

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairperson Pat Colloton at 1:30 p.m. on January 22, 2009, in Room 535-N of the Capitol.

All members were present except:

Representative Jan Pauls- excused

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes
Athena Andaya, Kansas Legislative Research Department
Jerry Donaldson, Kansas Legislative Research Department
Jarod Waltner, Kansas Legislative Research Department
Jackie Lunn, Committee Assistant

Conferees appearing before the Committee:

Roger Werholtz, Secretary, Department of Corrections
Kevan Pellant, Deputy Secretary, Community and Field Services, Kansas Department of Corrections
Charles E. Simmons, Deputy Secretary, Facilities Management, Kansas Department of Corrections

Others attending:

See attached list.

Chairperson Colloton called on Jarod Waltner, Legislative Research. Mr. Waltner announced to the Committee the Transportation and Public Service Committee scheduled a tour of the Topeka Correctional Facility, January 26, 2009, and a tour of the Kansas Juvenile Complex on January 28, 2009. They are extending an invitation to the House Corrections and Juvenile Justice Committee to join them. The Department of Corrections will be providing transportation on both of those days picking up in the ground level of the parking garage at 3:30 p.m. and returning between 5:00 p.m. and 5:30 p.m. Chairperson Colloton called for a show of hands of the Committee members wishing to attend.

Next, Chairperson Colloton called for bill introductions and there being none, she reviewed what the Committee would be doing for the next two weeks. The chairman introduced Kevin Pellant, Deputy Secretary, Community Field Services, Kansas Department of Correction, to give her presentation. Deputy Secretary Pellant provided a written copy of her power point presentation. (Attachment 1) She stated she would be giving a brief overview of what post release is and what they are doing. She opened her presentation by highlighting the following:

- Primary Focus-Risk Reduction
- Enhanced Release Planning
- Research Driven Supervision
- Use of Classification Instruments
- Case Planning
- Provision of Appropriate Resources
- Use of Responsibility Principle (Matching the right people to the right kinds of intervention in their life)
- Parole/Reentry/Community Collaboration

While giving her presentation, Deputy Secretary Pellant addressed the questions of the Committee. It was noted the Kansas Department of Corrections is merging reentry and parole into one unit.

She also explained the Interstate Compact by stating it is an agreement that exists with all 50 states and 2 U.S. territories to cooperate and agree on a set of rules that allow for the transfer of supervision between states of adult felony and some misdemeanor offenders .

During questions from the Committee it was noted that approximately 25% of the prison population in Kansas are classified as sex offenders.

Deputy Secretary Pellant stated there are 19 parole offices across the state that are staffed. However, staff must travel to meet offenders in different counties. Because of the need for specific supervision expertise, certain

CONTINUATION SHEET

Minutes of the House Corrections And Juvenile Justice Committee at 1:30 p.m. on January 22, 2009, in Room 535-N of the Capitol.

types of offenders have been assigned to specialized caseloads, primarily in the urban offices. Specialized caseload types include:

- Sex offender
- Mentally ill
- Gang
- DUI
- Interstate compact cases
- Reduced supervision level

The Specialized Sex Offender GPS Unit is made up of offenders with multiple child sex offenses. They are intensely supervised and are monitored with GPS equipment. During questions from the Committee, it was noted the equipment used for this unit is a continuous signal and when it is broken a signal is sent to computers with an alert sent to parole office and police officers. They also get alerts for low battery and out of location. The response time in most cases is fairly short.

At one point in the discussion Representative Kinzer asked Deputy Secretary Pellant if there is any good reason they need both Community Corrections and Parole. She stated "no". Chairperson Colloton joined the discussion stating that across the United States half of the states have combined Parole and Community Corrections and the other half has not.

Upon the conclusion of Deputy Secretary Pellant's very informative presentation, a lengthy questions and answered session followed.

Chairperson Colloton announced the Committee needed to rap up their question and answer session due to time restraint and introduced Charles Simmons, Deputy Secretary, Facilities Management, Kansas Department of Corrections. Deputy Secretary Simmons made note that the possession and use of cell phones by inmates is becoming an increasingly serious and significant security risk in Kansas correctional facilities and in correctional facilities across the country. He stated that to prevent inmates from successfully being able to communicate with others through the use of contraband cell phones, the Kansas Department of Corrections is supportive of legislation that will allow cell phone signals in correctional facilities to be jammed. He presented written copy. (Attachment 2)

Deputy Secretary Simmons also wanted to address the issue of the Prison Rape Elimination Act of 2003. He stated if the present standards are adopted by the Attorney General, the Kansas Department of Corrections will not be able to comply. Being in noncompliance will result in the loss of some federal funding, but since most of the Kansas Department of Corrections' budget is made up of SGF, the loss should not be significant. Deputy Secretary Simmons presented written copy of his statements. (Attachment 3)

With no questions of Deputy Secretary Simmons, Chairperson Colloton quickly reviewed what the Committee would do in the following week and adjourned the meeting at 2:50 p.m. with the next meeting scheduled for Monday, January 26, 2009 at 1:30 p.m. in room 535 N.

CORRECTIONS & JUVENILE JUSTICE GUEST LIST

DATE: 1-22-09

NAME	REPRESENTING
JEREMY S BARCLAY	KDOC
Brendan Yorkley	Division of Budget
Brian Dempsey	SRS
Art Hyosen	OSD

House Committee on Corrections

and

Juvenile Justice

**KANSAS DEPARTMENT OF CORRECTIONS
COMMUNITY AND FIELD SERVICES**

**KEVEN PELLANT
DEPUTY SECRETARY
COMMUNITY AND FIELD SERVICES**

JANUARY 22, 2009

Parole Services' Model

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- Primary Focus - *Risk Reduction*
- Enhanced Release Planning
- Research Driven Supervision
- Use of Classification Instruments
- Case Planning
- Provision of Appropriate Resources
- Use of Responsivity Principle
- Intensive Training for Staff
- Parole/Reentry/Community Collaboration

Parole Services Staffing & Caseloads

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- FTE staff assigned to Parole Services: 159.5
- Merged Functioning staff directly supervising offenders: 106
- Number of Offenders supervised by Parole Staff as of 1-14-09: 5,885 *
(an increase of 215 since 2-18-08)
- Male Offenders: 5,092 Female Offenders: 793

Parole Services Staffing (Cont)

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- 625 of these offenders are being supervised for a 4th or greater DUI offense
- *Not Included in the 5,885 are 306 DUI offenders who haven't yet reached Post Release Supervision but are in county jails and being monitored, making the actual supervised total at 6,191.
- Of the 5,885, 1,893 are offenders from other states being supervised in Kansas as a part of Interstate Compact.
- 968 Kansas offenders assigned to KDOC are being supervised out of state, also IC.

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Offender Supervision Levels

(Offenders Supervised in Kansas)

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Offenders on High Level: 492 males and 51 females – Total - 543

Offenders on Moderate Level: 2,686 males and 376 females – Total – 3,062

Offenders on Reduced or Low Level: 1,586 males and 316 females – Total – 1,902

Offenders not yet assessed for risk: 374

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Specialized Caseloads

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Because of the need for specific supervision expertise, certain types of offenders have been assigned to specialized caseloads, primarily in the urban offices.

Specialized caseload types include:

- Sex offender
- Mentally ill
- Gang
- DUI
- Interstate compact cases
- Reduced supervision level

Specialized Sex Offender GPS Unit

(Multiple Child Sex Offenses)

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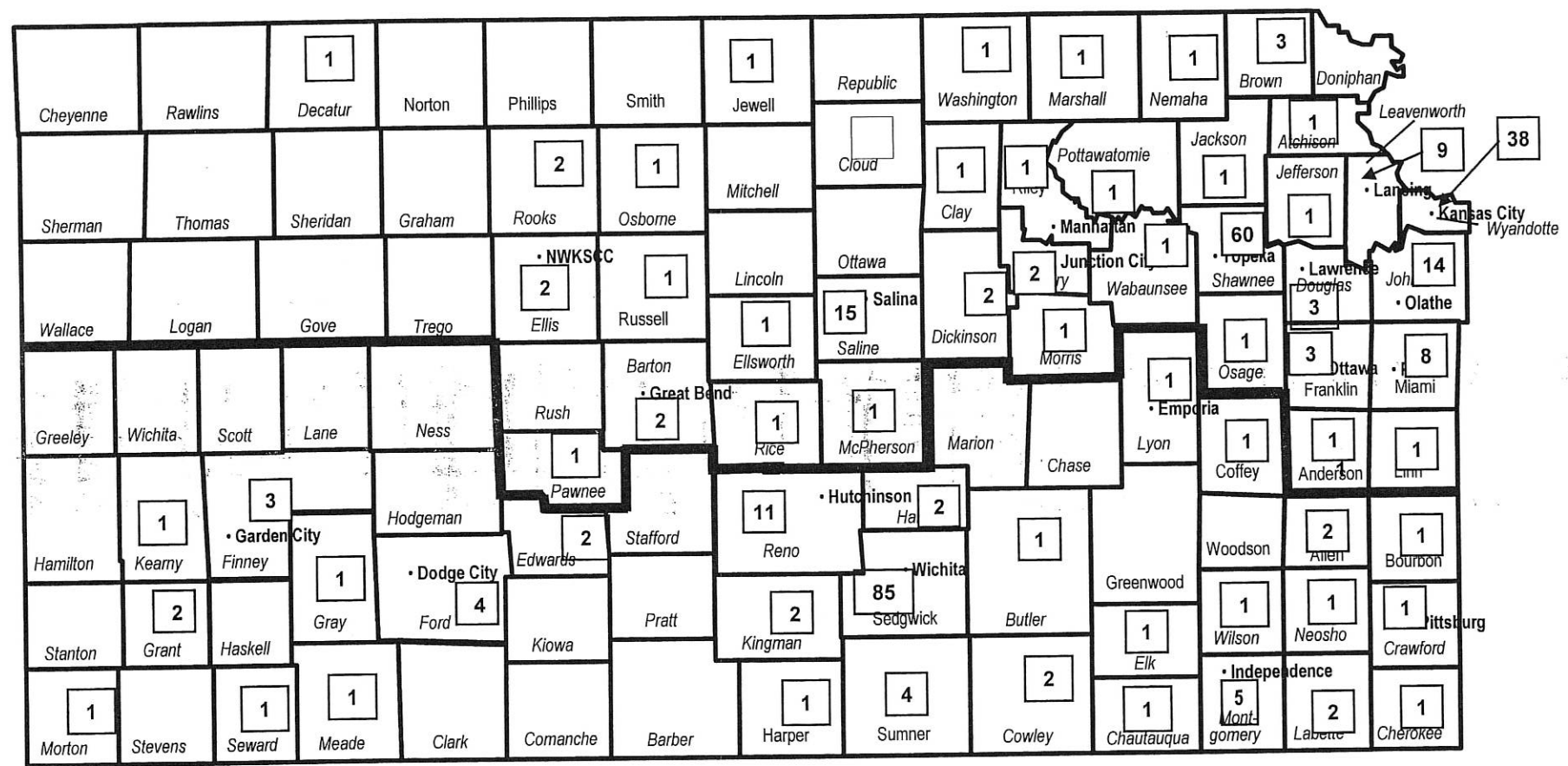
- During Calendar Year 2007 an average of 263 Offenders Per Month Were Supervised By The Unit. Currently are supervising 306, which includes some other types of sex offenders.
- All offenders monitored with GPS equipment.
- Since October, 2006, 154 Of These Offenders Have Been Returned To Prison: 132 for special condition violations; 5 for new sex crime convictions.
- KDOC has collaborated with the Exploited and Missing Children's Unit to engage in offender computer searches

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State of Kansas

Total GPS Units Assigned to Offenders by County

NORTHERN PAROLE REGION



SOUTHERN PAROLE REGION

Interstate Compact Unit



- The Interstate Compact for Adult Offender Supervision is mandated by federal and state law. Members include all 50 states and 2 U.S. territories
- Responsible for tracking all supervised offenders coming into and leaving the State of Kansas
- Responsible for Parole NCIC warrant entries, tracking and extradition of absconders arrested out of state
- Subscribe to the principles of controlled movement and continuous supervision to support the mission of community safety
- In Process Of Converting To National Database (ICOTS)

ICAOS National Website

www.interstatecompact.org

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Interstate Commission for Adult Offender Supervision - Microsoft Internet Explorer provided by KDOC - Central ...

File Edit View Favorites Tools Help



Address <http://www.interstatecompact.org/>

Google

Go Bookmarks 323 blocked



About ICAOS Rules Directory Legal Training Resources

News



This site last updated:
January 23, 2007

Rules

- **Official 2007 Rules** effective January 1, 2007.
- **Official Rule Amendments** passed at the 2006 Annual Business Meeting.

Committees

- **Public Notice for East Region Meeting**
Scheduled for *January 23rd and 24th* at the Crowne Plaza Albany Hotel, Albany, NY. Agenda

WebEx

- Overview
- ICAOS WebEx Site

Public Notices

- Calendar of Meetings
- Information on Public Meetings

National

Internet



Skill Development for Parole Staff

KDOC parole services division provides ongoing training to all staff;

- **Basic job knowledge**
- **Annual training to enhance existing skills**
- **Specialty training to teach new skills for more effective case management**

At least 40 hours of training is provided annually. This training helps staff maintain basic job knowledge and learn new knowledge and skills. Some of the courses that have been provided in recent years are:

- **Motivational interviewing**
- **Case planning**
- **Cultural assessment**
- **Supervision of mentally ill offenders**
- **Management of sexual offenders**
- **Cognitive-Behavioral change**

Services Provided for Offenders at Parole Offices

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- **Parole Supervision Intake/Resource Workshop**
- **Resource Workshop**
Workshop provides community resources for newly released offenders.
- **Offender Workforce Development**
Workshop provides employment readiness information
- **Women's Support Group**
Discussion of life issues relative to relationships, families and self growth
- **Men's Group**
Discussion of life issues for men surrounding release
- **Batterer's Intervention**
- **Stop Violence Group**

Services Provided for Offenders at Parole Offices

(Continued)

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- **Freedom Education Center**
- **Cognitive Services including Thinking for a Change groups**
- **TAG (support group for cognitive program graduates)**
- **Weed and Seed GPS Program in cooperation with the Topeka Police Dept.**
- **Sex Offender Treatment (DCCCA)**
- **Employment Workshop (OWDS based)**
- **Employment Seminar Including Job Club**
- **Family Peace Initiative**
- **Restore III (Substance Abuse Treatment – Kansas City area)**

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Housing

- Regional Housing Specialists
- Community Residential Beds
 - Wichita
 - Topeka
 - Kansas City
- Voucher Fund to Assist on Limited Basis
- Community Resources

KDOC Success with Risk Reduction

- We have significantly reduced annual jail per diem expenditures
- Monthly Revocation Rates:
 - FY 2003 203/month
 - FY 2004 191/month
 - FY 2005 178/month
 - FY 2006 136/month
 - FY 2007 103/month
 - FY 2008 106/month
 - FY 2009 thru December, 2008 99/mo.
- 50% reduction target = 90/month

KDOC Success with Risk Reduction

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Number of Parole absconders at end of year (KDOC Statistical Profile, 2007)

- FY 1999 – 587
- FY 2000 – 739
- FY 2001 – 446
- FY 2002 – 491
- FY 2003 – 467
- FY 2004 – 389
- FY 2005 – 396
- FY 2006 – 351
- FY 2007 – 303
- FY 2008 – 277
- FY 2009 to Date - 220

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Sustaining Risk Reduction Work With Reduced Resources

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- Enhanced & Creative Partnerships
- Intensive case management for higher risk individuals
- Electronic Monitoring/GPS
- Innovative Alcohol Testing
- Community Residential Beds
- Substance Abuse Assessment and Case Management within the community
- Hybridized Positions/Field Supervision of the future

Sustaining Risk Reduction - Targeted Efforts

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- Partnerships with Law Enforcement includes sharing data and information including GPS data (SEO/PEO)
- Case management by special need/risk group
- Mining data and resource sharing
- Cognitive groups by risk level, and aftercare
- Offender Work Force Development Services matches staff and volunteer skills to offender risk and needs in the area of employment.
- Group reporting

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Sustaining Risk Reduction - High Risk Focus

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- Increasing The Ability To Partner With Substance Abuse Assessment/Case Management Services
- Special Enforcement Officer Support For Targeted High Risk Community Interaction
- Pre-release Planning Focus Between Prison & Post- Release
- Sharing Resources With Community Partners, I.E. Community Corrections, Faith Based Organizations, Units Of Government, Housing, Mental Health, SRS Child Support, Detainer Specialists, Family Initiatives, Accountability Panels,

1-20

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Sustaining Risk Reduction - Employee Development

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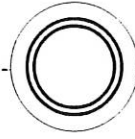
- Reinforcing A Stronger Bridge To Success Through Ongoing Skill Development Of Current Employees
- Continuously Developing Better Case Management Methods By Data Analysis
- Creating A Culture That Is Balanced Between Hope & Accountability

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Parole Services Budget

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Item	Fiscal Year 2008 Expenditures	Fiscal Year 2009 Budgeted – Gov Rec
Salaries/Wages	\$7,543,601	\$7,530,220
Office Rent	\$611,647	\$717,000
Travel	\$116,795	\$125,000
Vehicle Expenses	\$188,935	\$228,000
Local Jail Payments	\$1,261,000	\$1,361,000
GPS Monitoring	\$866,956	\$830,000
Supplies	\$142,169	\$112,443
Other Operating Costs	\$1,031,167	\$880,933
Total	\$11,762,270	\$11,784,596



Questions

To: Corrections and Juvenile Justice Committee
From: Charles E. Simmons, Deputy Secretary
Re: Cell phones in correctional facilities
Date: January 21, 2009

The possession and use of cell phones by inmates is becoming an increasingly serious and significant security risk in Kansas correctional facilities and in correctional facilities across the country. An escape from a medium security facility at Lansing in February, 2006 and an escape from an administrative segregation unit at El Dorado in October, 2007 were both facilitated by use of cell phones by inmates. During the period from July 1, 2007 through June 30, 2008, a total of 86 cell phones were found within Kansas correctional facilities, either in the possession of inmates or in areas accessible to inmates. From July 1, 2008 through December 31, 2008, 42 cell phones were found.

In addition to arranging and coordinating escape plans, cell phones can be used by inmates to arrange for the introduction of contraband, to harass and intimidate crime victims and others in the community, and to carry out criminal activities in the community. Possession and use of cell phones by Kansas inmates is prohibited and is a violation of department rules and state statute (KSA 21-3826). The Department has intensified security procedures through the increased use of metal detectors and package scanners, and stricter rules on employee possession of personal cell phones in an effort to prevent cell phones from being provided to inmates. However, the reality is that some cell phones have been introduced into Kansas correctional facilities and are being used by inmates.

To prevent inmates from being able to successfully communicate with others through the use of contraband cell phones the Kansas Department of Corrections is supportive of legislation that will allow cell phone signals in correctional facilities to be jammed. Currently the Communications Act of 1934 and FCC rules ban the technology that can jam cell phone signals within a targeted area. We seek amendments to the federal law to allow cell phone jamming of calls made from correctional facilities. This capability is necessary for public safety reasons. The technology for such jamming is available and has been demonstrated at facilities operated by the South Carolina Department of Corrections. Legislation to allow this capability has been introduced in Congress.

To: Committee on Corrections and Juvenile Justice

From: Charles E. Simmons, Deputy Secretary, Facilities Management

Date: January 21, 2009

Re: Prison Rape Elimination Act of 2003

THE ACT:

- (1) supports the elimination, reduction and prevention of sexual assault and rape within corrections systems;
- (2) mandates national data collection efforts;
- (3) provides funding for program development and research;
- (4) creates a national commission to develop standards and accountability measures;
- (5) applies to all federal, state and local prisons, jails, police lock-ups; private facilities and community settings such as residential facilities.

Establishes a zero-tolerance standard for the incidence of inmate sexual assault and rape.

Makes prevention of inmate sexual assault and rape a top priority in each corrections facility.

STATISTICAL REVIEW AND ANALYSIS

Directs the Bureau of Justice Statistics to carry out, annually, a comprehensive statistical review and analysis of the incidence and effects of prison rape.

Following are the numbers the Kansas Department of Corrections has reported for the past three years.

	<u>2005</u>	<u>2006</u>	<u>2007</u>
Nonconsensual sexual acts	25	47	28
Substantiated	1	4	1
Unsubstantiated	7	21	11
Unfounded	16	21	16
Investigation ongoing	1	1	0

	<u>2005</u>	<u>2006</u>	<u>2007</u>
Abusive sexual contacts	17	13	18
Substantiated	1	0	2
Unsubstantiated	14	3	12
Unfounded	1	10	4
Investigation ongoing	1	0	0
Staff Sexual Misconduct	48	41	22
Substantiated	5	4	5
Unsubstantiated	25	30	11
Unfounded	8	7	6
Investigation ongoing	10	0	0
Staff Sexual Harassment	12	4	8
Substantiated	0	1	2
Unsubstantiated	12	3	3
Unfounded	0	0	3
Investigation ongoing	0	0	0
Total substantiated	7	9	10

On site surveys of at least one prison in each state each year:

2007: Hutchinson Correctional Facility

2008: Larned Correctional Mental Health Facility (survey to be completed in February, 2009)

GRANTS

Directs the Attorney General to make grants to assist states. KDOC received a one million dollar grant which was primarily used to acquire cameras for all KDOC facilities. Also added 3 corrections counselor positions at EDCF and 2 parole officer positions. Grant funds have not been available the past two federal fiscal years.

STANDARDS

Establishes the National Prison Rape Reduction Commission to report recommended national standards for enhancing the detection, prevention, reduction, and punishment of prison rape.

Directs the Attorney General, within one year of receiving such report, to publish a final rule adopting national standards.

Within 90 days of publishing a final rule the Attorney General shall transmit the national standards adopted to the chief executive of each state and to the head of the department of corrections of each state.

Provides for a five percent reduction of any amount of grant funds for prisons that a state would otherwise receive for a fiscal year unless the Governor submits to the Attorney General: (1) a certification that the state has adopted and is in full compliance with the national standards; or (2) an assurance that not less than five percent of such amount shall be used only to enable the state to adopt and achieve full compliance with such standards, so as to ensure that certification may be submitted in future years. This would apply to grants for the second fiscal year beginning after the date on which the national standards are finalized.

The National Prison Rape Reduction Commission recently issued proposed standards for public comment. There are 43 proposed standards, accompanied by 47 pages of compliance checklists. Combined, the standards and checklists set forth over 500 requirements to be met in achieving compliance under the proposed standards.

The Kansas Department of Corrections submitted comments to those standards that appeared to have the greatest potential impact on department operations or funding. We believe some of the standards have the potential for a significant increase in staffing levels. Other proposed standards, in our opinion, do not represent sound correctional practice or good public policy.

We believe discussion of the standards, and adoption of the final standards, must be considered in light of Section 8 of PREA, which provides: "The Attorney General shall not establish a national standard under this section that would impose substantial additional costs compared to the costs presently expended by federal, state, and local prison authorities. The Attorney General, may, however, provide a list of improvements for consideration by correctional facilities."

If the standards are adopted substantially in their current form, or specific standards are not significantly scaled back with respect to the scope of their provisions, the KDOC will be placed in the position of either being in noncompliance or with seeking the funding and staffing authorizations necessary to achieve compliance. Being in noncompliance would result in the loss of some federal funding, but since most of the KDOC budget is made up of SGF, the loss should not be significant. However, there is also the potential that noncompliance could be used to prove liability in litigation should an incident covered by PREA occur. This could result in a judgment for monetary damages.