

## MINUTES

### JOINT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE OVERSIGHT

September 24-25, 2008  
Room 143-N—Statehouse

#### Members Present

Senator Pete Brungardt, Chairperson  
Senator Karin Brownlee  
Senator David Haley  
Senator Phil Journey  
Senator David Wysong  
Representative Bob Bethell  
Representative Doug Gatewood  
Representative Jerry Henry  
Representative Dan Johnson  
Representative Jim Ward

#### Members Absent

Senator Greta Goodwin  
Senator Jean Schodorf  
Representative Tim Owens, Vice-Chairperson  
Representative Jason Watkins

#### Staff Present

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

#### Conferees

J. Russell Jennings, Commissioner, Kansas Juvenile Justice Authority  
Honorable Brenda Cameron, 10th Judicial District

Honorable James Burgess, 18th Judicial District  
Dr. Jennifer Pealer, Deputy Commissioner, Kansas Juvenile Justice Authority  
Peggy Pratt, Kansas Community Advisory Committee  
Robert Sullivan, 5th Judicial District Community Corrections

## **Others Attending**

See attached list.

## **Wednesday, September 24 Morning Session**

The meeting was called to order by Chairperson Pete Brungardt. The Committee members were provided an overview of the agenda by the Chairperson.

## **Overview of Juvenile Justice Authority**

J. Russell Jennings, Commissioner, Juvenile Justice Authority (JJA), provided an overview to the Committee on Community Services, the Core Programs, and Community Residential Placements (Attachment 1).

Community Services includes:

- Prevention and Intervention Programs;
- Intake and Assessment;
- Court Services;
- Intensive Supervision Probation; and
- Community Case Management.

The source of funding for prevention and intervention programs is the Children's Initiative Fund which is almost \$9 million. The funds are allocated as follows:

- \$5.5 million goes to prevention;
- \$1.8 million goes to intervention; and
- \$1.6 million to graduated sanctions.

Primary Prevention is a program or service directed to the population at large that is designed to prevent juvenile crime. Secondary Prevention is a program or service directed at populations or persons identified as at risk for juvenile crime involvement that is designed to prevent juvenile crime before it occurs. Examples of secondary programs include truancy programs, after school programs, substance abuse programs, and mentoring programs. Tertiary prevention is a program or service provided to youth and families after an incident of juvenile criminal behavior has occurred and is designed to prevent future incidents from occurring. Examples of tertiary programs include diversion programs, anger management, Thinking for a Change program, and substance abuse program.

For FY 2009, \$3.5 million is appropriated for the core programs of intake and assessment, intensive supervision probation, and community case management. A \$1.0 million enhancement is appropriated for FY 2009 for incentive funds on a local cash match basis. Several districts were unable to take advantage of the cash match opportunity, so \$310,000 of the enhancement will lapse.

Commissioner Jennings noted the following trends:

- The number of alleged juvenile offender (JO) intakes has gone up;
- The number of alleged child in need of care (CINC) intakes has gone down; and
- The average age of youth processed through intake and assessment is largely in the 15 to 17 year old age group with the next highest age group in the 12 to 14 year old age group.

Community Case Management Agency (CCMA) provides services to youth who are placed in custody of the Commissioner of JJA. The Commissioner manages placement of the youths who are in need of out-of-home placement and works with youth and family on reintegration plans. CCMA supports the youth and the family while the youth is at home and ensures the youth has access to needed programs and treatment such as monthly face-to-face visits when the youth is in in-home and out-of-home placement. This is a federal mandate and federal grant funds assist in meeting this mandate. Additionally, CCMA conducts every other month face-to-face visits when the youth is in a juvenile correctional facility, until the final three months, then face-to-face visits occur monthly. This is agency policy. The total number of youth, statewide, placed on Case Management through 6-30-08 is 1,698.

Activities supporting and enhancing residential services are:

- Electronic submission of invoices;
- Technical assistance and training to provide "Thinking for a Change" programming;
- Community Based Standards (CBS); and
- New Service Model which limits the number of juvenile offenders in a foster home placement.

The Commissioner provided a chart outlining the average length of stay and custody/placement.

<i>Placement Type</i>	<i>Total</i>	<i>Statewide Placement Type %</i>
Juvenile Correctional Facility	381	21.38
Detention	186	10.43
Facility/Other	90	5.05
Foster Home	38	2.13
Home Relative	511	28.68
AWOL (runaways)	117	6.57
Psychiatric Res. Treatment Facility	80	4.49
YRC-I	8	00.45
YRC-II	368	20.65
Not Reported	3	00.17
<b>Total</b>	<b>1,782</b>	<b>100.00%</b>

The assumption is that 70 percent of the Level V and Level VI will be screened into Psychiatric Residential Treatment Facility (PRTF) placement. A PRTF is any non-hospital facility with a provider agreement with a State Medicaid Agency to provide the inpatient services benefit to Medicaid-eligible individuals under the age of 21. However, the reality is the opposite of that assumption:

- 80.1 percent YRCII (youth residential center) is funded exclusively with State General Fund (SGF);
- 1.7 percent YRCI is funded exclusively with SGF; and
- 17.5 percent PRTF – 60 percent funded federally and 40 percent SGF.

All YRC youth qualify for medical card coverage for health services as well as incidental mental health and substance abuse treatment.

This has a very significant implication on the JJA's budget, since the agency is not a part of the consensus caseload process of determining how much money is available to pay for these services. JJA pays for these placements as part of its administration budget. When JJA is asked to cut 2 percent of its budget, the reduction includes the 25 percent spent on placements which JJA has no option or control over. The budget director for JJA and the Commissioner have purchased services for YRC and PRTF that the Commissioner suggests do not belong in JJA's general administration budget.

## **Afternoon Session**

### **Overview and Discussion Juvenile Jury Trials**

Honorable Brenda Cameron, 10th Judicial District, Johnson County District Court, provided an overview of the case, *In the matter of L.M., No. 96,197*, in which the Kansas Supreme Court held that juveniles have the constitutional right to demand jury trials ([Attachment 2](#)).

Judge Cameron testified that the judges in Kansas will need guidance on the procedural aspect of carrying out the Kansas Supreme Court's ruling. Additionally, financial resources will be needed to implement this sweeping change in juvenile justice.

Honorable James Burgess, 18th Judicial District, Sedgwick County District Court, discussed the potential effects of the Court's ruling with the Committee ([Attachment 3](#)). He testified that the effect of the requirement for jury trial for juveniles remains largely unknown at this time. Additionally, there are many issues that the Supreme Court did not address regarding procedure as well as substantive matters.

Judge Burgess said he has not seen it yet, but he would not be surprised to see a case where the State takes the position that if there is going to be a jury trial on the matter, the State might as well seek certification of the juvenile and try him or her as an adult. Protecting juvenile rights is obviously vital, but so is having a system that helps direct their lives in a positive manner. Judge Burgess testified that currently, the kids who have the most serious histories or who are the most dangerous to the community already are being referred for adult prosecution, and those juvenile offenders get a jury trial. In the Judge's opinion, the system operated the way it was designed for the vast majority of juveniles.

The Committee discussed whether the issue should be referred to the Judicial Council for in-depth study and whether it will be considered at the end of the interim for formal recommendations by the Committee.

### **Research and Program Development of the Youthful Level of Service/Case Management Inventory**

Jennifer A. Pealer, Ph.D., Assistant Commissioner, JJA, provided the Committee information on the implementation of the Youthful Level of Service Case Management Inventory (YLS/CMI) within the Juvenile Justice Authority ([Attachment 4](#)). The YLS/CMI is an empirically derived risk/needs assessment instrument for juvenile offenders. It examines 42 items across eight domains (risk/need factors). The eight domains are:

- Criminal history;
- Family;
- Education;
- Peers;
- Substance abuse;
- Leisure/recreation;
- Personality; and
- Attitudes.

The results so far indicate that:

- A majority of the youth are a moderate risk of reoffending;
- There is no difference on overall risk of recidivism between females and males;
- There is no difference on overall risk of recidivism between white and nonwhites; and
- 20 percent of the population is low risk indicating not much supervision or treatment is required for these youth.

Future steps with the YLS/CMI is implementation of the tool with all Court Services statewide to assist judges in making sentencing decisions based on risk and need factors. Currently, there are three Court Services pilot sites located in Johnson, Douglas, and Sedgwick counties.

## **Thursday, September 25 Morning Session**

Chairperson Brungardt called the meeting to order.

### **Review of the Community Advisory Committee**

Peggy Pratt, Chairman, Community Advisory Committee (CAC), provided the Committee with a review of the Annual CAC report to the Commissioner for SFY 2010 ([Attachment 5](#)). The purpose is to provide community prevention and graduated sanction service providers' participation in the JJA annual budget planning process.

The report contains the following recommendations:

- Implement a system for annual cost-of-living adjustment to grant funding;
- Develop and implement a Statewide Disproportionate Minority Contract Initiative;
- Introduce legislation to add time limits on juvenile court proceedings when youth are detained in detention facilities;
- Introduce legislation to limit terms in JJA custody following completion of residential care that are consistent with best practices;
- Implement evidence based practices to reduce the risk of recidivism and increase client success across the juvenile justice system and must include training, technical assistance, and work with advisory boards, judges, district attorneys, and legislators.
- Encourage the State Department of Education, in cooperation with JJA, to persuade all school districts to take the Communities That Care Youth Survey with no less than 80 percent participation from 6th, 8th, 10th, and 12th grade students.

Ms. Pratt informed the Committee of the need to removing the barriers for their kids to receive service; the biggest issue is miles and fuel costs, because of their location in Western Kansas.

### **Review of the Community Planning Process**

Robert Sullivan, Director of the 5th Judicial District Community Corrections (Chase and Lyon counties), provided the Committee information on Community Corrections ([Attachment 6](#)). Mr. Sullivan shared with the Committee the process by which the 5th Judicial District is updating its juvenile comprehensive strategic plan, the lessons learned, and the adjustment made or intended to made.

The Community Corrections Advisory Board approved the proposal submitted by Dr. John Paul Wright with the University of Cincinnati to draft an updated comprehensive plan and final report. The final report will take a closer look at the district's identified risk/protective factors, demographics

for school-aged youth, and the gaps in the district's continuum of services. It will reevaluate the disproportionate amount of time and financial resources the community spends on low-risk offenders and reassess how juvenile justice resources might be better spent on multi-problem, high-risk families instead. A public hearing has been scheduled so Dr. Wright can present a final draft report to the Community Corrections Advisory Board, local stakeholders, and the public.

### **Review by Dr. Jennifer Pealer, Assistant Commissioner, Juvenile Justice Authority**

Jennifer Pealer, Ph.D., Assistant Commissioner, Juvenile Justice Authority, provided a review on project Success Through Achieving Reintegration (S.T.A.R.) ([Attachment 7](#)). The development of Project S.T.A.R. was part of a grant through the Serious and Violent Offender Reentry Initiative.

The goals of Project S.T.A.R. are:

- Reduce recidivism and enhance public safety;
- Increase the quality of programming throughout the system;
- Develop programming for families;
- Promote successful reintegration;
- Reduce supervision levels for successful youth; and
- Help promote sustainability.

The target population is the moderate to high-risk males between the ages of 12-22 years who have at least a six-month sentence in a juvenile correctional facility (three of which must be served in the JCF). The target population also must complete six months of aftercare. The target youth would then be returned to one of the three pilot communities in the 10th, 18th, or 25th judicial districts.

To complete Project S.T.A.R., the youth must successfully complete the three phases:

- Institutional Phase requires a good faith effort to complete the behavior change plan. Reduction in risk is measured by the In Program Behavioral Assessment (IPBA). The IPBA measures the change in risk level after the youth has been in the JCF. It is a validated risk/need tool and predicts behavior within the institution; and even when the youth is released, it can be used to determine risk in the community. The youth is assessed 30 days after being in the general population and then every 90 days thereafter.
- Transitional Phase requires stable behaviors for 60 days in the community. That means no technical violations of release; to make progress on their reintegration plan; and to remain stable in the home, school, and work environments.
- Community Phase requires the completion of the behavior change plan. Completion of the plan includes six months of supervision in the community, no new adjudications, no technical violation for the last three months, no positive test for substance abuse in the last three months, to have a stable living environment, and a reduction in risk.

The Committee had a discussion on why school transcripts are not getting to the schools in a timely manner, or at all. A question was raised on whether legislation was needed to expedite the paperwork. The Revisor stated a statute addressing this concern already exists. The statute is KSA 38-2374.

### **Answers to Requested Additional Information Addressed to JJA**

Commissioner Jennings addressed the requests for more information from Committee members (Attachment 8).

Juvenile Detention expense graph provided the actual and projected dollars.

FY 2006 – \$2.4 Million  
FY 2007 – \$3.1 Million  
FY 2008 – \$3.2 Million  
FY 2009 – \$3.3 Million  
FY 2010 – \$3.4 Million

- (1) The funding is from the Juvenile Detention Fees.
- (2) It reflects the average months in custody for youth terminated in FY 2008 by judicial district.
- (3) It reflects the average length of time by judicial district and absent without leave (AWOL) placement by judicial district.
- (4) Also included were graphs that reflect YRCII specific, critical incident reports on Youth on Youth Assaults, Staff on Youth Assaults, and, Youth on Adult Assaults.

### **Overview of Juvenile Justice Authority**

J. Russell Jennings, Commissioner, Juvenile Justice Authority, provided the Committee an overview of community based residential facilities and Juvenile Correctional Facilities (JCF) (See Attachment 1, pages 16-30).

The Commissioner stated improvements were being implemented in the JCF system. The improvements include:

- The development and implementation of standardized medical policies and health service protocols;
- The use of standardized educational testing and measurement; and
- Increased quality assurance through central office oversight.

The Commissioner stated the Larned Juvenile Correctional Facility (LJCF) use of force spiked in September of last year and has decreased markedly since that time. Additionally, the restraint chair can only be used with prior approved authority and only when genuinely needed to protect the youth from self injury, protect the youth from injuring someone else, and to protect property from substantial damage.

The Commissioner stated the Beloit Juvenile Correctional Facility is the only JJA facility that serves female youth sentenced by the district courts of Kansas. Beloit has continued to decline in population. The Kansas Advisory Group is developing alternatives to reduce costs of operations at Beloit. A report with recommendations is anticipated by January 1, 2009.



The Commissioner stated JJA is evaluating programs at the Kansas Juvenile Correctional Complex (KJCC) to ensure public safety, accountability, and community reintegration. He mentioned a need to reduce the 30 percent turnover rate among staff by reducing forced overtime, integrating line staff in the decision making process, strengthening the lines of communication, and improving the work environment through development of cross domain work groups.

The Commissioner addressed the repurposing of the Atchison Juvenile Correctional Facility (AJCF) into a Youth Residential Center II. JJA anticipates that suspending operations at AJCF on December 8 will result in a savings of approximately \$1.96 million for the current fiscal year (FY 2009). Approximately \$575,000 and 16 of the total 93 state FTE positions will be transferred to the Kansas Juvenile Correctional Complex (KJCC) to follow the anticipated shift in population. The savings for Fiscal Year 2010 is projected to be \$3,743,030, with \$1,329,378 being transferred to KJCC and LJCF for the anticipated increases in population.

The Commissioner stated that his choices were as follows:

- Negatively impact all facilities in profound and potentially unsafe ways;
- Negatively impact community level services that would ultimately lead to greater numbers of youth sent to juvenile correctional facilities; or
- Impact one facility and maintain stability in the remainder of the system.

He stated repurposing of AJCF would:

- Gain desired operational savings of \$1.9 million FY 2009 and \$3.7 million in FY 2010;
- Strengthen KJCC programming by adding three social workers and one psychologist;
- Provide for adequate security staff at LJCF and KJCC for additional youth (10 juvenile correctional officers each); and
- Eliminate the need to otherwise reduce community funding levels, therefore maintaining the system stability.

A request for proposal is being explored for AJCF's use as a YRCII with a capacity for 60 to 80 youth. The new use would reduce the cost for of YRCII services. Additionally, it would include specific program requirements, such as Thinking for a Change, anger replacement training, and life skills. Prior to issuing an request for proposal (RFP), JJA will assess community support of a YRCII. If community support is lacking, JJA will determine community desires and alternatives that can be supported. If community support exists, JJA will proceed with development of an RFP, issue the RFP, and negotiate a contract for operations so that the facility will be operational between April 1 and July 1, 2009.

Commissioner Jennings also provided the Committee with his testimony to the Joint Legislative Budget Committee on the Atchison Juvenile Correctional Facility plan. There was Committee discussion about having further discussion on this issue at the next meeting and also looking at Secure Care as an option for more information.

## **Committee Business**

*Representative Doug Gatewood moved to approve the minutes for August 28 and 29, 2008. Representative Bob Bethell seconded the motion. The motion carried.*

The Committee meeting was adjourned. The next meeting is scheduled for November 12 and 13, 2008.

Prepared by Connie Burns  
Edited by Athena Andaya

Approved by Committee on:

November 13, 2008  
(date)