

Approved: \_\_\_\_\_

Date

1/19/99

MINUTES OF THE SENATE WAYS AND MEANS.

The meeting was called to order by Chairperson Dave Kerr at 11:00 a.m. on January 14, 1999 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Alan Conroy, Legislative Research Department  
Debra Hollon, Legislative Research Department  
Rae Anne Davis, Legislative Research Department  
Norman Furse, Revisor of Statutes  
Michael Corrigan, Revisor of Statutes  
Judy Bromich, Administrative Assistant  
Ann Deitcher, Committee Secretary

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Conferees appearing before the committee: Senator Lana Oleen, Chair, Joint Committee on  
Corrections and Juvenile Justice  
Commissioner Albert Murray, Juvenile Justice Authority

Others attending: See attached list.

The meeting was called to order by the Chair who introduced Senator Lana Oleen who spoke to the Committee on the findings of the Joint Oversight Committee on Corrections and Juvenile Justice. (Attachment 1).

Senator Oleen pointed out that Beloit was the only facility in the state that deals with girls/women offenders and it is significantly crowded. She reminded the Committee that a 10-year master plan for corrections and a 5-year capitol improvement plan were approved for study by the Legislature. These plans were presented to the Oversight Committee and the conclusions and recommendations for these plans is included in the report.

Next to appear before the Committee was Albert Murray, Commissioner of the Juvenile Justice Authority, (Attachment 2), who spoke of the major initiatives for FY 99 and FY 2000 and their Fiscal Impact.

When asked the reason for the request for \$595,120 for the upgrade of youth services specialists positions, the Commissioner told of the loss of trained personnel to the Department of Corrections where they can earn higher wages. This would make the salaries more comparable to that agency's.

Commissioner Murray said that there were plans to reevaluate the conditions at the Juvenile Corrections Facility at Beloit. This facility was not included in the Governor's Budget. Also mentioned was the need for consideration of the facility at Larned. He agreed with the importance of preventive measures but his goal mainly is to get the numbers down at Larned.

It was moved by Senator Feleciano and seconded by Senator Petty that 9 RS 0306 be introduced. The motion carried on a voice vote.

The meeting was adjourned at 12:10. The next meeting is scheduled for Tuesday, January 19, 1999.

# SENATE WAYS AND MEANS COMMITTEE GUEST LIST

DATE: 1/14/99

NAME	REPRESENTING
Kate Kaler	Ks. Governmental Consulting
Debbie Axt	g.r.w
Cheryl Denton	DOR
LINDA McGUIRE	MCA
Marci Lass	Sedgwick County
Kenneth Hales	JJA
JAMES FRAZIER	JJA
Albert Murray	JJA
Bonnie Bennie	Families Together, Inc.
Tom Bruno	Allen & Assoc.
Bob Murray	Pottorff
Ronnie Ching	JJA
Jacqui Stewart	Miami County EIC
Keith Haxton	SEKA
Robin Lehman	Ks Action for Children
Tim Wood	VIA CHRISTI HEALTH System
Nicholas Rudus	Inter - Gen. Services
Roslyn James Martin	SRS - Children & Family Services
Lara Oover	

JUVENILE JUSTICE OVERSIGHT  
to the  
1999 Kansas Legislature

**CHAIRPERSON:** Senator Lana Oleen

**VICE-CHAIRPERSON:** Representative Joe Kejr

**OTHER MEMBERS:** Senators Richard Becker, Les Donovan, Greta Goodwin, Dave Kerr, Marge Petty, and Alicia Salisbury; Representatives David Adkins, Barbara W. Ballard, Jim Garner, Kathe Lloyd, Ed McKechnie, and Shari Weber

*December 1998*

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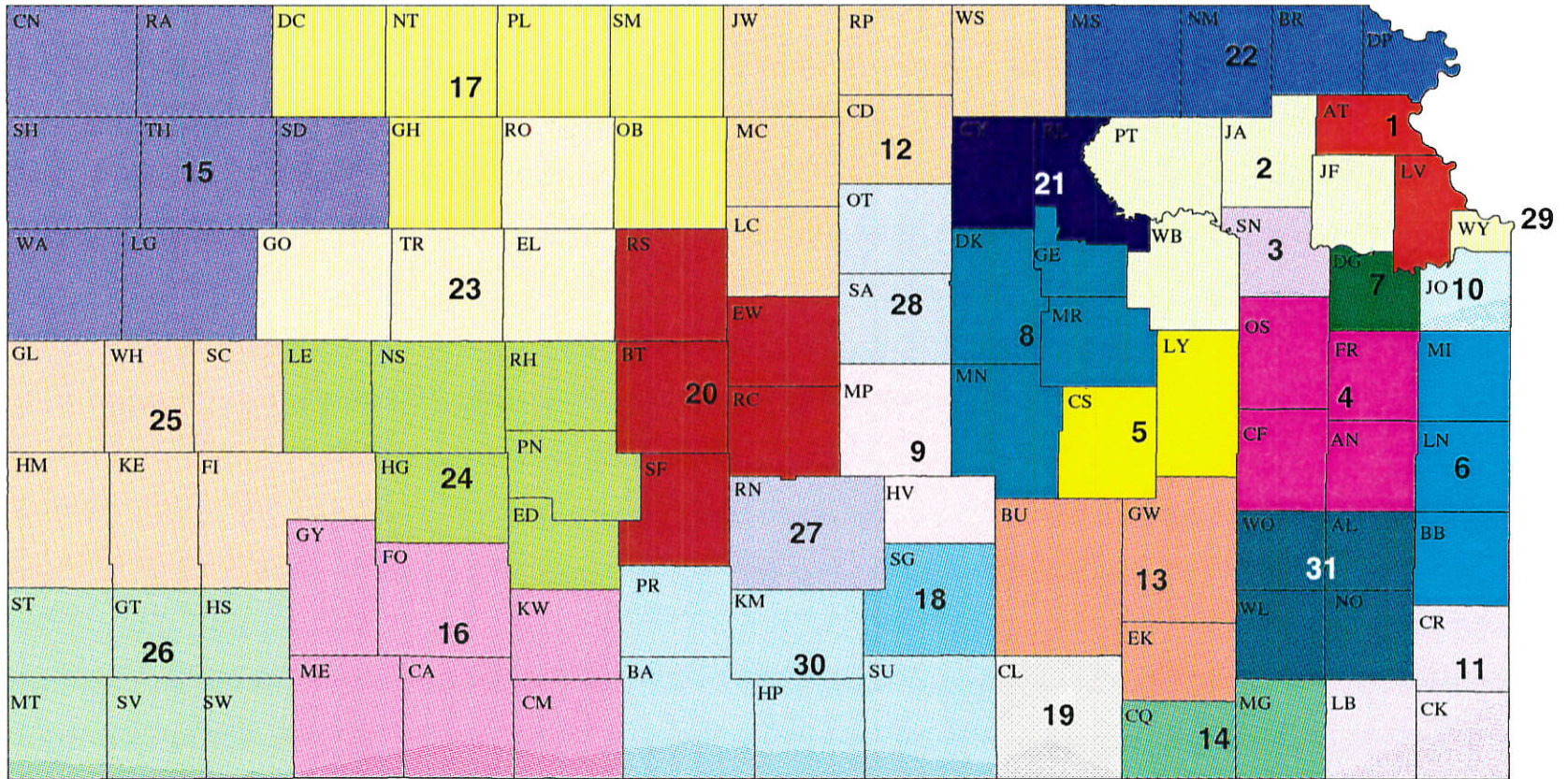
Senate Ways and Means Committee

Date 1/14

Attachment # 1-1

2-1

# Kansas Judicial Districts



# JOINT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE OVERSIGHT

## REVIEW ADULT CORRECTIONAL SYSTEM AND JUVENILE JUSTICE SYSTEM AS MANAGED BY 1997 SESSION LAW AND STATUTORY REQUIREMENTS TO REVIEW APPROPRIATIONS AND PROJECTS\*

### CONCLUSIONS AND RECOMMENDATIONS

The Joint Committee held hearings and toured across the state visiting adult and juvenile correctional facilities and services. The Joint Committee also conducted meetings with each juvenile community planning team throughout the state as they worked to establish juvenile offender community programs. The Joint Committee report includes a number of recommendations and bills affecting both adult and juvenile corrections.

### BACKGROUND

The Joint Committee reviewed designated duties in meetings and tours on May 26, June 30-July 1, July 31, August 12, 26, September 17, October 8, 13, 29-30, November 24-25, and December 3, 15. The Committee held public hearings at the following locations: Lansing, Salina, Norton and WaKeeny, Kansas City, Oswego, Pittsburg, Wichita, Winfield, in addition to Topeka. The minutes and attachments of all meetings are available in the Division of Legislative Administrative Services. In regard to the Department of Corrections and the Juvenile Justice Authority, the Committee recommendations follow.

### COMMITTEE ACTIVITIES

#### Juvenile Justice Authority

During the 1998 interim, the Joint Committee monitored a number of key issues related to the juvenile correctional field. Pursuant to the provisions of Chapter 156, the Joint Committee met monthly with the Juvenile Justice Authority (JJA) Commissioner, Albert Murray, to monitor the creation and activities of the JJA. Each month the Commissioner provided an up-to-date report on the JJA's progress.

Perhaps the most prolific issue brought before the Committee was the ongoing progress of the community planning teams. The Committee heard from all 29 community planning teams in the state. The teams presented their findings and their future plans for creating community-based juvenile offender programs. Of particular interest to the Committee was how funding will work within community planning teams. A portion of

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\* Legislation will be introduced during the 1999 Session.

last year's JJA appropriation included \$2.5 million for community initiatives which were designed to reduce demands on the juvenile correctional facilities through the creation of diversions or alternatives to the use of these facilities.

The Commissioner submitted to the Committee a report containing a funding strategy to allocate state funds to localities for community-based programs, according to Chapter 156. The report, called the *Juvenile Justice Funding Viability Plan*, recommended that a new Juvenile Justice Fund be established. The fund would consist of the sum of State General Funds for intake and assessment, case management, community initiatives, juvenile community corrections, and discretionary grants to detention centers; it would not consist of federal funds nor community planning funds. The fund would be allocated based on factors such as juvenile population, arrests, dispositions, and commitments to state correctional facilities. Funds would be allocated by district rather than by individual counties. The report also recommends that every community be allowed to develop and implement community-based programs that meet their particular needs as approved in the Juvenile Justice plan.

The Commissioner submitted a five-year capital improvement plan, approved by the Kansas Youth Authority, that sought to avoid construction or expansion of institutional capacity when alternatives are justified. The plan also included consideration of funding subsequent to the expansion of enhanced community-based capacity, as well as revenue sources for capital improvements.

The Commissioner also submitted to the Committee a ten-year master plan for funding and construction of juvenile correctional facilities. Through the master plan, the JJA evaluated systemwide facilities and reviewed privatization options. The master plan proposed that a new juvenile maximum facility be built, that the Grandview and Morning View buildings at the Beloit Juvenile Correctional Facility be rehabilitated, that a new 120-bed facility be constructed at Larned, that the Topeka Juvenile Correctional Facility be expanded to 306 medium security

beds, and that 50 new minimum security beds be added to the Atchison Juvenile Correctional Facility. The proposed cost for all projects would be \$100.3 million, amortized across a seven-year planning and construction period.

The JJA was required in Section 39 of Chapter 192, to submit for review before the Joint Committee on Computers and Telecommunications (JCCT), a plan for the establishment of an information management system. The JCCT recommended release of both federal and state general funds and the Commissioner kept the Committee apprised of acquisition of computers, networking, and development of an information management system. A hired firm, MTG from Seattle, Washington, created the system.

### Department of Corrections

During the 1998 interim, the Joint Committee monitored a number of key issues related to the adult correctional field. Included in the projects reviewed were expansion plans and programs added during the 1998 Legislative Session. The Kansas Department of Corrections (KDOC) kept the Committee apprised of the activities related to the selection of a location for the new reception and diagnostic unit. The Committee followed the activities of KDOC and the professional consultants acquired with a federal grant to assist in the site selection process. The Committee noted the KDOC final decision in November to construct new units at El Dorado Correctional Facility and move the reception and diagnostic unit operation from the Topeka Correctional Facility.

The Committee also took testimony on three projects authorized by the 1998 Legislature: (1) a 100-bed transition center (work release program); (2) a 30-bed female conservation camp; and (3) an intermediate sanction center. KDOC reported they issued a request for proposal (RFP) for all three projects. Following an initial RFP for the conservation camp, KDOC combined the boot camp and transition center bid. Eventually, after lengthy negotiations, KDOC, in December, agreed to contract with GRW, Inc., of Brentwood, Tennessee, current vendor for the male

conservation camp, to operate a female boot camp in Oswego, Kansas. Responses to the transition center RFP were also the subject of lengthy negotiations with vendors. In November, the Secretary of Corrections reported that KDOC had decided to explore the possibility of opening and running a transition center out of the West Unit of Topeka Correctional Facility, although the RFP has been left open. The intermediate sanction center request for proposal was limited to participation by community corrections organizations. Only one community corrections organization responded to the RFP and KDOC reported they are contacting the organizations to see how the RFP might be modified to make it more appealing to other community corrections programs.

The Committee toured a number of correctional facilities during the interim. On July 31, the Committee toured the Lansing Correctional Facility, in particular they examined the location of the execution chamber. The building housing the execution chamber is currently under renovation and will be ready for operations in advance of potential need for its use. The Secretary of Corrections and the Warden were in attendance with the Committee and answered questions regarding the death penalty procedures and arrangements that need to be resolved for viewing, security, etc. The Committee also toured Norton Correctional Facility and observed the ongoing construction of the new 200-bed medium custody cellhouse. The construction project was approved by the 1997 Legislature and the unit is scheduled to begin receiving inmates in March 1999. On October 29, the Committee toured the Labette Correctional Conservation Camp. The Committee toured the new construction project approved by the 1998 Legislature which will allow the camp to expand its capacity from 104 to 204. The Committee also toured the Wichita Work Release Facility on November 24. While the Committee was in Winfield on November 25, it toured a portion of the Winfield Correctional Facility and spent the majority of time meeting with representatives of DCCCA, Inc., who are the recently contracted operators of a 64-bed therapeutic community program at the facility. The Committee heard about programming, costs,

follow-up information, and various aspects related to the intensive substance abuse counseling program which had been in operation only a couple of weeks when the Committee visited.

The Committee reviewed the Kansas Sentencing Commission's (KSC) annual report on inmate population projections through FY 2007. The Executive Director of the KSC reported on August 26 that the projections demonstrated a slower than previously anticipated growth in the adult correctional facility inmate population. The Executive Director's report included discussion of the recent state court decision that restored good time credit for more than 1,000 inmates and which shortened the length of time selected inmates will remain in custody. The court's ruling overturned a KDOC policy that applied new good time credit rules to all inmates, including a group of inmates whose conviction date preceded the date of the rules change. The court ordered KDOC to restore good time credit rules for inmates whose conviction date preceded the date of the new rule. The affected inmates adjusted release dates are distributed throughout the ten-year population projection. Combined with a slower than anticipated admissions rate, the good time restoration issues' impact was to adjust downward the prison population growth rate over the next ten years. The KSC also reported to the Committee on a new projection they made for the first time which projects inmate population based on a classification level. Projecting by classification level allows KDOC to anticipate custody level bed space needs. The Committee learned from this report that minimum custody bed needs will decline by 92 while 124 medium beds and 270 maximum custody, special management, and unclassified beds will be needed.

The Committee reviewed a number of other issues during the interim. On August 26, the Community Corrections Advisory Committee (CCAC) appeared before the Committee to discuss their report to the Secretary of Corrections. The CCAC report included recommendations concerning the consolidation of field services, the need for consistency in offender assignment to available programs, and budget enhance-

ment requests to increase per unit and average daily population funding. The Committee received testimony at Lansing Correctional Facility and Norton Correctional Facility from correctional employees regarding correctional officer compensation, job satisfaction, working conditions, and related issues. The Committee heard a great deal about low entry level salaries, job hazards, retirement, and promotion issues affecting staff turnover rates. Additionally, correctional staff noted the competition from other states and local units of government in Kansas attempting to lure away correctional officers. The Committee also received testimony regarding educational programs provided in the correctional facilities by Correctional Program Management, Inc. The educational vendor reported on academic and vocational education programs, as well as the efforts to obtain some type of accreditation for the program. The vendor testified such accreditation arrangements were under negotiation, and subsequent communications reported on an agreement between Cowley County Community College and the State Department of Education. While the Committee held hearings in Wichita and Kansas City, it received testimony from the KDOC regarding placement plans for offenders on parole or postrelease supervision. The internal, individualized plans organized by KDOC were detailed, as were housing, employment, and notification issues. While in Wichita, the Committee also heard from KDOC about factors contributing to the distribution of offenders in Sedgwick County. The Committee also undertook two visits to programs run by Outside Connections, a private group, who provide services to incarcerated offenders and their families. The Committee toured the Outside Connections visitors' center at Lansing and a half way house in Salina.

The Committee also reviewed and approved for introduction a number of bills related to adult corrections. As the Committee did during the 1997 interim, a bill was introduced which allows KDOC to use funds from Kansas Correctional Industries, or to enter into agreements with private companies to provide work space and employment for inmates within correctional facilities, provided the projects are reviewed by

the Joint Committee on State Building Construction. The 1997 interim bill did not pass the Legislature, but was added to an appropriation bill as a proviso. The Committee voted to reintroduce 1997 H.B. 2826 during 1999 Legislative Session.

## CONCLUSIONS AND RECOMMENDATIONS

Throughout the interim, the Joint Committee has examined and debated a great number of policy issues in the adult and juvenile criminal justice systems with a paramount focus on public safety. The Legislature and this Committee are concerned about maintaining vigilant oversight of funds expended by the state. Fiscal responsibility in the criminal justice system, however, must also be measured by the physical removal (often at great cost), of violent adult criminals and violent juvenile offenders from our environment and placing them in correctional facilities.

As was the case during the 1997 interim, several issues warrant special comment. The study of juvenile offenders illuminated for the Committee the clear connection to early childhood issues. The Committee heard countless times the connection between early truancy, for example, and later juvenile offender behavior. Even more clear and disconcerting to the Committee is the overwhelming and crucial role alcohol and drug abuse play in both juvenile and adult criminal behavior. The current failure to address successfully alcohol and drug abuse also appears to be the central cause for high recidivism rates between both adults and juveniles. No other issue was raised more often to the Committee as a contributing factor to criminal behavior, and the Committee heard repeatedly that 60-70 percent of those incarcerated have substance abuse problems.

A tremendous number of issues remain to be addressed regarding where and how the state spends funds for substance abuse treatment. The Committee will continue to focus attention on these issues. The Governor appointed a cabinet-level Substance Abuse Prevention Council to explore substance abuse funding and several



members of the Joint Committee have been asked to continue working to address substance abuse issues during the coming year. Several Committee members have undertaken additional efforts to address substance abuse issues. During October 19-21, 1998, Senators Greta Goodwin and Rich Becker and Representative Shari Weber attended the National Corrections Conference on Enhancing Public Safety by Reducing Substance Abuse sponsored by the U.S. Department of Justice. Our state should address the distribution and uses of substance abuse treatment funding and provide some uniform measure of standards for treatment programs in an effort to address the pervasive connection between substance abuse and criminal behavior.

### Kansas Department of Corrections

- The Committee endorses the decision of KDOC to construct the new reception and diagnostic unit at El Dorado Correctional Facility. The agency's decision is in keeping with protecting public safety because the reception and diagnostic population is unknown to KDOC personnel as they enter the system and requires greater security concerns. The facility at El Dorado was designed to accommodate future needs such as the reception and diagnostic unit and the Wichita area provides significant accessibility to professional staff as needed. Cost savings for the new units constructed at El Dorado are estimated at \$4,682,000 over construction at Topeka.
- The Committee believes a work release program or transitional center for inmates nearing the end of their release date from the correctional system should be established in Wyandotte County. The Committee toured the Wichita Work Release Facility and believed a similar program in the Kansas City area would be beneficial because Wyandotte County is the home of a significant proportion of inmates on parole or postrelease supervision. The Legislature and the Secretary of Corrections should explore with the consolidated government, the possibility of

providing a work release program in Wyandotte County.

- The Committee supports the KDOC decision to establish a female correctional conservation camp. KDOC has signed a contract awarding construction funds and operating costs to a private vendor for the design, construction, and operation of the female conservation camp. At the conclusion of the nine-year lease, the camp buildings and property revert to ownership by the State of Kansas. The 1998 Legislature appropriated \$737,000, including \$281,250 from the federal Violent Offender/Truth-In-Sentencing grants for a female conservation camp. The federal funds may be used for the construction of a private facility and a portion of the operating costs of a facility operated by a private company. At this camp, federal funds will account for 47.8 percent of the total annual operating costs. KDOC selected a private contractor to use federal funds for operating costs. The Committee endorses the decision. The vendor selected is the current operator of the male correctional conservation camp and the female camp will be located approximately one-quarter of a mile from the current male camp in Labette, ensuring sight and sound separation. Additionally, the city administrator of Labette communicated to the Committee his community's endorsement of placement of the program in Labette. The community had a public hearing and no opposition came forward to the establishment of the female camp.
- The Committee received testimony from a number of "front-line" correctional officers and believes action should be taken to increase front-line staff salaries to enhance hiring and promotion opportunities and increase staff retention. The Committee endorses the KDOC FY 2000 budget request seeking \$972,440 to abolish the Correctional Officer Trainee position (salary range 15) and starting all new hires as Correctional Officer I (salary range 17).

- The Committee reviewed the current status of educational programming in the states' correctional facilities. The current provider, Correctional Program Management, Inc. (CPM), has been providing educational services since July 1997. During the 1998 Legislative Session, the Senate Ways and Means Committee questioned CPM in meeting accreditation standards. A number of issues relating to provider stability, quality of service, and personnel and compensation issues were also raised. The Committee took testimony from the CPM executive director and KDOC regarding accreditation of the program. Following the CPM executive director's testimony, the provider reported an agreement with Cowley County Community College, "acknowledged" by the Kansas State Department of Education, that the CPM programs "meet standards determined by the State Board of Education." The Committee notes no mechanism exists to fully accredit correctional facility adult and vocational education courses in the same manner as other education programs.

The Committee, however, recommends that efforts persist to ensure educational programs are operated in the best interests of the state and inmates. It is the Committee's intention to continue to oversee the provision of educational programming to ensure compliance with the negotiated quasi-accreditation agreement. The Committee recommends the terms of the educational programs be reviewed regularly and reported to the appropriate legislative committees. Additionally, Cowley County Community College should review and evaluate the contractors' programs in each correctional facility to maintain consistency of service. Terms of the CPM-Cowley County Community College agreement will be made available to the Committee.

Finally, the Committee renews the recommendation of the Senate Ways and Means Committee to ascertain employee and inmate satisfaction with the educational programs. The Committee recommends that KDOC

survey and report on CPM employees and inmates who have participated in the educational programs to determine their evaluation of the quality of the provider's program. The survey should distinguish between inmates who have successfully completed educational programs and those who have not. Results of the survey should be provided to the Joint Committee on Corrections and Juvenile Justice Oversight.

- The Committee recommends that KDOC make every effort to establish a therapeutic community program for female offenders similar to the ones which exist for males at the Lansing and Winfield correctional facilities. Women have as great a need for substance abuse treatment as men, and the state should explore all options, including available federal funds, for the female inmates with substance abuse problems.

#### Juvenile Justice Authority

- The Committee recommends that the JJA examine further the merits of sanction houses. The Committee would like the JJA to delineate the differences between sanction houses and detention facilities in terms of population, purpose, programming, and services available. The Committee reviewed sanction houses as possible counterparts to juvenile detention facilities and believes both serve important purposes. The Kansas Department of Health and Environment (KDHE) presented testimony about the definition and use of sanction houses within the state's juvenile justice system and they are, in conjunction with the JJA, reevaluating rules and regulations for sanction houses.
- The Committee endorses the decision to reopen the Grandview cottage at the Beloit Juvenile Correctional Facility and encourages the JJA to move with great speed within the year of 1999 to accommodate the increased number of juvenile female offenders. The use

of Grandview Cottage is a high priority and its opening should not be postponed.

- The Committee supports the community planning teams' process and acknowledges the power of these teams to bring people together to address juvenile justice problems. The Committee notes the cost of implementing all of the community planning teams' different programs may be more than is currently available. The Committee is committed to being advocates for these community planning teams and acknowledges that without substantial funding, recommended by the Governor and approved by the Legislature, the state will lose the efforts, support, and energy of many people who participated in the community planning team process. The juvenile justice system being created will be a cooperative relationship between local government and the state. The Committee wishes to acknowledge the magnitude of each community planning team's cooperation and support. The Committee recommends the JJA note the uniqueness of each community planning team's efforts and plans, so that other teams may learn from each other. The Committee also encourages the JJA to keep the community planning teams aware of the advancement and progress of the juvenile information management system.
- The Committee recommends the Department of Social and Rehabilitation Services and JJA review funding available to counties to address disparities between the per diem rate of the state versus what the county pays for detaining a juvenile offender. The Committee heard testimony from throughout the state that the current reimbursement discrepancies may limit availability of services.
- Among the many programs the Committee addressed during the interim, the Committee wants to acknowledge the efforts of Mary Tannahill and her staff at Focus on the Future. The Focus on the Future project is one of the best examples of caring residential aftercare for juvenile offenders. The Committee applauds their efforts.

## Minority Report

The Joint Committee report includes the following response to the majority committee recommendations:

The decision to move the functions of the reception and diagnostic unit from Topeka Correctional Facility to El Dorado Correctional Facility may not be in the best interests of public safety and efficiency for the State of Kansas. The movement of the program is cheaper in the short term because some usable space already exists at El Dorado which could be used for assessment, while a new evaluation building and more fencing would need to be erected at Topeka. Travel costs and personnel costs, given the high turnover rate at El Dorado, as well as the disruption to current employees, may not be fully appreciated. Long-term costs of moving the facility may be higher as well.

The Department of Corrections should reevaluate the plan and explore new options to gain efficiencies in other ways. For example, five of the alternatives for the RDU created by the Department of Corrections do not use the existing evaluation building. The RDU problem is the housing unit (J-Cellhouse), not the evaluation building (MBA Testing/Medical Building). Each Topeka Correctional Facility option adds \$1,670,000 for a new support building for evaluations, except for Option #1 which uses the building but adds \$3,500,000 to renovate the existing RDU for females. The Department of Corrections should provide an estimate for new housing units while continuing to use the evaluation building. Any number of other alternative options may exist for exploration. Kansas Sentencing Commission inmate projections reveal slower inmate population growth rates, and although the RDU housing unit must be replaced, hasty judgement now serves no useful purpose.

Senator Marge Petty

SUMMARY OF COMMITTEE BILLS  
SUBMITTED TO THE  
1999 LEGISLATURE

The following subjects were approved for introduction by the Joint Committee:

- Amendments to the Department of Corrections Correctional Industries Fund provide that unencumbered balances in the Fund may be used for capital improvements for or acquisition of Correctional Industries buildings and allow the Secretary of Corrections the ability to contract with private individuals for increased correctional industries provided the projects are reviewed by the Joint Committee on State Building Construction.
- A bill to expand the authority of the Secretary of Corrections to make a direct placement to conservation camps of offenders whose offenses fall within the border boxes of either the nondrug or drug sentencing grid. This authority is similar to the authority presently held by the courts in making such placements.
- Amendments to the statutes relating to execution of death sentence procedures that:
  - the responsibility for issuing all orders and warrants with the Supreme Court (rather than the Governor or the district court where the defendant was convicted), this would include situations involving convicts found to be insane, determined to be pregnant, escaped convicts, and postponement of execution due to a pending hearing;
  - the Supreme Court shall designate a week for execution (rather than a specific day) with the Secretary of Corrections designating the specific day of execution;
  - expansion of the number of witnesses to be present (six to ten), witness qualifications, the Secretary may deny attendance of certain witnesses and confidentiality of witnesses, executioners and other persons who assist with an execution;
  - repeal of anatomical gift provisions related to persons executed; and
  - the Secretary of Corrections shall select the type of substance or substances to be administered in carrying out a sentence of death with the Secretary of Health and Environment to certify that such substance or substances will result in death in a swift and humane manner (rather the current panel of experts to assist the Secretary of Corrections in such selection.
- A bill related to numerous juvenile justice issues. The bill allows a juvenile community corrections officer, in addition to the court services officer, to take a juvenile into custody when a warrant is issued or probable cause to believe a warrant was issued or juvenile has violated probation. Further, the bill draft allows the court, after consultation with the county attorney or district attorney and the intake and assessment worker, the ability to place the juvenile in a juvenile detention facility absent the statutory findings, if the juvenile detention facility would be the most appropriate placement. The Commissioner, by rules and regulations, could allow local intake and assessment programs to create a risk assessment tool, as long as the tool meets the requirements established by the Commissioner. The bill also allows the juvenile intake and assessment worker to deliver the juvenile to an emergency foster care facility or juvenile detention facility in addition to the current statutory provisions allowing the worker to deliver the juvenile to a shelter facility or a licensed attendant care center. Repeals the provisions of the juvenile justice code which provide for such code to control over a juvenile who is both a juvenile offender and a Child in Need of Care and would allow the court the flexibility necessary to deal with each child on an individual basis, thus the court would decide which code to use. The bill draft provides that the Commissioner will review each juvenile offender release from a juvenile correction facility or discharge from commitment to determine if aftercare services are needed for such juvenile offender. The bill draft clarifies that the

placement matrix is discretionary with the court, not mandatory. In establishing the appropriate sentence, the court may also evaluate the individual treatment needs of the juvenile offender. The bill draft further defines "custody" and "significant part of a school." The bill draft allows parents, guard-

ians, and juveniles to access the juvenile intake and assessment program on a voluntary basis. Finally, the bill draft extends the Joint Committee on Corrections and Juvenile Justice Oversight for four years. This includes most, but not all, provisions in this bill draft.

## APPENDIX A: STATUTORY CHARGE

The statutory duties of the Joint Committee are contained in Chapters 156, 179, and 192 of the *1997 Session Laws of Kansas*.

Section 114 of Chapter 156 of the *1997 Session Laws of Kansas* established the Joint Committee on Corrections and Juvenile Justice Oversight. The duties of the Joint Committee include:

- Monitor the inmate population and review and study the programs, activities, and plans regarding the duties of the Department of Corrections prescribed by statute, including:
  - implementation of expansion projects;
  - operation of correctional food services and other programs for inmates;
  - community corrections;
  - parole; and
  - the condition and operation of the correctional institutions and other facilities under the control and supervision of the Department of Corrections.
  
- Monitor the establishment of the Juvenile Justice Authority (JJA) and review and study the programs, activities, and plans regarding the duties of the JJA prescribed by statute, including:
  - responsibility for the care, custody, control, and rehabilitation of juvenile offenders; and
  - operation of the state juvenile correctional facilities.
  
- Review and study adult correctional programs, activities, and facilities of counties, cities, and local governmental entities, including:
  - private entities operating community correctional programs and facilities; and
  - operation of jails and other local government facilities for the incarceration of adult offenders.
  
- Review and study juvenile offender programs, activities, and facilities of counties, cities, and local governmental entities, including:
  - programs for the reduction and prevention of juvenile crime and delinquency;
  - private entities operating community juvenile programs and facilities; and
  - operation of local governmental residential and custodial facilities for the care, treatment, or training of juvenile offenders.

- Study the progress and results of the transition of power, duties, and functions from the Department of Social and Rehabilitation Services, the Office of Judicial Administration, and the Department of Corrections to the JJA.

Chapter 179, Section 4 (15) expands the duties and responsibilities of the Kansas Sentencing Commission regarding inmate population projections and specific options related to the prison population. The Joint Committee and the Governor will receive the evaluation of the population projections and recommended options to address overpopulation. The Joint Committee or the Governor may also initiate an analysis of other sentencing policy adjustments.

Chapter 156 contains three additional items for the Commissioner of the JJA to present to the Joint Committee.

- The Commissioner must create an action plan to guide implementation of community planning including schedules and desired outcomes in the development of community-based programs, placements, and services for juvenile offenders. The action plan must be submitted to the Joint Committee for review and the Commissioner shall provide regular progress reports.
- The Commissioner must submit to the Joint Committee a recommendation to provide for the financial viability of the Kansas juvenile justice system on or before December 1, 1997. Formulas for state fund allocations to community programs and rationales for the formulas must be offered. Additionally, the Commissioner must submit a five-year capital improvement plan, approved by the Kansas Youth Authority. The capital improvements plan shall avoid construction or expansion of institutional capacity when alternatives are justified and shall include consideration of funding subsequent to the expansion of enhanced community-based capacity. Revenue sources for capital improvements shall be included in the report.
- The Commissioner is required to review with the Joint Committee any contracts or memorandums of agreement with other state agencies prior to the termination of such agreements or contracts.

Section 1 of Chapter 179 requires the Joint Committee to develop and adopt a ten-year master plan to guide the development and expansion of correctional programs and facilities. The Omnibus Appropriations Bill (Chapter 192) appropriated \$80,000 from the Correctional Institutions Building Fund (CIBF) to hire experts and consultants. The Joint Committee may request the expertise of the Secretary of Corrections to assist the Joint Committee to write the master plan. The master plan shall address and develop:

- "(1) Enhanced or expanded community corrections programs, the plan shall address how such programs may slow the growth of the need for new prison beds or reduce the need for new prison beds. Review of community correction programs may include, but not be limited to, intensive supervision, short-term jail sentences, halfway houses and community-based work;
- "(2) any future expansion of state correctional facilities;

"(3) alternatives to incarceration consistent with public safety;

"(4) allowing the court to revoke a defendant's probation, assignment to community corrections or conditional release, order the offender committed to the custody of the secretary of corrections and retain jurisdiction for 120 days to modify the sentence or order for revocation;

"(5) a guide for community-based facilities;

"(6) consolidation or centralization of field services;

"(7) private expansion with specific recommendations on criteria to guide the determination of any program appropriate for privatization, to assist in determining the placement of any such facility and to guide in the selection of any private provider;

"(8) specific programs to deal with specific populations within the existing state facilities that could be served in the community to ease capacity demands on the existing state institutions and the cost basis and effectiveness of such programs;

"(9) contracts with profit or nonprofit corporations which would serve to reduce the demands on the state facilities;

"(10) projected costs of any such plans developed or recommended; and

"(11) identify any revenue source sufficient to appropriately fund any plans developed or recommended."

The Omnibus Appropriations Bill (Chapter 202) of the *1998 Session Laws of Kansas* designated the Joint Committee review of a local neighborhood impact report regarding a female conservation camp.

The Omnibus Appropriations Bill (Chapter 202, sec. 20 (b)) of the *1998 Session Laws of Kansas* declared that no expenditures can be appropriated for the purpose of juvenile accountability and incentive grants until the Joint Committee reviews a plan for distributing juvenile accountability and incentive grants.



**APPENDIX B: COMMITTEE MEETING TABLE**

**1998 Interim Committee Meetings and Agenda Topics**

<u>Meeting Date</u>	<u>Location</u>	<u>Topics</u>
May 26	Topeka	<ul style="list-style-type: none"> <li>▶ JJA Update incl. facilities masterplan</li> <li>▶ KDOC Update</li> </ul>
June 30-July1	Topeka	<ul style="list-style-type: none"> <li>▶ KDOC Update</li> <li>▶ Parole Board-release planning</li> <li>▶ JJA Facilities Master plan and update</li> <li>▶ Kelley Detention Services</li> <li>▶ JJA Case Management</li> </ul>
July 31	Lansing	<ul style="list-style-type: none"> <li>▶ KDOC Death Penalty Proposals</li> <li>▶ Death Chamber Tour</li> <li>▶ Staff Salaries</li> <li>▶ Outside Connections Visitors' Center</li> <li>▶ JJA Update incl. Community Planning Teams</li> </ul>
August 12	Topeka	<ul style="list-style-type: none"> <li>▶ KDOC Update</li> <li>▶ JJA Update, masterplan review, community planning overview</li> </ul>
August 26	Topeka	<ul style="list-style-type: none"> <li>▶ Sentencing Commission Inmate population projections</li> <li>▶ KDOC Community Corrections Advisory Group</li> <li>▶ KDOC Educational Programs</li> <li>▶ JJA Update incl. Community Planning Teams</li> <li>▶ Review Committee Bills</li> </ul>
September 17	Topeka	<ul style="list-style-type: none"> <li>▶ JJA Update incl. Community Planning Teams</li> <li>▶ Youthtrack</li> <li>▶ Juvenile Aftercare Review</li> <li>▶ JJA Management Information System</li> <li>▶ KDOC Update</li> <li>▶ Koch Crime Institute Report</li> <li>▶ Riley County Truancy Program Report</li> <li>▶ OC Spray in JDF Report</li> </ul>
October 8	Salina	<ul style="list-style-type: none"> <li>▶ JJA Community Planning Teams</li> <li>▶ Outside Connections Halfway House</li> <li>▶ Focus on the Future</li> </ul>
October 13	Norton and WaKeeney	<ul style="list-style-type: none"> <li>▶ Tour Norton Correctional Facility</li> <li>▶ KDOC Community Work</li> <li>▶ KDOC Staff Salaries</li> <li>▶ Tour Greater Western Kansas Regional Juvenile Detention Facility</li> <li>▶ JJA Community Planning Teams</li> </ul>

October 29-30

Kansas City,  
Oswego, Pittsburg

- ▶ KDOC Parole Issues
- ▶ Project SOLVE
- ▶ JJA Update incl. community planning teams
- ▶ Tour Labette Correctional Conservation Camp
- ▶ Southeast Kansas Truancy Programs

November 24-25

Wichita and  
Winfield

- ▶ KDOC Update
- ▶ Sentencing Commission Inmate Classification Projections
- ▶ KDOC Parolees in Sedgwick County
- ▶ JJA Update incl. community planning teams
- ▶ Tour Wichita Work Release
- ▶ Tour Winfield Correctional Facility
- ▶ Therapeutic Community

December 3

Topeka

- ▶ JJA Update incl. community planning teams
- ▶ Insurance Coverage
- ▶ Sanction House Regulations
- ▶ Substance Abuse Audit
- ▶ Parole Board Issue Update
- ▶ Review committee bills and report

December 14

Topeka

- ▶ Review and approve final committee report



## **Presentation to the Senate Ways and Means Committee**

**Thursday, January 14, 1999**

**Commissioner Albert Murray**

### **Major Initiatives for FY 99 and FY 2000 and their Fiscal Impact**

#### **1. COMMUNITY PLANNING**

Since October of 1997, close to 1,000 people across Kansas participated in a community planning process to identify and address the needs of juveniles at the community level, per the requirements of the Juvenile Justice Reform Act of 1996. For the past year, training events and on-going technical assistance were provided by JJA to give the 29 teams the necessary assistance and support to develop the comprehensive plans required in legislation. The Juvenile Justice Authority (JJA) sponsored 34 regional training events at which teams were given information, data and program resources that would be useful to them in their plan development.

In an effort to keep the planning initiative a high priority, a stringent timeline was developed for the planning teams to attend the training, compile and analyze data, assess local program needs and prepare the district's comprehensive strategic plan. I am pleased to announce that as of early December 1998, all 29 comprehensive strategic plans had been submitted to this agency.

JJA staff are presently in the process of conducting an analysis of each of the plans. The purpose of this thorough review is

- ❖ to ensure that all the necessary requirements of the plans have been addressed
- ❖ to compile a detailed assessment as to the communities' determination of risk factors
- ❖ to compile gaps in resources, program needs
- ❖ to develop the community's recommendations to meet those needs.

It is projected this analysis will be completed in February, 1999.

Throughout this year long planning process approximately one third of the JJA central office staff have attended numerous community planning team meetings, local public

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Attachment # 2-1

official meetings, and special events to provide information and support to the local planning process. It cannot be overstated the number of hours, the effort, the energy and the time community representatives have volunteered to complete this planning initiative. I have been so thoroughly impressed with the level of dedication and commitment I have seen across the state in all the districts among the conveners, facilitators, key leaders, local officials and planning team members in this planning endeavor. The communication and collaboration that I have first hand observed at the community level has been outstanding. They have truly stepped up to the challenge of addressing the needs of **their** youth in **their** communities.

Each plan was to address specific program components as set forth by the reform act. This include Prevention efforts, juvenile intake/assessment, local detention services, community-based graduated sanctions programs such as juvenile probation, intensive supervision, electronic monitoring, drug testing, out-of-home placements, and aftercare services.

Some of the preliminary observations of our review of the comprehensive plans are:

- Community Plans are placing a high emphasis on the need for Prevention programs.
- Intake and Assessment is being identified as having a major role in the plans.
- There is a need for case managers to have a structured decision making instrument and process to determine the appropriate types of services, structure, and supervision that would best benefit the juvenile offender.
- Reported perhaps most often and uniformly from the community planning teams was the lack of a juvenile justice information system has been a barrier in the collection of juvenile justice data. Those who work with the juvenile justice system acknowledge the critical need to continue to develop a statewide juvenile justice information system.
- In some of the urban areas the need reported is the enhancement of existing graduated sanction programs rather than developing a large number of new programs. Smaller districts identified greater gaps in program services and see the need for more programs.
- Reported in almost all plans was the need to expand local bed capacity for out-of-home placements, and in particular, the need for out-of-home placements in the western part of the state.
- Many teams reported the need for local juvenile justice system coordination at the local level, particularly among service providers, court services officers and case managers.

The fiscal impact of the plans is still being analyzed. It is important to understand that the funding identified in the plans encompasses more than state funding. Grants, other state streams of money outside of the JJA, local funding resources as well as private resources were included in the recommendations within comprehensive plans. The JJA will use a financial formula based on communities' juvenile justice histories and needs, as its mechanism to determine the percentage of state funds each community may receive for programs within the strategic plans. As set forth in the Governor's Budget, \$7,329,440 million in new money is recommended for funding of the first year's priorities within the comprehensive plan programs. Of that money, \$4 million is to be used from the Children's Health Care Fund for prevention programs.

There has been extensive work done by the community planning teams in a short period of time to fulfill their commitment to this planning initiative. They are looking with great interest at the degree to which the state will support this initiative through adequate funding of the comprehensive plans. We will be working closely with the Legislature over this session to provide the necessary information to ensure this can be accomplished.

## **2. EXPANSION OF CAPACITY AT JUVENILE CORRECTIONAL FACILITIES**

The decision to expand capacity at the juvenile correctional facilities comes after intensive consideration and study primarily based upon information from four (4) sources:

- ❖ The Juvenile Justice Reform Act,
- ❖ The Kansas Sentencing Commission population forecast for the juvenile correctional facilities anticipating the impact/effects of the new placement matrix,
- ❖ The Juvenile Correctional Facilities Ten (10) Year Master Plan
- ❖ Current juvenile justice best practices information.

The plan to build a 225- bed maximum security and diagnostic and classification center is an important step toward the agency's commitment to providing a cohesive, comprehensive juvenile correctional system that realizes the objectives set forth in the Reform Act. It is also in acknowledgement and response to the accelerating incidences of serious and violent crime being perpetrated by a younger segment of the general population.

The recommendations are predicated on our mission that includes the balanced and restorative justice model with a primary goal to:

- ❖ Promote public safety
- ❖ Hold juvenile offenders accountable
- ❖ Improve the ability of juvenile offenders to live more productively and responsibly in the community.

The mission is accomplished by:

- ❖ Protecting the safety of the public, staff, and offenders
- ❖ Making offenders understand the predictable connection between behavior and consequences and that they can control what happens to them by controlling their behavior
- ❖ Realistic treatment and programming and
- ❖ Constructive training aimed at reintegration of offenders into society.

One of the tasks inherent to the development of the state's overall juvenile justice strategic plan was a re-evaluation of the role(s) that the existing facilities should play in consideration of the revised system mission and the implementation of the new placement matrix. Last year I reported to this committee on the status of our ten- (10) year statewide juvenile correctional facilities master plan. The master plan, completed in 1998, charted a path of facility development designed to best serve the goals and objectives of the Juvenile Justice Reform Act.

The master plan took into consideration an analysis of juvenile offender population projections and the mandatory lengths of stay articulated in the new Legislatively mandated placement matrix for juvenile offenders which will become law on July 1, 1999. It also analyzed the best use of the existing correctional facilities.

The master plan concluded the following:

- ❖ There will be a long-term increase in the demand for juvenile correctional facility (JCF) bed space.
- ❖ The bed space will need to be constructed to house increasingly volatile and dangerous youth.
- ❖ The primary mission of the JCF's must provide for public safety by providing commitment capacity for the most serious, violent and chronic offenders.
- ❖ The system should be designed to house medium to maximum-security classification juvenile offenders.
- ❖ Re- constitute the existing facilities within a system of dedicated, classification-based facilities.

There are two basic reasons for proceeding with the project outlined in the Governor's budget:

1. There is a compelling need for an operational efficient maximum-security facility that does not currently exist.
2. The Reform act appropriately mandates the development of a diagnostic and classification center that does not currently exist.

With funding for FY2000, the JJA intends to proceed with architectural planning for a 225-bed combined maximum security/diagnostic classification facility.

The facility will play an integral role in the evolution of the JJA mission by addressing four JJA system-wide needs.

1. It will provide a single, centralized processing center for all offenders
2. Will establish a dedicated maximum-security juvenile correctional facility.
3. It will provide for acute medical services.
4. It will establish a program and living facility for pregnant female offenders during the third trimester.
5. It will allow the adoption of a classification based juvenile correctional facility system, in which offenders will be placed incarcerated in the facility most appropriate for them, based on their need for structure and security. The previous system placed juveniles in the three facilities for males primarily according to their age levels.

The facility's 225 beds will be divided among three housing components.

- ❖ 60-bed diagnostic/classification center
- ❖ 150-bed maximum-security facility and,
- ❖ 15-bed infirmary. (Up to 5 beds in the infirmary may be used to house pregnant female offenders on an as-needed basis.)

The overall design blends the consolidated complex and the campus-style concept.

It is designed to be cost effective:

- ❖ Designed with podular housing units
- ❖ Two-level mezzanine configuration
- ❖ Secured outdoor recreation
- ❖ Staff control stations designed for optimum sight supervision lines including the outdoor recreation area.

The projected cost for the facility:

Total project costs--\$38,296,085

Total operational costs--\$9,965,044

Annual costs:

FY2000: \$2,185,297 for planning

FY2001: \$19,913,515 for construction

FY2002: \$16,197,274 for construction

The Governor's budget recommendation for FY2000 is \$2.185,297 million from the State Institutions Building Fund for the cost involved with architectural planning. The Governor has also recommended setting aside \$6 million from the State Institutions Building Fund for the JJA to use on constructing the facility, which would begin in FY2001.

During our presentation to the Joint Building Committee last year, the Juvenile Justice Authority was asked to provide reasons why it costs more to construct juvenile facilities than adult correctional facilities. To understand the difference, one must look at the basic differences between the juvenile justice system and the adult corrections system.

The fundamental approach associated with the treatment and confinement of juveniles that are placed in secure juvenile correctional environments is significantly different from that of adult correctional programs. The rationale associated with the juvenile correctional system presumes that youthful offenders differ from adult offenders in decision-making capability and thus, through different correctional/treatment programs, they should be given an opportunity for rehabilitation. This is in contrast to the more punitive and custodial model associated with adult correctional programs because the major focus for juveniles is on specialized treatment programs necessary for juveniles to develop social and other life skills. Additionally, the decision-making capability (or lack thereof), unpredictable impulsiveness and other adolescent characteristics present unique confinement and security issues.

In the design of any juvenile correctional facility, the core operational and design concepts developed by the nationally-recognized American Correctional Association (ACA) Standards center on providing facilities that are much smaller in bed capacity and housing unit size than would be considered for an adult institution. The recommended capacity for a juvenile correctional facility is a bed count not exceeding 150 juveniles with living units designed for 25 juveniles or less depending on the classification of juveniles housed.

In contrast, adult facilities allow for large facilities with management units of 500 inmates and living units of up to 80 inmates.

The smaller size of juvenile facilities is intended to provide a more treatment oriented environment that will provide a safe and calming atmosphere encouraging communication between staff and juveniles. Regular interaction between staff and juveniles is encouraged in a juvenile facility, whereas such communication is not promoted between staff and inmates in an adult facility. The atmosphere of the housing units and program spaces must be carefully designed with the appropriate level of architectural detailing to provide a treatment milieu that encourages safe interaction between the staff and juveniles necessary for rehabilitation to take place.

It is important to recognize that ACA standards represent "best practices" in the corrections industry, but are not state or building code requirements. However, it should also be recognized that these standards do reflect nationally-accepted design and management philosophies current in juvenile correctional facilities.

The difference in construction cost associated with juvenile correctional facilities from that of the adult facilities focuses on three factors:



1. Higher costs associated with the smaller scale of the facility, size of the living units, and classification of the juvenile offenders.
2. Building space for the greater number of specialized programs needed in an effective juvenile program. This includes full educational and/or vocational programs needed to comply with State requirements or to provide specialized training for juveniles who have completed their high school education.
3. Architectural character of the facility and the living units' decor create a treatment oriented atmosphere within the secure environment that is necessary for juvenile rehabilitation. Although there is a cost premium associated with this factor, the majority of the cost differences between the adult and juvenile facilities rest with the above two factors.

Contemporary juvenile correctional facilities vary in their project construction cost and can range from a low of \$100,000 per bed to a high of \$250,000 per bed based on the classification and treatment programs. The project construction cost estimate for the proposed 225-bed facility is \$170,000 per bed.

### **3. RE-CLASSIFICATION OF YOUTH SERVICES SPECIALIST POSITIONS**

The Governor has recommended that \$595,120 be used to upgrade the youth services specialist positions within the four juvenile correctional facilities. This upgrade would affect 376 Direct care staff (64% of JJA employees) at the following locations:

- ❖ 77 – Atchison
- ❖ 49 – Beloit
- ❖ 86 – Larned
- ❖ 164 - Topeka

The rationale behind this recommendation is that with Juvenile Justice Reform, the requirements of the job performed by the youth service specialists include more complex and different job responsibilities and reflects the shift at the facilities from a social welfare model to a correctional model, in which juveniles are expected to be held more responsible for making changes in their lives that will benefit themselves and the rest of society. Staff will have greater responsibility with regard to maintaining security at the institutions and as the population trend continues within our facilities, will be required to deal with juveniles with complex needs.

The JJA is recommending two classification series:

1. juvenile correctional specialist positions that emphasize case management
2. juvenile correctional officer

The pay plan for these two positions is in the final stages of implementation design by the Department of Personnel Services, a division of Dept. of Administration. It is our belief that the position upgrades will help reduce turnover and retain good staff within the facilities, as well as help the agency attract well-qualified new staff as positions open. It would make the staff positions more comparable to positions at Dept. of Corrections as they exist in the adult system's current pay structure.

#### **4. JUVENILE CORRECTIONAL FACILITY OVERCROWDING**

The Governor has recommended that \$748,313 be used over FY99 and FY2000 to provide for a 57-bed expansion at the Topeka Juvenile Correctional Facility (Topeka JCF.) To this end, an additional four FTE staff positions are recommended in the budget. Plans are underway to add additional beds to two units at Topeka JCF, in an effort to reduce overcrowding that has been prevalent over the past three years at the three facilities for male juvenile offenders. The additional bed space would bring capacity at Topeka JCF to 276.