

## MINUTES

### JOINT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE OVERSIGHT

October 13-14, 2005  
Room 514-S—Statehouse

#### Members Present

Representative Bill Light, Chairman  
Senator Pete Brungardt, Vice Chairman  
Representative Doug Gatewood, Ranking Minority Member  
Senator Karin Brownlee  
Senator Greta Goodwin  
Senator David Haley  
Senator Phil Journey  
Senator Kay O'Connor  
Representative Kathe Decker  
Representative Jan Pauls  
Representative Dale Swenson  
Representative Jim Ward  
Representative Shari Weber

#### Members Absent

Senator Jean Schodorf

#### Staff Present

Becky Krahl, Kansas Legislative Research Department  
Reagan Cussimano, Kansas Legislative Research Department  
Amy VanHouse, Kansas Legislative Research Department  
Jerry Ann Donaldson, Kansas Legislative Research Department  
Jill Wolters, Revisor of Statutes Office  
Deb O'Neil, Committee Secretary

#### Conferees

Kathleen Graves, Director of Community Corrections, Department of Corrections  
Patricia Biggs, Executive Director, Kansas Sentencing Commission  
Kristi Bilyew-Drewel, Assistant Staff Development Manager, Department of Corrections  
Kerri Platt, Sedgwick County Community Corrections, Wichita  
Tracy Harris, Director, 11<sup>th</sup> Judicial District Community Corrections, Pittsburg  
John Trembley, Director, Northwest Kansas Community Corrections, Hays

Annie Grevas, Director, 28<sup>th</sup> Judicial District Community Corrections, Salina  
Venice Sloan, Director, 22<sup>nd</sup> Judicial District Community Corrections, Hiawatha  
Dr. Stuart Little, Little Governmental Relations  
Representative Tim Owens  
Representative Ward Loyd, Chairman, Kansas Criminal Justice 3 R's Project  
Roger Werholtz, Secretary of Department of Corrections  
Don Jordan, Acting Commissioner, Juvenile Justice Authority  
Heather Morgan, Director of Public and Legislative Affairs, Juvenile Justice Authority  
Jill Wolters, Office of Revisor of Statutes  
Tom Bevard, Director, Freedom Ministries of Kansas, Inc.  
Terry Sparks, Iola Businessman, Volunteer, Freedom Ministries of Kansas, Inc.  
Don Raymond, Director, InnerChange Freedom Initiative (IFI) of Kansas  
Christian Hauck, Hays, IFI Mentor, Chairman, 3 R's Re-entry Subcommittee  
Terry Simmons, IFI Member  
Ray Pompa, IFI Member  
Ray Roberts, Warden, El Dorado Correctional Facility  
Representative Dick Kelsey, President, King's Achievement Center, Goddard  
Phil Landis, Chaplain, King's Achievement Center, Goddard

**Thursday, October 13  
Morning Session**

The meeting was called to order at 10:05 a.m. by Chairman Bill Light who informed the Committee that the morning would be spent in reviewing 2003 SB 123 and getting an update on how that program has been working for the past three years.

**Update on 2003 SB 123**

Kathleen Graves, Director of Community Corrections, Kansas Department of Corrections (KDOC), and Patricia Biggs, Executive Director, Kansas Sentencing Commission (KSC), gave an update, sharing "current status" on SB 123 cases. The five topics covered in the presentation were Sentencing Activity, Offender Risk of Offense, Substance Abuse Treatment, Treatment Payments and Treatment Budget, and Geography of Certified Treatment Providers. From the inception of the program through October 3, 2005, there have been 2,334 offenders receiving SB 123 related sentencing, with a total of 2,516 cases, as some offenders have multiple SB 123 cases. These cases were broken down by Fiscal Year (FY) and by pre- and post-sentencing percentages.

Ms. Graves discussed Level of Services Inventory - Revised (LSI-R) Assessments, including supervision levels, case management, and risk of re-offense. There have been 3,121 LSI-R's completed on SB 123 offenders from inception to October 3, 2005. Intervention Activity from inception through September 30, 2005 was logged as 7,879 total, then broken down by FY, Modality and Proportion. Treatment Payments processed through October 12, 2005 were shared, along with Treatment Budgets for FY 2005 and 2006. Statistics were shared breaking down SB 123 cases by Community Corrections Agency and Prosecuting County. Ms. Biggs updated treatment costs associated with the implementation of SB 123. In FY 2005, the Kansas Sentencing Commission experienced a shortage of \$411,114. The Kansas Sentencing Commission has requested an FY 2006 supplemental request of \$3,871,114 from the State General Fund for anticipated needed

additional funding to pay for the substance abuse treatment for those offenders sentenced under the provision of SB 123 ([Attachment 1](#)).

Kristi Bilyew-Drewel, Assistant Staff Development Manager, Department of Corrections, said the two responsibilities of KDOC under SB 123 are to provide training for Community Corrections Officers (CCO) and Substance Abuse Treatment Providers (SATP). Site visits are necessary and all 109 locations will be visited. LSI-R Training and Cognitive-Behavioral Tool Workshops are provided for CCO, and Cognitive-Behavioral Tool Certification Training as well oversight for the Integration/Addendum Plan Approval is provided for all SATP.

The LSI-R (a risk/need assessment instrument) identifies risk for re-offending and criminogenic needs. This currently is used prior to conviction, at six months, and at discharge. The Integration/Addendum Plan Approval is used to either receive certification or modify any initial treatment plans that were approved by the Department. Certification training and training workshops are held on a regular basis and are being widely attended ([Attachment 2](#)).

Kerri Platt, Administrator of Adult Field Services Division, Sedgwick County Community Corrections, shared that SB 123 was the single most important piece of legislation she has ever seen in benefitting adult offenders and getting them to change their behavior. Sedgwick County has the largest number of SB 123 offenders and treatment providers in the state, but under SB 123, offenders are getting into treatment faster and staying in treatment longer.

Ms. Platt also addressed two concerns about SB 123 that would require legislation. The first concern is in regard to language which needs to be incorporated to address defendants residing outside of the State of Kansas or non-US citizens facing deportation. Language would direct the Courts to depart from SB 123 sentencing when the offender will not be remaining in Kansas and thus will not be available for a KDOC certified treatment program. The second item addresses the requirement that risk/need assessments and substance abuse evaluations be completed prior to sentencing. This causes problems, including unnecessary costs and less than accurate assessments ([Attachment 3](#)).

## **Matter of Business**

*Representative Jan Pauls moved to approve the Preliminary Committee Minutes from the September meeting with the changing of the term "prison" to read "facility." Representative Dale Swenson seconded the motion. The motion carried.*

## **Afternoon Session**

### **Continuation of Update on SB 123**

Tracy Harris, Director, 11<sup>th</sup> Judicial District Community Corrections (JDCC), Pittsburg, stated that treatment assessments are going well and that both KDOC and KSC have been very helpful, providing guidance and information as needed. She shared that because the 11<sup>th</sup> Judicial District borders state lines, difficulties arise in several areas, and the 11<sup>th</sup> JDCC would like some specific guidelines to adopt. Ms. Harris would agree with Sedgwick County Community Corrections that there is little or no value in conducting assessments in the pre-sentencing phase. Demographics, sentencing, and supervision for SB 123 cases were shared ([Attachment 4](#)).

John Trembley, Director, Northwest Kansas Community Corrections (NWKSCC), Hays, brought a summary of NWKSCC-specific information on SB 123 to the Committee. There have been 59 cases (or 2.3 percent) of SB 123 offenders out of 2,516 statewide, assigned to NWKSCC. Mr. Trembley broke these cases down by Fiscal Year, LSI-R Risk Scores, and Interventions. Data sheets were provided for each of these summaries ([Attachment 5](#)). In addition to directing NWKSCC, Mr. Trembley supervises the southwest corner of Kansas, where there is a tremendous need for inpatient treatment facilities. During questioning, Mr. Trembley shared information about his methamphetamine program, which is set up much the same as SB 123, and is showing great success.

Annie Grevas, Director, 28<sup>th</sup> Judicial District Community Corrections (JDCC), Salina, told the Committee that since November 2003, the 28<sup>th</sup> JDCC has served 153 clients, and shared the characteristics of those clients. Ms. Grevas discussed the three treatment providers certified in the 28<sup>th</sup> Judicial District, and shared that three more are making efforts to become SB 123 treatment certified. Ms. Grevas provided the Committee with information on the five treatment modalities used most often in the 28<sup>th</sup> District, the average cost of each modality, and the average length of stay for the period of July 1, 2004 to June 30, 2005. Average annual cost per client during this same time was \$4,688, with a high client cost of \$19,537 and a low client cost of \$200 ([Attachment 6](#)).

Venice Sloan, Director, 22<sup>nd</sup> Judicial District Community Corrections (JDCC), Hiawatha, joined the Committee on behalf of the 22<sup>nd</sup> District which lies in the northeast corner of the state along the Nebraska border. Before July 2003, the adult programs of the 22<sup>nd</sup> District were sub-contracted outside of the district. Two years ago, the community corrections advisory board decided to assume that management themselves, giving opportunity for closer observation and greater involvement. Within three months, SB 123 was initiated, and it has taken the last two years to get everyone "on the same page." There are still problems with mental health provision, as there is a need for a person in-district to deliver SB 123 treatment. Charts provided showed District Needs and Risk Assessments, as well as District Needs Re-Assessments ([Attachment 7](#)).

Other issues raised by Patricia Biggs and Kathleen Graves dealt with concurrent charges. Legislation included in SB 123 specifies offenders with "person" offenses in their history are precluded from SB 123. When there are concurrent charges, the "person" offense does not show up in the offender's history, and the question arises as to what to do with these offenders.

### **Funding for Community Corrections Adult Residential Centers in Johnson and Sedgwick Counties**

Dr. Stuart Little, Little Governmental Relations, spoke to the Committee on behalf of the Kansas Community Corrections Association. Dr. Little stated that funding for the community residential portion of the community sanctions has not kept up with change, being held at essentially the same funding level for the last ten years. KDOC has requested in the FY 2007 a budget increase of \$103,401 (five percent) for residential center funding. Dr. Little shared the exact language submitted to the Governor in the KDOC request for the five percent increase ([Attachment 8](#)). The increase is requested for additional beds, programs, services, electronic monitoring, and staff. Pages 5 and 6 of [Attachment 8](#) detail information from Sedgwick and Johnson County Residential Centers. Dr. Little encourages this Committee to recommend a five percent increase in funding.

**Friday, October 14, 2005  
Morning Session**

**Update on Legislation for the Void Between  
2003 SB 123 and the Kansas Criminal Justice  
Recodification, Rehabilitation, and Restoration (3 R's)**

Representative Tim Owens joined the Committee to share a proposal for a bill he is hoping to present next legislative session. This bill would establish a prison sanction of drug and alcohol treatment programs in a KDOC Drug and Treatment Facility for adult offenders placed by the Court (1) on the third or subsequent DUI; (2) on the third felony violation of drug possession, with the same exclusions as the SB 123 offenders; (3) on any felony conviction for which the offender is serving a non-prison sanction or probation and such offender has violated probation, with the same exclusions as SB 123 offenders; or (4) on those who have a first or second probation revocation for failing to participate in SB 123 treatment. Representative Owens expressed his belief that this legislation would fill the void between 2003 SB 123 and 3 R's.

**Update on the Kansas Criminal Justice  
Recodification, Rehabilitation, and Restoration (3 R's)**

Representative Ward Loyd updated the Committee on current activities of 3 R's, and restated statutory responsibilities assigned to 3 R's. Representative Loyd shared that 3 R's is now comprised of the base Committee, three subcommittees (Recodification Subcommittee, Behavioral Health Subcommittee, and Re-entry Subcommittee) and a task force denominated the Kansas Re-entry Policy Council. A brief description was given of each committee, and a resolution adopted in regard to the task force was shared. The 3 R's Committee has established an association with The Council of State Governments (CSG) Criminal Justice Division, which has provided the 3 R's with invaluable technical assistance and recommendations, some of which have already been implemented.

Representative Loyd stated that the 3 R's Committee was working hard to understand how to formulate appropriate recommendations. A memorandum was shared illustrating re-entry issues for policy recommendations and for hearings/presentations which the 3 R's Committee is considering at the present time. Progress was given on the final report required by House Sub. for SB 45 to be submitted to the 2006 Legislature by January 9, 2006. Some recommendations are ready, however, the full report and recommendations, if taken seriously as to legislative intent and directives, requires additional time and resources. A request was made to this Committee to recommend extending the deadline to allow the 3 R's Committee time to complete the final report with recommendations. Representative Loyd shared that the 3 R's work currently underway could likely be completed with an additional \$125,000, but might more realistically require \$275,000 (Attachments 9, 10, and 11).

**Inmate Population Projections**

Patricia Biggs, Executive Director, Kansas Sentencing Commission, brought to the Committee FY 2006 Adult Inmate Prison Population Projections. These projections were shown in various graphs broken down by population trends, admission trends, severity levels, and then further broken down by actual and projected numbers. Some comparisons were made with FY 2006 projections and actual numbers from FY 2005 and prior years. A growth rate of about 7.8 percent is expected in the next ten years (Attachment 12).

## **Department of Corrections Facility Capacity**

Roger Werholtz, Secretary of Department of Corrections, discussed facility capacity with the Committee. There are currently 20 beds off line in Topeka Correctional Facility because of the extensive renovations in the Central Unit. A projection date of July 1 has been set to have the old Department of Revenue building located immediately south of the complex renovated for housing, so dormitories can be emptied out one at a time for renovation purposes. KDOC is paid to house between 20 and 25 federal female inmates, and if renovations do not take place in a timely manner, there is concern over loss of revenue because these inmates might need to be returned to federal custody.

There has been a recent growth in overall population, on October 14. It was 9,148 and the next day, it was 9,162, taking KDOC to capacity maximum for maximum and medium security males. Secretary Werholtz sees this as a short-term problem as KDOC is expecting a downward shift of one to two percent based on revisions in the custody classification system and another 90 Isaac Ray beds at Larned State Security Hospital becoming available to KDOC on April 1 (Attachments 13 and 14).

## **Use of Topeka Juvenile Correctional Facility, Juvenile Justice Authority Prevention Grants and Administrative Costs, and Utilization of Local School Districts and Contract Educational Providers at Juvenile Correctional Facilities**

Don Jordan, Acting Commissioner, Juvenile Justice Authority, addressed several questions the Committee had posed to JJA during the September 15-16 meeting. Acting Commissioner Jordan discussed the number of juvenile offenders who were conditionally released from a Juvenile Correctional Facility (JCF), and numbers were provided showing how many of those released were subsequently returned to JCF custody or entered KDOC custody. The numbers were further broken down to deal specifically with juvenile sex offenders. Charts were distributed detailing juvenile offender caseload activity, prevention funding detail, and sources of prevention program funding (Attachment 15).

## **Afternoon Session**

### **Review of Notification of Juvenile Offenders Release Statute**

Jill Wolters, Office of Revisor of Statutes, spoke to the Committee, addressing the sex offender registry issue, as requested at the September meeting. Ms. Wolters discussed and passed out a memorandum detailing the provisions of K.S.A. 38-1673 through 38-1677 and the Kansas School Safety and Security Act, K.S.A. 72-89b01 *et seq.* (Attachment16).

### **Review of Adult Faith-Based Programs**

Representative Kathe Decker provided Attachment 17, detailing the personal testimony of a Heartland Teen Challenge participant.

Tom Bevard, Director, Freedom Ministries of Kansas, Inc., shared information concerning the

various projects and outreaches of Freedom Ministries. Annually, Fresh Start events are held in each of the minimum, medium, and maximum facilities across the state. This year, Larned Juvenile Correctional Facility was added. At Larned, a minimum custody facility, Project Set Free, a discipleship and training program, is operated five days per week. Freedom Ministries partnered with Teen Challenge International to bring to Hutchinson Central Facility a discipleship and training program entitled Freedom Challenge. This program works for both pre-release and post-release benefit ([Attachment 18](#)).

Terry Sparks, a local businessman from Iola, is one of the volunteers for the Freedom Ministries program, and spoke to the Committee about community involvement. Mr. Sparks mentioned there are over 100 volunteers joining Mr. Bevard, and giving support for faith-based organizations, especially Freedom Ministries.

Don Raymond, Director, InnerChange Freedom Initiative (IFI) of Kansas, stated IFI is a revolutionary, Christ-centered, value-based pre-release program supporting prison inmates through their spiritual and moral transformations. The national Prison Fellowship Ministries (PFM) opened the first IFI in Texas in 1997. The third IFI program completing the pilot program of adult male prisons was January 2000 at Winfield Correctional Center at Winfield, Kansas, which subsequently was moved to Ellsworth in the summer of 2002. Anchored in biblical teaching, education and camaraderie, the IFI program consists of four phases. An overview was given of the program and each of the four phases was explained. Mr. Raymond also shared the six core values of IFI, which are integrity, fellowship, affirmation, responsibility, productivity, and restoration ([Attachment 19](#)).

Chris Hauck, IFI Mentor and Chairman of 3 R's Re-entry Subcommittee, shared what it meant to be a mentor in the IFI program. Mr. Hauck is the faith-based community representative for the 3 R's Committee, and was former President and CEO of Sunflower Electric Power Corporation. He is a volunteer for IFI and has mentored several inmates. He believes this program makes a tremendous difference. The following two conferees were mentored by Mr. Hauck.

Terry Simmons, Hutchinson, IFI Member, serving 138 months for manufacturing methamphetamine, joined the Committee to give a personal testimony about the benefits of IFI. Coming into InnerChange took an emptiness inside him and filled it, giving him an anchor to build on, totally changing his life and way of thinking. Mr. Simmons feels self-management programs only deal with the symptoms, while IFI succeeds by addressing the sin and boundary issues in life. Mr. Simmons now teaches bible classes in the IFI program, and sees inmates change and leave with a hope they did not have when they entered the facility. Mr. Simmons will be released soon and he believes he will be a productive member of society because he has changed due to IFI.

Ray Pompa, Wichita, IFI Member, 34 years old, shared that he was incarcerated at 16 years of age because of bad decisions he had made. Mr. Pompa stated some of the important things he had to learn were to forgive himself, to respect authority, to gain integrity, and to trust others, all of which IFI has taught him. Mr. Pompa currently works with other men in the IFI program, leading and teaching them. He was just up before the Parole Board for the first time this past year, and IFI has been instrumental in preparing him for living in a world that has changed greatly in his 18 years of incarceration, by providing computer training and other necessary skills for when he is released.

Ray Roberts, Warden, El Dorado Correctional Facility, formerly worked to open of the first IFI in Texas. As a warden, he is very thankful for this type of program, as it not only changes the lives of the inmates, it keeps them from returning to prison. He discussed the Spiritual Life Center Project and passed out a handout explaining the driving force for the project, as well as delineating what will be provided by the center ([Attachment 20](#)).

Representative Dick Kelsey, President, King's Achievement Center, Goddard, and Phil Landis,

Chaplain, King's Achievement Center, shared the importance of giving the opportunity to address the spiritual needs of the young people in the JJA system. A statistical analysis was provided showing results of an assessment form collected from the residents on a voluntary basis. The nature of the information collected as well as comments by the clients were shared. It was noted that spiritual activities were not required, but were encouraged. Seventy-two percent of the clients participating in the survey had never attended church. During the past four years over 200 young men have made a public profession of faith in Jesus Christ, indicating that the young men served by King's Achievement Center are earnestly seeking a reason to live, a system of beliefs, and someone to reach out to them in love and concern. Representative Kelsey and Chaplain Landis feel King's Achievement Center meets these needs for the youth of our state (Attachment 21).

## **Other Business**

Statutory authority for the Interim Joint Committee on Corrections and Juvenile Justice Oversight expires this year. The Committee has asked Jill Wolters, Revisor of Statutes Office, to draft a request for continuing this Committee.

The Committee adjourned until the next meeting, which will be November 17, 2005 at 10:00 a.m. in Topeka.

Prepared by Deb O'Neil  
Edited by Becky Krahl

Approved by Committee on:

November 17, 2005  
(date)