

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on January 21, 2010, in Room 144-S of the Capitol.

All members were present.

Committee staff present:

Jason Long, Office of the Revisor of Statutes
Julian Efird, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Connie Burns, Committee Assistant

Conferees appearing before the Committee:

Secretary Roger Werholtz, Kansas Department of Corrections

Others attending:

See attached list.

Introduction of Bills

Senator Brungardt, requested a bill introduction in regards to medicated contact lenses.

Senator Brungardt moved that this request should be introduced as a committee bill. Senator Reitz seconded the motion. The motion carried.

Secretary Roger Werholtz, Kansas Department of Corrections, (KDOC) provided a power point presentation updating the committee on the Department of Corrections. (Attachment 1) The Secretary presented historic information on population trends, with current population at 8602, and had the largest population in the years between 2003 - 2004. The population projections have been right on target; the projection aggregate is usually made up of male, female, and all custodies, with the projection of running out of bed space by FY 2012 or 2013. The real story is the male population will run out of bed space by the end of FY 2011. In the budget submission to the Division of Budgets in the Governor's Office, KDOC requested \$500 k to reopen Stockton at the end of 2011. Prison capacity can exceed for short periods of time at some of the facilities, but it is bad practice and not for extended periods; bad things are more than likely to happen and more likely to get in trouble with the Federal Courts. Only 30% of capacity of prisoners in KDOC facilities can be locked down; KDOC depends on staff to manage those prisoners, and the critical reason why not to exceed capacity.

The increase in prison population is driven by direct new court commitments, offender registry and the failure to register; repeat offenders laws were changed to serve time for repeat offenses.

Unresolved Issues:

- Restore offender treatment, education and support services to FY 2009 levels - KDOC experienced major reductions in FY 2000 which have never been fully restored; FY 2010 lost 63% of all state funding for programs compared to FY 2009; also lost 95% of SGF for programs as compared to FY 2009; FY 2011 Governor's recommendation would cut losses to 60% and 86% respectively
- Restore cuts to medical/mental health contract for FY 2011, at risk: discharge planners, forensic evaluations for MDT and KPBB; releases with adequate supplies of psychotropic medications, nurses supervising medication administration; NCCHC accreditation, mental health activity groups for mentally ill inmates; TCF program for victims of abuse, and drug formulary
- Reduce shrinkage rates - facilities at or below "operational" (reduced) staffing levels well over 50% of the time for a decade; currently (1-11-2010) 88.5 positions are being deliberately held vacant to meet budget. A total of 179.5 positions were open as of that date
- Replacement of KDOC core information technology systems (OMIS/TOADS), over the last 4 years (including FY11) KDOC has deferred \$3,000,000 in IT investment and have used approximately \$500,000 in outside grant money and some project funds intended for system replacement to conduct the EA study required by the JCIT; KDOC needs to recover that money and begin to rebuild KDOC's

CONTINUATION SHEET

Minutes of the Senate Federal and State Affairs Committee at 10:30 a.m. on January 21, 2010, in Room 144-S of the Capitol.

IT environment

- KDOC has an aging workforce, with the average age between 46-55
- Replacement of aging vehicle fleet - over 170 vehicles already beyond replacement schedule, and contemplating ceasing perimeter patrols because of worn out vehicles and staffing shortages
- Restoration of Community Corrections funding - FY 2010 and 2011 community corrections budget relies on \$1,500,000 in ARRA Byrne/JAG funding each year; community corrections programs received an average reduction of 6% in FY 2010 (\$1,050,000 reduction)
- Housing and treatment services for severely mentally ill and behaviorally disordered inmates and parolees
- Inclusion of KDOC employees in KP&F or a comparable system - equity issue, cost is what has prevented this in the past; no cost in FY 2011 if enacted this session; \$5.3 million annual cost beginning in FY 2012
- Mentally-Ill offenders - 61% of women and 30% of men in KDOC facilities are diagnosed with a mental illness (MH Disorder Code 3-6); persons with a significant mental illness were more likely to be re-admitted within one year than those without a significant mental illness (30% vs 25%); most offenders with mental illness released to Shawnee (44%), Sedgwick (33%), Johnson (26%), and Wyandotte (26%) Counties
- Characteristics of this population - mental illness, alcohol and drug addiction, homeless, mental retardation/development disabilities, traumatic brain injury, physical health problems, limited education, limited family support, poor work history and fetal alcohol syndrome

Collaboration of different agencies works to alleviate duplication of services; the offender has an active role in the plan; treatment planning is no longer driven by funding source; treatment programming addresses and incorporates Evidenced Based Practices. Recidivism rates for offenders with mental illness decreased substantially between FY 03/04 and FY 06/07. Both agency-wide recidivism decreases and better discharge planning are responsible for these improvements.

The Secretary provided performance measures, and photos of battered correction officers.

The next meeting is scheduled for January 26, 2010. The meeting was adjourned at 11:55 a.m.

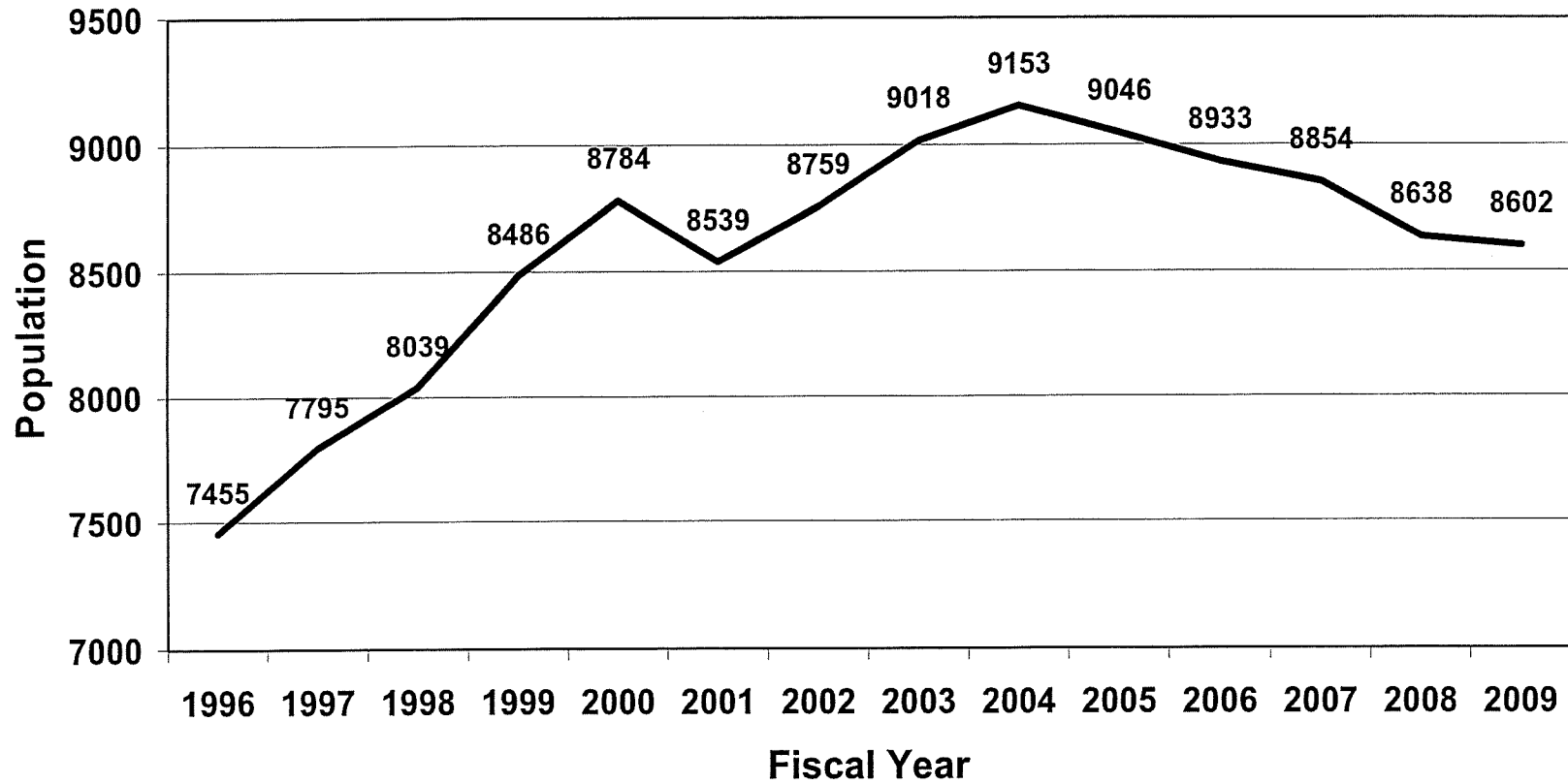
SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
GUEST LIST

DATE 1-21-10

NAME	REPRESENTING
Jeff Bottenberg	Polsine/ly Shugart
Kendra Hanson	Hein Law Firm
Julie Hein	Hein Law Firm
Warren Porter	City of Winfield, KS
CINDY HUGH	Shawnee county
JEREMY S BARCLAY	KDOC
DENNIS WILLIAMS	KDOC
ROGER WERHOLTZ	KDOC
TED HENRY	CAPITOL STRATEGIES.

KANSAS PRISON POPULATION TRENDS

Total Prison Population



Source: KDOC prison population files

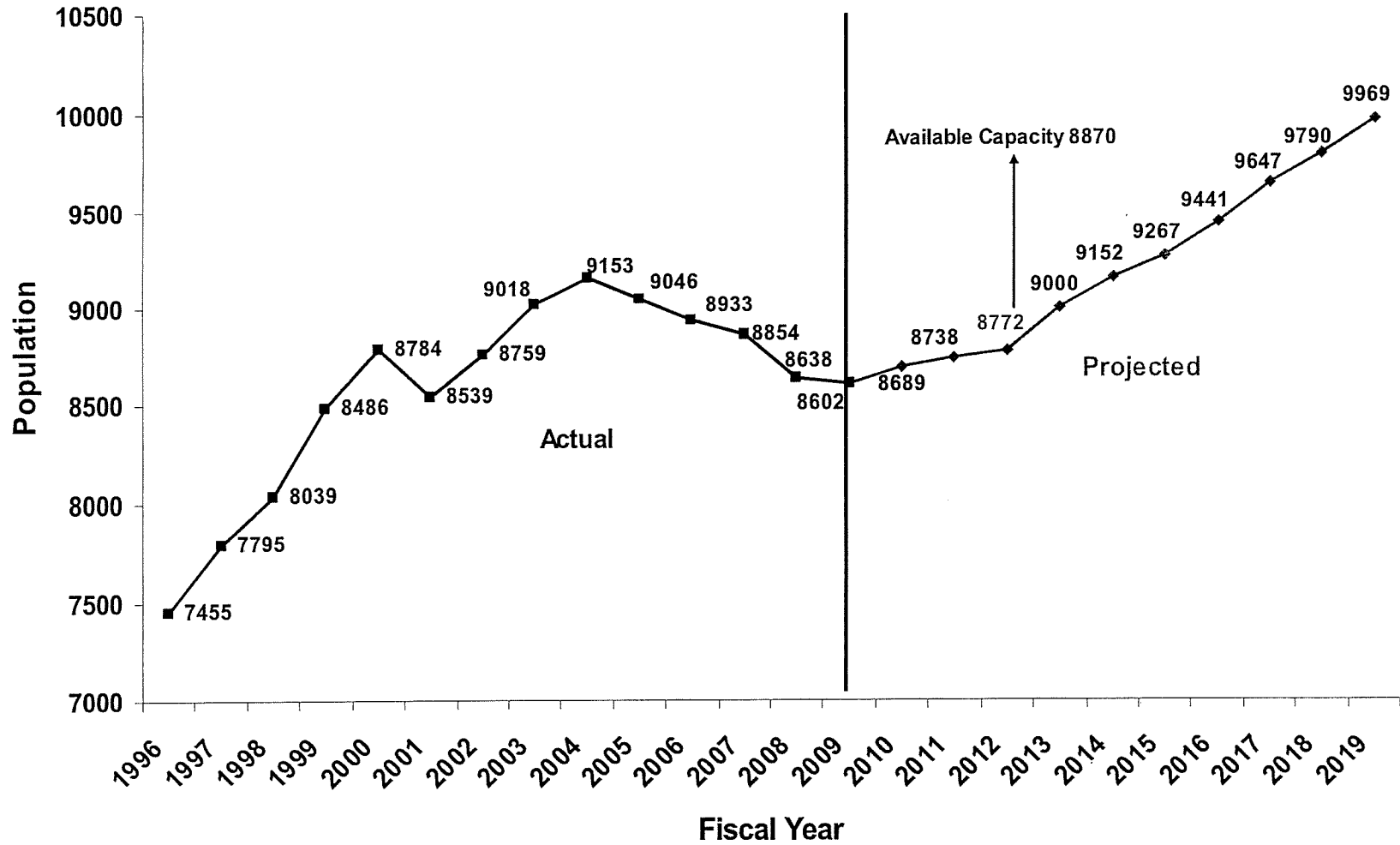
Note: Federal female inmates housed in KDOC are excluded

**PRISON POPULATION MONTHLY MONITORING REPORT
FY 2010 OFFICIAL MODEL**

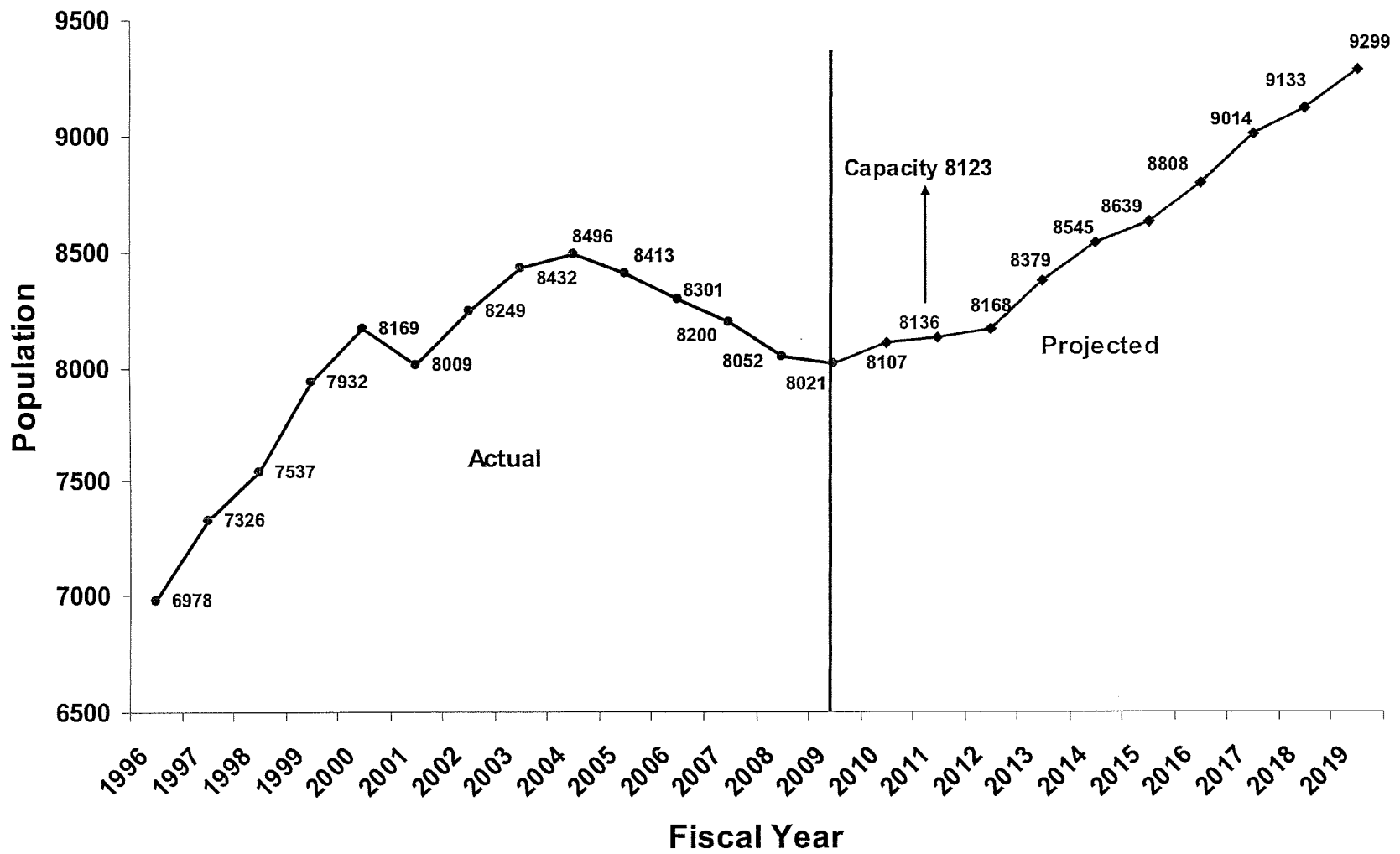
Month/Year	Projected FY 2010#	Actual	Difference	Percent Error
July 2009	8624	8578	46	0.54%
August 2009	8619	8618	1	0.01%
September 2009	8640	8627	13	0.15%
October 2009	8640	8637	3	0.03%
November 2009	8633	8648	-15	-0.17%
December 2009	8649	8636	13	0.15%
January 2010	8650			
February 2010	8653			
March 2010	8667			
April 2010	8683			
May 2010	8674			
June 2010	8689			

Note: The projected population is from FY 2010 prison population projections and the actual population is from DOC monthly offender population reports. Federal female inmates housed at Topeka Correctional Facility are excluded.

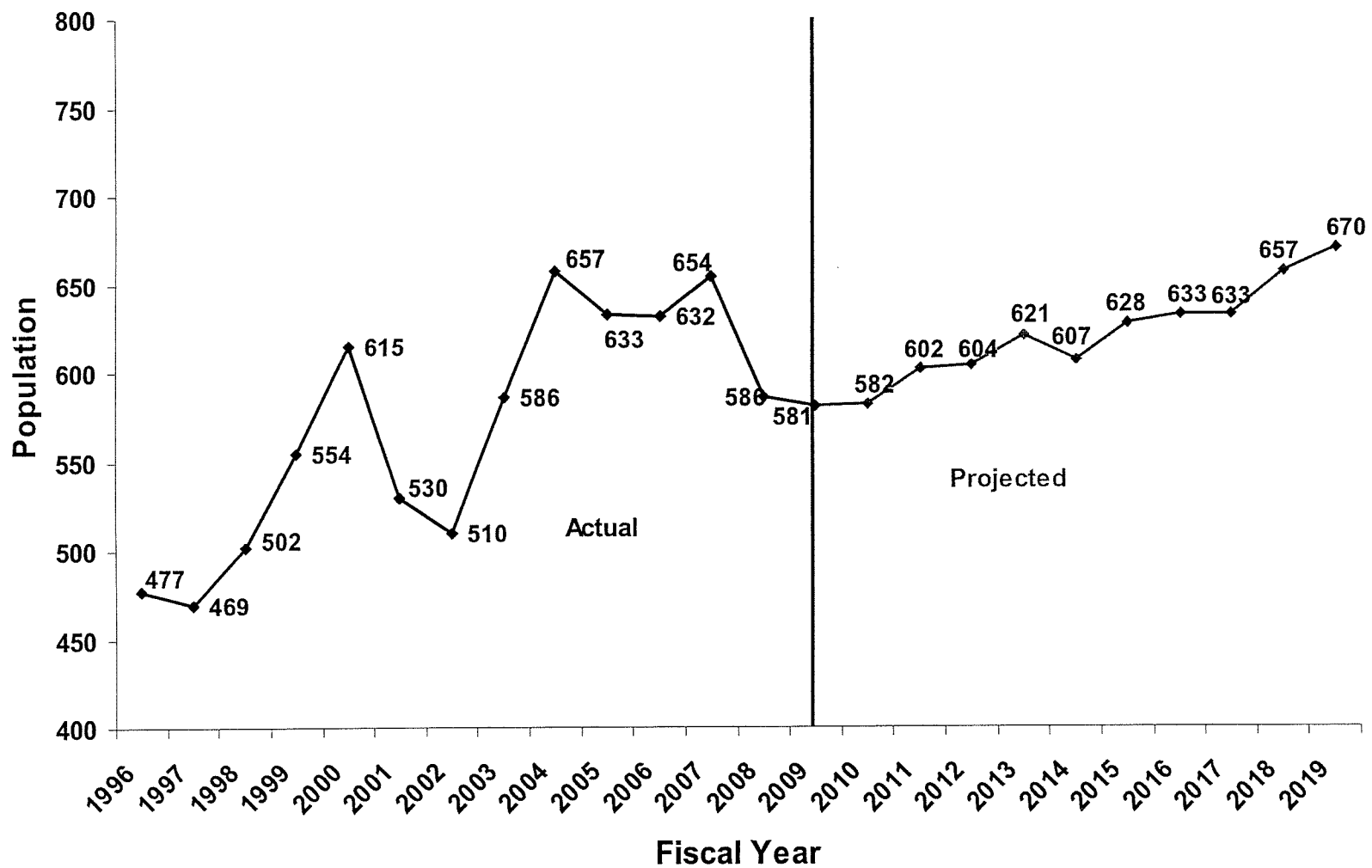
Kansas Prison Population Trend - Actual and Projected



Male Prison Population Trend - Actual and Projected

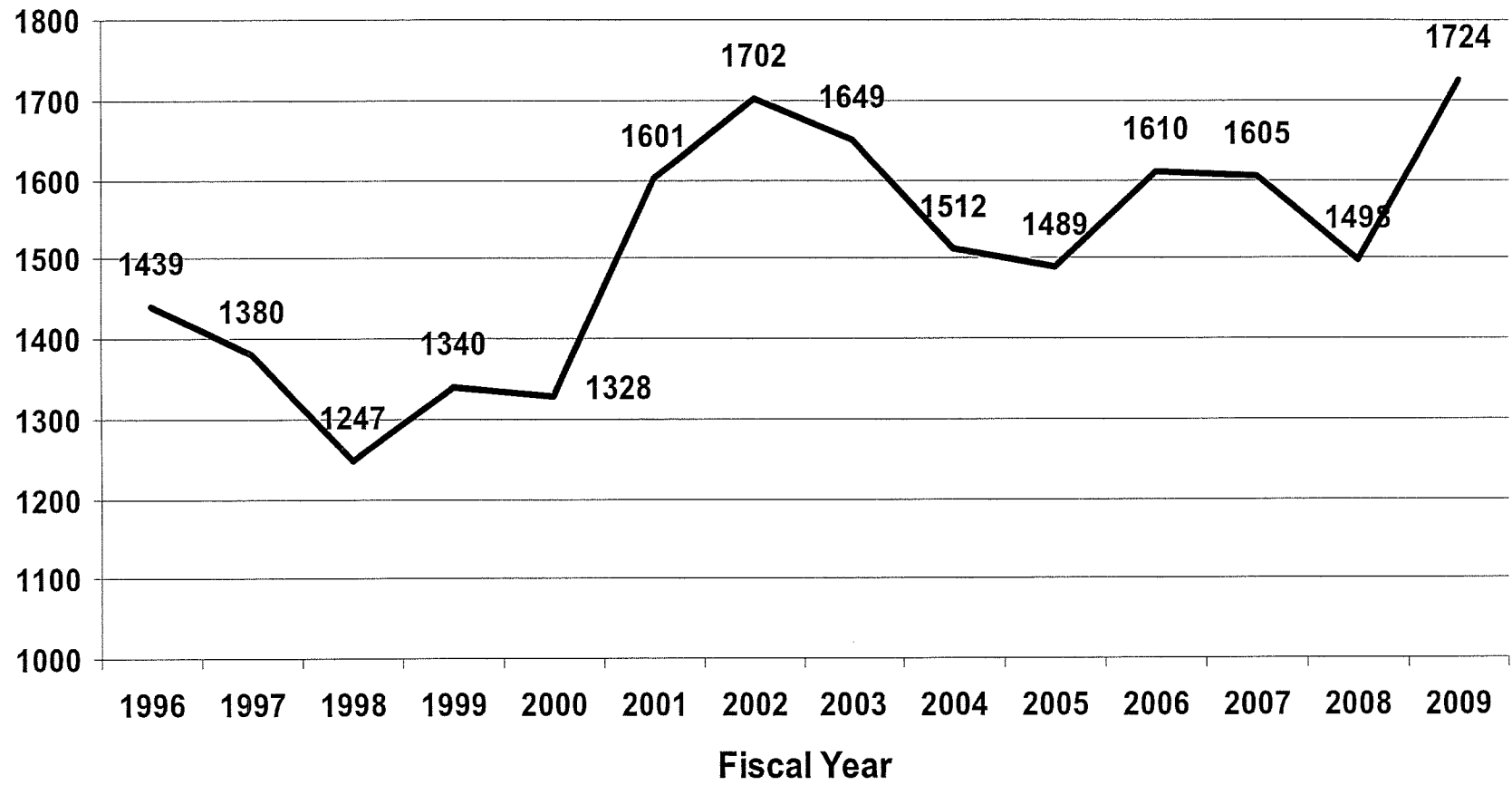


Female Prison Population Trend - Actual and Projected



KANSAS PRISON ADMISSION TRENDS

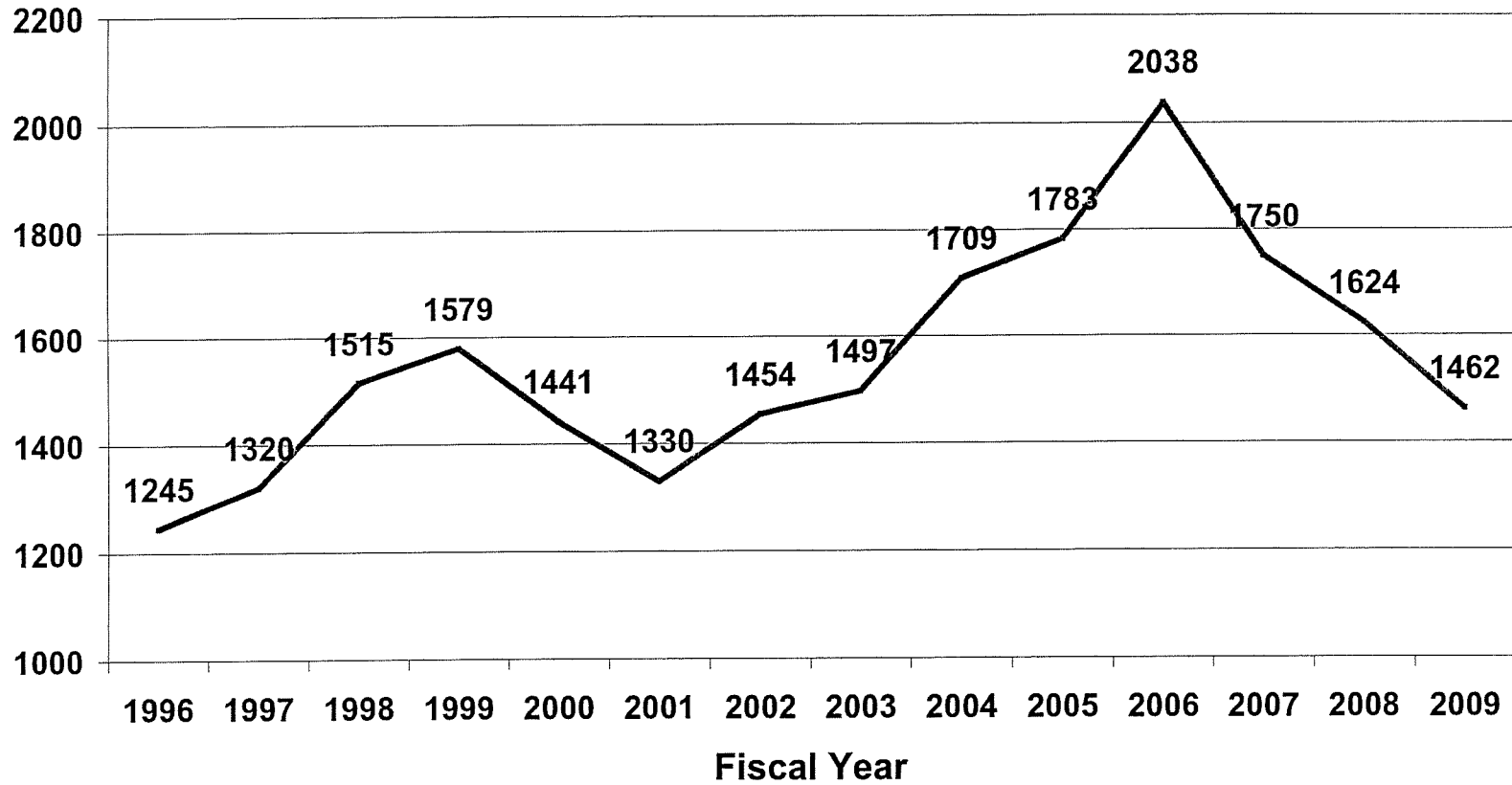
Direct New Court Commitments



Source: KDOC admission files

KANSAS PRISON ADMISSION TRENDS

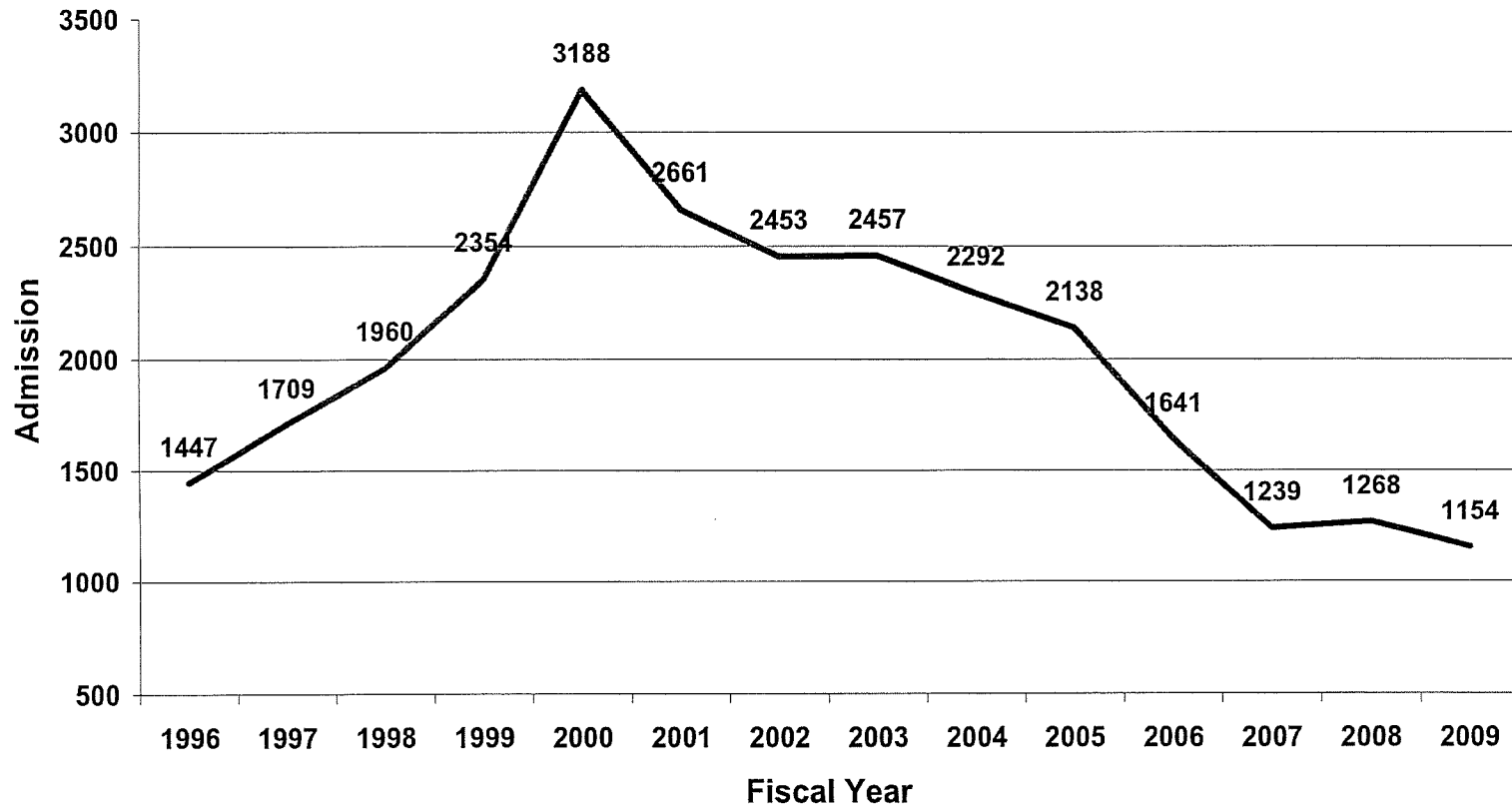
Probation Condition Violators



Source: KDOC admission files

KANSAS PRISON ADMISSION TRENDS

Parole/Postrelease Condition Violators



Source: KDOC admission files

Note: Including condition conditional-release violators



Unresolved Issues

- Restore Offender Treatment, Education and Support Services to FY 2009 levels
 - Harder than it sounds
 - KDOC experienced major reductions in FY 2000 which have never been fully restored
 - In FY 2010 we lost 63% of all state funding for programs compared to FY 2009
 - In FY 2010 we lost 95% of SGF for programs as compared to FY 2009
 - FY 2011 Governor's recommendation would cut losses to 60% and 86% respectively



Program, Treatment and Support Services Funding (all sources)

- FY 2000 - \$12,416,469 (actual expenditures)
- FY 2009 - \$12,644,436 (actual expenditures)
- FY 2010 - \$ 5,296,312 (budgeted appropriation)
- FY 2011 - \$ 5,375,199 (Governor's recommendation)
 - FY 2011 increase is due Governor's recommendation to restore some transitional housing resources



State General Funded Programs Capacity Reductions
Summary

	<u>FY09 capacity</u>	<u>FY10 capacity</u>	<u>Change</u>
• GED/Lit	312	218	-94
• Vocational	198	* 72	-126
• Spec ED	50	42	-8
• Life Skills	42	0	- 42
• Sub Abuse	56	40	-16
• Therapeutic Com	220	0	-220
• Sex Offender	312	152	-160
• CRB	104	0	-104
• DRC	140	0	<u>-140</u>

910 net loss

*10 slots from the DOL/Apprenticeship grant funds were shifted to SGF for FY 2010. This increased the SGF funded vocational slot capacity from 72 to 82 although no actual increase in capacity occurred.

State General Fund/Contract Program Capacity Reductions
Detail Summary for FY10

Vocational programs

- Barbering at HCF 10
- Building Maintenance at WCF 12
- Business Support at TCF 12
- Construction trades at NCF 12
- Homebuilding (Cabins for KDWP) at HCF, ECF, NCF reduction in capacity of 24
- Industries Technology at HCF 20
- Landscaping at NCF 12
- Manufacturing Technology at HCF 12
- Welding at LCF 12

126 program slots were lost

Special or Grant Funded programs

	<u>FY09</u>	<u>FY10</u>	<u>Change</u>	<u>End Date</u>
• IFI	188	203	15	
• Food Service (I2W) (ARAMARK)	54	51	-3	Contractual added value
• Hospitality (KCKCC)	30	0	-30	1/2009
• Retail (KCKCC)	30	0	-30	1/2009
• Dental lab Tech (Delta Dental)	8	8	0	(SGF in FY11)
• Aerostructure (WIA Funds)	15	0	-15	9/2008
• DOL/Apprenticeship Department of Labor	40	*30	-10	6/30/2010 *10 slots to SGF
• Title 1 (Fed Funds)	8	8	0	Annual allocation
• Basic Business Skills (Kan-go Grant/Colby College)	0	20	20	5/28/2010
• Electrical Skills Training (USDE)	0	42	42	9/30/2010
• Barton County CC (CBJT Grant) Computer Assisted Drafting: 30 HVAC: 20 Manufacturing Skills Cert: 42 Welding: 32 Lifeskills: 225	0	349	349	2/2012
			338	Net Gains



Unresolved Issues

- Restore cuts to medical/mental health contract for FY 2011
- Original negotiated amount - \$49,297,186
- Current budgeted amount - \$45,427,765
- At risk
 - Discharge planners
 - Forensic evaluations for MDT and KPB
 - Releases with adequate supplies of psychotropic medications
 - Nurses supervising medication administration
 - NCCHC accreditation
 - Mental health activity groups for mentally ill inmates
 - TCF Program for victims of abuse
 - Drug formulary



Unresolved Issues

■ Reduce Shrinkage Rates

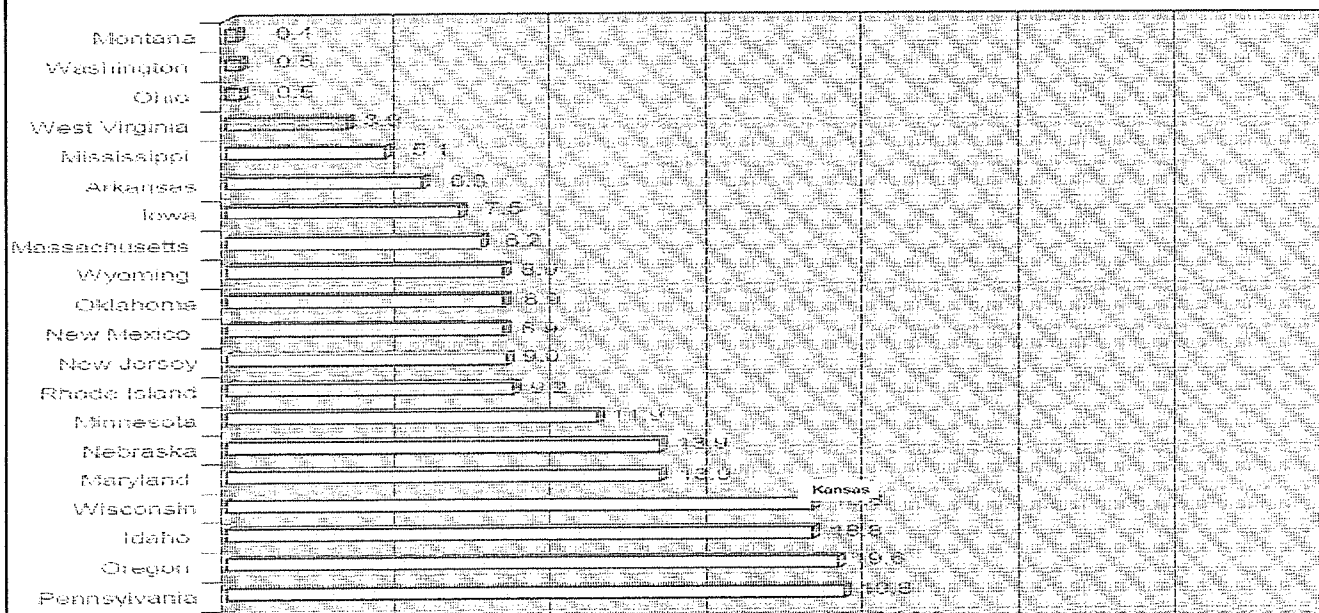
- 1999 Legislative Post Audit Study
- Facilities at or below “operational” (reduced) staffing levels well over 50% of the time for a decade
- Currently (Jan. 11, 2010) 88.5 positions are being deliberately held vacant to meet budget. A total of 179.5 positions were open that date.



Unresolved Issues

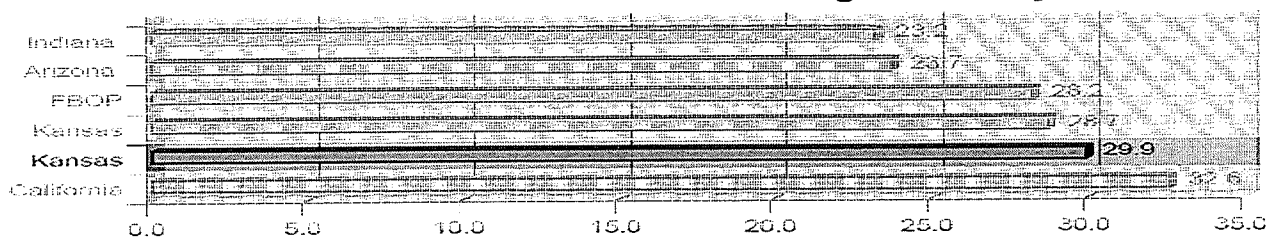
- Replacement of KDOC core information technology systems (OMIS/TOADS)
 - Over the last 4 years (including FY11) we have deferred \$3,000,000 in IT investment and we have used approximately \$500,000 in outside grant money and some project funds intended for system replacement to conduct the EA study required by the JCIT, we need to recover that money and begin to rebuild KDOC's IT environment.
 - Lessons learned from planned outage in Dec. 2009

Age of State OMIS Systems

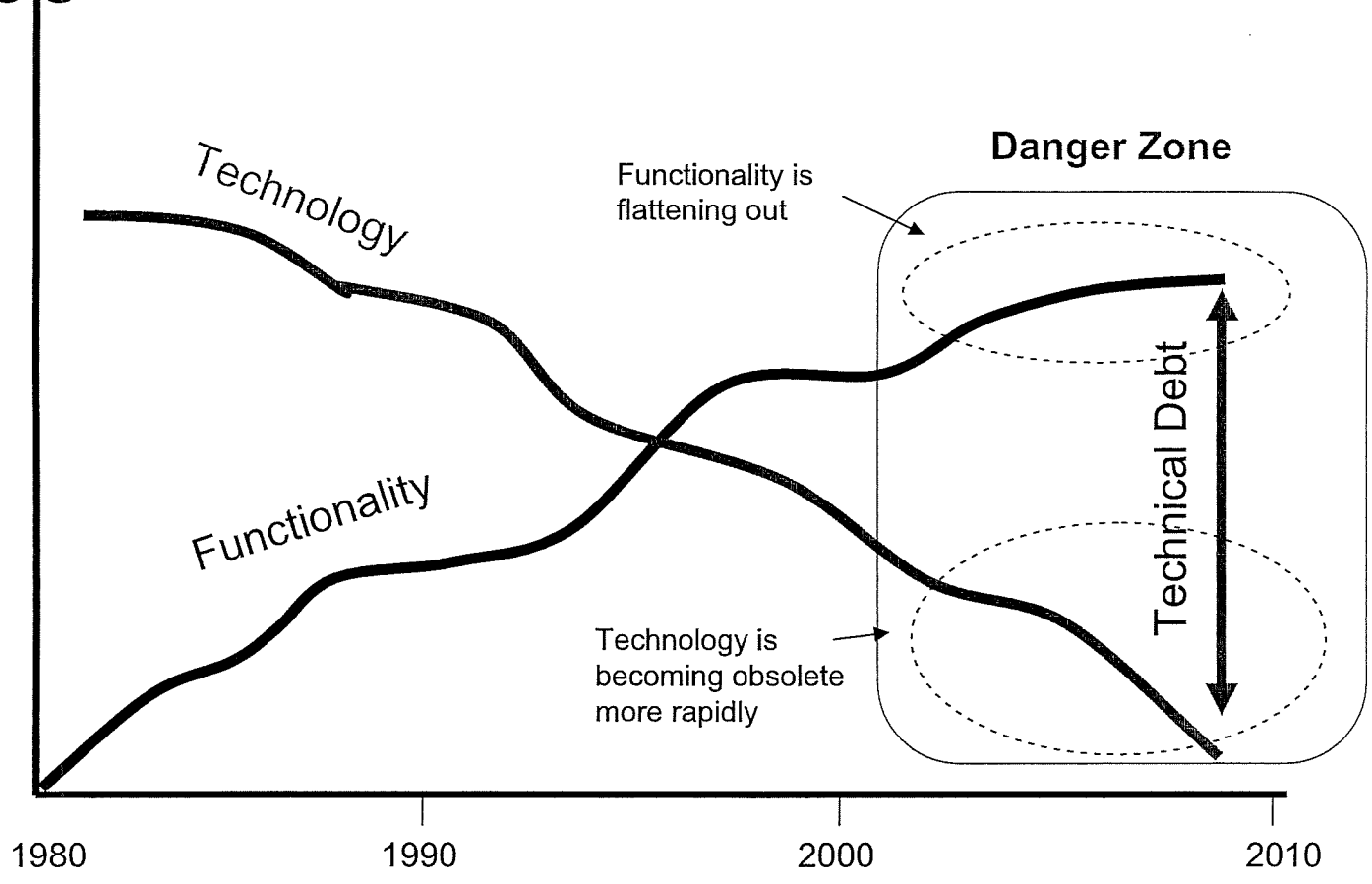


- Less than 5 Yrs.
- Over 5 Yrs.
- Over 10 Yrs.
- Over 20 Yrs.

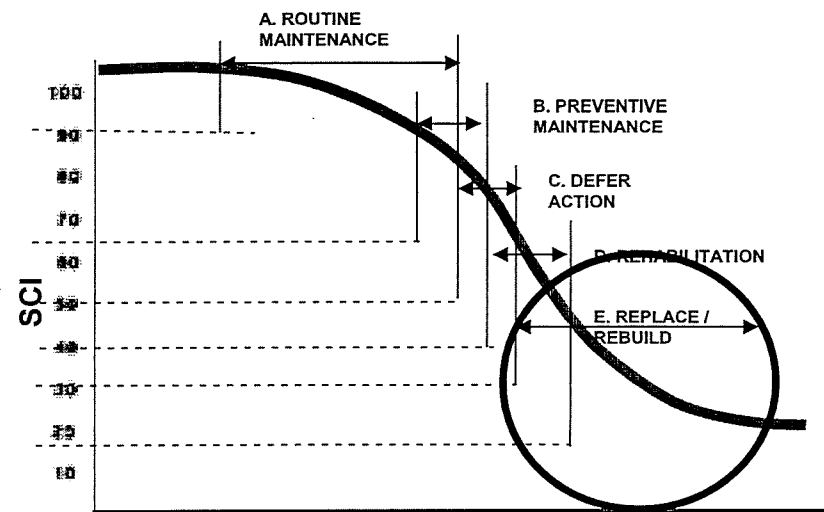
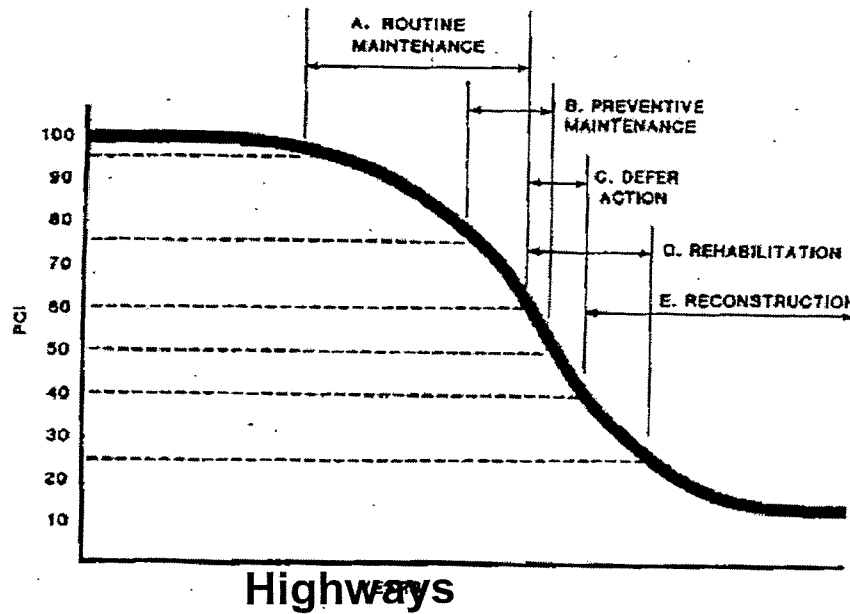
Kansas has the 2nd oldest Offender management system in the US



Functionality vs. Technical Debt



What we can learn from KDOT about Asset Management

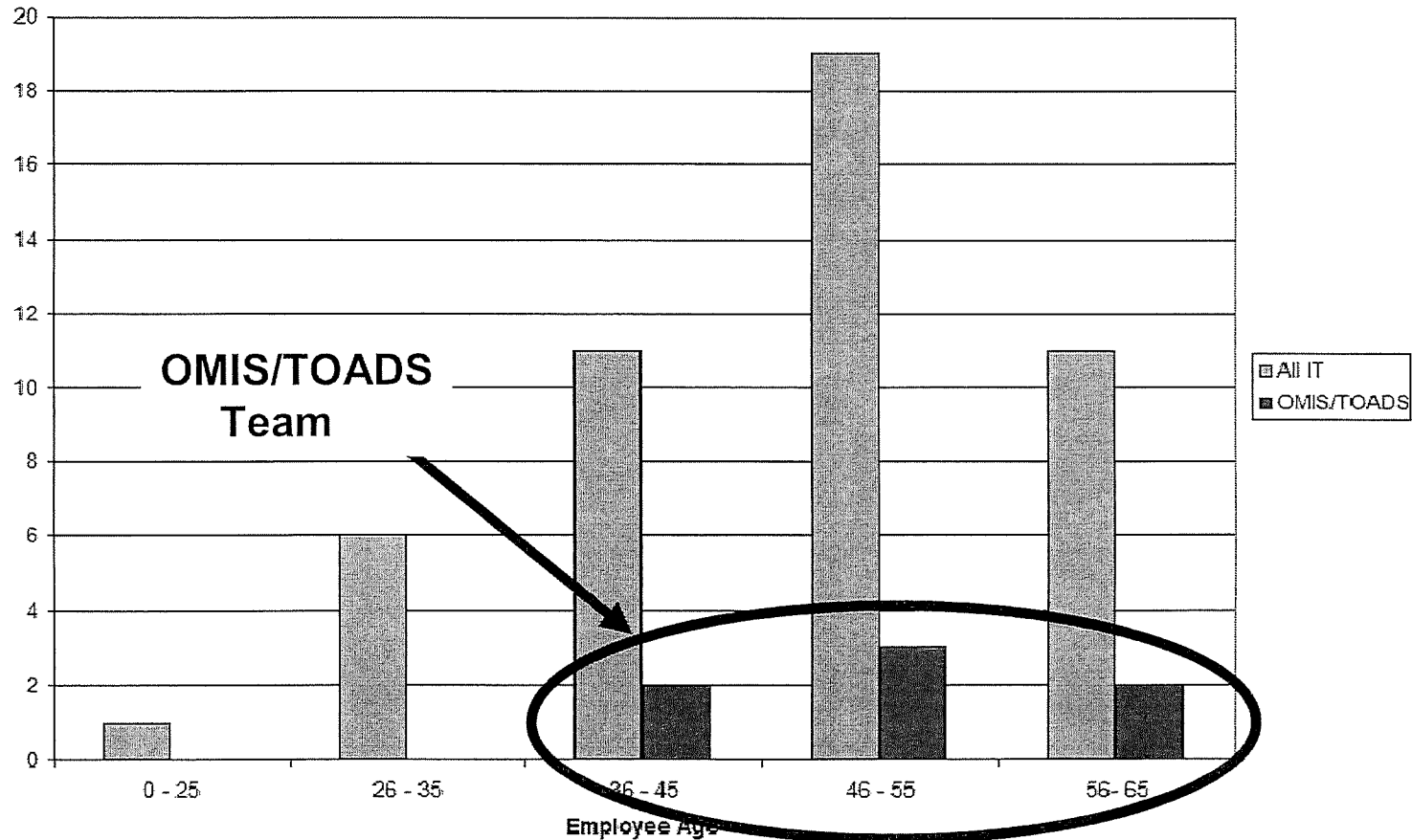


Application Systems

We are here!

KDOC has an aging workforce

KDOC IT Staff Age





Unresolved Issues

- Replacement of aging vehicle fleet
 - Over 170 vehicles already beyond replacement schedule
 - We are contemplating ceasing perimeter patrols because of worn out vehicles and staffing shortages



SMHF Vehicle 7822
Floor board of the Jeep has been cut out
in preparation for repair.
They plan to put a patch in made from salvaged
road sign material from ADO.



Unresolved Issues

- Conversion to narrowband radio communications
 - Federal mandate to be compliant by Jan. 1, 2013
 - Requires lead time for towers, bidding, etc.
 - Current estimated cost - \$742,945



Unresolved Issues

- Restoration of Community Corrections funding
 - FY 2010 and 2011 community corrections budget relies on \$1,500,000 in ARRA Byrne/JAG funding each year.
 - Community corrections programs received an average reduction of 6% in FY 2010 (\$1,050,000 reduction)



Unresolved Issues

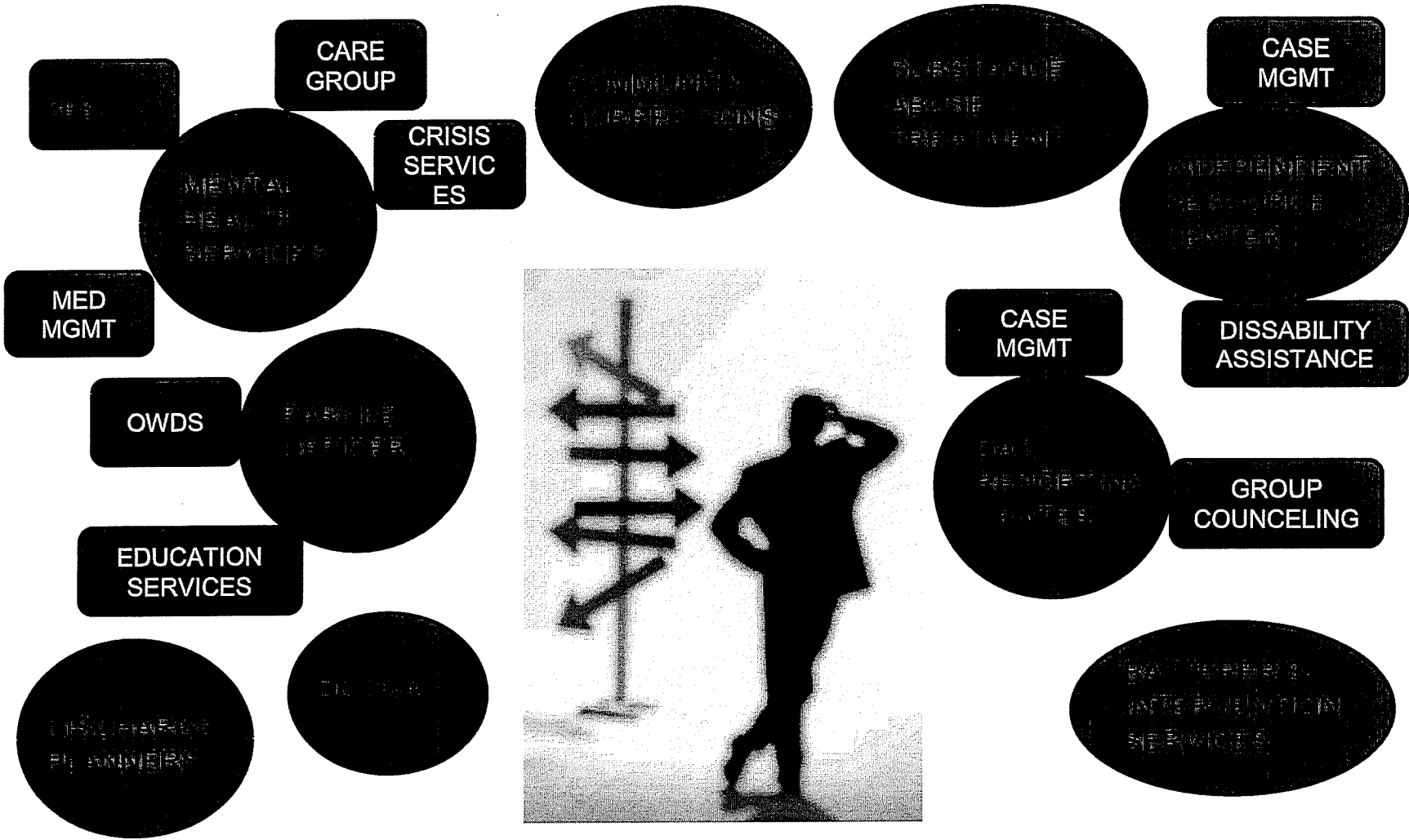
- Housing and treatment services for severely mentally ill and behaviorally disordered inmates and parolees



Mentally-Ill Offenders

- 61% of women and 30% of men in KDOC facilities are diagnosed with a mental illness (MH Disorder Code 3-6)
- Persons with a significant mental illness were more likely to be re-admitted within one year than those without a significant mental illness (30% vs. 25%)
- Most offenders with mental illness released to Shawnee (44%), Sedgwick (33%), Johnson (26%), and Wyandotte (26%) Counties

THE PROBLEM - WHERE'S JACK?





CHARACTERISTICS OF POPULATION

- Mental Illness
- Alcohol and Drug Addiction
- Homeless
- Mental Retardation/Development Disabilities
- Traumatic Brain Injury
- Physical Health Problems
- Limited Education
- Limited Family Support
- Poor Work History
- Fetal Alcohol Syndrome

COST OF JACK - 9 MONTHS

AGENCY	SERVICE	COST
Mirror, Inc.	Housing	\$4,462.20
KDOC	Voucher Funds	\$964.00
Valeo	Services/Non-Housing	\$10,563.49
Valeo	Housing/Community	\$800.00
Pharmacy	Medication	\$571.23
Valeo, The Residence	Crisis Services/Housing	\$741.32
Stormont Vail West	Crisis Services	\$8,800.00
Police/911 Cost	Crisis Intervention	\$2,250.00 (estimate)
TOTAL		\$29,152.24

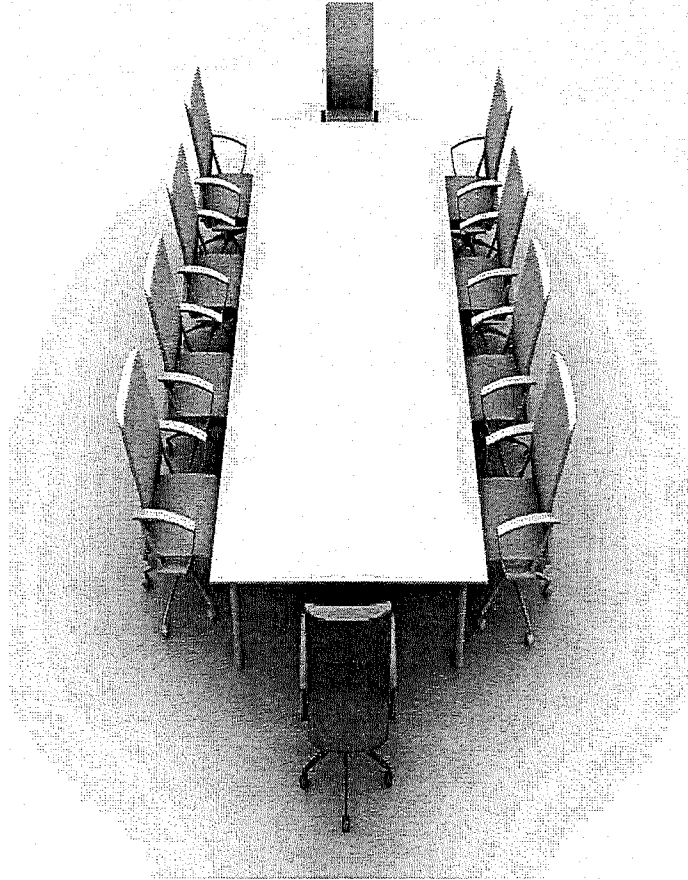
BRINGING AGENCIES TO THE TABLE

KANSAS
DEPARTMENT OF
REGISTRATION

COMMUNITY
MENTAL HEALTH
PROVIDERS

HOMELESS
PROVIDERS

KANSAS
DEPARTMENT ON
AGING



LAW ENFORCEMENT

SOCIAL AND
REHABILITATION
SERVICES

COMMUNITY
NURSING FACILITY
FOR MENTAL
HEALTH

INDEPENDENT
LIVING AGENCIES

HOUSING
PROVIDERS



WHY COLLABORATION WORKS

- No one agency is able to serve this population
- Duplication of services is ending
- Offender has an active role in plan
- Expenses saved increases resource stock for all
- Treatment planning is no longer driven by funding source
- Treatment programming addresses and incorporates Evidenced Based Practices

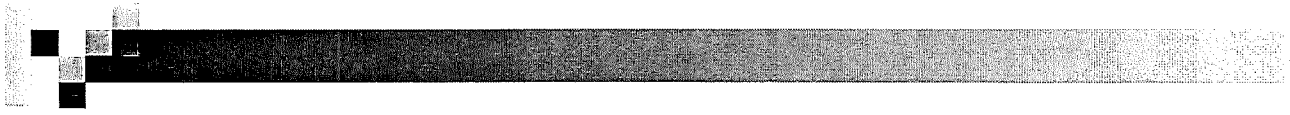


Back to the community

- Release planning now includes planning for a placement based on assessments done in the community pre revocation.
- Will release with 30 days of meds
- Partners on stand by to launch appropriate services pre release
- Transparency in the referral process in critical to public safety

TOPEKA CAMP SITES





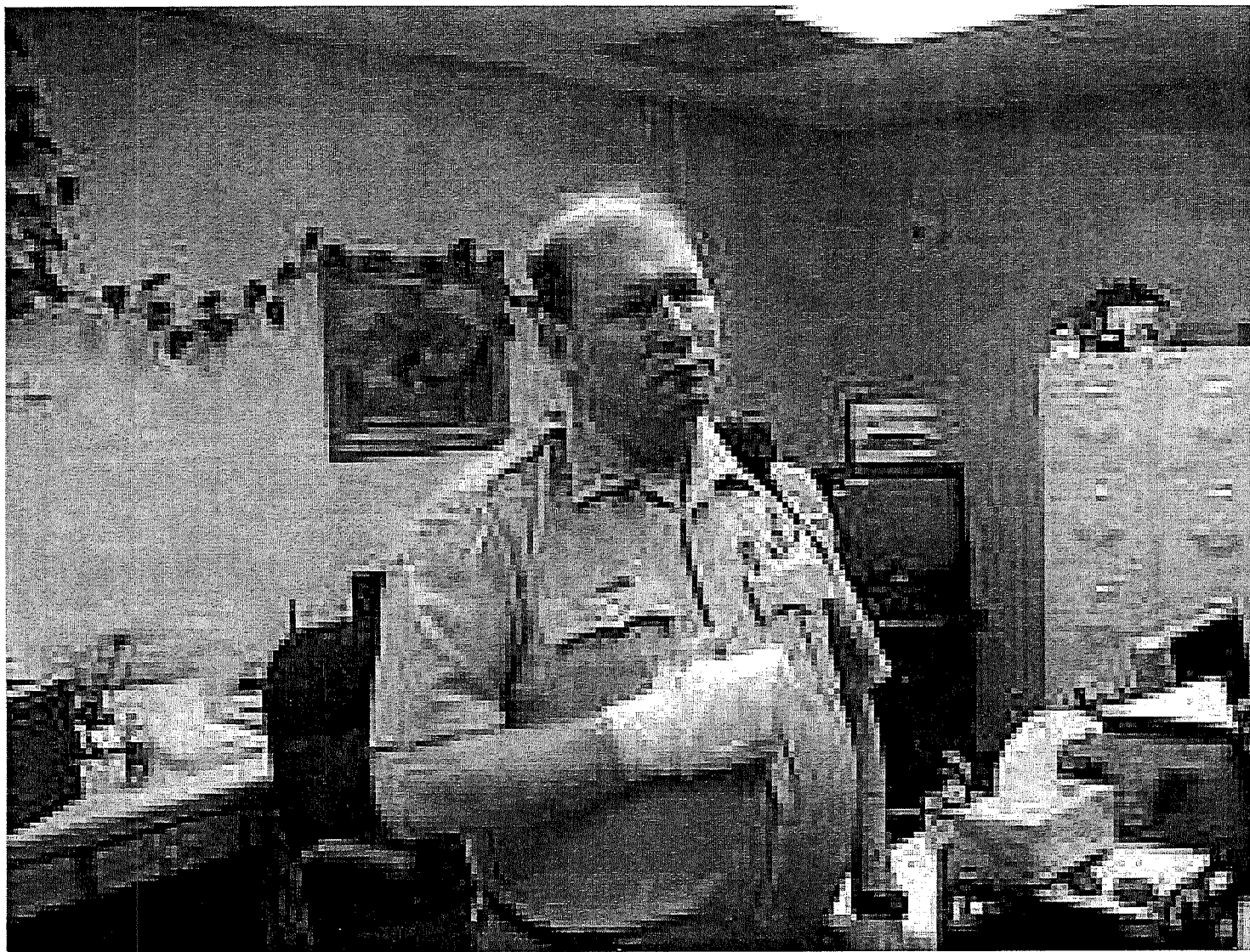
UNDER KANSAS BRIDGE





Unresolved Issues

- Inclusion of KDOC employees in KP&F or a comparable system
 - Equity issue
 - Cost is what has prevented this in the past
 - No cost in FY 2011 if enacted this session
 - \$5.3 million annual cost beginning in FY 2012
(based on an FY 2010 estimate)



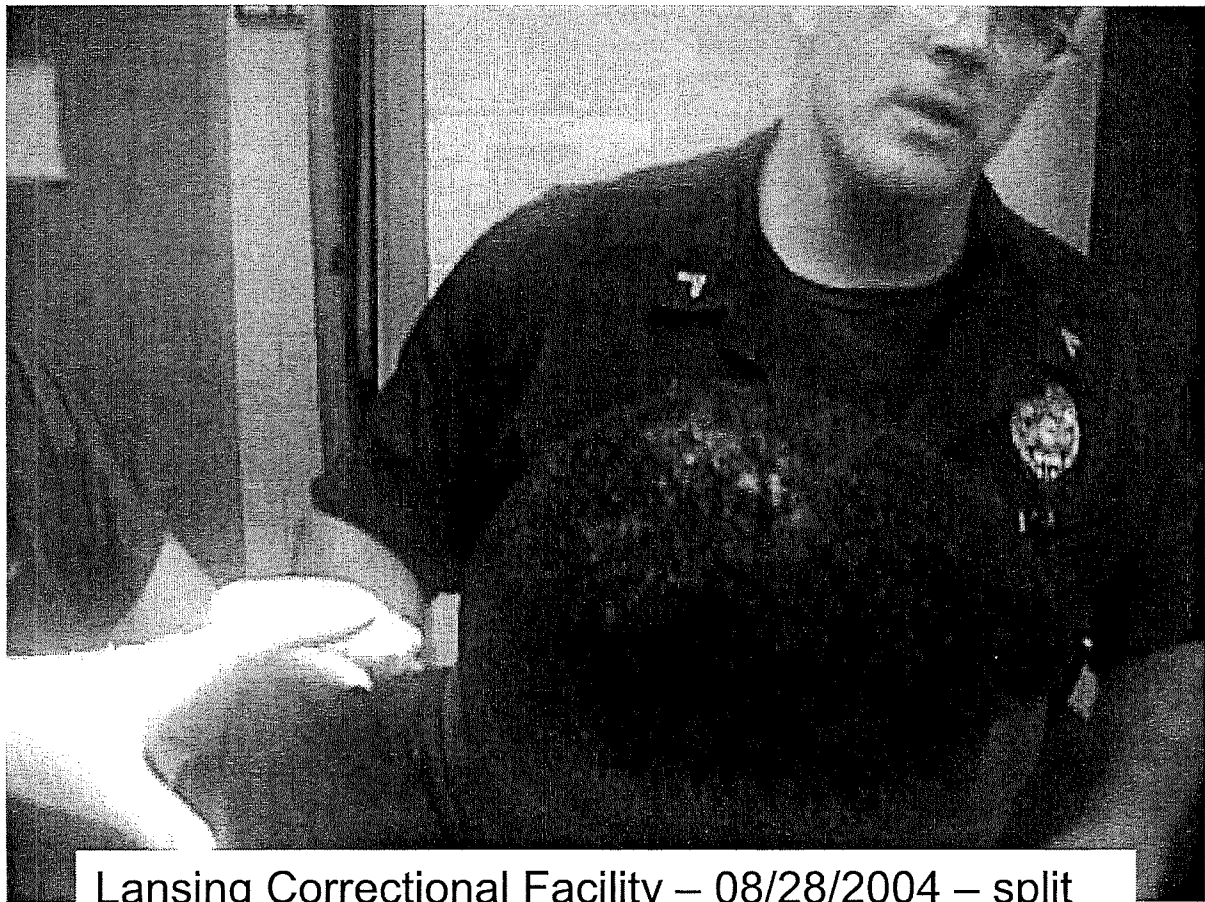
ECF Employee stabbed with fan blade, March 8, 2003

Injured employees



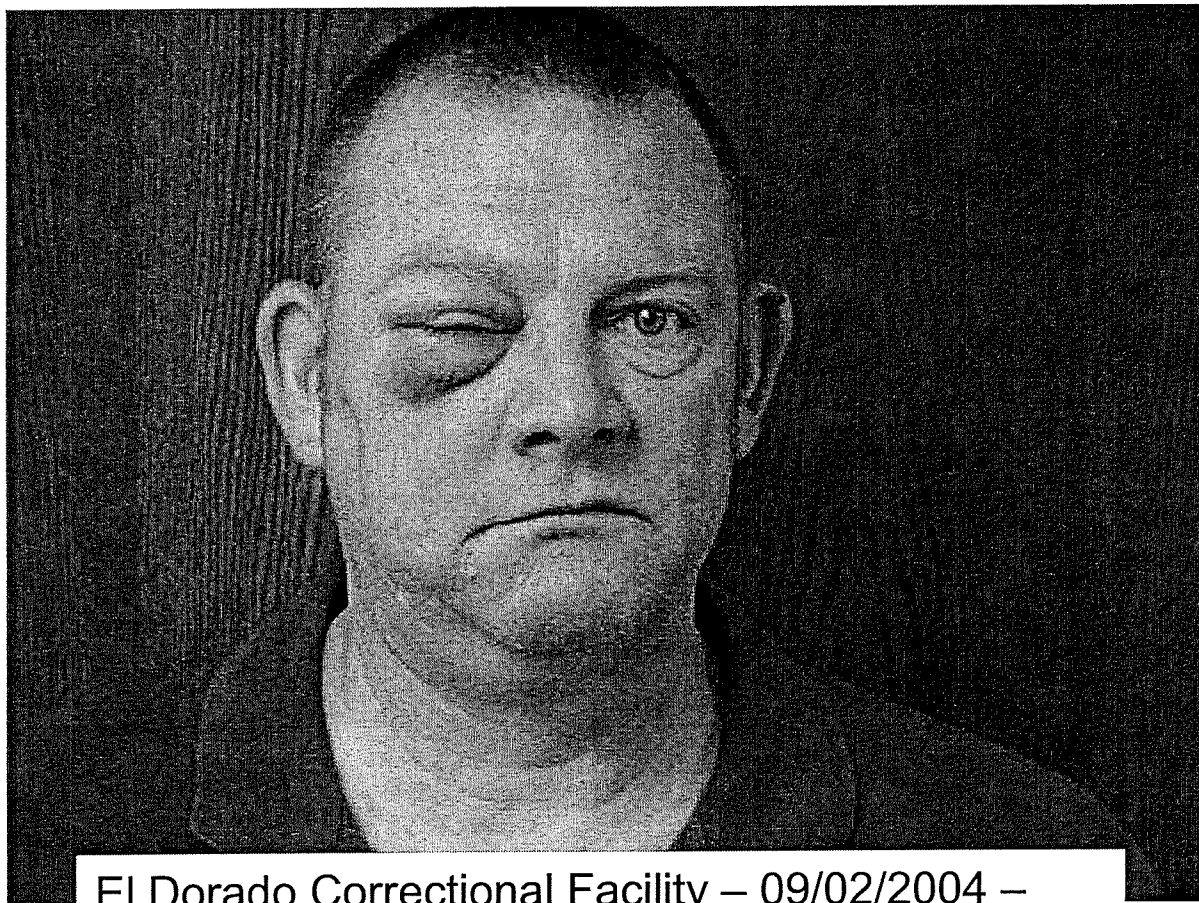
Ellsworth Correctional Facility – 03/08/2003 – lacerated hand –
stabbed with a fan blade

Injured employees



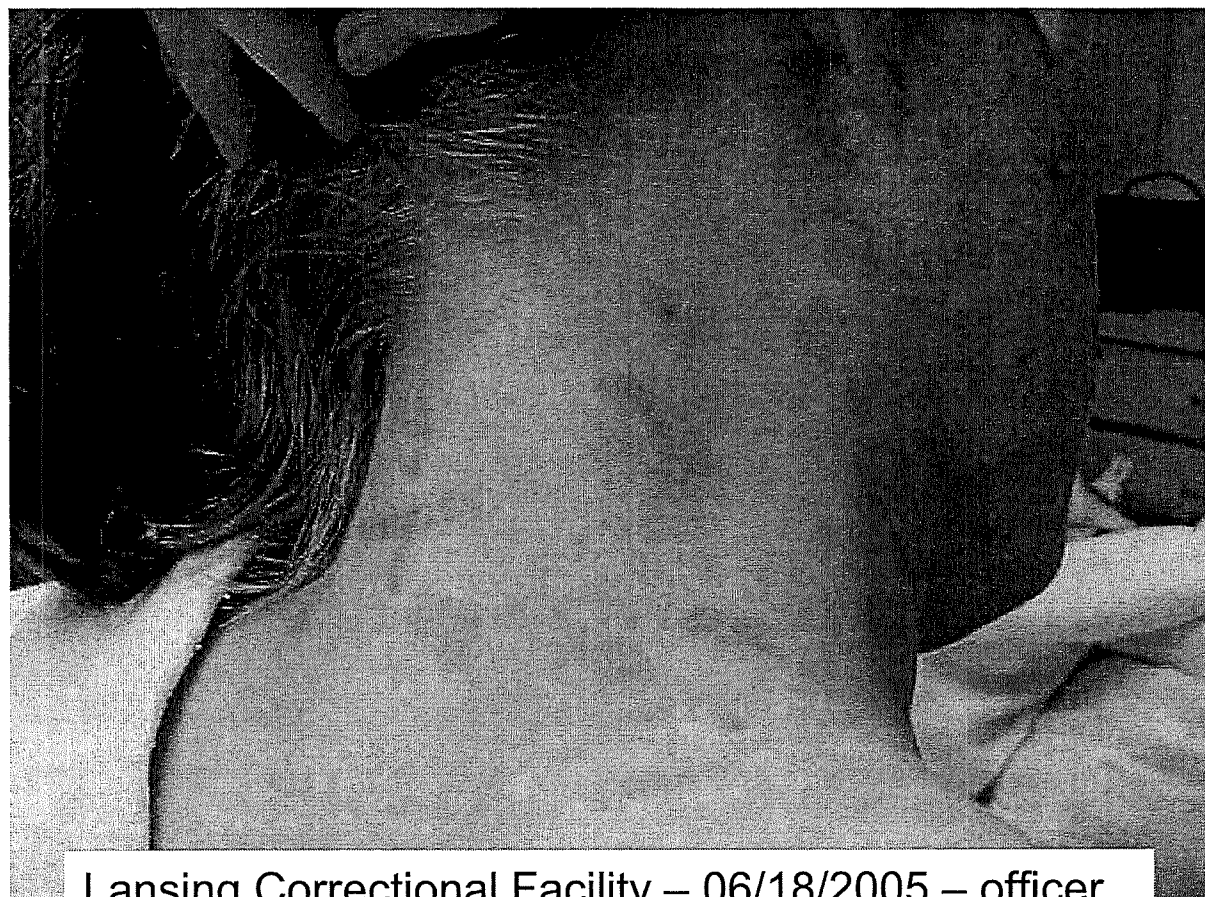
Lansing Correctional Facility – 08/28/2004 – split scalp – attacked with a shower pipe

Injured Employees



El Dorado Correctional Facility – 09/02/2004 –
broken eye socket

Injured employee



Lansing Correctional Facility – 06/18/2005 – officer choked unconscious and sexually assaulted

Injured employees



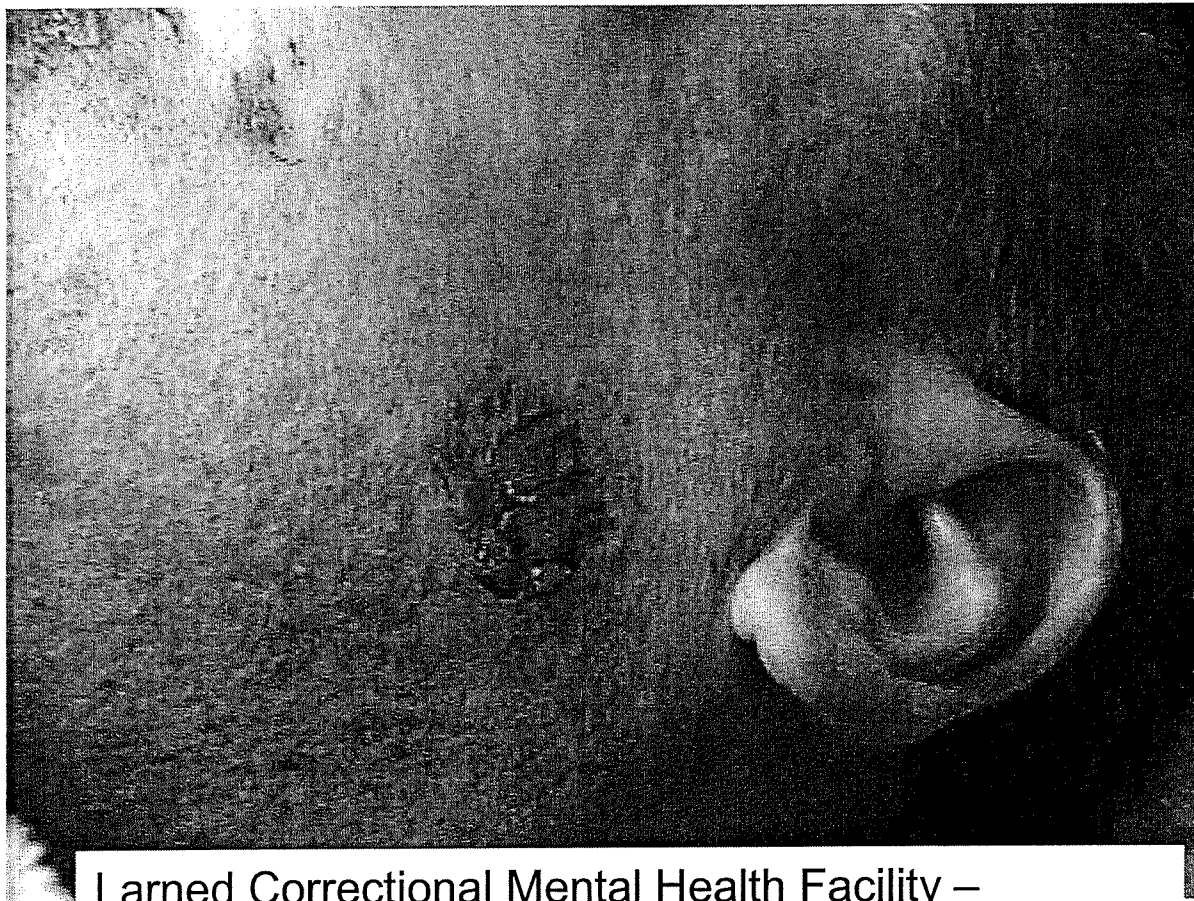
Larned Correctional Mental Health Facility –
07/27/2005 – gouged eye

Injured employees

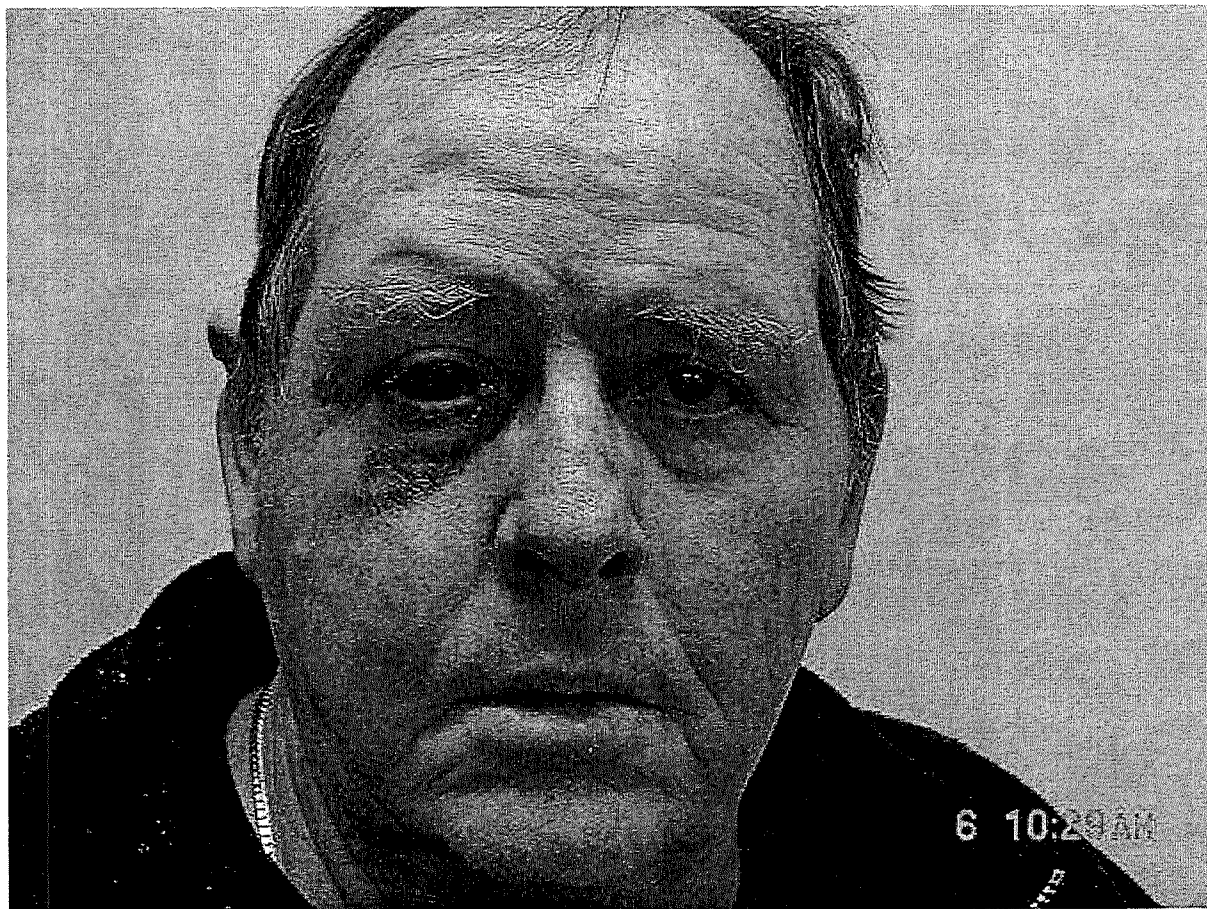


Larned Correctional Mental Health Facility –
07/27/2005 – gouged eye

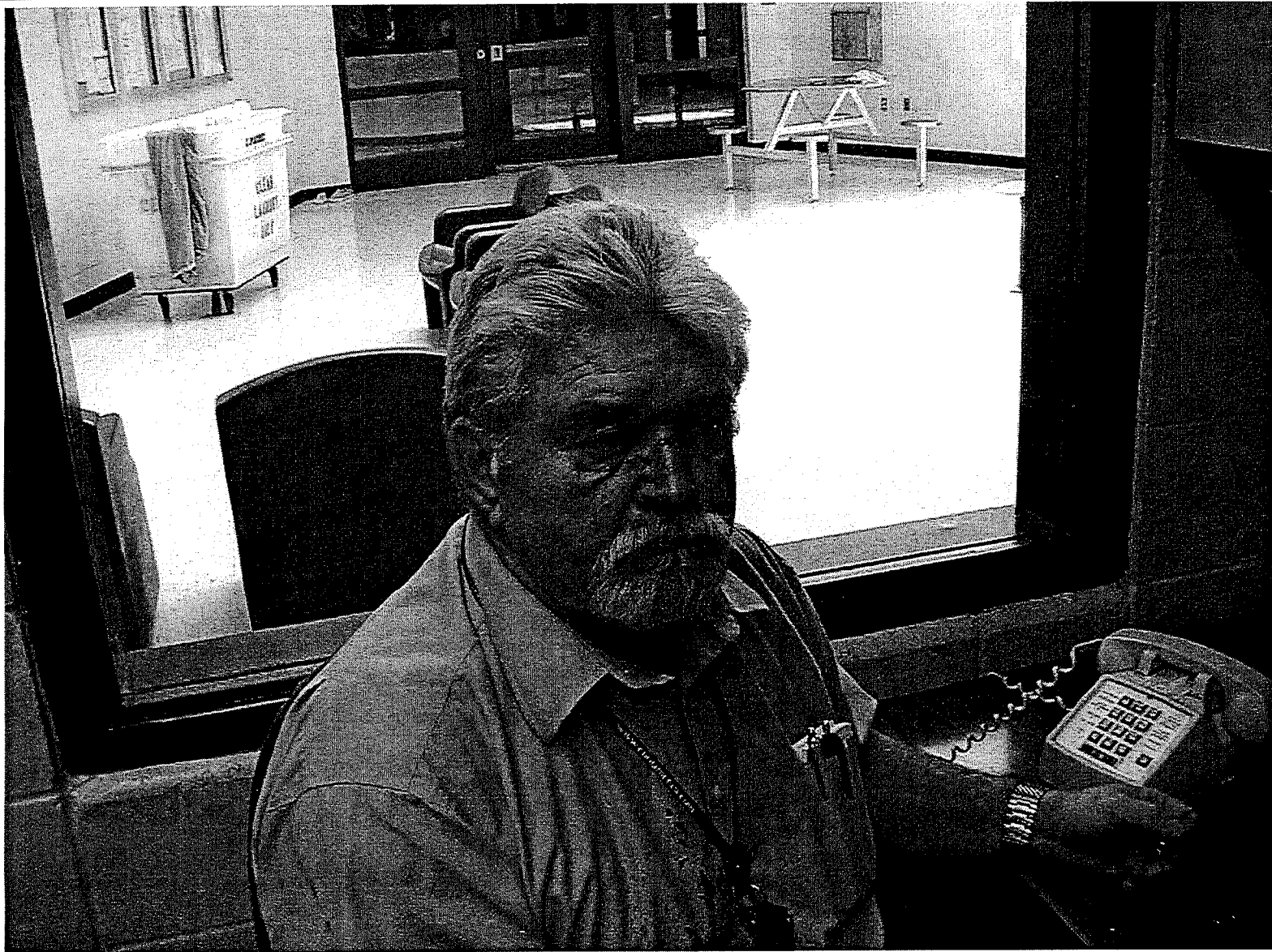
Injured employee



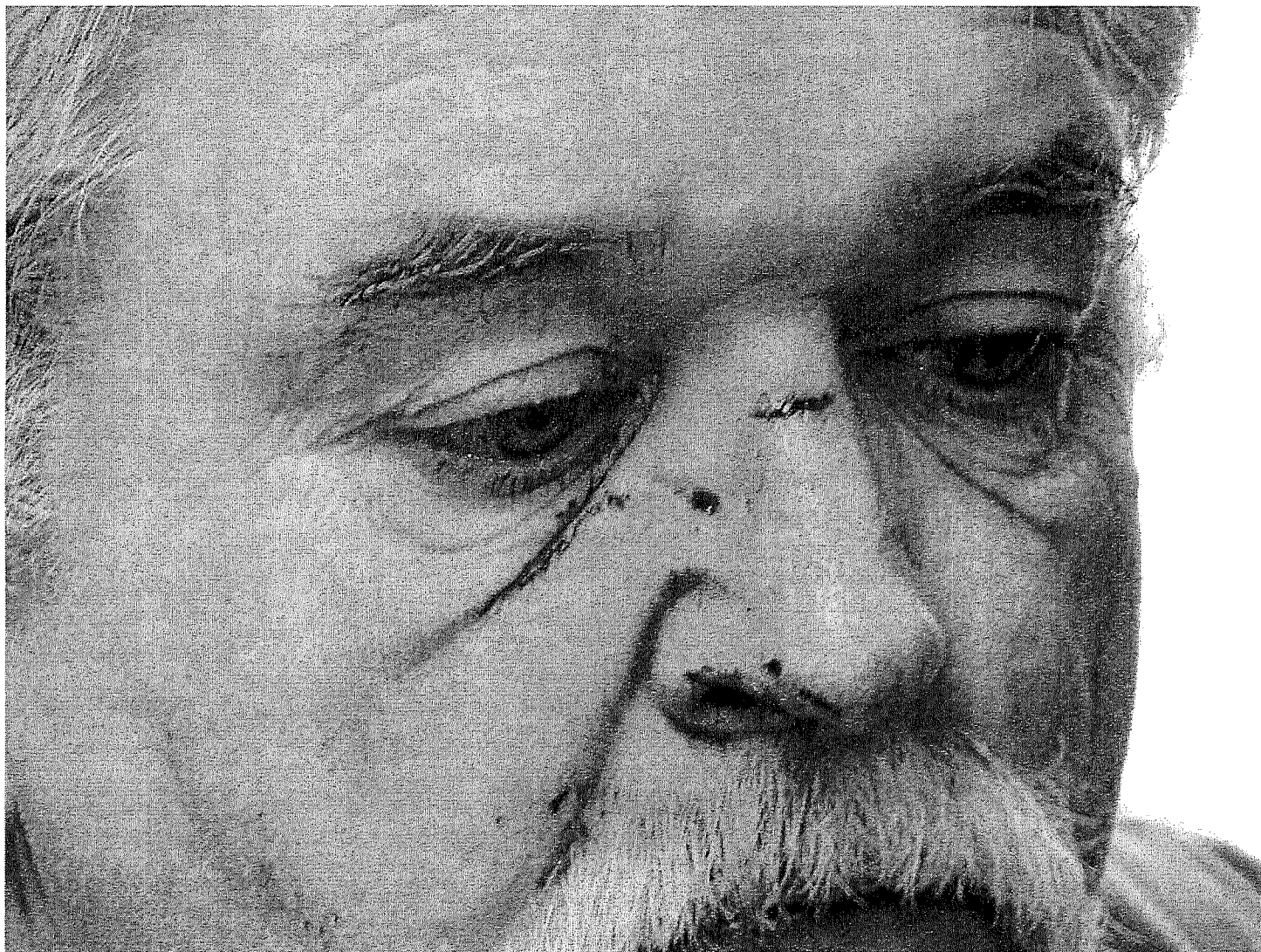
Larned Correctional Mental Health Facility –
07/27/2005 – bitten cheek



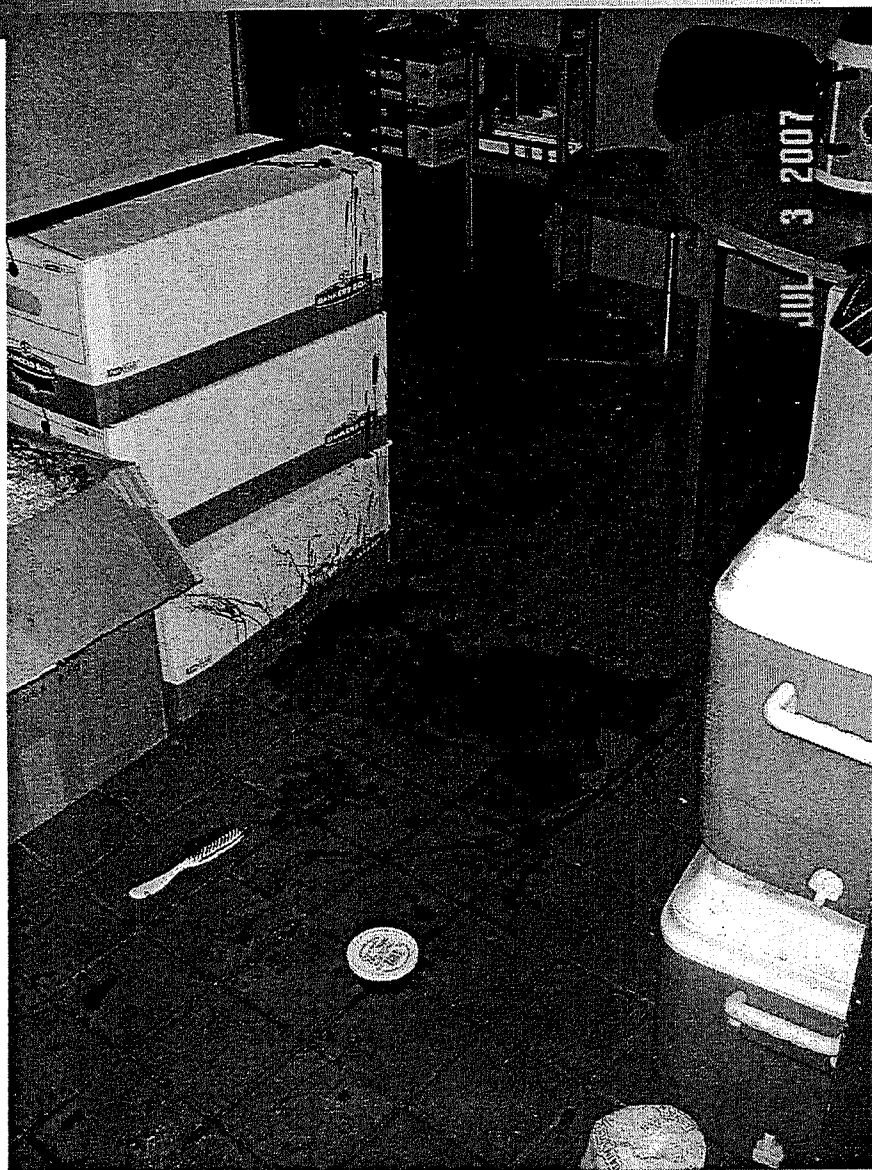
EDCF Employee battered by inmate Feb. 1, 2007



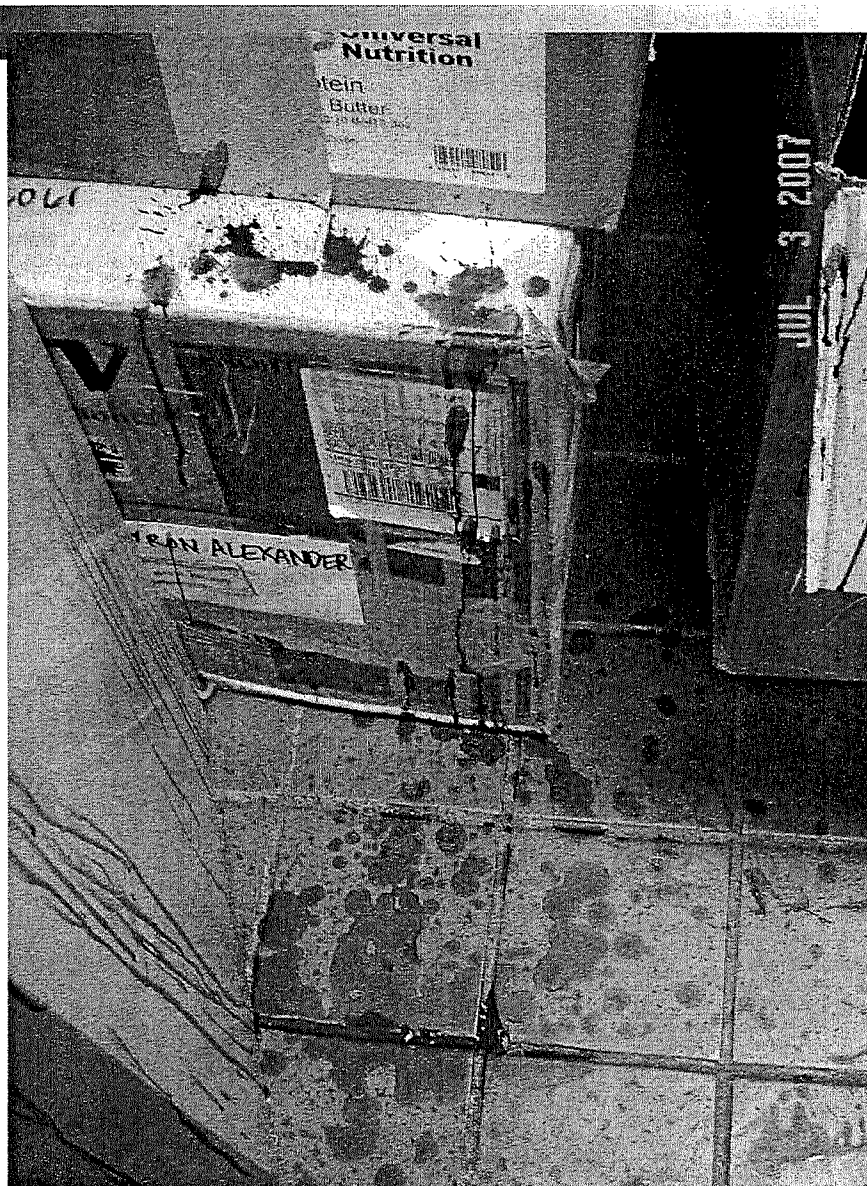
LCMHF employee battered by inmate on April 18, 2007



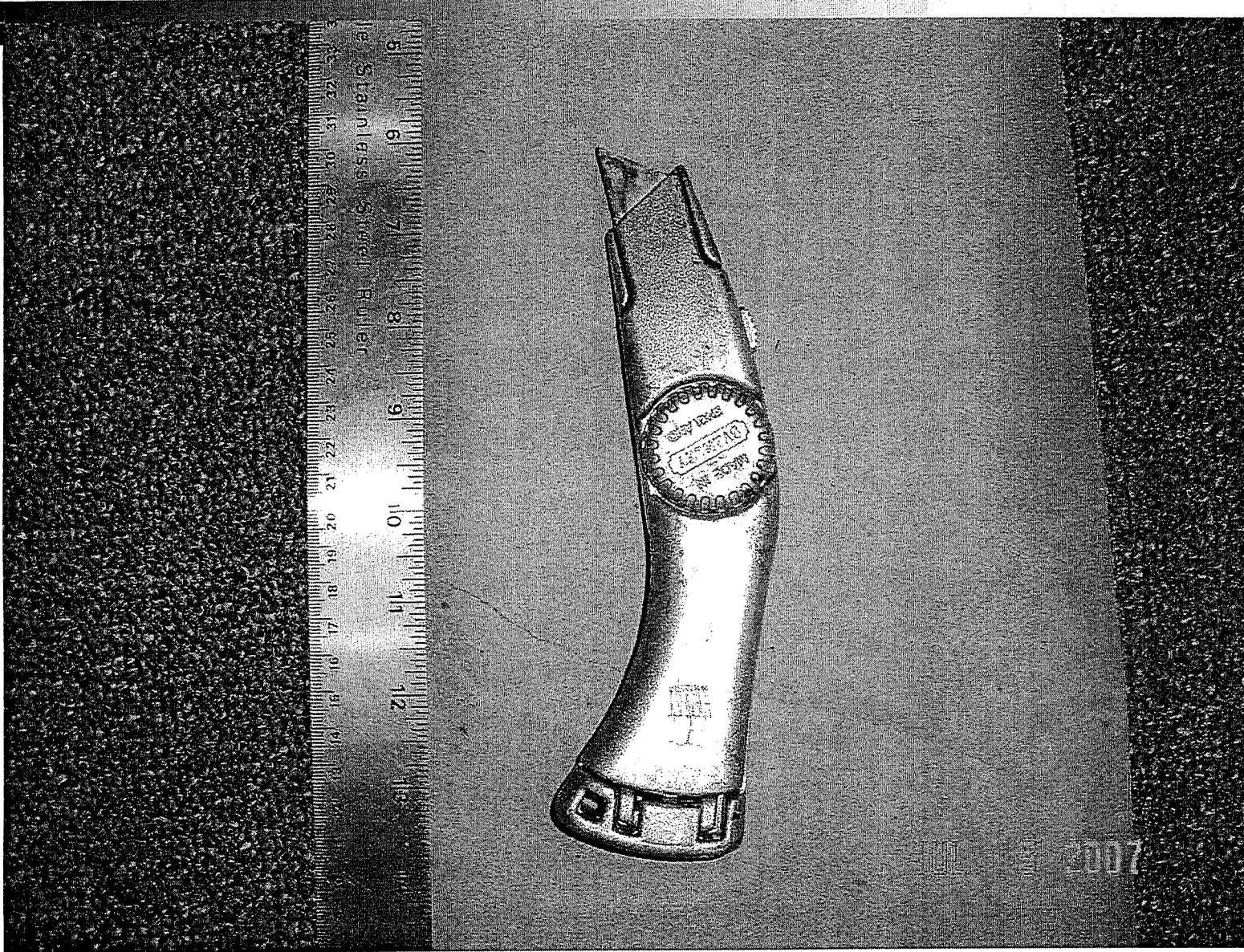
LCMHF employee battered by inmate on April 18, 2007



Crime Scene - LCF employee attacked with box cutter, July 3, 2007



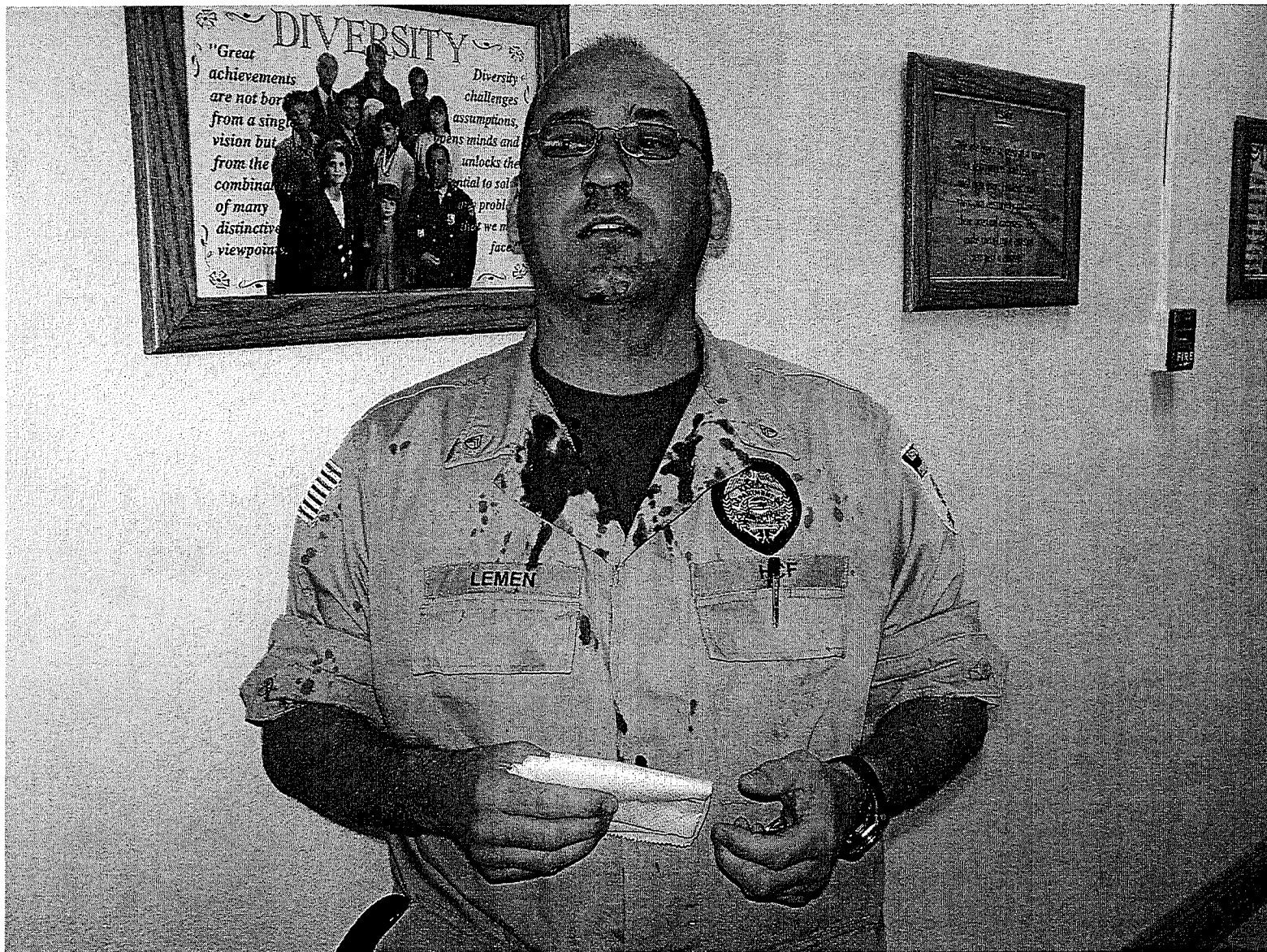
Crime Scene - LCF employee attacked with box cutter, July 3, 2007



Weapon used by inmate to attack LCF employee, July 3, 2007



HCF employee battered by inmate August 1, 2007



HCF employee battered by inmate on October 23, 2007



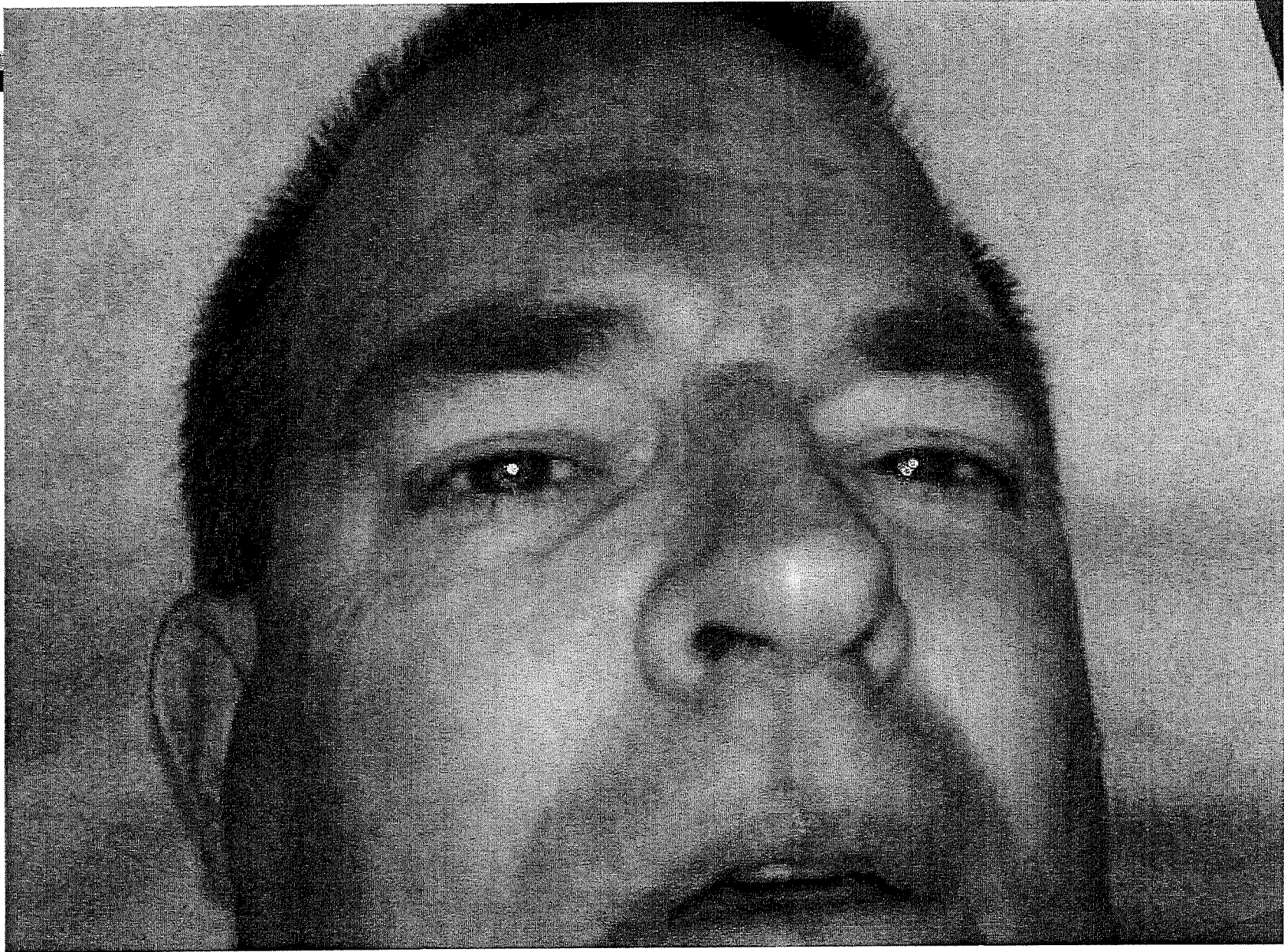
HCF employee battered by inmate with broom handle on April 23, 2008



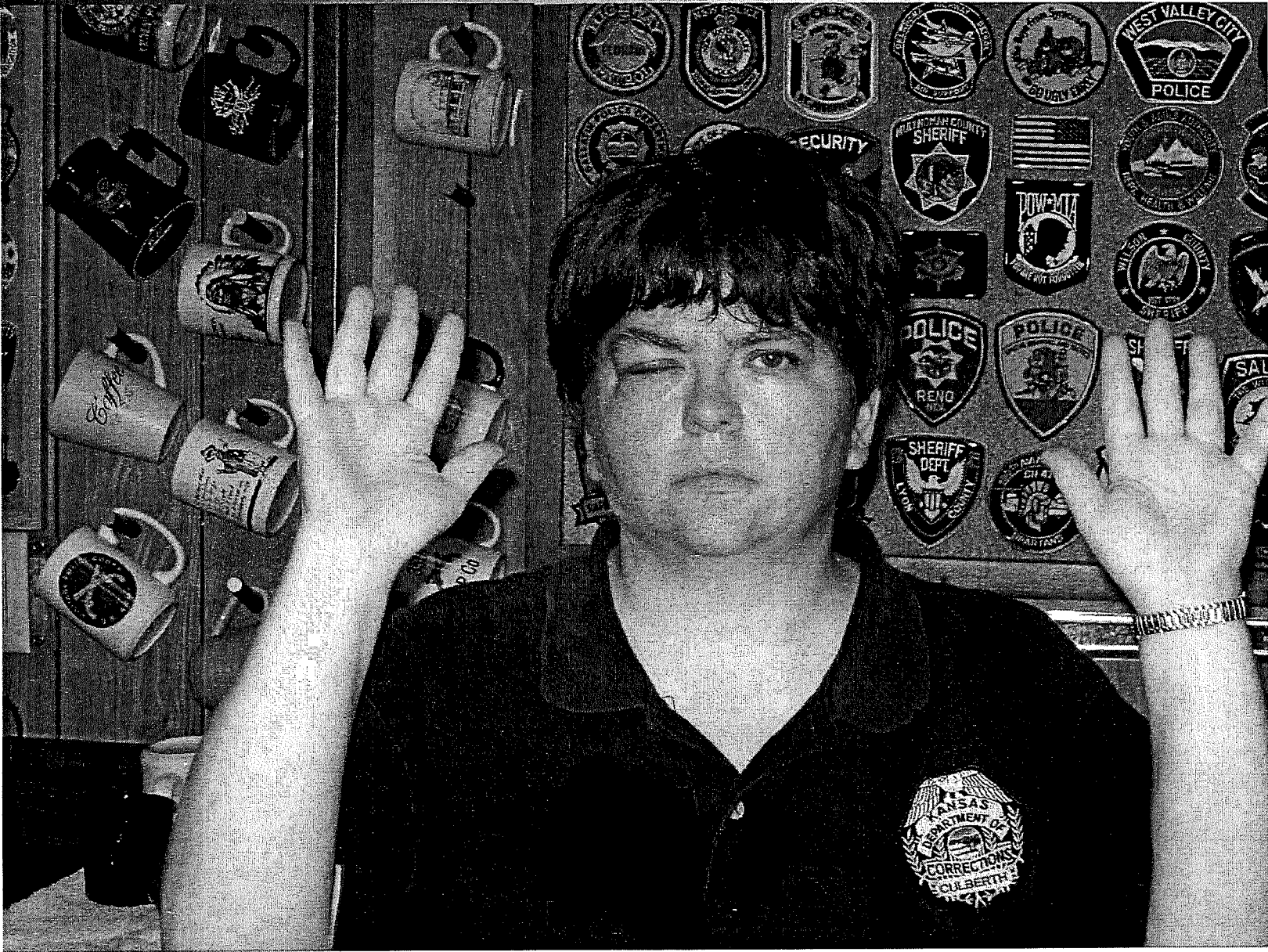
HCF employee battered by inmate with broom handle on April 23, 2008



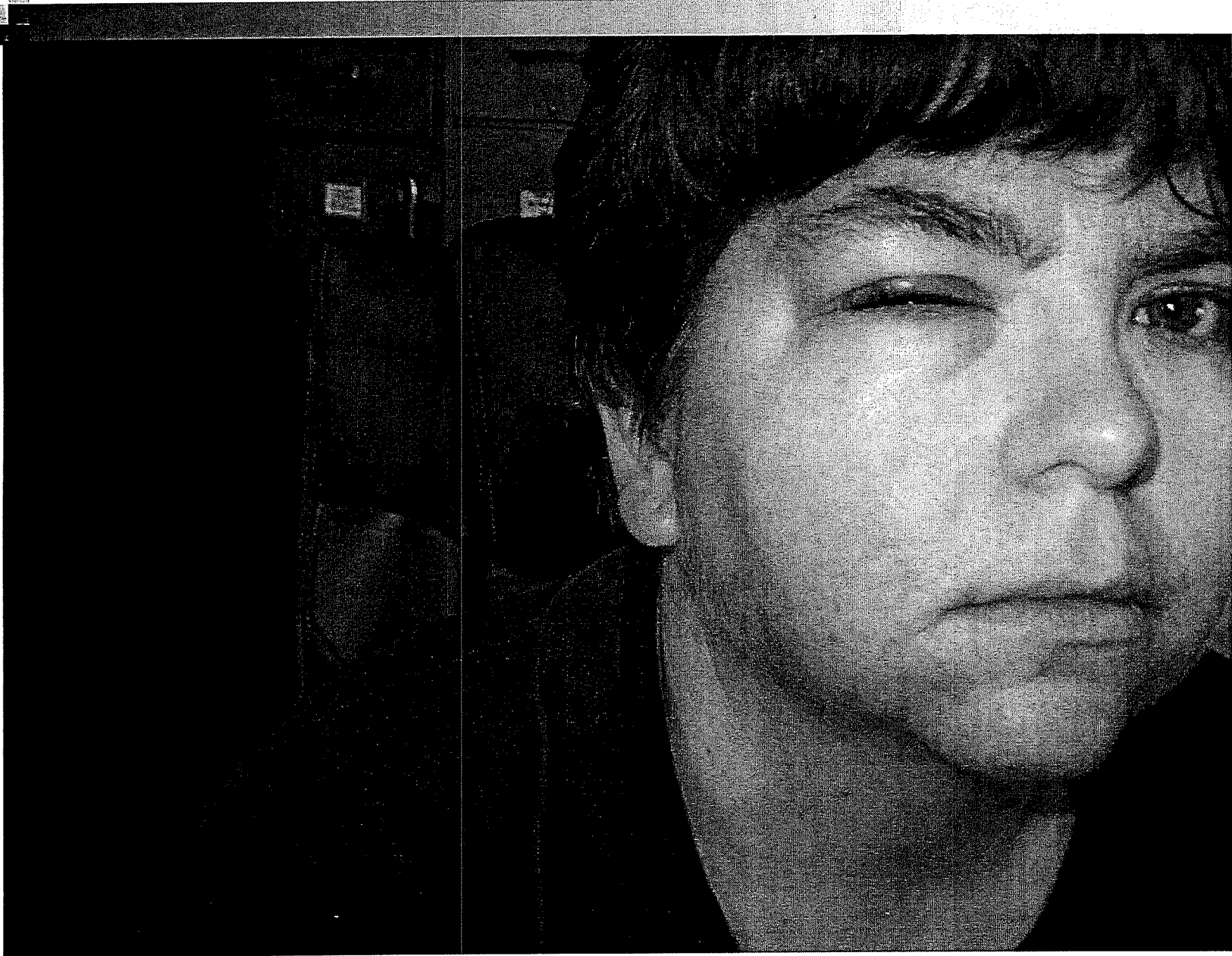
LCMHF employee battered by inmate, June 11, 2009



LCMHF employee battered by inmate, June 11, 2009



TCF employee battered by inmate, June 16, 2009



TCF employee battered by inmate, June 16, 2009



LCMHF employee battered by inmate on Aug. 4, 2009



Decreased Recidivism for MIOs

- Recidivism rates for offenders with mental illness decreased substantially between FY03/04 & FY06/07
 - ❖ FY03/04 rates: 51-74%
 - ❖ FY06/07 rates: 12-39%
 - ❖ Total Decrease of 35-39%!!!
- Both agency-wide recidivism decreases and better discharge planning are responsible for these improvements!

Performance Measures

- 8,639 – facility population on 1/13/10 (9,251 on 2/19/04)
6.6% reduction
- 5,995 – Parole Population on 1/13/10 (4,261 on 2/19/04,
4,167 on 6/30/03) 43.8% 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 (avg. FY '10 to date = 94)
- 103.2 – FY 2009 community corrections (high risk
probation) revocation rate - 25% 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])

Table 3

**Return Rate of Offenders Released From KDOC Facilities During FY 2001-2008
by Type of Readmission and Length of Follow-up Period***

	FY 2001		FY 2002		FY 2003		FY 2004		FY 2005		FY 2006		FY 2007		FY 2008	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
One-year Follow-up																
No return to KDOC	1,705	44.8%	1,535	43.2%	1,587	46.0%	1,619	47.9%	1,856	53.5%	2,076	62.9%	1,799	64.7%	1,793	66.0%
Violation, New Sentence	55	1.4%	55	1.5%	52	1.5%	61	1.8%	57	1.6%	78	2.4%	66	2.4%	43	1.6%
Violation, No New Sentence	1,795	47.2%	1,722	48.4%	1,553	45.0%	1,502	44.4%	1,298	37.4%	844	25.6%	684	24.6%	652	24.0%
New Commitment (After Discharge)	13	0.3%	30	0.8%	13	0.4%	11	0.3%	16	0.5%	22	0.7%	7	0.3%	15	0.6%
Active Warrant (End of Period)	237	6.2%	213	6.0%	245	7.1%	187	5.5%	241	6.9%	281	8.5%	226	8.1%	214	7.9%
Total (All Cases)	3,805	100.0%	3,555	100.0%	3,450	100.0%	3,380	100.0%	3,468	100.0%	3,301	100.0%	2,782	100.0%	2,717	100.0%
Two-year Follow-up																
No return to KDOC	1,476	38.8%	1,324	37.2%	1,411	40.9%	1,432	42.4%	1,695	48.9%	1,849	56.0%	1,639	58.9%		
Violation, New Sentence	86	2.3%	87	2.4%	91	2.6%	96	2.8%	100	2.9%	128	3.9%	102	3.7%		
Violation, No New Sentence	2,097	55.1%	1,987	55.9%	1,816	52.6%	1,724	51.0%	1,497	43.2%	1,115	33.8%	896	32.2%		
New Commitment (After Discharge)	77	2.0%	92	2.6%	62	1.8%	72	2.1%	80	2.3%	126	3.8%	80	2.9%		
Active Warrant (End of Period)	69	1.8%	65	1.8%	70	2.0%	56	1.7%	96	2.8%	83	2.5%	65	2.3%		
Total (All Cases)	3,805	100.0%	3,555	100.0%	3,450	100.0%	3,380	100.0%	3,468	100.0%	3,301	100.0%	2,782	100.0%		
Three-year Follow-up																
No return to KDOC	1,372	36.1%	1,238	34.8%	1,332	38.6%	1,333	39.4%	1,606	46.3%	1,739	52.7%				
Violation, New Sentence	97	2.5%	97	2.7%	95	2.8%	101	3.0%	116	3.3%	144	4.4%				
Violation, No New Sentence	2,175	57.2%	2,049	57.6%	1,878	54.4%	1,771	52.4%	1,558	44.9%	1,187	36.0%				
New Commitment (After Discharge)	133	3.5%	139	3.9%	115	3.3%	140	4.1%	140	4.0%	201	6.1%				
Active Warrant (End of Period)	28	0.7%	32	0.9%	30	0.9%	35	1.0%	48	1.4%	30	0.9%				
Total (All Cases)	3,805	100.0%	3,555	100.0%	3,450	100.0%	3,380	100.0%	3,468	100.0%	3,301	100.0%				
Four-year Follow-up																
No return to KDOC	1,280	33.6%	1,159	32.6%	1,274	36.9%	1,284	38.0%	1,546	44.6%						
Violation, New Sentence	99	2.6%	99	2.8%	99	2.9%	101	3.0%	117	3.4%						
Violation, No New Sentence	2,196	57.7%	2,077	58.4%	1,899	55.0%	1,789	52.9%	1,586	45.7%						
New Commitment (After Discharge)	204	5.4%	203	5.7%	162	4.7%	185	5.5%	194	5.6%						
Active Warrant (End of Period)	26	0.7%	17	0.5%	16	0.5%	21	0.6%	25	0.7%						
Total (All Cases)	3,805	100.0%	3,555	100.0%	3,450	100.0%	3,380	100.0%	3,468	100.0%						
Five-year Follow-up																
No return to KDOC	1,225	32.2%	1,124	31.6%	1,235	35.8%	1,236	36.6%								
Violation, New Sentence	104	2.7%	100	2.8%	99	2.9%	102	3.0%								
Violation, No New Sentence	2,207	58.0%	2,081	58.5%	1,906	55.2%	1,800	53.3%								
New Commitment (After Discharge)	250	6.6%	234	6.6%	197	5.7%	228	6.7%								
Active Warrant (End of Period)	19	0.5%	16	0.5%	13	0.4%	14	0.4%								
Total (All Cases)	3,805	100.0%	3,555	100.0%	3,450	100.0%	3,380	100.0%								

Note. The category "Violation, No New Sentence" includes a significant number of cases in which the offender was officially returned with no new sentence, but actually had been convicted of a new felony offense, the date of offense for which was before the return to prison. Documentation for the new sentence did not become available until after the offender was admitted.

*See additional footnotes next page.



Net Change and Rate of Improvement

- 1 year – 21.2% net change – 47% rate of improvement
- 2 years – 20.1% net change – 52% rate of improvement
- 3 years – 16.6% net change – 46% rate of improvement
- 4 years – 11% net change – 33% rate of improvement
- 5 years – 4.4% net change – 14% rate of improvement