

MINUTES

JOINT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE OVERSIGHT

September 9-10, 2010
Room 546-S—Statehouse

Members Present

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

Staff Present

Athena Andaya, Kansas Legislative Research Department
Lauren Douglass, Kansas Legislative Research Department
Jason Thompson, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Connie Burns, Committee Assistant

Conferees

Helen Pedigo, Executive Director, Kansas Sentencing Commission
Mark Gleeson, Family and Children Program Coordinator, Office of Judicial Administration
Keven Pellant, Acting Deputy Secretary of Corrections for Community and Field Services, Kansas Department of Corrections
Roger Haden, Deputy Secretary for Programs and Staff Development, Kansas Department of Corrections
Roger Werholtz, Secretary, Kansas Department of Corrections
Michael Gaito, Director of Capitol Improvement and Facilities Management, Kansas Department of Corrections
Russ Jennings, Commissioner, Juvenile Justice Authority

Others Attending

See attached list.

Thursday, September 9 Morning Session

The meeting was called to order by Chairperson Pete Brungardt. The Chairperson provided an overview of the meeting and the statutory requirements of the Committee. He advised the Committee the work must be completed in the three meeting days authorized by the Legislative Coordinating Council.

Population Projections

Helen Pedigo, Executive Director, Kansas Sentencing Commission (KSC), provided the Committee with an update on adult inmate prison population projections ([Attachment 1](#)). Ms. Pedigo stated that new admissions have increased in drug level 4, nondrug level 7, and nondrug level 9. The increase in nondrug level 7 through 10 are probation condition violators. Another statistic is the amount of jail credits that offenders are receiving; the KSC provides an average calculation by severity level. Comparison graphs and spreadsheets provided are labeled as follows:

- Guideline New Commitment Admission Characteristics - FY 2010;
- Prison Population Characteristics;
- Comparison of Guideline New Commitments by Severity Level and average length of sentence;
- Parole/postrelease supervision condition violators between FY 2008 and FY 2009;
- Kansas Prison Population Trends;
- Admissions vs. releases;
- Admission Trends - Direct New Court Commitments;
- Prison Admission Trends - Probation Condition Violators, Parole/Postrelease Condition Violators, Admissions by Type, Comparison between Probation and Parole/Postrelease Violators with New Sentence, Trends by type FY 1996 through FY 2010;
- FY 2011 Adult inmate prison population projections, actual and projected, male prison population trends actual and projected, female prison population trend actual and projected; and
- Projected Drug Inmate Prison Population, Projected Violent Inmate Prison Population, Projected N4 - N6 Inmate Prison Population, Projected Nonviolent Inmate Prison Population.

Ms. Pedigo stated that, based upon the available bedspace and the population trends, some action on the part of the Legislature in the 2011 Legislative Session will be required to prevent an overcrowding situation. This has been the highest number of admissions since 1994 and the forecast is to grow 2.75 percent over the next two years. The full report is located on the Kansas Sentencing Commission's web site: <http://www.accesskansas.org/ksc/documents>.

Update on Court Services

Mark Gleeson, Family and Children Program Coordinator, Office of Judicial Administration, provided an update on court services operations and programs ([Attachment 2](#)). Currently, there are 351 full time equivalent (FTE) court services positions, all of which are funded primarily from the State General Fund (SGF). These positions are supported by state dollars for personnel costs only. All other operating expenses are provided by counties.

Statewide, each of the 31 judicial districts has a court services division. A court services officer may not be located in each of the 105 counties. Services are provided to each county by a court services officer located somewhere within the judicial district of the county.

The primary role of court services is to assist the district court by performing investigations and supervision. Kansas statutes provide a general definition of responsibilities of court services officers. Chief Judges, within the limits of fiscal resources in individual judicial districts, are able to emphasize certain roles of court services officers from district to district in order to best serve each individual judicial district. Duties performed by court services officers are governed by statute, administrative rule, and court policy.

The 2010 HB 2581 established the Correctional Supervision Fund effective July 1, 2010. This legislation also raised the probation supervision fee from \$50 to \$120 for each adult offender convicted of a felony offense. The supervision fee for each adult convicted of a misdemeanor crime was increased from \$25 to \$60. Revenues from the base fee in effect prior to July 1, 2010, continue to go into the SGF. Revenues from the supervision fee increase are credited to the Correctional Supervision Fund to be used to train court services officers to administer the risk-assessment tool called the Level of Services Inventory, Revised (LSI-R) and to implement evidence-based practices once the initial training has been completed.

Update on Community Corrections

Keven Pellant, Acting Deputy Secretary of Corrections for Community and Field Services, Kansas Department of Corrections (KDOC), provided testimony on the Community Corrections Services Division, which has provided training on and coaching throughout a strategic comprehensive planning and evidence-based practice initiative ([Attachment 3](#)). This initiative will serve to support and enhance the work already in place as a part of the statewide risk reduction activities.

Strategies for continual success:

- Strengthening collaborative partnerships of oversight agencies and local entities with a focus to ensure that public safety is maintained through evidence-based community supervision methods and practices; and

- The team will provide oversight and technical guidance in a number of different focus areas, including grant management, implementation of the integrated model, fiscal management, research and evaluation, and skill development.

Overview of Food Service and Medical Contracts

Roger Haden, Deputy Secretary for Programs and Staff Development, KDOC, provided an overview on the food service and medical contracts (Attachment 4). The food service contract was entered into with Aramark Correctional Services, Inc. in 1997. The general contract information is as follows:

- Daily population - \$1.428 per inmate per meal per day;
- The food service budget for FY 2011 is \$13,700,482;
- Projected expenditure for FY 2012 is \$14,044,424;
- Aramark cooks food for all KDOC operated facilities with the exception of the Larned Correctional Mental Health Facility, which receives food from the Larned State Hospital;
- Aramark operates food service vocational programs at four KDOC facilities at no extra cost to the state;
- KDOC operates 12 kitchens in 8 facilities;
- Aramark employed 113 staff for the performance of the KDOC contract as of July, 2010;
- Fifteen inmates are employed as "industry workers" and receive minimum wage; and
- Special diets - the vast majority of Kansas inmates eat from the regular menu; however, accommodations are made for medical needs, religious needs, and vegetarian preference. KDOC offers 13 types of medical diets, which must be ordered by a physician.

KDOC's health care services contract was entered into July 1, 2010, with Correct Care Solutions, Inc. (CCS). This contract is for the delivery of medical, dental, and mental health care services to inmates. The bid term of the current contract allows for up to three additional two-year renewals with an expiration date of June 30, 2018. The general contract information is as follows:

- CCS is responsible for all inmate health care costs, including medical, mental health, dental, optometry, and pharmaceutical;
- Contractor accepts full liability and provides full indemnification to the state;
- Required compliance with National Commission on Correction Health Care (NCCHC) and American Correctional Association (ACA) standards. (All sites are not currently accredited due to budget cuts);

- No deductibles;
- No caps on services or contractor expenditures;
- No co-pays from the Department, however, inmates pay \$2.00 co-pay for initial sick call visits that help offset healthcare spending; and
- As of July 1, 2010, CCS employed a total of 358.80 FTE staff for the performance of KDOC contract, including 250.40 medical and dental staff, 96.6 mental health staff, and 11.8 staff for administrative and clinical oversight.

The coverage provided to the state for inmates is comprehensive and has no deductibles or co-pays. The coverage fully indemnifies the state from any litigation filed by an inmate regarding medical or mental health care. Deputy Secretary Haden advised that decreases in both services and staffing were necessary to achieve budget reductions. Service cuts include the following: 39 FTE positions were eliminated, reduction in onsite medical care (i.e. the number of physical exams and laboratory tests), reduction in mental health segregation rounds, reduced re-entry services, and reduced or eliminated activity therapy. Deputy Secretary Haden suggests these services need to be restored to preserve the stability of the correctional clinical environment.

Overview of Expansion Projects and Facilities

Roger Werholtz, Secretary, KDOC, provided an overview of expansion projects and facilities (Attachment 5). Secretary Werholtz provided a chart on capacity by facility, security designation of bed space, and gender. Male beds by custody level is the main issue. Current capacities and expansion options:

- Current aggregate male capacity is 8,259;
- Current aggregate male population 8,326:
 - 2,326 maximum male beds;
 - 2,634 high medium male beds;
 - 1,019 low medium male beds;
 - 2,280 minimum male beds; and
- Estimated male beds needed by:
 - 2012 - 394;
 - 2013 - 571;
 - 2014 - 737;
 - 2015 - 879;
 - 2016 - 1,085 with a continued increase to 2020 - 1,960.

Parole has capacity issues, as well, and has increased by almost 2,000 over the past ten years. Staff in 2000 was at 128 parole officers and supervisors and in 2010 at 136; of those positions, 13 are currently being held open to meet budget, ten more of those positions could be forced open if KDOC is to make allocated resource budget for FY 2012, another ten positions are being funded with Stimulus/Bryne/JAG grant money, which included 12 special enforcement officers to chase down absconders.

KBI Crime Index reflects that while crime has gone down, violent crimes have increased. Charts were provided on reported crimes: Violent Crime, Murder, Rape, Robbery, Aggravated Assault/Battery, Property Crime, Burglary, Theft, and Motor Vehicle Theft. Aggravated burglary is rising in convictions due to new court commitments.

Afternoon Session

Overview of Expansion Projects and Facilities (continued)

Secretary Werholtz referred to a listing of major legislative changes increasing or decreasing felony criminal sentences, provided by Tim Madden, Sr., Counsel to the Secretary (Attachment 6). The information in the two charts sets out major changes in crime sentencing. The first references changes that have a global impact on sentencing from 1993. The second chart sets out sentencing changes for specific crimes since 2005, including:

- 108 statutory changes;
- 97 increased penalties;
- 7 decreased penalties;
- 1 would have increased and 2 would have decreased penalties if funding had been provided (secure substance abuse treatment facility statute); and
- 1 both increased and decreased penalties.

A chart was provided with housing expansion options. The planning piece has been done on the original four projects and will cut 6 to 6.5 months off the time line to get the beds operational for those four projects:

- 512 medium beds at El Dorado;
- Housing Project at Ellsworth;
- Expansion at Stockton; and
- Construction of the El Dorado facility.

KDOC could have a bid package ready in about two weeks from the time the Legislature authorizes it, but the planning has not been done on the other projects. Mike Gaito, Director of Capitol Improvement and Facilities Management, was available for questions from the Committee on the planning process of the expansions options.

The Committee asked if there was anything that could be done to lower the bed space requirement and reduce the number of offenders coming into the system that was less expensive. Secretary Werholtz stated that there is not anything programming-wise that would have an immediate effect; there is always a delay in the sentencing policy between the time it is implemented and the time the system feels the impact of it. Some ideas would be retroactive application for good time credits (this was done in Mississippi) or periods of time on postrelease supervision (SB 323). During the past six weeks, the Secretary has visited all of the facilities and staff, to prepare a briefing

for the new administration on what the facilities need. Every facility stated the need for program restoration. Secretary Werholtz concluded that program restoration is critical, because of the impact the programs have makes the facility safer, and parole officers are just getting worn out because of lack of options and tools.

The Committee asked for the differences, if any, between high/medium and low/medium, and maximum/medium custody levels. The Secretary responded that Ellsworth handles a lock down more easily and with more control because the hardware is different on the cell doors: medium security is swing doors and maximum security is sliders.

Current capacities for severely and persistently mentally ill (SPMI) inmates and behaviorally disordered (BD) inmates are limited. The characteristics of this population include:

- Mental illness;
- Alcohol and drug addiction;
- Homeless;
- Mental retardation/developmental disabilities;
- Traumatic brain injury;
- Physical health problems;
- Limited education;
- Limited family support;
- Poor work history; and
- Fetal alcohol syndrome.

Common behaviors of this population:

- Frequent suicidal gestures;
- Aggressive/assaultive;
- Self-mutilating (cutting, gouging, piercing, chewing);
- Throwing/smearing feces and urine;
- High consumers of medical services;
- Poor hygiene;
- Prior civil commitments to state hospitals; and
- History of Axis I and Axis II diagnosis.

SRS is not able to handle inmates with these illnesses at the state hospital and has no way to treat these offenders or handle such behavior. KDOC is not equipped to handle their illnesses. Housing becomes an issue, because these offenders need to be near a high level of health care. The facility will be very expensive to build and operate. These offenders are already very expensive. The funds for planning this facility are \$992,000. It would be like planning a segregated bed unit; they need to be escorted at all times when not in lock up. The capacity would be between 100-400 males and 25-50 females.

Chairperson Brungardt took a moment of personal privilege to introduce Senator Donne E. Trotter, State Senator from Chicago, Illinois, who was an informal host at a meeting the Chairperson attended on Contemporary Health Problems and Issues.

Unresolved Issues:

- Replacement of KDOC core information technology systems (OMIS/TOADS) - over the last four years (including FY 2011), KDOC has deferred \$3,000,000 in information technology (IT) investment and has used approximately \$500,000 in outside grant money and some project funds, which were intended for system replacement, to conduct the Enterprise Architecture Study required by the Joint Committee on Information Technology; KDOC needs to recover the money and begin to rebuild KDOC's IT environment.

IT enhancement requests:

- \$3 million for first year of a four- or five-year system replacement plan for OMIS and TOADS;
 - \$845,000 for scheduled replacement of IT assets;
 - \$235,000 for video conferencing capacity expansion for release planning;
- KDOC has an aging workforce, with the average age between 46 and 55;
 - Replacement of aging vehicle fleet:
 - Over 164 vehicles already beyond replacement schedule:
 - \$3,115,000 to replace 164 cars, light trucks and vans;
 - \$420,000 to replace two more buses;
 - A small number of heavy trucks; and
 - Contemplating ceasing perimeter patrols because of worn out vehicles and staffing shortages;
 - Conversion to narrowband radio communications:
 - Federal mandate to be compliant by January 1, 2013, requires lead time for towers, bidding, and more; and
 - Current revised estimated cost - \$600,000 (previously \$742,945, used some remaining bond funds to purchase security upgrades including radios that will meet these requirements);
 - Personnel:
 - Currently holding 34 central office positions open to meet budget (reentry and parole are in the central office budget), reduce shrinkage rate from 8.1 percent to 3.5 percent - \$919,000;
 - Replace federal funding for victims services positions - \$207,723;
 - Replace and enhance training staff - \$224,415;
 - Replacement of ARRA funding for Special Enforcement Officers and Parole Officers - \$1,205,000;
 - 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 percent in FY 2010 (\$1,050,000 reduction);
 - Enhanced funding for community corrections as recommended by the Kansas Community Corrections Association - \$3,297,000; and
 - Place parole staff in Corrections KPERS, inclusion of KDOC employees in KP&F or a comparable system - it is an equity issue; cost is what has prevented this from happening in the past; there would be no cost in FY 2012 if this was enacted this session; \$5.3 million annual cost beginning in FY 2013 (based on an FY 2010 estimate);

A Committee member asked if the Secretary had the authority to ask the Governor to release offenders for budget reasons. The Secretary said that he would have to get back to the Committee with the answer. The Secretary was also asked about "Private Prisons." He responded that private prisons do not have a motivation to reduce prison populations.

Overcrowding is not an option. KDOC is currently releasing inmates from segregation at a number of facilities in order to place other inmates in segregation. Overcrowding increases the risk of disturbances, injuries to staff and inmates, opportunities for sexual assault, and other adverse events.

The Secretary provided photos of battered correction officers, performance measures, and information on the decreased recidivism for mental illness offenders. The Secretary reaffirmed that programs need to be reinstated and the cost to do this is \$6.5 million, just to get back to the 2009 levels.

Friday, September 10 Morning Session

Overview of Programs and Current Information in Juvenile Justice

J. Russell Jennings, Commissioner, Juvenile Justice Authority (JJA), provided the Committee an overview on programs and current information in JJA (Attachment 7).

Commissioner Jennings informed the Committee about an event on July 3 at Larned Juvenile Correctional Facility where two youths escaped over the fence. The Commissioner stated that three fundamental failures enabled the youths to escape:

- Design and construction of the fence;
- When 30 or more kids are in the recreation area, an officer is to be posted outside the perimeter fence; the shift manager failed to make that assignment;
- The three officers assigned to supervise and monitor the youth were standing and visiting with each other.

The juveniles were captured about 5:30 p.m., about a mile from the facility. The youths were out about six hours. Unfortunately, because of the failure and lapses, an opportunity presented itself and the youths acted on the opportunity. The youths will pay a substantial price that could have been avoided.

The budget was adopted for FY 2011. The Legislature took affirmative steps to assure public safety agencies, including JJA, were able to continue to meet basic service requirement and not unnecessarily place the public at risk. In the area of prevention and graduated sanctions programs, \$9 million was appropriated from the SGF to replace Children's Initiative Funds (CIF) as a source of funding. This change was made in order to provide relief to CIF, because of reduced revenues to CIF. This allowed for JJA to sustain remaining prevention, intervention, and graduated sanctions programs provided through juvenile community corrections organization while reducing the demand upon CIF.

A shift of funds from prevention programs, significant reduction in operating expenses at juvenile correctional facilities through the closure of two facilities, and gaining Recovery Act-Justice Assistance Grant (RA-JAG) funds to support both community and facility operations have allowed the juvenile justice system to remain fairly healthy through very challenging financial times. The most significant budget challenge JJA will face in FY 2012 is the loss of RA-JAG funds. A failure to budget for replacement of these lost funds will result in a \$500,000 reduction to juvenile community corrections graduated sanction programs and a \$378,885 loss of funds between the two juvenile correctional facilities. The \$500,000 loss to communities will be shared among the 31 judicial districts proportionally, in accordance with the formula distribution of state grant funds to communities. In the case of the juvenile correctional facilities, reduction in the number of direct supervision staff is not a viable option. Program staff positions will have to be eliminated, either through attrition or layoff. A reduction in program capacity will negatively impact youth outcomes. The impact of such a reduction in programming will likely be revealed through lower success rates among youth upon their release, ultimately leading to higher rate of return to juvenile correctional facilities and admission to adult corrections. In order for JJA to meet its public safety responsibility and to improve the likelihood of law-abiding behavior among committed youth, behavioral change must occur in the youth.

A budget enhancement for FY 2012 of \$160,605 will be requested to fund the compensation rate adjustment for juvenile corrections officers. The disparity in the rate of compensation creates a competitive disadvantage in recruiting and retaining a qualified staff.

In 2008, JJA received a grant, Project S.O.A.R. (Successful Outcomes Achieving Reentry), funded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to develop and implement sex offender programming for moderate to high risk youth, and to provide a predisposition sex offender evaluation protocol. The current Project S.O.A.R. sex offender program is at least 9 to 12 months in duration, and addresses the unique needs of juvenile sex offenders to reduce their risk for re-offending. Many times, the courts would not have this information readily available when making sentencing decisions. If approved, the enhancement will allow for statewide juvenile sex offender evaluation by a licensed psychologist with adolescent sex offender training and experience. This person also would provide sex offender programming oversight in juvenile correction facilities to assure program fidelity and effectiveness.

The Commissioner provided charts and graphs on the following:

- Number of Juvenile arrest;
- Total number of intakes;
- Youth processed through intake by number and age in FY 2010;
- Number of Juvenile Court case filings;
- Number of cases granted post-filing diversion;
- Number of youth waived to adult court;
- Number of juvenile offenders supervised by court service probation on 6/30/10;
- Total number of youth placed on intensive supervision probation (ISP);
- Average number of months spent on ISP;
- Total number of youth placed on case management - state custody;
- Youth on case management placed out-of-home as of 6/30/10;
- Average length of time youth spent on case management;
- Month end custody population FY 2006-FY 2011 YTD;
- Number and type of JCF admission;
- Total number of admissions by admission type;
- Average length of stay in JCF;
- JCF population trend;

- FY 2010 month end population JCF;
- Average length of stay in month on conditional release;
- FY 2009 recidivism - JCF releases (12 months following release);
- FY 2008 recidivism - JCF releases (12 months following release);
- FY 2008 recidivism - JCF releases (24 months following release);
- One year recidivism rate - Youth discharged from state custody in FY09; and
- Two year recidivism rate - Youth discharged from custody in FY 2008.

Current Initiatives

Youth Residential Center II's:

- Contract requirement through agency standards regarding written policy for classification and assignment of youth to multiple occupancy rooms;
- CbS at Youth Residential Centers - Contract requirement effective July 1, 2010
 - September - training for participants;
 - October - first round of data submission;
- YRC II category service (Refocus)
 - Collaborative effort with providers
 - Work group established
 - Assignment of youth according to risk/needs assessment
 - Prison Rape Elimination Act (PREA) implications

Annie E. Casey Foundation - Juvenile Detention Alternative Initiative

- 75 percent participation based on licensed beds;
- October - National Conference Kansas City;
- November:
 - Agency and community leadership orientation;
 - Facility/Judicial district orientation;
 - Targeted meetings at community level; and
 - Final commitment of facility/community/Casey Foundation:
 - Data gathering and assessment;
 - Best practice training;
 - Implementation of change:
 - Legal/system process;
 - Structured decision making instrument development; and
 - Alternative to detention.

Youth Level of Service/Case Management Inventory (YLS/CMI)

- Goal - Implementation YLS/CMI - post adjudication pre disposition;
- Community planning document due by October 1st; and
- Implemented in 5 judicial districts now - Districts 5, 7, 10, 18, and 22.

Commissioner Jennings stated that there has not been any legislative initiative with anything the agency has done in the past three years; JJA has initiated on its own.

Overview of Programs and Current Information in Corrections

Secretary Werholtz provided an overview of FY 2012 Enhanced Budget Package requests and current information on FY 2012 Allocated Resources in KDOC (Attachment 8).

The Secretary addressed questions on what authority the Governor or the Secretary has to release prisoners. Clemency is the only tool available to the Governor and is deliberately designed to be slow and very precise. It is not intended to be used as a means for mass reduction of prison populations. The Secretary has the authority to do extended limits of confinement/furloughs. Secretary Werholtz would not use this tool, because, if he released a large number of individuals, some would go out and commit new crimes. He stated it is a statistical certainty that they would do that.

Statement and Discussion

Chairperson Brungardt stated that the Committee is proving that one can fulfill the statutory requirement of the Interim Committee in a day and a half, but to do so, one must curtail site visits, severely restrict the number of people to testify, and severely restrict any review of any programs or like practices of other states or nation-wide. Many things that one is supposed to get out of a joint committee, one just does not have the time to study or review. Essentially, the JCCJJO is getting what the Legislature gets during session, which, the Chairperson says is fine, but he stated Interim Session exists to study topics in more detail. The Chairperson suspects the Legislative Coordinating Council knows this, but wished to put a statement in the report.

The next Committee meeting will be September 23, 2010. The Committee meeting was adjourned at 11:50 a.m.

Prepared by Connie Burns
Edited by Athena Andaya

Approved by the Committee on:

September 23, 2010

(Date)

JOINT COMMITTEE ON
CORRECTIONS AND JUVENILE JUSTICE OVERSIGHT
GUEST LIST

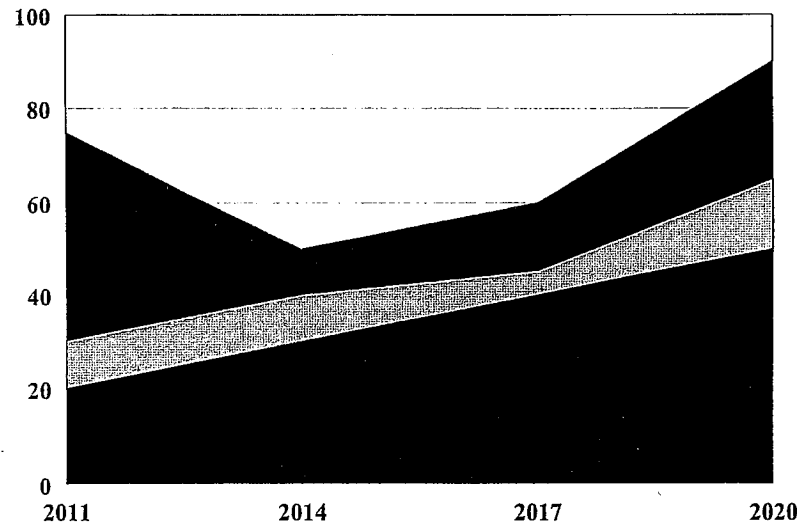
DATE 9-9-10

NAME	REPRESENTING
TRAVIS LOVE	Little Govt Relations
KAD MEALY	KENNEDY & Assoc.
ED KLUMPP	KACP/KPJA/KSA
FRAN SEYMOUR-HUNTER	KHPA
DEREK HEIN	HEIN LAW FIRM
JEREMY BARCLAY	KDOC
ROGER WERHOLTZ	KDOC
KEVEN PELLET	KDOC
TIM MADDEN	KDOC
ROGER HADEN	KDOC
DENNIS WILLIAMS	KDOC
MIKE GASTO	KDOC
COLINE MEYER	KANSAS Reporter

KANSAS SENTENCING COMMISSION

Fiscal Year 2011 Adult Inmate Prison Population Projections

Presented to the Joint Committee on Corrections
and Juvenile Justice Oversight



September 9, 2010

GUIDELINE NEW COMMITMENT ADMISSION CHARACTERISTICS - FISCAL YEAR 2010

SEVERITY LEVEL	NUMBER ADMITTED	PERCENT ADMITTED	AVERAGE SENTENCE (MONTHS)	JAIL CREDIT (DAYS)	PROBATION CONDITION VIOLATORS (%)	PROBATION VIOLATORS W/NEW SENT (%)
D1	50	1.3%	104.5	190.4	20.0	N/A
D2	60	1.6%	51.1	132.8	16.7	1.7
D3	285	7.7%	29.6	152.8	42.8	2.5
D4	631	17.0%	22.1	158.9	68.1	2.1
N1	81	2.2%	243.9	341.2	N/A	1.2
N2	22	0.6%	167.0	396.5	N/A	N/A
N3	253	6.8%	86.6	270.3	12.6	1.2
N4	76	2.0%	65.4	197.0	7.9	N/A
N5	406	10.9%	58.9	260.3	29.8	0.7
N6	68	1.8%	33.9	224.6	33.8	N/A
N7	644	17.4%	27.2	198.6	55.4	2.8
N8	335	9.0%	18.5	172.8	59.7	7.2
N9	555	15.0%	12.8	146.4	57.3	2.2
N10	127	3.4%	8.5	111.5	63.8	0.8
Offgrid	104	2.8%	-	-	N/A	N/A
NONGRID/ MISSING	12	0.3%				
TOTAL ADMITS	3709	100.0%				

Source: KDOC admission file.

PRISON POPULATION CHARACTERISTICS

JUNE 30, 2010

SEVERITY LEVEL	PRE-GUIDELINE		GUIDELINE		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
D1	0	0.0%	273	3.1%	273	3.1%
D2	0	0.0%	172	1.9%	172	1.9%
D3	0	0.0%	461	5.2%	461	5.2%
D4	0	0.0%	647	7.3%	647	7.3%
N1	130	1.5%	827	9.3%	957	10.8%
N2	86	1.0%	293	3.3%	379	4.3%
N3	62	0.7%	1260	14.2%	1322	14.9%
N4	4	0.0%	299	3.4%	303	3.4%
N5	9	0.1%	1175	13.3%	1184	13.4%
N6	0	0.0%	155	1.7%	155	1.7%
N7	2	0.0%	808	9.1%	810	9.1%
N8	0	0.0%	227	2.6%	227	2.6%
N9	1	0.0%	256	2.9%	257	2.9%
N10	0	0.0%	25	0.3%	25	0.3%
OFFGRID	235	470.0%	470	5.3%	705	8.0%
PAROLE CONDITIONAL VIOLATORS	240	2.7%	362	4.1%	602	6.8%
AGGREGATE SENTENCE	382	4.3%	0	0.0%	382	4.3%
SUBTOTAL	1151	13.0%	7710	87.0%	8861	100.0%
MISSING/NONGRID					3	0.0%
TOTAL					8864	100.0%

Source: DOC prison population file.

**COMPARISON OF GUIDELINE NEW COMMITMENTS BY SEVERITY LEVEL
ADMISSIONS AND AVERAGE LENGTH OF SENTENCE (LOS)
FY 2006 THROUGH FY 2010**

Severity Level	FY 2006		FY2007		FY 2008		FY 2009		FY 2010	
	Admission Number	LOS in Month	Admission Number	LOS in Month	Admission Number	LOS in Month	Admission Number	LOS in Month	Admission Number	LOS in Month
D1	145	69.0	89	71.9	56	85.8	56	92.0	50	104.5
D2	50	61.8	26	50.6	32	67.3	46	56.0	60	51.1
D3	310	29.3	284	30.0	215	27.5	236	30.7	285	29.6
D4	657	19.8	741	20.5	622	20.9	554	22.8	631	22.1
N1	76	245.6	67	263.8	79	217.5	73	249.8	81	243.9
N2	36	186.5	29	158.4	22	144.3	24	203.6	22	167.0
N3	227	90.1	187	89.5	189	92.0	195	90.9	253	86.8
N4	64	65.4	54	71.8	60	70.3	79	63.8	76	65.3
N5	309	50.6	293	51.9	297	55.1	360	54.9	406	58.8
N6	77	36.5	66	33.1	95	37.5	63	36.8	68	33.9
N7	611	26.2	525	26.3	537	26.0	514	27.8	644	27.2
N8	345	17.0	322	16.2	283	16.8	299	16.7	335	18.5
N9	650	11.6	549	11.5	527	12.1	511	12.2	555	12.8
N10	184	8.3	183	8.3	190	8.5	162	8.6	127	8.5
Total	3741		3415		3204		3172		3593	

Source: DOC admission file.

Note: Guideline new commitment admissions include new court commitments, probation condition violators and probation violators with new sentence.

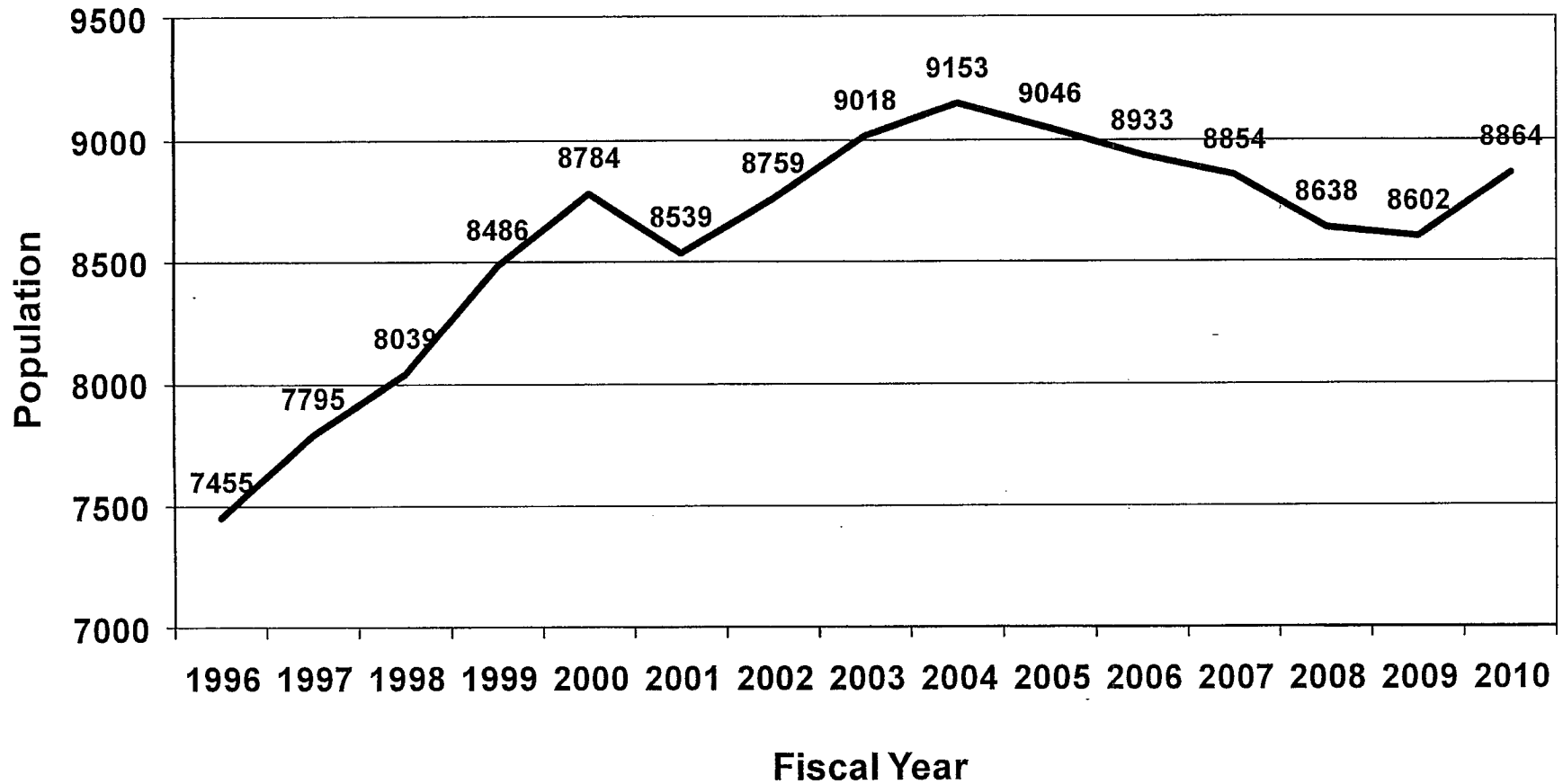
COMPARATIVE ANALYSIS OF PAROLE/POST RELEASE SUPERVISION CONDITION VIOLATORS BETWEEN FY 2009 AND FY 2010

Law	Admission Number				Average Length of Stay in Month			
	FY 2009	FY 2010	# Change	% Change	FY 2009	FY 2010	# Change	% Change
Both/Agg	11	6	-5	-45.5%	24.5	15.0	-9.5	-38.8%
Guideline	1026	987	-39	-3.8%	4.6	5.2	0.6	13.3%
Pre-guideline	117	91	-26	-22.2%	22.5	25.6	3.1	13.8%
Total	1154	1084	-70	-6.1%				

Source: DOC admission and release files.

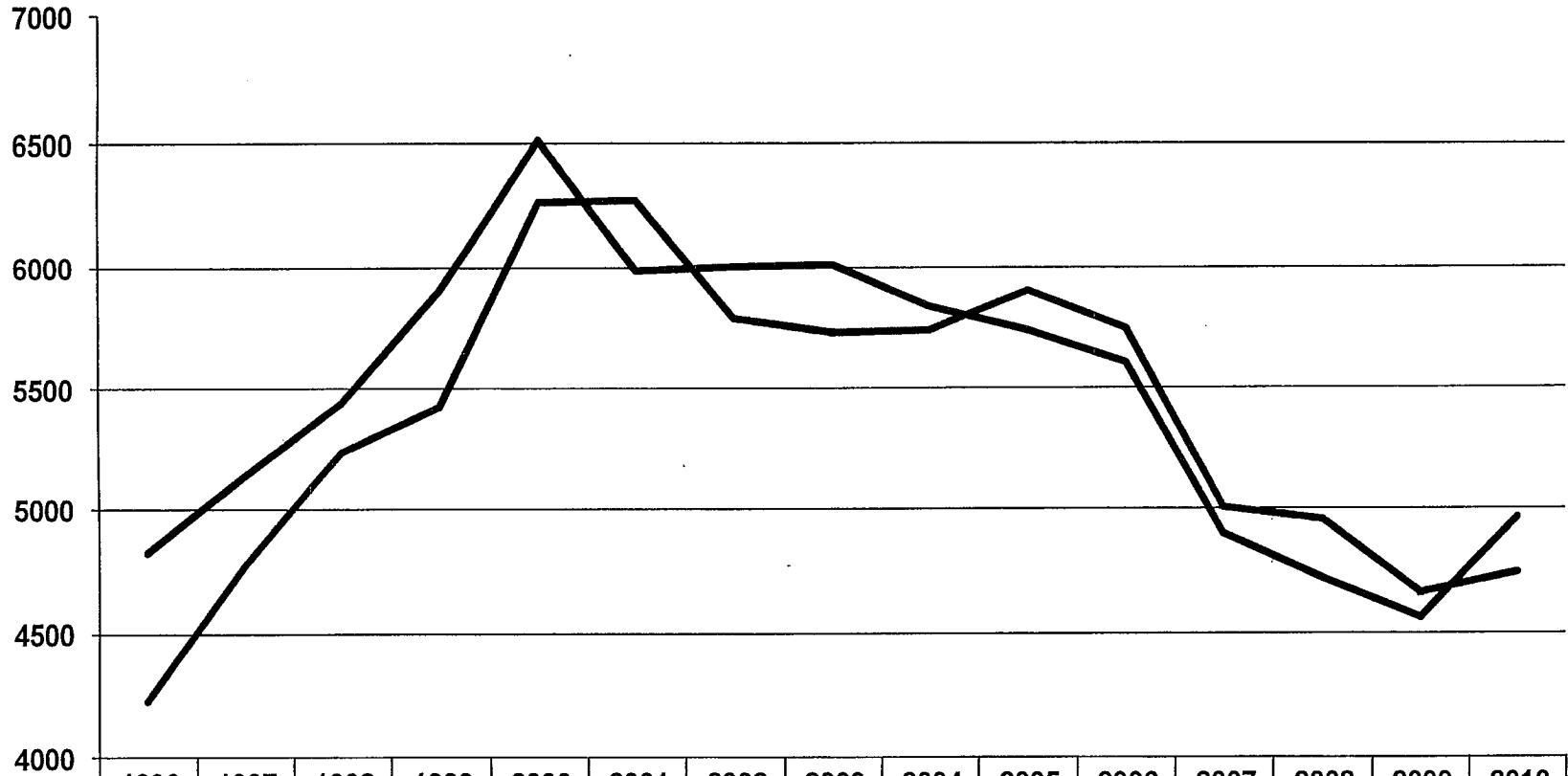
KANSAS PRISON POPULATION TRENDS

Total Prison Population



Source: KDOC prison population files
Note: Federal female inmates housed in KDOC are excluded

Kansas Prison Admissions vs Releases



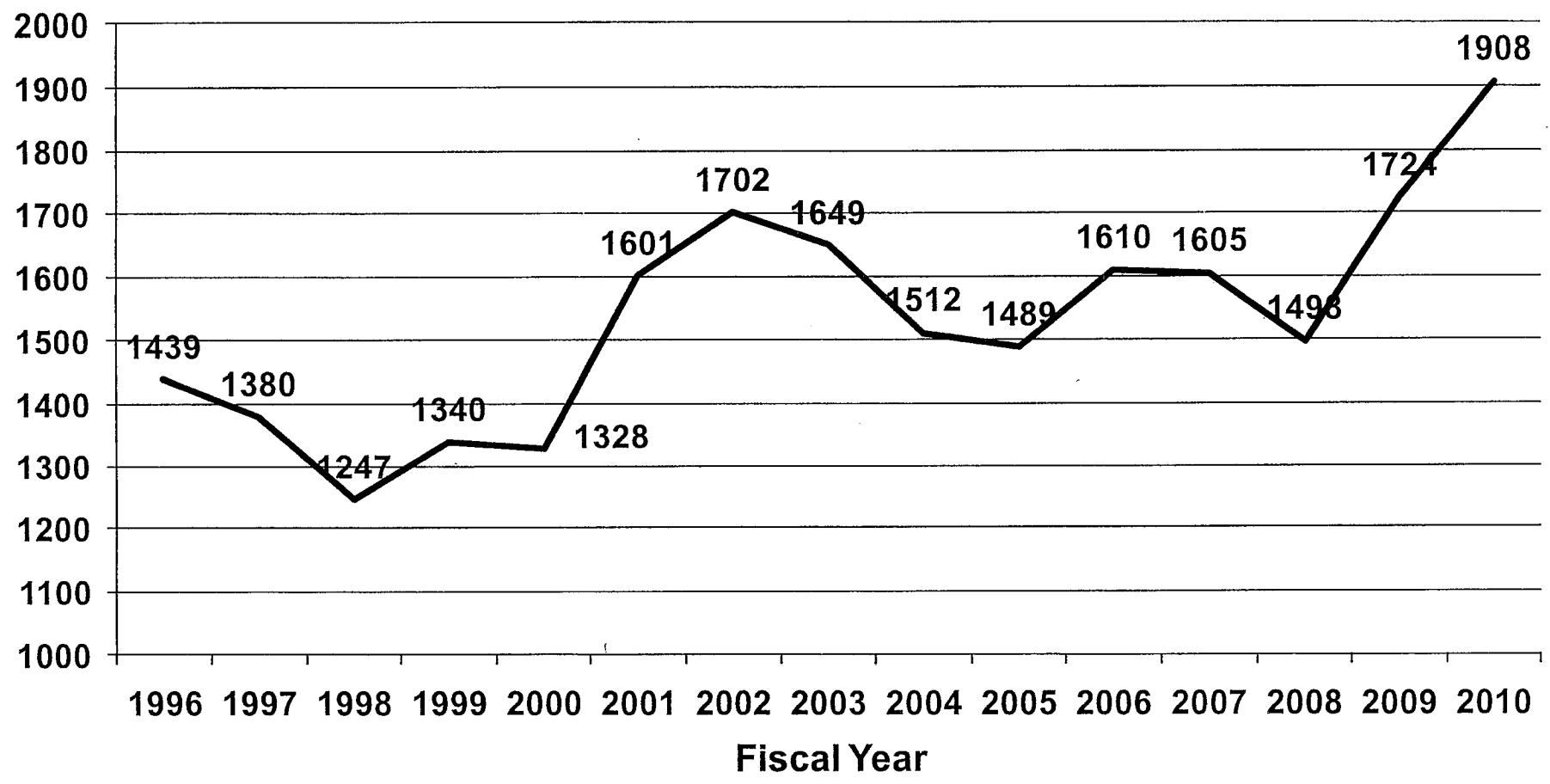
	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
— Admission	4827	5134	5439	5901	6513	5989	5999	6014	5841	5741	5609	4899	4721	4561	4966
— Release	4233	4776	5237	5427	6265	6271	5789	5727	5742	5900	5748	5005	4953	4656	4745

Fiscal Year

Source: KDOC admission and release files

KANSAS PRISON ADMISSION TRENDS

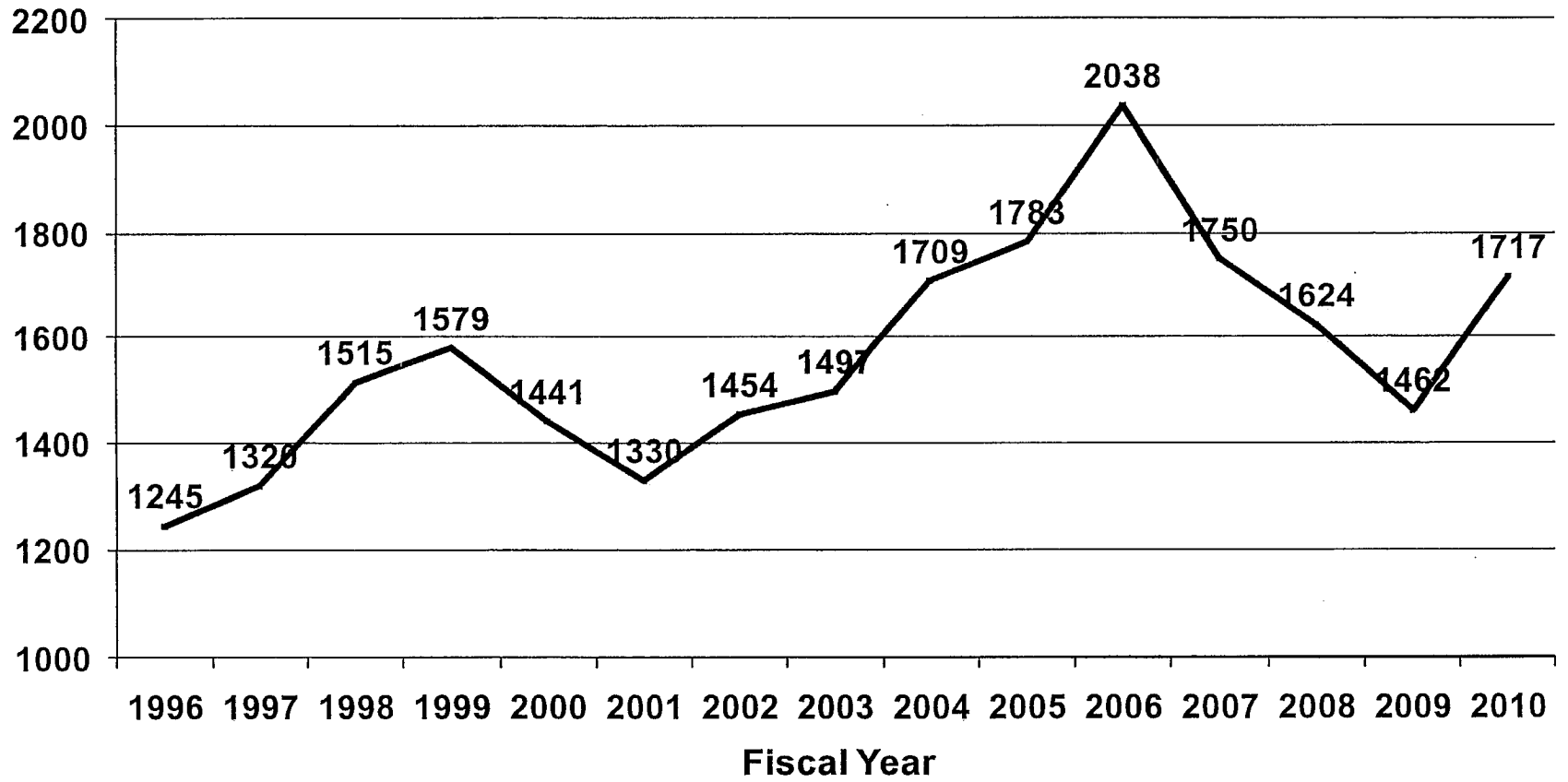
Direct New Court Commitments



Source: KDOC admission files

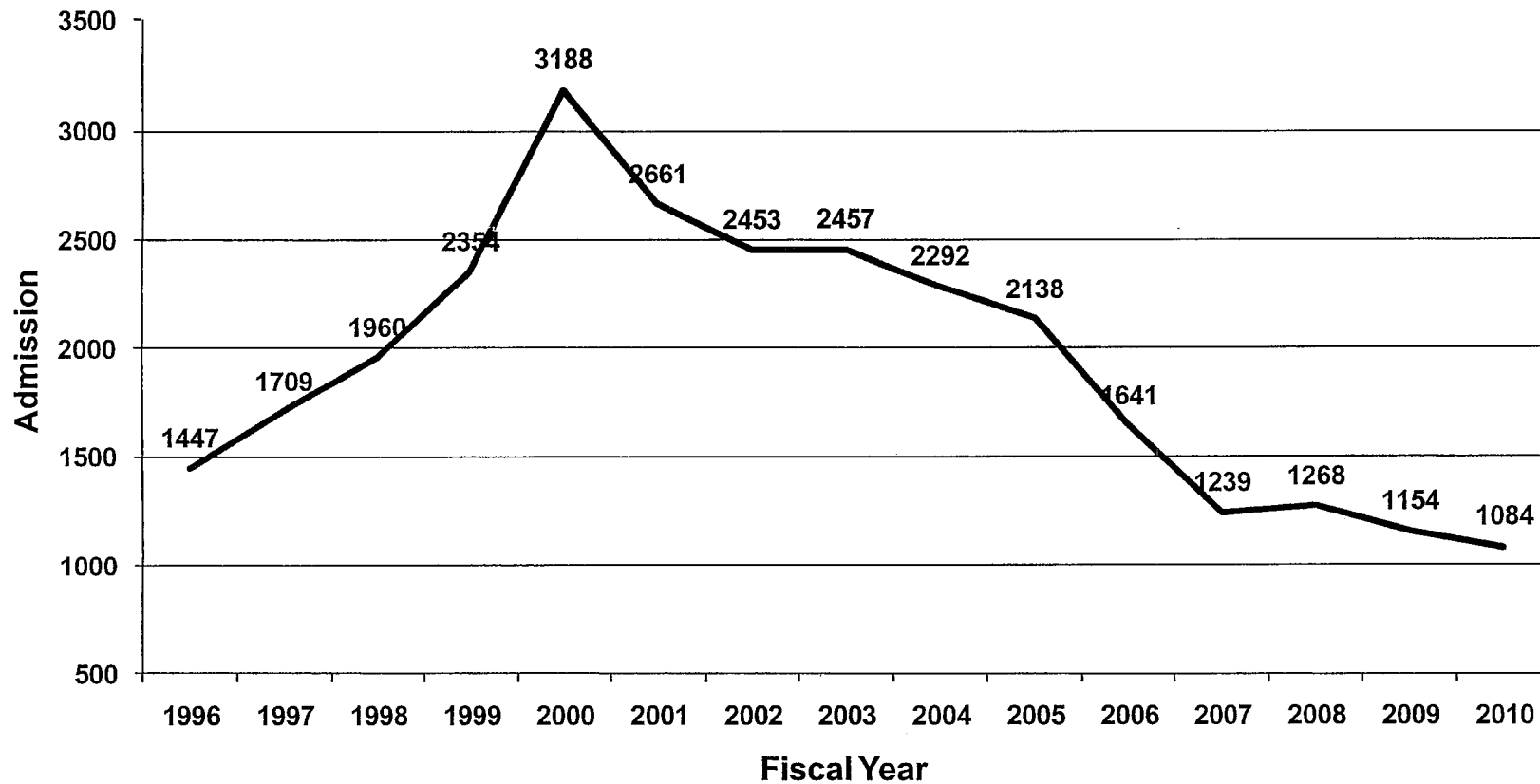
KANSAS PRISON ADMISSION TRENDS

Probation Condition Violators



Source: KDOC admission files

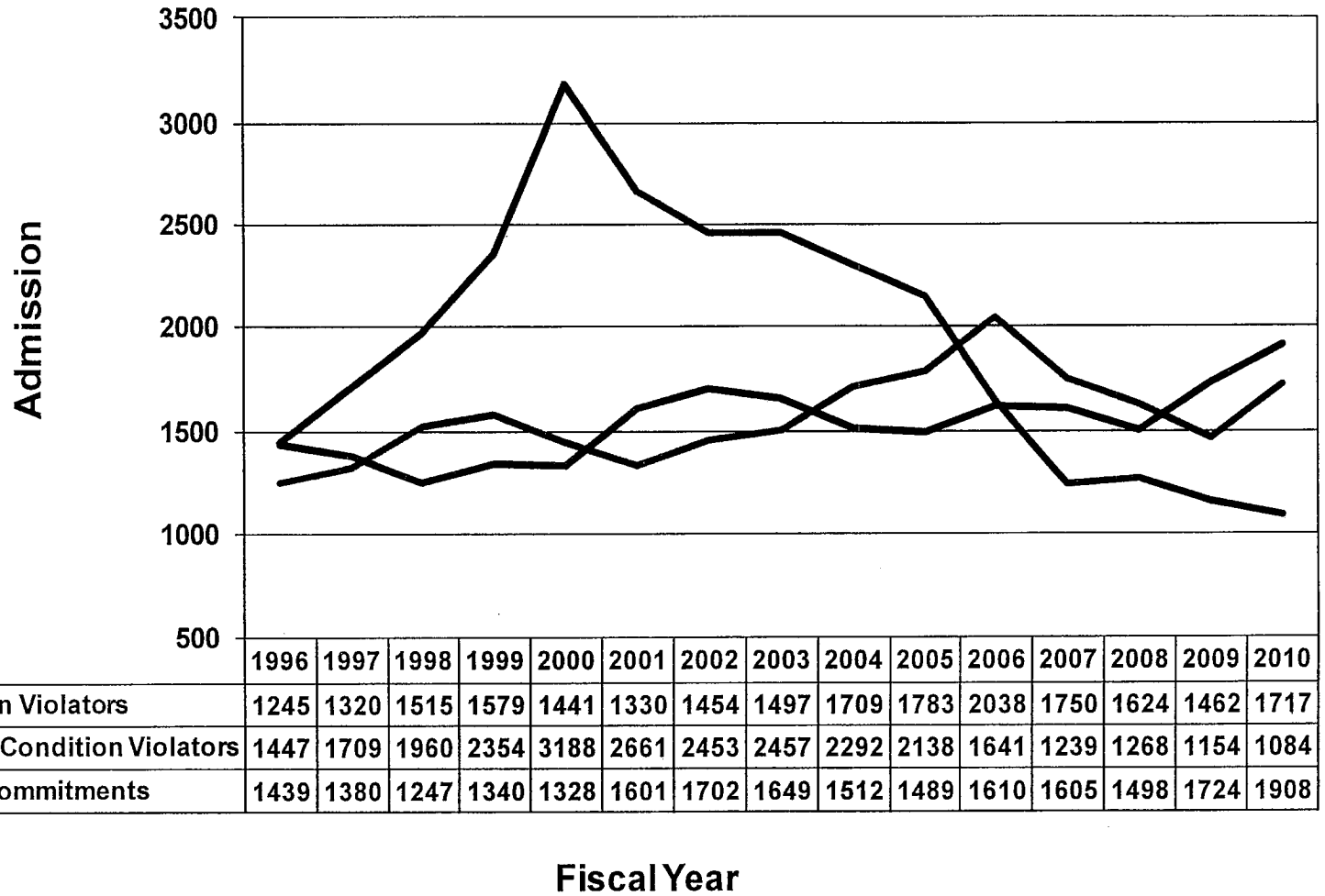
KANSAS PRISON ADMISSION TRENDS Parole/Postrelease Condition Violators



Source: KDOC admission files
Note: Including condition conditional-release violators

KANSAS PRISON ADMISSION TRENDS

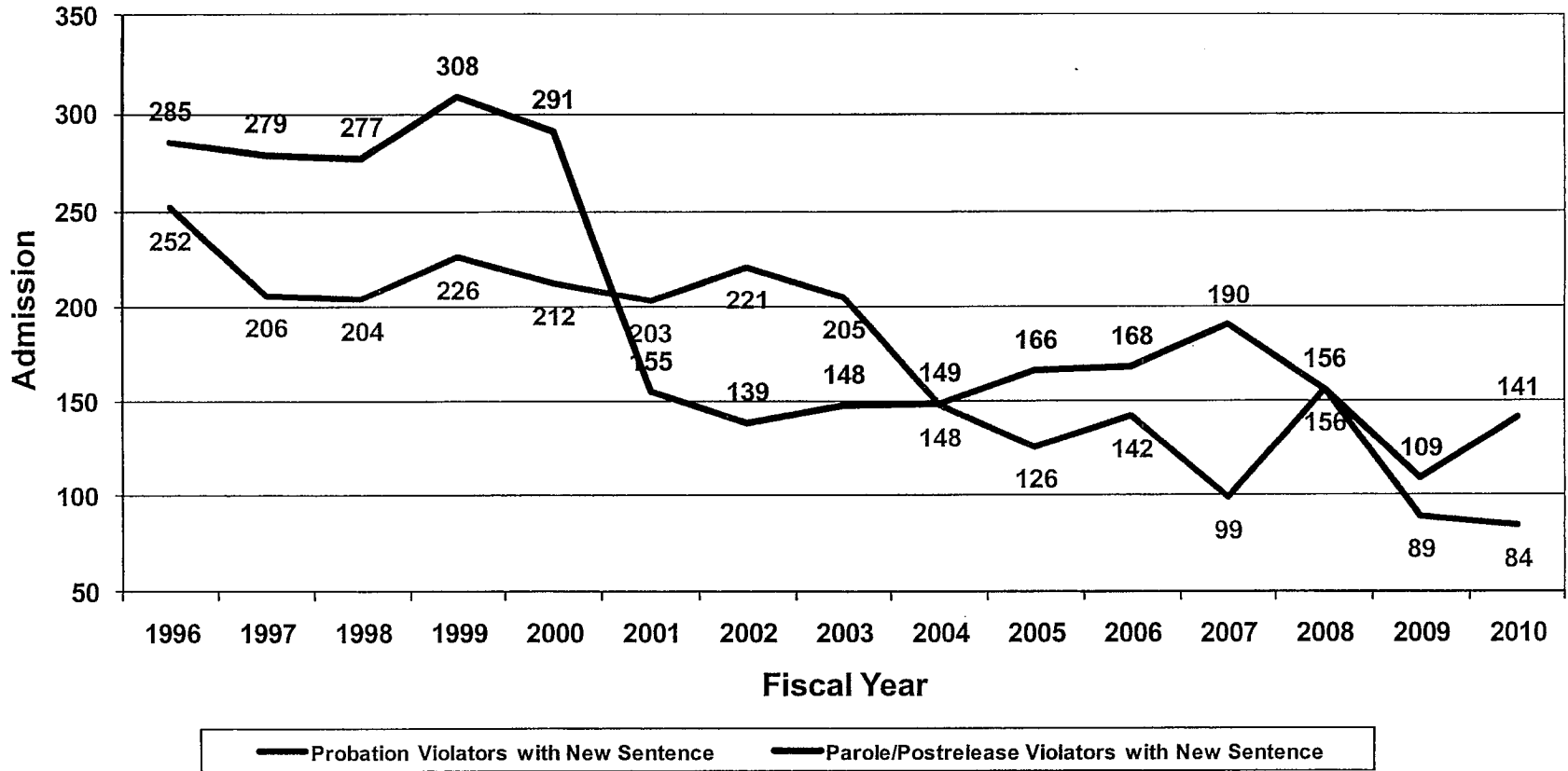
Admissions by Type



Source: KDOC admission files

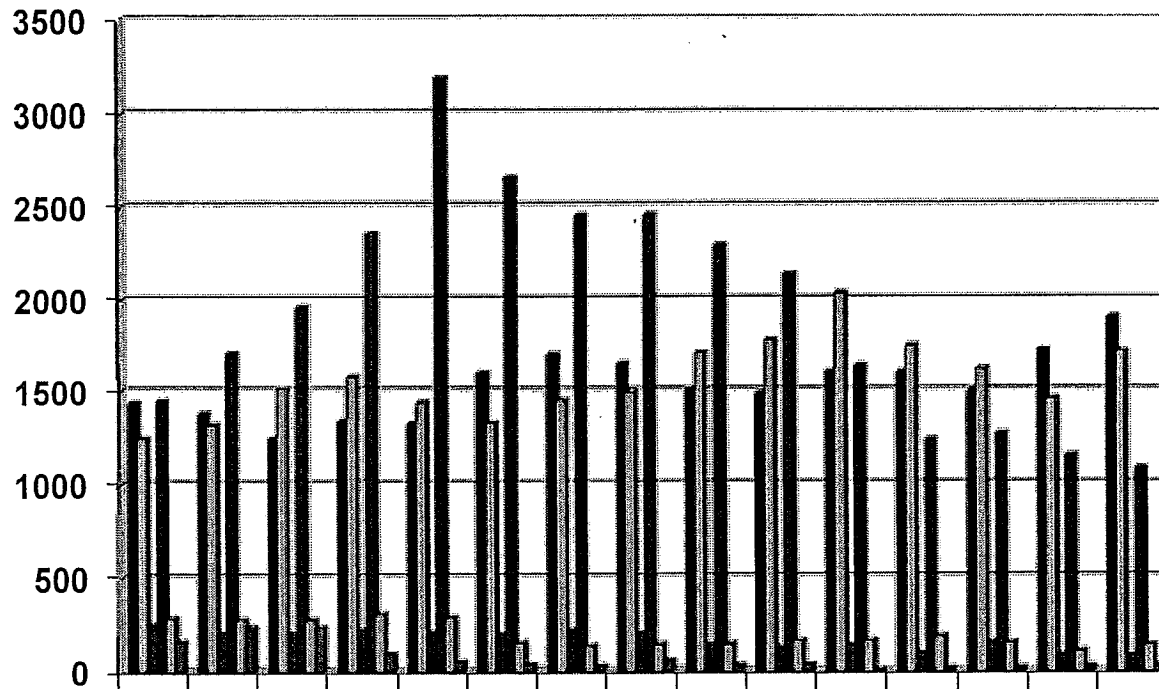
KANSAS PRISON ADMISSION TRENDS

Comparison between Probation and Parole/Postrelease Violators with New Sentence



Source: KDOC admission files

KANSAS PRISON ADMISSION TRENDS BY TYPE FY 1996 Through FY 2010



	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
■ Direct New Court Commitment	1439	1380	1247	1340	1328	1601	1702	1649	1512	1489	1610	1605	1498	1724	1908
▣ Probation Condition Violators	1245	1320	1515	1579	1441	1330	1454	1497	1709	1783	2038	1750	1624	1462	1717
■ Probation Violators w/New Sent	252	206	204	226	212	203	221	205	148	126	142	99	156	89	84
■ Parole/PIS Condition Violators	1447	1709	1960	2354	3188	2661	2453	2457	2292	2138	1641	1239	1268	1154	1084
▣ Parole/PIS Violators w/New Sent	285	279	277	308	291	155	139	148	149	166	168	190	156	109	141
■ Other	159	240	236	94	53	39	30	58	31	39	10	16	19	23	32

Fiscal Year

Source: KDOC admission files

KANSAS SENTENCING COMMISSION

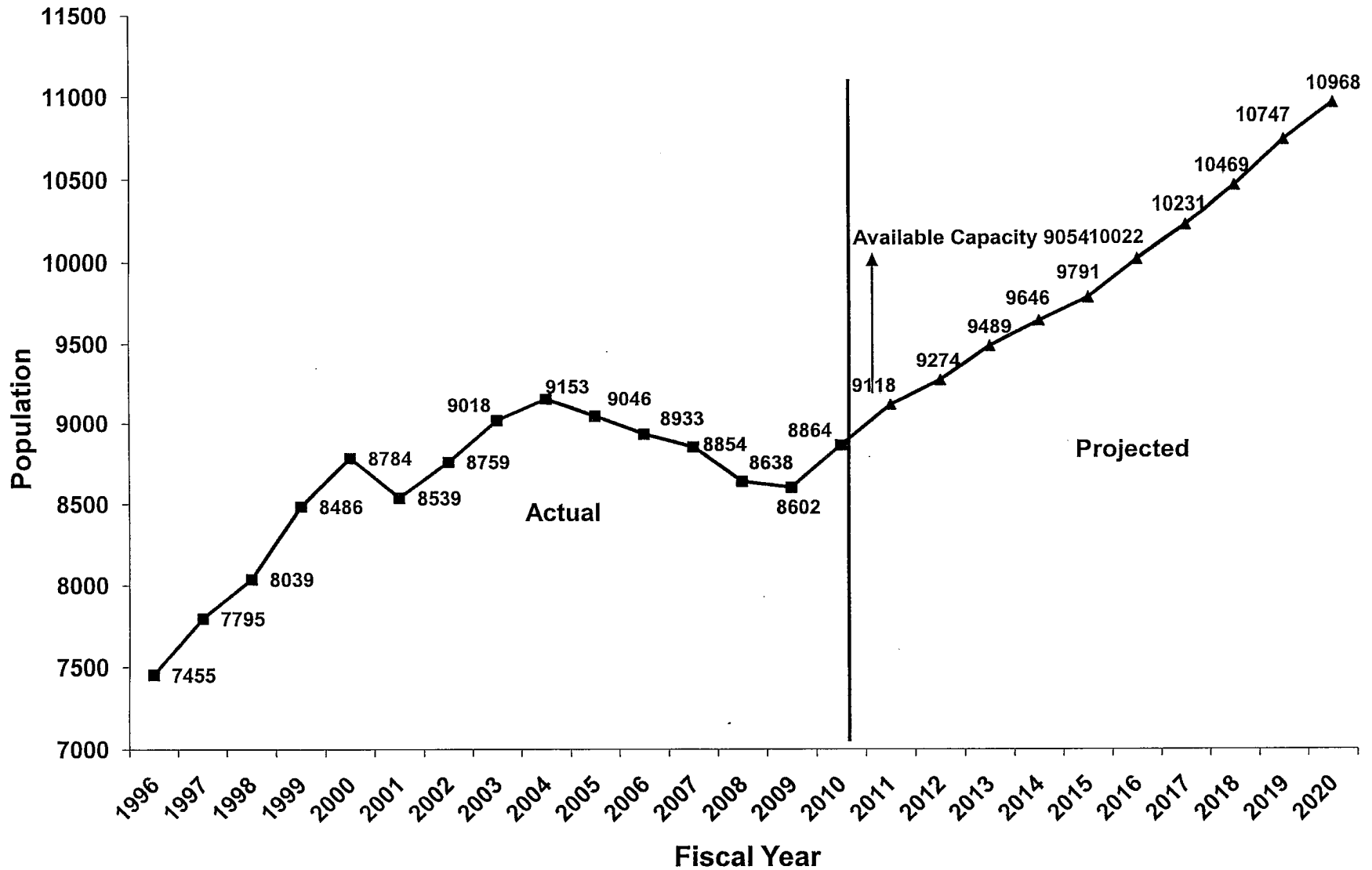
FY 2011 ADULT INMATE PRISON POPULATION PROJECTIONS

Severity Level	June 30 2010*	June 30 2011	June 30 2012	June 30 2013	June 30 2014	June 30 2015	June 30 2016	June 30 2017	June 30 2018	June 30 2019	June 30 2020	Total # Increase	Total % Increase
D1	273	263	273	301	301	313	300	311	325	334	341	68	24.9%
D2	172	183	192	206	198	205	211	217	225	238	253	81	47.1%
D3	461	488	501	490	473	461	467	493	498	502	507	46	10.0%
D4	649	636	605	599	614	595	592	590	595	614	640	-9	-1.4%
N1	976	991	1003	1002	1023	1037	1043	1045	1059	1072	1076	100	10.2%
N2	394	390	388	396	398	397	395	392	386	386	380	-14	-3.6%
N3	1350	1419	1442	1504	1548	1585	1612	1672	1733	1773	1786	436	32.3%
N4	304	316	348	349	355	345	358	366	370	369	378	74	24.3%
N5	1194	1235	1286	1306	1338	1361	1435	1423	1465	1517	1548	354	29.6%
N6	156	145	148	154	143	149	152	137	135	144	145	-11	-7.1%
N7	815	810	840	829	793	806	809	854	849	848	859	44	5.4%
N8	227	237	206	209	223	198	220	229	218	232	257	30	13.2%
N9	259	255	245	245	256	252	263	248	272	284	273	14	5.4%
N10	25	28	33	32	40	41	46	31	40	31	30	5	20.0%
OFF GRID	971	1035	1117	1194	1277	1350	1433	1501	1583	1653	1733	762	78.5%
Condition Parole/PIS Violators	635	687	647	673	666	696	686	722	716	750	762	127	20.0%
Total	8864	9118	9274	9489	9646	9791	10022	10231	10469	10747	10968	2104	23.7%

*. The numbers on June 30, 2010 are the actual prison population on that date. Total numbers include two non-grid s and one missing.

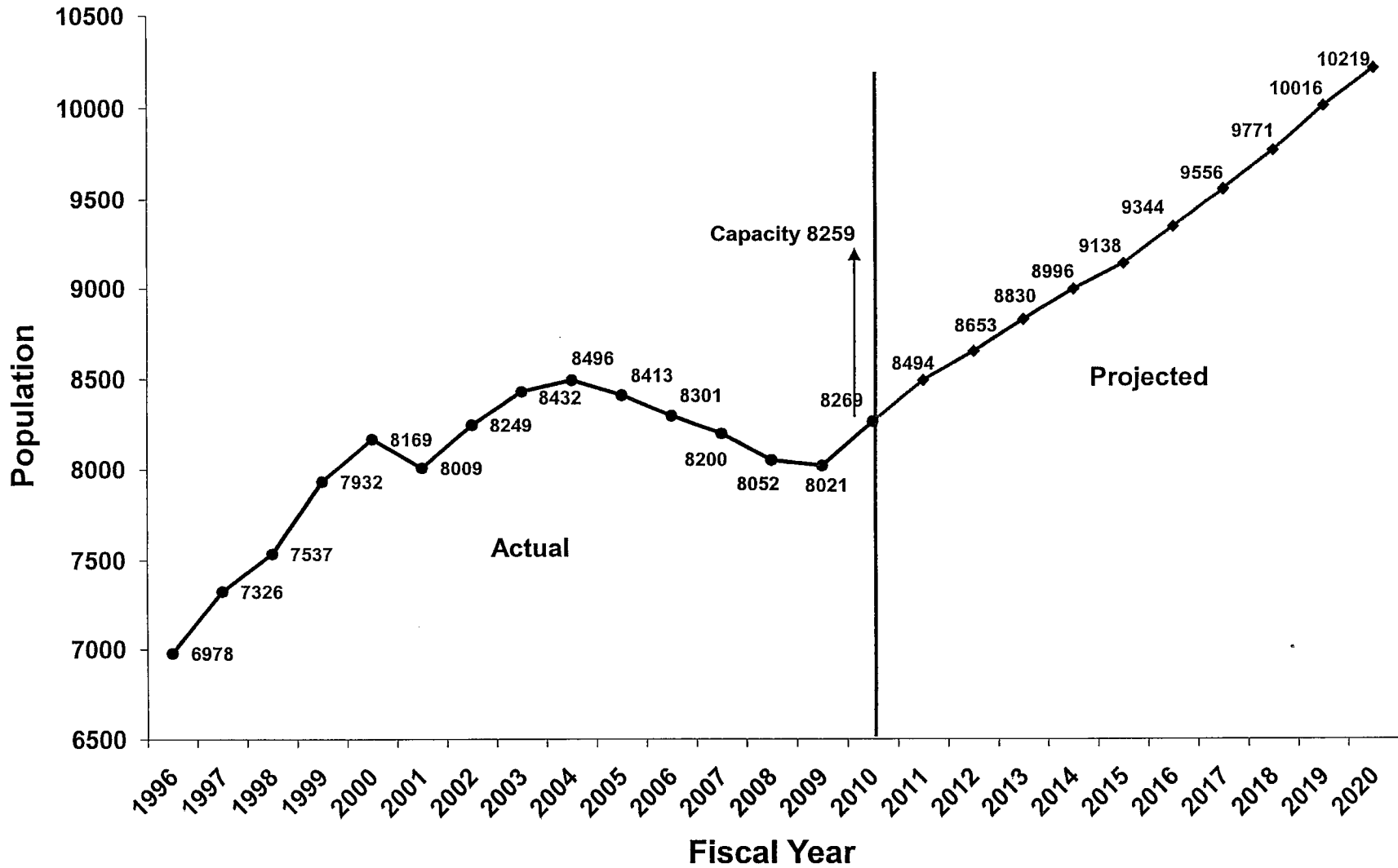
The assumed growth rate of 2.75% during FY 2011 and FY 2012, and a 2% growth rate thereafter, for the remainder of the projection period, are based upon the sudden increase in population trend during the last few months of FY 2010, the slow economy, lack of local funding, lack of funding for mental health, substance abuse, and the elimination of corrections and reentry programs that result in a lack of dispositional options. If increased funding becomes available and the economy improves, these assumptions would no longer be applicable and a lower growth rate would be indicated.

Kansas Prison Population Trend - Actual and Projected



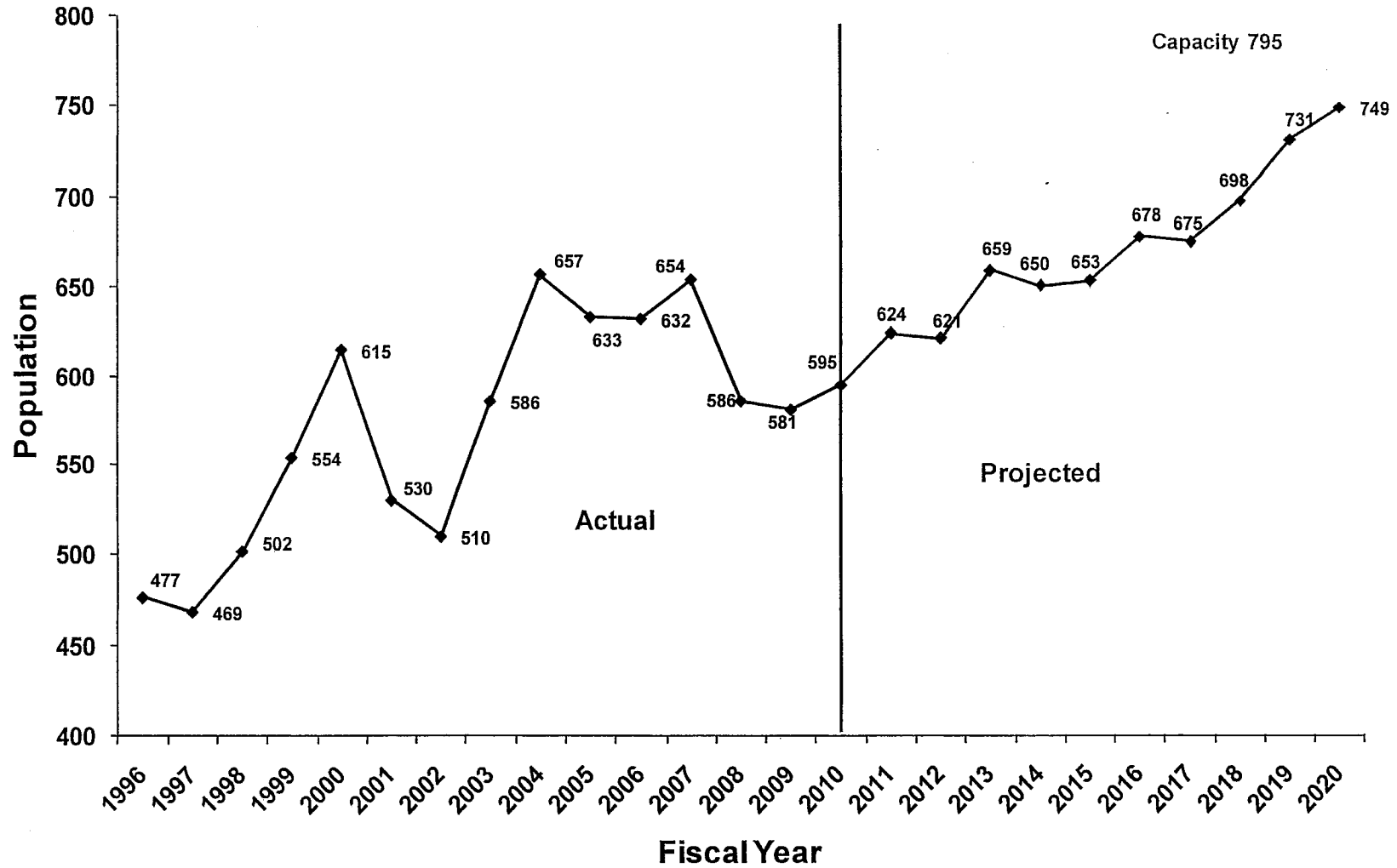
The assumed growth rate of 2.75% during FY 2011 and FY 2012, and a 2% growth rate thereafter, for the remainder of the projection period, are based upon the sudden increase in population trend during the last few months of FY 2010, the slow economy, lack of local funding, lack of funding for mental health, substance abuse, and the elimination of corrections and reentry programs that result in a lack of dispositional options. If increased funding becomes available and the economy improves, these assumptions would no longer be applicable and a lower growth rate would be indicated.

Male Prison Population Trend - Actual and Projected



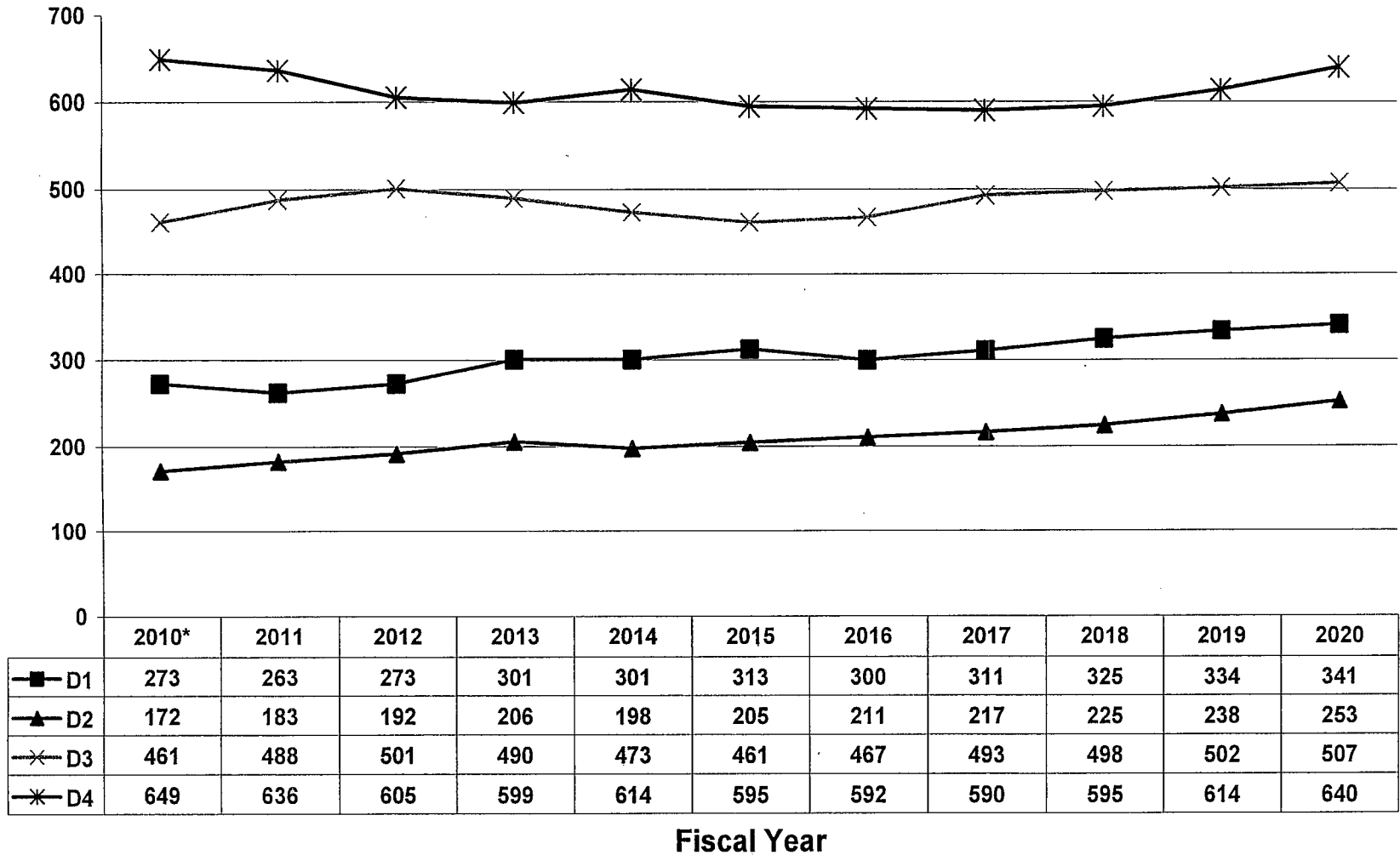
The assumed growth rate of 2.75% during FY 2011 and FY 2012, and a 2% growth rate thereafter, for the remainder of the projection period, are based upon the sudden increase in population trend during the last few months of FY 2010, the slow economy, lack of local funding, lack of funding for mental health, substance abuse, and the elimination of corrections and reentry programs that result in a lack of dispositional options. If increased funding becomes available and the economy improves, these assumptions would no longer be applicable and a lower growth rate would be indicated.

Female Prison Population Trend - Actual and Projected



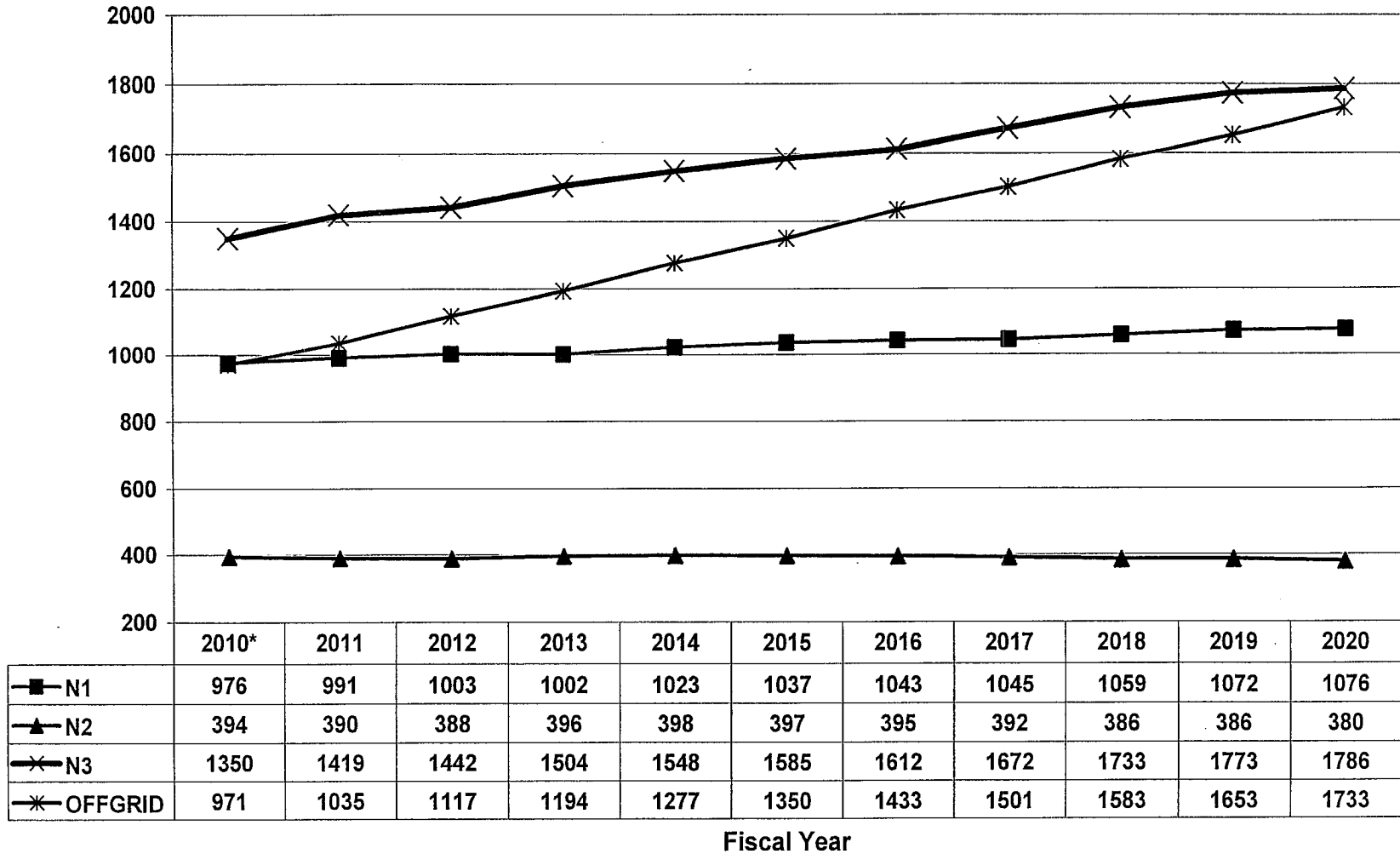
The assumed growth rate of 2.75% during FY 2011 and FY 2012, and a 2% growth rate thereafter, for the remainder of the projection period, are based upon the sudden increase in population trend during the last few months of FY 2010, the slow economy, lack of local funding, lack of funding for mental health, substance abuse, and the elimination of corrections and reentry programs that result in a lack of dispositional options. If increased funding becomes available and the economy improves, these assumptions would no longer be applicable and a lower growth rate would be indicated.

Projected Drug Inmate Prison Population



* Actual prison population on June 30, 2010.
 This group accounts for 15.9% of the total projected prison population in FY 2020.

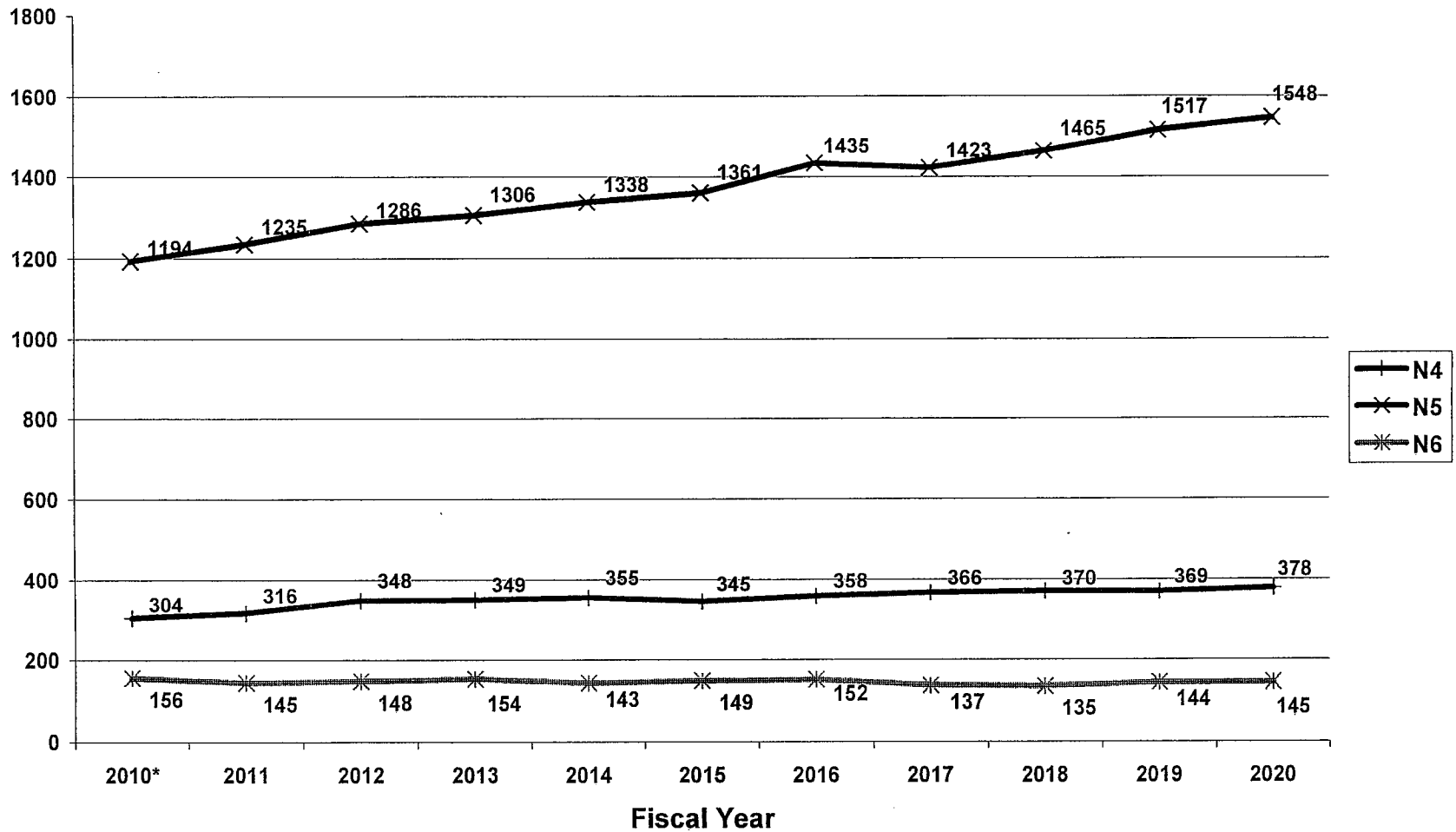
Projected Violent Inmate Prison Population



* Actual prison population on June 30, 2010.

This group accounts for 45.4% of the total projected prison population in FY 2020.

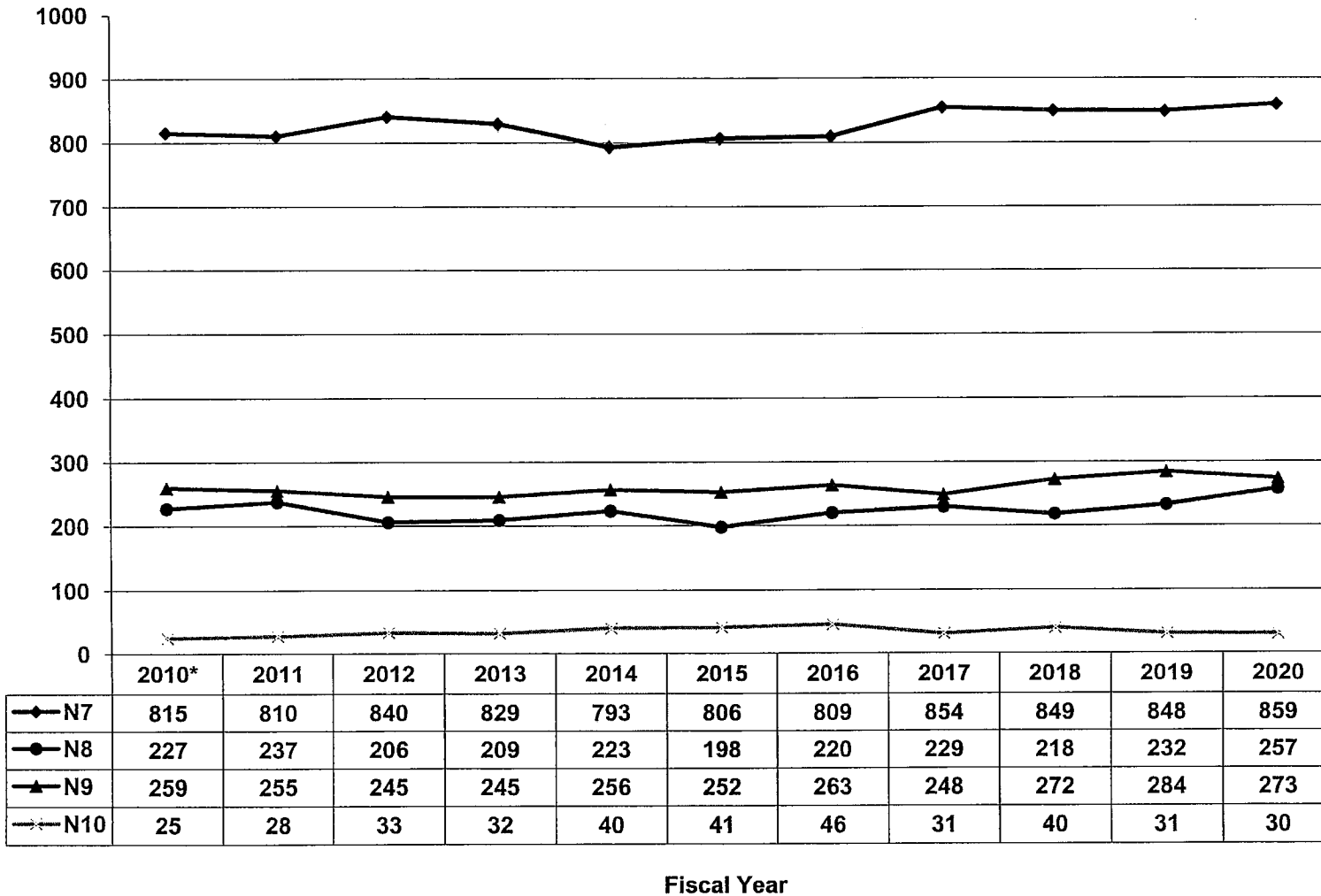
Projected N4-N6 Inmate Prison Population



* Actual prison population on June 30, 2010.

This group accounts for 18.9% of the total projected prison population in FY 2020.

Projected Nonviolent Inmate Prison Population



* Actual prison population on June 30, 2010.
 This group accounts for 12.9% of the total projected prison population in FY 2020.

GUIDELINE NEW COMMITMENT ADMISSION CHARACTERISTICS - FISCAL YEAR 2009

SEVERITY LEVEL	NUMBER ADMITTED	PERCENT ADMITTED	AVERAGE SENTENCE (MONTHS)	JAIL CREDIT (DAYS)	PROBATION CONDITION VIOLATORS (%)	PROBATION VIOLATORS W/NEW SENT (%)
D1	56	1.7%	92.0	210.2	14.3	1.8
D2	46	1.4%	56.0	154.9	19.6	4.3
D3	236	7.2%	30.7	171.7	37.3	3.0
D4	554	16.9%	22.8	151.3	65.5	2.5
N1	73	2.2%	249.8	461.0	5.5	0.0
N2	24	0.7%	203.6	335.0	4.2	0.0
N3	195	6.0%	90.9	226.3	10.3	1.0
N4	79	2.4%	63.8	189.1	13.9	2.5
N5	360	11.0%	54.9	220.7	24.0	0.8
N6	63	1.9%	36.8	212.9	38.1	3.2
N7	514	15.7%	27.8	198.7	55.1	4.7
N8	299	9.1%	16.7	148.8	54.8	5.7
N9	511	15.6%	12.2	137.8	60.5	2.2
N10	162	4.9%	8.6	110.8	53.1	1.2
OFF GRID	93	2.8%	-	-	N/A	N/A
NONGRID/ MISSING	10	0.3%				
TOTAL ADMITS	3275	100.0%				

Source: KDOC admission file.

PRISON POPULATION CHARACTERISTICS
JUNE 30, 2009

SEVERITY LEVEL	PRE-GUIDELINE		GUIDELINE		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
D1	0	0.0%	321	3.7%	321	3.7%
D2	0	0.0%	149	1.7%	149	1.7%
D3	0	0.0%	415	4.8%	415	4.8%
D4	0	0.0%	626	7.3%	626	7.3%
N1	139	1.6%	772	9.0%	911	10.6%
N2	88	1.0%	310	3.6%	398	4.6%
N3	62	0.7%	1224	14.2%	1286	15.0%
N4	6	0.1%	281	3.3%	287	3.3%
N5	9	0.1%	1096	12.7%	1105	12.8%
N6	0	0.0%	153	1.8%	153	1.8%
N7	2	0.0%	740	8.6%	742	8.6%
N8	0	0.0%	197	2.3%	197	2.3%
N9	0	0.0%	233	2.7%	233	2.7%
N10	0	0.0%	35	0.4%	35	0.4%
OFFGRID	244	2.8%	395	4.6%	639	7.4%
PAROLE CONDITIONAL VIOLATORS	317	3.7%	409	4.8%	726	8.4%
AGGREGATE SENTENCE	375	4.4%	0	0.0%	375	4.4%
SUBTOTAL	1242	14.4%	7356	85.5%	8598	100.0%
MISSING/NONGRID					4	0.0%
TOTAL					8602	100.0%

Source: DOC prison population file.



State of Kansas

Office of Judicial Administration

Kansas Judicial Center
301 SW 10th
Topeka, Kansas 66612-1507

(785) 296-2256

Kansas Court Services Officer Funding, Staffing, Duties, and Caseloads

Presentation to the Joint Committee on Corrections and Juvenile Justice Oversight
September 9, 2010

Currently, there are 351 FTE (full-time equivalent) court services officer (CSO) positions, all of which are funded primarily from the State General Fund. Twenty CSO positions are currently unfilled due to the hiring freeze in effect since 2008, but the Supreme Court has recently granted permission to fill six of those positions. State funding pays only for the personnel costs of court services officers. All other operating expenses, such as funding for computers, office supplies, training, travel, and other items, are provided by counties. The following table notes the salaries and wages (including fringe benefits) costs for FY 2008, FY 2009, and FY 2010:

	FY 2008	FY 2009	FY 2010
All State Funds: Salaries and Wages (Including Fringe Benefits):	\$19,676,521	\$20,369,895	\$20,862,453

Statewide, each judicial district has a court services office. While a court services officer may not be located in each of the 105 counties, services are provided to each county by a court services officer located somewhere within each judicial district.

Mission and Statutory Duties

The mission statement for Kansas Court Services provides:

“Under the authority of the Kansas Judicial Branch and the laws of the State of Kansas, the purpose of Court Services is to carry out the orders of the court in a timely, professional, and ethical manner consistent with community interests. This is enacted by completing the responsibilities of court reports and supervision, which holds offenders accountable for their behavior, promotes public safety, and improves the ability of offenders to live more productively and responsibly in the community.”

Court services' vision is to continue to provide quality services to the courts and aid in ensuring public safety. A unique facet of the Judicial Branch is the administrative structure which allows each judicial district to tailor its personnel, programs, and services to specific community needs. As noted in more detail below, court services officers are responsible for specific duties in criminal, juvenile offender, child in need of care, and domestic court cases.

The primary role of court services is to assist the district courts by performing investigations and supervision. Kansas statutes provide a general definition of the responsibilities of court services officers. However, within the limits of fiscal resources, chief judges in individual judicial districts are able to emphasize certain roles of court services officers from district to district in order to best serve each individual judicial district.

Duties performed by court services officers are governed by statute, administrative rule, and court policy. In general, court services officers perform the following duties:

- a. Conduct presentence investigations (PSIs) and predispositional investigations (PDIs) and prepare reports as required by law. Presentence investigations and predispositional investigations require extensive research into the background of the individual. A comprehensive criminal history investigation must be conducted and certified records must be obtained from other jurisdictions.
- b. Supervise and counsel persons on probation regarding how to comply with the conditions of probation imposed by the district court. Supervision involves regular contact with the individual and with family members, teachers, employers, treatment providers, and others. Court services officers also conduct regular drug testing and monitor the payment of restitution and fees.
- c. Notify the court when a violation of a condition of probation occurs. Bring to the court's attention any modification in the conditions of probation considered advisable.
- d. Cooperate with public and private agencies and other persons concerned with the treatment or welfare of persons on probation and assist probationers in obtaining services from those agencies and persons.
- e. Keep accurate records of cases investigated and all cases assigned by the court for supervision and make these records available to the court upon request.
- f. Inform probationers that they are required to register with the Kansas Bureau of Investigation (KBI) pursuant to K.S.A. 22-4905(b)(1) and (2) of the Kansas Offender Registration Act. Inform probationers that they must submit DNA as required by K.S.A. 21-2511(c).

- g. Perform as a misdemeanor parole officer when ordered by the court.
- h. Provide investigation and supervision services for the court on persons being considered for pre-trial or bond release. Supervision of persons on pre-trial release is intensive; generally individuals are required to report several times per week and may be on electronic monitoring.
- i. Plan and supervise reintegration of children in need of care that are not placed with the Department of Social and Rehabilitation Services (SRS). Court services officers work with families, schools, and therapists to ensure that the best interests of the child are met, and that compliance with the federal Adoption and Safe Families Act is maintained.
- j. Assist courts, prosecuting attorneys, and other law enforcement officials in making decisions regarding diversion of charged persons to appropriate alternatives to court trial. Provide supervision to persons granted diversion if directed by the court.
- k. Investigate and report on custodial arrangements for children in divorce cases.
- l. Mediate child custody cases if directed by the court.

The following material provides a more detailed description of the duties of court services officers and the statutes that set out those duties.

Level of Services Inventory – Revised

The 2006 Legislature passed SB 434, which gives the Kansas Sentencing Commission the authority to designate a risk needs instrument to be used statewide on adult offenders by July 1, 2008. This implementation date was amended to January 1, 2011, in 2009 HB 2060. The Level of Service Inventory - Revised (LSI-R) was the instrument selected. It is a validated risk needs assessment instrument used in many states and in Canada. The LSI-R has been used on a pilot project basis in Johnson County since 2003 with considerable success. Offenders are to be assigned to Community Corrections or to Court Services supervision based on their LSI-R by January 1, 2011.

The Office of Judicial Administration has made several attempts to acquire funding for the training and technology support needed to qualify court services officers to administer the LSI-R. Three federal Byrne grant applications were submitted, but grant funding was not awarded. The Judicial Branch included funding for LSI-R implementation in two budget requests, but funding was not provided. The 2010 Legislature, in HB 2581, established the

Correctional Supervision Fund effective July 1, 2010. This legislation also raised the probation supervision fee from \$50 to \$120 for adult offenders convicted of a felony offense. The supervision fee for adults convicted of misdemeanor crimes was increased from \$25 to \$60. Revenues from the base fee in effect prior to July 1, 2010, continue to go into the State General Fund. Revenues from the supervision fee increase are credited to the Correctional Supervision Fund, to be used to train court services officers to administer the LSI-R and to implement evidence-based practices once the initial training has been completed.

The Office of Judicial Administration estimates that \$155,000 will be needed for the initial training of the minimum number of Court Services Officers needed to administer the LSI-R. Please note that this is a preliminary estimate for the initial training only, and that cost proposals have not yet been received. Please also note that some additional cost figures, such as software licensing and hosting on the computer servers, are not included in the cost noted above.

Revenues paid into the Correctional Supervision Fund for July and August 2010 total approximately \$20,000, which is close to the expectations. Although there is no history with this fund, the rate at which revenues come into the fund is expected to increase during the remainder of FY 2011, with total revenues estimated at approximately \$280,000. The Office of Judicial Administration has prepared the Scope of Work portion of a request for proposal (RFP) with an accelerated training schedule, which we anticipate will be released sometime after January 1, 2011. Court Services Officers will be trained to administer the LSI-R as soon as funds are available to make this possible.

Duties Pertaining to Adult Supervision

1. Felony and Misdemeanor Presentence Investigation Reports

K.S.A. 21-4604(a) provides:

“Whenever a defendant is convicted of a misdemeanor, the court before which the conviction is had may request a presentence investigation by a court services officer. Whenever a defendant is convicted of a felony, the court shall require that a presentence investigation be conducted by a court services officer or in accordance with K.S.A. 21-4603, and amendments thereto, unless the court finds that adequate and current information is available in a previous presentence investigation report or from other sources.”

Therefore, court services officers are responsible for the preparation of all felony presentence investigation reports, and of misdemeanor reports when requested, unless a judge specifically rules adequate and current information is already available and sufficient.

Reports and Investigations Prepared by Court Services Officers

Reports and Investigations Adult			
FY	Felony	Misdemeanor	Total
2007	16,095	4,430	20,525
2008	16,474	4,353	20,827
2009	16,378	4,287	20,665
2010	17,388	4,325	21,713

2. Supervision of Felony Probation

K.S.A. 21-4610 provides the conditions of probation or suspended sentence. It states, in relevant part:

“(a) . . . nothing in this section shall be construed to limit the authority of the court to impose or modify any general or specific conditions of probation, suspension of sentence or assignment to a community correction services program, except that the court shall condition any order granting probation, suspension of sentence or assignment to a community correctional services program on the defendant’s obedience of the laws of the United States, the state of Kansas and any other jurisdiction to the laws of which the defendant may be subject.”

Under K.S.A. 21-4610, an offender may be supervised by a court services officer or by a community corrections officer. Further, K.S.A. 21-4610(c) and (d) define a probationer’s obligation to the court. The court, when ordering probation, assumes responsibility for supervision and verification that the order of probation has been satisfied. The court, through court services officers, may establish any special programs which, when added to the conditions of probation, satisfy the special needs of the probationer’s risk/needs assessment and public safety. (The amendment to K.S.A. 21-4610 at L. 2010, Ch. 136, Sect. 247, effective July 1, 2011, does not amend the substance of the quoted language.)

3. Supervision of Misdemeanor Probation

Court services officers shall, when ordered by the court, monitor conditions of misdemeanor probation. It should be noted that plea bargaining results in many reductions of felony offenses to misdemeanors. Thus, serious offenders may be convicted of misdemeanor offenses. Misdemeanant offenders should be afforded supervision in accordance with the seriousness of the crime, the risk/needs assessment, and public safety.

The court may order supervision to be carried out by a community corrections program in misdemeanor cases. This is usually the case when community corrections officers are already supervising an offender in a felony case.

4. Supervision of Traffic Offenders

Chapter 8 of the Kansas Statutes Annotated defines serious traffic offenses in which the court may grant probation. A CSO shall supervise traffic offenders upon order of the court.

5. Supervision of Fish and Game Violators

Pursuant to K.S.A. 21-3728 and K.S.A. 2008 Supp. 32-1005, the majority of offenses in these categories are handled with fines and other actions. However, K.S.A. 2008 Supp. 32-1005(d) defines commercialization of wildlife having an aggregate value of \$1,000 as a level 10, nonperson felony and having an aggregate value of less than \$1,000 as a class A nonperson misdemeanor. Due to the seriousness of these offenses, at the discretion of the court, court services officers may be responsible for the supervision of selected offenders. (The amendment to K.S.A. 21-3728 at L. 2010, Ch. 136, Sect. 96, effective July 1, 2011, does not amend the substance of the provision noted above.)

**Total Adults Supervised on Probation
(Felony, Misdemeanor, Traffic, Fish and Game)**

Adult			
FY	Felony	Misdemeanor	Total
2007	8,175	26,841	35,016
2008	8,192	27,460	35,652
2009	8,177	29,300	37,477
2010	7,901	29,496	37,397

6. Bond Supervision

The provisions of K.S.A. 22-2814 to 22-2817 outline a variety of services in this area. K.S.A. 22-2814 specifically mandates this service be carried out by a court services officer or court staff. K.S.A. 22-2816 spells out the responsibility of the court services officer in completing this duty, which can be instrumental in relieving jail overcrowding.

Total Adults Supervised on Pre-Trial Release

Pre-Trial Supervision	
FY	Adult
2007	14,284
2008	16,117
2009	14,419
2010	15,954

7. Progress or Status Reports

This category includes progress reports ordered by a judge at standard intervals or upon request. This includes progress reports prepared for offenders transferred between judicial districts and out of state. These reports are not mandated but are often prepared as a courtesy.

8. Supervision of Adults Granted Diversion from Prosecution

Diversion of adult offenders may be handled in one of two fashions, pursuant to the policies and guidelines established by prosecutors (K.S.A. 22-2908, as amended by 2010 Session Laws of Kansas, Ch. 101, Section 9; K.S.A. 2009 Supp. 22-2909, as amended by 2010 Session Laws of Kansas, Chapter 101, Section 10; K.S.A. 22-2910; and K.S.A. 22-2911), or by court rules (K.S.A. 22-2912).

Diversion supervision, as a CSO function, is not currently practiced statewide. In some districts the county attorney may not have sufficient staff to supervise diversion offenders. In those districts, the court may order supervision be carried out by court services officers.

Total Adults Supervised on Diversion

Diversion	
FY	Adult
2007	963
2008	1,141
2009	1,221
2010	1,261

9. Supervised Conditional Release from State Hospital

K.S.A. 22-3428(4), as amended by 2010 Session Laws of Kansas, Ch. 61, Sec. 4, provides for the temporary supervision by a court services officer of persons conditionally released from a State Hospital.

10. Supervised Conditional Release of Sexually Violent Predators

K.S.A. 59-29a19, as amended by 2010 Session Laws of Kansas, Ch. 5, Sec. 6, provides for the temporary supervision by a court services officer of persons who are found to be sexually violent predators and are conditionally released from a transitional release program at a State Hospital.

11. Arresting Offenders

K.S.A. 22-2202(13) includes court services officers in its definition of law enforcement officer. However, the court services officers' arresting authority appears to extend only to probationers. K.S.A. 2009 Supp. 22-3716 provides:

“Any court services officer or community correctional services officer may arrest the defendant without a warrant or may deputize any other officer with power of arrest to do so by giving the officer a written statement setting forth that the defendant has, in the judgment of the court services officer or community correctional services officer, violated the conditions of the defendant's release or a nonprison sanction.”

Duties Pertaining to Juvenile Supervision:

1. Juvenile Presentence Investigations and Reports

K.S.A. 2009 Supp. 38-2360(a)(4) provides that, at any time after a juvenile has been adjudicated to be a juvenile offender, the court shall order one or more of the tools described in the statute, including: “Any other presentence investigation and report from a court services officer which includes: (A) The circumstances of the offense; (B) the attitude of the complainant, victim or the victim's family (C) the record of juvenile offenses; (D) the social history of the juvenile; and (E) the present condition of the juvenile.” The intent of the statute is to provide the court with relevant information from which to make an appropriate disposition.

Total Juvenile Reports and Investigations

Reports and Investigations	
FY	Juvenile Offender
2007	4,418
2008	5,973
2009	5,112
2010	5,149

2. Juvenile Offender Probation Supervision

K.S.A. 2009 Supp. 38-2361(a)(1), as amended by 2010 Session Laws of Kansas, Ch. 155, Sec. 15, provides that, once an offender has been granted probation, court services officers are responsible for monitoring the conditions of probation. The court, through court services, may establish any special programs which are added to the conditions of probation to satisfy the special needs of the probationer, the risk/needs assessment, and public safety.

Total Juveniles Supervised on Probation

FY	Juvenile Offender
2007	8,188
2008	8,442
2009	8,154
2010	7,528

3. Offender Pre-Trial Release and Supervision Programs

K.S.A. 2009 Supp. 38-2330 and K.S.A. 2009 Supp. 38-2343, as amended by 2010 Session Laws of Kansas, Ch. 135, Sec. 51, establish authority for a juvenile's release prior to trial. Court services officers supervise these juveniles in some judicial districts.

Total Juveniles Supervised on Pre-Trial Release

Pre-Trial Supervision	
FY	Juvenile
2007	957
2008	725
2009	691
2010	908

4. Arresting Juvenile Offenders or Detaining Children in Need of Care

Court services officers are authorized to take juvenile offenders (K.S.A. 2009 Supp. 38-2331) and children in need of care (K.S.A. 2009 Supp. 38-2230) into custody when there is a warrant or order issued in this state or in another jurisdiction. The taking of a child in need of care into custody typically occurs when there is probable cause to believe that the juvenile offender has violated a term of probation or when a child in need of care has run away from juvenile offender placement.

5. Supervision of Juvenile Offenders Who have Been Diverted

K.S.A. 2009 Supp. 38-2346 states: "Each county or district attorney may adopt a policy and establish guidelines for an immediate intervention program by which a juvenile may avoid prosecution."

Total Juveniles Supervised on Diversion

Diversion	
FY	Juvenile
2007	10,111
2008	10,286
2009	9,664
2010	10,656

Summary of Individuals Supervised by Court Services 2007 – 2010:

Fiscal Year	Adult			Juvenile			Combined
	Felony	Misdemeanor	Total Adult	CINC	JO	Total Juvenile	Total
2007	8,175	26,841	35,016	4,341	8,188	12,529	47,545
2008	8,192	27,460	35,652	4,469	8,442	12,911	48,563
2009	8,177	29,300	37,477	4,232	8,154	12,386	49,863
2010	7,901	29,496	37,397	3,918	7,528	11,446	48,843

Duties Pertaining to Domestic Supervision:

1. Child Custody, Residency, Visitation, or Parenting Time

Under K.S.A. 60-1615, "In any proceeding in which legal custody, residency, visitation rights or parenting time are contested, the court may order an investigation and report concerning the appropriate legal custody, residency, visitation rights and parenting time to be granted to the parties. The investigation and report may be made by court services officers or any consenting person or agency employed by the court for that purpose."

Child Custody Reports Prepared for the Court

FY	Domestic Reports
2007	577
2008	913
2009	940
2010	1,054

2. Mediation of Domestic Disputes

K.S.A. 23-601 and 23-602 allow the court to appoint a neutral mediator to assist the parties "in reaching a mutually acceptable agreement as to issues of child custody, residency, visitation, parenting time, division of property and other issues." Court services officers who have been trained and certified may be appointed in these cases.

Cases Mediated by Court Services Officers

FY	Domestic Mediations
2007	4,616
2008	*2,961
2009	2,274
2010	3,238

*This reduction resulted from a change in the way data was reported and does not represent a change in workload.

3. Case Management of Domestic Disputes

K.S.A. 23-1001 allows the court to appoint a neutral case manager to assist the parties “by providing a procedure, other than mediation, which facilitates negotiation of a plan for child custody, residency or visitation or parenting time. In the event that the parties are unable to reach an agreement, the case manager shall make recommendations to the court.” Court services officers who have been trained and certified may be appointed in these cases.

Cases Provided Case Management Services

FY	Domestic Case Management
2007	4,505
2008	*1,491
2009	2,497
2010	3,521

*This reduction in case management resulted from a change in the way data was reported and does not represent a change in workload.

4. Protection from Abuse (PFA) and Protection from Stalking (PFS) Orders

K.S.A 60-3104 through 60-3112, the Protection from Abuse Act, and K.S.A. 60-31a04 through 60-31a06, the Protection from Stalking Act, grant protection to victims of abuse and stalking. (Please note that amendments to K.S.A. 60-3107, 60-31a05, and 60-31a06 made by the 2010 Legislature do not affect the statements made here.) In many jurisdictions the court relies on court services officers to meet with victims seeking protection to gather information necessary for emergency and temporary orders. Court services officers may also refer victims to other community resources that could be of assistance.

Victims Assisted by Court Services Officers

FY	PFA/PFS
2007	3,713
2008	4,283
2009	5,244
2010	5,277

Summary of Domestic Cases with Court Services Officer Participation

FY	Domestic				
	Case Management	Mediation	Total	Reports	PFA/PFS
2007	4,505	4,616	9,121	577	3,713
2008	*1,491	*2,961	4,452	913	4,283
2009	2,497	2,274	4,771	940	5,244
2010	3,521	3,238	6,759	1,054	5,277

*This reduction in case management resulted from a change in the way data was reported and does not represent a change in workload.

Court services officers supervise adults and juveniles on house arrest. Offenders on house arrest may also be on diversion, pre-trial release, or serving the “in custody” portion of a DUI sentence.

Offenders on House Arrest

	House Arrest		
	Adult	Juvenile	Total
2007	484	253	737
2008	640	565	1,205
2009	586	428	1,014
2010	565	354	919

Court services officers work with offenders to pay restitution, fines, and fees. The table below represents the total amount of restitution collected by the district courts from persons under supervision by court services officers.

Restitution Collected by Court Services

FY	Restitution		
	Adult	Juvenile	Total
2007*	\$3,051,665.96	\$332,406.18	\$3,384,072.14
2008*	\$3,149,083.80	\$359,522.15	\$3,508,605.95
2009	\$3,996,462.87	\$366,187.18	\$4,362,650.05
2010	\$3,240,646.23	\$284,282.52	\$3,624,928.75

*2007 and 2008 figures do not reflect amounts collected in four judicial districts.

Court services officers supervise offenders completing community service work. Community service work is assigned either as an alternative to the imposition of a fine or fees, as a consequence for the conviction of a crime, or for a violation of condition of probation.

Community Service Work Performed by Offenders on Probation

FY	Community Service Work Hours		
	Adult	Juvenile	Total Hours
2007	27,246	45,367	72,613
2008	23,881	50,019	73,900
2009	26,953	42,550	69,503
2010	29,779	38,806	68,585

Report on Community Corrections
To
The Joint Committee on Corrections and
Juvenile Justice Oversight

By Keven Pellant
Acting Deputy Secretary
Kansas Department of Corrections
September 9, 2010

The Kansas Department of Corrections (KDOC) Community Corrections Services Division has provided training on, and coaching throughout, a strategic comprehensive planning and evidence based practice initiative. This initiative will serve to support and enhance the work already in place as a part of the Statewide Risk Reduction Initiative. Community Corrections has participated in projects that apply evidence based practices at both a system level and an agency level with specific expertise in areas including, but not limited to, facilitation of evidence based system change, coaching leaders of correctional agencies through significant organizational change, training and coaching agency personnel and stakeholders in evidence based practice and organizational development, and building and strengthening collaborative partnerships between oversight agencies and local entities.

The assistance provided by KDOC Community Corrections Services Division involved strategic comprehensive planning and evidence based practice initiatives with each local agency in addition to a provision of a seminar series. Broadly speaking, the agencies received the following:

- An assessment of the strengths and needs of the agency in the areas of evidence based practice, organizational development, and collaboration.
- A Strategic Comprehensive Planning Retreat to review assessment data; define agency vision, mission and values; brainstorm and refine goals, objectives, action steps, timelines and benchmarks; develop work teams to pursue completion of each objective; define quality assurance and evaluation plans; and establish a communication plan and reporting requirements.
- Opportunity in professional development efforts which may include, but need not be limited to, establishment of professional development plans, targeted training in areas such as evidence based practices, project management, quality assurance, organizational development, and/or collaboration.
- Ongoing individualized support in the implementation of the agency specific strategic comprehensive plan.

The outcomes associated with this process for each agency will also be designed, through strategic planning efforts, to be unique to local strengths and needs. Broadly speaking, however, the outcomes anticipated as a result of the work done by both the KDOC Community Corrections Services team and the local Community Corrections agencies include:

- Short Term
 - Enhanced application of the principles of evidence based practice to policy and practice at the state and local level.
 - Clarification of the role of state oversight in local implementation of evidence based practice.
 - Implementation of an individualized agency strategic comprehensive plan.
 - Increased knowledge of evidence based practice, organizational development, and collaboration.
 - Improved research capacity to allow more effective data driven decision making.
- Intermediate
 - Improved organizational functioning within KDOC and selected local community corrections agencies.

- Enhanced data driven decision making in strategic comprehensive planning and daily operations.
 - Improved collaboration among justice system stakeholders.
 - Strengthened relationship between state and local agencies.
 - Institutionalization of the principles of evidence based practice and risk reduction at the state and local levels.
- Long Term
 - Reduced recidivism defined as technical violations and re-conviction.

As the Statewide Community Corrections Risk Reduction Initiative moves forward KDOC and local agencies continued to build an infrastructure for change across the state by providing risk reduction education for local executives, stakeholders and case management staff through a series of retreats and trainings. This foundation has facilitated the work of local community corrections agencies toward the three goals of the Statewide Risk Reduction Initiative which are to increase public safety, reduce the risk level of probationers on community corrections supervision, and increase the percentage of probationers successfully completing community corrections supervision. Agencies have committed to the philosophy of risk reduction and building a system to facilitate probationer success by targeting the criminogenic needs of medium and high risk probationers utilizing evidence based community supervision methods and practices. The RRI has continued through a number of training and technical guidance initiatives. The training initiatives provided a cognitive foundation through a risk/need assessment and effective communication skills. This foundation included, but not limited to, motivational interviewing, domestic violence and community supervision, sex offender management, and cognitive behavioral interventions.

In addition fiscal management and data training was addressed. The implementation of evidence based practices at the organizational level calls for continual assessment and targeting of resources and interventions. The fiscal team's purpose is to reduce financial risk by monitoring each agency's KDOC grant funding. This occurred through technical assistance, on-site audits and through examining policy and procedures to ensure that each agency has sufficient fiscal internal controls.

The Research Analyst's purpose is to compile, analyze, interpret and report out on statistical and program data for each of the 31 Community Correction agencies. Technical assistance was provided for individuals regarding analysis and/or interpretation of data. The analyst also responds to various data requests by generating reports, pulling data, analyzing and/or reporting key data elements to agencies.

Individual Agency Risk Reduction Resources

During the development and implementation of the statewide risk reduction initiative the needs for the overall population of probationers has been identified. Opportunities have been provided to the high risk probationers by the agencies to decrease risk to reoffend and increase public safety. Internal resources supported the commitment to the risk reduction philosophy through, but not limited to, cognitive based programming, skill development to enhance employability, build and strengthen the natural community and collaborative relationships. These resources are achievable through financial supports which defray additional cost to the probationer. Assistance is provided through, but not limited to, reduced cost for evaluations, housing, transportation, medication, food and clothing.

Statewide Data

The intent of the legislation was to increase probationer success as well as to reduce the number of probation revocations coming to prison. There has been a minimal decrease to the overall population of probationers from FY09 to FY10. Community Corrections agencies as a whole, have seen an increase in revocations due to condition violations. The increase of revocations is reflective of the state of the economy which has impacted the

opportunities and access for probationers to benefit from resources. Despite this increase, they continue to exceed the goal of reducing revocations by 20% set forth in FY06. This has been accomplished through the expansion of collaborative partnerships between the local agencies and communities.

Strategies for Continual Success

To maintain continual success KDOC Community Corrections Services Division remains committed to strengthening collaborative partnerships of oversight agencies and local entities. The focus of this commitment will be to ensure that public safety is maintained through evidence based community supervision methods and practices. With the guidance of the Director of Community Corrections Services who plays a role in each specialty area, the team will provide oversight and technical guidance in a number of different focus areas including grant management, implementation of the integrated model (evidence based practice, collaboration, and organizational development), fiscal management, research and evaluation, and skill development. This will be accomplished by the following:

- Program Consultant's will provide grant oversight and technical guidance to facilitate the implementation and sustainability of the integrated model in local community corrections agencies with a focus on the executive and organizational level. This will include, but not limited to, Facilitated Strategic Planning, Seminar Series focused on the Integrated Model and Professional Development, and monitoring of the Comprehensive Plan Grant Process.
- Skill Developer's will ensure that supervision staff is well trained and equipped to motivate clients into successful completion of probation. This will include, but not limited to, Coaching for Quality, Supervision Strategies for Special Populations and annual refreshers of Motivational Interviewing and Cognitive Behavioral Interventions.
- Fiscal Team will interact with the agencies by processing the fiscal reports, assisting with completion of annual agency budgets and reconciling quarterly and year end report submissions.
- Research Analyst will compile, analyze, interpret and report out on statistical and program data for each agency. The Research Analyst interacts with the agencies by providing a wide variety of statistical data, this will include, but limited to, Data Training, Community Correctional Statistical Summary, Average Daily Population, LSIR data, closures by fiscal year and employment status reports.

Agency	CURRENT INITIATIVES FY 11	SUCCESS RATE FY 10	REVOCAATION RATE FY 10	Met 20% Reduction Target in FY10	Met 20% Reduction Target in Prior Years
02nd Judicial District		76.4%	20.3%	No	No
04th Judicial District	Financial assistance, Cognitive education classes for offenders, Offender workforce development services (OWDS), Offender exit surveys, Specialized caseloads, and group reporting for level 4 offenders, Quality assurance for motivational interviewing, LSI-R, and group facilitation.	62.5%	19.4%	Yes	Yes
05th Judicial District	Specialized caseloads, Drug courts, Fathering program, Cognitive behavioral programs for high risk offenders – problem solving, self management, and coping skills, Offender workforce development	57.5%	28.3%	Yes	Yes
06th Judicial District	Initial Offender Orientation class, Thinking for a Change program, Life Management classes, OWDS, Offender group and individual Substance Abuse treatment services and Mental Health Services, Offender educational services including GED and vocational education services, Offender Graduated Responses and Incentives	50.6%	34.6%	Yes	Yes
08th Judicial District	Group reporting, Crossroads, Anger management, Parenting, Budgeting, Community Resource Panel	48.8%	31.1%	No	Yes
11th Judicial District	Pre-contemplation group, Thinking for a change, TAG Thinking for a change 2 (aftercare group), Adult education, Clothing, Employment Services, Pre-employment groups, Job placement, Job retention	59.3%	32.7%	No	Yes
12th Judicial District	Partnered with 28 th for Crossroads cognitive programming	59.5%	32.4%	No	Yes
13th Judicial District	Referred out for all programs	65.6%	22.2%	Yes	Yes
22nd Judicial District	Substance abuse treatment, Bicycles, Offender Workforce Development Program	66.8%	28.8%	No	Yes
24th Judicial District	Thinking for a change, Structured job search, Collaboration with 25 th JD for cognitive groups, Many local resources utilized to support the needs of the probationers	57.4%	21.3%	No	No
25th Judicial District	Group reporting, Crossroads, Offender Workforce Development Program, Women's program, Anger management/Batter's Intervention	54.7%	41.2%	No	No
28th Judicial District	Crossroads, Sex Offender Counseling, Mental Health Counseling, Transportation program, Bus and cab vouchers, Bicycles	62.2%	30.6%	Yes	Yes
31st Judicial District	Referred out for all programs	64.4%	21.8%	Yes	Yes
Atchison County	Thinking for a change, Offender Workforce Development Program	38.0%	38.0%	No	Yes
Cimarron Basin Authority	Getting it Right Program, Preventing Domestic Violence, Anger Management, Employment Workshop	50.0%	21.6%	No	No

Central Kansas	Group reporting, Crossroads, Thinking for a change, Offender Workforce Development Program, Drug and Alcohol Counseling, Life Skills group	57.8%	22.9%	No	No
Cowley County	Partnerships with substance abuse treatment, Mental health, Cowley county college for GED, Drug court, Employment group (OWDS)	46.0%	28.0%	No	No
Douglas County	Referred out for all programs	65.9%	27.6%	Yes	Yes
Harvey/McPherson	Offender Workforce Development Program, Choices, Conflict Resolution, Budgeting assistance, Menu program targeting antisocial thinking, negative peer associations, resistant attitudes, poor parent-child relationship, violence and judgment	54.0%	32.5%	No	No
Johnson County	Education programming, Employment skills program, Treatment, Cognitive skills programming, Thinking for a change, Housing and social assistance programs	57.2%	31.3%	No	Yes
Leavenworth County	Thinking for a change partnered with Lansing Correctional Facility	39.7%	25.9%	Yes	Yes
Montgomery County	Thinking for a change	61.7%	30.9%	No	Yes
Northwest Kansas	Sex Offender treatment, housing assistance, meth specific counseling, mental health/ substance abuse evaluations and counseling	72.5%	16.5%	No	No
Riley County	Thinking for a change, job club, OWDS, vouchers requests for payment, child care, clothing, food, transportation assistance.	57.0%	18.8%	No	Yes
Reno County	OWDS, GED, Substance abuse counseling	52.4%	33.3%	Yes	Yes
South Central Kansas	Thinking for a change, Getting it Right, Budgeting, Banking, Time management, Job interviewing skills, Graduated sanctions	77.3%	17.2%	Yes	Yes
Santa Fe Trail	Alcohol and Drug, Anger Management/Domestic Violence (English and Spanish), Theft Accountability, GED, Budgeting, Job Readiness and Retention, Counseling, Employment Skills, Problem Gambling Education	73.7%	14.0%	Yes	Yes
Sedgwick County	Ready 2 Work, COMCARE Mental Health, Cognitive groups	52.4%	22.6%	No	Yes
Shawnee County	Anger Management, Thinking for a change partnered with Parole, Substance Abuse Evaluations and recommendations	77.3%	17.2%	Yes	Yes
Sumner County	Online GED, refer out for other services	55.6%	30.6%	Yes	Yes
Unified Government	RADAC, Avenues to Recovery, Drug Court, Cognitive programming, OWDS, Violators Review Panel, Transportation vouchers, Housing assistance, assist cost for GED, and community service vouchers	55.8%	32.4%	Yes	Yes
Statewide		54.6%	34.1%	No	Yes

* Agency has very high success rate

A total of 14 agencies met the 20% revocation reduction goal in FY10

A total of 22 agencies have met the 20% revocation reduction goal at least once since FY2006.

4

KDOC Food Service Contract Fact Sheet
Presented to the Joint Committee on Corrections & Juvenile
Justice Oversight
Presented by: Roger Haden, Deputy Secretary for Programs,
Research, & Staff Development
September 9, 2010

General contract information:

KDOC entered into a contract with Aramark Correctional Services, Inc. in 1997 for food services for inmates. The contract extends through 2012.

- Payment is based on daily population - \$1.428 per inmate per meal per day
- For July, 2010, KDOC paid for 780,588 meals at a cost of \$1,120,144
- The food service budget for FY 2011 is \$13,700,482
- Projected expenditures for food service for FY 2012 is \$14,044,424
- Aramark cooks food for all KDOC-operated facilities with the exception of the Larned Correctional Mental Health Facility, which receives food from the Larned State Hospital.
- Aramark also operates food service vocational programs at four KDOC facilities. These programs are at no extra cost to the state.

KDOC kitchens:

- KDOC operates 12 kitchens in 8 facilities
- As of July, 2010, Aramark employed 113 staff for the performance of the KDOC contract. KDOC monitors performance via contract monitors at each facility and at Central Office in Topeka.
- Inmate workers supervised by Aramark staff assist with food production, sanitation, and inventory. 15 inmates are employed as "industry workers" and receive minimum wage.

Daily operations:

- Meal times range from 4:30am-7:00am for breakfast, 10:00-12:00 for lunch, and 4:00-6:00 for dinner. Each facility sets their own meal schedule based on factors such as inmate work assignments, program schedules, and population count.
- Meal requirements: by contract, inmates are provided no less than 2,900 calories per day for males, 2,200 for females. Daily fat content may not exceed 38% (not more than 10% saturated fat), and the menu must include 12-15 grams fiber per

day. For a balanced diet, the menu must include 2-3 servings of protein; 4 servings of fruits and vegetables; a minimum of 8 oz. milk; and 4 servings of breads and cereals per day. The menu must be appealing and account for seasonal needs, i.e. soups in winter and cool foods in summer.

- Special diets: The vast majority of Kansas inmates eat from the regular menu; however, accommodations are made for medical needs, religious needs and vegetarian preference. KDOC offers 13 types of medical diets which must be ordered by a physician.
- Some facilities operate their own gardens with inmate labor and supplement the regular menu with fresh produce during the harvest season.

KDOC Health Care Services Fact Sheet
Presented to: Joint Committee on Corrections and Juvenile Justice Oversight
September 9, 2010

General contract information:

Effective July 1, 2010, the Kansas Department of Corrections (KDOC) entered into a new 2 year contract with Correct Care Solutions, Inc, (CCS) for the delivery of medical, dental, and mental health care services to inmates. The bid term of the current contract allows for up to 3 additional two-year renewals with an expiration date of June 30, 2018.

- Payment is based on a fixed-price, per capita pricing model based on population capacities by correctional facility. The contract includes provisions to adjust the monthly payments of the contract based on performance penalties and certain levels of population increases or decreases.
- FY 2011 Budgeted Expenditures: \$46,523,062
- FY 2012 Projected Expenditures: \$48,701,116
- FY 2013 Requested Expenditures: \$50,649,161
- CCS is responsible for all inmate health care costs, including medical, mental health, dental, optometry, pharmaceutical, etc
- Contractor accepts full liability and provides full indemnification to state
- Required compliance with National Commission on Correctional Health Care (NCCHC) and ACA standards. (All sites are not currently accredited due to budget cuts)
- No deductibles
- No caps on services or contractor expenditures
- No co-pays from Department (Inmates pay \$2.00 co-pay for initial sick call visits that help offset healthcare spending)

Health Care Services:

- As of July 1, 2010, CCS employed a total of 358.80 FTE staff for the performance of the KDOC contract, including 250.40 medical and dental staff, 96.6 mental health staff, and 11.8 staff for administrative and clinical oversight.
- KDOC monitors performance via a contract with University Kansas Physicians Incorporated (UKPI) which provides 1.0 Director of Health Care, 1.0 RN consulting monitor, 1.6 MH PhD's Consultant Monitors and .6 physician consulting monitor.
- Medical Services include:
 - Health screening and assessment,
 - Off-site services as needed (hospitalization, emergency care, specialty consults, etc..)
 - Sick call, Infirmary care and Medication management,
 - Chronic care, special needs clinics, hospice care
 - Infection control and Ancillary services (x-ray, laboratory, optometry, etc..)
 - Utilization Review to ensure timely access to care,
 - Electronic Medical Records (EMR) implementation and maintenance
- Dental services include:
 - Dental screenings, examinations and emergency dental care
 - Dental treatment consistent with maintaining inmate's health status
- Mental Health Services include:
 - Psychological and Psychiatric assessment and diagnosis
 - Medication management
 - Individual and group counseling services
 - Case management and crisis intervention
 - Activity therapy

- Release planning for mentally ill offenders
- Forensic evaluation services
- Intake psychological assessment and evaluation services

Health Care Indicators (FY 2010):

➤ Total Encounters Sick Call	165805
➤ Total Encounters Dental Services	11,527
➤ Total on-Site Services	37,600
○ Physicals, x-rays, injuries	
○ Consultant visits, PT visits	
○ Optometry visits, etc.	
➤ Total Off-Site Services:	4,300
○ Office visits, off-site x-rays	
○ Hospitalizations, chemotherapy	
○ Emergency room, radiation	
○ Outpatient surgery, etc	
➤ Total Infirmiry Days:	15,606
➤ Average Chronic Care Inmates	3,258
➤ Total Chronic Care Clinics	15,558
➤ Average Inmates with Medical Classification II-IV	3,818 (42%)
○ 1 or more chronic conditions which may	
○ Affect work or housing assignments or	
○ Require chronic care follow-up and/or	
○ Infirmiry care or extended infirmiry housing	
➤ Total Mental Health Encounters	103,876
○ Psychiatric evaluations, group therapy	
○ Individual therapy, follow-up encounters	
○ Activity therapy group and individual	
➤ Average Prescribed Psychotropic Medication	1,666 (18%)
➤ Total Suicide Threats or Gestures	232
➤ Total Suicide Attempts	26
➤ Total Suicides	4

The Fiscal Year 2011 medical and mental health care for Kansas inmates is approximately \$44.6 million, or an annual per capita cost of \$5,030. By comparison, the State of Kansas employer contribution for single member health coverage for state employees this year is \$5,658, and the employee's annual contribution ranges from \$94.32 to \$373.68 depending upon the employee's plan and income. The coverage provided to the state for inmates is more comprehensive, has no deductibles or co-pays and fully indemnifies the state from any litigation filed by an inmate regarding medical or mental health care.

The health care contract was reduced in FY 2010 by \$1,191,321.00 and again in FY 2011 by \$2,340,000 from its original contracted amount. Decreases in both services and staffing were necessary to achieve this goal. Service cuts included; 39 full time positions eliminated, reduction in onsite medical care (ie the number of physical exams and laboratory tests), reduction in mental health segregation rounds, reduced re-entry services, and reduced and/or eliminated activity therapy. These services will need to be restored long term to preserve the stability of the correctional clinical environment.

Contact Information:

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Capacity by Facility, Security Designation of Bedspace, and Gender*

September 1, 2010

C&J Oversight
Attachment 5
9-9-10-10

Location of Beds	Security Designation by Gender										
	Maximum		Medium High		Medium Low		Minimum		All Levels		
	Males	Females	Males	Females	Male	Female	Male	Female	Male	Female	Total
KDOC Facilities											
Lansing Corr. Facility	842		895				628		2365		2365
Hutchinson Corr. Facility	548		452		480		288		1768		1768
El Dorado Corr. Facility	691		487				0		1178		1178
Norton Corr. Facility					539		296		835		835
Ellsworth Corr. Facility			794				38		832		832
Topeka Corr. Facility		49		250		372		102		773	773
Winfield Corr. Facility							554		554		554
Wichita Work Release Facility							250		250		250
Larned Corr. Mental Health Facility	150						218		368		368
Subtotal: KDOC Facilities/Placements	2231	49	2628	250	1019	372	2272	102	8150	773	8923
Non-KDOC Facilities/Placements											
Larned State Security Hospital	95	20							95	20	115
Labette Correctional Conservation Camp							0		0		0
Contract Jail Placements/WR Placements			6				8	2	14	2	16
Out of State Contract Beds											
Subtotal: Non-KDOC Facilities/Placements	95	20					8	2	109	22	131
Totals: All Facilities/Placements	2326	69	2634	250	1019	372	2280	104	8259	795	9054

Current Capacities and Expansion Options

- Male capacity by custody level is the issue
- Current aggregate male capacity is 8,259
 - 2,326 maximum male beds
 - 2,634 high medium male beds
 - 1,019 low medium male beds
 - 2,280 minimum male beds
- Current aggregate male population 8,326

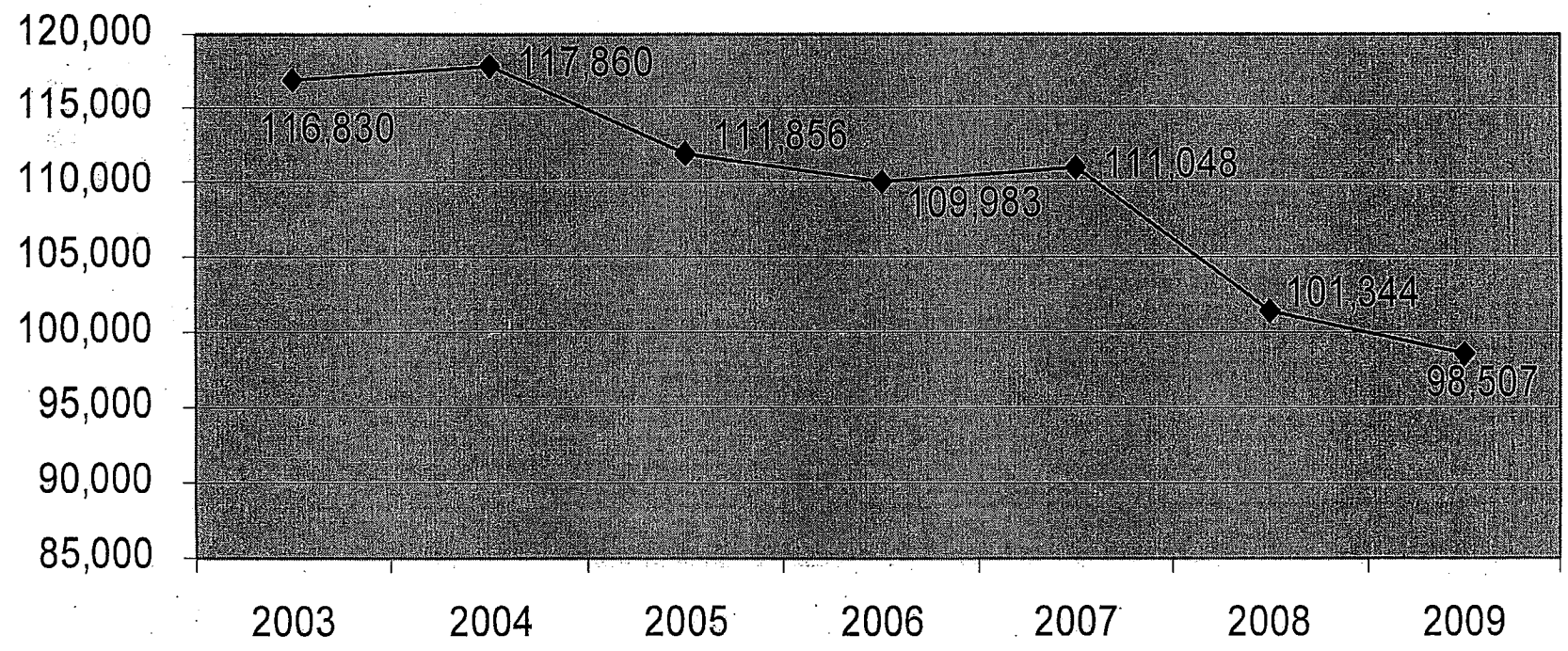
Current Capacities and Expansion Options

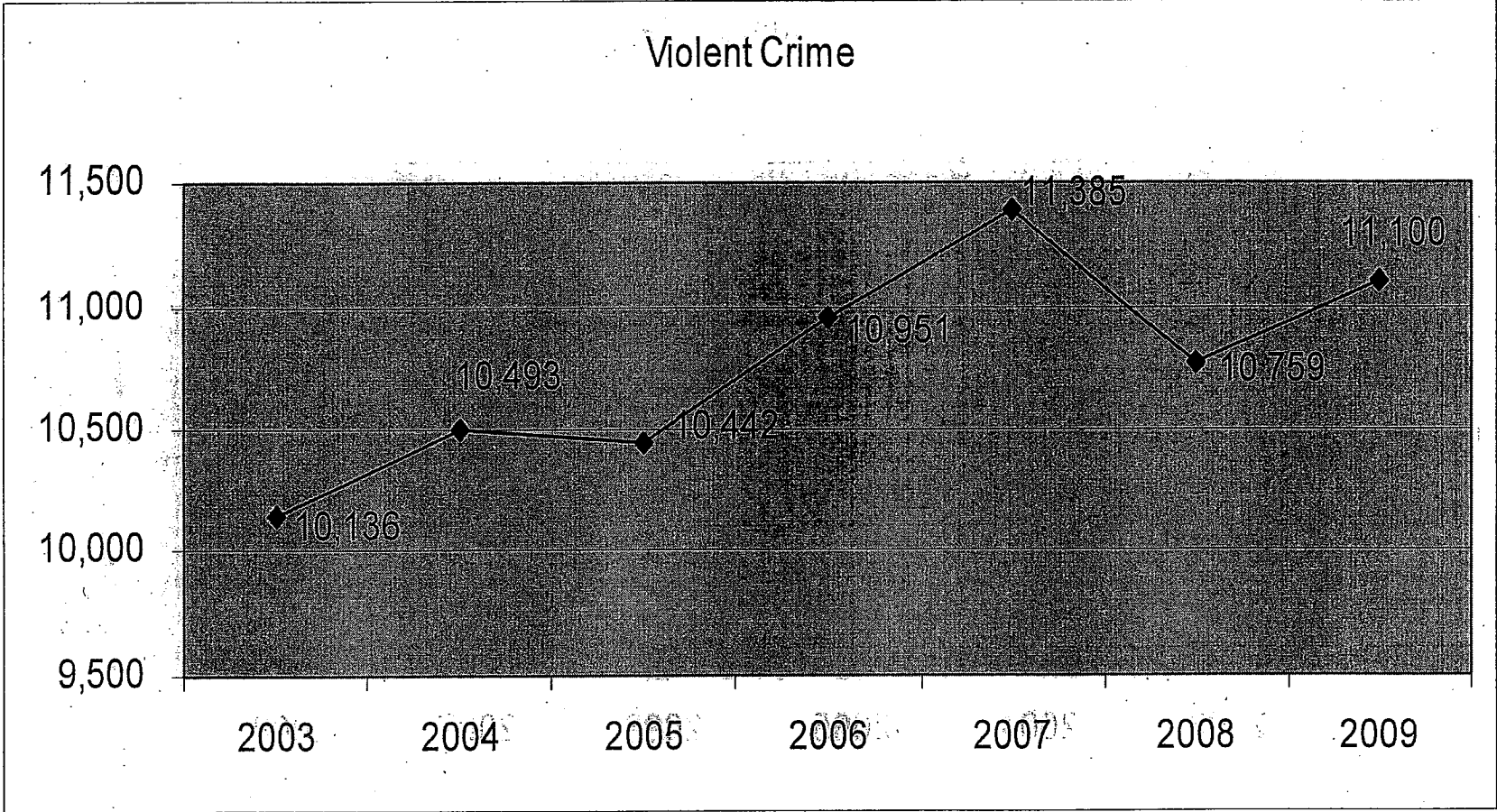
- Estimated male beds needed by:
 - 6/30/11 – 235
 - 6/30/12 – 394
 - 6/30/13 – 571
 - 6/30/14 – 737
 - 6/30/15 – 879
 - 6/30/16 – 1,085
 - 6/30/17 – 1,297 – the five projects mentioned would get us partially through this year
 - 6/30/18 – 1,512
 - 6/30/19 – 1,757
 - 6/30/20 – 1,960

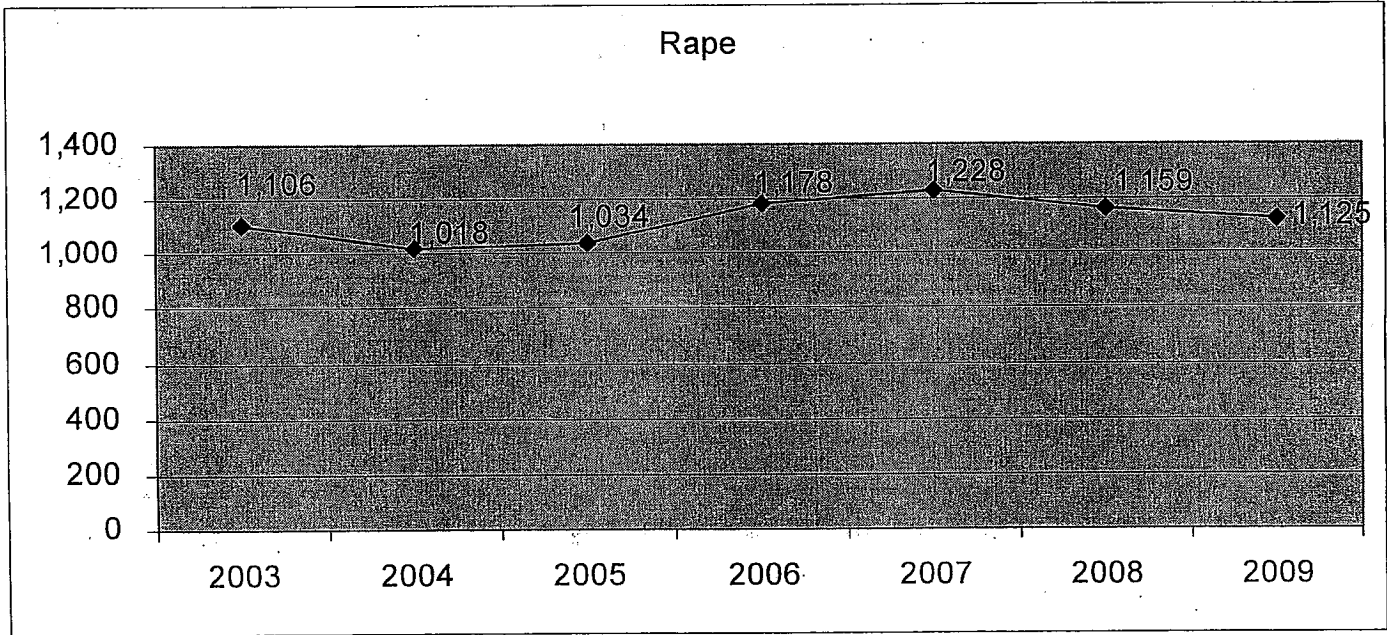
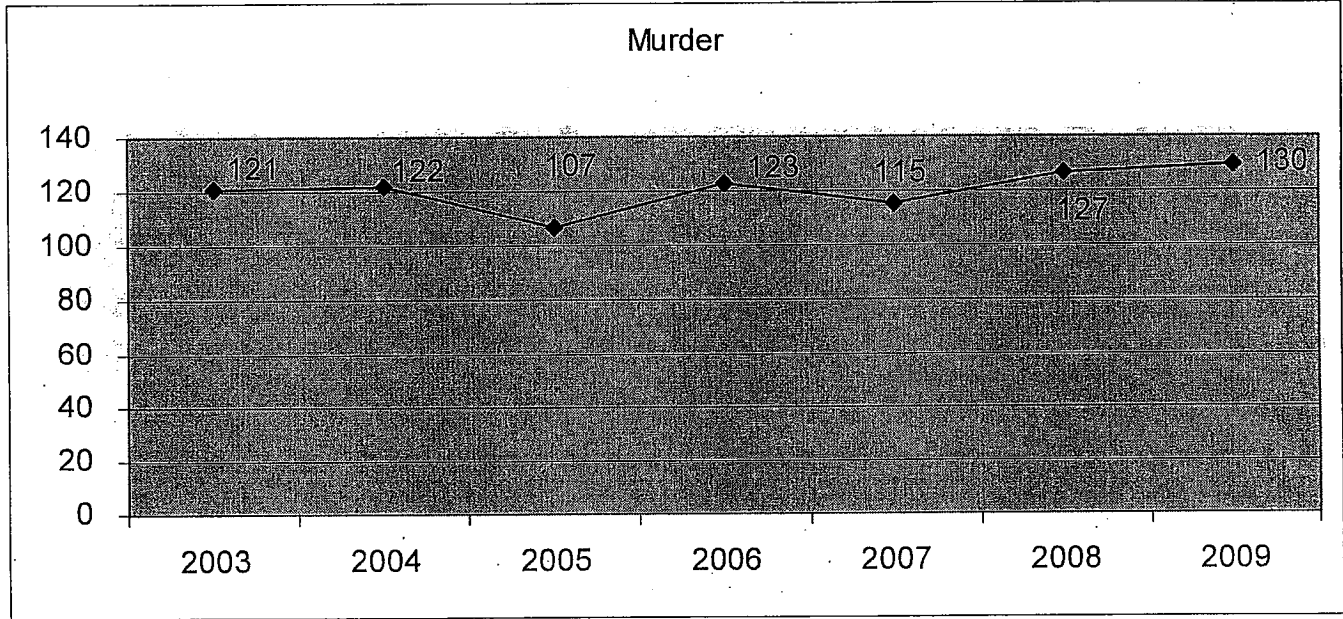
Current Capacities and Expansion Options

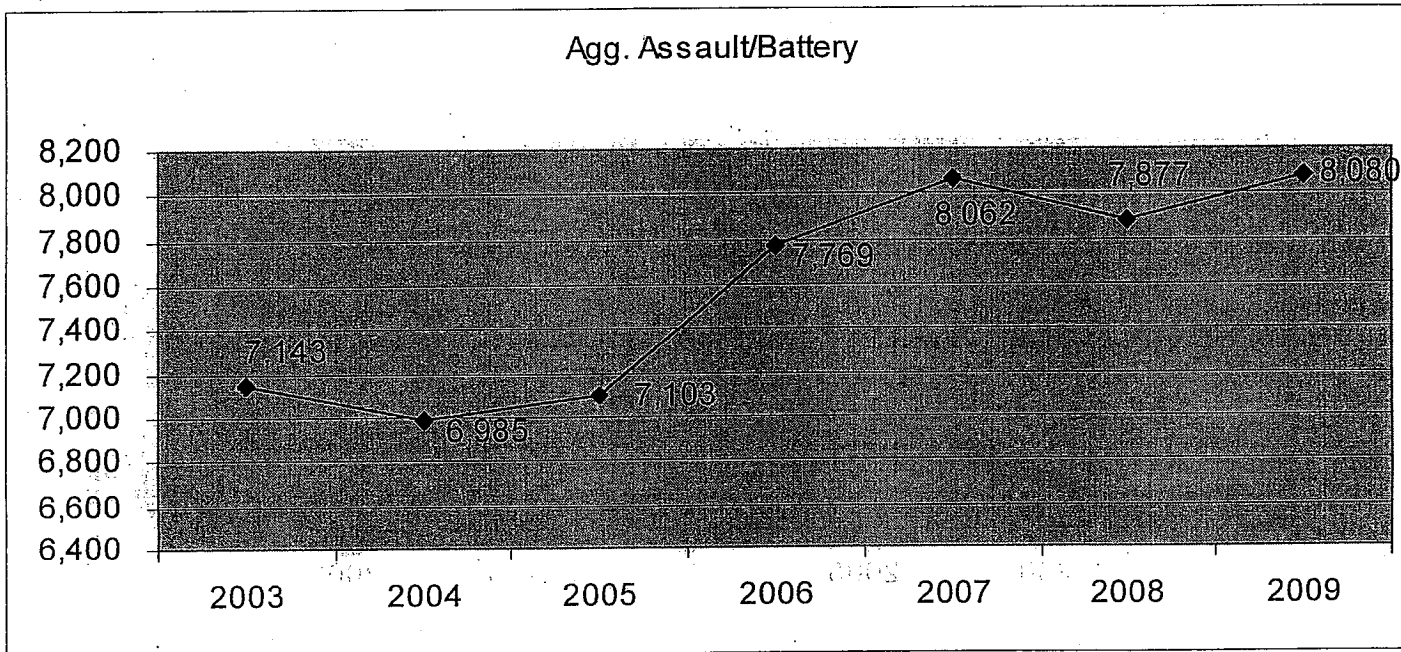
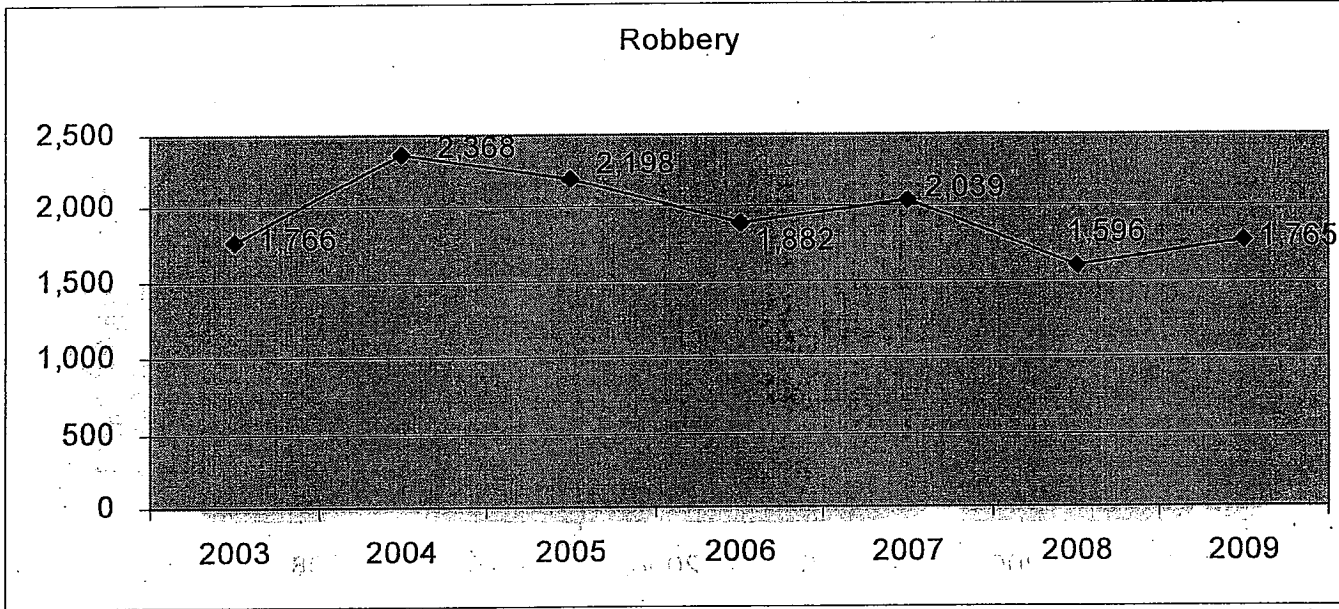
- Parole has capacity issues as well
 - 9/7/10 – 5,997
 - 9/7/09 – 5,997
 - 9/7/08 – 5,758
 - 9/7/07 – 5,572
 - 9/7/06 – 5,517
 - 9/7/05 – 5,060
 - 9/7/05 – 4,679
 - 9/7/04 – 4,233
 - 9/7/03 – 3,901
 - 9/7/02 – 3,807
 - 9/7/00 – 4,040

KBI Crime Index

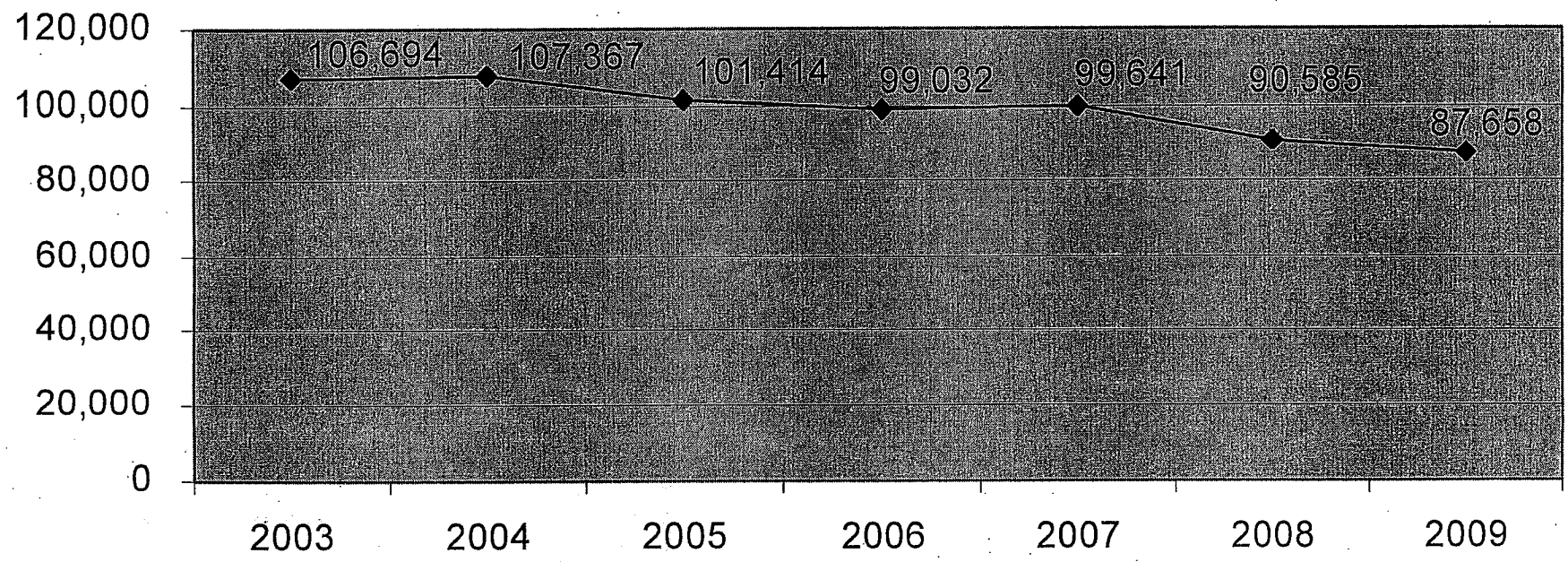


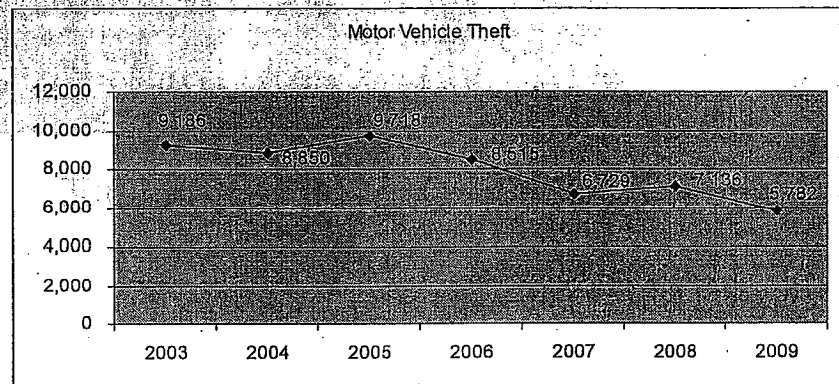
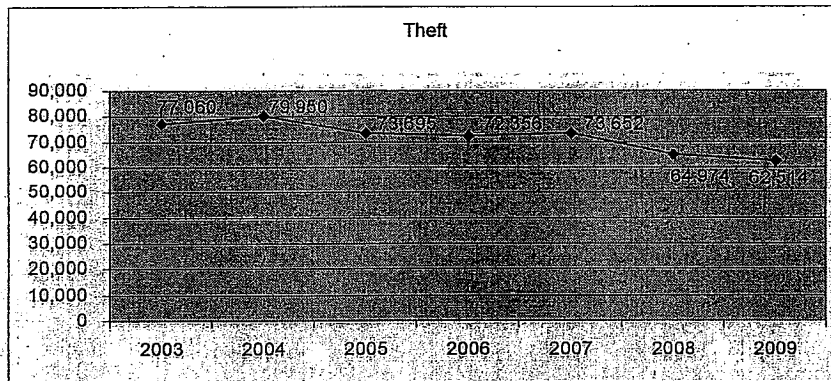
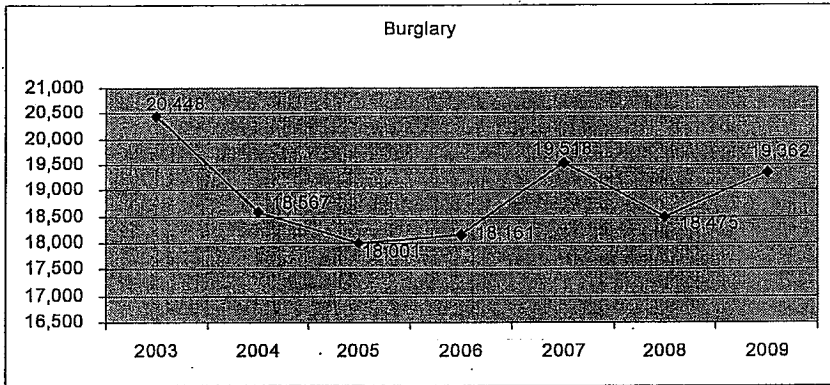






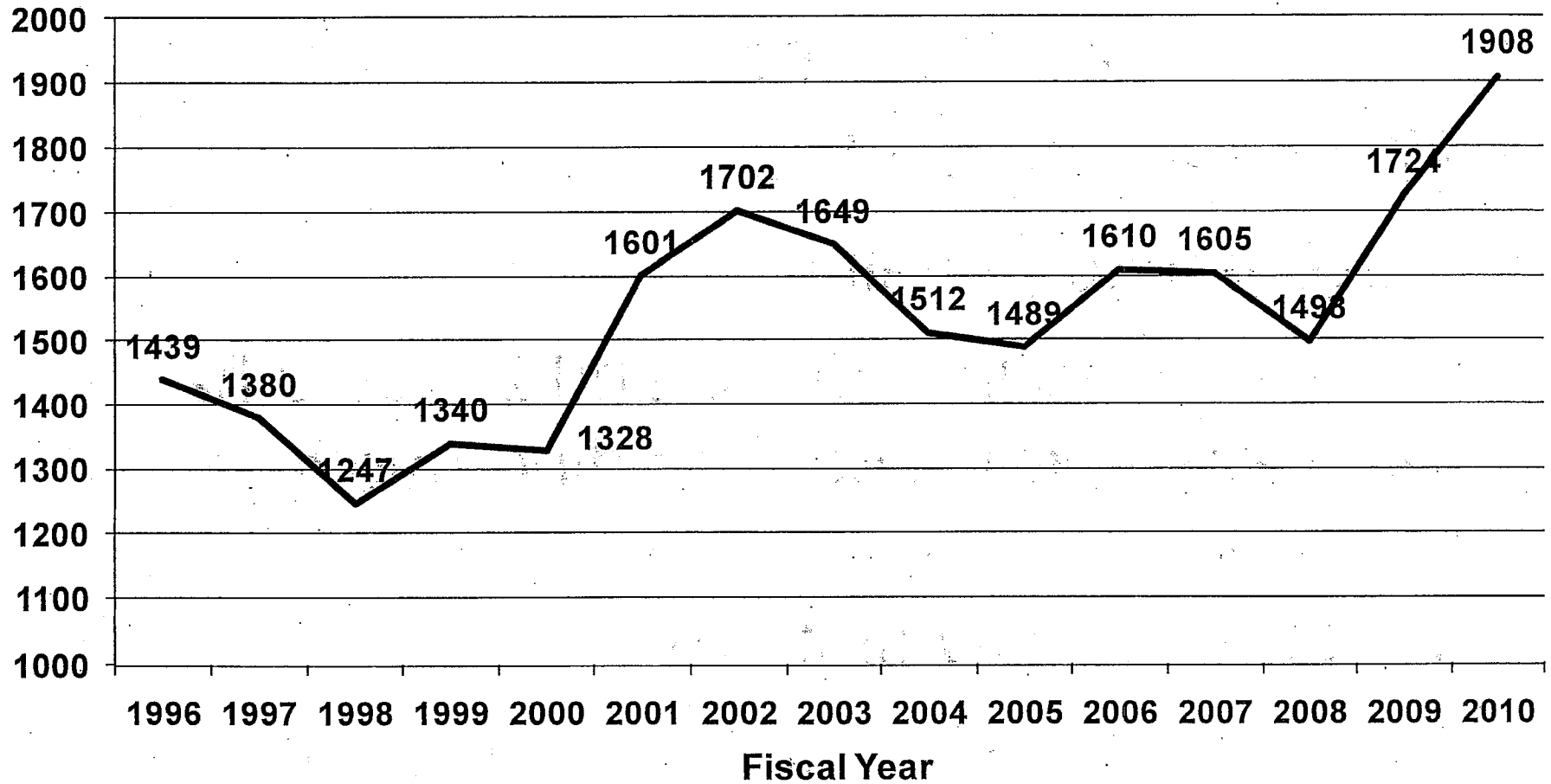
Property Crime





KANSAS PRISON ADMISSION TRENDS

Direct New Court Commitments



Source: KDOC admission files

Changes to Sentencing Policy Since 2005

- 108 statutory changes
- 97 increased penalties
- 7 decreased penalties
- 1 would have increased and 2 would have decreased penalties if funding had been provided (secure substance abuse treatment facility statute)
- 1 both increased and decreased penalties

Housing Expansions Options

	Estimated Construction Cost	Estimated Const. Cost Per Bed	Estimated Operating Cost	Estimated Cost Per Inmate/Yr	Estimated Cost Per Inmate/Day	Estimated One Time Start up Cost
<u>General Population – Medium Security</u>						
EDCF -2 Housing Units 512 Med. Beds	21,637,000 ¹	42,260	9,340,000	18,242	49.98	1,050,000
EDCF-Yates Center Unit 240 Med Beds	13,712,000	57,133	NA	NA	NA	NA
EDCF-Labette Camp 230 Beds (200 Med and 30 Min Beds)	5,427,000 ²	23,596	NA	NA	NA	NA
<u>General Population – Minimum Security</u>						
ECF- Housing Unit 100 Bed	5,576,000	55,760	1,832,000	18,320	50.19	359,000
NCF-Stockton Expansion 72 Beds	5,164,000	71,722	935,000	12,986	35.58	380,000
EDCF-Yates Center 240 Min Bed ³	12,954,400	53,975	5,895,000	24,563	67.29	1,068,000

¹ This cost also includes a 23 bed infirmary expansion.

² Land Survey as not been completed, estimated cost may vary once land survey and subsoil investigation is completed. Project estimated with no work being performed by inmate crews.

³ Estimates are based on this being a satellite facility to EDCF.

Current Capacities and Expansion Options

- Facility for Severely and Persistently Mentally Ill (SPMI) and Behaviorally Disordered (BD)
- \$992,000 planning funds

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

Common Behaviors of this Population

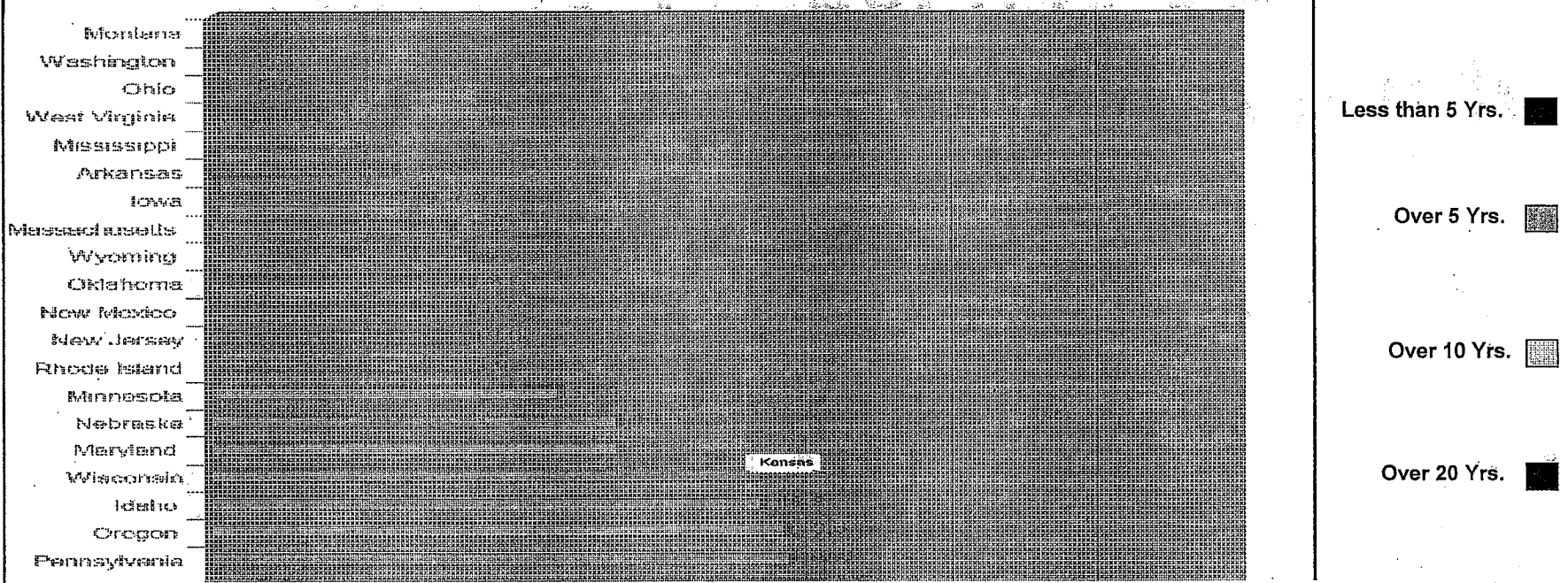
- Frequent suicidal gestures
- Aggressive/assaultive
- Self-mutilating (cutting, gouging, piercing, chewing)
- Throwing/smearing feces and urine
- High consumers of medical services
- Poor Hygiene
- Prior civil commitments to state hospitals
- History of Axis 1 and Axis II diagnosis

Infrastructure

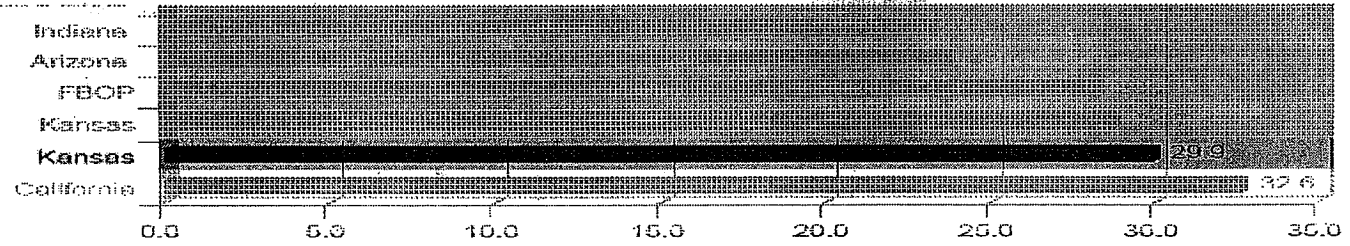
Unresolved Issues

- 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

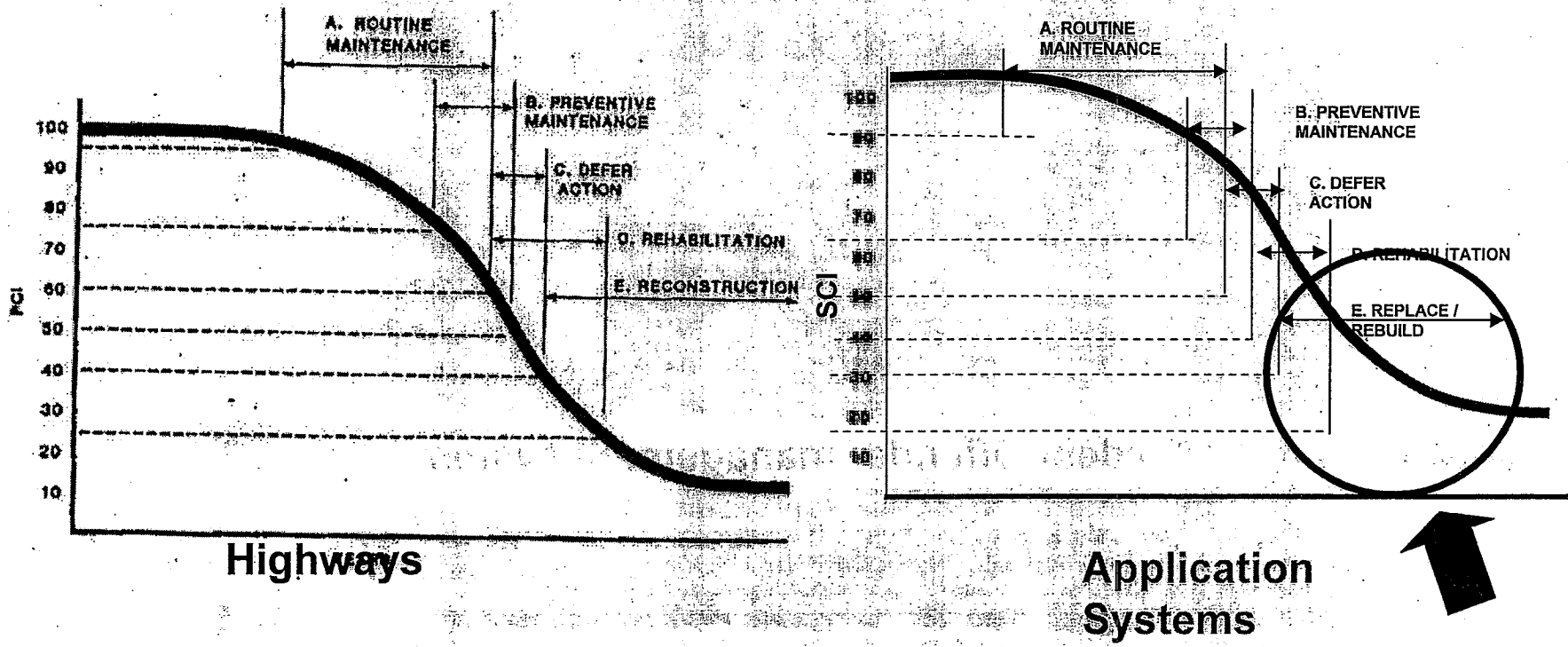
Age of State OMIS Systems



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



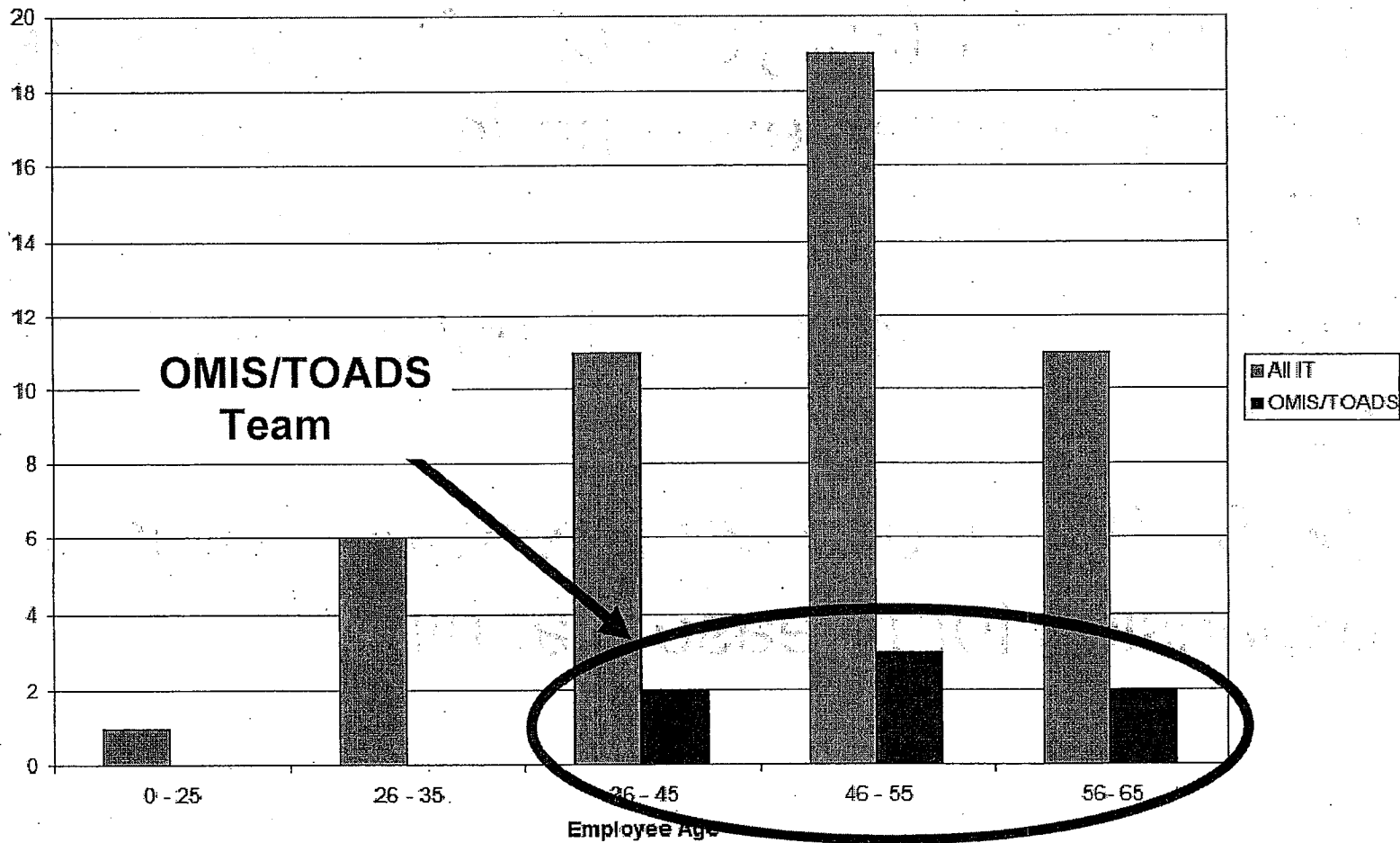
What we can learn from KDOT about Asset Management



We are here!

KDOC has an aging workforce

KDOC IT Staff Age



**OMIS/TOADS
Team**

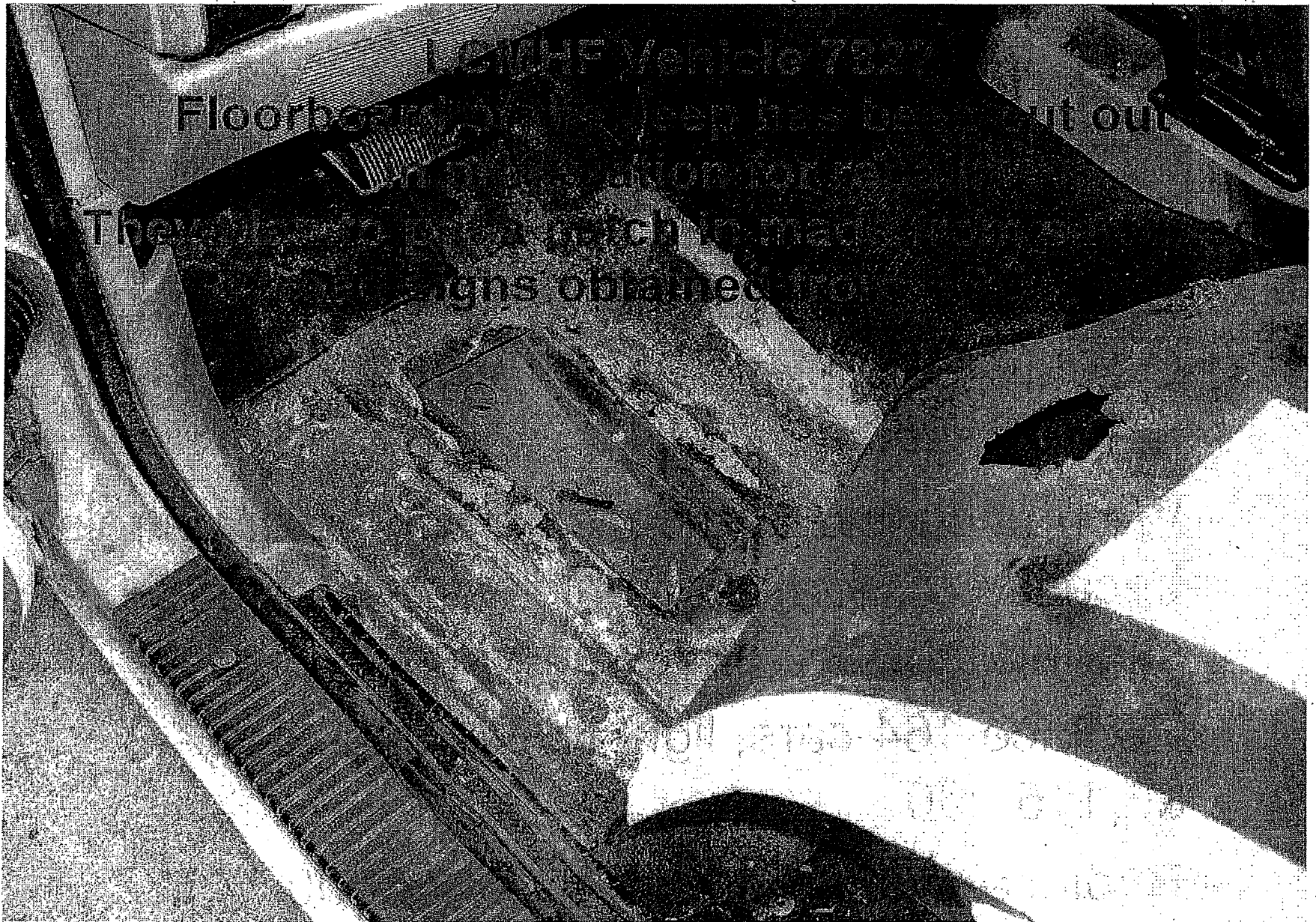
■ All IT
■ OMIS/TOADS

IT Enhancement Requests

- \$3 million for first year of a four to five year system replacement plan for OMIS and TOADS
- \$845,000 for scheduled replacement of IT assets
- \$235,000 – video conferencing capacity expansion for release planning

Unresolved Issues

- Replacement of aging vehicle fleet
 - Over 164 vehicles already beyond replacement schedule
 - We had considered ceasing perimeter patrols because of worn out vehicles and staffing shortages. Decided it was too risky.
 - Replace 164 cars, light trucks and vans - \$3,115,000
 - Replace two more buses - \$420,000
 - Small number of heavy trucks



Floorboard

The design of the floorboard
designs obtained

of design

Unresolved Issues

- Conversion to narrowband radio communications
 - Federal mandate to be compliant by Jan. 1, 2013
 - Requires lead time for towers, bidding, etc.
 - Current revised estimated cost - \$600,000 (previously \$742,945, used some remaining bond funds to purchase security upgrades including radios that will meet these requirements)

Personnel

- Currently holding 34 central office positions open to make budget (reentry and parole are in the central office budget)
- Reduce shrinkage rate from 8.1% to 3.5%
– \$919,000
- Replace federal funding for victims services positions - \$207,723
- Replace and enhance training staff - \$228,415

Personnel

- Replacement of ARRA funding for Special Enforcement Officers and Parole Officers - \$1,205,000
- 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)

Personnel

- Enhanced funding for community corrections as recommended by the Kansas Community Corrections Association - \$3,297,000
- Place parole staff in Corrections KPEERS

Personnel

- 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 2012 if enacted this session
 - \$5.3 million annual cost beginning in FY 2013
(based on an FY 2010 estimate)

Why Overcrowding is not an Option

- We are currently releasing inmates from segregation at a number of facilities in order to place other inmates in segregation.
- Overcrowding increases the risk of disturbances, injuries to staff and inmates, opportunities for sexual assault and other adverse events

Decreased Recidivism for MIOs

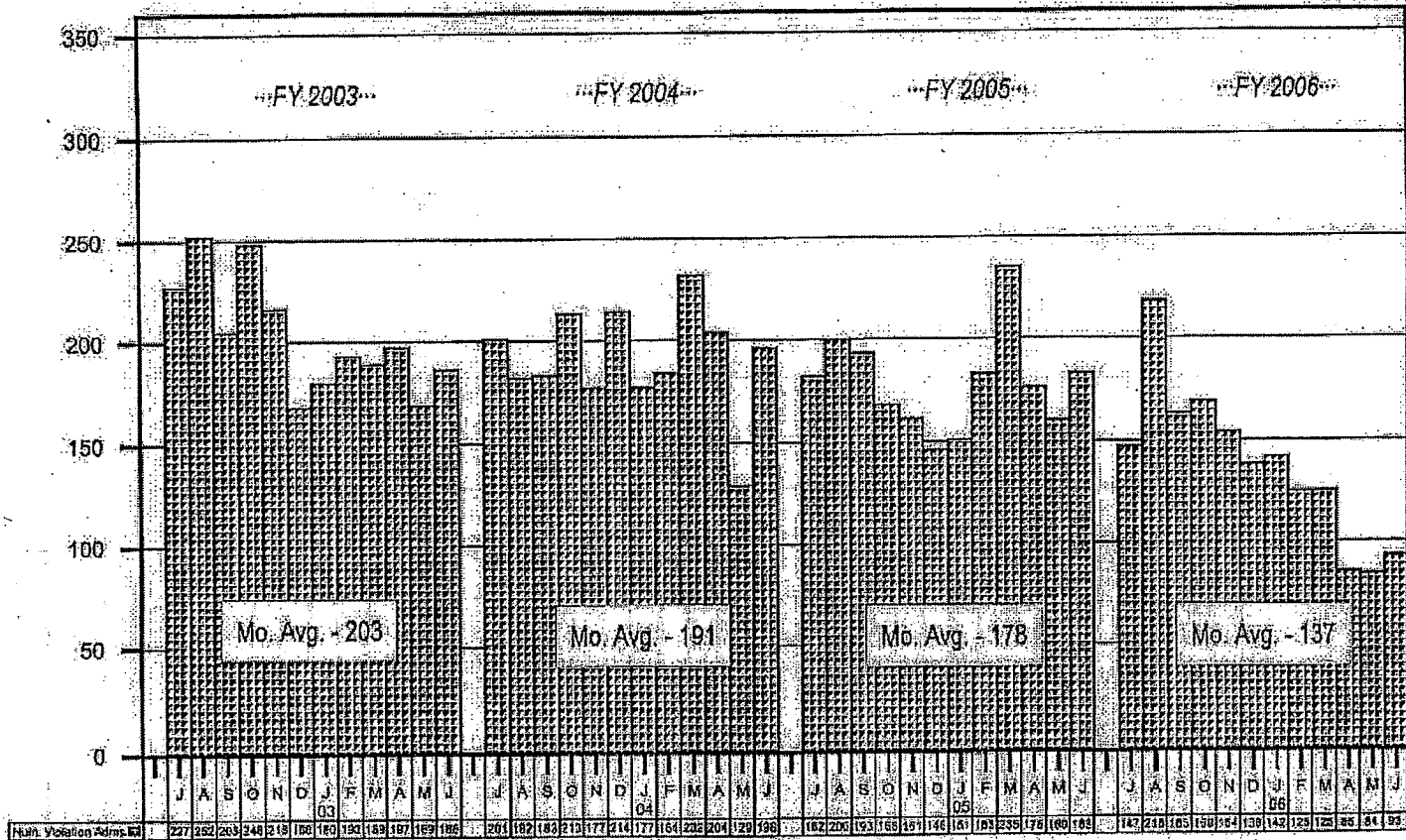
- Recidivism rates for offenders with mental illness decreased substantially between FY03/04 & FY06/07
 - ❖ FY03/04 rates: 51-74%
 - ❖ FY06/07 rates: 12-39%
 - ❖ Total Decrease of 35-39%!!!
- Both agency-wide recidivism decreases and better discharge planning are responsible for these improvements!

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
- 90 – FY 2010 monthly parole revocation rate (FY 2003
rate = 203/month) 56% reduction
- 103.2 – FY 2009 community corrections (high risk
probation) revocation rate - 25% reduction
- 197 – average number of parole absconders for FY 2010
(739 on 6/30/00, 467 on 6/30/03, 184 on 6/30/10) 75%
reduction
- 36% reduction in felony convictions for crimes committed
on parole (FY 1998 – 2000 avg. [835] compared to FY
2004 – 2008 avg. [536])

Kansas Department of Corrections
 Graphic Highlights - Monthly Offender Population Report (June 2006)

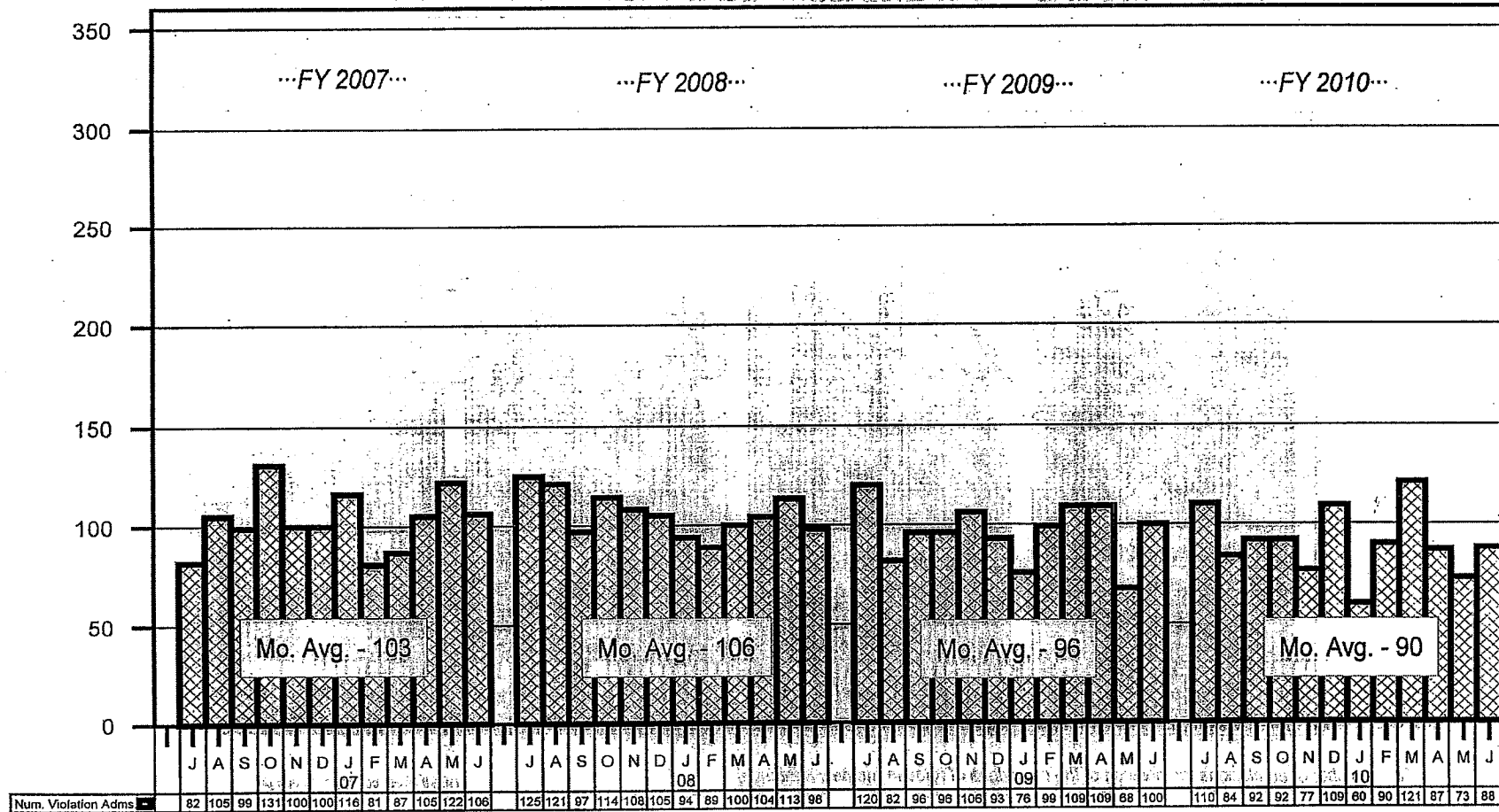
**Number of Return Admissions for Condition Violations by Month:
 FY 2003 - FY 2006***



*Total number of admissions for violation of the conditions of release (no new sentences).

5-34

**Number of Return Admissions for Condition Violations by Month:
 FY 2007 - FY 2010***



*Total number of admissions for violation of the conditions of release (no new sentence).

**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	1.6%	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	34.0%	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	3.6%	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%	80	0.9%	95	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

Memorandum

Date: September 9, 2010

To: Roger Werholtz
Secretary of Corrections

From: Tim Madden
Sr. Counsel to the Secretary

Re: Major Legislative changes increasing or decreasing felony criminal sentences.

The following sets out major changes in crime sentencing. The changes are reflected in two charts. The first references changes that have a global impact on sentencing from 1993. The second chart sets out sentencing changes for specific crimes since 2005.

Global Changes to Sentencing Grids/Sentencing

Year	Increase or decrease	Statute	Crime	Change
1993	Base Line	21-4704 (Non Drug Grid) 21-4705 (Drug Grid)	Effective Date for Sentencing Guidelines	The sentencing grids were based upon the average length of time that offenders served before being granted parole for various indeterminate sentences. Previously "good time" for parole eligibility and conditional release for indeterminate sentences was at a 50% rate. For guidelines determinate sentences "good time" was at a

				20% rate.
1994	Increase	21-4704	Sentences for Non Drug Severity Levels 1-5 with criminal history categories of A or B doubled.	Sentences for Non Drug Severity Levels 1-5 with criminal history categories of A or B doubled.
1995	Increase	21-4706 and 21-4722	Good Time Credit Decreased	"Good Time" rate decreased from 20% to 15%.
1995	Decrease	75-5217	Good Time Credit applicable to Post Release Supervision violators for good behavior while incarcerated.	Sanction for technical Post Release Supervision violations 180 days incarceration subject to 90 days of "good time"
1995	Increase	22-3717	Length of Post Release Supervision increased.	Length of Post Release Supervision increased. For SL 1-6 (non drug offenses) and SL 1-3 (drug offenses) increased to 36 months from 24 months; and for SL 7-10 (nondrug) and SL 4 (drug) increased to 24 months from 12 months. Post Release Supervision can be reduced by 12 months "good time".
1996	Increase	21-4704 (Non Drug Grid)	Doubles the presumptive sentences for all criminal history categories for SL 1 and 2 offenses on the non drug grid.	Doubles the presumptive sentences for all criminal history categories for SL 1 and 2 offenses on the non drug grid.
1996	Decrease	21-4705	Adds "Border Boxes" to the Drug	"Border Boxes"

		(Drug Grid)	Sentencing Grid. "Border Boxes are created for SL 3 criminal history categories E, F, G, H, and I; and SL 4 criminal history categories E and F.	designate sanctions that may be either probation or incarceration without constituting a departure.
1997	Decrease	21-4603d	Conservation Camp sentencing alternative.	Potential placement in Conservation Camps of offenders committing offenses falling within a "border box".
1999	Increase	21-4635 21-4638	"Hard 50" for certain crimes	Provides a life sentence with a 50 year parole eligibility for certain crimes.
1999	Increase and decrease	21-4704 (non drug grid)	The presumptive sentences for SL 1 and 2 of the non drug grid are decreased by 20%; but increased by 20% for SL 3 offenses on the non drug grid.	The presumptive sentences for SL 1 and 2 of the non drug grid are decreased by 20%; but increased by 20% for SL 3 offenses on the non drug grid.
1999	Increase	21-4704	Special Rule for incarceration for repeat burglars.	Special Rule for incarceration for repeat burglars.
1999	Increase	22-3717	Parole eligibility increased from 15 years to 20 years for a life sentence for certain crimes.	Parole eligibility increased from 15 years to 20 years for a life sentence for certain crimes.
1999	Increase	22-4903	Offender Registration	Failure to Register as an offender penalty increased from a Class "A" misdemeanor to a SL 10 nonperson felony.
2000	Decrease	SB 323	<ul style="list-style-type: none"> Increases the jail sanction 	<ul style="list-style-type: none"> Increases the jail

			<p>available for probation violations</p> <ul style="list-style-type: none"> • Requires placement in community corrections for certain offenders prior to revocation of probation resulting in KDOC incarceration. • Reduction of length of probation period for certain offenders. • Abolishes post release supervision for certain probation violators subsequently sentenced to KDOC. • Reduces the length of post release supervision for certain offense severity levels. • Designation of target offender population for Community Corrections programs. 	<p>sanction available for probation violations from 30 to 60 days per probation violation.</p> <ul style="list-style-type: none"> • Requires placement in community corrections for certain offenders prior to revocation of probation resulting in KDOC incarceration. • Reduction of length of probation period for certain offenders. • Abolishes post release supervision for certain probation violators subsequently sentenced to KDOC. • Reduces the length of post release supervision for certain offense severity levels. • Designation of target offender population for Community Corrections programs.
2001	Increase	8-1567	KDOC to supervise the release supervision of 4 th and subsequent DUI	The release supervision of 4 th

			Offenders.	and subsequent DUI offenders to be supervised by KDOC with supervision. revocations to be served in a KDOC facility.
2002	Decrease	21-4729 (SB 123)	Community Substance Abuse Treatment for possession drug offenses.	Community substance abuse treatment for certain non violent drug possession offenders.
2004	Increase	SB 422	Life without parole for Capital Murder when death penalty not imposed.	Life without parole for Capital Murder when death penalty not imposed.
2006	Increase	21-4643	Sex Offenses Against Children	<ul style="list-style-type: none"> • Aggravated habitual sex offender (sexually violent offense w/2 prior such conviction events) life w/o parole • Sex offenses against children- life with a hard 25 year parole eligibility. • Sex offenses against children with a prior such offense- life with a hard 40 parole eligibility.
2006	Increase	22-4903	Offender Registration	Penalty for failure to register increased from SL 10 to SL 5 person felony which accrues as a new

				violation every 31 st day.
2007	Decrease	SB 14	Funding incentive for Community Corrections/Good Time Rate Increased	<ul style="list-style-type: none"> • Funding incentive for community corrections to reduce probation revocation rates • Increase “good time” rate from 15% to 20% for SL 3 and 4 of the drug grid; and SL 7-10 of the non drug grid. • 60 days of “good time” credit for successful completion of certain prison rehabilitation programs.
2007	Increase	21-4704	Repeat Burglary	Presumptive imprisonment for burglary with a prior history of two or more burglary or aggravated burglary convictions.
2007	Decrease	75-5217	Post Release Supervision	Authorization for the Secretary to dismiss administrative supervision revocation proceedings.
2008	Increase	21-4608	Post Release Supervision Obligation	Requires PRS for pre guidelines offenders who commit new post guidelines

				offenses to serve the longest period of supervision that would otherwise be applicable.
2008	Decrease	21-4704	Community Substance Abuse Treatment	Permits courts to impose departure community treatment sanction for certain burglary and theft offenders.
2008	Decrease-subject to resources.	21-4704	Community Substance Abuse Treatment	While repeat theft and burglary offenders have presumptive imprisonment, the court may recommend treatment for certain offenders while incarcerated with possible court sentence modification upon completion of treatment.
2008	Decrease-subject to resources.	21-4705	Drug Possession	While 3 rd and subsequent drug possession entails presumptive imprisonment, the court may recommend treatment for certain offenders while incarcerated with possible court sentence modification upon completion of treatment.
2008	Increase	21-4719	Sexually Violent Offenders	Limits durational sentencing departures for certain sexually

				violent crimes to 50% of the presumptive period of incarceration.
2009	Increase	22-3716	Post Release Supervision Obligation	Provides exceptions to the general rule that if probation revoked and imprisonment ordered upon release the offender does not have a PRS obligation. The additions requiring subsequent PRS for former probationers are for offenders convicted of sexually motivated offenses, and those sentences where there was a presumption of imprisonment but a non prison sanction was imposed without a departure.
2010	Increase	22-4906	Offender Registration	Increases the offender registration obligation from 10 years to lifetime for attempt, conspiracy, or solicitation to commit the following crimes with victims under the age of 14: <input checked="" type="checkbox"/> Aggravated

				<ul style="list-style-type: none"> trafficking ✓ Rape ✓ Aggravated indecent liberties with a child ✓ Aggravated criminal sodomy ✓ Promoting prostitution ✓ Sexual exploitation of a child.
2010	Decrease	21-4643	Sex Offenses against Children-1 st Offense	Permits a sentencing departure from the Life term with a 25 year mandatory minimum term of imprisonment for certain offenses against children under 14) to provide that a departure for a first time offender convicted of aggravated trafficking, rape, aggravated indecent liberties with a child, aggravated criminal sodomy, promoting prostitution, sexual exploitation of a child, and attempts, conspiracies or solicitations of those crimes; may be granted from

				the life with a mandatory 25 years subject to the departure limitations of K.S.A. 21-4719.
2010	Increase	21-3301, 21-3302, and 21-3303	Additions to exceptions from the general rule that attempts, conspiracies and solicitations to commit a crime are sentenced at a lower penalty.	<p>Generally, attempts, conspiracies and solicitations to commit a crime are sentenced to lesser penalties. For the following offenses, that rule is not applicable and an attempt, conspiracy or solicitation to commit the crime is to be sentenced as if the crime was completed.</p> <ul style="list-style-type: none"> • aggravated trafficking if the offender is 18 or older and the victim less than 14. • rape if the offender is 18 or older. • aggravated indecent liberties with a child and the offender is 18 or older. • aggravated criminal sodomy and the offender is 18 or older. • promoting prostitution and the offender is

				<p>18 or older and the prostitute is under the age of 14.</p> <ul style="list-style-type: none"> • sexual exploitation of a child and the offender is 18 or older. • terrorism • illegal use of weapon of mass destruction.
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Specific Felony Criminal Statute Changes Since 2005

Year	Increase or decrease	Statute	Crime	Change
2005	Increase	21-3707	Worthless Check	<ul style="list-style-type: none"> • Creates SL 7 nonperson felony if within a 7 day period worthless checks aggregating \$25,000 or more are issued. • SL 9 nonperson felony for a worthless check drawn for \geq \$1,000 but $<$ \$25,000. • SL 9 nonperson felony for a worthless check for multiple checks within a 7 day period aggregating to \geq \$1,000 but $<$ \$25,000. • SL 9 nonperson felony for a check $<$ \$1,000 if the defendant has within 5 years been

				convicted 2 or more times of worthless check violations.
2005	Increase	21-3446	(Human) Trafficking	Creates crime of trafficking in humans by force/fraud ect. to engage in forced labor as a SL 2 person felony.
2005	Increase	21-3447	Aggravated (Human) Trafficking	Creates the crime of Aggravated Trafficking which involves trafficking with elements of kidnapping; death; sexual gratification; or a person < 18 even if force/fraud not used as a SL 1 person felony.
2005	Increase	44-719	Employment Security	SL 9 nonperson felony for employer to unlawfully reduce unemployment compensation liability.
2005	Increase	21-3510	Indecent Solicitation of Child	Raises SL from SL 7 person felony to SL 6 person felony.
2005	Increase	21-3511	Aggravated Indecent Solicitation of Child	Raises SL from SL 6 person felony to SL 5 person felony.
2005	Increase	21-3516	Sexual Exploitation of Child	Changes the definition of sexual exploitation to allow for conviction for each visual depiction of child pornography. (Each count SL 5 person felony).
2005	Increase	21-3830	Dealing in False Identification	<ul style="list-style-type: none"> • Increase penalty from SL 10 nonperson felony to SL 8 nonperson felony.

				<ul style="list-style-type: none"> Creates crime of "Vital Records" fraud as a SL 8 nonperson felony.
2005	Decrease	21-4018	Identity Theft	Decreases penalty from SL 7 person felony to SL 8 nonperson felony.
2005	Increase	9-2203	Mortgage Broker License	Increases penalty from a misdemeanor to a SL 7 nonperson felony with a presumption of imprisonment for any subsequent conviction.
2005	Increase	21-3404	Involuntary Manslaughter	Definition expanded to include deaths resulting from fleeing or attempting to elude police. SL 5 person felony.
2005	Increase	21-3436	Inherently Dangerous Felony	Definition expanded to include fleeing or attempting to elude police as inherently dangerous felonies. SL 5 person felony.
2005	Increase	22-4906	Offender Registration	Increases the registration requirement to 10 years for certain adult offenders and 5 years for certain juvenile offenders.
2005	Increase	65-67a09	Child Rape Protection Act.	Creates the crime of a physician failing to provide report pertaining to an abortion performed on a child < 14. A second or subsequent offense is a SL 10 nonperson felony.
2005	Increase	21-2520	Unlawful Sexual Relations	Expands scope of officials prohibited

				from unlawful sexual relations to include Juvenile Justice, Court Services, and Community Corrections employees and contractors. SL 10 person felony.
2005	Increase	17-12a508	Uniform Securities Act	<p>Creates the securities crimes:</p> <ul style="list-style-type: none"> • Filing violations as SL 7 nonperson felony; • Intentional violations involving offer, sale, purchase of securities or fraud punished as: <ul style="list-style-type: none"> ❖ SL 4 nonperson felony for ≥ \$100,000 ❖ SL 5 nonperson felony for ≥ \$25,000 but < \$100,000; ❖ SL 7 nonperson felony for < \$25,000. • Violations of registration and sales in the state punished as: <ul style="list-style-type: none"> ❖ SL 5 nonperson felony ≥ \$100,000; ❖ SL 6 nonperson felony ≥ \$25,000 but < \$100,000; ❖ SL 7 nonperson felony for < \$25,000. • Destruction of records

				SL 8 nonperson felony. • Violations of certain offenses involving loss \geq \$25,000 are presumptive imprisonment
2006	Increase	21-3449	Terrorism	Commission or attempt to commit any felony with intent to intimidate government. Off grid person felony for life.
2006	Increase	21-3450	Illegal use of Weapon of Mass Destruction	Off grid person felony for life.
2006	Increase	21-3451	Furthering Terrorism or use of Illegal Weapon of Mass Destruction	SL 1 person felony.
2006	Increase	65-4167	Trafficking in Counterfeit Drugs	SL 7 nonperson felony for retail value of \geq \$25,000; SL 9 nonperson felony \geq \$500 but $<$ \$25,000.
2006	Increase	21-4019	Use of scanning device to record data from payment card.	SL 6 nonperson felony.
2006	Increase	21-4018	Identity Theft	Increases penalty if loss $>$ \$100,000 to SL 5 nonperson felony.
2006	Increase	79-15,235	Personal Representative intentionally signing fraudulent tax return.	Unclassified felony with imprisonment \leq 5 years.
2006	Increase	21-4227	Recruiting Street Gang Membership.	SL 6 person felony.
2006	Increase	21-4228	Street Gang Intimidation.	SL 5 person felony.
2006	Increase	21-4716	Adds to the aggravating factors for sentencing departure, leader of group of 2 or more criminal participants;	Allows for increased sentencing.
2006	Decrease	21-4716	Adds to the mitigating factors for sentencing departure, assisting in the investigation/prosecution of others	Allows for decreased sentencing.
2006	Decrease	Various Statutes	Raises the felony threshold for various crimes.	Raises the felony threshold from \$500 to \$1,000 for various crimes.
2006	Decrease	65-7006	Possession of manufacturing	Reduces the SL from

			precursors:	drug SL 1 to drug SL 2.
2006	Increase	21-4310	Cruelty to Animals	Intentionally and maliciously killing/mutilating an animal is a non grid nonperson felony with mandatory 30 days imprisonment and sentence ≤ 1 year. A second or subsequent non malicious cruelty is a non grid felony with a sentence of ≥ 5 days but ≤ 1 year.
2006	Increase	214318	Harming certain dogs.	Nongrid nonperson felony with a penalty of ≥ 30 days but ≤ 1 year.
2006	Increase	21-3436	Inherently Dangerous Felony	Adds to the definition of inherently dangerous felonies; intentionally placing or permitting child < 18 to be in situation of endangerment.
2006	Increase	21-3608a	Aggravated Endangering a Child.	SL 9 person felony to recklessly cause or permit child < 18 to be in situation of endangerment.
2006	Increase	21-3719	Aggravated Arson	Arson that results in great bodily harm to firefighter or LEO is a SL 3 person felony.
2006	Increase	21-4729	SB 123 Non Prison Substance Abuse Treatment.	Provides for mandatory discharge from treatment for new felony conviction.
2006	Increase	21-3413	Battery on LEO	Intentionally or recklessly causing bodily injury SL 7 person felony; Any battery against

				corrections/detention officers SL 5 person felony.
2006	Increase	21-3415	Aggravated Battery on LEO	Increased to SL 4 person felony when bodily harm caused with a deadly weapon; battery with a deadly weapon; or in any manner where great bodily harm or death can be inflicted.
2006	Increase	21-3448	Battery on Mental Health employee by person in custody of SRS.	SL 7 person felony.
2006	Increase	22-4902	Offender Registration	Requires registration of offenders who used a deadly weapon.
2006	Increase	22-4902	Offender Registration	<ul style="list-style-type: none"> • Lifetime registration for offenders convicted of certain sex offenses with victim < 14. • Juveniles required to register for offenses that would require adult registration and constitute a SL 1 or off grid offense. Other offenses that would require adult registration is at court discretion. • Out of state offenders required to register for the longer of Kansas requirement or state of conviction.
2006	Increase	21-4204	Criminal Possession of Firearm	Adds as prohibited to possess a firearm

				those persons subject to involuntary commitment or treatment. SL 8 nonperson felony.
2006	Increase	21-4642	Aggravated Habitual Sex Offender	Life without parole for certain sex offenses and who has at least two prior convictions for such offenses.
2006	Increase	21-4642 and 21-4643	Sex Offenses Against children	For certain sex offenses where offender > 18 and victim < 14; <ul style="list-style-type: none"> • Minimum 25 years without good time for first offense. • Minimum 40 years without good time for second offense. • Life without parole for 3rd and subsequent offenses. Life time release supervision with electronic monitoring required.
2006	Increase	21-3506	Aggravated Criminal Sodomy	Except for offender > 18 and victim < 14 (which is punished as set out above), the penalty for agg. criminal sodomy is increased to SL 1 person felony.
2006	Increase	21-4232	Tampering with Electronic Monitoring Equipment.	SL 6 nonperson felony.
2006	Increase	21-3523	Electronic Solicitation of Child	SL 1 person felony if believed that person is a child < 14; SL 3 if believed the child ≥ 14 and ≤ 15.
2006	Increase	22-4903	Offender Registration-Failure to	Penalty increased to

			Register.	SL 5 person felony with new violation every 31 st day.
2006	Increase	21-3812	Offender Registration- Aiding in the Failure to Register.	SL 5 person felony to aid person in avoiding compliance with the registration act. Presumptive imprisonment.
2006	Increase	21-3412a	Domestic Battery	Limits diversions to 2 within a 3 year period.
2006	Increase	21-3704	Theft of Services	Expanded to include theft from water district.
2006	Increase	21-3843	Violation of Protective Order	Expands scope to include an order issued at any time during a criminal prosecution.
2006	Increase	66-2303	Trespass at Nuclear Facility	Creates penalty as SL 6 person felony.
2006	Increase	8-1602	Leaving the Scene of Accident	Leaving the scene of an accident resulting in great bodily harm SL 10 person felony; if death occurs SL 9 person felony.
2006	Increase	21-3844 et seq.	False Statement during Medicaid Fraud Investigation	SL 9 nonperson felony.
2006	Increase for amounts \geq \$25,000 but Decreased for amounts $<$ \$25,000.	21-3910	Misuse of Public Funds	<ul style="list-style-type: none"> • \geq \$100,000 increased from SL 8 to SL 5 nonperson felony. • \geq \$25,000 but $<$ \$100,000 increased from SL 8 to SL 7 nonperson felony. • \geq \$1,000 but $<$ \$25,000 decreased from SL 8 to SL 9 nonperson felony. • $<$ \$1,000 is decreased from SL 8 nonperson felony to a class "A"

				nonperson misdemeanor.
2007	Increase	74-8701 et seq.	Gambling	<ul style="list-style-type: none"> • Off site gaming 2nd and subsequent offense SL 9 nonperson felony. • Permitting non eligible gamblers to game 2nd and subsequent offense SL 9 nonperson felony. • Tampering with gaming device SL 8 nonperson felony. • Possessing of devices for cheating/theft SL 8 nonperson felony. • Gaming device in non licensed facility SL 9 nonperson felony. • Increase age of unauthorized racetrack patrons triggering criminal sanctions on operators.
2007	Increase	17-1311a	Misuse of Permanent Maintenance Funds	Increased from class "D" felony to a SL 7 nonperson felony.
2007	Increase	21-3516	Sexual Exploitation of Child	Provides penalty for offender < 18 who exploit child < 14 as SL 5 person felony.
2007	Increase	21-4603d	Felonies Committed in Juvenile Facility	Provides for presumptive imprisonment for all felonies. Prior Juvenile sentence discharged and new adult sentence executed.
2007	Increase	21-	Presumptive Imprisonment for felony	Presumptive

		4603d	committed while on felony pretrial or appeal release.	Imprisonment for felony committed while on felony pretrial or appeal release.
2007	Increase	47-604	Animal Quarantine Violations	Increase penalty from class "A" misdemeanor to SL 7 nonperson felony.
2007	Increase	22-4902	Offender Registration	Adds registration requirement for crimes of: <ul style="list-style-type: none"> • Agg. (Human) Trafficking. • Drug Manufacturing. • Possession of drug manufacturing precursors. Drug sales.
2007	Increase	40-2,118	Fraudulent Insurance Acts	Presumptive imprisonment for fraudulent acts during a 6 month period that aggregate to \geq \$25,000.
2007	Increase	65-3236	Anatomical Gift Act	Purchase or sale of anatomical parts SL 5 nonperson felony. Falsification of gift or revocation documentation SL 10 nonperson felony.
2007	Increase	21-3731	Criminal Use of Explosives	Increase penalty from SL 8 to SL 6 person felony for criminal use of explosive. Possession with knowledge of criminal intent, risk to LEO in defusing, or placement in occupied building increased from SL 6 to SL 5 person

				felony.
2007	Increase	21-3731	Simulated Explosive Device	Simulated explosive devise with intent to cause alarm SL 8 person felony.
2007	Increase	21-4704	Imprisonment for Burglary	Presumptive imprisonment for burglary with prior history of 2 burglary or agg. burglary and burglary convictions.
2007	Increase	65-4153	Drug Paraphernalia	<p>Increase penalties by person ≥ 18 within 1,000 feet of a school;</p> <ul style="list-style-type: none"> • Simulated substance from SL 9 to SL 7 nonperson felony. • Drug paraphernalia associated with hallucinogens (Marijuana) from class "A" misdemeanor to SL 9 nonperson felony. • Drug paraphernalia associated with other controlled substances from non drug SL 9 to Drug SL 4 felony. • Cultivation/ manufacturing material from Drug SL 4 to Drug SL 3. •
2007	Increase	25-4612	Voting Crimes	<p>Tampering with voting machines increased from SL 10 to SL 9 nonperson felony.</p> <p>New crime of impeding advance voting as SL 9</p>

				nonperson felony.
2008	Increase	21-4205	Defacing firearm identification marks.	Increase penalty from class "B" misdemeanor to SL 10 nonperson felony
2008	Increase	39-759	Illegally requesting confidential insurance claim information	Criminalizes such action as a SL 10 nonperson felony.
2008	Increase	21-3438	Stalking- Recklessly engaging in conduct that would cause fear.	New penalty- 1 st conviction class "A" misdemeanor; second or subsequent SL 7 person felony.
2008	Increase	21-3438	Stalking- intentionally engaging in conduct that would cause fear.	New penalty- 1 st conviction class "A" misdemeanor; second or subsequent SL 5 person felony.
2008	Increase	21-3438	Stalking- Violation after service of Protection Order	New penalty- SL 9 person felony; second or subsequent SL 5 person felony.
2008	Increase/Decrease	21-3419a	Aggravated Criminal Threat	Abolishes monetary gradations regarding damages to business due to criminal threat and provides for a penalty of a SL 5 person felony for all offenses. Prior law provided for SL 6 for < \$500; SL 5 for ≥\$500 but < \$25,000 and SL 4 for ≥ \$25,000.
2008	Increase	22-4902	Offender Registration	Requires registration for electronic solicitation offenders.
2008	Increase	65-4105	Drug Offenses	Adds "Salvia Divinorum and Datura Stramonium (commonly called Gypsum weed) to Schedule I Controlled Substances.
2008	Increase	65-	Pharmacy Electronic Dispensing	Failure to submit or

		16,107	Records	submission of false information SL 10 nonperson felony. Unlawful disclosure of records SL 10 nonperson felony.
2008	Increase	65-1657	Unregistered Pharmacy	Increase penalty from class "C" misdemeanor to SL 10 nonperson felony.
2008	Increase	65-4162	Drug Possession	Second and subsequent possession of MDMA increased from class "A" misdemeanor to drug SL 4 felony.
2008	Increase	21-4608	Post Release Supervision Obligation	Requires PRS for pre guidelines offenders who commit new post guidelines offenses to serve the longest period of supervision that would otherwise be applicable.
2008	Increase	21-3705 and 21-4704	Temporary Deprivation of Property	3 rd and subsequent violations increased from class "A" misdemeanor to SL 9 nonperson felony and provides for presumptive imprisonment.
2008	Increase-subject to resources	21-4704 and 8-1567	DUI treatment with KDOC	Permits incarceration treatment by KDOC subject to availability of resources.
2008	Decrease	21-4704	Community Substance Abuse Treatment	Permits courts to impose departure community treatment sanction for certain burglary and theft offenders.
2008	Decrease-subject to	21-4704	Community Substance Abuse Treatment	While repeat theft and burglary

	resources.			offenders have presumptive imprisonment, the court may recommend treatment for certain offenders while incarcerated with possible court sentence modification upon completion of treatment.
2008	Decrease-subject to resources.	21-4705	Drug Possession	While 3 rd and subsequent drug possession entails presumptive imprisonment, the court may recommend treatment for certain offenders while incarcerated with possible court sentence modification upon completion of treatment.
2008	Increase	21-4719	Sexually Violent Offenders	Limits durational sentencing departures for certain sexually violent crimes to 50% of the presumptive period of incarceration.
2008	Increase	21-3811	Aiding Escape	Increase penalty for aiding escape by KDOC personnel/contractors from SL 8 to SL 4 nonperson felony.
2009	Increase	22-3716	Post Release Supervision Obligation	Provides exceptions to the general rule that if probation revoked and imprisonment ordered upon release the offender does not have a PRS obligation. The

				additions requiring subsequent PRS for former probationers are for offenders convicted of sexually motivated offenses, and those sentences where there was a presumption of imprisonment but a non prison sanction was imposed without a departure.
2009	Increase	21-3826	Contraband in SRS Facilities	Treats contraband in SRS facilities the same as is applicable to KDOC facilities.
2009	Increase	21-4704	Drug Crimes committed with a Firearm	Provides an additional penalty for drug offenses involving the presence of a firearm. Possession of a firearm has a 6 month enhancement and the discharge of a firearm has an 18 month enhancement.
2009	Increase	21-4704	Battery on a LEO	Battery on a LEO where bodily injury occurs is presumptive imprisonment consecutive to any other sentence imposed.
2009	Increase	21-4319	Cock Fighting	Increases the penalty for conducting a cock fight from a class "A" misdemeanor to SL 10 person felony.
2010	Increase	21-3437	Mistreatment of Dependant Adult	<ul style="list-style-type: none"> ▪ increase the severity level from a SL 6 person felony to a SL 5 person felony for infliction of

				<p>physical injury, unreasonable confinement or unreasonable punishment upon a dependant adult.</p> <ul style="list-style-type: none"> ▪ Provides increased penalties for taking/misuse of physical/financial property as follows: <ul style="list-style-type: none"> ✓ theft/misuse of property/finances in an amount \geq \$1,000,000 as SL 2 person felony. ✓ \geq \$250,000 but $<$ \$1,000,000 as SL 3 person felony. ✓ \geq \$100,000 but $<$ \$250,000 as SL 4 person felony. ✓ \geq \$25,000 but $<$ \$100,000 as SL 5 person felony. ✓ \geq \$1,000 but $<$ \$25,000 as SL 7 person felony. ✓ $<$ \$1,000 remains a class A person misdemeanor except for repeat offenders who have within the 5 years immediately preceding the commission of the theft or misuse been
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				<p>convicted of mistreatment of a dependant adult two or more times with that penalty being increased from a SL 9 person felony to a SL 7 person felony.</p> <p>The penalty for the omission or deprivation of necessary treatment, goods or services is increased from a class A person misdemeanor to a SL 8 person felony.</p>
2010	Increase	21-3520	Unlawful Sexual Relations	<ul style="list-style-type: none"> ✓ Increases the penalty for unlawful sexual relations involving Juvenile Justice Authority staff from a SL 10 person felony to a SL 4 person felony. ✓ Increases the penalty for all other categories of unlawful sexual relations from a SL 10 person felony to a SL 5 person felony. ✓ Sentences are presumptive imprisonment. ✓ Offenders required to register.
2010	Increase	21-3826	Introduction of Contraband	<ul style="list-style-type: none"> ✓ Increasing the penalty for

				employee introduction of firearms, ammunition or explosives from a SL 5 nonperson felony to a SL 4 nonperson felony.
2010	Increase	21-4704	Ballistic Resistant Material	Provides for a presumptive consecutive imprisonment sentence of 30 months when ballistic resistant material is used in the commission or flight from any felony.
2010	Increase	21-4704	Burglary of Dwelling	Expands the scope of the presumptive imprisonment for burglary of a dwelling to include attempts and conspiracy.
2010	Increase	17-12a508	Securities Act Crimes	Violations of K.S.A. 17-12a501 or 17-12a502 ✓ Losses ≥ \$1,000,000 SL 2 nonperson felony. ✓ ≥ \$250,000 but < \$1,000,000 SL 3 nonperson felony. ✓ ≥ \$100,000 but < \$250,000 SL 4 nonperson felony. ✓ ≥ \$25,000 but < \$100,000 a SL 5 nonperson felony. ✓ < \$25,000 a

				<p>SL 6 nonperson felony.</p> <p>Violations of K.S.A. 17-12a301; 17-12a401(a); 17-12a403(a); or 17-12a404(a).</p> <p>✓ \geq \$25,000 but < \$100,000 a SL 6 nonperson felony.</p> <p>✓ < \$25,000 a SL 7 nonperson felony.</p> <p>Violations of 17-12a404(e), 17-12a505 or a cease and desist order are SL 5 nonperson felonies.</p> <p>Violations of 17-12a401(c), 17-12a403(c) or 17-12a506 are SL 6 nonperson felonies.</p> <p>Violations of 17-12a402(d) or 17-12a403(d) are SL 7 nonperson felonies.</p> <p>Violations of K.S.A. 17-12a301, 17-12a401(a), 17-12a402(a), 17-12a403(a), 17-12a404(a), 17-12a501 or 17-12a502 resulting in a loss \geq \$25,000 are presumptive imprisonment.</p>
2010	Increase	65-4105	Drug Crimes	Adds to the list of controlled substances

				<p><i>Lophophora williamsii</i> Lemaire, (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (Some trade or other names: HU-210), 1-Pentyl-3-(1-naphthoyl)indole (Some trade or other names: JWH-018), 1-Butyl-3-(1-naphthoyl)indole (Some trade or other names: JWH-073), N-benzylpiperazine (Some trade or other names: BZP), 1-(3-[trifluoromethylphenyl]) piperazine (Some trade or other names: TFMPP).</p>
2010	Increase	21-3301, 21-3302, and 21-3303	Additions to exceptions from the general rule that attempts, conspiracies and solicitations to commit a crime are sentenced at a lower penalty.	<p>Generally, attempts, conspiracies and solicitations to commit a crime are sentenced to lesser penalties. For the following offenses, that rule is not applicable and an attempt, conspiracy or solicitation to commit the crime is to be sentenced as if the crime was completed.</p> <ul style="list-style-type: none"> • aggravated trafficking if the offender is 18 or older and the victim less than 14.

				<ul style="list-style-type: none"> • rape if the offender is 18 or older. • aggravated indecent liberties with a child and the offender is 18 or older. • aggravated criminal sodomy and the offender is 18 or older. • promoting prostitution and the offender is 18 or older and the prostitute is under the age of 14. • sexual exploitation of a child and the offender is 18 or older. • Terrorism • illegal use of weapon of mass destruction.
2010	Increase	21-3608a	Aggravated Endangering a Child	Mandatory consecutive sentence.
2010	Increase	21-36a05	Cultivation/Distribution of Drug to Minor	Provides enhanced penalty of SL 2 drug offense for offenders ≥ 18 who distribute or intend to distribute a drug to a minor.
2010	Decrease	21-36a10, and 21-36a05	Enhanced Penalty for Drug Activities within 1,000 feet of a school or to a minor.	Limits the enhanced penalty for drug transactions within 1,000 feet of a school or to a minor by requiring the offender to be 18 or older.
2010	Increase	21-4642	Aggravated Habitual Sex Offender	Expands the definition of such offender by

				repealing the requirement of two prior "criminal conviction events" for sexually violent crimes to only require two prior convictions for a sexually violent crime.
2010	Increase	22-4906	Offender Registration	Increases the offender registration obligation from 10 years to lifetime for attempt, conspiracy, or solicitation to commit the following crimes with victims under the age of 14: <ul style="list-style-type: none"> ✓ Aggravated trafficking ✓ Rape ✓ Aggravated indecent liberties with a child ✓ Aggravated criminal sodomy ✓ Promoting prostitution ✓ Sexual exploitation of a child.
2010	Decrease	21-4643	Sex Offenses against Children-1 st Offense	Permits a sentencing departure from the Life term with a 25 year mandatory minimum term of imprisonment for certain offenses against children under 14) to provide that a departure for a first time offender convicted of aggravated

				trafficking, rape, aggravated indecent liberties with a child, aggravated criminal sodomy, promoting prostitution, sexual exploitation of a child, and attempts, conspiracies or solicitations of those crimes; may be granted from the life with a mandatory 25 years subject to the departure limitations of K.S.A. 21-4719.
2010	Increase	21-4710	Use of Prior Convictions to Enhance Sentencing Penalty	Provides that prior convictions that only alter the applicable penalty but do not enhance the severity level of the crime shall be counted in determining the criminal history category. Prior law prohibited the counting of prior convictions that either enhanced the severity level or the applicable penalty.

KANSAS JUVENILE JUSTICE AUTHORITY OVERVIEW TESTIMONY
BEFORE THE JOINT COMMITTEE ON CORRECTIONS AND
JUVENILE JUSTICE OVERSIGHT
BY COMMISSIONER J. RUSSELL JENNINGS
SEPTEMBER 10, 2010

The budget adopted for state fiscal year 2011 for all Juvenile Justice Authority (JJA) operations and programs, other than purchase of services for residential placement, was as recommended by the Governor. The Legislature took affirmative steps to assure public safety agencies, including JJA, were able to continue to meet basic service requirements and not unnecessarily place public safety at risk. In the area of prevention and graduated sanctions programs, \$9 million was appropriated from the State General Fund to replace Children's Initiative Funds (CIF) as a source of funding. This change was made in order to provide relief to CIF because of reduced revenue to CIF. Changing the source of funding, rather than reducing the amount of CIF received, allowed for JJA to sustain remaining prevention, intervention and graduated sanctions programs provided through juvenile community corrections organizations while reducing the demand upon CIF.

The table below illustrates the level of funding by program over the past four fiscal years and projected funding for FY12 with no reduction in state support and with a 5% across the board reduction. In all years prior to FY11 CIF funding is included. No CIF is contained in the FY11 adopted budget or projections for FY12. In all other years, the source of \$9 million is CIF.

Program	FY08	FY09	FY10	FY11	FY12	FY12 -5%
General Administration	2,793,585	3,665,565	3,630,986	3,683,278	3,683,278	3,499,114
Information Management	1,171,394	1,166,542	1,117,160	1,110,669	1,110,669	1,055,135
Prevention	5,579,530	5,579,530	4,740,406	3,785,814	3,785,814	3,596,523
Graduated Sanctions*	14,792,155	18,342,175	19,581,543	19,629,205	19,629,205	18,647,744

Program	FY08	FY09	FY10	FY11	FY12	FY12 -5%
Incentive Grants	0	1,000,00	506,292	0	0	0
RA - JAG	0	0	500,000	500,000	0	0
Total	24,336,664	29,753,812	30,076,387	28,708,966	28,208,966	26,798,516

*Graduated sanctions include juvenile intake and assessment, intensive supervision probation and community case management for youth in state custody.

In an effort to minimize the negative impact of continuously reduced resources during the past several years, efforts to sustain strong community-based supervision and custody programs were made a priority. A shift of funds from prevention programs, significant reductions in operating expenses at juvenile correctional facilities through the closure of two facilities and gaining Recovery Act – Justice Assistance Grant (RA-JAG) funds to support both community and facility operations have allowed the juvenile justice system to remain fairly healthy through very challenging financial times.

The table below illustrates the level of funding of juvenile correctional facilities over the past four fiscal years and projected funding for FY12 with loss of RA-JAG funds with no reduction in state support and with a 5% across the board reduction.

Facility	FY08	FY09	FY10	FY11	FY12	FY12-5%
Atchison	5,978,868	2,937,086	0	0	0	0
Beloit	4,161,819	3,762,303	781,696	0	0	0
Larned	8,587,870	8,020,536	8,719,406	8,739,618	8,739,618	8,302,637
Topeka	16,218,821	15,071,886	16,631,658	16,942,661	16,942,661	16,095,528
RA-JAG	0	0	378,885	378,885	0	0
Total	34,956,378	29,791,811	26,511,645	26,061,164	25,682,279	24,398,165

The most significant budget challenge JJA will face in FY12 is the loss of RA-JAG funds. A failure to budget for replacement of these lost funds will result in a \$500,000 reduction to juvenile community corrections graduated sanctions programs and a \$378,885 loss of funds between the two juvenile correctional facilities. The \$500,000 loss to communities will be shared among the 31 judicial districts proportionally in accordance with the formula distribution of state grant funds to communities. In the case of the juvenile correctional facilities, reduction

in the number of direct supervision staff is not a viable option. Program staff positions will have to be eliminated either through attrition or layoff. A reduction in program capacity will negatively impact youth outcomes. The impact of such a reduction in programming will likely be revealed through lower success rates among youth upon their release, ultimately leading to a higher rate of return to juvenile correctional facilities and admission to adult corrections.

The FY12 budget proposal that will be submitted for consideration by the Governor will include several enhancement requests. Those requests include:

- \$378,885 shared between the two juvenile correctional facilities to replace lost RA-JAG funds that currently funds seven (7) Topeka Kansas Juvenile Correctional Complex (KJCC) and three (3) Larned Juvenile Correctional Facility (LJCF) juvenile correctional officer positions.
- \$500,000 to maintain the current resource level for juvenile community corrections programs including prevention, intake and assessment, intensive supervision probation and community case management.
- \$108,167 at KJCC and \$52,438 at LJCF to provide a permanent wage increase of 2.5% for juvenile correctional officers.
- \$192,314 in FY11 and \$228,439 in FY12 to fill five (5) juvenile correctional officer I positions at KJCC. Insufficient funding was provided in the FY11 budget to fully fund the KJCC West Campus operation following the closure of the Beloit Juvenile Correctional Facility. This enhancement will allow KJCC to hire the staff necessary to ensure a safe and secure environment for the female operation and will reduce the need to draw from the KJCC male operation to meet minimum staff requirements for the female operation.
- \$57,159 for KJCC and \$56,547 for LJCF to fund two classified social work specialists for sex offender treatment and programming. \$65,662 for JJA to fund a master-level psychologist with adolescent sex offender evaluation expertise to provide sex offender evaluations statewide prior to the disposition of juvenile sex offender cases by the court.

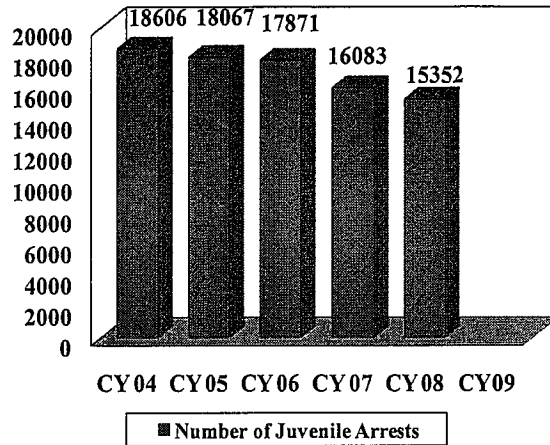
Sustaining current operational capacity at both the community and facility level is critical in assuring the ability to meet public safety needs. Degrading the ability of juvenile community corrections organizations through reduced resources will lead to a greater number of youth being placed in juvenile correctional facilities. A loss of direct supervision staff in juvenile correctional facilities will result in an unhealthy and unsafe environment within facilities. Sustaining minimum direct supervision staff levels will require reductions in other operational areas. Program staff positions within facilities would have to be reduced in order to provide the resources necessary to sustain a minimum direct supervision staffing. The public safety role of juvenile correctional facilities extends beyond the time of youth incarceration. In order for JJA to meet its public safety responsibility, behavior change in youth must occur in order to improve the likelihood of law abiding behavior among committed youth. Decreased program opportunities for youth residents will reduce the capacity of the facilities to meet their mission of public safety as opportunities for changed behavior and attitudes will be lost. Replacing the lost

resource as a result of the expiration of the RA-JAG funding is critical in order to sustain the progress achieved over the past four years.

Juvenile corrections officers are compensated at a rate that is 2.5% below the rate of compensation for corrections officers in adult prisons. Parity in the rate of compensation is important as the work environment and essential duties of the two classifications are virtually identical. Additionally, juvenile correctional facilities are located in close proximity to adult facilities. Disparity in the rate of compensation creates a competitive disadvantage to the juvenile facilities in recruiting and retaining a qualified staff. Arguably, the work of juvenile corrections officers is more complex and the people of Kansas have more at stake in terms of the outcomes from the experience of youth in juvenile correctional facilities. A budget enhancement for FY12 in the amount of \$160,605 will be requested to fund the compensation rate adjustment for juvenile corrections officers.

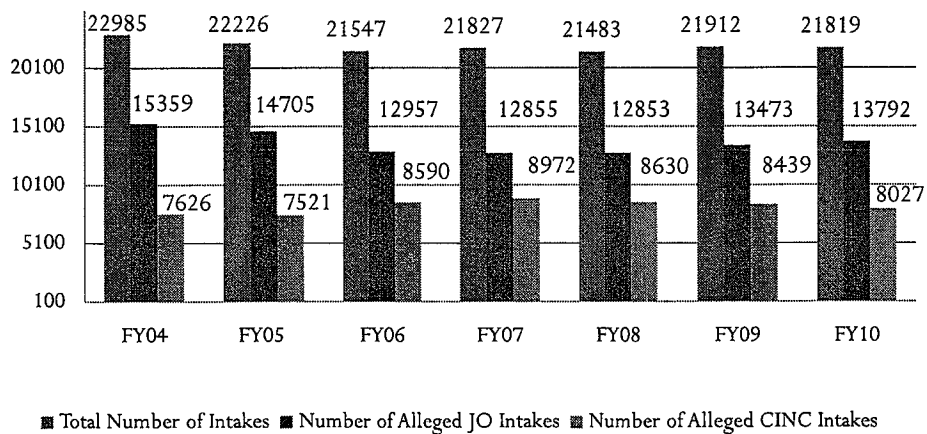
In 2008, JJA received a grant, Project S.O.A.R. (Successful Outcomes Achieving Reentry), funded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to develop and implement sex offender programming for moderate to high risk youth and to provide a pre-disposition sex offender evaluation protocol. This grant provided for two staff people within each facility to provide intensive sex offender programming along with cognitive behavioral programming related to the non-sexual behaviors. Prior to the implementation of Project S.O.A.R., the sex offender programming within JCF's was not adequate (in intensity or duration) to change the behaviors of the youth. For example, the length of programming would range from 12 to 24 weeks with the number of contact hours being 24 to 48 hours total. The current Project S.O.A.R. sex offender program is at least 9 months to 12 months in duration and addresses the unique needs of juvenile sex offenders to reduce their risk for reoffending. The number of contact hours for the current programming is at a minimum of 150 hours. Prior to the implementation of Project S.O.A.R., there was not a comprehensive sex offender evaluation available for youth who had been adjudicated but not yet sentenced. Many times the courts would not have this information readily available when making sentencing decisions. Therefore, due to the unique risk and need factors of this population, Project S.O.A.R. implemented a sex offender evaluation protocol for the Eastern districts. If approved, the enhancement will allow for statewide juvenile sex offender evaluation by a licensed psychologist with adolescent sex offender training and experience. This person will also provide sex offender programming oversight in juvenile correctional facilities to assure program fidelity and effectiveness.

Kansas Number of Juvenile Arrests

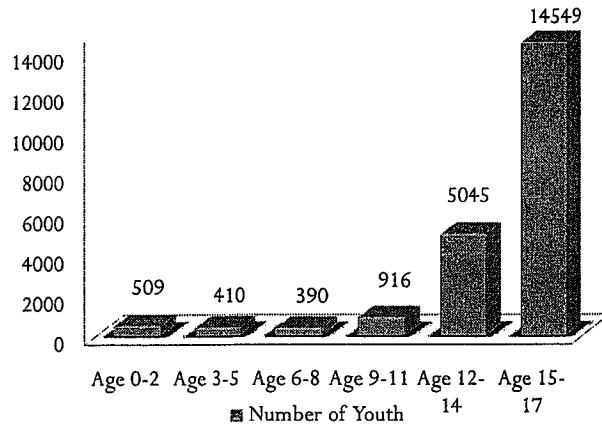


*All numbers as reported by law enforcement to the KBI.

Total Number of Intakes

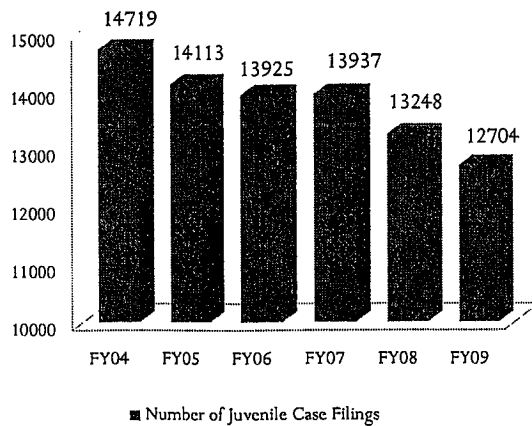


Number & Age of Youth Processed Through Intake and Assessment in FY 10



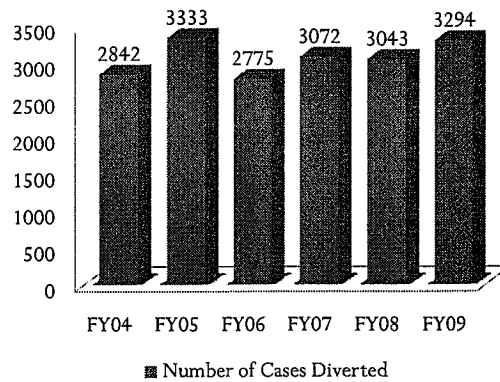
*As reported by Community Case Managers through the JJA Intake and Assessment system.

Number of Juvenile Court Case Filings



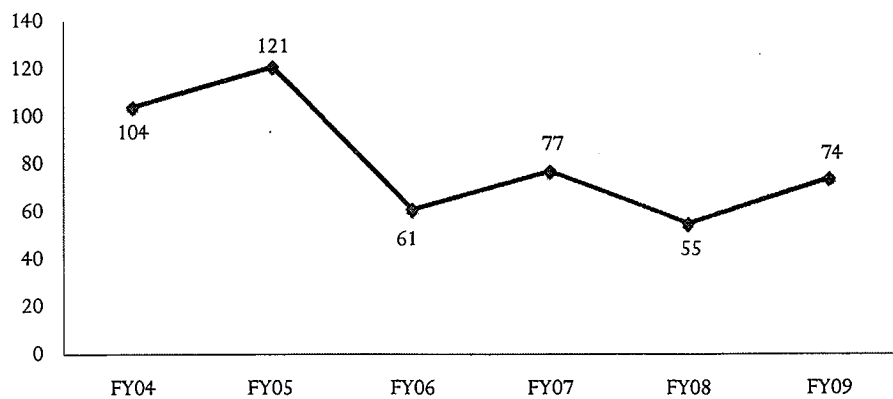
*As reported by the Office of Judicial Administration (OJA).

Number of Cases Granted Post-Filing Diversion



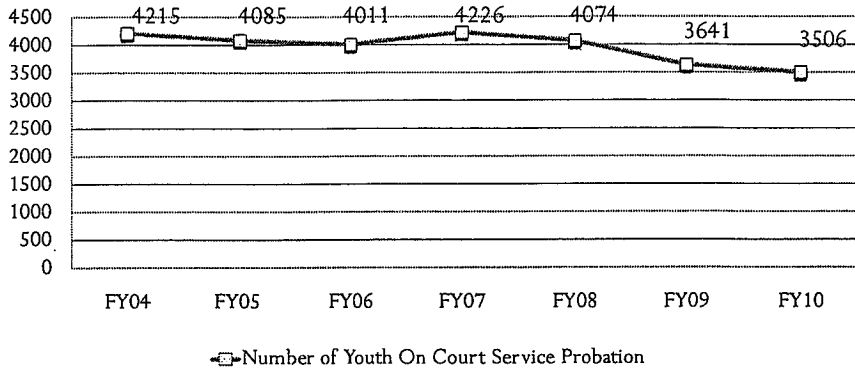
*As reported by the Office of Judicial Administration (OJA).

Number of Youth Waived to Adult Court



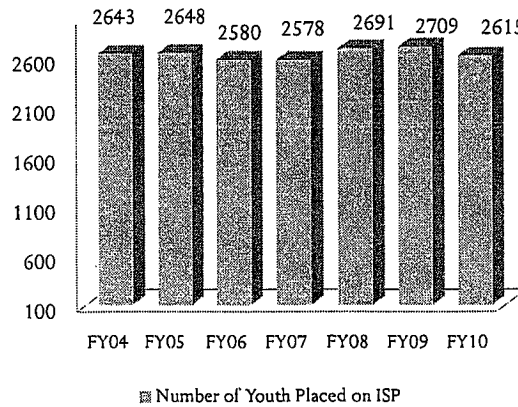
*As reported by the Office of Judicial Administration.

Number of Juvenile Offenders Supervised by Court Service Probation on June 30th



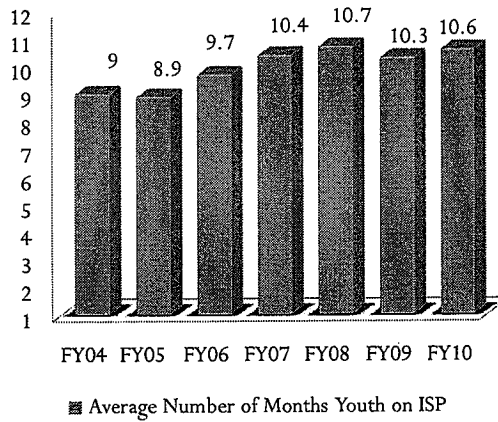
*As reported by the Office of Judicial Administration (OJA).

Total Number of Youth Placed on Intensive Supervision Probation (ISP)



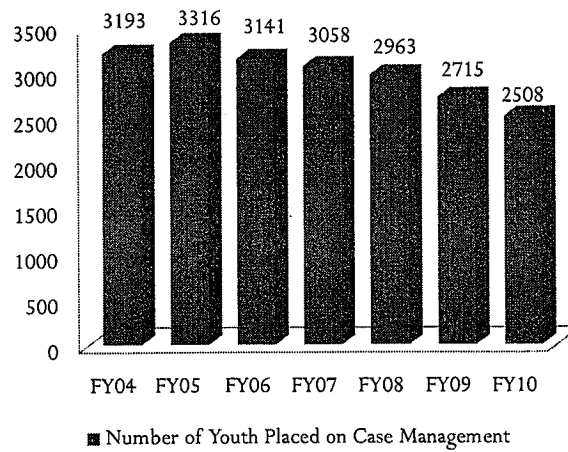
*As reported by Community Case Managers through the JJA CASIMS system.

Average Number of Months Youth Spent on ISP



*As reported by Community Case Managers - Terminations during FY.

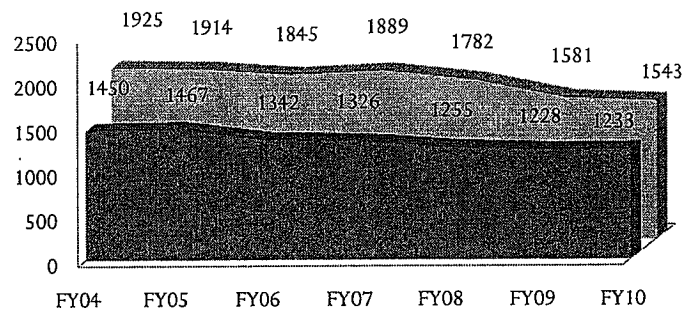
Total Number of Youth Placed on Case Management – State Custody



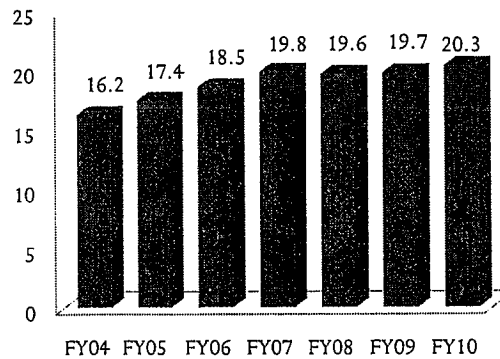
*As reported by Community Case Managers through the JJA CASIMS system.

Youth on Case Management Placed Out-of-Home as of June 30th

■ Number of Youth placed out-of-home on CM as of June 30th ■ Number of Youth on CM as of June 30th

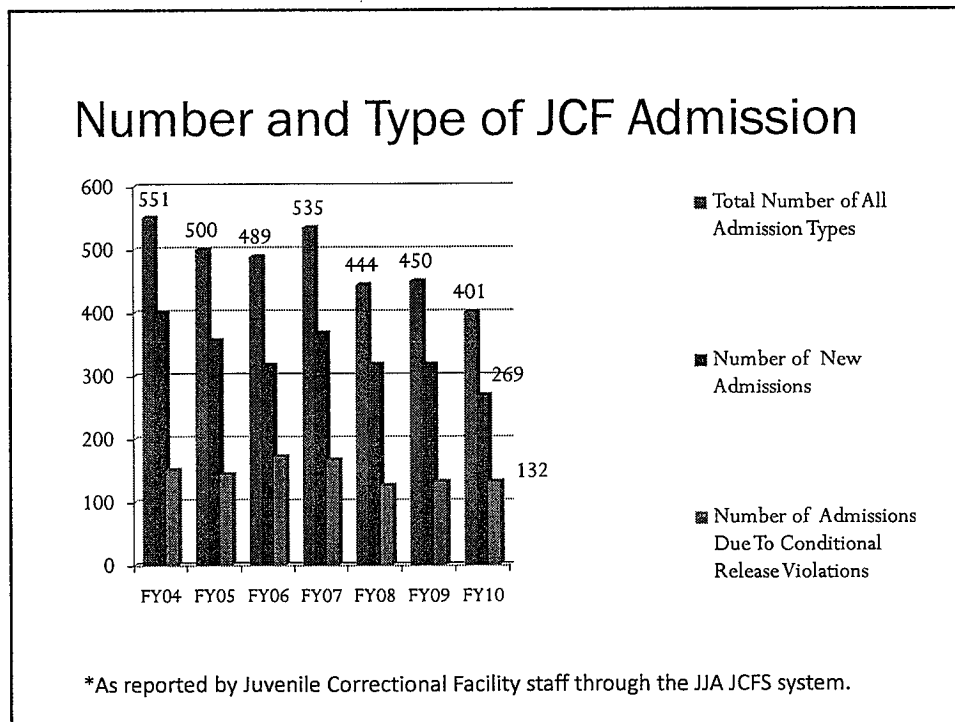
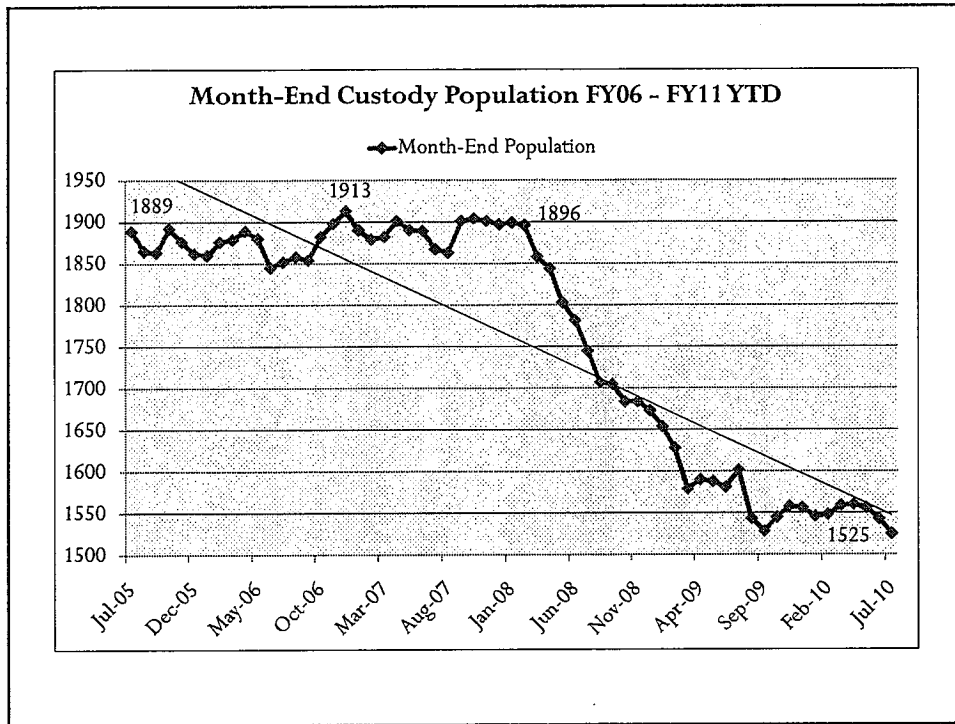


Average Length of Time Youth Spent on Case Management

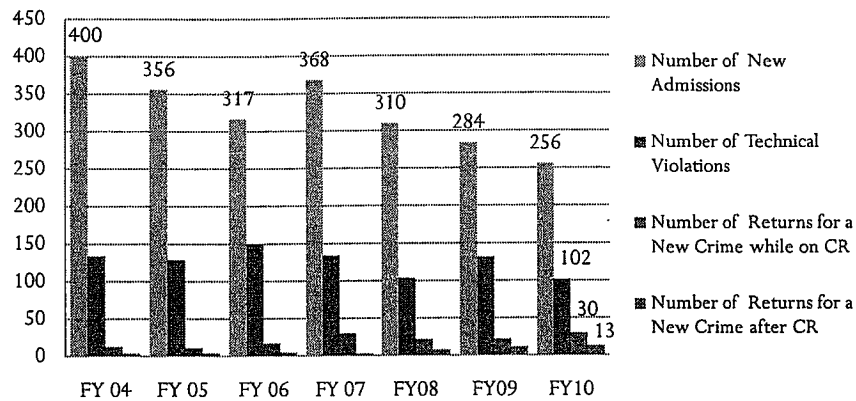


■ Average Number of Months Youth on Case Management

*As reported terminated during FY by Community Case Managers.

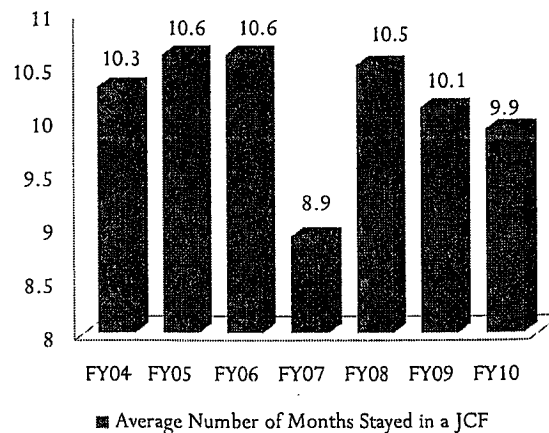


Total Number of Admissions By Admission Type

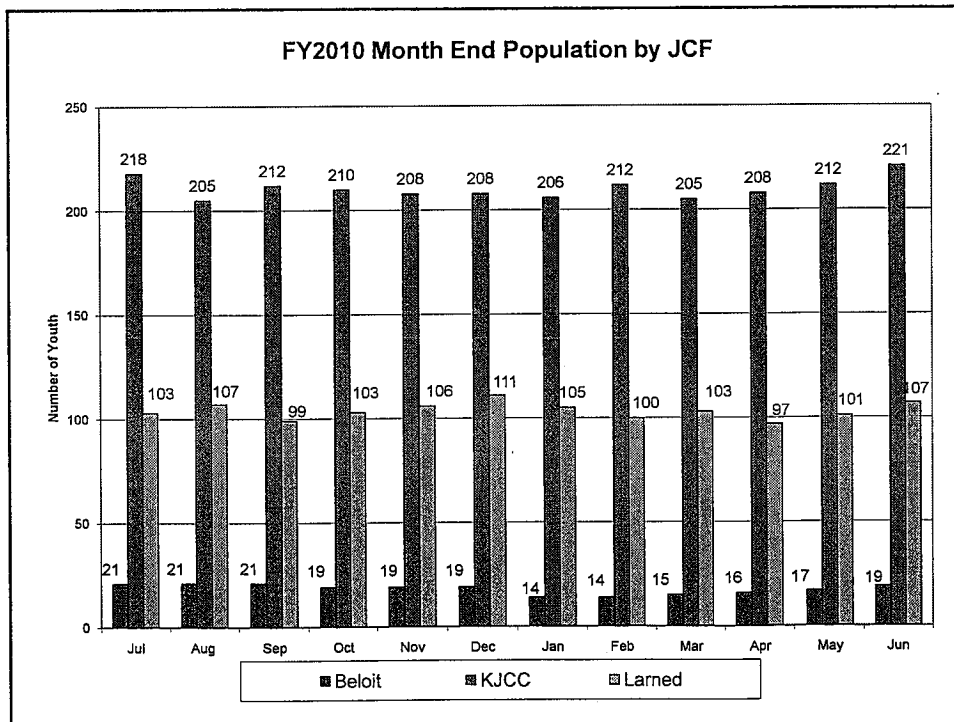
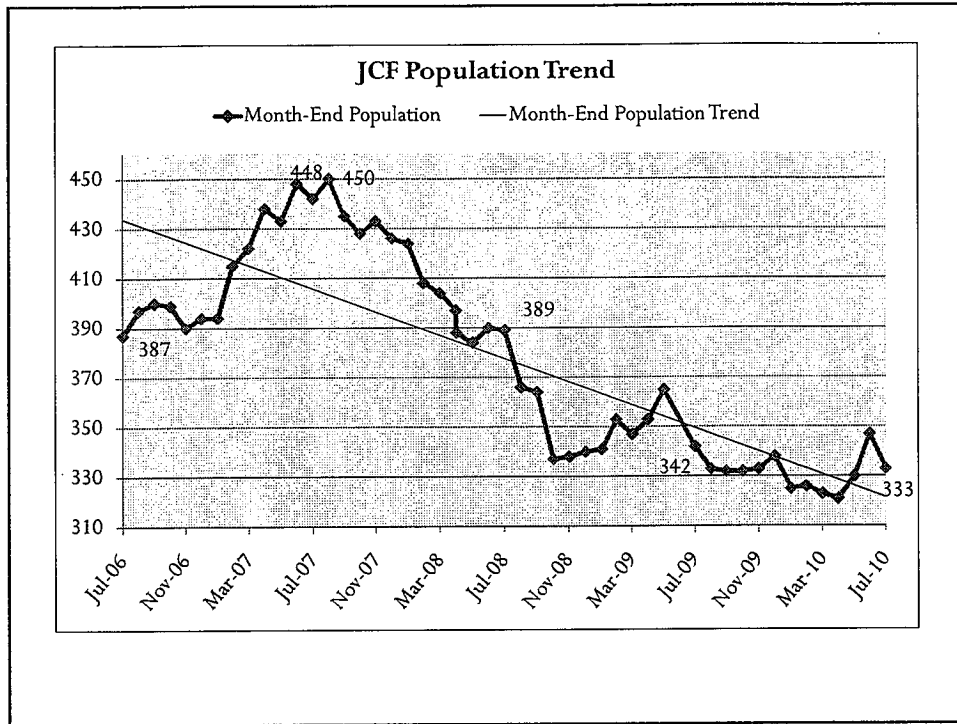


*As reported by Juvenile Correctional Facility staff through the JJA JCFS system.

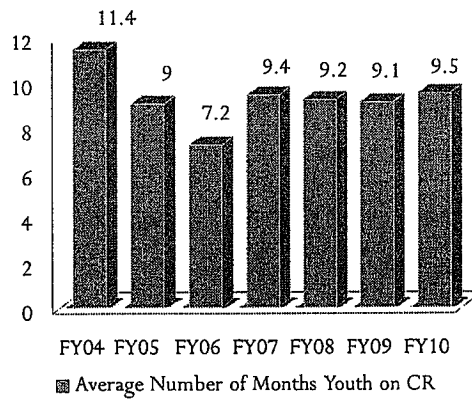
Average Length of Stay in JCF



*Calculated according to releases during the FY.



Average Length of Stay in Months on Conditional Release



*As reported terminated during FY by Community Case Managers.

FY09 Recidivism – JCF Releases 12 Months Following Release

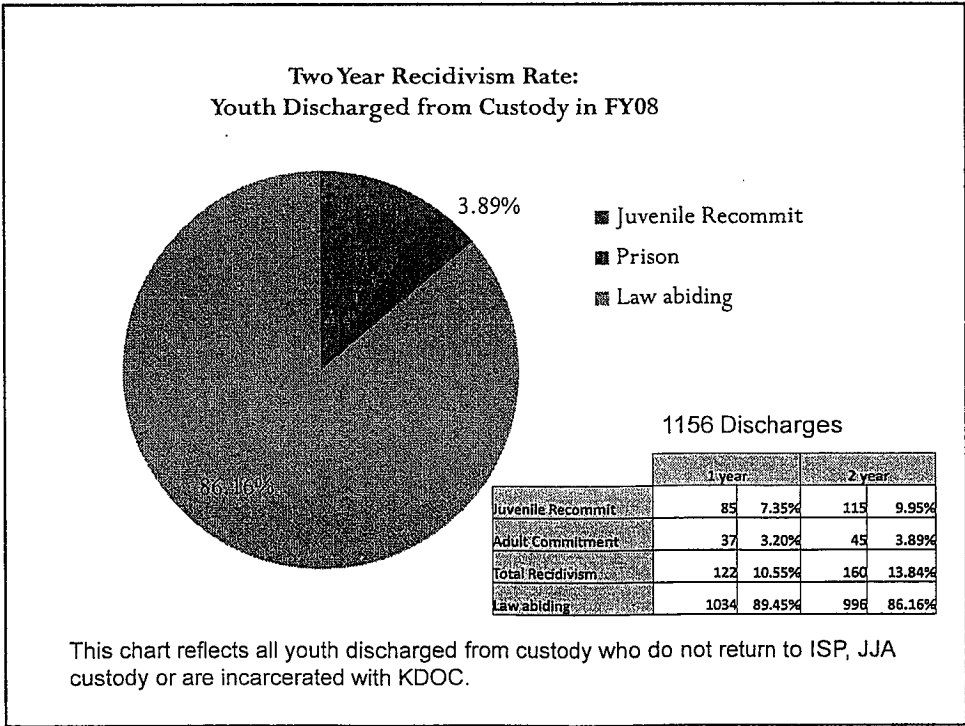
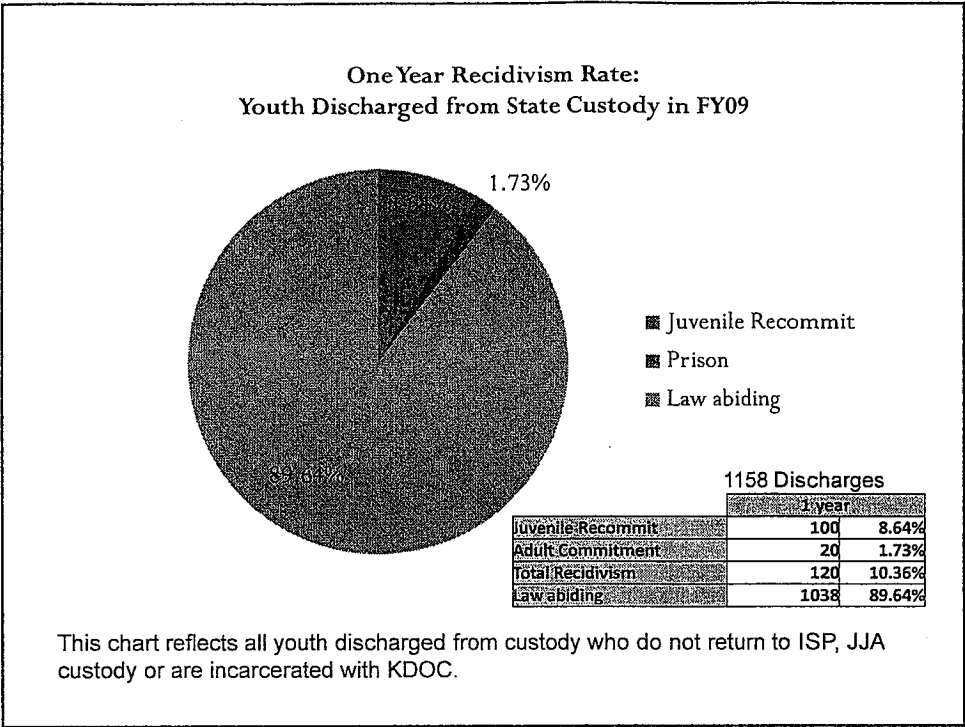
	AJCF		BJCF		LJCF		KJCC		Statewide	
	# Youth	% of youth (rate)	# Youth	% of youth (rate)	# Youth	% of youth (rate)	# Youth	% of youth (rate)	# Youth	% of youth (rate)
# of Releases on CR from a JCF during FY09	6		41		113		290		450	
# Returned with Technical Violation within 12 months	4	66.7%	11	26.8%	24	21.2%	61	21.0%	100	22.2%
# Returned with New Charge within 12 months	0	0.0%	1	2.4%	3	2.7%	14	4.8%	18	4.0%
# Admitted to KDOC within 12 months	0	0.0%	1	2.4%	2	1.8%	7	2.4%	10	2.2%
Total returns to a JCF or admission to KDOC within 12 months	4	66.7%	13	31.7%	29	25.7%	82	28.3%	128	28.4%
Youth with Stable Release (No return to JCF or admission to KDOC facility within 12 months of release of a JCF.)	2	33.3%	28	68.3%	84	74.3%	208	71.7%	322	71.6%

**FY08 Recidivism – JCF Releases
12 Months Following Release**

	AJCF		BJCF		LJCF		KJCC		Statewide	
	# Youth	% of youth (rate)	# Youth	% of youth (rate)	# Youth	% of youth (rate)	# Youth	% of youth (rate)	# Youth	% of youth (rate)
# of Releases on CR from a JCF during FY08	30		43		118		296		487	
# Returned with Technical Violation within 12 months	4	13.3%	7	16.3%	19	16.1%	71	24.0%	101	20.7%
# Returned with New Charge within 12 months	1	3.3%	4	9.3%	0	0.0%	16	5.4%	21	4.3%
# Admitted to KDOC within 12 months	0	0.0%	0	0.0%	2	1.7%	8	2.7%	10	2.1%
Total returns to a JCF or admission to KDOC within 12 months	5	16.7%	11	25.6%	21	17.8%	95	32.1%	132	27.1%
Youth with Stable Release (No return to JCF or admission to KDOC facility within 12 months of release of a JCF.)	25	83.3%	32	74.4%	97	82.2%	201	67.9%	355	72.9%

**FY08 Recidivism – JCF Releases
24 Months Following Release**

	AJCF		BJCF		LJCF		KJCC		Statewide	
	# Youth	% of youth (rate)	# Youth	% of youth (rate)	# Youth	% of youth (rate)	# Youth	% of youth (rate)	# Youth	% of youth (rate)
# of Releases on CR from a JCF during FY2008	30		43		118		296		487	
# Returned with Technical Violation within 24 months	11	36.7%	7	16.3%	20	16.9%	73	24.7%	111	22.8%
# Returned with New Charge within 24 months	1	3.3%	4	9.3%	2	1.7%	18	6.1%	25	5.1%
# Admitted to KDOC within 24 months	1	3.3%	2	4.7%	9	7.6%	29	9.8%	41	8.4%
Total returns to a JCF or admission to KDOC within 24 months	13	43.3%	13	30.2%	31	26.3%	120	40.5%	177	36.3%
Youth with Stable Release (No return to JCF or admission to KDOC facility within 24 months of release of a JCF.)	17	56.7%	30	69.8%	87	73.7%	176	59.5%	310	63.7%



Current Initiatives

- Youth Residential Center II's
 - Contract requirement through agency standards regarding written policy for classification and assignment of youth to multiple occupancy rooms
 - CbS at Youth Residential Centers – Contract requirement effective July 1, 2010
 - September - training for participants
 - October - first round of data submission
 - YRC II category service (Refocus)
 - Collaborative effort with providers
 - Work group established
 - Assignment of youth according to risk/needs assessment
 - Prison Rape Elimination Act (PREA) implications

- Annie E. Casey Foundation – Juvenile Detention Alternatives Initiative
 - 75% participation based on licensed beds
 - October – National Conference Kansas City
 - November
 - Agency and community leadership orientation
 - Facility/judicial district orientation
 - Targeted meetings at community level
 - Final commitment of facility/community/Casey Foundation
 - Data gathering and assessment
 - Best practice training
 - Implementation of change
 - o Legal/system process – structured decision making instrument development
 - o Alternatives to detention

- Youth Level of Service/Case Management Inventory (YLS/CMI)
 - Goal - Implementation of YLS/CMI – post adjudication pre disposition
 - Community planning document due by October 1st
 - Implemented in 5 judicial districts now
 - 5th, 7th, 10th, 18th & 22nd

Substance Abuse Treatment Services. All but one program for male inmates and one for female inmates have been eliminated in the correctional facilities. Assessment services at intake and all funding for community post-release treatment services were eliminated. Access to community based treatment depends on the eligibility of the offenders to access other funding sources which are also decreasing.

FY 2011 Request:	FY 2011 Funding	FY 2012 Enhancement
Facility: \$ 1,086,223	\$ 494,500	\$ 591,723
Community: \$1,093,920	\$ 0	\$1,093,920

Sex Offender Treatment Services. One program location was terminated and the other two male and one female location were significantly reduced. Community treatment capacity remained at current (i.e. FY 2009) levels.

FY 2011 Request:	FY 2011 Funding	FY 2012 Enhancement
\$ 852,064	\$ 0	\$ 852,064

Academic and Vocational Education Programs. More than 13 programs and 27 staff positions were eliminated. In addition all remaining staff positions have been reduced from full-time to part-time, some to .4 or .6 FTE, most to .8 or .9 FTE. Capacity was reduced by app. 218 program slots.

FY 2011 Request:	FY 2011 Funding	FY 2012 Enhancement
\$ 1,894,403	\$ 0	\$ 1,894,403

Miscellaneous Programs and Specific Services. These include such programs and services and Batterers' Intervention, housing services, grant writing services, religious advisors, dietitian consulting, and risk reduction services including LSI-R licensing.

FY 2012 Request:	FY 2011 Funding	FY 2012 Enhancement
\$ 239,604	\$ 50,000	\$ 189,604

DUI Treatment Funding (SB67).

FY 2011 Request:	FY 2011 Funding	FY 2012 Enhancement
\$873,000	\$873,000	\$ 0

FY 2012 Enhanced Budget Package: Restoration of Funding for Offender Treatment, Education and Supportive Services.

The reductions in treatment, education, and support services necessary to meet funding restrictions in the last quarter of FY 2009 and FY 2010 resulted in the elimination of many program service areas and significantly reduced any remaining programs or services. While a slight increase in funding for the FY 2011 provided for some limited restoration of substance abuse services, the previous reductions continue to significantly restrict the resources available to corrections case managers to effectively carry out their supervision and risk reduction duties. In both the correctional facilities and in the community, case managers are increasingly unable to assist the offenders on their case-load get access to the treatment, education and support services to address the offender's high risk/need issues. These reductions in resources impact both facility and community operations as well, creating idleness issues in the facilities with more inmates and fewer activities available and placing significantly increased demand on limited staff time to address high risk, high need cases. It is fair to predict that the lack of resources will result in increasing revocations as options for release preparation and transition decrease.

More importantly, an inverse relationship exists between the availability of intervention and support resources and the risk to staff and public safety. As resource options which can support successful release preparation, transition, and re-entry decrease, the risk to public safety will increase. Many offenders will be returning to their communities with significant unmet needs for substance abuse and mental health treatment, with significant educational and vocational deficits and will often lack housing and other support services. Within the correctional facilities, as well, as the options for meaningful treatment and education opportunities decrease, along with a decrease in the staff available for offender supervision, the threat to the order and safety of the facility will likewise increase. The result is to have more inmates in locations which have far less activities available to them and fewer staff to supervise them.

Total FY 2011 Request*	Total FY 2011 Funding	Restoration Amount
\$ 7,685,839	\$ 1,417,500	\$ 6,478,339

*This amount is the total amount of enhancement funds requested to provide funding levels at approximately the initial FY 2009 levels. Federal funds are excluded.

Major Resource areas to be restored include:

Community Transitional Housing, especially for offenders with significant mental and physical health issues. Without this resource many high risk offenders with the most significant mental and physical health needs must be released without appropriate housing plans which strains staff resources, places increased burden on limited community resources (e.g. homeless shelters, mental health centers, etc.) and increases the offender's risk for failure.

FY 2011 Request:	FY 2011 Funding	FY 2012 Enhancement
\$1,856,625	\$0	\$1,856,625

The FY 2012 Allocated Resources funding level will not be sufficient to maintain full program capacities at the FY 2011 current services level. Funding at this level will result in a reduction of \$1,701,840 in State General Funds and result in the elimination of the substance abuse treatment programs restored in FY 2011, a 55% reduction in transitional housing services for special needs offenders, and significant reductions in the education programs. It should also be noted that these capacities already reflect significant reductions that were necessary to meet the FY 2001, 2002, 2003, and 2004 funding levels, with no funding increases in FY 2005, 2006 or FY 2007, and with further significant reductions in FY 2009 and FY2010. As noted in the introduction above, reductions in program capacity of the magnitude the Department has experienced during recent years have serious immediate and long-term effects on both facility management and post release supervision. These reductions will contribute significantly to inmate idleness and frustration with release preparation especially related to appropriate treatment, marketable skills and employability upon release.

Enhancement Package Request #1/1 - Restore Funding for Offender Programs to FY 2011 Base Budget Amount - \$1,381,996 - FY 2012.

This enhancement package of \$1,381,996 includes funding to restore the program and services capacities back to the initial FY 2011 allocated level. Major Resource areas to be restored include:

Facility-based substance abuse treatment services. The FY 2011 budget included funding to restore two substance abuse treatment programs, one for females at TCF and one for medium custody males at ECF. These would again be eliminated at the FY 2012 allocated resources level.

Education Program funding. At the FY 2012 allocated level, the basic education and GED programs would be eliminated and the vocational programs would be limited to 4-5 programs.

Transitional Housing and Support Services for Special Needs Offenders. The FY 2011 budget provided for approximately \$560,000 for contracted services in Shawnee County, Sedgwick County, Wyandotte County, and in the Northwest

Kansas area. At the FY 2012 allocated resource level, two of those programs would be eliminated and the others reduced.

Enhancement Package Request #1/2 - Restore Funding for
Offender Programs to FY 2009 Base Budget Amount -
\$6,478,339 - FY 2012.

As noted in the narrative above, the allocated resources budgets for the past several years prior to FY 2008 had essentially been frozen while both costs and services provided increased. As a result, program providers were forced to reduce staff, defer necessary operational investments in materials and equipment, and reduce capacity in some cases to meet the allocated resources budgets. In addition, the reductions in treatment, education, and support services necessary to meet funding restrictions in the last quarter of FY 2009 and FY 2010 resulted in the elimination of many program service areas and significantly reduced any remaining programs or services. These reductions significantly restrict the resources available to corrections case managers to effectively carry out their supervision and risk reduction duties. In both the correctional facilities and in the community, case managers are increasingly unable to assist the offenders on their case-load get access to the treatment, education and support services to address the offender's high risk/need issues. These reductions in resources impact both facility and community operations as well, creating idleness issues in the facilities with more inmates and fewer activities available and placing significantly increased demand on limited staff time to address high risk, high need cases. It is fair to predict that the lack of resources will result in increasing revocations as options for release preparation and transition decrease.

More importantly, an inverse relationship exists between the availability of intervention and support resources and the risk to staff and public safety. As resource options that can support successful release preparation, transition, and re-entry decrease, the risk to public safety will increase. Many offenders will be returning to their communities with significant unmet needs for substance abuse and mental health treatment, with significant educational and vocational deficits and will often lack housing and other support services. Within the

correctional facilities, as well, as the options for meaningful treatment and education opportunities decrease, along with a decrease in the staff available for offender supervision, the threat to the order and safety of the facility will likewise increase. The result is to have more inmates in locations that have far less activities available to them and fewer staff to supervise them. This enhancement package of \$6,478,339 includes funding to restore the program and services capacities back to the initial FY 2009 allocated level. Major Resource areas to be restored include:

Community Transitional Housing, especially for offenders with significant mental and physical health issues. Without this resource many high risk offenders with the most significant mental and physical health needs must be released without appropriate housing plans which strains staff resources, places increased burden on limited community resources (e.g. homeless shelters, mental health centers, etc.) and increases the offender's risk for failure.

Substance Abuse Treatment Services. All but one program for male inmates and one for female inmates have been eliminated in the correctional facilities. Access to community-based treatment depends on the eligibility of the offenders to access other funding sources that are also decreasing.

Sex Offender Treatment Services. One program location was terminated and the other two male and one female location were significantly reduced. Community treatment capacity remained at current (i.e. FY 2009) levels.

Academic and Vocational Education Programs. More than 13 programs and 27 staff positions were eliminated. In addition all remaining staff positions have been reduced from full-time to part-time, some to .4 or .6 FTE, most to .8 or .9 FTE. Capacity was reduced by approximately 218 program slots.