

MINUTES

JOINT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE OVERSIGHT

November 17, 2005
Room 514-S—Statehouse

Members Present

Representative Bill Light, Chairman
Senator Pete Brungardt, Vice Chairman
Representative Doug Gatewood, Ranking Minority Member
Senator Karin Brownlee
Senator Greta Goodwin
Senator David Haley
Senator Phil Journey
Senator Kay O'Connor
Senator Jean Schodorf
Representative Kathe Decker
Representative Jan Pauls
Representative Dale Swenson
Representative Jim Ward
Representative Shari Weber

Staff Present

Becky Krahl, Kansas Legislative Research Department
Reagan Cussimano, Kansas Legislative Research Department
Jerry Donaldson, Kansas Legislative Research Department
Diana Lee, Revisor of Statutes Office
Jill Wolters, Revisor of Statutes Office
Deb O'Neil, Committee Secretary

Conferees

Patricia Biggs, Executive Director, Kansas Sentencing Commission
Don Jordan, Acting Commissioner, Juvenile Justice Authority
Joe Lawhon, Legislative Post Audit
Dr. Gary Daniels, Acting Secretary, Department of Social and Rehabilitation Services
Roger Haden, Deputy Secretary of Programs, Research Support Services, Department of Corrections
Margie Phelps, Director of Re-entry Planning, Department of Corrections

**Thursday, November 17
Morning Session**

The meeting was called to order at 10:05 a.m. by Chairman Bill Light, who gave opening remarks.

Juvenile Justice Authority (JJA) Population Projections

Patricia Biggs, Executive Director, Kansas Sentencing Commission (KSC), stated that a preliminary analysis of patterns present in the FY 2005 data was completed by the KSC. These patterns were reviewed and additional input assumptions were formulated. The FY 2005 JJA data analysis was shared with the Committee. However, valid and accurate projections for FY 2006 -FY 2015 are not available and cannot be created (Attachment 1).

Don Jordan, Acting Commissioner, Juvenile Justice Authority, shared several graphs with the Committee. These graphs showed Juvenile Correctional Facility admissions by week and conditional releases by week, and a graph comparing both for July 1, 2004 through November 3, 2005. An additional graph was provided showing community placements for FY 2004 through October 31, 2005. Juvenile Correctional Facility Populations for FY 2003 through November 14, 2005 were also provided (Attachments 2, 3, 4, 5 and 6).

**Update on Post Audit Report entitled *Larned State Hospital:
Reviewing the Growth in the Sexual Predator Program***

Joe Lawhon, Legislative Post Audit, reviewed with the Committee the findings, conclusions, and recommendations from the completed performance audit, Larned State Hospital: *Reviewing the Growth in the Sexual Predator Treatment Program*. The audit covered the factors contributing to the rapid growth in the Sexual Predator Treatment Program (SPTP) at Larned State Hospital and how staffing and funding resources for the SPTP have changed over time, and how Kansas compares to other states.

The report included a recommendation for the Sexual Predator Treatment Program to be studied further during the 2005 Interim. A second recommendation called for Social and Rehabilitation Services (SRS) to develop forecasts for resident capacity, housing costs, and staffing costs. The report also contained several appendices with information about the number of sex offenders assessed for commitment to the Sexual Predator Treatment Program since FY 2000, the number of residents in each phase of the Treatment Program as of February 10, 2005, whether they are making adequate progress, and a table which summarizes the treatments provided in a sexual predator treatment program (Attachment 7).

Dr. Gary Daniels, Acting Secretary of Programs, Research and Support Services, Department of Social and Rehabilitation Services, shared findings based upon some of the implementations of recommendations made by the Legislative Post Audit report, Larned State Hospital: *Reviewing the Growth in the Sexual Predator Treatment Program*, as well as sharing "next generation" issues with the Committee. Multi-year forecast of census growth scenarios will be planned with three scenarios in mind; a best-case scenario of 18 net resident increases, a moderate plan of 24 net resident increases annually, and a more aggressive scenario plan of 36 net resident increases per year. In FY 2005, the net increase was 22, for July through October 2005, there was a net increase of six. Cost reflections for each scenario were provided. Next generation issues include social barriers and treatment challenges, as well as the "bigger picture" that SPTP only deals with a small percentage

of known sex offenders, and only a small percentage of sex offenders are “known” in the sense of an official adjudication of offending behavior (Attachment 8).

Roger Haden, Deputy Secretary of Programs, Research and Support Services, Department of Corrections, outlined the role of the Department in the sexual predator program process. The role is primarily to manage the information gathering process that ultimately identifies, screens, and does risk assessments on potential candidates for the Sexually Violent Predator Commitment Act. The information they gather is then submitted to the office of the Attorney General so that office can act upon it. The other major part the Department plays is to maintain supervision over these offenders, even those committed to SPTP, being housed at one of the programs at any time before their criminal sanction and sentencing.

Deputy Secretary Haden also addressed the idea mentioned in the Performance Audit Report, that treatment in the facilities has no impact on progress in the SPTP. The goal is to reach the center portion on the “curve” of offenders, with the treatment perhaps being too intense for those at the lowest level of risk, while not being intense enough for those at the highest risk, but still meeting the needs of those in the middle. Often through the program, those having a high level of risk are identified. Two contributions of the program are: identification, through a variety of treatment disclosures; and second, for those participants completing the program, these engaged in the process of “treatment readiness” (Attachments 9 and 10).

Afternoon Session

Update on Adult Offender Re-entry Programs in Sedgwick, Shawnee, and Wyandotte Counties

Margie Phelps, Director of Re-entry Planning, Department of Corrections, shared a variety of information with the Committee, including a breakdown of where offenders were released from and where they went to live after release. Also covered were some of the issues upon re-entry, as well as details on each of the Sedgwick, Shawnee, and Wyandotte re-entry programs. Several questions were addressed by Ms. Phelps on behalf of Secretary Roger Werholtz, including status on Wyandotte County re-entry programs and the Day Reporting Center, as well as the location of monies formerly appropriated for said programs (Attachments 11, 12, 13, and 14).

Other Business

Representative Jan Pauls made a motion to approve the minutes from the last meeting as written. The motion was seconded by Senator Jean Schodorf. Motion carried.

The Joint Committee discussed the Legislative Coordinating Council's referred topics for recommendations and possible action (Attachment 15).

The Joint Committee recommended the budget process look positively at the Department of Corrections (DOC) FY 2007 enhancement request of \$103,041, to increase residential funding for Community Corrections Adult Residential Centers in Johnson and Sedgwick Counties. This recommendation includes encouraging DOC to maintain at least the current level of funding for the programs in the institutions themselves. *The motion was made by Senator Goodwin and seconded by Senator Brungardt. Motion carried.*

The Joint Committee made no recommendation in regard to inmate capacity expansion and programs as testimony received showed no need for prison expansion at this time.

The Joint Committee recommended that JJA continue the current practice of housing pregnant offenders in private homes (such as Florence Crittenton in Topeka) rather than in an infirmary at the Kansas Juvenile Correctional Complex (KJCC). KJCC is a male facility, which would require a female inmate be kept in solitary confinement and have staff assigned specifically to them. This would not be a cost-effective solution. The Joint Committee also would like to see females be allowed to spend more time with their babies, as they feel it would have a positive impact. The Joint Committee would like to have JJA explore what other states are doing, notably Texas, and determine possible impact.

The Joint Committee has learned that there will not be accurate projections on juvenile justice population and classification available until FY 2007. The Commissioner has committed to return JJA to the original intent of what that Authority was created to do, and to have these projections available in the future. JJA is becoming better informed and is moving forward in rehabilitation, counseling, and treatment. The Joint Committee notes a progression by JJA in that direction, encourages that progress, and hopes to work closely with JJA in the process.

The Joint Committee recommended that the costs of telephone calls by inmates be cut in half as the costs are causing a financial burden on the families of the inmates. Family support is one of the priorities among re-entry issues. The Joint Committee supported any shortage created by the cut in the cost of telephone calls be backfilled with State General Fund monies. Representative Shari Weber requested that her "NO" vote be recorded in regard to this recommendation.

The Joint Committee recommended that if funding can be arranged through outside sources to facilitate Visitors' Centers, it may be a useful component. While the Joint Committee appreciated outside interests coming in, they would like to encourage DOC, where money is available, to help fund these facilities for the families. The Joint Committee further understood that the components offered at the current Visitor's Centers are only a fraction of what they used to be. (Staff is requested to obtain figures to bring clarification of what was spent on Visitors' Centers in the past in contrast to the amount generated by the phone contract). The Joint Committee is aware that the Inmate Benefit Fund is additionally funded by more than the telephone commissions, with additional funds coming from such places as canteens and Kansas Correctional Industries furniture sales.

The Joint Committee on Corrections and Juvenile Justice Oversight expires on December 31, 2005. Jill Wolters, Revisor of Statutes Office, provided a proposed bill by the Joint Committee. This would be "An Act concerning the joint committee on corrections and juvenile justice oversight; relating to the sunset provisions thereof; reviving and amending KSA 2005 Supp. 46-2801 and repealing the revived section." *A motion was made by Senator Greta Goodwin to adopt the proposed bill, as printed, for introduction this coming session. The motion was seconded by Representative Dale Swenson. Motion carried.* Since the motion was made by Senator Goodwin, this will be introduced in the Senate (Attachment 16).

The Joint Committee has been asked by Representative Ward Loyd, Chairman of the Kansas Criminal Justice Recodification, Rehabilitation and Restoration Project Committee (3R's) to take action authorizing the drafting and introduction of legislation extending the authority of the 3R's Committee for a term of one year, until June 30, 2007, and to further include a request that necessary funding be provided by the Legislature in the supplemental funding budget when it is adopted in January (Attachment 17).

Senator David Haley moved that the Joint Committee recommend the continuance of 3R's for one more year and to encourage the appropriation process to look at funding this project next year. The motion was seconded by Representative Doug Gatewood. A request was made to separate the two issues. Senator Haley authorized separation of the "extend" and "support" issues,

Representative Gatewood concurred. The motion to extend carried unanimously. The motion to support carried.

The Joint Committee recognizes the need for supplemental funding for SB 123 in January and encouraged the support of that funding. *Senator Karin Brownlee made a motion to request a bill be introduced addressing two areas in regard to SB 123. The first area requested language be incorporated to address defendants residing outside the State of Kansas or those facing deportation, to allow the courts to depart from SB 123 sentencing guidelines when the offender will not remain in Kansas, and not be available for DOC certified treatment programs. The second area requested the SB 123 Risk/Needs Assessment be completed after sentencing to allow for better information and a more accurate assessment. Motion was seconded by Representative Kathe Decker. Motion carried.*

Senator Pete Brungardt requested that part of the Committee report would acknowledge the report on SB 123 and the continued efforts of SB 123 and the Committee's support of those efforts, both programmatically as well as financially. He also requests the Committee show the same support in the report for reintegration and re-entry efforts. That component also needs support.

Representative Kathe Decker requested the report make note of the methamphetamine program of John Trembly, Northwest Kansas Community Corrections. Representative Decker suggested that the report note how the program is working, if it can be duplicated, and whether efforts to pursue that type of program would be worthwhile since it appeared that this program was having great success. Senator Brungardt notes that the cognitive, behavioral programs are all working, this particular one is not alone in success. It was agreed that no program be singled out in the report, just the recommendation to pursue methamphetamine programs to see how they work.

Senator Brownlee made a motion to introduce a bill that would remove the 365-day restriction in the Kansas School Safety and Security Act, KSA 72-89b01, et seq. The motion was seconded by Senator Pete Brungardt. Motion carried.

Representative Jan Pauls mentioned all of the good reports the Joint Committee had heard on faith-based programs. Many programs that the State could not afford have been provided by faith-based organizations. Representative Pauls asks that the Joint Committee acknowledge in its report that faith-based programs are now an important component to the system.

Senator Karin Brownlee suggested the Joint Committee encourage JJA and DOC to collaborate on bed space. Heather Morgan of JJA, present at the meeting, suggested JJA needed legislative direction in the matter. Ms. Morgan also stated that JJA did not yet have accurate enough population projections to determine if it could give up some of its beds to DOC. The Joint Committee agreed to add language encouraging discussion regarding the DOC and JJA bed issue.

The Joint Committee adjourned.

Prepared by Deb O'Neil
Edited by Becky Krahl

Approved by Committee on:

December 15, 2005
(date)