

Report of the J. Russell (Russ) Jennings Joint Committee on Corrections and Juvenile Justice Oversight to the 2025 Kansas Legislature

CHAIRPERSON: Senator Kellie Warren

VICE-CHAIRPERSON: Representative Stephen Owens

RANKING MINORITY MEMBER: Senator Oletha Faust-Goudeau

OTHER MEMBERS: Senators Elaine Bowers, Ethan Corson, Renee Erickson, Beverly Gossage, and Kristen O'Shea; and Representatives Sydney Carlin, Dennis "Boog" Highberger, Kyle Hoffman, Jo Ella Hoye, John Resman, and Eric Smith

CHARGE

Monitor Inmate and Juvenile Offender Populations and Study KDOC Operations

KSA 2023 Supp. 46-2801 directs the J. Russell (Russ) Jennings Joint Committee on Corrections and Juvenile Justice Oversight to monitor inmate and juvenile offender populations and to review and study the programs, activities, plans, and operations of the Kansas Department of Corrections (KDOC).

The Committee will study issues relating to KDOC operations, including prison population and capacity, prison construction master plans, and bed contracts; KDOC employee retention; KDOC appropriations and planning; and the continuing implementation and impact of the juvenile justice reforms originally enacted in 2016.

The Committee will also study the following:

- Nursery programs for incarcerated mothers with special consideration of the Nebraska model;

- Probation and post-release supervision implementation in other states;
- Job and career assessment software for KDOC; and
- Additional topics that request Joint Committee attention.

J. Russell (Russ) Jennings Joint Committee on Corrections and Juvenile Justice Oversight

ANNUAL REPORT

Conclusions and Recommendations

The Committee makes the following requests and recommendations:

The Committee requests the Kansas Sentencing Commission (KSSC) include data on the success of the SB 123/123+ program and the Recovery From Addiction Funded Treatment (RAFT) Diversion program in the next KSSC Annual Report;

The Committee recommends the Legislature consider increasing reimbursement rates for providers in the SB 123/123+ and RAFT programs;

The Committee recommends the Joint Committee on State Building Construction consider funding the replacement of the Hutchinson Correctional Facility;

The Committee recommends the Senate Committee on Judiciary and the House Committee on Corrections and Juvenile Justice hold informational hearings on the provisions regarding juveniles in the Kansas Offender Registration Act;

The Committee recommends the Legislature consider legislation that funds enhancements to incarceration mental health services;

The Committee recommends the Legislature consider legislation to increase the State match from 25 percent to 50 percent for the Kansas Department of Corrections (KDOC) Institute;

The Committee requests an interim study in 2025 to study in-depth the plausibility of creating a Department of Offender Supervision to combine Court Services, Community Corrections, and Parole;

The Committee requests the Senate Committee on Judiciary and the House Committee on Corrections and Juvenile Justice review the statutory requirements and future funding of the Evidence-based Programs Account to consider if changes are needed to ensure access to these funds by more youth-related organizations;

The Committee requests the KSSC review the current Sentencing Guidelines and make recommendations to the Legislature as appropriate; and

The Committee recommends KDOC continue to study opening a nursery at the Topeka Correctional Facility.

Proposed Legislation: None.

BACKGROUND

The 1997 Legislature created the Joint Committee on Corrections and Juvenile Justice Oversight to provide legislative oversight of the Kansas Department of Corrections (KDOC) and the Juvenile Justice Authority. Pursuant to Executive Reorganization Order No. 42, on July 1, 2013, the jurisdiction, powers, functions, and duties of the Juvenile Justice Authority and the Commissioner of Juvenile Justice were transferred to KDOC and the Secretary of Corrections.

Statewide, there are eight adult correctional facilities: El Dorado Correctional Facility, Ellsworth Correctional Facility, Hutchinson Correctional Facility, Lansing Correctional Facility, Larned State Correctional Facility, Norton Correctional Facility, Topeka Correctional Facility, and Winfield Correctional Facility. KDOC also operates parole offices throughout the state and is responsible for the administration of funding and oversight of local community corrections programs.

There is one operational juvenile correctional facility: the Kansas Juvenile Correctional Complex. Individuals between 10 and 17 years old may be adjudicated as juvenile offenders and remain in custody in a juvenile correctional facility until age 22.5 and in the community until age 23.

During the 2023 Session, the Legislature passed HB 2114, which, as enacted, renamed the Committee, added monitoring requirements concerning juvenile justice, and removed outdated language.

The Committee's duties, as outlined in KSA 2023 Supp. 46-2801, are to monitor the inmate population and review and study KDOC's programs, activities, and plans regarding its statutorily prescribed duties, including: the implementation of expansion projects; the operation of correctional food service and other programs for inmates; community corrections; parole; and the condition and operation of the correctional institutions and other facilities under KDOC's control and supervision. The Committee is also charged to review and study the adult

correctional programs, activities, and facilities of counties, cities, and other local governmental entities, including the programs and activities of private entities operating community correctional programs and facilities, and the condition and operation of jails and other local governmental facilities for the incarceration of adult offenders.

With regard to juvenile offenders, the Committee is directed to monitor the implementation of juvenile justice reform and the work of the Juvenile Justice Oversight Committee. Further, the Committee is charged to review and study the juvenile offender programs and activities and facilities of counties, cities, school districts, and other local governmental entities; programs and activities of private entities operating community juvenile programs and facilities; and the condition and operation of local governmental, residential, or custodial facilities for the care, treatment, or training of juvenile offenders.

In addition to its statutory duties, the 2023 Legislative Coordinating Council (LCC) charged the Committee to study:

- Nursery programs for incarcerated mothers with special consideration of the Nebraska model;
- Probation and post-release supervision structure;
- Job and career assessment software for KDOC; and
- Additional topics that require Committee attention.

The Committee requested and received approval from the LCC for three meeting days in 2024, including one day of travel to review community-based juvenile services.

COMMITTEE ACTIVITIES

The Committee met on November 18 and 19, 2024, in the Statehouse. The Committee also toured both the Johnson County Youth Crisis

Stabilization Center and the Juvenile Detention Center on November 20, 2024.

November 18, 2024, Meeting

Presentations on Probation, Post-release, and Parole Supervision and Funding Mechanisms

The Committee heard presentations on the various supervision entities in the state.

Community Corrections

The Committee received a presentation from the President of the Kansas Community Corrections Association (KCCA). He provided an overview of parole, post-release supervision, and probation services (field supervision services) and the history of the Community Corrections Act. The President explained community corrections exists as an alternative option to prison and is a cost-saving measure for the State, as the cost to incarcerate someone is ten times more than the cost to supervise that same individual.

The President also shared information comparing the funding methodology for field supervision services provided by court services officers (CSOs) and parole officers. He explained CSOs are employees of the Judicial Branch and are paid on the state employee scale; however, the overhead costs are paid for by counties. Parole officers are employees of KDOC, and all costs are paid for by KDOC. Local community corrections agencies are funded by State General Fund (SGF) dollars through grants administered by KDOC. Community corrections agencies are governed by advisory boards that determine how grant funds are spent and approve policy and procedure. Many counties provide in-kind services, such as information technology (IT) and human resources (HR), and some counties provide financial assistance to community corrections agencies as well.

The President explained the funding allocation methodology currently in place for community corrections grants. Statute provides factors for KDOC to consider when administering the grants (KSA 75-52,111). Statute also provides for the Community Corrections Advisory Committee (CCAC) as a way for agencies to have input in KDOC's annual budget planning process (KSA 75-5291). The CCAC has been working with the

Deputy Secretary of Juvenile and Adult Community-Based Services, KDOC, to develop an allocation methodology that is transparent, easily explainable, and based on data with the goal to implement this methodology in FY 2026. The President also shared the CCAC's funding enhancement request, which will be submitted through KDOC.

Court Services

An overview of court services was provided by the Chief of District Court Operations, Office of Judicial Administration. The Chief addressed the statutory responsibilities of CSOs, which include supervision of adults and juveniles at various stages of a criminal proceeding; the presentence and predisposition investigations for adults and juveniles, respectively; and administration of a risk and needs assessment chosen by the Kansas Sentencing Commission (KSSC) when required.

The Chief further explained supervision involves ensuring all conditions ordered by the court are followed, including monitoring probation visits, monitoring drug or behavioral treatment participation, and conducting urine analysis. He also clarified the goal of the assessments in proceedings is to assist in determining placement for sentencing and that CSOs are certified in all the assessments they administer.

The Legislative Liaison for the Kansas Association of Court Services Officers described the work of CSOs with more detail, explaining their work is at the discretion of the chief judge of the judicial district they are employed in, and the work varies greatly depending on the needs of the district. The Legislative Liaison also clarified the result of the risk and needs assessment that CSOs administer and how it plays a role in sentencing. The assessment measures a convicted persons' likelihood of recidivism on a scale from very low likelihood to very high likelihood. For people sentenced to probation, the result of the assessment determines whether they are supervised by court services, community corrections, or KDOC. For people convicted of misdemeanors and sentenced to supervision, all people are sent to court services for supervision, from low-risk to high-risk.

KDOC–Community Supervision

The Deputy Secretary of Juvenile and Adult Community-Based Services, KDOC, presented on KDOC’s role in community supervision. The Deputy Secretary stated that juvenile community corrections grants are awarded separately from adult community corrections grants and are governed by a different statute (KSA 75-7053). The Deputy Secretary then noted all Executive Branch supervision of juveniles is through community corrections, which is different from the adult supervision.

The Deputy Secretary presented on KDOC’s initiatives that align with quality assurance, such as the mentoring program for new community corrections directors, program reviews, and family engagement. She also highlighted 2024 SB 414, which, among other things, updated the general terms of community supervision to be the same for both offenders on probation and offenders on parole. Following the final presentation, the Committee discussion revolved around clarification on some finer points on the presentations, and whether each of these agencies would be interested in a future opportunity to study consolidating field supervision into one entity.

Overview of 2016 SB 367 and Recent Changes

An Assistant Revisor of Statutes, Office of Revisor of Statutes, provided a general overview of juvenile justice reform, starting with 2016 SB 367, which established the Revised Kansas Juvenile Justice Code (Juvenile Code), and other significant bills enacted since 2016. Specifically, the Assistant Revisor provided a summary of 2023 HB 2021, which amends the Juvenile Code. The Assistant Revisor explained the bill revises the criteria to be admitted to a juvenile crisis intervention center from being a mental health crisis to a behavioral health crisis. The Assistant Revisor further explained the bill provides that the court can incrementally extend the overall case length limit for a juvenile offender to complete evidenced-based programming when failure to complete that program is due to repeated intentional effort to delay by the juvenile. Finally, the Assistant Revisor stated the bill allows moneys from the Evidence-based Programs Account (EBPA) to be spent on programming for youth who have been administered a risk and needs

assessment as provided for in the bill. The Assistant Revisor also summarized provisions of 2024 SB 420 providing that juveniles in detention who meet certain classification as defined in policies and procedures by KDOC may leave detention for certain programming without being accompanied by a staff member.

Juvenile Justice Oversight Committee Report

The Chairperson of the Juvenile Justice Oversight Committee presented an overview of its activities. He highlighted the work done to transition the grants awarded from the EBPA from annual grants to rolling, quarterly grants and increasing grant accessibility by dedicating KDOC staff to assist grant applicants. The ensuing discussion addressed the \$2.0 million in the EBPA for juvenile crisis intervention centers, the standard of “evidence-based,” and the EBPA’s overall cashflow.

Community-based Juvenile Services in Johnson County

The Deputy Director of the Johnson County Juvenile Services Center presented an overview of community-based juvenile services in Johnson County. She specifically spoke to the services provided at the Juvenile Detention Center and how the Juvenile Intake and Assessment Center serves as a point of entry for services for youth.

Stepping Up Initiative

A Deputy Program Director from the Council of State Governments Justice Center presented on the Stepping Up Initiative. She gave an overview of the initiative, reported the key findings from the state assessment, and shared the recommendations for improvements.

Overview

The Deputy Director stated the Stepping Up Initiative is a national initiative focused on reducing the prevalence of people with serious mental illness in jails, and Kansas is the first state in the nation to develop a Stepping Up Initiative for youth. The initiative is a cross-systems collaboration between KDOC, Kansas Department for Aging and Disability Services, and Department for Children and Families to support youth with behavioral needs who are experiencing the justice system.

State Assessment Key Findings

The Deputy Director provided details on the state assessment. A task force composed of elected officials, judges, agency leadership at state and local levels, and law enforcement engaged in a variety of assessment activities with diverse stakeholders and examined key intersections of juvenile justice and behavioral health interventions.

The Deputy Director shared the key findings from these assessments:

- Many youth in Kansas with behavioral needs are pushed into the juvenile justice system primarily to receive services, rather than because they are a public safety risk;
- Kansas lacks a coordinated, statewide, cross-systems network of community-based services to meet youth's needs, protect public safety, and ensure resources are used efficiently; and
- Youth end up in detention or correctional facilities due to the lack of community-based services, and there is a lack of consistency in the services they receive in such facilities statewide.

Agency-approved Recommendations

The Deputy Director explained the process of drafting policy recommendations on which the task force votes. First, policy with large-scale improvements and some agency-specific items was drafted and presented to heads of agencies, who vetted and prioritized the recommendations. Then the recommendations were presented to the task force, and all ten items were approved.

The two large-scale improvement recommendations are to develop an early intervention system for youth and develop statewide detention standards.

KDOC Juvenile Services

The Deputy Secretary of Juvenile and Adult Community-Based Services, KDOC, provided information regarding updates to the Kansas

Juvenile Correctional Complex and implementation of 2023 HB 2021. The Deputy Secretary explained how 2023 HB 2021 opened different points of entry for justice-involved youth to receive behavioral health services and shared data on the number of referrals made and how many of those referrals received services.

November 19, 2024, Meeting

KDOC Annual Report

The Secretary of Corrections presented an annual update to the Committee, focusing on staffing, population, educational programming, digital upgrades and communications, capital improvements, re-entry and the KDOC institute, a potential nursery at the Topeka Correctional Facility, and the replacement request for the Hutchinson Correctional Facility (HCF).

The Secretary stated KDOC has improved staffing and retention and continues work to do so. Further, the Secretary shared the male correctional facilities will be at maximum capacity by the end of 2028 and the female correctional facility will be at maximum capacity by the end of 2026, based on projections by the KSSC. Additionally, the Secretary discussed the growth in the educational programming at the facilities and progress on Athena, the multi-year project to replace the offender management systems and enhance Wi-Fi at facilities.

The Secretary presented KDOC's five-year capital improvement plan and facility investments. He also detailed the needs of KDOC and the general community for successful adult re-entry into the community and the progress on KDOC Institute that will address some of those needs; however, KDOC has a request for a change in statute and will introduce a bill in the 2025 Session. The Secretary also shared the beginning work of a task force established to explore and study the possibility of establishing a nursery at the Topeka Correctional Facility.

The Secretary concluded his presentation by speaking directly to the HCF replacement request. The Secretary shared details on how HCF is out of date and out of compliance with correctional facility standards, workplace standards, and modern building code. Additionally, the location

of the facility poses a security risk because of its proximity to two city streets.

Kansas Sentencing Commission

The KSSC Executive Director presented the Commission's annual report and prison population projections, and re-emphasized that field supervision instead of incarceration provides cost savings. The KSSC's SB 123 Program Director presented an update on the 2003 SB 123 and Recovery From Addiction Funded Treatment (RAFT) Diversion programs.

Juvenile Offender Registration Current Practice

A judge from the 29th Judicial District who presides over a primarily juvenile docket presented to the Committee on current judicial practices regarding the court's discretion when ordering a juvenile to register as a sex offender. The judge explained the narrow circumstances that statute allows for such discretion and explained the court relies heavily on professional opinions and reports for insight to each individual case before them.

CONCLUSIONS AND RECOMMENDATIONS

At the conclusion of its November 19, 2024, meeting, the Committee made the following requests and recommendations:

- The Committee requests KSSC include data on the success of the SB 123/123+ program and the RAFT program in the next KSSC Annual Report;
- The Committee recommends considering increasing reimbursement rates for providers in the SB 123/123+ and RAFT programs;
- The Committee recommends the Joint Committee on State Building Construction consider funding the replacement of the HCF;

- The Committee recommends the Senate Committee on Judiciary and the House Committee on Corrections and Juvenile Justice hold informational hearings on the provisions regarding juveniles in the Kansas Offender Registration Act;
- The Committee recommends the Legislature consider legislation that funds enhancements to incarceration mental health services;
- The Committee recommends the Legislature consider legislation to increase the State match from 25 percent to 50 percent for the KDOC Institute;
- The Committee requests an interim study in 2025 to study in-depth the plausibility of creating a Department of Offender Supervision to combine Court Services, Community Corrections, and Parole;
- The Committee requests the Senate Committee on Judiciary and the House Committee on Corrections and Juvenile Justice review the statutory requirements and future funding of the EBPA to consider if changes are needed to ensure access to these funds by more youth-related organizations;
- The Committee requests the KSSC review the current Sentencing Guidelines with specific attention to the criminal history aspect of the sentencing grid and make recommendations to the Legislature as appropriate; and
- The Committee recommends KDOC continue to study opening a nursery at the Topeka Correctional Facility.