

MINUTES OF THE HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE.

The meeting was called to order by Chairperson Ward Loyd at 1:30 p.m. on January 28, 2003 in Room 526-S of the Capitol.

All members were present except:

Ranking Minority Member Jim Ward - excused
Representative Dale Swenson - excused

Committee staff present:

Jill Wolters - Office of Revisor
Mitch Rice - Office of Revisor
Jerry Ann Donaldson - Legislative Research Department
Bev Renner - Committee Secretary

Conferees appearing before the committee:

Marilyn Scafe-Chairperson, Kansas Parole Board
Denise Everhart-Acting Commissioner, Juvenile Justice Authority
Dick Kline-Deputy Commissioner-Contracts and Community Programs, JJA
Jim Frazier-Deputy Commissioner-Operations, JJA

Marilyn Scafe, Chairperson of the Kansas Parole Board was welcomed to begin her briefing on the role and functions of the board, past and present (Attachment 1). She introduced Carl Cushinberry, Member of the Kansas Parole Board to the committee. Under indeterminate sentencing (the old law), the function of the parole board is to determine when an incarcerated inmate will be released. With sentencing guidelines (the new Law), the board establishes conditions of supervision for inmates released on post release supervision and revokes those individuals who have violated their conditions of release. The board is responsible for release decisions and quality parole plans; and, views projects for improvement of the system as a necessary component of a professional board (Attachment 2).

Denise Everhart, Acting Commissioner of Juvenile Justice Authority appeared with Deputy Commissioners: James Frazier, Operations; Robert Hedberg, Research and Prevention and Richard Kline, Contracts and Community Programs. Commissioner Everhart provided a basic history and overview of the organization (Attachment 3). Juvenile Justice Authority was newly created in 1997 by the Kansas Juvenile Justice Reform Act; specifically, **HB 2900** (1995 legislative session) and **House Substitute for SB 69** (1996 legislative session). Since that time the organization has led a broad-based state and local partnership to develop, implement and strengthen the state's comprehensive juvenile justice system. This development includes community needs research and effective prevention and intervention programs. Previously, responsibility for juvenile offenders was under the supervision of the Department of Social and Rehabilitation Services. In the interest of protecting public safety, the Juvenile Justice Authority operates four juvenile correctional facilities at Atchison, Beloit, Larned and Topeka; and three core programs, Juvenile Intake and Assessment, Juvenile Intensive Supervision Probation and Community Case Management. Sentencing guidelines for juvenile offenders are exhibited in a placement matrix that is used by judges to determine the length of incarceration and aftercare periods based on offender types and offense levels.

The meeting was adjourned at 3:14 p.m. The next scheduled meeting is January 29, 2003.

HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE GUEST LIST

DATE Jan 28, 2003

NAME	REPRESENTING
Denise Everhart	Juv Justice Auth.
Jim FRAZIER	JJA
Cindy D'Ercole	Kansas Action for Children
Bob Hedberg	JJA
Bruce Lindo	Children's Alliance
Melissa L. Ness	Family Preservation Collaborative
Roberta Sue McKeena	SPS
DANE M. COOK	LEADERSHIP EMPORIA (Emporia
Richard Neville	RESCUE MISSION)
Tammy Giles	
Robert Neville	Judy Morrison's (page)
Mark Gleason	Judicial Branch
Richard Kline	Juv. Justice Authority
Sherry Watkins	Leadership Emporia
Michael E. White	KC DAA
Keith Bradshaw	Budget
J.P. Appen	Division of the Budget
Robert Choromanski	KTLA

n Scafe
Chairperson

Larry D. Woodward
Vice Chairperson

Carl Cushmanberry
Member

Ben Burgess
Member



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LONDON STATE OFFICE BUILDING
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Colene Seidel
Administrator

MEMORANDUM

**TO: Representative Ward Loyd, Chair
House Committee on Corrections and Juvenile Justice**

**FROM: Marilyn Scafe, Chair MS
Kansas Parole Board**

RE: Overview of the Kansas Parole Board

DATE: January 28, 2003

As requested by the committee, this report will address the role and functions of the Kansas Parole Board. As a reference, the Annual Report for FY02 is attached. In the Annual Report is a basic overview of the board's assigned tasks and descriptions of the procedures that are followed for completion of the duties. Historical information about the board is included, as well as a brief biography of current members. Statistical information about the workload is tracked from FY99 through projections for FY03.

By current statutory requirements, there are four full time members who are appointed by the Governor and confirmed by the Senate. The terms are for four years, however, every member does not necessarily serve exactly forty-eight months due to open positions or appointments falling after the expiration date. Members serve until replaced. According to the Governor's office, the appointment dates for the current positions expire as follows:

<u>Member</u>	<u>Term date</u>	<u>Expiration date</u>
Marilyn Scafe	January 16, 2002	January 15, 2006
Larry Woodward	January 16, 2000	January 15, 2004
Carl Cushmanberry	January 16, 1999	January 15, 2003
Ben Burgess	January 16, 1999	January 15, 2003

Ben Burgess, who was the newest member, was elected to the bench this fall. He resigned effective January 10, 2003 and was sworn in as District Court Judge in Sedgwick County. His position will remain open in order to meet the reduced allocation for the FY03 budget. The amount taken from salaries and wages indicated that the position could be

filled May 5, 2003. The Governor's budget for FY04 recommends reducing the board by one member. The reduction in salaries and wages reflects an amount for approximately six months, indicating that the position, which expires January of 04, would be eliminated. Permanently reducing the size of the board requires a statutory change, which includes changing the voting requirements.

A major shift in the responsibilities of the Kansas Parole Board occurred when sentencing laws were changed in 1993. While the board continues to make release decisions for inmates still under the indeterminate law, the majority of the inmates in the system are now serving determinate sentences under the new law. Our role in both old and new law cases is to set conditions of release and to make revocation decisions for violators. The board's workload numbers for these responsibilities from FY99 through projections for FY03 are explained in the Annual Report under Statistical Information. This information is tracked each year for the governor and legislature. These numbers are useful in analyzing the work of the board, however, they do need further explanation. Most of the parole board's activities fall into the eight categories listed below. An explanation of each activity and the numbers associated with each follow the list:

1. Public Comments
2. Parole hearings
3. Full board reviews
4. Offender placement
5. Violation hearings
6. File reviews
7. Travel
8. Special projects and training

Public Comments

These sessions are open meetings giving the public access to the board for input into our decisions. Comments are both written and oral. The Department of Corrections Victim Services has a representative at each session to assist victims with their comments. The board increased the number of monthly public comments from three to five during FY02, in order to add a session in southeastern Kansas and Garden City. These sessions were in addition to the regularly scheduled sessions in Kansas City, Wichita, and Topeka. Due to budget considerations, the two additional sessions have been discontinued. Because of the number of serious cases coming before the board, the time spent in the sessions in the three urban locations remains consistent. There are fewer cases, but they are more intense and complicated. This will often result in lengthy appeals for or against release.

Parole Hearings:

The board conducts monthly face to face hearings for all old law inmates who are eligible for parole according to their original sentences. The goal is to determine the inmates' suitability for parole. Most of the inmates in the system still under the old law are those serving longer sentences because of more severe offenses. Those are the inmates now up for parole consideration. While the board is participating in fewer parole hearings, the cases are more severe and sometimes higher profile, requiring closer scrutiny by the board.

Full Board Reviews

With more severe cases coming before the board, it has become more critical for the board to evaluate each case carefully. The safety of the community is our top priority. Therefore, reviews of these cases are conducted with all members present to determine if the offenders are suitable for either favorable parole consideration or extended passes.

Full board reviews are scheduled twice a month to review inmates who have life sentences or present other challenging circumstances. The board examines all material related to the offense and the offender. Possible parole or pass decisions are deliberated. After the board reviews the entire case, all members vote. The board sometimes votes to continue the decision in order to obtain further information or evaluations before making a final decision.

In FY01, the board considered and voted on an average of 12.8 full board reviews each month, for a total of 154 full board reviews for the year. In FY02, the board completed 229 full board reviews, which were 19 per month. For the first half of FY03, 72 reviews were held, or 12 per month.

Offender Placement

Once the board has granted an inmate parole, the board works with the field offices and the Director of Release Planning from DOC to help ensure successful and safe re-entry of the offender into the community. Determining the exact placement of the offender in the community often means extra planning and leg work. Significant progress has been made in the last year to develop a system, which will greatly improve this step. This work has involved the entire system from RDU forward. There are several programs being implemented or designed involving the Board. We have stayed informed and participate as needed for changes that Programs and Facilities are making for upgraded assessment and evaluations. Under the direction of Robert Sanders, Deputy of Field Services and Margie Phelps, Director of Release Planning, placing offenders back into our communities will have new organization and supervision techniques. Changes in risk and need assessment and case management will directly impact the information the board uses for making decisions about offenders. We are directly involved in the programs in Shawnee, Sedgwick and Johnson counties.

Violator Hearings

When an offender violates the conditions of release, the officer may decide to return the offender to DOC in order to be seen by the board for a violation hearing. After considering the circumstances of the violation and the risk and needs of the offender, the board will decide if revocation is appropriate. This procedure is conducted according to due process covered in our rules and regulations. Legislation enacted in 2000 allows parole violators the opportunity to waive their final board hearing under specified conditions.

The board is again working in collaboration with the DOC regarding violators. Kansas was one of four states to be awarded a Technical Assistance grant from the National Institute of Corrections (NIC) to assist the board and the department in a study of how to

impact the number of violators. Better release planning, knowing offenders risks and needs and addressing case management to those areas indicating special attention will hopefully impact this group of offenders. It is important to note that the board's numbers are tracking our hearings, which include violators with new sentences. DOC numbers will be different for violators, since they are tracking admissions and do not include violators with new sentences in their condition violator count.

File Reviews

During file reviews, board members set conditions for first-time determinate sentence releases and post-release supervision. During FY02, the board set conditions for approximately 4600 cases or 308 cases each month.

Inmates that were convicted of level III crimes on the determinate sentence grid are now reaching release dates and are being reviewed for supervision plans. These are serious person crimes. It is important that these offenders are returned to the community with the best possible plan for success. As mentioned earlier, the procedures for offender re-entry under the new law are just now being designed and implemented. While the final procedures are not yet in place, the board continues to be involved with the Department of Corrections' institutional and field staff and the community at large to research and develop this very important re-entry process. The anticipated result will be a process that will allow the board to review cases well in advance of release. At that point, the board can work with DOC staff to identify and fully assess those cases needing extra planning and resources.

The remaining number of file reviews includes 131 reviews for decisions regarding early discharges from supervision and 18 clemency recommendations. There were an additional 2200 cases, which the staff processed for offenders who reached their maximum discharge dates. Not shown in this figure are a fairly large number of file reviews done by members in order to work with inquiries from the public, officials and victims. Further explanation of file reviews is explained on the attachment in the footnotes.

Travel

Travel has been a significant factor affecting the workload of the board. In 1997, the board began using video conferencing, and the board conducted many of its hearings using DOC video equipment. Because of the travel time saved, the board downsized by one member. However, in 1999, the use of the video lines doubled in price, and the DOC disconnected the equipment. The board is again traveling once a month to each of nine facilities to conduct hearings, as well as driving to public comment sessions. Travel time is approximately 40 hours a month for each board member.

Special Projects and Training

There is significant time invested by the Board on special projects and for training. As chair of the board, I attend Parole Management Team and sex offender management meetings with the DOC. I have been actively involved with the DOC in the re-entry planning and the grant for reducing condition violators. In an effort to help the system

more effectively manage offenders statewide, I volunteered to chair the Sentencing Commission subcommittee which is researching the risk and needs assessment process currently being implemented by DOC as it applies to the probation process. A pilot project is being conducted in Johnson County. In this program, there is cooperation between the court, court services, community corrections and DOC to assess offenders and assign them to resources in an efficient and safe manner. Through technical assistance grants, NIC funded a consultant to work with the commission and the subcommittee. I am also serving as the president of the Kansas Council for the new Interstate Adult Offender Supervision Compact.

Additionally, the board participated in a grant to the DOC from the Center for Sex Offender Management. The board has been involved from the beginning with the formation of day report centers and participated in the RFP bidding and selection process. We were part of the original planning team for the new Victim Advisory Council (VAC) and have ongoing participation as a member of the VAC. We participated in the first Wichita Assembly, which is a collaboration of DOC and other stakeholders in the Wichita community to develop a plan for re-entry of Sedgwick County offenders. Additional hours were also devoted during the past year to revise our rules and regulations, which became final in November of 2002.

With the intent that all board members know and understand the best practices in the field of managing offenders in the community, members attended conferences in the past year for training regarding re-entry, sex offender management and assessment, psychopath assessment, victim awareness, and substance abuse. We also met with treatment providers and kept current with the development of the day report centers and community resource beds.

We are involved in the activities related to our professional association, Association of Paroling Authorities, International (APAI); since this is the source of much of the training and information we receive. I am serving as vice president of the association. We also contribute to regional training with boards from neighboring states and participate in planning and conducting the training at the annual conference.

To stay in touch with local communities and their concerns, each board member also spends time talking with civic groups and being involved on boards of related programs, such as prevention or treatment organizations.

Conclusion

Time directed to the above projects and duties is important, since the board is responsible for overseeing the successful return of offenders into our communities. These activities contribute to the professionalism and competency of the board. The board continues to strive for responsible release decisions and quality parole plans, and views the ongoing projects for improvement of the system as a very necessary component of a professional board. The board does not operate in a vacuum and should be an active link and participant in the system.



KANSAS PAROLE BOARD ANNUAL REPORT FISCAL YEAR 2002

Purpose of the Annual Report

This Annual Report is published by the Kansas Parole Board in accordance with K.S.A. 22-3710 and is designed to provide both general and specific information to the Governor, the State Legislature, the Judiciary, other criminal justice agencies and the public.

About the Kansas Parole Board

The Kansas Parole Board plays a very significant role in the two sentencing systems that presently govern those confined by the Kansas Department of Corrections. Under the indeterminate release structure, the Parole Board determines when an incarcerated inmate will be released. Furthermore, the Board establishes supervision conditions of parole and conditional release; discharges successful parole and conditional releasees from supervision per the recommendation of the Parole Officer; and revokes the release of those who have violated the conditions of their supervision.

On July 1, 1993, the legislature enacted the sentencing guidelines system. In this process, the Parole Board was given the added responsibility of establishing conditions of supervision for inmates released on post release supervision. The Board is also responsible for revoking those individuals who have violated their conditions of release.

Under both systems, the Parole Board has the responsibility to review Executive Clemency applications and make recommendations to the Governor regarding the clemency.

The Parole Board strives to cooperate fully with all criminal justice agencies for the continuing advancement of criminal justice and public safety in the State of Kansas. The Board also strives to be accessible to victims of crimes and other concerned citizens, and to be receptive to their input.

Historical Overview of Kansas Parole

The system of early release of inmates, which we know today as "parole," can be traced to as early as 1864. At that time the Governor, vested with constitutional authority, enjoyed the power to commute or reduce an inmate's sentence when deemed appropriate and advisable. To offer assistance to the Governor, the 1885 Legislature created a Board of Pardons, whose function was to review commutation or pardon applications and report their recommendations to the Governor. This was a three-person Board, which met four times per year at the State Capitol. Each member received \$5.00 per day for compensation.

In 1901, the Legislature again addressed the area of early release of inmates and empowered the Governor to set certain inmates free under circumstances and conditions quite similar to today's parole. In fact, this legislation was the first to ever use the word "parole." The Governor was required to make certain findings before authorizing an inmate's release under this system. He had to be convinced that the inmate had served an adequate amount of time to be reformed. The Governor also had to find that the inmate could be released without endangering the community and that the inmate could find suitable employment upon release.

As with today's parole, conditions were attached to this privileged release. The inmate was required to report regularly to the Warden; refrain from using intoxicating liquors and gambling; refrain from frequenting places where intoxicating liquor was sold or where gambling occurred; and refrain from associating with criminals and unworthy associates. An inmate could be incarcerated for violating these conditions and might not again be released until the expiration of his sentence - a much stricter requirement than today.

It was not until 1903 that a release procedure was adopted that was independent of the Governor's power. The Legislature created a Prison Board comprised of the Board of Directors and the Warden of the Penitentiary. The Board could parole inmates who had served their minimum sentences and had secured residence and employment. Conditions were attached to those releases and revocation was available when conditions were violated.

Over 50 years passed without substantive modifications in the Prison Board or its power. In 1957, however, the Prison Board was abolished and the Board of Probation and Parole was created. This Board had five part-time members who were appointed by the Governor and confirmed by the Senate. No more than three could share the same political affiliation and the membership had to include an attorney, a minister, a businessman and a farmer, with the fifth member being chosen at-large.

The Board size was decreased in 1961 to three members, who received an annual salary as opposed to the previous per diem allowance. As before, the appointments were made by the Governor and approved by the Senate. The authority to grant or deny parole, and the powers attendant therewith, were vested exclusively in this Board while the Governor retained control over pardons and commutations. After a century of development and growth, the parole system finally emerged. It was allowed to separate from the Governor's authority and was acknowledged as an independent entity.

The Board of Probation and Parole had the responsibility not only to decide whom to parole, but also to supervise those placed on parole and those whom sentencing judges had placed on probation. That supervising task remained with the Board until 1974. At that time the Board of Probation and Parole was abolished and replaced by the Kansas Adult Authority. This Board had five members, with no more than three permitted to be from the same political party. One member was required to be an attorney, and two of the others from the fields of medicine, psychiatry, sociology, or psychology. With the removal of parole and probation supervision from its jurisdictions, the Board focused on parole decisions, policies, and procedures; revocation of parole violators; discharge of parolees from supervision; and review of pardon and clemency applications.

Formation of the Kansas Parole Board

In 1979 the five-member Board became full-time employees of the State of Kansas. In 1983 the Governor reduced the Board to three members and this change was ratified by the 1984 Legislature. Also in 1984 the name was changed from the Kansas Adult Authority to the Kansas Parole Board effective January 1, 1986. The 1988 Legislature once again increased the Board to five members.

During the 1997 Legislative session, a law was passed which reduced the membership of the Board to four full-time members. This reduction became effective in June 1997.

Composition of the Kansas Parole Board

During FY 2001, the Kansas Parole Board consisted of four full-time members. Members are appointed by the Governor, with the advice and consent of the Senate and no more than two members may belong to the same political party. Members serve staggered four-year terms and represent diverse backgrounds, professional training, and experience. The Kansas Parole Board Members who served at any time during fiscal year 2002 are listed below:

Biographical Sketches of the Kansas Parole Board FY 2002 Membership

Marilyn Scafe, Chairperson, was appointed to the Kansas Parole Board on February 20, 1995. She graduated from Kansas State University with a degree in Education and taught English on the secondary level. She has been a probation and parole officer with the state of Missouri and remained active as a volunteer and past president of the Missouri Probation and Parole Citizens' Advisory Board. She co-founded and then became director of the offender program, Metropolitan Community Service Program that is now a program under the Kansas City Crime Commission. Ms. Scafe is vice-president of the board of the National Council on Alcohol & Drug Dependency for metropolitan Kansas City and is secretary of the Board for Kansas Family Partnerships. She has 13 years of sales experience and is a director of the First National Bank of Kansas. Ms. Scafe is a member of the American Correctional Association and the Kansas Correctional Association. She has served as Regional Vice-President and President of the National Council of Chairs of the Association of Paroling Authorities International, and is currently the vice-president of this professional organization.

Larry Woodward, Vice Chairperson, was appointed to the Kansas Parole Board on August 12, 1996. He has served over 26 years in the field of mental health and substance abuse treatment. He has been employed as the Director of Social Work at Stormont Vail Regional Medical Center for nearly 15 years and was regional Vice-President of Psychiatric Centers of America for nearly 5 years. He has also been employed as the Clinical Director for the substance abuse program at Fort Riley. Additionally, Mr. Woodward has worked as a clinical social worker, and more recently as a marketing representative for the Menninger Clinic of Topeka with nearly 10 years of service at Menninger's. He has earned a Bachelor's Degree in Social Work from Washburn University and a Master's degree in Social Work from the University of Kansas. Mr. Woodward has also served 4 years as a Shawnee County Commissioner and has served on numerous boards and committees in the Shawnee County community. He has previous experience in the criminal justice field holding positions at the Shawnee County Juvenile Court as a Juvenile Probation Officer, the Shawnee County Detention Center and at the Boys Industrial School in Topeka. Mr. Woodward is a life-long resident of Topeka, Kansas. He was named Vice-Chairperson in May 2000.

Carl Cushinberry, Member, was appointed to the Kansas Parole Board July 1, 1999. He has served over 19 years in the criminal justice field and has worked as a reserve police officer with the Hutchinson (KS) Police Department prior to beginning his career with the Kansas Department of Corrections as a Correctional Officer at the Hutchinson Correctional Facility in 1981. While at HCF, Mr. Cushinberry served in various capacities such as Correctional Officer, Correctional Counselor, Correctional Counselor II, Accreditation Manager, Unit Team Manager, and ultimately was promoted to the position of Administrative Assistant to the Warden and Public Information Officer in 1991, where he continued in this capacity until his appointment to the Kansas Parole Board. He is a member of the Kansas and American Correctional Association, and is a certified auditor with the A.C.A. Mr. Cushinberry is very active in community organizations and was a founding member and first Board president of the Hutchinson Boys and Girls Club. He has served on the American Red Cross, United Way, Reno Co. Crime Stoppers, Reno Co. Sexual Assault and Domestic Violence Center, and the Reno Co. Community Corrections Board of Directors. Since moving to Topeka, Mr. Cushinberry has joined the Board of Directors of the Topeka Boys and Girls Club, and continues to serve as a Board member for the Hutchinson Club. Mr. Cushinberry holds an A.A. degree from Hutchinson Community College, and is attending Baker University pursuing a Bachelor of Arts in Business Administration.

Benjamin L. Burgess, Member, was appointed to the Kansas Parole Board on May 25, 2000. Prior to his appointment, Mr. Burgess was employed as a litigation attorney at KOCH Industries and as the company's Director of Ethics and Business Conduct. From 1973 to 1978 and again from 1984 to 1990, he held the position of United States Attorney for Kansas after being appointed by President Ronald Reagan. Mr. Burgess holds a BA from Kansas Wesleyan University, Salina, and received his JD from Washburn University School of Law, Topeka.

The Parole Process

Public Comment Sessions

During FY 2002, the Kansas Parole Board conducted monthly Public Comment Sessions in the cities of Wichita, Topeka, and Kansas City, Garden City, and Pittsburg. The sessions provide an opportunity for Board members to receive written and oral input from victims, victims' families, inmates' families, community members, and other interested persons regarding the possible parole of inmates. Notice of the Public Comment Sessions and a list of relevant inmates are mailed by the Board to newspapers for publication as a public service, and to District Attorney/Victim Witness Coordinators and related correctional agencies across the State. In addition to this method of notice, Department of Corrections' staff cooperates with the Board by notifying victims of personal injury crimes of these sessions. (K.A.R. 45-6-1 Aa(3)).

Parole Eligibility

Inmates under the indeterminate sentencing structure become parole eligible after serving the minimum sentence, less good time credits. The good time credits are calculated according to statute. Currently, good time is earned at a rate of 1 day for every day served for sentences with a minimum of 2 years; in other words, an individual will become eligible at half of his/her minimum sentence if all good time is earned. For sentences with a 1-year minimum, parole eligibility is reached after serving 9 months.

The Parole Hearing

By statute, the Board must conduct a parole hearing during the month prior to the inmate's parole eligibility date with the inmate present if he/she is incarcerated in Kansas. This appearance does not necessarily mean that the inmate will be released on parole. Parole eligibility is viewed by the Board as distinctly different from parole suitability.

During the parole hearing the inmate is given an opportunity to:

- ◆ Present to the Board the inmate's version of the offense and any mitigating or precipitating factors;
- ◆ Discuss the inmate's prior criminal history;
- ◆ Discuss the progress the inmate has made and the programs that have been completed, including those that are a part of the inmate's Program Agreement;

- ◆ Discuss the precipitating or mitigating factors of any Disciplinary Reports the inmate has received while incarcerated;
- ◆ Discuss the inmate's problems and needs;
- ◆ Present and discuss a parole plan;
- ◆ Discuss other matters that are pertinent to consideration of parole release;
- ◆ Present other reasons the inmate believes makes him/her ready for parole.

Parole hearings provide the Board an opportunity to review all available reports and material pertinent to the case, as well as to question the inmate directly about relevant issues and to make an assessment of the inmate and his/her readiness for parole.

The Parole Decision-Making Process

Kansas Law stipulates that the Board may release on parole those inmates who have satisfactorily completed the Program Agreement, required by the K.S.A. 75-5210a, whom the Board believes are able and willing to fulfill the obligations of a law-abiding citizen, and when the Board is of the opinion that there is a reasonable probability that the inmate can be released without detriment to the community or to the inmate. (K.S.A. 22-3717 (e)).

In making its decision, the Board is required by statute to consider the following seven areas:

- Crime (K.S.A. 22-3717 (h));
- Prior Criminal History (K.S.A. 22-3717 (h));
- Program Participation (K.S.A. 22-3717(h));
- Disciplinary Record (K.S.A. 22-3717 (h));
- Parole Plan (K.S.A. 22-3717 (h));
- Comments Received from the Victims, the Public and Criminal Justice Officials (K.S.A. 22-3717 (h));
- Prison Capacity (K.S.A. 22-3717 (h)).

In addition to soliciting comments from violent crime victims, comments are solicited from public officials regarding the inmate's possible parole. These officials include the Prosecuting Attorney, Sheriff's Department, Police Department, and the sentencing judge from the county or counties in which the inmate was convicted. This information is made available to the Board at the inmate's hearing.

These considerations take into account the welfare of the community and public safety in determining the optimum period of time for parole release of an individual inmate. The parole decision is representative of the criminal justice system and governmental guidelines and is an attempt to reflect the general attitude and opinions of law enforcement and the community at large. Before granting parole, the Board determines whether or not an offender has demonstrated appropriate behavior which ensures a reasonable opportunity to succeed socially and economically. The Board takes into consideration the individuality of offenders on a case-by-case basis.

The Board can make one of three basic decisions at a parole hearing. These decisions are *parole*, *continue* or *pass*. The Board can decide to "parole" when it believes the inmate is suitable for release. Offenders convicted of an A or B felony under consideration for a first time release on the current offense must have three votes for parole. Offenders convicted of a C, D, or E felon will be released with two votes for parole.

Secondly, the Parole Board can decide to "continue," which is to postpone making a decision to parole or pass the inmate. This action is made to facilitate further deliberation or receipt of information, when it requires a more in-depth review or discussion of the case. The Board may also continue for additional votes necessary for a majority decision. Other times, it may continue for the inmates to undergo an evaluation to assess the inmate's mental health. Once the reason for the continuation is satisfied, a determination as to whether or not to release the inmate is made.

The third decision is to "pass" for a particular period of time, which is a denial of parole. The maximum period for which the Kansas Parole Board may pass offenders convicted of A or B felonies or off-grid offenses is 10 years, if the Board can provide reasons as to why it is not believed that the inmate would have been granted parole otherwise. Previously, offenders convicted of such offenses could only be passed for up to 3 years.

For offenders convicted of offenses other than A or B felonies or off-grid offenses, the Board may issue a pass for a period up to 3 years, provided the Board can give reasons as to why it is not believed that the inmate would have been granted parole otherwise. Previously, offenders convicted of such offenses could only be passed for up to one year.

Appeal

An inmate has the right to appeal a parole decision under authority of K.A.R. 45-4-6, when he/she can present "new evidence which was unavailable at the prior hearing." The appeal must be made in writing and specify the new evidence upon which the inmate relies. Those that meet the outlined criteria are reviewed by the Kansas Parole Board so that a decision can be made regarding the appeal. Once a decision has been reached, the offender is notified of the decision of the Board.

Conditional Release

A conditional release is the date when an inmate under an indeterminate sentence must be released, because he/she has served the half of the maximum sentence. Good time for conditional release is calculated in the same manner as for parole eligibility. Therefore, for sentences with a maximum of two years or more an inmate must serve one-half of the maximum before being conditionally released. For example, on a three-to-ten year sentence, an inmate will reach his/her conditional release after serving five years and must be released at that time, provided he/she has lost no good time. When an inmate reaches his/her conditional release, the Department of Corrections notifies the Board, which reviews the inmate's file and establishes conditions with which the inmate must comply. The offender is then placed on conditional release and supervised until the maximum sentence date or granted an early discharge by the Board.

Post Release Supervision

The Kansas Legislature imposed a Sentencing Guideline Sentencing Structure, for individuals whose crimes were committed on or after July 1, 1993. This system is determinate in nature, in that the inmate's period of incarceration is predetermined at sentencing. Post release supervision is similar to conditional release. Post release supervision begins when an inmate has served the maximum sentence, less good time credits. Each sentence has its own predetermined period of supervision and the inmate may earn good time in an amount no greater than 15-20% (depending on when the crime occurred) of the sentence, thereby reducing the portion of the sentence that must be served in prison. This amount of time, however, will then be added to the period of post release supervision, so that the entirety of the term will not be affected or reduced. Therefore, since the inmate's release date is predetermined, the Parole Board's role at release is to set the conditions of the supervision period. Once the individual reaches the expiration date of his/her supervision period, the individual's obligation to the state has been satisfied.

Parole, Conditional Release, and Post Release Revocation Hearings

In general, after an inmate has been released on parole, conditional release, or post release

supervision, the Secretary of Corrections may issue a warrant when a violation of parole, conditional release or post release supervision has been established. This process is initiated by an offender's Parole Officer, not by the Parole Board. If the Parole Officer wishes to pursue revocation proceedings, a probable cause, or Morrissey, hearing is conducted by the field parole staff and an impartial hearing officer. If probable cause is found, the inmate may be returned to the Department of Corrections' custody. The offender is then scheduled for a revocation hearing before the Parole Board. The inmate has the right to have witnesses present who may have information relevant to the alleged violation. If the violation is established to the satisfaction of the Board, it may revoke the parole, conditional release or post release or take any other appropriate action. In the case that the release is revoked, this action could include assessment of a penalty in the nature of further time which the inmate must serve before again being considered by the Board for release.

For offenders under post release supervision, the Board is limited in the length of time they can order offenders to serve on a condition violation. For these offenders, depending on when their original conviction occurred, the Board may only revoke for up to 90 days or for 180 days. The exception to these limits is if the violation results from a conviction for a new felony or misdemeanor. Upon receipt of a new felony conviction, in accordance with K.S.A. 75-5217(c), upon revocation the inmate shall serve the entire remaining balance of the period of post release supervision even if the new conviction did not result in the imposition of a new term of imprisonment. Upon receipt of a misdemeanor conviction, the Board has the discretion to require the offender to serve a revocation period up to the date of sentence discharge.

Waiver of Final Kansas Parole Board Hearing

During the FY 1999 legislative session, K.S.A. 75-5217 (b) was amended to provide post-release supervision violators the option of waiving their final hearing before the Kansas Parole Board. Following arrest, an offender is served documents regarding the pending revocation and has the option to admit guilt and sign a waiver of their right to a hearing before the Board. In doing so, the revocation process for the offender begins at that point, and the revocation period of either 90 or 180 days begins immediately, rather than after the offender appears in person before the Board at a revocation hearing. Offenders who have been granted a parole release are not eligible to waive their final hearing before the Board.

As outlined later in this report, the number of offenders who were returned to a correctional facility for alleged violations of their release and given a final revocation hearing before the Kansas Parole Board *decreased* from 2,575 in Fiscal Year 1999 to 1,038 in Fiscal Year 2002. This represents a decrease of 1,537 revocation hearings, or more than a 60% decrease. However, when the number of final hearing waivers is added in, the total number of violators for FY 2002 is 2,583, which is 8 above the total number of violators for FY 1999. It is anticipated that the Kansas Parole Board will continue to experience a slight decrease in the number of violator hearings in FY2002 due to the effects of the preliminary hearing waiver.

Discharge from Supervision

An inmate can be maintained on supervision up to the expiration of his/her maximum sentence. There is a minimum requirement of 2 years of supervision for A and B felony convictions before discharge may be requested and a 1-year minimum requirement for C, D, or E felony convictions. This action is initiated by the offender's supervising Parole Officer. A poor performance under supervision could result in causing the inmate to remain under supervision for a longer period of time than one or two years. If an inmate's adjustment has been satisfactory, the Parole Officer may submit a written report, summarizing the offender's conduct while under supervision, which outlines for the Board issues such as employment, compliance with conditions and law enforcement contact. The Request for Discharge must be accompanied by an approval by the Parole Officer's supervisor and is then considered by the Board. During fiscal year 2002, the Board granted 73 offenders an early discharge. Without regard to his/her conduct, an inmate must be released from supervision at the maximum sentence expiration date in the absence of an early discharge.

Maximum Release

In the event an inmate under the indeterminate release system has had his/her Conditional Release revoked and/or serves to the maximum, he/she shall be released from prison at that time as the offender's sentence has been satisfied. The Board has no authority to set any conditions upon the release or to have any control over the offender's conduct. The Department of Corrections, similarly, cannot provide any supervision. Once an offender reaches his/her maximum date the offender's obligation to the State has been satisfied and the Board records this with the issuance of a maximum sentence discharge certificate.

Executive Clemency

Executive Clemency is an extraordinary method of relief and is not regarded as a substitute for parole. An inmate who believes that he/she has a deserving case for executive clemency may request the necessary applications from institutional staff. Once completed by the inmate, these forms are submitted to the Board, along with the inmate's reasons for applying for clemency. As required by law, a notice of the inmate's application is forwarded to the official county newspaper in the area of conviction so that interested parties may offer comments. In the event the inmate does not have sufficient funds for the cost of this publication, the Department of Corrections bears the cost. Comments are solicited from the sentencing judge and the prosecuting attorney. After the formalities have been accomplished, the Board conducts a file review to determine if a personal interview with the inmate is warranted. After reviewing the file, and conducting a hearing (if needed), the Board then submits a recommendation to the Pardon Attorney in the Governor's office for the Governor's final action.

Statistical Information

The previously listed items are all duties of the Kansas Parole Board. Below, please find the number of Board actions for Fiscal Years 1999, 2000, 2001, 2002, as well as the projections for fiscal year 2003 for some of the Board's duties:

	FY99 Actual	FY00 Actual	FY01 Actual	FY02 Actual	FY03 Projected
Parole Hearings	1,959	1,890	1,592	1,311	1,180
Violator Hearings	2,575	1,495	1,277	1,038	935
Waivers**	N/A	1,194	1,609	1,545	1,391
Total Hearings	4,534	5,379	4,478	3,894	3,506
Public Comment Sessions***	36	36	36	60	36
File Reviews*	5,223	6,625	6,949	6,996	7,695

*File reviews include setting conditions of parole, conditional release and post release supervision as well as decisions regarding clemency recommendations and all discharges.

**Waivers are post-release violators who opt to admit guilt and waive their final revocation hearing before the Kansas Parole Board. As opposed to their revocation period beginning when they see the Board, waivers begin their revocation period at the point in which they sign the waiver. The Board must review the case, vote, and assign conditions of release consistent with other violators.

***In October 2000, the Board added Public Comment sites in Pittsburg and Garden City to the existing Wichita, Kansas City, and Topeka sessions.

FY 2002KPB Monthly Hearing Activities

	Violator Hearings	*Waivers	Regular Hearings
July	85	164	129
August	83	166	98
September	74	41	137
October	78	115	91
November	69	101	115
December	105	139	90
January	95	157	107
February	92	91	119
March	74	165	118
April	92	111	102
May	106	159	105
June	85	136	100
	1038	1545	1311

*Waivers are post-release violators who opt to admit guilt and waive their final revocation hearing before the Kansas Parole Board. As opposed to their revocation period beginning when they see the Board, waivers begin their revocation period at the point in which they sign the waiver. The KPB must review the case, Vote, and assign conditions of release consistent with other violators.

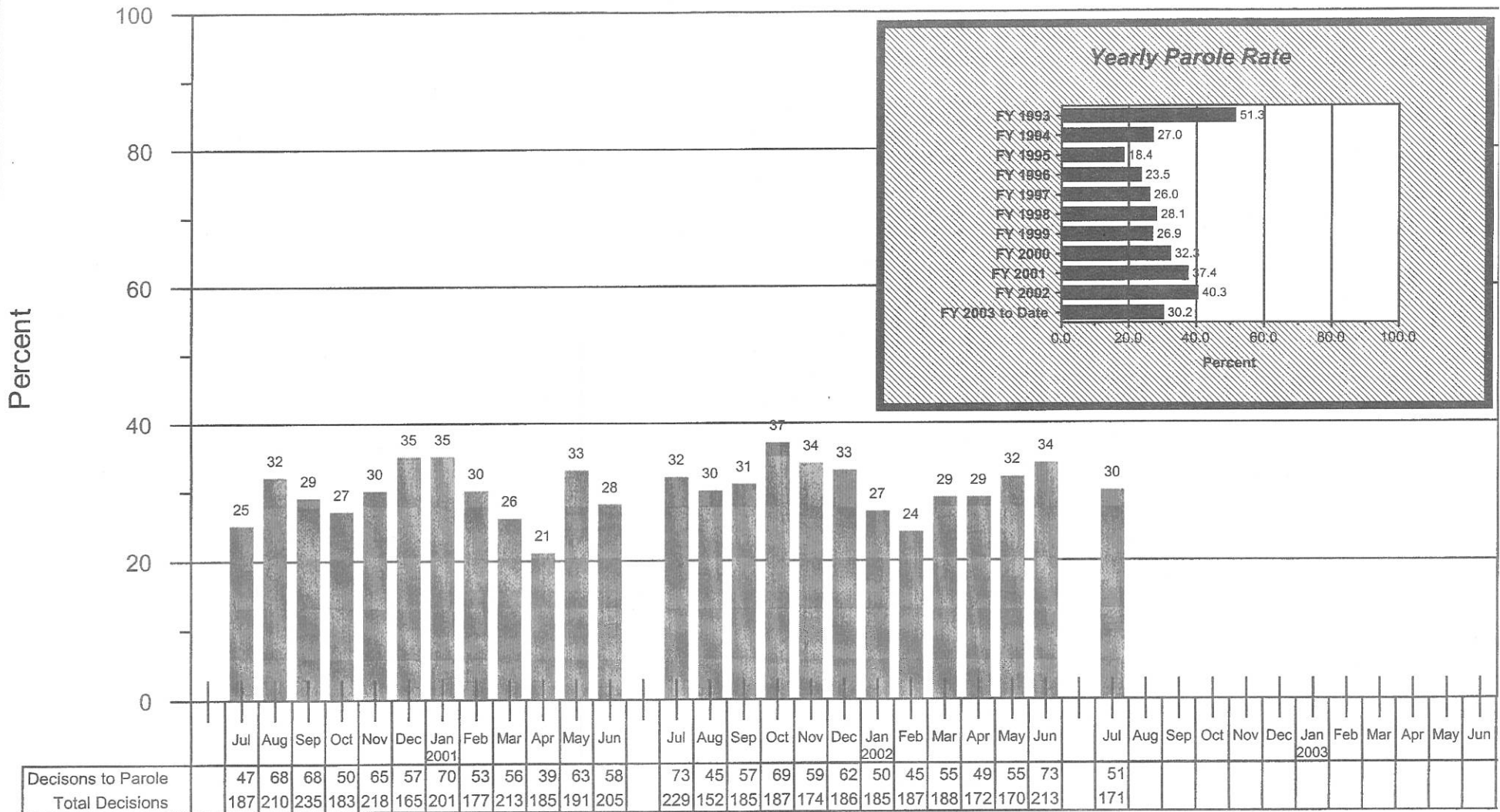
Parole Rate of the Kansas Parole Board

The following graph was provided by the Kansas Department of Corrections from information gleaned from the KDOC database. The graphs represent the parole rate of the Kansas Parole Board, as well as the numbers of condition violators admitted to the KDOC. It is noted that the numbers provided by the Board and the numbers provided by KDOC regarding hearing numbers are not identical. This is due, in part to the timing of the coding of the decisions of the Board in the database and because the KDOC tracks the admission date of violators rather than the hearing numbers (e.g. an offender may be admitted as a violator in June, but not seen by the Board until July).

It should also be noted that while the parole rate of the Board has incrementally increased since FY 1995, the number of offenders whose release is governed by the Board has been decreasing. Therefore, since the parole rate is reported in percentages, each person who is granted a parole decision represents a greater percentage as the total number of offenders under the Board jurisdiction decreases.

Kansas Department of Corrections

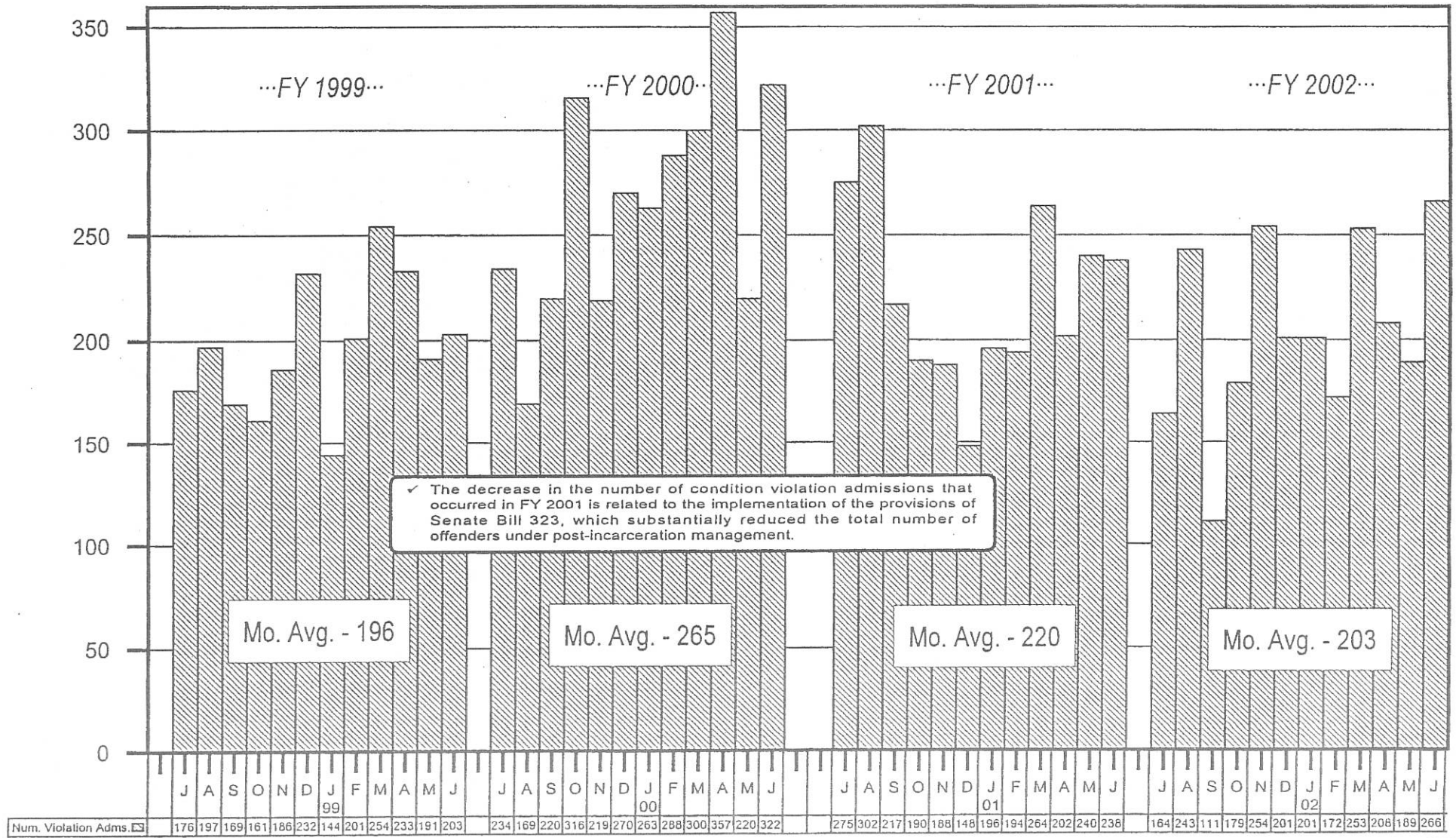
Monthly Parole Rate: Kansas Parole Board Decisions to Parole as a Proportion of Total Decisions, FY 2001 - FY 2003 to Date*



*Information pertains to decisions resulting from regular parole hearings (the most recent board decision for each individual). The yearly parole rates are calculated from all regular hearing decisions, and do not necessarily reflect only the most recent decision for each offender.

Kansas Department of Corrections
 Graphic Highlights -- Monthly Offender Population Report (June, 2002)

**Number of Return Admissions for Condition Violations by Month:
 FY 1999 - FY 2002***



2-14

*Total number of admissions for violation of the conditions of release (no new sentence).

The following factors have impacted the parole rate. As explained above, the percentages are affected as the pool of potential offenders eligible for a parole decision has decreased. Furthermore, those inmates who have received extended passes are not being heard and, therefore, have no decisions. If they had come before the Board and received a year pass, those pass decisions would decrease the percentages. Next, due to the change in sentence laws from an indeterminate sentencing structure to a determinate sentencing structure, there are a number of offenders who have "combination" sentences or a mix of indeterminate and determinate sentences. As a result, the Board must grant offenders who have aggregate sentences a parole decision before they can begin serving time on their determinate sentence. Offenders who fall under this category who have been granted a "parole to determinate sentence" decision by the Board are counted as a parole decision in the parole rate calculation. Therefore, a number of offenders reported in the following graph as "paroles" were not actually released from custody. Finally, offenders who are revoked for condition violations are typically given a new parole decision after a short pass of a year or less while they serve their penalties. The large increase in violators in the recent past has created more parole decisions in a short amount of time.

Extended Passes

In 1997 legislation was passed which enabled the Board to pass offenders convicted of A or B felonies or off-grid offenses for up to 10 years. Previously, offenders convicted of such offenses could only be passed for up to 3 years. In addition, this law enabled the Board to pass offenders convicted of offenses other than A or B or off-grid felonies for up to three years when it could previously only order passes for up to one year.

In fiscal year 1999, the Board utilized the extended pass option in 68 cases, which comprises approximately 1.5% of the 4,534 total hearings for fiscal year 1999. For fiscal year 2000, the Board utilized the extended pass option in 63 cases, or less than 1% of the 5,379 total hearings. In FY 2001, the Board utilized the extended pass in 91 cases, which is 2% of the 4,478 total hearings. In FY 2002 the Board utilized the extended pass option in 99 cases, which is 2% of the total 3,894 hearings.

KPB Extended Passes FY 1999 - 2002

FY	1-2 yrs	3 yrs	4 yrs	5 yrs	6 yrs	7 yrs	8 yrs	9 yrs	10 yrs
2002	68	9	1	15	0	0	0	0	6
2001	71	2	2	11	0	0	0	0	5
2000	46	10	6	0	0	0	0	0	1
1999	46	6	2	10	0	0	0	0	4

Kansas Parole Board Victim Awareness

The Kansas Parole Board remains sensitive to the feelings and circumstances surrounding all victims of crime. Every crime victim or victim's family member has a right to be notified of certain circumstances regarding an offender who is sentenced to prison in Kansas. The Department of Corrections is responsible for notifying victims and/or victim's family members of public comment sessions held for offenders convicted of a class A felony, provided that the request has been made to be notified. There are Victim Notification Officers employed by the Kansas Department of Corrections who are specifically responsible for the coordination and notification of victims of crime. Requests for information as to how to be placed on their notification list or for other pertinent information, should be directed to:

Victim Notification Officer
Kansas Department of Corrections
Landon State Office Building
900 SW Jackson, Suite 401 North
Topeka, Kansas 66612
Or call (785) 296-3317

All victims who call or write in can be assured that all notification information is confidential and will be safeguarded in a filing system, which is separate from other files within the Kansas Department of Corrections. The Victim Notification Office must be notified each time a victim or victim's family changes address and/or phone number. The Victim Notification Officer cannot make the proper notification if these changes are not reported. Kansas law requires that the County/District Attorney notify victims of crimes other than Class A felonies of the time and place of the public comment session at least one month before the offender is parole eligible.

Conclusion

The Kansas Parole Board is an integral part of the Kansas correctional system. As with other jurisdictions in the United States and abroad, the Kansas correctional system is frequently under close scrutiny in a quest for methods of improving and strengthening it. Because of the complexity of the issues involving crime and those who commit crimes, and the ramifications of how those issues are dealt with, the Board endeavors to continue reviewing, modifying and perfecting its own procedures to deal more effectively with offenders, law enforcement officials, victims, families, and the public. Only by taking into full account all of the above circumstances can the Kansas Parole Board accomplish its stated objectives and goals.

The Kansas Parole Board welcomes comments or questions regarding this report or the parole system in Kansas. Contact can be made by calling (785) 296-3469. Written comments or questions may be mailed to: Kansas Parole Board, Landon State Office Building, 900 S.W. Jackson, 4th Floor, Topeka, Kansas 66612.



JUVENILE JUSTICE AUTHORITY
DENISE L. EVERHART, ACTING COMMISSIONER

KATHLEEN SEBELIUS, GOVERNOR

Kansas Juvenile Justice Authority Agency Overview

About JJA

Since 1997, JJA has led a broad-based state and local partnership among private and public entities in developing, implementing and strengthening the state's comprehensive juvenile justice system. Prevention, community based corrective sanctions and juvenile correctional facilities are continually being developed according to research on community needs and research on effective prevention and intervention programs.

JJA Vision

Improving the quality of life in Kansas by reducing juvenile crime.

The Mission of the JJA

- Promote public safety
- Hold juvenile offenders accountable for their behavior
- Improve the ability of youth to live productively and responsibly in their communities.

Juvenile Justice Reform

The Juvenile Justice Authority was created by the The Kansas Juvenile Justice Reform Act. The Reform Act is a combination of two pieces of legislation:

- HB 2900 (1995 legislative session)
- House Substitute for SB 69 (1996 legislative session)

A History of the JJA

To understand the history of the JJA, we must look back at the work of several legislative and gubernatorial committees:

- Kansas Youth Authority and Juvenile Justice Authority
- Kansas Juvenile Justice Reform Act
- House Bill 2900

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Attachment 3

Kansas Youth Authority and Juvenile Justice Authority

During the 1995 legislative session, Senate Bill 312 was passed, which created the Kansas Youth Authority (KYA) and named a separate Juvenile Justice Authority to oversee juvenile justice services in the future. It gave the Juvenile Justice Authority responsibility for juvenile offender programs and the operation of the state youth centers beginning July 1, 1997. The JJA was to have all powers, duties and functions of the Department of Social and Rehabilitation Services concerning juvenile offenders. SB 312 provided for a seven-member Kansas Youth Authority to be appointed by the Governor. The KYA was charged with developing policies relating to the scope and functions of the new Juvenile Justice Authority.

Governor Bill Graves appointed the members of the Kansas Youth Authority in June 1995. The KYA convened to develop a comprehensive plan to guide juvenile justice reforms. These recommendations were finalized in November 1995 and issued in conjunction with an independent study by the Koch Crime Commission's Juvenile Justice Task Force.

In 1999, House Bill 2092 passed, which called for the KYA to sunset on June 30, 1999. On July 1, 1999, the Kansas Advisory Group on Juvenile Justice and Delinquency Prevention assumed many of KYA's duties.

Kansas Juvenile Justice Reform Act

The Kansas Youth Authority's recommendations set forth a mission statement to govern the reform efforts and called for specific legislation in the areas of delinquency prevention; the organization, powers, duties and functions of the new Juvenile Justice Authority; juvenile justice system nomenclature; juvenile intake and assessment; juvenile information systems including court records and judicial proceedings; parental responsibility; juvenile offender placement options and sentencing and state residential placements.

House Bill 2900

The Legislature in 1995 through House Bill 2900 called on the Youth Authority to develop a transition strategy for the transfer of juvenile justice functions to the Juvenile Justice Authority and its Commissioner.

The administration of existing juvenile justice programs was transferred to JJA from the other state agencies. These programs consisted of Juvenile Intake and Assessment previously managed by the Office of Judicial Administration, Juvenile Intensive Supervision Probation (juvenile community corrections) under the operation of the Kansas Department of Corrections, and Community Case Management of Juvenile Offenders that was administered by the Department of Social and Rehabilitation Services. An integral component of the transfer was that instead of establishing a state-employee based system for the delivery of these programs, JJA contracted with established local agencies for the management of the programs. A process for the use of contracts and grants with county-based

agencies was established as the means for the operation of the core programs at the local level. Arrangements were made for delivery of services based on judicial district boundaries. JJA contracted with a lead county in each district to ensure the core programs were locally managed.

Changes in the Juvenile Justice System

Together, House Bill 2900 (1995) and House Substitute for Senate Bill 69 (1996) constitute the Juvenile Justice Reform Act. Some of the major changes include:

- A. Protect public safety;
- B. Recognize that the ultimate solutions to juvenile crime lie in the strengthening of families and educational institutions, the involvement of the community and the implementation of effective prevention and early intervention programs;
- C. Be community based to the extent possible;
- D. Be family centered when appropriate;
- E. Facilitate efficient and effective cooperation, coordination, and collaboration among agencies of the local, state, and federal government;
- F. Be outcome based, allowing for the effective and accurate assessment of program performance; and
- G. Encourage public and private partnerships to address community risk factors.

A. Protect public safety

The most important tenant of the JJA's mission is the protection of public safety. Means by which this is accomplished are visible at both the community and state level.

In addition to the operation of the state's four juvenile correctional facilities, there are three core programs that districts are required to operate at the local level: juvenile intake and assessment (JIAS), juvenile intensive supervision probation (JISP), and community case management (CCMA). JJA downloads funds to the administrative county in each district for the operation of these programs. Technical assistance and support is provided by JJA to assist the districts in the delivery of supervision and services to juvenile offenders who come in contact with these community-based juvenile justice programs. Standards and procedures are developed to provide guidance in the operation of these programs.

Juvenile Intake and Assessment

There are currently Juvenile Intake and Assessment (JIAS) programs in all 31 judicial districts covering the entire state of Kansas. The intake and assessment centers represent a key component of the juvenile justice system. These centers are the first point of contact when a youth is taken into custody and provide a comprehensive assessment of the youth's strengths and needs.

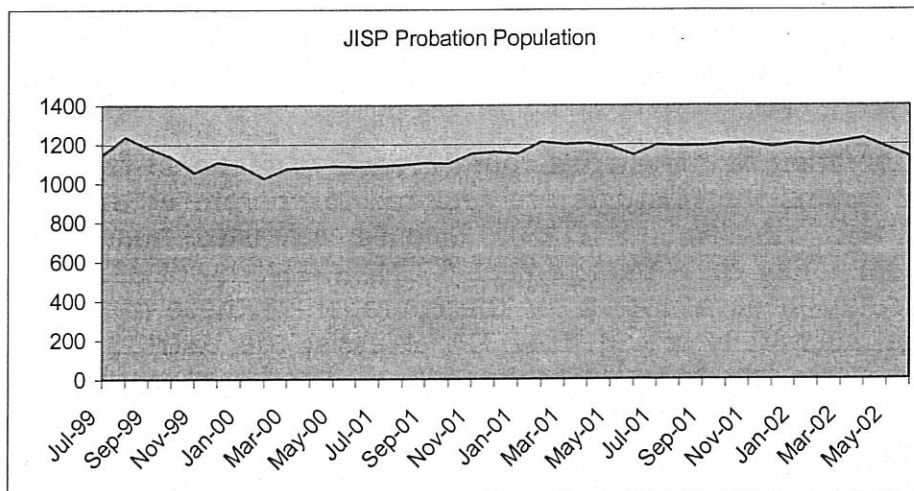
The mission of the intake and assessment programs encompasses three points:

1. Assisting law enforcement with placement of juveniles taken into custody
2. Administering the Juvenile Intake and Assessment Questionnaire and the Problem Oriented Screening Instrument for Teens (POSIT) or the Massachusetts Youth Screening Instrument (MAYSI-2)
3. Assisting the juvenile and their families with crisis situations occurring at the time.

Statewide referral to intake and assessment centers over the last three fiscal years:	
FY 2002	26,598
FY 2001	28,159
FY 2000	28,386

Juvenile Intensive Supervision Probation

Juvenile intensive supervision probation (JISP) is a highly structured/supervised community-based program. JISP works with juvenile offenders who have previously failed in traditional court service probation or have committed a serious offense but do not yet need an out-of-home or juvenile correctional facility placement. Juvenile offenders granted a conditional release from a juvenile correctional facility are subject to supervision via Juvenile Intensive Supervision. The JISP philosophy is that selected offenders can be effectively managed in the community without presenting an increased risk to the public through the cost-effective use of community-based supervision and control interventions.



Ending populations by fiscal year:

6/30/02	1411
6/30/01	1307
6/30/00	1410

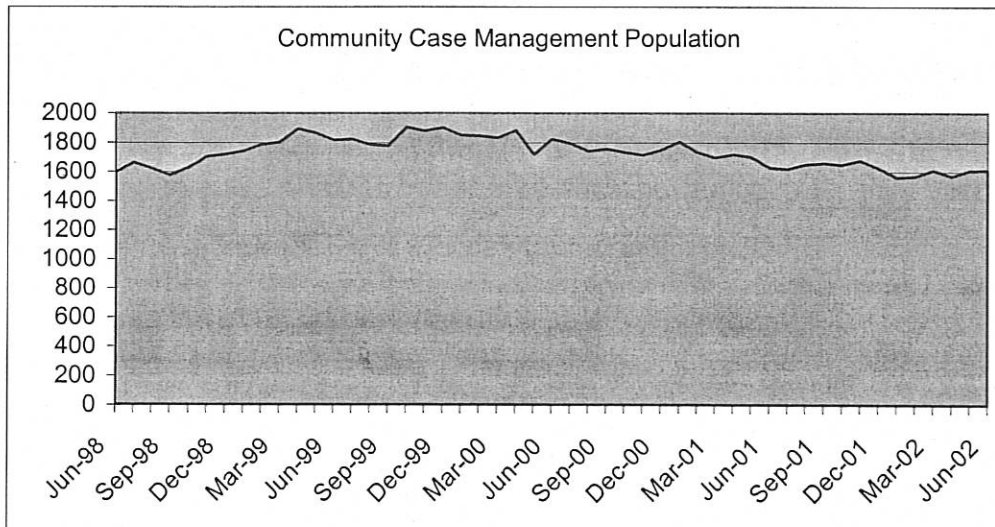
Community Case Management

Juvenile offenders in need of community support services are placed in the custody of the state through the JJA to access needed community support and residential (out-of home) services. Each administrative county provides these services through county-based agencies such as juvenile community corrections agencies, mental health centers or other community-based agencies. Collectively, these agencies are referred to as community case management agencies. Case management services provide for several essential components required by the reform legislation include: out-of-home placement, conditional release programs, aftercare services and sanctions for violations of probation terms or programs. Case management provides supervision and appropriate community based residential and non-residential services to juvenile offenders in the custody of or at risk of entering the custody of the JJA.

Community case management services are for juvenile offenders who are not in need of the high correctional structure and supervision level of JISP but do require supervision and are in need of additional community support services. Juvenile offenders receive ongoing supervision but also participate in other community based counseling/treatment services to assist them in dealing with problems that resulted in juvenile offender behavior. It is often the other emotional, behavior or mental health problems that resulted in criminal behavior. The juveniles typically lack a home environment that is capable of assisting the juvenile without the additional support that is provided through the case management services. A percentage of the juveniles originally came to the attention of the juvenile court as a Child in Need of Care (CINC) but later committed an offense that brought them back to juvenile court as a Juvenile Offender. The juveniles are placed in the custody of the state (JJA) for appropriate supervision and as a means to access the necessary services and to ensure there is adequate support.

The role of these community case management agencies is to:

- Conduct thorough assessments of juvenile offenders placed in state custody
- Develop a case plan in cooperation with the youth, the youth's family and other significant parties in the community
- Contract for services that address the concerns outlined in the case plan
- Provide supervision and monitoring of the youth's behavior in the program
- Submit necessary documentation and reports.



Ending
populations by
fiscal year:

6/30/02	1612
6/30/01	1629
6/30/00	1824
6/30/99	1817

Juvenile Correctional Facilities

Those youth who present the greatest threat to public safety are subject to commitment to a juvenile correctional facility. The JJA operates four JCFs, in Atchison, Beloit, Larned and Topeka. The Beloit Juvenile Correctional Facility is for female juvenile offenders, while the other three house male juvenile offenders.

NOTE: See Facilities and Construction Update, pages 20-25

Placement Matrix

The 1999 legislature enacted a placement matrix to make determinant the sentences youth receive in juvenile correctional facilities, based on the seriousness of their crimes or the chronicity of their violations of the law.

As part of enhanced accountability under the Juvenile Justice Reform Act, the sentencing matrix calls for juveniles who commit violent acts to be incarcerated -- regardless of whether they have prior records.

Some examples of types of offenses include (but are not limited to):

Violent I: example=first degree murder

Violent II: examples = second degree murder, rape, aggravated kidnapping, voluntary manslaughter, aggravated indecent liberties, aggravated sodomy

Serious I: examples = manufacturing drugs, possession of drugs within 1,000 feet of a school, robbery, crimes showing great bodily harm, aggravated assault on a law enforcement officer

The following classifications require some type of specific prior record:

Serious II: example = residential burglary

Chronic I (Chronic Felon): example = nonresidential burglary

Chronic II (Escalating Felon): example = sale of cocaine

Chronic III (Escalating Misdemeanor): examples = sale of marijuana, possession of cocaine, or a misdemeanor battery

Placement Matrix for Juvenile Offenders

A new placement matrix for sentencing juvenile offenders went into effect July 1, 1999. It is used by judges to determine the length of incarceration and aftercare periods for juvenile offenders sentenced to a juvenile correctional facility. The placement matrix applies to juveniles whose crimes were committed on or after July 1, 1999.

Placement Matrix for Juvenile Offenders			
<i>Offender Type</i>	<i>Offense Level</i>	<i>Length of Stay</i>	<i>The aftercare Term</i>
Violent I	Off-grid	60 months - 22 ½ years of age	6 months - 23 years of age
Violent II	1 - 3 Person felony	24 months - 22 ½ years of age	6 months - 23 years of age
Serious I	4 - 6 Person OR 1 - 2 Drug felony	18 - 36 months	6 - 24 months
Serious II	7 - 10 person felony + 1 prior felony conviction	9 - 18 months	6 - 24 months
Chronic I Chronic Felon	present non-person felony or level 3 drug felony + 2 prior felony convictions	6 - 18 months	6 - 12 months
Chronic II - Escalating Felon	present felony OR level 3 drug + 2 prior misdemeanor convictions OR level 4 drug convictions	6 - 18 months	6 - 12 months
Chronic III - Escalating Misdemeanant	present misdemeanor OR level 4 drug felony + 2 prior misdemeanor or level 4 drug convictions + 2 placement failures + exhaustion of community placements finding	3 - 6 months	3 - 6 months
Conditional Release Violator	All	3 - 6 months	2 - 6 months

B. Strengthening of families and educational institutions, involvement of the community, and implementation of effective prevention and early intervention programs

Community Planning Process

With the passage of the Juvenile Justice Reform Act, JJA initiated a statewide process to give communities the opportunity to be active participants in developing programs to meet the needs of youth in their communities and identifying types of programs to best meet those needs. Throughout 1998, 29 community planning teams developed comprehensive strategic plans. The *Communities That Care*® planning model was used to assess risk/protective factors that affect juvenile crime, and identify and address needs. A series of 34 regional training events held during the year provided teams with the resources, data, and methods to use in compiling the necessary documentation needed in the plans. Technical assistance by JJA staff, Developmental Research and Programs Inc., and the National Council on Crime and Delinquency was provided throughout the planning process.

Each judicial district's comprehensive plan incorporated prevention, immediate intervention and graduated sanctions strategies aimed at responding to the issues present in the local communities. Subject to available funding each district has implemented its community plan. Prevention programs are funded by the Children's Initiative Fund. Immediate intervention and graduated sanctions are funded by state general fund, with some matching dollars from federal foster care (IV-E) and federal Medicaid (Title XIX).

Prevention Services

Prior to the reform act, prevention had not been a focus of the juvenile justice system. However, research at the national level indicates that prevention programming for at-risk youth and first-time offenders can be highly effective in reducing juvenile crime and preventing the increasing long term cost of repeat offending. JJA encourages and assists communities to develop successful programs that will help reduce risk factors and enhance protective factors. Communities have been encouraged to create partnerships with other agencies that have a key interest in prevention focused services (schools, regional prevention centers, community mentoring programs) in order to maximize both funding and program capabilities. Prevention services would include such program examples as mentoring services, after school activities, parent support/training, family support services.

Immediate Intervention

The comprehensive strategy developed by the U.S. Office of Juvenile Justice and Delinquency Prevention calls for early and immediate intervention with youth when they first begin offending behavior. Some examples of immediate intervention programs include: juvenile intake and assessment, teen court, diversion programs and day reporting.

Graduated Sanctions

Graduated sanctions programs are targeted for juveniles who have been found guilty of a crime by the Juvenile Court and sentenced to a disposition (sanction) by the court. These programs would include range of community supervision and monitoring programs, out-of-home placement facilities, community support services or juvenile correctional facility commitment.

C. Be community based to the extent possible

For juvenile justice to be successful at the state and local level, it requires a strong state and local partnership. The agency continues to work in concert with the counties on these initiatives through interaction with 29 district administrative contacts, who represent the administrative county in their respective judicial district.

The JJA and its community partners are working on several major initiatives for enhancing and improving programs to ensure that accountable, responsible and quality programs and services are in operation. Major activities that are going on include:

- Introduction of statewide Juvenile Intake and Assessment Standards-training on these standards is being finalized with auditing based on the new standards starting later in FY03.
- Rewrite and revision of the Community Supervision Standards-these are the standards by which Community Case Management and JISP operated. Due to changes in federal regulations as well as agency procedures, the standards are being updated and will be ready for distribution in the early part of FY04.
- Analysis and survey of the quality and care of services for juvenile offenders in out-of-home placement. It is through this analysis that the agency will determine further modifications in the type of services juveniles receive in placements.
- Revisions of the financial policies and procedures which community-based programs are required to follow in managing, monitoring and reporting of funds download to them from JJA.
- Enhancing the oversight and technical assistance to communities in the development of outcomes-based prevention programs and measurement of these programs. This is an area in which the agency has had an on-going effort and will be increasing its work in the coming year
- Implementation of the Juvenile Justice Information Systems-JJA is nearing implementation of a comprehensive information system for community and facility-based programs. JJIS will track data on all youth under the authority of the JJA. Some of these have already been successfully implemented. The Juvenile Justice Intake and Assessment Management Information System (JJIAMS) was implemented in 2002 and the Community Agency Supervision Information Management System (CASIMS) is in pilot phase and will be implemented statewide by the end of FY03.

D. Be family centered when appropriate

Twenty-three of the 29 judicial district planning teams identified family concerns among the top five issues to be addressed in community programming. As a result, communities have implemented parent support, family counseling, and family-based prevention programs.

A significant contributor to assisting youth to be accountable to their families and communities is the concept of restorative justice. A major departure from the traditional retributive model of justice, restorative justice holds that crime pulls apart the offender from his/her community. Restorative justice is that act of restoring the relationship between the offender, the family and the community--specifically the victim of the crime. There are a number of restorative justice programs all with healing as the focus. Family group conferencing brings together the offender and his family/support system, the victim and his/her support system, and other stakeholders (e.g., law enforcement) in the presence of a trained mediator. The purpose of the counseling is to ensure the offender hears from the victim how the crime has impacted the victim and to develop a specific reparation plan, tied directly to the relationship between the offender, the victim, and the offense.

E. Facilitate efficient and effective cooperation, coordination, and collaboration among agencies of the local, state, and federal government.

JJA has been active in building and participating in collaborations across governmental agencies and across the strata of government. The commissioner of JJA co-chairs the Governor's Substance Abuse Prevention Council, charged with creating a comprehensive statewide prevention system. JJA has aligned its outcomes with the Connect Kansas Outcomes endorsed by the member agencies on the Governor's Prevention Council. Using the Communities that Care model for prevention has placed SRS and JJA in a collaborative position to use data from the annual CTC survey for program review and revision to meet changing community needs. The Kansas Advisory Group on Juvenile Justice and Delinquency Prevention has aligned its grant criteria with the Communities that Care data and the community strategic plans.

The community planning teams, succeeded by Juvenile Corrections Advisory Boards, in the 31 judicial districts intentionally brought to the table representatives from a broad base of constituents, including educators, law enforcement, social services, the faith community, the business community, service providers--to name but a few of the participants in the local planning and administration of juvenile justice.

F. Be outcome based, allowing for the effective and accurate assessment of program performance.

JJA endorsed the Connect Kansas outcomes in 2000. In 2001 JJA established its own application of these outcomes with the following:

- Reduce the number of adjudications for serious, violent and/or chronic juvenile offending;
- Reduce the number of youths requiring removal from home or community for juvenile offending;
- Juveniles leaving juvenile correctional facilities will demonstrate a higher level of knowledge, skills and confidence necessary for successful community reintegration;
- Increase community participation in addressing local juvenile justice needs;
- Increase accountability of youth within communities.

Programs funded by JJA are expected to show how they will accomplish these outcomes and which indicators permit measurement of progress.

To measure accomplishment of community level goals, JJA is initiating a pilot project for the use of an internet-based reporting system designed and operated by the Workgroup on Health Promotion and Community Development at the University of Kansas. This system permits local agencies to track and report community changes and the demographic data on children, youth and their families served by grant programs.

G. Encourage public and private partnerships to address community risk factors.

Risk and Protective Factors

The Communities That Care (CTC) model, which relies on identification of risk and protective factors, served the needs and interests of several different agencies. The CTC student survey has large statewide acceptance, being administered to between 60,000 and 80,000 6th, 8th, 10th and 12th graders annually. Both SRS and JJA use the CTC data to identify the most critical risk factors in each judicial district. Local Juvenile Corrections Advisory Boards (JCABs) use the data to make decisions on which prevention and intervention programs to fund and which to discontinue.

NOTE: See chart on page 13.

Private foundations (i.e., the Kansas Health Foundation, the Kaufman Foundation, the Sunflower Foundation) as well as universities and state agencies have been engaged in dialogue on support of essential services operated at the state level which are needed in order for communities to be their most effective in program planning, development and implementation.

Needs-based funding

In January 2000 JJA initiated funding to the districts using a funding formula model. The reform act established that funding to the districts should be formula driven. The concept of formula based funding was that districts would receive their share of funds based on factors that could be uniformly and consistently measured across the state. In doing so, it would eliminate a competitive grant environment and districts would receive funding determined on a level of need that could be comparatively measured across the state.

Two formulas were established: one for prevention funds and another for graduated sanctions. The prevention formula is based on a district's high school graduation failure rate averaged over a three-year period. The allocation amount to a district is their percentage of the total state high school failure rate. The graduated sanctions formula was based on districts' juvenile offender conviction rate as reported to the KBI for felony and escalating misdemeanor categories of offenders. A district's allocation is based on their percentage of the state's total conviction rate for this population of juvenile offenders.

For FY03, formula modifications were implemented. The legislature modified the prevention block grant formula. In lieu of using the high school failure rate, the districts two previous years' prevention allocation were averaged to arrive at their FY03 allocation. The graduated sanctions block grant formula used the same data as was used to compile the FY02 allocation. This is because data were unavailable from the KBI to provide the additional year of information needed to update the formula.

Purchase of Services

Another important component of community-based services is referred to as Purchase of Services. Many of the juvenile offenders under supervision in the programs mentioned above are in the custody of the state and receiving supervision and services at the local level. Some of the juveniles are in need of community support services (e.g. counseling, job readiness training, therapy) in order to maintain their ability to live in the community. Some are in need to out of home placement (residential facilities) to address the problems that brought them to the attention of the juvenile justice system. JJA maintains provider agreements with approximately 160 community-based agencies and residential services. The local case manager who is supervising the juvenile has access to these programs and facilities to provide the necessary support and structure that is needed for the juvenile offender.

Kansas' Judicial Districts

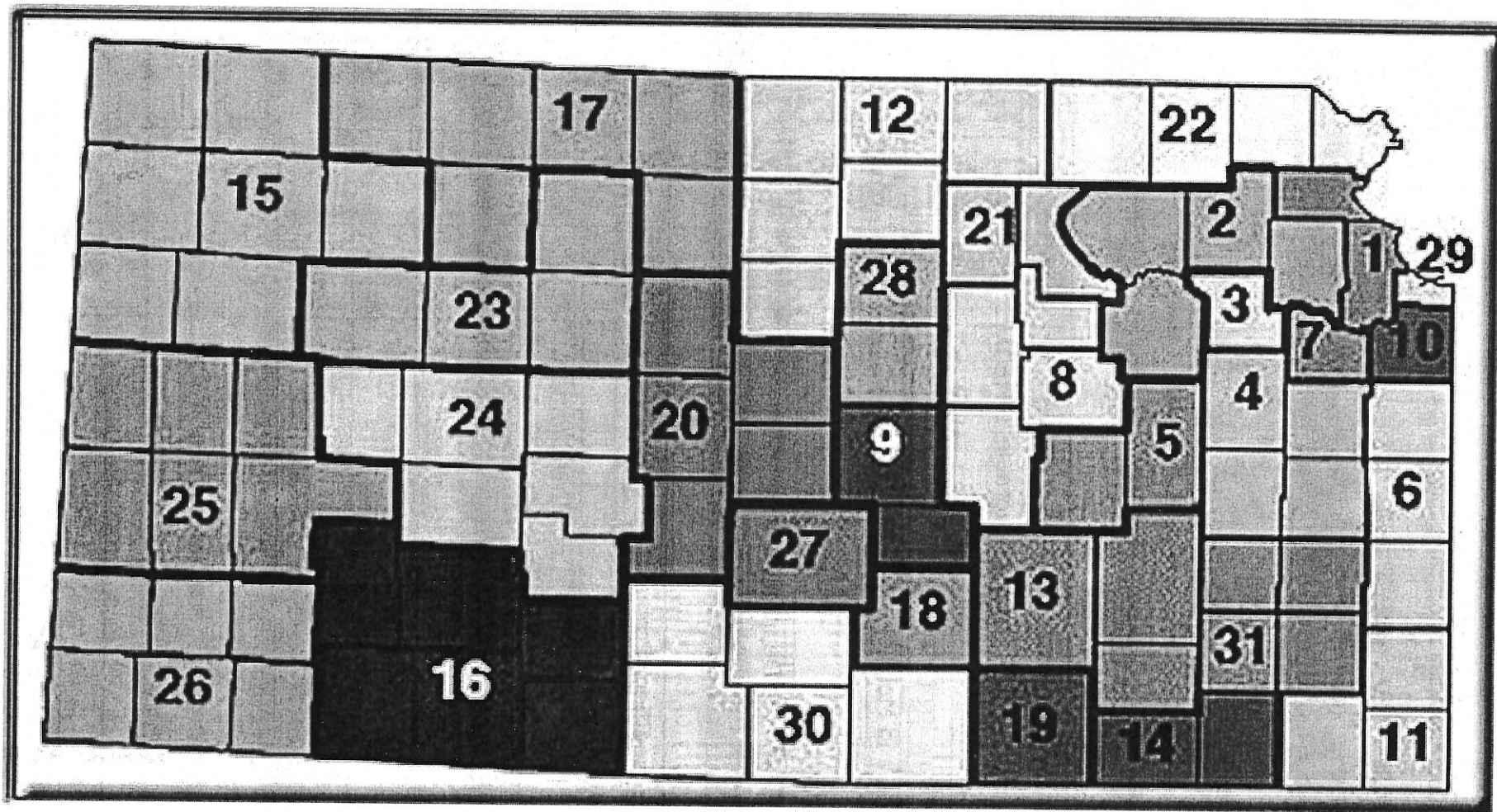


Table Caption: The Risk Factors chart shown below shows the risk factors that have been proven to contribute to problem behaviors in adolescents. Part of the Communities that Care prevention model, this matrix is based on research done by Dr. David Hawkins and Dr. Richard Catalano at the University of Washington in Seattle. The model was used by all JJA community planning teams.

Risk Factors	Adolescent Problem Behaviors				
	Substance Abuse	Delinquency	Teen Pregnancy	School Drop-Out	Violence
Community					
Availability of Drugs	✓				
Availability of Firearms		✓			✓
Community Laws and Norms Favorable Toward Drug Use, Firearms, and Crime	✓	✓			✓
Media Portrayals of Violence					✓
Transitions and Mobility	✓	✓			✓
Low Neighborhood Attachment and Community Disorganization	✓	✓			✓
Extreme Economic Deprivation	✓	✓	✓	✓	✓
Family					
Family History of the Problem	✓	✓	✓	✓	
Family Management Problems	✓	✓	✓	✓	✓
Family Conflict	✓	✓	✓	✓	✓
Favorable Parental Attitudes and Involvement in the Problem Behavior	✓	✓			✓
School					
Early and Persistent Antisocial Behavior	✓	✓	✓	✓	✓
Academic Failure Beginning in Late Elementary School	✓	✓	✓	✓	✓
Lack of Commitment to School	✓	✓	✓	✓	
Individual/Peer					
Alienation and Rebelliousness	✓	✓			✓
Friends Who Engage in the Problem Behavior	✓	✓	✓	✓	✓
Favorable Attitudes Toward the Problem Behavior	✓	✓	✓	✓	
Early Initiation of the Problem Behavior	✓	✓	✓	✓	✓
Constitutional Factors	✓	✓			✓

Counties by District

District 1 <ul style="list-style-type: none"> • *Atchison • Leavenworth 	District 2 <ul style="list-style-type: none"> • *Jackson • Jefferson • Pottawatomie • Wabaunsee 	District 3 <ul style="list-style-type: none"> • *Shawnee 	District 4 <ul style="list-style-type: none"> • Anderson • Coffey • *Franklin • Osage
District 5 <ul style="list-style-type: none"> • Chase • *Lyon 	District 6 <ul style="list-style-type: none"> • Bourbon • Linn • *Miami 	District 7 <ul style="list-style-type: none"> • *Douglas 	District 8 <ul style="list-style-type: none"> • Dickinson • *Geary • Marion • Morris
District 9 <ul style="list-style-type: none"> • Harvey • *McPherson 	District 10 <ul style="list-style-type: none"> • *Johnson 	District 11 <ul style="list-style-type: none"> • Cherokee • *Crawford • Labette 	District 12 <ul style="list-style-type: none"> • *Cloud • Jewell • Lincoln • Mitchell • Republic • Washington
District 13 <ul style="list-style-type: none"> • *Butler • Elk • Greenwood 	District 14 <ul style="list-style-type: none"> • Chautauqua • *Montgomery 	**District 15 <ul style="list-style-type: none"> • Cheyenne • Logan • Sheridan • Sherman • Rawlins • Thomas • Wallace 	District 16 <ul style="list-style-type: none"> • Clark • Comanche • Ford • *Gray • Greensburg • Meade
**District 17 <ul style="list-style-type: none"> • Decatur • Graham • *Norton • Osborne • Phillips • Smith 	District 18 <ul style="list-style-type: none"> • *Sedgwick 	District 19 <ul style="list-style-type: none"> • *Cowley 	District 20 <ul style="list-style-type: none"> • *Barton • Ellsworth • Rice • Russell • Stafford
District 21 <ul style="list-style-type: none"> • Clay • *Riley 	District 22 <ul style="list-style-type: none"> • *Brown • Doniphan • Marshall • Nemaha 	**District 23 <ul style="list-style-type: none"> • Ellis • Gove • Rooks • Trego 	District 24 <ul style="list-style-type: none"> • Edwards • Hodgeman • Lane • Ness • *Pawnee • Rush
District 25 <ul style="list-style-type: none"> • *Finney • Greeley • Hamilton • Kearny • Scott • Wichita 	District 26 <ul style="list-style-type: none"> • Grant • Haskell • Morton • *Seward • Stanton • Stevens 	District 27 <ul style="list-style-type: none"> • *Reno 	District 28 <ul style="list-style-type: none"> • Ottawa • *Saline
District 29 <ul style="list-style-type: none"> • *Wyandotte 	District 30 <ul style="list-style-type: none"> • Barber • Harper • Kingman • Pratt • *Sumner 	District 31 <ul style="list-style-type: none"> • *Allen • Woodson • Neosho • Wilson 	*denotes the district's administrative county. ** Districts 15, 17 & 23 operate as one planning district per local agreement.

About the Kansas Advisory Group

The Kansas Advisory Group on Juvenile Justice and Delinquency Prevention was established by the Governor, as directed by Section 223(a) (3) of the Juvenile Justice and Delinquency Prevention Act (JJDP), to determine, advocate for, and promote the best interests of juveniles in Kansas. Reflecting its mission to help juveniles live productively and responsibly, increase public safety, and to effect positive change in youth, families, and communities, the Kansas Advisory Group seeks to:

- improve and monitor the state juvenile justice system;
- prevent juvenile delinquency and strengthen communities and families;
- Support juvenile justice improvements and reform through policy development and funding recommendations and monitoring;
- advocate for the full implementation of the federal Juvenile Justice and Delinquency Prevention Act;
- develop and implement the JJDP Three Year State Plan, and
- advise the Governor and Legislature of the State of Kansas on matters concerning the juvenile justice system and related youth issues.

The advisory group participates in the development and review of the juvenile justice plan, review and comment on all juvenile justice and delinquency prevention grant applications, and make recommendations regarding grant applications.

Agency Organizational Structure

Administration

The administration program includes the activities of the commissioner of juvenile justice, and other administrative and support personnel required for the operation of the Juvenile Justice Authority and the management and oversight of correctional facilities and programs providing services to juvenile offenders. The administration program consists of the following specific areas of responsibility:

- Development, implementation, and administration of policy, budgets, operations and continuous evaluation of the Kansas Juvenile Justice Authority's juvenile correctional facility system, system of care and supervision of community based offenders and programs for prevention of juvenile offending.
- Legal services and consultation, including representation of the agency and employees in litigation and administrative hearings; promulgation and implementation of policies, procedures, regulations, and statutes; and the preparation and review of contracts and other legal documents.
- Fiscal management and budget development for the agency, its community-based programs and the juvenile correctional facilities, including purchasing, accounts receivable, and accounts payable, as well as the community provider accounting function, which is responsible for the payment of vendor billings submitted by the various community case management and other agencies which administer the JJA programs in local communities. This group also administers the random moment time study and processes all Title IV-E and Title XIX claims.
- Planning and information analysis necessary for carrying out agency direct service responsibilities and providing strategic leadership and technical assistance to local communities for successful community-based juvenile justice services.
- Administration of the agency's personnel and equal employment opportunity/affirmative action programs; oversight and guidance of the human resource functions of the juvenile correctional facilities, development and defense of agency-wide policy and procedures in the areas of employee relations, classification studies, position management, workforce planning, benefits management, hiring, performance reviews, discipline, etc.
- The public information section promotes the agency and its mission through proactive community outreach and communicates with the media as the agency liaison.
- The Office of the Inspector General is responsible for planning, organizing, directing, and controlling the audit function engaged in conducting complex external and internal audits in a number of program and financial areas. This includes audits of hundreds of local providers and grant recipients as well as the juvenile correctional facilities.

Operations

The Division of Operations was established by the Juvenile Justice Reform Act for the purpose of administering the four correctional facilities, the statewide intake and classification of juvenile offenders committed to the Juvenile Justice Authority for incarceration, and the statewide release and transition program for incarcerated juvenile offenders. In addition, the Division of Operations is responsible for:

1. Juvenile Correctional Facility Alcohol and Drug Abuse Services (ADAS) program.
2. Administration of the Independent Living program.
3. Interstate compact operations.
4. Juvenile Correctional Facility federal educations grant programs. Responsibilities include monitoring expenditures of funds and submitting annual reports to oversight agencies.
5. Administration of policy and program development for the JJA.
6. Liaison and consultation to court personnel, district attorneys, public defenders, state officers, legislators and the public on incarcerated juvenile offender case related issues.
7. Administration of the juvenile offender intake program for the four correctional facilities.
8. Provision of oversight of the juvenile correctional facilities capital improvements program.
9. Review of case material received from the courts for completeness, legal compliance, and appropriateness of commitments. This includes decisions on acceptance and discharge of cases.
10. Review of journal entries and other legal documents.
11. Review juvenile correctional facility operations to ensure compliance with state and federal laws, American Correctional Association accreditation standards, and national juvenile corrections best practices.
12. Oversight of the Juvenile Justice Authority Corrections Academy.
13. Maintenance of personal contact with judges and other court personnel to assist them with legal and operational case-related problems.
14. Conduct training and orientation of court personnel on matters related to JCF programs and procedures.

Contracts and Community Programs

The Contracts and Community Programs Division is responsible for providing technical assistance/support, consultation, oversight, resources and training to enhance successful partnerships with local juvenile justice stakeholders for implementation and operation of a comprehensive juvenile justice system. Two major initiatives of the division consist of:

1. To assist communities in the identification and implementation of community based juvenile services that promote public safety m hold juvenile offenders accountable and provide juveniles the ability to live productively and responsibly in the community. This initiative has

been pursued through community strategic planning and the annual funding application process.

2. In partnership with community-based programs, ensure juvenile justice programs are operating in a manner that provides the appropriate level of supervision and services to the juvenile offender population being managed at the community level. Community based intervention/graduated sanctions programs consisting of Juvenile Intake and Assessment (JIAS), Juvenile Intensive Supervision (JISP) and Community Case Management (CCMA) are the core mandated juvenile justice programs.

Research and Prevention

The Division of Research and Prevention was established by the Juvenile Justice Reform Act for the purpose of developing and implementing the Juvenile Justice Information System, collecting and analyzing information on juvenile delinquency, researching the field of juvenile justice to identify and assist in implementation of science tested programs that are successful and in keeping with the Juvenile Justice Authority's mission and goals ensuring that the state of Kansas maintains compliance with the Juvenile Justice and Delinquency Prevention Act of 1974.

The mission of the Division of Research and Prevention is to improve the juvenile justice system in accordance with the Juvenile Justice Reform Act by providing the following services:

1. Identifying and supporting the implementation of effective programs throughout the juvenile justice continuum
2. Analyzing data to support the strategic direction of the Juvenile Justice Authority
3. Monitoring jails and detention facilities to ensure the state maintains federal compliance
4. Administering federal grant making to maximize the effectiveness of juvenile justice systems across the state
5. Developing, implementing and administering the Juvenile Justice Information System

The Division of Research and Prevention has three functional areas of responsibility:

1. Research on effective programs and strategies across the continuum of juvenile justice services,
2. Administration of federal funds from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), and
3. Development and operation of the comprehensive Juvenile Justice Information System.

Juvenile Correctional Facilities Overview

The four existing facilities are located in buildings that have been retrofitted for a variety of different uses during the course of their existence. The existing facilities are:

- **Atchison Juvenile Correctional Facility**

Built in 1885 as the Orphan's Home for Soldiers and Sailors (veterans of the Union military in the Civil War)

100-bed capacity for younger, male juvenile offenders;

Current population: 102 FTE: 119



The campus of AJCF includes the administration building, shown left, a clinical office building, six open living units (less restrictive, requiring moderate supervision), one long-term semi-closed unit (operated with intensive behavior management structure), one short-term closed unit (satisfies emergency security needs and operates under close supervision), a school building, a dining building, a power plant,

maintenance support structures, a swimming pool, and both outdoor and indoor recreational facilities. It is an open campus plan, with no security perimeter fence.

- **Beloit Juvenile Correctional Facility**

Established in 1889 as the Girls Reformatory School; 100-bed capacity for female juvenile offenders;

Current population: 51 FTE: 103

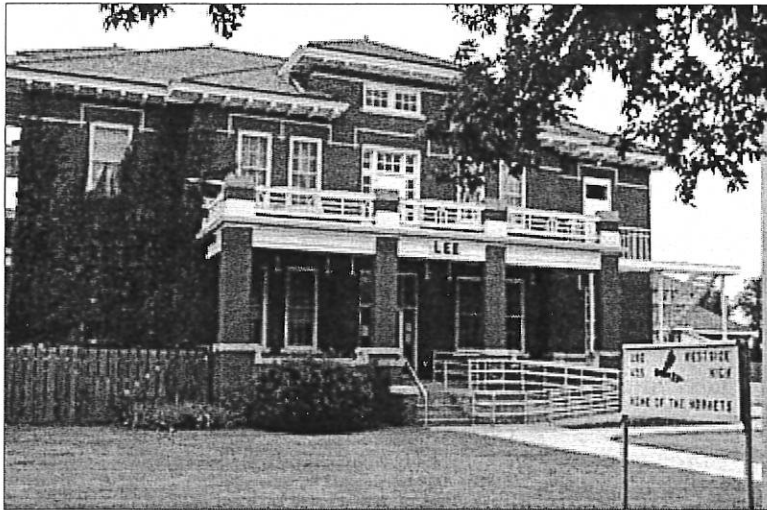


The administration building, left, is located mid-campus, within walking distance of four living units, the school, cafeteria, power plant, a swimming pool and recreation area, and other out buildings. While there is no perimeter security fence, the recent renovation of the Morning View living unit provides maximum-security housing for female juvenile offenders considered to be most violent or at risk of escape. The Grand View and Prairie View living units

have been closed due to a reduction in population and as part of budget cutting measures, bringing actual current capacity to 66 offenders.

- **Larned Juvenile Correctional Facility**

Established in 1971, as the Adolescent Rehabilitation Unit at Larned State Hospital
116-bed capacity for male juvenile offenders;
Current population: 114 FTE: 128

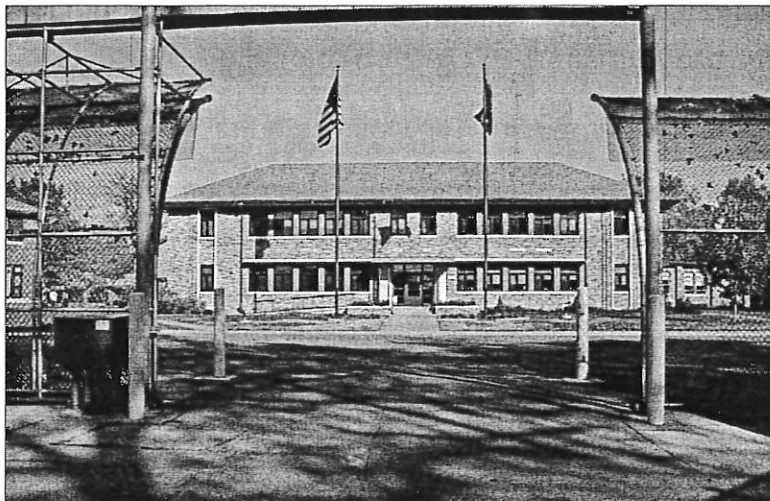


The current LJCF will be replaced in July 2003 by a new, self-contained facility. Until occupancy of the new structure, juvenile offenders attend school in the building shown at left. The old facility, which comprises buildings dispersed about the campus of the Larned State Hospital, includes two multi-story dormitory type living units, and a single-story "security" unit. Administrative offices, the dining hall and other functions are carried out at LSH

facilities in conjunction with that facility's operation.

- **Topeka Juvenile Correctional Facility**

Established in 1888 as the Boys' Reformatory School; official capacity of 219 male juvenile offenders, plus an additional of 57 beds for overcrowding;
Current population: 230 FTE: 226



The oldest of the facilities, TJCF is located on approximately 60 acres in north Topeka. Considered "medium security," virtually all activities occur within a perimeter fence. There are currently 12 living units, four of which will be replaced by a new unit being constructed in conjunction with the Kansas Juvenile Correctional Complex. In addition to the administration building, left, there are many other buildings, including the dining hall, school,

gymnasium, industry buildings, and physical plant facilities. The newest of the existing buildings is the control building, constructed in 1990 at the main vehicle and pedestrian entry.

Construction Update

In 1997, with the Kansas Juvenile Justice Reform Act and the beginning of the Kansas Juvenile Justice Authority (KJJA), the state adopted a new approach to juvenile justice based on the model of Balanced Approach and Restorative Justice. The model emphasizes:

- Protection of the public
- Holding juvenile offenders accountable
- Increasing the juvenile offender's competencies
- Operating within the expectations of community norms and customer needs.

Using that model, KJJA undertook a study of the existing juvenile correctional facilities, and reviewed, based upon new sentencing guidelines and population figures, what Kansas will need in the future. The new plans take into account population projections based on the state's new (1999) tougher, sentencing matrix for violent, chronic and serious offenders. The sentencing matrix determines that only the most severe juvenile offenders **(14 percent)** be incarcerated within the system. *The majority of juvenile offenders in the system (86 percent) are supervised and given services in local communities.*

KJJA is now in the process of restructuring the mission and goals of each juvenile correctional facility so that each specializes in corrections and treatment for specific populations of offenders.

The revamping of the facility system will:

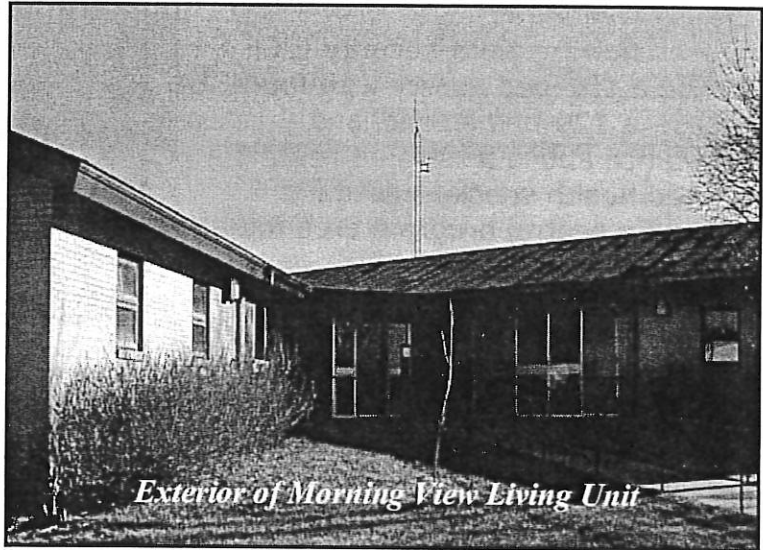
1. Establish a classification and diagnostic system and program
2. Increase the system's capacity to treat alcohol and substance abuse
3. Enhance gender-specific programming for females
4. Enhance treatment programs for severely emotional disturbed offender
5. Establish maximum-security housing for violent and difficult to manage offenders
6. Improve medical services and better address the needs of pregnant females
7. Increase the system-wide bed capacity to meet the projected population through 2004

Beloit Juvenile Correctional Facility

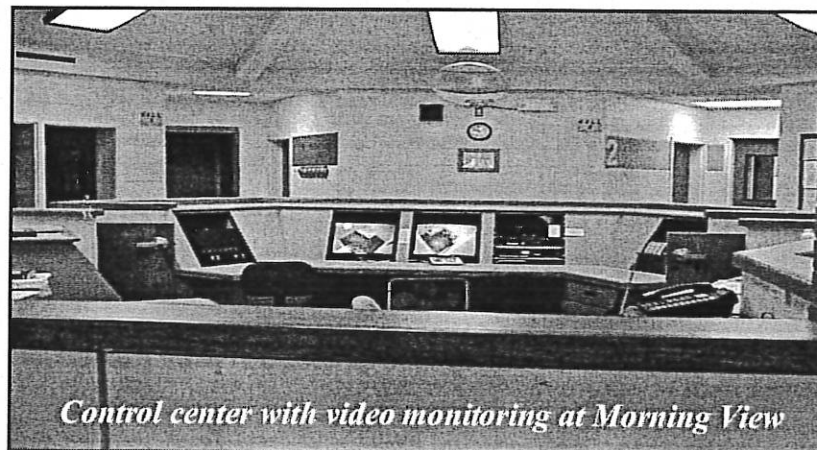
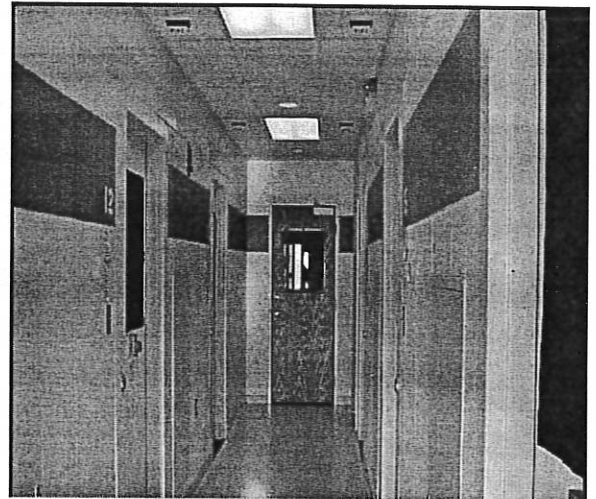
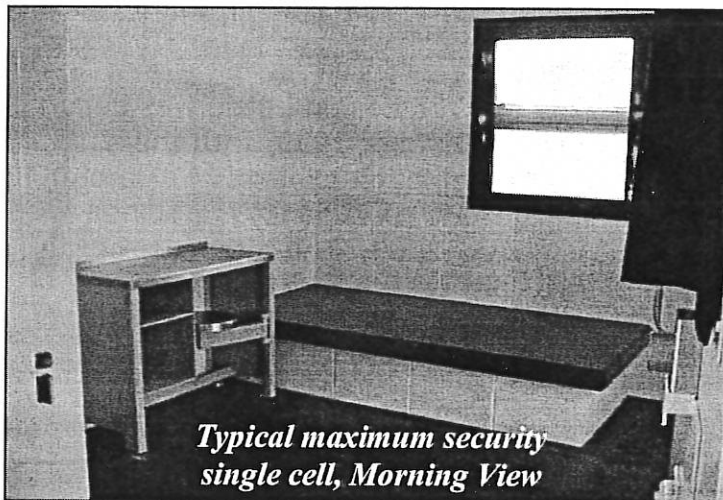
Project Overview:

Renovation of the Morning View Living Unit, including the upgrade of 18 rooms to a maximum security level to provide for female juvenile offenders who are classified as violent or at risk of escape.

The unit now includes a secure staff control center, security walls in the dayroom/recreation center, and upgraded offender rooms with new doors, locks, beds, riot gates, reinforced ceilings, and cameras.



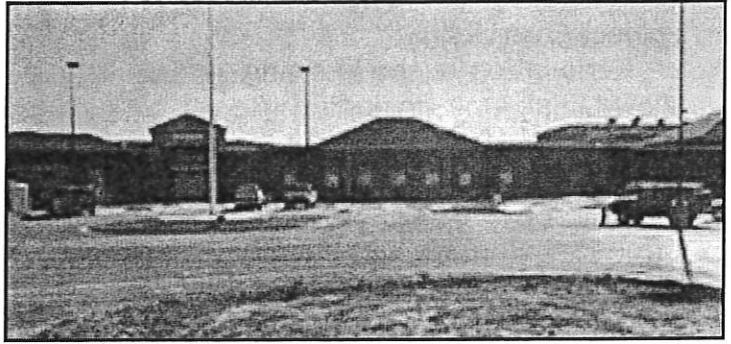
Design of the project began in November 1999, and the project was completed in December 2001 at a cost of \$500,000.



Larned Juvenile Correctional Facility

Project Overview:

The new medium-security LJCF will be a 152-bed facility with four areas: a 120-bed alcohol and substance abuse treatment center; a 32-bed health special treatment center; a central program area for recreation and school; and administrative and support areas.



View from entrance



Administrative Offices



View of living-unit pods connected by program offices

Each of the rooms is single occupancy and equipped with toilet and sink. The living and program areas are surrounded by a 15-foot fence. Unlike the existing LJCF, the new facility is entirely self-contained, with no need to leave one building to walk across a campus to another.

The design phase was begun in October 1999, with the completion expected in March 2003. Occupancy is planned for July 2003. The total cost of the project is \$21.7 million.



Architectural rendering of new Larned Juvenile Correctional Facility

Kansas Juvenile Correctional Complex

With an anticipated completion date of May 2004, the KJCC will be a 225-bed complex that will serve several purposes. It will include a 150-bed maximum-



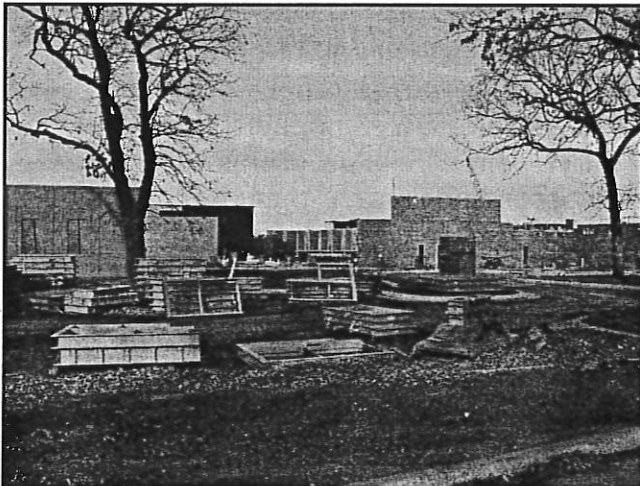
Architect's rendering of the Kansas Juvenile Correctional Complex

security facility male juvenile offenders, a 15-bed residential infirmary for both males and females, and administrative, educational and program areas. Sixty beds will be used for the juvenile correctional facility system's

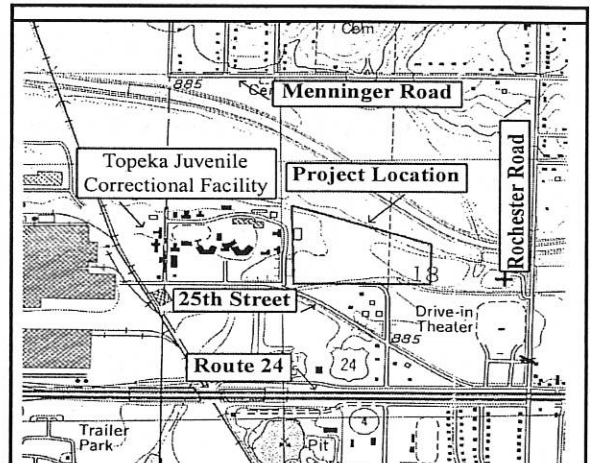
diagnostic and classification center, to which all juvenile offenders sentenced to juvenile correctional facilities will report prior to being assigned placement.

While the estimated construction cost is \$36 million, the total cost including furniture and equipment is \$37.8 million. Funding for the project includes \$28.5 million in bonds, \$5.5 million in federal funds (victim Offender Incarceration/Truth in Sentencing Act), and \$4 million from the state institutional building fund.

Roughly 250 employees will work at the Complex, which is located just east of the TJCF.



Work being done at the KJCC, as viewed from the south



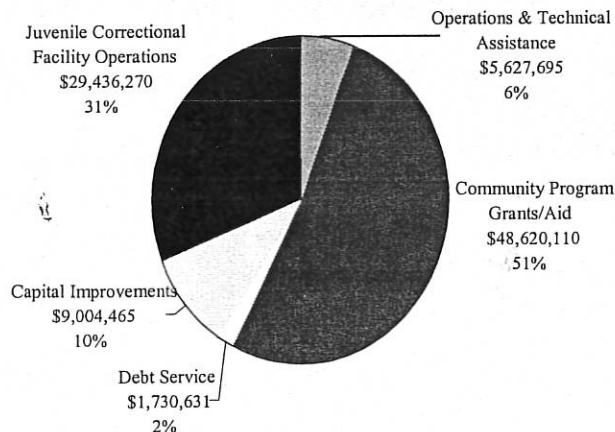
An overview of the location of the KJCC

Budget Overview

In FY 2002, the Juvenile Justice Authority spent a system-wide total of \$94,419,171, including \$62,223,699 from the State General Fund. The total includes central office programs and the juvenile correctional facilities at Atchison, Beloit, Larned, and Topeka. The combined expenditures of the four facilities totaled \$30,485,851, including \$27,667,283 from the State General Fund. While most of the funding for the facilities finances staff and operating costs, a total of \$1,049,581 from the State Institutions Building Fund was spent for physical plant rehabilitation and repair projects. Total capital improvement expenditures, including the costs of constructing a new maximum-security facility in Topeka and a replacement facility at Larned, totaled \$9,004,465. New facility debt service payments from the State Institutions Building Fund totaled \$1,730,631. Funding for 578.0 full time equivalent (FTE) positions and 8.0 unclassified temporary positions was included in the juvenile correctional facility budgets.

Central office program expenditures totaled \$63,933,220, including \$34,556,472 from the State General Fund. Seventy-six percent of these expenditures, or \$48,620,110, were for aid and assistance to local units of government and community organizations, including juvenile service providers. Of this amount, \$30,601,045 was expended from the State General Fund. In addition, \$8.0 million of the total aid amount was spent from the Children's Initiative Fund, \$2.0 million for intake and assessment programs and \$6.0 million for prevention grants. Grant funding also came from Juvenile Justice and Delinquency Prevention and Juvenile Accountability Incentive Block Grants. Title IV-E (foster care) and Title XIX (Medicaid) federal funds were used to partially finance purchase-of-service payments to juvenile service providers. Monies from the Juvenile Detention Facilities Fund financed detention per-diem payments, debt service on the regional detention facilities, and discretionary grants. Central office expenditures were also made for the juvenile justice information system, as well as salaries and operating expenditures.

The largest component of local grant expenditures consisted of graduated sanctions and purchase-of-service expenditures. The former programs were established to deal with the segment of the juvenile offender population who were not committed to a juvenile correctional facility. Three core programs are funded with graduated sanctions grants: intake and assessment, case management, and juvenile intensive supervised probation, amounting to over \$14.2 million. Almost \$18.0 million was spent on the purchase of residential placement and treatment services for juvenile offenders.



JJA Legislative Package and Bill Introduction Request

1. Kansas Juvenile Correctional Complex – Enabling Statute

This amendment is required to establish the Kansas Juvenile Correctional Complex (KJCC) and subject this facility to the same statutes, rules and regulations as any other institution under the supervision and control of the Commissioner. Appropriations were made during the 2000 session to build the KJCC and construction is expected to be completed in fiscal year 2004.

Other provisions will require amendment to reflect the existence of this facility: K.S.A. 38-1602 Definitions (m) Institution – to include the Kansas Juvenile Correctional Complex; K.S.A. 76-3201 (the Commissioner “shall appoint the superintendents of the Atchison Juvenile correctional facility, the Beloit juvenile correctional facility, the Topeka juvenile correctional facility and the Larned juvenile correctional facility. Superintendents shall be in the unclassified service under the Kansas civil service act. . .”)

Other provisions in the Juvenile Justice Code may need amendment if, for example, the provision specifically lists each facility. A provision such as “any reference to the juvenile correctional facilities shall include the KJCC” would act as a saving provision.

2. Unclassified Employees at Juvenile Correctional Facilities

According to K.S.A. 76-3201-3202, the only employees at the juvenile correctional facilities that may be in the unclassified service are the Superintendents and physicians. This proposal would amend K.S.A. 76-3202 to allow the Superintendent to appoint a deputy superintendent and an attorney to the unclassified service. Because of the importance and need for these positions, JJA requested and was granted approval from the Governor’s office to fill the unclassified deputy superintendent position at the Topeka Juvenile Correctional Facility on a temporary basis for one year.

3. Juvenile Corrections Officers (Submitted by Oversight Committee – HB 2016)

This proposal would require Juvenile Corrections Officers and Juvenile Corrections Specialists (JCO/JCS) at the juvenile correctional facilities to obtain a training certificate from the Commissioner after successfully completing training specified by the Commissioner in order to obtain permanent status. In addition, JCO/JCSs would be required to receive in-service training annually and would be required to be re-certified if they leave employment for a period of one year or more.

The amendment would add the definition of Juvenile Corrections Officer, meaning a Juvenile Corrections Officer or a Juvenile Corrections Specialist working at a juvenile correctional facility. In addition, the bill would allow the Commissioner to adopt rules and regulations to establish standards of training for these officers.

Finally, the bill grants the powers and duties possessed by law enforcement officers, limited to those within their employment duties, to the corrections officers working at the correctional facilities and investigators of the Juvenile Justice Authority.

Each of these provisions is modeled after the statutes governing the Department of Corrections on the same issues.

4. Sentence Modification for Medical Reasons (Submitted by Oversight Committee - HB 2015)

This proposal would allow sentence modification of the juvenile offender sentenced to a correctional facility based on a serious medical condition.

The intent is similar to that of SB 339, passed last year, which provides for the Secretary of Corrections to make application to the Kansas Parole Board for release of an inmate who is functionally incapacitated. The JJA version would allow for the Commissioner to apply through the sentencing Judge.

Currently, courts may modify a sentence of an offender committed to a correctional facility in only two circumstances. First, K.S.A. 38-1665 allows for the modification of a sentence within 60 days after commitment. This provision could be used to apply for a sentence modification if an offender is seriously ill but only within the first 60 days after commitment. If the illness occurs later, this provision could not be used.

Second, K.S.A. 38-16,131 provides for a mechanism for the Commissioner to file a motion to modify the sentence but only if the offender has served the minimum term under the placement matrix and only based on good behavior.

5. JCOs 18/parttime college student

This proposal would amend K.S.A. 75-7005 that currently requires all juvenile corrections officers to be at least 21 years of age. The bill would allow the hiring of corrections officers who are at least 18 years of age but only when they are 1) hired to work no more than part-time; and 2) enrolled in at least 6 hours of credits in an accredited post-secondary institution as students in criminal justice, human services or other related field as determined by the appointing authority.

The statute would still require the person to possess no felony convictions and to meet the physical agility requirements (post-offer work screen).

6. Payment of Grant Funds

K.S.A. 75-7050 states that the grants issued to communities are to be paid semiannually. Paying these funds on a quarterly basis allows for more accurate accounting oversight, is in line with the reporting requirements of that same statute, and is in line with federal reporting requirements. Thus, JJA recommends the language of this statute be amended to allow the payment of these funds on a quarterly basis or as otherwise determined by the Commissioner.

7. Medical Records

The correctional facilities need access to medical records, including psychiatric records, of the juvenile offenders committed to them. Without them the treatment providers do not know what previous treatment was provided. Duplicate screening and examinations must be done costing valuable time and money. Further, the offender may not receive as prompt and efficient care.

K.S.A. 65-5601 et seq. sets forth the privilege for psychiatric records. K.S.A. 38-1609 sets forth the privilege for medical records of juvenile offenders. Although section (a)(2) allows these records to be disclosed when the head of the treatment facility determines "disclosure is necessary for the further treatment of the juvenile offender", treatment facility is not defined and thus the records are not provided.

JJA recommends 38-1609 be amended to allow the head of the treatment facility, including a state hospital, to release medical records.

OTHER LEGISLATIVE ISSUES

1. Federal Interstate Compact Law

The Juvenile Justice Authority is following the re-write of the federal juvenile interstate compact law. It has been finalized and is ready for introduction to the states in January 2003.

The Council of State Governments and the Office of Juvenile Justice and Delinquency Prevention hosted an educational briefing for state legislators in December 2002 and paid the expenses for 2 legislators from Kansas.

2. Children's Initiative Fund

This proposal would add proviso language regarding expenditures from the Children's Initiative Fund. The change would allow JJA to allocate monies from the fund for technical assistance and program evaluation rather than being required to allocate all of the funding to the judicial districts.

Last year this concern was addressed through a recommendation by the Children's Cabinet and approved by the governor for an additional \$500,000 to be

allocated to JJA for these purposes. However, the additional money, and thus the additional purpose, was stricken during Omnibus.

Our current budget seeks this change and we will of course be following it very closely.