

MINUTES

JOINT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE OVERSIGHT

July 9-10, 2009
Room 545-N—Statehouse

Members Present

Representative Pat Colloton, Chairperson
Senator Pete Brungardt, Vice-Chairperson
Senator Karin Brownlee
Senator Terry Bruce
Senator David Haley
Senator Dick Kelsey
Senator Janis Lee
Representative Barbara Craft
Representative Doug Gatewood
Representative Jerry Henry
Representative Joe Patton
Representative Jim Ward

Members Absent

Senator Tim Owens
Representative John Grange

Staff Present

Athena Andaya, Kansas Legislative Research Department
Jerry Ann Donaldson, Kansas Legislative Research Department
Jarod Waltner, Kansas Legislative Research Department
Christina Butler, Kansas Legislative Research Department
Melissa Doebelin, Office of the Revisor of Statutes
Jason Thompson, Office of the Revisor of Statutes
Sean Ostrow, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Connie Burns, Committee Assistant

Conferees

Roger Werholtz, Secretary, Kansas Department of Corrections
Roger Haden, Deputy Secretary for Programs and Staff Development, Kansas
Department of Corrections

Chuck Simmons, Deputy Secretary for Facilities Management, Kansas Department
of Corrections
Kenneth Orr, Ummelgroup
J. Russell Jennings, Commissioner, Juvenile Justice Authority

Others Attending

See attached list.

Thursday, July 9 Morning Session

The meeting was called to order by Chairperson Pat Colloton. The staff provided an overview of statutory authority for the Committee members. The Joint Committee on Corrections and Juvenile Justice Oversight (JCCJJO) was established in 1997 and the powers and duties and statutory authority can be found in KSA 46-2801 and 46-2802 (Attachment 1).

Kansas Department of Corrections Overview

Inmate Population

Roger Werholtz, Secretary, Kansas Department of Corrections (KDOC), provided an overview on inmate population and activities, plans for KDOC, condition and operations of correctional institutions, budgetary updates, and status of expansion projects. The Secretary updated the Committee on performance measures (Attachment 2). The performance measures indicate the following:

- Facility population – 7 percent reduction;
- Parole population – 42.3 percent increase;
- Inmate grievances – 36 percent reduction;
- From FY 2003, 203 months, to 2009, 96 months – 53 percent reduction;
- Community Corrections (high-risk probation) revocation rate – 37 percent reduction;
- Average number of parole absconders for FY 2009 – 69 percent reduction (739 absconders on June 30, 2000; 467 absconders on June 30, 2003; and 189 absconders on March 16, 2009); and
- Felony conviction for crimes committed on parole – 36 percent reduction.

The reduction of 447 beds is a result of the closing of the following KDOC and non-KDOC living units or treatment facilities, or both, due to budget reductions resulting from revenue shortfalls:

- January 1 – Closed 17-bed female Substance Abuse Treatment Program at Labette;
- February 6 – Closed 80-bed male minimum Therapeutic Community Program at Osawatomie (LCF-SU);
- February 27 – Closed 70-bed male minimum unit at Toronto (EDCF-EU);

- March 31 – Closed 128-bed male minimum unit at Stockton (NCF-EU);
- June 8 – Closed 50-bed male minimum unit at Labette (permanent party inmates); and
- June 12 – Closed 102-bed male minimum unit at El Dorado (EDCF-NU).

On March 6, 2009, 176-bed male living unit "B" was closed at Winfield Correctional Facility. It was reopened on June 8, 2009. This opening was for correctional reasons; inmates housed in the minimum unit provide maintenance and support work at the primary facilities, and there is a lot of pressure put on these inmates to smuggle contraband into the facility by being able to go in and out of a secure perimeter.

KDOC currently has adequate capacity to house female inmates.

Female Capacity	747 (Includes 20 beds at LSSH)
Female Population	<u>588</u>
Available Bed Space	159

Available bed space for male inmates has varied from 20 to 60 beds. The population tends to spike on Wednesdays and Thursdays and then decreases on Fridays due to weekend releases. On June 30, 2009, 102 beds were available (KDOC/non-KDOC) as a result of the reopening of "B" Living Unit at Winfield Correctional Facility. These numbers do not include non-general population, special-use beds such as infirmary, disciplinary, segregation, or observation beds, which are not counted as part of the official capacity.

**Population and Custody Distribution for Male Inmates
(June 30, 2009)**

	<u>Max/Spec</u>	<u>Medium</u>	<u>Minimum</u>	<u>Total</u>
Capacity	2,326	3,653	2,144	8,123
Population	1,888	3,812	2,321	8,021
Available Bed space	<u>438</u>	<u>-159</u>	<u>-177</u>	<u>102</u>

The 2008 Kansas Prison Population Projections issued by the Kansas Sentencing Commission indicated a male inmate population of 8,120 on June 30, 2009. The actual male inmate population was 8,023, which is 87 less than projected.

The Committee asked the Secretary about staffing levels at the facilities and whether security is at optimal levels. The Secretary addressed these issues by stating the security level is not optimal. With the number of budget reductions KDOC has lost over 300 positions. The Secretary did state that there has not been a spike in violent incidents.

Condition and Operation of Correctional Institutions

Charles E. Simmons, Deputy Secretary, Facilities Management, provided the Committee with an update on the condition and operation of correctional institutions under the control of the Secretary of Corrections (Attachment 3). The 2007 Legislature authorized a bond issue of \$19.25 million for facility infrastructure improvements. These bonds were issued in September 2007, and the bond funds must be fully expended by September 2010. A list of the original projects and additional projects was provided. As a result of budget reductions, operations have been suspended at four locations that impacted 85 employees and resulted in an inmate housing capacity reduction of 380.

- Osawatomie: Operations were suspended in February 2009. 17 employees were offered placement in vacant positions at Lansing Correctional Facility. The capacity reduction due to this suspension of operations was 80. The building has been returned to Osawatomie State Hospital.
- Toronto: Operations were suspended in February 2009. 17 employees were offered placement in vacant positions at El Dorado Correctional Facility. The capacity reduction due to this suspension of operations was 70. KDOC will continue to maintain the building and grounds, which are leased, pending reoccupation at a future date.
- Stockton: Operations were suspended in March 2009. 31 employees were offered placement in vacant positions at Norton Correctional Facility. The capacity reduction due to this suspension of operations was 128. The building is owned by the state and will be maintained pending reoccupation at a future date.
- El Dorado North: Operations were suspended in June 2009. 20 employees were offered placement in vacant positions at the El Dorado Correctional Facility. The capacity reduction due to this suspension of operations was 102. Corrections will continue to maintain the building and grounds, which are leased, pending reoccupation at a future date.
- Operations at the conservation camps at Oswego have been suspended, the female camp on January 1, 2009, and the male camp June 30, 2009. The 60 employees at the camps were employees of Labette County and therefore lost their jobs when the camps closed. This will have a significant impact on the rate the county pays for unemployment compensation insurance. The county has indicated that this will increase the cost from approximately \$4,500 to approximately \$181,000 per year, has requested to retain some unexpended funds to pay for this increased expense, and has been advised to submit it as a claim against the state. KDOC has leased the buildings to Labette County through December 2009, so that the county can work to identify a potential tenant.
- The Federal Communications Commission (FCC) has mandated that all non-federal public safety licensees using 25 kHz radio systems migrate to narrowband (12.5 kHz) channels by January 1, 2013, and failure to comply with this deadline will result in cancellation of license and possible loss of communication capabilities. The FCC has indicated that it will not easily grant waivers for continued wideband operation after the deadline. The total cost of replacing non-compliant radios and supporting equipment within KDOC will likely run \$750,000 or more.

- In June 2009, KDOC implemented an electronic messaging system for inmates. All expenses are paid by the users and cost 45 cents per message, with KDOC receiving a commission of five cents on each message. All messages are screened for appropriate content, and inmates do not have Internet access or general e-mail capabilities. The goal is to reduce mail volume, reduce the potential for trafficking in contraband through the mail, and enhance security through better screening than can be achieved through regular mail.
- In recent months, lightning strikes at Norton and roof damage due to high winds to several facilities require expenditure for repair. El Dorado was covered by insurance after payment of the \$10,000 deductible. At Larned, insurance coverage also was available, but only partially covered the replacement due to the age of the roof. Hutchinson and Topeka also sustained wind damage. These types of unexpected costs must be absorbed through the repair and renovation budget, and may result in delays to other projects that have already been scheduled.

The Committee asked about replacement of services provided to the community by inmate labor. Mr. Simmons stated that KDOC is looking at replacement at the El Dorado Facility and the loss of inmate labor from the closing of the Stockton Facility. He suggested contacting Warden Shelton at the Norton Facility to utilize replacement inmate labor.

Budget Updates

Secretary Werholtz provided the Committee a budgetary update ([Attachment 4](#)). A summary was provided of cost reduction and mitigation actions, and the list of KDOC State General Fund base budget reductions for Fiscal year 2010 (page 1), the second round of budget cuts (page 2), and the last two lines reflect the governor's allotment (as revised July 7, 2009).

The Secretary stated as a follow-up on the status and performance of offenders after they are released, all the program cuts reduce the options for offenders to succeed when released from prison. If KDOC is successful in obtaining Byrne Grant money, it will be shifting funding for special enforcement and parole officer positions.

Status of Expansion Projects

Roger Haden, Deputy Secretary for Programs and Staff Development, provided the Committee the status of expansion projects ([Attachment 5](#)). The budget reductions for FY 2009 and FY 2010 have resulted in the following offender intervention program reductions and capacity reductions by location and the capacity that will be continued in FY 2010.

Intervention Program: Substance Abuse Treatment Services

- The Therapeutic Community (TC) at Hutchinson Correctional Facility was terminated, eliminating 64 slots with no capacity remaining;
- The TC at Lansing Correctional Facility was terminated, eliminating 80 slots with no capacity remaining;

- The TC at Ellsworth Correctional Facility was terminated, eliminating 52 slots with no capacity remaining; and
- The TC at Topeka Correctional Facility was terminated, eliminating 24 slots with no capacity remaining.

These reductions resulted in a loss of 220 slots and 22.5 full-time equivalent staff positions. In addition, the initial Regional Alcohol and Drug Assessment Center assessment for treatment needs of offenders entering the system at the reception and diagnostic units was discontinued. For FY 2010 the 40-slot intensive outpatient program for males at Larned Correctional Mental Health Facility will continue, and the Department plans to implement a similar 24-slot program at Topeka Correctional Facility for females.

Intervention Program: Sex Offender Treatment Program (SOTP)

- SOTP at Norton Correctional Facility was terminated, eliminating 40 slots with no capacity remaining;
- SOTP at Hutchinson Correctional Facility was reduced by 20 slots with 60 slots remaining;
- SOTP at Lansing Correctional Facility was reduced by 40 slots with 80 slots remaining; and
- SOTP at Topeka Correctional Facility was reduced to a part-time schedule.

These reductions resulted in total reduction of 100 program slots and 12.5 full-time equivalent staff positions. The community-based sex offender treatment capacity will remain at the current level with 14 staff positions.

Intervention Program: Community Transitional Housing

- In the Northern Parole region, 58 transitional house beds were eliminated with no capacity remaining; and
- In the Southern Parole region, 46 transitional house beds were eliminated with no capacity remaining.

These reductions resulted in the total elimination of 104 transitional beds and a reduction of 30 staff positions.

Inmate Health Care Services

In addition to reduction in the offender intervention programs, the inmate health services contract also has been reduced by keeping nearly 20 full-time equivalent staff positions open for the 2010 fiscal year.

Detailed information was provided that covered state funded positions and federal grant-funded positions by facility, federal grant funded programs remaining, and other program reductions.

The Committee requested additional information on how many high-risk offenders need drug abuse treatment.

Afternoon Session

Update on the Information Technology Enterprise Architecture Project

Secretary Werholtz stated that before the budget cuts, the top priority was replacement of KDOC Management Information System, and the agency has actively been engaged in developing a plan for about three years. The Joint Committee on Information Technology asked KDOC to insert an additional step in the process; the information presented was the result of that analysis of the KDOC system.

Ken Orr, Chief Scientist, UmmelGroup, provided a PowerPoint presentation on the Information Technology Enterprise Architecture Project (Attachment 6). Mr. Orr stated that Kansas has the second oldest offender management system in the U.S., and provided a ten-year roadmap of project planning to replace the system. The project would cost between \$6 million and \$12 million and three to five years to complete.

Population Growth Management

Secretary Werholtz provided updated information on the management of population growth (Attachment 7).

Suggestion for controlling prison population growth:

- Increase the amount of good time that can be earned and apply it retroactively to the prison portion of the sentence. Further, provide that good time credits that reduce the prison portion of the sentence not be added to extend the length of the post-release supervision period;
- Cut the length of post-release supervision for certain offenders or eliminate it completely;
- Cut off admissions to prison if the offender has less than a certain number of days remaining on his or her prison sentence, *e.g.* 30-60 days;
- Accelerate eligibility for release from prison for certain offenders based on severity level or type of offense;
- Have the Parole Board review all "old law" inmates subject to proportionality issues for possible early release;
- When DUI offenders are revoked from parole supervision, have them serve their revocation period in the county jail where they were convicted. If DUI offenders

are to serve supervision violation penalties in the county jail, district courts rather than the KPB would be more suitable to conduct the revocation hearings; and

- Re-examine the offender registry and the penalties for failing to register.

The Chairperson stated that a memo with each of the options would be mailed in advance of the next meeting with draft legislation.

Mental Illnesses Among the Inmate Population

Secretary Roger Werholtz provided testimony on the status of mental illnesses among the inmate population (Attachment 8). There are 28 inmates who have been placed on crisis level III and higher over the past six months at each facility, on a case-by-case basis. Several case studies were provided. Secretary Werholtz also provided definitions of the primary target population in need of mental health treatment, examples of inmates with "Behavior Disorders," and a brief description of levels of care needed by mentally ill inmates.

Secretary Werholtz stated that as of May 18, 2009, 3,841, 44 percent of the inmates within the Kansas Correctional System have been diagnosed with a DSM-IV mental disorder. (The number does not include inmates with only a substance abuse diagnosis.) A summary and copy of the KDOC Mental Health Needs Analysis was provided to the Committee (Attachment 9). There are essentially five types of inmates with the correctional system:

- Stable Population Inmates – 4,759 (56 percent of total population);
- MH Class II (Non-Specific) – 1,470 (17 percent of total inmate population);
- MH Class III (Medication Specific) – 1,345 (16 percent of total inmate population);
- MH Class IV (Special Needs) – 663 (7 percent of total inmate population); and
- MH Class V & VI (Mental Retardation & Severe and Persistent Mentally Ill – 363 (4 percent of total inmate population).

An overview of the mental health program and problems was provided. KDOC contracts with Correct Care Solution (CCS) to provide comprehensive mental health services to inmates in KDOC's custody. The services are provided by mental health employees of CCS, and are typically located on-site. The contract is monitored for contract compliance, community standard of care, and compliance with National Commission on Correctional Health Care (NCCHC) standards by employees of Kansas University Physicians, Inc.

The Department established a Memorandum of Agreement (MOA) with Larned State Security Hospital (LSSH) to treat those inmates requiring a hospital setting, rather than a correctional institution. The MOA and consent decree require and delineate criteria for acceptance, although the established criteria are not always followed during the staffing process.

Recommendations:

- Create an appropriate therapeutic environment for the aggressive, mentally ill inmates;
- Two additional housing units (male and female) servicing this high acuity, difficult to treat inmate population are needed; and

- When accounting for increase in the classification of mentally ill or special needs beds, there has been an increase of 24 percent over the past three years.

Don Jordan, Secretary, Kansas Department of Social and Rehabilitation Services (SRS), spoke on observations from the SRS perspective, but did agree with Secretary Werholtz that there is a problem, and the situation needs to be studied to come up with a solution.

Friday, July 10 Morning Session

Juvenile Justice Authority Overview

J. Russell Jennings, Commissioner, Juvenile Justice Authority (JJA), provided the Committee an overview of the Juvenile Justice Authority (Attachment 10). JJA is made up of four system components:

- Community services – core programs;
- Community residential placements;
- Juvenile corrections facilities; and
- JJA Central Office – System Administration.

Community Services is: Prevention Programs (secondary and tertiary), intake and assessment, intensive supervision probation and community case management. Prevention and intervention programs target at-risk youth and at risk of offending behavior. Intake and assessment are evaluation instruments. Two approved currently for use are the Massachusetts Youth Screening Instrument (MAYSI-2) and Problem Oriented Screening Instrument for Teens (POSIT). Intensive supervision probation uses the Youthful Level of Service/Case Management Inventory (YLS/CMI), for determining level of supervision and program referral based on risk of reoffending and programs to address identified needs. Other tools are training on evidenced-based practices relating to offender supervision, and working toward success, not simply focusing on failure. Community case management supervises youth placed in the custody of the Commissioner, manages placement of youths who are in need of out-of-home placement, works with youth and family on reintegration plans, supports youth and family while youth is at home, and assures youths have access to needed programs and treatment.

The Chairperson requested a memo from the Commissioner on the most useful models used by JJA.

Information was provided on Medicaid transition, month end Custody population FY05 – FY 09, Custody/Placement Data, Psychiatric Residential Treatment Facility (PRTF), and Youth Residential Center I and II.

Activities supporting and enhancing residential services:

- Electronic submission of invoices (real-time payment);

- Technical assistance and training to enhance programming in residential placement – specific program training and annual program review – evaluation; and
- Community-Based Standards (CbS) – Kansas is a pilot site for development with Council of Juvenile Corrections Administrators (CJCA) to utilize a statistically sound and evaluated process to identify strengths, weaknesses, and conditions of YRC and residential placements.

There has been involvement with YRC II providers with several meetings with Children's Alliance, case coordinator training, and Residential summits in 2007 and 2008.

Community-Based Standards (CbS)

CJCA developed CbS to help community residential programs establish and sustain systems for continuous improvement and accountability. CbS models CJCA's award-winning Performance-based Standards (PbS) program, which provides a blueprint of best practices for secure facilities based on national standards and regular collection review of outcomes tracking performance.

Charts and graph were provided, looking at several domains reflecting the field average:

- Safety 10 - percent of youths who report they fear for their safety at the program;
- Mental Health 01 - percent of youths released during the data collection period with suicide screening completed at intake;
- Programming 02 - percent of youths released during the data collection period with individual service plans developed with the first 30 days at the program;
- Health 01 - percent of youths released during the data collection period who had complete medical intake screening conducted by a trained and qualified staff member;
- Order 02 - percent of youths reporting they understand the program's behavior management level system;
- Safety 12 - percent of family members who report they fear for their child's safety at the program;
- Justice 01 - percent of youths responding they understand program rules; and
- Safety 15 - percent of youths reporting staff is fair about discipline issues.

The benefits of CbS is it is a research-based and statistically sound evaluation process for residential providers. To the state, it validates third-party monitoring and evaluation, brings provider accountability, and is an early warning system.

Juvenile Justice Authority FY 2010 Budget Management Plan

Commissioner Jennings provided the Committee several spreadsheets with the FY 2009 and FY 2010 budget information.

Update on Beloit Juvenile Correctional Facility

Commissioner Jennings updated the Committee on the closing of the Beloit Juvenile Correction Facility (Attachment 11). The facility will close on August 28, 2009, and the female

offenders will move to the Kansas Juvenile Correctional Complex (KJCC) West Campus in Topeka, Kansas. The Beloit suspension of operations fiscal impact:

- July 2 allotment by the Governor;
- Suspend operations August 28;
- Transfer \$.72 million to KJCC for girls operations;
- \$1.46 million SGF savings FY 2010, 2.95 percent agency reduction; and
- \$19 million SGF savings FY 2011, 3.75 percent agency reduction.

The operations at KJCC West Campus (female) will have 25 funded positions, there will be a 53 funded-position reduction at Beloit. The goal is to have a seamless transition of the residents from Beloit to KJCC – West Campus, where the youth residents experience nothing but a change in location with improved services and opportunities to change their lives, and the employees of Beloit are treated with the utmost dignity and respect.

The operations at KJCC West Campus will have two living units on the west end of KJCC campus (Capacity 30 youths). A third unit is available if needed. There will be a separation of male and female residents through an installation of an interior campus fence; separate dedicated direct supervision staff; and shared administration, health services, program, education, food service, and maintenance staff.

The JJA public website is www.jja.ks.gov. Judicial District Performance Indicators information is being updated and provided to the public (Attachment 12). There are 12 performance indicators. The reporting period will examine only data for the most recent six-month time period and will run January 1 to June 30 and from July 1 to December 31. A report will then be sent to Judicial Districts ACs and Director on or about the 20th day following the end of the reporting period, and then JDs will have an additional ten days to review and work through any discrepancies in data with JJA central office staff, at which time the report will be considered final. Final data will be posted to the JJA website under the MAPIT application.

Afternoon Session

Tour of the Kansas Juvenile Correction Center (KJCC)

The Committee toured the KJCC West Campus to review the pending transfer of females from the Beloit Juvenile Correction Facility. The tour was provided by Superintendent Michael Fitzgerald.

The next Committee meeting will be October 28 and 29. The Committee meeting was adjourned.

Prepared by Connie Burns
Edited by Athena Andaya

Approved by Committee on:

October 28, 2009

(Date)

TO: Joint Committee on Corrections and Juvenile Justice Oversight

FROM: Melissa Doeblin, Assistant Revisor of Statutes

DATE: Thursday, July 09, 2009

SUBJECT: Staff Overview of Statutory Authority for Committee

The Joint Committee on Corrections and Juvenile Justice Oversight was established 1997 and the statutory authority for the committee can be found in K.S.A. 46-2801 and 46-2802.

The powers and duties of the Joint Committee are as follows:

- Monitor the inmate population and review and study the Department of Corrections (DOC) programs, activities and plans.
- Monitor the Juvenile Justice Authority's (JJA) programs, activities and plans.
- Review and study adult correctional and juvenile offender programs and the facilities of counties, cities, school districts and other local governmental entities.
- Study the progress and results from transition of powers, duties and functions from the Department of Social and Rehabilitation Services (SRS), Office of Judicial Administration (OJA) and DOC to the JJA.
- Report annually on activities of the Joint Committee to the Legislative Coordinating Council.

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46-2801

Chapter 46.--LEGISLATURE

Article 28.--CORRECTIONS AND JUVENILE JUSTICE OVERSIGHT

46-2801. Joint committee on corrections and juvenile justice oversight; membership; duties and functions. (a) There is hereby created the joint committee on corrections and juvenile justice oversight which shall be within the legislative branch of state government and which shall be composed of no more than seven members of the senate and seven members of the house of representatives.

(b) The senate members shall be appointed by the president and the minority leader. The two major political parties shall have proportional representation on such committee. In the event application of the preceding sentence results in a fraction, the party having a fraction exceeding .5 shall receive representation as though such fraction were a whole number.

(c) The seven representative members shall be appointed as follows:

(1) Two members shall be members of the majority party who are members of the house committee on appropriations and shall be appointed by the speaker;

(2) two members shall be members of the majority party who are members of the house committee on judiciary and shall be appointed by the speaker; and

(3) three members shall be members of the minority party who are members of the house committee on appropriations or the house committee on judiciary and shall be appointed by the minority leader.

(d) Any vacancy in the membership of the joint committee on corrections and juvenile justice oversight shall be filled by appointment in the manner prescribed by this section for the original appointment.

(e) All members of the joint committee on corrections and juvenile justice oversight shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. The joint committee shall organize annually and elect a chairperson and vice-chairperson in accordance with this subsection. During odd-numbered years, the chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the senate members elected by the members of the joint committee. During even-numbered years, the chairperson shall be one of the senate members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. If a vacancy occurs in the office of chairperson or vice-chairperson, a member of the joint committee, who is a member of the same house

as the member who vacated the office, shall be elected by the members of the joint committee to fill such vacancy. Within 30 days after the effective date of this act, the joint committee shall organize and elect a chairperson and a vice-chairperson in accordance with the provisions of this act.

(f) A quorum of the joint committee on corrections and juvenile justice oversight shall be eight. All actions of the joint committee shall be by motion adopted by a majority of those present when there is a quorum.

(g) The joint committee on corrections and juvenile justice oversight may meet at any time and at any place within the state on the call of the chairperson, vice-chairperson and ranking minority member of the house of representatives when the chairperson is a representative or of the senate when the chairperson is a senator.

(h) The provisions of the acts contained in article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the joint committee on corrections and juvenile justice oversight to the extent that the same do not conflict with the specific provisions of this act applicable to the joint committee.

(i) In accordance with K.S.A. 46-1204, and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee on corrections and juvenile justice oversight.

(j) The joint committee on corrections and juvenile justice oversight may introduce such legislation as it deems necessary in performing its functions.

(k) In addition to other powers and duties authorized or prescribed by law or by the legislative coordinating council, the joint committee on corrections and juvenile justice oversight shall:

(1) Monitor the inmate population and review and study the programs, activities and plans of the department of corrections regarding the duties of the department of corrections that are prescribed by statute, including the implementation of expansion projects, the operation of correctional, food service and other programs for inmates, community corrections, parole and the condition and operation of the correctional institutions and other facilities under the control and supervision of the department of corrections;

(2) monitor the establishment of the juvenile justice authority and review and study the programs, activities and plans of the juvenile justice authority regarding the duties of the juvenile justice authority that are prescribed by statute, 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 juvenile justice authority;

(3) review and study the adult correctional programs and activities and facilities of counties, cities and other local governmental entities, including the programs and activities of private entities operating community correctional programs and facilities and the condition and operation of jails and other local governmental facilities for the incarceration of adult offenders;

(4) review and study the juvenile offender programs and activities and facilities of counties, cities, school districts and other local governmental entities, including programs for the reduction and prevention of juvenile crime and delinquency, the programs and activities of private entities operating community juvenile programs and facilities and the condition and operation of local governmental residential or custodial facilities for the care, treatment or training of juvenile offenders;

(5) study the progress and results of the transition of powers, duties and functions

from the department of social and rehabilitation services, office of judicial administration and department of corrections to the juvenile justice authority; and

(6) make an annual report to the legislative coordinating council as provided in K.S.A. 46-1207, and amendments thereto, and such special reports to committees of the house of representatives and senate as are deemed appropriate by the joint committee.

History: L. 1997, ch. 156, § 114; L. 1999, ch. 156, § 21; L. 2003, ch. 27, § 1; L. 2006, ch. 193, § 2; July 1.

Performance Measures

- 8,586 – facility population on 7/7/09 (9,251 on 2/19/04)
7% reduction
- 5,930 – Parole Population on 7/7/09 (4,261 on 2/19/04,
4,167 on 6/30/03) 42.3% increase
- 2,555 – inmate grievances in FY '08 (3,461 in FY '04)
36% reduction
- 96 – FY 2009 monthly parole revocation rate (FY 2003
rate = 203/month) 53% reduction
- 103.2 – FY 2009 to date community corrections (high risk
probation) revocation rate (FY 2006 rate = 164.3) 37%
reduction
- 225 – average number of parole absconders for FY 2009
(739 on 6/30/00, 467 on 6/30/03, 189 on 3/16/09) 69%
reduction
- 36% reduction in felony convictions for crimes committed
on parole (FY 1998 – 2000 avg. [835] compared to FY
2004 – 2008 avg. [536])

**Testimony on Capacity & Population
to
The Joint Committee on Corrections and Juvenile Justice Oversight**

**By Roger Werholtz
Secretary
Kansas Department of Corrections**

July 9, 2009

Capacity Adjustments:

On December 31, 2008 the capacity for KDOC/non-KDOC facilities was 9317. On June 30, 2009 (current) the capacity was 8870. The reduction of 447 beds is a result of the closing of the following KDOC and non-KDOC living units and/or treatment facilities due to budget reductions resulting from revenue shortfalls.

Jan. 1 – Closed 17-bed female SAT Program at Labette

Feb. 6 – Closed 80-bed male minimum TC Program at Osawatomie (LCF-SU)

Feb.27 – Closed 70-bed male minimum unit at Toronto (EDCF-EU)

Mar 31 – Closed 128-bed male minimum unit at Stockton (NCF-EU)

June 8 – Closed 50-bed male minimum unit at Labette (permanent party inmates)

June 12 – Closed 102-bed male minimum unit at El Dorado (EDCF-NU)

On March 6, 2009, 176-bed male Living Unit "B" was closed at WCF. It was reopened on June 8, 2009.

Inmate Population:

The inmate population increased by 54 during the last six months of FY 2008. There was an increase of 52 male and 2 female inmates.

<u>Date</u>	<u># Male Inmates</u>	<u># Female Inmates</u>	<u># Total Inmates</u>
12/31/08	7969	587	8556
01/31/09	7930	587	8514
02/28/09	7914	599	8513

DEPARTMENT OF CORRECTIONS

900 S.W. Jackson Street, 4th Floor • Topeka, Kansas 66612-1284 • Tel: (785) 296-3317 • Fax: (785) 296-0014

03/31/09	8006	607	8613
04/30/09	8030	593	8623
05/31/09	7979	585	8564
06/30/09	8021	589	8610
Change	+52	+2	+54

Available Bedspace:

Females:

As reflected below, the Department currently has adequate capacity to house female inmates:

Female Capacity:	747	(Includes 20 beds at LSSH)
Female Population:	<u>588</u>	
Available Bed Space	159	

Males:

For the past several months available bed space for male inmates has varied from 20 to 60 beds. The population tends to spike on Wednesdays and Thursdays and then decreases on Fridays due to weekend releases.

On June 30, 2009 there were 102 available beds (KDOC/non-KDOC) for male inmates. The increase in the number of available male beds from what was reported in previous months is the result of the reopening of "B" Living Unit at Winfield Correctional Facility.

These numbers do not include non-general population, special use beds such as infirmary, disciplinary segregation and observation beds which are not counted as part of the official capacity.

Population and Custody Distribution for Male Inmates
(June 30, 2009)

	<u>Max/Spec</u>	<u>Medium</u>	<u>Minimum</u>	<u>Total</u>
Capacity	2326	3653	2144	8123
Population	<u>1888</u>	<u>3812</u>	<u>2321</u>	<u>8021</u>
Available Bedspace	438	-159	-177	102

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Most of the available bed space for male inmates is at Winfield Correctional Facility (WCF). Living Unit "B" was reopened on June 8, 2009 to accommodate the closing of the North Unit at El Dorado Correctional Facility. Although several other facilities have excess numbers of minimum male inmates, the decision to transfer inmates from those facilities to WCF was delayed until the new budget numbers were released at the end of June.

Male Inmate Population Relative to the KSC Projections:

The 2008 Kansas Prison Population Projections issued by the Kansas Sentencing Commission indicated a male inmate population of 8120 on June 30, 2009. The actual male inmate population was 8023. The actual male population was 97 less than projected.

The projection for male inmates on June 30, 2010 is 8099 followed by an increase to 8192 on June 30, 2011.

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Mark Parkinson, Governor
Roger Werholtz, Secretary

www.doc.ks.gov

To: Joint Committee on Corrections and Juvenile Justice Oversight
From: Charles E. Simmons, Deputy Secretary, Facilities Management
Re: Condition and Operation of Correctional Institutions
Date: July 9, 2009

1) The 2007 Legislature authorized a bond issue of \$19.25 million for facility infrastructure improvements. These bonds were issued in September, 2007, and the bond funds must be fully expended by September, 2010. In addition, \$2,556,082 that was recovered in litigation involving construction of the El Dorado Correctional Facility was added, resulting in total funding of \$21,806,082 for infrastructure improvements. Attached is a list of the original projects undertaken as a result of this authorization, as well as projects that were subsequently added. Among the projects included in the original list were a new clinic/infirmary at Lansing Correctional Facility, a new water treatment plant and dining room at Norton Correctional Facility, and system wide security upgrades. Projects that were added later included security upgrades at El Dorado Correctional Facility to address deficiencies identified following an escape in October, 2007, and perimeter security upgrades at Lansing, Hutchinson, Norton, and Larned.

2) Operations have been suspended at four locations as a result of budget reductions. These actions impacted 85 FTE and resulted in an inmate housing capacity reduction of 380.

Osawatomie: operations were suspended in February, 2009. Employees (17 FTE) were offered placement in vacant positions at Lansing Correctional Facility. The building at Osawatomie has been returned to Osawatomie State Hospital. The capacity reduction due to this suspension of operations was 80.

Toronto: operations were suspended in February, 2009. Employees (17 FTE) were offered placement in vacant positions at El Dorado Correctional Facility. Corrections leases the building at Toronto from the Department of Wildlife and Parks, which in turn leases it from the Corps of Engineers. Corrections will continue to maintain the building and grounds pending reoccupation at a future date. The capacity reduction due to this suspension of operations was 70.

Stockton: operations were suspended in March, 2009. Employees (31 FTE) were offered placement in vacant positions at Norton Correctional Facility. The building and grounds at Stockton are owned by the state. Corrections will maintain the building and grounds pending

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C&JJ Oversight
Attachment 3
7-9-09

reoccupation at a future date. The capacity reduction due to this suspension of operations was 128.

El Dorado North: operations were suspended in June, 2009. Employees (20 FTE) were offered placement in vacant positions at the El Dorado Correctional Facility. Corrections leases this building from the Department of Wildlife and Parks, which in turn leases it from the Corps of Engineers. Corrections will continue to maintain the building and grounds pending reoccupation at a future date. The capacity reduction due to this suspension of operations was 102.

- 3) Due to the suspension of operations at the El Dorado North unit the Department of Wildlife and Parks and local agencies faced the potential loss of inmate labor. An agreement has been entered into between the Departments of Corrections and Wildlife and Parks, the City of El Dorado, Butler County, and the American Legion for a total of 36 inmates to be bused from the Winfield Correctional Facility to El Dorado four days a week to work for these agencies. This agreement is similar to one that has been in place with the City of Wichita for approximately ten years.
- 4) Operations at the conservation camps at Oswego have been suspended. The operations at the female camp were suspended January 1, 2009, and operations at the male camp were suspended June 30, 2009. The sixty employees at the camps were all employees of Labette County and therefore lost their jobs when the camps closed. This will have a significant impact on the rate the County pays for unemployment compensation insurance. Prior to these layoffs the County's rate was .1%. It will increase in 2011 to at least four per cent. The County has indicated that this will increase the it's cost from approximately \$4500 to approximately \$181,000 per year. Labette County has requested to retain some unexpended funds to pay for this increased expense. We have advised the County that the issue regarding the 2011 costs should be submitted as a claim against the state. Unexpended funds for FY 2009 for the camps' operations should total approximately \$500,000 and we have requested those funds to be returned to the State of Kansas. This amount has been factored into the budget reductions the Governor announced on July 2nd. The camps' buildings are owned by the State of Kansas. The KDOC has leased the buildings to Labette County through December, 2009 so that the County can work to identify a potential tenant.
- 5) The Federal Communications Commission (FCC) has mandated that all non-Federal public safety licensees using 25 kHz radio systems migrate to narrowband (12.5 kHz) channels by January 1, 2013. Failure to comply with this deadline will result in cancellation of license and possible loss of communication capabilities. The FCC has indicated that

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it will not easily grant waivers for continued wideband operation after the deadline.

The department's current radio system uses 25 kHz-wide channels. Using 12.5kHz narrowband channels reduces channel width and allows additional channels to exist within the same spectrum space.

Radios purchased by the department in the last 6-8 years have the capability for both 25kHz and 12.5 kHz operation. However, many of the radios currently in use by the agency were purchased more than eight years ago and are not narrowband capable. One facility alone reported they would need to replace over 80% of their radios. An April 2009 system-wide survey indicated the department has 1016 hand-held, 188 mobile, 9 base stations and 6 repeaters that are not narrow band compliant. While the total cost to replace the non-compliant radios will depend on the type of replacement radio purchased, replacing just the hand-held units with a low-end model is estimated at \$609,000 (using current contract pricing). The total cost of replacing non-compliant radios and supporting equipment will likely run \$750,000 or more.

- 6) In June, 2009, the KDOC implemented an electronic messaging system for inmates. This system allows for inmates to receive electronic messages from individuals who set up an account through J-Pay, and to send messages to individuals who indicate a willingness to receive messages from the inmate. All expenses are paid by the users. The cost is 45 cents per message, with the KDOC receiving a commission of five cents on each message. All messages are screened for appropriate content. Inmates do not have internet access or general email capabilities. Through July 6, 2009, a total of 17437 messages have been processed through this system. The goals of the system are to reduce mail volume and the potential for trafficking in contraband through the mail, and to enhance security through better screening than can be achieved through regular mail.
- 7) In recent months buildings at several facilities have sustained roof damage due to high winds. At El Dorado this damage was covered by insurance (\$10,000 deductible) since the bonds used to finance construction have not yet been paid. At Larned, insurance coverage was also available but the amount recovered only partially covered the cost of replacement due to the age of the roof. Wind damage also occurred to roofs at Hutchinson and Topeka. On July 3 Norton Correctional Facility suffered an apparent lightning strike that resulted in damage to several systems, including perimeter detection, cameras, and communications. Estimates of the total damages are still being prepared. These types of unexpected costs must be absorbed through

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the repair and renovation budget, and may result in delays to other projects that have already been scheduled.

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Original Projects

7/1/2009

5
3

Title	Funded	Original Budget	Bid Amount	Additional Cost	Revised Budget	Savings or Overage	Status
ECF							
Locking System Building 2	Yes	\$470,000	\$364,678	\$7,000	\$371,678	\$98,322	Complete
Fire Alarm Upgrade	Yes	\$250,000	\$55,769	\$194,231	\$250,000	\$0	Construction
EDCF							
Fire Alarm Upgrade	Yes	\$50,000	\$10,960		\$10,960	\$39,040	Complete
HCF							
Locking System A, B, & C Cellhouses	Yes	\$4,333,440	\$2,469,250	\$50,000	\$2,519,250	\$1,814,190	Complete
Perimeter Detection System -East Unit	Yes	\$869,300	\$325,000	\$34,742	\$359,742	\$509,558	Complete
Fire Alarm Upgrade Phase I, II & III	Yes	\$700,000	\$144,217	\$555,783	\$700,000	\$0	Construction
ADA Upgrades Manpower Building	No	\$65,000					Design
LCF							
Clinic/Infirmary Replacement	Partial	\$6,007,000	\$4,584,500	\$0	\$4,584,500	\$1,422,500	Construction
Fire Alarm Upgrade Central Phase I	Yes	\$62,786	\$27,628	\$15,000	\$42,628	\$20,158	Complete
Fire Alarm Upgrade Central Phase II & III	Yes	\$437,214	\$115,500	\$321,714	\$437,214	\$0	Construction
NCF							
Water Treatment Plant	Partial	\$3,975,000	\$2,136,000	\$500,000	\$2,636,000	\$1,339,000	Construction
Medium Dining Room	Yes	\$696,935	\$564,144	\$132,791	\$696,935	\$0	Construction
Decentralizing of Utilities	Yes	\$1,700,000	\$1,414,000	\$534,000	\$1,948,000	-\$248,000	Construction
WCF							
ADA Upgrades Birch & Admin. Buildings	Partial	\$685,000	\$213,437		\$213,437	\$471,563	Complete
CO							
Security Upgrades - System wide	Yes	\$1,500,000	\$1,500,000		\$1,500,000	\$0	Complete
Total		<u>\$21,801,675</u>			<u>\$16,270,344</u>	<u>\$5,466,331</u>	

Additional Projects

Title	Funded	Original Budget	Bid Amount	Additional Cost	Revised Budget	Savings or Overage	Status
EDCF							
Razor Wire at Perimeter Fence	Yes		\$258,976	\$0	\$258,976	-\$258,976	Complete
Exercise Yards	Yes		\$195,000	\$0	\$195,000	-\$195,000	Complete
Telephone System			\$150,000		\$150,000	-\$150,000	Awarded
Reroof D & E Cellhouses	Yes		\$390,110	\$9,890	\$400,000	-\$400,000	Construction
ECF							
Telephone System			\$60,000		\$60,000	-\$60,000	Awarded
LCF							
Perimeter Security - Medium & Industries	Yes		\$362,000	\$80,000	\$442,000	-\$442,000	Complete
Perimeter Security Razor Wire @ Medium	Yes		\$130,400	\$44,600	\$175,000	-\$175,000	Complete
Telephone System			\$225,000		\$225,000	-\$225,000	Awarded
Replace Fire Alarm Devices all Units			\$300,000		\$300,000	-\$300,000	Design
HCF							
Locking System at D cellhouse	Yes		\$655,500	\$25,000	\$680,500	-\$680,500	Construction
Perimeter Detection at Industrial Yard	Yes		\$78,770	\$12,230	\$91,000	-\$91,000	Construction
Replace Fire Alarm Devices all Units			\$250,000		\$250,000	-\$250,000	Design
Reroof Gym	Yes		\$101,129	\$8,871	\$110,000	-\$110,000	Construction
NCF							
Telephone System			\$60,000		\$60,000	-\$60,000	Awarded
Perimeter Security Upgrade			\$176,690		\$176,690	-\$176,690	Construction
Delete Fire Alarm Devices in the Central Unit			\$9,765		\$9,765	-\$9,765	Design
Reroof Administration, Visiting & Control			\$288,834		\$288,834	-\$288,834	Design
WWRF							
Elevator to Lower and upper floors			\$250,000	\$20,000	\$270,000	-\$270,000	Hold
Central Office							
Fire Alarm On-Call Contract	Yes		\$125,000		\$125,000	-\$125,000	Design

Additional Projects

Title	Funded	Original Budget	Bid Amount	Additional Cost	Revised Budget	Savings or Overage	Status
LCMHF							
Upgrade Perimeter Security System			\$ 93,129		\$93,129	-\$93,129	
Fire Alarm Replacement			\$ 75,000		\$75,000	-\$75,000	
TCF							
Reroof A, B and G Dorms			\$ 525,617		\$525,617	-\$525,617	
WCF							
Replace Steam Heating System			\$ 500,000		\$500,000	-\$500,000	
Total						<u>-\$5,461,511</u>	
Unallocated Balance						\$4,820	

**KDOC STATE GENERAL FUND BASE BUDGET REDUCTIONS
FISCAL YEAR 2010**

<u>Item</u>	<u>Adjustment to Base Budget</u>	<u>Total Adjustments</u>	
Base budget increases to finance FY 2010 budget	2,636,560	2,636,560	
State General Fund transfers to the eight correctional facilities	2,852,693	5,489,253	
Food service and health care contract savings - reduced inmate population	(553,407)	4,935,846	
Restructure debt service payments	(835,000)	4,100,846	
Partially suspend payments for fringe benefit employer contributions	(471,387)	3,629,459	
Delete unallocated amount for offender programs	(904,000)	2,725,459	
Suspend operations of the Osawatomie Correctional Facility	(902,699)	1,822,760	
Suspend operations of the Toronto Correctional Facility	(907,393)	915,367	
Suspend operations of the Stockton Correctional Facility	(1,647,927)	(732,560)	
Eliminate funding for 4th time DUI offenders (proposal to offset this reduction with fines/forfeitures not approved by Legislature)	(538,000)	(1,270,560)	
Replace financing for offender programs with additional commissions from inmate telephone contract	(750,000)	(2,020,560)	
Assess shrinkage rate of 5 percent against reentry program positions	(166,000)	(2,186,560)	
Increase central office shrinkage rate to 5 percent	(305,000)	(2,491,560)	
Close Correctional Conservation Camps	(3,371,324)	(5,862,884)	
Close day reporting centers and retain partial funding to continue essential services	(869,520)	(6,732,404)	
Replace financing of the health care contract with transfer from the Correctional Industries Fund	(1,202,904)	(7,935,308)	
Reduce funding for community corrections grants, excluding adult residential centers, by 3 percent	(525,000)	(8,460,308)	
Health care contract savings from intentionally holding positions vacant and delaying equipment purchases	(600,000)	(9,060,308)	
Delete funding for replacement of major computer systems (OMIS/TOADS)	(450,000)	(9,510,308)	
Reduce funding for offender programs	(3,284,075)	(12,794,383)	
Reduce funding for facilities operations	(1,327,789)	(14,122,172)	
Increase funding for offender programs	646,250	(13,475,922)	
Reduce funding for offender programs	(2,003,722)	(15,479,644)	
Eliminate funding for longevity bonuses	(1,469,177)	(16,948,821)	Mega Bill Reduction

**KDOC STATE GENERAL FUND BASE BUDGET REDUCTIONS
FISCAL YEAR 2010**

Revised

<u>Item</u>	<u>Adjustment to Base Budget</u>	<u>Total Adjustments</u>	
Reduce funding for offender programs	(1,206,000)	(18,154,821)	
Shift funding for 13 special enforcement officer positions to Byrne Grant	(705,700)	(18,860,521)	
Shift funding for 10 parole officer positions to Byrne Grant	(439,550)	(19,300,071)	
Suspend operations of the North Unit of the El Dorado Correctional Facility	(1,033,975)	(20,334,046)	
Reduce funding for community corrections grants (\$1.5 million shifted to Byrne Grant)	(2,025,000)	(22,359,046)	
Reduce funding for KUPI contract	(75,000)	(22,434,046)	
Additional central office shrinkage	(468,002)	(22,902,048)	Omnibus Bill Reduction
Lapse FY 2009 savings available for expenditure in FY 2010	(1,100,000)	(24,002,048)	
Return of unexpended moneys for support of Labette County conservation camps	(500,000)	(24,502,048)	Governor's Allotment

KDOC Cost Reduction and Mitigation Actions – summary of steps taken – July 8, 2009

Expense Reductions

Teleconferencing - We have the state's 2nd largest usage of teleconferencing with the state's contracted vendor, Leaderphone. KDOC uses teleconferencing to mitigate travel as well as to increase communication. Additionally we find that this capability encourages more frequent group interactions.

Telecommuting - KDOC has implemented telecommuting which has reduced our need for office space and related infrastructure costs such as utilities, data communications and telephone. To accommodate telecommuters for the days in which they do physically work from the office, we have implemented "Hoteling," which refers to the practice of providing multiple clerical sized work spaces which are not assigned to a specific person, and thus, when a telecommuter arrives at work, they merely select an open cube to work from for the day.

Reduced land phone lines – have eliminated the land phone line for many individuals which had an assigned mobile phone. Additionally in an effort to reduce the consumption of mobile minutes on their phones, we have deployed new devices from Sprint which permit multiple mobile phones to use a singular internet data connection which eliminates the use of our mobile phone plan minutes.

Web Conferencing – Provides a method for electronic and virtual participation and collaboration using PC based software. This free software permits multiple people to view an electronic slide presentation, share with participants their screen display and even provide an electronic whiteboard of which all can actively draw upon. This software has been utilized to decrease the number of "face to face" meetings and associated travel costs and lost productivity due to travel time.

eLearning – Using free software to provide an Internet based learning experience that permits students to obtain training at the time and location of their choosing, thus eliminating the need for groups to gather for a typical classroom setting, often times requiring travel costs to be incurred. This system was first utilized to recertify all individuals who administer the LSIR tool which is a standards based risk assessment test. This system has been expanded to provide support for all KDOC staff development activities beginning in FY 2010.

Remote Technology support – Emphasis has been placed on performing IT technical support remotely as opposed to local on site support. This has yielded productivity gains for support personnel at our facilities who also support all of our parole offices and many community corrections staff. We have made enough advancement with this effort that we recently were able to offer up a state vehicle for reallocation within KDOC.

Paper usage reduction - KDOC has leveraged multiple tools to reduce the amount of printed reports not only reducing expenses for paper but also increasing productivity. The typical productivity gains have been realized from using software to locate and search for specific content within reports as well as eliminating the mailing of reports.

Electronic Officer Logs – Deployed a new computer system in which officers log activities at their respective posts. This system replaces paper based logs which needed to be stored and frequently had to be manually searched for entries in response to inquiries. The new system

permits easy searching and has eliminated the voluminous storage requirements and also enhances the opportunity for superior officers to review past shift activity.

Online Law Library – We are required to provide access for offenders to a law library. Previously, this requirement was accommodated by maintaining a physical library of law books which was inconsistently maintained throughout the agency and was quite expensive. The new system provides a highly secured Internet based access to Lexis Nexis which provides an up to date and comprehensive collection of legal reference material.

Offender Centralized Banking – KDOC has centralized all offender banking activities at Lansing Correctional Facility. This has not only reduced costs but has also provided for the development of other automation since all of the data is centralized. As part of this system, inmates now access their bank account information via secured kiosks dedicated for the use of inmates which eliminates paper account summaries as well as reducing requests to administration for account balances. This inmate kiosk system used all free software and re-purposed old pc's from state surplus.

Inmate electronic messaging – a new vendor supplied system which is not funded by SGF monies provides electronic messaging for inmates. These messages displace written correspondence between an inmate and someone outside the facility. This system reduces the cost of processing mail, provides greater safety to officers by reducing the introduction of contraband and also greatly aids our investigative ability by easily reviewing and searching through past messages.

Overall Facility Savings

Ellsworth Correctional Facility

FY 2009 -The savings under salaries were primarily due to vacancies in security throughout the year. The security positions were not filled, because we had a limited application pool. To accommodate the shift vacancies, we detached a total of 8 Detail Officers from their work assignments and placed them in our vacant security positions. The Detail Officers were displaced for a total of eight months. In addition, we had a total of 12 retirements in FY09 plus savings were realized toward the end of the year by not filling three non-uniformed positions.

Savings under "other operating expenses" were mainly from utilities due to the reduced cost of natural gas. Not only did we realize savings for natural gas but also for electricity due to a lower energy cost adjustment because of the lower natural gas prices.

Finally, savings were also realized by reducing inventories and purchasing items on a "just in time" basis.

Below is a list of actions taken by the Ellsworth Correctional Facility to reduce Other Operating Expenditures for Fiscal Year 2010:

- Shutdown west greenhouse operations for the winter.
- Required correction officers to purchase their own black polo shirts after initial issue of two (2) shirts.
- Set thermostats at 68° in the winter and 78° in the summer.
- Set thermostats to shut off at 3:30 p.m. and turn on at 7:00 a.m.

- Reduced use of floor sealer and wax by only stripping floors every six (6) months.
- Restricted overnight travel for offsite training and meetings.
- Reduced painting of interior walls by removing marks with special cleaner.
- Reduced printing in Living Unit Control Centers.
- Restricted the use of ice melt to sidewalks only.
- Postponed replacement of deteriorated concrete sidewalks.
- Restricted watering of grass to only around Building #1 (Administration) and to water only one-hour per day, two days per week.
- Reducing mowing to one day per week.
- Reduced Detail Lieutenant visits to outside private industries and lakes from once per week to once every two weeks.
- Reduced consumption of toilet paper by requiring inmates to request additional toilet paper from living unit staff.
- Eliminated evening visitation.
- Purchased many items on a "just in time" basis.

El Dorado Correctional Facility

FY 2009 - The El Dorado Correctional Facility was able to manage within allocated resources and realize some end of year funds in FY09. Early in the fiscal year, the facility established a goal of maintaining 16 uniformed and 8 non-uniformed position vacancies to generate salary savings. Additionally, compensatory time was eliminated and overtime was reduced by considerably collapsing posts, as opposed to expending overtime. The reduction of 32 hours in FY 09 annual training, for CO I's and CO II's, also allowed more staff to be available for shift coverage.

The facility conserved funds in other operating expenses by reducing consumption of utilities accordingly: 6% in electricity, 7.7% in potable water, 7.3% in waste water, and 7.3% in natural gas. Additionally, the facility reduced costs by realizing a lower cost in building insurance, landfill expenses, travel in the state, inmate clothing, office supplies, and by holding purchase requisitions for maintenance and related areas

Other EDCF efforts to streamline operations are listed as follows:

- Encourage staff to turn off/unplug any unnecessary electronic equipment and lights.
- Automated Alpha and Tier rosters reduce the paper consumption.
- Use smaller envelopes (6"x9") to mail applications to candidates.
- Scan and e-mail letters to Central Office.
- Recycle cans and plastic to decrease trash.
- Decrease number of reports and duplex copies.
- Reduce consumption of office supplies.
- Implemented a bin system in the laundry to save clothes, towels.
- Reduced drying time for dryers by installing new vents.
- Installed a Corona discharge ozone generator to conserve water.
- Replaced typewriters with word processors in the Library.
- Using a bag-less vacuum cleaner to save vacuum bags.

- Instructed staff to review their current work process to determine ways to streamline.
- Journal entries are now received by fax prior to inmates arriving at the RDU.
- RDU uses cell house inmates to fill indigent bags, reducing warehouse staff time.
- Utilizing scrap materials, especially lumber and metal whenever possible in the maintenance department.
- Hold vacant 16 uniformed and non-uniformed positions to generate salary savings.
- Increased collapsible uniformed posts to reduce overtime spending.
- Eliminated use of comp time.
- Combined segregation yard activities with shower activities where feasible to reduce escorts and inmate movement.
- Conducting disciplinary hearings for segregation inmates in cells as opposed to escorting them to an office.
- Utilize strip search rooms in segregation to enhance safety and control laundry inventories.
- Utilizing K-9 officer 8 hrs per week on shift.
- Eliminated inmate funeral escorts
- Reduced consumption of warehouse supplies.

Hutchinson Correctional Facility

FY 2009 – Did not stock up inventories at the beginning of the budget year. HCF began FY 2009 with an even tighter rein than we had at the end of FY 2008, especially during the first quarter. Inventories generally were kept to a minimum throughout the year. Auto parts and supplies were purchased as needed from O'Reilly's as opposed to keeping inventory on hand. HCF saved money by re-evaluating inmate incentive pay. In 2008 we were over budget in this fund because of the extended number of over budgeted inmate pay slots. We scrutinized our inmate pay slots and found cost savings in many areas. Gardening doesn't pay. HCF saved several thousand dollars by discontinuing gardening, putting the detail sergeant on shift to off set overtime and putting the inmates to work in private industry. Today HCF has 68 men working in private industry settings; none of them are currently earning incentive pay from the facility.

In 2009 HCF reallocated several positions from non-uniform to uniformed. Several retirements and vacancies allowed this to happen. The additional staff on shift served to effectively offset the overtime demand that we had seen previously. Security staff assigned to non-shift assignments were required to work 20% or one day per week on shift. The Key Control officer, the Tool Control officer and Staff Development members were put on shift one day per week or worked on one weekend day with a split day off in the middle of the week. It was mandated that the roster not be issued with scheduled overtime unless all of these staff had been utilized. Security positions assigned to KCI, laundry and outside details were realigned and put on shift assignment.

During FY 2009 HCF was fortunate that the weather was reasonably mild. Utility costs could have been much more costly had typical winter weather ensued. Fuel demand for vehicles was reduced by limiting all travel as much as possible. Training for all levels of staff was limited to on site offerings from our own Staff Development Team. This combined with the reduction to 40 hours from 80 helped as well as converting from the one-day-per-month practice to a straight 40 hour week long annual training format. Corrections Officer and Counselor positions were kept full throughout the year. Shrinkage was gained by holding non-uniform positions open.

HCF Maintenance staff accomplished countless small but meaningful tasks that yielded savings. A summary of the most significant efforts includes the following: some of this is corrective or preventative maintenance. Most of this was just getting the original specifications of the energy program back to what it was when the program was established in 2002. Tuned in #2,3 boilers to achieve optimum combustion. This work was completed by a private contractor. Rebuilt or replaced several steam traps, located and repaired leaks in the steam systems. Established numerous set-back temperatures that can be used when some areas are un-occupied. Established space set point temperatures as recommended by the energy program. We optimized the functions of existing A/C units in the Central Clinic and E-Dorm. We repaired a gas leak at the Power Plant. HCF installed locking thermostats where needed to limit casual tampering. The work completed by HCF Maintenance staff allowed us to get the original energy program back to the originally anticipated energy savings.

Lansing Correctional Facility

FY 2009

Factors Resulting in Budgetary Savings

At the close of April there was estimated savings in the LCF budget of \$231,090. The narrative below indicates the identified areas where savings has occurred.

Salaries

At one point during the current fiscal year the calculated budget shortfall was as high as \$162,316. With two remaining pay periods the estimate indicates this has been reduced to the break even point. It is anticipated that the savings will continue for the duration of the fiscal year. Several factors led to this reduction:

- Annual training classes were delayed in order to have additional shift coverage.
 - Vacancies have been maintained in non-uniformed positions and the Corrections Officer I class has also been delayed to generate additional savings.
- Overtime has been held to a minimum by –
- Adding additional Operational Staffing posts to each shift. (more posts to collapse)
 - Closed additional posts.
 - Security staff on administrative schedules are currently required to work one weekend day rather than a Monday through Friday schedule. This allows for more staff on shift when absences are typically higher.
 - Transportation staff are notified if we need them to work different hours or shifts. We look at the shift rosters on Thursday each week and then based on this we assign them to other shifts or hours where they are needed.
 - We have authorized shifts to pull shakedown staff down to 4 per team if they need help on shift.
 - Shift supervisors adjust hours for staff who work hospital duty. This assignment is longer than 8 hours each day so shift supervisors allow them to come in late or leave early later in the week to avoid overtime.
 - Staff who either use annual leave or were sick are asked if they want to work their day off to make up the time. This allows them to not use leave and allows us to avoid overtime.
 - We have limited or cancelled SORT training for the past several months.
 - We utilize shift supervisors to help fill shift (working a post other than shift supervisor) when we have more than two in the max unit. (limits supervisory contact and oversight of new officers)

- Visiting was cancelled on Mondays and Fridays allowing one CS I, one CO II and two CO I's to work shift on these two days.
- We only took one bus run a week for several weeks to reduce hours of the transportation staff so they could be utilized on shift.

Contractual Services

Typically there is not significant savings in this area due to items in the series not being of a discretionary nature. Savings was observed in several areas due to the following:

- Utility unit costs for natural gas have been significantly less during the last three quarters of the fiscal year than anticipated. This is where the majority of savings throughout the budget has been observed.
- The hiring process did not occur as normal. This resulted in savings in the area of advertising for vacancies and costs associated with drug screens.
- Discretionary travel was reduced and the continuing effects of Reentry efforts resulted in lower than anticipated costs associated with the transport of parole violators.
- Annual blanket liability costs for the vehicle fleet were significantly lower for the fiscal year.

Commodities

Savings in this series has been generated mainly through inventory levels and reduced unit costs.

- Savings resulted due to delayed buying and depletion of stock inventories in the warehouse as well as maintenance areas.
- Clothing savings was observed due to fewer hiring of vacancies and the elimination of jump suits worn by the inmate population at East Unit when they went to the work site.
- Fuel costs during a large portion of the year were less than half of the unit costs observed early in the fiscal year.

Capital Outlay

Capital Outlay for FY 2009 was budgeted at \$173,576. During the first ten months of the fiscal year expenditures were held to \$3,260.

Larned Correctional Mental Health Facility

FY 2009 - In order for LCMHF to obtain the positive year end balance position that it has, facility operating inventories have been drawn down to uncomfortably low levels. We have seriously curtailed staff travel and outside training opportunities in order to reduce expense.

We have operated facility physical plant systems as efficiently as possible, maintaining cooler temperatures throughout buildings in the fall and winter months and then we have held off turning on cooling systems this spring until just a couple of weeks ago. These systems practices along with both mild seasonal temperatures and favorable utility rates have contributed to the savings being achieved. When possible we have also purchased less expensive and recycled materials and products for use in our consumable inventories.

Significant salary and wage savings have been achieved as well by several notable factors. First, a large number of staff vacancies have existed due to area wide employment challenges in the economy. Secondly, our facility is experiencing several staff members who are away due to military deployment. And finally the Administrative Assistant position for the CDRP program has been vacant for an extended amount. All three of these factors have contributed to the salary and wage savings segment of our overall facility wide budget savings which have been obtained so far in fiscal year 2009.

Norton Correctional Facility

Several factors contributed to NCF ending the current fiscal year with budget balances in positive territory. Perhaps most significant were: 1) our high number of vacancies during FY'09, 2) the limitations placed on filling vacancies other than uniformed corrections officer and unit team positions (waivers required), 3) unexpected savings in utility costs, 4) allowing inventory levels to dip lower than normal (combined with delayed spending to replenish these inventories) and 5) reductions in staff travel for training and meetings.

Through the fall and winter, NCF allowed uniformed vacancies (primarily at the Central Unit) to accumulate due to budget uncertainties and concern over possible suspension of operations at the East Unit in Stockton. To mitigate the impact of layoffs on staff, I wanted to have sufficient numbers of vacancies to offer jobs to any East Unit employee who wanted to transfer to the Central Unit. On February 2nd, the decision to suspend operations at the East Unit was announced and NCF continued accumulating vacancies until East Unit layoffs became effective April 4th. Vacancies peaked at 25 or 9.4% of our state workforce (20 uniformed and 5 non-uniformed) on 04/01/09. While there was a burnout factor to be considered in having high vacancy rates, I felt it important to absorb as many East Unit staff as possible. Of course, these vacancies generated significant savings in salary and wages, yet we were unable to respond by hiring new staff if we were to absorb East Unit staff with 5 pay periods remaining in the fiscal year. Hiring new staff would have: A) limited how many seasoned East Unit staff we could absorb, or B) cause layoffs of the new hires on original probation after a significant investment in hiring and training them.

Another contributing factor was a milder than usual winter. This combined with energy saving steps taken in recent years to limit utility expenditures lead to lower utility costs than anticipated and budgeted for in FY'09. [In areas so equipped, we turn air conditioning on relatively late in the spring and shut it off fairly early in the fall. Then, we hold off as long as possible before firing the boilers in the fall to activate our heating systems.] Of course, weather can not reliably be predicted and the best one can do is look at recent history with an eye to averaging costs and factoring in expected unit cost increases to build a budget for the coming fiscal year. Even though we have reduced usage levels since utility enhancements were made several years ago, we have been challenged with higher per unit costs for natural gas and electricity in recent years.

NCF has also instituted a very conservative approach to requisitioning and purchasing of new items, especially during this fiscal year since it started with the request from Governor Sebelius to find 2-3% in further savings. In fact, it seems we have talked so much about budget issues-many staff have reduced (or stopped) requesting new items. The Supply/Warehouse even put out a call for return of certain supplies that, for various reasons, had accumulated in excess amounts so staff could assess the true amounts on hand and then redistribute these items when filling new orders.

A smaller factor, but probably worth noting, is that NCF has experienced retirements and turnover in higher level key staff in the last 12 months, where incoming replacements earn less than the former incumbent - which has lead to salary savings.

Topeka Correctional Facility

The following actions and initiatives contributed significantly to our positive end of FY 2009 budgetary status for TCF.

- Mothballed A-Dorm
 - Held 5 FTE unfilled since October
 - All but eliminated utility usage in this Dorm for the same time frame
- Held 3 Facility Maintenance Supervisor positions and an Activities Specialist position open for the entire fiscal year, and the Training Director position since April 1st
- Converted to electric hand-dryers to eliminate paper towel use
 - Though installed throughout the fiscal year, savings generated in FY09 still equaled \$6000. Savings in FY10 should be nearly \$45,000
- Saved significantly on sanitary napkin purchases by issuing a set quantity per inmate per month, rather than providing them in dispensers. This procedure mirrored those found in Florida and Texas.
- Made full use of State and Federal Surplus for goods like office furniture and related items of need.
- Virtually eliminated overnight travel and per diem.
- Obtained clothing patterns from KCI, and no longer purchase any components of our inmate clothing except for cloth.

There is still some uncertainty as to which vehicle will be replaced. We have four Crown Victoria sedans that are all well over the mileage threshold. However, Mr. Poole would like to confer with our auto-mechanic on Monday and get his opinion as to the worst of the worst.

Winfield Correctional Facility

FY 2009 - Following the Governor's request at the beginning of the year to monitor spending very carefully and try and create savings of 1% to 2% we have been very conservative. This frugality, along with some unexpected developments, now leaves us with some significant positive balances in our OOE. The largest amounts of savings have been in 280-Utilities, 400-Capital Outlay, 250-Travel, 350-Vehicle Parts and Supplies, 290-Other Contractual Services, 240-Repair & Servicing, 300-Clothing and 200-Communication.

Several factors played a part in creating savings in our Utilities this year. First off, we had budgeted our natural gas at \$11.35/mmBtu, based on our rate at the end of fy08. That turned out to be the peak, and our rates have dropped steadily throughout the year. In April 09, we were able to lock-in a rate of \$5.62 for the next 12 months. Adding in the transportation cost, our natural gas is now in the low \$6 range. Coupled with this, we experienced a slightly warmer than normal winter, reducing our overall consumption.

Other utilities such as electricity, water and sewer have remained mostly on-target, both in rate and usage.

The savings in Clothing and Other Contractual Services resulted from having a lower than budgeted ADP. We entered fy09 budgeted for an ADP of 435. Through much of the year so far, our population has been more around 400 and has even been lower than that at times. We were able to reduce our replacement of clothing and paid out less in incentive pay. As our

population turns back around with the reopening of B-Dorm, our spending in these areas will increase proportionally.

The savings in the other areas are mainly a result of purposefully holding approved spending to a bare minimum. Needed Capital Outlay equipment has not been purchased, and we have delayed or forgone some repairs to buildings and vehicles. Staff travel has been greatly reduced, which has further helped hold down gasoline costs and vehicle expenses. We have also benefited from lower than expected gasoline prices.

Throughout most of the year, we have limited our filling of vacant positions to only those in the Corrections Officer and Counselor areas. Some support positions were left vacant entirely. We were on target to stay within our budgeted salaries and wages, with our normal 2.5% shrinkage. The salary and wage reduction resulting from the closure of B-Dorm and the reduction in staff fte associated with that have proven to be fairly closely matched, but has now left us a little overspent in this area. We should end the year overspent in salaries and wages by about \$10,000.

We propose using our remaining funds as outlined in our earlier submitted listing. Needed equipment repairs and/or replacement will now take place, along with the building of supplies inventories to more reasonable levels, especially in light of an anticipated increase in our population, and the uncertainties associated with funding levels in FY '10.

Southern Parole Region

Use of conference calls to replace travel for various region committees

Reduced the number of region meetings in FY 09 from 4 to three, reduces travel costs & room rental costs

Use of electronic training systems, which reduced need for travel to mandatory or recommended training

Space is provided to other agencies to do office contacts & Federal Probation, in rural offices, group sessions

Space is provided for Federal substance abuse service provider in Pittsburg and Independence offices, in exchange they provide services to our offenders at no cost to our agency, only offender self-pay

Interstate Compact

Our unit now will scan and email everything we can to save money on paper and postage.

Special Enforcement Officers

We have a target of a 10% reduction in monthly mileage based on a yearly monthly average.

We have reduced firearms training from 4 to 3 times per year.

We have changed emergency vehicle training and certification from every 3 years to 5 years.

We have split annual training from one location to regional (SPR & NPR segments to reduce travel and per diem costs).

We are utilizing our community partners for specialized training without costs to our agency.

We are working in conjunction with the US Marshal Service as part of their Fugitive Apprehension Task Forces in KC, Wichita & Topeka. This cooperative arrangement provides assigned officers training, overtime funds and equipment

Community & Field Services

- In Parole we are purchasing laptops instead of desk tops to support staff who are acting as the "on call" person so that they can check KASPER, TOADS, OMIS and produce

warrants etc. from home rather than have to waste gas and time driving into the office (which in some cases is miles), and working with local law enforcement to accept warrants etc. from email or fax rather than hand delivered for the same reason.

- Leasing Parole & Reentry Office space is done with the shared space committee through Purchasing to provide more one stop type services for Kansans and to reduce duplication of equipment through sharing of copiers, faxes, as well as shared lobby space and restrooms. This is particularly useful when we can share with Community Corrections or within a Courthouse (Emporia) where services such as security and ADA compliance can be done for all and shared for offenders and their families.
- Groups (GED, Cognitive, Substance Abuse Treatment, Batterer's Intervention, Sex Offender Treatment) are provided either by KDOC or Community Agencies, for support and treatment that include both Parole and Community Corrections in several parts of the state, in the Parole & Reentry Office areas.
- Office space is provided to a Federal Probation and Parole officer in the Olathe Office to help them save time and money serving their offender group in the community, because Parole is open early and late and has a safe and easy to use site.
- Conference calls are becoming the norm to reduce staff travel for committees and facility and Parole interaction to improve release planning activities.
- Training is done via computer as often as possible, and when not possible, trainers (example is Interstate Compact) go to groups regionally that serve Court Services, Parole and Community Corrections to reduce the number of trips and classes. Much training is now done on computer (example: Interstate Compact for Adult Supervision is done via tutorials and interactive web designed classes for users, and webex for national committee meetings).
- Central office and larger parole offices use networked printers & fax machines for most staff to reduce the number of machines required to maintain an adequate work flow.
- SEO/Special Agent's do not allow their cars to idle when doing surveillance or filling out reports unless necessary in order to maintain computer access, and have reduced travel as much as possible while working with law enforcement partners.
- Parole staff are asked to team up and travel to any meetings or trainings and not take separate cars.

**Testimony on Budget Impact on Kansas Department of Corrections
Offender Intervention Programs FY 2009 & FY 2010 Budget Years
to
The Joint Committee on Corrections and Juvenile Justice Oversight**

**By Roger Haden
Deputy Secretary
Kansas Department of Corrections**

July 9, 2009

The Budget reductions for FY 2009 and FY 2010 (to date) have resulted in the following offender intervention program reductions. The information below summarizes the budget impact by intervention program area and indicates capacity reductions by location and what capacity, if any, will be continued in FY 2010.

INTERVENTION PROGRAM: SUBSTANCE ABUSE TREATMENT SERVICES

- The TC at HCF was terminated eliminating 64 slots with no capacity remaining
- The TC at LCF was terminated eliminating 80 slots with no capacity remaining
- The TC at ECF was terminated eliminating 52 slots with no capacity remaining
- The TC at TCF was terminated eliminating 24 slots with no capacity remaining

These reductions resulted in a total loss of 220 slots and the loss of 22.5 FTE staff positions.

In addition, the initial RADAC assessments for treatment needs of offenders entering the system at the Reception and Diagnostic Units was discontinued.

For FY 2010:

- The 40-slot intensive outpatient program for males at LCMHF will continue;
- The Department plans to implement a similar 24-slot program at TCF for females

INTERVENTION PROGRAM: SEX OFFENDER TREATMENT SERVICES

- The SOTP program at NCF was terminated eliminating 40 slots with no capacity remaining.
- The SOTP program at HCF was reduced by 20 slots with 60 slots remaining.
- The SOTP program at LCF was reduced by 40 slots with 80 slots remaining.
- The SOTP program at TCF was reduced to a part-time schedule.

These reductions resulted in a total reduction of 100 program slots and the loss of 12.5 FTE staff positions.

DEPARTMENT OF CORRECTIONS

The community based sex offender treatment capacity will remain at the current level with 14 staff positions

INTERVENTION PROGRAM: ACADEMIC AND VOCATIONAL EDUCATION

Note: all staff positions have been reduced from full-time to part-time FTE, some to .4 or .6 FTE, most to .8 or .9 FTE except those positions funded with federal grant funding which remain at 1 FTE. 1.7 statewide administrator positions were reduced. The first set of information refers to state funded positions, and the second set refers to federal grant funded positions.

State Funded Programs:

At EDCF:

Eliminated:

1 Functional Skills Instructor,
1 GED Instructor
.5 GED Aide positions

Remaining:

.8 GED instructor
.8 RDU Evaluator
1 Vocational Masonry Instructor

At ECF:

Eliminated:

.5 Functional Skills Instructor,
1 GED Instructor Aide,
1 Construction (cabin-building) Instructor

Remaining:

.8 GED Instructor
.8 Construction (cabin-building) Instructor
two .8 Construction (cabin-building) Aides

At HCF:

Eliminated:

1 Functional Skills Instructor,
1 GED Instructor,
1 GED Aide,
1 Vocational Barbering Instructor,
1 Vocational Welding Instructor,
1 Vocational Industries Technology Instructor

Remaining

two .8 Construction (cabin-building) Instructors
.8 Construction (cabin-building) Aide
.9 Woodworking Instructor (cabin-building)
.9 Special Education Instructor
.8 GED Instructor
.4 Administrative Assistant

At LCF:

Eliminated:

1 Special Education Paraprofessional
.4 Special Education Instructor
1 GED Instructor
1 Administrative Assistant

Remaining

Two .8 GED Instructors
1.3 Special Education Instructors
.9 Special Education Paraprofessional
.9 Administrative Assistant
.6 School Psychologist

At LCMHF:

Eliminated:

1 GED Aide

Remaining:

.6 GED Instructor

At NCF:

Eliminated:

1 Vocational Landscaping Instructor

Remaining

.8 Construction (cabin-building) Instructor
.8 Construction (cabin-building) Aide
.6 GED Instructor

At TCF:

Eliminated:	Remaining
1 GED Instructor	.6 GED Instructor
1 Vocational Office Technology Instructor	.4 Special Education Instructor
1 Special Education Paraprofessional	.8 Building Trades Instructor
	.2 RDU Evaluator

At WCF:

Eliminated:	Remaining
1 Vocational HVAC Instructor	.6 GED Instructor
	.9 Special Education Instructor

Federal Grant Funded Programs Remaining:

At EDCF: 1 Functional Skills Instructor, 1 RDU Vocational Evaluator and .5 WorkKeys Assessor

At ECF: 1 Vocational Welding Instructor and 1 Functional Skills Instructor

At HCF: 1 Vocational Electrical Instructor 1 Functional Skills Instructor, and .9 Title 1 Instructor

At LCF: 1 Vocational Welding Instructor and 1 Functional Skills Instructor

The reductions in the education services contract resulted in the elimination of 27 staff positions with the remaining staff positions reduced from full to part-time status. The total number of program slot reductions for the educational programs is 218.

INTERVENTION PROGRAM: COMMUNITY TRANSITIONAL HOUSING

- In the Northern Parole Region 58 transitional housing beds were eliminated with no capacity remaining
- In the Southern Parole Region 46 transitional housing beds were eliminated with no capacity remaining

These reductions resulted in the total elimination of 104 transitional beds and a reduction of 30 staff positions.

Other Program Reductions

Batterer's Intervention Program in the Northern Parole Region was eliminated
Funding for the Ellsworth Visitor's Center was eliminated
Day Reporting Centers in Shawnee and Sedgwick Counties (140 slots & 18 staff positions)

INMATE HEALTH CARE SERVICES:

In addition to reduction in the offender intervention programs, the inmate health services contract has also been reduced by keeping nearly 20 FTE staff positions open for the 2010 fiscal year.

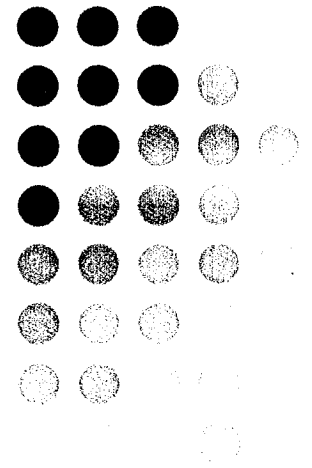
STAR DOC

Strategic Technical Architecture Roadmap

Joint Committee on Corrections and Juvenile Justice

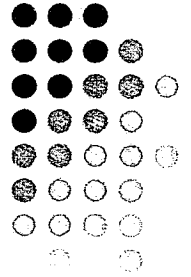
July 9, 2009

Ken Orr, Chief Scientist, Ken Orr Institute



Agenda

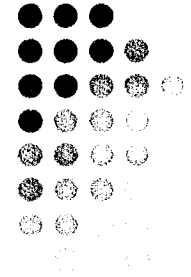
Approx 20 minutes



6-2

- **Project Background and Organization**
- **General Approach**
- **Key Activities and Findings**
- **Selling**
- **Where we're going**

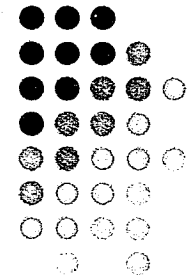
Project Background



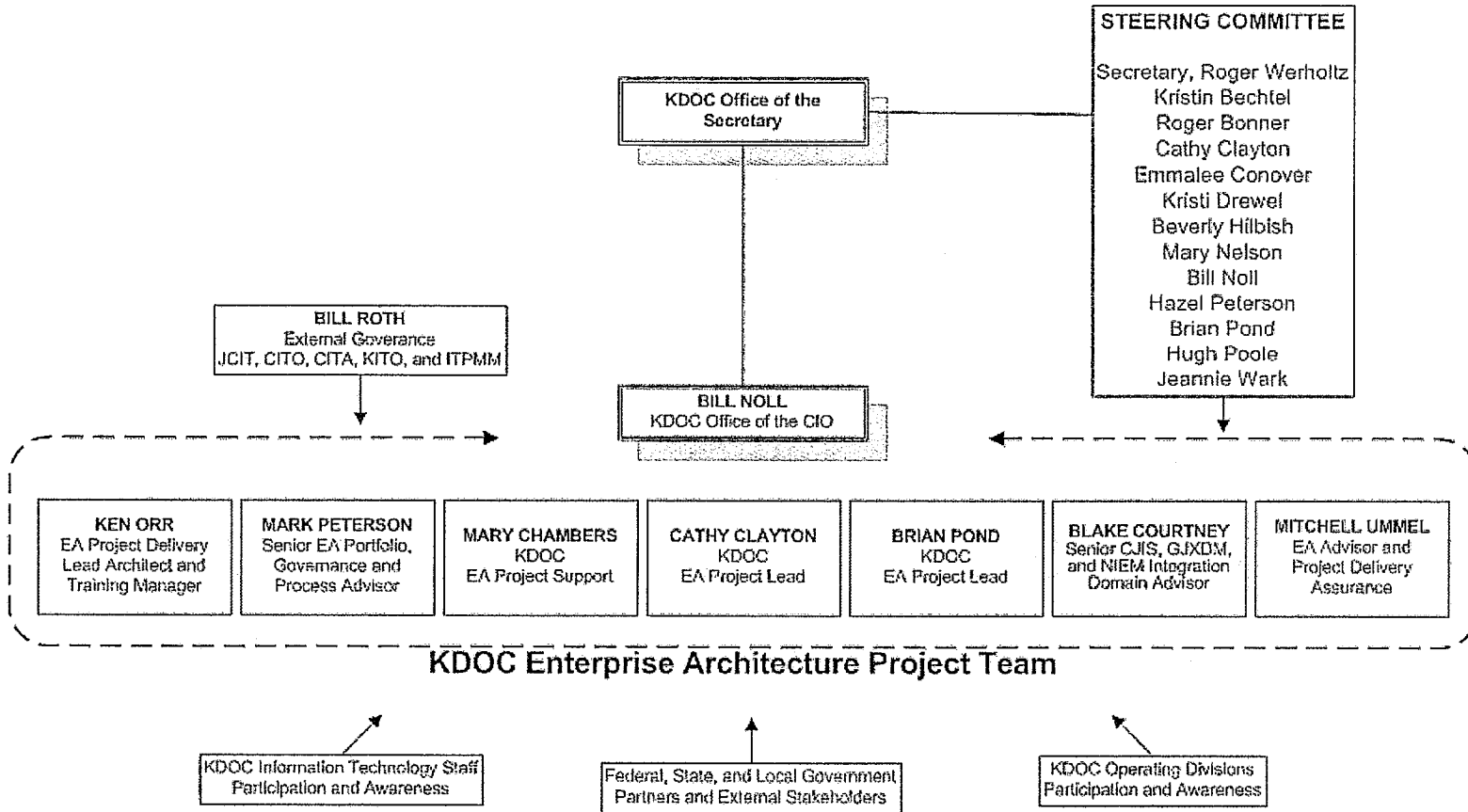
- JCIT-directed initiative for KDOC to develop a Strategic Enterprise Architecture (EA) Plan prior to modernization of OMIS and TOADS systems.
- EA project goals and deliverables defined by CITA, and endorsed by JCIT
- Task Order developed, competitive proposals received from 5 companies, and contract awarded to UmmelGroup International, Inc.

Project Organization

6-4

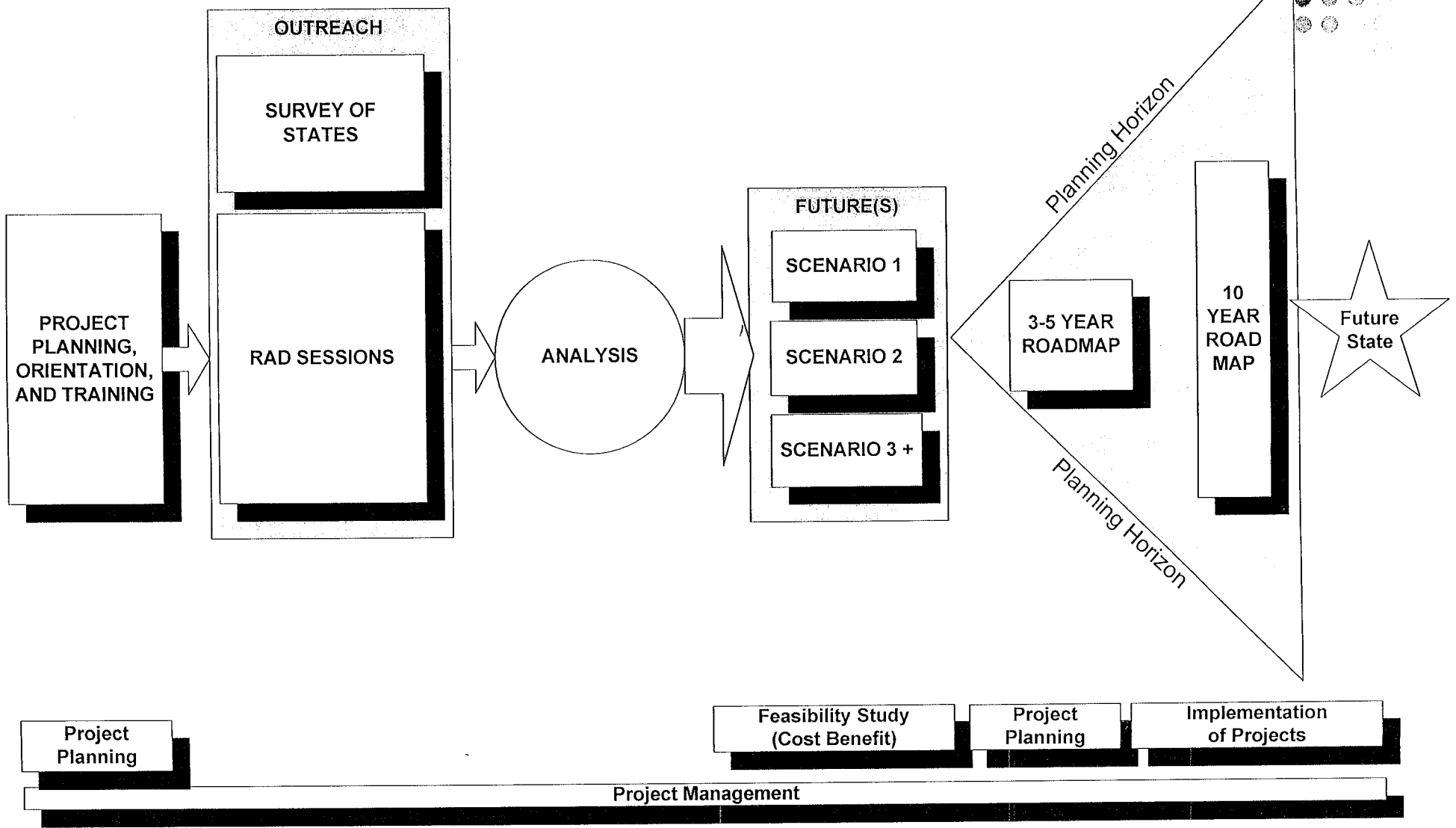


STAR DOC Project Organization

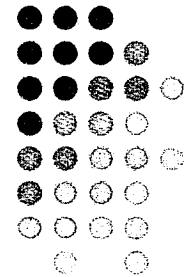


Project Schedule

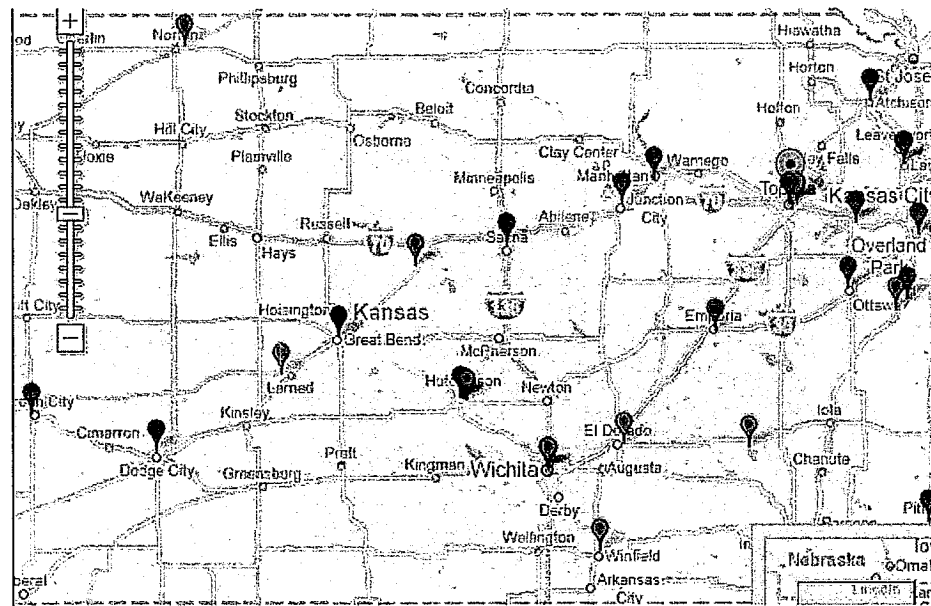
6-5



Business Process Areas Reviewed & Statewide Facility Visits

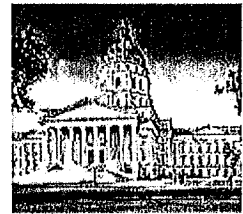
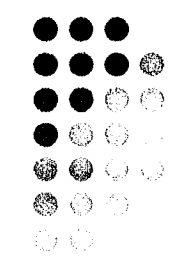


- Community Corrections
- Confinement
- Inmate Banking
- Inmate Property
- Intake and Evaluation
- Offender Grievances
- Offender Programs
- Parole
- Parole Board
- Research and Reporting
- Risk Reduction and Reentry
- Staffing Rostering
- Victim



Assessing Problem/Opportunity (KDOC's policy framework)

6-7

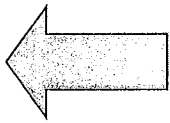


Statutes/Regulations

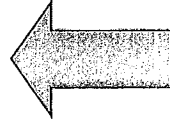
KDOC IMPPs



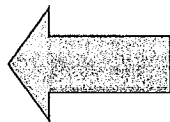
Facility General Orders



Post Orders

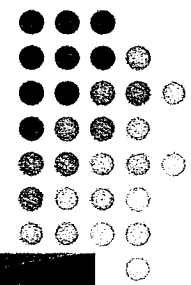


Practices



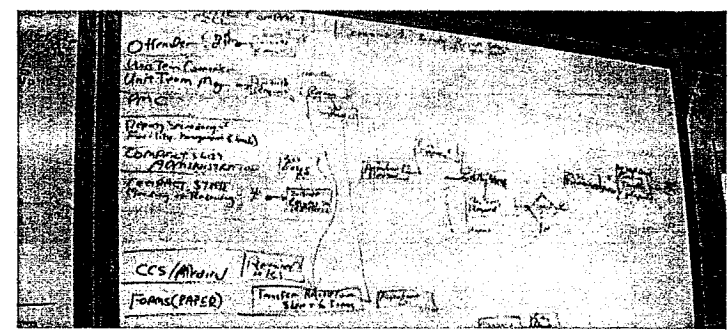
*"Target Rich"
Opportunities for
Inter- and Intra-
Facility BP
Standardization*





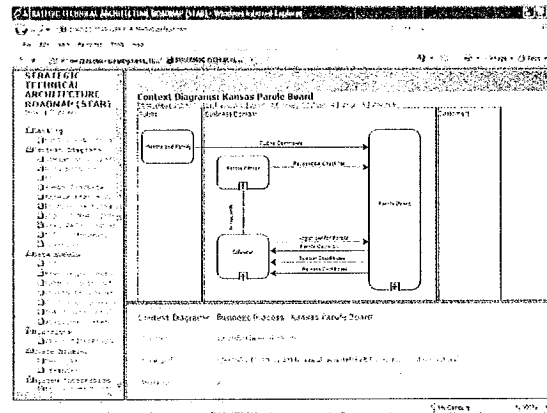
RAD sessions: Goals

- Rapidly discover (or validate), and document, high level business and data architecture
- Build and maintain a base set of living architecture models which can be elaborated as opportunities arise
- Achieve enterprise-wide “buy-in”, and create learning opportunities, through both IT and Business SME’s participation in the process.

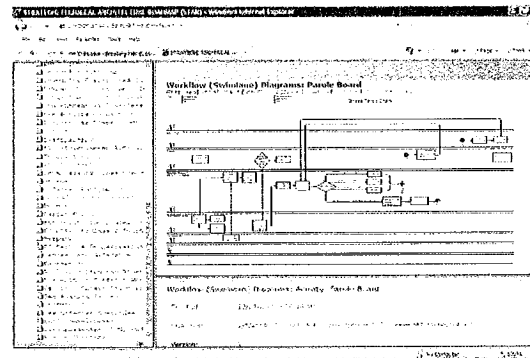


Analysis Artifacts

Business Context Models



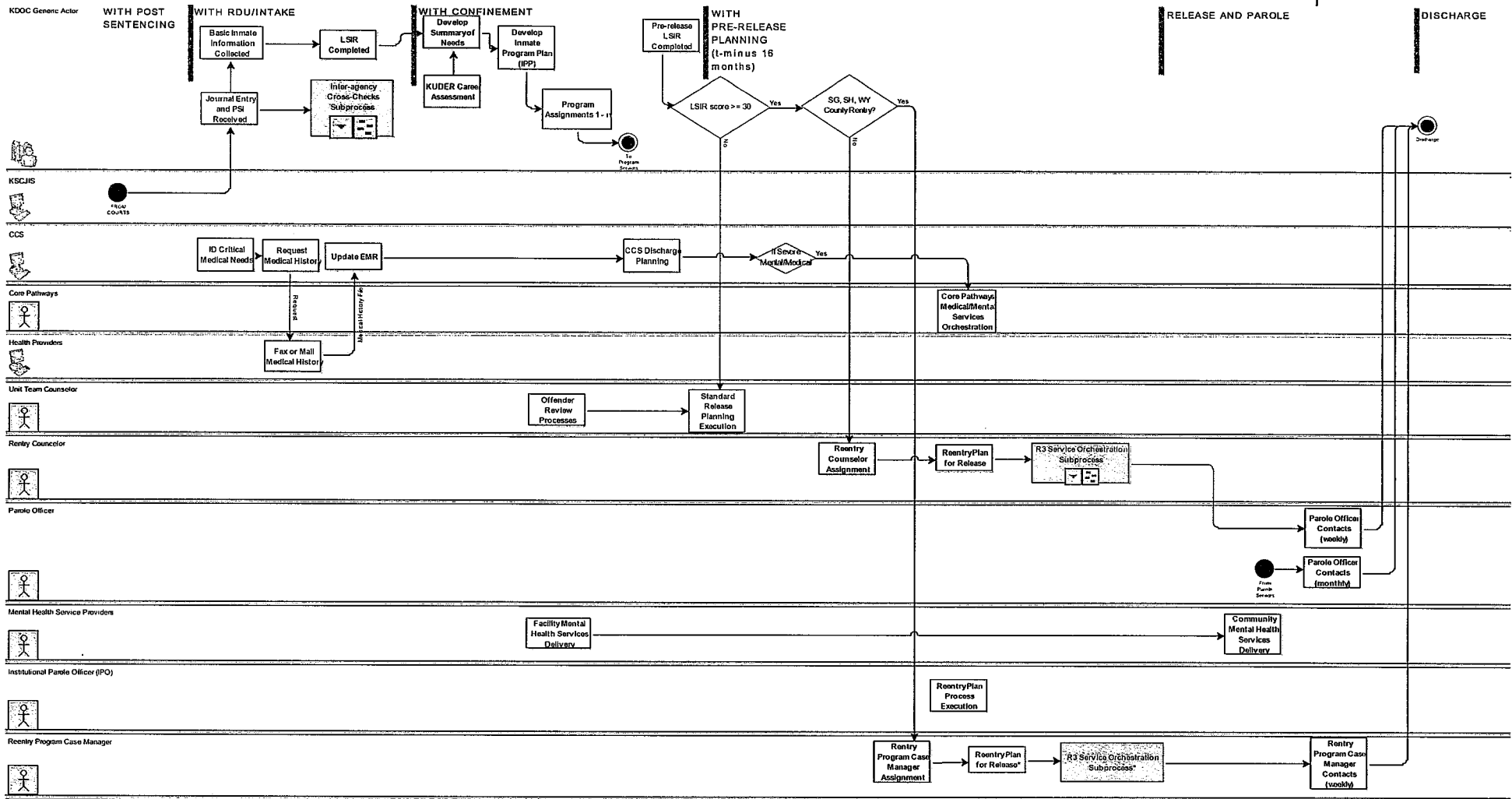
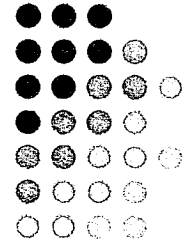
Business Process Swimlanes

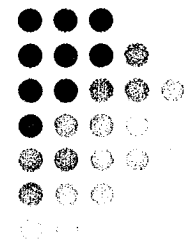


Problem Opportunity Listing

Problem/Opportunity	Description	Impact	Recommendations
Problem	Current system does not support the needs of the parole board.	Low	Investigate the current system and determine if it can be modified to meet the needs of the parole board.
Opportunity	Implement a new system that supports the needs of the parole board.	High	Conduct a thorough analysis of the current system and identify the requirements for a new system. Then, select a vendor and implement the new system.

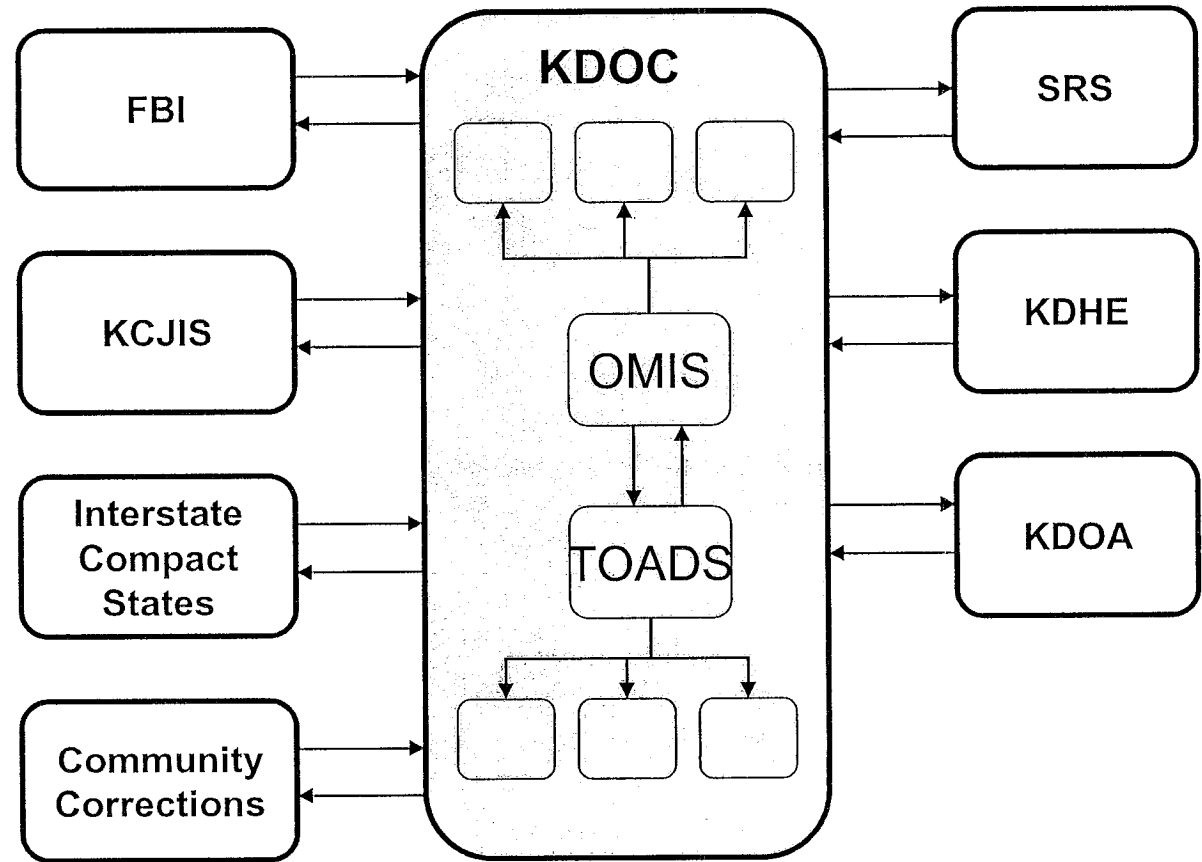
Business Process Swimlane (example)



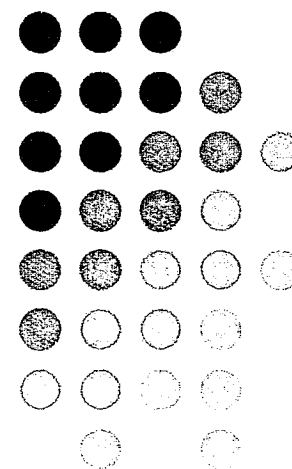


Information Exchange: A Key to Enterprise Architecture

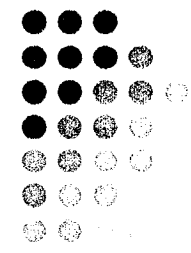
- Intra-Agency
- Inter-Agency
 - Criminal Justice
 - Social Service
 - Community
- Intra-State
- National



Selling the Roadmap



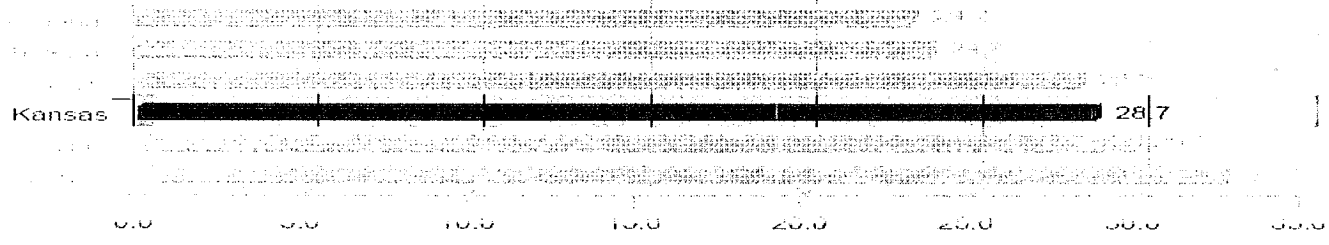
Age of State OMIS Systems

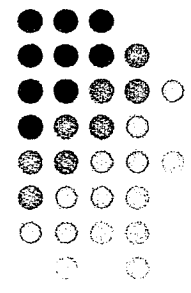


- Less than 5 Yrs.
- Over 5 Yrs.
- Over 10 Yrs.
- Over 20 Yrs.

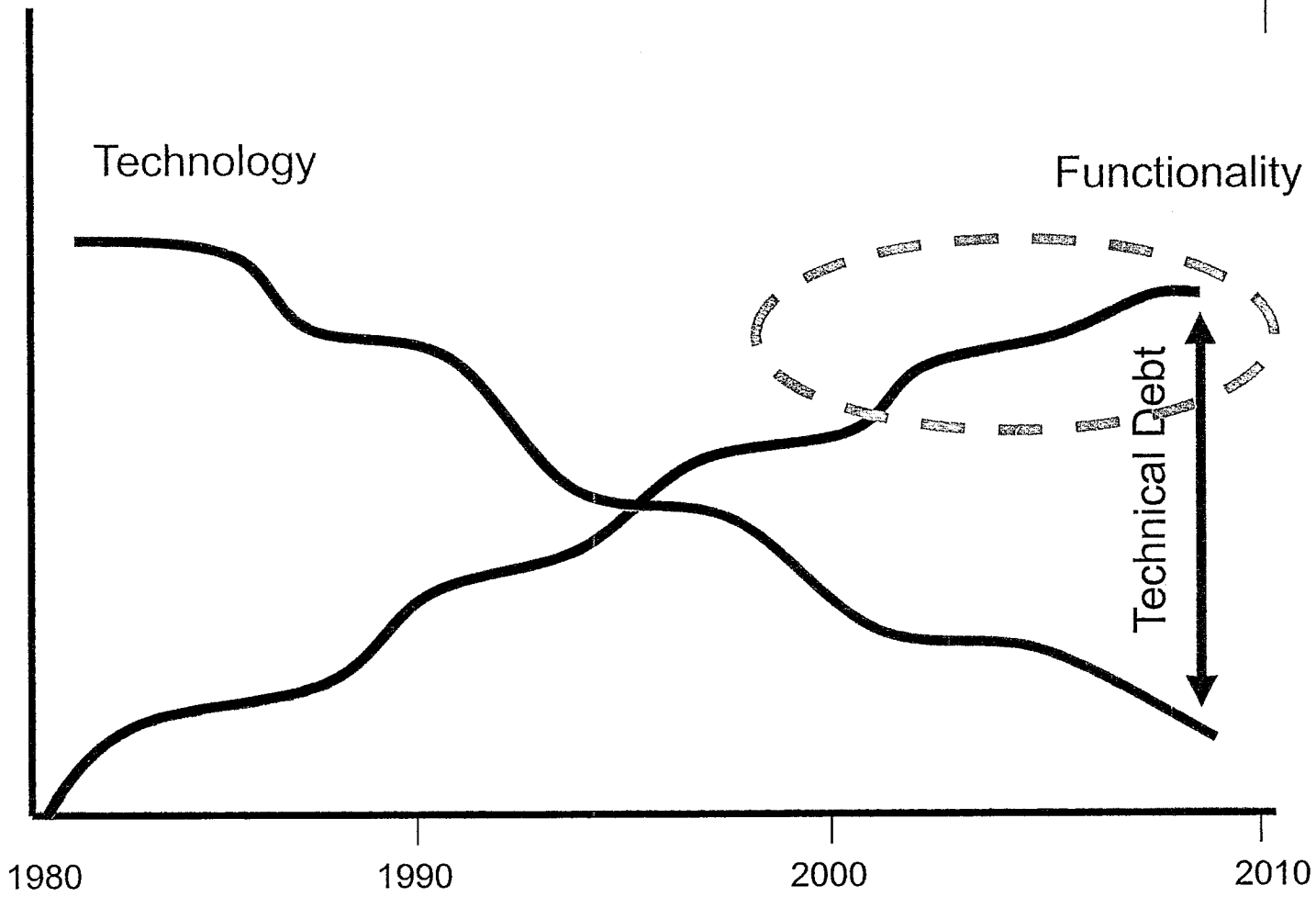


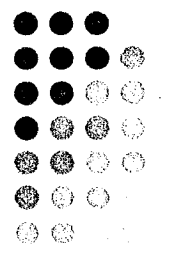
Kansas has the 2nd oldest Offender management system in the US



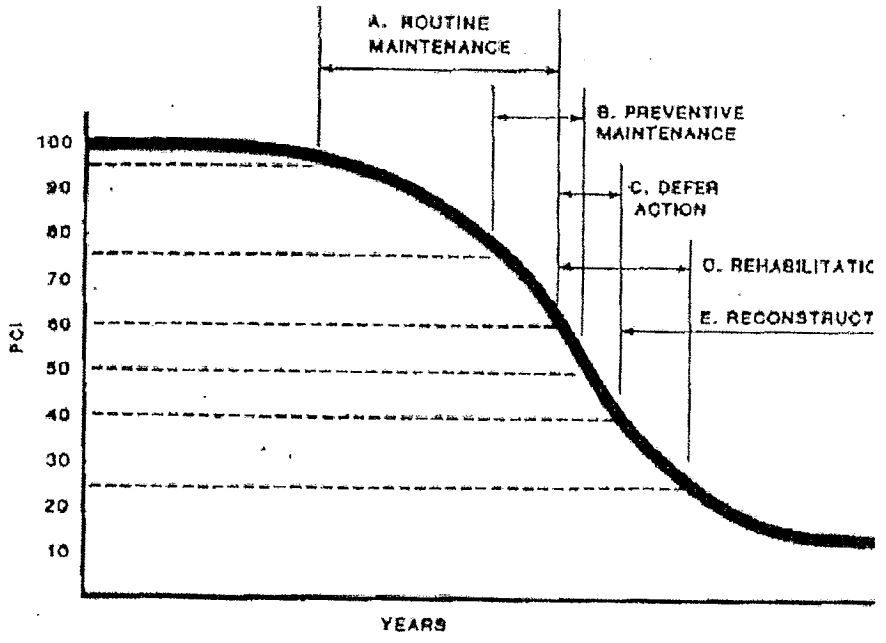


Functionality vs. Technical Debt





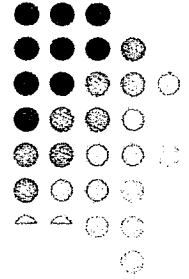
Learning from the Highway Folks about Long Term Assets



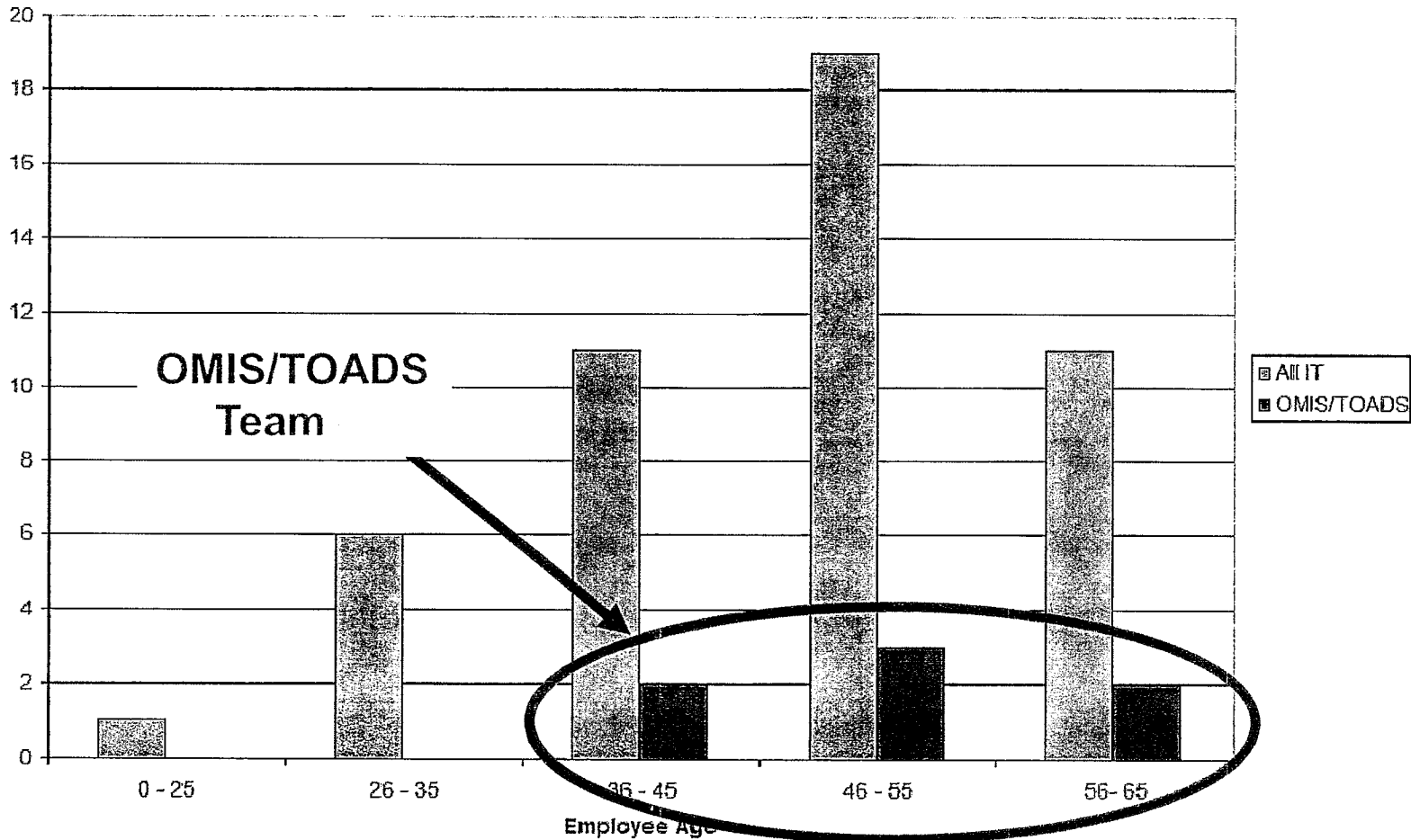
Highways

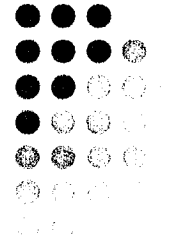
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KDOC has an aging workforce



KDOC IT Staff Age



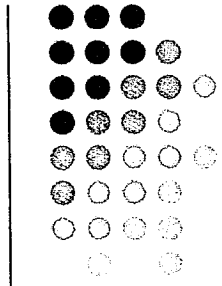


There is never a good time to replace major infrastructure



I35W Bridge Collapse – August 1, 2007, Minneapolis, MN

The Roadmap

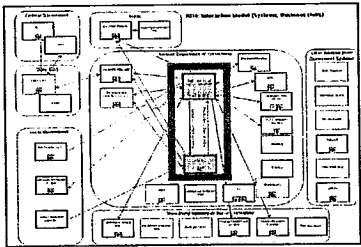


A to B

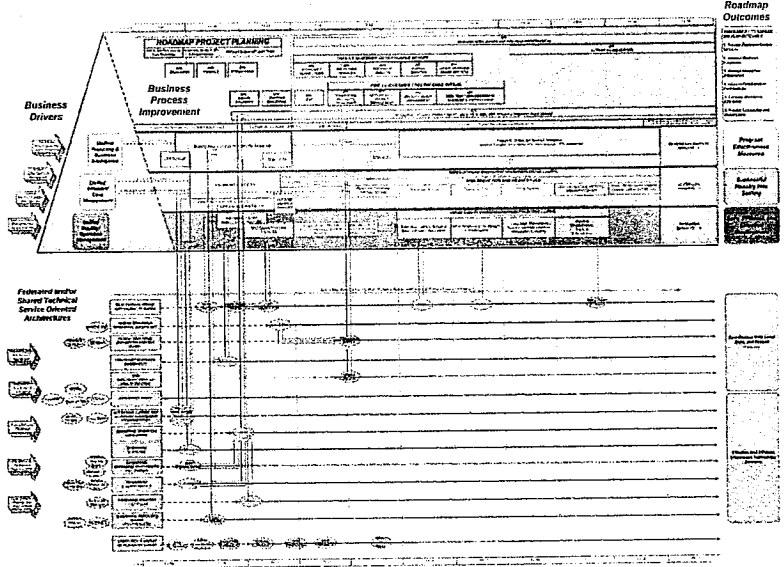
KDOC ENTERPRISE ARCHITECTURE
10-YEAR ROADMAP

11 March 2007 (Revised April 11, 2007)

A



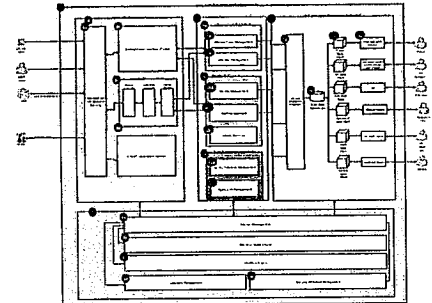
Where we are



How we get there

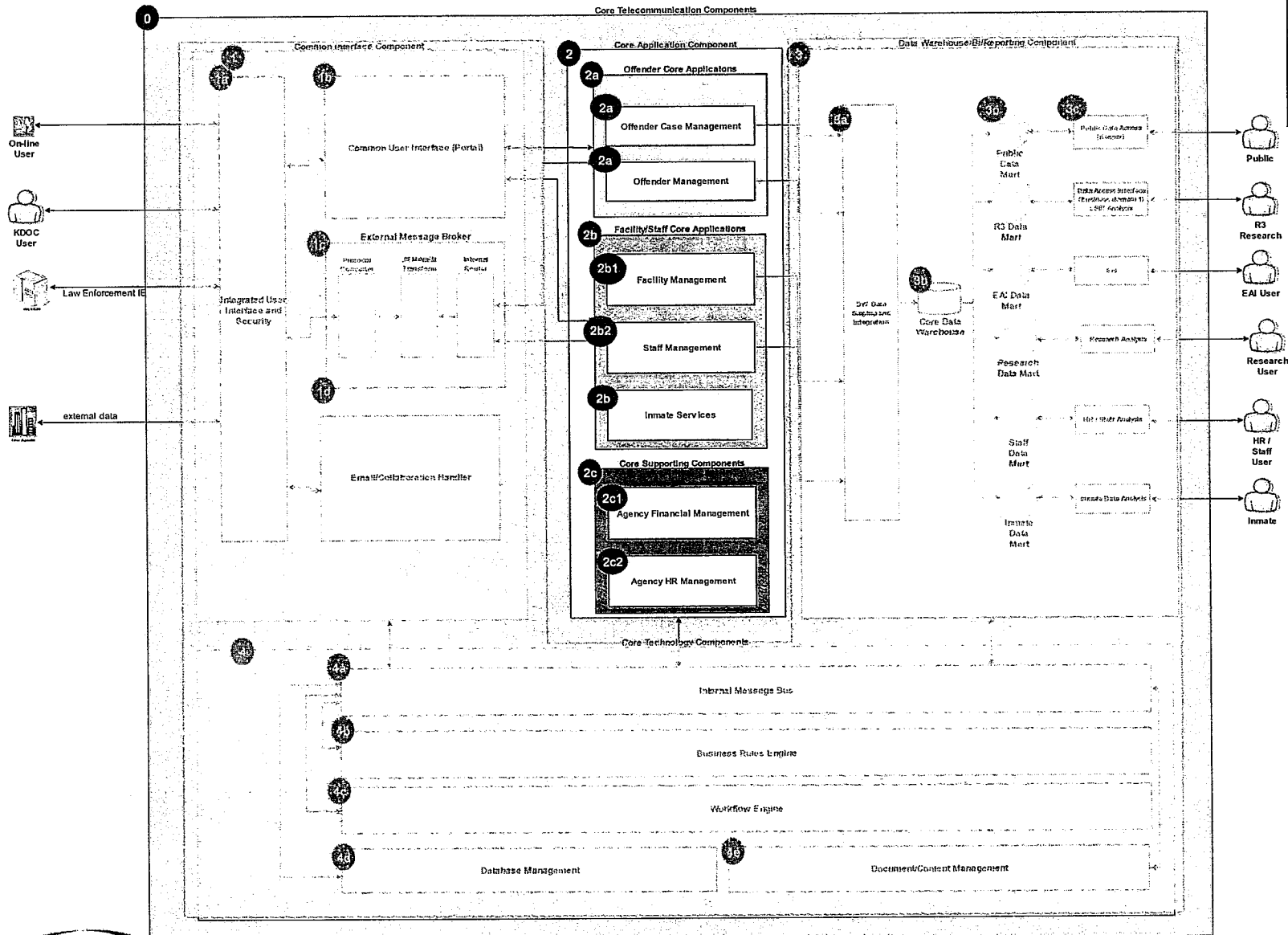
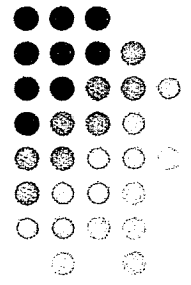


B

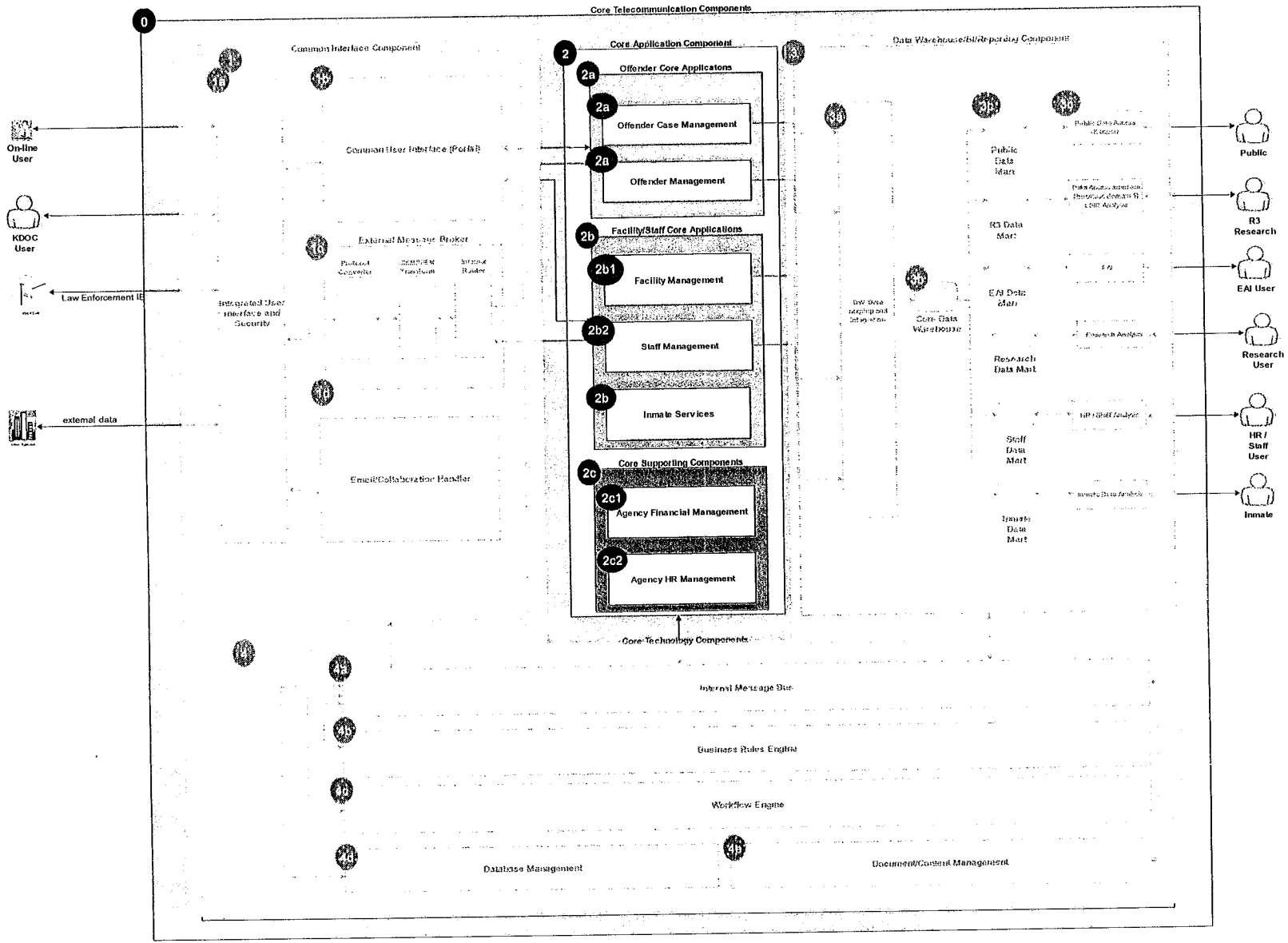


Where we're going

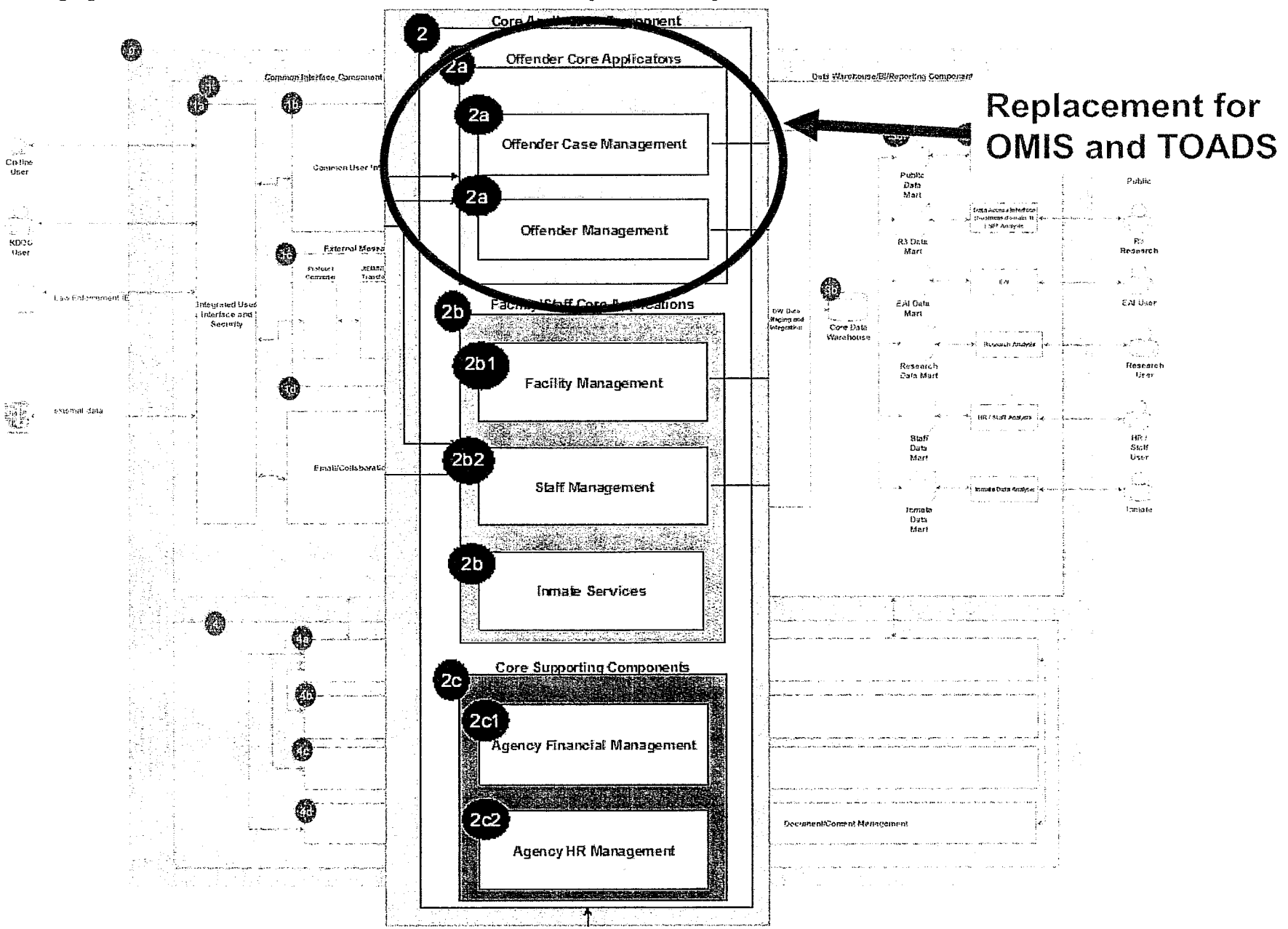
Application Architecture (to-be)



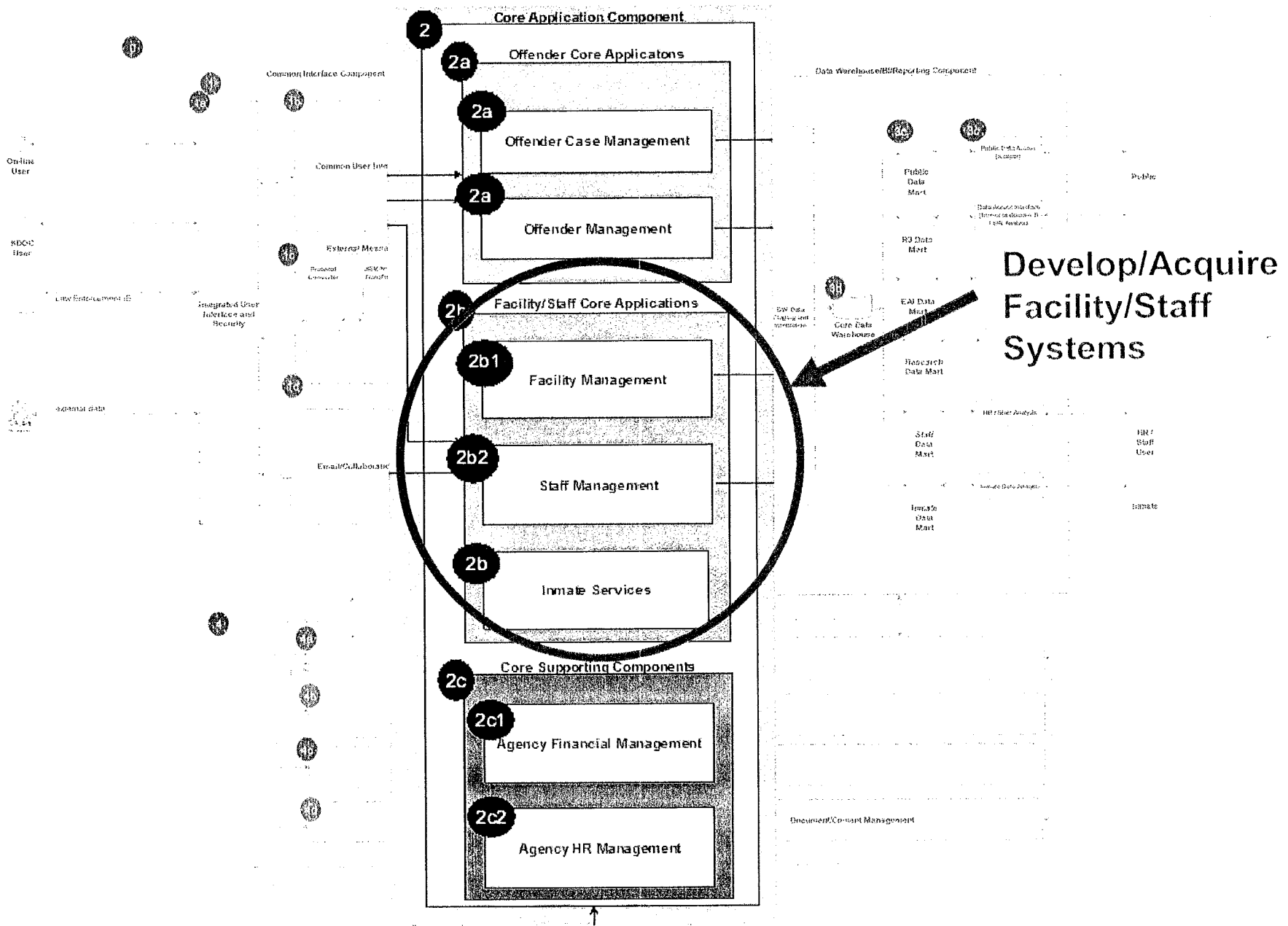
Application Architecture (to-be)



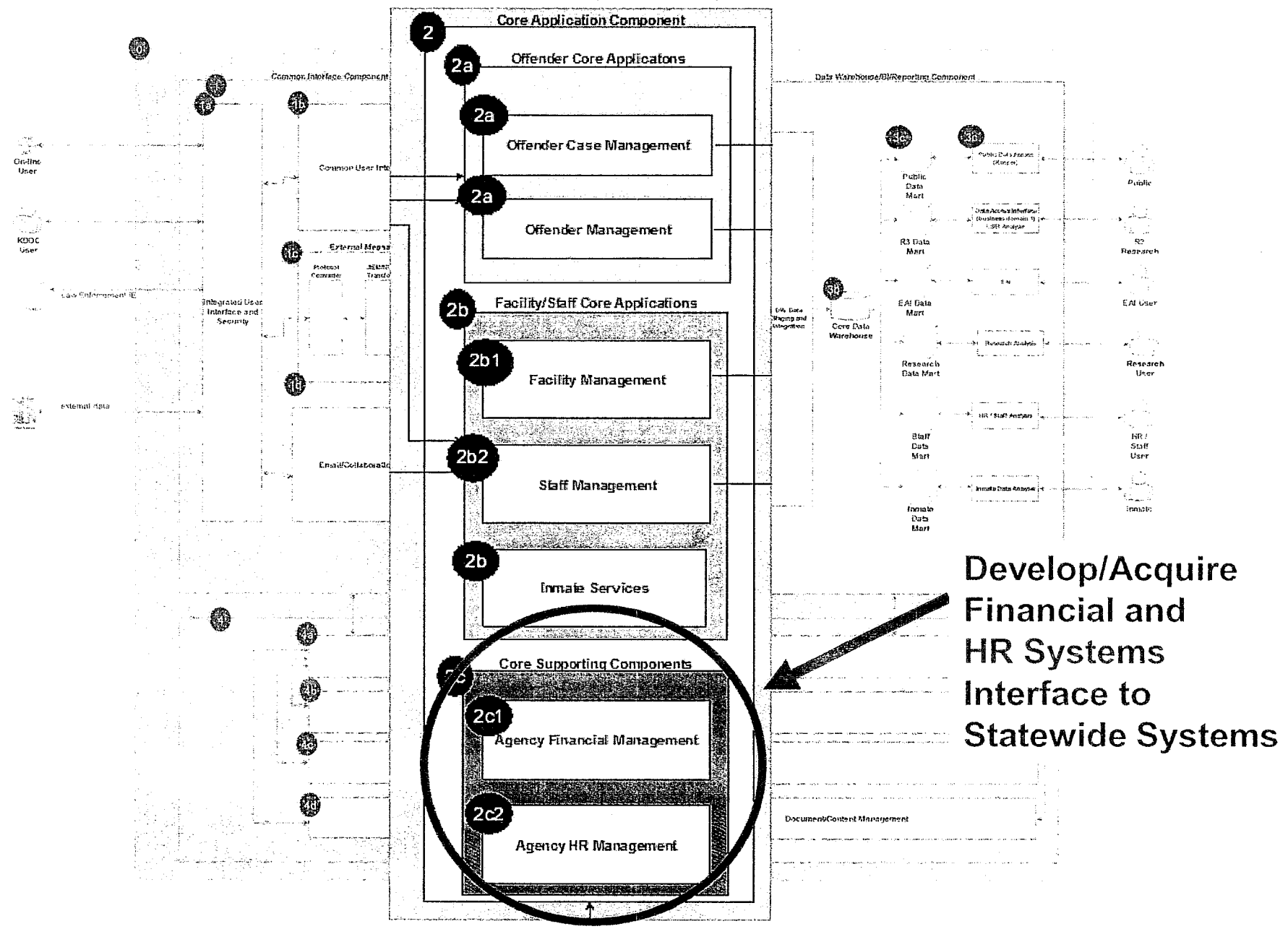
Application Architecture (to-be)



Application Architecture (to-be)



Application Architecture (to-be)



KDOC ENTERPRISE ARCHITECTURE 10-YEAR ROADMAP

EA Model: RCS3 (Updated April 21, 2009)

6-25

Roadmap Outcomes

- FEASIBILITY TO KANSAS SIM PLAN OUTCOMES**
1. Provide Customer-Centric Services
 2. Improve Business Processes
 3. Manage Enterprise Information
 4. Improve Collaborative Partnerships
 5. Enhance Workforce Efficiency
 6. Provide Leadership and Governance

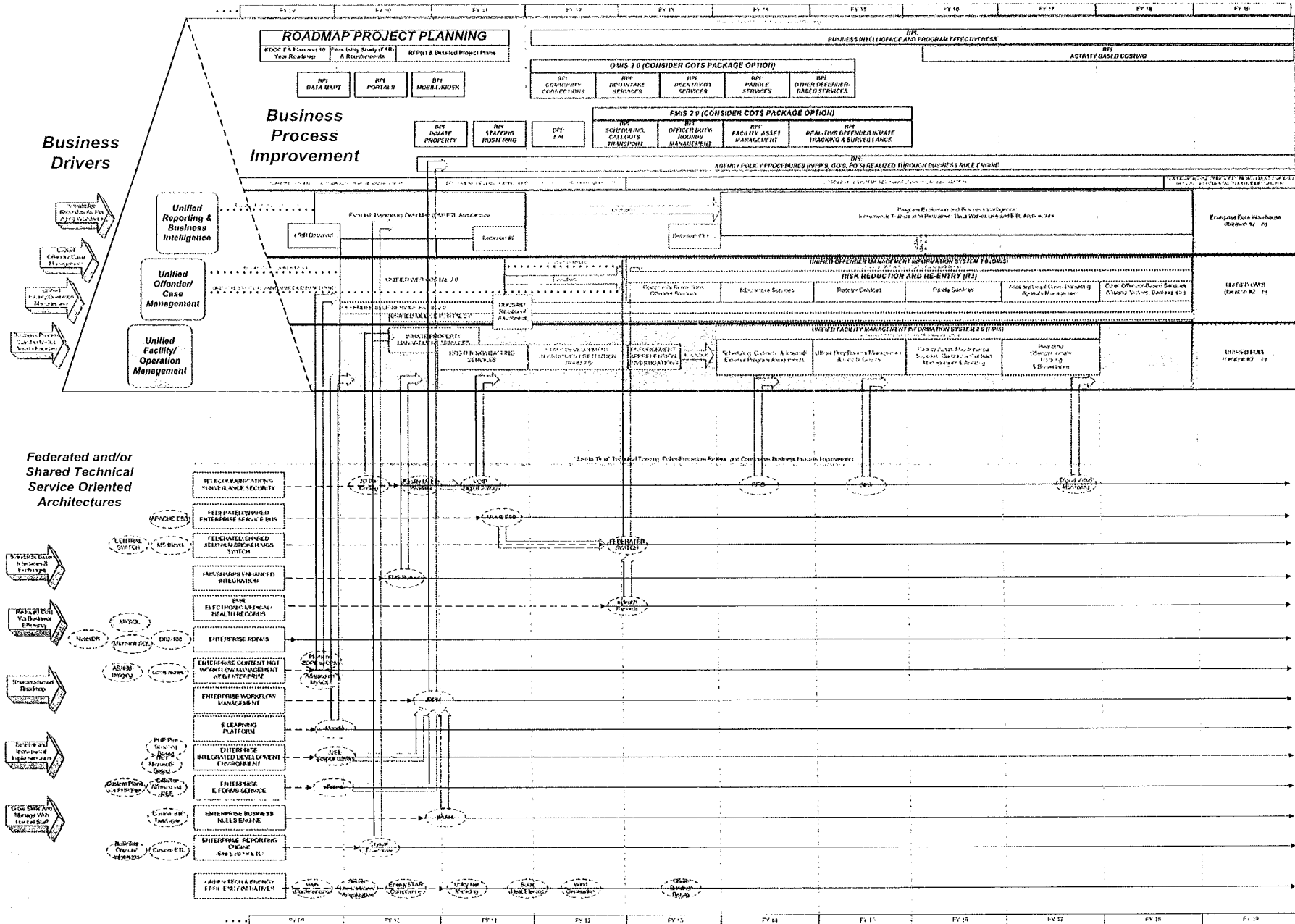
Program Effectiveness Measures

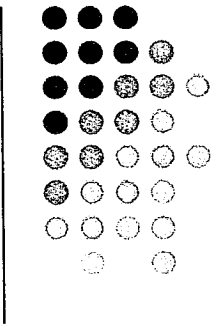
Successful Reentry into Society

Safe, Efficient, and Effective Confinement

Coordination With Local, State, and Federal Partners


Effective And Efficient Information Technology Services





Closing Questions and Discussion

March 16, 2009

To: Rep. Colloton
From: Roger Werholtz 
Re: Suggestions for controlling prison population growth

Pursuant to our phone conversation earlier this morning, we have taken a look at recent legislation and its bed impact (data provided by Helen Pedigo, director of the Sentencing Commission). There do not appear to be too many opportunities to simply roll back legislation to control prison population growth since much of the legislation that drives prison growth focuses on sex offenders and gangs. However, there may be some opportunities you see that we have not, and I have included Helen's charts for reference.

We did come up with some suggestions not tied to any specific legislation that was previously enacted:

- Increase the amount of good time that can be earned and apply it retroactively to the prison portion of the sentence and provide that good time credits that reduce the prison portion of the sentence not be added to extend the length of the postrelease supervision period. Note: the good time must be applied retroactively in order to get any kind of impact in proximity to the time it is needed. The good time portions of SB 14 have not had a large impact yet, because the good time provisions were not applied retroactively.
- Cut the length of post release supervision for certain offenders or eliminate it completely. This will further reduce parole revocations. Some possibilities would be to apply this to level 7 through 10 offenders not already covered in statute by this practice or select offenses in the border box group that could be subject to this provision.
- Cut off admissions to prison if the offender has less than a certain number of days remaining on his/her prison sentence, e.g. 30 – 60 days. This was proposed in the last session as a 10 day cutoff which the Senate Judiciary Committee expanded to (I think) 30 days when they reported it out favorably, but it died in floor debate due to opposition from the counties because of impact on the jails.
- Accelerate release from prison or eligibility for release from prison for certain offenders based on severity level or type of offense. The release decision would rest with the parole board and the early release mechanism would be activated whenever the prison population reached a certain proportion of prison capacity such as 98% or 100%. I would prefer that the trigger percentage be lower than 100 %, because population characteristics (gender, custody level) will not always match bed space characteristics. The same mechanism could also be applied to post release supervision for purposes of early discharge from supervision.
- Have the parole board review all "old law" inmates subject to proportionality issues for possible early release. This will create a temporary workload bubble for

the parole board and our staff and may not yield much relief but could help to some degree and also possibly resolve the concerns expressed by the Speaker.

- When DUI offenders are revoked from parole supervision, have them serve their revocation period in the county jail where they were convicted. This will create a burden on the jails, but all original DUI incarceration sentences, regardless of the number of convictions, are served in the county jails. In conjunction with this proposal, I would recommend that supervision of DUI offenders be transferred from KDOC to community corrections. This would address the operational and legal issues regarding the entity that has jurisdiction to revoke supervision, i.e. district courts or the Parole Board. If DUI offenders are to serve supervision violation penalties in the county jail, district courts rather than the KPBB would be more suitable to conduct the revocation hearings.
- Reexamine the offender registry and the penalties for failing to register. Most people assume that the registry is for sex offenders, but it also has been broadened to include certain violent and drug offenders. In some instances, the penalty for failing to register is more severe than the penalty for the crime for which the offender is required to register.

I am not sure if these suggestions are responsive to your request, but we tried to focus on what we might be able to suggest that did not require an appropriation. Our other suggestion, which may not be possible to act upon, is to restore programming resources lost in budget rescissions which could help us hold down revocation numbers. As you know, with the beds we have already closed and those that are scheduled to be closed by July 1, we are very close to hitting our capacity for males already. Restoration of substance abuse funding would make it possible for the substance abuse treatment to be provided in prison for certain drug possession offenders which can render those persons eligible for a prison sentence modification a reality. Please let me know if you require further information.

Cc: Helen Pedigo

Summary of Prison Beds Impact for Major Bills Passed during 2008 Legislature

Fiscal Year	H Sub SB 414	SB 430	SB 477		HB 2545		HB 2707		Summary	
	Stalking	Aggravated Criminal Threat	Electronic Solicitation Added to Registration		Hallucinogenic Drugs		Property Deprivation; Repeated Theft, Burglary Offender; No Downward Disp, Not <50% Sentence for Extreme Sex Offender, 3rd Drug Possession			
	Beds Increase	Beds Increase	Beds Increase		Beds Increase		Beds Increase		Beds Increase	
			Low	High	Low	High	Low	High	Low	High
2009	1	0	1	2	0	0	198	207	200	210
2010	4	0	2	4	6	12	230	239	242	259
2011	7	0	3	6	6	12	256	266	272	291
2012	10	1	3	7	6	13	270	280	289	311
2013	9	1	4	7	6	13	287	297	306	327
2014	9	1	4	7	6	13	296	306	315	336
2015	9	1	4	7	6	13	310	321	329	351
2016	11	1	4	7	6	14	328	338	349	371
2017	12	1	4	7	6	13	330	341	352	374
2018	12	1	4	7	7	14	343	353	366	387

Note: Bills passed but couldn't be quantified: SB 46, SB 411, SB 481, HB 2207 and HB 2845.

Bills passed but have no impact: SB 418, SB 419, SB 435, HB 2359, HB 2617, HB 2726 and HB 2780.

HB 2545 will result in 50-101 SB 123 offenders in FY 2009 and 54-108 offenders in FY 2018.

HB 2545 will also result in an additional SB 123 budget of \$188,850-\$381,477 in FY 2009 and \$203,958-\$407,916 in FY 2018.

HB 2707 Prison Beds Impact Assessment Breakout

Criminal Deprivation of Property – Motor Vehicle

Fiscal Year	Additional Prison Admissions			Additional Prison Beds		
	Scenario #1 40% Offenders to N9	Scenario #2 50% Offenders to N9	Scenario #3 60% Offenders to N9	Scenario #1 40% Offenders to N9	Scenario #2 50% Offenders to N9	Scenario #3 60% Offenders to N9
2009	40	50	60	20	23	29
2010	40	50	60	19	23	28
2011	40	51	61	20	23	30
2012	41	51	61	18	24	28
2013	41	51	62	19	25	29
2014	41	52	62	18	25	28
2015	42	52	63	20	25	31
2016	42	53	63	20	27	30
2017	42	53	64	20	25	31
2018	43	53	64	21	23	31

Felony Theft with 3 or More Prior Felony Theft, Burglary, or Agg. Burglary Convictions and Burglary Offenders with 2 or More Prior Felony Theft, Burglary, or Agg. Burglary Convictions

Fiscal Year	Prison Treatment Admissions	Prison Treatment Beds Needed
2009	247	120
2010	248	115
2011	250	117
2012	253	121
2013	255	121
2014	257	120
2015	259	124
2016	260	123
2017	262	124
2018	265	127

Crimes of Extreme Sexual Violence - No Downward Dispositional Departures and Limitation of Downward Durational Departures to 50% of Grid Sentence

Fiscal Year	Current Policy		No Downward Durational Departure LOS Less 50% & No Downward Dispositional Departure		Additional Prison Admissions	Additional Prison Beds
	Prison Admissions	Prison Beds Needed	Prison Admissions	Prison Beds Needed		
2009	13	13	56	56	43	43
2010	13	24	57	105	44	81
2011	13	31	57	135	44	104
2012	13	35	58	151	45	116
2013	13	36	58	167	45	131
2014	13	40	59	182	46	142
2015	13	41	59	191	46	150
2016	13	40	59	209	46	169
2017	14	42	60	212	46	170
2018	14	42	60	221	46	179

Mandatory DOC Treatment Term for 3rd Felony Conviction of K.S.A 65-4160 and 65-4162

Fiscal Year	Additional Prison Admissions	Additional Prison Beds Needed
2009	30	15
2010	30	15
2011	30	15
2012	30	15
2013	31	16
2014	31	16
2015	31	16
2016	31	16
2017	32	16
2018	32	16

Summary of Beds

Fiscal Year	Low	High
2009	198	207
2010	230	239
2011	256	266
2012	270	280
2013	287	297
2014	296	306
2015	310	321
2016	328	338
2017	330	341
2018	343	353

Summary of Prison Beds Impact for Major Bills Passed during 2007 Legislature							
Fiscal Year	H Sub SB14		SB166	HB2062		Summary	
	Good Time Credit		Sexual Exploit of Child for 2nd Time Offender to qualify for "Hard 40"	Burglary; Criminal Use of Explosives			
	Beds Saved		Additional Beds Needed	Additional Beds Needed		Beds Saved	
	Low	High		Low	High	Low	High
2008	312	448	1	16	45	295	402
2009	554	768	2	28	78	524	688
2010	644	867	3	31	80	610	784
2011	771	1049	3	33	84	735	962
2012	827	1065	4	33	85	790	976
2013	880	1132	4	32	86	844	1042
2014	818	1065	4	34	87	780	974
2015	810	1043	3	34	88	773	952
2016	808	1030	4	34	91	770	935
2017	892	1132	4	36	92	852	1036

Note: Bills passed but couldn't be quantified: SB 204, SB 271, HB 2010 and HB 2193.

Bills passed but have no impact: SB 66, SB 201, SB 324, HB 2074, HB 2081, HB 2128, Hb 2190, HB 2230, H Sub for SB 35,

H Sub for SB 103, H Sub for SB 354, S Sub for HB 2035 and S Sub for HB 2171.

KANSAS

KANSAS SENTENCING COMMISSION
Honorable Ernest L. Johnson, Chairman
Attorney General Paul Morrison, Vice Chairman
Helen Pedigo, Executive Director

KATHLEEN SEBELIUS, GOVERNOR

MEMORANDUM

To: Duane Goossen, Secretary, Department of Administration
Attn: John Kirk
From: Helen Pedigo, Executive Director
Date: January 19, 2007
Re: Fiscal Note on HB 2062, Criminal Use of Explosives

CONCLUSION:

Impact on the Kansas Sentencing Guidelines Act (KSGA): This bill:

- Broadens application of K.S.A. 2006 Supp. 21-3731 to include a wider range of items possession of which is deemed criminal use of explosives;
- Increases the penalty for criminal use of explosives to a severity level 6, person felony;
- Increases the penalty for criminal use of explosives to a severity level 5, person felony when the explosive is intended to be used to commit a crime, when a public safety officer is placed at risk, or when the explosive is introduced into a building in which there is a human being; and
- Creates a severity level 8, person felony for criminal use of a hoax explosive or device with intent to intimidate or cause alarm to another person.

Impact on Workload of the Commission: The creation of a new penalty will have a limited impact on probation sentences and the Commission's workload of journal entries. However, that impact cannot be quantified this time.

Impact on Admissions: Passage of this bill will result in 2 additional prison admissions each year from FY 2008 to FY 2017.

Impact on Prison Beds: Passage of this bill will result in a need for 2 additional prison beds in the year 2008 and 7 prison beds in the year 2017.

SUMMARY OF BILL:

Section 1: Amends K.S.A. 2006 Supp. 21-3731(a)(1) to include possession, manufacture or transportation of "a combination of chemicals, compounds or materials, including but not limited to, the presence of an acid, a base, dry ice or aluminum foil, that are placed in a container for the purpose of generating a gas or gases to cause a mechanical failure, rupture or bursting of the container" within the list of prohibited acts. For purposes of this section, explosives shall not include consumer fireworks unless such is modified or assembled as a device that deflagrates or explodes when used for a purpose not intended by the manufacturer.

Subsection (a)(2) is added to provide that possession, creation or construction of certain hoax explosives or devices, when intended to intimidate or cause alarm to another person, is criminal use of an explosive.

Subsection (b)(1) is amended to increase the severity level for a violation of subsection (a)(1) from a severity level 8, person felony to a severity level 6, person felony.

Subsection (b)(2) is amended to increase the severity level for a violation of subsection (a)(1) from a severity level 6, person felony to a severity level 5, person felony (A) when such violation is done with the intent to commit a crime or aid another with commission of a crime, (B) when a public safety officer is placed at risk to defuse the explosive; or (C) the explosive is introduced into a building in which there is another human being.

Subsection (b)(3) is added to provide that criminal use of explosives as defined in subsection (a)(2)(hoax devices) is severity level 8, person felony.

Subsection (c) is added to exempt law enforcement officials, the U.S. military, public safety officials, accredited educational institutions or licensed or registered businesses, and associated personnel, engaging in legitimate public safety training, demonstrations or exhibitions from application of subsection (a)(1).

Section 2: Repeals the prior version of K.S.A. 2006 Supp. 21-3731.

Section 3: Provides that this act shall be effective upon publication in the statute book.

IMPACT ON KANSAS SENTENCING COMMISSION:

Based on the current duties of the Kansas Sentencing Commission, the change(s) proposed in this bill will affect the following:

- The current operation or responsibilities of the Commission.
- The current budget of the Commission.
- The current staffing and operating expenditure levels of the Commission.
- The long-range fiscal estimates of the Commission.
- The change(s) proposed in this bill will not likely affect the duties of the Kansas Sentencing Commission.

ANALYSIS:

IMPACT ON PRISON ADMISSIONS:

- Increase by an estimated: **2 additional prison admissions each year from FY 2008 to FY 2017.**
- Potential to increase, but cannot quantify.
- Decrease by an estimated:
- Potential to decrease, but cannot quantify.
- Remain the same.

IMPACT ON PRISON POPULATION LEVELS:

- Impact prison population as noted below.
- Potentially impact prison population as noted below.
- Minimal or no impact on prison population.
- May impact prison population, but cannot quantify with data available.

KEY ASSUMPTIONS

- The target inmates as defined in this proposed bill include any offenders who are convicted of the crime of criminal use of explosives under K.S.A. 21-3731.
 - Criminal use of explosives as defined in subsection (a)(1) is amended to be raised from a severity level 8 to a severity level 6, person felony.
 - Offenders convicted of the crime of in this section will be sentenced to probation.
 - Criminal use of explosives as defined in subsection (a)(1)(A), (B) or (C) is amended to be raised from a severity level 6 to a severity level 5, person felony.
 - It is assumed that 2/3 of the offenders convicted of the crime in this section will be sentenced to prison. The average length of sentence is assumed to be 49 months, which is the middle point of sentencing nondrug grid N5.
 - Criminal use of explosives as defined in subsection (a)(2) is a severity level 8, person felony.
 - Offenders convicted of the crime in this section will be sentenced to probation.
- Projected admission to prison for the target offenders is assumed to increase by an annual average of 1.7%, which is the same percentage used in relation to the baseline prison population forecast produced in August 2006 by the Kansas Sentencing Commission.
- The percentage of sentence served in prison for offenders at all levels is assumed to be 85% less jail credit and good time, which is consistent with the projections released in August 2006.
- It is assumed that the new policy effective date starts on July 1, 2007.

FINDINGS

- In FY 2006, 4 offenders were convicted of the crime of criminal use of explosives. Of this number,
 - 1 (25%) was convicted of the crime of criminal use of explosives.
 - 3 (75%) were convicted of the crime of criminal use of explosives with intent

- o to commit a crime.
- o All offenders were sentenced to probation.
- In FY 2006, no such offenders were admitted to prison.

IMPACT ASSESSMENT

- The increase of penalty of criminal use of explosives will increase:
 - o 2 additional prison admissions each year from FY 2008 to FY 2017,
 - o 2 additional prison beds in the year 2008 and
 - o 7 prison beds in the year 2017.
- The creation of a new penalty will have a limited impact on probation sentences and the Commission's workload of journal entries. However, it cannot be quantified this time.

Prison Admission and Bed Space Impact Assessment

Fiscal Year	Additional Prison Admissions	Additional Prison Beds Needed
2008	2	2
2009	2	4
2010	2	6
2011	2	7
2012	2	7
2013	2	7
2014	2	7
2015	2	7
2016	2	7
2017	2	7

KANSAS

KANSAS SENTENCING COMMISSION
Honorable Ernest L. Johnson, Chairman
Attorney General Paul Morrison, Vice Chairman
Helen Pedigo, Executive Director

KATHLEEN SEBELIUS, GOVERNOR

MEMORANDUM

To: Duane Goossen, Secretary, Department of Administration
Attn: Cindy Denton
From: Helen Pedigo, Executive Director
Date: January 19, 2007
Re: Fiscal Note on SB 97, Sentencing for the Third or Subsequent Conviction of Burglary or Aggravated Burglary

CONCLUSION:

Impact on the Kansas Sentencing Guidelines Act (KSGA): This bill serves to create a special rule which makes the sentence for a third or subsequent conviction for burglary or aggravated burglary a presumptive imprisonment sentence when certain criteria pertaining to prior convictions is met.

Impact on Workload of the Commission: This bill will result in no additional workload of the Commission.

Impact on Admissions: The impact of this bill will result in 14 to 43 additional prison admissions in FY 2008 and 17 to 50 additional prison admissions in FY 2017, depending on which of three scenarios plays out.

Impact on Prison Beds: The impact of this bill will result in a need of 14 to 43 additional prison beds in FY 2008 and 29 to 85 additional prison beds in FY 2017, depending on which of three scenarios plays out.

SUMMARY OF BILL:

Section 1: Amends K.S.A. 2006 Supp. 21-4704(l) by adding subparagraph (2) which provides that the sentence for a third or subsequent violation of K.S.A. 21-3715 (burglary) or 21-3716 (aggravated burglary), when the offender has two or more prior convictions for either burglary or aggravated burglary, or a prior conviction of burglary and aggravated burglary, shall be presumed imprisonment and the defendant shall be

sentenced to prison as provided by this section. Such sentence shall not be a departure and shall not be subject to appeal.

Section 2: Repeals the prior version of K.S.A. 2006 Supp. 21-4704.

Section 3: Provides that this act shall be effective upon publication in the statute book.

IMPACT ON KANSAS SENTENCING COMMISSION:

Based on the current duties of the Kansas Sentencing Commission, the change(s) proposed in this bill will affect the following:

- The current operation or responsibilities of the Commission.
- The current budget of the Commission.
- The current staffing and operating expenditure levels of the Commission.
- The long-range fiscal estimates of the Commission.
- The change(s) proposed in this bill will not likely affect the duties of the Kansas Sentencing Commission.

ANALYSIS:

IMPACT ON PRISON ADMISSIONS:

- Increase by an estimated: **14 to 43 additional prison admissions in FY 2008 and 17 to 50 additional prison admissions in FY 2017, depending on which of three scenarios plays out.**
- Potential to increase, but cannot quantify.
- Decrease by an estimated:
- Potential to decrease, but cannot quantify.
- Remain the same.

IMPACT ON PRISON POPULATION LEVELS:

- Impact prison population as noted below.
- Potentially impact prison population as noted below.
- Minimal or no impact on prison population.
- May impact prison population, but cannot quantify with data available.

KEY ASSUMPTIONS

- The target population as defined in this bill include any offenders who are convicted of a 3rd or subsequent violation of K.S.A. 21-2715 (burglary) or 21-3716 (aggravated burglary), when the offender has two or more prior convictions for either burglary or aggravated burglary, or a prior conviction of burglary and aggravated burglary.
 - Violation of the above is presumptive prison sentence and such sentence shall not be a departure and shall not be subject to appeal.
 - Based on the current Sentencing Guidelines Act, offenders convicted of an aggravated burglary with two or more prior convictions for either burglary or aggravated burglary already are placed at least in criminal history category F, which is a presumptive prison sentence. Such offenders will exclude from the target population.
 - Therefore, the target population only includes those offenders who are

convicted of a 3rd or subsequent violation of burglary with a criminal history category C to F and are sentenced to probation.

- Projected admission to prison is assumed to increase by an annual average of 1.7%, which is the same percentage used in relation to the baseline prison population forecast produced in August 2006 by the Kansas Sentencing Commission.
- The percentage of sentence served in prison for offenders at all levels is assumed to be 85% less jail credit and good time, which is consistent with the projections released in August 2006.
- It is assumed that the new policy effective date starts on July 1, 2007.
- **Scenario One:** It is assumed that 5% of the current probation offenders with a criminal history category C to F would be convicted of a third or subsequent violation of burglary with two or more prior convictions for either burglary or aggravated burglary and be sentenced to prison.
- **Scenario Two:** It is assumed that 10% of the current probation offenders with a criminal history category C to F would be convicted of a third or subsequent violation of burglary with two or more prior convictions for either burglary or aggravated burglary and be sentenced to prison.
- **Scenario Three:** It is assumed that 15% of the current probation offenders with a criminal history category C to F would be convicted of a third or subsequent violation of burglary with two or more prior convictions for either burglary or aggravated burglary and be sentenced to prison.
- The average length of sentence is assumed to be
 - 21 months for both residential and nonresidential burglary offenders, which is the actual underlying prison term found in FY 2006 and
 - 11 months for auto vehicle burglary offenders, which is the actual underlying prison term found in FY 2006.

FINDINGS

- In FY 2006, 283 offenders with criminal history category C to F were sentenced to probation for the crime of burglary. Of this number,
 - 84(29.7%) were convicted of the crime of residential burglary,
 - 119 (42.0%) were convicted of the crime of nonresidential burglary and
 - 80(28.3%) were convicted of the crime of auto vehicle burglary.
 - The criminal history categories for the 283 offenders are:
 - 94 (33.2%) C;
 - 49 (17.3%) D;
 - 85 (30.0%) E and
 - 55 (19.4%) F.

IMPACT ASSESSMENT

- **Scenario One:** If 5% of the current probation offenders with a criminal history category C to F are convicted of a third or subsequent violation of burglary with two or more prior convictions for either burglary or aggravated burglary and be sentenced to prison,
 - by the year 2008, 14 additional prison beds will be needed and
 - by the year 2017, 29 additional prison beds will be needed.

- **Scenario Two:** If 10% of the current probation offenders with criminal history category C to F are convicted of a third or subsequent violation of burglary with two or more prior convictions for either burglary or aggravated burglary and be sentenced to prison,
 - by the year 2008, 28 additional prison beds will be needed and
 - by the year 2017, 56 additional prison beds will be needed.

- **Scenario Three:** If 15% of the current probation offenders with criminal history category C to F are convicted of a third or subsequent violation of burglary with two or more prior convictions for either burglary or aggravated burglary and be sentenced to prison,
 - by the year 2008, 43 additional prison beds will be needed and
 - by the year 2017, 85 additional prison beds will be needed.

Prison Admission and Bed Space Impact Assessment

Fiscal Year	Additional Prison Admissions			Additional Prison Beds Needed		
	Scenario #1	Scenario #2	Scenario #3	Scenario #1	Scenario #2	Scenario #3
	5% 3 rd Burglary Convictio	10% 3 rd Burglary Convictio	15% 3 rd Burglary Convictio	5% 3 rd Burglary Convictio	10% 3 rd Burglary Convictio	15% 3 rd Burglary Convictio
	n	n	n	n	n	n
2008	14	28	43	14	28	43
2009	14	29	43	24	49	74
2010	15	29	44	25	50	74
2011	15	30	45	26	51	77
2012	15	30	46	26	52	78
2013	15	31	46	25	52	79
2014	16	32	47	27	54	80
2015	16	32	48	27	55	81
2016	16	33	49	27	55	84
2017	17	33	50	29	56	85

Summary of Prison Beds Impact for Major Bills Passed during 2006 Legislature

Fiscal Year	S Sub for HB 2576		HB 2893		H Sub Sb 196		H Sub Sb 431		SB 506	SB366		Summary	
	Jessica Law		Misuse Public Funds; Medicare Fraud		Illegal Use of Scanning Devise/Consumer Credit; Id Theft <\$100,00		Multiple Crimes		Offender Registration Requirement	Criminal Street Gangs; Use Force; Departure Reasons			
	Beds Increase		Beds Increase		Beds Increase		Beds Increase		Beds Increase	Beds Increase			
	Low	High	Low	High	Low	High	Low	High		Low	High	Low	High
2007	68	74	1	1	5	10	55	57	36	80	87	245	265
2008	143	155	1	5	13	25	111	117	73	184	197	525	572
2009	233	251	1	6	16	35	167	175	110	308	328	835	905
2010	317	338	0	7	17	38	209	221	141	435	463	1119	1208
2011	404	429	1	7	19	35	230	244	161	449	477	1264	1353
2012	495	524	1	6	19	34	245	260	173	441	467	1374	1464
2013	601	633	1	5	17	37	257	272	181	437	467	1494	1595
2014	716	752	1	4	16	36	262	278	182	449	476	1626	1728
2015	829	869	1	5	17	34	259	275	180	444	467	1730	1830
2016	969	1013	1	5	19	36	263	279	185	455	485	1892	2003

Note: Bills passed but couldn't be quantified: SB 25, HB 2748, HB 2874

Bills passed but have no impact: SB 35, H Sub for SB 51, SB 261, SB 297, SB 365, SB 371, SB 374, SB 404, SB 408, SB 418, SB 434, SB 587, HB 2118, HB 2352, HB 2485, HB 2554, HB 2703, HB 2833 and HB 2916.

Summary of Prison Beds Impact for Major Bills Passed during 2005 Legislature

Fiscal Year	SB 72		SB 147	S Sub for HB 2087		HB 2180		HB 2314	Summary	
	Worthless Check		Raised SL for Ind. Solicit & Agg. Ind. Solicit of a Child.	Raised SL for False ID Documents & Lower SL for ID Theft		Flee, Elude, Involuntary Manslaughter		Offender Registration Act		
	Beds Saving		Beds Increase	Beds Increase		Beds Increase		Beds Increase	Beds Increase	
	Low	High		Low	High	Low	High		Low	High
2006	-1	-2	23	1	1	3	9	74	100	105
2007	-1	-2	64	8	17	5	18	84	160	181
2008	-1	-2	104	10	22	6	24	69	188	217
2009	-1	-2	121	10	24	9	30	65	204	238
2010	-3	-4	108	13	21	13	33	61	192	219
2011	-2	-3	114	7	19	16	37	55	190	222
2012	-3	-4	115	16	25	19	36	53	200	225
2013	-1	-3	109	12	23	20	35	49	189	213
2014	-2	-3	119	11	21	23	31	46	197	214
2015	-1	-3	123	11	24	23	35	46	202	225

Note: Bills passed but couldn't be quantified: SB 27.

Bills passed but have no impact: SB 13, SB 27, SB 59, SB 108, S SUB FOR HB 2172, HB 2253, HB 2380, HB 2386.

Summary of Prison Beds Impact for Major Bills Passed during 2004 Legislature

Fiscal Year	SB 422	HB 2603	HB 2693		HB 2777		HB 2271		Summary	
	Life Without Parole	DUI Involuntary Manslaughter	Mistreatment of Dependent		Sale, Distribution of Drugs		Theft of Property, Theft of Service, Persistent Sex Offender			
	Beds Impact	Beds Impact	Beds Increase		Beds Increase		Beds Increase/Decrease		Beds Increase	
			Low	High	Low	High	Low	High	Low	High
2005	Same	Same	0	0	591	591	-20	-47	571	544
2006			3	4	606	616	-26	-53	583	567
2007			3	5	627	643	-3	-9	627	639
2008			3	7	668	684	6	14	677	705
2009			4	8	730	746	-28	-16	706	738
2010			4	5	814	829	1	-6	819	828
2011			5	7	780	794	-16	-26	769	775
2012			3	8	725	740	-29	-10	699	738
2013			3	8	672	687	-4	-3	671	692
2014			4	10	653	668	-19	-4	638	674

Note: Bills passed but couldn't be quantified: SB 479, HB 2522, HB 2835.

Bills passed but have no impact: H SUB FOR SB 45, SB 209, SB 350, SB 528.

Summary of Prison Beds Impact for Major Bills Passed during 2003 Legislature

Fiscal Year	SB 31		SB 110	SB 123	Summary	
	Aggravated Endangring the Food Supply		Kansas Securities Act	Drug Treatment		
	Beds Increase		Beds Increase	Beds Saving	Beds Saving	
	Low	High			Low	High
2004	0	0	4	-194	-190	-190
2005	0	0	9	-287	-278	-278
2006	0	0	11	-335	-324	-324
2007	0	0	12	-350	-338	-338
2008	0	0	12	-418	-406	-406
2009	0	0	11	-470	-459	-459
2010	1	1	12	-489	-476	-476
2011	1	2	12	-476	-462	-463
2012	1	3	12	-506	-491	-493
2013	1	4	13	-517	-500	-503

Note: Bills passed but couldn't be quantified: NO.

Bills passed but have no impact: SB 21, H Sub for SB 27, SB 33, SB 36, SB 61, SB 63, SB 195, SB 206, HB 2015, HB 2017, HB 2088, HB 2121, HB 2132, HB 2196, S Sub for HB 2197, S Sub for HB 2308.

**Without Retroactivity
Increased Good Time
Applicable to Sex Offenses**

Fiscal Year	Increase Good Time To 30% Bed Savings	Increase Good Time To 40% Bed Savings	Increase Good Time To 50% Bed Savings
2010	119	216	322
2011	180	431	652
2012	305	601	965
2013	391	726	1128
2014	440	829	1290
2015	541	952	1430
2016	583	1033	1462
2017	602	1084	1601
2018	640	1148	1699
2019	653	1195	1734

**Without Retroactivity
Sex Offenses at
Present Good Time Policy**

Fiscal Year	Increase Good Time To 30% Bed Savings	Increase Good Time To 40% Bed Savings	Increase Good Time To 50% Bed Savings
2010	114	205	303
2011	165	404	606
2012	253	513	839
2013	316	591	928
2014	342	658	1010
2015	403	727	1106
2016	447	781	1109
2017	441	815	1201
2018	465	847	1268
2019	477	886	1274

**Retroactivity
Increased Good Time
Applicable to Sex Offenses**

Fiscal Year	Increase Good Time To 30% Bed Savings	Increase Good Time To 40% Bed Savings	Increase Good Time To 50% Bed Savings
2010	800	1632	2841
2011	936	1853	2864
2012	971	1810	2716
2013	1013	1737	2540
2014	907	1649	2399
2015	972	1676	2368
2016	973	1665	2271
2017	950	1618	2296
2018	938	1594	2283
2019	918	1596	2240

**Retroactivity
Sex Offenses at
Present Good Time Policy**

Fiscal Year	Increase Good Time To 30% Bed Savings	Increase Good Time To 40% Bed Savings	Increase Good Time To 50% Bed Savings
2010	696	1388	2397
2011	785	1559	2336
2012	775	1426	2107
2013	769	1296	1897
2014	651	1200	1735
2015	686	1208	1698
2016	703	1200	1608
2017	680	1161	1623
2018	666	1128	1603
2019	642	1115	1542

Bed Space Impact Assessment
Increase Good Time from Current 15% and 20% to 30%, 40% or 50%
For Guideline Offenders at Severity Levels D1 to D4 and N1 to N10

KEY ASSUMPTIONS

- The target inmates in this assessment include guideline offenders at severity levels from D1 to D4 and N1 to N10.
- The projected admissions to prison for the above target offenders is assumed to increase by an annual average of 0.5%, which is the same percentage used in relation to the baseline population forecast produced in August 2008 by the Kansas Sentencing Commission.
- The good time for the above offenders is assumed to be raised from current 15% and 20% to 30%, 40% or 50% with no retroactivity and with retroactivity.
- Off-grid offenders are not eligible for good time earnings.
- The effective date is July 1, 2009.

FINDINGS

- Prison admissions in FY 2008 included 299 sex offenders convicted of nondrug severity level 1 – 10 felonies.
- Prison stock population on June 30, 2008 included 1,440 sex offenders convicted of nongrid severity level 1 - 10 felonies.

DATE: July 7, 2009

TO: Roger Werholtz
Secretary of Corrections

FROM: Keven Pellant
Deputy Secretary of Community & Field Services

SUBJECT: Possible Scenario: Length of Post-Release Supervision Reduced by 50%

What is the estimated impact of this possible reduction on FY 2009 and FY 2010 post-release supervision offender population?

	<u>Number</u>		<u>Proj. Reduction</u>		<u>In-State</u>		<u>Reduction Number</u>
FY09	4,923	x	35.7%	=	1,758	x	80% = 1,406
FY10	4,972	x	35.7%	=	1,775	x	80% = 1,420

Criteria used in estimation:

- Limit pool to Kansas offenders supervised in-state (n=3,926) and out-of-state (n=934)—total of 4,860 as of July 21, 2008.
- Use Location Part 1 = J or K (Kansas offenders) but exclude Location Part 1 = P (abscond or warrant issued)—brings total to 4,432.
- Limit pool to only determine sentence offenders (Guidelines Indicator = D)—brings total to 3,719 with determinate periods of post-release.
- Restrict to offenders with 12-, 24-, or 36-month period of supervision, reducing the pool slightly (to 3,590).

Find the number in each of the three length of supervision groups (12, 24, and 36) who have been under supervision longer than the 50% reduction amount (e.g., for the 12-month supervision group, the number who have already been under supervision 6 months or more). Total the three groups. Determine the hypothetical resulting percentage of reduction to the number in the Kansas offender group as of today (July 21, 2008). Then, apply this hypothetical reduction to the estimated end-of-year Kansas offender supervision population for FY 2009 and FY 2010. [The June 30, 2008 Kansas offender supervision population is 1.0% larger than the corresponding group of a year earlier (June 30, 2007). A possibility is to assume that this rate of increase will continue for 2009 and 2010.]

KP:jg
cc: File

DEPARTMENT OF CORRECTIONS

DUI Offender Revocations

In FY 2008, 103 DUI violators were admitted to DOC; 102 were released with an average length of stay of 101 days. On June 30, 2008, 27 DUI violators were housed in DOC.

If DUI offenders were not admitted to DOC as post release condition violators, 27 to 30 beds would be saved.

20 day/30 day/60 admission cut-offs

20-DAY ANALYSIS BASED UPON FY 2008 KDOC RELEASE FILE

In FY 2008, 343 inmates were released from KDOC facilities within 20 days of admission. Of these:

142 were admitted and released the same day;
164 stayed 1 – 10 days; and
37 stayed 11 -20 days.
The bed impact for this group is 3-4 beds per year.

30-DAY ANALYSIS BASED UPON FY 2008 KDOC RELEASE FILE

In FY 2008, 392 inmates were released from KDOC facilities within 30 days of admission. Of these:

142 were admitted and released the same day;
164 stayed 1 – 10 days;
37 stayed 11 -20 days; and
49 stayed 21- 30 days.
The bed impact for this group is 8-10 beds per year.

60-DAY ANALYSIS BASED UPON FY 2008 KDOC RELEASE FILE

In FY 2008, 592 inmates were released from KDOC facilities within 60 days of admission. Of these:

142 were admitted and released the same day;
164 stayed 1 – 10 days;
37 stayed 11 -20 days;
49 stayed 21- 30 days;
44 stayed 31- 40 days;
41 stayed 41- 50 days; and
52 stayed 51- 60 days.
The bed impact for the 60-day group is 32-33 beds per year.

Registration Offenses and Failure to Register Penalty

Offenses Requiring Registration	Offense Penalty for Crime Requiring Registration	Penalty for Failure to Register	Comment
<p>Adultery when <u>any of the parties</u> is under the age of 18; crime defined at K.S.A. 21-3507;</p> <p>Required to register at K.S.A. 22-4902(a)(5)(A).</p>	<p>Class "C" misdemeanor.</p>	<p>Severity Level 5 person Felony for each 30 day period in which the offender has not registered.</p>	<p>Crime involves consensual sexual relations with an offense penalty of a class "C" misdemeanor however registration violations are SL 5 person felonies for each 30 days of violation.</p> <p>The person under the age of 18 engaging in adultery could also be convicted and required to register.</p> <p>The failure to register is a more severe penalty than the underlying crime.</p>
<p>Unlawful Sexual Relations when <u>any of the parties</u> is under the age of 18; crime defined at K.S.A. 21-3515;</p> <p>Required to register at K.S.A. 22-4902(a)(5)(F).</p>	<p>Severity Level 10 person felony.</p>	<p>Id.</p>	<p>The registration requirement is applicable only when one of the parties is under the age of 18. This would not apply to most if any situations involving corrections staff and adult offenders.</p> <p>The failure to register is a more severe penalty than the underlying crime.</p>

Offenses Requiring Registration	Offense Penalty for Crime Requiring Registration	Penalty for Failure to Register	Comment
<p>Patronizing a prostitute when any <u>of the parties is under 18</u>; crime defined at K.S.A. 21-3515;</p> <p>Required to register at K.S.A. 22-4902(a)(5)(D).</p>	<p>Class "C" misdemeanor.</p>	<p>Id.</p>	<p>Would apply to a defendant under the age of 18 soliciting a prostitute irrespective of the age of the prostitute.</p> <p>The failure to register is a more severe penalty than the underlying crime.</p>
<p>Lewd and Lascivious Behavior when <u>any of the parties is under 18</u>; crime defined at K.S.A. 21-3508;</p> <p>Required to register at K.S.A. 22-4902(a)(5)(E).</p>	<p>If committed in the presence of a person 16 or more years of age is a class "B" nonperson misdemeanor.</p> <p>If committed in the presence of a person under 16 years of age is a severity level 9, person felony.</p>	<p>Id.</p>	<p>Would apply to a defendant under the age of 18 engaging in Lewd and Lascivious conduct irrespective of the age of any person viewing the conduct.</p> <p>The failure to register is a more severe penalty than the underlying crime.</p>

Offenses Requiring Registration	Offense Penalty for Crime Requiring Registration	Penalty for Failure to Register	Comment
<p>Promoting Prostitution when <u>any of the parties is under 18</u>; crime defined at K.S.A. 21-3513; Required to register at K.S.A. 22-4902(a)(5)(C).</p>	<p>Class "A" person misdemeanor when the prostitute is 16 or more years of age.</p> <p>Severity Level 7 person felony when the prostitute is 16 or more years of age if committed by a person who has, prior to the commission of the crime, been convicted of promoting prostitution.</p> <p>Severity Level 6 person felony when the prostitute is under 16 years of age unless the offender is over the age of 18 and the prostitute is under the age of 14 which is an off grid person felony.</p>	<p>Id.</p>	<p>The failure to register may be more severe penalty than the underlying crime.</p>
<p>Conviction of a person felony when court finds that a deadly weapon was used in its commission.</p> <p>Required to register at K.S.A. 22-4902(a)(7).</p>	<p>The severity level of the offense will vary.</p>	<p>Id.</p>	<p>The failure to register may be more severe penalty than the underlying crime.</p>

Offenses Requiring Registration	Offense Penalty for Crime Requiring Registration	Penalty for Failure to Register	Comment
<p>Persons required to register pursuant to another state's laws. Persons convicted in other jurisdictions for crimes similar to Kansas crimes requiring registration.</p> <p>Required to register at K.S.A. 22-4902(a)(6) and 22-4902(a)(8)</p>	<p>The sentence imposed by the other state for the underlying crime will vary depending on that state's law.</p>	<p>Id.</p>	<p>The failure to register may be more severe penalty than the underlying crime.</p>
<p>Aggravated Trafficking; crime defined at K.S.A. 21-3447.</p> <p>Required to register at K.S.A. 22-4902(a)(10).</p>	<p>Off grid person felony.</p>	<p>Id.</p>	
<p>Unlawful manufacturing of any controlled substance (except for the defendant's personal use).</p> <p>Crime defined at K.S.A. 65-4159;</p> <p>Required to register at K.S.A. 22-4902(a)(11)(A).</p>	<p>Drug Severity Level 1 felony</p>	<p>Id.</p>	

Offenses Requiring Registration	Offense Penalty for Crime Requiring Registration	Penalty for Failure to Register	Comment
<p>Possession of meth precursors (except for the defendant's personal use).</p> <p>Crime defined at K.S.A. 65-7006;</p> <p>Required to register at K.S.A. 22-4902(a)(11)(B)</p>	<p>Possession of precursors with the intent to manufacture a controlled substance ; sale of such items with reasonable knowledge that such will be used in manufacturing; or marketing such items for uses not FDA approved for over the counter drugs are Drug Severity Level 2 felonies.</p> <p>Purchase of more than 3.6 grams of pseudoephedrine or ephedrine in a single transaction or more than 9 grams with in a 30 day period is a Class "A" nonperson misdemeanor.</p>	<p>Id.</p>	<p>The failure to register may be more severe penalty than the underlying crime.</p>

Offenses Requiring Registration	Offense Penalty for Crime Requiring Registration	Penalty for Failure to Register	Comment
<p>Drug Sales; Crime defined at K.S.A. 65-4161;</p> <p>Required to register at K.S.A. 22-4902(a)(11)(C)</p>	<p>The offense penalty varies dependant on prior drug sale convictions or if in the vicinity of a school.</p> <p>1st offense is a Drug Severity Level 3 felony.</p> <p>2nd offense or in proximity of a school is a Drug Severity Level 2 felony.</p> <p>3rd offense is a Drug Severity Level 1 felony</p>	Id.	<p>A 1st time sale conviction carries a presumptive sentence of not more than 19 months, however, a offender failing to register without a criminal record has a presumptive sentence range of 31 – 34 months. (It is assumed that the felony conviction which causes the requirement of registration is not counted as criminal history since that crime is a prerequisite for the commission of the crime of failing to register).</p> <p>The failure to register may be more severe penalty than the underlying crime.</p>
<p>Rape; Crime defined at K.S.A. 21-3502;</p> <p>Required to register at K.S.A. 22-4902(c)(1)</p>	<p>Rape sentences vary from a Severity Level 2 person felony, Severity Level 1 person felony or an off grid felony.</p>	Id.	
<p>Indecent Liberties with a Child; Crime defined at K.S.A. 21-3503;</p> <p>Required to register at K.S.A. 22-4902(c)(2)</p>	<p>Severity Level 5 person felony</p>	Id.	

Offenses Requiring Registration	Offense Penalty for Crime Requiring Registration	Penalty for Failure to Register	Comment
<p>Agg Indecent Liberties with a Child; Crime defined at K.S.A. 21-3504;</p> <p>Required to register at K.S.A. 22-4902(c)(3)</p>	<p>Level of the offense varies from Severity Level 4 person felony, Severity Level 3 person felony or an off grid person felony.</p>	<p>Id.</p>	
<p>Criminal Sodomy; Crime defined at K.S.A. 21-3505(a)(2) or (a)(3);</p> <p>Required to register at K.S.A. 22-4902(c)(4)</p>	<p>Severity Level 3 person felony.</p>	<p>Id.</p>	
<p>Agg Criminal Sodomy; Crime defined at K.S.A. 21-3506</p> <p>Required to register at K.S.A. 22-4902(c)(5)</p>	<p>Level of the offense varies from Severity Level 1 person felony or an off grid person felony.</p>	<p>Id.</p>	
<p>Indecent Solicitation of a Child; Crime defined at K.S.A. 21-3510.</p> <p>Required to register at K.S.A. 22-4902(c)(6)</p>	<p>Severity Level 6 person felony.</p>	<p>Id.</p>	<p>The failure to register is a more severe penalty than the underlying crime.</p>
<p>Agg. Indecent Solicitation of a Child; Crime defined at K.S.A. 21-3511.</p> <p>Required to register at K.S.A. 22-4902(c)(7)</p>	<p>Severity Level 5 person felony.</p>	<p>Id.</p>	

Offenses Requiring Registration	Offense Penalty for Crime Requiring Registration	Penalty for Failure to Register	Comment
<p>Sexual Exploitation of a Child; Crime defined at K.S.A. 21-3516.</p> <p>Required to register at K.S.A. 22-4902(c)(8)</p>	<p>Level of the offense varies from Severity Level 5 person felony, or an off grid person felony.</p>	<p>Id.</p>	
<p>Sexual Battery; Crime defined at K.S.A. 21-3517.</p> <p>Required to register at K.S.A. 22-4902(c)(9)</p>	<p>Class A person misdemeanor.</p>	<p>Id.</p>	<p>The failure to register is a more severe penalty than the underlying crime.</p>
<p>Agg. Sexual Battery; Crime defined at K.S.A. 21-3518.</p> <p>Required to register at K.S.A. 22-4902(c)(10)</p>	<p>Severity Level 5 person felony.</p>	<p>Id.</p>	
<p>Agg. Incest; Crime defined at K.S.A. 21-3603.</p> <p>Required to register at K.S.A. 22-4902(c)(11)</p>	<p>Incestuous marriage or incestuous lewd touching of a person between the ages of 16 and 18 is a Severity Level 7 person felony. Incestuous engaging in otherwise lawful sexual intercourse is a Severity Level 5 person felony.</p>	<p>Id.</p>	<p>Penalties may be more severe for failure to register than for the underlying crime.</p>
<p>Electronic Solicitation; Crime defined at K.S.A. 21-3523.</p> <p>Required to register at K.S.A. 22-4902(c)(12)</p>	<p>Level of the offense varies from Severity Level 3 person felony, or a Severity Level 1 person felony.</p>	<p>Id.</p>	

Offenses Requiring Registration	Offense Penalty for Crime Requiring Registration	Penalty for Failure to Register	Comment
<p>Any Crime found by the Court to have been sexually motivated.</p> <p>Required to register at K.S.A. 22-4902(c)(15).</p>	<p>Is not limited to felonies.</p>	<p>Id.</p>	<p>Could include the theft of erotic magazines from a store.</p> <p>Depending upon underlying offense, a failure to register could result in a more severe penalty.</p>
<p>Capital Murder; Crime defined at K.S.A. 21-3439.</p> <p>Required to register at K.S.A. 22-4902(d)(1).</p>		<p>Id.</p>	
<p>1st Degree Murder; Crime defined at K.S.A. 21-3401.</p> <p>Required to register at K.S.A. 22-4902(d)(2).</p>	<p>Off grid person felony.</p>	<p>Id.</p>	
<p>2nd Degree Murder; Crime defined at K.S.A. 21-3402.</p> <p>Required to register at K.S.A. 22-4902(d)(3).</p>	<p>Severity Level 2 person felony.</p>	<p>Id.</p>	
<p>Voluntary Manslaughter; Crime defined at K.S.A. 21-3403.</p> <p>Required to register at K.S.A. 22-4902(d)(4).</p>	<p>Severity Level 3 person felony.</p>	<p>Id.</p>	
<p>Involuntary Manslaughter; Crime defined at K.S.A. 21-3404.</p> <p>Required to register at K.S.A. 22-4902(d)(5).</p>	<p>Severity Level 5 person felony</p>	<p>Id.</p>	

KDOC Mental Health Needs Analysis Summary

Background

As of May 18, 2009, 3,841 (44% of the inmates within the Kansas correctional system) have been diagnosed with a DSM-IV mental disorder. (This number does not include inmates with only a substance abuse diagnosis).

There are essentially five types of inmates within the correctional system:

1. **Stable Population Inmates:** 4,759 (56% of total population)
2. **MH Class II (Non-Specific):** 1,470 (17% of total inmate population)
3. **MH Class III (Medication Specific):** 1,345 (16% of total inmate population)
4. **MH Class IV (Special Needs):** 663 (7% of total inmate population)
5. **MH Class V & VI (Mental Retardation & Severe and Persistent Mentally III):** 363 (4% of total inmate population)

The focus of this needs analysis involves inmates who fall into the MH Class IV, V, and VI the majority of the time.

Mental Health Program Overview

Kansas Department of Corrections contracts with Correct Care Solutions to provide comprehensive mental health services to inmates in the custody of KDOC. These services are provided by mental health employees of CCS, who are typically located on-site. This contract is monitored for contract compliance, community standard of care, and compliance with NCCHC standards by employees of Kansas University Physicians, Inc.

CCS's comprehensive contract requires at a minimum the following mental health on-site services:

1. Psychological evaluation (RDU and other forensic assessment)
2. Individual psychotherapy
3. Group psychotherapy
4. Activity therapy
5. Case consultation and review
6. Psychotropic medication
7. Segregation monitoring and review
8. Transfer screening and hearings
9. Administration of restraints (and monitoring)
10. Crisis intervention
11. Discharge Planning
12. Clinical Service Report Services

When transfer to a more psychiatrically-oriented placement is indicated, CCS has the following options:

1. Treatment and Reintegration Unit (Lansing Correctional Facility)
2. Larned Correctional Mental Health Facility
3. Topeka Correctional Facility Mental Health Pod (female population)
4. Larned State Security Hospital

Mental Health Acute Care/Hospitalization at LSSH

LCMHF acts as the gatekeeper for transfer/treatment at LSSH. It should be noted that while LCMHF's staff ratio is higher than other KDOC facilities, it is not in line with an inpatient hospital setting such as LSSH which has a 1-1 staff to patient ratio. This limits LCMHF in its ability to provide intensive inpatient services when LSSH does not agree to accept transfer of inmates LCMHF recommends for inpatient services.

Statement of the Problem

Although the KDOC has established a comprehensive mental health treatment model carried out by the medical contractor, some inmates fall outside of the realm of this treatment model. Therefore, the Department established a "safety net" to provide mental health treatment to offenders who fall outside of the realm of appropriateness of treatment within a correctional facility. The Department established a Memorandum of Agreement with Larned State Security Hospital (LSSH) to treat those inmates requiring a hospital setting, rather than a correctional institution.

In spite of the MOA established with LSSH, there is a great deal of uncertainty regarding the "types" of inmates LSSH will agree to accept for transfer and treatment within their facility. Although the MOA and consent decree requires and delineates criteria for acceptance, the established criteria are not always followed during the staffing process.

The following issues have resulted from the lack of appropriate hospital placements:

1. Contractual Obligation to Provide Acute Hospitalization Services – The CCS contract documents LSSH as the provider for acute or long-term psychiatric hospitalization for inmates exhibiting signs of acute mental illness, psychological distress, or danger of harm to self or others. When LSSH does not accept an inmate as an acute admission and CCS clinical staff determines hospitalization is necessary, a conflict in this contractual obligation occurs.
2. Ability to Manage Violent, Mentally Ill Inmates – LSSH personnel report they are ill-equipped to manage violent or aggressive patients due to facility limitations and staff limitations.
3. Treatment Philosophy Differences – LSSH personnel strongly expressed the opinion that LSSH was not a suitable placement for "behaviorally disordered"

inmates, or inmates with an Axis II diagnosis (i.e., personality disorder). This treatment philosophy leaves no hospital alternative for these inmates who often engage in self-injurious and disruptive behaviors.

4. In order to manage violent, aggressive, self-injurious psychiatric patients (if LSSH care remains unavailable for the above mentioned types of patients), LCMHF, EDCF, & TCF will require additional treatment staff and facility space to treat such inmates.
5. Due to staffing constraints, a portion of Isaac Ray remains unopened leaving KDOC inmates co-mingling with pre-sentencing patients. LSSH bed space is often full, leaving little room for incoming KDOC inmates.

Recommendations

- Create an appropriate therapeutic environment for the aggressive, mentally ill inmates.
- Two additional housing units (male and female) servicing this high acuity, difficult to treat inmate population are needed.
- When accounting for increase in the classification of mentally ill special needs beds, we have seen an increase of 24% over the past three years. This number was used to project the number of beds needed for the next three years.

Current population placement of mentally ill:

30 beds = EDCF Segregated Mentally Ill inmates
30 beds = LCF/HCF & facilities w/ Segregated Mentally ill inmates
115 beds = LSH Moderate to Non-aggressive Mentally ill inmates
78 beds = LCF TRU Unit
80 beds = LCMHF non segregated mentally ill inmates
70 beds = LCMHF Segregated mentally ill inmates
16 beds = TCF (females) Segregated Mentally Ill
419 beds = Total

Projected population placement of the mentally ill:

10 beds = EDCF as respite **overflow services Seg MI** for the new unit
0 beds = LCF/HCF & facilities No Segregated Mentally ill inmates
115 beds = LSH **Non-aggressive** Mentally ill inmates
78 beds = LCF TRU Unit **Non aggressive** mentally ill inmates
10 beds = LCMHF **Segregated mentally ill & severely psychotic**
140 beds = LCMHF **Non-aggressive** mentally ill inmates
146-216 beds = **New Acute Care Unit** current/projected seg mentally ill
15 beds = TCF TRU unit in place of current mental health seg unit
16 beds = TCF **new** therapeutic unit **non-segregated** MI
4 beds = TCF **new** therapeutic unit **segregated** MI
534-604 beds = Total mentally ill special needs beds

The following additional attachments are also included to accompany this summary:

- Mental Health Needs Analysis (full document)
- State Wide MH Placement and Treatment Recommendations
- Pertinent Mental Health Statistical Data Outlining Current Usage
- Case Study Examples

Kansas Department of Corrections

Mental Health Needs Analysis

May 18, 2009

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Corrections & Juv Just Oversight
Date: *July 9-10, 2009*
Attachment: *9*

Background

Overview of Services:

As of May 18, 2009, 3,841 (44% of the inmates within the Kansas correctional system) have been diagnosed with a DSM-IV mental disorder. (This number does not include inmates with only a substance abuse diagnosis. We will not be addressing substance abuse needs in this report). Treating the mentally ill can be daunting for any agency, hospital, or treatment center. Adding the constraints of treatment within a correctional facility involves planning of special services, staffing, and development of treatment programs to ensure the safety of the staff and inmates as well as promoting maintenance and improvement of the patient's mental health. This report will attempt to give you an overview of the types of individuals we treat within our facilities and describe to you their special needs. It is our goal to develop a long term plan for appropriate inmate mental health programming within KDOC, LSSH, and transition into the community through re-entry efforts.

There are basically five types of inmates within our correctional system.

1. **Stable Population Inmates** - Inmates that are not diagnosed with mental illness 4,759 (56% of total population) inmates currently in our KDOC facilities
2. **MH Class II (Non-Specific)** –Inmates that have a mental health diagnosis and need routine mental health services that are non-specific in nature and rarely use intensive services – 1,470 (17% of total inmate population) inmates currently in our KDOC facilities.
3. **MH Class III (Medication Specific)** – Inmates that have a significant mental health diagnosis and need routine mental health services as well as routine psychiatric services to include psychotropic medication management. They periodically use intensive services. – 1,345 (16% of total inmate population) inmates currently in our KDOC facilities
4. **MH Class IV (Special Needs)** – Inmates that require intensive or special needs/chronic care monitoring and routinely utilize intensive care services– 663 (7% of total inmate population) inmates currently in our KDOC facilities
5. **MH Class V & VI (Mental Retardation & Severe and Persistent Mentally III)** – These inmates are in special housing within the KDOC system and/or inpatient mental health services at Larned State Hospital – Isaac Ray – 363 (4% of total inmate population) inmates currently in our KDOC facilities and Isaac Ray

1. Stable Population Inmates – These inmates do not have a mental health diagnosis. However, mental health services are not just for inmates diagnosed with mental illness. Inmates within a correctional facility are often faced with grief/loss issues, situational anxiety, and or sadness due to their current condition of incarceration. Service needs for these individuals include:

- a. Short term clinical intervention targeting towards conflict resolution and is situational when the inmate is dealing with family crisis and/or outside influences.
- b. Grief counseling when family members are lost during incarceration and is usually a shared responsibility with chaplain services
- c. Anger management/adjustment counseling to promote stabilization with the inmate when dealing with recent disciplinary and/or security related situations.
- d. They have no special housing needs due to mental illness.

2. MH Class II (Non-Specific) – MH Class II (Non-Specific) are inmates with non-severe Axis I and II diagnoses. Examples of these types of diagnoses include adjustment disorders with anxiety or depression, sleep disorders, and mild character disorders. These inmates function at a relatively high level of self sufficiency within the system. They do not require chronic medication or special housing, and only occasionally require intensive clinical services such as crisis level placements. These inmates do require specific planning by licensed mental health staff specifically trained to identify the social and emotional needs of the patient. These inmates are identified in the KDOC system as a MH class II. These inmates usually require assistance in the following areas:

- a. Possible placement in a two person cell to prevent inmates diagnosed with situational depression from being alone or isolated.
- b. Possible short term placement in a single cell to prevent those inmates diagnosed with situational anxiety disorders/social anxieties from becoming over stimulated.
- c. Support with adjustment difficulties to maintain their current level II and not deteriorate. This may require monthly contacts by mental health staff, group therapy, medication, or activity therapy during exacerbated episodes.
- d. If necessary treatment planning specific to their individual diagnosis that is evaluated and maintained by the psychiatrist at least annually.
- e. These inmates may have a tendency to have trouble with other inmates due to their mental illness and therefore, may need conflict resolution services more than the stable population inmates.
- f. These inmates are not usually identified as needing specific mental health re-entry services and/or social services within the community upon release. However, these inmates are at a higher risk for return to prison if they are not well adjusted with their current condition upon release.
- g. These inmates can be managed in any current correctional facility environment within Kansas.

3. MH Class III (Medication Specific) – This category represents inmates that are diagnosed with moderate to significant Axis I and II diagnoses. Examples of these types of diagnoses include Major Depression, PTSD, Generalized Anxiety Disorder, and Obsessive Compulsive Disorder. These inmates function at a moderate level of self

sufficiency within the system. They require chronic medication, housing considerations, and more frequent intensive clinical services such as crisis level placements. These inmates require specific treatment planning by a multi-disciplinary treatment team that is more extensive than the MH Class II Non-specific inmate. Currently these inmates are identified in the KDOC system as a mental health class III. These MH Class III inmates usually require assistance in the following areas:

- a. Possible placement in a two person cell to prevent inmates from being alone or isolated.
- b. Possible placement in a single cell to prevent those inmates from becoming over stimulated.
- c. Support with adjustment difficulties to maintain level III status and not deteriorate. This may require monthly contacts by mental health staff, group therapy, and activity therapy during exacerbated episodes.
- d. Required treatment planning by a multidisciplinary team to include medical staff to ensure proper medication administration and maintenance.
- e. Psychiatry visits at least every 90 days.
- f. Individual or group therapy sporadically
- g. These inmates may have a tendency to have trouble with other inmates due to their mental illness and therefore, may need conflict resolution services more than the stable population inmates.
- h. These inmates may be identified as needing re-entry services and/or social services within the community upon release. These inmates will have a higher risk for return to prison if they are not well adjusted with their current condition upon release to include outpatient psychiatry visits, and medication maintenance.
- i. Movement and placement of these inmates is limited only by available psychiatric services on site. LCMHF, LCF, HCF, TCF, and EDCF can handle this type of inmate without restriction. WCF, ECF, NCF, are limited in the number of inmates they can take in this classification.

4. MH Class IV (Special Needs) - Inmates with significant to severe Axis I and II diagnoses. Examples of these types of diagnoses include Major Depression with psychotic features, Bipolar Disorder, Borderline Personality Disorder, and Undifferentiated Schizophrenia. These inmates function at a moderate to minimal level of self sufficiency within the system. They require chronic medication, housing considerations, and frequent intensive clinical services such as crisis level placements, individual therapy, and chronic care clinics. These inmates require specific treatment planning by a multi-disciplinary treatment team that is extensive and may require multiple treatment and medication adjustments. Currently these inmates are identified in the KDOC system as a mental health class IV. These MH Class IV inmates usually require assistance in the following areas:

- a. Possible placement in a two person cell to prevent inmates from being alone or isolated.

- b. Possible placement in a single cell to prevent those inmates from becoming over stimulated.
- c. Possible placement on crisis level in the infirmary.
- d. Significant support to maintain their current level IV. This may require monthly or more frequent contacts by mental health staff, ongoing group therapy, and ongoing activity therapy.
- e. Required treatment planning by multidisciplinary team to include medical staff to ensure proper medication administration and maintenance.
- f. Psychiatry visits at least every 90 days.
- g. These inmates usually have trouble with other inmates due to their mental illness and therefore, may need conflict resolution services routinely.
- h. These inmates are likely to end up in segregation due to repeat disciplinary reports especially those inmates that have significant Axis II diagnoses.
- i. These inmates may display acting out behavior such as feces throwing, head banging, assaultive behaviors, and passive aggressive communication with security.
- j. These inmates may demonstrate moderate to severe self harming gestures.
- k. These inmates are identified as needing re-entry services and/or social services within the community upon release. These inmates will have a higher risk for return to prison even with coordination of services in the community. However the chances of success have proven to be much higher with re-entry intervention prior to release.
- l. These inmates need community social services to include outpatient psychiatry visits, medication maintenance, and active therapy while in the community.
- m. These inmates usually are housed in a facility with 24 hour nursing care in case of crisis level placement or deterioration of symptoms. WCF, ECF, and NCF should be limited to the number of Class IV MH inmates they take and each inmate should be carefully screened to ensure they are stable prior to transfer. Destabilization of the inmate's condition while at these 3 facilities should result in immediate transfer to LCF, EDCF, or HCF.
- n. Of the 633 inmates in this Class IV category, approximately 70 inmates are inmates that transition to MH Class level VI (Severe) needing inpatient placement, and are usually on the revolving facility circuit. They tend to get passed from facility to facility. These inmates with severe behavior disorders currently do not have an adequate housing placement identified for males or females. LSSH refuses to take these inmates. LCMHF, TCF and EDCF are the primary facilities currently housing this type of inmate. Some of these cases transition to LCF and HCF as part of the revolving door syndrome.

5. MH Class V and VI (Mental Retardation and Severe and Persistent Mentally

III – These inmates are diagnosed with severe and persistent mental illness or retardation. Examples of these types of diagnoses include Major Depression with psychotic features, Schizophrenia, Schizoaffective Disorder, and other psychotic

disorders. These inmates do not function without assistance with Activities of Daily Living (ADL's) within the system. They require chronic medication, special mental health programming/ housing, and frequent intensive clinical services such as crisis level placements, individual therapy, and chronic care clinics. These inmates require specific treatment planning by a multi-disciplinary treatment team and full time psychiatry services available to them daily to adjust the medication and treatment. Currently these inmates are identified in the KDOC system as a mental health class VI. These MH Class VI inmates usually require assistance in the following areas:

- a. Single Cell Mental Health Bed Placement.
- b. Periodic Inpatient Hospitalization.
- c. Periodic placement on crisis level in the infirmary.
- d. Weekly or daily contacts by mental health staff, individual and group therapy, and ongoing activity therapy.
- e. Required treatment planning by a multidisciplinary team to include medical staff to ensure proper medication administration and maintenance.
- f. Psychiatry visits at least monthly.
- g. These inmates usually have trouble with any form of social interaction with general population and should not be housed within the general population for long periods of time.
- h. These inmates may display acting out behavior such as feces throwing, head banging, assaultive behaviors, and passive aggressive communication with security.
- i. These inmates may demonstrate severe/serious self harming gestures.
- j. These inmates are identified as needing re-entry services and/or social services within the community upon release. These inmates will have a higher risk for return to prison even with coordination of services in the community. However the chances of success have proven to be much higher with re-entry intervention pre release.
- k. These inmates need community social services to include outpatient psychiatry visits, medication maintenance, and active therapy while in the community.
- l. These inmates may require Civil Commitment hearings upon release from the correctional system.

PROGRAM OVERVIEW

Kansas Department of Corrections contracts with Correct Care Solutions to provide comprehensive mental health services to inmates in the custody of KDOC. These services are provided by mental health employees of CCS, who are typically located on-site. This contract is monitored for contract compliance, community standard of care, and compliance with NCCHC standards by employees of Kansas University Physicians, Inc.

CCS's comprehensive contract requires at a minimum the following mental health on-site services:

1. Psychological evaluation (RDU and other forensic assessment)
2. Individual psychotherapy
3. Group psychotherapy
4. Activity therapy
5. Case consultation and review
6. Psychotropic medication
7. Segregation monitoring and review
8. Transfer screening and hearings
9. Administration of restraints (and monitoring)
10. Crisis intervention
11. Discharge Planning
12. Clinical Service Report Services

When transfer to a more psychiatrically-oriented placement is indicated, CCS has the following options:

1. TRU at LCF
2. LCMHF
3. TCF Mental Health Pod (female population)
4. LSSH

The following sections provide an overview of the sites providing more intensive psychiatric/mental health services throughout the KDOC.

Treatment and Reintegration Unit (LCF)

Overview of Services

This unit opened in 1999 and has 78 residential beds and two crisis level beds. It is generally full with a small waiting list. There is currently a Program Manager, two Activity Therapists and two Mental Health professionals working in the unit. All inmates in this program are required to participate in either individual and/or group therapy. The general criteria for admission to this program include mental health class VI designation, difficulty functioning in general population due to mental illness (including post-traumatic brain injury and dementia) and/or mental retardation. Admissions to TRU can come from any KDOC facility. The TRU unit is not well-designed for severe behavioral acting out. Treatment on the unit is focused on skill development towards the goal of reintegration back into a general population setting. Releases are typically back to general population, release into the community, or in some cases, to LCMHF or LSH. While turnover in the unit is variable, it averages 5-6 inmates per month. A small number of inmates are maintained on the unit long-term. The TRU had 11 different inmates placed on crisis level status over the past year. LCF (maximum and medium units) had 37 different inmates placed on crisis level status over the past year.

There are four tracks in TRU:

1. Release Planning: Treatment in this track is typically done in groups and is designed for inmates approaching their release dates.
2. Adjustment to Incarceration: This track is used for inmates who have been on a crisis level and is normally limited to 30-90 days.
3. Testing: These inmates normally come directly from RDU for the purpose of more extensive evaluation, but may be referred from other sources.
4. Special Needs/High Maintenance: Some, but not all of these inmates have been diagnosed with mental retardation.

Current areas of concern within the unit:

1. Due to fluctuations in demand for bed space at LCF, there are currently only 78 TRU beds and 2 crisis level beds available for use.
2. The offices for all mental health staff are located on the TRU unit, therefore MH treatment for other central unit LCF inmates is provided there as well.
3. There is usually a waiting list of 10-20 inmates for the TRU. If more beds were available, more patients could be referred to the TRU unit from other facilities.
4. There is a waiting list for transfers to both LCMHF (approximately 20 from HCF) and LSSH.

Larned Correctional Mental Health Facility (LCMHF)

Overview of Services

The definition for targeted inmates designated for treatment at LCMHF (and TCF) as defined by the Consent Decree for the KDOC from the 1980's is as follows:

1. Definition of inmates with Serious Mental Illness:

"A substantial disorder of thought, perception, mood, orientation, memory, or intellectual deficit which grossly impairs judgment, behavior, the capacity to recognize reality or function effectively in the same environment with peers."

Diagnostic Categories:

- i. Organic Mental Disorders (dementia, organic brain syndrome)
- ii. Thought Disorders (Schizophrenia, Delusional disorder, others)
- iii. Anxiety and Dissociative Disorders, including PTSD
- iv. Mood Disorders (Bipolar Disorders, Major Depression, Dysthymia)
- v. Adjustment Disorders
- vi. Personality Disorders with a tendency for decompensation (emotional lability, suicide attempts, brief psychotic episodes, paranoid personality, borderline personality, narcissistic personality, schizotypal personality)
- vii. Severe Eating Disorders and sleep disorders

2. Definition of inmates with "Behavior Disorders:"

"An inmate with a repetitive behavioral problem that causes a significant problem in conforming to societal norms of acceptable behavior in establishing meaningful, satisfying interpersonal relationships or interferes with a personal sense of satisfaction of well being."

Diagnostic Categories:

- i. Sexual Disorders
- ii. Impulse Control Disorders
- iii. Substance Use Disorders
- iv. Personality Disorders including:
 - (i) Antisocial Personality Disorder
 - (ii) Other personality disorders including schizoid, histrionic, dependent, passive aggressive, obsessive compulsive personality disorder.

There has been an increase in the number of inmates entering into the KDOC with Serious Mental Illness. Due to this increase, the needs for mental health programming

have intensified, primarily for inmates in need of Acute Care. Acute Care within the KDOC is, "Traditional psychiatric hospitalization for the case of those mentally ill inmates who are de-compensated and unable to function effectively (dangerous to self or others, unable to care for basic self care, in need of intensive treatment)."

LCMHF currently has 150 program beds. LCMHF receives inmates from all KDOC institutions except TCF. Inmates typically are transferred from maximum-security units. If a KDOC site indicates an inmate is in need of more acute care and cannot be best managed at their site, the site initiates a due process hearing regarding potential transfer. If at the due process hearing, it is decided the inmate's needs are best met at LCMHF, the inmate is then transferred. The monthly turnover is typically 5-10 inmates. Once an inmate is stabilized, the inmate may be transferred to another KDOC site. Inmates may be housed at LCMHF long-term if clinically indicated.

LCMHF acts as the gatekeeper for transfer/treatment at LSSH. The correctional staff ratio at this facility is 1 staff to 2 inmates compared to the 1 to 3.5 ratio in most correctional facilities. This higher staff to inmate ratio allows for closer monitoring of inmates. For this reason, almost all inmates who are on involuntary medication status are housed at LCMHF. LCMHF had 49 different inmates placed on crisis level status last year. It should be noted that while LCMHF's staff ratio is higher than other KDOC facilities, it is not in line with an inpatient hospital setting such as LSSH which has a 1.4 to 1 staff to patient ratio. This limits LCMHF in its ability to provide intensive inpatient services when LSSH refuses to take inmates LCMHF recommends for inpatient services.

In the last 60 days LCMHF has increased their admissions from EDCF and LCF that have been refused as patients at LSSH. This has increased their segregation area to completely full and has required LCMHF to increase their services and staff overtime at that facility to maintain stability. These inmates will require long term, extensive services that appear to be beyond the mission established at LCMHF.

In 1992 LCMHF's mission was to provide transitional care. Any inmate needing long term mental health care would be transferred to LSSH. Now, LCMHF has become the long term care facility with LSSH only providing short term transitional services.

LCMHF consists of five 31 bed units:

1. E Unit: Administrative and Disciplinary segregation and inmates on crisis level
2. F1 Unit: Special Programming Unit – Each inmate on this unit has specialized programming depending on mental health need. Some examples of inmates treated include:
3. Inmates previously in long-term segregation and are attempting to transition back to general population
 - Potential LSSH transfers
 - Inmates struggling in the 'general population' units at LCMHF

4. F2 Unit: Special Care Unit

- Stable, chronically mentally ill; usually requiring long-term support
- Inmates requiring careful monitoring for hygiene problems and medication compliance
- Inmates transitioning into the F3 and F4 units
- Segregation overflow
- Inmates transferring to medium custody at other sites

5. F3 and F4 Units: Generally houses the mentally ill who are more stable. These are the 'general population' units at LCMHF.

2. There are 3 different incentive levels on these units. 1X1; 2X2; and Full Privileges. Incentives include Activity Therapy hours, day hall hours, eating meals in the chow hall, evening yard time, and the ability to obtain a job.

Current areas of concern with the unit:

1. LCMHF correctional staff is required to provide security services to LSSH in emergencies and during transports which can also pull services during critical times of the day.
2. LCMHF staff does not have adequate office space at LSSH to assist in coordination of services between the two facilities.
3. This facility is not an inpatient hospital and should not be forced to function as one with an inpatient hospital across the compound.

Eldorado Correctional Facility (EDCF)

Overview of Services

Mental health services are distributed throughout the segregation unit, general population, and in the infirmary. There are typically 1-2 crisis level placements per week and five-point restraints are used approximately once a month. They have the physical plan lay out to accommodate 12 crisis inmates and the capacity for two inmates to be placed in 5-point restraints at one time. They do not have the staffing resources to manage that level of service.

EDCF has the largest segregation unit in the State, therefore, houses most of the transitional Mental Health Class IV inmates with severe behavioral disorders. There are 30 inmates at any given time in the EDCF segregation unit that would be better served in a secure mental health facility that can manage the violent mentally ill and still provide intensive mental health treatment. This number is in addition to the 30 violent, mentally ill inmates housed at LCMHF. These inmates have mental health issues combined with severe acting out behaviors. These inmates are in need of mental health cognitive/behavioral intervention and a secure hospital setting. EDCF Central had 45 different inmates placed on crisis level status over the past year.

Current areas of concern within the unit:

1. EDCF does not have a mental health segregation unit.
2. EDCF has 6 mental health staff for the entire population and is not staffed for 1-1 staff to patient ratio.
3. Segregation is not conducive to providing mental health treatment.
4. EDCF does not have 24 hour mental health staff on site.
5. Security is required to deal with the staff intensive mentally ill inmates which pull them from monitoring the aggressive inmates that are not mentally ill.

Hutchinson Correctional Facility (HCF)

Overview of Services

Mental health services are distributed throughout the segregation unit, general population, and in the infirmary. Although there is no formal mental health unit approximately 20 beds are used specifically for mental health purposes. These inmates would normally be housed as mental health class VI at TRU or LCMHF, however, there is no bed space.

Current areas of concern within the unit:

1. HCF does not have 24 hour mental health staff on site.
2. This facility has a relatively small infirmary and must keep their infirmary beds open therefore, cannot keep crisis cases long term in the infirmary. This results in either a decision to release to population early or transfer an inmate during a crisis to another facility.
3. The facility is not staffed to run a 20 bed MH Class VI unit and KDOC runs a risk in maintaining this population at that facility.

Topeka Correctional Facility (TCF) – Mental Health Pod

Overview of Services

Mental health services are distributed throughout the facility. TCF has a designated mental health pod (Pod 4) with 15 beds being used to house patients with significant mental health issues. This pod is not segregated from general population. Although mental health services are provided, there is no mental health programming available within the cell house. There is one designated crisis level room within the infirmary and 4 crisis level rooms within pod 4. When the needs exceed the space within the mental health pod, the Reception and Diagnostic Unit (Pod 2) is used as an overflow for housing. There is an average of between 3-5 inmates on a crisis level at any given time. TCF had 40 different inmates placed on crisis level status over the past year.

Current areas of concern within the unit:

1. TCF typically has 3-5 crisis level placements at any given time. There are only a total of 5 crisis level beds. There are times when the Reception and Diagnostic Unit is utilized for overflow. In the short-term, additional cells modified for crisis level placements are needed.
2. Because of space limitations within the TCF mental Health Pod, MH Level IV and VI inmates are housed in RDU or general population, which increases the risk for the patient to deteriorate.
3. Mental health services provided for the 15 bed mental health pod are not able to be carried out within the cell house. This is sub-optimal for mentally ill inmates.
4. Security and health care staff are often placed at risk due to restricted space when placing restraints on the inmates.
5. This facility does not have 24 hour mental health services on site.
6. Due to the close proximity of the inmates in the MH pod to general population inmates (visually and during chow hall time) the inmates tend to react negatively to this increased stimulation, causing an increase in crisis.

Larned State Hospital (LSH)

Overview of Current Issues

Although the KDOC has established a comprehensive mental health treatment model carried out by the medical contractor, some inmates fall outside of the realm of this treatment model. Therefore, the department established a "safety net" to provide mental health treatment to offenders who fall outside of the realm of appropriateness of treatment within a correctional facility. The department established a Memorandum of Agreement with Larned State Security Hospital (LSSH) to treat those inmates who would be better served within a hospital setting, rather than a correctional institution. In spite of the MOA established with LSSH, there is a great deal of uncertainty regarding the "types" of inmates LSSH will agree to accept for transfer and treatment within their facility. Although the MOA and consent decree requires and delineates criteria for acceptance, the established criteria are not always followed during the staffing process. Admission criteria according to the MOA is as follows: "a) Active acute symptoms that require medication management; b) Patient requires frequent medications as needed outside those normally prescribed for such patient (PRNs); c) Patient is actively engaging in self-harm or aggressions; and, d) Suicidal behavior or gestures."

Overview of Services

It should be noted that KDOC has no accredited mental health hospital facility, and LSH is its only resource for mental health hospital (inpatient) services. Larned Correctional Mental Health Facility is not an accredited hospital, but was intended for placement of acute and chronically mentally ill inmates. It is a male-only facility. The only resource for both inpatient and acute/chronically mentally ill female inmates is the State Security Hospital at Larned. The State Security Hospital has beds for both males and females in the Isaac Ray Unit. The MOA between KDOC and SRS specifies:

1. The KDOC has 115 beds available for use (90 beds in addition to the original 25 beds).
2. At least 60 beds will be "secure residential" beds.
3. At least 30 beds will be "acute care" beds for males.
4. Up to fifteen additional female beds that either be "secure residential" or "acute care."
5. "these 90 beds are in addition to 25 beds that have been available to KDOC"

Current areas of concern within the unit:

1. Contractual Obligation to Provide Acute Hospitalization Services – The CCS contract documents LSSH as the provider for acute or long-term psychiatric hospitalization for inmates exhibiting signs of acute mental

illness, psychological distress, or danger of harm to self or others. When LSSH does not accept an inmate as an acute admission and CCS clinical staff determines hospitalization is necessary, a conflict in this contractual obligation occurs.

2. Ability to Manage Violent, Mentally Ill Inmates – LSSH personnel¹ report they are ill-equipped to manage violent or aggressive patients due to facility limitations and staff limitations. LSSH is required to follow Joint Commission Hospital Standards and does not have the tools KDOC has, such as a disciplinary system, long term segregation, ambulatory restraints, and corrections officers.
3. Treatment Philosophy Differences – LSSH personnel² strongly expressed the opinion that LSSH was not a suitable placement for “behaviorally disordered” inmates, or inmates with an Axis II diagnosis (i.e., personality disorder). This treatment philosophy leaves no hospital alternative for these inmates who often engage in self-injurious (without suicidal intent) and disruptive behaviors.
4. Managing violent, aggressive, self-injurious (without suicidal intent) psychiatric patients if LSSH care remains unavailable for the above mentioned types of patients, LCMHF, EDCF, & TCF will require additional treatment staff and facility space to treat such inmates.
5. Due to staffing constraints, a portion of Isaac Ray remains unopened leaving KDOC inmates co-mingling with pre-sentencing patients. LSSH bed space is often full, leaving little room for incoming KDOC inmates.

¹ As documented by Robert Connell, PhD at LSSH.

² As documented by Robert Connell, PhD at LSSH.

State Wide MH Placement and Treatment Recommendations

Resolve current MOA conflicts with SRS.

If LSH does not accept assaultive, violent, self-injurious inmates, such patients remain within the KDOC system within segregation units. Segregation placement in lieu of mental health hospitalization may constitute lack of access to mental health treatment.

Create an appropriate therapeutic environment for the aggressive mentally ill inmates.

Two additional housing units (male and female) servicing this high acuity, difficult to treat inmate population is needed. The current population of placement of the mentally ill within the correctional facilities is noted below.

Current population placement of mentally ill:

30	beds = EDCF Segregated Mentally Ill inmates
30	beds = LCF/HCF & facilities w/ Segregated Mentally ill inmates
115	beds = LSH Moderate to Non-aggressive Mentally ill inmates
78	beds = LCF TRU Unit
80	beds = LCMHF non segregated mentally ill inmates
70	beds = LCMHF Segregated mentally ill inmates
<u>16</u>	<u>beds = TCF (females) Segregated Mentally Ill</u>
419	beds = Total

The need for increased beds is driven by two issues:

- The need to transfer the mentally ill inmates out of segregation and provide treatment in a therapeutic, yet secure environment, and
- It is anticipated that the number of beds will increase as the numbers of inmates with serious mental illness increases. Some of that increase will include a population of mentally ill that will engage in assaultive, aggressive behaviors and self-harming gestures.

The Acute Care Units for the male and female inmate population, when accounting for the mental health increase in patient load we have seen within the last 3 years is an increase of 24%.

Projected population placement of the mentally ill:

10	beds = EDCF as respite overflow services Seg MI for the new unit
0	beds = LCF/HCF & facilities No Segregated Mentally ill inmates
115	beds = LSH Non-aggressive Mentally ill inmates
78	beds = LCF TRU Unit Non aggressive mentally ill inmates
10	beds = LCMHF Segregated mentally ill & severely psychotic
140	beds = LCMHF Non-aggressive mentally ill inmates
146-216	beds = New Acute Care Unit current/projected seg mentally ill
15	beds = TCF TRU unit in place of current mental health seg unit
16	beds = TCF new therapeutic unit non-segregated MI
4	beds = TCF new therapeutic unit segregated MI

534-604 beds = Total mentally ill special needs beds

Function of the Proposed Acute Care Units:

- Stabilization
- Ensure safety of inmates and staff
- Improve the inmate's functioning in order to be transferred to a less restrictive setting
- This setting will be best suited for aggressive, violent, and/or self-injurious inmates with or without psychotic symptoms. This includes inmates with Axis I and/or Axis II diagnoses.
- Inmates who do not have an Axis I and/or Axis II mental health diagnosis and are aggressively acting out are not best suited for an Acute Care Unit.
- Inmates with the primary behavioral manifestation of victimizing others should be considered on a case by case basis.
- Hospital Accreditation: Exploration of this issue should be addressed early in the process to assure staffing levels are consistent with JCAHO.
- Review: All admissions to these units should be reviewed on a 30 day basis for continuing progress and placement. The review committee should have at least one member not on facility staff.

**PERTINENT MENTAL HEALTH STATISTICAL DATA
OUTLINING CURRENT USAGE
JULY 2008 THROUGH MAY 2009**

A. Psychiatric nurse encounters		3287
B. Psychiatric encounters		2770
C. Follow-up encounters by MHP		22306
D. Individual therapy encounters		1837
E. Group therapy encounters		23493
F. Activity therapy individual encounters		13219
G. Activity therapy group encounters		17065
H. Initial diagnostic review		2667
I. Segregation rounds		154113
J. Special needs		8367
22. DIAGNOSIS		
A. Newly dx with Axis I (excluding sole diagnosis of substance abuse)		536
B. Newly dx with dual diagnosis (substance abuse and other Axis I)		398
C. Total number of crisis level placements		2389
1. Level I		1051
2. Level II		782
3. Level III		373
4. Level IV		175
5. Level V		8
D. Total number of inmates on crisis level		561
23. REVIEWS		
A. Mental health screens		15165
B. Inter facility transfer file review		8415
C. Release planning		3959
D. Case consultations		5018
E. PV screens reviewed		896
F. Segregation 30/90 reviews		2207
G. Segregation review board		8116
H. Number of RDU reports completed		2785
24. MEDICATIONS		
A. Inmates on psychotropic medications	A	1556
B. Comparison of # on medications to ADP %		18%

C. Involuntary medications	A	13
D. Recommended for involuntary medications		21
E. Approved for involuntary medications		23
F. Forced medications		8
25. CSRs		
A. KDOC CSRs		103
B. KPB CSRs		102
C. MDT CSRs		167

Page 6 of 6 KDOC/CCS HSR		YTD
26. TRANSFERS		
A. Transfers to LCMHF		185
B. Transfers to LSSH		42
C. Transfers from LCMHF		69
D. Transfers from LSSH		30
27. SELF-HARM, SUICIDES, AND DEATHS		
A. Self-harm episodes		54
B. Suicide threats/gestures		165
C. Suicide attempts		11
D. Suicides		0
28. CCS STAFF		
A. Staff court testimony hours		204
B. Staff supervision hours (giving/receiving)		2855
C. Mental health in-service hours		1689
29. MISCELLANEOUS		
A. Number of inmates in special needs	A*	663
1. Mental health assessments	A	242
2. Mental health diagnoses/assessments	A	85
3. Mental health diagnosis - prevalence KDOC	A	4008
4. Axis I mental health diagnosis/assessments	A	49
5. Individual inmate Axis I mental health diagnosis - prevalence KDOC	A	2686
6. Mental health treatment for Axis I - prevalence/assessment	A	252
7. Individual inmate mental health treatment for Axis I - prevalence KDOC	A	2028
8. Number of mental health beds	A	304
9. Mental health placements in non-KDOC facility	A	89

CASE STUDIES

#1 Female:

- Significant history of self-harm gestures: bites herself and removes flesh on upper arms & lips; inserts objects into herself (paperclip, eating utensils) requiring surgical removal; rubs feces into wounds; eats objects (bolts, nail clippers, glass); engages in head banging.
- During youth, resided in group homes and hospitals.
- Extremely unpredictable behavior.
- Mild Mental Retardation.
- Numerous episodes of physical aggression toward staff (crime involved stabbing her group home owner because she would not give her money for drugs).
- Numerous episodes of therapeutic restraints due to self-harm.
- Attempted to transfer to LSSH twice over the course of a year, however was not accepted by LSSH for placement. LSSH staff reported concern about her history of aggressive behavior and their ability to safely handle such. CCS staff reiterated the seriousness of her self-injurious behavior, as during the time of the 3rd requested transfer, she was in a local hospital being treated for her self-inflicted injuries.
- LSSH staff agreed to take inmate on an acute basis, targeting self-injurious behaviors with the condition that if inmate becomes aggressive (including spitting behavior), TCF will agree to accept her back.

#2 Female:

- Significant history of self-injurious behaviors which typically included inmate banging her head or kicking/punching objects. Her most recent self-injurious behavior involved the volitional fracture of her ankle which required surgical intervention. At the time, she was also recovering from an arm fracture. The inmate had removed the cast from her arm prior to it being fully healed.
- According to LSSH, this inmate had at least 100 prior psychiatric hospitalizations before her admission into the KDOC.
- After the inmate fractured her ankle, as noted above, LSSH staff asserted inmate met maximum benefit of hospitalization, with little to no change in her status regarding aggressiveness and self-injurious behavior. LSSH attempted to engage inmate in behavioral programming, however she was not responsive. Her most recent self-injurious behaviors caused a life-threatening medical condition.
- LSSH staff recommended return to TCF for further mental health treatment upon recuperation from her medical hospitalization.
- CCS staff strongly disagreed with the request to transfer inmate to TCF due to inmate's most recent self-harm behaviors.
- Staff from LSSH and KDOC discussed that there is a significant treatment philosophy difference regarding what types of mental health patients should be best treated in the hospital, and what types of patients can be maintained within prison.

#1 Male:

- Inmate is diagnosed with Schizophrenia with accompanying psychotic symptoms and use of psychotropic medications.
- He has a chronic history of self-injurious behaviors including inserting pencils, spoons, carrot sticks, and other pointed objects into his penis. This behavior has resulted in hospital treatment (removal) by a Urologist. He has also jumped off the 2nd tier railing. Prior to incarceration, this inmate has been placed in psychiatric hospitals.
- Behaviorally, this inmate frequently smears feces. He is known for erratic, aggressive behaviors including throwing his food tray and being uncooperative with correctional officers.
- Inmate is currently not allowed out of his cell except in a geri-chair.
- He was not approved for transfer to LSSH due to history of aggressive behaviors.

#2 Male:

- Inmate is very disorganized and has a delusional thought process. He experiences auditory and visual hallucinations and sleeps most of the day. He is unable to use appropriate judgment with caffeinated canteen items. At one point, he was eating (not drinking) approximately 65 tea bags daily. He was also eating at least one container of seasoning salt a week.
- His waking hours are spent discussing what the "aliens" tell him to do. He becomes very paranoid over some of the content from these hallucinations. A nurse was injured because the aliens told him that he was to be killed that night and when the officers attempted to extract him from his cell, he pushed past her and attempted to escape the infirmary area.
- An individualized treatment program has been created to offer this inmate structured time for socialization, mental health stabilization and to work toward the removal of crisis level restrictions.
- This inmate is a danger to himself and others due to the depth of his psychosis. He would benefit from state hospital placement, however both LSSH and LCMHF staff have been unwilling to pursue placement at LSSH due to his prior elopement from custody there and his need for almost constant seclusion/segregation placement. At this point his presentation and ability to function is so severely compromised that his life is greatly diminished by his mental illness.

#3 Male:

- On 05/14/09, inmate was placed on Crisis Level IV in therapeutic restraints. The inmate has a significant history for psychotic symptoms including hallucinations and delusions, cutting on himself, banging his head, and making false complaints of chest pains. In KDOC, he is housed within the EDCF segregation unit.
- This action was taken due to his self-injurious acts and threats to continue such behavior. He was monitored daily while on crisis placement.
- The Psychologist and Psychiatrist at EDCF conferred regarding his status of transfer to LCMHF.
- Psychiatrist elected to withdraw the request for transfer since inmate became medication compliant and free of any overt psychotic functioning, although he was still unstable. Additionally, the psychiatrist did not believe LSSH would accept him for transfer/treatment due to his aggressive behavior.

- The Psychologist presented this decision during the weekly Mental Health Coordinator's call. The medical vendor and Warden were unhappy with the decision and decided to re-evaluate the situation in 1 month.
- Over next month inmate continued self-injurious behaviors of cutting, banging his head, and scratching himself while housed in segregation.
- An LSSH transfer request was made, but denied by LSSH 6/09.
- Transfer to LCMHF was approved 6/09 for mental health placement.

#4 Male:

- Inmate has a diagnosis of Axis II borderline personality disorder, as well as a long history of various other diagnoses including a cognitive disorder, psychosis, and dementia.
- EDCF segregation unit state, "We desperately need relief from him. He continues to push bodily waste out of his cell, and just today, it was so bad that I literally gagged several times in the day room. I really feel for the staff required to escort him to showers and clean up his cell." His behavior has been described by staff as "bizarre and needy." He engages in self injurious behaviors (i.e., head-banging).
- Facility reports they cannot give him a mattress or a blanket because every time they do he tears it up and makes braided ropes out of it to potentially use as a suicide gesture.
- He is in the observation cell due to his constant running, irrational dialogue, many times with high volume and making no sense whatsoever.
- He was diagnosed with borderline personality disorder by LSSH and questions remain regarding his diagnosis.
- Reports of symptoms and behaviors are strongly suggestive of psychosis, and we are not convinced that all of his negative behaviors can be accounted for by malingering and personality disorder.
- Mental Health staff identified elements of malingering and personality disorder present, but that a closer look needs to be taken regarding the issue of psychosis symptoms (i.e., hallucinations, delusions, difficulty with reality contact, bizarre behavior).
- When this inmate was staffed for transfer to LSSH, transfer was denied due to lack of Axis I diagnosis.
- The case was reviewed by KDOC with decision pending and the following recommendations:
 - Placement on Crisis Level II, due to potential for suicidal behavior.
 - Transfer to LSSH for a comprehensive evaluation upon approval by LSSH.
 - Removal of any "malingering" diagnosis until the LSSH evaluation is completed.

#5 Male:

- Inmate was returned to EDCF on 5/4/09.
- He was significantly mentally ill, and scheduled for release on 6/22, therefore mental health staff had very little time to help the inmate improve his mental health status.
- He is described as violent, destructive, needy, and is classified in OMIS as MH level 4 with an Axis I/II diagnosis.
- Inmate refused to sign any paperwork, and reports that he is being "abused and tortured" by correctional and medical staff.
- On the day of his admission, inmate was so violent that his A&D / KASPER picture was taken in the restraint chair on the day of his arrival.

- Since then, he has received 7 Disciplinary Reports (DR) in 9 days. Three of the DRs occurred when he destroyed a cell, causing much damage.

#6 Male:

- Inmate arrived as a new court commit on 4/7/09 and was then placed in Disciplinary Segregation. He had 5 pending DRs for aggression.
- Inmate appeared to have psychotic episodes mixed with lucid moments, insisting both verbally, and by writing a grievance that 1. Two officers had conspired to have two inmates to throw urine on him in the yard, (no evidence this ever happened despite thorough investigation) and 2. Two staff members had broken both of his arms no visual sign of trauma.
- Whenever the inmate communicates verbally, his tone of voice is at the volume of yelling.
- Inmate cyclically refuses his medications, and then insists that they be given by injection.
- He was classified as MH level 2 and only had an Axis II diagnosis therefore would not likely be considered a candidate for either LCMHF or LSSH at the time. The inmate was unstable enough that he could not function with these behaviors in general population, therefore was housed in segregation.

#7 Male:

- Inmate has periodic episodes where he becomes very disruptive, floods the cell, breaks the sprinkler heads, and admits some paranoia.
- Inmate complains of frequent nightmares where he is assaulting his grandmother, or feeling her "enter my body".
- Has had 29 DR's since January 1, 2009 - many for Undue Familiarity, Batteries, Assaults, Threatening, and Interference with Restraints.
- He received DR's for breaking 2 sprinkler heads within 5 days of each other last month.
- He maxes his sentence on 6/4/09 therefore we can not send him to LSSH for treatment, as they do not have discharge planning at LSSH.

#8 Male:

- Inmate is classified as a mental health level 4, with both an axis I/II diagnosis.
- Although intelligent, he becomes irrational and confused and during these confused episodes he becomes violent and unpredictable.
- Inmate has been prescribed eleven different psychotropic medications since he was an adolescent with limited success.
- Is sporadically violent and destructive. "Today he took his food passer hostage, tore up his towel to use to grab him."
- He repeatedly yells offensive and insulting comments out of his cell to mainly female staff members.
- His sentence expired 3/2008 and was sent straight to county jail and then returned to KDOC custody immediately in Aug 08 with a new conviction of Battery LEO for seriously hurting a county corrections officer.
- He has 7 DR's in the last 3 months, most all Class I's.
- LSSH will not take patient due to aggressive behavior

#9 Male:

- Inmate is diagnosed with an Axis II personality disorder and has a history of self-harm cutting behaviors and crisis level placements. He intermittently shows emotional lability, entitled thinking, and paranoia (believes other are not what they seem).
- Inmate resides in segregation at EDCF due to behavioral difficulties.
- This individual is currently unable to maintain in general population due to difficulties relating with other inmates and staff. He remains a high acuity mental health inmate due to his behaviors and thinking patterns

#10 Male:

- Inmate is diagnosed with Bipolar disorder and is a mental health classification level 4. He has a history of being diagnosed with multiple personalities.
- He displays a pattern of making suicidal statements to other inmates and then denying them when mental health attempts interventions.
- He struggles to maintain a positive mental health status and is placed in segregation.
- He has been investigated for a series of PREA incidents. Though he complains of being the victim in each of these incidents, staff have observed him to be involved in initiating these situations.
- He is aggressive to other inmates/staff and tends to escalate situations leading to physical confrontation.
- MH and security officers identified him as being too aggressive for general population, citing that if he were to be allowed to be in general population again he would once again victimize others with his claims of unwanted sexual activity and aggressive physical behavior.
- Segregation placement is made both for his own safety and that of others.
- Due to current limitations at LSSH he will not be approved for that facility but will be housed in LCMHF segregation unit.

DATE: July 7, 2009

TO: Roger Werholtz
Secretary of Corrections

FROM: Keven Pellant
Deputy Secretary of Community & Field Services

SUBJECT: Possible Scenario: Length of Post-Release Supervision Reduced by 50%

What is the estimated impact of this possible reduction on FY 2009 and FY 2010 post-release supervision offender population?

	<u>Number</u>		<u>Proj. Reduction</u>		<u>In-State</u>		<u>Reduction Number</u>
FY09	4,923	x	35.7%	=	1,758	x	80% = 1,406
FY10	4,972	x	35.7%	=	1,775	x	80% = 1,420

Criteria used in estimation:

- Limit pool to Kansas offenders supervised in-state (n=3,926) and out-of-state (n=934)—total of 4,860 as of July 21, 2008.
- Use Location Part 1 = J or K (Kansas offenders) but exclude Location Part 1 = P (abscond or warrant issued)—brings total to 4,432.
- Limit pool to only determine sentence offenders (Guidelines Indicator = D)—brings total to 3,719 with determinate periods of post-release.
- Restrict to offenders with 12-, 24-, or 36-month period of supervision, reducing the pool slightly (to 3,590).

Find the number in each of the three length of supervision groups (12, 24, and 36) who have been under supervision longer than the 50% reduction amount (e.g., for the 12-month supervision group, the number who have already been under supervision 6 months or more). Total the three groups. Determine the hypothetical resulting percentage of reduction to the number in the Kansas offender group as of today (July 21, 2008). Then, apply this hypothetical reduction to the estimated end-of-year Kansas offender supervision population for FY 2009 and FY 2010. [The June 30, 2008 Kansas offender supervision population is 1.0% larger than the corresponding group of a year earlier (June 30, 2007). A possibility is to assume that this rate of increase will continue for 2009 and 2010.]

KP:jg
cc: File

**Without Retroactivity
Increased Good Time
Applicable to Sex Offenses**

Fiscal Year	Increase Good Time To 30% Bed Savings	Increase Good Time To 40% Bed Savings	Increase Good Time To 50% Bed Savings
2010	119	216	322
2011	180	431	652
2012	305	601	965
2013	391	726	1128
2014	440	829	1290
2015	541	952	1430
2016	583	1033	1462
2017	602	1084	1601
2018	640	1148	1699
2019	653	1195	1734

**Without Retroactivity
Sex Offenses at
Present Good Time Policy**

Fiscal Year	Increase Good Time To 30% Bed Savings	Increase Good Time To 40% Bed Savings	Increase Good Time To 50% Bed Savings
2010	114	205	303
2011	165	404	606
2012	253	513	839
2013	316	591	928
2014	342	658	1010
2015	403	727	1106
2016	447	781	1109
2017	441	815	1201
2018	465	847	1268
2019	477	886	1274

**Retroactivity
Increased Good Time
Applicable to Sex Offenses**

Fiscal Year	Increase Good Time To 30% Bed Savings	Increase Good Time To 40% Bed Savings	Increase Good Time To 50% Bed Savings
2010	800	1632	2841
2011	936	1853	2864
2012	971	1810	2716
2013	1013	1737	2540
2014	907	1649	2399
2015	972	1676	2368
2016	973	1665	2271
2017	950	1618	2296
2018	938	1594	2283
2019	918	1596	2240

**Retroactivity
Sex Offenses at
Present Good Time Policy**

Fiscal Year	Increase Good Time To 30% Bed Savings	Increase Good Time To 40% Bed Savings	Increase Good Time To 50% Bed Savings
2010	696	1388	2397
2011	785	1559	2336
2012	775	1426	2107
2013	769	1296	1897
2014	651	1200	1735
2015	686	1208	1698
2016	703	1200	1608
2017	680	1161	1623
2018	666	1128	1603
2019	642	1115	1542

Bed Space Impact Assessment
Increase Good Time from Current 15% and 20% to 30%, 40% or 50%
For Guideline Offenders at Severity Levels D1 to D4 and N1 to N10

KEY ASSUMPTIONS

- The target inmates in this assessment include guideline offenders at severity levels from D1 to D4 and N1 to N10.
- The projected admissions to prison for the above target offenders is assumed to increase by an annual average of 0.5%, which is the same percentage used in relation to the baseline population forecast produced in August 2008 by the Kansas Sentencing Commission.
- The good time for the above offenders is assumed to be raised from current 15% and 20% to 30%, 40% or 50% with no retroactivity and with retroactivity.
- Off-grid offenders are not eligible for good time earnings.
- The effective date is July 1, 2009.

FINDINGS

- Prison admissions in FY 2008 included 299 sex offenders convicted of nondrug severity level 1 – 10 felonies.
- Prison stock population on June 30, 2008 included 1,440 sex offenders convicted of nongrid severity level 1 - 10 felonies.

Registration Offenses and Failure to Register Penalty

Offenses Requiring Registration	Offense Penalty for Crime Requiring Registration	Penalty for Failure to Register	Comment
<p>Adultery when <u>any of the parties</u> is under the age of 18; crime defined at K.S.A. 21-3507;</p> <p>Required to register at K.S.A. 22-4902(a)(5)(A).</p>	<p>Class "C" misdemeanor.</p>	<p>Severity Level 5 person Felony for each 30 day period in which the offender has not registered.</p>	<p>Crime involves consensual sexual relations with an offense penalty of a class "C" misdemeanor however registration violations are SL 5 person felonies for each 30 days of violation.</p> <p>The person under the age of 18 engaging in adultery could also be convicted and required to register.</p> <p>The failure to register is a more severe penalty than the underlying crime.</p>
<p>Unlawful Sexual Relations when <u>any of the parties</u> is under the age of 18; crime defined at K.S.A. 21-3515;</p> <p>Required to register at K.S.A. 22-4902(a)(5)(F).</p>	<p>Severity Level 10 person felony.</p>	<p>Id.</p>	<p>The registration requirement is applicable only when one of the parties is under the age of 18. This would not apply to most if any situations involving corrections staff and adult offenders.</p> <p>The failure to register is a more severe penalty than the underlying crime.</p>

Offenses Requiring Registration	Offense Penalty for Crime Requiring Registration	Penalty for Failure to Register	Comment
<p>Patronizing a prostitute when any <u>of the parties is under 18</u>; crime defined at K.S.A. 21-3515;</p> <p>Required to register at K.S.A. 22-4902(a)(5)(D).</p>	<p>Class "C" misdemeanor.</p>	<p>Id.</p>	<p>Would apply to a defendant under the age of 18 soliciting a prostitute irrespective of the age of the prostitute.</p> <p>The failure to register is a more severe penalty than the underlying crime.</p>
<p>Lewd and Lascivious Behavior when <u>any of the parties is under 18</u>; crime defined at K.S.A. 21-3508;</p> <p>Required to register at K.S.A. 22-4902(a)(5)(E).</p>	<p>If committed in the presence of a person 16 or more years of age is a class "B" nonperson misdemeanor.</p> <p>If committed in the presence of a person under 16 years of age is a severity level 9, person felony.</p>	<p>Id.</p>	<p>Would apply to a defendant under the age of 18 engaging in Lewd and Lascivious conduct irrespective of the age of any person viewing the conduct.</p> <p>The failure to register is a more severe penalty than the underlying crime.</p>

Offenses Requiring Registration	Offense Penalty for Crime Requiring Registration	Penalty for Failure to Register	Comment
<p>Promoting Prostitution when <u>any of the parties is under 18</u>; crime defined at K.S.A. 21-3513; Required to register at K.S.A. 22-4902(a)(5)(C).</p>	<p>Class "A" person misdemeanor when the prostitute is 16 or more years of age.</p> <p>Severity Level 7 person felony when the prostitute is 16 or more years of age if committed by a person who has, prior to the commission of the crime, been convicted of promoting prostitution.</p> <p>Severity Level 6 person felony when the prostitute is under 16 years of age unless the offender is over the age of 18 and the prostitute is under the age of 14 which is an off grid person felony.</p>	<p>Id.</p>	<p>The failure to register may be more severe penalty than the underlying crime.</p>
<p>Conviction of a person felony when court finds that a deadly weapon was used in its commission.</p> <p>Required to register at K.S.A. 22-4902(a)(7).</p>	<p>The severity level of the offense will vary.</p>	<p>Id.</p>	<p>The failure to register may be more severe penalty than the underlying crime.</p>

Offenses Requiring Registration	Offense Penalty for Crime Requiring Registration	Penalty for Failure to Register	Comment
<p>Persons required to register pursuant to another state's laws. Persons convicted in other jurisdictions for crimes similar to Kansas crimes requiring registration.</p> <p>Required to register at K.S.A. 22-4902(a)(6) and 22-4902(a)(8)</p>	<p>The sentence imposed by the other state for the underlying crime will vary depending on that state's law.</p>	<p>Id.</p>	<p>The failure to register may be more severe penalty than the underlying crime.</p>
<p>Aggravated Trafficking; crime defined at K.S.A. 21-3447.</p> <p>Required to register at K.S.A. 22-4902(a)(10).</p>	<p>Off grid person felony.</p>	<p>Id.</p>	
<p>Unlawful manufacturing of any controlled substance (except for the defendant's personal use).</p> <p>Crime defined at K.S.A. 65-4159;</p> <p>Required to register at K.S.A. 22-4902(a)(11)(A).</p>	<p>Drug Severity Level 1 felony</p>	<p>Id.</p>	

Offenses Requiring Registration	Offense Penalty for Crime Requiring Registration	Penalty for Failure to Register	Comment
<p>Possession of meth precursors (except for the defendant's personal use).</p> <p>Crime defined at K.S.A. 65-7006;</p> <p>Required to register at K.S.A. 22-4902(a)(11)(B)</p>	<p>Possession of precursors with the intent to manufacture a controlled substance ; sale of such items with reasonable knowledge that such will be used in manufacturing; or marketing such items for uses not FDA approved for over the counter drugs are Drug Severity Level 2 felonies.</p> <p>Purchase of more than 3.6 grams of pseudoephedrine or ephedrine in a single transaction or more than 9 grams with in a 30 day period is a Class "A" nonperson misdemeanor.</p>	<p>Id.</p>	<p>The failure to register may be more severe penalty than the underlying crime.</p>

Offenses Requiring Registration	Offense Penalty for Crime Requiring Registration	Penalty for Failure to Register	Comment
<p>Drug Sales; Crime defined at K.S.A. 65-4161;</p> <p>Required to register at K.S.A. 22-4902(a)(11)(C)</p>	<p>The offense penalty varies dependant on prior drug sale convictions or if in the vicinity of a school. 1st offense is a Drug Severity Level 3 felony.</p> <p>2nd offense or in proximity of a school is a Drug Severity Level 2 felony.</p> <p>3rd offense is a Drug Severity Level 1 felony</p>	Id.	<p>A 1st time sale conviction carries a presumptive sentence of not more than 19 months, however, a offender failing to register without a criminal record has a presumptive sentence range of 31 – 34 months. (It is assumed that the felony conviction which causes the requirement of registration is not counted as criminal history since that crime is a prerequisite for the commission of the crime of failing to register).</p> <p>The failure to register may be more severe penalty than the underlying crime.</p>
<p>Rape; Crime defined at K.S.A. 21-3502;</p> <p>Required to register at K.S.A. 22-4902(c)(1)</p>	<p>Rape sentences vary from a Severity Level 2 person felony, Severity Level 1 person felony or an off grid felony.</p>	Id.	
<p>Indecent Liberties with a Child; Crime defined at K.S.A. 21-3503;</p> <p>Required to register at K.S.A. 22-4902(c)(2)</p>	<p>Severity Level 5 person felony</p>	Id.	

Offenses Requiring Registration	Offense Penalty for Crime Requiring Registration	Penalty for Failure to Register	Comment
<p>Agg Indecent Liberties with a Child; Crime defined at K.S.A. 21-3504;</p> <p>Required to register at K.S.A. 22-4902(c)(3)</p>	<p>Level of the offense varies from Severity Level 4 person felony, Severity Level 3 person felony or an off grid person felony.</p>	Id.	
<p>Criminal Sodomy; Crime defined at K.S.A. 21-3505(a)(2) or (a)(3);</p> <p>Required to register at K.S.A. 22-4902(c)(4)</p>	<p>Severity Level 3 person felony.</p>	Id.	
<p>Agg Criminal Sodomy; Crime defined at K.S.A. 21-3506</p> <p>Required to register at K.S.A. 22-4902(c)(5)</p>	<p>Level of the offense varies from Severity Level 1 person felony or an off grid person felony.</p>	Id.	
<p>Indecent Solicitation of a Child; Crime defined at K.S.A. 21-3510.</p> <p>Required to register at K.S.A. 22-4902(c)(6)</p>	<p>Severity Level 6 person felony.</p>	Id.	<p>The failure to register is a more severe penalty than the underlying crime.</p>
<p>Agg. Indecent Solicitation of a Child; Crime defined at K.S.A. 21-3511.</p> <p>Required to register at K.S.A. 22-4902(c)(7)</p>	<p>Severity Level 5 person felony.</p>	Id.	

Offenses Requiring Registration	Offense Penalty for Crime Requiring Registration	Penalty for Failure to Register	Comment
<p>Sexual Exploitation of a Child; Crime defined at K.S.A. 21-3516.</p> <p>Required to register at K.S.A. 22-4902(c)(8)</p>	<p>Level of the offense varies from Severity Level 5 person felony, or an off grid person felony.</p>	<p>Id.</p>	
<p>Sexual Battery; Crime defined at K.S.A. 21-3517.</p> <p>Required to register at K.S.A. 22-4902(c)(9)</p>	<p>Class A person misdemeanor.</p>	<p>Id.</p>	<p>The failure to register is a more severe penalty than the underlying crime.</p>
<p>Agg. Sexual Battery; Crime defined at K.S.A. 21-3518.</p> <p>Required to register at K.S.A. 22-4902(c)(10)</p>	<p>Severity Level 5 person felony.</p>	<p>Id.</p>	
<p>Agg. Incest; Crime defined at K.S.A. 21-3603.</p> <p>Required to register at K.S.A. 22-4902(c)(11)</p>	<p>Incestuous marriage or incestuous lewd touching of a person between the ages of 16 and 18 is a Severity Level 7 person felony. Incestuous engaging in otherwise lawful sexual intercourse is a Severity Level 5 person felony.</p>	<p>Id.</p>	<p>Penalties may be more severe for failure to register than for the underlying crime.</p>
<p>Electronic Solicitation; Crime defined at K.S.A. 21-3523.</p> <p>Required to register at K.S.A. 22-4902(c)(12)</p>	<p>Level of the offense varies from Severity Level 3 person felony, or a Severity Level 1 person felony.</p>	<p>Id.</p>	

Offenses Requiring Registration	Offense Penalty for Crime Requiring Registration	Penalty for Failure to Register	Comment
<p>Any Crime found by the Court to have been sexually motivated.</p> <p>Required to register at K.S.A. 22-4902(c)(15).</p>	Is not limited to felonies.	Id.	<p>Could include the theft of erotic magazines from a store.</p> <p>Depending upon underlying offense, a failure to register could result in a more severe penalty.</p>
<p>Capital Murder; Crime defined at K.S.A. 21-3439.</p> <p>Required to register at K.S.A. 22-4902(d)(1).</p>		Id.	
<p>1st Degree Murder; Crime defined at K.S.A. 21-3401.</p> <p>Required to register at K.S.A. 22-4902(d)(2).</p>	Off grid person felony.	Id.	
<p>2nd Degree Murder; Crime defined at K.S.A. 21-3402.</p> <p>Required to register at K.S.A. 22-4902(d)(3).</p>	Severity Level 2 person felony.	Id.	
<p>Voluntary Manslaughter; Crime defined at K.S.A. 21-3403.</p> <p>Required to register at K.S.A. 22-4902(d)(4).</p>	Severity Level 3 person felony.	Id.	
<p>Involuntary Manslaughter; Crime defined at K.S.A. 21-3404.</p> <p>Required to register at K.S.A. 22-4902(d)(5).</p>	Severity Level 5 person felony	Id.	

9-31

DUI Offender Revocations

In FY 2008, 103 DUI violators were admitted to DOC; 102 were released with an average length of stay of 101 days. On June 30, 2008, 27 DUI violators were housed in DOC.

If DUI offenders were not admitted to DOC as post release condition violators, 27 to 30 beds would be saved.

20 day/30 day/60 admission cut-offs

20-DAY ANALYSIS BASED UPON FY 2008 KDOC RELEASE FILE

In FY 2008, 343 inmates were released from KDOC facilities within 20 days of admission. Of these:

142 were admitted and released the same day;
164 stayed 1 – 10 days; and
37 stayed 11 -20 days.
The bed impact for this group is 3-4 beds per year.

30-DAY ANALYSIS BASED UPON FY 2008 KDOC RELEASE FILE

In FY 2008, 392 inmates were released from KDOC facilities within 30 days of admission. Of these:

142 were admitted and released the same day;
164 stayed 1 – 10 days;
37 stayed 11 -20 days; and
49 stayed 21- 30 days.
The bed impact for this group is 8-10 beds per year.

60-DAY ANALYSIS BASED UPON FY 2008 KDOC RELEASE FILE

In FY 2008, 592 inmates were released from KDOC facilities within 60 days of admission. Of these:

142 were admitted and released the same day;
164 stayed 1 – 10 days;
37 stayed 11 -20 days;
49 stayed 21- 30 days;
44 stayed 31- 40 days;
41 stayed 41- 50 days; and
52 stayed 51- 60 days.
The bed impact for the 60-day group is 32-33 beds per year.

Kansas Legislature

[Home](#) > [Statutes](#) > Statute[Previous](#)[Next](#)**22-4902**

Chapter 22.--CRIMINAL PROCEDURE
KANSAS CODE OF CRIMINAL PROCEDURE
Article 49.--OFFENDER REGISTRATION

22-4902. Definitions. As used in this act, unless the context otherwise requires:

- (a) "Offender" means: (1) A sex offender as defined in subsection (b);
- (2) a violent offender as defined in subsection (d);
- (3) a sexually violent predator as defined in subsection (f);
- (4) any person who, on and after the effective date of this act, is convicted of any of the following crimes when the victim is less than 18 years of age:
 - (A) Kidnapping as defined in K.S.A. 21-3420 and amendments thereto, except by a parent;
 - (B) aggravated kidnapping as defined in K.S.A. 21-3421 and amendments thereto; or
 - (C) criminal restraint as defined in K.S.A. 21-3424 and amendments thereto, except by a parent;
 - (5) any person convicted of any of the following criminal sexual conduct if one of the parties involved is less than 18 years of age:
 - (A) Adultery as defined by K.S.A. 21-3507, and amendments thereto;
 - (B) criminal sodomy as defined by subsection (a)(1) of K.S.A. 21-3505, and amendments thereto;
 - (C) promoting prostitution as defined by K.S.A. 21-3513, and amendments thereto;
 - (D) patronizing a prostitute as defined by K.S.A. 21-3515, and amendments thereto;
 - (E) lewd and lascivious behavior as defined by K.S.A. 21-3508, and amendments thereto; or
 - (F) unlawful sexual relations as defined by K.S.A. 21-3520, and amendments thereto;
 - (6) any person who has been required to register under any federal, military or other state's law or is otherwise required to be registered;
 - (7) any person who, on or after July 1, 2006, is convicted of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;
 - (8) any person who has been convicted of an offense in effect at any time prior to the effective date of this act, that is comparable to any crime defined in subsection (4), (5), (7) or (11), or any federal, military or other state conviction for an offense that under the laws of this state would be an offense defined in subsection (4), (5), (7) or (11);
 - (9) any person who has been convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an offense defined in subsection (4), (5), (7) or (10);
 - (10) any person who has been convicted of aggravated trafficking as defined in K.S.A. 21-3447, and amendments thereto; or
 - (11) any person who has been convicted of: (A) Unlawful manufacture or attempting such of any controlled substance as defined by K.S.A. 65-4159, and amendments thereto, unless the court makes a finding on the record that the manufacturing or attempting to

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manufacture such controlled substance was for such person's personal use;

(B) possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance as defined by K.S.A. 65-7006, and amendments thereto, unless the court makes a finding on the record that the possession of such product was intended to be used to manufacture a controlled substance for such person's personal use; or

(C) K.S.A. 65-4161, and amendments thereto.

Convictions which result from or are connected with the same act, or result from crimes committed at the same time, shall be counted for the purpose of this section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this section. A conviction from another state shall constitute a conviction for purposes of this section.

(b) "Sex offender" includes any person who, after the effective date of this act, is convicted of any sexually violent crime set forth in subsection (c) or is adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a sexually violent crime set forth in subsection (c).

(c) "Sexually violent crime" means:

(1) Rape as defined in K.S.A. 21-3502 and amendments thereto;

(2) indecent liberties with a child as defined in K.S.A. 21-3503 and amendments thereto;

(3) aggravated indecent liberties with a child as defined in K.S.A. 21-3504 and amendments thereto;

(4) criminal sodomy as defined in subsection (a)(2) and (a)(3) of K.S.A. 21-3505 and amendments thereto;

(5) aggravated criminal sodomy as defined in K.S.A. 21-3506 and amendments thereto;

(6) indecent solicitation of a child as defined by K.S.A. 21-3510 and amendments thereto;

(7) aggravated indecent solicitation of a child as defined by K.S.A. 21-3511 and amendments thereto;

(8) sexual exploitation of a child as defined by K.S.A. 21-3516 and amendments thereto;

(9) sexual battery as defined by K.S.A. 21-3517 and amendments thereto;

(10) aggravated sexual battery as defined by K.S.A. 21-3518 and amendments thereto;

(11) aggravated incest as defined by K.S.A. 21-3603 and amendments thereto; or

(12) electronic solicitation as defined by K.S.A. 21-3523, and amendments thereto, committed on and after the effective date of this act;

(13) any conviction for an offense in effect at any time prior to the effective date of this act, that is comparable to a sexually violent crime as defined in subparagraphs (1) through (11), or any federal, military or other state conviction for an offense that under the laws of this state would be a sexually violent crime as defined in this section;

(14) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of a sexually violent crime, as defined in this section; or

(15) any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated. As used in this subparagraph, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(d) "Violent offender" includes any person who, after the effective date of this act, is convicted of any of the following crimes:

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- (1) Capital murder as defined by K.S.A. 21-3439 and amendments thereto;
 - (2) murder in the first degree as defined by K.S.A. 21-3401 and amendments thereto;
 - (3) murder in the second degree as defined by K.S.A. 21-3402 and amendments thereto;
 - (4) voluntary manslaughter as defined by K.S.A. 21-3403 and amendments thereto;
 - (5) involuntary manslaughter as defined by K.S.A. 21-3404 and amendments thereto;
- or

(6) any conviction for an offense in effect at any time prior to the effective date of this act, that is comparable to any crime defined in this subsection, or any federal, military or other state conviction for an offense that under the laws of this state would be an offense defined in this subsection; or

(7) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an offense defined in this subsection.

(e) "Law enforcement agency having jurisdiction" means the sheriff of the county in which the offender expects to reside upon the offender's discharge, parole or release.

(f) "Sexually violent predator" means any person who, on or after July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A. 59-29a01 et seq. and amendments thereto.

(g) "Nonresident student or worker" includes any offender who crosses into the state or county for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year, for the purposes of employment, with or without compensation, or to attend school as a student.

(h) "Aggravated offenses" means engaging in sexual acts involving penetration with victims of any age through the use of force or the threat of serious violence, or engaging in sexual acts involving penetration with victims less than 14 years of age, and includes the following offenses:

(1) Rape as defined in subsection (a)(1)(A) and subsection (a)(2) of K.S.A. 21-3502, and amendments thereto;

(2) aggravated criminal sodomy as defined in subsection (a)(1) and subsection (a)(3) (A) of K.S.A. 21-3506, and amendments thereto; and

(3) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an offense defined in this subsection.

(i) "Institution of higher education" means any post-secondary school under the supervision of the Kansas board of regents.

History: L. 1993, ch. 253, § 18; L. 1994, ch. 107, § 2; L. 1997, ch. 181, § 8; L. 1999, ch. 164, § 29; L. 2001, ch. 208, § 10; L. 2002, ch. 55, § 1; L. 2002, ch. 163, § 6; L. 2003, ch. 123, § 3; L. 2006, ch. 214, § 6; L. 2007, ch. 183, § 1; L. 2008, ch. 74, § 1; Apr. 17.

Juvenile Justice Authority

July 10, 2009

Agency Overview

Joint Committee on Corrections and
Juvenile Justice Oversight

J. Russell Jennings, Commissioner
785-296-0042
rjennings@jja.ks.gov



1

JUVENILE JUSTICE SYSTEM COMPONENTS

- Community Services - Core Programs
- Community Residential Placements
- Juvenile Correctional Facilities
- JJA Central Office – System Administration

2

Community Services

- Prevention Programs (Secondary and Tertiary)
- Intake and Assessment
- Intensive Supervision Probation
- Community Case Management

3

PREVENTION AND INTERVENTION PROGRAMS

- FY 09 Source of funds – Children’s Initiative Funds - \$9 million
- \$ 4.98 million to prevention
- \$1.80 million to intervention
- \$2.22 million to graduated sanctions
- Target at-risk youth – at-risk of offending behavior

4

Intake and Assessment Evaluation Instruments

- KSA 75-7023(d)(1) provides in part that intake and assessment . . .
 - “shall collect the following information:(1) A standardized risk assessment tool, such as the problem oriented screening instrument for teens” (POSIT)
- Massachusetts Youth Screening Instrument (MAYSI-2) and POSIT are currently approved for use
- Positive Achievement Change Tool (PACT)is used to supplement the two approved instruments in two counties – exclusive to offender population

5

- Continued use of POSIT is being evaluated (Some research questions validity)
- Approval of evaluation instruments will be based upon:
 - Research results on validity of instrument
 - Applicability to population being evaluated
 - » Child In Need of Care
 - » Juvenile Offender
 - Qualifications for administering and interpreting results
 - Capability for result integration into JIAS database
 - Cost

6

INTENSIVE SUPERVISION PROBATION

- Use of Youthful Level of Service/Case Management Inventory (YLS/CMI) for determining level of supervision and program referral based on risk of reoffending and programs to address identified needs.
- Training on evidenced based practices relating to offender supervision (Officer/offender relationship). Working towards success – not simply focusing on failure.

7

COMMUNITY CASE MANAGEMENT

- Supervision of youth placed in custody of Commissioner
- Manage placements of youth who are in need of out of home placement
- Work with youth and family on reintegration plans
- Support youth and family while youth is at home
- Assure youth have access to needed programs and treatment

8

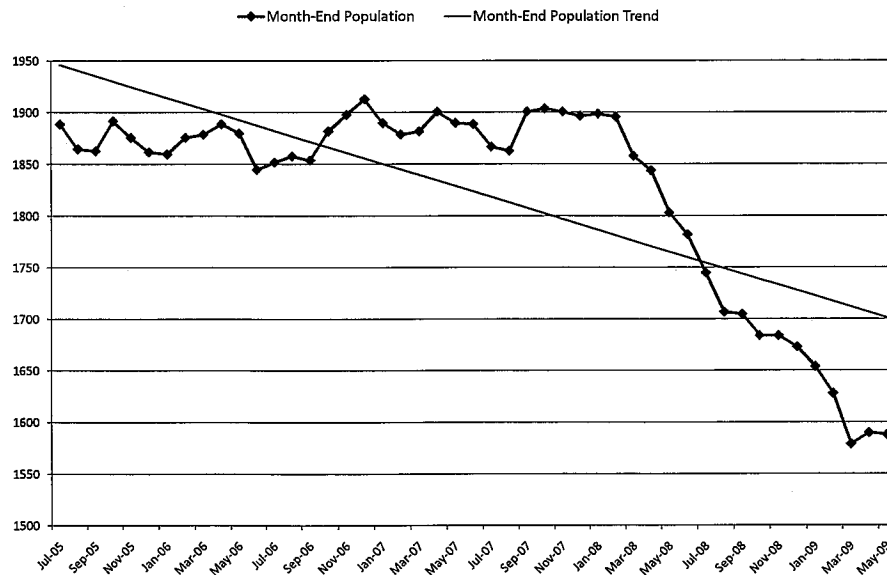
MEDICAID TRANSITION

- July 2007 Level of Service Transition Assumption – 70% of Level V & VI will screen into PRTF placement
- Reality
 - 83.4% YRC-II - Funded exclusively with SGF
 - .6% YRC-I – Funded exclusively with SGF
 - 16% PRTF – 60% Funded Federal and 40% SGF
 - All YRC youth qualify for medical card coverage for health services as well as incidental mental health and substance abuse treatment.

FY2009 YTD As of May 31, 2009

9

Month-End Custody Population FY05 - FY09 YTD

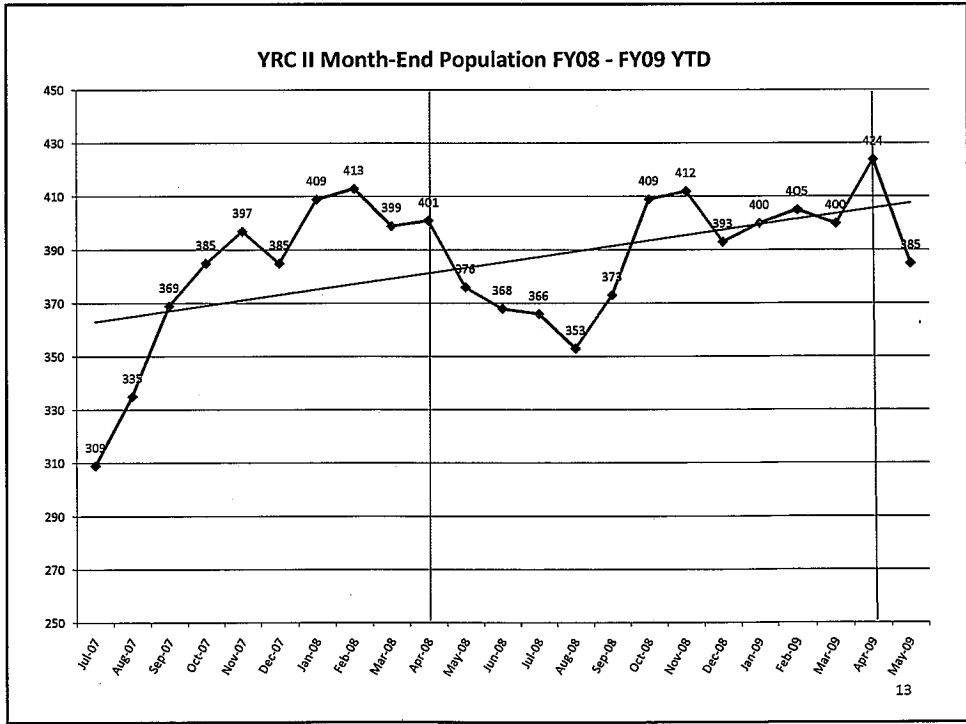
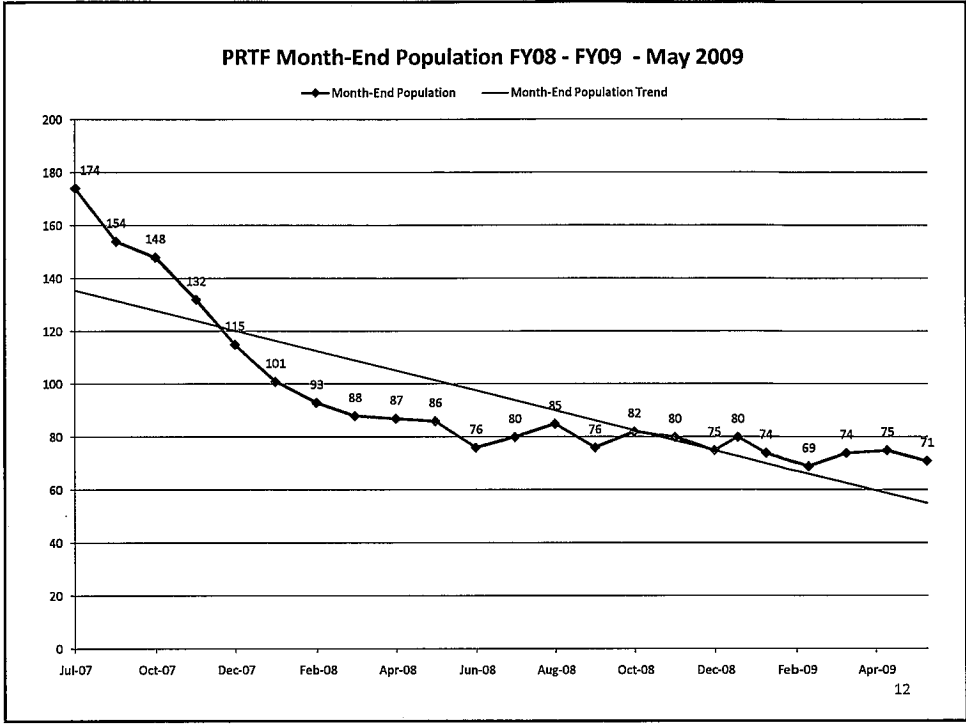


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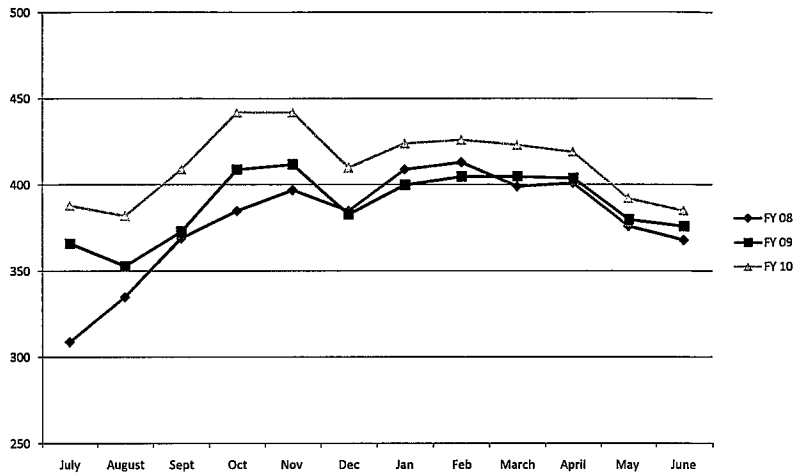
FY08 – FY09 CUSTODY/PLACEMENT DATA

State Fiscal Year 2008	7/31/07	8/31/07	9/30/07	10/31/07	11/30/07	12/31/07	1/31/08	2/28/08	3/31/08	4/30/08	5/31/08	6/30/08	Avg.
Juvenile Correctional Facility	420	425	409	401	405	409	413	393	390	387	384	381	401.4
Detention	188	166	172	179	187	175	180	177	176	182	170	186	178.2
Facility/Other	84	76	76	82	92	87	91	92	98	102	95	90	88.8
Foster Home	38	38	39	36	42	43	47	49	47	46	37	38	41.7
Home/Relative	543	564	575	561	540	574	551	570	548	534	544	511	551.3
AWOL	106	97	106	115	116	118	107	109	111	104	111	117	109.8
Psychiatric Residential Treatment Facility	174	154	148	132	115	101	93	88	87	86	76	80	111.2
Youth Residential Center I	4	7	6	11	5	5	7	5	1	2	8	8	5.8
Youth Residential Center II	309	335	369	385	397	385	409	413	399	401	376	368	378.8
Not Reported	1	1	1	2	2	0	1	0	1	0	2	3	1.2
Total Custody Population	1867	1863	1901	1904	1901	1897	1899	1896	1858	1844	1803	1782	1867.9
% Change from Previous Year	0.81%	0.27%	2.54%	1.17%	0.16%	-0.84%	0.48%	0.90%	-1.28%	-3.00%	-4.60%	-5.66%	-0.75%

State Fiscal Year 2009	7/31/08	8/31/08	9/30/08	10/31/08	11/30/08	12/31/08	1/31/09	2/28/09	3/31/09	4/30/09	5/31/09	6/30/09	Avg.
Juvenile Correctional Facility	384	384	358	348	320	328	330	336	351	343	348		348.2
Detention	172	164	186	167	196	171	163	152	146	159	176		168.4
Facility/Other	90	83	87	104	100	96	95	104	102	108	94		96.6
Foster Home	36	35	34	24	23	21	25	28	25	27	25		27.5
Home/Relative	504	459	448	420	404	424	406	371	347	335	361		407.2
Juvenile Justice Foster Care	0	0	0	9	10	10	10	12	14	15	11		8.3
AWOL	101	102	104	94	111	121	115	107	110	92	94		104.6
Psychiatric Residential Treatment Facility	85	76	82	80	75	72	74	69	74	75	71		75.7
Youth Residential Center I	6	5	4	3	3	3	2	1	1	1	2		2.8
Youth Residential Center II	366	353	373	409	412	393	400	405	403	424	385		393.0
Not Reported	1	46	29	26	30	34	34	43	6	11	21		25.5
Total Custody Population	1745	1707	1705	1684	1684	1673	1654	1628	1579	1590	1588		1657.9
% Change from Previous Year	-6.53%	-8.37%	-10.31%	-11.55%	-11.42%	-11.81%	-12.90%	-14.14%	-15.02%	-13.77%	-11.92%		-11.61%

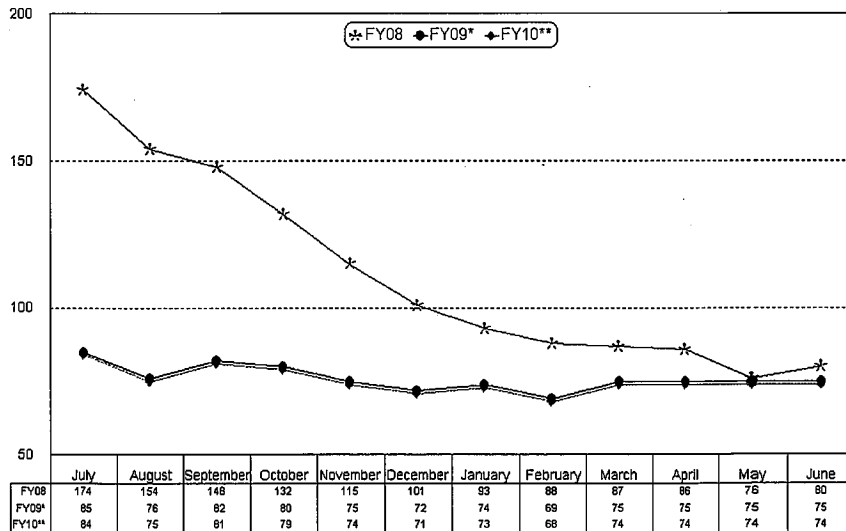


YRC II Population Projections



PRTF Month End Population

FY08 (Actual); FY09 (Partial); FY10 (Projected)



*Projected population last quarter based on FY09YTD;
 **Projected population based on average of the difference between FY08 and FY09

ACTIVITIES SUPPORTING AND ENHANCING RESIDENTIAL SERVICES

- Electronic submission of invoices (Real time payment)
- Technical assistance and training to enhance programming in residential placement
 - Specific program training
 - Annual program review - evaluation
- CbS Community Based Standards – Kansas as a pilot site for development with Council of Juvenile Corrections Administrators

16

INVOLVEMENT WITH YRC - II PROVIDERS

- Several meetings with Children's Alliance
- Case Coordinator Training
- '07 Residential Summit
- YRC-II Standards Review/Technical Assistance
- Thinking for a Change – YRC-II training
- '08 Residential Summit (JJA, SRS & KDHE)
- '08 CbS Summit
- JJFC – Juvenile Justice Foster Care training/standards
- YCR-II Evidence Based Program Review
- Webinars – YRC-II support with CbS

See Attached Handout for Detail

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Community Based Standards (CbS)

- CJCA developed CbS to help community residential programs establish and sustain systems for continuous improvement and accountability. CbS models CJCA's award-winning Performance-based Standards (PbS) program, which provides a blueprint of best practices for secure facilities based on national standards and regular collection and review of outcomes tracking performance

18

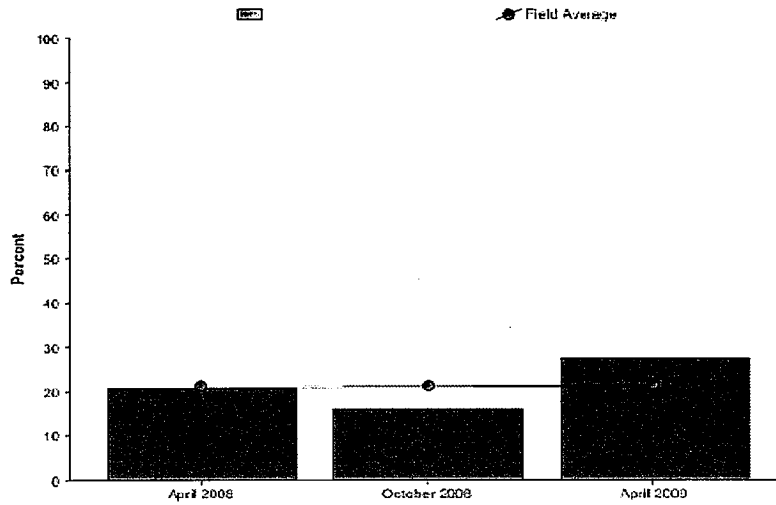
CbS Process

- Semi annual survey
 - Family Climate
 - Staff Climate
 - Youth Climate
 - Youth Record Review
- Management Reports
- Facility Improvement Plan
 - ✓ Develop
 - ✓ Implement
 - ✓ Monitor - Adjust
 - ✓ Evaluate
- Continuous Quality Improvement

19

Safety 10

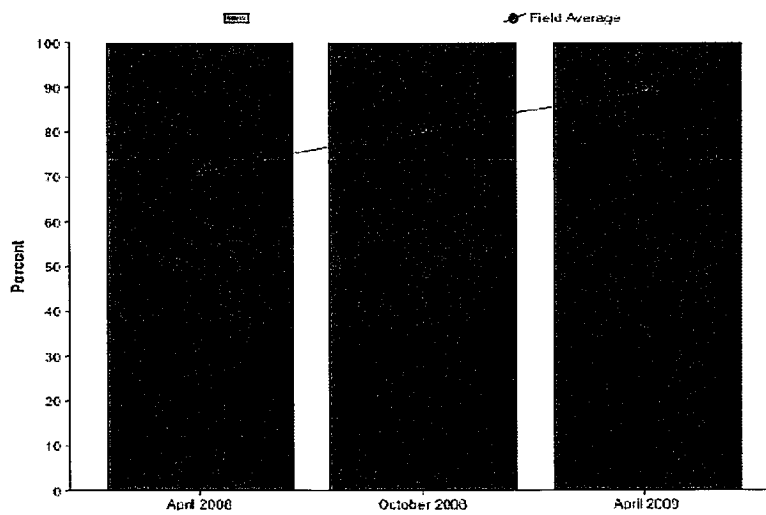
Percent of youths who report they fear for their safety at the program.



20

Mental Health 01

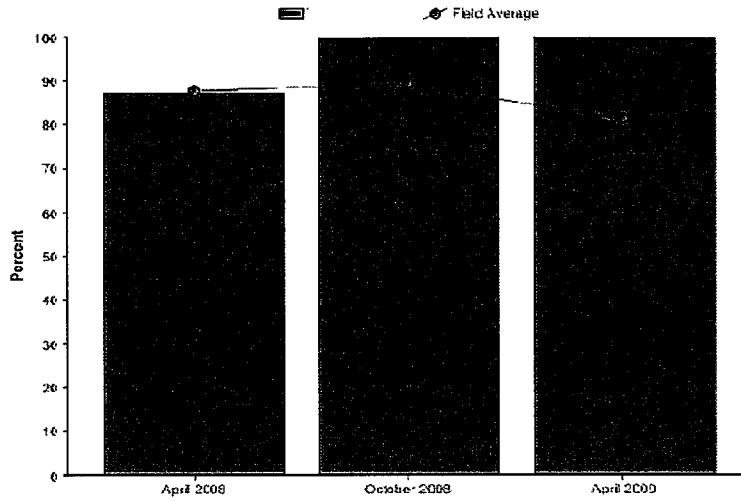
Percent of youths released during the data collection period with suicide screenings completed at intake.



21

Programming 02

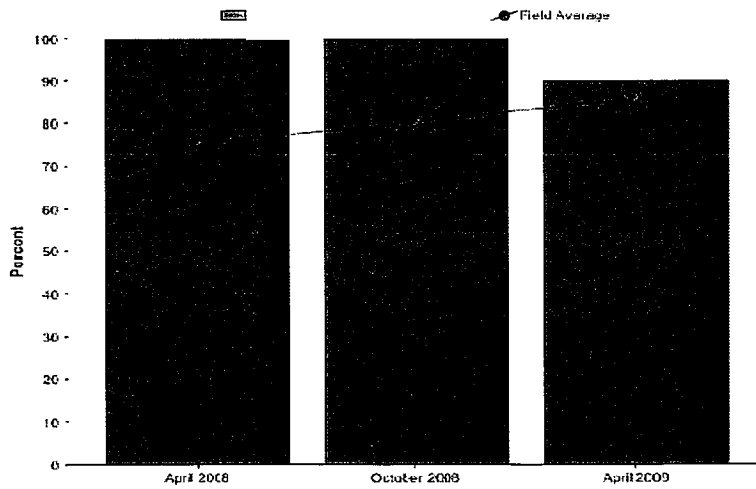
Percent of youths released during the data collection period with individual service plans developed within the first 30 days at the program.



22

Health 01

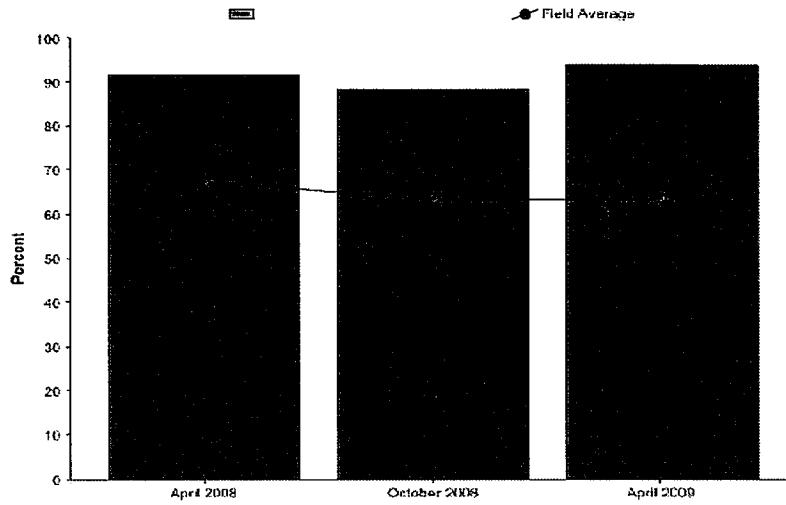
Percent of youths released during the data collection period who had complete medical intake screening conducted by a trained and qualified staff member.



23

Order 02

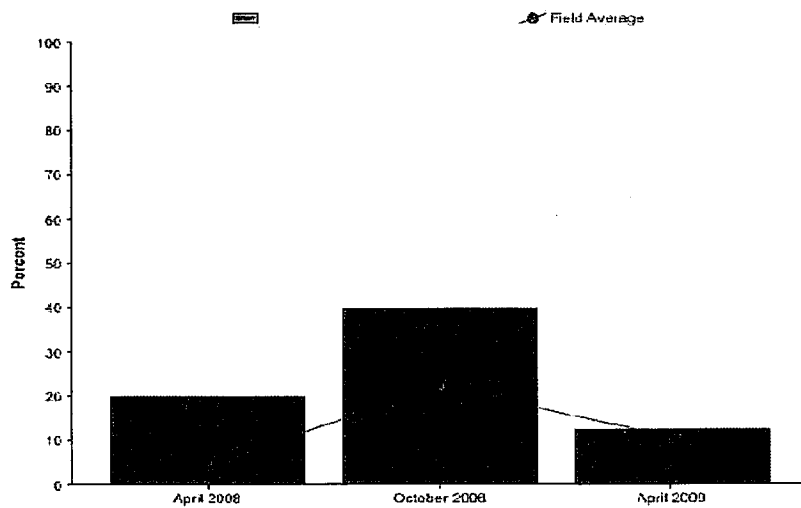
Percent of youths reporting they understand the program's behavior management level system.



24

Safety 12

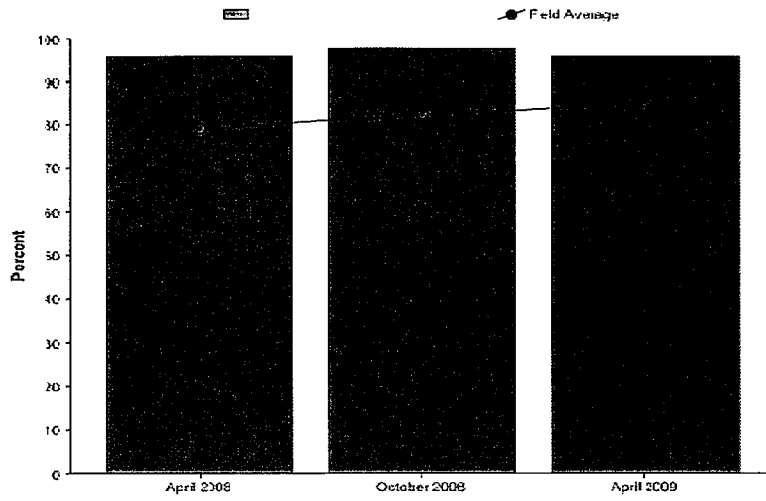
Percent of family members who report they fear for their child's safety at the program.



25

Justice 01

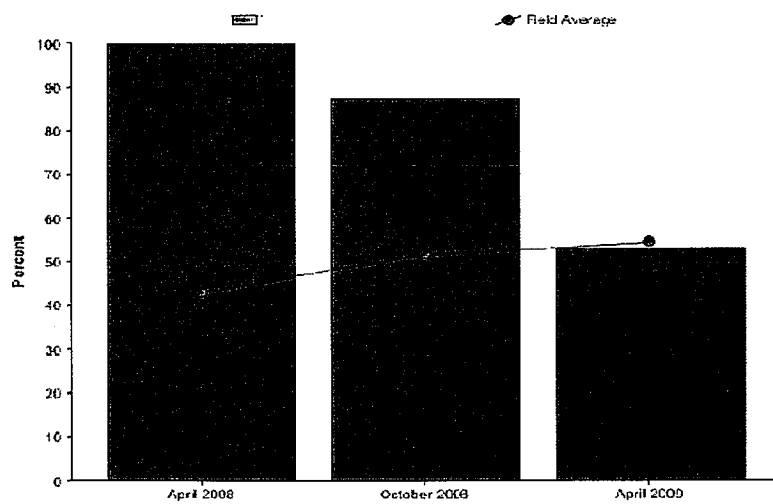
Percent of youths reporting they understand program rules.



26

Safety 15

Percent of youth reporting staff are fair about discipline issues.



27

10-14

CbS Benefits

- Research based – statistically sound evaluation process for residential providers
- Provider
 - ✓ Management tool
 - ✓ Management insight
 - ✓ Professional technical assistance (Coaches)
- State
 - ✓ Valid third party monitoring and evaluation
 - ✓ Provider accountability
 - ✓ Early warning system

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FY'09 – FY'10 BUDGET

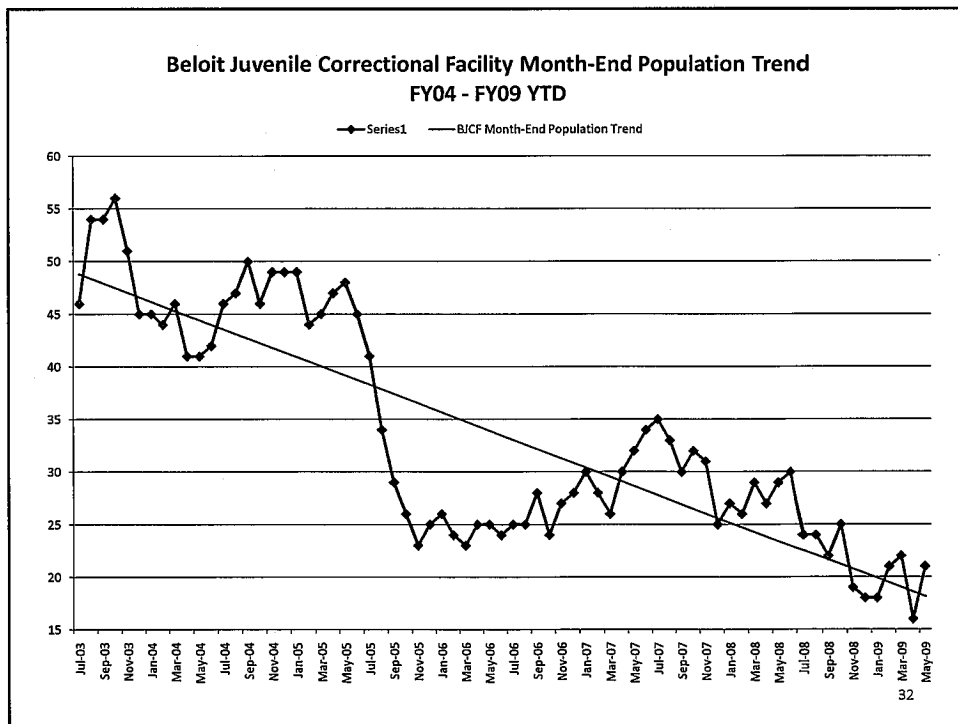
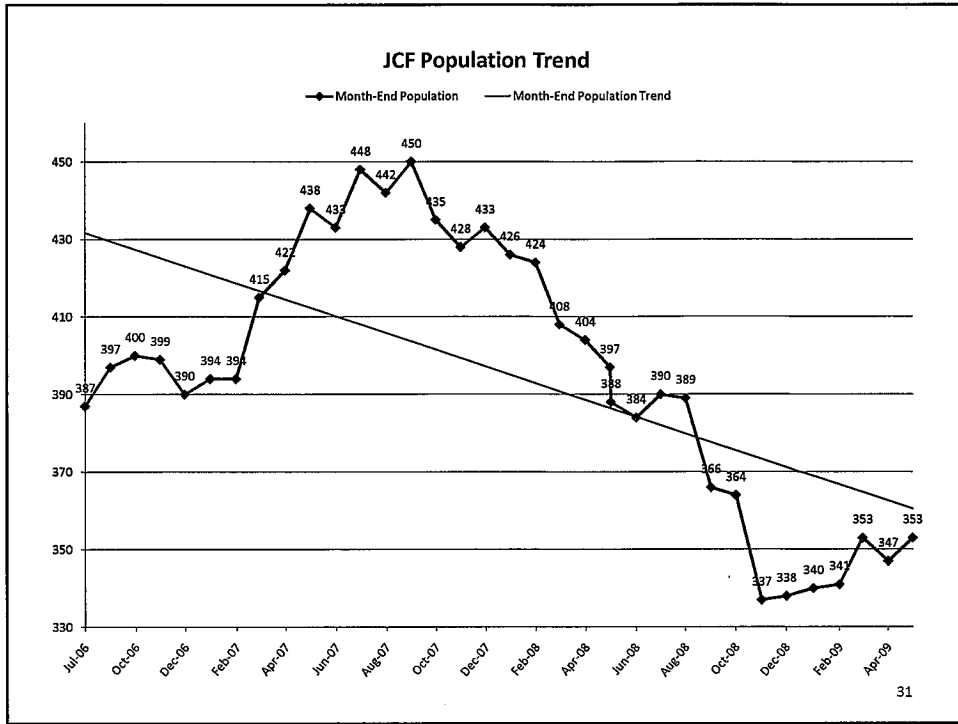
	FY09 APPROVED	FY09 ADJUSTED	FY10 MEGA BILL	FY10 OMNIBUS	FY10 FINAL APPROVED	FY10 AGENCY ADJUSTMENTS	STIMULUS DISTRIBUTION	Title IV B WORKER FUNDS	FINAL ALLOCATIONS	INCREASE/DECREASE FY09 FINAL - FY10 FINAL	% CHG
Operations	3,924,996	3,565,946	3,641,968	(91,049)	3,550,919	99,409			3,650,328	(274,668)	-7.00%
MIS	1,166,542	1,098,437	1,151,673	(28,792)	1,122,881	24,558	0		1,147,439	(19,103)	-1.64%
Grad Sanc.	16,721,809	15,765,403	16,512,786	(412,820)	16,099,966	102,389	500,000	19,454	16,721,809	0	0.00%
Incentive Grants	1,000,000	676,834	687,500	(17,188)	670,312				670,312	(329,688)	-32.97%
										0	
Total CO	22,813,347	21,106,620	21,993,927	(549,849)	21,444,078	226,356	500,000		22,189,888	(623,459)	-2.73%
KICC	15,257,018	15,264,161	15,969,602	(399,240)	15,570,362	252,965	272,221		16,095,548	838,530	5.50%
AJCF	5,549,957	3,009,000	380,922	(9,523)	371,399	9,523	0		380,922	(5,169,035)	-93.14%
BJCF	4,005,685	3,663,975	3,878,689	(96,967)	3,781,722	(670,188)			3,111,534	(894,151)	-22.32%
LICF	8,546,491	8,127,234	8,879,689	(222,084)	8,657,605	181,344	106,664		8,945,613	399,122	4.67%
Total JCF's	33,359,151	30,064,370	29,108,902	(727,814)	28,381,088	(226,356)	378,885		28,533,617	(4,825,534)	-14.47%
System Total	56,172,498	51,170,990	51,102,829	(1,277,663)	49,825,166	0	878,885	19,454	50,723,505	(5,448,993)	-9.70%

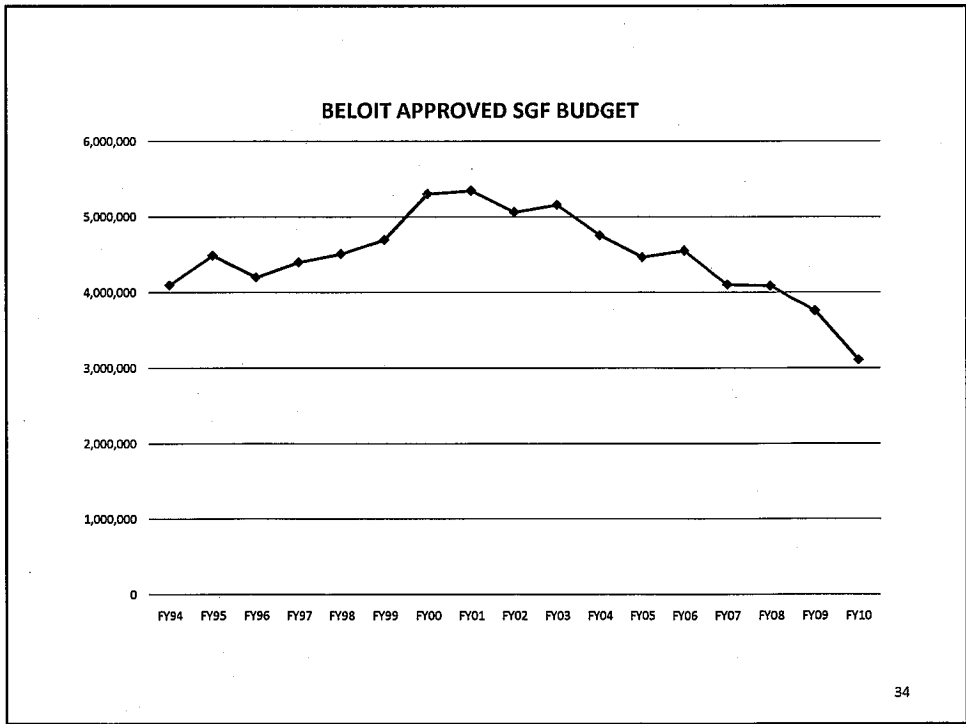
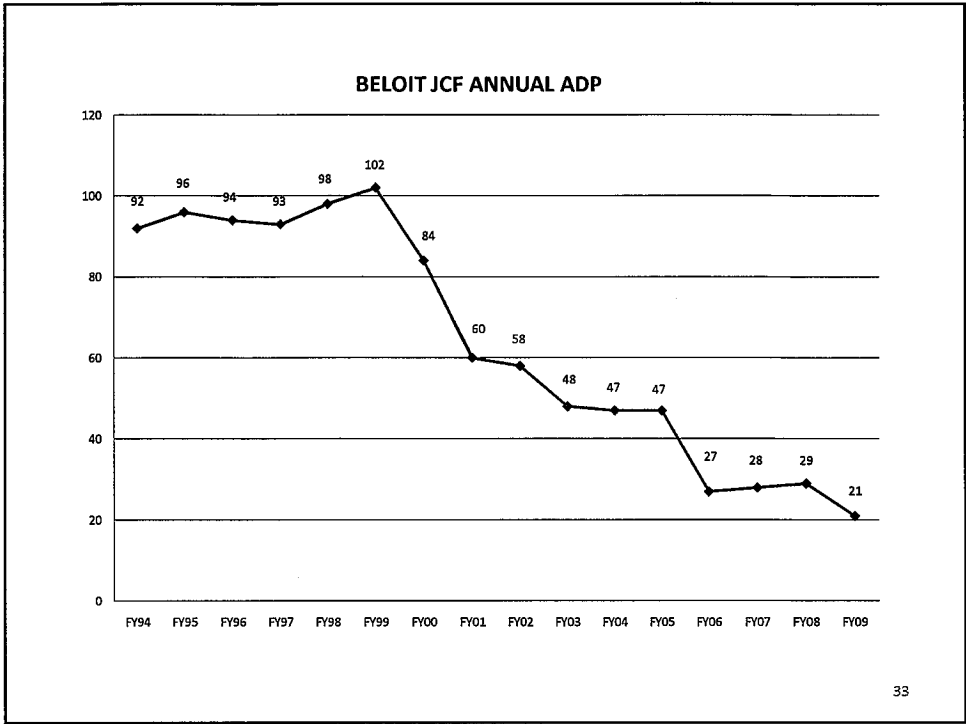
Total Reduction w/o RA
Funds 11.27%

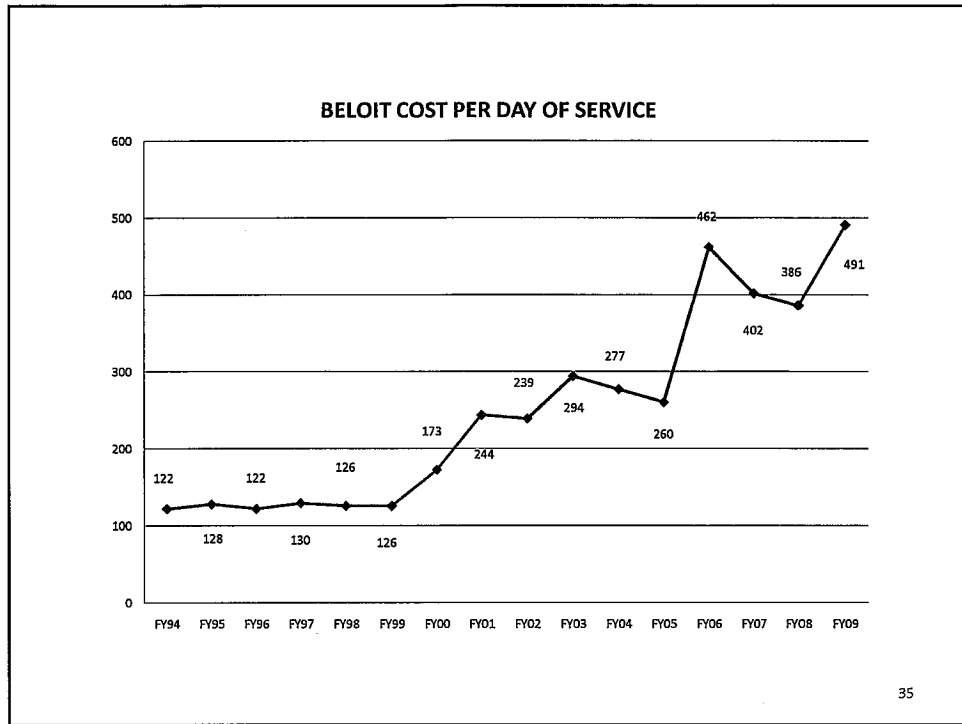
	FINAL ALLOCATIONS	GOVERNOR ALLOTMENT*	ADJUSTED FINAL ALLOCATIONS	INCREASE/DECREASE FY09 - FY10	FY09 - FY10 % CHG
Operations	3,650,328	0	3,650,328	(274,668)	-7.00%
MIS	1,147,439	0	1,147,439	(19,103)	-1.64%
Grad Sanc.	16,721,809	0	16,721,809	0	0.00%
Incentive Grants	670,312	0	670,312	(329,688)	-32.97%
Total CO	22,188,868		22,188,868	(623,459)	-2.73%
KJCC	16,095,548	719,360	16,814,908	1,557,890	10.21%
AJCF	380,922	0	380,922	(5,169,035)	-93.14%
BJCF	3,111,534	(2,185,491)	926,043	(3,079,642)	-76.88%
LJCF	8,945,613	0	8,945,613	399,122	4.67%
Total JCF's	28,533,617		27,067,485	(6,291,666)	-18.86%
System Total	50,722,505	(1,466,131)	49,256,353	(6,915,124)	-12.31%

Total Reduction w/o RA Funds 13.875%

*\$1.46 million allotment. Remainder expenses to end of operations and FY10 expenses.







- ### Beloit Suspension of Operations Fiscal Impact
- July 2nd Allotment by Governor
 - Suspend operations August 28th
 - Transfer \$.72 million to KJCC for girls operations
 - \$1.46 million SGF savings FY2010, 2.95% agency reduction
 - \$1.9 million SGF savings FY2011, 3.75% agency reduction
- 36

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Operations KJCC – Girls Facility

- 53 funded position reduction at Beloit
- 25 funded position increase at KJCC – Girls
- Goal: A seamless transition of the youth residents from Beloit to KJCC – West Campus where the youth residents experience nothing but a change in location with improved services and opportunities to change their lives and the employees of Beloit are treated with the utmost dignity and respect.

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Operations KJCC – Girls Facility Cont.

- Girls moved by August 28, 2009
 - Two living units on west end of KJCC campus (Capacity 30 youth) Third unit available if needed
 - Separation of male and female residents through installation of an interior campus fence
 - Separate dedicated direct supervision staff
 - Shared administration, health services, program, education, food service and maintenance staff

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Kansas Juvenile Justice Authority

Evidence Based Program Review Tool¹

Report for 

April 15, 2009

Conducted by:

Jennifer A. Pealer, Ph.D.

Megan E. Duncan

¹ The Evidence Based Program Review Tool is an instrument designed to review the current programmatic operations within a Youth Residential Center. The report highlights strengths and provides recommendations to change behavior and reduce recidivism.

██████████ is a residential facility for adolescent male juvenile offenders. The facility has been in operation since 1996. The facility was providing services to 28 youth at the time of the visit with a capacity to serve 37 youth. ██████████ is staffed by approximately 27 staff including a Program Administrator, Social Services Administrator, two Case Coordinators, Staff Development Coordinator, Residential Advisor, GED Supervisor, Rosetta Stone Coordinator, and Youth Care Supervisors and Workers.

SUPPORT

This section measures the level of support and cooperation the program experiences across various sectors of the community.

Strengths:

- Staff reported a supportive relationship with most of the community supervision officers and law enforcement. The relationship between law enforcement and ██████████ has improved over the years. It was reported that there is not a lot of contact with judges.
- The youth at ██████████ attend school through A+ (an alternative computer based learning environment). Only a few youth attend public schools. The facility has on-site teachers to facilitate A+ learning, GED and Rosetta Stone.
- ██████████ staff have been working for many years with the community. The youth and staff participate in local community events such as: a clothing drive, food pantry, Easter egg hunt and reading program. It was reported that the facility has completed over 30,000 of community service. In return, the facility has prospered from the support of the community.
- At the time of the site visit, youth at ██████████ attend the various organizations: Restoration (substance abuse); Family Care Center and Pawnee Mental Health (individual providers for counseling). Staff members reported great lines of communication and support from these providers.

Areas of Improvement and Recommendations:

- None

ASSESSMENT

This section examines the current assessment practices of the program including the identification of risk and needs of the juveniles and the incorporation of the community supervision plan with the program plan.

Strengths:

- ██████████ accepts male juvenile offenders. The facility will accept aggressive youth and arsonists on a case-by-case basis. However, the facility does not accept sex offenders due to the close proximity to a local school.

- Upon admission to [REDACTED], the youth will meet with the Program Support Worker to complete the intake packet. The questionnaire includes a bio-psycho-social that examines criminogenic and non-criminogenic items. In addition, the parents are contacted to discuss the youth and their goals.
- The staff will, at times, receive the Community Supervision Plan which is developed from the Youthful Level of Service Case Management Inventory (YLS/CMI). The Supervision Plan identifies the highest criminogenic needs for the youth. Also, the Case Coordinator will speak with the JJA Case Manager to receive input on the youth's goals during the program.

Areas of Improvement and Recommendations:

- The Community Supervision Plan which incorporates the youth's risk and need levels should be used to develop the Program Plan. Staff reported that they occasionally receive an updated Community Supervision Plan prior to the youth's admission. The Supervision Plan should be required within a few days of admission to ensure that the Case Coordinator knows the risk level of the youth and the criminogenic needs. The information from the Supervision Plan should be systematically incorporated into the Program Plan. The Program Plan, while individualized, should encompass overall goals and objectives related to criminogenic needs. A comprehensive Program Plan will serve as a road map for the youth and staff and provide information on the progress of the youth in meeting the criminogenic needs.

PROGRAMMING

The programming section measures the type of groups and services that are available for the youth in an effort to reduce the criminogenic needs of the youth; reduce recidivism; and lead to increased public safety.

Strengths:

- The following groups are conducted on a regular basis by staff members: parenting classes, money management, cooking classes and a teen specific group.
- Youth are referred to outside services providers for drug and alcohol programming and anger management. Determination of the need for the group is based on an alcohol and drug assessment evaluation. The youth will participate in one of three levels. For youth needing more intensive programming the group meets five times a week. Other youth attend two to three times per week. In addition to substance abuse groups and anger management, youth will also receive individual counseling through private therapists.
- The average length of the program is around 120 to 150 days which is an adequate length to affect behavioral change.
- [REDACTED] incorporate effective behavioral management including the use of effective rewards and consequences. The facility operates a level system in which levels are tied to behaviors and youth receive various rewards for reaching levels. As youth

progress through levels, they receive additional privileges such as later bed times, recreation time, and pass time. Other privileges include time with staff and various activities.

- The program incorporates effective consequences. As the youth loses points/levels, the points are tied to activities and rewards. Thus, the program incorporates a response cost system where the youth loses privileges such as no home passes, no phone calls, when his behavior is not appropriate. In addition, the youth may receive room restriction and extra chores such as cleaning.
- [REDACTED] allows the youth to have input into the program. Specifically, the youth participate in a morning group which allows everyone to discuss the various issues within the facility.

Areas of Improvement and Recommendations:

- The program is currently addressing two main criminogenic needs on a regular basis – substance abuse and anger management. While these are strong risk factors, the program may wish to incorporate more groups for the youth especially on the weekends and during the summer months that address other criminogenic needs. These groups should be focused on the criminogenic needs of the youth. These groups should provide structured mechanisms for addressing the risky thinking of the youth and teach the youth various skills such as coping skills and decision making. Specifically, the program may wish to reinstate Thinking for a Change as this group targets the strongest predictors of recidivism – antisocial thinking; social skills and problem solving.
- The staff members do not receive updated regular progress notes from some outside providers so there is no formal way of knowing the progress of the youth in drug and alcohol programming, mental health counseling, and other services. There should be a formal mechanism in place to receive updated regular progress notes that is sent not only to the JJA Case Worker but to the Case Coordinators at [REDACTED].
- The main behavioral reinforcement system involves a token economy/level system whereby the youth earn points/levels for various behaviors. While token economies are very effective in developing and sustaining short-term behavioral change, more natural rewards such as verbal praise should be an integral part of the program. Moreover, all staff should be trained in the use of behavioral reinforcements and how to effectively reward behaviors through appropriate mechanisms including praise.
- While the program uses appropriate consequences, there are some mechanisms that may not be as effective. For example, it was reported that youth will be given writing assignments as a consequence. In addition, youth will be required to wear a black and white-striped jumpsuit (called a thinking suit) along with orange flip flops. Having youth wear the jumpsuit may be considered a shaming technique and will not be effective in extinguishing, correcting and changing antisocial behavior. Accordingly, it is recommended that the staff use other consequences to correct behavior.

- When a consequence has been issued, the consequence and the behavior should be formally and consistently processed for each youth. Once a behavior has been displayed and the consequence issued, the staff should meet with the youth to process the behavior by: 1) helping the youth link the behavior to the consequence; 2) helping the youth describe the undesirable effects of the behavior; and 3) identifying and practicing a prosocial behavior to replace the antisocial behavior. This process should be a formal component throughout the facility.
- Staff members should receive formal training on the effective use of reinforcements – including rewards and consequences. The training should include the theory for reinforcements; how to increase prosocial behavior through the use of rewards; how to consistently reinforce prosocial behaviors; how to effectively extinguish, correct and change antisocial behaviors and effective consequencing techniques. Formal training would help to ensure that staff are consistent in the application of rewards and consequences.
- The program did not have a structured process in place to help the youth identify antisocial thinking; how these thinking patterns lead to risky behavior; and how to replace antisocial thinking with less risky thinking. The program should implement a structured curriculum that teaches youth cognitive restructuring skills in a formal and consistent manner.
- Currently, the teaching of skills may be accomplished sporadically through individual interaction with staff. For the forensic population, the teaching of cognitive skill building should be a formal structure process. The program should consider implementing a curriculum that teaches youth cognitive skills such as problem solving, anger management, decision making and frustration tolerance. The basic approach to teaching skills includes: (1) defining the skills to be learned; (2) modeling the skill for the youth; (3) rehearsing (or role playing) the skill; (4) practicing the skill in increasingly difficult situations; and (5) providing constructive feedback. The identification of high risk situations and subsequent skill training to avoid or manage such situations should be a routine part of programming. These techniques should be used consistently throughout the facility. Every youth should have the opportunity to practice each new skill before they are expected to practice in more realistic settings.

STAFF

The staff section examines the training of the staff; level of support and input from the staff.

Strengths:

- Aside from previous experience the Program Administrator and Social Services Director seek new employees who have the personal characteristics to be successful behavioral change agents. They look for staff who are open-minded, willing to learn, organized, articulate and are dedicated to working with youth. In addition, the Program Administrator will interview potential applicants with youth present to determine how the

potential staff interacts with youth. Lastly, applicants are questioned with various scenarios to determine how they would react in certain situations.

- Most of the staff appear to be supportive of helping the youth. While there are some staff who are not as invested, other staff truly care about the youth.
- [REDACTED] staff members report that they have input into the program. There are regular staff meetings to discuss various issues within the facility. In addition, the administrators have open door policies to allow staff members to have direct access to the leadership.

Areas of Improvement and Recommendations:

- The staff receive an initial training consisting of orientation to the model and then receive on-the-job training. The initial training is 40 hours in length. In addition, staff are required to complete additional training throughout the year. While the Program Administrator has implemented training through American Correctional Association, additional training topics should include: the principles of effective interventions, behavioral strategies such as modeling, treatment planning, risk and need factors related to criminal conduct, and the use and interpretation of assessment instruments.

KANSAS JUVENILE JUSTICE AUTHORITY
TECHNICAL ASSISTANCE PROCESSES FOR RESIDENTIAL PROVIDERS

1. Case Coordinator Training

- July 1, 2007 the provider system within Kansas changed to the current system. With the changes came different duties for the staff members within the system. Therefore, JJA conducted trainings (8/16; 8/24; 10/26) for the YRC-II case coordinators. The training provided the participants with an overview of the duties of the case coordinator; their function within the YRC-II; the principles of effective classification; and the development of the program plan.

2. Residential Summit Meeting

- On October 16, 2007, a Non-Medicaid Residential Summit was held for YRC-II providers. The purpose of the summit was to discuss JJA's vision for residential services within Kansas. Participants were presented with a brief overview of evidence based practices for reducing recidivism. In addition, the Council of Juvenile Correctional Administrators announced that Kansas had been selected as a pilot site for Community-based Performance Standards (CbS) and provided an overview of the performance based standards and the benefits of participating.

3. YRC-II Standards Review Technical Assistance

- Beginning FY08, JJA and SRS began to conduct quality assurance regarding the YRC-II Standards. In a joint collaboration between SRS and JJA, a site tool was developed to measure adherence to the standards. Each year, representatives from each agency visit the YRC-IIs to determine fidelity to the YRC-II Standards. After the site visit, a report is issued to the program to identify standards which have been substantially met, partially met or needs improvement. Technical assistance is provided for areas needing improvement.

4. Thinking for a Change YRC-II Training

- JJA was awarded a Kansas Health Foundation to provide training, materials and technical assistance to YRC-II staff members. In the Fall of 2008, 16 staff members from 8 YRC-IIs were trained on Thinking for a Change (T4C). The curriculum is an evidence based curriculum targeting three main areas – risky thinking, social skills and problem solving. The training consisted of six days of training to ensure the staff had an understanding of the theoretical principles and skills to facilitate the curriculum. Training manuals, skill cards, audio/visual and other materials were given to the staff members.

5. YRC-II Summit

- A YRC-II Summit was hosted by JJA, SRS, and KDHE for providers, community supervision agencies, and others agencies to discuss the provider system within Kansas. The summit allowed participants from all entities to work together to

identify top issues within the system; impediments to achieving goals and problem solve ways to overcome barriers.

6. CbS Summit

- Sixteen YRC-II providers were participating in the Community Performance-based Performance Standards developed by the Council of Juvenile Correctional Administrators. The data collection consists of two time periods October and April each year. The providers were invited to attend a summit in late 2008 to review and compare the data collected in April 2008 and October 2008. The participants were instructed in how to understand the data elements and how to use the data to develop facility improvement plans. JJA hosted the summit and assisted in the technical assistance along with the CbS coach for Kansas.

7. JJFC training and standards/process

- In July 2008, JJA entered into a new era of providing services for youth in out-of-home custody with the announcement of the Juvenile Justice Foster Care level of service (JJFC). The development of the JJFC began with a piloting program in western Kansas and later emerged as a new level of care for juvenile offenders. Unlike the YRC-II standards, the JJFC standards require a structured application process whereby the potential provider must attend a two-day training conducted by JJA. The training is to provide knowledge and skills on cognitive behavioral practices to reduce recidivism among juvenile offenders. The participants are provided with a manual containing the presentation, speaker notes and exercises as the training material must be incorporated into the provider training curriculum of the JJFC staff and foster parents to ensure that these individuals have the skills to address risky thinking and change behaviors. Lastly, to ensure fidelity to the theoretical foundation of the model, JJA staff review the training conducted by the JJFC potential provider and provide feedback to the trainers. The JJFC training was held in January 2009 and was attended by two different agencies.

8. YRC-II Evidence Based Program Review Tool

- In the Spring of 2009, independent site visits for each YRC-II was completed to conduct the Evidence Based Program Review Tool. Interviews were conducted to determine four broad areas – level of support/collaboration for the program among community entities; assessment practices; programming components; and staff characteristics. Reports were issued to each YRC-II highlighting strengths; discussing areas for improvement; and providing recommendations for improvement. The information gained from these site visits will be used to identify training topics for all YRC-IIs.

9. Webinars

- To provide on-going technical assistance to the YRC-IIs who are participating in CbS, a JJA representative and the CbS coach conducted individual webinars for each site. The 30-minute webinar provides the participant an opportunity to review the data collected, ask questions regarding the outcome of the data, and problem solve ideas for the facility improvement plans.

Upcoming Provider Technical Assistance

1. Provider Handbook

- Review, update and enhancement of the Provider Handbook to enhance the materials for effectiveness and efficiency of use.

2. New Providers


- A "Welcome Handbook" will be developed to supply any new agency with the necessary information on the provider system within Kansas. In addition, the initial technical assistance will be enhanced to assist any new provider.

3. Regional Trainings

- Based on information obtained from the Evidence Based Program Review Tool, regional trainings will be developed to provide the staff members with skills on how to work with juvenile offenders to reduce recidivism.

MEMORANDUM

To: Sen. Steve Morris, President of Senate
Sen. Michael O'Neal, Speaker of the House
Sen. Anthony Hensley, Minority Leader of Senate
Rep. Paul Davis, Minority Leader of House
Rep. Kevin W. Yoder, House Appropriations Chair
Rep. Lee Taffanelli, Appropriations Public Safety Sub-committee chair
Sen. Vickie Schmidt, Ways and Means Budget Sub-committee chair
Rep. Bill Feuerborn, Appropriations Ranking Minority Member
Sen. Jay Emler, Ways and Means Chair
Sen. Laura Kelly, Ranking Minority Member Ways and Means
Joint Committee on Corrections and Juvenile Justice Oversight
Rep. Clay Aurand

From: J. Russell Jennings, Commissioner 

Date: July 2, 2009

Subject: Beloit Juvenile Correctional Facility Suspension of Operations

You will find attached to this memo a copy of the news release issued by JJA today relating to operations at the Beloit Juvenile Correctional Facility (BJCF). Employees of the facility were notified this morning that current operations of BJCF will be suspended no later than August 28, 2009. We have taken steps to assure current employees have as much advanced notice of operations being curtailed as possible. We will work diligently with all affected employees to aid them in gaining other employment. All BJCF uniformed direct supervision officers will be entitled to transfer to the Kansas Juvenile Correctional Complex or other JJA operated facilities that may have vacant positions. Other employees will be entitled to preferential hiring for state employment.

Juvenile justice reform held many promises. One of the promises was that only the most serious, chronic and violent offenders would have a court disposition imposed that included placement in a juvenile correctional facility. A steady decline in the census at juvenile correctional facilities demonstrates the outcome that was desired is being attained. Challenging economic times dictate that efficiencies in operations be gained. While efficiencies in operations are important, we must also assure the safety of the youth and their ability to gain effective programming that promotes positive changes in behavior. This system change will provide an opportunity to significantly reduce the amount of State General Funds required to meet system needs while maintaining a high level of overall system integrity.

The female youth residents of the Beloit facility will be transferred to living units located on the former campus of the Topeka Juvenile Correctional Facility. A security fence is being erected to provide complete separation of the girls and boys facilities. Dedicated direct supervision staff will be assigned to the girls operation while the two operations will share administrative, food, program, health, education and maintenance services.

We will continue our efforts to meet the needs of the youth and communities we serve in the most effective and efficient ways possible. Please feel free to contact me if you desire any additional information. I will be fully reporting recent agency activities at the July 10, 2009 meeting of the Joint Committee on Corrections and Juvenile Justice Oversight.

NEWS RELEASE

FOR IMMEDIATE RELEASE:
July 2, 2009

FOR MORE INFORMATION CONTACT:
Bill Miskell
Public Information Officer
785.296.3348
BMiskell@jja.ks.gov (E-mail)

JUVENILE JUSTICE AUTHORITY ANNOUNCES SUSPENSION OF OPERATIONS AT BELOIT JUVENILE CORRECTIONAL FACILITY

Juvenile Justice Authority Commissioner J. Russell Jennings today announced that work is underway to transfer the youth residents from the Beloit Juvenile Correctional Facility (BJCF) to the Kansas Juvenile Correctional Complex (KJCC), 1430 N.W. 25th Street, Topeka, no later than August 28, 2009.

“As a part of the State’s effort to reduce Fiscal Year 2010 budgets we will be suspending operations at Beloit,” Commissioner Jennings said. “We announced on June 16 that we would be implementing more than \$660,000 in budget reductions at Beloit and that additional reductions may be necessary. Select senior administrative staff have already developed a plan that is being used to ensure as smooth a transition as possible from Beloit to Topeka.”

Two of the housing units, which had previously been utilized on the west campus of the Topeka facility, are being reopened and refurbished as necessary to accommodate the approximately 22 young women who will be transferred from Beloit. A secure barrier fence will be installed between the young men on the east campus and the young women on the west campus. Dedicated direct supervision staff will be assigned to the girls operation while the two operations will share administrative, food, program, health, education and maintenance services. Although KJCC serves as the maximum security facility for male offenders, the girls will reside in separate facilities completely segregated from the males through independent residential buildings, classrooms, dining and visitation facilities.

The current FY 2010 budget for BJCF is \$3,111,534. Suspending operations at BJCF is projected to reduce that budget by \$1,466,131. \$719,360 will be transferred for the increased operations at KJCC. The remainder will be spent on operating expenditures for July and August and minimal maintenance and operating costs for the remainder of the fiscal year. A total of 47 staff at Beloit will be impacted by the transition. Approximately 20 direct supervision and supervisory staff will be added at Topeka to accommodate the female population.

“This decision allows us to continue our commitment to public safety with a limited impact on the remainder of the juvenile justice system while improving the programs and services to the young women in the most cost effective manner possible,” Commissioner Jennings said.

Judicial District Performance Indicators

The reporting period will only examine data for the most recent 6-month time period and will run January 1st to June 30th and from July 1st to December 31st. A report will then be sent to Judicial Districts AC's and Directors on or about the 20th day following the end of the reporting period and then JD's will have an additional 10 days to review and work through any discrepancies in data with JJA central office staff at which time the report will be considered final. Final data will be posted to the JJA website under the MAPIT application.

Reporting Period		
1st period	Report out to AC's/Dir.	Review period and due back to JJA
January 1 to June 30	July 20	July 20 to July 31
2nd period	Report out to AC's/Dir.	Review period and due back to JJA
July 1 to December 31	January 20	January 20 to January 31

Indicator #1: No more than 10% of youth will have repeat intakes within the 6 month reporting period.

- This performance indicator measures the total intake process to determine if the youth and families are being assessed appropriately and whether they are being referred to the appropriate services based on the assessment outcome. A low percentage of repeat intakes is an indicator that there are adequate services in the community and that those services are appropriately matched to the youth and families needs, ultimately resulting in no further involvement with the intake program for the youth and family.

Indicator #2: No more than 20% of youth shall receive more than 2 intakes within the 6 month reporting period.

- This performance indicator measures the total intake process to determine if the youth and families are being assessed appropriately and whether they are being referred to the appropriate services based on the assessment outcome. A low percentage of repeat intakes is an indicator that there are adequate services in the community and that those services are appropriately matched to the youth and families needs, ultimately resulting in no further involvement with the intake program for the youth and family. This indicator provides an additional measure of multiple intake events.

Indicator #3: Intake families shall receive community based referrals 90% of the time within the 6 month reporting period.

- This performance indicator measures referrals for youth with a need identified by the intake and assessment process. A high percentage of referrals are an indicator that the youth and family needs are being addressed appropriately.

Indicator #4: Youth aged 12 years and older shall participate in the MAYSI/POSIT 90% of the time within the 6 month reporting period.

- The youth cannot be compelled to complete the intake instruments, but measuring the percentage of youth that elect to participate in the intake process is an indicator of the effectiveness of the intake staff in engaging the youth in the intake process. When the youth and family are engaged they are more likely to actively participate in the intake process and to accept referrals to community based services.

Indicator #5: No more than 15% of ISP program participants shall receive court substantiated probation violations within the 6 month reporting period.

- This performance indicator measures the effectiveness of the ISP program in matching the risk levels of the youth with the appropriate levels of supervision and matching the needs of the youth with the appropriate types of programs/services/interventions. In addition, this indicator measures the district's use of research-based, effective techniques prior to the youth being automatically revoked before the court.

Indicator #6: No more than 5% of ISP program participants shall be placed into state (JJA) custody for placement or directly committed to a juvenile correctional facility within the 6 month reporting period.

- This performance indicator measures the effectiveness of the ISP program in matching the risk levels of the youth with the appropriate levels of supervision and matching the needs of the youth with the appropriate types of programs/services/interventions to prevent the escalation of behavior into a more secure, structured residential environment.

Indicator #7: No more than 5% of ISP program participants shall receive a new adjudication within the 6 month reporting period.

- This performance indicator measures the effectiveness of the ISP program in matching the risk levels of the youth with the appropriate levels of supervision and matching the needs of the youth with the appropriate types of programs/services/interventions to reduce the probability of the youth committing new crimes.

Indicator #8: No more than 5% of CM program participants shall receive a new adjudication within the 6 month reporting period.

- This performance indicator measures the effectiveness of the CM program and the residential providers in matching the risk levels of the youth with the appropriate levels of supervision and matching the needs of the youth with the appropriate types of programs/services/interventions to reduce the probability of the youth committing new crimes.

Indicator #9: Of cases terminated in the last six months, 76% of youth shall achieve their permanency goal within one year of first entering custody.

- Research has shown greater reductions in delinquency when the family members/guardians are trained to support the youth in prosocial behavior. This performance indicator measures the effectiveness of the CM program in meeting the needs of the youth and family/guardians so that a stable living structure is achieved within one year from removal.

Indicator #10: No more than 15% of CM program participants shall receive court substantiated JJA custody violations within the 6 month reporting period.

- This performance indicator measures the effectiveness of the CM program and the residential providers in matching the risk levels of the youth with the appropriate levels of supervision and matching the needs of the youth with the appropriate types of programs/services/interventions. In addition, this indicator measures the judicial district's use of research-based, effective techniques prior to the youth being automatically revoked before the court.

Indicator #11: No more than 2% of CM program participants shall be revoked and directly committed to a juvenile correctional facility within the 6 month reporting period.

- This performance indicator measures the effectiveness of the CM program and the residential providers in matching the risk levels of the youth with the appropriate levels of supervision and matching the needs of the youth with the appropriate types of programs/services/interventions. In addition, this indicator measures the judicial district's use of research-based, effective techniques to prevent the escalation of behavior into a juvenile correctional facility.

Indicator #12: Of cases terminated within the last six months, no more than 13% of youth shall exceed 2 out-of home placements during their time in custody.

- This performance indicator measures the effectiveness of the initial placement decision in regards to risk level and needs of the youth and whether the residential provider is using research-based, effective techniques in reducing delinquent behavior. This indicator excludes the following placement types: sanction houses, detention/jail, home placements, AWOL, hospitals, state hospitals, PRTF, residential drug and alcohol facilities. These placements are excluded because they are not considered a foster care placement based on the federal definition. This excludes the following placement types: Sanction Houses, Detention/Jail, Home placements, AWOL, Hospitals, State Hospitals, PRTF, Residential Drug and Alcohol facilities.