

Approved: 11-23-05 Date

MINUTES OF THE HOUSE CORRECTIONS & JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Ward Loyd at 1:30 P.M. on January 19, 2005 in Room 241-N of the Capitol.

All members were present except:

Carol Beggs- excused
Mike Peterson- excused

Committee staff present:

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

Conferees appearing before the committee:

Kyle Kessler, SRS
Patricia Biggs, Executive Director, KS Sentencing Commission
Secretary Roger Werholtz, KS Dept. Of Corrections
Chuck Simmons, KS Dept of Corrections

Others attending:

See attached list

This was a joint meeting with House Public Safety Budget Committee. Representative Ward Loyd and Representative Bill Light co-chaired the meeting.

Kyle Kessler, SRS appeared before the committee to introduce two bills. (Attachment 1)

1. Access to Criminal History Records
2. Sharing Confidential Communications and Information Relating to Treatment Facility Patients

Representative Owens made a motion that this request should be introduced as a committee bill. Representative Kelsey seconded the motion. The motion carried.

Representative Davis appeared before the committee to introduce a committee bill that would set the hourly rate for indigent defense services from the current \$50 an hour to \$80 an hour. Representative Sharp moved that the request be introduced as a committee bill. Representative Owens seconded the motion. The motion carried.

Patricia Biggs, Executive Director, Kansas Sentencing Commission (KSC), briefed the committee on the Sentencing Commission (Attachment 2) and 2005 Bed Impact Projections. (Attachment 3) Kansas Sentencing Commission was established with duties as outlined in KSA 74-9101. The guidelines, Kansas Sentencing Commission Membership and Meetings, Agency Staff and functional domains were provided. The KSC Web Site is <http://www.accesskansas.org/ksc/SiteMap.htm> and the Kansas Sentencing Guidelines is located on line.

The FY 2005 Prison Population Projection, the foundation of prison population simulation model:

- Admissions and length of stay are the two driving factors
- Monte Carlo simulation Methodology
 - Probabilistic
 - Simulation of system movement
- Two Sources of information
 - Prior Year's data (Actual experience)

- Assumptions by Consensus Group

The material reviewed with the committee:

- Comparative analysis of condition parole /post release supervision violators between FY 2003 –FY 2004
- Kansas Prison Population Trends
- Prison Population Characteristics
- Prison Admission Trends 1996 - 2004
 - Total Prison Population
 - Admissions and Release
 - New Court Commitments
 - Condition Probation Violators
 - Parole/Postrelease Condition Violators
 - Admissions by Type
 - Comparison between Probation and Parole/Postrelease Violators w/New Sentence

Projected prison population by gender and projected prison population by custody classification was also provided.

Roger Werholtz, Secretary, Kansas Department of Corrections (KDOC), provided a power point presentation with statistics and analysis of present prison populations. (Attachment 4) Roger stated that Kansas is about in the bottom of the middle third compared to the National average:

- Kansas ranks 33rd in corrections spending as a percentage of personal income
- Kansas ranks 34th in per capita spending for corrections
- Kansas ranks 15th in state spending on corrections as compared to spending by local units of government
- Kansas is tied for 35th in the number of women under the jurisdiction of state correctional authorities
- Kansas ranks 34th in sentenced prisoners under the jurisdiction of state correctional authorities
- Kansas ranks 45th in terms of the number of persons per 100,000 on probation
- Kansas reported 15, 217 adults on probation on Dec. 31, 2002
- Kansas ranks 21st in terms of the number of persons per 100,000 on parole
- Kansas ranks 14th in terms of the percentage of the correctional population (probation, community corrections, prison, parole) that is incarcerated
- The Kansas prison population has grown from 4,538 on June 30, 1985 to 9,251 on Feb. 19, 2004.
- The Kansas in-state parole caseload increased from 2,762 (6/30/87) to 6,525 (2/21/94) and then declined 3,727 (12/21/01). It has now increased to 5,001 on Jan. 7, 2005. Numbers of parolees supervised out of state through the interstate compact have followed a similar pattern
- The Kansas Community Corrections Act programs' average daily population increased from 1,672 in 1989 to 5,155 in 1999 and then declined to 4,133 in 2002. It increased to 4,678 as of Sept. 3, 2004

The demographics of the prison population (June 30, 2004):

- Gender - 92.0% Male and 8.0% Female
- By offense grouping (Both Male & Female)
 - 24.5% Drug Offense
 - 20.8% Sex Offense
 - 14.8% Homicide
 - 12.5% Robbery
 - 7.6% Assault/Battery
 - 7.0% Burglary
 - 3.8% Kidnapping
 - 3.2% Forgery/Theft
 - 5.8% Other Offenses

- Broken down by gender:

	<u>Male %</u>	<u>Female %</u>
Drug Offense	22.9	43.7
Sex Offense	22.3	2.1
Homicide	14.9	13.3
Robbery	12.9	8.4
Assault/Battery	7.6	7.4
Burglary	7.0	6.5
Kidnapping	4.0	1.2
Forgery/Theft	2.6	10.2
Other Offenses	5.7	7.4

Correctional Facility location, capacity by gender for each facility as of December 31, 2004 and projected prison population was provided.

Chuck Simmons, KDOC, provided an explanation of the inmate classification system. (Attachment 5) The assessment instrument was validated upon implementation in 1980. In 1988, a consultant from the National Institute of Corrections (NIC) reviewed the assessment instrument and made several recommendations which were implemented. Custody classification is one of the most basic tools used in inmate management. The purpose of custody classification is to provide a means by which inmates can be assessed relative to the risk they present to themselves, other inmates, staff and the community based upon a standard set of objective criteria. The main intent of classification is to maintain the individual at the least restrictive level of supervision possible, given the level of risk to the system.

Roger Werholtz, Secretary KDOC, provided the committee an overview on capacity expansion options. (Attachment 6) This is the departments' response to a directive of last year's legislation from House Sub. SB 45. There will be one additional options added, as soon as the numbers come in. There are several options:

- General Population – Maximum Security- El Dorado - 2 units 256 max beds
- General Population – Medium Security
 - El Dorado – 2 housing units 512 medium beds
 - El Dorado – 1 housing unit 256 medium beds
 - El Dorado – Yates Center Unit 500 medium beds
 - Norton – Stockton Unit 500 medium beds
- General Population – Minimum Security
 - El Dorado – housing unit 100 bed
 - Ellsworth- housing unit 100 bed
 - Norton – East unit expansion 72 beds
- Special Needs – Mental Health
 - Larned Correctional Mental Health Facility
- Special Needs – Medical
 - Hutchinson East unit 258 medium beds
 - Ellsworth – Century Building 178 medium and 112 minimum beds
 - Toronto Correctional Facility – housing unit 200 medium and 40 work release beds
- Special Parograms Facility – Ellsworth
 - InnerChange Freedom Initiative 264 beds

Reclassification of inmates, which would shift levels of security allowing for freeing up maximum and medium security beds, and the lease of medium security beds closer to Kansas were other options.

The meeting was adjourned at 3:30 PM.

