

MINUTES

JOINT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE OVERSIGHT

November 8-9, 2012
Room 144-S—Statehouse

Members Present

Senator Pete Brungardt, Chairperson
Representative Pat Colloton, Vice-chairperson
Senator David Haley
Senator Dick Kelsey
Senator Kelly Kultala
Senator Jeff Longbine
Representative Jim Denning
Representative Doug Gatewood
Representative Jana Goodman
Representative Jerry Henry
Representative Virgil Peck
Representative Jim Ward

Member Absent

Senator Terry Bruce

Staff Present

Lauren Douglass, Kansas Legislative Research Department
Bob Allison-Gallimore, Kansas Legislative Research Department
Michael Wales, Kansas Legislative Research Department
Jason Thompson, Office of the Revisor of Statutes
Sean Ostrow, Office of the Revisor of Statutes
Katherine McBride, Office of the Revisor of Statutes
Connie Burns, Committee Assistant

Conferees

Scott M. Schultz, Executive Director, Kansas Sentencing Commission
Secretary Ray Roberts, Kansas Department of Corrections
Jeremy Barclay, Special Assistant and Communications Director, Kansas Department of Corrections
Andy Barbee, Council of State Governments' Judicial Center
Jennifer Welch, Parole Services Manager, Kansas Department of Corrections
Johnnie Goddard, Deputy Secretary for Facilities Management, Kansas Department of Corrections
Laurel Murdie, Legislative Division of Post Audit
Terri Williams, Commissioner, Juvenile Justice Authority
Randy Bowman, Juvenile Justice Authority

Keith Clark, Juvenile Justice Authority
Clayton Carr, Juvenile Justice Authority

Others Attending

See attached list.

Thursday, November 8 Morning Session

The meeting was called to order by Chairperson Pete Brungardt. The Chairperson introduced staff and provided an overview and agenda for the Committee's two days of meetings. Chairperson Brungardt also noted the Committee was granted three days for the interim and the third meeting will be held at the end of November.

FY 2013 Adult Inmate Prison Population Projection Report

Scott M. Schultz, Executive Director, Kansas Sentencing Commission (KSC), presented a summary of its adult inmate prison population projections (Attachment 1). Mr. Schultz stated the primary basis for projections is the number of offenders admitted to prison and length of sentence. The projected increase for 2013 is 2,114 offenders, or 22.6 percent. The largest increase is in the number of off-grid, drug level 2 and 3, and nondrug level 1, 3, and 5 offenses. The reasons for these increases are:

- Jessica's Law offenses, when the offender is over 18 and the victim is under 14, carry a mandatory 25-year sentence, resulting in a stacking effect;
- In the past several years, any attempts, conspiracy, and solicitation related to Jessica's Law offenses have been raised to off-grid offenses; and
- The severity level for unlawful sexual relations has been raised from level 10, presumptive probation, to level 5, presumptive prison.

Current capacity is 9,237, while the actual population is 9,370, and the trend indicates continued increases in prison populations. To demonstrate these trends, the KSC provided numerous graphs and spreadsheets, including:

- Male and Female population trends – actual and projected;
- Prison Admission and Release trends;
- Prison Population Characteristics;
- Comparison of Guideline New Commitments by Severity Level and Average Length of Sentence FY 2008 through FY 2012; and
- Comparative Analysis of Parole/Post Release Supervision Condition Violators Between FY 2011 and FY 2012.

The full report is available on the KSC website: http://www.kansas.gov/ksc/documents/FY2013Prison_Population_Projection_Report.pdf.

Mr. Schultz responded to questions from Committee members.

Overview of Department of Corrections

Secretary Ray Roberts, Kansas Department of Corrections (KDOC), provided an overview of the Department of Corrections (Attachment 2). He indicated KDOC's focus is to:

- Protect public safety through reduced recidivism, offender success, and sound security practices;
- Identify the driving cost of corrections and develop efficient management strategies;
- Manage the rising prison population by developing expansion options and increasing the provision of evidence-based programs; and
- Promote collaborative relationships.

Looking at population issues, he noted prison populations are expected to increase 23.0 percent over the next ten years. On November 1, 2012, the total prison population was 9,540 with a capacity of 9,332. Currently, the male population is 264 over capacity, and the female population is 739 and expected to grow to 811 by the end of FY 2014. The projected 10-year population increase is 2,114 offenders. Additionally, Kansas has a higher percentage of incarcerated violent offenders, a lower percentage of property offenders, and a slightly higher number of drug offenders. In FY 2012, 4,839 were released, with 4 counties accounting for 59.5 percent of all in-state releases: Sedgwick (1,110); Johnson (327); Shawnee (319); and Wyandotte (309). In FY 2012, 71 percent were released to supervision, and 49 percent were released to supervision with non-violent convictions, such as property crimes, drug crimes, and other non-person felonies. Nationally, Kansas is ranked 36 for state incarceration rates with 317 incarcerated persons per 100,000. He indicated the following key problems with managing the current prison population:

- 75 percent of all inmates are moderate or high risk in education and employment;
- 66 percent abuse drugs and alcohol;
- 33 percent have a dependence or abuse diagnosis;
- 38 percent of the population is mentally ill; and
- 66 percent of parole revocations are driven by drug or alcohol abuse and most probationers revoked to prison have behavioral health needs.

Secretary Roberts then turned the discussion to recidivism rates in Kansas. The current rate is 33.7 percent. To put this in context, ten years ago the rate was 55.1 percent and the national average is 43.3 percent. Recidivism rates are calculated based on returns to prison after 36 months for both conditional violations and new offenses. Looking at 2008 releases, recidivism rates are as follows for the designated categories:

- Sex offenders – 41.8 percent overall with 38.4 percent returning for conditional violations and 3.5 percent, or 18 people, for new offenses;
- Males – 31.1 percent;
- Females – 20.3 percent;
- High-risk offenders – 39 percent;
- Moderate-risk offenders – 28.4 percent;
- Low-risk offenders – 15.8 percent; and
- Mental health levels 4-7 offenders – 35.8 percent.

The Department of Justice awarded seven states, including Kansas, a \$1 million grant for the Second Chance Act Adult Offender Comprehensive Statewide Recidivism Reduction Program, which provides services for 80 mentally ill offenders in prisons and 50 high- or moderate-risk offenders in the community. It supports KDOC's recidivism-reduction plan and its goal of reducing recidivism by 1 percent per year after 36 months for offenders released in 2009 and 2010 and after 12 months for offenders released in 2011, 2012, and 2013. In furtherance of this goal, KDOC anticipates an increase in the number of offenders to which it will provide skills-building, recidivism-reducing services in FY 2013. Tables and charts provided show numbers served in FY 2012, the anticipated number for FY 2013, and how program dollars are spent.

Secretary Roberts also spoke about the Second Chance Act Family-Based Adult Offender Substance Abuse Treatment Program, which will serve 20 female offenders and their families per year. This two-year grant provides funds for intense case management, peer mentoring, substance abuse treatment, parenting, and other services, pre- and-post-release, for female offenders and their minor children. All of the children will have case plans and 20 families will be placed at Ashby House in Salina for 6 months post-release to assist transition.

Next, he summarized the progress of the Mentoring 4 Success program, which has matched 936 mentors with offenders leaving prison since July 2011. Mentors provide a pro-social model and accountability; 47 percent of mentors have helped offenders get jobs and 45 percent have helped obtain housing.

As his final item, Secretary Roberts briefed the Committee on the federal Prison Rape Elimination Act (PREA), which was enacted in 2003 to eliminate sexual abuse in confinement. PREA standards effective August 20, 2012, provide for external audits beginning August 20, 2013, and require one third of KDOC facilities to be compliant each year. The cost to comply is estimated at \$55,000 per facility.

The Secretary then answered Committee members' questions. On the issue of increased gang violence, he reported that efforts are ongoing to identify gang members and make placement decisions accordingly. When asked about the Governor's request that agencies prepare a budget with a 10 percent reduction, the Secretary answered that the budget could not be reduced without a serious impact on public safety. If made, the central office would be scaled down and the burden on community corrections would increase. The reduced budget does not take into consideration a possible increase in prison populations should reductions to the JJA budget lead to its lowering from 22.5 to 18 or 20 the maximum age for an offender to remain in JJA custody. He noted, however, that the Governor did not want to impact education, medicare, or public safety, and the Secretary remarked that he hoped the Governor and the Legislature would keep that in mind during the budget process.

Progress of Pew Center on the States' Results First Initiative

Jeremy Barclay, Special Assistant and Communications Director, Kansas Department of Corrections, provided an update on the Results First initiative ([Attachment 3](#)). Kansas is 1 of 12 states participating in the initiative to implement cutting-edge, cost-benefit analysis tools and identify options that provide the best outcomes for citizens while improving states' fiscal health. The state of Washington has used the model for more than 15 years to help inform its budget decisions and achieve better outcomes at lower costs, and now KDOC is working to customize the Results First cost-benefit model to Kansas. Currently, the model includes only adult programming and offender data. The model reviews the best national research to identify effective evidence-based programs (EBP), estimates programs' impact on Kansas population characteristics, and uses Kansas fiscal data to predict total costs and benefits for each program. The result is a prediction of Kansas-specific return on investment (ROI) for each program and a chart provided shows existing programs, the cost benefit ratio, and the ROI. The results will be used to invest in programs that increase public safety at lower costs. Mr. Barclay noted it is important to remember that the estimates are subject to uncertainty such that relative ranking is key and program fidelity is critical to achieving predicted outcomes. Mr. Barclay then responded to questions from the Committee.

Chairperson Brungardt recessed the meeting until 1:10 p.m.

Afternoon Session

Chairperson Brungardt reconvened the meeting at 1:10 p.m.

Progress of Council of State Governments' Justice Reinvestment Working Group

Andy Barbee, Council of State Governments' (CSG) Justice Center, began with an overview on the progress of CSG's Justice Reinvestment Working Group ([Attachment 4](#)). Justice Reinvestment is a data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety. Justice Reinvestment focuses on four evidence-based strategies:

- Focus on the people most likely to commit crime;
- Use programs proven to work and ensure they are high quality;
- Deploy supervision policies and practices that balance sanctions and treatment;
and
- Target places where crime and recidivism rates are highest.

The Working Group has identified three public safety challenges in Kansas that also are contributing to growth in the corrections system:

- Crime – The statewide crime rate is lower than national averages, but law enforcement resources are challenged by rising or higher rates of crime in certain communities and with particular populations;
- Probation – Kansas has taken steps to strengthen supervision in the community, but the locally-driven community corrections system's resources are now strained; and

- Re-entry – Recidivism has fallen thanks to successful efforts, but opportunities exist to broaden these gains and better address the needs of victims.

Mr. Barbee reported more than 60 percent of counties face rising crime or have rates exceeding the statewide average, more than half of all counties are experiencing significant increases in domestic violence, and constrained resources are limiting the ability of law enforcement to be more effective in preventing crime. Additionally, crime prevention is hampered due to insufficient Kansas Bureau of Investigation (KBI) capacity to process evidence. Specifically, a survey of local law enforcement highlighted long waits for analysis results, with DNA taking approximately one year and toxicology, approximately nine months; a lack of adequate physical lab space; and difficulty finding, training, and retaining technicians. As a result, 35 percent of law enforcement agencies have used their own funds to use a private lab, 25 percent of cases were dismissed or had charges reduced due to delays, and 75 percent of prosecutors said they had cases ready to prosecute but could not due to KBI processing delays.

Additionally, Mr. Barbee reported probation revocations to prison have increased almost 25 percent in the past three years, contributing to prison growth, with a 17 percent increase due almost exclusively to conditions violators. He also stated most revoked high-risk probationers do not receive adequate community programming: 76 percent were non-SB 123 probationers, with one third receiving no behavioral health interventions and only one quarter had a behavioral health intervention. This is significant because higher-risk probationers with behavioral health needs cost the state \$20 million annually when revoked based on an average stay in prison of 365 days and average cost per day of \$70. Further, he indicated successful, low-risk probationers are being supervised as long as high-risk probationers, the impact of which can be seen in the considerable difference among revocation rates: 4 percent for low-risk probationers, 37 percent for moderate-risk, and 76 percent for high-risk.

To resolve these issues, he explained, graduated sanctions coupled with targeted programs and supervision are less costly and more effective than traditional approaches, where at a cost of around \$25,000 for 12 months incarceration, there is limited access to programs to reduce risk while in prison and a lack of supervision upon release to monitor risk and mitigate recidivism. The suggested approach, at \$13,800 per person, would provide three months incarceration, a three-month program in the community, and approximately 18 months remaining on supervision, which has been shown to reduce recidivism by roughly 20 percent. Barriers exist to implementing these more effective supervision practices in Kansas, however.

Next, Mr. Barbee explained that while Kansas has demonstrated success in reducing recidivism for those released to post-release supervision (PRS), there are opportunities to expand that success even further, including increased delivery of behind-the-walls programming for those in need and focusing supervision resources on the high-risk PRS population, rather than low-risk. Finally, advocates have identified many obstacles to preserving victims' interests. Opportunities for better restitution collection include:

- Beginning to collect restitution from inmates earlier than current practice (*i.e.* before work release);
- Expanding funds from which restitution can be collected (*i.e.* tax return garnishments, other inmate deposits);

- Allowing commissary purchases only for inmates who are up to date in meeting restitution obligations (either in whole or in accordance with a payment plan); and
- Ensuring that parole/PRS officers have easy access to payment history/amount owed.

Response to Department of Justice Report on Topeka Correctional Facility

Secretary Roberts stated KDOC has responded to all allegations of sexual abuse found in the Department of Justice's audit report on the Topeka Correctional Facility (TCF) ([Attachment 5](#)). Changes have been made in TCF administrative staff, including the hiring of a female warden, deputy warden, and facility services administrator. KDOC also plans to aggressively advertise, recruit, and employ female correctional staff at TCF. Further, Warden Cooper has established expectations of professionalism, accountability, and reliability, as well as safety, dignity, and respect throughout the facility.

He went on to explain the TCF Program Management Committee, which is made up of TCF's warden, deputy warden, and PREA coordinator, meet weekly to review and discuss all PREA complaints and assured the Committee that all allegations of staff sexual misconduct are taken seriously, placing anyone involved in a post with no inmate contact or on administrative leave. Additionally, many measures have been taken to prevent sexual misconduct. Staff and inmates are informed about PREA requirements; inmates are able to make anonymous complaints; policies and procedures have been adapted to minimize unsupervised staff/inmate interaction; and a task force created in January 2012, which includes community partners such as the Kansas Coalition Against Sexual and Domestic Violence and YWCA Family Peace Initiative, met to discuss power and control dynamics and developed a survey for inmates.

Secretary Roberts responded to questions from the Committee.

Update on Parole and Community Corrections

Jennifer Welch, Parole Service Manager, KDOC, provided an update on parole and community corrections ([Attachment 6](#)). The Community and Field Service Division includes Interstate Compact for Adult Offender Supervision; Parole Services (Northern and Southern Regions); and Community Corrections. As of June 30, 2012, 6,126 offenders were supervised by Parole Staff: 1,669 were offenders from other states being supervised in Kansas, and 143 were DUI offenders pending release from jail. The Interstate Compact for Adult Offender Supervision, required by federal and state law, is responsible for tracking all supervised offenders coming into and leaving Kansas, as well as parole National Crime Information Center warrant entries, and tracking and extradition of absconders arrested out of state. The number of courtesy supervision cases is virtually an even exchange with Kansas parole officers supervising a total of 1,669 offenders from other states and 1,663 Kansas offenders being supervised in other states.

Ms. Welch went on to explain effective supervision practices and revocation rates are two of the main indicators of both Community Corrections and Parole Services. Current supervision tools include a focus on re-entry; the Level of Services Inventory – Revised (LSI-R); case management; motivational interviewing; officers who specialize in working with certain populations (e.g., mental health, high risk); GPS monitoring; mentoring; and referral for services (e.g., substance abuse, anger management, housing, domestic violence).

Through the implementation of these tools, EBP, and other policy initiatives, from FY 2000 to FY 2012, KDOC has been able to reduce the number of condition violators returned to prison by 70 percent, without an increase in violators who return to prison with a new sentence. Between FY 2002 and FY 2007, Kansas was one of only 6 states whose rate fell by more than 10 percent and had the second largest percentage drop in recidivism, from 55 percent to 43 percent. From FY 2009 to FY 2012 alone, the reduction in condition violators returned to prison saved the taxpayers \$3.3 million. At the same time, the workload for parole officers has increased. Using EBP and case management strategies is more time-consuming, but has yielded huge results. From FY 2009 to FY 2012, the percentage of high and moderate supervision levels went from 60 percent to 68 percent. Additionally, in spite of the slight increase in parole officer staff from FY 2002 to FY 2011, the average caseload per parole officer increased by 44 percent.

The Community Corrections Act, which was designed to divert offenders from state correctional facilities, requires each of the 105 counties to participate, providing intensive supervised probation. There are 31 Judicial Districts and 30 programs. The state provides around \$17 million in funds, as well as technical assistance, to local programs. Risk reduction efforts include partnering with community organizations (mental health centers, workforce development centers, adult education centers, and others), refreshing staff trained in EBP, reviewing policy and procedure to align with EBP, and developing intermediate sanction models of supervision. In FY 2013, KDOC plans to provide 15 training sessions statewide for community corrections and some juvenile staff in Effective Practices in Correctional Settings (EPICS) with on-site follow-up, on-site assistance with applying the EPICS techniques to case planning, Health Insurance Portability and Accountability Act (HIPAA) training, and on-site quality assurance.

Operation of Prison Programs (Food Service, Healthcare, and Sex Offenders)

Johnnie Goddard, Deputy Secretary for Facilities Management, KDOC, provided an overview of current contracts for sex offender treatment, food service, and healthcare ([Attachment 7](#)). The Sex Offender Treatment Program (SOTP) contract was awarded to Clinical Associates (CA) in July 2011 at a cost of \$1.7 million annually, with the option of renewing it for four additional one-year periods. CA offers evidence-based sex offender evaluation and treatment services throughout Kansas and KDOC. SOTP therapists are licensed at the masters' level through the State Behavioral Sciences Regulatory Board, and CA interviews and assesses all sex offenders admitted at the Reception and Diagnostic Unit. Services are provided at the Lansing, Hutchinson, and Topeka Correctional Facilities, with 230 male participants annually and 6 female participants, and CA is contractually required to maintain a 75 percent statewide success rate. CA also provides treatment to 676 sex offenders in the community and all participants in SOTP are subject to ongoing polygraphs to validate past and current behavior.

The food service contract is with Aramark Correctional Services, Inc., and is effective through June 30, 2022. The food service budget for FY 2013 is \$14.0 million, with a cost per meal of \$1.389 or \$4.17 per day. Aramark is responsible for all labor, food, supplies, and materials required for the delivery of food services and will serve approximately 9.5 million meals a year. Aramark utilizes a standardized menu on a five-week rotation, which changes twice per year, Fall/Winter and Spring/Summer. Aramark also provides 18 standardized medical diets (e.g., diabetic, cardiac, broken jaw, pregnancy), a combined religious/medical diet, and other medically ordered special diets (e.g., hospice). Religious diets are prepared in compliance with the Religious Land Use and Institutionalized Persons Act. All diets are certified by a dietician with calorie and nutritional requirements based on weekly averages of 2,900 calories per day for males and 2,200 calories per day for females. Aramark also provides a vocational

food service program titled Inmate to Work (IN2WORK) at most facilities, giving inmates an opportunity to earn the National Restaurant Association ServeSafe certification, which qualifies them to work in most restaurants; 69 inmates completed the IN2WORK program in 2012. The IN2WORK vocational program is funded by the Fresh Favorites incentive meal program, which allows inmates to buy a meal prepared by the vocational students.

The healthcare services contract is with Correct Care Solutions, Inc. (CCS), which provides all necessary medical, mental health, dental, and forensic evaluation services for KDOC. The health care budget is 18 percent of the entire KDOC State General Fund budget. The CCS contract costs \$14.36 per inmate per day for a total of \$49.4 million for FY 2013 and ends December 31, 2013. The national average cost per inmate per day is \$17.69 for FY 2013 and is estimated to reach \$18.11 for FY 2014; annual healthcare costs increase nationally at 14 percent compared to KDOC's 4.6 percent annual increase. KDOC entered into a Memorandum of Agreement with University of Kansas Physicians in 1995 to monitor and oversee this contract at a cost of \$1.1 million annually, ensuring it meets the community standard of care.

Viola Riggin, Director of Health Care Services for Adults and Juvenile Services for KDOC and the Juvenile Justice Authority (JJA), stated they are required to meet Health Resources and Services Administration compliance by January 2014 and are on track to meet that requirement. Ms. Riggin also addressed questions on health care information exchange and health care contracts. Mr. Goddard addressed questions concerning the Patient Protection and Affordable Care Act, Medicaid expansion, and electronic medical records.

Chairperson Brungardt adjourned the meeting at 3:30 p.m.

Friday, November 9 Morning Session

Chairperson Brungardt called the meeting to order at 9:00 a.m.

Performance Audit Report, "Evaluating the Topeka Juvenile Correctional Complex"

Laurel Murdie, Legislative Division of Post Audit (LPA), presented the performance audit report, "Evaluating the Topeka Juvenile Correctional Complex, Part 1" ([Attachment 8](#)). The full report is available at <http://www.kslpa.org/docs/reports/r-12-006.pdf>. The question addressed in Part 1 of the audit was whether the Kansas Juvenile Correctional Complex (KJCC) takes adequate steps to ensure the safety of juvenile offenders and staff. The audit found KJCC staff:

- Have not adequately supervised juvenile offenders, which has led to offender injuries and misconduct;
- Routinely have allowed doors to be propped open or unlocked, at times allowing juveniles to freely roam living units and access unauthorized areas;
- Have done a poor job of keeping prohibited items out of the facility; and
- Have not tracked, inventoried, or secured keys and tools.

Safety and security problems at KJCC have been compounded by poor personnel management:

- Officials have employed staff with felony or drug convictions because the facility's background check process was inadequate;
- Juvenile corrections officers have not received sufficient and appropriate training in recent years;
- KJCC officials have done a poor job of disciplining staff for policy violations; and
- There is some evidence that shifts at KJCC have not been staffed and supervised properly to ensure safety and security.

Additionally, the environment at KJCC has not been conducive to ensuring the safety and security of juvenile offenders and staff:

- KJCC's management has been disorganized and has done a poor job of communicating safety and security policies;
- Severe problems with turnover have increased safety and security risks;
- JJA and KJCC officials appear to have favored convenience and expedience over safety and security; and
- KJCC management has done a poor job of addressing safety and security problems once they have become aware of them.

Based on these findings, LPA made numerous recommendations concerning specific security and safety issues at KJCC; the facility's personnel management problems in the areas of background checks, proper facility staffing, employee discipline, and staff training; and problems with JJA and KJCC's overall security environment. LPA also recommended that JJA and KJCC officials provide a status report on the implementation of the recommendations to the Legislative Post Audit Committee by December 2012 and the Committee consider a follow-up audit.

Facility Security Improvements

Terri Williams, Acting Commissioner, JJA, updated the Committee on facility security improvements ([Attachment 9](#)). Commissioner Williams introduced her leadership team and stated that, to establish stability, JJA is getting back to basics. In the area of human resources (HR), JJA has updated policies to obtain proper background checks prior to hiring; improved the organization of files; developed and implemented a statewide HR hiring checklist; implemented a revised HR database to increase oversight, accountability, and consistency; remedied starting salary disparity between JJA correctional officers and their KDOC counterparts; increased shift differential to that paid by KDOC; requested to add juvenile correctional officers to Corrections KPERS; worked with the Department of Administration to increase recruitment; and overhauled training.

Speaking about security, Commissioner Williams indicated JJA has modified staffing and supervision practices, including implementation of a multi-departmental quality assurance team with a quality assurance process for security; issued directives on expectations for rounds checking and door security with spot checks for compliance; established vulnerability checks and drills; trained staff in evidence collection and implementation of evidence storage practices; repaired and refashioned doors; replaced perimeter lighting; obtained authorization for purchase of monitoring equipment; set up a system of twice daily perimeter checks; revised standards for visitor access to the facility, including limiting items allowed in and requiring everyone to go through metal detectors; and increased facility and canine searches.

Commissioner Williams then answered Committee members' questions. Concerning staffing needs, the Commissioner indicated there are 17 current vacancies. Representative Colloton requested that Commissioner Williams prepare an estimate of the number of staff needed to minimize use of overtime, based on current numbers of staff and overtime required, and encouraged the Committee to recommend support for filling those positions. Additionally, Representative Colloton asked the Commissioner to prepare a summary of the amount spent on diversions this year and in previous years and the amount that will be needed next year.

When asked about the Governor's request that agencies prepare a budget with a 10 percent reduction, Commissioner Williams answered that prevention services would be reduced and the JJA is considering lowering from 22.5 to 19 the maximum age for an offender to remain in JJA custody. Like Secretary Roberts, Commissioner Williams referred to the Governor's statement that he did not want the reductions to impact public safety.

Future of Facility Programs

Commissioner Williams provided an overview of JJA programs, which include educational and vocational training, substance abuse education, sex offender treatment, anger management, cognitive behavioral therapy, mental health services, life skills, and parenting courses. JJA offers EBP along the continuum of services, from community-based prevention to facility-based and re-entry programs. Specifically, JJA has partnered with Fort Scott Community College to provide the Water Technologies Curriculum, which is funded through a 2-year, Department of Labor Education Training Administration grant, which will begin in January 2013 and serve 24 students every 6 months.

The Commissioner also spoke about JJA's gender-responsive programming, including Girls Circle, which has demonstrated increases in self-efficacy, attachment to school, positive body image, and social support and decreases in self-harming behavior and alcohol use. Another gender-responsive service is Seeking Safety, a trauma-informed substance abuse curriculum, and JJA is evaluating possible use of Moving On, a cognitive behavioral therapy, as well as collaborating with the Topeka Correctional Facility on resources for trainings and staff skill-building.

Other plans for future program improvements include training and quality assurance, motivational interviewing, measuring the effectiveness of programs and investing or reinvesting in those that work, and a Worker Alliance Inventory. Finally, the Commissioner addressed questions and concerns on programs for JJA.

Systems Trends and Data

Randy Bowman, Director of Community Based Programs, provided a history of juvenile justice reform and a summary of trends, which reflect a decline in:

- Total juvenile correctional facility admissions by 58 percent;
- Total juvenile offender cases filed from FY 2002 to FY 2011 by 30 percent;
- Total intake and assessment intake events by 31 percent;
- New case management and conditional release admissions from FY 2005 to FY 2012 by 37 percent; and
- New Juvenile Intensive Supervision admissions by 20 percent.

There has been not only a reduction in system contact, but also measurable action taken among juvenile justice system stakeholders. For instance, local units of government providing juvenile justice services invested \$3.9 million in local funds in FY 2011 and leveraged another \$967,346 from foundations, program fees, and other sources. Additionally, 30 Juvenile Corrections Advisory Boards regularly meet to address juvenile crime and the needs of young people who touch the system.

Nevertheless, graphs provided reflect a 17 percent increase in populations at Youth Residential Center II (YRCII) facilities since 2008, and 12-month and 24-month recidivism rates also are on the rise. The 12-month rate for youth released from a correctional facility is increasing both in terms of new charges and adult commitments, and the 24-month rate shows a gradual increase for technical violations, new charges, and an increase from 41 to 55 adult commitments for juveniles released in 2008 to 2010. For youth released from state custody, the 12- and 24-month recidivism rates show a decline in juvenile recommitments, but an increase in adult commitments.

Mr. Bowman addressed questions and concerns from the Committee on how much control judges have over the placement of juvenile offenders, what tools are available for recommendations, and the juvenile equivalent of the LSI-R, which does not currently exist.

Chairperson Brungardt recessed for lunch until 1:00 p.m.

Afternoon Session

Chairperson Brungardt reconvened the meeting at 1:00 p.m.

Stakeholder Involvement

Randy Bowman continued speaking with an update on stakeholder involvement. The Kansas Advisory Group (KAG) was established by the Governor in accordance with KSA 75-7007 and as directed by Section 223(a)(3) of the federal Juvenile Justice and Delinquency Prevention Act (JJDP A) to:

- Participate in the development and review of the juvenile justice plan;
- Review and comment on all juvenile justice and delinquency prevention grant applications;

- Oversee compliance with JJDP core requirements; and
- Study deinstitutionalization of status offenders, sight and sound separation of juveniles from adult inmates, jail removal of juveniles from adult jails and lockups, and disproportionate minority contact.

KAG is composed of 20-33 members appointed by the Governor to 4-year terms, who represent a cross section of juvenile justice stakeholders, including educators, courts and law enforcement, youth, service providers, mental health professionals, representatives of the business sector, and legislators. Currently, KAG has 22 members, including 20 percent who were under the age 24 at the time of appointment, 3 members who have been under the jurisdiction of the juvenile justice system, and 10 members who joined in the past year. In the past, KAG has studied the use of pepper spray in juvenile correctional facilities and the closure of the Beloit facility. It currently is studying the interface between the Department for Children and Families and JJA.

The Community Advisory Committee (CAC) was established by the Commissioner of JJA in accordance with KSA 75-7056 to examine and report to the Commissioner on efficiencies in the delivery of community supervision services, including prevention, intervention, and graduated sanctions programs. Keith Clark, Director, 4th Judicial District Community Corrections, presented comments regarding the purpose of CAC and its ongoing relationship with JJA ([Attachment 10](#)). The Juvenile Justice Reform Act was modeled from the Community Corrections Act; however, in the original Act no mechanism was provided for local communities to effectively participate in the annual budget planning process for block grant funding for juveniles. The CAC was established to participate in the budget process and in an *ad hoc* advisory capacity as requested by the Commissioner. The statute requires the Commissioner to designate regions in the State and appoint two individuals from each region based on recommendations from the administrative contact in the region to serve on the advisory group. The Commissioner also appoints two at-large members from the Kansas Community Corrections Association.

Clayton Carr, Director, 16th Judicial District Juvenile Services, presented comments regarding the current activities of the CAC ([Attachment 11](#)). The data show significant and lasting reductions in youth offenders served at intake and assessment, juvenile court filings, youth in state's custody, and in juvenile correctional facilities. Community engagement, prevention, and earlier interventions at the local level, along with use of evidence-based assessments and programming, adequate staff resources, and better training deserve much credit for these successes. Judges have demonstrated they will use less-restrictive sentencing alternatives when they are proven to be effective and safe. This has prevented many youths from moving deeper into the system where services are far more costly and less effective in reducing future offending. Mr. Carr provided statistics in support of these claims.

Community-Based Programs – Update and Future Plans

Randy Bowman then provided an update on Community-Based Programs, beginning with the ongoing work of the Juvenile Detention Alternatives Initiative (JDAI) in five counties. Mr. Bowman addressed the work plans for each of these counties as follows:

- The Douglas County work plan consists of positive behavior supports, implementing risk assessment instrument (RAI), examining probation

culture/practices, and implementing readability project (making rules easier to understand and follow);

- The Johnson County work plan consists of JDAI training for all stakeholders, looking at probation practices, implementing Choice Point program (90-day cognitive-based program in detention and elsewhere), and studying use of force in detention;
- The Sedgwick County work plan consists of building on prior efforts with the MacArthur Foundation, reducing staff override of RAI (have had RAI for 15 years, but sometimes staff will overrule it; should happen in only 5 percent), securing a mental health evaluator at detention center (began in July), and considering changes to court procedures to minimize time between arrest and disposition, currently at two to five months;
- The Shawnee County work plan consists of training stakeholders, implementing new RAI, and targeting Children In Need of Care (CINC) and probation violators; and
- The Wyandotte County work plan consists of outreach activities to elected officials and community stakeholders, implementation of RAI, and developing a case expeditor to reduce length of stay.

Statewide, Mr. Bowman reported JJA invests significant amounts of resources in community placement. For FY 2012, JJA is projected to spend more than \$31 million in various residential placements and roughly \$20 million will be spent on Youth Residential Centers and Detention. Kansas is a high consumer of group home services and ranks 13th nationally for highest use per 100,000. Currently, JJA does not have systemic data on the effectiveness of programs (individually or by model type) used by each provider. The current contracting process requires most provider models to maintain licensure with the Kansas Department of Health and Environment, and each provider determines program content, such that among like models, there is great variation. Evidence-based services are not required and providers identify a lack of rate increase over several years as a challenge to augmenting services. Alternatively, JJA could use the correctional program checklist as a baseline performance score for providers; develop training opportunities to providers in EBP; consider restructuring rates based upon checklist score, which would build in preference for fidelity to EBP, giving a higher rate for higher scores; use the Pew Results First model to help demonstrate effectiveness; or add to the menu of services to include more EBP.

One example of a possible EBP is Multisystemic Therapy (MST), which is an intensive, evidence-based, family- and community-based treatment and views youth as embedded within multiple interconnected systems. It requires fidelity to the model, including licensure by the MST Institute and highly credentialed staff. Currently, 32 states, the District of Columbia, and 12 countries have a licensed MST program, but there are none in Kansas. MST targets youth, ages 12-17, both male and female, at high risk of out-of-home placement (chronic, violent, or substance abusing juvenile offenders) and their families. It also has some targeted adaptations for emerging adults, drug court participants, and others. Potential outcomes include a reduction of long-term rearrest rates by 25 percent-70 percent and out-of-home placements by 47 percent-64 percent. Additionally, it helps families to function better, decreases substance use, and lessens mental-health problems for serious juvenile offenders. In the long term, a 14-year, follow-up study done in Missouri showed up to 54 percent fewer rearrests, 57 percent fewer

days of incarceration, 67 percent fewer drug-related arrests, and 43 percent fewer days on adult probation. Further, the cost is lower than both YRC II and detention services and shows an ROI of \$12.40-\$28.33.

The recommendation is to start with changes with an earlier ROI and which are widely researched, as well as investing in a pilot program, likely in Wyandotte, at a cost of roughly \$300,000-350,000 annually. A team typically consists of a program director, clinical supervisor, and three therapists who would serve roughly 50 youth each year. Each therapist carries a caseload of three to five families. JJA would pilot the program until it begins paying for itself. The proposed site would be required to have enough youth eligible to go through the program and JJA staff would have to work with site stakeholders beforehand to determine interest and commitment to the successful implementation of the pilot program. Implementation would require a procurement process to select the vendor, communication and outlining of how the program would be evaluated, choosing the pilot site, and training staff.

Mr. Bowman summarized JJA's efforts to comply with PREA standards by August 20, 2013, or face losing 5 percent of federal funding. This is applicable to the 2 state juvenile correctional facilities, the 12 juvenile detention centers operated by local governmental agencies, and facilities used primarily for the confinement of juveniles pursuant to the juvenile justice system. Thus far, JJA has designated a PREA Coordinator as required by law, revised agency policies, and notified contracted residential service providers of the PREA law. Training for staff and youth is under way and JJA will conduct a self audit in the spring of 2013.

Mr. Bowman spoke about the Council of Juvenile Correctional Administrators Positive Youth Outcomes Committee, saying that reliance on recidivism as a primary indicator of success or failure discourages collection and utilization of positive outcomes data for youth. Instead, the Committee is reviewing relevant literature, surveying staff, and examining instruments to measure positive changes, which in the future will give direction and opportunities to collect and measure success of Kansas youth.

Mr. Bowman responded to questions from the Committee members.

The next Committee meeting was scheduled to be November 29, 2012. The Committee meeting was adjourned at 3:30 p.m.

Prepared by Connie Burns
Edited by Lauren Douglass

Approved by the Committee on:

November 29, 2012
(Date)