

MINUTES

JOINT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE OVERSIGHT

August 11-12 2005
USD No. 409 Building—Atchison, Kansas

Members Present

Representative Bill Light, Chairman
Senator Pete Brungardt, Vice Chairman
Representative Doug Gatewood, Ranking Minority Member
Senator Karin Brownlee
Senator David Haley
Senator Phil Journey
Senator Kay O'Connor
Senator Jean Schodorf
Representative Jan Pauls
Representative Dale Swenson
Representative Shari Weber

Members Absent

Senator Greta Goodwin
Representative Kathe Decker
Representative Jim Ward

Staff Present

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

Conferees

Stephen Pummel, Superintendent, Atchison School District No. 409
Sam Wheeler, Principal, Bert Nash School, Atchison Juvenile Correctional Facility
Kathy Lowman, Assistant Superintendent, Atchison School District No. 409
Jack Selberg, Director, Valley Hope Alcohol and Drug Program, Atchison
Keith Rickard, Executive Director, The Guidance Center, Atchison
Trish Bryant, Vice President of Strategic Planning Operations, St. Francis Academy
Cheryl Rathbun, Vice President of Clinical Services, St. Francis Academy
Robert Doyle, Director, Leavenworth County Juvenile Detention Center
The Honorable Robert Bednar, First Judicial District Judge

Tom Weishar, Chief Court Services, Leavenworth
Sheri Smith, Court Services Officer, Atchison
Leo Doehring, Police Chief, Leavenworth
Don Navinsky, County Commissioner, Leavenworth
Mayor Dan Garrity, Atchison
George Ross, Jr., County Commissioner, Atchison
Mike Wilson, Police Chief, Atchison
Venice Sloan, Director, 22nd Judicial District Community Corrections, Hiawatha
Vicky Kaaz, Vice-Chair, Kansas Advisory Group on Juvenile Justice and Delinquency
Prevention
Shelly Nelson, Director, Atchison County Community Corrections
Anne de Shazo, Chair, Juvenile Citizens Advisory Board, Administrative Contact First Judicial
District, Prevention and Services Coordinator, Chair of State Community Advisory
Committee

Thursday, August 11 Morning Session

The meeting was called to order at 10:00 a.m. by Chairman Bill Light. The Committee was welcomed to Atchison by Representative Jerry Henry. Chairman Bill Light, Vice Chairman Pete Brungardt, and Ranking Minority Member, Representative Doug Gatewood expressed thanks to Representative Henry and to the local Atchison School District for their hospitality and accommodations for the meeting.

Local School Programs

Steve Pummel, Atchison School Superintendent, provided information on their school district and their relationship with Juvenile Justice Authority (JJA). Atchison Schools have approximately 2,000 students with a high at-risk and minority population. Their relationship with Atchison Juvenile Correctional Facility (AJCF) is very successful. This success is based on the longevity of the principal, excellent working relationship with staff, and the cooperative programs between the Atchison School District and AJCF/Bert Nash School.

Sam Wheeler, Principal of Bert Nash School, spoke about student success. He started at Bert Nash in 1972, the first year of the school and the beginning of the relationship started between Atchison Public Schools and the Bert Nash School. Bert Nash School serves 6th through 10th grades and is fully accredited. The average stay at the school is 11 to 12 months.

Bert Nash School is working with the Deputy Commissioner of JJA to develop alternative programs and testing to more accurately reflect how students are performing. Students are currently showing about a 30 percent gain from pre-test to the post-test, indicating programs are working. During their first year, students tend to improve by two grade levels.

Kathy Lowman, Assistant Superintendent and Special Programs Coordinator, spoke about the special programs the school district offers and the collaborative relationship in the community of Atchison. She attends Individual Education Plan (IEP) meetings, performs psychological evaluations, and participates in reevaluations for kids on IEP at the Atchison Juvenile Correctional Facility. She stated that having spent 33 years in education working with at risk-students, she had never been in a community where the professionals and the agencies work so well and so closely together.

Ms. Lowman reported that in addition to the \$1.2 million Atchison School District spends on at-risk students, it also spends \$2.9 million on special education. She stated that this week alone, she has already spent 26 hours with other agencies trying to take care of new kids who have been released from other programs and agencies, trying to identify their needs. Students need an IEP meeting and need to meet all of the requirements of the No Child Left Behind Act and Individuals with Disabilities Education Involvement Act (IDEIA) for those plans. Atchison has had four sex offenders move back into the community recently.

Questions were asked about the four sex offenders mentioned and whether the schools were aware of their presence, and concern was expressed over liability issues. The Atchison School District does have concerns over liability issues also. Some perpetrators are as young as middle school, and the school district does not always know they are there. In the Atchison community, the school district can call JJA or Court Services for the information, but outside of the community, the information is difficult to obtain.

Other "prevention" programs include before and after-school day care programs and remedial programs. A remedial program called "Homework Zone" for any child who fails to complete their homework over a period of time is being implemented. Students will be required to come in before school and/or stay after school until the homework is completed.

Community Social Services

Jack Selberg, Director, Valley Hope Alcohol and Drug Program, Atchison, said that their 12-step based program, working with chaplains and educators, is based on individual and group counseling for 16-year-olds and up. The program is based on trust and respect. It is not a "locked down" facility. Treatment of this type for adolescents is difficult to find. For juveniles, they require parental involvement, as well as a motivation and desire for recovery on the part of the patient. They have an integrated treatment in regard to age groups, where the older patients are paired with younger patients, share their own stories of incarceration, etc., reaching out to the adolescents. Average treatment is one week to 30 days. About 65 percent of funding comes from insurance.

Valley Hope is seeing an increase in methamphetamines in their general population (20-25 percent), but deal mostly with marijuana and alcohol in their adolescent population. Average treatment is one week to 30 days. About 65 percent of their funding comes from insurance. The overall success rate at Valley Hope is 50 percent, but with adolescents only 20 percent, if that. Valley Hope is just the beginning of the recovery process, but halfway houses and Oxford Houses are not available to 16 and 17-year-olds. Often they have nowhere to send them at the end of the program.

Valley Hope does not have a contract with the state for SB 123 treatment and has not been approved by the Department of Corrections. Their average census is 60. Forty to 50 percent of their patients are told by the court system to go through treatment; however, very few are actually court-committed. Valley Hope tries to follow up with every patient they have treated. Valley Hope has an out-patient office, and if patients do not show up initially, that office contacts them. After the patient completes the program, it is the responsibility of the out-patient referral service to monitor them.

Keith Rickard, Executive Director, The Guidance Center (TGC) in Atchison, said that the TGC is a community mental health center contracted by the First Judicial District and serves three counties. TGC is the primary provider of prevention activities and delivers a number of services, including mentoring, adolescent substance abuse education, parenting education, tobacco sales enforcement, and Multisystemic Therapy (MST). Mr. Rickard feels MST has

significant ramifications for addressing serious juvenile crime in Kansas and would like to have JJA empowered to pilot a major research based trial of MST in Kansas, as MST is a proven intervention strategy. MST Services has research data that demonstrates this service is not only effective, but less expensive than many corrections model alternatives (Attachments 1 and 2).

MST is an intensive program with one counselor working with a maximum case load of five families. The counselor is the family's resource, providing whatever the family needs, including psychotherapy, systems therapy, case management, etc. Ten to 20 hours a week are spent with the family initially, and gradually reduce that time over a three or four-month period. They average about four months of therapy before relinquishing authority back to the parent. MST requires the offender be in JJA custody, but is currently funded by JJA on a very limited basis and only with purchase of service dollars.

Trish Bryant, Vice President of Strategic Planning Operations and Cheryl Rathbun, Vice President of Clinical Services, St. Francis Academy, Atchison, shared that St. Francis Academy was created as an alternative program where young juveniles could reclaim their potential. St. Francis currently serves over 1,100 children through family preservation, child placement, foster care, and residential treatment centers. The needs of the youth and families are the drivers on how programs and services are developed. St. Francis Academy is committed to working with Social and Rehabilitation Services (SRS) and JJA to identify priorities and partnerships that will build successful and financially viable services (Attachment 3).

Matter of Business

Senator Pete Brungardt made the motion to approve the Preliminary Committee Minutes from the March meeting as written. Representative Doug Gatewood seconded the motion. The motion carried.

Packets on Atchison were given to the Committee by Representative Henry, with a reminder of the social at 6:00 p.m. at River House, with dinner being served at 6:30 p.m.

The Committee meeting was recessed until 1:30 p.m.

Afternoon Session

Community Social Services (cont.)

Robert Doyle, Director, Leavenworth County Juvenile Detention Center (LCJDC), discussed LCJDC's merging of intake and assessment with Atchison County, which is funded by JJA. LCJDC currently has only six beds between Leavenworth and Atchison Counties, with an additional emergency bed which can be used for up to 48 hours. Most of their funding comes from the counties.

The number of detainees in programs was discussed as well as population, which is now 50/50 male and female. It was noted that females are showing much more aggressive and violent behavior, and that offenders are consistently getting younger. Mr. Doyle also addressed funding issues and in-house programs the center has developed to compensate for lack of funding. Some of the programs mentioned include Youth Achievement Center (mentoring), public library programs, Project Impact Class, Street Law Program, and day school programs, some of which are considered preventive programs.

LCJDC has a conditional release officer that does follow up, as the follow up is the primary factor in juvenile progress. Mr. Doyle mentioned that recidivism has dropped from 55 percent to a current 25 - 26 percent. LCJDC employs a school Resource Officer/Truancy Officer at the High School, and attributes the drop in recidivism to having the officer in the schools. It was noted that 80 percent of their population is on some type of psychotropic medication, with some taking up to 22 different types of medications. LCJDC believes the MST is exemplary, and would like to focus more on mental health issues.

Court Services

The Honorable Robert Bednar, First Judicial District Judge, said that he would like to see some programs re-instituted that have been successful in the past, as well as some new programs implemented that would be helpful. Some of the programs mentioned were the Amnesty Program, MST Programs, and Day Reporting Centers. Currently the First Judicial District is using a three-tiered school program called Project Stay, but feels that overall there is a lack of treatment available for juvenile offenders.

In Kansas, truancy laws do not hold the parents responsible, as some states do, and Kansas probably has a greater problem because of this. The First District averages between 60 and 80 cases every Tuesday, alternating between offenders and special cases (Attachment 4).

Tom Weishar, Chief Court Services, Leavenworth, discussed the First Judicial District Court Services for Atchison and Leavenworth. There are a total of eight Court Services Officers, two of them in Atchison, five in Leavenworth, and one secretary in Leavenworth. Juvenile cases are broken down by year and numbers. Average monthly caseload so far this year is 196.9. He agrees with Judge Bednar that there is a need for day reporting centers. Court Services find that kids are not being taught right from wrong at home, and this is definitely a problem (Attachment 5).

Sheri Smith, Court Services Officer, Atchison County, informed the Committee of the various duties of a Court Services Officer, gave statistics from Atchison County, and delineated problems faced in Atchison County. Ms. Smith feels there needs to be funding available for juveniles who cannot afford counseling or substance abuse treatment so that they do not have to be placed in JJA custody to get the treatment they need. Ms. Smith also feels there is a great need for day reporting centers for juveniles to go to when they are on a long-term suspension from school. She also adds that caseloads are very heavy, and since juveniles typically take more of their time than adults, it would be a benefit to have additional funding to employ more Court Services Officers to supervise them (Attachment 6).

Public Safety

Leo Doehring, Leavenworth Police Chief, talked about implementing Drug Awareness Resistance Education (DARE) and Gang Resistance Education And Training (GREAT) Programs in 1990 when it was realized there was a significant gang problem in Leavenworth. Leavenworth received \$48,000 in federal grants from a Summer Camp Program for 4th-6th grades. Corporations in the community have collaborated to fund the rest of the money needed for the camps (Attachment 7).

Leavenworth High School has 1,400 students, and needs a School Resource Officer (SRO) at all times. The grant has expired for this, so currently the salary of the SRO is paid one-fourth by the City of Leavenworth, and three-fourths by the School District. Chief Doehring feels there is a decrease in juvenile arrests due, in part, to the presence of the SRO in schools, where

the SRO obtains information that helps solve cases. There were 353 juvenile arrests, down 15 to 16 percent from last year, and down 35 percent from 2002.

County Government

Don Navinsky, County Commissioner, Leavenworth County, said that Leavenworth and Atchison Counties had combined juvenile intake and assessment to save moneys and provide a better service to clients. Teen courts have been dropped for lack of referrals and the need of the money in other areas. The county would like to see more than 10 percent of preventive programs allocated for administrative oversight and requests JJA, rather than the Kansas Department of Health and Environment, be the licensing entity for the Juvenile Detention Center (Attachment 8).

The meeting was adjourned until 9:00 a.m., Friday, August 12, 2005.

Friday, August 12 Morning Session

The meeting was called to order at 9:00 a.m. by Chairman Bill Light.

Local Government

Dan Garrity, Mayor of Atchison, stated that communities need to be more involved in early intervention. City government is more than willing to play its part, but has a problem with identification of roles. Mayor Garrity feels the state needs to create the programs, set up the programs, and find innovative ways to help with funding for programs.

In response to questions, Mayor Garrity stated that the Atchison Juvenile Correctional Facility, and its visitors, impact the City of Atchison economically, but said there was no way to record how much the city benefits from the facility. There is no way to differentiate visitors to the facility from those who were "day visitors" to the community. He agreed that the community might be able to embrace some of the "training" needed by the juveniles, as the community had a willingness to do that type of thing. He identified the problem as not having any specific programs in place for directional purposes and stated that the city had neither staff nor finances to do that themselves. The City of Atchison was encouraged to brainstorm ideas in this arena.

George Ross, Atchison County Commissioner, told the Committee that the county works very closely with the First Judicial District. He felt that the problems that needed to be eliminated were primarily communication between state agencies and the local correctional facility.

During questioning, Mr. Ross agreed with Don Navinsky, Leavenworth County Commissioner, that the ten percent administrative budget was a little slim. He also stated that he was on the Juvenile Corrections Advisory Board (JCAB), and had observed JJA develop. Mr. Ross feels JJA is headed in the right direction and would like to see programs that will help move juveniles back to a positive lifestyle. Some of the programs that would do this (recidivism programs such as "Operation Freedom") have been cut for lack of funding. Much of the lost funding was grant monies. The county has picked up the most slack in the area of detention services.

Public Safety

Mike Wilson, Police Chief, Atchison, informed the Committee that Atchison has a city population of 10,000, with a county population of 16,000, and a 25-member police force. There are approximately 203 juvenile arrests per year and an average of 50 CINC cases per year. There was an 83 percent increase in juvenile arrests from last year to this year. Chief Wilson stated they have had 26 murders in the 28 years he has been on the force and only one of them has been a juvenile.

Many of the juveniles the police deal with never end up in a JJA facility; either the crimes are shoplifting or similar activities, or the juveniles do not meet the guidelines and they cannot be detained, even though law enforcement personnel are aware of continuing issues with them. Many of these kids become chronic probationists and the police see the same kids over and over. There is little or no parental involvement.

Mr. Wilson reiterated that there were only six beds at the Leavenworth Juvenile Detention Center for Atchison and Leavenworth to share and they often have to take kids to WaKeeney, Pittsburg, or Douglas County. That means they have to take the time and responsibility to transport them. It takes an officer 11 hours to transport, book, etc., and if it is a female offender, it requires two officers. This is a tremendous burden on small departments.

Police Chief Wilson stated that even if current programs, such as DARE, were to go away (because of amount of resources needed to fund the expanded DARE program), the avenue is already there for the department to implement other programs because relationships have already been established. Officers are visible at the Recreation Center, the YMCA, at the ball fields, and at high school sporting events (probably eight to ten officers are present at any sporting event).

22nd Judicial District

Venice Sloan, Director 22nd Judicial District Community Corrections, stated that the district is comprised of Doniphan, Brown, Nemaha, and Marshall counties. The counties meet regularly to develop what is called the Juvenile Justice Comprehensive Strategic Plan. From this plan, community risks and protective factors are identified to enable the district planning team to coordinate and administer ongoing juvenile correctional services with the local communities. Ms. Sloan identified four risk factors most prevalent in the district, as well as four protective factors to protect the young people from said risks. The initial community planning team identified the common prevention needs and then formed the Juvenile Corrections Advisory Board (JCAB), which is responsible for implementing programs to fill those areas of need.

JJA programs and funding were discussed, as well as other programs categorized as Prevention/Intervention, which are funded by the tobacco settlement monies. Several programs were mentioned, and materials were distributed (Attachment 9).

Representative Jan Pauls requested that Ms. Sloan be advised of hearings on SB 123.

Kansas Advisory Group on Juvenile Justice and Delinquency Prevention

Vicky Kaaz, Vice Chair, Kansas Advisory Group on Juvenile Justice and Delinquency Prevention (KAG JJDP), told the Committee that things were getting better in the First Judicial District, as arrests and CINC are both down. She stated that KAG JJDP was established by the Governor and there were four core requirements of the Juvenile Justice Prevention Act (JJPA),

some of which they are in substantial compliance and some of which they are not yet in total compliance.

Ms. Kaaz specified a lack of parenting skills as being a huge issue. Four pilot programs were mentioned which are in Wichita, Manhattan, Garden City, and one more rural community, with Representative Melody Miller on the Advisory Group working closely with Wichita ([Attachment 10](#)).

Community Corrections

Shelly Nelson, Director, Atchison County Community Corrections (ACCC), said that ACCC is a grant funded agency, with an approximate budget of \$250,000 - \$300,000, providing supervision for adult as well as juvenile offenders. They have two types of juvenile programs, Case Management (CMA) and Juvenile Intensive Supervision Program (JISP). In CMA, offenders are placed in JJA custody and can be taken from their homes. JISP is an intensive supervised probation where juveniles remain in parent/guardian custody.

As of July 2005, ACCC had 40 juvenile offenders, 30 CMA, ten JISP, with 25 of those offenders being Level IV, V, and VI placements (Liberty, The Villages, Florence Crittenton, Forbes), and other courtesy cases out to surrounding counties. ACCC no longer has the house arrest program or the day reporting center, due to funding cuts. Ms. Nelson believes the day reporting center loss has negatively impacted the Atchison County Public Schools and Court Services. The day reporting center was at the Community Corrections building, and had a \$30,000 budget which was grant funded.

Ms. Nelson stated that ACCC works with court services, The Guidance Center, placement providers, and the adult learning center. ACCC staff two administrative positions with 64 percent of their time devoted to juveniles, while one full-time juvenile officer divides her time 75 percent CMA and 25 percent JISP ([Attachment 11](#)).

Juvenile Corrections Advisory Board (JCAB)

Anne de Shazo, JCAB Chair, First Judicial District (JD1) Administrative Contact, and Prevention Services Coordinator, talked about the Juvenile Justice Reform Initiative and explained the contract with the administrative county to carry out juvenile justice reform duties on behalf of Atchison and Leavenworth counties, with her particular role being the technical aspects of how juvenile justice reform works in the district. She gave an overview of the First Judicial District's Graduated Sanctions/Core programs. Those programs are as follows: Juvenile Intake and Assessment (JIAS); Juvenile Intensive Supervision Probation (JISP); and Community Case Management (CMA).

Ms. de Shazo requests that state funding be stabilized (especially for core program client services) and system funding be restored to allow for balance of continuum services. She also stated prevention dollars needed to be protected and the need for local access to service initiatives such as MST, sex offender therapeutic treatments, etc., through adequate purchase of service funding. Ms. de Shazo stated there is a district recidivism rate of 20 percent across all four programs. She says graduated sanctions as related to public safety are working. They are seeing a juvenile crime decline, because of the delinquency prevention and community programs. ([Attachment 12](#)—Testimony and Progress Summary of JD1 Juvenile Delinquency Prevention Project; [Attachment 13](#)—Prevention and Community Programs, SFY 2005 Program Progress Report; [Attachment 14](#)—KS JJA CAC SFY2006 Report to KJJA Commissioner for SFY 2007 Planning).

Afternoon Session

The Committee toured the Atchison Juvenile Correctional Facility with Amy Smith, Superintendent, and Don Jordan, Acting Commissioner, Juvenile Justice Authority (Attachments 15, 16, and 17).

The Committee adjourned until the next meeting on September 15, 2005, at 10:00 a.m. in Topeka.

Prepared by Deb O'Neil
Edited by Becky Krahl and
Reagan Cussimanio

Approved by Committee on:

September 15, 2005
(date)