

MINUTES

JOINT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE OVERSIGHT

July 9-10, 2009
Room 545-N—Statehouse

Members Present

Representative Pat Colloton, Chairperson
Senator Pete Brungardt, Vice-Chairperson
Senator Karin Brownlee
Senator Terry Bruce
Senator David Haley
Senator Dick Kelsey
Senator Janis Lee
Representative Barbara Craft
Representative Doug Gatewood
Representative Jerry Henry
Representative Joe Patton
Representative Jim Ward

Members Absent

Senator Tim Owens
Representative John Grange

Staff Present

Athena Andaya, Kansas Legislative Research Department
Jerry Ann Donaldson, Kansas Legislative Research Department
Jarod Waltner, Kansas Legislative Research Department
Christina Butler, Kansas Legislative Research Department
Melissa Doeblin, Office of the Revisor of Statutes
Jason Thompson, Office of the Revisor of Statutes
Sean Ostrow, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Connie Burns, Committee Assistant

Conferees

Roger Werholtz, Secretary, Kansas Department of Corrections
Roger Haden, Deputy Secretary for Programs and Staff Development, Kansas
Department of Corrections

Chuck Simmons, Deputy Secretary for Facilities Management, Kansas Department of Corrections
Kenneth Orr, Ummelgroup
J. Russell Jennings, Commissioner, Juvenile Justice Authority

Others Attending

See attached list.

Thursday, July 9 Morning Session

The meeting was called to order by Chairperson Pat Colloton. The staff provided an overview of statutory authority for the Committee members. The Joint Committee on Corrections and Juvenile Justice Oversight (JCCJJO) was established in 1997 and the powers and duties and statutory authority can be found in KSA 46-2801 and 46-2802 ([Attachment 1](#)).

Kansas Department of Corrections Overview

Inmate Population

Roger Werholtz, Secretary, Kansas Department of Corrections (KDOC), provided an overview on inmate population and activities, plans for KDOC, condition and operations of correctional institutions, budgetary updates, and status of expansion projects. The Secretary updated the Committee on performance measures ([Attachment 2](#)). The performance measures indicate the following:

- Facility population – 7 percent reduction;
- Parole population – 42.3 percent increase;
- Inmate grievances – 36 percent reduction;
- From FY 2003, 203 months, to 2009, 96 months – 53 percent reduction;
- Community Corrections (high-risk probation) revocation rate – 37 percent reduction;
- Average number of parole absconders for FY 2009 – 69 percent reduction (739 absconders on June 30, 2000; 467 absconders on June 30, 2003; and 189 absconders on March 16, 2009); and
- Felony conviction for crimes committed on parole – 36 percent reduction.

The reduction of 447 beds is a result of the closing of the following KDOC and non-KDOC living units or treatment facilities, or both, due to budget reductions resulting from revenue shortfalls:

- January 1 – Closed 17-bed female Substance Abuse Treatment Program at Labette;
- February 6 – Closed 80-bed male minimum Therapeutic Community Program at Osawatomie (LCF-SU);
- February 27 – Closed 70-bed male minimum unit at Toronto (EDCF-EU);
- March 31 – Closed 128-bed male minimum unit at Stockton (NCF-EU);

- June 8 – Closed 50-bed male minimum unit at Labette (permanent party inmates); and
- June 12 – Closed 102-bed male minimum unit at El Dorado (EDCF-NU).

On March 6, 2009, 176-bed male living unit “B” was closed at Winfield Correctional Facility. It was reopened on June 8, 2009. This opening was for correctional reasons; inmates housed in the minimum unit provide maintenance and support work at the primary facilities, and there is a lot of pressure put on these inmates to smuggle contraband into the facility by being able to go in and out of a secure perimeter.

KDOC currently has adequate capacity to house female inmates.

Female Capacity	747 (Includes 20 beds at LSSH)
Female Population	<u>588</u>
Available Bed Space	159

Available bed space for male inmates has varied from 20 to 60 beds. The population tends to spike on Wednesdays and Thursdays and then decreases on Fridays due to weekend releases. On June 30, 2009, 102 beds were available (KDOC/non-KDOC) as a result of the reopening of “B” Living Unit at Winfield Correctional Facility. These numbers do not include non-general population, special-use beds such as infirmary, disciplinary, segregation, or observation beds, which are not counted as part of the official capacity.

**Population and Custody Distribution for Male Inmates
(June 30, 2009)**

	<u>Max/Spec</u>	<u>Medium</u>	<u>Minimum</u>	<u>Total</u>
Capacity	2,326	3,653	2,144	8,123
Population	1,888	3,812	2,321	8,021
Available Bed space	<u>438</u>	<u>-159</u>	<u>-177</u>	<u>102</u>

The 2008 Kansas Prison Population Projections issued by the Kansas Sentencing Commission indicated a male inmate population of 8,120 on June 30, 2009. The actual male inmate population was 8,023, which is 87 less than projected.

The Committee asked the Secretary about staffing levels at the facilities and whether security is at optimal levels. The Secretary addressed these issues by stating the security level is not optimal. With the number of budget reductions KDOC has lost over 300 positions. The Secretary did state that there has not been a spike in violent incidents.

Condition and Operation of Correctional Institutions

Charles E. Simmons, Deputy Secretary, Facilities Management, provided the Committee with an update on the condition and operation of correctional institutions under the control of the Secretary of Corrections ([Attachment 3](#)). The 2007 Legislature authorized a bond issue of \$19.25 million for facility infrastructure improvements. These bonds were issued in September 2007, and the bond funds must be fully expended by September 2010. A list of the original projects and additional projects was provided. As a result of budget reductions, operations have been suspended at four locations that impacted 85 employees and resulted in an inmate housing capacity reduction of 380.

- Osawatomie: Operations were suspended in February 2009. 17 employees were offered placement in vacant positions at Lansing Correctional Facility. The capacity reduction due to this suspension of operations was 80. The building has been returned to Osawatomie State Hospital.
- Toronto: Operations were suspended in February 2009. 17 employees were offered placement in vacant positions at El Dorado Correctional Facility. The capacity reduction due to this suspension of operations was 70. KDOC will continue to maintain the building and grounds, which are leased, pending reoccupation at a future date.
- Stockton: Operations were suspended in March 2009. 31 employees were offered placement in vacant positions at Norton Correctional Facility. The capacity reduction due to this suspension of operations was 128. The building is owned by the state and will be maintained pending reoccupation at a future date.
- El Dorado North: Operations were suspended in June 2009. 20 employees were offered placement in vacant positions at the El Dorado Correctional Facility. The capacity reduction due to this suspension of operations was 102. Corrections will continue to maintain the building and grounds, which are leased, pending reoccupation at a future date.
- Operations at the conservation camps at Oswego have been suspended, the female camp on January 1, 2009, and the male camp June 30, 2009. The 60 employees at the camps were employees of Labette County and therefore lost their jobs when the camps closed. This will have a significant impact on the rate the county pays for unemployment compensation insurance. The county has indicated that this will increase the cost from approximately \$4,500 to approximately \$181,000 per year, has requested to retain some unexpended funds to pay for this increased expense, and has been advised to submit it as a claim against the state. KDOC has leased the buildings to Labette County through December 2009, so that the county can work to identify a potential tenant.
- The Federal Communications Commission (FCC) has mandated that all non-federal public safety licensees using 25 kHz radio systems migrate to narrowband (12.5 kHz) channels by January 1, 2013, and failure to comply with this deadline will result in cancellation of license and possible loss of communication capabilities. The FCC has indicated that it will not easily grant waivers for continued wideband operation after the deadline. The total cost of replacing non-compliant radios and supporting equipment within KDOC will likely run \$750,000 or more.
- In June 2009, KDOC implemented an electronic messaging system for inmates.

All expenses are paid by the users and cost 45 cents per message, with KDOC receiving a commission of five cents on each message. All messages are screened for appropriate content, and inmates do not have Internet access or general e-mail capabilities. The goal is to reduce mail volume, reduce the potential for trafficking in contraband through the mail, and enhance security through better screening than can be achieved through regular mail.

- In recent months, lightning strikes at Norton and roof damage due to high winds to several facilities require expenditure for repair. El Dorado was covered by insurance after payment of the \$10,000 deductible. At Larned, insurance coverage also was available, but only partially covered the replacement due to the age of the roof. Hutchinson and Topeka also sustained wind damage. These types of unexpected costs must be absorbed through the repair and renovation budget, and may result in delays to other projects that have already been scheduled.

The Committee asked about replacement of services provided to the community by inmate labor. Mr. Simmons stated that KDOC is looking at replacement at the El Dorado Facility and the loss of inmate labor from the closing of the Stockton Facility. He suggested contacting Warden Shelton at the Norton Facility to utilize replacement inmate labor.

Budget Updates

Secretary Werholtz provided the Committee a budgetary update ([Attachment 4](#)). A summary was provided of cost reduction and mitigation actions, and the list of KDOC State General Fund base budget reductions for Fiscal year 2010 (page 1), the second round of budget cuts (page 2), and the last two lines reflect the governor's allotment (as revised July 7, 2009).

The Secretary stated as a follow-up on the status and performance of offenders after they are released, all the program cuts reduce the options for offenders to succeed when released from prison. If KDOC is successful in obtaining Byrne Grant money, it will be shifting funding for special enforcement and parole officer positions.

Status of Expansion Projects

Roger Haden, Deputy Secretary for Programs and Staff Development, provided the Committee the status of expansion projects ([Attachment 5](#)). The budget reductions for FY 2009 and FY 2010 have resulted in the following offender intervention program reductions and capacity reductions by location and the capacity that will be continued in FY 2010.

Intervention Program: Substance Abuse Treatment Services

- The Therapeutic Community (TC) at Hutchinson Correctional Facility was terminated, eliminating 64 slots with no capacity remaining;
- The TC at Lansing Correctional Facility was terminated, eliminating 80 slots with no capacity remaining;

- The TC at Ellsworth Correctional Facility was terminated, eliminating 52 slots with no capacity remaining; and
- The TC at Topeka Correctional Facility was terminated, eliminating 24 slots with no capacity remaining.

These reductions resulted in a loss of 220 slots and 22.5 full-time equivalent staff positions. In addition, the initial Regional Alcohol and Drug Assessment Center assessment for treatment needs of offenders entering the system at the reception and diagnostic units was discontinued. For FY 2010 the 40-slot intensive outpatient program for males at Larned Correctional Mental Health Facility will continue, and the Department plans to implement a similar 24-slot program at Topeka Correctional Facility for females.

Intervention Program: Sex Offender Treatment Program (SOTP)

- SOTP at Norton Correctional Facility was terminated, eliminating 40 slots with no capacity remaining;
- SOTP at Hutchinson Correctional Facility was reduced by 20 slots with 60 slots remaining;
- SOTP at Lansing Correctional Facility was reduced by 40 slots with 80 slots remaining; and
- SOTP at Topeka Correctional Facility was reduced to a part-time schedule.

These reductions resulted in total reduction of 100 program slots and 12.5 full-time equivalent staff positions. The community-based sex offender treatment capacity will remain at the current level with 14 staff positions.

Intervention Program: Community Transitional Housing

- In the Northern Parole region, 58 transitional house beds were eliminated with no capacity remaining; and
- In the Southern Parole region, 46 transitional house beds were eliminated with no capacity remaining.

These reductions resulted in the total elimination of 104 transitional beds and a reduction of 30 staff positions.

Inmate Health Care Services

In addition to reduction in the offender intervention programs, the inmate health services contract also has been reduced by keeping nearly 20 full-time equivalent staff positions open for the 2010 fiscal year.

Detailed information was provided that covered state funded positions and federal grant-funded positions by facility, federal grant funded programs remaining, and other program reductions.

The Committee requested additional information on how many high-risk offenders need drug abuse treatment.

Afternoon Session

Update on the Information Technology Enterprise Architecture Project

Secretary Werholtz stated that before the budget cuts, the top priority was replacement of KDOC Management Information System, and the agency has actively been engaged in developing a plan for about three years. The Joint Committee on Information Technology asked KDOC to insert an additional step in the process; the information presented was the result of that analysis of the KDOC system.

Ken Orr, Chief Scientist, UmmelGroup, provided a PowerPoint presentation on the Information Technology Enterprise Architecture Project ([Attachment 6](#)). Mr. Orr stated that Kansas has the second oldest offender management system in the U.S., and provided a ten-year roadmap of project planning to replace the system. The project would cost between \$6 million and \$12 million and three to five years to complete.

Population Growth Management

Secretary Werholtz provided updated information on the management of population growth ([Attachment 7](#)).

Suggestion for controlling prison population growth:

- Increase the amount of good time that can be earned and apply it retroactively to the prison portion of the sentence. Further, provide that good time credits that reduce the prison portion of the sentence not be added to extend the length of the post-release supervision period;
- Cut the length of post-release supervision for certain offenders or eliminate it completely;
- Cut off admissions to prison if the offender has less than a certain number of days remaining on his or her prison sentence, *e.g.* 30-60 days;
- Accelerate eligibility for release from prison for certain offenders based on severity level or type of offense;
- Have the Parole Board review all "old law" inmates subject to proportionality issues for possible early release;
- When DUI offenders are revoked from parole supervision, have them serve their revocation period in the county jail where they were convicted. If DUI offenders

are to serve supervision violation penalties in the county jail, district courts rather than the KPB would be more suitable to conduct the revocation hearings; and

- Re-examine the offender registry and the penalties for failing to register.

The Chairperson stated that a memo with each of the options would be mailed in advance of the next meeting with draft legislation.

Mental Illnesses Among the Inmate Population

Secretary Roger Werholtz provided testimony on the status of mental illnesses among the inmate population ([Attachment 8](#)). There are 28 inmates who have been placed on crisis level III and higher over the past six months at each facility, on a case-by-case basis. Several case studies were provided. Secretary Werholtz also provided definitions of the primary target population in need of mental health treatment, examples of inmates with “Behavior Disorders,” and a brief description of levels of care needed by mentally ill inmates.

Secretary Werholtz stated that as of May 18, 2009, 3,841, 44 percent of the inmates within the Kansas Correctional System have been diagnosed with a DSM-IV mental disorder. (The number does not include inmates with only a substance abuse diagnosis.) A summary and copy of the KDOC Mental Health Needs Analysis was provided to the Committee ([Attachment 9](#)). There are essentially five types of inmates with the correctional system:

- Stable Population Inmates – 4,759 (56 percent of total population);
- MH Class II (Non-Specific) – 1,470 (17 percent of total inmate population);
- MH Class III (Medication Specific) – 1,345 (16 percent of total inmate population);
- MH Class IV (Special Needs) – 663 (7 percent of total inmate population); and
- MH Class V & VI (Mental Retardation & Severe and Persistent Mentally Ill – 363 (4 percent of total inmate population).

An overview of the mental health program and problems was provided. KDOC contracts with Correct Care Solution (CCS) to provide comprehensive mental health services to inmates in KDOC’s custody. The services are provided by mental health employees of CCS, and are typically located on-site. The contract is monitored for contract compliance, community standard of care, and compliance with National Commission on Correctional Health Care (NCCHC) standards by employees of Kansas University Physicians, Inc.

The Department established a Memorandum of Agreement (MOA) with Larned State Security Hospital (LSSH) to treat those inmates requiring a hospital setting, rather than a correctional institution. The MOA and consent decree require and delineate criteria for acceptance, although the established criteria are not always followed during the staffing process.

Recommendations:

- Create an appropriate therapeutic environment for the aggressive, mentally ill inmates;
- Two additional housing units (male and female) servicing this high acuity, difficult to treat inmate population are needed; and

- When accounting for increase in the classification of mentally ill or special needs beds, there has been an increase of 24 percent over the past three years.

Don Jordan, Secretary, Kansas Department of Social and Rehabilitation Services (SRS), spoke on observations from the SRS perspective, but did agree with Secretary Werholtz that there is a problem, and the situation needs to be studied to come up with a solution.

Friday, July 10 Morning Session

Juvenile Justice Authority Overview

J. Russell Jennings, Commissioner, Juvenile Justice Authority (JJA), provided the Committee an overview of the Juvenile Justice Authority ([Attachment 10](#)). JJA is made up of four system components:

- Community services – core programs;
- Community residential placements;
- Juvenile corrections facilities; and
- JJA Central Office – System Administration.

Community Services is: Prevention Programs (secondary and tertiary), intake and assessment, intensive supervision probation and community case management. Prevention and intervention programs target at-risk youth and at risk of offending behavior. Intake and assessment are evaluation instruments. Two approved currently for use are the Massachusetts Youth Screening Instrument (MAYSI-2) and Problem Oriented Screening Instrument for Teens (POSIT). Intensive supervision probation uses the Youthful Level of Service/Case Management Inventory (YLS/CMI), for determining level of supervision and program referral based on risk of reoffending and programs to address identified needs. Other tools are training on evidenced-based practices relating to offender supervision, and working toward success, not simply focusing on failure. Community case management supervises youth placed in the custody of the Commissioner, manages placement of youths who are in need of out-of-home placement, works with youth and family on reintegration plans, supports youth and family while youth is at home, and assures youths have access to needed programs and treatment.

The Chairperson requested a memo from the Commissioner on the most useful models used by JJA.

Information was provided on Medicaid transition, month end Custody population FY05 – FY 09, Custody/Placement Data, Psychiatric Residential Treatment Facility (PRTF), and Youth Residential Center I and II.

Activities supporting and enhancing residential services:

- Electronic submission of invoices (real-time payment);

- Technical assistance and training to enhance programming in residential placement – specific program training and annual program review – evaluation; and
- Community-Based Standards (CbS) – Kansas is a pilot site for development with Council of Juvenile Corrections Administrators (CJCA) to utilize a statistically sound and evaluated process to identify strengths, weaknesses, and conditions of YRC and residential placements.

There has been involvement with YRC II providers with several meetings with Children's Alliance, case coordinator training, and Residential summits in 2007 and 2008.

Community-Based Standards (CbS)

CJCA developed CbS to help community residential programs establish and sustain systems for continuous improvement and accountability. CbS models CJCA's award-winning Performance-based Standards (PbS) program, which provides a blueprint of best practices for secure facilities based on national standards and regular collection review of outcomes tracking performance.

Charts and graph were provided, looking at several domains reflecting the field average:

- Safety 10 - percent of youths who report they fear for their safety at the program;
- Mental Health 01 - percent of youths released during the data collection period with suicide screening completed at intake;
- Programming 02 - percent of youths released during the data collection period with individual service plans developed with the first 30 days at the program;
- Health 01 - percent of youths released during the data collection period who had complete medical intake screening conducted by a trained and qualified staff member;
- Order 02 - percent of youths reporting they understand the program's behavior management level system;
- Safety 12 - percent of family members who report they fear for their child's safety at the program;
- Justice 01 - percent of youths responding they understand program rules; and
- Safety 15 - percent of youths reporting staff is fair about discipline issues.

The benefits of CbS is it is a research-based and statistically sound evaluation process for residential providers. To the state, it validates third-party monitoring and evaluation, brings provider accountability, and is an early warning system.

Juvenile Justice Authority FY 2010 Budget Management Plan

Commissioner Jennings provided the Committee several spreadsheets with the FY 2009 and FY 2010 budget information.

Update on Beloit Juvenile Correctional Facility

Commissioner Jennings updated the Committee on the closing of the Beloit Juvenile Correction Facility (Attachment 11). The facility will close on August 28, 2009, and the female

offenders will move to the Kansas Juvenile Correctional Complex (KJCC) West Campus in Topeka, Kansas. The Beloit suspension of operations fiscal impact:

- July 2 allotment by the Governor;
- Suspend operations August 28;
- Transfer \$.72 million to KJCC for girls operations;
- \$1.46 million SGF savings FY 2010, 2.95 percent agency reduction; and
- \$19 million SGF savings FY 2011, 3.75 percent agency reduction.

The operations at KJCC West Campus (female) will have 25 funded positions, there will be a 53 funded-position reduction at Beloit. The goal is to have a seamless transition of the residents from Beloit to KJCC – West Campus, where the youth residents experience nothing but a change in location with improved services and opportunities to change their lives, and the employees of Beloit are treated with the utmost dignity and respect.

The operations at KJCC West Campus will have two living units on the west end of KJCC campus (Capacity 30 youths). A third unit is available if needed. There will be a separation of male and female residents through an installation of an interior campus fence; separate dedicated direct supervision staff; and shared administration, health services, program, education, food service, and maintenance staff.

The JJA public website is www.jja.ks.gov. Judicial District Performance Indicators information is being updated and provided to the public ([Attachment 12](#)). There are 12 performance indicators. The reporting period will examine only data for the most recent six-month time period and will run January 1 to June 30 and from July 1 to December 31. A report will then be sent to Judicial Districts ACs and Director on or about the 20th day following the end of the reporting period, and then JDs will have an additional ten days to review and work through any discrepancies in data with JJA central office staff, at which time the report will be considered final. Final data will be posted to the JJA website under the MAPIT application.

Afternoon Session

Tour of the Kansas Juvenile Correction Center (KJCC)

The Committee toured the KJCC West Campus to review the pending transfer of females from the Beloit Juvenile Correction Facility. The tour was provided by Superintendent Michael Fitzgerald.

The next Committee meeting will be October 28 and 29. The Committee meeting was adjourned.

Prepared by Connie Burns
Edited by Athena Andaya

Approved by Committee on:

October 28, 2009
(Date)