

Approved: March 12, 2008

Date

MINUTES OF THE SELECT COMMITTEE ON CORRECTIONS REFORM AND OVERSIGHT

The meeting was called to order by Chairman Thomas C. Owens at 12:35 P.M. on February 25, 2008 in Room 527-S of the Capitol.

All members were present except:

Representative Pat Colloton- excused

Representative John Grange- excused

Committee staff present:

Athena Andaya, Kansas Legislative Research Department

Jerry Donaldson, 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:

Chuck Simmons, Deputy Secretary, Kansas Department of Corrections

Russell Jennings, Commission, Juvenile Justice Authority

Others attending:

See attached list.

Jill Wolters, Revisor, briefed the Committee on the content of HB 2740.

Chuck Simmons spoke in support of HB 2740 which amends K.S.A. 75-5212 to reduce the minimum number of annual training hours for a corrections officer from 80 to 40 hours per year. The Department believes that routine annual training of officers can be accomplished with a 40 hour curriculum, this significantly reducing the amount of overtime paid or the necessity of facilities implementing reduced shift staffing plans in order to accommodate officers participating in annual training. The minimum 40 hours of annual curriculum training provided by this bill is consistent with the training standards of other states. (Attachment 1)

A period of questions and answers followed.

Representative Holmes moved to amend Section D, line 34 by adding the words "not less than" so the bill will read "not less than 40 hours". Representative Dahl seconded. The motion passed unanimously.

Representative Johnson moved to pass the bill as amended. Representative Henry seconded. The motion passed unanimously.

Commissioner Russell Jennings spoke in support of SB 410 which cleans up existing statutory language surrounding the four current juvenile correctional facilities and amends current statute to allow a Deputy Superintendent be appointed at each facility. The JJA would like to operate with 2 Superintendents, 1 over Larned and Beloit and 1 over Topeka and Atchison, with a Deputy Superintendent at each facility. The bill also eliminates having an attorney employed at the Kansas Juvenile Correctional Complex. (Attachment 2 and 3)

A period of questions and answers followed. Representative Dahl brought to the committee's attention the last paragraph of the bill which would repeal the statute that finds any individual convicted of assisting or harboring an escaped juvenile from a juvenile correctional facility guilty of a misdemeanor. It was determined the committee needed more time to study this bill.

The next meeting will be Tuesday, February 26, 2008 at 11:30 a.m. in Room 431-N.

The meeting was recessed at 1:15 p.m. to continue the hearing on SB 410 at a later meeting.

Testimony on HB 2740
to
The House Select Committee on Corrections Reform and Oversight

By Roger Werholtz
Secretary
Kansas Department of Corrections
February 25, 2008

The Department of Corrections supports HB 2740. HB 2740 would amend K.S.A. 75-5212 to reduce the minimum number of annual training hours for a corrections officer from 80 to 40 hours. HB 2740 is consistent with the waiver granted by appropriation provisos for the fiscal years 2003 and 2004.

The Department believes that routine annual training of officers can be accomplished with a 40 hour curriculum, thus significantly reducing the amount of overtime paid or the necessity of facilities implementing reduced shift staffing plans in order to accommodate officers participating in annual training. The Department's practice of providing additional annual training necessary for various posts would continue. Firearms training would be in addition to the annual 40 hour curriculum. An across the board requirement of two weeks of annual classroom training for all officers adversely impacts the Department's operations in that while officers are participating in training, they are unavailable for assignment to their regular security duties.

The Department's annual training needs would be met with HB 2740. In addition to the annual class room training provided pursuant to K.S.A. 75-5212, the Department has instituted an annual "stand down day" in which facilities curtail inmate activities in order for staff to review security and operational procedures at their post. Facility stand down days serve as on the job training and enhance both the implementation of policies as well as a review of the adequacy of those policies. Additionally, the Department, by policy, intends to increase the training for newly hired corrections officers from the current 200 hour curriculum to 240 hours. The minimum 40 hours of annual curriculum training provided by HB 2740 is consistent with the training standards of other states. Please note the attached chart regarding the training hours for corrections officers in various states.

CORRECTIONAL OFFICER EDUCATION AND TRAINING

TABLE 2 – SUBSEQUENT TO PRE-HIRE

SYSTEM	IN SERVICE TRAINING HOURS		SYSTEM	IN SERVICE TRAINING HOURS		SYSTEM	IN SERVICE TRAINING HOURS	
	First Year	Annually		First Year	Annually		First Year	Annually
ALABAMA	40	>40	MISSISSIPPI	40	40	WEST VIRGINIA	40	40
ALASKA			MISSOURI	40	40	WISCONSIN	280	8
ARIZONA	40	40	MONTANA	40	40	WYOMING	40	40
ARKANSAS	40 to 60	40 to 60	NEBRASKA	0	40			
CALIFORNIA	52	52	NEVADA					
COLORADO	120	40	NEW HAMPSHIRE	40	40			
CONNECTICUT	40	40	NEW JERSEY	120	40			
DELAWARE			NEW MEXICO	40	40			
DISTRICT OF COLUMBIA			NEW YORK	80	40	CANADIAN SYSTEMS		
FLORIDA	40	40	NORTH CAROLINA	132	28	MANITOBA	0	0
GEORGIA	184	20	NORTH DAKOTA	160	43	NEWFOUNDLAND	0	24
HAWAII	40	40	OHIO	40	40	NOVA SCOTIA	70	35 to 45
IDAHO			OKLAHOMA	240	40	ONTARIO	120	40
ILLINOIS			OREGON	40	40			
INDIANA	120	40	PENNSYLVANIA	1,760	40			
IOWA	166	40	RHODE ISLAND	40	40			
KANSAS	0	80	SOUTH CAROLINA	2 to 6	20			
KENTUCKY	240	40	SOUTH DAKOTA	40	Unknown			
LOUISIANA	40	Variety of programs & hours	TENNESSEE	240	40			
MAINE	0	40	TEXAS	40	40			
MARYLAND			UTAH	40	40			
MASSACHUSETTS	40	40	VERMONT	40	40			
MICHIGAN	40	>40	VIRGINIA	80	40, plus firearm range			
MINNESOTA	104 TO 144	40	WASHINGTON	32, plus a year of OJT	32			

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Testimony on SB 410 – An Act Concerning Juvenile Corrections

Select Committee on Corrections Reform

by J. Russell Jennings

February 25, 2008



J. Russell Jennings
Commissioner
785-296-0042
rjennings@ksjja.org

Heather Morgan
Director of Public and Legislative Affairs
785-296-5543
hmorgan@ksjja.org

The Juvenile Justice Authority urges your support of SB 410. SB 410 cleans up existing statutory language surrounding the four current juvenile correctional facilities. The bill also allows for the appointment of certain employees, which are not currently specified in statute.

The bill eliminates references to the Topeka Juvenile Correctional Facility. The Topeka Juvenile Correctional Facility (TJCF) stopped housing juvenile offenders in 2005. The juveniles who were housed at TJCF along with the TJCF staff were then moved next door into the new Kansas Juvenile Correctional Complex (KJCC). Upon opening KJCC, TJCF closed and the agency ceased using the title TJCF. All policies, contracts, and documents which previously mentioned the Topeka Juvenile Correctional Facility now refer to the Kansas Juvenile Correctional Complex. SB 410 amends the current statute to reflect this change and remove the term Topeka Juvenile Correctional Facility from this section of statute.

The bill also amends the current statute to allow a Deputy Superintendent be appointed at each of the juvenile correctional facilities, not just at KJCC as currently allowed. Having a Deputy Superintendent at each facility is integral to successful facility operations. A Deputy ensures a clear chain of command in the absence of the Superintendent and also allows the agency to grow personnel in these Deputy positions, who would be able to step into the Superintendent role in the future if needed. JJA is currently operating the four juvenile correctional facilities with two Superintendents. One superintendent over the Larned and Beloit Juvenile Correctional Facilities and one superintendent over KJCC and the Atchison Juvenile Correctional Facility. With the passage of SB 410, JJA will appoint a Deputy Superintendent for each facility which will allow the facilities to run more smoothly and efficiently. The fiscal effect of this bill is offset by assigning two facilities per Superintendent. The very small increased cost above current operations will be absorbed within existing resources at the Larned, Beloit, and Atchison Juvenile Correctional Facilities; additionally KJCC will experience a small reduction in administrative costs.

SB 410 also eliminates the statutory reference to having an attorney employed at the Kansas Juvenile Correctional Complex. The attorney position at KJCC has not been filled for a number of years and JJA believes this position is unnecessary as any legal issues involving the facility can be taken care of by legal staff housed in the JJA Central Office. JJA urges your support of SB 410 to clean up existing statutory language and conform with JJA's current operational practices.

Core Funding						
Allocation Methodology						
Final Data						
Comparison						
	FY 08	FY 09	Formula	FY 09	FY 09	
	Actual	Total	Inc/(Dec)	With \$3.5	Inc/(Dec)	
	Current	Formula	To FY 08	Million	To FY 08	
JD	Allocation	Allocation	Actual	Enhancement	Actual	
1	\$388,741	\$550,850	\$162,109	\$686,227	\$297,486	
2	\$249,380	\$296,853	\$47,473	\$354,759	\$105,379	
3	\$766,623	\$798,284	\$31,661	\$1,009,130	\$242,507	
4	\$278,400	\$337,793	\$59,393	\$408,186	\$129,786	
5	\$289,407	\$314,934	\$25,527	\$378,355	\$88,948	
6	\$408,656	\$335,147	-\$73,509	\$404,473	-\$4,183	*
7	\$478,622	\$437,550	-\$41,072	\$538,370	\$59,748	
8	\$547,007	\$439,816	-\$107,191	\$541,327	-\$5,680	*
9	\$343,439	\$318,292	-\$25,147	\$382,737	\$39,298	
10	\$1,379,047	\$1,054,926	-\$324,121	\$1,344,050	-\$34,997	*
11	\$497,043	\$444,261	-\$52,782	\$547,127	\$50,084	
12	\$151,146	\$191,463	\$40,317	\$217,224	\$66,078	
13	\$299,722	\$429,656	\$129,934	\$528,068	\$228,346	
14	\$309,446	\$389,585	\$80,139	\$475,842	\$166,396	
15-17-23	\$334,865	\$518,375	\$183,510	\$578,576	\$243,711	
16	\$469,101	\$401,292	-\$67,809	\$491,053	\$21,952	
18	\$2,596,851	\$2,517,150	-\$79,701	\$3,252,262	\$655,411	
19	\$204,494	\$346,678	\$142,184	\$419,781	\$215,287	
20	\$458,859	\$377,381	-\$81,478	\$459,849	\$990	
21	\$276,187	\$247,016	-\$29,171	\$289,721	\$13,534	
22	\$193,601	\$260,262	\$66,661	\$307,008	\$113,407	
24	\$134,116	\$146,556	\$12,440	\$158,621	\$24,505	
25	\$403,502	\$587,567	\$184,065	\$734,075	\$330,573	
26	\$323,766	\$323,374	-\$392	\$389,370	\$65,604	
27	\$525,332	\$431,154	-\$94,178	\$530,023	\$4,691	
28	\$369,473	\$427,140	\$57,667	\$524,784	\$155,311	
29	\$1,474,693	\$1,187,113	-\$287,580	\$1,516,815	\$42,122	
30	\$368,780	\$397,676	\$28,896	\$486,334	\$117,554	
31	\$271,869	\$284,027	\$12,158	\$338,021	\$66,152	
Total	\$14,792,168	\$14,792,168	\$0	\$18,292,168		
* District will be held harmless for the first year of formula implementation through the use of other funds.						

**PROPOSED
INCENTIVE FUNDING**

JD	Allocation Factor	Incentive Funding Potential
1	3.8679%	\$38,679
2	1.6545%	\$16,545
3	6.0242%	\$60,242
4	2.0112%	\$20,112
5	1.8120%	\$18,120
6	1.9882%	\$19,882
7	2.8806%	\$28,806
8	2.9003%	\$29,003
9	1.8413%	\$18,413
10	8.2607%	\$82,607
11-CK-LB	1.4804%	\$14,804
11 - CR	1.4586%	\$14,586
12	0.7360%	\$7,360
13	2.8118%	\$28,118
14	2.4626%	\$24,626
15-17-23	1.7200%	\$17,200
16	2.5646%	\$25,646
18	21.0032%	\$210,032
19	2.0887%	\$20,887
20	2.3562%	\$23,562
21	1.2202%	\$12,202
22	1.3356%	\$13,356
24	0.3447%	\$3,447
25	4.1879%	\$41,879
26	1.8856%	\$18,856
27	2.8248%	\$28,248
28	2.7898%	\$27,898
29	9.4126%	\$94,126
30	2.5331%	\$25,331
31	1.5427%	\$15,427
	100.0000%	\$1,000,000