

MINUTES

JOINT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE OVERSIGHT

July 10-11, 2001
Room 519-S—Statehouse

Members Present

Representative Kathe Lloyd, Chairperson
Senator David Adkins, Vice Chairperson
Senator Pete Brungardt
Senator David Haley
Senator Greta Goodwin
Senator Kay O'Connor
Senator Lana Oleen
Representative Barbara Ballard
Representative Bill Feuerborn
Representative Larry Campbell
Representative Janice Pauls
Representative Jeff Peterson

Staff Present

Stuart Little, Kansas Legislative Research Department
Jerry Ann Donaldson, Kansas Legislative Research Department
Amy Kramer, Kansas Legislative Research Department
Gordon Self, Revisor of Statutes Office
Shirley Jepson, Committee Secretary

Conferees

Chuck Simmons, Secretary, Kansas Department of Corrections
Robert Sanders, Deputy Secretary, Kansas Department of Corrections
Theresa Cummings, President, Kansas Community Corrections Association
Mike Youngken, Community Corrections Advisory Committee
Bruce Koube, Sedgwick County Community Corrections Advisory Board
Gwen Sims, Ombudsman of Corrections
Ken Hales, Deputy Commissioner, Juvenile Justice Authority
James Frazier, Assistant Commissioner, Juvenile Justice Authority

Dr. Jai Sookram, Clinical Director, Larned Juvenile Correctional Facility

**Tuesday, July 10
Morning Session**

Chairperson Kathe Lloyd opened the meeting of the Joint Committee on Corrections and Juvenile Justice Oversight at 10:00 a.m. The Chairperson recognized Secretary Chuck Simmons from the Kansas Department of Corrections (KDOC). The Secretary introduced Robert Sanders, Deputy Secretary, who presented the testimony on the Community Corrections program and funding (Attachment 1). Mr. Sanders noted that SB 323, which defines a certain target population, has resulted in a dramatic decrease in the community corrections population and caseloads during fiscal year 2001. In answer to a question from Senator O'Connor, Mr. Sanders explained that line charges, as indicated in the report on community corrections allocations, are charges for data/communication lines used to transfer information from the community corrections agencies to the state, paid for by the state and then charged back to the community corrections agencies using the service. In response to Senator O'Connor's question concerning how unexpended funds were re-allocated, Mr. Sanders stated that the community corrections agencies apply for these funds through a special application process. Sometimes the Department sets priority for the money and if the agencies do not have that particular need, they do not apply resulting in money left in the fund. Senator Oleen asked for comments on this year's legislative budget allocation and its effect on community corrections. Mr. Sanders stated that even though it is a tough budget year, the community corrections departments were getting by with available funds. In response to Senator Goodwin's question concerning the legislative funding cuts, Mr. Sanders noted that having the substance abuse grants cut has been a concern to some agencies. In response to Senator Adkins' question with regards to the drug-alcohol treatment grants accomplishing what they were set up to do, Mr. Sanders noted the Department does not require a performance factor as a part of that grant process at this time. He indicated that this was an area which needed to be worked on. Senator Adkins noted he thought it was important for the state to offer technical assistance to the local agencies to make sure their programs were following the models set up at the state level to derive the most benefit from the program. In response to Senator O'Connor's inquiry about the agency services offered to the offender as set forth in the tables on pages 18 and 19 of the report, Mr. Sanders explained that the information was taken from the agencies' comprehensive plans and are only the programs which are funded by community corrections. Some programs could be funded from other local sources with each community dealing with these programs in different ways. Chairperson Lloyd thanked Mr. Sanders for his testimony.

The Chairperson welcomed Theresa Cummings, President of Kansas Community Corrections Association. Ms. Cummings provided written testimony concerning funding of Community Corrections (Attachment 2). Ms. Cummings responded to earlier questions and noted the 4th Judicial District has tracked offender's employment rates to determine the success of those offenders after they have been through the community correc-

tions programs. Ms. Cummings noted that technical assistance from the state was limited; however, they can seek assistance from the American Parole Association and National Institute of Corrections. She felt more assistance from the state would be helpful. Responding to a question from Senator Goodwin concerning collection of data, Ms. Cummings stated that each year they identify the department's outcomes and goals. The following year, information is compiled for the comprehensive plan explaining how they met those outcomes and goals. At this time, this information is collected by hand; however, work is proceeding to develop a management information system. Responding to questions from Representative Feuerbom, Ms. Cummings stated that officers' caseloads usually centered around 25 offenders. Ms. Cummings felt it was important to restore the \$250,000 funding for Substance Abuse and Mental Health Services because of the shortage of these services from other sources, particularly in the 4th Judicial District.

Chairperson Lloyd asked Robert Sanders to return to the podium and inquired as to how the information from the comprehensive plans is being used or made available to other agencies. Mr. Sanders stated that information received from the agencies is in a relatively new stage and that the department is working to develop a program to make this information available to other agencies. Chairperson Lloyd asked for information to be made available to the Joint Committee on the success of vocational education programs used by Community Corrections to reduce the recidivism rate and how KDOC plans to use this information. Secretary Simmons responded that KDOC would like to provide the information to the Committee but has limited capabilities in research and development to develop an information system to compile the information. Responding to a question from Representative Campbell concerning how information comes to KDOC, Kathleen Graves, Director of Community Corrections Services, KDOC, stated that information comes in several different formats. Information on the Management Information System is uniform; however, the department has limitations on pulling the information into usable statistics. Because each agency is unique and they have different agendas depending on the types of offenders and programs needed in their community, it is difficult to bring all of the information together. Chairperson Lloyd thanked Ms. Cummings for her testimony.

Chairperson Lloyd introduced Michael Youngken, Director of the Johnson County Department of Corrections, who also provided written testimony on funding for Community Corrections (Attachment 3). In response to Senator Goodwin's question on mill levies, Mr. Youngken noted that Johnson County does not have a mill levy but imposes a 4 cent county sales tax to support community corrections. With no more questions, Chairperson Lloyd thanked Mr. Youngken for his testimony.

Chairperson Lloyd recognized Bruce Koube, Sedgwick County Community Corrections Advisory Board, who presented written testimony (Attachment 4). Representative Pauls inquired about the caseload in Sedgwick County. Mr. Koube referred the question to Mark Masterson, Corrections Director of Sedgwick County. Mr. Masterson indicated the caseload is approximately 28 at the present time, due to the impact of SB 323, which has reduced the caseload. Senator Oleen asked for an update on any progress between Community Corrections and the City of Wichita to establish a day reporting center in Sedgwick County. Mr. Koube indicated that the City of Wichita is continuing to work with

KDOC and has selected a site to construct a building to house the day reporting center. Senator Oleen asked if there were any regular meetings or communications between KDOC and Community Corrections. Mr. Koube stated that within the last year, progress has been made to bring together the mental health people, court services, community corrections, community parole, and probation departments to improve access to mental health services, cross-train personnel, and utilize available services. In answer to another question from Senator Oleen, Mr. Koube stated that the drug courts are supervised through the municipal court system and target a different high-risk population. Senator Goodwin asked Sedgwick County Community Corrections to encourage the City of Wichita to work with KDOC in the establishment of the day reporting center, which would ultimately be a benefit to the people of Wichita. Secretary Simmons reported that the Kansas City Planning and Zoning Committee has approved a site for a day reporting center there with final approval to come from the Unified Government Commission. If approved, construction on the site could begin later this month. Because no neighborhood in the City of Wichita would accept the day reporting center, the City of Wichita is planning to construct a new building in a city-owned industrial park. Secretary Simmons also stated that caseloads are not unique to Community Corrections but are prevalent through KDOC because of funding issues. Chairperson Lloyd thanked the conferees for their testimony.

The next issue to be discussed was the Ombudsman of Corrections program. Chairperson Lloyd recognized Stuart Little, Kansas Legislative Research Department, who presented a staff review and distributed copies of HB 3000, introduced during the 2000 Legislative Session. HB 3000 passed the House 123-1 but died in the Senate Ways and Means Committee. The legislation would have expanded the Ombudsman of Corrections duties to include the same type of programs for juveniles as is now being done for adults.

Chairperson Lloyd recognized Gwen Sims, Chief Ombudsman of Corrections. Ms. Sims explained that the Ombudsman's role is a neutral role to handle complaints from adult inmates or family members and conduct comprehensive reviews and investigations on the inmate's behalf. Ms. Sims gave further written testimony on working with the adult inmates ([Attachment 5](#)). Ms. Sims also provided the Committee with information, which she obtained from the Internet on the use of ombudsman programs in juvenile corrections ([Attachment 6](#)). Ms. Sims noted that one of the biggest concerns with a juvenile ombudsman program would be securing records. Ombudsmen are not allowed to review any medical records without permission and to get this permission for juveniles could result in a lengthy delay while the court determined who is responsible for the juvenile. In response to a question from Representative Pauls about staffing, Ms. Sims stated there are now two full-time ombudsmen besides herself and a part-time secretary. Ms. Sims indicated that she proposed the addition of two staff members if juveniles were added to the department's responsibilities. Ms. Sims stated she would not request funding for a toll-free number, although it might be helpful. Senator O'Connor asked for an explanation of sentence issues. Ms. Sims indicated there has been an increase in sentencing issues since the passage of SB 323, mainly from inmates with concerns about lost good time and jail credit. In response to Senator O'Connor's question about a fiscal note attached to HB 3000, Dr. Little stated that the fiscal note was for \$110,000 to fund the addition of

two staff members to the Ombudsman program. Ms. Sims indicated that the budget for the Ombudsman program has been reduced from \$194,000 to \$161,000. These reductions were mostly handled by a reduction in travel. Ms. Sims stated that a lot of the work of the Ombudsman is public relations—helping inmates and families understand the correctional system. Ms. Sims felt HB 3000 would be helpful but could not be handled within the current budget. In response to questions from Senator Goodwin, Ms. Sims felt the program would not overlap with SRS programs because the Ombudsman program only relates to juveniles in the correctional system. Representative Pauls asked the Legislative Research staff to research programs provided by SRS to find out if there would be a duplication of services with the enactment of HB 3000.

Chairperson Lloyd recognized Ken Hales, Deputy Commissioner of the Juvenile Justice Authority. Mr. Hales had no prepared testimony but agreed to make some comments concerning HB 3000. Mr. Hales indicated that there are now four mechanisms available to juveniles in the correctional system.

- For incidences which involve mistreatment or abuse, the Attorney General's office can be called to investigate;
- Each facility has internal grievance procedures;
- A team of staff from the different facilities who are especially trained to investigate incidences; and
- Audits which investigate how juveniles are treated in the system.

Mr. Hales indicated the Juvenile Justice Authority is not an opponent or proponent of HB 3000; the Authority feels what they are doing is adequate; however, will work with the legislation, if the Legislature feels is the best way to go. Senator Oleen inquired if a RSP grant might be available to fund the Ombudsman program and asked Mr. Hales to check on the availability of a grant and report back to the Committee.

Afternoon Session

Ken Hales returned to the podium to highlight the Juvenile Justice Authority (JJA) monthly update (Attachment 7). Mr. Hales included a summary of an article, which appeared in the May 30th issue of the *Kansas City Star*, concerning a Kansas program to slash youth crimes—a system launched four years ago by JJA. Mr. Hales noted there are three block grants available this year:

- Prevention;
- Graduated Sanctions; and

- Intake.

Mr. Hales outlined the juvenile justice outcomes, which are consistent with outcomes of Connect Kansas. Because of recent negative news articles, Senator Adkins asked for an update on Intake and Assessment in Johnson County. Mr. Hales stated information has been sent to local Johnson County legislators informing them the POSIT is required; staff are doing what they have been asked to do; and the POSIT is a worthwhile, valuable tool and is required. Mr. Hales stated JJA would provide technical assistance or other assistance to Johnson County as needed. Software is now being developed in the Management Information system to provide a database of information gathered from the POSIT which will allow JJA to compile reports. Senator Adkins asked Mr. Hales to keep the Committee updated on the progress and outcome of this information and how it is being used. Senator Adkins also asked for an update on the progress of SRS and JJA on intake issues. Mr. Hales indicated they are meeting in the next few days and will bring this report to the August meeting of the Committee. In answer to a question from Chairperson Lloyd, Mr. Hales noted they have not received any other complaints about the use of the POSIT except for one which thought it might be intrusive or heavy-handed. JJA is looking into this complaint.

The Chairperson recognized James Frazier, Assistant Commissioner of JJA, who presented testimony on the use of psychotropic medications in the juvenile correctional facilities (Attachment 8). Mr. Frazier noted that a 32-bed mental-health treatment facility is now being constructed at Larned to address some of the most serious mental health problems. In addition, 99 new beds will be added for substance abuse treatment. Mr. Frazier also noted the agency is looking into a cost comparison of state-operated facilities as opposed to private-run facilities. Representative Pauls asked for clarification on the privatization of the purchase of drugs. Mr. Frazier indicated there are companies available with whom the state can contract for the purchase of all medical drugs as opposed to going through the bid process for the purchase of drugs.

Mr. Frazier introduced Dr. Jai Sookram, Clinical Director of the Larned Juvenile Correctional Facility, to continue the discussion on psychotropic medicines. Dr. Sookram noted many of the juveniles treated at the Larned facility have multiple afflictions resulting from poverty, poor parenting, stark backgrounds, and multiple out-of-home placements. In response to an earlier question concerning the use of psychotropic medicines with juveniles who have substance abuse problems, Dr. Sookram stated once they are in the correctional facility and drugs and alcohol are no longer available to them, they become different individuals. At this time, the use of psychotropic medicines can be very helpful. Dr. Sookram noted that a list of juveniles and the type of psychotropic medicine being given is available if the Committee should wish to review this information. In response to Senator Haley's question concerning the use of drugs which were included in the report, Dr. Sookram indicated the report does include legal substances used by adults, such as alcohol and cigarettes. The most prevalent drugs used are marijuana, cocaine, or a combination of drugs—the same drugs as used by adults and available to juveniles the same as they are to adults. Dr. Sookram noted the juveniles being seen in the correctional fa-

cilities today are juveniles with serious substance abuse habits, well beyond the experimental stage. In response to a question from Senator O'Connor, Dr. Sookram stated that figures are not available to compare the percentage of recidivism of juveniles on medication to those who are not on medication, but felt this is an area that should be pursued. Senator Oleen stated if the study were done, it needed to have a basis or reason to be done, before time and energy was spent to obtain these statistics. In response to a question from Senator Adkins, Dr. Sookram felt it is important for local authorities to work with the public school systems to bridge the gap and maintain the success which the juvenile made while in the correctional facility. Chairperson Lloyd felt it was important to be aware of the risk factors as noted on page 4 of the report. In response to Representative Ballard's question concerning the stress of incarceration, Dr. Sookram noted the juvenile goes through orientation when they come into the correctional facility to help with the stress factor. Dr. Sookram felt the correctional facilities could do more to also help the juvenile with the stress of returning to the community after incarceration. Chairperson Lloyd thanked Dr. Sookram for his testimony.

Chairperson Lloyd asked the Committee members to submit subjects which they would like to discuss at future meetings to Stuart Little.

Several members of the Committee, Representative Pauls, Representative Campbell, and Senator Goodwin, as well as House Majority Leader Shari Weber recently attended a National Conference of State Legislatures' workshop held in San Diego on juvenile justice. The workshop was set up to discuss juvenile problems and how you can overcome them, with San Diego County used as a model. One of the workshops dealt with a drug court project in San Diego County, which not only deals with the juvenile but also with their family. Representative Pauls felt it was very interesting and could relate its benefits to the state of Kansas. Other items included effective programs with cooperation from all agencies, collaboration of agencies brought about by legislation, after-school programs, children's cabinet, and establishing resource centers in the communities. The group felt the workshop was very beneficial.

Wednesday, July 11

The Committee met at the Statehouse at 9:00 a.m. and proceeded by van to the Lansing Correctional Facility for a tour and presentation of the Correctional Industries Program. Warden Dave McKune greeted the group and introduced Rodney Crawford, Director of the Kansas Correctional Industries, who led the group on the tour. Mr. Crawford explained the traditional sector of the industries are those industries established by the state to employ inmates. The group toured the paint industry, which produces all the paint used by the Kansas Department of Transportation (KDOT), and the Sign and Graphics Industry, which produces highway signs for KDOT, National Sheriff's Association, and Wildlife and Parks, as well as others. The private sector of the industries program is supported by companies who have been allowed to bring their businesses onto the correctional facility grounds and in turn, employ inmates in the manufacturing of

goods. The group toured the highly successful Impact Design Embroidery work site where inmates are employed and trained to run computerized embroidery machines to do work on T-shirts, caps, sweatshirts, etc. Mr. Crawford concluded the tour with a presentation and briefing report on the Correctional Industries goals and strategies for achieving these goals (Attachment 9).

The next meeting of the Committee will be held on August 7-8, 2001, at the Statehouse.

Prepared by Shirley Jepson
Edited by Stuart Little and Amy Kramer

Approved by Committee on:

October 8, 2001