

MINUTES

JOINT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE OVERSIGHT

November 13, 2018
El Dorado Civic Center
201 E. Central Ave., El Dorado, KS

Members Present

Senator Molly Baumgardner, Chairperson
Representative J. Russell Jennings, Vice-chairperson
Senator Pat Pettey, Ranking Minority Member
Senator Ed Berger
Senator Oletha Faust-Goudeau
Senator Mary Pilcher-Cook
Senator Mary Jo Taylor
Representative Sydney Carlin
Representative Gail Finney
Representative Dennis “Boog” Highberger
Representative Susan Humphries
Representative John Resman

Members Absent

Senator Rick Wilborn – Excused
Representative Eric Smith – Excused

Staff Present

Isaac Elyacharshuster, Kansas Legislative Research Department
Robert Gallimore, Kansas Legislative Research Department
Jordan Milholland, Kansas Legislative Research Department
Natalie Scott, Office of Revisor of Statutes
Jason Thompson, Office of Revisor of Statutes
Amy Robinson, Committee Assistant

Conferees

Various employees, Kansas Department of Corrections
Jeff Easter, Sheriff, Sedgwick County, Kansas Sheriffs Association
Darrell Atteberry, Bel Aire Police Department, Kansas Association of Chiefs of Police
Ed Klumpp, Kansas Association of Chiefs of Police, Kansas Sheriffs Association
Dan Schnurr, Warden, Hutchinson Correctional Facility
Pete Oches, Owner, Seat King, LLC
Brad Jurgensen, Director, Kansas Correctional Industries

Others Attending

See [Attached Sheet](#).

Afternoon Session

Call to Order and Welcome

Chairperson Baumgardner welcomed the Committee, staff, and those in the audience. She thanked the Kansas Department of Corrections (KDOC) for allowing Committee members to tour the El Dorado Correctional Facility earlier in the day, and she thanked the legislators who attended. Chairperson Baumgardner noted she sensed those attending the tour learned new things, which is always beneficial. She reminded the Committee they would work during the lunch that was being provided.

Feedback from Kansas Department of Corrections Employees

Chairperson Baumgardner welcomed KDOC employees, who were there to share information on the work they perform and issues they believe made their jobs more difficult. Each staff member speaking was instructed to discuss three items: what is it about the job they like, what worries them in their position, and any special moment or experience that has happened to them that was reaffirming to stay or leave their career with KDOC. Chairperson Baumgardner noted the employees were not asked to provide written testimony, but this was an opportunity for legislators to hear from employees.

First to speak was an activity specialist at the Hutchinson Correctional Facility. He discussed his background and some of the reasons this career path looked good to him years ago. One reason included pay increases or step increases, and he noted when starting this position he was able to afford to live on the earnings from only this job. The activity specialist also discussed his love for the work he performed. Some of the things that kept him up at night were what he called “common things,” such as inmates not wanting to be there. He stated as time went on, problems with the cost of living and no salary increases became an issue. He noted he had looked at other employment, but in the end it was in his nature to remain in his position. This employee also discussed the issue of reaching maximum pay after a promotion, and noted he did not have a pay increase from 2008 to 2017. He stressed there were others in his same circumstances and others had already left to pursue careers with better pay. The employee discussed his family’s expenses, but noted his children wanted to pursue careers that helped their communities, just like they believed their dad had done. He discussed having a second job in detail, and noted many employees have multiple jobs, including wardens. The employee stated corrections employment used to require more experience, and now employees do not have as much experience or longevity. His affirming moment was when he ran into a former inmate who was excited to see him, grateful for the interest that was shown to him, and he was doing well outside of the correctional system.

A captain at Ellsworth Correctional Facility spoke next. The captain discussed how good the facility has been to him. He stated it can be difficult to come into work and spend the first 30 minutes of his shift figuring out where to roster staff and ensure proper coverage due to staffing and call outs. He commented, on weekends, if there is an emergency, the burden falls on him without input from other experienced staff. Even though they do not go understaffed, many

employees are working 16-hour shifts. He noted the military-type camaraderie staff share, doing things for fellow staff because they would do the same in return. The captain discussed the issue of low pay and how the positions are not for everyone; the positions are more of a specialized career path. The parts of the job that concern him are getting enough staff, but also retaining the staff and benefiting from their experience, as he understands these employees can find higher paying jobs elsewhere.

Next, an employee with 25 years of experience with juvenile inmates spoke. The employee spoke of his commitment to the children; knowing they were not designed to be in prison, he wants to be the hope of a better path. He discussed being a mentor, where he goes into communities to help build a team in the real world. The employee discussed the importance of the work they do with youth in obtaining education and helping them have a more positive outlook on their future and themselves. His concern was being a state employee used to be a good thing, but now these workers are looked at differently and it has become a thankless job. He noted he is proud to work for the State of Kansas, but there seem to be better opportunities in city and county government now. His affirming moment was in his current position and comes from helping kids overcome. He discussed a specific child for whom he was able to use mentors to help navigate into life. He sees children go to college, go into the work force, and achieve great things. He also is happy to see employees come back everyday for the children, and this gives him hope. The employee commented he does not necessarily need a handshake, but he likes to see juvenile offenders in the real world doing well.

An employee at the El Dorado Correctional Facility who has been there since 2009 came to the podium. He stated he has been promoted several times and is currently in the training facility, and his father just retired from the same facility. The employee said originally the position attracted him because it was a well-paying career. His affirming moment was helping an inmate get back into his local community. He discussed the non-uniform staff and the importance of what they do to help inmates integrate into the community. The employee agreed with others the pay is an issue, and the benefits cost more each year. His main concern was the benefits, as they have increased for him and his family. The employee stated he loves his job and is excited to go to work every day.

Another El Dorado employee spoke to the Committee. She had a tour of the Leavenworth facility in college and found it fascinating, so she applied. She stated she loved being an officer, and knew she wanted to move into mental health. The employee discussed the importance of mental health in facilities and the transition corrections has gone through. She had an opportunity to work in El Dorado. Her main concern is her work comes home with her at night. She noted burnout is easy, so she is grateful for staff connections that keep them all going. She stated she also worries for her children, and she wonders what she can do to make the world better.

An employee with 12 years of experience spoke to the Committee about her passion to work with the youth. She discussed how children as young as 15 years old are being sentenced as adults. The employee stated an affirming moment is when they have juvenile offenders graduate and they get a diploma and the family comes in to celebrate. She noted what keeps her up at night is the tragedy in the world, the things going on in the world that she did not have to go through when she was growing up.

The Deputy Director of Support Services came to the podium. The Deputy Director also works with private industries and discussed this briefly. She noted what affirms her commitment is when inmates hold a job, tell her holding a job is not really that bad, and they get a sense of pride. She discussed budget constraints that are a concern for her.

The warden at El Dorado Correctional Facility spoke with the Committee. He stated he believes the state should be considering the future, what society needs of corrections, and what it can become. Youth are being devastated by drugs, and the system needs to be geared up for this. The question becomes whether the state is just going to warehouse these youth, or whether it will prepare them for being active members of society. An issue is how to address these needs in light of factors such as budget cuts and wage issues, and the fact that a good correctional employee takes five years to develop. Tenure matters, as they have high turnover; new employees do not always last long, but the ones they keep need reasons to stay and to not live in poverty. Some employees are qualifying for food stamps and health insurance is becoming more expensive, which leads to employees leaving. What keeps him up at night are offenders who leave and victimize citizens, and it does not have to be that way as much. Corrections staff need tools to help repeat offenders leave the system as better persons than when they entered. He loves seeing employees come in and move up as they get experience and become better. They are better because of longevity and, with the turnover, he wonders who will take over these jobs in ten years.

The last employee to speak was the warden at Norton Correction Facility. He agreed with the warden who spoke before him, and he discussed he worries about meeting the needs of staff. The warden noted they are training the supervisors to handle so much more now, and discussed the importance of good compensation and mentors. He believes staff is their major resource and supervisors are critical to keeping new staff. The warden discussed his fiscal responsibility and how he had to keep open positions each year that would not be filled. The warden stated he has heard from employees their concerns are benefits and the rising costs of providing healthcare insurance for their families.

KDOC provided a copy of a redacted written exit interview questionnaire for reference ([Attachment 1](#)).

Chairperson Baumgardner concluded by stating sometimes positives and job affirming moments are not celebrated enough and the Committee understands the concerns keeping employees up at night are valid. She personally thanked the employees that testified for their willingness to communicate with the Committee.

Working Lunch: Update on Increased Transparency for Law Enforcement Body and Dash Cameras

After a brief break for lunch, the meeting was called back to order at 12:47 p.m.

Sheriff Jeffrey T. Easter, Legislative Chair for the Kansas Sheriffs Association (KSA), presented information to the Committee ([Attachment 2](#)).

He discussed a sheriffs' conference last week where they polled attendees. Results showed almost all have some type of camera system and many had body cameras, which are expensive. The latest contract and cost figures, policies, and more information that was discussed during the conference was provided.

The Committee members asked questions about camera details, including when they are used, cost of redacting, and cost of storage.

Vice-chairperson Jennings noted the Legislature worked hard on the current law regarding access to recordings and asked if there was any need for changes. It was noted some

policies are different across the state and this could be a future discussion, but the current law is working well. The Committee and Sheriff Easter discussed the high costs and the helpfulness of video for evidence.

Chairperson Baumgardner and Vice-chairperson Jennings discussed and questioned whether different jurisdictions follow the same guidelines. Sheriff Easter stated he believed it should be a discussion, specifically collaborating to discuss what the best practices would be, rather than be told what they should be. He noted some policies are different based on how much the department works with the cameras and cases.

Darrell Atteberry, Bel Aire Chief of Police and Legislative Committee Chair of the Kansas Association of Chiefs of Police (KACP), presented on obstacles to implementation and maintenance of a Body Worn Camera program ([Attachment 3](#)). He noted many departments are small and he detailed budgets and the trouble affording cameras and related expenses. Chief Atteberry discussed cameras, storage, and upkeep costs. He discussed how they save money by sharing cameras and buying servers for storage. He discussed the agencies' policies and how they developed them, noting they are community-based.

The Committee received answers to a few clarifying questions before proceeding.

Retired Chief Ed Klumpp, legislative liaison for the KSA and KACP, came to the podium to discuss issues and address additional Committee questions.

Chairperson Baumgardner asked the Committee to look at the memorandum provided by Jason Thompson, Office of Revisor of Statutes ([Attachment 4](#)).

Presentation on Prison Industries at Hutchinson Correctional Facility

Pete Ochs, founder of Seat King, LLC, presented on his private industry manufacturing company that has partnered with the Hutchinson Correctional Facility and is staffed largely by inmates.

Mr. Ochs went over background and how they do business inside the prison. Mr. Ochs discussed the importance of inmates having a job that they are proud to work at and proud to share with their families. He believes this type of industry is key to changing the lives of inmates and their futures, noting it does not cost the State of Kansas very much and allows the state to receive payments from the inmates for room and board. Mr. Ochs discussed what he believed was a need to involve more businesses and to find a way to inform more people about this type of working relationship and its value.

Senator Berger asked about inmates coming to work for the company when they leave the prison. Mr. Ochs stated they usually offer inmate employees work when released and have had good success with them as civilian employees. Mr. Ochs stated they try to keep track of the ex-inmates as much as they can.

Representative Finney asked whether there is competition among the inmates and how inmates are selected. Mr. Ochs stated they let the wardens know when they need employees and what skills they want. The warden recommends inmates based on the business needs and the inmates go through the interviewing process just as a civilian would. Representative Finney also asked about fair market rates and what other businesses that are producing the same

product think about this. Mr. Ochs responded they pay inmates a fair market rate based upon prevailing rates for the job, which are set by the State of Kansas. He noted there is a higher overhead rate in the prison than outside the prison due to more people being involved, such as with getting trucks in and out of the prison. He stated it does cost them more, but believes it is a wash to civilian employees when they combine wage rates and overhead costs.

Senator Faust-Goudeau asked whether the inmates they employ are those who have longer sentences. Mr. Ochs stated they could employ anyone in the system in the beginning, but today the vast majority of inmates they employ are there eight years or less because of a KDOC rule on working with private industries.

Senator Pettey asked if there was a demand from the private sector to be able to bring an industry into the prisons. Mr. Ochs stated he believed there are more inmates needing work than they have demand from businesses. Warden Schnurr, Hutchinson Correctional Facility, came to the podium to help address the question. He stated the employers they have are always asking for workers, but they do not have enough inmates to staff and supply them. Warden Schnurr stated they do not have a flood of business coming in, but a few trickle in and explore the idea, and current employers are always asking for more workers.

Senator Pettey stated there may be a perception of the business getting an advantage by using inmate labor, and she asked whether the Warden has heard this as well. Warden Schnurr stated they do not see that and employers are always looking for employees. He briefly discussed the hardships of finding and hiring staff. Mr. Ochs followed up that the competition was not from within; it is from China and Mexico where employee pay is much less, noting he does business within the United States as well as in Mexico.

Vice-chairperson Jennings asked Mr. Ochs to put himself in the shoes of a corrections officer, with their pay and benefits and their struggles to maintain in life. Vice-chairperson Jennings noted some of the inmate employees are paid more than the corrections officers and he asked for Mr. Ochs' opinion on that. Mr. Ochs responded he believed corrections employees were underpaid.

Senator Berger asked for specifics on who pays for the transportation to the employer. Warden Schnurr responded the inmate employee or the employer pays for it; the State of Kansas does not pay usually.

Chairperson Baumgardner asked how they handle on-the-job injury and who pays for meals or other general needs. Warden Schnurr responded the inmates have workers compensation through the employer. KDOC sends meals with the inmate employee and, if the employee shows up to work without a meal, the employer provides this and then informs the appropriate KDOC staff it was provided.

Representative Humphries asked how the State should go forward in the future to expand this type of work system. Mr. Ochs responded he believes a partnership between the public and the private sectors is key, and he sees the business side has excitement to get on board economically, socially, and spiritually.

Brad Jurgensen, Director, Kansas Correctional Industries, was asked if he would like to clarify information on pay and wages. Director Jurgensen discussed this topic briefly and stated he does not believe there is any unfair competition in wages. He discussed the availability for space inside the prison for more private industries, and noted it depends on the location.

Director Jurgensen discussed the differences in demand based on the facility and the facility's location, as well as space available inside the facility.

Chairperson Baumgardner thanked Director Jurgensen for helping clarify questions.

Discussion of Documents Provided by KDOC and Kansas Sentencing Commission

Chairperson Baumgardner asked staff of the Kansas Legislative Research Department (KLRD) to discuss the packet of materials they provided regarding previously requested documents and follow-up material.

Robert Gallimore, KLRD, first reviewed a memorandum summarizing the voluntary survey of law enforcement agencies regarding dash and body camera usage that was requested at the October meetings ([Attachment 5](#)). Mr. Gallimore provided a memorandum from KLRD on juvenile crisis intervention center funding timelines ([Attachment 6](#)). Mr. Gallimore also provided follow-up responses from KDOC and the Kansas Sentencing Commission ([Attachment 7](#)) ([Attachment 8](#)). The Committee discussed these briefly.

Discussion and Recommendations by the Committee

The Committee members discussed potential recommendations in detail. These included possible Medicaid suspension for entering inmates, the need to consider increased use of electronic surveillance of offenders, potential review of guidelines, restoring the \$6.0 million that was moved to juvenile crisis intervention from juvenile offender evidence-based programs, details for the denial of inmate parole releases, employee pay increases and potential benefits, potential expansion of the allowable purposes of the Evidence-Based Programs Account, hepatitis C testing and treatment, and funding of expansion of the SB 123 Program. A consensus was sought for each suggestion.

Chairperson Baumgardner discussed the need for the larger body to consider the details of some of the recommendations, stated the Committee has had excellent presentations, and thanked the KDOC and staff for their willingness to present materials and answer questions.

Adjourn

The meeting adjourned at 3:57 p.m.

Prepared by Amy Robinson

Edited by Robert Gallimore

Approved by the Committee on:

March 15, 2019

(Date)