

# Legislative Post Audit Performance Audit Report Highlights

Highlights

## Juvenile Justice Authority: Evaluating Safety and Program Issues at the Kansas Juvenile Correctional Complex, Part 2

### Report Highlights

November 2012 • R-12-011

#### Summary of Legislator Concerns

Legislators have expressed concerns about the adequacy and equity of the educational and technical programs at Kansas Juvenile Correctional Complex (KJCC) as well as the adequacy of substance abuse treatment programs at both juvenile facilities.

#### Background Information

The Juvenile Justice Authority (JJA) is responsible for supervising and providing services to all juvenile offenders in state custody.

The Kansas Juvenile Correctional Complex (KJCC) is a medium and maximum-security facility located in Topeka. KJCC houses about 220 male and 20 female juvenile offenders.

JJA contracts with the Southeast Kansas Education Service Center (Greenbush) to operate Lawrence Gardner High School within the facility. The average number of students attending the school at any given time is about 230.

**QUESTION 1: Are Education Programs at the Kansas Juvenile Correctional Complex Adequate to Prepare Offenders for Future Academic and Work Opportunities and Are the Programs Equitable for Male and Female Offenders?**

#### Findings Related To Academic Programs:

- The Kansas Juvenile Correctional Complex (KJCC) provides adequate academic programs to help juvenile offenders earn a high school diploma or equivalent.
  - The high school and GED programs are accredited through the Department of Education.
  - The programs are flexible and accommodate frequent entry and exit of juvenile offenders.
  - They provide juveniles basic literacy skills such as reading, writing, and math.
  - They also provide basic job skills.
- In general, the academic programs at KJCC are equitable for male and female offenders, although there are some exceptions.
  - Male and female offenders are generally provided the same core academic courses and electives.
  - Although the way in which academic courses are delivered to male and female offenders is different, these differences do not necessarily mean the courses are inequitable.
  - However, we did identify two academic courses—physical education and life skills—that were not provided equitably to both male and female offenders.

#### Findings Related To Technical Education and Work Study Programs:

- The technical education and work study programs at KJCC are not adequate to prepare juveniles for future work opportunities.
  - KJCC's technical education and work study programs do provide juveniles adequate training in basic job skills.
  - However, the technical education and work study programs do not provide juveniles adequate training in advanced job skills or provide them work experience in high-demand occupations or industries.

- KJCC's technical education and work study programs are not equitable because female offenders do not have access to comparable programs.
  - Male offenders have access to all seven technical education programs and all eight work study programs.
  - On the other hand, female offenders have access to only two technical education programs and only three work study programs.

**Findings Related To Postsecondary Programs:**

- KJCC does not currently offer any postsecondary programs to juvenile offenders.
  - The postsecondary programs have been offered only sporadically since Fall 2008.
  - When postsecondary programs have been offered at KJCC, they have not been made available to female offenders.

**Findings Related To Overarching Management Issues:**

- JJA and KJCC officials have taken a hands-off approach to education programs.
  - JJA and KJCC officials have not formulated plans or established partnerships for appropriate technical education, work study, or postsecondary education programs at the facility.
  - JJA and KJCC officials have not regularly or systematically assessed the effectiveness of the facility's education programs.

**SUMMARY OF RECOMMENDATIONS**

**Question 1 Recommendations:**

- We made a series of recommendations aimed at addressing the specific issues with educational programs at KJCC. These included recommendations to develop and implement plans for technical education, work study, and postsecondary programs, and for monitoring, evaluating, and modifying education programs based on outcomes.
- We also recommended that JJA and KJCC officials develop a plan for bringing the quality and availability of education programs for female offenders in line with what is provided to male offenders.

*In addition to KJCC, which is located in Topeka, JJA oversees Lamed Juvenile Correctional Facility (Lamed). Lamed is a medium and maximum-security facility that houses about 110 male juvenile offenders.*

*Currently, both facilities use a program called Pathways to address juvenile offenders substance abuse needs. This program focuses on behavior modification. All juveniles identified with substance abuse needs are given this same program.*

**QUESTION 2: Is the Juvenile Justice Authority Legally Authorized to Operate Its Juvenile Correctional Facilities as Unlicensed Substance Abuse Treatment Facilities, and What Effect Does That Have on Services?**

**Findings Related To Operating Unlicensed Treatment Facilities:**

- Under current state law, juvenile correctional facilities are allowed to provide substance abuse programs without being a licensed facility.
  - State law does not require state institutions to be licensed in order to provide substance abuse treatment.
  - In 2009, JJA voluntarily stopped licensing the substance abuse programs at its juvenile correctional facilities.
  - JJA officials told us they are considering relicensing those programs.
- Providing unlicensed substance abuse treatment could affect the quality of services and limit some funding opportunities.
  - An unlicensed substance abuse treatment facility is not reviewed independently, which could increase the risk that juvenile offenders will not receive effective services.
  - Having an unlicensed program could also limit some opportunities for federal funding.

**Findings Related To The Quality of Substance Abuse Services at KJCC:**

- Most offenders in Kansas' juvenile correctional facilities need substance abuse services to reduce the likelihood they will reoffend.
  - An estimated 70-85% of the offenders in Kansas' juvenile correctional facilities need substance abuse services. We were not able to quantify the exact number because of incomplete and inaccurate data maintained by KJCC.
  - Providing effective substance abuse services is an important key to keeping juvenile offenders from reoffending.
- Substance abuse services at KJCC are not properly designed to meet the individual needs of offenders.
  - KJCC offers only a small portion of the substance abuse services that juvenile offenders really need.
  - All juvenile offenders at KJCC receive the same substance abuse services with little to no individualized treatment.
  - Being able to provide good substance abuse services is further hampered by not having valid screening and assessment tools in place.

- JJA officials suspended all substance abuse services at KJCC for nearly six months in 2011.
  - In 2008, JJA officials significantly reduced substance abuse services provided at KJCC. Individualized substance abuse services were stopped and officials focused on providing "Pathways," a curriculum that focused on behavior modification.
  - Juveniles at KJCC did not receive any substance abuse services from July 2011 through January 2012.
- JJA and KJCC officials lack sufficient management information to ensure that juveniles receive adequate and appropriate substance abuse services.
  - KJCC officials do not know how many male juvenile offenders need substance abuse services.
  - Facility officials do not have a mechanism in place to determine whether substance abuse services were effective.
  - In general, substance abuse records at KJCC were in disarray.
  - Because KJCC officials have not tracked the services provided, staff told us some juvenile offenders have been released from JJA custody without receiving needed substance abuse services.

## SUMMARY OF RECOMMENDATIONS

### Question 2 Recommendations:

- We made a series of recommendations aimed at addressing the specific issues related to the quality of substance abuse services at KJCC.
- We also recommended that JJA, KJCC, and Larned officials reconsider whether the facilities should be licensed.
- We recommended the Legislative Post Audit Committee consider requesting an interim study of the statutory provision related to exempting state institutions from substance abuse licensing requirements.
- We further recommended that JJA officials provide a status update on the education and substance abuse programs to the Legislative Post Audit Committee and the Joint Committee on Corrections and Juvenile Justice Oversight by June 1, 2013.

### AGENCY RESPONSE

- Agency officials agreed with the findings and indicated they would implement the recommendations.

#### HOW DO I GET AN AUDIT APPROVED?

By law, individual legislators, legislative committees, or the Governor may request an audit, but any audit work conducted by the Division must be approved by the Legislative Post Audit Committee, a 10-member committee that oversees the Division's work. Any legislator who would like to request an audit should contact the Division directly at (785) 296-3792.

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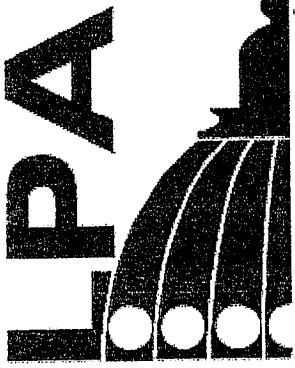
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# **PERFORMANCE AUDIT REPORT**

## **JJA: Evaluating the Kansas Juvenile Correctional Complex, Part 2**

**A Report to the Legislative Post Audit Committee  
By the Legislative Division of Post Audit  
State of Kansas  
November 2012**

**R-12-011**

## **Question 2: Is the Juvenile Justice Authority Legally Authorized to Operate Its Juvenile Correctional Facilities as Unlicensed Substance Abuse Treatment Facilities, and What Effect Does That Have on Services?**

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### ***Answer in Brief:***

*Under current state law, juvenile correctional facilities are allowed to provide substance abuse programs without being a licensed facility (p. 19). However, providing unlicensed substance abuse treatment could affect the quality of services and limit some funding opportunities (p. 20).*

*Most offenders in Kansas' juvenile correctional facilities need substance abuse services to reduce the likelihood they will reoffend (p. 21). However, substance abuse services at the Kansas Juvenile Correctional Complex (KJCC) are not properly designed to meet the individual needs of offenders (p. 22). In addition, Juvenile Justice Authority (JJA) officials suspended all substance abuse services at KJCC for nearly six months in 2011 (p. 23). Finally, JJA and KJCC officials lack sufficient management information to ensure that juveniles receive adequate and appropriate substance abuse services (p. 24).*

*These and other findings are presented in the sections that follow.*

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### **FINDINGS RELATED TO OPERATING UNLICENSED TREATMENT FACILITIES**

#### ***Under Current State Law, Juvenile Correctional Facilities are Allowed to Provide Substance Abuse Programs Without Being a Licensed Facility***

Recent changes in how substance abuse services were provided at juvenile correctional facilities prompted legislative concerns about whether JJA could provide unlicensed treatment within its facilities.

#### **Current state law does not require state institutions to be licensed in order to provide substance abuse treatment.**

Although state licensing laws require substance abuse treatment facilities to be licensed, there is a specific state statute (K.S.A. 59-29b46) which excludes "state institutions" from the definition of "treatment facilities." Because the KJCC and the Larned Juvenile Correctional Facility (Larned) are state institutions, they can provide substance abuse services without being licensed as a treatment facility.

Although state institutions are exempt from the licensing requirement, the staff who provide the substance abuse services within the institutions are required to meet licensing requirements. For example, currently a person providing substance abuse addiction counseling must be licensed by the Kansas Behavioral Sciences Regulatory Board. Our review of licensing records showed that all staff at JJA facilities since 2008

met regulatory requirements related to individuals providing substance abuse services. Finally, although the staff must be licensed themselves, working in an unlicensed facility does not negatively affect those licenses.

**In 2009, JJA voluntarily stopped licensing substance abuse programs at its juvenile correctional facilities.** Kansas had four facilities that were licensed to provide substance abuse treatment. Two of those facilities—the Atchison Juvenile Correctional Facility and Beloit Juvenile Correctional Facility—are now closed. The other two facilities, KJCC in Topeka, and Larned remain open.

Most of the JJA and facility officials who decided to stop licensing the substance abuse programs are no longer with the agency. However, current agency officials said licensing was likely discontinued because officials at the time had found the exemption in state law discussed in the previous section.

**JJA officials told us they are considering relicensing the agency's substance abuse programs.** Current officials told us they are reviewing the previous decision to discontinue the licensing of the substance abuse programs at both facilities. They have had some preliminary discussions with officials at the Addiction and Prevention Services division within the Kansas Department for Aging and Disability Services. At this time, JJA officials indicated they had not made a final determination on the issue.

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***Providing Unlicensed Substance Abuse Treatment Could Affect the Quality of Services and Limit Some Funding Opportunities***

Although allowed by law, JJA's decision to provide unlicensed substance abuse services at the juvenile correctional facilities may have some drawbacks. Having licensed facilities could help assure that substance abuse services provided are appropriate and adequate. Further, as explained below, licensing JJA's substance abuse programs could improve the agency's opportunities to receive grant funds.

**An unlicensed substance abuse treatment facility is not reviewed independently, which could increase the risk that juvenile offenders will not receive effective services.** Under state law, the Addiction and Prevention Services division within the Kansas Department for Aging and Disability Services provides oversight of licensed substance abuse programs. Division staff have substance abuse service expertise and conduct on-site reviews of all licensed programs. During on-site visits, staff review treatment plans, staff qualifications, admission records, progress notes, and discharge summaries to ensure services are appropriate and adequate. However, because JJA

programs are not licensed, the programs do not have this independent review. This increases the risk that juveniles will not receive the substance abuse services they need.

**Having an unlicensed program could also limit some opportunities for federal funding.** It is not uncommon for substance abuse programs to receive grant funds. For example, a substantial portion of Larned's substance abuse program was funded by federal grants from about 1996 through 2008. Some federal grants require substance abuse programs to comply with the state licensing requirements. JJA officials told us they have not applied for any substance abuse grant funds since they discontinued licensing its programs. Therefore, in recent years, if officials have missed out on funding opportunities, it is because they have not applied for them. However, going forward it is likely JJA would be in a better position for some federal funding if its facilities were licensed.

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**FINDINGS RELATED TO THE QUALITY OF SUBSTANCE ABUSE SERVICES AT KJCC**

***Most Offenders in Kansas' Juvenile Correctional Facilities Need Substance Abuse Services to Reduce the Likelihood They Will Reoffend***

Research related to rehabilitating juveniles indicates that most juveniles in trouble with the law—one article said as many as four in five—abuse drugs or alcohol. In addition, although providing substance abuse services to juvenile offenders while they are incarcerated is very important, a recent study by the U.S. Department of Justice found that only about one-half of the youth with problems related to drug and alcohol use received substance abuse counseling.

**Between 70-85% of juvenile offenders in Kansas' juvenile correctional facilities need substance abuse services.** We were not able to quantify the exact number of offenders who needed substance abuse services because of incomplete and inaccurate data maintained for male offenders at KJCC—which is where most offenders are housed. Instead, we estimated a range based on data available for the male offenders at Larned and the female offenders at KJCC. Later in this report, we discuss the data problems in more detail. Regardless, JJA officials acknowledged the estimate of juveniles needing substance abuse services was not out of line with what they expected. In addition, the estimate for Kansas was also in line with national estimates which ranged from 60-90%.

**Providing effective substance abuse services is an important key to keeping juvenile offenders from reoffending.** A 2012 research-based guide published by the National Institute on Drug Abuse found that providing comprehensive drug abuse treatment to criminal offenders works to reduce drug abuse and recidivism.



In addition, effective substance abuse treatment can improve an offender's relationship with family and can improve prospects for employment once released. However, research from the National Institute and other literature we reviewed showed that many in the juvenile justice system received no treatment.

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***Substance Abuse Services at KJCC are Not Properly Designed to Meet the Individual Needs of Offenders***

In 2008, JJA officials significantly changed the way substance abuse services were provided at KJCC. The most significant change was that most individual substance abuse treatment was stopped. According to literature from Department of Justice and American Correctional Association standards, a key element in effective treatment is to ensure that services are appropriate and tailored to meet each offender's needs. In addition, the standards suggest that a comprehensive substance abuse treatment program should include the following:

- an individualized treatment plan. The plan should be developed by qualified staff, be based on the juvenile's substance abuse assessment and should consider the juvenile's age, gender, culture, family history, and mental health issues. Finally, it should include goals and objectives that are evaluated and adjusted as necessary.
- a spectrum or range of necessary services. The services include, but are not limited to, individual counseling, group counseling, pre-release services, and relapse prevention.
- services that are integrated. Other services and staff within the facility, such as medical, mental health, and education should coordinate with the substance abuse program.
- sufficient and appropriate aftercare. Once the juvenile is released the transition should be coordinated between the correctional facility and the community to ensure the juvenile continues to receive substance abuse services.

As these standards suggest, substance abuse treatment should be individualized and a one-size-fits-all approach is less likely to be effective.

**KJCC offers only a small portion of the substance abuse services that juvenile offenders really need.** According to literature from Department of Justice and the National Institute on Drug Abuse, no one service or treatment is most effective at addressing juvenile offenders' substance abuse issues. However, KJCC officials told us that since 2008, services such as individual counseling, relapse prevention, cultural counseling, Alcoholics Anonymous, and Narcotics Anonymous were no longer provided. Facility staff said these services were stopped because JJA officials at the time chose to focus efforts on offering

one service—Pathways, a behavior modification curriculum as discussed in the next section.

**All juvenile offenders at KJCC receive the same substance abuse services with little to no individualized treatment.** Individual treatment plans are not developed to address offenders' substance abuse service needs. In addition, regardless of an offender's needs, the primary service offered is the Pathways program. Pathways is a cognitive-based behavior modification curriculum that is delivered by having juvenile offenders meet in groups. The groups use role-playing, skits, small group discussions, and worksheet exercises over a course of 32 sessions.

However, using Pathways as a one-size-fits-all approach is not likely to meet the substance abuse needs of individual juvenile offenders. Various studies, including a publication in January 2012 by the National Institute on Drug Abuse, clearly state to be effective, the services need to be tailored to fit the individual's needs and a combination of services may be required.

**Being able to provide good substance abuse services is further hampered by not having valid screening and assessment tools in place.** Valid screening and assessment tools must be used to identify each juvenile's substance abuse treatment needs. If the initial screen indicates substance abuse issues, then a validated assessment should be completed to determine the extent of the issues and to help develop an appropriate treatment plan.

Currently, both KJCC and Larned staff use the Substance Abuse Subtle Screening Inventory (SASSI) as a way to assess juvenile offenders' treatment needs. However, an Addiction Journal article noted there was no evidence that the SASSI was uniquely able to correctly detect substance use, and it should not be used to make diagnoses, treatment recommendations, or correctional decisions. In addition, officials with the Kansas Department for Aging and Disability Services' Addiction and Prevention Services noted the SASSI should not be used as an assessment tool.

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***JJA Officials Suspended  
All Substance Abuse  
Services at KJCC for  
Nearly Six Months in 2011***

As noted earlier, data available from JJA showed that between 70-85% of juvenile offenders in Kansas' facilities need some type of substance abuse services. Given such a significant need, JJA and facility official's efforts should be focused on providing services. However, over the years JJA and facility officials have not only scaled back substance abuse services they completely suspended services for a period of time.

**In 2008, JJA officials significantly reduced substance abuse services provided at KJCC.** JJA officials stopped providing individualized substance abuse services and instead focused efforts on offering Pathways, a curriculum that focuses on behavior modification. Regardless of their needs, all offenders who were identified as having substance abuse issues were provided the curriculum.

Before that, when facilities were licensed, officials were required to provide appropriate and adequate services. To meet the licensing requirements, the facility had to document individualized treatment plans, and provide treatment as determined by the individuals' needs.

**Juveniles at KJCC did not receive any substance abuse services from July 2011 through January 2012.** All substance abuse services at KJCC were stopped in July 2011 because there were concerns the facility and staff may not have been appropriately licensed. While an internal investigation was conducted, the former JJA Commissioner halted all services. According to current JJA officials, those licensing issues were resolved in late August 2011. However, the facility did not resume services until January 2012 because it did not have staff to provide the services.

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***JJA and KJCC Officials  
Lack Sufficient  
Management Information  
To Ensure That Juveniles  
Receive Adequate and  
Appropriate Substance  
Abuse Services***

Management needs good information to effectively manage facility programs. For example, knowing and tracking which services juvenile offenders need and which services they are receiving are basic management information. This information is important in being able to effectively manage a facility's resources, but is not readily available to management at KJCC.

**KJCC officials do not know how many male juvenile offenders need substance abuse services.** Our review of the facility's service tracking data showed that 10% of the current population was missing from the data. In addition, for those who were included, 24% did not show any information about their level of substance abuse needs. As a result, KJCC officials cannot determine the number of juveniles needing substance abuse services.

Without knowing how many juveniles need substance abuse services, facility officials cannot ensure adequate resources are available. Currently, KJCC has two licensed addiction counselors. However, agency officials were not certain if that staffing was appropriate or sufficient to provide the substance abuse services.

**Facility officials do not have a mechanism in place to determine whether substance abuse services were effective.** The American Correctional Association standards call for juvenile correctional facilities to include steps to monitor the program and determine effectiveness. Other experts we spoke with agreed that measuring effectiveness is a critical component of an effective program. While there is no one way to determine effectiveness, things to consider include reassessing juveniles during, as well as once they have completed treatment, and then modifying the treatment based on the results. Another way to measure effectiveness is to track juveniles as they transition to the community. However, neither JJA nor KJCC officials have established a system to evaluate the effectiveness of the substance abuse services provided.

**In general, substance abuse records at KJCC were in disarray.** Good recordkeeping is essential to a well-organized management system. In general, KJCC has not maintained accurate substance abuse records related to juvenile offenders, and in some instances officials were unable to locate files.

- **Although every juvenile should have at least one rehabilitative service recommendation, those services were not recorded for many offenders.** KJCC offers various rehabilitation services, including substance abuse services, mental health services, and sex offender treatment. According to officials, offenders should participate in at least one rehabilitative program. However our review showed no service recommendations for 24% of the female offenders and 6% of male offenders. Without a good record, there is no way to ensure that juveniles are receiving what they need. KJCC staff told us the data are likely incomplete and inaccurate because multiple staff have access to the data and no one person is responsible for ensuring its integrity or accuracy.
- **The substance abuse files maintained on individual juvenile offenders were incomplete, and in some cases were completely missing.** KJCC staff could not find 11 out of 24 substance abuse files we requested. In addition, 12 of the remaining files lacked progress notes, treatment plans, and other documents we would have expected to find in an effective substance abuse service program. Without good records, there is no way to ensure that juveniles receive the services they need.

**Because KJCC officials have not tracked the services provided, staff told us some juvenile offenders have been released from JJA custody without receiving needed substance abuse services.** According to facility staff, since July 2011, several juveniles have been released from KJCC without receiving substance abuse services. Because of the data inaccuracies noted above, we could not quantify the exact number who were released without receiving services. Staff cited several reasons for the problem, including that substance abuse services

were not provided for six months in 2011. Also, they said that currently, substance abuse services are not offered in such a way to ensure that offenders receive services while they are incarcerated.

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***Conclusion***

Education and substance abuse treatment have been cited in the juvenile corrections literature as two of the most important factors in reducing the likelihood that juveniles will reoffend. This audit found that education services at KJCC and substance abuse services at both facilities are minimal, and that officials do little to evaluate the effectiveness of the services that are provided. While the education and substance abuse needs are not as urgent as the safety and security issues found in the July 2012 audit of KJCC, JJA officials need to take the time to build and implement adequate and equitable education and substance abuse services that are more likely to be effective.

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***Recommendations for Executive Action***

1. To address the issues related to the quality of substance abuse services identified on pages 21 through 25, JJA and KJCC officials should develop and implement a plan for improving substance abuse services that includes:
  - a. providing substance abuse services that best practices have shown to meet the individual needs of juvenile offenders.
  - b. reviewing the effectiveness of the current screening tool (SASSI) to ensure that facilities are using screening and assessment tools that meet best practices.
  - c. analyzing the resources needed to provide adequate and appropriate substance abuse services. If additional resources are shown to be needed, adding those resources to ensure that offenders' needs are addressed.
  - d. implementing an ongoing process to measure the effectiveness of substance abuse services provided, including tracking how many and which juveniles have received substance abuse services and comparing those data with recidivism data for those same offenders.
2. To address the issue related to JJA's facilities being licensed to provide substance abuse services identified on pages 19 through 21, JJA and facility officials should reconsider whether the facilities should be licensed.

3. JJA officials should provide an update on the status and changes to the substance abuse services to the Legislative Post Audit Committee and the Joint Committee on Corrections and Juvenile Justice Oversight by June 1, 2013.
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***Recommendations for  
Legislative Action***

1. The Legislative Post Audit Committee should consider requesting an interim study of the statutory provision that excludes state institutions from having to comply with state substance abuse treatment licensing requirements.