

MINUTES

JOINT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE OVERSIGHT

October 17-18, 2007
Eldorado Correctional Facility and Wichita

Members Present

Representative Tim Owens, Chairperson
Senator Karin Brownlee
Senator Greta Goodwin
Senator David Haley
Senator Phil Journey
Senator Jean Schodorf (October 18)
Senator David Wysong
Representative Doug Gatewood
Representative Jerry Henry
Representative Dan Johnson (October 17)
Representative Jim Ward
Representative Jason Watkins

Members Absent

Senator Pete Brungardt
Representative Bob Bethell

Staff Present

Reagan Cussimanio, Kansas Legislative Research Department
Athena Andaya, Kansas Legislative Research Department
Jerry Ann Donaldson, Kansas Legislative Research Department
Michael Steiner, Kansas Legislative Research Department
Jill Wolters, Office of the Revisor of Statutes
Duston Slinkard, Office of the Revisor of Statutes
Connie Burns, Committee Assistant

Conferees

Helen Pedigo, Kansas Sentencing Commission
Chuck Simmons, Kansas Department of Corrections
Roger Haden, Kansas Department of Corrections
Deane Donley, RDU, El Dorado Correctional Facility

Scott Wilson, RDU, El Dorado Correctional Facility
Senator Derek Schmidt
Linden Appel, Kansas Department of Corrections
Mark Masterson, Sedgwick County Department of Corrections
Sally Frey, Sedgwick County Re-entry
Julie Utt, Winfield Correctional Facility
Larry Cyrier, Greenbush
Duane Kreuger, Greenbush
Keven Pellant, Kansas Department of Corrections

**Wednesday, October 17
Morning Session
El Dorado Correctional Facility**

The meeting was called to order by Senator Greta Goodwin, and the first order of business was that the July minutes with no corrections stand approved as of October 5, 2007.

Overview of Prison Population Projections

Helen Pedigo, Executive Director, Kansas Sentencing Commission, provided information on the prison population projections ([Attachment 1](#)). The FY 2008 prison population projection model contains a combination of intended and unintended impacts of various sentencing policies enacted by the Legislature during the past several years. 2006 Senate Substitute for HB 2576 (Jessica's Law) and 2007 House Substitute for SB 14 represent major policy changes included in the model. Some of the significant changes and trends are:

- Change - An increase in the offgrid prison population. The dramatic increase is due primarily to Jessica's Law. The impact of this law is approximately 77 offgrid offenders who are required to serve a minimum term of imprisonment of not less than 25 years or 300 months admitted to prison annually after FY 2008;
- Trend - A reduction of probation condition violators entering into state prisons. With the enactment of SB 14, the projected number of probation condition violators sentenced to prison will continue to decrease. The bill will result in saving the state 617 prison beds in FY 2017;
- Trend - During FY 2007 is the continuous decline of parole/post-release condition violators admitted to prison. The decrease of parole/post-release supervision condition violators experienced in the prison admissions is directly related to the changes enacted in May, 2000 through SB 323; and
- Trend - During FY 2007 was that prison releases exceeded prison admissions; this is the fourth time in the last ten years that releases exceeded admissions.

Prison projections involve the use of two major data variables; the number of offenders admitted to prison and the length of the sentence imposed for each. Any time a sentencing policy

change or a court's decision is enacted, which either targets the admission rates or sentence lengths, there is either an increase or decrease in prison population levels.

The increase in prison population during the ten-year forecast period is for nondrug severity level 1, with an increase of 184 beds due to the pronounced "stacking effect," even though the number of admissions decreased.

Charts and graphs were included to reflect the ten-year forecast, trends in population, and guidelines for sentencing grids.

Prospective Expansion Projects

Chuck Simmons, Deputy Secretary for Facilities Management, Kansas Department of Corrections (KDOC), provided the Committee an update on the prospective expansion projects and bed utilization by custody distribution ([Attachment 2](#)). During the 2007 Legislative Session, SB 357 was passed to fund expansion projects for KDOC. The four projects proposed are:

- 2 cell blocks or 256 beds at El Dorado Correctional Facility (EDCF);
- 240-bed treatment unit at Yates Center as a satellite of EDCF;
- 100-bed Housing Unit at Ellsworth Correctional Facility; and
- 72-bed expansion at Stockton (NCF).

Secretary Werholtz is requesting authority to proceed with the project at the State Finance Council meeting held today. The bond amount request would be for the entire amount, but they anticipate only \$1.7 million will be used for the planning phase.

The bed utilization chart is based on projections from the Sentencing Commission and, generally, the numbers are only accurate for two years.

General discussion on:

- Gangs at the correctional facilities and whether there are programs available for members who would like to get out of gang activities in the general population;
- Whether there was a "death row" designated area for inmates and how those inmates are housed;
- Impact of foreign offenders on the facility budget and the breakdown of crimes committed and request for KDOC to provide the information;
- Financial breakdown on the cost of expansion and how KDOC arrives at the numbers, and request for KDOC to provide the information at the November meeting;
- Specialized facilities, such as drug and alcohol, and how rural communities would provide treatment services;
- Sex offenders and treatment; and

- Boot Camps and the outcomes of those programs, including how offenders are sentenced to those programs.

Afternoon Session

The Chairman provided copies of 2007 SB 357 for the Committee. The bill includes the funding piece for the Correctional Facility expansion (Attachment 3).

Kansas Department of Corrections Presentation on Telephone, Medical, and Food Contracts

Chuck Simmons, Deputy Secretary for Facilities Management, KDOC, provided information on the inmate telephone contract (Attachment 4). The current contract with T-Netix expires December 16, 2007. A request for bids for new services was issued June 13, 2007, and four vendors submitted proposals. The contract was awarded to Embarq for three years with the option for the state to continue the contract for two additional years. The new contract provides for a 40.0 percent reduction in calling rates which were provided.

Roger Haden, Deputy Secretary for Program, Research and Support, KDOC, briefed the Committee regarding KDOC's health services and food service contracts (Attachment 5).

With regard to food services, KDOC entered into a contract with Aramark Correction Services, Inc, in 1997 for food services for inmates. The contract extends through 2012. Payment is based on the daily population. The per meal per day per inmate is \$1.41. The following statistics were provided:

- As of September 2007, 787,689 meals were paid at a cost of \$1,080,900;
- The food budget for FY 2008 is \$13,474,249;
- Projected expenditures for food service in FY 2009 is \$13,913,121;
- Aramark cooks food for all KDOC-operated facilities, with the exception of the Larned Correctional Mental Health Facility, which received food from the Larned State Hospital;
- Aramark also operates food service vocational programs at four KDOC facilities at no extra cost to the state. Inmate workers supervised by Aramark staff assist with food production, sanitation, and inventory; 20 inmates are employed as "industry workers" and receive minimum wage;
- KDOC operates 18 kitchens in 8 facilities; and
- Aramark employs 118 staff as of 9-31-07, for the performance of the KDOC contract.

Each facility sets their own meal schedule based on factors such as inmate work assignments, program schedules, and population count. Meal requirements are set by contract as

to caloric count and attempt to be appealing and account for seasonal needs. In addition, KDOC provides diets respecting various religions to inmates who request them through the facility chaplain.

With regard to health care services, KDOC entered into a new three-year contract with Correct Care Solutions, Inc. (CCS) effective July 1, 2005, for the delivery of medical, dental, and mental health care services to inmates. CCS is responsible for all inmate health care costs, including medical, mental health, dental, optometry, pharmaceutical, among other items. The bid term of the current contract allows for up to three additional two-year renewals with an expiration date of June 30, 2014. The contract is based on a fixed-price, per capita pricing model on population capacities by correctional facility and includes provisions to adjust the monthly payments of the contract based on performance penalties and certain levels of population increases or decreases. The following funding data was provided:

- FY 2008 projected expenditures: \$44,692,887; and
- FY 2009 projected expenditures: \$47,619,549 (Includes base contract cost of \$45,787,453 plus an enhancement request of \$1,832,096).

The contract required accreditation by the National Commission on Correctional Health Care (NCCCHC) of which all sites are currently accredited. In addition, there are no deductibles, cap on services or contractor expenditure, or co-pays from the Department. Inmates are required to pay \$2.00 co-pay for initial sick call visits. A listing of the health care services and mental health services was provided.

Reception and Diagnostic Unit for Inmate Intake/Assessment

Warden Ray Roberts, El Dorado Correctional Facility, KDOC, provided the Committee with a brief overview of the Reception and Diagnostic Unit (RDU) at the facility ([Attachment 6](#)). The RDU is the intake facility for the KDOC and performs physical, social, and psychological evaluations of offenders sentenced to the custody of the Secretary of Corrections.

Deane Donley, RDU Administrator, stated that the Reception and Diagnostic Unit opened in February 2001, with a capacity of 320 inmates. The staffing for the unit is:

- 6 Corrections Counselors I;
- 17 Corrections Officers;
- 3 Corrections Counselors II;
- 6 Correctional Supervisors I;
- 1 Unit Team Manager; and
- Education has 2 Assessment Technicians.

Staffing for mental health includes 8 psychologists/social workers, 1 psycho metrist, 1 nurse practitioner, 1 mental health coordinator, 1 clinical supervisor, 2 PhD interns, 2 masters level interns,

4 PRN (as needed), and 1 secretary. For medical staffing there are 3 nurses (1 RN and 2 LPNs), 2 certified medication aides, 1 lab technician, 1 Medical Records technician, and 1 medical supervisor.

Scott Wilson, Coordinator Mental Health Services, explained that the mental health portion of the RDU does mental health referrals, mental health testing, and psychologist interviews.

The challenges encountered by the RDU staff are:

- Single cell new intakes for 3 days;
- Medical problems (segregations);
- Mental health problems;
- Capital punishment/high profile inmates;
- Segregation inmates;
- 16-year-old inmates; and
- Immediate releases.

The Reception and Diagnostic Unit is where an offender's plan for release begins. The RDU begins working on release plans for inmates more than 60 days from release. Collection of data such as social security cards, drivers' licenses, government benefits, veterans benefits, and other information is needed prior to release. Establishment of life in prison also begins at the RDU. Facility placement, after evaluation, is based on custody, required program, bed space, reentry needs, and inmate/family requests. Admissions and orientations packet information was provided to the Committee.

Tour of El Dorado Correctional Facility

The El Dorado Correctional Facility is an all-male, maximum-security facility and was built in 1991 with an initial capacity of 640 inmates. There is a total of 640 acres on the facility grounds, with 58 acres inside the perimeter fence. The facility was designed to the state's long-term administrative segregation of inmates. Currently, there are 3 cell houses with the following custody levels:

- Spec. Management (segregation) - 302;
- Maximum - 96;
- Medium - 435;
- Minimum - 186; and
- Unclassified (RDU) – 299.

Offender Types:

- Violent Offenders – 502;

- Sex Offenders – 235;
- Non-Violent Offenders – 317; and
- Drug Offenders - 264.

Staffing:

- KDOC FTE - 466;
- Contract employees - 120; and
- Total Staff – 586.

Ethnic ratio:

- Caucasian – 52%;
- African-American – 35%; and
- Other – 13%.

Offender Age:

- Oldest - 86;
- Youngest - 16; and
- Average Age - 35.

The facility has two private industry programs, Century Manufacturing and Pioneer Balloon. The inmates learn skills to help support families, pay room and board, take care of other societal responsibilities, and learn work skills that help them to successfully transition back to the community.

A Spiritual Life Center is being constructed primarily through the efforts of inmate labor, volunteers, and facility staff and the funding, furnishings, and equipment are exclusively from donations received from individuals, corporations, or grants from foundations. The facility will provide space for inmates to attend religious services along with support groups such as Alcoholics Anonymous and Life Skills training.

**Thursday, October 18
Morning Session
Wichita, Kansas**

Chairman Owens opened the meeting and went over the agenda.

Correction Expansion Projects

Senator Derek Schmidt spoke to the Committee and informed them that the State Finance Council authorized the release of \$39.5 million in bonding authority to the KDOC for the construction of new prison space in our state (Attachment 7). Senator Schmidt stated that a part of that funding should be devoted to constructing one or more new drug rehabilitation prisons. The bed projections are down and the need to build is not as urgent which allows for the opportunity to look at drug rehabilitation prisons.

The Committee was encouraged to consider identifying an appropriate population of offenders who have committed non-violent crimes and whose underlying conduct is shaped largely by substance abuse and addiction. This would provide an option of incarceration and drug treatment instead of choosing between treatment or incarceration for judges. Three areas of intermediated intervention would potentially break the cycle of addiction and reduce the re-offense rate of the following:

- Felon DUI offenders;
- Second-time offenders sentenced under SB 123; and
- Offenders in community supervision who commit condition violations related to substance abuse.

The question was raised if there are other states that have regional treatment facilities and could Secretary Werholtz provide that information.

Briefing on Riley County Lawsuit

Linden Appel, Chief Counsel, KDOC, briefed the Committee on the Riley County lawsuit (Attachment 8). The Riley County Commissioners Board has filed two lawsuits against KDOC, Secretary Werholtz, and the State of Kansas. Riley County #1 sought monetary damages, injunctive relief, mandamus and declaratory judgment in that the Secretary did not comply with the statutory formula contained in KSA 75-52,111 in determining and awarding annual grants to Kansas' community corrections agencies. Riley County #2 deals with the FY 2008 annual community corrections grant award, the suit seeks damages of approximately \$366,000, along with declaratory judgment and mandamus relief. Post hearing briefing was submitted by the parties on or about October 10, 2007, and a decision is pending.

Community Corrections

Mark Masterson, Executive Director, Sedgwick County Department of Corrections, provided a packet of information on Adult and Juvenile Community Corrections in Sedgwick County (Attachment 9).

Community Corrections Adult Residential Centers

The purpose for Community Corrections is to save prison space by supervising, holding accountable and changing the behavior of felony offenders in the community. Two programs located in Sedgwick and Johnson County are state funded through an annual grant and the funding has not increased since 2002, and funding has essentially been flat since 1999. Lack of funding has damaged operations and shifted costs to the county. Community Corrections provides the District Court Judges with an intermediate sanction that works as a continuum with standard probation, intensive supervised probations and residential services. Offenders are assigned by the District Court Judge, who may order community corrections as an original sentence or as a condition for violating probation. In addition, the community corrections officer in field services may arrange admission when the offender is at risk of violating probation and being sent to prison. The Sedgwick County program operates a 75-bed residential center and is dealing with higher incidences of serious mental illnesses, substance abuse, and waiting lists.

Tour of Sedgwick County Residential and Service Center

The Residential Center is a highly structured 140-bed co-ed residential facility that emphasizes intense supervision and accountability and monitors the offenders' daily activities in the community and in treatment. All residents are expected to maintain full-time employment, placement in educational/vocational programming in the community, or are expected to be in treatment. An offender's average stay is 110 days.

The Service Center provides supervision, case management, and intervention services to assigned offenders from the Residential Center and the Intensive Supervision Program. Services are individualized based on the needs of the offender and designed to reduce the risk of their re-offending or violating the terms of probation and sent to prison.

Sedgwick County Youth Aftercare Program (SCYP) is a 20-bed residential facility for male juvenile offenders leaving state-operated juvenile correctional facilities. The purpose is to assist juveniles to prepare for independent living. Youth apply for the program and receive assistance in finding and maintaining jobs, saving money and learning to take care of themselves in a supervised setting for 3 to 6 months.

Tour of Sedgwick County Juvenile Detention Facility

The Juvenile Detention Facility (JDF) was opened in 1975 as the Evaluation and Referral Center to serve juveniles. JDF is designed to house 108 residents, has 1,400 admissions per year, and the average stay is about 21 days. The JDF is operated under the Sedgwick County Department of Corrections, Youth Services Division. It is a 24-hour facility for male and female offenders, ranging from the ages of 10-17 years, who are awaiting court hearings or placement into facilities by the state. The facility provides individual, group, family and crisis counseling to residents. Mental health services are provided by staff with master's degrees, including licensed professionals. Residents attend in-house public school provided by USD 259, through which basic courses are offered

throughout the year and during the summer that are developmentally appropriate.

The program also offers religious programming, activities, and services which are coordinated through Youth For Christ.

Information was provided on SB 123 treatment providers and number of inmates helped by the bill; information also was provided on the Sex Offender management program.

Afternoon Session

Sedgwick County Re-entry Project

Sally Frey, Executive Director, Sedgwick County Re-entry Project, provided the committee with information on the re-entry program (Attachment 10). The key elements of the program were identified as:

- Detailed risk/needs assessment;
- Case management that targets risk prior to release;
- Commencement of reentry planning at least 12 months prior to release; follow offenders into the community for at least 6 months;
- Engaging offenders, families and supports; develop services;
- Developing bridges between facility and parole;
- Engaging communities continuum of services (substance abuse, mental health, house, among other things) and the community is impacted so they are actively involved in the process; and
- Successful reintegration – supplement monitoring with risk-reduction case management.

Barriers to reentry were identified as:

- Housing – alternative correctional housing issues, not enough decent affordable housing of all types, lack of emergency housing options;
- Substance abuse treatment – changes within the SRS System to a managed care; and
- Transportation – public transportation only available during the day and issues related to obtaining a driver's license and detainers or warrants.

Kansas Strengthening Kids of Incarcerated Parents (SKIP) program is a community partnership model that addresses the impact of parental incarceration and provides families and

children with needed knowledge, understanding, skills, and resources to break the cycle of intergenerational incarceration, and engage community and policy to action.

Julie Utt, Deputy Warden, Winfield Correctional Facility, provided a short video on the AeroStructures Technician Training program at the facility ([Attachment 11](#)). This employer-driven, vocational training will prepare offenders to fill unmet workforce needs in the aircraft industry in South Central Kansas. Offenders are more successful on release when they are employed, earning a living wage. During participation in the program, inmates receive:

- Kansas WORKReady! Certificate;
- Manufacturing Skills Technology (MST);
- AeroStructures Technology (AST) certificate;
- Job placement assistance; and
- Case management services for one year upon release.

Larry Cyrier, Director, and Duane Krueger, Program Director for Greenbush, presented a PowerPoint presentation on vocational training for home building ([Attachment 12](#)). Greenbush and the KDOC offer a vocational program for inmates which allows them to acquire valuable skills and provides affordable housing to the public. The following programs have provided homes to local communities:

- Hutchinson Correctional – Interfaith Housing Inc. – 9 homes complete (provide materials); and
- Ellsworth Correctional – SmokeyValley Economic Development (underwriters) - 5 homes complete.

In addition, Hutchinson Correctional Facility has been working with the Kansas Department of Wildlife and Parks on their Wildscape project. Seven cabins have been completed and the Department of Wildlife and Parks is interested in continuing their relationship with the KDOC to build more cabins.

Keven Pellant, Deputy Secretary for Community and Field Services, KDOC, explained the post release/parole absconder and revocation process ([Attachment 13](#)). An absconder was defined as an offender who is delinquent in reporting to parole staff and cannot be located or has left the area without authorization. Absconder tracking includes the following:

- Residence location;
- Phone numbers of any known contacts, including employer, family, friends;
- Letters sent to instruct the offender to appear; and
- Warrant issued in concert with staffing with Special Enforcement Officer/Supervisor.

Special Enforcement tracking:

- Warrants;

- Spreadsheet tracking;
- Interstate compact unit provides daily updates;
- SEO begins Absconder file;
- Information shared with Law Enforcement local/national/Task Force; and
- Task Forces consist of U.S. Marshal, FBI.

Post Release/Parole Revocation:

- Assigned Parole Officer (PO) responds to violations utilizing case management strategies;

If violations continue after interventions, then:

- PO staffs case with supervisor seeking strategies, interventions, sanctions; and
- PO discusses offender risk to the public, residence, employment, community supports, treatment status, current sentence discharge date, in order to implement strategy/sanction or request revocation.

Examples of revocations determination are: use of alcohol or drugs, laws violation (new felony) laws violation (new misdemeanor), travel and reporting, weapon violation, and personal conduct.

The number of return admissions for condition violations by month for FY 2005 thru FY 2008 was provided.

The Committee meeting was adjourned.

Prepared by Connie Burns
Edited by Reagan Cussimano

Approved by Committee on:

November 19, 2007
(date)