

Report of the Joint Committee on Corrections and Juvenile Justice Oversight to the 2019 Kansas Legislature

CHAIRPERSON: Senator Molly Baumgardner

VICE-CHAIRPERSON: Representative J. Russell Jennings

RANKING MINORITY MEMBER: Senator Pat Pettey

OTHER MEMBERS: Senators Ed Berger, Oletha Faust-Goudeau, Mary Pilcher-Cook, Mary Jo Taylor, and Rick Wilborn; and Representatives Sydney Carlin, Gail Finney, Dennis “Boog” Highberger, Susan Humphries, John Resman, and Eric Smith

CHARGE

KSA 2018 Supp. 46-2801 directs the 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. In addition, the Committee is authorized to tour the El Dorado Correctional Facility and the Hutchinson Correctional Facility and to study the following topics:

- Increase transparency and accountability following a police shooting, including reducing the time for victims’ families to be notified and allowing the county coroner, rather than the county or district attorney, to determine whether the shooting was justified; and
- Human trafficking, including the number of beds and other resources needed for the victims of human trafficking.

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Joint Committee on Corrections and Juvenile Justice Oversight

ANNUAL REPORT

Conclusions and Recommendations

The Committee recommends appropriate agencies address the issue of Medicaid suspension versus termination for persons entering the correctional system.

The Committee recommends the Legislature consider ways to increase the use of electronic surveillance of offenders as an alternative to expanding prison bed space.

In light of lawsuits in other states regarding screening and treatment of inmates with hepatitis C, the Committee recommends KDOC consider implementing treatment for inmates with hepatitis C.

The Committee recommends the Legislature provide the necessary funding for the expanded provision of SB 123 Program services.

Noting comments from Kansas Department of Corrections (KDOC) employees regarding the difficulties presented by the current level of pay and benefits, the Committee recommends the Legislature increase pay and benefits for KDOC employees. Committee members suggested various options the Legislature could consider to accomplish this recommendation, although the Committee did not have an opportunity to further vet the suggestions. The suggestions included:

- Bringing facility correctional officers within the Kansas Police and Firemen's Retirement System, as passed by the House in 2018 HB 2448;
- Implementing a 15.0 percent across-the-board increase in compensation for KDOC employees through three 5.0 percent increases effective July 1, 2019, January 1, 2020, and July 1, 2020;
- Allowing the Secretary of Corrections to implement special incentives for KDOC employees who serve as mentors for new employees, once the new employees complete a year of service;
- Eliminating classified positions to allow more ability to provide incentives and merit pay; and
- Building a 401(k) system.

Proposed Legislation: The Committee requests legislation to:

- Lapse \$6.0 million from the Kansas Department of Health and Environment (KDHE) Evidence-Based Programs Account and restore \$6.0 million to the KDOC Evidence-Based Programs Account for FY 2019, while also considering the possible need to move

other funds to KDHE to cover Medicaid caseloads for FY 2019 that would have been covered by part of the lapsed \$6.0 million; and

- Expand the allowable purposes of the Evidence-Based Programs Account of the State General Fund, created by KSA 75-52-164, to allow expenditures to be made for transportation and electronic monitoring costs related to the programs and practices served by the Account.

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 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 El Dorado Correctional Facility and Hutchinson Correctional Facility. The Legislative Coordinating Council granted the Committee a total of three days, including one travel day. In addition to its

statutory duties, the Committee was charged to study the following topics:

- Increase transparency and accountability following a police shooting, including reducing the time for victims' families to be notified and allowing the county coroner, rather than the county or district attorney, to determine whether the shooting was justified; and
- Human trafficking, including the number of beds and other resources needed for the victims of human trafficking.

The Committee met October 22 and 23, 2018, at the Statehouse and on November 13, 2018, at the El Dorado Civic Center. Before its November 13 meeting, the Committee toured the El Dorado Correctional Facility.

October 22 Meeting

Sentencing Guidelines

The Committee began with an overview of the Kansas Sentencing Commission and the sentencing guidelines presented by the Executive Director of the Kansas Sentencing Commission. The Executive Director reviewed the duties and responsibilities of the Commission, which include prison bed population and inmate classification projections, maintenance of the Kansas Sentencing Guidelines Desk Reference Manual, estimates of the prison bed impact of proposed legislation, administration of payments for the SB 123 Drug Abuse Treatment Program (SB 123 Program), and annual review of the sentencing guidelines to suggest legislative and administrative changes to the Governor and Legislature. The Executive Director presented an overview of the basic structure of the sentencing guidelines, which use crime severity levels and an offender's criminal history to establish presumptive sentences for each offense.

Adult Inmate Prison Population Projections

The Executive Director also presented information on current prison population characteristics, changes in population from FY 2017 to FY 2018, five-year prison admission trends, information on guideline new

commitments, a comparison of admission types from FY 2017 and FY 2018 for males and females, information on parole and post-release supervision condition violators, and adult prison population trends and projections. Projections indicate population will exceed capacity within the ten-year projection window.

Justice Reinvestment Initiative and SB 123 Program Updates

The Executive Director of the Kansas Sentencing Commission presented updates regarding the Justice Reinvestment Initiative implemented through 2013 HB 2170, reviewing the graduated sanctions established by this bill and its intended impacts. He presented a variety of data regarding implementation of these sanctions over the past five years. Finally, the Executive Director provided an overview of the 2003 SB 123 Program, which provides a treatment alternative to incarceration for certain substance abuse offenders.

Impact of SB 123 Program on Community Corrections and Treatment Providers

The President of the Behavioral Health Association of Kansas presented additional information on the status of the SB 123 Program, and expressed the need for additional funding for the Program. He stated more persons need treatment, but it would be harder to expand the program without additional funding.

A representative of Mirror, Inc., provided information on the day-to-day functions of the SB 123 Program. He stated the goal of the program is to keep families in their original communities. The representative also discussed areas of emphasis, such as peer-support services, intensive case management, supportive employment funds, and medication-assisted treatment, all of which would require additional funding.

Juvenile Justice Oversight Committee Overview

The Chairperson of the Juvenile Justice Oversight Committee (JJOC), provided an overview of the JJOC. He reminded the Committee the JJOC was formed pursuant to 2016 SB 367 to collect data and to monitor reform of

the juvenile justice system. The Chairperson also stated since the reforms were put in place, the number of youth in facilities has dropped 34.0 percent and 7,308 days were discharged from probation for juvenile offenders. The Chairperson expressed the concerns of JJOC, agencies, and stakeholders regarding reinvestment funds taken from the Evidence-Based Programs Account during the 2018 Session and urged that these funds be saved for use first for juvenile offenders and their families, in accordance with the intention of the 2016 reforms. Responding to a question, he indicated the JJOC will have two years of data available in July 2019.

Evidence-Based Programs Account Update

Staff from the Office of Revisor of Statutes and Kansas Legislative Research Department (KLRD) presented information regarding funds appropriated during the 2018 Session related to the KDOC Evidence-Based Programs Account. Staff stated 2018 House Sub. for SB 179 created a framework for juvenile crisis intervention facilities for juveniles with a mental health crisis. The final budget bill, 2018 House Sub. for SB 109 (Sec. 68 and 95), lapsed \$6.0 million from the KDOC Evidence-Based Programs Account, and these funds were appropriated to the Kansas Department of Health and Environment (KDHE) to be distributed as grants to build such facilities. Staff then answered questions regarding the specifics of the funds transfer. While acknowledging the need for programs addressing youth with a mental health crisis, Committee members expressed their concern that KDOC funds specifically intended for programs for juvenile offenders had been moved to KDHE for programming that is not specifically directed at juvenile offenders.

Juvenile Services Overview

The Deputy Secretary for Juvenile Services, KDOC, presented an overview of juvenile services within KDOC. The Deputy Secretary noted, compared to ten years ago, there are fewer juveniles in detention and correctional facilities. One option for juveniles who are charged with a crime is the “Immediate Intervention Program” (IIP), which is similar to diversion for adults. He also stated of the 2,018 youth who completed IIP, 88.6 percent were successfully discharged.

The Deputy Secretary discussed juvenile sex offenders, stating sex offender court assessment and community-based treatment has been successful with 82.0 percent of discharges in FY 2018, resulting in no court revocation or termination of treatment. Responding to a question, he stated probation is typically concurrent with treatment, which can last up to a year.

The Deputy Secretary also discussed recidivism among juvenile offenders. He provided statistics showing, compared to the previous year, there were 2,895 fewer juvenile arrests. However, he noted recidivism rates overall were similar to the prior year with 27.8 percent of juvenile offenders going back to a correctional facility. Of those, 11.2 percent returned within 180 days and 16.6 percent returned within a year.

Finally, the Deputy Secretary discussed an assessment of juvenile defender services conducted by the National Juvenile Defender Center. He stated it would take up to 24 months, and JJOC has established a subcommittee to study the data from the assessment and to make recommendations on the future use of reinvestment funds.

Community Mental Health Centers

A representative of the Community Mental Health Centers of Kansas and a representative of the Johnson County Mental Health Center presented an overview of community mental health centers (CMHCs) in the state. The representative stated CMHCs provide behavioral health services in all 105 counties of Kansas, 24 hours a day.

The CMHCs of Kansas representative also discussed 2018 SB 179, which authorized juvenile crisis intervention centers. He stated a Judicial Council advisory committee examined the issue in 2017 and drafted a report on the topic. The representative briefly described the recommendations contained in the Judicial Council report. His organization feels one key reason for creating juvenile crisis intervention centers is the lack of availability of psychiatric residential treatment facility beds in the state, and building juvenile crisis intervention centers will

help youth stay in their community with extra support.

October 23 Meeting

KDOC Operations

The Committee began the second meeting day with an update from the Secretary of Corrections (Secretary) regarding KDOC operations. The Secretary began by showing the Committee a map of corrections locations in the state. He noted three satellite facilities in addition to the main correctional facilities. Next, the Secretary discussed statistics relating to the incarcerated population. He stated Kansas is ranked 32nd out of 50 states, with 331 per 100,000 residents incarcerated. The Secretary also discussed the demographics of the incarcerated population.

The Secretary discussed the mental health needs of inmates, indicating the primary correctional mental health center has been transitioned to the El Dorado Correctional Facility. KDOC's goal is to help this population transition into the community as opposed to going to a mental health facility. The Secretary noted the addition of high-acuity behavioral health beds at the El Dorado Correctional Facility in FY 2017 and FY 2018 and described how these units work with newly developed restrictive housing diversion programs for offenders with serious mental illness. He also noted a plan at the Lansing Correctional Facility to add similar beds and staff training provided through the American Correctional Association's Correctional Behavior Health Certification Program. The Secretary also discussed recidivism, noting recidivism is measured 36 months after release and data from 2014 is the latest year available. In that year, the recidivism rate was nearly 34.0 percent, which is a slight decline from the 2013 rate.

The Secretary also spoke about violent incidents among inmates. He noted KDOC is working to reduce the number of serious batteries, but the agency is seeing a growing number of security threat groups, or gangs. The Secretary also discussed an incident at the El Dorado Correctional Facility from July 2018, noting an agency review of the incident and the response from staff. After review, KDOC made additional security enhancements.

The Secretary discussed efforts toward reducing violent incidents, including the use of restrictive housing or solitary confinement. He noted the restrictive housing population has been reduced by 25.0 percent in recent years. However, he also noted there are some offenders who would prefer to be in restrictive housing. Also, the Secretary discussed protective custody housing, which is a level below restrictive housing and allows for more programming.

The Secretary also spoke about a positive event held by KDOC for female offenders at the Topeka Correctional Facility. The event was held at the Kansas Children's Discovery Center and allowed female inmates to participate in activities with their children or grandchildren. The Secretary noted there was no charge for the offenders or their families to participate in the activities.

The Secretary provided an update on the Lansing Correctional Facility construction project. He stated the project is now ahead of schedule and is anticipated to be ready for occupancy in January 2020. Capacity of the new construction will be 2,432. The Secretary also discussed beds being added at other facilities and stated the new statewide capacity is expected to be 10,537 beds.

The Secretary also discussed turnover in the agency. He noted the recent pay raises were very much appreciated and the turnover numbers he would be presenting do not include implementation of the most recent pay raises. Current turnover is based on the number of filled positions, as opposed to a calculation based on a total of the full-time employee percentage. Based on information from the last year, turnover was calculated at 41.0 percent for uniformed staff. The Secretary also discussed reasons for staff turnover and noted fewer people are seeking careers in law enforcement and corrections, which is a nationwide issue.

The Secretary discussed the budget of KDOC, noting the agency is required to increase shrinkage rates each year to balance the budget. He noted in FY 2019, adult facilities are holding open 255 positions, which is 9.0 percent of authorized staffing. KDOC has submitted a supplemental budget request to reduce the rate to 3.0 percent shrinkage. He also stated some costs, such as

transportation, must be prioritized when accounting for shrinkage, so funds from salaries are cut to pay for such costs.

The Committee generally discussed KDOC employee wages and was informed new correctional hires would begin at \$15.75 per hour. The Committee also discussed employee overtime and was informed three facilities account for 75.0 percentage of overtime. The Secretary presented a graph to the Committee that showed wages over the past 30 years, including wages adjusted for inflation. The Secretary also discussed the pay raises from the past year, noting 396 staff received an increase.

The Secretary responded to a Committee question regarding private employment of inmates by stating privately employed inmates are paid a prevailing wage for their industry. He also noted offenders pay taxes, child support, restitution, and fines from their wages. Additionally, inmates are required to save a certain percentage of their wages for release and they are also charged a percentage for room and board. The Secretary stated those funds go back to the correctional industries account to pay for programming.

Contract Programs and Finance

The Executive Director of Contract Programs and Finance, KDOC, presented information on contract programs for the agency. He stated the current state contract with Corizon is subject to a renewal option that could extend the contract through 2023 for health care services. The Executive Director also stated Medicaid is billed for allowable expenses when inmates are taken to hospitals for treatment, and noted 43.0 percent of the inmate population have a “chronic care” issue. Committee members expressed concern that persons on Medicaid before incarceration lose their benefits while incarcerated. The Executive Director responded Corizon helps inmates enroll in Medicaid before discharge.

The Executive Director also spoke about the agency monitoring the contract with Corizon. He stated most persons monitoring the contract are KDOC employees, but the agency also has a memorandum of agreement with the University of Kansas Medical Center, which assists with monitoring the contract. Staff who monitor the

contract review grievances and provide health care peer review. He stated if Corizon is not in 90.0 percent compliance with the contract, the company pays a fee. If services are not provided, or if enough hours are not provided, KDOC deducts from the monthly invoice accordingly. The Committee inquired about the specifics of the contract, including the basis for payment. The Executive Director responded the contract is based upon a fixed rate per facility, with clauses in the contract allowing for adjustment based upon changes in the population. He also discussed the total amount of the contract.

The Executive Director next discussed contract education services. He stated KDOC has contracted for educational programs, such as General Education Development (GED), special education, and traditional high school diplomas. He provided statistics for inmates, noting 36.0 percent of inmates do not currently possess a GED or high school diploma. The Director also noted inmates with shorter sentences and who are under age 35 are prioritized. He also discussed the “Young Offender” program at Larned Correctional Mental Health Facility with GED offline pre-testing, which allows offenders to complete a practice exam without KDOC paying exam fees. The Executive Director spoke about a “fast-track” GED program, which allows those who are ready to take the actual GED exam to finish the program on a quicker timeline, freeing up seats for others.

The Executive Director also presented information on vocational programming. He stated the program focuses on trades with labor shortages. The program provides basic skills, but participants also need to learn on the job. Students are also able to obtain OSHA 10 certification, which is desirable for employers. The Director noted the vocational education program has a “Young Offender” program specifically for offenders between 18 and 25 years old, as that age group has a higher recidivism rate and is more likely to commit offenses while incarcerated. He also stated a new vocational facility has been built at Larned Correctional Mental Health Facility with welding, carpentry, and plumbing class capabilities. A Committee member stated Barton County Community College has a partnership with the Larned Correctional Mental Health Facility program and allows participants to obtain a certification from the Community College. The

Executive Director further noted the Topeka Correctional Facility has a computer coding program and that industry has substantial vacancies.

The Committee asked questions concerning manufacturing jobs and nursing employment opportunities. The Executive Director responded KDOC examined the manufacturing courses and found offenders were not obtaining manufacturing jobs after release. He further noted offenders are not able to receive a license to become a nurse after release, so the agency does not offer coursework in that field. The Director also spoke about Kansas Correctional Industries (KCI) jobs within KDOC facilities. He stated more than 1,000 offenders work in KCI jobs annually and are paid wages beginning at \$0.40 per hour. Out of their wages, employees must pay 25.0 percent for room and board. Other inmate job opportunities include work with Aramark, the food contractor for KDOC.

Community and Field Services

The Deputy Secretary of Community and Field Services, KDOC, presented information on community probation, parole, and release of offenders. She first discussed the current structure of parole and probation within the state, noting the differences in oversight and funding between the different programs. The Deputy Secretary also noted KDOC oversees compact parole and probation, which means the offender committed a crime in a different state, but is currently being supervised in Kansas. She stated the Interstate Compact for Adult Offender Supervision is an agreement between states that carries the weight of federal law and uses a national web-based database to track offenders. The Deputy Secretary noted nearly 25.0 percent of supervision cases are Compact offenders, with the majority of cases coming from Missouri, Oklahoma, and Texas. Kansas has sent 914 cases to those states, and is currently supervising 1,620 offenders from the same states.

The Deputy Secretary discussed caseloads for probation and parole. She stated the average statewide caseload per supervision officer is 38 cases. The Deputy Secretary also noted the risk level of particular cases can affect caseloads, with higher risk cases resulting in a lower total

caseload. Responding to a question from the Committee, she stated KDOC assesses relative intensity, intensity scoring, and caseloads and risk level is weighted in funding decisions. The Deputy Secretary also discussed case closures, stating unsuccessful closures are subject to judicial discretion and such closures have risen over the past year. She stated 9.0 percent of offenders are classified as high risk with the majority of offenders being classified as moderate risk (55.0 percent).

The Deputy Secretary also discussed community corrections, stating each county is able to decide community processes, and each county is involved at different levels. She stated some counties have an advisory board and criminal justice coordinating council. The Deputy Secretary also discussed releases. She stated a “transition team” was developed in Field Services in FY 2018 to address the increasing number of releases. The Deputy Secretary also discussed the use of GPS monitoring for certain offenders, noting Jessica’s Law requires the use of GPS. She stated 47.0 percent of offenders under GPS supervision were Jessica’s Law offenders. The Deputy Secretary also stated KDOC utilizes assessment tools for specialized crimes, such as domestic violence offenses, and GPS requires the offender to be supervised at a higher level. Responding to a question from the Committee, she stated GPS monitoring costs \$4.79 per day, but offenders are asked to help pay for the costs. Responding to an additional question, the Deputy Secretary stated GPS services are paid under a contract with the provider giving KDOC an alert if the rules are violated.

The Deputy Secretary also presented information on both community and administrative challenges. She noted community challenges include housing, behavioral health services, and domestic violence issues. The Deputy Secretary stated an administrative challenge is the different information technology systems used by KDOC because the systems do not interface with each other. She also discussed staff retention as an issue.

Victim Services

The Director of Victim Services, KDOC, presented information on victim services within

the agency. She stated part of KDOC's mission statement is it supports victims of crime, and funding for the program is a mixture of state and federal funding. The Director noted 37,259 victims were registered at the end of FY 2018. Responding to a Committee question, she stated victims can register even if the offender has not been convicted. The Director further noted 85.0 percent of offenders have victims registered and KDOC sent 22,000 notification letters last year with 9,756 victims served. She stated notifications are sent for different reasons, including inmate release, absconsion, expiration of sentence, death, and escape. These are all scenarios in which a notification is statutorily required.

The Director discussed domestic violence, stating 3.0 percent of male offenders under supervision of the Secretary have a domestic violence tag. She also noted 90.0 percent of Victim Services liaison time is spent responding to victims of domestic violence, with 25.0 percent of revocations of supervision being attributed to domestic violence. Responding to a question from the Committee, the Director stated anger management classes are not effective because the classes do not address the driving force behind domestic violence. She also discussed the domestic violence screening tools utilized by KDOC, stating 57.0 percent of respondents said they had no history of domestic violence, but a further investigation revealed that 20.0 percent of those who claimed no history of domestic violence actually had a previously documented issue.

The Director also discussed Batterer Intervention Programming (BIP). She stated all KDOC staff receive training regarding domestic violence. The Director also discussed the cost of providing BIP to offenders, with initial testing costing \$150 and follow-up tests costing \$25. She next cited research showing offenders who complete BIP lower their risk of both recidivism and re-assault. The Director also discussed a study of the Topeka BIP group, the largest in the state. She stated 81.0 percent of those who completed the program were not charged with another crime within five years of completion and did not have a subsequent protection order placed against them in that county. The Director noted in a statewide review of persons completing the program in 2016 or 2017, 76.0 percent have not been charged with another person crime and 81.0 percent have not

been charged with a new domestic violence offense. Responding to a Committee question, the Director stated the Office of the Attorney General would be the agency to contact to inquire about offering BIP to a particular jurisdiction.

The Director presented information regarding Adverse Childhood Experiences (ACEs). She stated there are three types of ACEs: abuse, neglect, and household dysfunction. The Director noted many BIP participants experienced both emotional and physical abuse. She stated one or less ACE would present no long-term problems, but four or more ACEs could result in a shorter life expectancy. The Director also noted the domestic violence assessment is being updated to include questions regarding ACEs.

The Director also presented information regarding the Crime Victims Compensation Board (CVCB). She stated its purpose is to provide monetary compensation for medical expenses, loss of earnings, burial expenses, or other costs associated with the treatment of injuries sustained as a result of being a victim of violent crime. The Director noted the CVCB awarded \$3.1 million to crime victims in the prior fiscal year. She also presented information regarding the Governor's Domestic Violence Fatality Review Board, noting the Board reviews domestic violence deaths and makes recommendations. Responding to a Committee question, the Director stated the Board reviews up to ten deaths per year.

Preliminary Committee Comments and Recommendations

The Chairperson asked members of the Committee to consider the information that had been presented and to develop preliminary recommendations ahead of the next meeting. The Committee also asked staff to provide information regarding officer-involved shootings, body and dash cameras, and the lapse in funding from KDOC for juvenile crisis intervention centers. The Chairperson also noted a WorkKeys topic would be held for consideration during a future interim period.

November 13 Meeting

El Dorado Correctional Facility Tour

Before its November 13 meeting at the El Dorado Civic Center, the Committee toured the EDCF.

Feedback from Kansas Department of Corrections Employees

The Committee heard verbal feedback from several KDOC employees who were asked to share what they liked about their jobs, what worries them about their jobs, and an experience they had that changed their view of the job either positively or negatively.

The things employees liked about their jobs included camaraderie between employees, being excited to go to work, the people with whom they work, the pride of working for the State, and various career opportunities that arise.

Worries the employees related included concerns caused by lack of salary increases coupled with increased benefit costs (which can result in loss of net pay) and general cost-of-living expenses, good coworkers leaving for other opportunities, employees having to work multiple jobs, a reduction in required credentials to try to address staff shortages, the difficulties in trying to arrange for all shifts to be covered due to lack of staff, addressing needs of victims and offenders, budget constraints, employees who become eligible for food stamps when hired, and how to retain staff to develop the desired tenure.

Experiences related by the employees included encountering former inmates in the community who shared the positive directions of their lives since leaving incarceration, watching juveniles graduate, seeing resolution in difficult family situations for juveniles, seeing offenders connect with the speaker at a class that helps the offenders understand the impact of their crimes, and seeing inmates get their first job.

KDOC also provided the Committee with a copy of a redacted written exit interview questionnaire.

Update on Increased Transparency for Body and Dash Cameras

The Sedgwick County Sheriff and representative of the Kansas Sheriffs' Association (KSA) provided the Committee with information he had received from questions asked of Kansas sheriffs regarding body and dash camera usage at a recent conference. He noted most, if not all, Kansas sheriffs are using at least one type of camera. Most are using body-worn cameras. Some sheriffs using vehicle cameras noted an issue can be the inability of vehicle cameras to record anything occurring away from the vehicle. Sheriffs reported no issues with the new 20-day response period to requests to review video (see also the Presentation of Follow-up Information from October Meetings section on the following page) other than the Johnson County sheriff stating a cost of about \$30,000 to redact video prior to viewing.

In response to questions from the Committee, the Sheriff stated:

- By policy, the Sedgwick County Sheriff's Office turns off cameras when interacting with the public at community events intended to build relationships with law enforcement;
- Usually an outside entity is responsible for redacting video;
- Video storage can be contracted or developed in-house. While contracting for storage is expensive, it is still usually less expensive than developing an in-house solution;
- Video files are retained under the record retention periods set by the State for criminal investigation records;
- To the extent possible, camera use guidelines set through best practices established by associations would be preferred to guidelines being established in statute; and
- In the new video request and viewing statutory provisions, the term "parent"

does not seem to be well-defined, which could increase litigation.

The Bel Aire Chief of Police and representative of the Kansas Association of Chiefs of Police (KACP) provided the Committee with the perspective of the Bel Aire Police Department and KACP regarding law enforcement video. He noted most police agencies in Kansas are small and, thus, camera and video storage costs can be an issue. He suggested policies for camera use should be tailored to the needs and expectations of each community in which they are used. He stated he was not aware of any problems encountered with the new statutory requirements for viewing of recordings, but noted redaction of videos could become an issue. An agency could be overwhelmed by a large number of requests. Another concern could be privacy issues related to victims and third-party citizens who might be recorded on the video. In some cases, a defendant could also be a victim within the same recording, raising privacy issues.

In response to a question from the Committee, the Chief stated it would be helpful if the law enforcement associations were involved in continuing discussions regarding agency policies.

A representative of KSA and KACP noted several ongoing issues regarding law enforcement recordings, including video retention periods and evidentiary standards; video storage size; helping law enforcement personnel better understand the Kansas Open Records Act; and balancing the public interest in access to recordings with the privacy rights of the defendant, victims, and third parties.

The Chairperson noted a memorandum prepared for the Committee by the Office of Revisor of Statutes regarding transparency and accountability following an officer-involved shooting.

Prison Industries at Hutchinson Correctional Facility

The founder of Seat King, LLC, described for the Committee how his manufacturing company partnered with Hutchinson Correctional Facility to establish a production facility staffed by inmates

within the facility. He outlined the philosophy of his company and some of the benefits realized by the company and the inmates who work for it.

In response to questions from Committee members, he stated his company will re-hire most inmate employees once they leave prison if they remain in the Hutchinson area; Seat King pays inmates a fair market rate based upon prevailing rates for the job, which is established by the State; and inmates are covered by workers compensation by the company while on the job.

Presentation of Follow-up Information from October 22 and 23 Meetings

KLRD staff reviewed a memorandum collecting responses from KDOC, the Judicial Branch, and the Kansas Sentencing Commission to various requests received during the October Committee meetings, including requests related to the mother visitation program, court services officer pay rates, inmate population demographic breakdowns, KDOC retirements, immediate intervention programs, recidivism, contract bed information, sex offender treatment program completion rates, cost of the GED program, ex-inmate military service, and female incarceration studies.

KLRD staff reviewed a memorandum summarizing the responses to the voluntary survey of law enforcement agencies regarding dash and body camera usage requested by the Committee during the October 22 and 23 meetings. The survey asked responding agencies to provide information regarding their current and planned body and dash camera usage, any guidelines or policies, and cost for cameras and storage, as well as any viewing requests received under the new statutory requirements effective July 1, 2018 (KSA 2018 Supp. 45-254). Staff also reviewed a spreadsheet attached to the memorandum containing the detailed survey responses and a list of comments received from survey respondents.

Finally, KLRD staff noted the Committee had been provided a memorandum, requested at the October 22 and 23 meetings, containing a timeline for the inclusion of funding for juvenile crisis intervention centers in the 2018 appropriations bill (2018 House Sub. for SB 109).

CONCLUSIONS AND RECOMMENDATIONS

The Committee recommends appropriate agencies address the issue of Medicaid suspension versus termination for persons entering the correctional system.

The Committee recommends the Legislature consider ways to increase the use of electronic surveillance of offenders as an alternative to expanding prison bed space.

In light of lawsuits in other states regarding screening and treatment of inmates with hepatitis C, the Committee recommends KDOC consider implementing treatment for inmates with hepatitis C.

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The Committee requests legislation to:

- Lapse \$6.0 million from the Kansas Department of Health and Environment (KDHE) Evidence-Based Programs Account and restore \$6.0 million to the KDOC Evidence-Based Programs Account for FY 2019, while also considering the possible need to move other funds to KDHE to cover Medicaid caseloads for FY 2019 that would have been covered by part of the lapsed \$6.0 million; and
- Expand the allowable purposes of the Evidence-Based Programs Account of the State General Fund, created by KSA 75-52-164, and to allow expenditures to be made for transportation and electronic monitoring costs related to the programs and practices served by the Account.