

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE

The meeting was called to order by Chair Sharon Schwartz at 9:00 A.M. on February 1, 2007, in Room 514-S of the Capitol.

All members were present.

Committee staff present:

Alan Conroy, Legislative Research Department
J. G. Scott, Legislative Research Department
Becky Krahl, Legislative Research Department
Aaron Klaassen, Legislative Research Department
Amy VanHouse, Legislative Research Department
Reagan Cussimano, Legislative Research Department
Jim Wilson, Revisor of Statutes
Nikki Feuerborn, Chief of Staff
Shirley Jepson, Committee Assistant

Conferees appearing before the committee:

Roger Werholtz, Secretary, Department of Corrections (DOC)
Representative Kenny Wilk
Representative Tom Hawk
Charles H. Gregor, Jr., Executive Vice President, Leavenworth-Lansing Area Chamber of Commerce
Robyn M. Stewart, Assistant City Manager, City of Leavenworth
Bruce Snead, Mayor, City of Manhattan
Stuart Little, Little Government Relations
Annie Grevis, President of the Association of Community Corrections
Mark Masterson, Corrections Director, Sedgwick County
Keith Clark, Director of Community Corrections, 4th Judicial District
Michael B. Kearns, Chairman, Riley County Board of Commissioners
Clancy Holman, Riley County Counselor

Others attending:

See attached list.

- Attachment 1 Update on Prison Populations by Secretary Werholtz
- Attachment 2 Testimony on **HB 2303** by Charles H. Gregor, Jr.
- Attachment 3 Testimony on **HB 2303** by Robyn M. Stewart
- Attachment 4 Overview of Community Corrections by Stuart Little
- Attachment 5 Presentation on Community Corrections by Annie Grevis
- Attachment 6 Presentation on Community Corrections by Mark Masterson
- Attachment 7 Presentation on Community Corrections by Keith Clark
- Attachment 8 Presentation on Community Corrections by Michael Kearns
- Attachment 9 Presentation on Community Corrections by Clancy Holman

Representative Yoder moved to introduce legislation to create a civil expungement statute. The motion was seconded by Representative Lane. Motion carried.

Representative Yoder moved to introduce legislation amending K.S.A. 65-129a to allow for remote hearings for trials during emergency pandemic. The motion was seconded by Representative Lane. Motion carried.

Representative Yoder moved to introduce legislation to include falsely damaging the credit of a consumer in the consumer protection act. The motion was seconded by Representative Wolf. Motion carried.

Representative Yoder moved to introduce legislation to abolish statutory prohibition on costs of collection on residential real estate agreements in the Kansas Landlord Tenant Act. The motion was seconded by Representative Wolf. Motion carried.

CONTINUATION SHEET

MINUTES OF THE House Appropriations Committee at 9:00 A.M. on February 1, 2007 in Room 514-S of the Capitol.

Representative Yoder moved to introduce legislation to specify that actions brought under K.S.A. 66-176, are subject to the statutory rules of comparative fault. The motion was seconded by Representative Wolf. Motion carried.

Representative Holmes moved to introduce legislation for a conceptional bill concerning the make-up of the board of regents. The motion was seconded by Representative McLeland. Motion carried.

Representative McLeland offered follow-up information regarding Don Heiman's presentation on January 31, 2007, concerning technology installations at the Statehouse, stating that the strategic technology plan for a proposed XML system (a browser based language that allows for easy WEB like access to information) was used during a Committee meeting in which he participated during the interim. This upgrade would allow for testimony from remote locations to be heard as well as camera projection of the individual speaking. Representative McLeland reported that it was a very successful and interesting procedure.

Chair Schwartz recognized Roger Werholtz, Secretary, Department of Corrections (DOC), who presented an update on prison populations (Attachment 1). Secretary Werholtz was accompanied by Chuck Simmons, Deputy Secretary; Mike Gato, Chief Architect; and Dennis Williams, Fiscal Manager for the Department of Corrections. The Secretary stated that the Department has projected a prison population in 10 years of 11,231 beds based on current practices and current assumptions. Current physical capacity is 9,347 beds resulting in a projected need of 1,884 additional beds. The Department is reviewing a number of long-range options; however, feels confident that new prison construction will be necessary.

Secretary Werholtz noted that the Governor's FY 2008 budget includes bonding authority for the Department of Corrections in the amount of \$39 million plus. This bonding authority equates to the construction of 4 housing units or 512 maximum security beds at the El Dorado Correctional Facility.

The Secretary also included information regarding the Governor's proposed bond issue of \$21 million relating to life, safety or security improvements at the various correctional facilities. Routinely, these improvements would be funded from the repair and renovation fund; however, these items are too expensive to be funded from the repair and renovation fund. The Governor has recommended a bonding authority of \$19 million to cover these improvements with the balance of \$2 million funded from recovered construction liability settlement on the utility tunnels at El Dorado Correctional Facility. Because the Department has been reducing their level of debt service each year, Secretary Werholtz stated that the Department can maintain the present level of debt service with the additional \$19 million as proposed.

Hearing on HB 2303 - Creation of the Kansas national bio and agro defense facility interagency working group.

Amy VanHouse, Legislative Research Department, explained that **HB 2303** would create the Kansas national bio and agro defense facility interagency working group. The working group would support and assist the United States department of homeland security in the national environmental policy act process to conduct an environmental impact statement on any site in Kansas selected by the department of homeland security for the location of a national bio and agro defense facility. In addition, the working group would coordinate efforts among all affected state, county and local agencies to further the state's interest in the construction of a national bio and agro defense facility in Kansas. The legislation directs who will serve on the working group, who will serve as chairperson and identify their responsibilities. The Department of Health and Environment (KDHE) will coordinate the efforts of the State and serve as an information resource.

Representative Kenny Wilk appeared as a proponent of **HB 2303**, stating that the construction of the bio and agro defense facility in Kansas would have a huge impact on the State's economy as well as surrounding states. At this time, there are two proposed sites in Kansas - Leavenworth and Kansas State University at Manhattan. Representative Wilk stated that the State's plan has to be submitted to the federal government by February 16, 2007. If the plan is chosen as a possible site,

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MINUTES OF THE House Appropriations Committee at 9:00 A.M. on February 1, 2007 in Room 514-S of the Capitol.

site visits will be made in March-May, 2007. A final decision of a location for the facility is to be made by October 2008.

Representative Tom Hawk appeared as a proponent of **HB 2303**. Representative Hawk stated that it would be an economic boost for Kansas to be selected as the site for the facility.

Charles H. Gregor, Jr., Executive Vice President, Leavenworth-Lansing Area Chamber of Commerce, presented testimony in support of **HB 2303** (Attachment 2). Mr. Gregor stated that Leavenworth strongly supports the proposal.

Robyn M. Stewart, Assistant City Manager, City of Leavenworth, presented testimony in support of **HB 2303** (Attachment 3).

Bruce Snead, Mayor, City of Manhattan, appeared and spoke in support of **HB 2303**. Mr. Snead noted that Leavenworth and Manhattan are working together to support the State's plan.

The Committee discussed the possibility of amending the bill to include the adjutant general as a member of the working group. In response to a question from the Committee, Representative Wilk stated that there would need to be significant cost sharing by the State if a site within Kansas is selected.

The hearing on HB 2303 was closed.

The Chair recognized Stuart Little, Little Government Relations, who appeared on behalf of the Kansas Community Corrections Association (KCCA), and presented an overview of issues regarding community corrections (Attachment 4). Mr. Little stated that community corrections provide cost-effective community-based supervision instead of prison for adult and juvenile offenders with lower severity level offenses. Funding for community corrections is a serious and critical issue. Programs and services at the local level have been reduced or eliminated in order to maintain the core services. Because the Department of Corrections controls the funding for community corrections through grant funding, Riley County has sued the Department of Corrections on grounds that they have not dispersed the funding as set forth in the formula.

Chairwoman Schwartz recognized Annie Grevis, President of the Association of Community Corrections, who presented an overview of Community Corrections on behalf of the 28th Judicial District Community Corrections Association (KCCA) (Attachment 5).

Chairwoman Schwartz recognized Mark Masterson, Corrections Director, Sedgwick County, who presented testimony on the purpose of community corrections and funding issues (Attachment 6).

The Chair recognized Keith Clark, Director of Community Corrections, 4th Judicial District, who presented testimony on the core programming and funding with respect to the juvenile side of community corrections (Attachment 7). Mr. Clark requested funding in the amount of \$2.2 million outlined in the Juvenile Justice Authority's budget that was not funded by the Governor.

Chairwoman Schwartz recognized Michael B. Kearns, Chairman, Riley County Board of Commissioners, who presented testimony concerning the under funding for the Riley County Community Corrections (Attachment 8). Mr. Kearns noted that under funding of community corrections is a public safety issue.

Chairwoman Schwartz recognized Clancy Holman, Riley County Counselor, who presented testimony on the under funding of Community Corrections (Attachment 9).

Responses to Committee questions:


- With regard to the Riley County lawsuit, the court will not appropriate funding; however, could order the Department of Corrections to provide adequate funding.
- The increase at the Community Corrections level has been caused by the expansion of the criteria for who comes to the system at the community level. There are also more serious

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MINUTES OF THE House Appropriations Committee at 9:00 A.M. on February 1, 2007 in Room 514-S of the Capitol.

- crimes being sent to community corrections.
- The funding in the Governor's budget is expected to maintain the current level of service for community corrections; however, did not address the issue of reducing revocation level by 50 percent.
- If passed by the Legislature, **HB 2141** will define what is expected from community corrections and possibly address adequate funding for community corrections.
- The Department of Corrections did not ask for more funding for Community Corrections because the funding mechanism has changed. Changes were made because of volatility in the amount of funding for certain programs, complaints from program managers, increases in parole population and community corrections population beyond the baseline.

The meeting was adjourned at 11:00 a.m. The next meeting of the Committee will be held at 9:00 a.m. on February 2, 2007.


Sharon Schwartz, Chair

House Appropriations Committee

February 1, 2007

9:00 A.M.

NAME	REPRESENTING
Michael B Keane	Riley County
Clancy Holman	Riley County
CRAIG COX	RILEY COUNTY
Dan Murray	Federico Consulting
Dan Seiber	Kear Law Firm
SUE Peterson	K-State
Ann Hawk	BT th

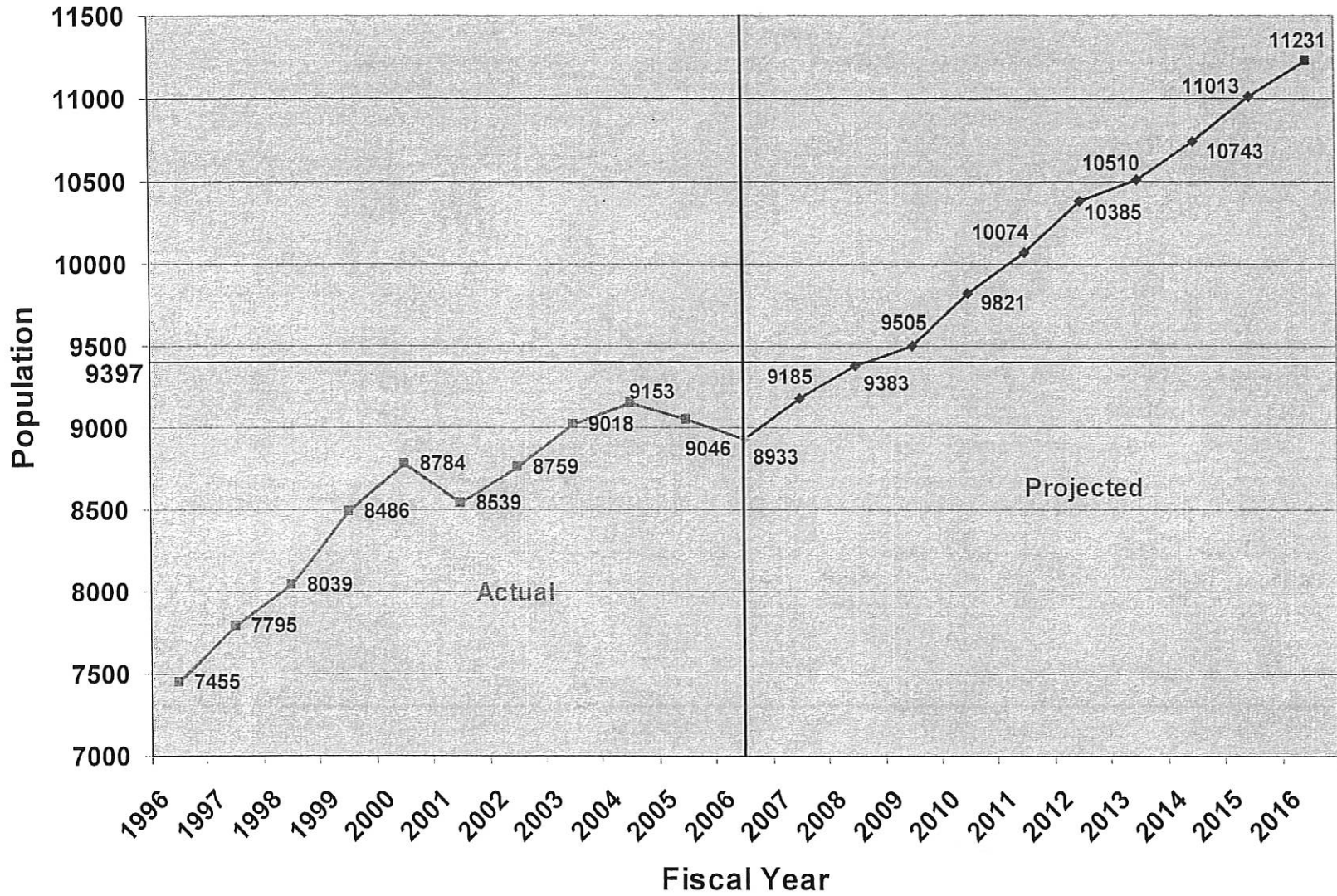
Current 10 year projection = 11,231
Current physical capacity = 9347

10 year projection – current physical capacity (11,231 – 9,347 = 1,884)	1,884
10 yr. projection w/parole revocations @ 90/mo	1,368
10 yr. projection w/parole revocations @ 90/mo and community corrections revocations reduced by 20%	935
10 yr. projection w/parole revocations @ 90/mo and community corrections revocations reduced by 50%	285

HOUSE APPROPRIATIONS

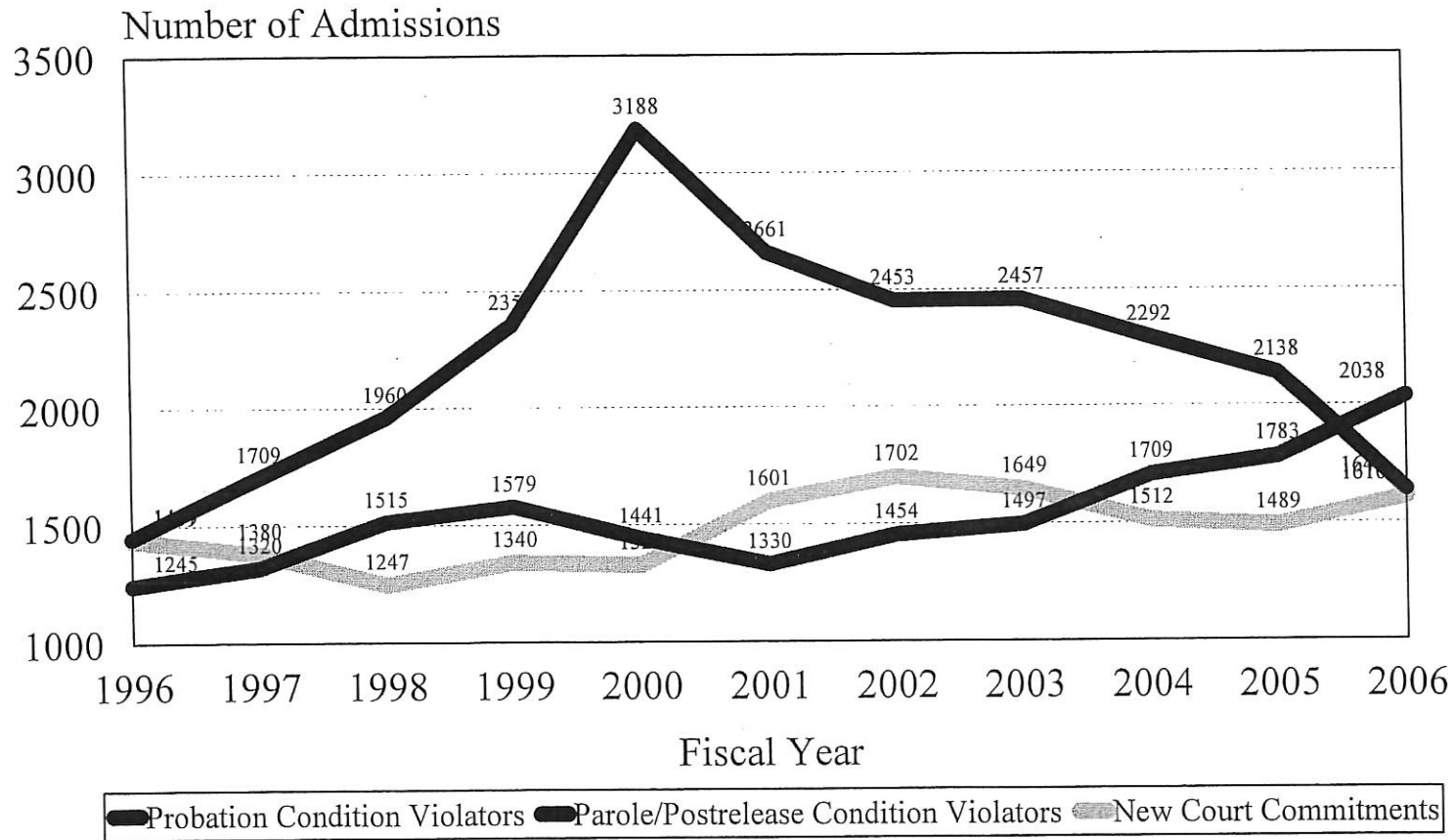
DATE 2-01-2007
ATTACHMENT 1

Kansas Prison Population Trend - Actual and Projected



KANSAS PRISON ADMISSION TRENDS

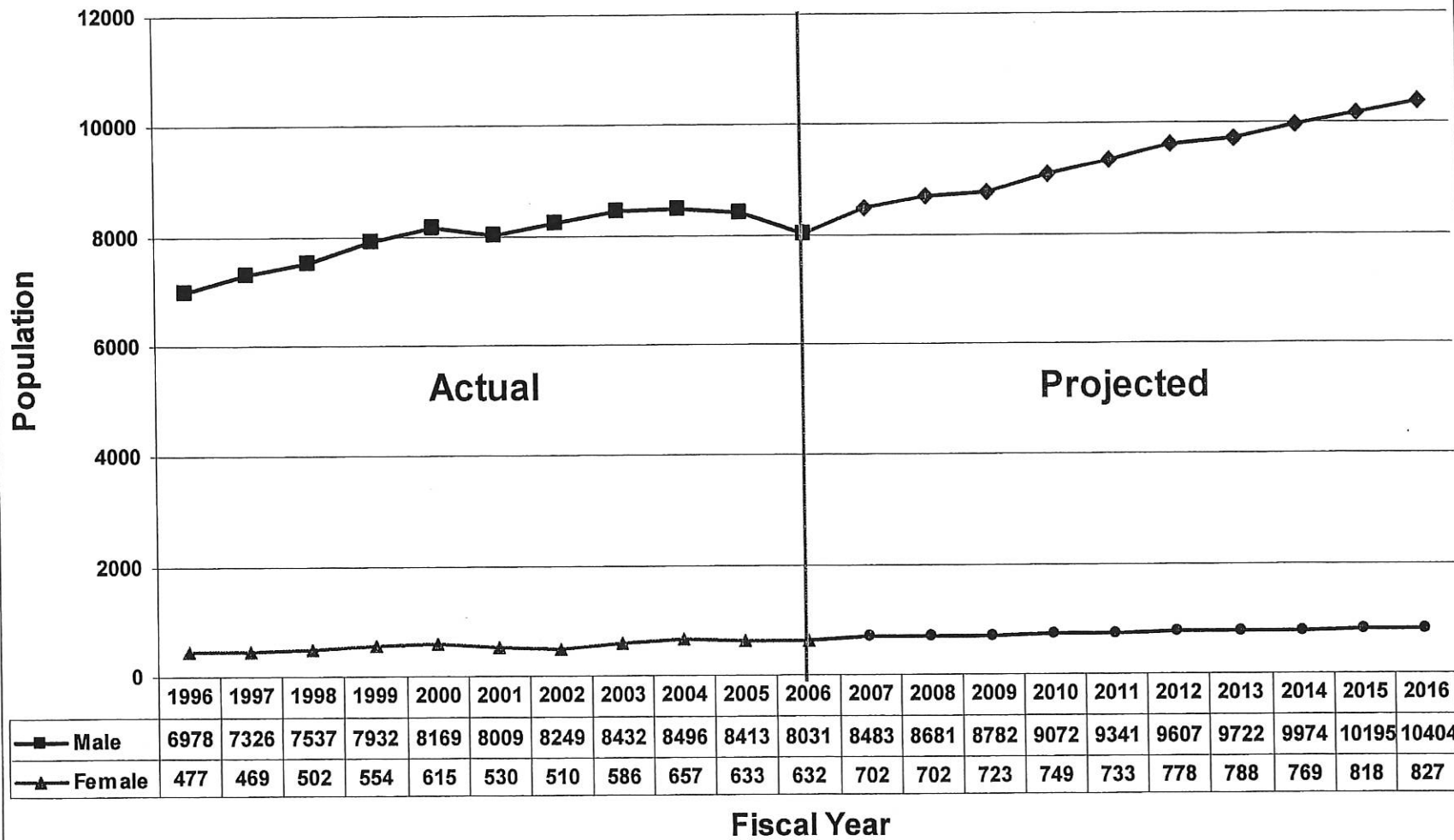
Admissions by Type



Source: KDOC admission files

1-4

Actual and Projected Prison Population by Gender



8,649 + 512 = 9,161 (2010-2011)

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FACILITY CAPACITIES

Capacity by Facility, Security Designation of Bedspace, and Gender*
July 1, 2006

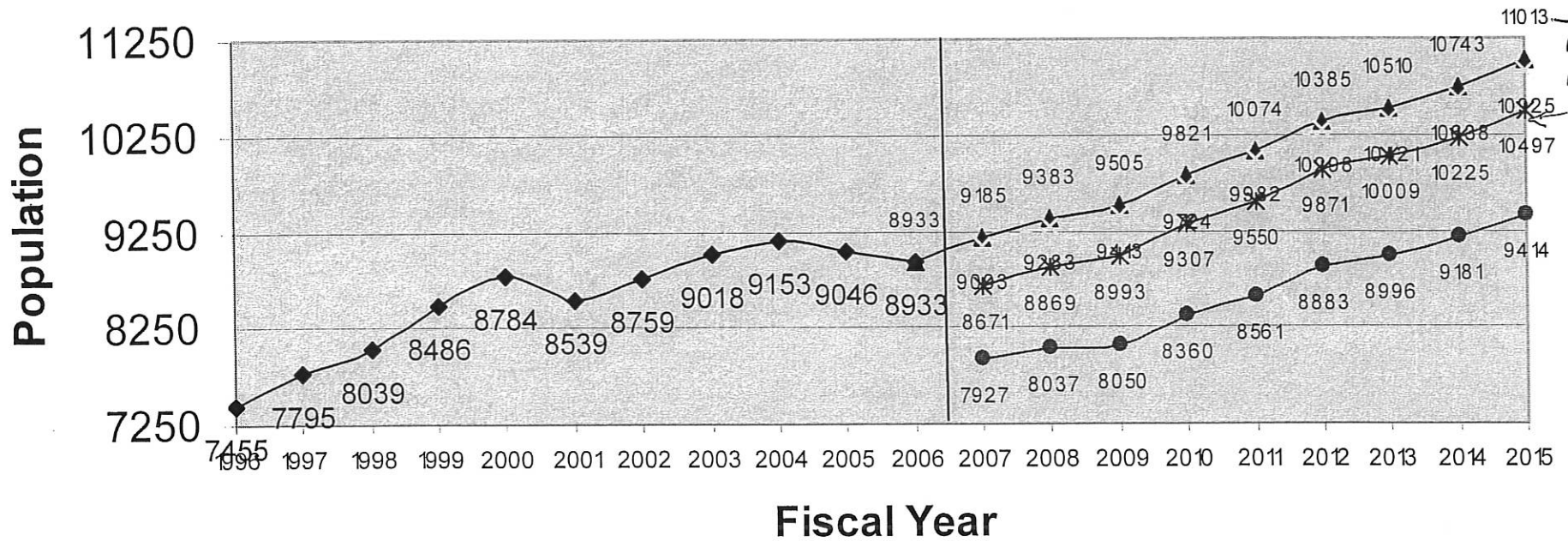
Location of Beds	Security Designation by Gender										
	Maximum		Medium High		Medium Low		Minimum		All Levels		Total
	Males	Females	Males	Females	Male	Female	Male	Female	Male	Female	
<u>KDOC Facilities</u>											
Lansing Corr. Facility	838		943				708		2489		2489
Hutchinson Corr. Facility	548		452		480		288		1768		1768
El Dorado Corr. Facility	691		487		539		296		835		835
Norton Corr. Facility							38		832		832
Ellsworth Corr. Facility			794							711	711
Topeka Corr. Facility		49		250		412					
Winfield Corr. Facility							250		250		250
Wichita Work Release Facility							218		368		368
Larned Corr. Mental Health Facility	150										
Subtotal: KDOC Facilities/Placements	2227	49	2676	250	1019	412	2526	0	8448	711	9159
<u>Non-KDOC Facilities/Placements</u>											
Larned State Security Hospital	95	20							95	20	115
Labette Correctional Conservation Camp							50	17	50	17	67
Contract Jail Placements			6						6		6
Out of State Contract Beds			50						50		50
Subtotal: Non-KDOC Facilities Placements	95	20				0	50	17	201	37	238
Totals: All Facilities/Placements	2322	69	2732	250	1019	412	2576	17	8649	748	9397

* Includes all beds counted in the capacity as of the specified date. Does not include the system-wide total of 261 "special use beds," which are primarily for infirmary and certain types of segregation use. Includes 500 out of state contract beds beginning FY 2006.

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FY 2007 Actual and Projected Total Prison Population



This line assumes 90/mo

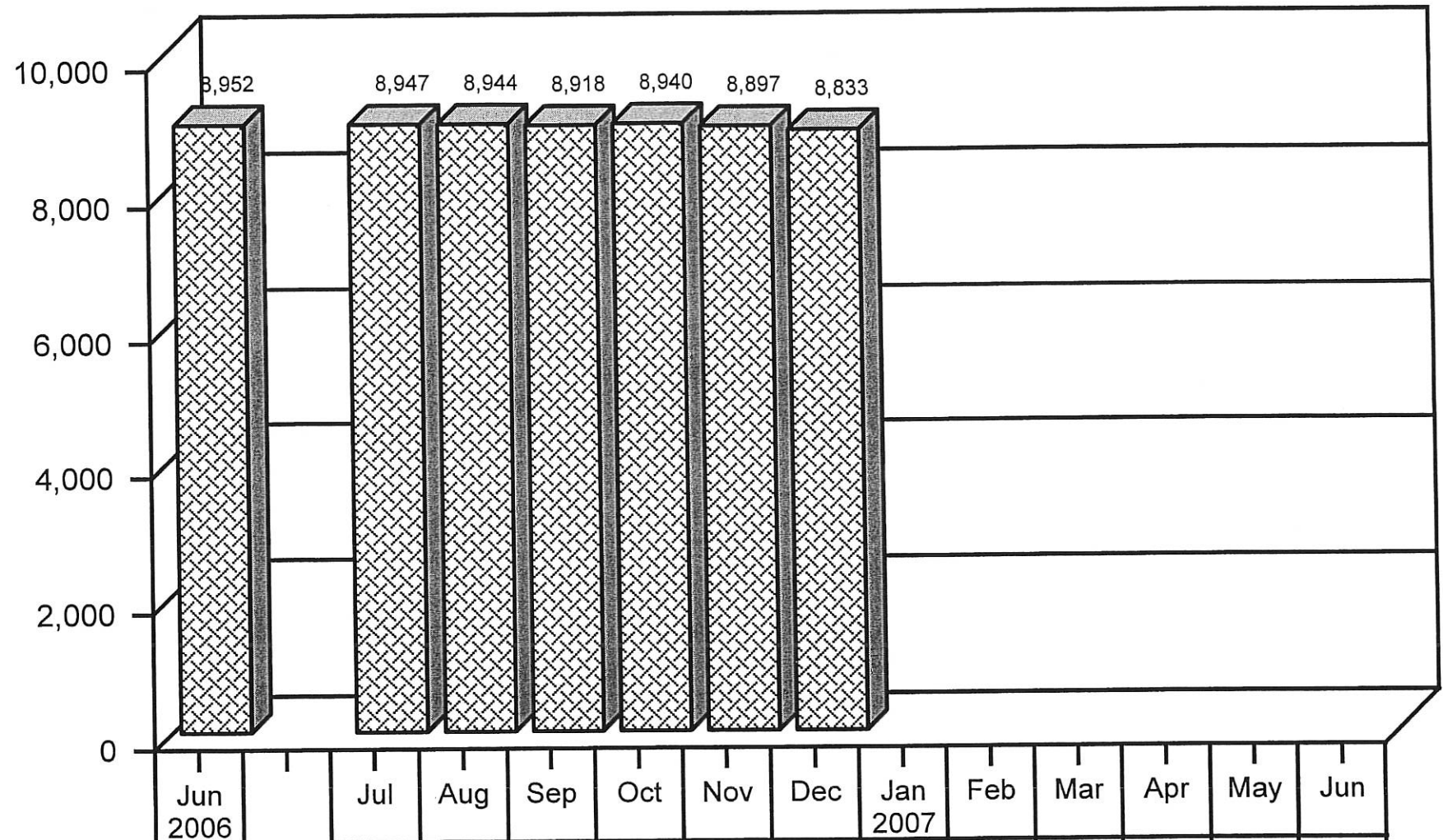
◆ Actuals ▲ FY07 proj - - - Scen1 * Scen2 ● Scen3

$9,347 + 512 = 9859$ (2012)

Sec. WERHOLTZ
 1-1

Kansas Department of Corrections
 Graphic Highlights -- Monthly Offender Population Report (December 2006)

End-of-month Inmate Population: FY 2007 to Date*



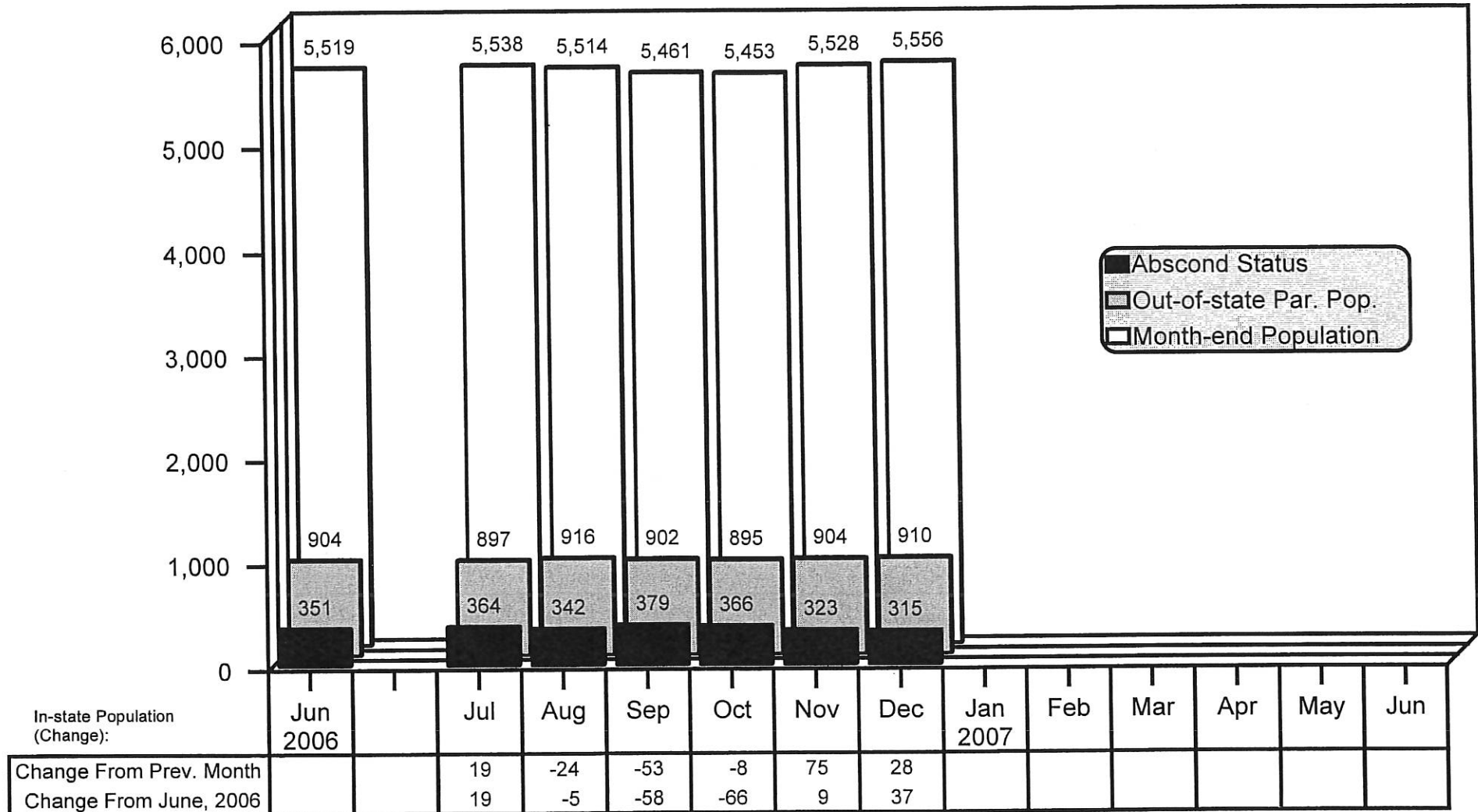
Change from Prev. Mo.			-5	-3	-26	22	-43	-64						
Change from June, 2006			-5	-8	-34	-12	-55	-119						

*Figures reflect the total inmate population (combined DOC and Non-DOC facility populations)
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Kansas Department of Corrections
Graphic Highlights -- Monthly Offender Population Report (December 2006)

Components of the End-of-month Population Under Post-incarceration Management: FY 2007 to Date*

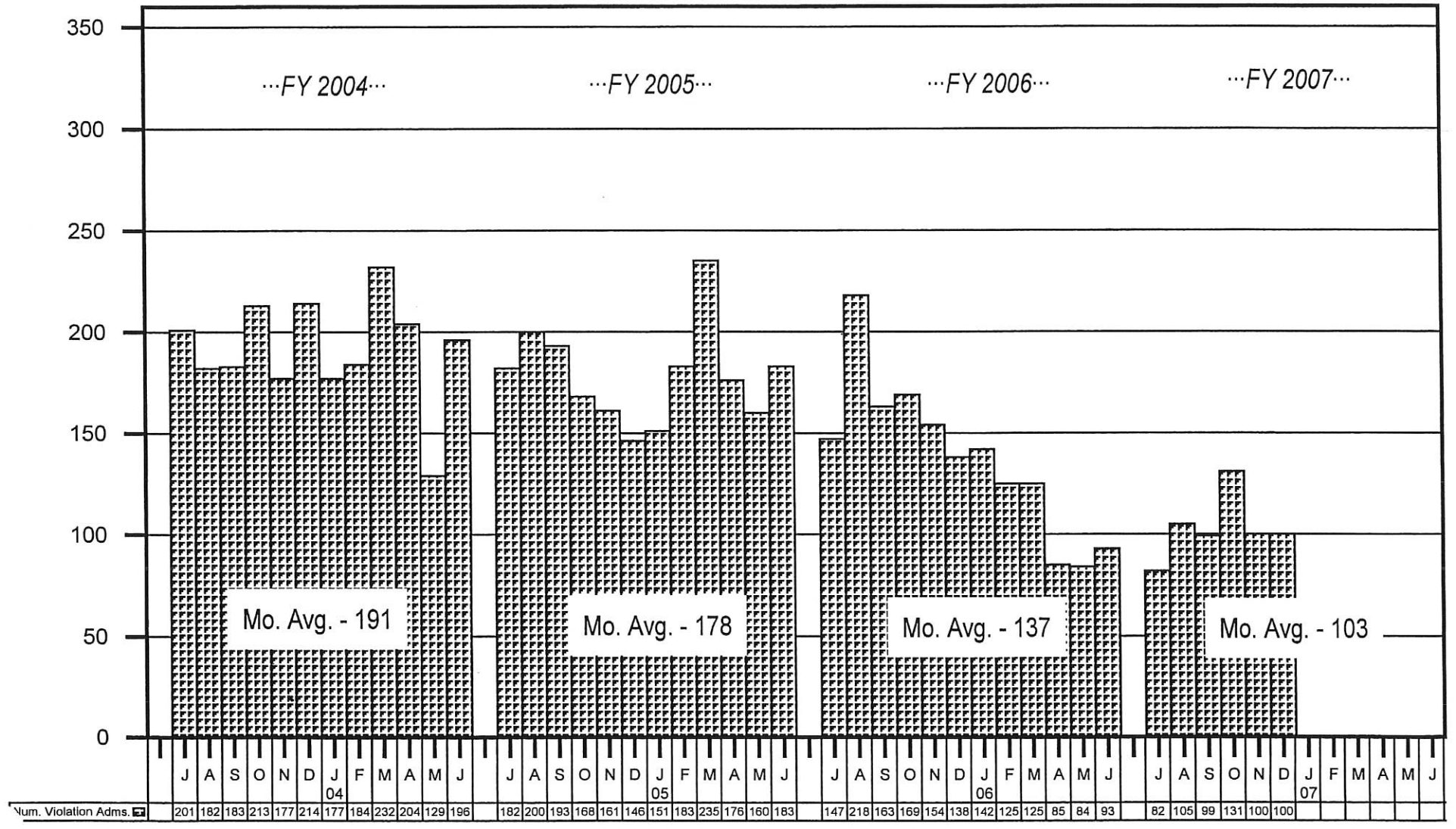


*In-state population is comprised of Kansas offenders supervised in Kansas and out-of-state offenders supervised in Kansas. Out-of-state population is comprised of Kansas offenders supervised out-of-state. Those on abscond status have active warrants (whereabouts unknown).

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Kansas Department of Corrections
 Graphic Highlights -- Monthly Offender Population Report (December 2006)

**Number of Return Admissions for Condition Violations by Month:
 FY 2004 - FY 2007 to Date***



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

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Housing Expansions Options

	Estimated Construction Cost	Estimated Const. Cost Per Bed	Estimated Operating Cost	Estimated Cost Per Inmate/Yr	Estimated Cost Per Inmate/Day	Estimated One Time Start up Cost
<u>General Population – Maximum Security</u>						
EDCF – 2 Housing Units 256 Max Beds	\$20,883,300 ¹	\$81,575	\$6,864,000	\$26,813	\$73.46	\$850,000
EDCF – 4 Housing Units 512 Max Beds	38,500,000 ²	75,195	11,315,000	22,100	60.55	1,025,000
<u>General Population – Medium Security</u>						
EDCF -2 Housing Units 512 Med. Beds	20,883,300 ¹	40,788	8,324,000	16,258	44.54	933,000
EDCF-1 Housing Unit 256 Med Beds	13,633,300 ¹	53,255	4,644,000	18,141	49.70	520,000
EDCF-Yates Center Unit 500 Med Beds	53,500,000	107,000 ³	10,692,000	21,384	58.59	2,560,000
NCF-Stockton Unit 500 Med Beds	55,500,900	111,002 ⁴	10,816,000	21,632	59.27	2,560,000
<u>General Population – Minimum Security</u>						
EDCF- Housing Unit 100 Bed	3,645,000	36,450	1,491,000	14,910	40.85	327,000
ECF- Housing Unit 100 Bed	4,023,000	40,023	1,637,000	16,370	44.85	319,000
NCF-Stockton Expansion 72 Beds	4,364,800	60,622	840,000	11,667	31.96	338,000
EDCF-Toronto Expansion 75 Beds	3,047,000	40,627	1,031,000	13,747	37.66	333,000
EDCF 240 Bed Treatment Unit ⁵	11,375,400	47,398	5,376,000	22,400	61.37	949,200
<u>Multi-custody Facility</u>						
New 1,380 Max/Med/Min Facility	114,504,000	82,974	31,632,000 ⁶	22,922	62.80	4,500,000
<u>Special Needs – Medical</u>						
HCF-East Unit 258 Med Beds	6,825,100	26,454	3,240,000	12,558	34.41	410,000
<u>Central Training Academy</u>						
Osawatomie State Hospital-Rush Building	2,183,000	N/A	\$1,060,000	N/A	N/A	\$405,000

¹ This cost also includes a 23 bed infirmary expansion.

² This cost also includes a 23 bed infirmary expansion.

³ Land survey not completed, estimated cost may vary once land survey and subsoil investigation is completed. Project estimated with no work being performed by inmate crews.

⁴ Land survey not completed, estimated cost may vary once land survey and subsoil investigation is completed. Project estimated with no work being performed by inmate crews.

⁵ Estimates are based on the unit being a satellite of an existing facility.

⁶ Cost is estimated based on EDCF operating cost.

PROPOSED BOND ISSUE

Department of Corrections

June 15, 2006

Project

Replace Locking Systems \$4,333,440

This project is to replace the locking systems in A, B, and C maximum security cellhouses at Hutchinson Correctional Facility. These locking systems were last replaced over 15 years ago, the systems is currently experiencing a high rate of equipment breakdowns and replacement parts are no longer manufactured.

Water Treatment Plant \$3,975,000

This multiyear project was also scheduled to start in FY2007 would bring the water treatment plant into compliance with KDHE standards. To date the Arsenic concentration and Gross Alpha Particles standards are exceeded on about ½ of the test. The due date for compliance with these standards was January 14, 2005. The price could be reduced to less than \$3,000,000 if the project was done at one time and not phased over six years.

Medium Dining Room \$696,935

This project is to change the current-medium dining hall from the second floor of the Medium Food Service Building to a ground level structure attached to the kitchen area. Currently, all food prepared on the first level has to be transported to the second floor by elevator and dirty materials back to the first floor. The new structure will reduce significantly the use of those elevators, by allowing the food to go directly to the serving line and all dirty materials to go directly to the dish washing area, etc. The current dining hall seats 124. Serving 4 times per meal leaves us short per ACA standards. The new hall will seat 144 with some expansion possible. With the current dining hall, inmates use a single, switchback 4-foot wide staircase to enter and depart the dining area. This very close quarters is a security concern. Also of concern is the post/columns within the current dining hall. The new dining area will be handicapped accessible. Overall, this project will enhance security and operational efficiency at the facility.

Utilities Tunnel Upgrade \$1,700,000

This project would replace the utilities in the tunnels at Norton Correctional Facility. Many of these utilities are over 50 years old and have exceeded their useful life. The utilities to be replaced are steam, condensate, high voltage electrical power, water, data and fire alarm. This project would need to be phased over two years due the need to keep the steam in operation during the heating season. Areas of the tunnels would also be repaired as part of this project.

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Security Perimeter Detection \$869,300

The perimeter detection system installed at Hutchinson Correctional Facility –East Unit is in need of replacement. The system has a high rate of false alarms and replacement parts are no longer available.

Fire Alarm Systems \$1,500,000

Many of our fire alarm systems at the facilities are over 20 years old and in need of replacement. Facilities which are scheduled of have their fire alarms systems upgraded are Hutchinson Correctional Facility – Central, East and South units, Lansing Correctional Facility Central unit, Ellsworth Correctional Facility and El Dorado Correctional Facility Central Unit.

Replace Locking Systems \$470,000

The medium security cellhouse at Ellsworth Correctional Facility is 17 years old and replacement parts are no longer available. This 176 cell housing unit would have all of the door locks replaced with a more durable locking system. This will require modifications to the doors frames (Lock Pockets) and doors. In addition to the locks the door control system which allows the officer to lock and unlock the doors is also in need of replacement. This system circuit boards are no longer manufactured by the company so damaged boards must be rebuilt.

Construct Clinic & Infirmary \$6,007,000

Due to Lansing Correctional Facility's proximity to the greater Kansas City area, the LCF medical department is designated as the center of our healthcare system. The facility should therefore be able to accommodate some of the most serious health care cases in the state. Due to the lack of space in the existing clinic/infirmary, its inadequate design, and the deterioration of the building itself, both the current contracted health care vendor and the previous vendor have determined that this building is not conducive to providing the level of healthcare necessary to be considered a center of excellence. The lack of office and examination room space, poor lighting, lack of patient privacy, and the inadequate nurse-patient access has led to an increase in security concerns for both for the nursing staff and the patients. Patients cannot be seen as required by the standards of the National Commission on Correctional Health Care (NCCHC), and at times they cannot be heard, thus requiring additional staffing to be on site to ensure patients are within sight or sound of a healthcare professional.

ADA Projects \$750,000

These funds would bring some of our older facilities into compliance with ADA. At a number of our facilities the first floors meet ADA but there is no elevator to allow the inmates access to projects located on an upper floor. This condition also exists in areas that the public is allowed to access such as visiting rooms and administration offices. These funds would be used for the construction of elevators in these areas so that all areas that need to be accessible are.

Security Upgrades \$1,500,000

This project is for the installation of security cameras and other security equipment at the facilities. The installation of security cameras allows staff to better monitor the areas and provide evidence in court when an inmate is charged with a criminal act. In addition to cameras metal detectors and package scanners would also be purchased to allow for reduction of contraband into the facilities.

Total \$21,801,675

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**TESTIMONY OF CHARLES H. GREGOR, JR.
EXECUTIVE VICE PRESIDENT
LEAVENWORTH-LANSING AREA CHAMBER OF COMMERCE
HOUSE APPROPRIATIONS COMMITTEE
HOUSE BILL NUMBER 2303
February 1, 2007**

Madam Chairwoman, members of the Committee, on behalf of the Leavenworth - Lansing - Fort Leavenworth community and as a member of the Governor's Task Force to bring the national Bio & Agro-Defense Facility to Kansas, I am pleased to have the opportunity to come before you to speak as a proponent for House Bill 2303.

I will be brief. The consideration of the State of Kansas as a potential site for the placement of a new National Bio & Agro Defense Facility represents an unprecedented opportunity for the State of Kansas. The state that is selected by the United States Department of Homeland Security will become the national focal point for the research and development of diagnostic capabilities for foreign animal and zoonotic diseases that can impact public health, animal health and the national food supply.

The adjective "unprecedented" before the word "opportunity" is neither hyperbole nor even exaggeration. The significance of the Bio & Agro-Defense Facility to the nation cannot be overstated. It will provide the nation with integrated research and response capabilities to protect animal and public health and enhance the nation's capability to protect livestock and the livestock industry from both natural and intentionally introduced disease threats. It will include and combine resources and efforts of the Department of Agriculture, the Department of Health and Human Services and the Department of Homeland Security. Its location in Kansas would further the position of Kansas as a national leader in the field of biosciences.

The Kansas Bioscience Authority says that the economic impact of the placement of the Bio & Agro-Defense Facility in Kansas would transform the Kansas economic base. The impact of the facility alone is estimated at \$3.5 billion in the first 20 years. The additional attraction of private companies, world class researchers and related private sector facilities and professionals has virtually unlimited potential.

It is most appropriate that Kansas be considered and selected as the site for this critical national facility. House Bill 2303 creates the Kansas organization to coordinate the effort to cause that selection to happen. I commend it to you without reservation.

Thank you. I will be happy to stand for questions now or at your convenience.

**TESTIMONY OF ROBYN M. STEWART
ASSISTANT CITY MANAGER
CITY OF LEAVENWORTH, KANSAS
HOUSE APPROPRIATIONS COMMITTEE
HOUSE BILL NUMBER 2303
February 1, 2007**

Madam Chairwoman, members of the Committee, on behalf of the City of Leavenworth and the Leavenworth community, I am pleased to have the opportunity to come before you to speak as a proponent for House Bill 2303.

Our nation faces a number of significant threats from around the world. The National Bio and Agro-Defense Facility will provide a research space to develop responses to threats involving human health, animal health and our food supply. Kansas has the opportunity to play a key role in protecting our national health and security by serving as the location for this important facility. Leavenworth strongly supports the effort to bring the facility to Kansas.

In addition to the vital role the facility will play in protecting our nation, it will also bring tremendous economic benefits to the state and local communities. The \$450 million, 500,000-square foot facility will create up to 1,500 construction jobs and up to 500 high-paying research jobs. It will generate an estimated economic impact of \$3.5 billion in its first 20 years and further enhance Kansas' standing in the bioscience and animal health industries.

The Leavenworth community is aware that a site adjacent to the City's northern boundary is a contender for the facility. Public reaction has been very supportive of the initiative and the potential role that Kansas, and perhaps Leavenworth, will play in the development of this facility. Leavenworth is excited about this project and working enthusiastically with the Heartland Bio Agro Consortium to submit a strong proposal. The creation of the interagency working group will strengthen our proposal and we support its establishment.

Thank you for your time. I will happily respond to questions.

HOUSE APPROPRIATIONS

DATE 2-01-2007
ATTACHMENT 3

STUART J. LITTLE, Ph.D.
Little Government Relations

February 1, 2007

House Appropriations Committee

Overview

I am here today on behalf of the Kansas Community Corrections Association (KCCA) to offer some context and overview regarding community corrections. I want briefly to provide some background information on what are community corrections agencies and the KCCA so that you might be more aware of this critical component in the adult and juvenile community correction systems in Kansas.

Community corrections agencies are thirty-one statutorily mandated programs in each part of the state, governed by county commissions and community advisory boards for both adult and juvenile offenders. They provide cost-effective community-based supervision instead of prison for adult and juvenile offenders with lower severity level offenses (although the offenders are increasingly more severe and high-risk). The courts and sentencing guidelines determine whether an adult offender is assigned to regular probation (through the courts) or intensive supervise probation in a community corrections program. Juveniles are sent to community corrections by district courts through the juvenile offender placement matrix.

Kansas Community Corrections Association is the voluntary association comprised of all community corrections agencies and seven affiliated groups. I am here today representing these thirty-five member agencies.

2007 Budget Issues

For years, both adult and juvenile community corrections agencies have continued to perform the important public safety role as we are statutorily charged with little or no new funding. We are responsible for supervising and attempting to rehabilitate criminal adults and juveniles who teeter on the verge of going to prison and when the public safety is threatened by these offenders, we sent them to prison. We are being asked to do more with less and have struggled for years in our efforts to seek any new funding increases. Finally, with the submission of budget's this year, the JJA and KDOC both asked the Governor to provide funding increases, which she did not do. We request this committee ad the funding requests as a needed contribution to ensuring this critical part of the public safety system.

Adult Community Corrections

The main adult community corrections program is intensive supervised probation: a community-based sanction for high-risk offenders who require increased supervision, frequent monitoring, and intensive rehabilitative services. Other service components included in all programs include: drug testing and electronic monitoring; collection of fees/restitution; job search assistance and/or monitoring; and, community service work coordination and/or monitoring. In two urban counties services include residential centers with more intensive services and 24 hour supervision for the highest risk offenders. Additional program services available when funding is available include facilitating offender access to an array of community-based services. In many cases offenders or agencies pay for these services, although community corrections programs may also use basic grant funds to provide some of these services directly, with the specific mix of services determined by each local program. We partnered with KDOC and the Sentencing Commission since the 2003 for session implementation of SB 123, the new drug treatment alternative sentencing law. In general, flat funding trends and the decline of rehabilitation programs while the severity of offenders increases are troubling.

Juvenile Programs

There are many programs and entities around the state (over 170) that provide various types of services for juvenile offenders, some of which are operated by community corrections programs or affiliated juvenile intake and assessment service providers. The core community supervision programs according the Juvenile Justice Authority are:

- **Juvenile Intake and Assessment Services (JIAS)**, through which every youth picked up by law enforcement is screened to determine whether that youth is a juvenile offender, a child in need of care, or in a family that needs other services;
- **Juvenile Intensive Supervision Probation (JISP)**, a highly structured/supervised community-based program which 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. 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; and,
- **Community Case Management Agency (CCMA)**, provides case management supervision services similar to JISP, but for a different population of juveniles. These can include those ordered by the court into the custody of the Commissioner of the JJA but not directly committed to a juvenile correctional facility (JCF), those who are committed to a JCF, and those who are on conditional release from a JCF. After a thorough assessment of the offender's needs, a case plan is developed in cooperation with the youth, the youth's family, and other significant parties in the community. Unlike JISP juveniles, those managed through CCMA may be placed out of the home and/or receive other services, such as counseling or treatment services to assist them in dealing with problems that resulted in juvenile offender behavior.

Statutory History of Kansas Community Corrections
(From Kansas Department of Corrections Briefing Book, 2004)

Community Corrections in Kansas was established through enactment of K.S.A. 75-5290 by the 1978 Legislature. The program was intended to provide alternatives to both incarceration and new prison construction. Initially, community corrections was optional and counties were not required to establish community corrections programs. With the adoption of Senate Bill 49 in 1989, the 89 counties not previously participating in community corrections were required to establish programs — either singly, in groups, or by contracting with others. Services in most programs initially were targeted at adult offenders; however, the 1994 Legislature provided for statewide expansion of juvenile services through community corrections agencies. Upon establishment of the Juvenile Justice Authority, responsibility for all state juvenile offender programs, services, and grant administration was transferred to that agency on July 1, 1997.

The 2000 Kansas Legislature approved legislation which defines a target population to be served by community corrections programs. The target population includes offenders who:

- Have received a non-prison disposition as a departure to sentencing guidelines;
- Fall within a “border box”;
- Have a severity level 7 or greater offense;
- Have violated a condition of probation supervision;
- Have been determined to be high risk or high needs under a standardized risk/needs assessment instrument;
- Have successfully completed a conservation camp program.

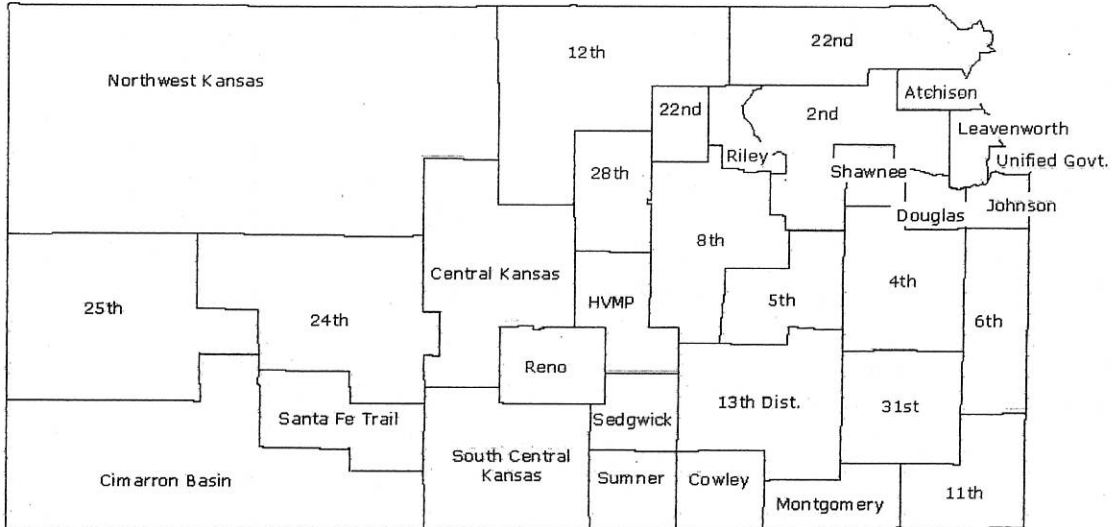
The law also requires that probation violators must be assigned to community corrections supervision before being revoked and sent to prison unless the violation includes a new conviction or the court makes a finding that the public safety or the offender’s welfare would not be served by doing so. The law further provides that community corrections programs may provide services to juveniles if approved by the local community corrections advisory board. Grant funds administered by the Department of Corrections cannot be used for this purpose, however.

The 2003 Legislature approved Senate Bill 123, which provides for a mandatory certified drug abuse treatment and supervision by community corrections for a defined target population of non-violent adult drug offenders who have been convicted of a drug offense under K.S.A. 65-4160 or 65-4162. The drug abuse treatment for eligible offenders shall include a continuum of treatment options including detoxification, rehabilitation, continuing care and aftercare, and relapse prevention. Drug abuse treatment may include community and/or faith-based programs.

Community Corrections

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Community Corrections Programs in Kansas



There are currently 31 programs receiving state grants under the Community Corrections Act. Some programs serve a single county, while others are multi-county programs. Single-county programs include: Atchison County; Cowley County; Douglas County; Johnson County; Leavenworth County; Reno County; Riley County; Santa Fe Trail; Sedgwick County; Shawnee County; Sumner County; Unified Government of Wyandotte County. Shawnee County and the 2nd District have a common administrator. Multi-county programs and the counties they serve are identified below.

Multi-county community corrections agencies & the counties they serve

2nd Dist:	Jackson, Jefferson, Pottawatomie, Wabaunsee	28th Dist:	Ottawa, Saline
4th Dist:	Anderson, Coffey, Franklin, Osage	31st Dist:	Allen, Neosho, Wilson, Woodson
5th Dist:	Chase, Lyon	Cimarron Basin:	Clark, Comanche, Grant, Gray, Haskell, Kiowa, Meade, Morton, Seward, Stanton, Stevens
6th Dist:	Bourbon, Linn, Miami	Central KS:	Barton, Ellsworth, Rice, Russell, Stafford
8th Dist:	Dickinson, Geary, Marion, Morris	HVMP:	Harvey, McPherson
11th Dist:	Cherokee, Crawford, Labette	Montgomery:	Montgomery, Chatauqua
12th Dist:	Cloud, Jewell, Lincoln, Mitchell, Republic, Washington	Northwest KS:	Cheyenne, Decatur, Ellis, Gove, Graham, Logan, Norton, Osborne, Phillips, Rawlins, Rooks, Sheridan, Sherman, Smith, Thomas, Trego, Wallace
13th Dist:	Butler, Elk, Greenwood	Riley:	Clay; Riley
22nd Dist:	Brown, Doniphan, Marshall, Nemaha	South Central:	Barber, Harper, Kingman, Pratt
24th Dist:	Edwards, Hodgeman, Lane, Ness, Pawnee, Rush		
25th Dist:	Finney, Greeley, Hamilton, Kearney, Scott, Wichita		

KDOC Budget Request for Enhanced Funding for FY 2008

Funding for Adult Intensive Supervision - \$2,217,206

The additional funding will be used for personnel expenditures, increased travel costs, training and facility costs, however, some offender services will be re-instated or added. These services include, but are not limited to, substance abuse and mental health treatment assessments and services, surveillance, enhanced or restored drug testing, absconder locator programs, job success programming, cognitive groups, resource coordinators, and a technical violator program.

Community Corrections average daily population was 6.6% higher at the end of FY 2005 than it was at the end of FY 2000. Adult Intensive supervision funding has been reduced by 12.4% over that same period. Data compiled from twenty Community Corrections agencies shows that at the end of FY 2005, there were 26% fewer staff than at the end of FY 2000. Based upon fiscal reports sent to KDOC, nearly 85% of grant expenditures are directed towards salaries and benefits for personnel. This percentage has gradually risen to that level over the course of five years. Correspondingly, programs and ancillary services at the local level have been reduced or eliminated in order to maintain the core AISP services. Local agencies have laid off staff, eliminated positions, and held positions vacant in order to stay within budgeted allocations. Because these agencies are operated by local counties, the salary increases are governed by the actions of the county commission. Much like state agencies are required, at times, to fund salary increases within existing budgets, local community corrections agencies must do this every time county employees are given salary increases or COLA's. There is no mechanism built into the current state budget system to provide for cost of living increases or step increases for these personnel. Salary increases for the 20 agencies responding to our survey totaled over 15% between FY 2000 and FY 2005. Additionally, health insurance costs have risen dramatically, and in the last year, transportation costs have risen as well. An AISP funding enhancement will help offset the rising cost of personnel expenditures and transportation, and may help to restore some offender services. Additional services and continued

case management oversight will reduce the chances that offenders will commit new crimes and will increase public safety.

Enhancement package #2/2 - Increase funding for Adult Residential Centers - \$563,441

The funding increase will be used to add cognitive group facilitators to the Johnson County residential center, and will be used for staffing, equipment, supplies and facility costs in Sedgwick County.

Funding for 121 total Community Corrections residential services beds decreased from FY 2000 to FY 2001, and has remained the same each year thereafter. In FY 2001, the annualized funded per diem rate for one offender bed was \$17,234. Residential services face the same problems as AISP. The cost of providing services to offenders has risen due to increased operational costs in facility maintenance, utilities, transportation and personnel expenditures. Programs offered to offenders have been reduced in order to maintain facility operations. In FY 2002, the actual reported average daily cost of providing residential services for an offender ranged from \$50.33 in Sedgwick County to \$53.19 in Johnson County. Annualized, that cost ranged from \$ 18,370 to \$19,414 per offender bed. In FY 2007, the annualized cost is projected to range from \$19,703 to \$21,666 per offender bed. At that rate, current funding would pay for 95-105 total residential beds. The requested funding will help offset rising costs and reduce the potential that the number of state funded beds may have to be reduced.

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JJA Budget Request for Enhanced Funding for FY 2008

- 1/3 Additional Funding for PRTFs – As discussed in the supplemental request, a new residential service will be established to replace current Level V and Level VI residential foster care facilities. A total of \$5,947,684 from the State General Fund (\$15,075,190 all funds) is required for FY 2008. This amount represents the total additional cost to the agency after adjusting for current funding already available for Level V and Level VI placements and extensions. The lack of beds for youth with mental health issues will result in these youth being placed in less secure facilities which do not provide mental health services or the appropriate safeguards needed to ensure public safety.
- 2/3 Graduated Sanctions Funding -- The Juvenile Justice Authority requests an additional \$2.2 million from the State General Fund to increase graduated sanction program funding. Operating costs for local juvenile justice agencies have continued to rise, including increased building rents, utilities, gasoline, and personnel costs. As these costs continue to rise local agencies have been forced to reduce staff and hours and assume larger caseloads, which reduces the amount of time a case manager spends with individual youth. This translates into less time dedicated to supervision, which may result in re-offending and movement further into the juvenile justice system.

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Community Corrections Funding History FY 1996 through FY 2007

Fiscal Year	AISP Funding	Residential Funding	Condition Violator	Substance Abuse / Mental Health	SB 123 Supervision Funds	Total All funding
1996	\$11,305,280.00	\$1,947,345.00				\$13,252,625.00
1997	\$10,986,710.00	\$1,947,345.00				\$12,934,055.00
1998	\$11,414,991.00	\$2,003,818.00				\$13,418,809.00
1999	\$12,250,098.00	\$2,063,933.00	\$700,000.00	\$250,000.00		\$15,264,031.00
2000	\$12,599,531.00	\$2,063,933.00	\$700,000.00	\$250,000.00		\$15,613,464.00
2001	\$12,862,981.00	\$2,084,588.00	\$750,000.00			\$15,697,569.00
2002	\$12,256,200.00	\$2,068,020.00	\$750,000.00			\$15,074,220.00
2003 *	\$11,741,200.00	\$2,068,020.00				\$13,809,220.00
2004 #	\$11,031,552.00	\$2,068,020.00			\$1,641,640.00	\$14,741,212.00
2005	\$11,031,552.00	\$2,068,020.00			\$2,449,340.00	\$15,548,912.00
2006	\$11,031,552.00	\$2,068,020.00			\$2,449,340.00	\$15,548,912.00
2007	\$11,031,552.00	\$2,068,020.00			\$2,449,340.00	\$15,548,912.00

* \$500,000.00 Offset for JO and CEK- Total amount allocated out to CC agencies was \$11,241,200.00

\$351,097.60 was held in reserve and not distributed due to slow start up of SB123

FY02-07 Johnson Residential \$868,568.40
 Funding Sedgwick Residential \$1,199,451.60

Change from FY01 to FY07	
AISP	-\$1,831,429.00
Residential	-\$16,568.00
SB123	\$2,449,340.00
Total Funding	-\$148,657.00

Change from FY96 to FY07	
AISP	-\$273,728.00
Residential	\$120,675.00
SB123	\$2,449,340.00
Total Funding	\$2,296,287.00

Kansas Community Corrections Association Statement on Adult Community Supervision Funding Needs, September 2006

This statement has been written and approved by the KCCA members. Following a review by the membership, the KCCA submits for consideration by the Kansas Department of Corrections, the following points related to the need for increased community supervision funding. This position statement will be used as part of the KCCA legislative agenda for the 2007 legislative session.

At the August 30 Directors' meeting, the Secretary of Corrections Roger Werholtz presented his proposed reduction of revocation rates for probationers in Community Corrections programs. He showed prison population numbers and projections of future prison growth, and the need to increase the likelihood of successful community supervision by reducing the revocation numbers of parole and community corrections. Parole services condition revocations for the last year are targeted to be reduced by up to 50 percent. The Secretary of Corrections expects increased successful completion of supervision to be an essential part of his efforts to secure funding to construct and maintain new prisons. In order to minimize the need for prison expansion, parole and probation condition revocation reductions are essential.

Community Corrections agencies have been asked to endorse the Department of Corrections' initiative to increase successful completion of supervision and reduce recidivism rates. It is clearly understood by community corrections agencies that the only means by which successful completions of supervision can be obtained and conditional violations reduced is through substantial increases in community corrections funding. Any endorsement and implementation of new initiatives must be accompanied by new funding in order to compensate for long-term funding negligence. Infusions of new funding are necessary first to restore funding deficiencies so programs and services can be expanded to increase the likelihood of successful completion of supervision. The Community Advisory Committee to KDOC recommended funding increases of approximately \$2.0 million to bring all adult supervision level funding back to base funding needs.

KCCA members reviewed this statement and support it in part with some specific concerns expressed below. KCCA membership supports this initiative with the inclusion of the concerns below. During the coming 2007 Legislative session, KCCA members support this initiative in conjunction with the Department of Corrections plan to secure additional funding from the Legislature for prison expansion and community supervision funding.

1. There are many issues larger than Community Corrections to control such as judges, courts, and district attorneys. A KDOC initiative must seek to obtain the support of both the judiciary and prosecution, or our results will be limited regardless of the increased funding. The Courts need to be educated on how these offenders will be dealt with at the community level and what we would intend to do with the funding.
2. No one can expect to make any substantial changes without funding. To only reduce revocations without resources is a threat to public safety. Further, a target figure of 50 percent is only a numerical objective and sound public safety policy should dictate actual rates.
3. Initiative is not reduction in public safety but an increase in successful completion. "We can do some reduction of our revocations by focusing on addressing client risk and protective factors," as one director stated but from observing Parole, a policy change regarding revocations does not mean any offender behavior has changed. How that funding should be utilized is critical because we do not want to implement more supervision (increased surveillance, drug testing, and more officer contact) which usually creates more violations of probation. Funding should be concentrated on programs to deal with the condition violator, that works on changing behavior rather than increased methods to "catch" someone in violation.
4. Parole will be making this 50 percent reduction in recidivism without additional funding. How does this bode when we ask the legislature for the amount of funding to achieve that result for community corrections? How will we be able to substantiate our request for the funds when parole's result was more procedural than programmatic?
5. Concern of programs with low condition violators: If agency has low CV revocation rates, it is hard to support enhanced funding based on only on CV reduction targets. One suggested solution is KDOC might take a long look at each program's condition violator percentage to better determine a realistic goal for each program versus setting a set percentage reduction for all programs. Committing to a 50% reduction, for example, when your program already has a low revocation rate, could be an unattainable commitment. The KDOC initiative and KCCA support is based on increased funding for all agencies, primarily through increased AISP funding. Reduced condition violation rates are only a target used by KDOC. The Community Advisory Committee recommendation to KDOC is approximately \$2.0 million for ASIP, not tied to conditional violators other than as an objective.

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**Members of the House Appropriations Committee
Community Corrections Funding**

Chairman Schwartz and Committee Members, Thank you for this opportunity to address your Committee concerning Community Corrections funding issues.

I am here today on behalf of the 28th Judicial District Community Corrections and as president of the Kansas Community Corrections Association (KCCA) to offer some comments regarding state-wide community corrections funding.

OVERVIEW

I want to briefly provide some background information on what community corrections are so that you might be more aware of this critical component in the adult community corrections systems in Kansas.

The 28th District is made up of two counties, Saline and Ottawa. Our agency provides both adult and juvenile services to those assigned to us through the court system. Currently our adult average daily population is 370 offenders. Community corrections is thirty one agencies across the state of Kansas, governed by local county commissioners and local government, including local advisory boards made up of members from those communities.

In adult services community corrections is responsible for providing intensive supervision to those adult offenders assigned to us through the court system and through court services in lieu of revocation. Additionally in the 28th District, we provide support to the parole department in an effort to supervise those high risk offenders needing more supervision than what is provided with parole. The philosophy has been to apply necessary control over offenders while coordinating community resources to enable those under supervision the opportunity to reform, support their families, and to become productive, law-abiding citizens. A strong intensive supervision program should enhance services and supervision of high-risk and high-need offenders under community supervision in an effort to increase public safety; utilizing a graduated continuum of internal and community-based sanctions at a cost much lower than that of imprisonment. Service components could include drugs testing, electronic monitoring, employment and community service assistance, cognitive skill-based groups, surveillance, and frequent monitoring in the community. Each program determines the specific mix of programming based on client needs and funding.

FUNDING

Unfortunately for many years funding for community corrections has reduced or remained flat. Yet community corrections programs are expected to work with uncontrolled cost increases since state funding is not related to the county costs. We are expected to follow all salary and benefit costs adjustments along with our counties yet

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state funding, that does not increase, does not allow for such adjustments. As a result staff is laid off, offender programming is cut or gone, caseloads are exceedingly high and staff simply do not have time to monitor client activity, collaborate with client support systems, and include the client in their own behavior change plan. Officers are burned out and have become very frustrated with the increased workload/caseload and are not able to maintain the motivation themselves to offer best practice efforts to the clients due to the amount of time required to do so.

Revocation rates are on the rise and those numbers will continue to increase if we do not supervise these clients correctly. In FY 2004 a total of 1709 probation condition violators were sent to prison. In FY 2006 that number jumped to 2038. That accounts for 36.3 % of the prison admissions in FY 2006. Services to address the high-risk behavior among these offenders who show a high occurrence of revocation from probation are not supported within the allocated budget. Community contacts are not occurring as should to meet public safety needs and in some instances it may become easier to revoke and return that offender to prison than to work with no services and little time.

Community corrections have suffered with the KDOC flat or reduced funding as we work to continue community supervision and programs that would reduce future criminal behavior or more costly prison admissions. A continued history of budget reductions is starving the effectiveness of community corrections, putting people and communities at risk. I urge you to fund the 2.6 million dollars requested in the KDOC budget that the Governor failed to recommend. These dollars will buffer some of the years of funding cuts to allow community corrections programs to provide the basic and essential intensive supervision programming needed to support public safety and work toward increasing successful completions.

Thank you for your time. I am happy to answer any questions you may have at this time.

COMMUNITY CORRECTIONS ADULT RESIDENTIAL GRANT FUNDING

Presented To: House Appropriations Committee Members

Presenter: Mark Masterson, Corrections Director, Sedgwick County

Date: February 1, 2007

FAST FACTS

What is the purpose for Community Corrections?

- To save prison space by supervising, holding accountable and changing the behavior of felony offenders in the community.

Where are the residential programs funded by the Community Corrections grant?

- Sedgwick and Johnson counties. Sedgwick has 75 funded beds and Johnson 45.

What role do the residential programs play in the corrections system?

- They provide the District Court judges with an intermediate sanction that works as a continuum with standard probation, intensive supervised probation and residential services. The residential beds increase the numbers of offenders that can be supervised in the community.

How do offenders get assigned to residential?

- The judge may order it as an original sentence or as a condition for violating probation, or the community corrections officer in field services may arrange admission when the offender is at-risk of violating probation and being sent to prison.

Which felony offenders typically go to residential?

- Those at high risk to reoffend and harm the public.

How do you know having a residential program saves prison beds?

- Of 1216 new clients sentenced to Community Corrections in Sedgwick County in 2006, 206 or 17% were convicted of crimes where presumptive prison was the sentence under sentencing guidelines. Another 118 or 9.7% were border box (up to the Judge to assign probation or prison). That is very different from districts without residential programs where the offenders are convicted of crimes where the presumptive sentences are probation.

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What services do residential programs need to provide to reduce recidivism?

- 24-hour supervision and structure
- Transportation
- Group community service projects
- Case management
- Behavior management
- Employment preparation, job search, verifications and support
- Life and social skills education
- Cognitive skills training to change criminal thinking, values and attitudes
- Substance abuse treatment
- Mental health case management

What services do we have now at Sedgwick County residential?

- 24-hour supervision and structure
- Behavior management
- Employment preparation, job search, verifications and support
- Cognitive skills training
- Transportation

What impacts have the service reductions had on outcomes?

- Successful program completions dropped 5-8% (65% success rate)
- Number of AWOLS increased by 10 (50)
- Drug treatment for the most hard to serve was eliminated (used to serve 147)
- Prison admissions for revocations went up

How much will it cost in SFY 2008 to maintain current service levels?

- $\$56.35 \text{ per day} \times 120 \text{ beds} \times 365 \text{ days} = \$2,468,130$
- Governor's budget = $\$2,068,020$
- Shortfall = $\$400,000$

What are the impacts of the Governor's budget to Sedgwick County Residential?

- We will not be able to pay our mortgage payment, make necessary repairs to the facility and safely staff the facility. We receive $\$1,199,452$.
- We will be forced to reduce the number of beds or consider closing the facility without a long term financial solution to the flat grant funding that has gone on the past decade.

- We will send many more offenders to prison that would be better served in the community.

What cost reduction steps have you already taken?

- We have co-located programs to share overhead costs, consolidated administration, cut staffing, eliminated drug treatment and condition violator services, eliminated group community service projects, reduced field visits to employers, cut travel and training for staff, raised client fees, left positions vacant, delayed making necessary facility repairs, renegotiated contracts, reduced drug testing, and received supplemental funding from various community resources.

What can the Legislature do to help?

- Add the funding recommended by the Secretary of Corrections to the SFY 2008 budget.
- Build annual cost of living adjustments into the Community Corrections grant to cover increases in the costs of doing business.

Keith Clark

**Kansas Community Corrections Association (KCCA) – February 1, 2007
House Appropriations Committee – Kansas Legislature**

Definitions of Core Programming

Juvenile Intensive Supervised Probation (JISP)

The JISP program supervises youth that have been placed on intensive supervised probation by the District Court. Typically, these youth have committed serious crimes, have extensive criminal histories, and/or have failed on probation with Court Services. The supervising officer will meet with the juveniles 2-12 times per month, depending on their level of risk and need. At a minimum supervision consists of face-to-face meetings, community visits, referrals for services, collateral contacts, and contacts with parents/guardians.

Case Management

The Case Management program is responsible for juvenile offenders placed in the custody of the Juvenile Justice Authority (JJA). These youth have exhausted local resources and the Court has made a determination that all reasonable efforts have been met to maintain the youth in their home and community. Additionally, the Case Management program supervises those offenders being released from the Juvenile Correctional Facilities (JCF) on Conditional Release. Case Managers are responsible for determining / monitoring placements, transportation, and working with placements and parents/guardians to facilitate reintegration back into the home / community.

Juvenile Intake & Assessment Services (JIAS)

The JIAS program serves as the first point of contact for local law enforcement for juvenile offenders and youth taken into protective custody as Children in Need of Care (CINC). JIAS officers are responsible for collecting information from the youth and their parents / guardians, administering a standardized risk / needs assessment, making referrals for services, and determining placement.

Ramifications of Flat Funding

Inability to Sustain Costs

There's an expectation on the part of county government that Community Corrections agencies keep pace with county salary requirements, which include COLA's, merit increases, and longevity pay. In the Fourth Judicial District these increases reflect a 4.5 % - 7.5 % increase per employee, each fiscal year. Additionally, Community Corrections will experience benefit increases (FICA, Medicare) that are associated with increased salaries, as well as premium increases for health insurance, vehicle insurance, and workers comp coverage. All increases are dictated by county government and outside the control of individual agencies. Our agency, like many others, do not receive additional monetary support from our County Commissioners and rely solely on the allocations from the Kansas Department of Corrections and Juvenile Justice Authority. Other expenditures such as fuel and utilities can fluctuate, which also have an adverse affect on agency budgets.

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Staffing Reductions

To offset increased personnel costs as a result of flat funding, agencies are forced to eliminate positions that contribute to the agency's ability to meet standards, enhance supervision, and to provide services to youth. The following list details the potential impact of reducing staff:

- A. Increased caseloads and additional responsibilities
- B. Inability to meet minimum State standards and requirements
- C. Loss of services that enhance supervision and target identified risks / needs
- D. Compromising public safety
- E. More youth being placed in State's custody
- F. Less credibility in the juvenile justice system
- G. Increased liability risks for officers, agencies, counties and State organizations

As a result of flat funding over the last three (3) years the Fourth Judicial District has lost a receptionist, surveillance officer, alcohol / drug counselor, and transportation officer, which equals 25% of the agency's juvenile staff.

Other Notable Concerns:

Increased administration requirements to ensure compliance

Inability to provide staff training and development

Inability to pursue collaborative efforts with local stakeholders

7-2

TESTIMONY

concerning Kansas Department of Corrections
under funding of Riley County Community Corrections
House Appropriations

Presented by Michael B. Kearns, Chairman
Riley County Board of Commissioners
February 1, 2007

Chairman Umbarger and members of the committee, my name is Michael Kearns, Chairman of the Riley County Board of Commissioners. I'm here today to provide testimony on the ramifications of Kansas Department of Correction's long term under funding of Riley County Community Corrections.

In 1988, the Community Corrections program in Riley County provided intensive supervision for only first-time, non-violent offenders with 2.5 Intensive Supervision Officers (ISO). Sex offenders were excluded from the program. In that year Kansas Department of Corrections budgeted \$179,000.00 for 48 probationers. This equates to \$4,404.00 per probationer per year and case loads less than 25 per ISO.

In 2007, Riley County Community Corrections is expected to provide supervision for all types of offenders now, including violent and sex offenders. In 2007 Kansas Department of Corrections budgeted for Riley County Community Corrections \$326,000 for as of yesterday 177 probationers with 4.5 Intensive Supervision Officers. This equates to \$1,841.00 per probationer per year, a decrease in funding of \$2,563.00 per probationer from 1988 and an increased case load of 39 felons per ISO. A dramatic change particularly in light of the fact that ISOs now must spend a minimum of three hours a day on state required paper work.

The Kansas Department of Corrections funding cuts have resulted in the dramatic reduction of weekday after hours contact with probationers, significant reduction of drug testing; elimination of life skill classes; greatly reduced employment verification, and elimination of electronic monitoring of probationers.

In December, 2006, four adult probationers were arrested on new drug charges, including the home manufacturing and distribution of crack cocaine. If Riley County Community Corrections had been sufficiently funded, random unannounced home visits would have had a good chance to prevent this further criminal activity.

In 2005 a probationer committed rape, aggravated burglary, and attempted aggravated burglary outside of his residence while waiting placement at Labette Boot Camp. He was not placed on house arrest with electronic monitoring due to a lack of funding.

The 2006-2007 Riley County Community Corrections budget funded by Kansas Department of Corrections was so inadequate that staff furloughs were going to be necessary. This prompted the Riley County Commissioners to speak out in a forceful manner against the inadequate funding and to arrive at the point we are at today.

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The net result of these funding cuts has been to reduce the acceptable level of supervision of convicted felons and put the public safety in jeopardy.

The untenable funding crises for Community Corrections created by the Kansas Department of Corrections left Riley County no other option but to file a law suit to obtain adequate funding.

TESTIMONY
concerning Kansas Department of Corrections
under funding of Riley County Community Corrections
House Appropriations

Presented by Clancy Holeman, County Counselor
Riley County, Kansas
February 1, 2007

Thank you, Chairman Umbarger and members of the committee, for allowing Riley County to provide testimony on the Kansas Department of Corrections under funding of its Community Corrections program.

K.S.A. 75-52,111 establishes the methodology to be used annually by the Secretary of Corrections to determine the amount of the Community Corrections grant for the ensuing fiscal year for each county qualified to receive grants.

Over the past 8 years, the Secretary of Corrections has altered the statutory methodology to determine Community Corrections funding grants so as to create his own methodology.

As a result of the Secretary of Corrections' unauthorized deviation from the statutory methodology for fiscal years 2000 through 2007, Riley County Community Corrections has been under funded by a total of \$208,738.80. I have attached to my testimony Exhibit A which documents this amount.

Riley County's lawsuit simply requests that the Secretary of Corrections implement the statutory methodology as provided by K.S.A 75-52,111 which would provide adequate funding for its Community Corrections program.

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EXHIBIT A

RILEY COUNTY COMMUNITY CORRECTION FUNDING SUMMARY

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FISCAL YEAR	GRANT FUNDS	ADP ANNUAL	1989 PER CAPITA COST	STATUTORY GRANT	FUNDING GAP	UNEXPENDED FUNDS AWARD	
						RILEY COUNTY REQUEST	KDOC AWARD
1989	N/A	68	\$2,512.00	N/A	N/A	N/A	N/A
2000	\$259,999.78	108.9	\$2,512.00	\$273,556.80	(\$13,557.02)	N/A	N/A
2001	\$ 300,571.97	101.4	\$2,512.00	\$254,716.80	\$45,855.17	RILEY COUNTY	DID NOT QUALIFY
2002	\$ 293,495.02	115.8	\$2,512.00	\$290,889.60	\$2,605.42	RILEY COUNTY	DID NOT QUALIFY
2003	\$ 282,614.24	134.4	\$2,512.00	\$337,612.80	(\$54,998.56)	NONE DISTRIBUTED	BY KDOC
2004	\$ 326,622.05	150.6	\$2,512.00	\$378,307.20	(\$51,685.15)	\$11,896.00	\$11,896.00
2005	\$ 356,691.34	136.5	\$2,512.00	\$342,888.00	\$13,803.34	\$48,549.31	\$23,200.00
2006	\$ 325,808.62	160.1	\$2,512.00	\$402,171.20	(\$76,362.58)	\$19,006.00	\$9,625.00
2007	\$ 326,712.03	185	\$2,512.00	\$464,720.00	(\$138,007.97)	\$48,112.50	\$18,887.55
TOTALS					(\$272,347.35)	\$127,563.81	\$63,608.55
* TOTAL FUNDING GAP LESS UNXPENDED FUNDS KDOC AWARD					(\$208,738.80)		

