

Kansas Department of Corrections
Presented by:

Secretary Jeff Zmuda

Deputy Secretary Hope Cooper

Deputy Secretary Joel Hrabec

Executive Director Margie Phelps

November 18, 2020

Joint Committee on Corrections and Juvenile Justice Oversight

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Agenda

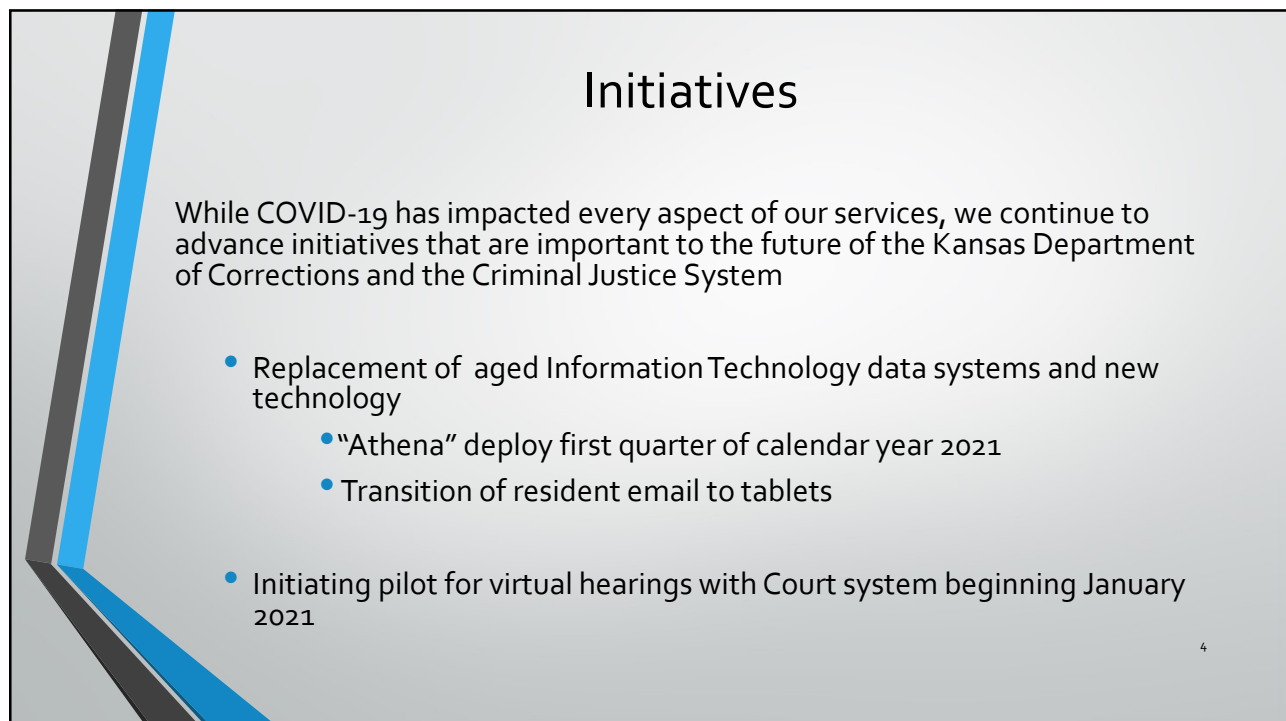
- KDOC Overview
- Legislative Impact on Racial Minorities
- Compassionate and Terminal Medical Release
- Early Release Programs
- Impact of Programming
- Employee Benefits
- COVID-19 Action Plan

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Initiatives Continued

- Secured grant funding to improve and expand supervision and services
 - Innovations in Supervision from U.S. Department of Justice for \$763,818
 - Restrictive Housing pilot from U.S. Department of Justice for \$996,679
 - 2nd Chance Pell to seven colleges from U.S. Department of Education for \$2,229,125
- Developing concept with businesses and community partners for a “Career Campus” to be located at the Lansing facility

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Initiatives Continued

- Expansion of workforce training opportunities
 - Collaboration with Kansas Turnpike Authority (KTA) to process K-TAG billing
 - The Last Mile (TLM) graduates providing computer programming services through Kansas Correctional Industries (KCI)
 - Expansion at Hutchinson by current private industry partner
- Prisoner Review Board (PRB) began hosting public comment sessions virtually in October 2020

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Resource Allocation Assessment

- Engaged in Strategic planning process that for first time includes input from residents, family, persons on post-release supervision, and community stakeholders in addition to our employees
 - Population survey
- Issued Request for Proposal (RFP) to assess facility infrastructure e.g. aged, disrepair, meet current need
- Capital items replacement schedule (see handouts)
- Implementation of Schedule Pro rostering software
- Technical assistance for staffing analysis through the National Institute of Corrections (NIC)

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Challenges

- COVID-19:
 - Mitigation & care of population
 - Economic impact
- Need to address employee compensation
 - Periodic raises necessary to remain competitive in market
 - Internal and external pay inequity
- Aged Information Systems
- Facility infrastructure
- High caseloads in the community and in facilities
- Flat funding of community supervision

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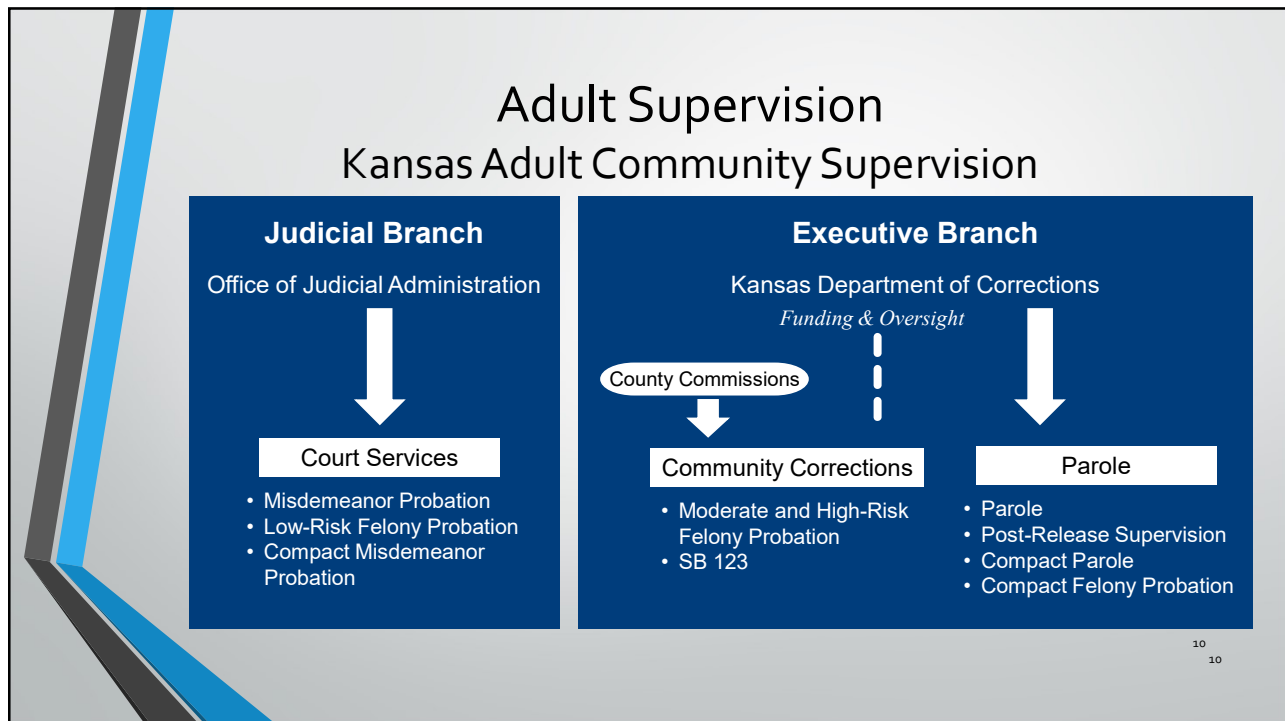
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Overview

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Community Based Services

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Community Based Services

On June 30, 2020, twice the number of people on community supervision than in prison

- 8,467 on Community Corrections (Probation)
- 7,214 on Post-Release (Parole)

A cost-effective alternative to prison

- Probation \$7.09 and Post Release Supervision \$6.29 per day compared to \$82.47 day in a facility

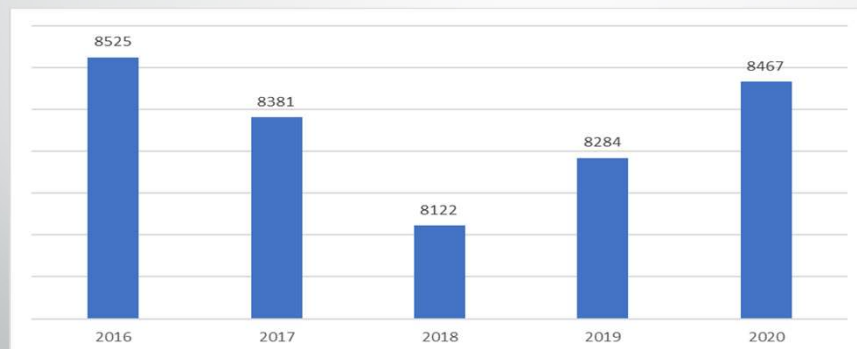
To be most effective, must have the resources

- Today caseloads are high
- Need greater access to programs, education, employment/job skills, housing, treatment

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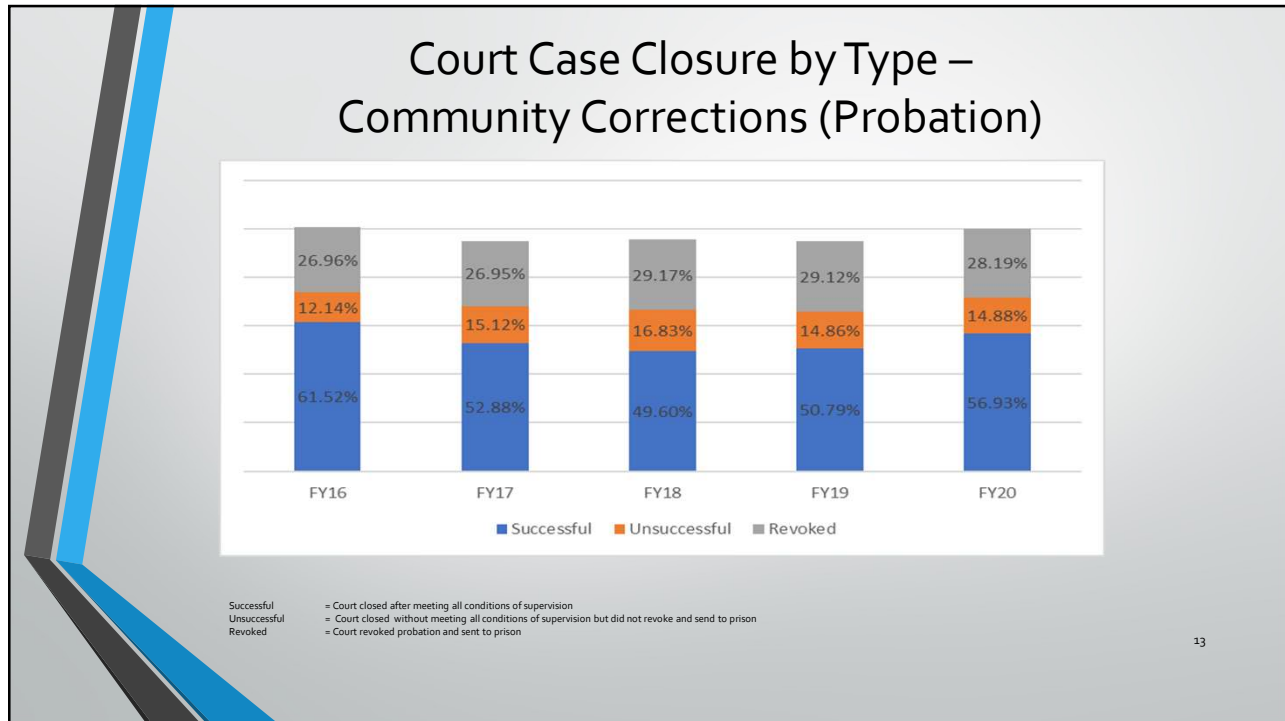
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Five Year Trend – Probation Community Corrections (Probation) Average Daily Population

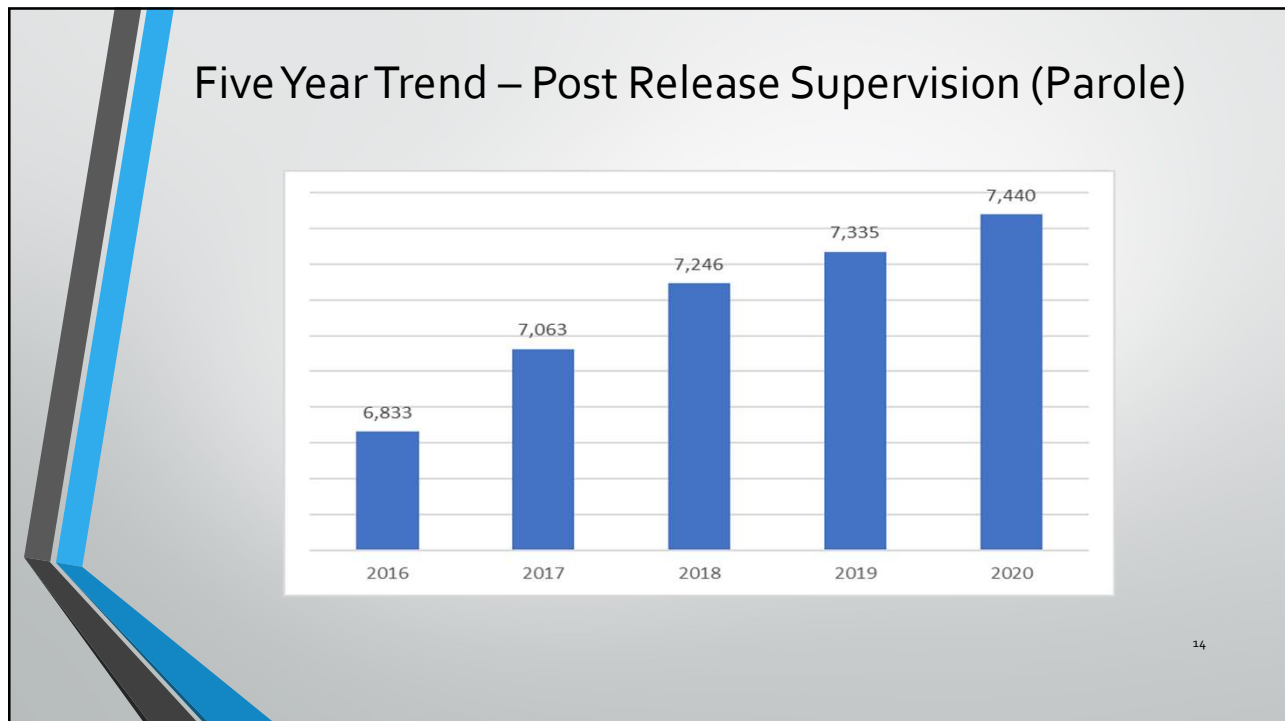


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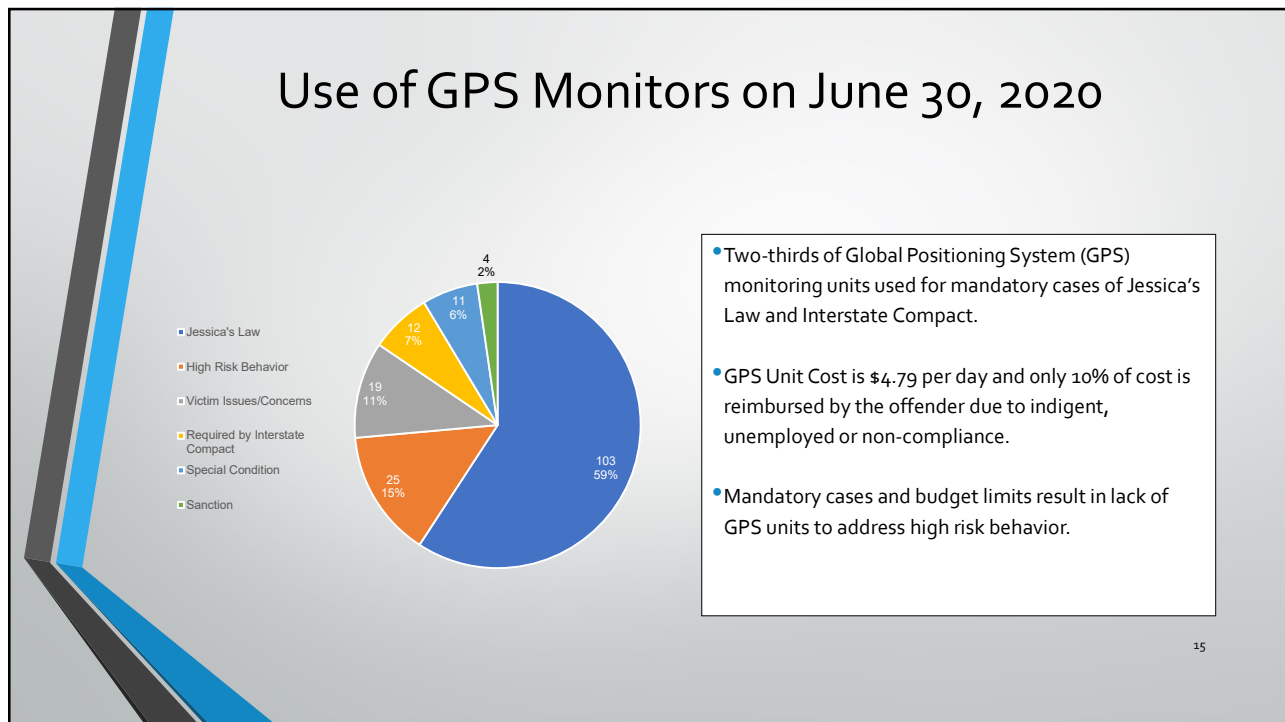
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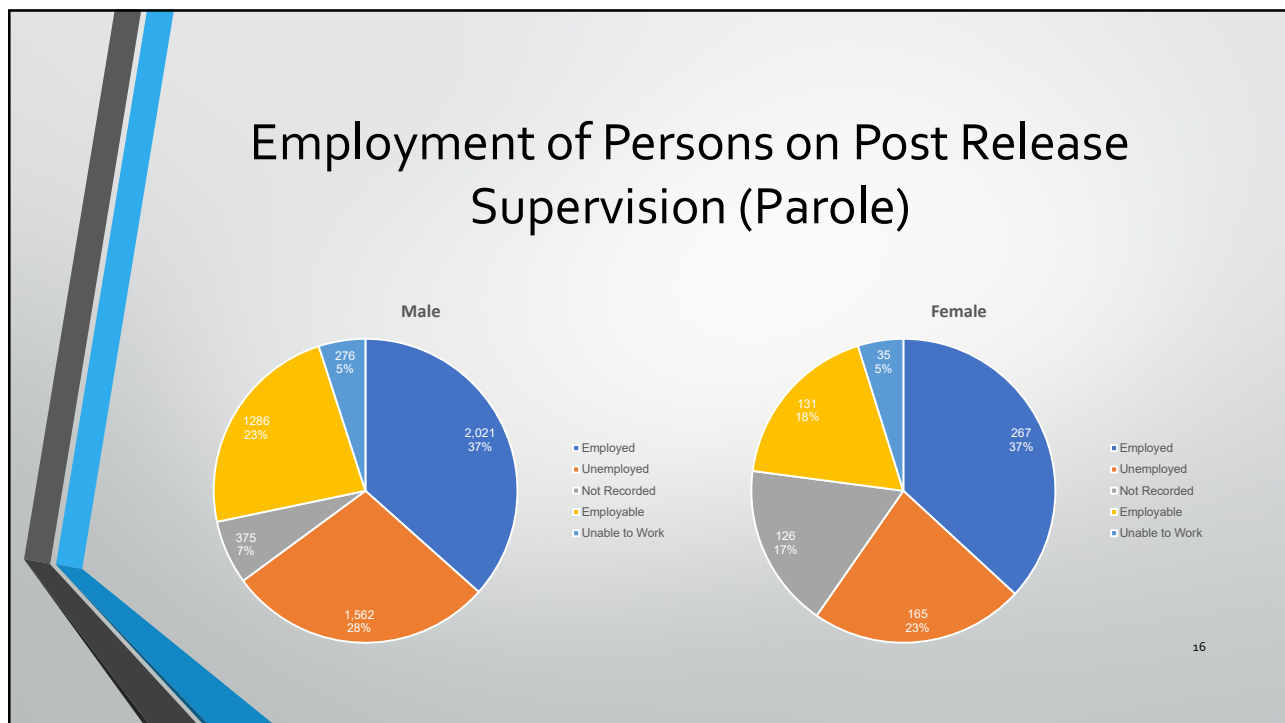
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Innovations in Supervision: Building Capacity to Create Safer Communities

Grant awarded by the U.S. Department of Justice, Bureau of Justice Assistance (BJA) for \$763,818.

- KDOC partner with The Carey Group to build capacity among line supervisors
- Builds capacity of local Community Corrections agencies
- Enhance skill sets, increase knowledge of how to analyze data, prioritize drivers of risk

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Community Supervision During COVID-19

Waived fees for April and May

- PO has discretion to request a waiver if circumstances warrant

Transportation

- Limited transportation to community resources
- Increase transportation for residents releasing to quarantine or isolation

Revocation

- Violent behavior
- Use or possession of firearm
- Intentional contact with a minor when prohibited
- Intentional threatening contact with victim and assess high risk for domestic violence

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COVID- 19 Adaptation of SB123 Training

Shifted to virtual instead of in person training of providers

- Result in increased frequency of training from quarterly to monthly
- Since May of 2020 have trained
 - 29 licensed addictions counselors
 - 24 certified peer mentors
 - 2 licensed addictions counselors as a refresher
 - 7 Executive Staff

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Community Based Services Initiatives

- Partnership with National Office for Interstate Commission for Adult Offender Supervision (ICAOS)
- Risk assessment quality assurance
- Programs
- 4:1 Behavior Management System
- Monitoring compliance vs. changing behavior

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Community Based Services Challenges

- High caseloads
- Lack of capacity of community-based resources
- Dual supervision
- Lack of options for employment and housing
- Internal and external pay inequity
- Staff retention

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Overview

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Facilities

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Operational Capacity Realignment

Safety and security, delivery of services and COVID-19 mitigation are more challenging

- Growth in population
- Demolition at Lansing to build replacement units
- Limited classroom and training space

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Operational Capacity: Terminology

- **Actual Facility Capacity:** Reflects every physical bed in a facility and reports that as the total number of beds within a facility.
- **Operational Facility Capacity:** Reflects beds designed to support best security, programmatic, and case management practices and reports that as the effective operational number of beds within a facility.

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Actual Facility Capacity

Facility	Pre Lansing Construction	Lansing During Construction.	Post Lansing Construction	Pre to Post Change
Ellsworth	913	915	915	2
El Dorado	1,511	2,068	2,068	557
Hutchinson	1,784	1,918	1,918	134
Lansing	2,405	1,792	2,432	27
Larned	438	598	598	160
Norton	835	977	977	142
Topeka	802	948	948	146
Winfield	554	632	632	78
Wichita Work Release	250	254	254	4
Total	9,492	10,102	10,742	1,250

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Phase One

- Transition to reconstructed Lansing completed April 2020
- Restrictive Housing Classification/Security/Security Threat Group review completed October 2020
 - Lansing, Hutchinson, El Dorado
- Long Term Segregation Restrictive Housing Unit Lansing – construction completion targeted for November 2020
- Out of State Placements returning to Kansas – targeted for December 2020

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Phase Two

Larned Correctional Facility

- Establish one unit as Long-Term Segregation/Restrictive Housing

Hutchinson Correctional Facility

- Repurpose Long-Term Segregation/Restrictive Housing beds
- Pursue Kansas Correctional Industries (KCI)/Private Industry options and expansion for eligible residents within main perimeter

Ellsworth Correctional Facility

- Re-designate 144 high medium to low medium custody in open dormitory

Eldorado Correctional Facility

- Return 244 Restrictive Housing cell to single bunk designation

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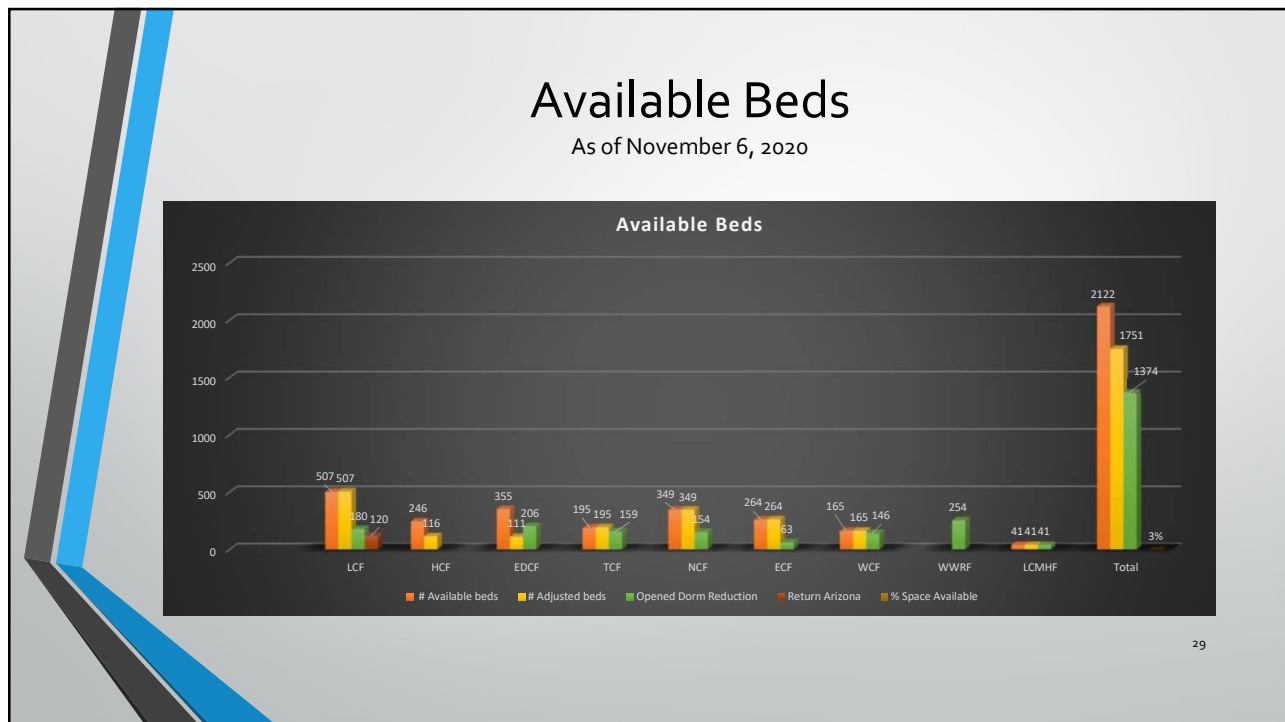
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KDOC FY22 Capacity

Facility	Operating Capacity	Special Management	Maximum	High Medium	Low Medium	Minimum
Ellsworth	915			676	144	95
El Dorado	1,824	244	1,202	116	230	32
Hutchinson	1,788		500	316	636	336
Lansing	2,432	192	704	1,024		512
Larned	598	62	248			288
Norton	977				681	296
Topeka	948	4	108	254	480	102
Winfield	632					632
Wichita Work Release	254					254
Total	10,368	502	2,762	2,386	2,171	2,547

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Expansion Initiatives

Proceeding with Governor supported, and Legislature approved, projects of Lansing X Unit and Winfield Triplett and Funston units designed for purpose of substance abuse treatment and specialized housing for older infirmed residents

- Winfield Funston and Triplett adds 241 beds
- Lansing adds 200 beds

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Going Forward Provides Additional Opportunities with Population

Reduced facility population presents Kansas with an opportunity to rethink criminal justice that was previously difficult to imagine

- Criminal justice reforms could further reduce population. COVID-19 has made it clear, dormitory style housing and multiple person cells are a public health risk to residents, staff, and communities to which residents release and staff live
- Realign units at facilities for more effective management of the population

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Options regarding capacity

- Maintain reduction in open dormitories
- Gradual increase to open dormitories through facility bed utilization
- Re-occupy open dormitories for identification of potential unit closures
- Operational Capacity – adjustments for specialized beds (Larned South)

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Facility Initiatives

- Ellsworth partnering with Kansas Highway Patrol piloting use of equipment to detect and interdict mail contaminated with illegal substances
- Receiving technical assistance on classification system through the National Institute of Corrections (NIC)
- Implementation of Schedule Pro rostering software
- Technical assistance for staffing analysis through the National Institute of Corrections (NIC)

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Facility Challenges

- High caseloads for counselors
- Limited capacity to provide needed services
- Retention of staff
- Difficult to social distance
- Infrastructure old and lacks space to conduct programming

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Legislative Impact on Racial Minorities

Secretary Zmuda

KDOC Data

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Kansas Demographics Compared to Adult Prison Population

Persons of color are in prison at rates greater than in the general population

- State of Kansas Demographics*
 - 86% white, 6% black, 1% American Indian, 3% Asian with 12% reported as Hispanic
- Prison Demographics
 - 68% white, 28% black, 3% American Indian, 1% Asian with 12% reported as Hispanic

* Source: <https://www.census.gov/quickfacts/K3> population estimates July 1, 2019

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Analysis of KDOC Data

Historically, prison demographic data is the extent of data reported by KDOC. As we expand data capacity to better understand the impact of the criminal justice system on persons of color, our preliminary analysis shows:

- Rates of recidivism are not equal, but are more similar between whites and non-whites than their proportion in prison
 - CY2016 White 33.8% Black 36.2%
 - CY2015 White 33.6% Black 34.8%
 - CY2014 White 34.1% Black 33.2%
 - CY2013 White 35.5% Black 36.6%
- Portion who receive programming to meet assessed needs vary, but are similar for whites and non-whites
 - Substance Abuse White 48% Black 47%
 - Education & Employment White 68% Black 76%
 - Thinking for a Change White 22% Black 24%
 - Sex Offender White 68% Black 66%

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Compassionate
and Terminal
Medical
Release

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Overview in Kansas

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Functional Incapacitation Release

K.S.A. 22-3728

Functional incapacitation release, which addresses the application from the Secretary to the Prisoner Review Board (PRB) which the board may grant release to any person deemed to be functionally incapacitated. Functionally incapacitated is defined as having an injury, disease, illness (including dementia) that permanently renders prisoner physically or mentally incapacitated to the extent he or she lacks the capacity to cause physical harm.

FY16-20 Three applications reviewed with two approvals

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Terminal Medical Release

K.S.A. 22-3729

Terminal medical release, which addresses the application from the Secretary to the chairperson of the Prisoner Review Board (PRB) which the chair may grant release to any person deemed by a doctor in Kansas to have a terminal condition likely to cause death within 30 days.

FY2016-20 No Releases

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Adults: KSA 21-6609

House Arrest Supervision criteria

- Minimum custody, risk level less than 28, within six weeks of release and no felony detainers
- Viable residence and can financially sustain him/herself while transitioning behavioral and medical services
- Good participation in programming, lack recent significant violent behavior in the facility, no recent or repeated restrictive housing
- Supervised by Parole staff

Fifteen adults transitioned to supervision on House Arrest in April 2020. None returned before scheduled release date

Juvenile: KSA 76-3203(d)

Reintegration Pass

- Considered the same factors as for adults
- Supervised by local Community Corrections

Reintegration Passes for 16 youth in April 2020

- Did not return (N=13)
- Returned based upon behavior (N=3)

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To Effect Change

Improving public safety requires us to address these realities for justice involved persons

- 70.4% of males and 64.7% of females admitted to prison have not completed high school or GED
- 51% of males and 41% of females on post-release supervision are unemployed or unemployable
- 20% of adult residents discharge to homelessness
- 41% of adults and 72% of youth residents have mental health needs
- Over 70% of facility admissions report recent drug or alcohol misuse

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Why Invest in Programming

98% of Adults in KDOC facilities will return to the community

and

A testimonial from a former resident

<https://youtu.be/wRV4-qvxCOc>

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Key Principles: *40 years of science*

- Ongoing robust assessments – identify each person’s risk/needs
- Target those specific areas of need with a significant dose
- Effectively respond to behavior,
 - Tie thoughts to behavior
 - Model and teach pro social instead of anti-social
- Programs that are evidence-based,
 - Skills practice and social learning
 - Change thinking patterns and behavior
 - Address motivation on an ongoing basis
- Lots of emphasis on employment/education – major buffer
- Strong transition from inside to out

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It Works

In Kansas,

- Thinking for a Change evaluation in 2014 found a 7% lower recidivism rate for completers (23% lower for highest risk)
- Substance Abuse Program evaluation in 2016 found 7.5% lower recidivism for completers (15.8% lower for highest risk):
 - Update in 2020 found 7% lower for all completers, over 14% for females
- GED and Vocational Training programs evaluation in 2014 found GED/CTE lowered recidivism by 3-10%, but when coupled with livable wage employment the drop was 9-35% (depending on risk level)

Regarding higher education, including technical trades,

- Two studies by the Rand Corporation <https://www.rand.org/> in 2013 and 2018, found that higher education programs can reduce returns to prison by 43 percent.
 - For every \$1 invested in higher education for incarcerated students, taxpayers save, on average, between \$4 and \$5 in three-year reincarceration costs.

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Unmet Program Needs *those releasing FY 20 Overall*

For those identified as in-need through assessments, percent receiving what was needed:

- 48% received substance abuse programming/services (62% <6 mos)
- 71% received education & employment services (31% <6 mos)
- 23% received Thinking for a Change (79% <6 mos)
- 67% received sex offender programming (27% <6 mos)

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Workforce Readiness

- 42 private industry partners
 - As of November 1st, 768 residents employed
- 16 traditional industries through Kansas Correctional Industries (KCI)
 - As of November 1st, 305 residents employed
- Gains
 - Skills training
 - Develop positive work habits
 - Get job experience to reflect on a resume
 - Address financial issues, including fines, child support, preparing for release
 - Contribute room and board and to victim fund

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Evaluation of Workforce Readiness

In an evaluation of residents released from Kansas facilities, preliminary findings received last week indicate:

- Those who had a private industry or Kansas Correctional Industry (KCI) job were **25% more likely** to gain quality employment in 1 year of release
- Their recidivism rate at 2 years was 7% better (71% success vs. 64%)
 - Moderate risk were 21% better (85% success vs. 64%)

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Education Services /Capacity

How many can we serve (before Second Chance Pell):

- General Equivalency Degree (GED), 551 served, 56% passed the test
 - Special Education GED, 78 served, 37% passed the test
- College courses, 74 served, with 80% successfully completed
- Vocational Training, 958 served, 87% successfully completed
- Job readiness/workforce services enrolled 751 residents in FY 20, with 88% successfully completing

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Restrictive Housing Grant

With a \$996,676 grant from the US Department of Justice providing substance abuse programming and case management for residents in restrictive housing

Goals:

- Increase programming for long term restrictive housing
 - Programming for 150 residents over 3 years (Lansing and El Dorado)
- Improve behavior in restrictive housing
- Improve transition to general population and to the community for long term restrictive housing residents, with case management

Partnered with the University of Cincinnati Corrections Institute (UCCI) to conduct robust process and outcomes evaluation

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2nd Chance Pell Grants

With a \$2,229,125 in tuition dollars from the US Department of Education, seven Kansas colleges expanding credit-bearing Career and Technical Education (CTE), associate and four-year degree opportunities.

- Enable approximately 700 residents to participate
- 25 programs at 8 correctional facilities
- Areas such as welding, solar energy and photovoltaic, wind technology and business management, general studies, applied science, business, networking and office administration, science health information systems management, computer information systems, and integrated studies
- Barton CC, Colby CC, Donnelly College, Hutchinson CC, Kansas City Kansas CC,⁵³ University of St. Mary's, and Washburn University

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Programming Initiatives

- Restrictive housing and long-term residents
 - Pilots, small numbers, but great outcomes (reduced rules violations; reduced days in restrictive housing)
 - Engaging those who have stayed in advanced practice for a year in recovery coaching with other residents
 - Reentry grant
- Higher education
 - Second Chance Pell
 - Regents partnership, increasing support for higher education programming
 - Governor's Council on Education – Talent Pipeline
 - Address restrictions in health care sector
 - Career Campus model

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Challenges

- Caseloads of unit team staff are too high for them to do effective risk reduction case management
- Technology gaps (especially in light of COVID)
- Capacity in the community – before and after incarceration, to prevent entry/returns to prison,
 - 25% of persons sent to prison serve 1-year or less; 43% two-years or less
 - Less disruption of jobs and housing if we can serve them in the community
- Infrastructure/space for programs, classes, and study areas for higher education participants
- Need more industry jobs (private and correctional industries)
- There are insufficient resources in the facilities to reach everyone,
 - Especially the long term and restrictive housing population – some of the highest risk (high dose)

5-year trend shows recidivism holding steady: investment in services an opportunity to improve

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Employee
Benefits

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Line of Duty Death Benefits

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All State of Kansas Employees	Public Safety Officers
<p>These benefits are provided by the State of Kansas for Line of Duty Deaths:</p>	<p>These benefits are provided by the Bureau of Justice Assistance/State of Kansas for Line of Duty Deaths:</p>
<ul style="list-style-type: none"> • Spouse receives a monthly benefit based on 50% of the final average salary. • Life Insurance selected and returned contributions + interest • \$50,000 lump sum payment (spouse or living children) 	<ul style="list-style-type: none"> • For dependents: Tuition Free Post Secondary Education • Funeral or cremation Costs • Peer Support • Additional Lump Sum (Amount may vary based on family information) • COBRA premiums paid for up to 18-months

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<p>COVID-19 Action Plan</p>	<p>KDOC COVID-19 Response</p>
<p>Secretary Zmuda</p>	

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Pandemic Planning

- Existing practice for facilities to have pandemic plan
- Partnered with Kansas Department of Health and Environment (KDHE) to modify based upon COVID-19
- Implemented recommended public health measures
- Developed testing strategies

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Public Health Measures Implemented

- Relied upon expertise of Public Health Officials at every step
- Consulted with peers in other States to learn from each other
- Rallied all available internal and external resources
- Adjust processes and tactics as often as circumstances warrant

See handout for specific examples

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COVID-19 Strategies

- Educate residents and staff
- Screening
- Mitigation
- Identify Exposure
- Test
- Quarantine and Isolate
- Re-test
- Repeat
- Waive medical co-pays
- Suspension of volunteers and visitation
- Free calls and video visits

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Impact to Residents & Staff

- Anxiousness associated with the unknown
- Concern for health of their family members
- Being in close proximity with large numbers of people

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Telework

Our Parole and Central Office workforce have adjusted to a telework environment:

- Information Technology (IT) staff effort to deploy devices
- Parole staff adjust strategies for community supervision
- Revised delivery of resident programming
- Adjusted processes to continue to meet peer and stakeholder needs

All while adjusting to meet the needs of their families

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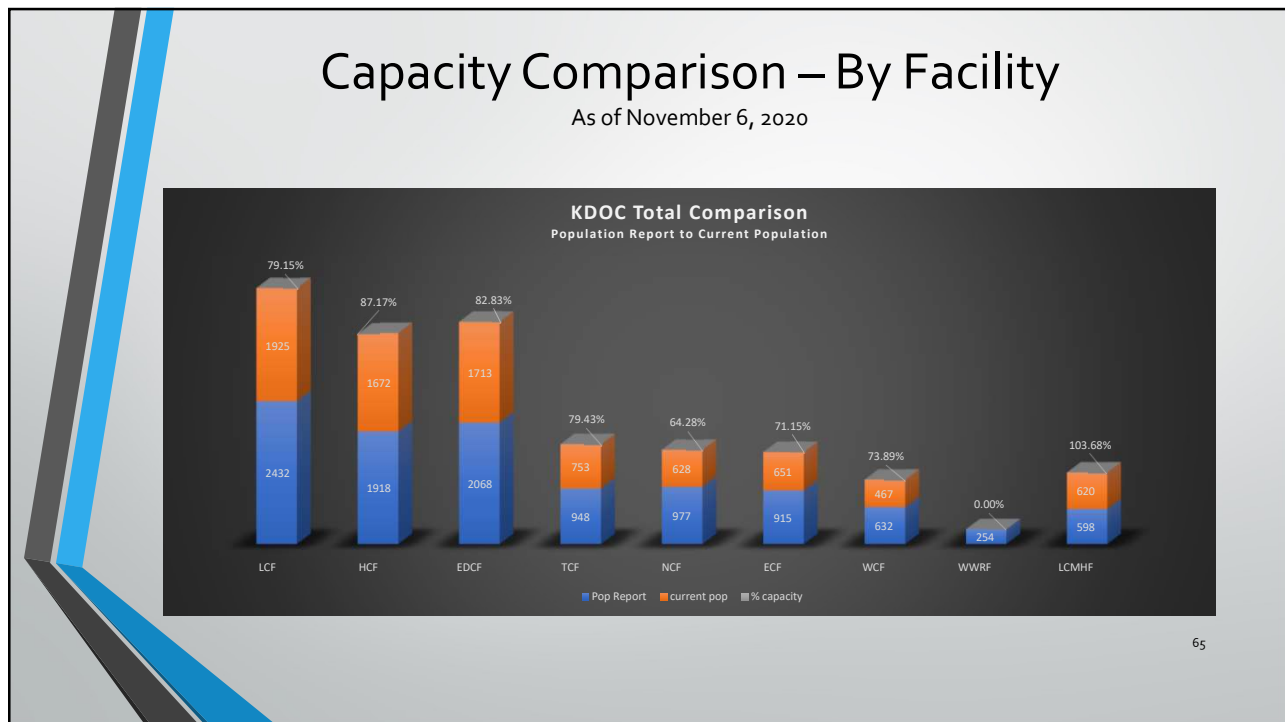
Reduced Population = Social Distancing

The reduction has been vital to management virus and population

- Reduction in use of dormitory style housing
- Adjust population living in dormitory housing
- Suspension of operations at Wichita Work Release Facility (WWRF)
- Utilization of former Larned Juvenile Correctional Facility (LJCF) building
- Opening new Lansing Correctional Facility

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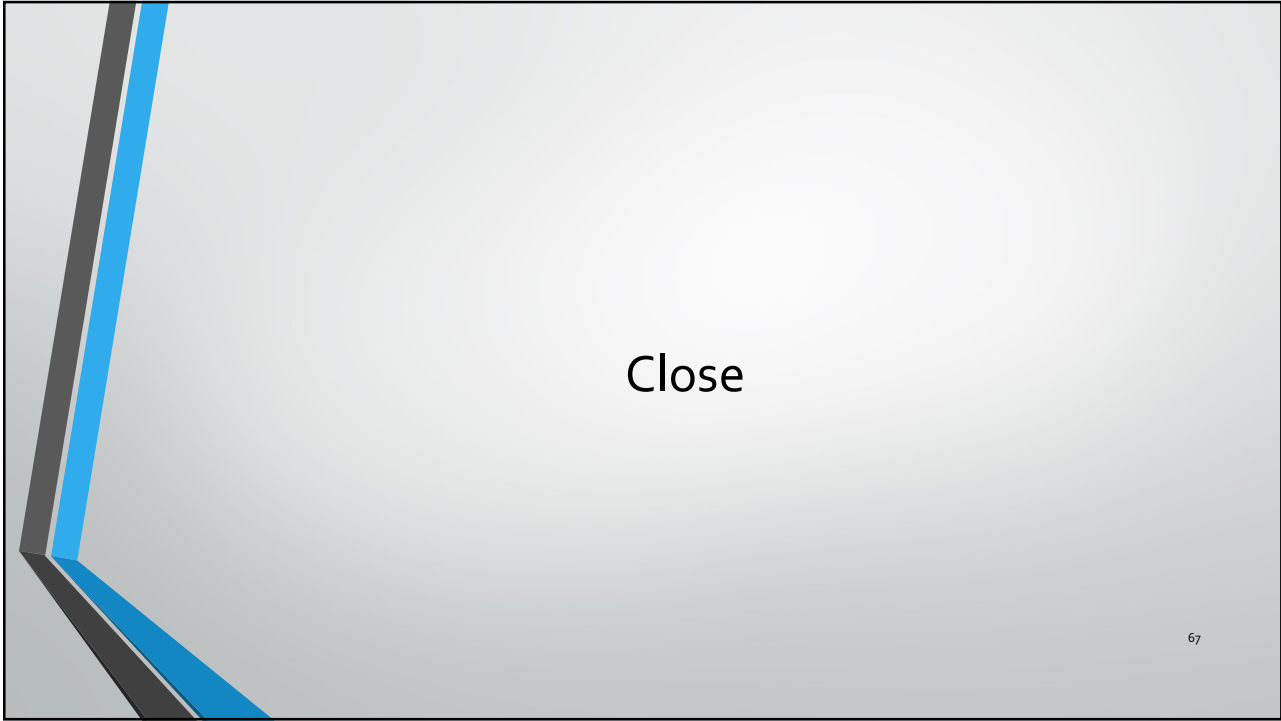
Utilization of Coronavirus Relief Funds

- \$2,620,644.48 in expenditures from Coronavirus Relief Fund (CRF) FY2020
- \$1,700,000 award from the Coronavirus Supplemental Fund (CSF) FY2021
- \$3,951,399 award from the Coronavirus Relief Fund (CRF) FY2021

(See handout)

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