

MINUTES

JOINT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE OVERSIGHT

September 20-21, 2011
Room 546-S—Statehouse

Members Present

Representative Pat Colloton, Chairperson
Senator Peter Brungardt, Vice-chairperson
Senator Terry Bruce
Senator David Haley
Senator Dick Kelsey
Senator Kelly Kultala
Senator Jeff Longbine
Representative Doug Gatewood
Representative Jana Goodman
Representative Jerry Henry
Representative Virgil Peck
Representative Jim Ward

Members Absent

Senator Tim Owens
Representative Jim Denning

Staff Present

Lauren Douglass, Kansas Legislative Research Department
Bob Allison-Gallimore, Kansas Legislative Research Department
Jason Thompson, Office of the Revisor of Statutes
Sean Ostrow, Office of the Revisor of Statutes
Tamera Lawrence, Office of the Revisor of Statutes
Jackie Lunn, Committee Assistant

Conferees

Secretary Ray Roberts, Department of Corrections
Dave Riggan, Chairperson, Prisoner Review Board
Johnnie Goddard, Deputy Secretary, Facilities Management
Peggy Lero, Northern Region Parole Director
Gloria Geither, Mentoring Coordinator
Chris Mechler, Office of Judicial Administration
Kathleen Reith, Chief Court Services Officer, Tenth Judicial District
Curtis L. Whitten, Commissioner, Juvenile Justice Authority
Brad Burke, Chief Counsel, Juvenile Justice Authority
Dick Dillon, Senior Vice-president of Planning and Development, Preferred Family
Healthcare

Robert Giegling, Executive Vice President, Children's Foundation of Mid-America, Inc.,
St. Louis, MO
Annie Schulte, Executive Director, Franklin County Children and Families Community
Resource Board, Union, MO

Tuesday, September 20 Morning Session

The meeting was called to order by Chairperson Pat Colloton. The first order of business was an overview given by the Chairperson on what the Committee would review and try to accomplish in the next two days. She announced there would be another meeting in November, date yet to be determined. Chairperson Colloton asked Committee members to introduce themselves. After introductions, Chairperson Colloton called on Lauren Douglass, Legislative Research Department (KLRD), to review the charge of the Committee ([Attachment 1](#)).

Chairperson Colloton introduced Secretary Ray Roberts, Kansas Department of Corrections (KDOC), who gave an overview of KDOC. Secretary Roberts answered Committee questions which addressed various topics within the context of KDOC strategic goals, as listed below ([Attachment 2](#)).

- Protect public safety through reduced recidivism and sound security practices:
 - Security review of correctional facilities (FY 2010 and FY 2011); and
 - State of recidivism.
- Manage increasing prison population:
 - Prison population trend (Actual and Projected, 1996-2021);
 - Kansas prison admission trends (1996-2011);
 - Felony criminal statute changes since 2005;
 - Population management strategies; and
 - Mentally ill offenders.
- Develop alternative sanctions for low-risk offenders;
- Continue to implement evidenced-based practices:
 - Managing risk-reduction efforts; and
 - Adult programing and impact on recidivism.
- Promote collaborative relations:
 - Decreased recidivism for mentally ill (study by the Council of State Governments).

Chairperson Colloton introduced Dave Riggin, Chairperson of the newly created Prisoner Review Board (PRB), who gave an overview ([Attachment 3](#)). Mr. Riggin addressed

questions from the Committee during his presentation, which included a review of the activities and events that have taken place since May 3, 2011, when he was appointed Chairperson. He gave the following statistics for PRB, made up of one full-time and two half-time members, for June and July:

- Conducted 129 hearings:
 - 41 parole suitability hearings;
 - 10 parole revocation hearings; and
 - 78 post release revocation hearings.
- Reviewed 80 revocation waiver packets;
- Issued 16 decisions on cases that had been continued prior to July 2011;
- Approved 43 old law offenders for early discharge from parole supervision; and
- Reviewed all release plans on inmates serving determinate sentences with release dated prior to September 23, 2011, and imposed conditions as needed.

The PRB's distribution of decisions issued on old law offenders for July and August are as follows:

- Parole decisions 17;
- Pass decisions 34;
- Continued decisions 3; and
- Serve to CR/MAX decisions 3.

The PRB noted the following issues:

- The revocation process may be made more efficient by allowing inmates convicted of new felonies to waive their final revocation hearing;
- There may be some advantages for release planning purposes to pass inmates convicted of new felony offenses up to their discharge date on the sentence they originally were serving, rather than making an all-or-nothing situation;
- The requirements to review the release plans for all inmates released to a specified period of post-release supervision (release on a determinate sentence only); and
- They are planning to request National Institute of Corrections (NIC) assistance to develop a validated "Decision Matrix."

Chairperson Colloton recessed for lunch until 1:30 p.m.

Afternoon Session

Chairperson Colloton reconvened the meeting at 1:30 p.m. and introduced Johnnie Goddard, Deputy Secretary, Facilities Management, who provided a presentation on Contracted Sex Offenders Treatment Programs ([Attachment 4](#)). He stated there is one provider, Clinical Associates, PA, based in Lenexa, Kansas. Mr. Goddard addressed the Committee's questions and concerns during his presentation and highlighted the following:

- **Cost.** The average cost per slot for the facilities locations is \$2,289 each year, while the average cost per slot for the community locations is \$2,138;
- **Facility Locations/Slots.**
 - Lansing Correctional Facility 80;
 - Topeka Correctional Facility 3; and
 - The Reception and Diagnostic Unit (RDU) will have one person on site to do assessments and provide a recommended risk level that synthesizes all assessments; to provide orientation to sex offenders, and ensure case material from the county of conviction is provided with the file.
- **Community Locations of Treatment.** Parole offices in Emporia, Garden City, Great Bend, Hutchinson, Junction City, Lansing, Lawrence, Olathe, Pittsburg, Salina, Topeka, Wichita, and Northwest Kansas Community Corrections; and
- **Treatment Components.** Treatment is assessment driven, tailored to risk and need, and includes a strong cognitive skills-building component.

Mr. Goddard provided a review of contracted food service for the KDOC ([Attachment 5](#)). The provider is Aramark Correctional Services. He provided the following information while addressing the concerns and questions of the Committee:

- **Contract Information.** The current contract will expire at the end of fiscal year 2022 and the amount of the annual contract for FY 2013 is \$13.8 million. They are responsible for all labor, food, supplies, and other materials required for delivery of food. The meal prices are determined from a sliding scale based on the average monthly inmate census;
- **Dietary Information.** The menu is on a five-week rotation, changes twice per year, and satisfies the daily nutritional requirements of the National Academy of Sciences; and
- **New Additions to Food Service.** The Fresh Favorites meal program at seven facilities and the Go Truck program at the Lansing Correctional Facility are behavioral management incentive programs offering inmates an opportunity to purchase food not necessarily available to them on a consistent basis. These two programs provide financial support for vocational programs.

He addressed contracted healthcare for KDOC, with Correctional Care Solutions, provider since 2003 ([Attachment 6](#)). He highlighted the following, while addressing concerns and questions of the Committee:

- **Contract Information.** They are in the ninth year of a 14-year contract, which renews every two years, with the next year being 2012. The cost-per-inmate is \$14.92, which is below the national average of \$17.21 per inmate;
- **Clinical Highlights.** There have not been any suicides thus far in FY 2012 and none in FY 2011. A 56 percent reduction has occurred in chronic-disease related deaths in the past ten years. The contract covers clinical management for 38 percent of the total population with serious chronic conditions, and 49 percent of the population with an Axis I Mentally Ill Diagnosis. Psychotropic medication is required by 23 percent and 7 percent require special mental health housing; and
- **Needs.** The FY 2012 budget included \$639,000 for population revenue. With the population increase, there will be no population revenue for this year resulting in a \$508,000 shortfall. Additionally, \$835,305 is needed to open a 24-hour nursing infirmary at the Lansing Correctional Facility.

Chairperson Colloton called on Peggy Lero, Northern Region Parole Director, to present an update on Parole and Community Corrections ([Attachment 7](#)). Chairperson Colloton inquired about the Re-Entry Policy Council, noting they had not had a meeting recently. Secretary Roberts replied that, due to budget cuts, they lost the person heading the Re-Entry Policy Council, but are in the process of starting soon. Ms. Lero continued with her presentation highlighting the following:

- **Community Corrections Population.** The total for 2010 and 2011 was 10,433;
- **Community Corrections Risk Reduction Initiative Activities.** Planning, education, collaboration, quality assurance, and skills development;
- **Risk Reduction Efforts Being Pursued Locally.** They are partnering with community organizations; refreshing trained staff in evidence-based practices; reviewing policy and procedure to align with evidence-based practices; developing immediate sanctions models for supervision; developing quality assurance procedures; increasing the specialization of caseloads; engaging the community, the probationer family, and significant others in the supervision process; and educating stakeholders;
- **Training Overview.** The training participants for FY 2011 are parole, court services, facility, juvenile, and community corrections staff. Risk Reduction Training initiative was completed in FY 2011, which included, to mention a few, community supervision of domestic violence and conflict resolution;
- **Strategic Planning Community Corrections.** Strategic Planning Community Corrections has continued the Strategic Planning Initiative, starting with the Cooperative Agreement with NIC and the Criminal Justice Institute (CJI), to build its capacity to support and implement evidence-based practices statewide using

the integrated model, involving organizational development, collaboration, and evidence-based principles;

- **Parole Services.** The primary focus is on risk reduction:
 - **Parole Services Staffing.** There have been staffing reductions in both parole and re-entry. Case management and re-entry functions have been merged and integrated under parole services to facilitate a more effective delivery of limited resources;
 - **Offender Supervision Levels.** There are 545 offenders on High Level, 3,377 on Moderate Level, 1,681 on Reduced or Low Level, and 302 offenders not yet assessed for risk;
 - **Specialized Caseloads.** There is a need for specific supervision expertise; certain types of offenders have been assigned to specialized caseloads, primarily in urban offices; and
- **Outcomes.** The number of parole absconders has gone down, along with monthly revocation rates.

Chairperson Colloton called on Gloria Geither, Mentoring Coordinator, KDOC, who gave a presentation on Inmate Mentoring ([Attachment 8](#)). Ms. Geither outlined a new mentoring program in the beginning stages, in which a mentor would be paired with each inmate while still in prison and continue after release. Offenders will be engaged in mentoring activities, through safe and effective mentoring practices, so they have the support needed to succeed in the community upon release. The mentor will provide guidance, support, and assistance to an offender, and serve as a positive role model in such areas as:

- Employment;
- Housing;
- Families;
- Treatment;
- Mental Health Needs;
- Survival Needs; and
- Cognitive/Pro-Social Skills.

She went on to explain mentoring safety was a top priority. They are carefully screening and matching, along with detailed training and supervision. The mentor will have clear communication with parole officers and mentoring coordinators, and constant access to the mentor coordinator. They have recruited several lead organizations, which is a service organization within the community that takes the lead in recruiting, screening, training, matching, and supervising mentors. Ms. Geither addressed questions from the Committee, noting that serving as Mentoring Coordinator was in addition to her responsibilities with the KDOC.

Chairperson Colloton called on Chris Mechler, Office of Judicial Administration, to give an update on the court services officers training in the use of the Level of Service Inventory-Revised (LSI-R) ([Attachment 9](#)). She stated the LSI-R is the risk and needs assessment tool designed by the Kansas Sentencing Commission for use with placement of offenders on supervision, which was amended by 2011 House Sub. for SB 6. They began training on July 26

and, as of today, 185 court services officers have completed training. The training is 20 hours over a three day period. After each court services officer completes the initial training, he must return to his office, practice administering the LSI-R on ten offenders, and submit a video of them administering the LSI-R. The videotape is scored. If successful, the court services officer is certified and begins using the LSI-R to assign offenders to either court services or community corrections.

Chairperson Colloton called on Kathleen Reith, Chief Court Services Officer, Tenth Judicial District, to add to the update given by Ms. Mechler ([Attachment 10](#)). Ms. Reith stated that Johnson County has been a “pilot” for the LSI-R tool since late fall of 2002. The first series of cases were used to validate the tool. The official start was in June of 2003 and has helped with determining how cases should be supervised. By utilizing the risk/need levels indicated by the LSI-R, officers are able to focus their time and resources on those offenders who have a higher likelihood of recidivism. Officers are now able to spend more time collaborating with community resources, treatment providers, and support systems for their offenders.

Chairperson Colloton adjourned the meeting at 5:00 pm.

Wednesday, September 21 Morning Session

The meeting was called to order at 9:00 a.m. by Chairperson Pat Colloton. She called on Curtis L. Whitten, Commissioner, Juvenile Justice Authority (JJA), to give an overview of programs and current information on juvenile justice ([Attachments 11 and 12](#)). Commissioner Whitten addressed the Committee's concerns and questions during the presentation, which highlighted the following:

- Youth on Case Management Placed Out-of-Home as of June 30. The rate flattened out in FY 2010 and FY 2011, holding between 1,233 and 1,251;
- Youth Discharged from State Custody in FY 2008, 24-Month Recidivism. Eighty-six (86) percent left custody and did not return;
- Youth Discharged from State Custody in FY 2009, 12-Month Recidivism. Eighty-nine point six (89.6) percent left custody and did not return;
- Juvenile Correctional Facility (JCF) Population Trend. The Trend is making a downward decline in the state custody system, because there are more programs providing alternatives;
- JCF Releases FY 2008, 12-Month Recidivism. Most returns are a result of a violation of the terms of the court. There are 194 juveniles at the facility in Topeka and 109 at the Larned facility;
- JCF Releases FY 2008, 24-Month Recidivism. Sixty-three point seven (63.7) percent were released and did not return;
- JCF Releases FY 2009, 12-Month Recidivism. Seventy-one point six (71.6) percent were released and did not return; and

- 2011 Policy Initiatives.

Chairperson Colloton called on Brad Burke, Chief Counsel, JJA, to give a presentation regarding the return of JJA youth to child in need of care (CINC) status ([Attachment 13](#)). Mr. Burke stated the JJA would like the Committee to study the creation of a statutory presumption that, if a CINC youth becomes adjudicated as a juvenile offender and placed in custody of the Commissioner of the JJA, the youth's CINC case will be stayed during the pendency of the juvenile offender case; and upon dismissal or other termination of the juvenile offender case, the stay in the CINC case would be lifted; and the CINC youth would continue under the jurisdiction of the court in the CINC proceeding. This would help address the problem of "crossover youth" who are generally defined as youth that begin as children in need of care, and while in the system become juvenile offenders. Mr. Burke offered language for changes in the law to address the problem.

Next, Mr. Burke requested the Committee study the creation of a statutory presumption of reintegration and termination of the Commissioner's jurisdiction when a juvenile offender in the custody of the Commissioner has been placed back in the home for 60 days without incident ([Attachment 14](#)). The juvenile offender then would be subject to the district court's jurisdiction for potential sentence modifications or termination at the discretion of the court. Mr. Burke offered language for these changes. He stated amending the present law would help create a method of removing a juvenile offender from the custody of the Commissioner of the JJA, if the juvenile offender has demonstrated successful reintegration in the home, while still allowing the court to maintain control over the juvenile offender's sentence conditions.

Mr. Burke referred the Committee to a memorandum from Jeff Slowikowski, Acting Administrator, Office of Juvenile Justice Delinquency Prevention (OJJDP), U.S. Department of Justice ([Attachment 15](#)). The memorandum stated the intention of Congress in passing the 1974 Juvenile Justice and Delinquency Prevention (JJDP) Act was to ensure that juveniles accused of or adjudicated for minor in possession of alcohol (MIP) offenses are never securely detained in juvenile or adult facilities. To that end, OJJDP has been working with Congressional staff to amend the Act to include MIP offenses as status offenses, subject to the deinstitutionalization of status offenders (DSO) requirements. As these efforts have been unsuccessful thus far, the OJJDP offered guidance on compliance monitoring and data submissions for juveniles accused of MIP offenses.

Next, Mr. Burke briefed the Committee on out-of-home replacement reform by highlighting the following ([Attachment 16](#)):

- The reform effort is intended to correct the problem of housing CINC youth with juvenile offenders by requiring that the populations are not mixed on out-of-home residential placements;
- Reports of JJA custody juvenile offenders in out-of-home residential placements perpetrating crimes on CINC and other youth are frequent and often involve sexual misconduct, physical violence, or both;
- Separating the populations will allow JJA to better focus resources and programming on youth based on their level of risk, which will better serve the JJA population;

- JJA will work with Social and Rehabilitation Services and providers to ensure that no child is left without a bed;
- The current statewide capacity of residential provider bed space is more than sufficient to accommodate the change in policy; and
- Research shows housing low-risk populations with high-risk populations negatively impacts the low-risk population in several ways, including increasing the risk of committing a criminal offense.

Mr. Burke stated JJA was in the process, at the guidance of the Governor, of reforming the current system of out-of-home placement of juvenile offenders and CINC youth. The initiative will modify the existing residential provider system in Kansas by prohibiting the mixing of juvenile offenders who are in the custody of JJA and CINC youth in SRS custody within an out-of-home residential placement setting. He outlined the present procedures and the need for reform ([Attachment 17](#)). Mr. Burke addressed the questions and concerns of the Committee during his briefing.

Last on Mr. Burke's agenda, was a briefing on the accreditation of JJA's high schools ([Attachment 18](#)). He stated a federally mandated change in the way graduation rates are calculated has resulted in a shift in the school district graduation rates for JJA's two high schools, Lawrence Gardner High School, located at the Kansas Juvenile Correctional Complex in Topeka, and Westside High School, located at the Larned Juvenile Correctional Facility in Larned. The 2010-2011 school year was the first in which the U.S. Department of Education's mandated, four-year adjusted cohort calculation method was in effect for all states. The mandate is an attempt to standardize the graduation rate calculation across the states. He referred the Committee to a handout entitled "Four-Year Adjusted Cohort Graduation Rate Calculation Process" to explain more fully ([Attachment 19](#)).

Chairperson Colloton recessed for the Committee and staff to get lunch and continue with the meeting during the lunch hour.

Chairperson Colloton called on Dick Dillon, Senior Vice President of Planning and Development, Preferred Family Healthcare, to give a presentation on Children's Community Service Fund ([Attachment 20](#)). He stated Preferred Family Healthcare, Inc., is a large, private, not-for-profit, behavioral health agency, which provides general mental health counseling in some locations with their special focus on prevention and treatment of substance use disorders with adolescents and adults. They receive funding from several sources, one being county tax boards in several counties in Missouri. He went on to explain legislation was passed in Missouri allowing citizens to decide at the county level if they are willing to devote a small sale tax to help meet local needs among young people from birth to age 19. No funds are to be used for any other citizens but those who live in the county where the funds are authorized. This tax has allowed them to be able to prevent the devastating effects of substance misuse and abuse through school-based early intervention and prevention programs, and for those who find themselves involved in a deteriorating cycle of substance use. In closing, he stated, because of the tax initiatives in several Missouri counties they serve, Preferred Family Healthcare has been able to provide community education and awareness activities to thousands of families and school based intervention services to thousands of youth in dozens of school districts. Mr. Dillon addressed the Committee's concerns and questions during his presentation.

Chairperson Colloton called on Robert Giegling, Executive Vice-President, Children's Foundation of Mid-America, Inc., in St. Louis, MO, to give a presentation on Children's Community Service Fund ([Attachment 21](#)). He stated they had been serving Missouri youth for almost 100 years, providing intense community-based mental health services focused on youth involved with the Juvenile Court system. They receive local funds from a ¼ cent sales tax in St. Louis that has proven to be cost effective, resulting in a successful program for the youth in Missouri. Mr. Giegling addressed the questions of the Committee during his presentation.

Chairperson Colloton called on Annie Schulte, Executive Director, Franklin County Children and Families Community Resource Board in Union, Missouri, to give her presentation on Children's Community Service Fund ([Attachment 22](#)). She stated the Franklin County Children and Family Community Resource Board was established in Franklin County, Missouri, by the County Commission with the purpose of encouraging development and full utilization of community resources to build and sustain a comprehensive mental health system of care for children and families in Franklin County. In November of 2008, voters of Franklin County passed the Putting Kids First: Community Children's Service Fund through a ¼ cent sales tax measure. The funds are dedicated for services to Franklin County children and youth, and are awarded to local non-profit agencies to provide programs addressing the unmet mental health needs of their community youth. The Community Resource Board is the administrator of these funds. Through the contract services, there were 2,461 youth served through group or individual interventions including: counseling therapy; case management; art therapy; forensic interviews for children who have been sexually or physically abused; and mentoring programs. These programs have proven successful. In closing, last year they were able to administer, track, monitor, and coordinate nineteen programs with only 3.8 percent administrative overhead and are on track to do the same this year. Ms. Schulte addressed questions of the Committee while giving her presentation.

Chairperson Colloton called the Committee's attention to the "written only" testimonies of the following: Mike Hammond, Executive Director, Association of Community Mental Health Centers of Kansas, Inc., ([Attachment 23](#)) and Sarah Hansen, Executive Director, Kansas Association of Addiction Professionals ([Attachment 24](#)).

Brad Burke gave a brief overview of the changes taking place at the Topeka Juvenile Correctional Female Residence, stating they have a new facility.

Upon the conclusion of Mr. Burke's overview, Chairperson Colloton announced the Committee members and staff were to meet at the East entrance of the Statehouse to be transported to the Topeka Juvenile Correction Center to tour the new female residential facility.

The meeting was adjourned upon the completion of the tour, with the next meeting scheduled for November 29 at 9:00 a.m. The room number to be announced.

Prepared by Jackie Lunn
Edited by Lauren Douglass

Approved by Committee on:

November 29, 2011

(Date)