

Report of the J. Russell (Russ) Jennings Joint Committee on Corrections and Juvenile Justice Oversight to the 2024 Kansas Legislature

CHAIRPERSON: Representative Stephen Owens

VICE-CHAIRPERSON: Senator Kellie Warren

RANKING MINORITY MEMBER: Representative Dennis “Boog” Highberger

OTHER MEMBERS: Senators Elaine Bowers, Ethan Corson, Renee Erickson, Oletha Faust-Goudeau, Beverly Gossage, and Kristen O’Shea; and Representatives Sydney Carlin, Kyle Hoffman, Jo Ella Hoye, John Resman, and Eric Smith

CHARGE

KSA 2023 Supp. 46-2801 directs the J. Russell (Russ) Jennings Joint Committee on Corrections and Juvenile Justice Oversight to monitor inmate and juvenile offender populations, including implementation of the 2016 juvenile justice reforms and work of the Juvenile Justice Oversight Committee; and to review and study the programs, activities, plans, and operations of the Kansas Department of Corrections.

Additionally, the Committee reviewed and considered:

- 2023 HB 2021 and its components concerning evidence-based program expenditures and agency collaboration in juvenile offender and child in need of care cases;
- Kansas Law Enforcement Training Center funding; and
- Probation length, terms, and use.

January 2024

J. Russell (Russ) Jennings Joint Committee on Corrections and Juvenile Justice Oversight

ANNUAL REPORT

Conclusions and Recommendations

[*Note:* Full recommendations may be found on page 10 of this report.]

The Committee recommends continuation of enhanced pay for correctional officers and requests a review be conducted to make such pay permanent.

The Committee supports the Kansas Bureau of Investigation's operational budget enhancement requests for fiscal year (FY) 2025.

The Committee supports the Kansas Highway Patrol's budget enhancement requests for FY 2025.

The Committee recommends a comprehensive review of the funding mechanism for Community Corrections.

The Committee recommends the Kansas Department of Wildlife and Parks explore conducting a joint project with Kansas Department of Corrections (KDOC) and the Division of Tourism at the Department of Commerce to assist with maintenance and repair of public amenities at state parks.

The Committee recommends the House Committee on Corrections and Juvenile Justice and the Senate Committee on Judiciary receive an update on the implementation of 2023 HB 2021 from all relevant stakeholders.

The Committee requests the Specialty Court Funding Advisory Committee explore using state funding to establish matching grant opportunities supporting specialty court programs.

The Committee requests the Secretary for Children and Families report on the progress of the juvenile crisis intervention centers to certain committees by February 1, 2024.

The Committee recommends the Legislature appropriate funding to KDOC for an energy audit concerning utilities utilization at correctional facilities and other agency facilities owned by the state for FY 2025.

The Committee requests the Judicial Branch and the Department for Children and Families consider sending an information-gathering group to Williamson County, Texas, to study Trust-based Relational Intervention techniques.

The Committee recommends future consideration be given to consolidating community corrections and parole supervision at KDOC with court services probation supervision.

Proposed Legislation:

The Committee requests the filing of a bill that would define incremental extensions to overall case length limits for juvenile offenders referenced in 2023 HB 2021 to mean no more than 90 days.

The Committee requests the filing of a bill that would transfer funding for the operation of the Kansas Law Enforcement Training Center from fee fund revenues to the State General Fund (SGF) and direct that revenue from such fee funds be deposited in the SGF beginning in FY 2025.

BACKGROUND

The 1997 Legislature created the Joint Committee on Corrections and Juvenile Justice Oversight to provide legislative oversight of the Kansas Department of Corrections (KDOC) and the Juvenile Justice Authority. Pursuant to Executive Reorganization Order No. 42, on July 1, 2013, the jurisdiction, powers, functions, and duties of the Juvenile Justice Authority and the Commissioner of Juvenile Justice were transferred to KDOC and the Secretary of Corrections.

Statewide, there are eight adult correctional facilities: El Dorado Correctional Facility, Ellsworth Correctional Facility, Hutchinson Correctional Facility, Lansing Correctional Facility, Larned State Correctional Facility, Norton Correctional Facility, Topeka Correctional Facility, and Winfield Correctional Facility. KDOC also operates parole offices throughout the state and is responsible for the administration of funding and oversight of local community corrections programs.

There is one operational juvenile correctional facility: the Kansas Juvenile Correctional Complex (KJCC). Individuals between 10 and 17 years old may be adjudicated as juvenile offenders and remain in custody in a juvenile correctional facility until age 22.5 and in the community until age 23.

During the 2023 Session, the Legislature passed HB 2114, which, as enacted, renamed the Committee, added monitoring requirements concerning juvenile justice, and removed outdated language.

The Committee's duties, as outlined in KSA 2023 Supp. 46-2801, are to monitor the inmate population and review and study KDOC's programs, activities, and plans regarding its statutorily prescribed duties, including: the implementation of expansion projects; the operation of correctional food service and other programs for inmates; community corrections; parole; and the condition and operation of the correctional institutions and other facilities under KDOC's control and supervision. The Committee is also charged to review and study the adult correctional programs, activities, and facilities of counties, cities, and other local governmental entities, including the programs and activities of private entities operating community correctional programs and facilities, and the condition and operation of jails and other local governmental facilities for the incarceration of adult offenders.

With regard to juvenile offenders, the Committee is directed to monitor the implementation of juvenile justice reform and the work of the Juvenile Justice Oversight Committee (JJOC). Further, the Committee is charged to review and study the juvenile offender programs and activities and facilities of counties, cities, school districts, and other local governmental entities; programs and activities of private entities operating community juvenile programs and facilities; and the condition and operation of local governmental residential or custodial facilities for the care, treatment, or training of juvenile offenders.

In addition to its statutory duties, the 2023 Legislative Coordinating Council (LCC) charged the Committee to study:

- The implementation of 2023 HB 2021 and its impact on stakeholders;

- Kansas Law Enforcement Training Center (KLETC) funding;
- Probation length, terms, and use; and
- Other topics as they arise.

The Committee requested four meeting days and received approval for three meeting days from the LCC, including one day of travel to observe community corrections in the field.

COMMITTEE ACTIVITIES

The Committee met October 2, 3, and 4, 2023, at the Statehouse. The Committee also toured the Topeka Correctional Facility on October 3, 2023.

October 2 Meeting

Overview – Juvenile Justice Reform and 2023 HB 2021

An Assistant Revisor of Statutes, Office of Revisor of Statutes, provided a general overview of juvenile justice reform, starting with 2016 SB 367, which established the Revised Kansas Juvenile Justice Code (Juvenile Code), and other significant bills enacted since 2016.

Specifically, the Assistant Revisor provided a summary of 2023 HB 2021, which amends the Juvenile Code. The Assistant Revisor explained the bill revises the criteria to be admitted to a juvenile crisis intervention center (JCIC) from being a mental health crisis to a behavioral health crisis. The Assistant Revisor further explained the bill provides that the court can incrementally extend the overall case length limit for a juvenile offender to complete evidenced-based programming when failure to complete that program is due to repeated intentional effort to delay by the juvenile. Finally, the Assistant Revisor stated the bill allows moneys from the Evidence-based Programs Account (EBPA) to be spent on programming for youth who have been administered a risk and needs assessment as provided for in the bill.

Stakeholder Update on 2023 HB 2021

The Committee heard updates on the implementation of 2023 HB 2021 from the Chairperson of the JJOC, the Legislative Chair of the Kansas Associations of Court Services Officers, the Sedgwick County District Attorney, and the Deputy Director of Kansas Applesseed. The overall consensus of the conferees was that more time is needed to collect meaningful data, the creation of data exchange between agencies is a positive outcome, and the risk-needs assessment is a positive outcome. The following points were additionally made:

- The Chairperson of the JJOC expressed the JJOC’s concerns with parts of the bill, including the expansion of juvenile justice practices to include child in need of care (CINC) cases, which is contrary to best practices; the missing definition of “incrementally” in context of how long a judge can extend probation; and the confinement of children exhibiting low-level risk behavior leading to disconnecting youth from positive social structure;
- The Sedgwick County District Attorney stated that while the risk and needs assessment will be a useful tool and fills a need, a defense attorney may have concerns with their client disclosing details before court proceedings;
- The Deputy Director of Kansas Applesseed supported developing and opening additional JCICs and more psychiatric residential treatment facilities to get kids the services they need. The Deputy Director further stated eliminating case length limits and the use of detention for technical violations is against best practices, and the unknown processes to implement and be administered risk and needs assessments deserve to be treated cautiously;
- The Deputy Director further stated the focus needs to be on positive interventions and healing of kids; and

- The Deputy Director challenged the Committee to ensure the collected data points are useful, the data is being collected effectively, and the data is being made available to policymakers and the public to read and understand.

The Committee asked questions of the conferees, and the ensuing discussion centered on preventative services, the details of the risk and needs assessment, and the details of JCICs.

Regarding preventative services, members asked for clarification on how to implement the services and guidance on how to balance such services without infringing on children’s rights.

Juvenile Justice Oversight Committee

The Chairperson of the JJOC presented an overview of the JJOC, highlighted its work in 2023, and explained the JJOC’s role in awarding funds from the EBPA. The ensuing discussion explored the complexity of the standard of “evidenced-based,” the importance of continual collection and review of data, and how to facilitate the award funding process.

Presentation on Trust-based Relational Intervention

The Committee heard a presentation on Trust-based Relational Intervention (TBRI) from a Sedgwick County District Court Judge and a retired Chief Judge who formerly oversaw a juvenile court in Louisiana. The Sedgwick County judge expounded on the importance of understanding and addressing trauma when working with children with adverse childhood experiences, and the Louisiana judge described the practical aspects of a TBRI approach based on his work in Louisiana. The subsequent discussion requested recommendations from the judges, and the Committee recommended an information-gathering group visit Williamson County, Texas, where staff members in a particular detention facility are trained in TBRI.

Presentation on Juvenile Offender Housing

A Deputy Division Director of the Council of State Governments presented information regarding best practices in juvenile housing based

on the organization’s research conducted in several states.

Next, the Deputy Secretary for Children and Families and the Chairperson of JJOC presented on current Kansas practices. A representative of Kansas Community Corrections also presented on the challenges of housing juveniles who do not qualify for detention but cannot go home and, therefore, become a CINC case. The Committee’s discussion and questions sought clarification on the steps involved in housing such juveniles.

Presentation on Juvenile Sentencing for Murder

An Assistant Revisor of Statutes, Office of Revisor of Statutes, provided an overview of the sentencing guidelines in juvenile offender cases. A private citizen also provided testimony of a personal experience with the justice system. Finally, the Sedgwick County District Attorney explained the prosecution perspective of high-level juvenile offender cases.

October 3 Meeting

Presentation on Community Corrections

The Director of Reno County Community Corrections presented on behalf of Kansas Community Corrections. The Director provided an overview of the supervision structure in Kansas and clarified the differences between community corrections and parole. He also emphasized the important role community corrections plays in keeping people out of prison and, ultimately, saving Kansas money.

Further, the Director discussed the unique funding structure of community corrections. He stated community corrections programs receive some grants and appropriations through KDOC; however, each office works with an advisory board and county commission to develop the budget within those appropriations.

The Committee asked questions about the data presented, the funding structure, and why different entities perform the same supervision duties rather than one single entity. On the final topic, the Director stated he would be interested in having the single entity option explored, and that Georgia is implementing a similar system.

Presentation on Court Services

The Director of Trial Courts, Office of Judicial Administration (OJA), outlined the statutory duties of Court Services Officers (CSO) in the judicial districts in Kansas. She expounded on the training CSOs receive and the case management system utilized. When asked about combining supervision into one entity, the Director stated that it would be a big shift and OJA would appreciate the opportunity to weigh in.

Overview of Kansas Department of Corrections

The Secretary of Corrections provided information on various KDOC operations and issues.

Workforce Retention

The Secretary expressed staffing is generally improving thanks to increased competitiveness in the labor market due to increased wages from pay differentials and the increase in base pay. The Secretary also explained the challenges KDOC still faces in recruiting and retaining a qualified workforce.

Adult Facility Population

The Secretary explained the population in adult facilities is sharply increasing, seeing a recent rise of 15.85 percent from FY 2022 to FY 2023, and the population is projected to exceed bed capacity within the next 10 years. The Secretary further explained the impact that both the conditions of KDOC's facilities and KDOC staffing have on facility bed capacity, stating the facilities are in need of updates to improve both factors.

Updates on Initiatives

The Secretary updated the Committee on the Pell Grant-eligible programs for the prison population; the Lansing Career Campus, which has completed its pre-campaign study indicating significant interest; employment opportunities for residents; completed facility repairs and explanation of requests for more funding for future repairs and system improvements; the newly opened Winfield Geriatric/Cognitive Care Unit; technology changes and improvements; and quality of life improvements for residents.

Juvenile Justice Updates

Regarding the implementation of 2023 HB 2021, the Secretary provided a list of KDOC's expanded responsibilities as a result of the bill and the status of each responsibility. The Secretary also updated the Committee on initiatives at the Kansas Juvenile Correctional Complex and the data trends for the juvenile population.

Reentry

The Secretary shared statistics concerning recidivism of the prison population and strategies for successful reentry for this same population. The Secretary highlighted the benefits of Cognitive-behavioral Therapy and using a coaching model as opposed to a referee model. He stated the needs KDOC has in this regard are increased access to educational opportunities, expanding workforce development opportunities, educating employers on the benefits of hiring "2nd chance" employees, and maintaining the environment of the facilities.

Parole and Community Corrections Supervision

The Secretary clarified that while overall staffing is improving, the status of parole officer and community corrections officer staffing has seen little improvement. This presents a challenge for implementing the necessary supports for people reentering society.

The Committee asked clarifying questions and specifically highlighted the importance of both the differential pay in stabilizing the KDOC workforce and the work of parole and community corrections officers.

After the meeting adjourned, a number of members of the Committee met at the Topeka Correctional Facility for a tour.

October 4 Meeting

Kansas Bureau of Investigation

The Director of the Kansas Bureau of Investigation (KBI) presented on KBI's role as a partner to local law enforcement. The Director also identified ways the agency can improve its ability to serve as a partner.

An Executive Officer of KBI updated the Committee on trends, techniques, and the needs of the agency. The Executive Officer detailed KBI's proactive strategy moving forward, focusing on response planning, crime prevention, criminal identification, and risk assessment.

The Committee's questions and discussion following the presentation sought guidance for supporting KBI in managing the fentanyl crisis facing Kansas and identifying KBI's specific appropriations requests.

Kansas Law Enforcement Training Center

The Executive Director of the KLETC presented an overview of KLETC. The Executive Director highlighted the training KLETC provides, the establishment of the Center for Public Safety Leadership, the status of the Kansas Law Enforcement Accreditation Program, and the funding mechanisms for KLETC, which is fee-funded and grant-funded.

The Committee discussed KLETC's training in northeast Kansas, the type of individuals enrolling in basic training, concerns for their academic and physical preparedness, and the possibility of restructuring KLETC's funding structure from being fully fee-funded to receiving State General Fund (SGF) moneys and sending collected fees to the SGF.

Specialty Court Funding Advisory Committee

The Chairperson of the Specialty Court Funding Advisory Committee (SCFAC) presented an update on the work and findings of the SCFAC, which was established by 2022 Senate Sub. for HB 2361 (KSA 20-173). He stated the SCFAC is exploring the varied funding streams of specialty courts and aims to establish a comprehensive funding strategy for all specialty courts. Additionally, the Chairperson expressed interest in the SCFAC exploring grant-matching opportunities as a resource for additional funding.

The Committee sought clarification on whether the SCFAC is required to make a report by a certain date (there is no reporting requirement in statute) and how much county funding is provided to the specialty court over which the Chairperson presides.

Kansas Sentencing Commission

The Executive Director of the Kansas Sentencing Commission presented the Commission's annual report, prison population projections, and policy recommendations. Following the presentation, the Committee asked for the population data to be further broken down to separate fentanyl-related convictions from general drug convictions.

Kansas Highway Patrol

The Superintendent of the Kansas Highway Patrol (KHP) presented 2022 and 2023 statistics, the troop structure of KHP, and KHP's budget enhancement requests for FY 2025. Following the presentation, the Committee's questions and discussion revolved around clarification of the budget enhancement requests and the necessity of those requests.

CONCLUSIONS AND RECOMMENDATIONS

At the end of its October 4 meeting, the Committee made the following recommendations:

- The Committee recommends continuation of enhanced pay for correctional officers and requests a review be conducted to make such pay permanent;
- The Committee supports the KBI's operational budget enhancement requests for FY 2025. These requests include \$2.5 million from the SGF for Career Progression Plan adjustments, \$6.9 million SGF and 30.0 FTE positions for the Fight Against Fentanyl initiative, \$1.1 million SGF for information technology, \$1.8 million SGF and 11.0 FTE positions to establish a Southeast Child Victim Task Force, and \$850,000 SGF and 4.0 FTE positions for a Kansas Criminal Justice Information System Support Center;
- The Committee supports the KHP's budget enhancement requests for FY 2025. These requests include funding for upgrades to the Training Academy campus in Salina, funding for construction of a new communications and dispatch center

in Salina, approximately \$300,000 for shift differential pay among state troopers, \$3.0 million to purchase the previously leased Troop B Headquarters facility in Topeka, and \$2.0 million to provide a State match for a federal grant supporting procurement of body-worn cameras;

- The Committee recommends a comprehensive review of the funding mechanism for community corrections services and programs be conducted by a legislative committee identified by the LCC;
- The Committee recommends the Kansas Department of Wildlife and Parks explore conducting a joint project with KDOC and the Division of Tourism at the Department of Commerce that would utilize residents at correctional facilities to assist with maintenance and repair of public amenities at state parks;
- The Committee recommends the House Committee on Corrections and Juvenile Justice and the Senate Committee on Judiciary receive an update on the implementation of 2023 HB 2021 from all relevant stakeholders;
- The Committee requests the Specialty Court Funding Advisory Committee (KSA 20-173) in the Judicial Branch explore using state funding to establish matching grant opportunities supporting specialty court programs;
- The Committee requests the Secretary for Children and Families report on the progress of the juvenile crisis intervention center (KSA 65-536) since the passage of 2023 HB 2021 to the House Committee on Appropriations, Senate Committee on Ways and Means, House Committee on Corrections and Juvenile Justice, Senate

Committee on Judiciary, House Committee on Health and Human Services, and Senate Committee on Public Health and Welfare by February 1, 2024;

- The Committee recommends the Legislature appropriate funding to KDOC for an energy audit concerning utilities utilization at correctional facilities and other agency facilities owned by the State for FY 2025. A report on the audit must be submitted to the Committee during the 2025 Legislative Interim or earlier, if feasible;
- The Committee requests that the Judicial Branch and the Department for Children and Families consider the option of sending an information gathering group to Williamson County, Texas, to study Trust-based Relational Intervention techniques for possible implementation in Kansas; and
- The Committee recommends future consideration be given to consolidating community corrections and parole supervision at KDOC with probation supervision provided by court services in the Judicial Branch into a single supervision agency.

Proposed Legislation

The Committee requests the filing of the following bills during the 2024 Legislative Session:

- Define incremental extensions to overall case length limits for juvenile offenders referenced in 2023 HB 2021 to mean no more than 90 days; and
- Transfer funding for the operation of the KLETC from fee fund revenues to the SGF and direct that revenue from such fee funds be deposited in the SGF.