

MINUTES

JOINT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE OVERSIGHT

November 12-13, 2008
Room 143-N—Statehouse

Members Present

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

Members Absent

Senator Greta Goodwin
Senator Jean Schodorf
Senator David Wysong
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

Ed Klumpp, Kansas Recodification Commission
Tom Drees, Kansas Sentencing Commission
Don Jordan, Secretary, Department of Social and Rehabilitation Services
J. Russell Jennings, Commissioner, Kansas Juvenile Justice Authority

Roger Haden, Deputy Secretary of Programs and Staff Development, Kansas
Department of Corrections
Rik Kendall, Sex Offender Treatment Program State Director, DCCCA. Inc.
Charles Simmons, Deputy Secretary of Facilities Management, Kansas Department
of Corrections
John Harrenstein, Management Assistant, Johnson County, Kansas
Hannes Zacharias, Deputy County Manager, Johnson County Kansas

Others Attending

See attached list.

Wednesday, November 12 Morning Session

The meeting was called to order by Chairperson Pete Brungardt. The Committee members were updated on the agenda.

Joint Presentation on Proportionality in Sentencing

Tom Drees, Ellis County Attorney and Member Kansas Sentencing Commission, and Ed Klumpp, Vice-Chairperson, Kansas Recodification Commission, provided a joint overview to the Committee on proportionality in sentencing ([Attachment 1](#)).

In 1989, the Kansas Legislature established the Kansas Sentencing Commission to develop a sentencing guidelines model based on fairness and equity in sentencing. The Commission established sentencing dispositions which were appropriate for all felonies based on a consideration of past practices and the availability of criminal justice resources. Given this directive, the sentencing guidelines were developed which met several goals. The sentencing guidelines goals were to promote public safety by incarcerating violent offenders, reduce sentence disparity to ensure the elimination of any racial, geographical, or other bias that may exist, to establish sentences that are proportionate to the seriousness of the offense and the degree of injury to the victim, establish a range of easy to understand presumptive sentences that will promote "truth in sentencing," to provide state and local correctional authorities with information to assist with population management options and program coordination, and to provide policy makers with information that will enhance decisions regarding resource allocations.

Between 1987 and 2007, the national prison population has nearly tripled, and in 2008, one in 100 adults is behind bars. The cost for the same timeframe for total State General Fund expenditures on corrections rose 315 percent. In fiscal year 2007, an estimated 1 in every 15 State General Fund dollars were spent on corrections.

In 2007, the Kansas Sentencing Commission formed a subcommittee to review proportionality of sentences. The Commission's specific charges included:

- Review changes in felony sentencing law since the inception of guidelines in 1993;

- Review the 2004 study by the Vera Institute of Justice; and
- Make recommendations regarding realigning and appropriately placing felonies by severity level within various crime categories and overall.

Additionally, the proportionality subcommittee is charged with the responsibility of reviewing and analyzing all felony crimes in Kansas to ensure a systemwide overview in the comparison of offense severity for:

- Presumptive prison sentences;
- Similar treatment of property, drug, and sex offenses with similar degrees of harm;
- Proportionate sentences for repeat domestic violence offenders; and
- Proportionate sentences for drug and property crime offenses with similar degrees of harm and the actual financial loss to the victim.

Mr. Drees made several observations before presenting the Committee with the recommendations of the proportionality subcommittee. On sentencing departures, the proportionality subcommittee felt there was a disconnect between what was happening in the field, in the courtroom, and with the sentencing guidelines. In FY 2007, downward departures rates were as follows:

- Sentencing Level 1 Drug grid - 88 percent;
- Sentencing Level 2 Drug grid - 66 percent;
- Sentencing Level 3 Drug grid Border box to probation - 80 percent; and
- Jessica's Law in 2007, 4 of 7 (57 percent rate). Average sentencing length 92.5 months and in 2008, 33 of 57 (58 percent rate). Average sentencing length 87.7 months.

Mr. Drees explained that border boxes contained on the sentencing grid are presumptive imprisonment border boxes (PIB). However, Judges sentence offenders in these boxes to probation in approximately 80 percent of the cases. He further stated, in his opinion, offender culpability does not seem to be proportional to the injury or harm to the victim regarding certain offenses such as repeat property crimes, domestic battery, and drug offenses.

Changes are recommended with regard to drug offenses to advance uniformity, consistency, and proportionality in sentencing. The clarifying distinction between these offenses is whether the possession of the drug is for personal use or for distribution, manufacturing, or cultivating.

The subcommittee fashioned their recommendations to preserve the primary goal of the sentencing guidelines to reserve prison for violent or repeat offenders, or both. It also was important to analyze whether sentences are reasonably congruent with the seriousness of the offense and whether sentences bear a rational relationship to the degree of victim injury or harm. The findings of that analysis include, but are not limited to, the following suggestions for modification and improvement:

- Merge drug and nondrug grids into one;

- Return off-grid and nongrid crimes to the sentencing grid;
- Amend some severity levels, re-emphasizing presumptive imprisonment for violent person felonies as well as for repeat and habitual offenders - property, drugs, domestic violence, and sex offenses;
- Adopt quantity and actual financial loss thresholds for drug and property offenses;
- Adopt general policy changes which reflect actual practice and appropriate proportional sentences;
- Change aggravating and mitigating sentences within each grid box, originally set at 5 percent above and below the standard, be increased to 10 percent;
- Increase from 8 border boxes to 16 PIB boxes which would provide a mechanism to address the repeat property offender and reduce the need for special rules; and
- Allow the court the discretion necessary to consider PIB sentencing on a case basis.

Mr. Drees indicated if all recommendations are adopted, this policy would likely increase the need for prison beds by approximately 300 to 460 in year 1, and 337 to 600 in year 10, above current projections.

Afternoon Session

Review of the Status of the Sexual Predator Treatment Program, Larned State Hospital and Osawatomie State Hospital

Don Jordan, Secretary, Department of Social and Rehabilitation Services (SRS), reviewed the status of the Sexual Predator Treatment Program at Larned State Hospital and Osawatomie State Hospital ([Attachment 2](#)). The Sexual Predator Treatment Program (SPTP) was established in 1994 by the Sexual Predator Act (KSA 59-29a01) to provide treatment for convicted sex offenders who have finished their prison sentences, and who have been civilly committed by the courts to the SPTP inpatient treatment program at Larned State Hospital (LSH). Secretary Jordan indicated that the purpose of committing sexually violent predators is twofold: first, is to protect the public from any further victimization by sexual offenders committed to the program, second to provide a program of treatment which would assist motivated offenders to reduce their risk for re-offense to the point that they could safely live in open society and become contributing citizens. The program is part of the child protection network within SRS, and is structured to meet the Constitutional requirements set out by the United States Supreme Court.

The SPTP is comprised of seven phases of treatment:

- Orientation and preliminary identification of issues;
- Academic learning of principles;
- Application of principles;
- Completion of inpatient issues and development of a relapse prevention plan;
- Reintroduction to open society and preparation of transition;

- Demonstration of ability to perform transition tasks such as getting a job, paying bills, outpatient therapy; and
- Formal transition (ordered by the Court).

Phases 1 through 5 are located at LSH; phases 6 and 7 are located at Osawatomie State Hospital. It is a requirement of due process to provide available health treatment to a convicted individual with a mental condition.

SRS has requested a funding increase for several years through the normal process. However, if an unexpected increase in admissions occurs, SRS has had to request a Governor's budget amendment. The request for additional funding and staff is based on whether SRS will have to open an entirely new ward or section to a ward. The staffing ratio of total staff to residents for the SPTP is 1 staff per 55 residents, as compared to the 2 staff per 57 patients for the other programs provided at LSH.

Secretary Jordan stated they are requesting \$535,294 from the State General Fund as an FY 2009 supplemental request for the SPTP at Larned. The SPTP has surpassed its budgeted capacity. This supplemental request will fund treatment and care for the additional residents beyond the budgeted program capacity for six months in FY 2009. Also, SRS is requesting the following:

- \$332,947 - from the State General Fund (SGF) as an FY 2009 supplemental request for an additional six staff for the growth of the Transitional House Services (THS) at OSH. The THS has been funded to care for six residents and the program currently has 10, with a maximum capacity of 12 residents. The funding request is for 12 months and reflects current staffing;
- Additionally, SRS needs to fund staffing and Other Operating Expenditures for the growth of these programs; as previously stated, SRS is running out of physical space to treat the SPTP and THS residents. At the current growth rate, they will be out of space for SPTP at LSH sometime during FY 2012 and out of space at the THS at OSH by 2010.

To remedy this, SRS is requesting the following capital improvements:

- FY 2010 – \$2,538,800 from the State Institutions Building Fund (SIBF) for planning funds for a 90-bed expansion at LSH, and \$40,082,060 over FY 2011 and FY 2012 for the construction of the 90-bed expansion. This was the most economical and functional option.
- FY 2010 – \$263,350 from the SIBF to renovate an area adjacent to the existing THS program in the Biddle Building to add four additional beds. This can be done rather quickly for a short-term solution.
- FY 2010 – \$318,202 for planning money for the construction of a 28-bed expansion, which would consist of an apartment building with 14 two-bedroom apartments, and requesting in FY 2011 – \$5,073,143, for construction of the 28-bed facility.

The Kansas SPTP compares well with other programs across the country. A consultant, Robert J. McGrath, in July of 2008 reviewed the program and found that, overall, the program was

sound and followed best practices. He further found the administrators and staff were knowledgeable and committed to the treatment of their patients. He also observed that the amount of treatment was average or slightly above average compared to other programs and that the rate of placement in the transitional release phase of the program (about 6 percent of the committed population) is similar to or slightly higher than other programs.

Secretary Jordan ended his presentation by stating that while admission rates to the SPTP may be difficult to predict with certainty, it is certain the program will continue to grow. With the increased growth will come the need for increased resources, and these resources will be critical to ensure the continued success of the program.

Discussion of Status and Progress on Repurposing the Atchison Facility

J. Russell Jennings, Commissioner, Juvenile Justice Authority (JJA), updated the Committee on the progress on repurposing the Atchison Juvenile Correctional Facility (AJCF) (Attachment 3). He stated any remaining youth residents were removed from the facility on November 5, and the final day of work for remaining staff will be December 8, 2008. The facility staff is in the process of cleaning the facility, storing records, and inventorying property. A very small number of employees will be displaced without an immediate opportunity for employment. However, JJA will continue to work to support former employees who are seeking alternative employment. JJA also will require the successful contractor in the request for proposal (RFP) process to minimally offer an interview to any former employee of the facility who is seeking employment.

The RFP is in the final stages of preparation and will serve as the detailed outline of the scope of service and expectations JJA will have for the successful contractor in operating a Youth Residential Center II (YRCII) at the AJCF. JJA anticipates operations to commence on or about May 1, 2009.

JJA is working with the Kansas Department of Education and USD 409 in Atchison to develop a proposal to aid the school district in the transition from providing education services at a state operated correctional facility to providing education services to the YRCII students. Commissioner Jennings expects a specific proposal will be submitted for the Legislature's consideration in the 2009 Session.

Discussion of Proposed Statutory Changes for 2009 Legislative Session

J. Russell Jennings, Commissioner, Juvenile Justice Authority, updated the Committee on the progress of proposed statutory changes regarding the long-term placement of youth in custody who have completed all of their required programs and conditions (Attachment 4). The Commissioner provided proposed legislation for consideration by the Committee.

KSA 38-2304 – relates to matters concerning court jurisdiction regarding juveniles. KSA 38-2304(g) currently provides permissive language for the courts to continue jurisdiction in child-in-need-of-care proceedings when a youth is adjudicated as a juvenile offender. The proposed change will require an affirmative finding by the court that the best interest of the child will not be served by jurisdiction remaining in the child-in-need-of-care case. However, an exception to this requirement would be when a youth is committed to a juvenile correctional facility.

KSA 38-2315 – relates to the responsibility for cost of care of juveniles subject to the revised Kansas Juvenile Justice Code. The proposed changes in this statute are necessary in order to align this statute with other statutory changes in the event they are adopted.

KSA 38-2343 – relates to the issue of temporary custody of an alleged juvenile offender at the time of a detention hearing. JJA seeks to establish a firm time limit of 90 days for temporary custody prior to adjudication. JJA also feels it is important for periodic judicial review of the temporary custody order every 30 days to ensure the best interest of the youth continues to be met through the temporary custody status.

KSA 38-2361 – is related to the sentencing alternatives available to the court for adjudicated juvenile offenders. KSA 38-2361(a) (10) currently provides for open-ended custody orders not to exceed the age of 21 years unless the youth is serving a term of aftercare following commitment to a juvenile correctional facility, and the maximum term for aftercare or conditional release is 24 months from the time of discharge from a juvenile correctional facility. JJA seeks to limit the authority of the court to order custody to the Commissioner only in cases where out-of-home placement is required at the time of the sentencing hearing and to limit the period of custody. A further statutory change to KSA 38-2365 would establish a custody termination date of 60 days following return of the youth to their home successfully, 18 months in custody, or turning age 21, the earliest of the three.

Discussion of the Final Adoption of the Interstate Compact for Juveniles

J. Russell Jennings, Commissioner, Juvenile Justice Authority, updated the Committee on the final adoption of the Interstate Compact for Juveniles ([Attachment 5](#)). In September 2008, Kansas was the 35th state to adopt provisions of the Interstate Compact for Juveniles and it will be implemented over the next 13 months. JJA is seeking to establish a process for appointment of the Compact Administrator as well as the establishment of the Kansas Council for Interstate Juvenile supervision. JJA looked to the adult compact provisions for guidance in making recommendations for appointment of the compact administrator and the Council.

The proposed legislation will authorize the Governor to appoint the Compact Administrator, and applies primarily to the juvenile offender population. The proposed membership of the Juvenile state level council differs from the adult model. JJA is recommending that membership be limited to the number of individuals required to meet the membership requirement as stated in the interstate compact. JJA also is recommending one legislative member be appointed by the Governor rather than four members, two from each chamber. Limiting the size of the Council will reduce the cost of operations and scheduling conflicts which makes meeting a quorum requirement difficult.

The Committee recommended changing the provision regarding the appointment of the legislative member. The member would be appointed by the Legislative Coordinating Council (LCC) instead of the Governor.

It should be noted that the state will have a \$17,000 annual dues requirement to support operations at the national level. Additionally, annual dues and attendance by the Compact Administrator will be required at certain national meetings. Expenses for per diem and travel for state council members also will be required. Implementation of the new compact will require training of community level agencies and staff as well, and JJA anticipates an additional operational expense of \$25,000 annually to fully implement the new compact.

Overview of Larned Correctional Mental Health Facility

Charles Simmons, Deputy Secretary of Facilities Management, Kansas Department of Corrections (KDOC), provided the Committee with an overview of Larned Correctional Mental Health Facility (LCMHF) (Attachment 6). The primary role of the LCMHF Central Unit is to restore the ability of mentally ill inmates to function normally in a general prison population. This is accomplished through the provision of mental health treatment services and programs providing the opportunity for rehabilitation. The West Unit is dedicated for the housing of the minimum security inmates while at the same time providing jobs that simulate the regular hours and routines usually associated with employment found in the community. LCMHF:

- Is the newest and the smallest KDOC facility;
- Operates on an Annual Operating Budget of \$9.5 million for FY 2009;
- Is operated with the overall vision of KDOC "A Safer Kansas through Effective Correctional Services";
- Constructed in response to a 1989 Court Order. Construction began in February, 1991 and the first inmates were received January 22, 1992;
- Capacity for the Central Unit is 150 and is reserved for maximum or special management custody levels for severely and chronically mentally ill inmates;
- Capacity for the West Units is 218 and is all minimum custody. Capacity during renovation is 184 and completed capacity is 288 and will require 17 additional staff. Most of the inmates are placed here for chemical dependency recovery program or as workers.

The diagnoses for the Central population is as follows:

- Bipolar Disorder - 10 inmates, average age 44;
- Borderline Personality Disorder - 13 (inmates with co-existing disorders);
- Mental Retardation - 9 (inmates with co-existing disorders);
- Delusional Disorders - 7 inmates, average age 44;
- Dementia - 1 (inmates with co-existing disorders);
- Major Depressive - 11 inmates, average age 38;
- Borderline Intellectual Functioning - 18 (inmates with co-existing disorders);
- Pedophilia - 2 inmates, average age 38;
- Post-Traumatic Stress Disorder - 3 inmates, average age 33;
- Psychotic Disorder, NOS - 3 inmates, average age 45.5;
- Schizoaffective Disorder - 25 inmates, average age 45;
- Schizophrenia - 57 inmates, average age 43.5; and
- Other - 27 inmates, average age 43.5.

Total Inmate population - 145 (Mean age all inmates - 43.5) - 57 percent of the inmate population has something to do with Schizophrenia.

Given the population, individualized treatment plans are critical tools used in helping inmates with long-term and intensive treatment needs. Behavioral issues often accompany major mental illness and these needs effectively are addressed through the coordination between mental health and correctional staff.

Additional programs and assistance include:

- Bachelor Living – teaches basic living skills, participants also learn the basic operation of related appliances such as a stove, a microwave, and a washer and a dryer;
- Birds Befriended Parrot Program;
- Chaplaincy services and religious callouts;
- Homeward Bound – designed to assist offenders in the comprehension and practical application of general daily living and organizational skills;
- Molly, the social dog who interacts with offenders; and
- Staff assists inmates with obtaining a birth certificate, driver's license, and social security cards as soon as they arrive at the facility.

Larned State Hospital - Isaac Ray Unit has 93 male and female inmates. Funding is through SRS. The programs cover substance abuse treatment, vocational training, mental health services, community reintegration, discharge readiness, and upon release, offenders receive a 30-day supply of medication.

LCMHF West Unit Chemical Dependency Recovery Program (CDRP) was transferred from SRS oversight to KDOC oversight and placed at LCMHF by the Kansas Legislature in 2000. The CDRP program is an 18-week Intensive Outpatient Program and is now the only short-term program the KDOC offers for male offenders. Statistics verify that inmates who complete the CDRP return to prison at a lower rate than those who were identified as needing substance abuse treatment, but did not participate, or participated in other substance abuse programs, or participated in CDRP, but did not complete the program.

There currently are 27 inmates employed in non-prison-based private industries work release. Current employers are Great Bend Packing, Larned Veterinary Clinic, LaCrosse Furniture, and Great Bend Industries.

Thursday, November 13 Morning Session

Chairperson Brungardt called the meeting to order.

Overview of Sex Offender Treatment Program

Roger Haden, Deputy Secretary of Programs and Staff Development, Kansas Department of Corrections, provided the Committee with a quick reference fact sheet on the KDOC Sex Offender Treatment Program (SOTP) ([Attachment 7](#)). The total incarcerated population as of November 2008 is 8,630 with 31 percent, or 2,642, classified as sex offenders. The total number of offenders on parole or post-release supervision is 5,776 and 1,042 with 18 percent classified as sex offenders. The total number of program slots is 312:

- Lansing Correctional Facility - 140;
- Hutchinson Correctional Facility - 120;
- Norton Correctional Facility - 40; and
- Topeka Correctional Facility - 12.

Community based SOTP has no slot limitation, with all sex offenders afforded the opportunity to participate in treatment. In FY 2008, the approximate number of participants per month was 559. The total number of participants was 1,007. The contract provider is DCCCA, Inc. from Lawrence, Kansas. They provide both facility-based and community-based treatment programs. The contract with DCCCA expires June 30, 2012.

Margaret Haghirian, Director of Sex Offender Management, KDOC, was introduced to the Committee.

Rik Kendall, Sex Offender Treatment Program State Director, DCCCA, Inc., provided the Committee with an overview of the KDOC Sex Offender Treatment Program (Attachment 8). In the SOTP, safety is the paramount goal and is based on the principle of risk, needs, and responsivity.

Facility-based SOTP is a highly structured group treatment that is cognitive behavior based. The program is approximately 18 months in length and has three distinct phases:

- Evaluation and assessment phase;
- Intensive treatment phase; and
- Transition and aftercare planning phase.

Community Based SOTP has no "slot" limits and is available to all sex offenders on supervision. There are 13 outpatient locations throughout the state. The program includes the use of polygraphs every six months, ongoing assessments, and risk-based treatment using dynamic and static factors. The goals of Community Based SOTP is attaining and maintaining a low level of risk in the community, progressing to the lowest treatment level (Level III), having consistent non-deceptive polygraphs, and having consensus among the key members of the containment team regarding reduction of risk.

Community based treatment - Intensive Case Management (ICM) group, is an additional intervention prior to revocation which focuses on those offenders not treatment ready, based on resistance to treatment, and those offenders continually in violation of conditions, but who have not necessarily increased their risk to sexually reoffend. There are weekly meetings with the offender, parole officer, and therapist.

Risk is assessed by actuarial testing. The two types of risk are:

- Static Risk - (1) historical, (2) quantifiable, (3) easy to measure its presence; and
- Dynamic Risk - (1) changeable, (2) fluid/situational/circumstantial, (3) able to measure its presence, though not always easy.

The Department of Corrections determines an individual's needs. If the criminogenic needs are met, then it lowers the risk to offend. The two instruments used for assigning risk are the Level of Services Inventory-Revised (LSI-R) and the sex offender instrument, Stable 2007. Another component of treatment is responsivity, which tells what factors could impact how the offender responds to treatment. A tool used to test for responsivity is the Acute-2007 factors.

The following chart reflects the instruments used to assess offenders:

	Static Risk	Needs/ Dynamic Risk	Responsivity
Static-99	X		
MnSOST-R	X		
Stable-2007		X	
Acute-2007			X
LSI-R		X	
SORAG	X		
PCL-R			X
Psychological			X

Committee Discussion

The question was raised whether there are any studies on the effectiveness of residency restrictions on recidivism rates of sex offenders and the sex offender registry. Studies have shown that in states that have a residency restriction, there is a negative impact, which actually increases recidivism by driving the offender underground, taking them away from the location where treatment is available. According to Mr. Kendall, residency restrictions do not promote the safety of children.

Mr. Kendall was asked whether the availability of internet pornography increased the number of sex offenders. He stated that sex offense is a behavior not caused by external forces or availability. If the tendency toward sexual offenses is not there, the availability of pornography on the internet does not affect the person.

Mr. Kendall also was asked whether preferential pedophiles have the highest recidivism rate. The answer was the preferential pedophile does have the highest recidivism rate.

Overview of the Automated Information Mapping System (AIMS)

Hannes Zacharias, Deputy County Manager, Johnson County, introduced John Harrenstein, Management Assistant, Johnson County Manager's Office, who provided the Committee with a PowerPoint presentation on Johnson County Human Services Geographic Information System Referral Map and Client Coordination Project ([Attachment 9](#)). The vision of the project is to empower caseworkers with information about the individuals they service so that they may better meet the needs of each individual and improve the likelihood of their success. The benefits of working with the Automated Information Mapping System (AIMS) is it provides Juvenile Intensive Supervision Program and adult residential centers the ability to locate employers, major employers, transportation services, and driving directions for their clients.

The methodology is to start small to gain acceptance and enthusiasm through prototyping. Johnson County had no new major software purchase or installation cost in implementing this

mapping system. Johnson County was able to extract the data from existing systems to create a central repository and allow users to view and query the data. The use of information from existing systems keeps costs to an absolute minimum. The repository currently contains data on 84,472 unique individuals, 2,953 (3.5 percent) of these individuals have received services from more than one program. Johnson County believes that the percentage of "mutual clients" among programs is around 10-20 percent.

Committee Discussion of the Final Report Recommendations

Staff provided previous agendas and a copy of KSA 46-2801, the statute that provides the duties and functions of the Committee ([Attachment 10](#)).

The Committee discussed the current practice of providing sex offender programs and substance abuse programs to offenders when they are approaching their release date. Ideally, needed programs would start earlier but these programs cost money. The lack of funding has required these programs to be offered shortly before the offender's release from prison. The Committee wanted to emphasize the importance of starting earlier in sex offender programming and the substance abuse programming in order to manage offenders better and reduce the recidivism rate. It was discussed that if these programs were started earlier, there would be less of a need to create new facilities to house offenders.

In the August meeting, Secretary Werholtz brought to the attention of the Committee the concern of systems and infrastructure that are worn out and outdated. He mentioned the need for capital expenditures to replace and update these systems. The Committee concluded that this issue is a priority and this is something that the Legislature should be made aware of. Also, Secretary Werholtz had a request that he be provided the means to complete the task of creating a treatment prison, not necessarily building a physical plant, but to give the support to build a program.

The Committee heard from numerous conferees during their six meeting days that the LSI-R is an extremely effective risk assessment tool. The Committee notes the potential savings from its use.

The Committee would like to commend Commissioner Jennings, JJA, for his truthfulness in revealing problems to the Committee and for the winning the 2008 Performance-based Standards (PbS) Barbara Allen-Hagen Award. It is a national award recognizing exceptional work to ensure that facilities are safe for youths and staff, hold youths accountable, and provide effective rehabilitation services that prevent future crime. The Committee would like to commend Deputy Commissioner Pealer for pursuing programs that work in assessing the juveniles.

The Committee authorized the Chairperson of the Joint Committee on Corrections and Juvenile Justice Oversight to send a letter on its behalf to the Judicial Council for an in-depth study of issues caused by the opinion of the Kansas Supreme Court authorizing juvenile jury trials. The letter will request the Judicial Council to make recommendations on legislation needed to comprehensively implement juvenile jury trials in Kansas. Finally, the Committee suggests the Judicial Council move quickly on this study so that the Legislature may review the recommendations during the Legislative Session.

The Committee recognizes that proportionality is a work in progress but endorses the effort of the Proportionality Subcommittee of the Kansas Sentencing Commission in combining the drug and non-drug sentencing grids into one grid. The Committee encourages the introduction of such a bill.

The Committee recommends the pre-filing of two bills based on the draft legislation provided by JJA. The first bill concerns the Court ordered custody of juveniles to the Commissioner of Juvenile Justice, and the second bill concerns the implementation of the Interstate Juvenile Compact.

The Chairperson thanked the staff and Committee for their hard work.

Committee Business

Representative Doug Gatewood moved to approve the minutes for September 24 and 25, 2008. Representative Bob Bethell seconded the motion. The motion carried.

The Committee meeting was adjourned.

Prepared by Connie Burns
Edited by Athena Andaya

Approved by Committee on:

December 22, 2008
(Date)