

MINUTES

JOINT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE

November 29, 2012
Room 144-S—Statehouse

Members Present

Senator Pete Brungardt, Chairperson
Representative Pat Colloton, Vice-chairperson
Senator Terry Bruce
Senator Dick Kelsey
Senator Jeff Longbine
Representative Jim Denning
Representative Doug Gatewood
Representative Jerry Henry
Representative Virgil Peck
Representative Jim Ward

Members Absent

Senator David Haley
Senator Kelly Kultala
Representative Jana Goodman

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

Secretary Ray Roberts, Kansas Department of Corrections
Terri Williams, Acting Commissioner, Juvenile Justice Authority
Laurel Murdie, Legislative Division of Post Audit
Marcy Konkader, Kansas Department of Corrections
Candice Ayala-Pagan, Kansas Department of Corrections

Others Attending

See attached list.

Morning Session

The meeting was called to order by Chairperson Pete Brungardt. The Chairperson provided opening remarks and a brief summary of the previous meeting and the Committee's agenda for the day.

Performance Audit Report, “Evaluating the Topeka Juvenile Correctional Complex Part II”

Laurel Murdie, Legislative Division of Post Audit (LPA), presented the performance audit report, “Evaluating the Kansas Juvenile Correctional Complex, Part II” ([Attachment 1](#)). The full report is available at <http://www.kslpa.org/docs/reports/r-12-011.pdf>. Part II of the audit looked at whether education programs at the Kansas Juvenile Correctional Complex (KJCC) are adequate to prepare offenders for future academic and work opportunities; whether programs are equitable for male and female offenders; whether the Juvenile Justice Authority (JJA) is legally authorized to operate its juvenile correctional facilities (JCFs) as unlicensed substance abuse treatment facilities, and whether being unlicensed has an effect on services.

In the area of education, the audit found that, overall, KJCC staff provides adequate academic programs to help juvenile offenders (JOs) earn a high school diploma or equivalent: the high school and GED programs are accredited through the Department of Education; they are flexible, accommodate frequent entry and exit of JOs, and provide basic literacy and job skills. Further, the audit found, with some exceptions, the academic programs are equitable for male and female offenders: offenders generally are provided the same core academic courses and electives and while the academic courses are delivered to males and females in different ways, the courses are not necessarily inequitable. The audit did find, however, that physical education and life skills courses were not provided equitably to males and females. Additionally, the audit report states that technical education and work study programs are not adequate to prepare juveniles for future work opportunities and are not delivered equitably. While they provide basic job skills, they do not provide training in advanced job skills or provide work experience in high-demand occupations or industries, and females have access to only two of the seven technical education programs and three of the eight work-study programs, while males have access to all. JJA does not offer postsecondary programs to JOs. Finally, the report states JJA and KJCC officials have taken a hands-off approach to education programs. Officials have not formulated plans or established partnerships for appropriate technical education, work study, or postsecondary education, or regularly or systematically assessed the effectiveness of KJCC education programs. To remedy these issues, LPA made a series of specific recommendations, including to develop and implement plans for technical education, work study, and postsecondary programs, as well as monitoring, evaluating, and modifying education programs based on outcomes. Further, LPA recommended JJA and KJCC officials develop a plan for bringing the quality and availability of education programs for female offenders in line with those provided to male offenders.

In the area of substance abuse programs within KJCC, the audit report states that under current state law, JCFs are allowed to provide such programs without being a licensed facility. In 2009, JJA voluntarily stopped licensing its substance abuse programs in the JCFs, which, given a lack of independent review of those services, LPA predicts may affect the quality of services and limit some federal funding opportunities. This is significant as an estimated 70-85 percent of offenders at JCFs need substance abuse services, and receipt of such services is an important key to keeping JOs from re-offending. The report also found substance abuse services at KJCC are not properly designed to meet the individual needs of offenders: KJCC offers only a small portion of needed services, JOs receive the same services with little or no

individualized treatment, and there are no screening or assessment tools in place to determine individual need. Further, after significant reductions in services in 2008 and the cessation of individualized services in lieu of a behavior-modification-focused curriculum, from July 2011 to January 2012, JJA suspended all substance abuse services. Finally, the report stated JJA and KJCC officials do not know how many male JOs need services, no means of measuring effectiveness of services is currently in place, substance abuse records are in disarray, and failure to track services provided has led to some JOs being released without receiving needed services. To address these issues, LPA recommended: JJA, KJCC, and Larned officials reconsider whether the facilities should be licensed; an interim study of the statutory provision related to exempting state institutions from substance abuse licensing requirements; and 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.

Response to Performance Audit Report

Terri Williams, Acting Commissioner, JJA, updated the Committee on the JJA's response to Part II of the KJCC audit ([Attachment 2](#)). Commissioner Williams stated the administration is committed to public safety initiatives, including programs; has committed to implement all of the LPA recommendations; and some progress already has been achieved. In the area of technical education, JJA, KJCC, and Lawrence Gardner High School (LGHS) have partnered with Fort Scott Community College to offer water technologies training free of charge on the KJCC campus to 24 KJCC students, both male and female, every 6 months over a 2-year period. The program is a blend of technical water training and water conservation learning projects that provides an opportunity to earn college credit hours and encourages participants to become water operators. The grant application for this program included some collection of data on recidivism impact, and staff will be working with Fort Scott on how best to collect and report that data. Additionally, LGHS is working with Westar Energy on a project to grow milkweed plants and with a battery company in western Kansas to cut and package particle board. LGHS also facilitated a career day with Westar Energy in May 2012 at KJCC, which included some experiential learning opportunities.

Further, as part of the initial development of a more formalized, agency comprehensive plan, Commissioner Williams reported that JJA has established an LPA Part II Implementation Team to draft the initial plan; held preliminary meeting with LGHS officials concerning how to improve technical education and work study programs; begun to evaluate the portfolios provided to youth at release summarizing the coursework completed, skills reports, certificates of completion, and resumes; and solicited feedback from other states on the types of programs offered at their correctional facilities' for educational and vocational programs. JJA also has collaborated with the Kansas Department of Commerce (Commerce), which:

- Has offered information on high-demand jobs in Kansas that JOs would be eligible to perform, as well as on vocational certification programs in place in other correctional settings across the state;
- Has met with KJCC and LGHS staff to discuss strategic planning for building relationships; training of staff; and providing transitional services for youth, male and female, leaving KJCC;

- Will be coming to KJCC quarterly to meet with youth scheduled for release in the upcoming quarter to help educate them on available resources; and
- Will meet with JJA and community partners to discuss how to extend the strategic planning process for continuation of services and training for community staff, which will further enhance communication among all agencies and ensure that the youth are provided with consistent information throughout the system.

JJA staff has met with Kansas Department of Corrections (KDOC) staff as well regarding the Offender Workforce Development Specialist (OWDS) Training. Currently, JJA has only one staff member at KJCC and two at the Larned Juvenile Correctional Facility (LJCF) who are OWDS trained; however, JJA has been advised that another training class is offered in the spring of 2013, and JJA staff will be allowed to send staff to be certified.

In the area of postsecondary programs, the Commissioner reported JJA has: offered them sporadically at KJCC since the fall of 2008; recognizes the need for a program; and will develop a plan to address this shortfall, including input from officials from other juvenile correctional institutions and relevant state agencies, such as the Board of Regents and the Department of Education. As to equitable delivery of programs, Commissioner Williams stated JJA will develop a plan to bring the quality and availability of education programs for female offenders in line with those provided to male offenders, including language in JJA's educational contract specific to gender equity. Finally, Commissioner Williams stated JJA will develop a more formalized and comprehensive plan for monitoring, evaluating, and modifying educational programs based on outcomes. These plans will be provided to Legislative Post Audit Committee and the Joint Committee on Corrections and Juvenile Justice Oversight by June 1, 2014.

Responding to the LPA recommendations for substance abuse programs, Commissioner Williams stated JJA recognizes current programs can and should be enhanced, and is committed to developing and implementing a plan for improving substance abuse services that reflects best practices, allows for individualized treatment, and includes an evaluation component. Currently JJA, KJCC, LJCF, and University of Kansas Physicians, Inc. are working together on the initial substance abuse services plan components and have submitted a formal request to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) for technical assistance to incorporate an evaluation component. Recently, JJA was notified they were awarded a grant for technical assistance.

Commissioner Williams concluded her response to the audit by reinforcing that JJA is committed to operating a better, safer, more transparent, and more accountable state agency, and the LPA process has helped JJA to focus on areas that need improvement. While the findings in Part I of the audit are of a more "urgent" nature, it is JJA's goal to offer services to the offender population that are well researched, evidence-based, reduce recidivism, and help successfully reintegrate offenders safely back into the community.

Responding to questions asked at the November 9, 2012, meeting of the Joint Committee concerning overtime and staffing at KJCC, the Commissioner stated KJCC is authorized for 290.5 positions, including 137 Juvenile Corrections Officer I positions. Overtime hours for July through November 2012 totaled 14,574.75 hours, an increase of 1,465.25 hours for the same period in 2011. She indicated optimal staffing to minimize overtime would be 144 and the additional positions likely would be funded by the corresponding reduction in overtime costs. Concerning diversion funding, the Commissioner reported funding over the last several years for prevention programs has been reduced by \$3.8 million, from \$5.6 million in FY 2010 to

\$1.8 million in FY 2013. She indicated the JJA's FY 2014 budget request includes a request for level funding of prevention dollars and an enhancement of \$700,000 to match the \$700,000 the Legislature allocated to JJA in the last fiscal year.

The Commissioner also addressed questions and concerns from the Committee. Specifically, when asked about education funding, Commissioner Williams stated some programs, such as the water program, were grant funded, while educational costs at the correctional facilities come from the JJA budget. Additionally, when asked about diversion funding prior to FY 2010, Randy Bowman stated, going back to 2003, the funding varied only by hundreds of dollars.

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

Afternoon Session

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

Kansas Department of Corrections' Program Update

Ray Roberts, Secretary, Kansas Department of Corrections, KDOC, provided a program update to the Committee ([Attachment 3](#)). He stated, from FY 2012 to FY 2013, KDOC spent \$2.5 million on programs and increased programming significantly. In terms of dosage units, he noted an increase from 483 to 700 units of vocational programming and 35 to 248 units of sex offender treatment. Secretary Roberts provided additional information on the number of offenders served in FY 2012:

- Thinking for a Change (T4C) Cognitive Programming – Served 942 offenders;
- Job Readiness (OWDS) – Served 991 offenders;
- Vocational Training – Served 483 offenders;
- Education – Served 470 offenders;
- Parenting – Served 432 offenders;
- Mentoring4Success – 1,156 mentors matched with offenders leaving prison since July 2011; and
- Substance Abuse Program:
 - Chemical Dependency Recovery Program (CDRP) – Served 118 offenders, delivered by internal program providers at Larned Correctional Mental Health Facility;
 - Substance Abuse Recovery Program – Served 57 offenders, delivered by a contractual provider at Topeka Correctional Facility; and
 - Substance Abuse Program – Contract provided cognitive-based skills-building programming for moderate-high and high-risk offenders, focuses on those most likely to be revoked for drug/alcohol abuse after release, offered at Lansing, Hutchinson, El Dorado, and Wichita Work Release.

The Secretary elaborated on the expansion of the Department's mentoring program. Gloria Geither leads the Mentoring 4 Success program, with 7 mentoring coordinators within KDOC and 14 lead organizations staffed by volunteers. The Secretary then introduced two of

these coordinators Marcy Konkader, Mentoring Coordinator Region 3, and Candice Ayala-Pagan, Mentoring Coordinator, Lansing Correctional Facility, KDOC, to provide information about the program and its success.

Finally, Secretary Roberts responded to questions from the Committee concerning the mentoring program, such as whether the program was being used as a substitute for evidence-based programs within the facility and whether there is a measure of its effectiveness. The Secretary stated KDOC has been collecting data on conditional violations and new crimes among mentoring participants, which will be more useful in showing effectiveness in a year, and in the meantime, mentoring is used to supplement the other programs. He explained it provides a level of support and accountability the programs themselves cannot.

Approval of Minutes, Committee Discussion, and Recommendations for Interim Committee Report

Representative Colloton moved to approve the Committee Minutes from the November 8-9 meetings. Representative Gatewood seconded the motion. The motion carried.

Next, the Committee discussed recommendations for the interim committee report. Specifically, the Committee urged support of KDOC's efforts to enhance funding for substance abuse, mental health, and sex offender treatment both within the facilities and in the community, given the effectiveness of such treatment in reducing recidivism. Additionally, the Committee recommended ongoing oversight of the JJA's implementation of the recommendations given in Parts I and II of the Performance Audit Report of the Kansas Juvenile Correctional Complex. The Committee strongly suggested, when considering budget reductions next year, the JJA prioritize Tier II and Tier III prevention money for programs that divert youth from the juvenile offender system. Similarly, the Committee recommended funding of these programs at the state level, so that community organizations are not solely responsible for funding such programs. Finally, the Committee suggested committee study during the 2013 Legislative Session of the statutory exclusion of state institutions from state substance abuse treatment licensing requirements, pursuant to KSA 59-29b46.

Chairman Brungardt thanked the Committee Members and staff for a great job and adjourned the meeting at 2:00 p.m.

Prepared by Connie Burns
Edited by Lauren Douglass

Approved by the Committee on:

January 4, 2013
(date)