their treatment process. We believe that this is an appropriate task for parole staff and that we should be doing this. However, we have serious doubts about our current capabilities to carry out these responsibilities.

A fourth concern that needs to be raised is the possibility that Senate Bill 20 will cause sex offenders to remain on parole longer than is currently the case, thus further contributing to driving up parole caseloads. This is not to say that the Department believes that sex offenders do not need to be supervised

January 22, 1991

for an extended period of time. However, any factor that contributes to continuously increasing caseloads, compromises the effectiveness of supervision of all offenders on parole.

A fifth concern is that the mandates of Senate Bill 20 create greater potential for parolees to fail in living up to parole conditions, thus increasing the parole revocation rate and increasing the pressure on prison populations. If sufficient staff and treatment resources are made available, it is conceivable that revocation rates might be held down. Without these resources, however, the response of parole staff become very limited, and revocation becomes more likely.

Sixth, if mandatory counseling on parole becomes a requirement, that creates one more element of a parole plan that must be satisfied before an offender is released to the community. Just as inmates get hung up in the prison system waiting for a halfway house slot or a substance abuse treatment slot, they can become hung up in the system waiting for a sex offender treatment slot. As stated previously in some areas, those treatment slots are hard to obtain. Failure to generate sufficient treatment capabilities in Kansas communities could delay releases and exacerbate prison population control problems.

In summary, the Kansas Department of Corrections wishes to again express its support for the concept of Senate Bill 20, but would request that sufficient resources be provided to properly carry out this bill's mandate. Supplementary figures regarding the parole population affected by this legislation will be provided to the committee as soon as they are available.

January 22, 1991
1-3/3