

Approved: February 22, 2008

Date

MINUTES OF THE SELECT COMMITTEE ON CORRECTIONS REFORM AND OVERSIGHT

The meeting was called to order by Chairman Thomas C. Owens at 11:30 A.M. on February 12, 2008 in Room 431N of the Capitol.

All members were present except:

Representative Dan Johnson- excused

Committee staff present:

Athena Andaya, Kansas Legislative Research Department
Jerry Donaldson, Kansas Legislative Research Department
Jarod Waltner, Kansas Legislative Research Department
Michael Steiner, Kansas Legislative Research Department
Jill Wolters Revisor of Statutes Office
Jason Thompson, Revisor of Statutes Office
Cyndie Rexer, Committee Assistant

Conferees appearing before the committee:

Others attending:

See attached list.

Chairman Owens asked for any bill introductions.

Pat Hurley of Pat Hurley and Company requested a bill to amend K.S.A. 75-52, 133 to read "Except as authorized by Kansas Statute, no city, county or private entity shall authorize, construct, own or operate any type of correctional facility for the placement or confinement of inmates from any agency of another state." (Attachment 1)

Moved by Representative Henry, seconded by Representative Dahl to accept the above bill request.
Motion carried.

Chairman Owens introduced a committee bill 7rs1817 regarding punishment of driving under the influence offenders who have 4 or more offenses.

Moved by Representative Owens, seconded by Representative Dahl to accept introduction of 7rs1817.
Motion carried.

Athena Andaya presented a report of the Joint Committee on Corrections and Juvenile Justice Oversight which met during the Interim. The report covered Statutory Duties, HIV and AIDS Awareness Education and Juvenile Justice Community Corrections Core Programming by the Kansas Department of Corrections and Juvenile Justice Community Corrections. (Attachment 2)

Chairman Owens informed the committee of the focus the committee will take. They will be concentrating on multiple DUI offenders and a way to make beds available to accommodate this probable increase in prison population.

A period of questions and answers followed.

The next meeting is Friday, February 15, 2008 at 11:00 a.m. or upon adjournment of the House, in Room 431-N.

The meeting was adjourned at 12:35 p.m.

Proposed House Bill No. _____
By Representative Wilk

AN ACT concerning corrections; amending K.S.A. 75-52,133 and repealing the existing section.

Be it enacted by the Legislature of the state of Kansas:

Section 1. K.S.A. 75-52,133 is hereby amended to read as follows: 75-52,133. (a) Except as authorized by Kansas statute, no city, county or private entity shall authorize, construct, own or operate any type of correctional facility for the placement or confinement of inmates from any agency of another state.

(b) The provisions of this section shall not apply to:
(1) facilities used exclusively for placement or confinement of inmates from an agency of the federal government; or
(2) regional, city or county jails used exclusively as such jails and as places of detention for inmates, prisoners or fugitives as authorized by K.S.A 19-1917, 19-1930 or 75-5217, and amendments thereto; or
(3) facilities constructed, owned and operated by a private entity prior to January 1, 1993 and being operated by such private entity on January 1, 2008.
Sec. 2. K.S.A. 75-52,133 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

□

DRAFT

**Report of the Joint Committee
on Corrections and Juvenile
Justice Oversight to the
2008 Kansas Legislature**

CHAIRPERSON: Representative Thomas Owens

VICE-CHAIRPERSON: Senator Pete Brungardt

OTHER MEMBERS: Senators Karin Brownlee, Greta Goodwin, David Haley, Phillip Journey, Jean Schodorf, and David Wyson; and Representatives Bob Bethell, Doug Gatewood, Jerry Henry, Dan Johnson, Jim Ward, and Jason Watkins

STUDY TOPICS

- Statutory Duties
- HIV and AIDS Awareness Education
- Juvenile Justice Community Corrections Core Programming

January 2008

Select Committee on
Corrections Reform and Oversight
2-12-08
Attachment 2

Joint Committee on Corrections and Juvenile Justice Oversight

STATUTORY DUTIES

CONCLUSIONS AND RECOMMENDATIONS

The Joint Committee reviewed the topics included in the statutory charge in KSA 46-2801. The Committee:

- Kansas Department of Corrections Overview. The Committee made no recommendation in this area.
- Juvenile Justice Authority Briefing. The Committee endorsed the new funding methodology proposed by the Juvenile Justice Authority.
- Substance Abuse Programming in the Correctional Setting. The Committee made no recommendation on this topic.
- Mental Health, Substance Abuse, and Sex Offender Treatment Overview. The Committee made no recommendation on this topic.
- Kansas Prison Population Projections. The Committee made no recommendations on this topic.
- Prison Expansion Options. The Committee made no recommendations on this topic.
- Kansas Department of Corrections Telephone, Medical, and Food Contracts. The Committee made no recommendations on this topic.
- Inmate Intake and Assessment. The Committee made no recommendations on this topic.
- Briefing on Riley County Lawsuit. The Committee made no recommendations on this topic.
- Sedgwick County Re-entry Project Undocumented Inmates. The Committee made no recommendations in this area.
- Briefing on Escape from the El Dorado Correctional Facility. The Committee made no recommendations in this area.
- Juvenile Justice Authority Programming for the Reduction and Prevention of Juvenile Crimes. The Committee made no recommendation in this area.

Proposed Legislation: The Committee recommended a bill to change the name of the Topeka Juvenile Correctional Facility to the Kansas Juvenile Correctional Complex.

BACKGROUND

The 1997 Legislature created the Joint Committee on Corrections and Juvenile Justice Oversight (Committee hereinafter), which is composed of seven members each from the House and Senate. The statutory duties of the Committee include:

- Monitor the inmate population and review the programs, activities and plans of the Kansas Department of Corrections (KDOC) including the implementation of expansion projects, the operation of correctional and other programs for inmates and the operation of correctional institutions and other facilities under the control and supervision of the KDOC;
- Monitor the establishment and review the programs, activities and plans of the Juvenile Justice Authority (JJA) including the responsibility for the care, custody, control and rehabilitation of juvenile offenders and the condition and operation of the state juvenile correctional facilities under the control and supervision of the JJA;
- Review the adult correctional programs, activities and facilities of counties, cities, school districts, other local governmental entities, and private entities including programs for the reduction and prevention of juvenile crime and delinquency.

2006 HB 2555 repealed the provision in KSA 46-2801 requiring the Committee to expire on December 2005.

COMMITTEE ACTIVITIES

All items discussed by the 2007 Interim Committee relating to its statutory duties are reviewed in the following material, along with the Committee conclusions, recommendations and proposed legislation.

Kansas Department of Corrections Overview

On July 19, 2007, Roger Werholtz, Secretary, KDOC, provided the Committee with an update on the correctional facilities and effects of legislation passed during the 2007 Session.

Secretary Werholtz testified that the KDOC operates eight prison complexes in 12 communities throughout Kansas, including the Labette County Conservation Camp. The KDOC also oversees the parole function with parole offices divided into two regions: the Northern parole region and the Southern parole region. Parole Officers are state employees who work for the KDOC and are funded through State General Fund dollars.

With regard to Community Corrections, the Secretary stated that there are 30 Community Corrections programs in Kansas. Community Corrections Officers are county employees and are funded through the KDOC with state dollars and some county funding.

The Secretary distinguished court services from Community Corrections by noting that it is organized by judicial districts and funded almost exclusively with county dollars. Court Services Officers are state employees who are supervised by judges within each judicial district.

The Secretary also discussed Kansas comparative data, noting that Kansas tends to be in the top third on spending of state funds with corrections. KDOC makes up about 3.0 percent of State General Fund expenditures.

The Secretary also provided testimony on confinement and stated that of the individuals under the control of the Secretary of Corrections, 57.8 percent are confined and 33.0 percent are not confined.

Secretary Werholtz also provided testimony regarding the agency's information systems

replacement efforts. According to testimony, the objectives of the program are to replace antiquated systems, specifically, the Offender Management Information System (OMIS) and the Total Offender Activity Documentation System (TOADS). By replacing the systems, the KDOC believes the accessibility of offender information will increase, enhancing the ability to analyze, report and respond as needed. The total cost to replace the system is estimated at \$2.2 million dollars with \$1.3 million coming from the State General Fund and \$450,000 in JEHT grant funds. The remaining \$450,000 is unsecured funding.

In addition, Secretary Werholtz provided testimony on the working conditions for corrections officers at facilities located throughout the State. The KDOC recently enacted a culture change and redefined success and the tasks and skills expected of various positions. In *FY 2006*, the turnover rates within the KDOC were as follows:

- El Dorado Correctional Facility - 34.0 percent
- Ellsworth Correctional Facility - 29.7 percent
- Larned Mental Health Correctional Facility - 25.6 percent
- Winfield Correctional Facility - 25.4 percent
- Lansing Correctional Facility - 24.6 percent
- Norton Correctional Facility - 20.0 percent
- Hutchinson Correctional Facility - 19.8 percent
- Topeka Correctional Facility - 16.1 percent.

Total turnover rate averaged at 25.0 percent, for all correctional facilities.

Mary Vaughn, Director, Housing and Community Services Department, Sedgwick County, discussed the New Community Initiatives in Wichita, Kansas as part of the KDOC Overview. The program initially focused on a specific area within Wichita, the Northeast

region where a majority of Sedgwick County offenders came from and which a number of released ex-offenders returned. The group aimed to “design a strategy to integrate state, county city, and private resources to increase public safety, enhance education opportunities for residents of all ages, improve housing conditions for neighborhood residents and spur economic development.” The Initiative restructures how services are provided by coordinating efforts to cross jurisdictional lines, regardless of whose money or whose staff is being utilized. The group identified five areas to focus on: Adult Education and Economic Development; Housing; Physical, Mental and Behavioral Health; Children and Youth; and Safe and Secure Neighborhoods and each group developed goals.

Each group developed the following goals:

Adult Education and Economic Development

- Identifying job training and placement expansion opportunities;
- Creating a better system to connect persons needing jobs and training to those resources;
- Increasing the number of neighborhood businesses; and
- Increasing the number of neighborhood residents hired by neighborhood businesses.

Housing

- Identifying common themes related to housing needs;
- Determining the need for a market study;
- Exploring the need for new legislative tools to assist with blight elimination;
- Improving the quality of homes available to eliminate blight; and
- Increasing the availability of affordable housing.

Physical, Mental, and Behavioral Health

- Increasing availability of substance abuse treatment and prevention;
- Improving the health of grandparents and elders;
- Supporting grandparents raising children; and
- Connecting eligible residents with the “Healthy Babies” program.

Children and Youth

- Increasing proficiency rates in math and reading;
- Increasing graduation rates;
- Addressing needs of children of incarcerated parents;
- Increasing job opportunities, training and preparedness for youth ages 15-18; and
- Increasing enrollment of children in pre-kindergarten programs.

Safe and Secure Neighborhoods

- Partnering with neighborhoods to identify beautification needs and environmental hazards;
- Linking persons in need with resources to eliminate blight;
- Reducing the number of houses needing repair;
- Increasing the amount of lighting;
- Conducting neighborhood safety and security workshops;
- Identifying additional neighborhood safety and security workshops; and
- Identifying additional neighborhood safety and security needs.

The next step for the group is to utilize pillar groups to develop strategies to connect people with resources and work with engaging the public while working to eliminate blight in a particular sub-area.

The Committee toured the Topeka Correctional Facility, located in Topeka, Kansas to gain a full understanding of the operations of correctional facilities and programming offered throughout the state.

CONCLUSIONS AND RECOMMENDATIONS

The Committee made no recommendation on this topic.

Juvenile Justice Authority Briefing

On July 20, 2007, Russell Jennings, Commissioner, Juvenile Justice Authority (JJA), presented written and oral testimony and an agency overview for the members of the Committee, including a brief history of the agency. According to the Commissioner, the philosophy of JJA is grounded in the idea that youth are more effectively served in their community through prevention, intervention, and community-based services, and youth should be placed in a juvenile correctional facility only as a last resort. Included in the Commissioner’s testimony was a breakdown of the three largest funding sources. The Commissioner noted that JJA receives 64 percent of its funding from the State General Fund (SGF) with 13 percent coming from Title XIX and 9 percent coming from the Children’s Initiatives Fund (CIF).

The Committee also was briefed on the statistics regarding the number of juveniles in the care of the Commissioner. Improvements highlighted by the Commissioner included a drop in the number of juvenile court case filings. In *FY 2004* there were 14,719 juvenile court case filings and in *FY 2005* there were 14,113 juvenile court case filings. The figures for *FY 2006* were not yet available. The Commissioner noted that the average length of stay in a juvenile correctional facility was 7.9 months for *FY 2007*.

The Commissioner noted the need for continued juvenile justice reform. Specifically, the

Commissioner spoke about the need for revising the funding formula for community corrections and core programming. The Commissioner stressed that a new funding methodology would need to consider the work load of each district in determining the distribution of funding. Also, the Commissioner indicated that the needs and risks vary from community to community and therefore decisions are best made at the local level.

Stuart Little, Little Government Relations, provided written testimony on behalf of the Kansas Community Corrections Association (KCCA). Dr. Little's written testimony stressed the importance of community corrections by noting that community corrections agencies are the sole providers of Juvenile Intensive Supervision Probation (JISP). JISP is a community-based program which works with juvenile offenders who have previously failed in tradition court service probation, or have committed a serious offense but do not yet need an out-of-home or juvenile correctional facility placement.

Shelly Williams, Supervisor of Juvenile Intake and Assessment and Case Manager in Riley County and Mark Masterson, Director of Sedgwick County Department of Corrections, provided testimony on the importance of reforming the funding method for community corrections and core programming. Both stated that services will be jeopardized if funding continues to drop.

CONCLUSIONS AND RECOMMENDATIONS

The Committee endorses the new funding methodology proposed by the Juvenile Justice Authority. See report on Juvenile Justice Community Corrections Core Programming.

Substance Abuse Programming in the

Correctional Setting

Valley Hope

On August 16, 2007, Curt Krebsbach, Valley Hope Corporate Office, provided information on the recommendations regarding policies to improve the way states organize and deliver alcohol and drug prevention and treatment. The recommendations unanimously adopted by the panel at Valley Hope include:

- Leadership—Governors, legislative leaders, and chief judges need to provide personal, continuous leadership for a statewide strategy to prevent and address alcohol and drug problems;
- Structure—Each state should develop a strategy that encompasses all agencies affected by alcohol and drug issues. The responsibility for state and federal prevention and treatment funds should be held by one entity that reports directly to the Governor and has direct access to the state legislature;
- Resources—Money and skilled practitioners are the two key resources necessary to improve alcohol and drug services. An annual public report should detail alcohol and drug related spending in all state agencies and if additional funding is needed, states should consider raising alcohol taxes. Licensing and educational resources should be used to improve and retain a prevention and treatment workforce;
- Measurement and Accountability—States should hold agencies and contract providers accountable for meeting identified outcome measures. Those that meet or exceed outcome targets should be rewarded and those that consistently fail should be penalized;
- Legislation—States should review and update the legislation that controls alcohol

and drug policies including authorization for prevention and treatment agencies and alcohol control boards. Laws and regulations that prevent recovering individuals from getting jobs, education, and other services needed for successful reintegration also should be reviewed and repealed; and

- Sustain State Focus and Attention — State advisory councils should be created or revived with enough staff and authority to hold elected officials accountable for providing the necessary leadership. States should support community coalitions and recovery organizations to build a lasting constituency for continuing effective state action.

The treatment philosophy of Valley Hope is individualized treatment based on the disease concept of alcohol or drug addiction or both and grounded into a 12-step philosophy with a strong emphasis on family participation, spirituality, and continuing care placement.

KDOC

On August 16, 2007, Pat Berry, Substance Abuse Treatment Programs Manager, KDOC, provided an overview on the substance abuse treatment programs. The facility-based programs are:

- Chemical Dependency Recovery Program (CDRP);
- Treatment of Alcohol and Substance at Labette (TASAL); and
- Therapeutic Community (TC).

CDRP is located at Larned Correctional Mental Health Facility (LCMHF). The program provides services for up to 40 minimum custody inmates and provides an increased opportunity for inmates to complete their substance abuse program. It is an 18-week program.

TASAL is a program located at the Labette Women's Correctional Camp (LWCC). The program provides services for up to 16 minimum custody Topeka Correctional Facility inmates who are not incarcerated long enough to participate in the TC program. The length of the program is 90 days. The program is a structured day treatment program with emphasis on cognitive self change (Thinking for a Change and Hazelton), criminality, anger management, relationships, parenting, employability, and relapse prevention.

The TC program for males is located at the Hutchinson Correctional Facility (HCF) and Osawatomie State Hospital (OSH). The program provides services for up to 60 medium custody inmates at HCF and up to 80 minimum custody males at OSH. The program is 11 to 13 months long. A new TC program for medium custody males at Ellsworth Correctional Facility (ECF) provides services for up to 52 inmates and is anticipated to be up and operational by September 30, 2007. The program is 11 to 13 months long. The TC program for females is located at the Topeka Correctional Facility (TCF) and provides services for up to 24 medium and minimum custody inmates. The program is 11 to 13 months long.

The defining principles of a TC is a highly structured environment; fostering an opportunity for self improvement and a lifestyle change; and moving from a subculture to a successful life in a larger society. Defined moral and ethical boundaries and expectations for personal development are established and the program employs the use of tools and procedures designed to call attention to negative behaviors and the thinking that led them into addiction and negative, criminal behaviors. Participants in a TC are members of a family and peer family members play a significant role in managing the TC. Participants act as positive role models for newer members and the program is organized in a "hierarchy" that encourages members to assume increasing responsibilities for family functions.

In addition, the program uses “community as method” in which individuals are taught to use the peer community to learn about themselves.

Cognitive Community has three phases of training in *FY 2007* via a National Institute of Corrections (NIC) Technical Assistance Grant. Included in the three phases is immersion training for KDOC programs staff, unit team staff, and contracted treatment staff. Consistency among all TC programs, including evidenced based core programming elements, is key.

Community Based Programming

On August 16, 2007, Ms. Berry discussed that for transitional aftercare, there are ten TC graduate beds in Wichita, known as Toben Community Residential Beds, with a program of three to six months. The TC Alumni Group (TAG) is a peer support group for TC graduates. The male group is located at the Topeka Parole Office and the female group at the Lawrence Parole Office and is co-facilitated by the parole officers and TC graduates.

Ms. Berry discussed gaps in facility-based services and identified them as follows:

- Programs for inmates who meet the TC program criteria (high risk/need) but cannot participate due to other factors such as the amount of time an offender will serve, custody level, cognitive function, and dual diagnosis;
- More short-term treatment such as the CDRP program;
- Substance abuse treatment assessment at the Reception and Diagnostic Unit (El Dorado Correctional Facility) and at discharge for aftercare referrals; and
- Programs for inmates who meet TC program criteria (high risk/need) but cannot participate due to other factors.

Gaps in service at the community level were identified as follows:

- Transitional Therapeutic Community (TTC) for males and females. In *FY 2005*, Topeka TTC lost 25 beds due to a reduction in Residential Substance Abuse Treatment grant;
- Funding for KDOC contracted community-based aftercare and relapse prevention counseling; and
- Inability for inmates and parolees to pay assessment fees for aftercare or treatment referrals.

Beverly Metcalf, President and Chief Executive Officer, Mirror, Inc., presented information to the Committee on Therapeutic Community Treatment Programs. According to Ms. Metcalf, Mirror incorporates the principles of effective correctional treatment which are social learning approaches; cognitive skill development; cognitive restructuring; and relapse prevention development. Mirror’s TC is a 12-month intensive, cognitive and behavioral substance abuse program that focuses on behaviors, attitudes, beliefs, thinking, and lifestyles connected to drug addiction and criminality. The goal is to help the TC member move toward a more rational thought process and improve pro-social skills. The program uses the “community” and its members as the agent of change and is accomplished through educating participants, teaching new skills through demonstration and role modeling, and practice of new skills. Kansas currently has facility-based TC programs at the following locations:

- HCF – 60 beds medium security (July 2003);
- OSH – 80 beds minimum security (July 2005);
- TCF – 24 beds minimum security (July 2005); and

- ECF – 52 beds medium security (to open September 2007).

Ms. Metcalf testified that at 12 months, of the 106 graduates who have been out of prison for 12 months or longer, 82 participants, or 77.0 percent, have not returned to prison. In general, findings show that duration, setting, and training are fundamental for facility-based TC programs and ongoing monitoring and evaluation serves management and accountability needs. Furthermore, engagement in transitional “aftercare” is crucial for effectiveness. Based on the research provided, Intensive Therapeutic Community (ITC) is most cost effective for high-problem cases and are the most effective.

Ms. Metcalf identified gaps in service as lack of aftercare services targeted to the TC graduate upon release and lack of transitional residential programs that utilize the TC model.

Darren Ryan, CDRP Director, provided testimony on the program at LCMHF. The program is located on the grounds of LCMHF in the West Unit. The program provides services for up to 40 inmates. The program is an 18-week intensive outpatient program and is the only short-term substance abuse treatment program the KDOC offers for male offenders. The program places emphasis on:

- “Thinking For a Change.” A model emphasizing social skills, cognitive self-change, and problem solving;
- Relapse prevention planning;
- Drug specific education;
- Education and utilization of the 12-step program as a support network;
- Addressing family issues;
- Development of an aftercare plan; and

- Individual and group counseling to assist inmates in gaining self-awareness through disclosure and feedback.

The objectives are for the offender to acquire or improve their cognitive and behavioral self-management skills and use these skills to control substance abuse and reduce re-offending. The outcome of treatment is a workable plan to maintain behavioral management in the community and to prevent relapse. Statistics verify that inmates who complete the CDRP return to prison at a lower rate than those identified as needing substance abuse treatment but who did not participate in the CDRP, participated in other programs, or participated in CDRP but did not complete the program. According to Mr. Ryan, challenges to successful re-entry as it pertains to the Level of Services Inventory - Revised (LSI-R) Domains are:

- Criminal history;
- Education or employment, or both;
- Financial;
- Family or marital, or both;
- Accommodation;
- Leisure or recreation or both;
- Companions;
- Alcohol or drug problem, or both;
- Emotional or personal, or both; and
- Attitude or orientation, or both.

The following were identified as gaps in services:

- Lack of available funds to obtain assessments and make appropriate referral without suspension of services between KDOC and the community;
- Substance abuse treatment standards changes likely will make utilization of long-term services (more than two weeks) unavailable to CDRP participants due to placement criteria;

- Difficulty in early reintegration between inmates and their children who are in state care, due to policy conflicts;
- Lack of private industry and work release programs;
- Lack of early substance abuse intervention and education programs; and
- Lack of inpatient treatment programs available during, and after, incarceration.

In order to participate in the CDRP mentoring program, a mentor must successfully complete the CDRP, be disciplinary report-free for the past 6 months, a role model for adherence to rules, and be willing to perform porter duties. Of the 43 participants in the past four years:

- Ten have successfully completed parole;
- 19 currently are meeting parole requirements;
- Four have returned with parole violations;
- Three have returned with new charges;
- Four were discharged unsuccessfully; and
- Two currently are on absconder status.

CONCLUSIONS AND RECOMMENDATIONS

The Committee made no recommendation on this topic.

Update on Beloit Juvenile Correctional Facility

On August 17, 2007, Russell Jennings, Commissioner, Juvenile Justice Authority (JJA), provided the Committee with an overview of Beloit Juvenile Correctional Facility (BJCF) and current happenings with the JJA. The Commissioner stated that if approved by the Joint Committee on State Building Construction, JJA would utilize the administration building on the old campus. Beloit Juvenile Correctional Facility was established in the 1890's and was

formerly known as the Girls Industrial School. It is the only JJA facility that serves female youth sentenced by the district courts of Kansas and funded as a 66-bed facility.

The facility education program is fully accredited for grades 7-12 with special education and college classes offered. Discussion was on education provided at the facility, the number of placements before being placed at BJCF, drug and alcohol services, and cost per day per girl, which is roughly \$350 to \$400 a day. The Committee requested information on the following:

- Placement Matrix;
- Thinking for a Change;
- Average number of prescriptions and the cost associated with prescriptions at the facility; and
- Information on using drugs that were not utilized during a youth's stay at the facility.

CONCLUSIONS AND RECOMMENDATIONS

The Committee made no recommendation on this topic.

Mental Health, Substance Abuse, and Sex Offender Treatment Overview

On August 17, 2007, Katrina Pollet, Superintendent, Beloit Juvenile Correctional Facility, provided the Committee with an overview of the Mental Health Program. Mental Health evaluations are conducted at BJCF immediately upon intake. The major evaluations include:

- Mental Status Exam;
- Risk assessment for self-harm and the potential to harm others;
- Formal psychological assessment to assess personality, intellect, gross assessment of neurological impairments;
- Substance abuse assessments;
- Depression assessments; and
- Diagnosis of mental disorders.

A psychologist and social workers evaluate the youth who display symptoms of mental illness. To address mental health issues, the staff conduct cognitive structured learning groups which are evidence-based for usage with both the mentally ill and those with no mental illness. These groups help the residents focus on their own feelings, thoughts, and beliefs which lead to their behaviors. BJCF offers the following to address youth's mental health needs:

- Anger Control – ongoing throughout the youth's stay;
- Structured Learning Training – ongoing throughout the youth's stay, teaches how to remain socially appropriate in all situations;
- Thinking for a Change – ongoing throughout the youth's stay, teaches appropriate social interactions along with problem solving skills;
- Cognitive Self Change – lasts at least three weeks or until the youth is able to objectively look at their past and identify their thinking errors that led up to their criminal activities and teaches how to change those thinking errors; and
- Fast ForWord – facilitated through the school, helps youth to build the cognitive skills of memory, attention, processing, and sequencing skills, which allow youth to be better equipped to stop and think, reducing the behaviors associated with their mental health diagnosis.

Monthly updates are provided on behavior and any changes needed in the youth's programming, including medical changes, are identified. Thirty days prior to release from any correctional facility a pre-release conference is held with the family or legal guardian. The community case manager is invited to participate along with the youth, with focus on the aftercare, identification of medications currently prescribed, the diagnosis,

and to make recommendations for continued treatment needs. The facility also provides a 14-day supply of medication when discharged.

Jennifer Eilert, Sex Offender Program, provided information on the Sex Offender program and the Sexually Abused Sex Offender groups. As soon as the facility receives notice that a youth is classified as a juvenile sex offender, the facility immediately starts gathering information about the youth and their crime. By being prepared, the facility can provide better quality of treatment.

After completing the 21-day intake and assessment process, offenders immediately begin treatment groups. Pathways is one of the groups used and presents the assault cycle and relapse prevention techniques for understanding and preventing re-offenses. Education towards appropriate behavior and basic sexuality information helps address any social deficits. Victim empathy issues also are addressed and a Relapse Prevention Plan, which is a signed contract with those people that will support the youth when released, is developed.

The facility also conducts the Eraser, which predicts the chances of re-offending, for post testing. Growing Beyond, a Treatment Manual for Girls, helps the female sex offender look at her own offense and sexual abuse that may have been perpetrated upon her.

According to testimony, at BJCF 100 percent of girls who have been adjudicated for sex crimes have stated they themselves were sexually abused. By having the youth identify the impact of the abuse they experienced, they can begin to understand how their action affected their victims. The girls are taught about primary and secondary victimization and the final goal is to complete an apology letter to their primary and secondary victims.

Lori Lemure, Substance Abuse Program, spoke on the drug and alcohol treatment program

which provides education and treatment based on history and diagnostic testing. The Safe and Sober Youth (SASY) tool is used for assessing the youth. The substance abuse treatment program is designed to impact youth who abuse or are chemically dependent on alcohol, drugs, or both. The substance abuse program has four components:

- Alcohol or Drug Treatment, or both – designed to assist the youth in making a long-term commitment to recovery;
- Relapse Prevention – designed to help youth identify the triggers that cause relapse and how to recognize warnings signs prior to relapse;
- Alcohol or Drug Education, or both – designed to give the youth a clear understanding of alcohol and drugs; and
- Alcoholics Anonymous or Narcotics Anonymous groups, or both – facilitated by community volunteers who come to the facility and conduct the group, as it would be held in the community.

CONCLUSIONS AND RECOMMENDATIONS

The Committee made no recommendation on this topic.

Kansas Prison Population Projections

On October 17, 2007, During the October meeting, Helen Pedigo, Executive Director, Kansas Sentencing Commission, provided information on the prison population projections. The *FY 2008* prison population projection model contains a combination of intended, and unintended, impacts of various sentencing policies enacted by the legislature during the past several years, including 2006 Senate Substitute for HB 2576 (Jessica's Law) and 2007 House Substitute for SB 14.

According to testimony, the most significant change in the model is an increase in the off grid prison population. Over the next years, it is anticipated that this population will increase by 702 inmates or 108 percent which can be attributed to Jessica's Law. Another major trend is the number of reductions in probation condition violators entering into state prisons. In *FY 2007*, the number dropped from 2,038 in *FY 2006* to 1,750, a decrease of 14.1 percent. It is anticipated that the implementation of 2007 House Substitute for SB 14 will continue this trend and will save the State 617 beds in *FY 2017*. Another trend identified in *FY 2007* is the continuous decline of parole or post release condition violators, or both, admitted to prison. According to testimony, the decrease is attributed to changes enacted in 2000 SB 323.

CONCLUSIONS AND RECOMMENDATIONS

The Committee made no recommendation on this topic.

Prison Expansion Options

On October 17, 2007, Chuck Simmons, Deputy Secretary for Facilities Management, Kansas Department of Corrections provided testimony on the prison expansion options as laid out in 2007 House Substitute for SB 357. According to the bill, the KDOC has prioritized prison expansion options in *FY 2009*, *2010* and *2011*. However, *FY 2008* does not include the prioritization plans. The options covered include the following:

- Maximum Security - 2 Housing Units or 256 beds, or 4 Housing Units or 512 beds at El Dorado Correctional Facility;
- Medium Security - 2 Housing Units or 512 beds, or 1 Housing Unit or 256 beds at El Dorado Correctional Facility; 1 Unit of 500 beds at Yates Center as a satellite of

- EDCF; or 1 Unit or 500 beds at Stockton Correctional Facility;
- Minimum Security - 100 bed Housing Unit at EDCF; 100 bed Housing Unit at Ellsworth Correctional Facility; 72 beds at Stockton; 75 beds at Toronto or a 240 bed treatment Unit as a satellite of EDCF;
- Multi-custody Facility - 1,380 bed new, Maximum/Medium/Minimum Facility;
- Special Needs Medical - 258 Medium beds at the Hutchinson Correctional Facility East Unit; and
- Central Training Academy at Osawatomie State Hospital - Rush Building.

On October 18, 2007, Senator Derek Schmidt informed the Committee that the State Finance Council authorized the release of \$39.5 million in bonding authority to the KDOC for the construction of new prison space in our state. Senator Schmidt suggested that a part of that funding should be devoted to constructing one or more new drug rehabilitation prisons. The current bed projection numbers are down and the need to build is not as urgent as in the past, which allows for the opportunity to look at drug rehabilitation prisons.

The Committee was encouraged to consider identifying an appropriate population of offenders who have committed non-violent crimes and whose underlying conduct is shaped largely by substance abuse and addiction. This would provide an option of incarceration and drug treatment instead of choosing between treatment or incarceration for judges. Three areas of intermediated intervention would potentially break the cycle of addiction and reduce the re-offense rate of the following:

- Felon DUI offenders;
- Second-time offenders sentenced under SB 123; and

- Offenders in community supervision who commit condition violations related to substance abuse.

CONCLUSIONS AND RECOMMENDATIONS

The Committee made no recommendation on this topic.

Kansas Department of Corrections Telephone, Medical, and Food Contracts

Telephone

On October 17, 2007, Chuck Simmons, Deputy Secretary for Facilities Management, KDOC, provided information on the inmate telephone contract. According to testimony, the current contract with T-Netix expires December 16, 2007 and a request for bids for new services was issued June 13, 2007.

Four vendors submitted proposals and the contract was awarded to Embarq, for three years with the state option for two additional years. The new contract allows for the implementation of an inmate based prepaid phone service. The new contract provides for a 40.0 percent reduction in calling rates. The contract will provide approximately \$1.0 million dollars to the KDOC. According to testimony, the KDOC will use the \$1.7 million received during the 2007 Legislative Session to replace funds lost by the reduction in calling rates.

Food

On October 17, 2007, Roger Haden, Deputy Secretary for Program, Research and Support, KDOC, provided testimony on KDOC's food service contracts. With regard to food services, KDOC entered into a 15 year contract with Aramark Correction Services, Inc, that extends through 2012. The contract provides for a payment based on a daily population, per meal, per inmate basis. The current cost per meal is

\$1.41. As of September 2007, 787,689 meals were paid for at a cost of \$1,080,900.

Aramark cooks food for all KDOC-operated facilities, with the exception of the Larned Correctional Mental Health Facility, which receives food from the Larned State Hospital. In addition, Aramark also operates food service vocational programs at four KDOC facilities at no extra cost to the state. Aramark employs 118 staff as of September 31, 2007, for the performance of the KDOC contract.

Inmate workers supervised by Aramark staff assist with food production, sanitation, and inventory. Each facility sets its own meal schedule based on factors such as inmate work assignments, program schedules and population count. Meal requirements are set by contract as to caloric count and should be appealing and account for seasonal needs.

Aramark and the KDOC also provide certified religious diets. Meals are not designed to meet every religious diet. Instead, they are designed to not offend a particular religious diet. In order to participate in the program, inmates must go through the facility chaplain to request the diet and limits are placed on the number of times an inmate may go off and on the diet. Approximately, 1,100 to 1,200 inmates participate in the program.

Medical

On October 17, 2007, Roger Haden, Deputy Secretary for Program, Research and Support, KDOC, provided testimony on KDOC's health services contracts. KDOC entered into a new three year contract with Correct Care Solutions, Inc. (CCS) effective July 1, 2005, for the delivery of medical, dental, and mental health care services to inmates. CCS is responsible for all inmate health care costs, including, but not limited to medical, mental health, dental, optometry, pharmaceutical. The bid term of the current contract allows for up to three additional

two-year renewals with an expiration date of June 30, 2014.

The contract is based on a fixed-price, *per capita* pricing model on population capacities by correctional facility. The contract includes provisions to adjust the monthly payments of the contract based on performance penalties and certain levels of population increases or decreases. All sites are currently accredited by the National Commission on Correctional Health Care (NCCHC). Medical services include:

- Health screening and assessment;
- Off site services for hospitalization, emergency care, specialty consults as needed;
- Sick call, infirmary care and medication management;
- Chronic care, special needs clinics, hospice care;
- Infection control and ancillary services;
- Utilization review to ensure timely access to care; and
- Electronic Medical Records implementation and maintenance.

In addition, CCS provides dental services including screenings, examinations, and emergency dental care.

With regard to mental health services, CCS provides:

- Psychological and psychiatric assessment and diagnosis;
- Medication management;
- Individual and group therapy;
- Case Management and crisis intervention;
- Activity therapy;
- Release planning for mentally ill offenders;
- Forensic evaluation services; and
- Intake psychological assessment and evaluation.

Kansas University Physicians Incorporated (KUPI) provides a senior Health Services

Administrator, two registered nurse consulting monitors and a part-time physician consulting monitor.

CONCLUSIONS AND RECOMMENDATIONS

The Committee made no recommendation on this topic.

Inmate Intake and Assessment

On October 17, 2007, Warden Ray Roberts, El Dorado Correctional Facility, KDOC, provided the committee with a brief overview of the Reception and Diagnostic Unit (RDU) at the facility.

The RDU is the intake facility for the KDOC and performs physical, social and psychological evaluations of offenders sentenced to the custody of the Secretary of Corrections. The RDU has a capacity for 320 inmates and is staffed by 6 Corrections Counselors I, 17 Corrections Officers, 3 Corrections Counselor II, 6 Correctional Supervisors I and one Unit Team Manager. In addition to the general staff, the unit houses two education assessment technicians and 20 mental health staff for mental health evaluations and eight medical staff.

The average length of stay for an inmate was 32 days in *FY 2007*. Some of the challenges identified for the RDU were the need to single cell new inmates for 3 days; medical problems requiring segregation; mental health issues; high profile, capital punishment inmates; segregation inmates; and juvenile inmates who are adjudicated as an adult who come in to the system and immediate releases. After evaluation, inmates are placed at facilities based on custody level, necessary programming, bed space, reentry needs and inmate or family requests to have them placed in a community near their home.

CONCLUSIONS AND RECOMMENDATIONS

The Committee made no recommendation on this topic.

Briefing on Riley County Lawsuit

Linden Appel, Chief Legal Counsel, KDOC, briefed the Committee on the Riley County lawsuit. The Riley County Commissioners filed two lawsuits against KDOC, Secretary Werholtz, and the State of Kansas. The first case sought monetary damages, injunctive relief, mandamus and declaratory judgment alleging the Secretary did not comply with the statutory formula contained in KSA 75-52,111 in determining and awarding annual grants to Kansas' community corrections agencies. The second case deals with the *FY 2008* annual community corrections grant award, the suit seeks damages of approximately \$366,000, along with declaratory judgment and mandamus relief. Post hearing briefing was submitted by the parties on or about October 10, 2007, and a decision is pending before the district court.

CONCLUSIONS AND RECOMMENDATIONS

The Committee made no recommendation on this topic.

Sedgwick County Re-entry Project

On October 18, 2007, Sally Frey, Executive Director, Sedgwick County Re-entry Project, provided the committee with information on the Sedgwick County re-entry program. The key elements of the program were identified as:

Detailed risk or needs assessment, or both;

- Case management that targets risk prior to release;
- Commencement of reentry planning at least 12 months prior to release; follow offenders into the community for at least 6 months;

- Engaging offenders, families and supports; develop services;
- Developing bridges between facility and parole;
- Engaging communities continuum of services (substance abuse, mental health, house, among other things) and the community is impacted so they are actively involved in the process; and
- Successful reintegration – supplement monitoring with risk-reduction case management.

Barriers to reentry were identified as:

- Housing – alternative correctional housing issues, not enough decent affordable housing of all types, lack of emergency housing options;
- Substance abuse treatment – changes within the SRS System to a managed care; and
- Transportation – public transportation only available during the day and issues related to obtaining a driver's license and detainers or warrants.

The Committee also was told about the program called Kansas Strengthening Kids of Incarcerated Parents (SKIP). SKIP is a program which utilizes the community partnership model that addresses the impact of parental incarceration and provides families and children with needed knowledge, understanding, skills, and resources to break the cycle of intergenerational incarceration, and engage community and policy to action.

On October 18, 2007, Julie Utt, Deputy Warden, Winfield Correctional Facility, provided a short video on the AeroStructures Technician Training program at the facility. This employer-driven, vocational training will prepare offenders to fill unmet workforce needs in the aircraft

industry in South Central Kansas. Offenders are more successful on release when they are employed, earning a living wage. During participation in the program, inmates receive:

- Kansas WORKReady! Certificate;
- Manufacturing Skills Technology (MST);
- AeroStructures Technology (AST) certificate;
- Job placement assistance; and
- Case management services for one year upon release.

Also on October 18, 2007, Larry Cyrier, Director, and Duane Krueger, Program Director for Greenbush, presented a PowerPoint presentation on vocational training for home building by inmates. Greenbush and the KDOC offer this vocational program for inmates which allows them to acquire valuable skills and provides affordable housing to the public. The following programs have provided homes to local communities:

- Hutchinson Correctional Facility: Interfaith Housing Inc. provided materials to complete 9 homes; and
- Ellsworth Correctional Facility: SmokeyValley Economic Development acted as an underwriter for the completion of 5 homes.

In addition, Hutchinson Correctional Facility has been working with the Kansas Department of Wildlife and Parks on their Wildscape project. Seven cabins have been built and completed by inmates and the Department of Wildlife and Parks is interested in continuing their relationship with the KDOC to build more cabins.

On October 18, 2007, Keven Pellant, Deputy Secretary for Community and Field Services, KDOC, explained the post release/parole absconder and revocation process. An absconder was defined as an offender who is delinquent in reporting to parole staff and cannot be located or

has left the area without authorization. Absconder tracking includes going to the absconders known residence locations, contacting any known contacts such as employers, family and friends; sending letters to the absconder to appear; and issuing a warrant in concert with the Special Enforcement Officer or Supervisor.

Special Enforcement tracking includes opening an absconder file; issuing warrants, use of spreadsheet tracking; checking daily updates provided by the interstate compact unit and sharing information with local, national and task force agencies.

Deputy Secretary Pellant also informed the Committee about Post Release/Parole Revocation. She stated that the assigned Parole Officer (PO) responds to violations utilizing case management strategies. If violations continue after interventions, then the PO staffs the case with a supervisor to seek strategies, interventions, and sanctions. The PO discusses offender risk to the public, residence, employment, community supports, treatment status, and current sentence discharge date in order to implement strategy/sanction or request revocation.

Examples of reasons for revocations provided by Deputy Secretary Pellant include the use of alcohol or drugs, a laws violation (either new felony or new misdemeanor), travel outside of restrictions, failure to report, a weapon violation, and personal conduct.

Deputy Secretary Pellant provided the number of return admissions for condition violations by month for *FY 2005* thru *FY 2008*.

Undocumented Inmates

At the November 7, 2007, meeting, the Committee received information regarding undocumented inmates. Beth Mechler, Kansas Department of Corrections (KDOC), spoke about the three main goals that were established with Immigration and Custom Enforcement (ICE)

to achieve uniformity and consistency across the state, Correctional Facilities, and Central Office in the processing and handling of ICE detainees:

- Clarity in the identification and processing of Foreign Born Inmates to allow for successful standardization and tracking of those persons.
- Consistency in the place and timeliness of identifying these inmates in KDOC and information received from ICE pertaining to true names, alien (A) numbers, KDOC numbers, and alias information.
- Continuity with the follow through of tracking and final disposition of each foreign born subject while insuring a systematic reciprocal agreement between the KDOC and ICE.

In addition, guidelines were established and followed to achieve these goals.

Further information, requested earlier, was presented to the Committee as follows:

1. How many illegal aliens are in the KDOC? As of October 2007, KDOC had 307 foreign-born offenders in custody. Approximately one year ago, the KDOC had 197 foreign-born offenders in custody; however, KDOC does not have the ability to track illegal aliens because KDOC does not know whether a particular offender is an illegal alien. In addition, this number can occasionally include military personnel children born outside of the country or other small scale deviations from what is normally considered foreign-born persons.

2. What were the crimes of conviction committed by the foreign born? The most frequent crimes of conviction for foreign born offenders are indecent liberties with a child under 14 years of age; possession of narcotics, sale of narcotics, battery and aggravated battery;

aggravated indecent solicitation of a child; or murder 1 or 2.

3. What is the treaty process with Mexico? The United States has numerous treaty agreements with Mexico, as with many other countries as determined by the *United States Constitution*, and is of national purview not KDOC interest. There are special processes for binding treaties ranging from the United States State Department, which represents our country's interests aboard, to Department of Homeland Security agreements that are approved by the President of the United States.

4. When does ICE lodge detainees? The KDOC policy and procedure regarding ICE detainees is represented in IMPP 5-109.

CONCLUSIONS AND RECOMMENDATIONS

The Committee made no recommendation in this area.

Juvenile Population Projections

Helen Pedigo, Executive Director, Kansas Sentencing Commission, provided information on the juvenile population projections. The Placement Matrix chart was provided on offender type, offense level, length of stay, and aftercare term. Admission characteristics were presented as follows:

- Admission by gender;
- Admission by race;
- Admission by ethnicity;
- Admission by age;
- Admission by type; such as, conditional release violator, new court commitment, and conditional release violator with new charge;
- Admission by placement matrix;
- Admission by offense type;
- Admission by person/nonperson; and
- Admission by drug/nondrug.

Admission trends for individual years 2003 through 2007 also was reflected. The projections reflect a slight increase over the next 10 years.

CONCLUSIONS AND RECOMMENDATIONS

The Committee made no recommendation in this area.

Briefing on Escape from the El Dorado Correctional Facility

Chuck Simmons, Deputy Secretary for Facilities Management, KDOC, provided information that KDOC has on the escape of two inmates in the administrative segregation units, which is the highest level of security at the facility. KDOC believes the escape was with assistance from a dismissed employee of the facility. The guard was dismissed for undue familiarity. The two inmates were in an outside exercise yard, outside of cell house "B", they cut through the inside wire and the person who assisted them cut the outside wire, with the alarm wire being cut last. The alarm sounded and control center found a hole in the fence KDOC believes there was a car parked over the hill. A follow up is additional strands of razor wire and a guard tower which will be staffed during the exercise time. KDOC feels confident that the escape would not have taken place had there not been outside assistance, but has not been able to question the inmates and ex-guard.

CONCLUSIONS AND RECOMMENDATIONS

The Committee made no recommendation in this area.

Safety and Working Conditions for KDOC Employees

Jane Carter, Kansas Organization of State Employees (KOSE), provided information on the difficulties of KDOC jobs and how these

jobs are critical for the safety of the citizens of Kansas. In response to the daily dangers facing state correctional facility employees, the KDOC and KOSE members have worked to schedule forums to discuss safety concerns and strategies for improving workplace conditions, and have held forums in Lansing and El Dorado. The main issues are retention, inmate violations, and safety. Staffing problems reflect the need for better wages to improve retention at every facility in Kansas, and is a matter of public safety across the state. Additionally, part of retention is the workplace stress, daily challenges that are difficult for anyone to handle, since not just anyone can do these jobs. In comparison in 2005, Kansas reported 46 assaults, Minnesota reported only 15 assaults, Iowa had 33, and Missouri reported 71, but has three times the inmate population of Kansas.

Darrell King, KOSE, also is a corrections officer at Topeka Correctional Facility (TCF). Issues that affect the safety and the retention of staff are high turnover of officers, and staff is forced into overtime which has severely lowered the morale of the officers. Staff will call in sick out of fear of being forced into overtime so that they are able to spend time with their friends and family. In the past, the Topeka Correctional Facility has asked for funding for more staff, and would like the Committee to know how desperately that staff is needed. At TCF, another problem is inmate offenses and sanctions for breaking the rules and regulations of the facility or the Department.

Greg Hopkins, KOSE, also is a corrections officer at El Dorado Correctional Facility (EDCF). EDCF pays 353 uniformed staff members to guard 1,350 of the State's worst offenders, and is the only facility in the state to monitor long-term segregation, and oversee 384 inmates who are considered to be the State's most violent, aggressive, predatory and uncontrollable inmates, they present a threat to themselves or to others, and require lockdown status for 23 hours per day. Most of the batteries on correctional

officers occur in the segregation units. Of the 353 uniformed staff members, more than one third will have quit within one year of service. Safety is a huge concern for all staff members at EDCF, and other correctional facilities in Kansas. In addition to the training and staffing levels, there is the need for more protective gear. Shawn Pokorski, KOSE, a corrections officer at Larned State Hospital, testified in support of more training for personal self-defense.

CONCLUSIONS AND RECOMMENDATIONS

The Committee made no recommendation in this area.

Juvenile Justice Authority Programming for the Reduction and Prevention of Juvenile Crime

J. Russell Jennings, Juvenile Justice Authority Commissioner, provided the Committee with an overview on the new initiatives and goals, and addressed questions on funding. The mission of the JJA is "Changing lives of at-risk youth and their families for safer, stronger Kansas communities" and to achieve this mission, JJA is very focused on how to prevent youth from entering the juvenile justice system and the youth already in the system to prevent them from penetrating deeper into the system. JJA receives \$9.0 million each year from the Children's Initiatives Fund, and of this amount, \$5.4 million is dedicated to prevention programs across the state. Information on state prevention block grants and the Juvenile Delinquency Prevention Trust Fund was provided to the Committee.

CONCLUSIONS AND RECOMMENDATIONS

The Committee made no recommendation in this area.

Additional Matters

At the November 8, 2007, meeting, the Committee held additional discussion and deliberation on the issue of substance abuse treatment in institutions. The Chairman is considering a policy whereby a fourth and subsequent DUI would require a person to go to a facility for substance abuse treatment for 18 months.

Committee discussion followed on the topic of incarceration and the reduction of recidivism.

Further, the Committee discussed changing the name of the Topeka Juvenile Correctional Facility and voted to replace the name Topeka

Juvenile Correctional Facility with the term Kansas Juvenile Correctional Complex where appropriate. Also, the Committee endorses the concept, expressed by the Commissioner of the Juvenile Justice Authority, to educate the counties, sheriffs, and other local officials to become active in this effort.

CONCLUSIONS AND RECOMMENDATIONS

The Committee recommended to change the name of the Topeka Juvenile Correctional Facility to the Kansas Juvenile Correctional Complex.

Joint Committee on Corrections and Juvenile Justice Oversight

HIV AND AIDS AWARENESS EDUCATION

CONCLUSIONS AND RECOMMENDATIONS

The Corrections and Juvenile Justice Oversight (CJJO) Committee expressed the belief that a continuation of current education programs regarding HIV and AIDS between the Secretary of Kansas Department of Corrections (KDOC) and the Secretary of Kansas Department on Health and Environment (KDHE) is appropriate and the Committee declined to recommend going forward with 2007 SB 300.

Proposed Legislation: None.

BACKGROUND

The Legislative Coordinating Council directed the CJJO, to review 2007 SB 300, which would require the KDHE and the KDOC to implement a mandatory inmate and correctional staff education awareness program on HIV and AIDS. In addition, the CJJO Committee was to study the current KDOC policy on HIV and AIDS awareness for staff and inmates.

COMMITTEE ACTIVITIES

At the July meeting, the Committee received information regarding HIV and AIDS awareness in Kansas Correctional Facilities. The Committee heard that rather than spending money for mandatory education of all inmates, since risk factors are not present in all inmates, a better policy would be to focus on prevention,

education, testing, and treatment for select inmates. According to the conferee, KDOC is already capturing 75 percent of those who are at-risk with current policy. Mandatory education, not mandatory testing, was proposed as a procedure that would go farther from a dollar perspective and education perspective. CJJO also received information regarding the agreement between KDHE and KDOC which provides for prerelease HIV education, oversight, and administration, and resolution of issues.

CONCLUSIONS AND RECOMMENDATIONS

The CJJO Committee expressed the belief that a continuation of current education programs regarding HIV and AIDS between the Secretary of KDOC and the Secretary of KDHE is appropriate and the Committee declined to recommend going forward with 2007 SB 300.

Joint Committee on Corrections and Juvenile Justice Oversight

JUVENILE JUSTICE COMMUNITY CORRECTIONS CORE PROGRAMMING

CONCLUSIONS AND RECOMMENDATIONS

The Committee endorses the new funding methodology proposed by the Juvenile Justice Authority.

Proposed Legislation: None

BACKGROUND

The Legislative Coordinating Council (LCC) directed the Joint Committee on Corrections and Juvenile Justice to review and study core programs provided by juvenile justice community corrections agencies. Additionally, the LCC instructed the committee to examine ways that would target funding in order to minimize the time that youth would be involved in the juvenile justice system and review current funding for the core program, including how the State allocates funding to local core programs and if there are possibilities to leverage non-state funding for core programs. During the 2007 Legislative Session the Juvenile Justice Authority requested an enhancement of \$2,200,00, all from the State General Fund, in additional funding for community corrections core programming. The enhancement request was not included in the Governor's Budget for FY 2008.

COMMITTEE ACTIVITIES

During the November meeting, the Committee received testimony on this topic from the Juvenile Justice Authority (JJA); Wyandotte Community Corrections; Brown, Nemaha, and Doniphan Counties Juvenile Intake; and the 1st Judicial District JJA Administrative Contact.

JJA has distributed funds for core programming a number of ways. The methodology used in the past five years has remained unchanged and the distribution of funds no longer bears a correlation to the relative workload experienced in communities. The current distribution of funds methodology creates inequities in the level of funding for communities. JJA will be implementing a new funding methodology to address these inequities. This methodology has been presented to all JJA Administrative Contacts who have agreed the formula is sound. The JJA Administrative Contacts wholeheartedly support the change in distribution of funds to ensure the process is fair for all districts.

The funding for core programs has been level or decreasing over the last five years with 85 percent of expenses associated with community program operations being dedicated to personnel costs. Decreased funding has resulted in fewer people being able to deliver necessary services. Fewer people to deliver services results in decreased effectiveness of the services provided and with decreased effectiveness the youth are less likely to be redirected and may penetrate more deeply into the juvenile justice system. The end result of ineffective community interventions is a greater number of youth entering juvenile correctional facilities and out-of-town placements.

To address this issue JJA has included in its FY 2009 budget a request for \$4.5 million. \$3.5 million is dedicated to increasing the amount of core funding distributed to communities and \$1.0 million would be available as incentive funding. The agency believes local units of government may be more likely to become engaged in direct financial support through an incentive funding match grant scenario. JJA's vision is for the communities to determine prevention and intervention programming and which programs to be enhanced and implement these programs with new dollars that would be matched by the state.

The new funding methodology provides for the:

- Use of reliable data – funding decisions will be based upon data provided by the communities through the JJA CASIMS database.
- Mitigation of Changing Caseloads/Stability – Utilizes data across years to provide an updated three year average each year to account for unusual instances of caseload change.
- Sustainability – Provides a means to distribute funds in an equitable manner without regard to the actual of funds to be allocated.
- Measurement & Weight of Relevant Data Points – Data points are ascribed weighted values according to the work related to each of the data points measured.
- Base Funding Assumption – Providing minimum base funding for the three core

program components for each judicial district, without regard to data values, assures a minimum level of services will be funded in all areas

Anne deShazo, 1st Judicial District JJA Administrative Contract, provided a report from the First Judicial District regarding funding for community corrections core programming. Ms. deShazo indicated that the First Judicial District strongly supports the new funding methodology proposed by the JJA. Additionally, Ms. deShazo indicated that local counties and communities have long been underfunded and the new funding methodology would bring much needed equity.

Phil Lockman, Director, Wyandotte County Community Corrections, presented an overview of community corrections in Wyandotte county. Mr. Lockman spoke in favor of the new funding methodology proposed by JJA. According to Mr. Lockman the additional funding is needed to prevent an erosion of services for local community corrections.

Stan Curtis, Director of Juvenile Intake for Brown, Nemaha, and Doniphan Counties discussed his experience with dealing with juvenile offenders in rural Kansas. Mr. Curtis provided testimony that the biggest issues for rural counties is the placement of juvenile offenders.

CONCLUSIONS AND RECOMMENDATIONS

The Committee endorses the new funding methodology proposed by the Juvenile Justice Authority.