

Approved: March 14, 1996
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on February 12, 1996 in Room 313-S of the Capitol.

All members were present except:

Representative Jim Garner - Excused
Representative Vince Snowbarger - Excused

Committee staff present: Jerry Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes
Cindy Wulfkuhle, Committee Secretary

Conferees appearing before the committee:

Marilyn Scafe, Chairperson Kansas Parole Board
Charles Simmons, Secretary Department of Corrections

Others attending: See attached list

Marilyn Scafe, Chairperson Kansas Parole Board, appeared before the committee to give an overview of the Parole Board. She reported to that the Parole Board agrees that it needs to be downsized but believes that it should be done slowly. They have been working with Department of Corrections to track their cases and automation of their system will be completed through the Department of Corrections computers. (Attachment 1)

Representative Yoh suggested that the Parole Board be downsized to 3 members of the Board with each having an assistant to help with paperwork. Marilyn Scafe replied that this was a good idea.

Hearings on HB 2774 - supervision of person conditionally released after a finding of not guilty by reason of mental state, were opened.

Charles Simmons, Secretary Department of Corrections, appeared before the committee as a proponent of the bill. He explained that this bill would allow the courts to retain authority to place a person acquitted by reason of insanity under the temporary supervision of the district courts probation and parole services, a community treatment facility or any other appropriate private agency. (Attachment 2)

Hearings on HB 2774 were closed.

Hearings on HB 2791 - repeal of statute concerning standards for correctional institutions and jails, were opened.

Charles Simmons, Secretary Department of Corrections, appeared before the committee as a proponent of the bill. He stated that this bill would abolish the Department of Corrections' role in the annual inspection of county and city jails. (Attachment 3)

Hearings on HB 2791 were closed.

Hearings on HB 2793 - repeal of statute providing for houses to rent to employees of correctional institution, were opened.

Charles Simmons, Secretary Department of Corrections, appeared before the committee as a proponent of the bill. He explained that currently the Department of Corrections does not have any houses available for rental to department employees and does not have any plans to construct any. (Attachment 4)

Hearings on HB 2793 were closed.

The committee meeting adjourned at 4:30. The next committee meeting is scheduled for February 13, 1996.

HOUSE JUDICIARY COMMITTEE GUEST LIST

DATE: 2-12-96

NAME	REPRESENTING
Charles Simmons	Dept. of Corrections
Sherman Parks, Jr.	Kansas Parole Board
LEO TAYLOR	KS. PAROLE Bd.
Bob Yeard	KS Parole Board
Chris Cowger	KS. Parole Board
Marilyn Sate	Kansas Parole Board
Doug Irvin	OLA
Melissa Whisman	KS Sentencing Comm.
Sub Jones	KS Sentencing Comm
Julie Meyer	KS Sentencing Comm.
Larry Sue Johnson	KAP's Council / The K. Coalition, Inc.
Lina Brown	Peterson Pblk Affs grp
Dan R. Pickett	City of Stockton
Shalee Bennett	City of Stockton
Lynne Johnson	City of Stockton
Chuck Williams	City of Stockton
Kelley Kuitala	KTLA

OVERVIEW OF THE KANSAS PAROLE BOARD

February 12, 1996

To: Chair and Members
Judiciary Committee of the House of Representatives

From: Kansas Parole Board
Marilyn Scafe, Chair

ACTIVITIES AND DUTIES
of
THE KANSAS PAROLE BOARD
February 12, 1996

The Post Audit Report dated December, 1994, concluded that the State will continue to need a Parole Board for many years to come. Inmates sentenced under the old system, inmates convicted of murder or treason under the new system, and all release violators will continue to be subject to parole procedures. The report suggested that the Board could be restructured to take advantage of time and cost savings that will accrue from advances in video technology and changes in the nature of the Board's work.

It was the recommendation of the report that the legislature should consider reducing the number of members on the Parole Board and authorizing its chairperson to hire professional staff to set post-release supervision conditions. Senate Bill 329, which is before this committee today, addresses this recommendation by downsizing the Board to three members. As requested, the Parole Board is available today to brief the committee on the work of the present Board and to discuss the changing role of the Board. Before we begin, I would like to summarize recent progress we have made relative to the post audit report.

A bill is before the legislature which will consolidate the support staff of the Kansas Parole Board under the Department of Corrections. This has taken considerable discussion and planing, and both agencies are now in support of this step. Many of the post audit concerns regarding agency operations will be corrected with the consolidation. It will allow access to the Department of Corrections computerization, data collection, and personnel administration. A transition plan has been put into place to ensure that the system will be operational by June 18, 1996. I remind you that at the time of the Post Audit Report, there were 8 support staff.

STREAMLINING WORK LOAD:

As we become more efficient, it allows us to reduce personnel. We have engaged the services of the DOC wherever possible.

- * There is now a cooperative tracking system with Department of Corrections for cases with pending decisions. It is difficult to measure the exact progress, since the lack of a tangible system and a backlog of work made it impossible to identify the numbers. As the system is refined, it will measure both number of cases, and the reason and length of time these decisions are pending.
- * Restitution responsibilities have been redefined and assigned for more effective follow through.
- * Fiscal duties are now being transferred to DOC for management. The Board will be accountable for planning based on a monthly budget report. This should assist the Board in assessing the cost of doing business. This information can impact decisions such as Board size and use of technology.
- * We are identifying Department of Corrections and Kansas Parole Board systems which can become single procedures, thus eliminating duplication of staff time.
- * Automation of systems will be completed through Department of Corrections and their computers.

POLICY & PROCEDURE:

As the Department of Corrections takes over the plan for our operations, the Board will be free to focus on its specific policies and procedures. Our first step was to review and revise our statutes. We are introducing a bill this week to accomplish this. These revisions have been reviewed by the Attorney General's office and the legal department of DOC. The next step is to take a close look at the rules and regulations and make appropriate revisions and additions. It will be a coordinated task to write policy and procedure at the same time. Another urgent goal is to develop a handbook for Board use for sentencing information and decision options. We now have a law intern from Washburn University to help with this project.

ORIENTATION & TRAINING:

As we move through these goals, the present Board should be self trained. However, these will be the tools for the in-house orientation and training referred to in the audit. The transition plan addresses training, also. The Board has been holding regular monthly meetings and using this time as an opportunity to call in outside people to "train us". We have met with treatment organizations, legal, and institutional departments in an effort to educate ourselves. This is a task which will never be complete, since there is ongoing need to update.

BOARD PERSONNEL POLICIES:

The Division of Personnel Services has been contacted and the Board will place in writing the policies members will follow. A monthly activity report is being implemented and will reflect the individual member's time and productivity. This report should be valuable for planning purposes as well as accountability.

All of the above changes are taking place with an eye to the future role of the Board. Until now, no specific data has been compiled regarding our duties. Currently, several agencies have different numbers in reference to projections of the Board's work load. Therefore, the Governor has ordered a study which will gather information and data relative to the size of the inmate population and the work of the Parole Board over the next twenty five years. The study should define the future role. The Department of Corrections, Kansas Parole Board and the Office of the Attorney General will be involved. Consultants from the National Institute of Corrections and the American Corrections Association have been obtained at no cost to the State. The Sentencing Commission will be used for the projection of inmate numbers. Our first meeting is this week, and initial findings will be reported by April 1, 1996.

INTRODUCTION OF PRESENT MEMBERS

The current five members of the Board are: Sherman Parks, Chris Cowger, Marilyn Scafe, Bob Mead, and Leo Taylor. I have introduced the members in order of our seniority. Because of previous terms being lengthened or vacated for various reasons, the last three members are all new appointments in the last year. However, our terms expire as follows:

Parks	1/96
Cowger	1/97
Scafe	1/98
Mead	1/99
Taylor	1/99

HEARING NUMBERS Attachments 1 & 2

Our work load is the key to the downsizing of the Board. One measure of the work load is the number of hearings we must conduct. Attached is the number of hearings from the previous calendar year. The Board held 3,264 regular hearings and 1,809 violation hearings, or total of 5,073. This would be a monthly average of 422. Our figures indicate that hearing numbers have not declined over the past 12 months. In addition to these hearings, the Board conducts 3 Public Comment sessions every month. These are in Kansas City, Wichita, and Topeka.

Determining the work hours from these figures is complicated. All facilities must be visited, regardless of the number of hearings at one location. There may be 6 at Winfield and 90 at Hutchinson. We overlap each other's schedules in order to accomplish as many two person panels as possible. Therefore, the hearing hours and travel time are not as simple as using the hearing numbers.

HEARING LOCATIONS
Attachment 3

By statute, the Board must hold hearings monthly. This requires members in panels of one or two members to visit 10 facilities. in Lansing, Hutchinson and El Dorado, there a multiple locations, so most months, two panels are working at the same time. In July, August and September, there were approximately 200 hearings a month in Ellsworth. These numbers required the Board to work in three panels at a time.

HEARING SCHEDULE

The budgeted amount of time for each hearing is 15 minutes. Also present in the hearings are Department of Corrections staff. The liaison to the Board from the facility is the Institutional Parole Officer who is responsible for the hearing docket and gathering the appropriate institutional information. The Counselor is the facility staff person who works with the inmate on a daily basis and will have first hand information on institutional adjustment. One Board member will conduct the hearing according to the hearing form. (Attachment A) The other member will record pertinent facts and notable behavior. After the interview, the Board members present will review the file and discuss the information gained from the interview. Based on all seven statutory factors, the board members will make an initial decision. (Attachment B) If there is a split decision, incomplete information, inadequate number of votes, or if the inmate is a sex offender, the decision is continued.

Often, the hearings do not conform to the fifteen minute format. There will be unusual circumstances, an attorney present, or perhaps a single person panel who must interview and record at the same time. The first time an inmate appears before the Board is more time consuming since the circumstances of the offense must be understood and noted. All new members will require more time to conduct their hearings. Travel time between multiple units within the facility must be a time consideration. It would make for a difficult schedule to complete thirty hearings in one day.

There is a great deal of opportunity to improve the hearings with proper Board training and coordination with the Department of Corrections. Quality and efficiency of the hearings could be improved by the advanced preparation of the files and the inmates for the hearings, and the advance time for the Board to review the files. Decision making tools, such as risk assessment scales and improved evaluations, would be of help. When this efficiency is achieved, the use of interactive television could be considered. An important part of our decision making is involved in the sentencing options. There are cases in which the majority of the hearing is a discussion of the time the inmate needs to serve and the options. This is a very technical part of our responsibility and one for which we are always striving to improve.

OFFICE DUTIES
Attachment 4

Post release- The Post Audit shows this as an increasing area of responsibility. The actual numbers do not reflect that as reality to date. This work requires review of file material to determine the areas of liability in order to assign special conditions for the field supervision.

Conditional Release- Many sex offenders serve to their conditional release. Therefore, some of these files will require more time to review. There will be more evaluations to read and a careful assessment of specific conditions for supervision.

Other files-Clemency, Annual File Review, Appeals, Early Discharges.

Continued Decisions- These files are returned from the hearings and need further action from the Board. In many cases, there is a need for further information. With no investigative staff, it is the Board's responsibility to make the contacts.

Other Office Responsibility:

Attorney requests, Inmate family requests, DOC conferences/problem solving, Law suit testimony and work with AG, Board Meeting, Training, Legislative requests, Planning

Outside Responsibilities:

Official organization meetings-CRC, Sentencing Commission, Koch Commission

Community- Local officials, research local programs, liaisons to field offices

AVERAGE INDIVIDUAL MONTHLY HOURS

20 work days-160 hours 5 members to cover workload

Each member:

Hearings- 60 hours

Public Comments- 15 hours

Meetings- 24 hours

Vacation/Sick/Holiday- 18 hours

Average Drive Time- 18.33 hours

Files- 80 to 100 at 15 minutes each- 20 hours

Total=155 hours

Not included: Continued decisions, other office and community duties

Attachment 1

FY 1995	REGULAR	VIOLATOR	TOTAL HEARINGS
July 1994	296	202	498
August 1994	339	264	603
September 1994	418	93	511
October 1994	314	189	503
November 1994	333	207	540
December 1994	252	153	405
January 1995	264	141	405
February 1995	289	179	468
March 1995	277	155	432
April 1995	299	167	466
May 1995	266	130	396
June 1995	254	118	372
GRAND TOTALS	3,601	1,998	5,599

FY 1996	REGULAR	VIOLATOR	TOTAL HEARINGS
July 1995	279	197	476
August 1995	311	164	475
September 1995	324	183	507
October 1995	239	124	363
November 1995	273	161	434
December 1995	189	90	279
January 1996	241	96	337
February 1996			
March 1996			
April 1996			
May 1996			
June 1996			
GRAND TOTALS			

CALENDAR 1995 REGULAR VIOLATOR TOTAL HEARINGS

January 1995	264	141	405
February 1995	289	179	468
March 1995	277	155	432
April 1995	299	167	466
May 1995	266	130	396
June 1995	254	118	372
July 1995	279	197	476
August 1995	311	164	475
September 1995	324	183	507
October 1995	239	124	363
November 1995	273	161	434
December 1995	189	90	279
GRAND TOTALS	3,264	1,809	5,073

CALENDAR 1996 REGULAR VIOLATOR TOTAL HEARINGS

January 1996	241	96	337
February 1996			
March 1996			
April 1996			
May 1996			
June 1996			
July 1996			
August 1996			
September 1996			
October 1996			
November 1996			
December 1996			
GRAND TOTALS			

Attachment 3

Destination - City and Institution		Total Mileage*
Lansing	LCF	112
El Dorado	EDCF	250
Winfield	WCF	308
Wichita	WWRF	290
Ellsworth	ECF	316
Hutchinson	HCF	360
Norton	NCF	522
Larned	LCMHF	524
Topeka	RDU/TCF	6

* Round trip

Attachment 4

Description of Duty	FY 95	FY 96 **
Clemency	123	38
Annual File Reviews	215	218
Correspondence received	?	1,200
Inmate appeals	674	311
Post Release Supervision Certs. Issued	3,199	1,404
Conditional Release Certificates Issued	270	145
Parole Certificates Issued	1,000	450
Discharge Certificates Issued	1,200	900

** July 1, 1995 - December 31, 1995

Attachment B

Parole eligibility is not necessarily the same as parole suitability. In determining parole suitability, the Parole Board looks at the following seven areas: 1) crime; 2) prior criminal history; 3) program participation; 4) disciplinary record; 5) parole plan; 6) comments received from the victim, the public and criminal justice officials; and 7) prison capacity.

Kansas Department of Corrections
Old Law Population
FY 1996- FY 2020

RECEIVED
JAN 29 1996
KANSAS PAROLE BOARD

Fiscal Year*	Lifer Population	Total Old Law Population
1996	604	4,424
1997	637	3,828
1998	626	3,178
1999	624	2,684
2000	617	2,320
2001	611	2,014
2002	606	1,790
2003	595	1,601
2004	582	1,410
2005	563	1,268
2006	550	1,153
2007	534	1,051
2008	518	953
2009	495	879
2010	477	794
2011	456	719
2012	439	664
2013	421	624
2014	403	580
2015	392	530
2016	374	493
2017	358	474
2018	349	441
2019	336	417
2020	325	412

*Numbers represent June each year

KANSAS PAROLE BOARD
HEARING NOTES

Attachment A

NAME AND NUMBER	INSTITUTION	DATE OF HEARING
COWGER _____ MEAD _____ PARKS _____	SCAFE _____ TAYLOR _____	

OTHERS PRESENT: _____

SENTENCE: _____ SENTENCE BEGIN: _____

OFFENSE(S): _____ PRIOR BOARD ACTION: _____

DESCRIPTION OF CURRENT OFFENSE:

After careful consideration of this case, the Parole Board entered the following order:

PASS REASONS

- _____ Serious nature/circumstances
- _____ History of criminal activities
- _____ Violent nature of crime
- _____ (_____ times in prison)
- _____ Denies responsibility
- _____ Failure on probation/parole
- _____ Other:

- _____ Objections
- _____ New crimes in institution
- _____ Failed at WR or PR
- _____ Behavioral problems
- _____ DR's
- _____ Non-participation in programs

CRIMINAL HISTORY

PROGRAM AGREEMENT

PAROLE PLAN

INMATE COMMENTS

DISCIPLINARY REPORTS

COMMENTS

JUDGE			
DA/CA			
SHERIFF			
POLICE			
VICTIM			
FAMILY			
FRIENDS			

BOARD DECISION

COWGER

MEAD

PARKS

SCAFE

TAYLOR



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M E M O R A N D U M

Bill Graves
Governor

Charles E. Simmons
Secretary

DATE: February 12, 1996
TO: House Judiciary Committee
FROM: Charles E. Simmons, *Secretary*
Subject: HB 2774

The Department supports HB 2774.

HB 2774 amends K.S.A. 22-3428(4)(a). K.S.A. 22-3428(4) governs the district court's supervisory jurisdiction over a person acquitted by reason of insanity pursuant to K.S.A. 22-3221 and released from the state security hospital. K.S.A. 22-3428 requires the district court to place the discharged patient under temporary supervision. HB 2774 would remove as an option placement of the patient under the temporary supervision of state parole and probation services, which is a division of the Department of Corrections. HB 2774 would retain the court's authority to place the patient under the temporary supervision of the district court's probation and parole services, a community treatment facility or any appropriate private agency.

Historically, district courts have not placed a patient under the temporary supervision of the Department of Corrections. The Department's interest in passage of HB 2774 arose due to a recent contact by a district court inquiring about supervision of a patient by the Department. That court decided to utilize the supervision services of the district court's probation services.

State parole supervision conducted by the Department of Corrections parole services is directed towards the supervision of convicted persons. Thus, a violation of the conditions of supervision monitored by state parole officers may result in the return of the parolee to a correctional facility. Additionally, persons under release supervision by the Department of Corrections ultimately are subject to the Kansas Parole Board regarding the disposition of any violation of the conditions of their supervision. Therefore, the Department of Corrections' supervision and revocation procedures,

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Attachment 2

and the available sanctions, are designed for the supervision of convicted offenders. In contrast, the supervision of patients who were initially placed in the custody of the Department of Social and Rehabilitation Services and released from the state security hospital are subject to the jurisdiction of the district court rather than the Kansas Parole Board. The policies and procedures of district court probation and parole services are designed to be directly responsive to the jurisdiction of the district court.

HB 2774 would relieve the Department of Corrections from the potential obligation of supervising patients who have not been convicted of a crime and whose supervision would necessitate the Department designing and implementing procedures to respond to a district court's jurisdiction. Additionally, HB 2774 would be consistent with limiting the Department's custodial and supervisory functions to convicted persons.

The Department of Corrections requests favorable action on HB 2774.

CES/TGM/nd



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Bill Graves
Governor

Charles E. Simmons
Secretary

MEMORANDUM

Date: February 12, 1996
To: House Judiciary Committee
From: Charles E. Simmons, *CES* Secretary
Subject: House Bill 2791

The bill would repeal K.S.A. 75-5228, thereby abolishing the Department of Corrections' role in the annual inspection of county and city jails and the promulgation of advisory standards for those facilities.

The Department identified jail inspection as a function that could be discontinued because the standards are advisory only and no authority is provided to enforce them. Ultimately, local officials choose whether to implement the corrective actions recommended by jail inspectors and are responsible for defending litigation concerning local detention facilities.

There are currently two positions within the Department of Corrections devoted to jail inspection. There are also substantial travel and per diem expenses required to support this endeavor. Elimination of this program is estimated to result in a savings of approximately \$90,000. Discontinuation of jail inspection should not create an additional fiscal burden on local jurisdictions as they already or should be evaluating their facilities and operations on an ongoing basis.

This program was identified for elimination as part of the Governor's directive to identify programs we were doing which did not have to be done. The Governor has recommended elimination of this program in his FY 1997 budget.

CES:dja

House Judiciary
2-12-96
Attachment 3



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Bill Graves
Governor

Charles E. Simmons
Secretary

M E M O R A N D U M

DATE: February 8, 1996
TO: House Judiciary Committee
FROM: Charles E. Simmons, *Secretary*
Subject: HB 2793

The Department of Corrections supports HB 2793.

HB 2793 repeals K.S.A. 75-5227. K.S.A. 75-5227 authorizes the secretary of corrections to rent state owned houses to employees of the department, and erect new houses from the rents received. The Department does not have any houses available for rental to department employees and does not have any plans to construct or otherwise develop such houses in the future. No homes have been rented to employees for many years and the houses which were used as rentals have either been razed or converted for other uses.

The Department urges favorable action on HB 2793.

CES/TGM/nd