

MINUTES

JOINT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE OVERSIGHT

September 9-10, 2004
Room 241-N—Statehouse

Members Present

Senator Pete Brungardt, Vice Chair
Senator Greta Goodwin
Senator Karin Brownlee
Senator David Haley
Senator Phillip Journey
Senator Kay O'Connor
Senator Jean Schodorf
Representative Bill Light
Representative Doug Gatewood
Representative Jan Pauls
Representative Dale Swenson
Representative Tom Klein

Members Absent

Representative Ward Loyd, Vice Chair
Representative Dean Newton

Staff Present

Jill Wolters, Revisor of Statutes Office
Helen Pedigo, Revisor of Statutes Office
Diana Lee, Revisor of Statutes Office
Jerry Ann Donaldson, Kansas Legislative Research Department
Becky Krahl, Kansas Legislative Research Department
Connie Burns, Committee Secretary

Conferees

Debi Holcomb, Victim Services Director, Kansas Department of Corrections
Professor Margaret Severson, School of Social Welfare, University of Kansas
Roger Werholtz, Secretary of Kansas Department of Corrections
Dr. Stuart Little, Kansas Community Corrections Association
Kathy Porter, Kansas Judicial Branch
Denise Everhart, Commissioner, Juvenile Justice Authority

**Thursday, September 9
Morning Session**

Chairman Brungardt went over the issues and new project that will be covered in future meetings—"three R's" which is Recodification of the Kansas Criminal Code, Rehabilitation of Kansas Prisoners, and Restoration of Kansas Prisoners, InnerChange Faith Initiative program (IFI), and prison population and capacity issues.

**Review of the National Institute
of Justice Annual Conference on
Criminal Justice Research and Evaluation**

Becky Krahl, Kansas Legislative Research Department, provided the Committee information from the Report on the National Institute of Justice: Annual Conference on Criminal Justice Research and Evaluation of July 2004, in Washington D.C. (Attachment 1). Six of the issues covered were:

1. The effectiveness of residential community-based correctional facilities results from Ohio;
2. Recent trends in National Institute of Justice Reentry Evaluations;
3. Reentry evaluations for Ridge House Residential Program Ridge House-Reno, Nevada;
4. Methamphetamine consumption-implications for local and national policy;
5. Using Biometrics to improve security in corrections; and
6. Project Safe Neighborhoods.

There are approximately 650,000 inmates currently released each year from federal and state prisons, 45 percent of parolees are successful in their reentry transition, 41 percent are re-incarcerated and another nine percent of the released inmates will abscond.

Methamphetamine use is growing at an alarming rate with the midwest becoming the center of production, distribution and use. Six percent of high school students have tried Methamphetamine.

The question was raised if there was sufficient data on the Kansas Interchange Program and the recidivism rate. Secretary Werholtz said he would get back with the Committee with that information. Secretary Werholtz did state that not all states report the rate of recidivism the same way.

Victims' Services Overview

Debi Holcomb, Victim Services Director, Kansas Department of Corrections (KDOC), the Victims Services Advisory Council was established by the KDOC, and provides support and guidance to the KDOC as policies and programs are developed and serves as liaison to Kansas

crime victims and victim assistance programs (Attachment 2). Victims Services is committed to providing crime victims the opportunity to express their ideas and opinions and work from a victim focused perspective. The Council members include:

- ☐ Crime Victims/Survivors;
- ☐ Victim service Providers—Local and State Level;
- ☐ KDOC Staff Member who has been victimized;
- ☐ Facility Volunteer; and
- ☐ Victim/Witness Coordinator.

The Director position is funded 50/50 by a BYRNE Grant and will remain funded as long as there are positive results. Notification to victims is a statutory requirement and there are over 30,000 crime victims and survivors in the database.

Services provided:

- ☐ All KDOC staff receive training on Victim Awareness;
- ☐ Notification to victims of being registered with KDOC;
- ☐ Victims are assisted with safety planning and community resources;
- ☐ Public Comment Session Advocacy;
- ☐ Correctional Facility Tours;
- ☐ Victim Offender dialogue;
- ☐ Apology Repository (Currently 54 letters in repository and ten have been sent on victims notification);
- ☐ Notification of absconders and apprehension; and
- ☐ Notification of conditional violators.

Current enhancements:

- ☐ Victim Service Reentry Liaison in Lansing Correctional Facility;
- ☐ Victim Services Reentry Liaison in the Topeka Parole Office;
- ☐ Victim notification for release of Sexually Violent Predators on behalf of SRS (per MOU);
- ☐ Victim notification for juveniles on behalf of JJA (per MOU);
- ☐ Victim notification for Interstate Compact to include Community Corrections and Probation cases;
- ☐ Enhancements are BYRNE Grant funded.

Victim Services has a partnership with Kansas Coalition Against Sexual and Domestic Violence providing training for the parole officers in the state. A web page has been set up for the crime victims to view with the ability to locate where an offender is without showing their picture.

Update on Sex Offender Management Review Project

Professor Margaret Severson, School of Social Welfare, University of Kansas, provided the Committee with a PowerPoint presentation on Sex Offender Management (Attachment 3 and 4). This is a two-year project and is in its second year with the end results being a more effective management of sex offenders through out the state. The primary goal is to prevent future sexual

victimization. The statewide collaborative team has been collecting information and to provide leadership, set priorities, educate and inform, evaluate and adjust as necessary, and support the process, the organization and other agencies that are involved.

Afternoon Session

Review of Governor's Conference on Juvenile Justice

Jerry Ann Donaldson, Kansas Legislative Research Department, provided handouts and information on the Governor's Conference on Juvenile Justice held July 2004, in Topeka ([Attachment 5](#)). The handouts are intended for thought or experts that the Committee might want to appear.

- □ Continuum for Success—The Fifth Annual Governor's Conference on Juvenile Justice.
- □ Kansas Waiver and EJJJ Laws—prepared by John C. Fritz, extended jurisdiction juvenile prosecution laws and sites statutes involved and various issues contained in those statutes.
- □ Representing Juvenile Offenders After Disposition—by Stephanie Matthews and Kelly McDonald, mainly for attorneys that their involvement with a juvenile offender should expect and plan for continued involvement even after disposition.
- □ Placement Matrix—KSA 38-16,129.
- □ Complying with federal requirements—presenters Sandra Nesbit-Manning and Wade Bowie (PowerPoint presentation).
- □ Deinstitutionalization of Status Offenders (DSO)—provides several scenarios.
- □ Deferred Entry of Judgment. An overlooked and undervalued benefit of proposition—LaRon Hogg Haught. California Proposition 21 an initiative that deals with deferred entry of judgement.
- □ Child Development, Children's Mental Health, and the Juvenile Justice system. Principles for Effective Decision-Making by David E. Arredondo, M.D. This is paper is geared for non-violent juveniles.

Review of Inmate Reentry Projects

Secretary Roger Werholtz, provided the Committee with and overview of Inmate Reentry and answers to concerns on IFI from the morning session ([Attachment 6](#)). Risk identifies those individuals who are most likely upon release to become reinvolved in the criminal justice system and returned to prison. Target the reentry programs to those who pose the highest risk. This can be done with actuary assessments, the most common is Level of Services Revised (LSR) serious and violent offender reentry initiative (SVORI) provides funding to develop, implement,

evaluate, and enhance reentry strategies to ensure the safety of the community, and the reduction of serious and violent crimes.

Sex offender recidivism is at a lower rate than other offenders but are more likely to commit a sex offense again. (Secretary Werholtz provided several studies that are available from Kansas Legislative Research.)

It is realistic that 95 percent of the prison population will return to the community and we hope that we have returned them better prepared to adjust and have started their reentry program 12 months prior to their release date.

Becky Krahl, Kansas Legislative Research Department, provided additional resource information and statistics on Inmate Reentry Programs ([Attachment 7](#)). Prisoners who are released on parole or are released under a no supervision method, if their reentry into the community is successful, then it benefits both in improved public safety and long-term reintegration of the prisoner.

Every year about 650,000 prisoners are released from state and federal prisons. Prisoners released serve an average of two and half years and of those released 67 percent will become repeat offenders within the first two to three years and one-fourth are returned for committing new crimes or parole violations. A significant number of released prisoners have addiction problems.

Roadblocks to Reentry, the federal government, and many states have increased the number, severity, and range of civil penalties for those with criminal convictions. Congress and state legislatures have new restrictions on eligibility for:

- Food Stamps;
- Public Assistance;
- Public Housing;
- Student Loans;
- Drivers' Licenses; and
- further expanded bars to employment, parenting, and voting.

This has made reentry into society much more difficult. The National Report Cards on roadblocks to reentry, Kansas is rated 32.

Also enclosed is a flow chart on Reentry Partnership Initiatives (RPI) ([Attachment 8](#)).

Review of Juvenile Justice Authority System

Amy VanHouse, Kansas Legislative Research Department, provided the Committee with the history of Juvenile Justice Authority (JJA) and Juvenile Justice Reform ([Attachment 9](#)). The objective of juvenile justice reform in the 1990's was to create a community-based, prevention-focused juvenile justice system. Prior to this transition, juvenile justice functions were the responsibility of several state agencies:

- Intake and Assessment — the Office of Judicial Administration;
- Management of the youth centers and community case management — Department of Social and Rehabilitation Services; and

- □ Juvenile Community Corrections and Juvenile Intensive Supervision Probation — Department of Corrections.

Research on the transition started in 1993 and in 1994 a Legislative review of juvenile crime and the creation of the Criminal Justice Coordinating Council.

1993 Interim. The senate Committee on Judiciary review the topic of juvenile crime and the juvenile justice system, and recommended this issue be addressed further during the 1994 Legislative Session.

1994 Legislative Session. The Criminal Justice Coordinating Council was created. The Legislature required the Council to create a Task Force to study and develop policies, and recommendations regarding juvenile justice reform. Topics included:

- □ Jurisdiction;
- □ Placement;
- □ Intake and Assessment;
- □ Dispositional alternative;
- □ Financing strategies;
- □ Availability of mental health services and work process and caseloads of social workers and court services officers;
- □ The implications of youth authority and other issues affecting children in need of care; and
- □ Juvenile Offenders.

The Task Force report was presented at the beginning of the 1995 Legislative Session.

1994 Interim. The Special Committee on Judiciary studied juvenile issues, and recommended the 1995 Legislature should study a broad range of juvenile justice issues:

- □ the formation of a separate juvenile justice agency;
- □ juvenile offender placement; and
- □ other intervention and program alternatives.

The Committee recommended the Legislature review the recommendations of the Criminal Justice Coordinating Council's Juvenile Justice Task Force.

1995 Legislative Session. Early in the session the House Select Committee on Juvenile Crime was established. The Committee reviewed reports from the Criminal Justice Coordinating Council's Juvenile Justice Task Force, and studies from the Koch Crime Commission's Juvenile Justice System Task Force, which was established by Governor Finney in 1994, as an independent Task Force to study crime issues in Kansas.

The enactment of 1995 SB 312 the Kansas Youth Authority (KYA) and the Juvenile Justice Authority (JJA) were created. The mission of the KYA was to develop policies related to the scope and function of the new Juvenile Justice Authority. The KYA was to become advisory after the JJA was created on July 1, 1997.

1995 Special Committee on Judiciary. Reviewed the recommendations made by the Koch Crime Commission's Juvenile Justice System Task Force and the Kansas Youth Authority.

1996 HB 2900. Known as the Juvenile Justice Reform Act of 1996. The bill outlined the duties and powers of the Commissioner of Juvenile Justice and created four agency divisions:

1. Operations Division;
2. Research Division;
3. Contracts Division; and
4. Performance Audit Division.

1997 House Sub for SB 69. Juvenile Justice Reform Act of 1996 was amended to include changes in the administration of the law, placements of juvenile offender to maximize community based and the more serious chronic, and violent juvenile offenders in state institutions. The bill also created the Joint Committee on Corrections and Juvenile Justice and the Kansas Advisory Group on Juvenile Justice and Delinquency Prevention.

1998 HB 2627. Amended the Juvenile Justice Code to deal with organization and management of the JJA, and the prosecution and placement of children.

1999 HB 2092. Further amended the Juvenile Justice Code and abolished the KYA. All powers and duties of the KYA were transferred to the Kansas Advisory Group on Juvenile Justice and Delinquency.

2000 Legislative Session. Senate Sub for HB 2513 authorized grants for prevention programs funded from the Children's Initiatives Fund, and juvenile correctional facility construction projects. SB 40 authorized the JJA to utilize funds appropriated from the State Institutions Building Fund (SIBF) for debt service payments required to retire the bonds issued for the projects.

2001 SB 18. Required the JJA to award grants for community juvenile justice programs on a two-year cycle beginning in FY 2003.

2003 Legislative Session. HB 2017 extended the sunset provision of the Joint Committee on Corrections and Juvenile Justice Oversight from December 31, 2003 to December 31, 2005, and changed the membership of the Committee. HB 2315 allowed for quarterly grant payments.

2004 HB 2487. Eliminated the original sunset provision of July 1, 2004 for the JJA.

Friday, September 10 Morning Session

Senator Schodorf made the motion to approve the Committee Minutes from the April Organizational meeting. Senator Goodwin seconded the motion. The motion carried.

Update on Juvenile Justice Community Corrections

Dr. Stuart Little, Kansas Community Corrections Association (KCCA), provided background information on community corrections and KCCA ([Attachment 10](#)). Community Corrections was established in 1978. The program was to provide alternatives to both incarceration and new prison construction. The 2000 Legislature defined a target population to be served by community corrections programs. The law also requires probation violators be assigned to community corrections supervision, and before being revoked and returned to prison unless the violation includes a new conviction, or the court makes a finding that the public safety or the offender's welfare would not be served by doing so. The law further provides that the community corrections programs may provide services to juveniles if approved by the local Community Corrections Advisory Board.

The KCCA as a community partner working with the JJA, they have continued to advocate for community input and participation in funding and programming decisions. The critical issue of the state funding formula for core programs has risen in the last year, and the JJA has met with the KCCA to hear input in any potential changes to the funding formula. This is important for Legislators because depending on how the formula is written, will have impact on how state dollars flow back your communities to fund the programs that county commissions and community advisory boards are able to provide for juvenile offenders in the communities.

Review of Juvenile Justice Judicial Activity

Kathy Porter, Kansas Judicial Branch, provided the Committee with statistical information on the number of juvenile offender cases filed and the number of juvenile offenders being supervised ([Attachment 11](#)). The Office of Judicial Administrations (OJA) staff worked with Community Corrections and parole staff to conduct statewide training sessions prior to implementation of the Interstate Compact for adults, and anticipate the same training issues and increased paperwork when the Juvenile compact becomes effective. Ms. Porter stated there was Child-In-Need-of-Care (CINC) information available for the Committee upon request.

Update on Juvenile Justice Authority

Denise Everhart, Commissioner, Juvenile Justice Authority, informed the Committee that Juvenile Offender Case Filings have continued to decline since 2000 ([Attachment 12](#)). Commissioner Everhart provided the Committee with an overview of programs and statistical information on correction facilities ([Attachment 13](#)).

Juvenile Correction facilities provide treatment programs, and ensure that all areas are addressed in each facility from the following five components:

1. Academic Program;
2. Treatment Program;
3. Skill Development;
4. Character Education; and
5. JCF/Community transition information.

The JJA is currently involved in establishing Performance-based Standards (PbS). Agency policy requires that all treatment programs be research-based.

The Atchison Juvenile Correctional Facility (AJCF) capacity is up to 83 younger male juvenile offenders, and the average age of admitted offenders is 14 years and six months. It is an open campus with no security fences around the perimeter.

The Beloit Juvenile correctional Facility (BJCF) capacity is 66 girls. Three juvenile offenders participated in sex offender treatment during FY 2003, 35 in substance abuse treatment. The independent living program served 97 youths throughout the year.

The Larned Juvenile Correctional Facility (LJCF) primary focus is juvenile offenders with substance abuse and mental health issues. During FY 2003, 196 juvenile offenders went through substance abuse treatment and three took part in sex offender treatment .

The Topeka Juvenile Correctional Facility (TJCF) is considered a "medium security" and the oldest facility operated by JJA. The official rated capacity is 219 males and an additional 57 beds for overcrowding. During FY 2003 TCJF had 142 new admissions, 15 juvenile offenders took part in sex offender treatment, and 282 received direct care substance abuse treatment through group/individual counseling.

The new Kansas Juvenile Correction Complex, is a maximum-security facility. During the 2004 Legislative Session funding was requested for 60 beds, due to a partial funding, a phase-in approach is being used and is only operating 30 beds at this time. The question was raised about the funding allocated and the Commissioner will make that information available to the Committee. The JJA is in desperate need of opening the infirmary, and that is due to the partial funding also.

A new fiscal data base has been developed, tracks all agency expenditures and has extensive reporting capabilities which assist the Division in managing the agency's finances more efficiently and effectively. (Page14 "JJA Actual Expenditures" the commas were misplaced.)

Legislative Post Audit (LPA) issued a report: *March of 2003, Compliance and Control Audit Report on Juvenile Justice Information Systems: Reviewing the Authority's Management of those Systems*. The report contained findings, conclusions, and recommendations for JJA to comply with. The Committee asked if the JJA was up to date on LPA recommendations, and the Commissioner would verify and get back to the Committee.

The Committee meeting adjourned. The next meeting is scheduled for October 7 and 8, 2004.

Prepared by Connie Burns
Edited by Becky Krahl

Approved by Committee on:

October 8, 2004
(date)