

# Report of the Joint Committee on Corrections and Juvenile Justice Oversight to the 2020 Kansas Legislature

**CHAIRPERSON:** Representative J. Russell Jennings

**VICE-CHAIRPERSON:** Senator Molly Baumgardner

**RANKING MINORITY MEMBER:** Representative Dennis “Boog” Highberger

**OTHER MEMBERS:** Senators Ed Berger, Oletha Faust-Goudeau, Vic Miller, Mary Pilcher-Cook, Mary Jo Taylor, and Rick Wilborn; Representatives Sydney Carlin, Gail Finney, Kyle Hoffman, Stephen Owens, and John Resman

## **CHARGE**

KSA 2018 Supp. 46-2801 directs the Joint Committee to monitor inmate and juvenile offender populations and to review and study the programs, activities, plans, and operations of the Kansas Department of Corrections. The 2019 Committee is additionally charged with studying the following topics:

- Review reports concerning juvenile justice reform (2016 SB 367);
- Review the impact of juvenile justice reform on the Department for Children and Families, child welfare system contractors, and the Judicial Branch;
- Review adult offender population, facilities, contracts, programs, and the employees needed; and
- Tour the Topeka Correctional Facility.



# Joint Committee on Corrections and Juvenile Justice Oversight

## ANNUAL REPORT

### Conclusions and Recommendations

The Joint Committee on Corrections and Juvenile Justice Oversight recommends the Legislature ensure the Evidence-Based Programs Account of the State General Fund, created by KSA 75-52,164, be protected to serve the purposes set forth in that statute and that moneys from that fund be accessible only through an appropriation approved by the Legislature. The Committee further recommends the Secretary of Corrections ensure there is a public process for application for moneys from the fund, and the Secretary and the Juvenile Justice Oversight Committee be vigilant and engaged in assessing needs for development of programs with moneys from the fund.

The Committee notes its concern regarding information received from conferees suggesting youth within the child welfare system are subject to repeated and multiple moves and placements that do not serve this population well and place them at higher risk to becoming crossover youth. In light of this concern, the Committee recommends, as agencies who serve this population develop software information management systems, the agencies should ensure such systems are capable of sharing and extracting data regarding this population so it may be used in a meaningful way. The Committee further recommends the Legislature continue to study current requirements regarding records, the variables and agencies that should be included in data collection and records requirements, and whether elements of military compact provisions regarding educational records could be adapted for use in this context.

The Committee notes its disappointment at the lack of equity in the treatment of female inmates in Kansas, and recommends female inmates receive similar access to treatment and training as male inmates and the Secretary of Corrections be asked to develop a strategy so male and female inmates have the highest access to programs designed to mitigate risks. The Committee notes if strategies such as increased good time credit are authorized by the Legislature, the legislative budget committees should be aware of the need there will be for community services.

As correctional workforce stability is achieved, the Committee requests the Secretary of Corrections consider and develop a plan to address the unintended consequences of recent salary increases on salary equity based on education level requirements and inform the Legislature whether additional resources are needed to implement such a plan.

The Committee recommends, if progress has not been made by the start of the 2020 Legislative Session on a plan to provide expanded career programs through Pell Grants, the Legislature adopt a joint resolution encouraging the development of such a plan.

The Committee recommends further study by appropriate legislative committees of the issue of unruly, disruptive, and potentially dangerous children and limitations on alternatives for short-term care and custody.

To help inform the Legislature regarding the other issues addressed in its recommendations, the Committee requests legislative leadership invite Dr. Elizabeth Cauffman from the University of California, Irvine, to present to both legislative chambers on the topic of brain development.

The Committee notes its concern regarding information received from conferees with regard to payments for kinship placements and, notwithstanding the agency's incremental increase, the Committee recommends further study of the topic to determine whether additional enhancement of payments is necessary.

**Proposed Legislation:** The Committee requests legislation to allow detention of runaways for a 24-hour period.

## 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 (JJA). Pursuant to Executive Reorganization Order No. 42, on July 1, 2013, the jurisdiction, powers, functions, and duties of the JJA and the Commissioner of Juvenile Justice were transferred to KDOC and the Secretary of Corrections. Statewide, there are eight correctional facilities: El Dorado Correctional Facility, Ellsworth Correctional Facility, Hutchinson Correctional Facility, Lansing Correctional Facility, Larned Correctional Mental Health 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 (JCF): Kansas Juvenile Correctional Complex. Individuals as young as 10 and as old as 17 years of age may be adjudicated as juvenile offenders (JO) and remain in custody in a JCF until age 22.5 and in the community until age 23.

The Committee is composed of 14 members, with 7 members each from the House and the Senate. In odd years, the chairperson and ranking minority member are House members and the vice-chairperson is a Senate member; in even years, the chairperson and ranking minority member are Senate members and the vice-chairperson is a House member.

The Committee's duties, as outlined in KSA 2018 Supp. 46-2801(k), 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.

Similarly, the Committee is charged to review and study programs, activities, and plans involving juvenile offenders, including the responsibility for their care, custody, control, and rehabilitation, and the condition and operation of the JCFs. Further, the Committee is charged to review and study the JO programs, activities, and facilities of counties, cities, school districts, and other local governmental entities, including programs for the reduction and prevention of juvenile crime and delinquency; 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.

## COMMITTEE ACTIVITIES

The Committee requested three meeting days and an additional day to tour the Topeka Correctional Facility. The Legislative Coordinating Council granted the Committee a total of two meeting days. In addition to its statutory duties, the Committee was charged to study the following topics:

- Review reports concerning juvenile justice reform (2016 SB 367);
- Review the impact of juvenile justice reform on the Department for Children and Families (DCF), child welfare system contractors, and the Judicial Branch;
- Review adult offender population, facilities, contracts, programs, and the employees needed; and
- Tour the Topeka Correctional Facility.

The Committee met October 16 and 17, 2019, at the Statehouse. Before its October 17 meeting, the Committee toured the Topeka Correctional Facility.

### October 16, 2019, Meeting

#### *SB 367 (2016) Overview*

The meeting began with an overview of 2016 SB 367 (SB 367) presented by legislative staff. Staff discussed the Kansas Juvenile Justice Workgroup, which was appointed to advance goals related to juvenile justice reform. The group gathered input and reviewed research on juvenile recidivism. In November 2015, the group issued its final report to the Legislature with recommendations. Staff noted a number of items from the report were included in SB 367, and the Legislature also made further adjustments to the provisions in 2017 and 2018.

Staff discussed processes within juvenile offender law regarding the process of obtaining a warrant and immediate intervention program standards. Staff further noted juvenile detention must be 45 days or less cumulatively and prosecution for offenses is limited to the most

serious charges. Staff discussed graduated responses and supervision levels. Staff noted part of the 2018 update was to include provisions related to juvenile crisis intervention centers and the Evidence-Based Programs Account was changed to allow annual funding of up to \$2 million to be allocated to fund the centers. Staff also stated technical violations of probation by juvenile offenders were handled differently than new crimes, which would start the process over.

#### *Crossover Youth*

The Director of the Center for Juvenile Justice Reform at Georgetown University appeared before the Committee to discuss the Center's work with crossover youth. He defined "crossover youth" as any youth who has experienced maltreatment and engaged in delinquency, regardless of whether he or she has come to the attention of the child welfare, delinquency systems, or both.

The Director discussed his background in working with juvenile offenders and that he founded the Center to focus on juvenile offenders with histories of abuse and neglect. He discussed social work research, such as the Ecological Nesting Model, which considers various social and community influences on the lives of juveniles.

The Director noted when juveniles have negative experiences in their families, there is a higher probability they will become a delinquent. He stated religious experiences are also considered with school experiences in the community section of the model. He also noted if a child has a family that is positive and pro-social, there could be problems in the community or schools that outweigh the family's efforts.

The Director also discussed the demographics of crossover youth. He noted while females are roughly 25 percent of the justice-involved youth population, they make up nearly 40 percent of the crossover youth population. He stated other groups are also over-represented in the crossover youth population, including African Americans, youth who identify as LGBTQ, and children who qualify for special education. He stated crossover youth have higher risk factors for suicide and substance abuse, and they are more likely to have mental health challenges. He also stated children in need of care who are at risk of becoming crossover

youth may experience higher risk levels if placed in a group setting as opposed to a family setting. He noted children who can stay at home with their own family have the lowest risk level and more frequent placement changes can have an impact.

Committee members discussed whether children who frequently change schools and who fall behind as a result are more likely to become crossover youth. The Committee also discussed introduced legislation that would allow children to use the address of the local DCF office for school enrollment so children may continue to attend the same school, even if their placement is in a different school district or attendance zone. The Chairperson stated KDOC has entered into a contract to implement the crossover youth model in Kansas.

The Director next discussed the phases of the practice model. He stated the model is designed to address the needs of approximately 85 percent of the crossover youth population. He also discussed the phases of the model and noted positive outcomes associated with implementation of the model, including reduced recidivism and improved educational and social outcomes. He stated the model has been implemented in 23 states and 119 jurisdictions.

### ***Overview—Juvenile Services, KDOC***

The Acting Secretary of Corrections (Acting Secretary) introduced himself to the Committee as Governor Kelly’s nominee for the position of Secretary. He stated he spent 30 years working in the Idaho Department of Corrections. He stated the Deputy Secretary of Juvenile Services would discuss the Juvenile Services section of KDOC. He also noted the agency has reorganized parts of the section and has added a new unit to focus on research and behavior analytics.

The Deputy Secretary of Juvenile and Adult Community-Based Services, KDOC, began her presentation by discussing an organizational chart of the juvenile justice system. She discussed statistics related to intake, noting KDOC has served 5,899 children in need of care (CINC) and 2,912 juvenile offenders. She also stated KDOC has served 3,023 youth through intervention and supervises 831 youth in community supervision. She further noted the Kansas Juvenile Correctional

Complex has a current population of 166 juvenile offenders.

The Deputy Secretary also discussed the evidence-based funds. She stated a subcommittee of the Juvenile Justice Oversight Committee (JJOC) is making recommendations to the Governor and Legislature regarding the reinvestment of funds. She stated counties would implement their own programs and communities would determine what they want to fund through community advisory boards. She discussed programs started as a result of SB 367 and discussed the approval of subsequent programs.

The Deputy Secretary discussed the current approval process and noted the JJOC subcommittee receives requests through KDOC. Such requests were first vetted in local community corrections agencies and then sent to KDOC. She further noted the subcommittee will present program requests to the full JJOC for approval.

Additionally, the Deputy Secretary discussed data systems within KDOC. She stated the juvenile services data system is antiquated, but KDOC is working to develop new data systems to meet the needs of KDOC.

The Deputy Secretary also discussed crossover youth and stated KDOC is working to understand the barriers and difficulties. She stated KDOC has worked with DCF and has developed memorandums of understanding for functional family therapy (FFT). She stated the therapy has both a justice and child welfare track. She indicated three pilot sites will implement the Georgetown model developed by Professor Bilchik.

The Deputy Secretary also discussed the effects of the implementation of SB 367. She stated between 2015 and 2019, there were 649 fewer youth detained, 491 fewer in out-of-home placements, and 114 fewer juveniles confined in the JCF.

The Deputy Secretary stated the goal of the SB 367 reforms is to keep juveniles out of the system, but there will always be youth in need of a correctional system. She also discussed specific questions about expenditures by the agency.

The Deputy Secretary discussed other statistics related to juveniles. She stated in the past year, 88.5 percent of intensive intervention participants were successfully discharged. With regard to juveniles who live in youth residential centers, 46 percent of youth were successfully discharged and within six months, 51.2 percent were still in an out-of-home placements. She also stated that of juveniles participating in FFT, 83 percent met all three outcomes of being at home, in school or working, and without having a new arrest within a year of therapy. She stated the Kansas Bureau of Investigation (KBI) reported 3,613 fewer juvenile arrests between 2015 and 2018.

### *Overview—JJOC*

The Vice-chairperson of the JJOC appeared before the Committee to discuss the work of the JJOC over the past year and the items the JJOC expects to include in its annual report.

The Vice-chairperson stated performance measures indicate the State is making strides toward the policy goals of SB 367 and is reinvesting resources to make communities safer. She discussed the overall effects of SB 367, noting the population in the juvenile correctional facility has dropped 24 percent overall and juvenile offenders with misdemeanor offenses are no longer being committed. With respect to risk levels, she stated 91 percent of youth in the juvenile correctional facility have been assessed as moderate or high risk. She stated those moderate-to high-risk youth are the target population of the reforms.

The Vice-chairperson also discussed the length of probation for juvenile offenders, noting the average length is now 15 months, down from an average of 21 months, pre-reform. She stated the reforms have also resulted in a downward trend in case filings. She discussed the distribution of funds, noting the JJOC has established a reinvestment subcommittee that has studied juvenile community advisory boards (JCABs). She stated JCABs consist of stakeholders within the juvenile justice system. The JJOC has decided to recommend funding and provide support to local JCABs. She stated an additional goal is to support a community-based provider that can provide a family guide that would help families navigate the judicial system.

The Vice-chairperson stated JCABs are responsible for reporting their needs and applying for grants; stated the difference between crisis intervention centers and continuing community mental health services is that community services keep the community safe and the bulk of juveniles in the system are in the community; and, regarding the definition of “community,” stated judicial districts are recognized as communities for JCAB purposes.

### *Overview—Child Welfare Agencies*

#### *DCF*

The Deputy Secretary for Family Services, DCF, appeared before the Committee to discuss juvenile justice reform from the viewpoint of DCF. She began by discussing crossover youth. She noted there is no centralized data system that tracks crossover youth. However, the agency has measured the number of youth served by the agency who later have contact with juvenile intake and assessment. She stated since fiscal year (FY) 2009, 6 percent of youth leaving the foster care system have had contact with juvenile intake and assessment, but the agency does not have a reliable way to measure the number of youth still receiving services who have had contact with juvenile intake and assessment. She also stated the agency is excited to implement the Georgetown model.

The Deputy Secretary also stated the Kansas Department for Aging and Disability Services has a request for proposal (RFP) for juvenile crisis intervention centers that will close at the end of October 2019. She stated such centers would provide wraparound services and DCF is collaborating with stakeholders to help families.

The Deputy Secretary stated juvenile crisis intervention centers provide both mental health and behavioral services.

#### *Saint Francis Community Services*

The Vice President of Saint Francis Community Services appeared before the Committee to discuss juvenile justice reform from the viewpoint of child welfare system providers.

The Vice President stated once a child has been found to be a CINC, they are presumably

treated before they can go home. She stated Saint Francis has a goal of reducing out-of-home placements. Regarding crossover youth, she stated 410 youth in their family preservation or reintegration services would be considered crossover youth. She also stated Saint Francis has received at least 160 referrals to foster care from the juvenile justice system.

Committee members discussed inappropriate sexual behaviors and the crime of aggravated indecent liberties with a child, noting the court can commit a juvenile to a JCF or the court can label the child a CINC.

### *KVC Kansas*

The President of KVC Kansas (KVC), appeared before the Committee to discuss juvenile justice reform from the viewpoint of child welfare system providers.

The President stated the reforms in SB 367 have led to a 63 percent decrease in child confinement, but her concern is with the rising numbers of children in foster care. She stated KVC serves approximately 200 crossover youth, and there may be up to 500 statewide. She stated children with complex issues may not have their needs fully met in the foster care system.

The President noted KVC has created new positions to help crossover youth, but there are issues with placing some of the children in foster homes. She also stated KVC has created a new level of acute psychiatric care that is not reimbursed by Medicaid and KVC would like a more flexible definition of reinvestment dollars.

The President stated she thinks the Georgetown model is a step in the right direction and she especially appreciates the communication between systems. She also stated family preservation services need to reach families sooner.

### *Kansas County and District Attorneys Association*

An assistant district attorney for Johnson County, on behalf of the Kansas County and District Attorneys Association, discussed juvenile justice reform from the viewpoint of county and

district attorneys. He began by discussing his experience working with juvenile offenders.

The assistant district attorney noted he has worked with juvenile offenders for more than 30 years and has worked through previous reform efforts. He stated one good aspect of the SB 367 reforms is there are fewer juveniles in detention. He also stated there have been more local services administered by communities and treatment focuses on juveniles and their families.

The assistant district attorney also noted some concerns, including runaway children and issues with the interstate compact hold requirements. He also discussed concerns with the risk assessment tool as it relates to crossover youth.

The assistant district attorney also stated, in his opinion, the law needs to allow for more prosecutorial discretion. He noted the juvenile equivalent of diversion is intermediate intervention programs (IIP). He stated the law requires every juvenile misdemeanor be granted an IIP, which, in his opinion, eliminates judicial discretion.

The assistant district attorney discussed other concerns, including mid-level crimes. He noted crimes such as aggravated assault and possession of drugs with the intent to sell would not score a juvenile high enough to be detained. He stated, in his opinion, juveniles are selling drugs more often and some choose to commit robberies during drug transactions. He noted Johnson County has prosecuted more juveniles on murder charges in 2019 than in years past, which he would attribute to drug sales and associated robberies. He stated his proposed solution would be to reexamine directives for mid-level crimes.

The assistant district attorney stated courts need additional discretion and provided an example of a youth who had stabbed someone. He stated if the youth has a low Youth Level of Services (YLS) inventory score, the juvenile could receive six months probation, but he feels the prosecutor should be able to prosecute based on circumstances rather than have a base punishment determined by law.

Committee members also discussed assessment tools, whether special circumstance

rules are necessary, and treatment of juveniles from other compact states.

### ***Office of Judicial Administration***

The Director of Trial Court Programs and the Court Services Specialist, Office of Judicial Administration (OJA), appeared before the Committee to discuss juvenile justice reform from the viewpoint of the Judicial Branch.

The Director stated IIP is offered statewide and a graduated response grid is utilized to determine the next steps for the juvenile. She also stated training protocol has been put in place for judges, prosecutors, and defense attorneys. She discussed the uniform risk and needs assessment and training for community supervision officers. She stated OJA has gathered statistics for 2018 and is now compiling data for 2019. She stated during 2018, there were 7,230 CINC filings and 6,708 juvenile offender filings, with CINC cases seeing a 5 percent increase since 2016.

The Director also discussed the number of adjudications by plea or trial, the number of juvenile offenders on probation in 2018, the number of diversions, the number of waivers to adult court, and the amount of discharge credit earned statewide in 2018.

The Court Services Specialist discussed training, stating court services officers participated in 24 in-person trainings in FY 2019, which were mainly related to supervision of juveniles. She noted OJA also offers module training through the University of Cincinnati. She discussed the prevalence of services across the state, noting the challenges in particular geographic areas. She stated there is a lack of resources in rural and frontier areas, but telemedicine may help in those areas.

The Director next discussed data, stating OJA is working to organize the information they have already compiled and there may be other data points they will need to collect in the future that are not currently collected. She stated continued training for attorneys and judges is needed along with continual monitoring of reform. She stated there are challenges in communication between DCF and KDOC systems. She noted a particular challenge is the amount of data associated with

particular journal entries that are hosted on servers in 110 courthouses across the state. She stated a new software system that is currently being put in place would hold all data in one place.

### **October 17, 2019, Meeting**

#### ***Topeka Correctional Facility Tour***

Before its October 17 meeting, the Committee toured the Topeka Correctional Facility.

#### ***KDOC Operations***

The Acting Secretary discussed challenges his agency is facing. He noted staff have expressed dissatisfaction with benefits, but the agency is working to improve staff retention. He said his team has identified areas of interest, including staff development, improvement of reentry and workforce readiness, and capacity issues. He also noted issues with aging agency technology and issues with facilities. Committee members discussed the challenges of older buildings and the agency's technology plan.

The Acting Secretary also discussed the Kansas Criminal Justice Reform Commission and partnerships with the Council for State Governments and the National Governors Association.

The Acting Secretary discussed the capacity of agency facilities, noting particular capacity issues. He stated the agency has examined the option of using available space at a facility in Larned and at the JCF for females. He stated the agency has also considered buildings adjacent to the Winfield facility and honor camp facilities that are currently closed.

The Acting Secretary discussed current efforts to alleviate population concerns. He stated the agency has put out an RFP for contract beds, noting the agency has contracted with county jails to house some inmates. He also discussed an agreement with CoreCivic to house inmates in a facility in Arizona. Committee members discussed concerns over the cost of contract beds and with moving inmates to remote locations. The Acting Secretary noted, in response, a group of 120 inmates will be moving to Arizona and beds will be opening up at Lansing in phases, beginning in December 2019.

The Deputy Secretary of Facilities Management, KDOC, appeared before the Committee. He discussed facility demographics, noting the Hispanic population is growing. He also noted the average age of inmates is 39 years old. He discussed the Lansing facility and stated the re-opening of beds at Lansing will help reduce stress on inmates and staff.

The Deputy Secretary discussed other initiatives in the agency. He stated the agency would like to align mental health offender beds for treatment and use best practices to implement reform for segregation placements. He further stated the agency would like to eliminate long-term segregation currently in place at Hutchinson. He stated protective vests have been procured for staff, the agency is developing a companion program for suicidal inmates, and the agency is also evaluating the custody classification instrument that has been in place since 2005. Committee members discussed capacity topics and beds that will be brought online at Lansing.

The Executive Director of Programs and Risk Reduction, KDOC, appeared before the Committee. She discussed recidivism, stating the rate of recidivism has been lowered from 55 percent to 34 percent between 2001 and 2015. She stated the agency has employed additional evidence-based programming. She also noted approximately 5,000 inmates are released each year and, of those released, 75 percent need job services, 75 percent need substance abuse and recovery programming, and 20 percent will leave with an unstable housing situation.

The Executive Director discussed employment and education. She stated a study found those who obtain a General Equivalency Diploma (GED) or complete other education while incarcerated have a lower rate of recidivism because it helps offenders with obtaining employment. She stated the U.S. Department of Education has recently implemented a change that would lift the ban of using federal Pell Grant dollars to pay for classes within prisons. She stated the agency is working with offenders to set goals and motivate them to complete courses. Committee members discussed participation in educational courses and reasons for non-participation in programming.

The Deputy Secretary of Juvenile and Adult Community-Based Services, KDOC, appeared before the Committee to discuss supervision topics. She stated probation is supervised by three entities: the Judicial Branch, county commissions, and KDOC. She also stated the population is increasing in community corrections, which is supervision for moderate- to high-risk offenders.

The Deputy Secretary noted challenges her office faces, including treatment availability across the state, flat funding, and administration of 31 different agencies.

The Deputy Secretary discussed field services. She stated compact services are unified under KDOC, with all intake and outtake being coordinated through the agency. She noted most compact supervision is for those on probation, which is 27 percent of the population. She stated the majority of compact supervision cases are from Missouri, Oklahoma, and Texas. She also discussed the costs of GPS monitoring and issues with caseload amounts. She stated domestic violence is an issue and the agency has made recommendations for domestic violence assessments.

The Acting Secretary discussed capacity. He stated there are no vacant beds in the system, but he hopes opening portions of the new Lansing facilities will help. He also stated the employees of the agency are happy with the pay raise, which allowed El Dorado to end its mandatory 12-hour shifts. He stated the agency has lowered the number of vacancies, but there are still pay compression issues between certain positions. Committee members discussed degrees required for parole and case management positions and whether Medicaid expansion would affect the services provided to inmates or the cost to the State for inmate healthcare.

### ***Sentencing Commission***

The Executive Director of the Sentencing Commission appeared before the Committee to discuss his agency's annual report. He stated the Sentencing Commission is made up of a cross-section of the criminal justice community. He stated the agency provides bed space impacts for legislation during the legislative session and is also the statistical analysis center for the State for

data related to criminal justice. He also stated the agency maintains a database of journal entries and annually publishes the *Kansas Sentencing Guidelines Desk Reference Manual* that is used for sentencing in the state.

The Executive Director discussed the sentencing guidelines. He stated the guidelines establish presumptive sentences, which provide equity among offenders in typical cases. He stated the guidelines also allow for departures in atypical cases and allow for more certainty in predicting prison populations. He next discussed sentencing trends, stating there was a rise in felony sentences in FY 2018 of 1 percent from FY 2017. He also stated there were fewer prison sentences in 2019, but more probation sentences, with a total increase in sentences of 3 percent in FY 2019.

The Executive Director also discussed statistics related to offenses. He stated the top offenses are: drug offenses, theft, burglary, aggravated battery, driving under the influence (DUI), and other (encompasses all other categories of crime). He noted Johnson County has the highest number of DUI offenses in the state. He stated the agency is also able to look at gender and race distribution, with the largest age cohort being offenders between 31 and 40 years old. He also noted nearly 75 percent of drug offenses are for possession.

The Executive Director discussed population projections. He stated overall court commitments and probation condition violators are going down, but the system will have a 13.8 percent increase in population due to drug and lower-level crimes. He stated there could be a number of factors driving the increase, and noted persons convicted of non-violent offenses are sometimes sent to prison due to their criminal history. He stated the system is currently over capacity with a present population of 10,044 and a current capacity of 9,916. He stated the population is projected to reach 11,428 by 2029.

The Executive Director stated the agency uses a unique identifier for each offender that is assigned by the KBI. He stated it would be more difficult to implement that tracking system in the juvenile system. Committee members discussed whether income is tracked along with race and gender and chronic DUI offenders.

The Executive Director stated KDOC has developed policy recommendations for the 2020 Legislative Session related to strategies to lower the prison population. He noted one proposal is to raise the good time credit to a maximum of 50 percent, which could result in a bed savings of up to 2,020 beds by 2030. Members also discussed the education level of offenders and whether the good time credit proposal would affect programming.

## CONCLUSIONS AND RECOMMENDATIONS

The Committee recommends the Legislature ensure the Evidence-Based Programs Account of the State General Fund, created by KSA 75-52,164, be protected to serve the purposes set forth in that statute and moneys from that fund be accessible only through an appropriation approved by the Legislature. The Committee further recommends the Secretary of Corrections ensure there is a public process for application for moneys from the fund, and the Secretary and the JJOC be vigilant and engaged in assessing needs for development of programs with moneys from the fund.

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The Committee recommends further study by appropriate legislative committees of the issue of unruly, disruptive, and potentially dangerous children and limitations on alternatives for short-term care and custody.

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