

Approved: 1-26-93  
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Jerry Moran at 10:05 a.m. on January 22, 1993 in Room 514-S of the Capitol.

All members were present except: All present.

Committee staff present: Michael Heim, Legislative Research Department  
Jerry Ann Donaldson, Legislative Research Department  
Sue Krische, Committee Secretary

Conferees appearing before the committee:

Nancy Trahan, Chief Court Services Officer, Salina  
Nancy Kindling, League of Women Voters  
Helen Pedigo, Kansas Sentencing Commission  
Gary Stotts, Secretary, Department of Corrections

Others attending: See attached list

Chairman Moran asked for the Committee's approval to adopt a policy of not bringing the Governor's reappointees before the Committee for a confirmation hearing if the individual has already been through the confirmation process, unless a Committee member specifically requests the hearing. The Committee concurred with that policy. The Chairman asked for a motion on Hilma Ungeheuer's reappointment to the State Board of Indigents' Defense Services. Senator Emert moved to recommend confirmation of the reappointment of Hilma Ungeheuer to the State Board of Indigents' Defense Services. Senator Harris seconded. Motion carried.

The Chairman announced that tentatively the deadline for individual requests for bills is Monday, January 25 and the tentative deadline for committee bill introductions is February 17.

Continuing the public hearing on consolidation of probation, parole and community corrections officers, Nancy Trahan, Chief Court Services Officer, 28th Judicial District, appeared in opposition to the consolidation of field services (Attachment 1).

Nancy Kindling, League of Women Voters, testified that the League supports the Kansas Community Corrections Act and urges caution in implementing a consolidation of field services that would abolish the Community Corrections Act (Attachment 2).

Helen Pedigo, Kansas Sentencing Commission, appeared to clarify that the Consolidation Task Force is proceeding on the basis that consolidation will occur under the Department of Corrections and needs to know the decision of this Committee on consolidation as soon as possible due to the time line for budget submissions for FY1995 (Attachment 3). Her written testimony includes a fiscal summary of the state funds spent now on the three separate agencies totaling approximately \$25 million.

Gary Stotts, Secretary, Department of Corrections (DOC), advised the Committee that he feels the consolidation of field services represents good public policy and that the best organizational location for the consolidated functions is the DOC (Attachment 4). He urged the Committee to decide the consolidation issue as soon as possible and should consolidation be upheld, fix responsibility for its implementation. Secretary Stotts agreed that historically funding and attention has been directed to prison building and maintenance. However, due to the adoption of sentencing guidelines, greater emphasis on field services must occur.

Written testimony was submitted jointly by Phil Young, Chief Court Services Officer, 31st Judicial District, Fredonia, and Clint Hurt, Chief Court Services Officer, 11th Judicial District, Pittsburg (Attachment 5).

The meeting was adjourned at 11:00 a.m. The next meeting is scheduled for Tuesday, January 26.

## GUEST LIST

COMMITTEE: SENATE JUDICIARY COMMITTEE

DATE: 1-22-93

[illegible]

DANIEL L. HEBERT  
District Judge  
(913) 826-6624  
DAVID S. KNUDSON  
District Judge  
(913) 826-6627  
GENE B. PENLAND  
District Judge  
(913) 826-6630  
JOHN WECKEL  
District Judge  
(913) 826-6633  
ADRIAN A. LAPKA  
District Magistrate Judge  
(913) 392-2815



**STATE OF KANSAS  
28th Judicial District**

City-County Building  
P.O. Box 1756 / 300 West Ash  
Salina, Kansas 67402-1756

DOUGLAS P. SM.  
Court Administrator  
(913) 826-6640  
CAROLYN R. HENRY  
Clerk of the Court  
(913) 826-6617  
NANCY L. TRAHAN  
Director of Court Services  
(913) 826-6636

**TESTIMONY TO SENATE SUB-COMMITTED**

**RE: Consolidation of Field Services**

**PRESENTED BY: Nancy L. Trahan, Chief Court Service Officer,  
28th Judicial District**

**Mr. Chairman and Members of the Committee:**

As Chief Court Service Officer of the 28th Judicial District, I am taking this opportunity to testify on my opposition to consolidation of field services.

I oppose such consolidation for the following reasons:

1. The strength of the current probation system is the ability to take quick effective action to uphold community standards and maintain community safety. Experience has shown that large "umbrella services agencies" do not have better ability to provide services, effectively and efficiently.
2. Under centralized field services many excellent local court programs paid for by the probationers or local community resources will be lost. These programs include DUI intervention, budgeting educational classes, juvenile "Street Law" classes, and employability services.
3. Prior to the surprise move to consolidate field corrections, no independent research was done as to the impact of consolidation.
4. Consolidation will disrupt a field service system that provides excellent low cost service to over 25,000 probationers in the State of Kansas and will replace it with an expensive bureaucracy which may have uniformity but will provide a lower lever of services to the communities of Kansas, at a higher cost.

Thank you for your consideration of my remarks.

Submitted this 21st day of January, 1993.

Nancy L. Trahan  
Nancy L. Trahan  
Chief Court Service Officer

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Attachment 1

# THE LEAGUE OF WOMEN VOTERS OF KANSAS

919 1/2 SOUTH KANSAS AVENUE

TOPEKA, KANSAS 66611

(913) 234-5152

## TESTIMONY RELATING TO THE CONSOLIDATION OF PROBATION, PAROLE AND COMMUNITY CORRECTIONS BEFORE THE SENATE JUDICIARY COMMITTEE

JANUARY 20, 1993

Mr. Chairman and Members of the Committee:

I am Nancy Kindling representing the League of Women Voters of Kansas (LWVK). The LWVK is a nonpartisan political organization. Positions which the League supports are based on decisions of *informed* members.

The LWVK has for a long time supported community corrections as a viable alternative to incarceration. The League was delighted when the Legislature enacted the Community Corrections Act. This act allowed each county with a community corrections program in place to appoint a Community Corrections Advisory Board to make recommendations to the county leading to the adoption of a comprehensive community corrections plan. The county with the cooperation of the advisory board would develop, implement, operate, and improve community correctional services. The board would assist in developing the programs and services necessary to serve persons in detention and submit proposals for the facilities necessary to carry out these programs and services. Under this Act, the community could best respond to the needs of the offender leading to his/her successful reintegration into the community and utilize community resources in accomplishing the goals of the community corrections programs.

The new sentencing guidelines when enacted, I believe, will increase the load placed upon community corrections. The new guidelines call for a consolidation of parole, probation and community corrections services. While the State DOC now evaluates and determines the amount of grants for community corrections in the county programs, the counties have been able to individualized their programs based on need and community priorities. This consolidation appears to abolish the Community Corrections Act. What happens to the ability of the local community to determine the programs and services which best meet the needs of its population? Would the advisory board then shift to the state? How would individual community needs be met in the areas of programs, services, staffing, and facilities?

The Community Corrections Act provides a vehicle for effectively dealing with adult and juvenile offenders. The new sentencing guidelines only deal with the adult criminal. What happens to juvenile programs now included in community corrections programs?

While the League supports "Efficient and economical government, competent personnel, adequate financing and coordination among different agencies", I am not sure that consolidation of these services is the answer and would best serve the needs of the community. The Field Services Task Force which met and reported in January of 1992 recommended the consolidation of field services under a new state agency. A second task force was created in July of 1992 consisting of new members and recommended that field services be placed within the DOC. This last task force, as I understand it, did not include any member of counties which had community corrections programs. This task force was split as to exactly where services should be placed. Some felt they should fall within the Department of Corrections, some within the Parole Board, and one most closely associated with community corrections felt it should remain under local authority.

The main argument for consolidation of services, as far as I can tell, is that service providers

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Attachment 2

be able to use the same equipment (cars, office equipment, etc.) and that this will be efficient and save the state money. I have not seen the fiscal note attached to consolidation of services but it would be interesting to see how much saving is anticipated or if the state merely views consolidation as a more effective way of dealing with offenders in the system and a more efficient way of operating the programs.

It is estimated that the new sentencing guidelines will temporarily reduce the overcrowding in prisons but by the mid 90's the DOC will again be in need of more beds. In the past, when institutions have been overcrowded, the budgets for field services has been cut and the money has gone into facilities. This is a real concern to LWVK who believes that alternatives to incarceration are often as effective, are much less expensive, and are more humane.

The New Sentencing Guidelines require that consolidation of field services take place on or before January 1, 1994. I know that the majority of interim committee members are supporting consolidation of services under the Department of Corrections. However, I believe, the committee did feel that the issue should be fully developed during the 1993 Session. Since not all members were in agreement as to the best solution for consolidation, I encourage you to seriously consider leaving the Community Corrections Act in place (at least until it is determined which avenue will best lead to preserving community corrections as an alternative to incarceration) and allow the communities in which programs are placed to utilize their unique resources. The LWVK hopes that attention will be paid to gathering data on how the changes will affect the cost, efficiency, and effectiveness of both adult and juvenile community corrections programs now in place.



State of Kansas  
KANSAS SENTENCING COMMISSION

To: Senate Judiciary Committee  
From: Helen J. Pedigo *HP*  
Kansas Sentencing Commission  
Date: January 21, 1993  
Re: Consolidation of Field Services

I wish to clarify the position of the Consolidation Task Force concerning our request to decide the issue of field services consolidation as soon as possible. As I stated in my testimony yesterday, no clear consensus exists within the group. However, as I also stated yesterday, the task force did vote to consolidate under the Department of Corrections, as did the Interim Judiciary Committee. Subcommittees of the task force have been meeting to determine how this will occur. These groups are planning the organizational structure and transition of personnel. They are also developing a uniform client and case management scheme, and a budget. If Senate bill 21 passes, this work must be completed by September, 1993, when the FY 1995 budget submissions are due in the Budget Office. Otherwise, according to Section 300 of the Sentencing Guidelines, the budget should have been completed by now.

However, many court services and community corrections officers have indicated they will fight the decision to place consolidation under the Department of Corrections. They have put forth great effort to carry out their promise. Because of this effort, it is important that you quickly determine where consolidation will occur. The task force must know where consolidation will occur as quickly as possible so that the group can stay on course, or they may need to develop a central office structure within the remaining time frame.

Regarding costs, community-based programs require adequate funding, especially with the implementation of Sentencing Guidelines. Attached is a fiscal summary which explains the funds that are spent now. The court services chart (Chart 2) reflects only the personnel who move from the courts because of consolidation. The total figure (Chart 1) indicates that the State currently pays approximately \$25 million to fund the three separate agencies which would be consolidated under Senate Bill 21.

In the event that consolidation is repealed, then the committee may want to review recommendations from last year. A brief of each bill submitted last year, including House Bills 3121, and 3141 through 3144, is attached.

I hope these explanations clarify my testimony from yesterday's Judiciary hearing.

## **Field Services Fiscal Summary**

**FY 1991 - FY 1992 - FY 1993**

The following charts provide a summary of monies spent on field services for the three year period FY 1991 through FY 1993. These numbers were gleaned from a variety of sources, but are primarily taken from agency budget documents. However, there are some unique features about each of the areas that the reader should be aware of when using this data. Chart One provides a summary of all expenses.

### **Court Services (Chart Two)**

These numbers have been adjusted to reflect the number of Court Services Officers and clerical staff that would be available if the current staff were divided between court functions and field services using the split proposed by the Chief Justice. This split roughly divides the Court Services Officer staff in half leaving 164 CSO's with the Courts and sending 158 to the field services agency. Clerical staff splits assume that 43 would remain with the courts and 25 would be transferred to new duties. The same ratio was applied to the FY 1991 staff counts that were in place before the cuts in CSO staff taken during FY 1992. The total operating budget was divided into pro rata shares and an equal share was attributed to each staff member. Staff salaries were done in a similar fashion. Budgeted salary information was adjusted by adding 12 percent fringes, 100 percent received single health insurance coverage, and 25 percent received the family supplement. The total was divided into a CSO pool and a clerical pool, and then

an average salary was computed for each pool. The average salary was then used as a multiplier. This process yielded an estimate of the cost of the field services staffing component.

The operating budgets are county funded and information about them is not readily available at the state level. We asked Chief Court Services Officers to provided estimates of their FY 1991 expenses for all costs which were borne by the counties. In addition, we asked them to provide the number of square feet of office space they occupied that is donated by the county. This donated space was assigned a cost based upon what other state agencies spend to rent space in that area. This donated space was assigned a dollar cost since it is certain that counties will not donate space once they no longer have an obligation to do so. This is a significant cost and amounts to over \$500 thousand per year. These FY 1991 costs were inflated by 3.5 percent per year for FY 1992 and 1993. Full time equivalents (FTE's) reflect the number of positions authorized not the number filled.

We asked the Court Services Officers to provide an inventory of their equipment. The logic is the same as the floor space; these items have been purchased with county monies and probably will not be available if these employees are assigned to a state agency. Thus, we estimate there will be a one time expense of \$485,133 to provide equipment for the 183 employees that are absorbed by the field services agency.

Therefore we expect the first year additional cost to be \$1,709,403 in FY 1993 dollars. This assumes a one time cost of \$485,133 to provide start-up costs and an on-going cost of



\$1,224,270 in FY 1993 dollars. All salary costs are already borne by the state.

Community Corrections (Chart Three)

These costs are relatively straightforward. They are all already funded with state monies. There are two pools of money in the FY 1992 and FY 1993 amounts: state general fund and federal drug grant monies. The drug funds are approximately \$600,000 per year and would have to be replaced by state general fund money if they were no longer available.

There are some local funds provided for special projects, but they are not included in the FY 1992 and 1993 figures since they were not readily available. There are some county funds (\$369,344) in the FY 1991 numbers because that was the year used for the survey of costs. There are some expenditures for juveniles made out of state monies, these will have to be dealt with in some fashion since the new field services agency will not provide any juvenile services. However, no attempts were made to adjust budgets for this amount.

Therefore, FY 1992 and FY 1993 budgets reflect all expenses, juvenile and adult, but do not reflect any county funds. There are some unique issues that will have to be resolved during the transition. Some programs paid for remodeling projects in return for free rent and at least one bought a major portion of the a county wide computer system. These issues all have potential fiscal implications, but will have to be resolved on a case by case basis.

The position count (FTE) reflects positions authorized not filled and also include central office staff assigned to the program.

**Parole** (Chart Four)

All funds are from state general fund appropriations or from federal grants, no local money is involved. Substantial amounts of grant monies are included in the operating expense category:

FY 1991 \$1,214,956

FY 1992 \$1,215,400

FY 1993 \$1,348,673

Thus, this category should be reviewed with this in mind, any pro rata share of operating expenses should not take the above amounts into consideration.

The positions (FTE) are authorized not filled, and include central office staff assigned to the program.

Chart One  
Field Services\*

	Salaries	Operating**	Total	FTE***
FY 1991	14,437,050	6,210,733	20,647,783	595
FY 1992	16,590,494	6,303,075	22,893,569	586
FY 1993	18,311,984	6,779,212	25,091,196	615.75

\* Adjusted to show pro rata share of court services officers

\*\* Includes drug and alcohol grants for FY 1992 - 1993, and an allowance for rent for court services officers housed in courthouses 1991-1993

\*\*\* Authorized

Changes

Funding            1991 to 1992 = +10.9%  
                          1992 to 1993 = + 9.6%  
                          1991 to 1993 = +21.6%

Staff                1991 to 1992 = -1.5%  
                          1992 to 1993 = +5.1%  
                          1991 to 1993 = +3.5%

Chart Two  
Court Services (Adjusted)

	Salaries	Operating*	Total	FTE**
FY 1991	5,252,550	1,245,533	6,498,083	211
FY 1992	4,739,867	1,188,768	5,928,635	183
FY 1993	4,859,313	1,224,270	6,083,583	183

\* Operating expense includes an estimate of rent in cases where CSO's are housed in the courthouse.

\*\* Assumes the authorized pro-rate share that would not remain with the court

	Changes
<u>Funding</u>	1991 to 1992 = -8.6%
	1992 to 1993 = +2.7%
	1991 to 1993 = -6.3%
<u>Staff</u>	1991 to 1992 = -13.2%
	1992 to 1993 = 0%
	1991 to 1993 = -13.2%

**Chart Three**  
**Community Corrections**

	<b>Salaries</b>	<b>Operating</b>	<b>Total*</b>	<b>FTE**</b>
<b>FY 1991</b>	6,130,293	2,773,051	8,903,344	283
<b>FY 1992</b>	8,395,522	2,727,690	11,113,212	288
<b>FY 1993</b>	9,454,683	2,960,615	12,415,298	297.75

\* 1992 and 1993 includes drug grant money

\*\* Authorized, includes central office staff

**Changes**

**Funding**            1991 to 1992 = +24.9%  
                          1992 to 1993 = +11.8%  
                          1991 to 1993 = +39.5%

**FTE**                1991 to 1992 =    +2%  
                          1992 to 1993 = +3.4%  
                          1991 to 1993 = +5.3%

# Chart Four

## Parole

	Salaries	Operating*	Total	FTE**
FY 1991	3,054,207	2,192,149	5,246,356	101
FY 1992	3,455,105	2,386,617	5,841,722	115
FY 1993	3,997,988	2,594,327	6,592,315	135

\* Operating expenses include mental health, battered spouse and drug abuse grants for FY 1991, 1992, 1993

\*\* Authorized, includes central office staff assigned to the program

## Changes

<u>Funding</u>	1991 to 1992 = +11.4%
	1992 to 1993 = +12.9%
	1991 to 1993 = +25.7%

<u>Staff</u>	1991 to 1992 = +13.9%
	1992 to 1993 = +17.4%
	1991 to 1993 = +33.7%

**An act concerning criminal procedure; relating to authorized dispositions.**

This bill would 1) change the method of placement of offenders to Community Corrections from "assignment" to "direct placement"; 2) allow in felony cases, the ability of the court to order not more than 60 days county jail confinement as a condition of probation or "community corrections placement"; 3) provide for a yearly \$30 misdemeanor probation fee and a yearly \$60 felony probation fee; and 4) change the period of probation to five years in B felony cases and three years in C,D,E and unclassified felony cases. Probation periods would not apply to any crime or attempted crime set out in article 35 of chapter 21 of K.S.A.

Currently, there is a lack of uniformity across the state as to initial placement of offenders in Community Corrections programs. Frequently, Community Corrections is overlooked as a sentencing alternative for institution-bound offenders. In many districts, Community Corrections is used as a program of Court Services. The true purpose of Community Corrections has been ignored and has resulted in clients being placed under Court Services supervision rather than under Community Corrections supervision, and vice versa. To alleviate this problem, the Task Force felt that direct placement to Community Corrections programs would bring about better client supervision and rehabilitative treatment, reduce confusion, and abolish double counting of cases. Most of the confusion on placement to Community Corrections supervision stems from the statutes pertaining to probation assignment.

If direct placement to community corrections is attained, it is necessary to allow the court the ability to order 60 days county jail confinement for community corrections placement as well as a condition of probation.

Kansas has one of the lowest client supervision fees in the nation. Task Force members felt that misdemeanor fees should increase from a \$25 one-time fee to a \$30 yearly fee. They felt that in felony cases fees should increase from a \$50 one-time fee to a \$60 yearly fee.

The Task Force recommends a standard probation term. Terms differ significantly across the state. Setting standard terms will promote uniformity among judicial districts. The Task Force proposes not more than five years for a class B felony case and not more than three years in class C,D,E and unclassified felony cases. These terms shall not apply to any crime or attempted crime set out in article 35 of chapter 21 of K.S.A.

For more information contact:

Kansas Sentencing Commission  
(913) 296-0923

Ben Coates, Director  
Blaine Carter, Management Analyst

## HB - 3141

### **An act concerning costs in criminal cases; relating to the payment of such costs.**

This bill would establish a Criminal Costs and Restitution Trustee who would have the responsibility for collection of any amounts assessed by the court as fines, costs, fees, victim restitution or other amounts assessed by the court in criminal cases. Compensation will be made though a \$25 increase in court costs.

The Task Force discussed the problems experienced by field service officers in attempts made to collect the monies owed to victims and the court. Probation is often continued simply to collect these debts. The time spent on collections is inappropriately included as part of the duties of field service officers. The creation of the position of Criminal Costs and Restitution Trustee will provide a full time collector for these debts and will allow more time for Field Services Officers to address the rehabilitative needs of clients. The collection of restitution, fines, and other fees imposed by criminal court will become a civil matter, separate from the terms of probation. The statutory provisions for collection of child support is used as a guide in drafting this bill pertaining to collections in criminal proceedings. A Criminal Cost and Restitution Trustee would eliminate the need for the statute dealing with indefinite probation for criminal non-support cases. Collection of funds may include garnishment of lottery winnings, workers compensation, unemployment wages, and state income tax returns.

For more information contact:

Kansas Sentencing Commission  
(913) 296-0923

Ben Coates, Director  
Blaine Carter, Management Analyst



**HB - 3142**

**An act concerning criminal procedure; developing a field service officers training program.**

This bill would require the Department of Corrections, Office of Judicial Administration and Community Corrections programs to establish a program of training for full-time field service officers. Training for field service officers (Court Services, Community Corrections and Parole) will be coordinated through the Department of Corrections, Division of Community and Field Services Management. All new officers hired shall complete a preservice training course of not less than 40 hours of instruction. All officers shall complete annually not less than 40 hours of education or training in subjects relating directly to field service work.

Presently, there is no consistency in field services officer training. A majority of field services officer are trained on the job. In comparison to other categories of professionals employed in the Kansas criminal justice system, field services staff training has been neglected. The Task Force determined that a state field services training program is necessary to elevate professionalism and encourage uniformity of services.

For more information contact:

Kansas Sentencing Commission  
(913) 296-0923

Ben Coates, Director  
Blaine Carter, Management Analyst

**HB - 3143**

**An act concerning criminal procedure; relating to the development of a uniform database of offender information.**

This bill would require all Kansas field services agencies (Community Corrections, Court Services and Parole) to develop a common, uniform database of offender information for each offender placed in a nonincarcerative sanction.

The Task Force's data collection effort highlighted the fact that uniform data does not exist. This lack of standard data makes efficient planning and resource allocation difficult, if not impossible. Approximately 29 million dollars are allocated from a variety of sources without any firm idea of caseload, workload, or services needed statewide for over 27,000 offenders (over 32,000 with children in need of care and diversion clients).

For more information contact:

Kansas Sentencing Commission  
(913) 296-0923

Ben Coates, Director  
Blaine Carter, Management Analyst

## **HB - 3144**

### **An act concerning criminal procedure; relating to field service agencies.**

This bill would require staffing conferences between field service agencies in order to achieve single supervision and eliminate duplication. Staffing conferences shall be held at various stages of the decision making process to provide the courts and parole board with a comprehensive individual supervision plan based upon objective classification criteria and logistical considerations. Staffing conferences will obtain maximum use of programs and resources available to support the client's rehabilitation and meet the orders of the court and parole board.

The issue of single supervision is the paramount dilemma facing the current system of field services. Data gathered on the current system indicated a significant amount of duplication of efforts in supervising offenders. In addition, offenders typically are provided services depending upon how and where they enter the system. By holding joint staffing conferences at the decision making stages, duplication in supervision, services, and case reporting will be eliminated. Joint staffing conferences will ensure that agencies receive appropriate clients for their programs.

For more information contact:

Kansas Sentencing Commission  
(913) 296-0923

Ben Coates, Director  
Blaine Carter, Management Analyst

Testimony by Secretary Stotts  
Kansas Department of Corrections

Senate Judiciary Committee  
January 22, 1993

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I want to thank the committee for this opportunity to share with you my views on the issue of consolidation of field services.

My position, in brief, is that consolidation of field services represents a good public policy decision and that, should implementation of consolidation proceed, the Department of Corrections is the most logical organizational choice for the consolidated functions. I would like to emphasize, however, that the proposal is not one which originated with the Department of Corrections.

There appears to be widespread recognition and even some level of consensus regarding the advantages and benefits of consolidation. However, opinion is sharply divided as to the best organizational location and many feel that the advantages of consolidation would be erased if KDOC is designated as the implementing agency. While I have heard these concerns expressed on many occasions, I do not share them.

The heart of the concerns seems to me to be this: that the program and resource orientation of the Department of Corrections has been and will continue to be heavily weighed towards correctional facilities, and that consolidated field services in KDOC would not get an appropriate share of attention and funding. It is true that in response to federal court action, state government has in the past several years made very significant investments to expand prison capacity, to improve conditions of confinement, and to improve medical, mental health and program services to inmates. But it is also true that improvements and enhancements have also occurred in field services. Moreover, through enactment of the Sentencing Guidelines Act, state government has adopted a policy that clearly is designed to shift the supervision of more offenders to the community.

Another, related issue raised by those opposed to consolidation within KDOC has to do with the perception that the department is a large, centralized bureaucracy and that consolidation under the department would mean sacrificing local input and partnerships. In my view, any organizational structure--whether the KDOC or a new agency--used to administer consolidated field services will require a greater degree of centralized leadership, direction and accountability than currently exists. Otherwise, I do not see how the objectives and benefits of consolidation can be achieved. However, this does not preclude line staff and local input in decision-making.

SJ

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Attachment 4

Senate Judiciary Committee  
January 22, 1993

The opportunity exists to set into place an integrated continuum of correctional services for the supervision of felony offenders, but that opportunity can only be achieved realistically if a single agency is responsible for providing a coordinated offender management system. By establishing a comprehensive correctional plan for each individual offender--from the time of pre-sentence investigation, through community sanctions and/or incarceration and post-release supervision--better utilization of resources would be possible. Less duplication of treatment, training and education, supervision, and other resources would result if the offenders are managed within one system. If a separate agency is established, further fragmentation in an already fragmented criminal justice system would occur. For these reasons, it is my view that consolidation under a new state agency would have drawbacks offsetting the benefits.

I appreciate the difficulties presented in making a decision on this issue. However, I believe, as do others, that it is important for the issue to be resolved as quickly as possible because the outcome affects so many other decisions for the agencies involved. In my opinion, it is very unlikely that consensus will emerge from the Task Force subcommittee deliberations. I encourage the Legislature not to delay action on the consolidation issue on the basis of pending Task Force committee work. Direction is necessary. While the challenge is substantial, I would suggest that it is time to evaluate the available information, to decide the merits of the various positions, to set the best policy course for the future and to fix responsibility for its implementation.

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TESTIMONY TO SENATE JUDICIARY COMMITTEE  
JANUARY 22, 1993  
BY PHIL YOUNG, CHIEF COURT SERVICE OFFICER  
AND CLINT HURT, CHIEF COURT SERVICE OFFICER

We thank you for the opportunity to address the committee. We are Chief Court Service Officers with a total of 37 years experience in field corrections. We currently supervise a total of 15 Court Service Officers providing community supervision to an average adult and juvenile caseload of 1,200 offenders in Southeast Kansas.

In order to comprehend our current status it may be beneficial to briefly review the history of field corrections. Current staffing of Court Services (now 432 authorized positions) under the Court System, and Parole (now 101 authorized positions) under the Department of Corrections was created with court unification in 1978.

By 1984 eight (8) Community Corrections programs were operating, mainly in urban areas, under the Community Corrections Act of 1970. Also in 1984 the Legislative Division of Post Audit examined the issue of duplication of services between Community Corrections and Court Services. The auditors found no significant duplication of services.

In 1989 the Community Corrections mandate that was part of SB 49 prompted all counties in the state to develop or participate in a Community Corrections program. Currently there are 32 program budgets and 25 administrative units (now 283 authorized positions) serving the 105 counties of Kansas.

By 1990 the duplication of services issue was revived. As a result the Judiciary Committee formed a Task Force under the auspices of the Kansas Sentencing Commission to study the duplication of services and the need for cost efficiency.

It appears what SB 49 accomplished was to create an additional field service agency that duplicates administrative costs state wide. If what the legislature intended to do was to mandate intensive probation services, in

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Attachment 5

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an effort to affect prison population, perhaps they should have:

(1) Mandated and defined intensive supervision by statute; (2) Provided funding for additional personnel necessary; and (3) Integrated intensive probation services with existing field services under OJA or DOC thereby eliminating a duplication of administrative costs. With hindsight being 20/20, some attest to the idea that if the above had been accomplished we would not be addressing the consolidation issue today. This idea may still prove to be the best option for the consolidation issue.

Currently many have taken the position that some form of consolidation may be needed, however, they are not convinced that consolidation under DOC is the most practical solution.

It is clear to some that there are significant differences between "front end" services (Court Services and Community Corrections) and "back end" services (Parole). Many feel that Community Corrections intensive supervision is clearly only an extension of regular supervision and should have been staffed and funded from the beginning as Court Services programming. Likewise, Community Corrections residential services should have always been operated by DOC just as they operate other correctional institutions.

Some see the Parole function as clearly a DOC program. They feel as long as the system of early institutional release on parole exists, this function will always, and rightfully so, service DOC's interest. It is felt that Parole Officers supervise a unique population of offenders within the community, those offenders who are still in the custody of the secretary.

There is great concern among many regarding the "last minute inclusion of the "Consolidation of Field Services" issue into the Sentencing Guideline bill. The argument most often heard is that there is no choice but to consolidate under DOC, not necessarily because it is the best solution but because of the current political climate. A plan for consolidation is

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currently being developed under a mandate for consolidation. Many feel the "cart has been put before the horse" so to speak. How can one say that consolidation under DOC will provide the best field services without first developing a plan, studying that plan, and addressing concerns of all interested persons.

Another concern that appears to be most common is consolidation under a centralized bureaucracy. It is important that autonomy, individual discretion, close relationships, and services to the Court not be hindered or lost.

Because of varied opinions and concerns lets not eliminate other options. For example, lets not forget that consolidation under a new independent agency was the recommendation of the 1991 Consolidation Task Force and the clear consensus among criminal justice system professionals. This recommendation was the result of a series of meetings and extensive analysis, and should not be abandoned.

In closing, the consensus of the Chief Court Service Officers and the Kansas Association of Court Service Officers at the September 17, 1992 meeting in Manhattan was that there is no need to rush into consolidation under DOC. We ask that the consolidation mandate be removed from current legislation and that the task force continue to study and create a complete consolidation model based on the 1991 Task Force recommendation, or revisions thereof, to be reviewed prior to any decision to mandate consolidation. This would also allow time to study the impact of Sentencing Guidelines on the criminal justice system. Regardless of the final outcome of the consolidation question, resource sharing and cooperation among agencies must continue to exist. Everyone's goal must continue to be public safety and the rehabilitation of the offender.



Phil Young  
Chief Court Service Officer  
31st Judicial District  
(Allen, Wilson, Woodson and Neosho)  
P.O. Box 246  
Fredonia, Kansas 66736  
(316) 378-3391

Clint Hurt  
Chief Court Service Officer  
11th Judicial District  
(Crawford, Labette, Cherokee)  
408 N. Walnut Suite 1  
Pittsburg, Kansas 66762  
(316) 232-2460

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