

MINUTES

JOINT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE OVERSIGHT

September 22-23, 2003
Larned Correctional Mental Health Facility
Larned Juvenile Correctional Facility
Ellsworth Correctional Facility

Members Present

Representative Ward Loyd, Chairperson
Senator Pete Brungardt (September 23)
Senator Kay O'Connor
Representative Doug Gatewood
Representative Bill Light
Representative Jan Pauls
Representative Dale Swenson

Members Absent

Senator Greta Goodwin
Senator David Haley
Senator Nancey Harrington
Senator Lana Oleen
Senator Jean Schodorf
Representative Thomas Klein
Representative Dean Newton

Staff Present

Nicoletta Buonasera, Kansas Legislative Research Department
Jerry Ann Donaldson, Kansas Legislative Research Department
Martha Dorsey, Kansas Legislative Research Department
Becky Krahl, Kansas Legislative Research Department
Art Griggs, Revisor's of Statutes Office
Jill Wolters, Revisor's of Statutes Office
Cindy O'Neal, Committee Secretary

Conferees

Roger Werholtz, Secretary of Kansas Department of Corrections
Roger Haden, Deputy Secretary, Kansas Department of Corrections
Dr. James Owens
Karen Rohling, Warden, Larned Correctional Mental Health Facility
Denise Everhart, Commissioner, Kansas Juvenile Justice Authority
Don Raymond, Director of Prison Fellowship Program, Ellsworth Correctional Facility
L. Christian Hauck, President of Sunflower Electric Cooperative, Hays
Sam Cline, Warden, Ellsworth Correctional Facility
Patricia Biggs, Executive Director, Kansas Sentencing Commission
Dick Mills, GRW Corporation
Jim Roberts, Corrections Corporation of America

September 22 Morning Session

Roger Werholtz, Secretary of Kansas Department of Corrections, provided the Committee with the status of the Prison Health Services inmate health care contract. Both parties have agreed to a buy out and the Department of Corrections has received a reasonable offer from Health Cost Solutions which is developing a branch of their business to offer health care services to prisons. The remainder of the Prison Health Services contract will be transferred to Health Cost Solutions, it takes effect October 1, 2003 and runs through fiscal year 2005.

The Committee requested a summary of the contract, once it was finalized.

Roger Haden, Deputy Secretary, Kansas Department of Corrections, addressed some questions which Committee members had at a previous meeting. The first question was about the length of time in treatment as a variable for effective substance abuse treatment. It was noted that most research studies support the principle that longer treatment is better and remaining in treatment after serving a sentence does work. The next question was about the effect of aftercare on recidivism rates. Studies suggest that inmates who complete a TC program in prison have a better outcome than those without treatment; also, those who had both in prison programs and aftercare had even better outcomes. The last question was about a vendor wanting to contract for prison beds. Upon further research, it was determined that Interstate Inmate Management Group, LLC's proposal which was submitted did not meet the specifications of the RFP (Attachment 1).

Topic 5—Adequacy of Correctional Facilities for Mentally Ill Inmates

Mr. Haden turned his attention to mental health services for inmates. Even those who commit the most severe crimes have only an intense, 90-day in-house treatment program. At intake, everyone goes through mental health screening to determine into which prison placement they will fall. Prison placement is the prison, what job skills they can handle and treatment.

There are currently a total of 6, 077 inmates who are diagnosed as either Axis I or Axis II. Axis I includes substance abuse disorders, adjustment problems, sexual disorders as well as anxiety, mood, psychotic, or delusional disorders, and Axis II disorders tend to be personality disorders and mental retardation. He asked the Committee to keep in mind that there has been an increase in both

prison admissions and admissions which have mental health issues. There are not a large number of inmates labeled as mentally retarded (Attachment 2).

Dr. James Owens commented that in August 2003, 15.5 percent of the prison population were prescribed psychotropic medication, and the average of last year was 16.8 percent. He believed that this was because more attention is being paid to mental health overall and there are better medications available. Mr. Haden continued by stating that the Department of Corrections is experiencing dramatically increased levels of mental health needs for offenders entering into the system.

Mr. Haden told the Committee that in the future the Legislature must take into consideration the increase in the cost of medications, the numbers of inmates requiring special housing needs, the need for specialized programs and training for staff, and transition planning and treatment planning.

Karen Rohling, Warden, Larned Correctional Mental Health Facility, provided the Committee with an overview of the LCMHF. Their main function is to provide services to male maximum security inmates with major mental illnesses. It consists of two Units; the Central Unit, in which the goal is to restore the ability of mentally ill inmates to function normally in the general prison population, and the West Unit, which is a minimum custody facility, of which those inmates do not have mental illnesses but provide support services for both facilities. They offer a full range of services such as: educational programs, medical services, vocational programs, food services, library, chaplaincy services, and case management.

Ms. Rohling has been conducting a study which shows that the prison population in LCMHF is experiencing an influx of younger offenders. They are harder to control due to the fact that they know they have determinate sentences and know their release date. They are also aware that a condition violation will result in a 90-day return to prison.

She expressed concern about the aging inmates and their physical and mental decline. While they may be slow, some still are a threat to children because they are sexual offenders. They have no boundaries. There has been an increase in civil commitments but some of those are just for 90 days. She was also concerned about the decline of community resources for those who have served their sentence for a sex-related crime (Attachment 3).

Secretary Werholtz informed the Committee that in two or three years the prisons will exceed capacity. Correction system problems are happening across the nation; there are gaps in services in the community, problems with case management needs, and changes in how hospitals operate because of federal rules.

Secretary Werholtz conducted a jail space survey in August and found that there are probably around 200 to 250 beds for medium security males and 70 for maximum security males at an average of \$42 - \$45 per day. He has not checked to see if they meet prison standards, but believes that jails could be a good short-term option. The state currently uses out-of-state beds because the federal government provides for 90 percent of the funding, but Governor Sebelius would rather use local jails.

The Committee toured LCMHF.

Afternoon Session

Denise Everhart, Commissioner, Kansas Juvenile Justice Authority, talked to the committee about the 2003 Kids Count Data Book. (Kids Count Data Book can be obtained by contacting Kansas Action for Children Inc, 3360 SW Harrison, Topeka, Kansas 66611 or www.kac.org) The data for the book was provided by the Kansas Action for Children and the Kansas Bureau of Investigation ([Attachment 4](#)). Some of the findings included:

- There was an average of 17,250 offender related juvenile court filings per year during 1997-2001, compared to 15,829 during 2002.
- The filings per 1,000 children under the age of 18 went from 24.7 to 22 percent.
- Percent of youths who reported using tobacco was down 21.5 percent.
- Percent of youths who reported binge drinking was down 8.6 percent.
- Percent of youths who reported using other drugs was down 2.9 percent.
- Child In Need of Care cases were up by 6.3 percent.

Commissioner Everhart provided the Committee with a current newsletter from Kansas Juvenile Justice Authority ([Attachment 5](#)), an article entitled "Kansas: Juvenile Justice Reform Making An Impact" ([Attachment 6](#)), and a chart showing the monthly arrest trends among juveniles for the last four years ([Attachment 7](#)).

She proceed to give a preview of the Larned Juvenile Correctional Facility, which is a 152-bed facility for juvenile male offenders who have chronic or serious substance abuse or mental health problems. They are currently operating at 120 beds and will bring on the additional beds in January ([Attachment 8](#)).

The Committee toured Larned Juvenile Correctional Facility.

September 23 Morning Session

Topic 11—Prison Fellowship Program— The InnerChange Freedom Initiative of Kansas (IFI)

Testimony was heard from two inmates who are part of IFI.

Roger Werholtz, Secretary, Kansas Department of Corrections, stated that the Department of Corrections has a contract with IFI for \$200,000 per year, but because of the budget crisis in the state they are paying \$83,000 for 2003 and the rest will be deferred to later payments.

Don Raymond, Director of Prison Fellowship Program, Ellsworth Correctional Facility, informed the members that IFI started in 1997 in Texas and is now operating in four states; Texas,

Iowa, and Minnesota, and Kansas. He believes that their best relationship is with the program in Kansas. IFI uses a Christ-centered, biblically based curriculum. IFI prefers inmates remain in their program for three years but two is adequate (Attachment 9).

Inmates are taught six core values:

- Integrity, Truth;
- Fellowship;
- Affirmation;
- Responsibility;
- Productivity; and
- Restoration.

There are four phases of the program:

- **Phase I**— facilitates the life transforming of the inmate by eliminating the thinking process which resulted in his incarceration and rebuilding his value system by establishing a solid foundation for productive growth.
- **Phase II**—tests the inmate's newly developed value system in as many settings as possible. Much of the work the inmate does during the day is with facility jobs or public service in the community.
- **Phase III**—Reintegrate the offender back into the community through productive relationships with Christ, within his family, the church, and workplace.
- **Phase IV**—Is the completion of the program.

IFI is about developing relationships, giving one hope for the future, the desire for change, and it teaches inmates how to put a positive view on negative situations.

L. Christian Hauck, President of Sunflower Electric Cooperative, Hays, is a volunteer for the IFI program by teaching Bible study on Sunday evenings. He told of the joy it brings to be able to help the inmates search and find a better way to live life.

Sam Cline, Warden, Ellsworth Correctional Facility, said that the biggest change he sees in inmates who participate in the IFI program is that they have a positive outlook. Everything is not related to “their” problems.

The Committee toured the Ellsworth Correctional Facility and had lunch at the facility.

Afternoon Session

Chairman Loyd announced that the October Committee meeting would be changed to October 30 and 31, 2003.

Topic—Update on Implementation of SB 123

Patricia Biggs, Executive Director, Kansas Sentencing Commission, informed the Committee that 130 licensed treatment agencies have been certified or are scheduled to be certified prior to November 1, 2003. The Addiction Severity Index Psychiatric sub-scale will be used as part of the mental health screening. They are currently working on an implementation manual which should be finished shortly and have decided that all payments will be dispersed from a centralized point. Originally there were concerns with the additional demand on mental health facilities but upon further investigation, it is believed that there will be some increased demand but not on every facility (Attachment 10).

Topic—Risk Management Philosophy

Roger Werholtz, talked to the Committee about a national discussion on a risk management program and philosophy, which stresses that the corrections community needs to recognize that they should start preparing inmates for their release as soon as they reach the prison doors. They need a realistic set of expectations as to what the community can and will provide the inmates once they are released. Also important is for the community and corrections personnel to recognize that tools are not perfect, regardless of supervision. Some inmates will go out and offend again and again, regardless of how much help staff provides.

Topic—Private Prison Facility Options

Dick Mills, GRW Corporation, told the Committee that they offer four options for expanding inmate capacity.

1. State is heavily involved by doing all the work and allowing prisons to be run privately.
2. State is somewhat involved. The facility is built privately but leased to the state until all debts are paid. The state would then own and run the facility.
3. State and local community involvement. The community donates the ground and the state donates some of the funding.
4. Totally built and run privately.

Private prisons can be built in a much shorter time period than state-owned prisons. GRW has helped build/operate six facilities in Illinois, Texas, Kansas, Missouri, and Colorado (Attachment 11).

Jim Roberts, Corrections Corporation of America, currently owns 59 facilities. They offer short-term solutions by renting beds at facilities they own to ease overcrowding; long-term solutions include building state-of-the-art correctional facilities financed with CCA's finances, which are then leased to the state with the option to purchase, and inmate transportation system program. (Attachment 12).

Representative Gatewood made the motion to approve the minutes with the change showing Representative Klein was not present. The motion was seconded. The motion carried.

The Committee meeting adjourned.

Prepared by Cindy O'Neal
Edited by Martha Dorsey

Approved by Committee on:

October 31, 2003

(date)