

CJCC Briefing Book 2013



Sedgwick County...
working for you

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10-04

RESOLUTION

A RESOLUTION ESTABLISHING A SEDGWICK COUNTY CRIMINAL JUSTICE COORDINATING COUNCIL PRESCRIBING THE QUALIFICATIONS AND MANNER OF APPOINTING ITS MEMBERS AND ESTABLISHING ITS POWERS AND DUTIES PURSUANT TO THE PROVISIONS OF K S A 19 101 *et seq*

WHEREAS K S A 19 101 *et seq* provides that counties may exercise certain home rule powers including administrative powers subject to certain restrictions contained in said statutes and

WHEREAS Sedgwick County Kansas is a county within the meaning of the provisions of K S A 19 101 *et seq* and

WHEREAS it is the desire of the Board of County Commissioners to establish the Sedgwick County Criminal Justice Coordinating Council to help coordinate guide and integrate adult criminal justice activities in Sedgwick County

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY KANSAS

SECTION 1 CREATION There is hereby created the Sedgwick County Criminal Justice Coordinating Council (CJCC)

SECTION 2 MEMBERSHIP

A The CJCC shall consist of the following members as set out in subsections B and D of this section who shall be representative of the judiciary prosecution defense law enforcement corrections human services elected officials and county management staff

B Voting members of the CJCC shall consist of the following positions

- (1) the Chief Administrative Judge of the 18th Judicial District
- (2) the Chief Administrative Judge of the Municipal Court of the City of Wichita
- (3) the District Attorney for the 18th Judicial District
- (4) the Chief Prosecutor for the City of Wichita
- (5) the Sheriff of Sedgwick County
- (6) the Chief of Police for the City of Wichita
- (7) the Chief Public Defender for Sedgwick County
- (8) the Director of Sedgwick County Department of Corrections
- (9) one member from the Wichita City Council
- (10) two members from the Board of County Commissioners
- (11) the Sedgwick County Manager
- (12) the Sedgwick County Director of Public Safety
- (13) the Director of COMCARE of Sedgwick County

C Members appointed pursuant to 2(B) (1 through 13) shall be appointed to serve for as long as they hold their respective elective office or employment in the designated position Vacancies for these positions will be filled in the manner that the position was originally filled

D The Board of County Commissioners may appoint additional voting and *ex officio* members to the CJCC for such terms as the Board of County Commissioners shall deem appropriate

SECTION 3 PROCEEDINGS AND RULES OF CONDUCT

- A All proceedings of the CJCC and any committee or subcommittee shall be open to the public in accordance with K.S.A. 75-4317 to 75-4320 inclusive and amendments thereto All votes of members of the CJCC shall be recorded and shall become a matter of public record
- B The Board of County Commissioners shall appoint the CJCC Chairman other officers shall be elected by the CJCC as it deems necessary
- C The CJCC shall promulgate and implement rules concerning the conduct of proceedings and attendance of members at CJCC meetings

SECTION 4 MISSION AND AUTHORITY

- A The CJCC will study the Sedgwick County criminal justice system identify deficiencies and formulate policy plans and programs for change when opportunities present themselves It addition it will communicate and present planning financial operational managerial and programmatic recommendations to the criminal justice agencies as that term is defined by K.S.A. 22-4701 and amendments thereto and to public policy entities with oversight over said agencies located in Sedgwick County
- B The CJCC will seek to provide coordinated leadership to establish cohesive public policies which are based on research evaluation and monitoring of policy decisions and program implementations The CJCC will encourage the implementation of innovative corrections programs for adult offenders with the goal of reducing the need of or restricting the growth of detention facility bed space Finally the CJCC will through a coordinated planning effort review evaluate and make policy recommendations on vital criminal justice system issues and will take such actions as are consistent with the mission

SECTION 5 EFFECTIVE DATE

This resolution shall take effect and be in force from and after its approval and adoption by the Board of County Commissioners of Sedgwick County Kansas

Commissioners present and voting

DAVID M UNRUH	<u>aye</u>
TIM R NORTON	<u>aye</u>
THOMAS G WINTERS	<u>aye</u>
CAROLYN McGINN	<u>aye</u>
BEN SCIORTINO	<u>absent</u>

Dated this 24th day of February 2004

ATTEST

Don Brace
DON BRACE County Clerk



APPROVED AS TO FORM

Richard A Euson by Ed L Raudaba
RICHARD A EUSON
County Counselor

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY KANSAS

Thomas G Winters
THOMAS G WINTERS Chairman
Third District

David M Unruh
DAVID M UNRUH Chairman Pro Tem
First District

Tim R Norton
TIM R NORTON Commissioner
Second District

Carolyn McGinn
CAROLYN McGINN Commissioner
Fourth District

Absent
BEN SCIORTINO Commissioner
Fifth District

RESOLUTION 172-09

A RESOLUTION AMENDING RESOLUTION NO. 75-2009

WHEREAS, on the 4th day of February, 2004, the Board of County Commissioners of Sedgwick County ("BOCC") enacted Resolution No. 10-2004 establishing the Sedgwick County Criminal Justice Coordinating Council ("CJCC"); and

WHEREAS, said resolution was amended on April 22, 2009 by Resolution 75-2009; and

WHEREAS, it is the desire of the BOCC to amend Resolution No. 75-2009 in order to provide for appointments of County Commissioners to the CJCC.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY KANSAS that Resolution 75-2009 is hereby amended and shall read as follows:

SECTION 2. MEMBERSHIP

A. The CJCC shall consist of the following members as set out in subsections "B" and "D" of this section who shall be representative of the judiciary, prosecution, defense, law enforcement, corrections, human services, elected officials and county management staff.

B. Voting members of the CJCC shall consist of the following positions:

- (1) the Chief Judge of the 18th Judicial District;
- (2) the Administrative Judge of the Municipal Court of the City of Wichita;
- (3) the District Attorney for the 18th Judicial District;
- (4) the Chief Prosecutor for the City of Wichita;
- (5) the Sheriff of Sedgwick County;
- (6) the Chief of Police for the City of Wichita;
- (7) the Public Defender for the 18th Judicial District;
- (8) the Director of Sedgwick County Department of Corrections;
- (9) one member from the Wichita City Council;
- (10) two members from the BOCC;
- (11) the Sedgwick County Manager;
- (12) the Sedgwick County Director of Public Safety;
- (13) the Director of COMCARE of Sedgwick County;
- (14) a municipal elected official from the Sedgwick County Association of Cities; and
- (15) the Criminal Presiding Judge of the 18th Judicial District.

C. Members appointed pursuant to Section 2.B.1 through 9, inclusive and 11 through 15, inclusive, above, shall be appointed to serve for as long as they hold their respective elective office or employment in the designated position. Vacancies for these positions will be filled in the manner that

the position was originally filled. Members appointed pursuant to Section 2.B.10 shall be appointed by the Chair of the BOCC with the consent of the majority of the BOCC membership, and they shall serve at the pleasure of the said Chair.

D. *Ex Officio* members of the CJCC shall consist of the following persons:

- (1) a representative of the Sedgwick County Association of Police Chiefs;
- (2) a representative of the 18th Judicial District Court Services;
- (3) a representative of the Wichita Municipal Court Probation; and
- (4) a representative of the State of Kansas Parole.

E. The BOCC may appoint additional voting and *ex officio* members to the CJCC for such terms as the BOCC shall deem appropriate.

F. Voting members may designate another person to vote on the member's behalf.

BE IT FURTHER RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY that all other provisions of Resolution 10-2004 shall remain in full force and effect and that Resolution No. 75-2009 is hereby rescinded..

This resolution shall take effect from and after its approval and adoption by the BOCC.

[Balance of page intentionally left blank]

Commissioners present and voting were:


DAVID M. UNRUH	<u>No</u>
TIM R. NORTON	<u>No</u>
KARL PETERJOHN	<u>Aye</u>
KELLY PARKS	<u>Aye</u>
GWEN WELSHIMER	<u>Aye</u>

Dated this 21st day of October, 2009.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

Kelly B. Arnold
 KELLY B. ARNOLD, County Clerk



Kelly Parks
 KELLY PARKS, Chairman
 Commissioner, Fourth District

Gwen Welshimer
 GWEN WELSHIMER
 Commissioner, Fifth District

APPROVED AS TO FORM:

Richard A. Euson
 RICHARD A. EUSON
 County Counselor

David M. Unruh
 DAVID M. UNRUH
 Commissioner, First District

Tim R. Norton
 TIM R. NORTON
 Commissioner, Second District

Karl Peterjohn
 KARL PETERJOHN
 Commissioners, Third District



*Sedgwick County...
working for you*

Bylaws: County of Sedgwick Criminal Justice Coordinating Council, Amended March 2009

Article I: Name

The name of this Council is the Sedgwick County Criminal Justice Coordinating Council, and it will be referred to as the Council in the following bylaws.

Article II: Authority

The Sedgwick County Board of County Commissioners established the council by resolution in February 2004.

Article III: Purpose

Section A: Principal Mission

The principal mission of the Council is to study the Sedgwick County criminal justice system, identify deficiencies and formulate policy, plans and programs for change when opportunities present themselves. In addition, its mission is to communicate and present planning, financial, operational, managerial, and programmatic recommendations to the agencies represented on the Council.

The Council is committed to providing the coordinated leadership necessary to establish cohesive public policies, which are based on research, evaluation and monitoring of policy decisions and program implementations. The Council is committed to innovative corrections programs for adult offenders. Through a coordinated planning effort the Council reviews, evaluates and makes policy recommendations on vital criminal justice system issues.

Section B: Guiding Principles

The Council is committed to serve as the planning body for the Criminal Justice System in Sedgwick County.

Section C: Recommendations to the Elected Governing Body

The Council can make recommendations to public policy boards regarding criminal justice system issues.

Article IV: Members

Section A: Membership by Position

There are sixteen voting members of the Council who are members due to the position they hold. These sixteen members serve on the Council for as long as they occupy the position:

- Chief Judge, 18th Judicial District
- Administrative Judge, Municipal Court of the City of Wichita
- Sheriff of Sedgwick County
- Chief of Police, Wichita
- District Attorney, 18th Judicial District
- Chief Public Defender of Sedgwick County
- Chief Prosecutor for the City of Wichita
- Director of Sedgwick County Department of Corrections
- County Manager

- Two members of the Sedgwick County Board of County Commissioners
- One member from the Wichita City Council
- Director, Department of COMCARE of Sedgwick County
- Director of Public Safety, Sedgwick County
- Criminal Presiding Judge, 18th Judicial District
- One elected official from the Sedgwick County Association of Cities

Section B: Other Members

The Sedgwick county Board of Commissioners may appoint additional voting and “ex officio” members to the Council for such terms the Commissioners shall deem appropriate.

Article V: Meetings

Section A: Regular Meetings

The council will regularly meet on the fourth Thursday of each month from 10 AM to 11 AM. The Council may change the day, time and frequency of meetings, as it deems necessary.

Section B: Designees

Council members may designate one chief staff person to represent them at Council meetings. Any member wishing to appoint a designee is to identify the designee in written correspondence addressed to the Chair of the Council. Designees can be changed only by notifying the Chair in writing.

Section C: Quorum

A quorum is a simple majority of the total voting membership. Action may be taken by a majority of those present voting and by

not less than a simple majority of the quorum.

Section D: Convening Special Meetings

The Chair of the Council may convene a special meeting. Written notice must be served at least 48 hours in advance. Only items included in the written notice may be discussed or considered.

Section E: Staff Support

Staff support for the Council will be provided through the Sedgwick County Manager.

Article VI: Chair

The Board of County Commissioners shall appoint the Council Chair. Instances when the Chair cannot attend the meeting, the Chair will designate a voting member to preside over the meeting.

Article VII: Voting

Each voting member of the Council has one vote. Designees may vote on behalf of a voting member. Ex Officio members may not vote.

Article VIII: Committees

To expedite and facilitate the business of the Council and the orderly and efficient consideration of matters coming before it, the Council may establish standing and/or temporary committees, task forces, or other working relationships, as it deems necessary.

Article IX: Parliamentary Authority

Parliamentary procedures will not be required as a normal practice of decision-making. Respectful dialog and consensus are the preferred norm for the conduct of Council business.

In the event that any member requests a formal vote of the members on any issue, *Robert's Rules of Order*, revised, governs the voting process except in instances of conflict between the rules of order and the bylaws of the Council or provision of law, which shall take precedence

Article X: Amendment of Bylaws

Proposed amendments to the bylaws are to be included on the agenda of a regularly scheduled meeting. Any action in response to the proposed change in the bylaws taken by the Council becomes effective immediately. Council amendments to bylaws must be approved by a minimum of two thirds (2/3) of voting members appointed to the council.

2013 Criminal Justice Coordinating Council Members

Council Chair

Judge James Fleetwood, Chief Administrative Judge, 18th Judicial District
Email: jfleetwo@dc18.org Phone: (316) 660-5611

Voting Members

Judge Jennifer Jones, Chief Administrative Judge, Municipal Court of the City of Wichita
Email: JJJones@wichita.gov Phone: (316) 268-4600

Judge Warren Wilbert, 18th Judicial District
Email: wwilbert@dc18.org Phone: (316) 660-5625

Chief Norman Williams, Chief of Police, City of Wichita
Email: NWilliams@wichita.gov Phone: (316) 268-4158

Marc Bennett, District Attorney, 18th Judicial District
Email: mabennet@sedgwick.gov Phone: (316) 660-3600

Commissioner Karl Peterjohn, Sedgwick County Board of County Commissioners
Email: kpeterjo@sedgwick.gov Phone: (316) 660-9300

Commissioner Dave Unruh, Sedgwick County Board of County Commissioners
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Council Member Lavonta Williams, Councilmember, City of Wichita
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Sharon Dickgrafe, Chief Deputy City Attorney, Municipal Court of the City of Wichita
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Bill Buchanan, County Manager, Sedgwick County
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Steve Osburn, Chief Public Defender, Sedgwick County
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Jeff Easter, Sedgwick County Sheriff
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Marilyn Cook, Director of COMCARE, Sedgwick County
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Chad VonAhnen, Director of Public Safety, Sedgwick County
Email: cvonahne@sedgwick.gov Phone: (316) 660-4955

Council Member Keith Thomas, Park City Council, Sedgwick County Association of Cities
Email: kthomas@parkcityks.com Phone: (316) 838-7655

Voting Designees

Judge Clark Owens (for Judge James Fleetwood)
Email: cowens@dc18.org Phone: (316) 660-5620

Judge Ben Burgess (for Judge Warren Wilbert)
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Gail Villalovos (for Judge Jennifer Jones)
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Ann Swegle (for District Attorney Nola Foulston)
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Jason Scheck (for Marilyn Cook)
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Sedgwick County Support Staff

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Marv Duncan, Government Relations Director
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SEDGWICK COUNTY CRIMINAL JUSTICE COORDINATING COUNCIL HISTORY OF PROGRESS AND INITIATIVES

History of the Adult Detention Facility

1990 - The new Adult Detention Facility opened with 418 beds at a cost of \$25 million.

2000 - The jail was expanded to 1,068 beds at a cost of \$37.5 million.

2008 – Planned expansion of an additional 384 beds at an approximate cost of \$50 million plus annual operating costs of \$7.5million.

History of the CJCC

2003

- Based on concern for a growing jail population – BOCC hired the Institute for Law and Policy Planning (ILPP) to perform a jail Population and Criminal Justice System Study. The ILPP final report was delivered to the BOCC in December and made extensive recommendations for justice system improvements, development of a Criminal Justice Coordinating Council (CJCC), and implementation of a system of alternatives to incarceration.

2004

- The CJCC was formed in February and held its first meeting in April. The CJCC has continued meeting and concentrating efforts in studying our criminal justice system and making recommendations on improvements and program implementation.
- Work Release was expanded bringing total bed capacity to 157.
- Detention Classification System was reviewed and staff upgrades were funded to enhance the Sheriff's ability to identify inmate risk and classification of inmates.

2005

- Pretrial Services was extended to City of Wichita.
- Community Corrections Adult Residential program was expanded with the addition of 45 beds bringing total bed capacity to 120.
- City of Wichita reviewed field release policies – making no changes to existing practices.
- Partnered with the KDOC and City of Wichita to jointly fund the Offender Reentry Program designed to improve the success of adult parolees returning to Sedgwick County from Kansas Prisons.
- District Court established to ability to automate the sentencing process with the use of electronic journal entries, providing an efficient and time saving manner for judges to complete the sentencing process from the bench.
- District Court and Wichita Municipal Court reviewed and revised bond schedules.
- BOCC contracted with Wichita State University to conduct an extensive analysis of individuals booked into and sentenced to the jail and to develop a set of alternatives to incarceration that best serve our community.
- Facilities Work Group was established to examine current and future detention facility needs. The scope of their work was to 1) determine the best use of the space adjacent to the current detention facility, and 2) What and how to best meet future detention needs.

With the recommendation of the Facilities Work Group, the CJCC voted to endorse an on-site jail expansion just north of the existing jail.

- Technology Task Force was formed to study inefficiencies in current technology systems and the sharing of information between agencies. XML was adopted as the communication standard for the sharing of information. The task force continued meeting to determine a data-sharing model that would benefit all criminal justice agencies.
- CJCC Master Plan was approved by the BOCC – the CJCC moved forward with the study of jail alternatives, bringing individual proposals to the BOCC for approval and County staff proceeded with a 384-bed jail expansion.

2006

- Expansion of Pretrial Services Program was reviewed – it was decided that an expansion of services would not expedite or allow for more releases from jail.
- District Court Drug Diversion program received additional funding for their program.
- Sheriff implemented double bunking in the jail with the addition of 90 beds.
- Day Reporting Center (DRC) – Sedgwick County contracted with Behavioral Intervention (BI) to provide a non-residential sentencing alternative to incarceration. The DRC offers highly structured programs of intervention, supervision, and programming to offenders in need of structure and case management services.
- Sedgwick County Offender Assessment Program (SCOAP) was funded to address the needs of non-violent individuals whose mental illness is at the core of their arresting behavior. SCOAP began accepting referrals in August 2006.
- Global Justice JIEM (Justice Information Exchange Model) was adopted as the data-sharing model to be used by Sedgwick County criminal justice agencies. JIEM is the national standard used by justice agencies to support the integration of technology information systems.
- District Court staff attended a Judicial Performance Seminar focused on case flow efficiencies.

2007

- Facilities Work Group reported to the CJCC that the best way to meet the future detention needs of our community is through a minimum management satellite facility, with the recommendation that planning steps begin now.
- Drug Court subcommittee was formed and worked throughout the year to determine if a district court drug court would be beneficial for our community, how it would impact the jail population, and what it would look like. The committee concluded that the drug court would have a positive impact on our community.
- CJCC and County staff continued to study the implementation of a housing fee as a strategy to seek the best and most efficient use of the detention facility. Numerous studies were conducted along with several stakeholder meetings. The BOCC decided to implement municipal housing fees beginning January 1, 2008.
- Pretrial Services implemented an automated reminder system for their clients. Reminders to clients through the automated phone system include court dates, meetings with their ISO, dates for assessments, reminders to bring specific information to meetings, etc.
- BOCC included funding in the 2008 budget for technology integration staff (JIEM project).

2008

- Housing Fees – Sedgwick County began charging housing fees to all municipalities in the county.
- Technology – Technology integration staff has been hired by Sedgwick County and have begun the implementation of JIEM.
- Drug Court for District Court proposal was approved by the BOCC for funding and began in October.
- The first full Crisis Intervention Team (CIT) training was offered in Sedgwick County. Law enforcement participants included the Sedgwick County Sheriff's Office and Wichita Police Department.
- Jail Expansion – construction documents were completed in March.

2009

- CIT-911 Dispatchers were trained in identifying calls where CIT officers should respond; the second CIT class graduated in February 2009.
- CJCC Bylaws- Amended in March 2009 with an increase in voting members to 16 (addition of one elected official from the Sedgwick County Association of Cities); a quorum was defined as a simple majority; and designees may vote on behalf of their voting member.
- Drug Court- moved to a permanent facility to consolidate services to a permanent location.
- The City of Wichita Mental Health Court was established through funding from the Bureau of Justice Assistance and enrolled its first participant in September 2009. The Sedgwick County Offender Assessment Program (SCOAP) provided mental health assessment and case management services for Mental Health Court participants.
- Pretrial Services revised procedures to increase use by the City of Wichita.
- A 2009 jail study found that 47% of Sedgwick County jail inmates were current or former recipients of mental health treatment. That represents a decrease of 15% from a 2005 study that found 62% of inmates were current or former recipients of mental health treatment.

2010

- An additional staff member was added to the District Attorney's Office to help cut down on journal entry time to approximately seven days.
- Drug court- had its graduation ceremony in September 2010.
- The County went live with Phase I of the Interface Management Team project (I-Leads and Full Court) in August 2010.
- Mental Health Court celebrated its one year anniversary and its first graduation ceremony in September 2010.
- The Data Workgroup was established and they began an online presence for the CJCC to keep members and the public updated on what they are working on.

2011

- Sedgwick County Drug Court developed and implemented a sanctions grid that they began using in June 2011.
- The CJCC Master Plan was updated in May 2011.
- Day Reporting renewed a contract that let them continue cognitive behavioral treatment in July 2011.
- The Interface Management Project for the County went live in July 2011.

2012

- 93% of Sedgwick County Drug Court graduates were found to have a reduced risk score as determined by the LSI-R and 92% had not been charged with a new crime 6 months after graduation.
- A pilot study to implement the LSI-R at sentencing for Judges to assess risk was started.
- The Community Corrections Three Year Study of Recidivism showed that 72% of those that had successfully completed the program had not been re-arrested or re-charged with a new offense at three years.
- The Systems Planning Subcommittee was started to help develop a legislative platform for the CJCC with the ability to expand to other issues if needed.

History of Alternative Jail Programs

City of Wichita Municipal Drug Court – 1995

The City of Wichita Municipal Drug Court began in 1995. The offender referred for the program appears before the Municipal Court judge and if the individual voluntarily agrees to enter the program, he or she is ordered into the drug treatment program at COMCARE. Treatment is monitored through group attendance and random urine drug screens. If the client satisfactorily completes treatment, the legal charges may be dismissed.

SCOAP – August 2006

The Sedgwick County Offender Assessment Program (SCOAP) was created to better address the needs of individuals whose mental illness is at the core of their arresting behavior. Most of the crimes involved are nuisance crimes.

Program goals:

1. To reduce the number of low risk mentally ill suspects booked into the county jail.
2. To improve access and follow up to appropriate mental health screening and services for mentally ill persons in the custody of law enforcement.
3. To reduce recidivism (new arrests) among mentally ill persons arrested in Sedgwick County.

CIT – August 2008

Crisis Intervention Team (CIT) programs are designed to educate and prepare police officers who come into contact with people with severe mental illnesses to recognize the signs and symptoms of these illnesses, and to respond effectively and appropriately to people who are experiencing a psychiatric crisis. Because police officers are often the first responders in these incidents, it is essential that they know how critical periods of mental illness alter behaviors and perceptions, can assess what is needed in the moment, and can bring understanding and compassion to bear when they are handling these difficult situations.

CIT training provides them with the skills to make a safer intervention for themselves, for the consumer in a crisis, for the consumer's family and for the community. A key feature of the training teaches police officers effective methods of de-escalating the crisis situation and "reaching" the person in crisis. This approach allows consumers in distress to participate in the decisions about their treatment and facilitates consensus about the immediate safe course to follow. CIT officers learn how to link people with appropriate treatment, which has a positive impact on fostering recovery and reducing recidivism in the criminal justice system. The first week long CIT training in Sedgwick County occurred in August 2008.

City of Wichita Mental Health Court – September 2009

The Mental Health Court (MHC) is a problem-solving court with a specialized docket, regular judicial supervision and a team approach improving coordination and communication between the mental health system and the criminal justice system. The approach allows for better moni-

toring an individual's compliance to mental health treatment, promotes improved adherence to court orders and reduces recidivism. A Qualified Mental Health Professional provides assessment, treatment planning, and works as a member of the MHC team to reward and sanction adherence to treatment and court orders. Referrals for the MHC come from the City of Wichita Prosecutor's Office. SCOAP provides case management and other services to those enrolled in the Mental Health Court. The MHC started in 2009.

DRC

The Sedgwick County Day Reporting Program is a non-residential sentencing alternative to incarceration. The program, which began in June 2006, provides case management, substance-abuse treatment, cognitive behavior change curriculum, pre-employment, anger management, and domestic violence programming. It also provides requisite supervision for hour arrest and employment clients.

Program goals:

1. Improve compliance with the law.
2. Reduce recidivism.
3. Reduce jail population.

Sedgwick County Drug Court

In 2008, the Board of County Commissioners approved funding for the Sedgwick County Drug Court Program. The program is designed to achieve a reduction in recidivism and substance abuse among drug dependent offenders and increase the offenders' likelihood of successful habilitation through timely, continuous, and intense judicially supervised treatment, mandatory periodic drug testing, and use of appropriate sanctions and other habilitation services. The integration of drug treatment services with justice system case processing and ongoing judicial interaction with each drug court participant are key components. Addressing and treating issues such as substance abuse help reduce detention rates and address the core of the criminal behavior while the offender continues to contribute to the community.

The drug court targets high-risk felony offenders at the time of original sentence or who have violated their probation.

Program goals:

1. To increase the number of drug dependent offenders who engage in long-term substance abuse treatment.
2. To decrease the number of jail days felony offenders spend in the Sedgwick County jail for probation violations.
3. To increase the number of successful treatment and probation completions by Drug Court participants.

Community Corrections Adult Intensive Supervision Program

Through the Adult Intensive Supervision Program, court-ordered adult offenders are allowed to live at home under strict guidelines. Frequent drug testing and contact with employers and treatment providers ensures the court's criteria for placement are followed. The degree of supervision received by adult offenders is based on their identified needs and individual progress. Possible reasons for electronic monitoring placements could be a lack of compliance with program rules or court orders, need for restricted mobility, suspicion of ongoing criminal activity or any special concern for public safety or the safety of the offender.

Program goals:

1. Protect the community by closely supervising offenders at appropriate levels of intensity so that violations are detected and sanction imposed.
2. Provide effective correctional intervention, supervision, and services to adult offenders assigned to the Adult Intensive Supervision Program.
3. Link offenders to appropriate services to address targeted crime producing behaviors.

Community Corrections Adult Residential

Adult Residential Services is a 65-bed co-ed facility emphasizing intense supervision and accountability by monitoring offenders' daily activities in the community and treatment. The program expanded by 45 clients per day in 2005 to ease jail overcrowding. Residents are expected to maintain full-time employment, placement in education/vocational programming in the community, and/or enrollment in treatment. Emphasis is placed on daily living skills, budgeting of personal income, completing court ordered requirements, and preparing for re-entry into the community. Case management and intervention services are provided based on the needs of the offender and are designed to reduce risk of the resident violating terms of probation or committing additional crimes. Offenders placed in Adult Residential are normally received via a revocation hearing from adult probation or during sentencing for a new crime. An offender's average length of stay to successfully complete the program in 110 days.

Program Goals:

1. Provide an effective residential alternative to prison that promotes public safety through close supervision of offenders and requires accountability and responsibility.
2. Provide services that increase chances for offenders to succeed in the community and remain crime free.

District Attorney Adult Diversion

The Adult Diversion program enables qualified offenders charged with driving-under-the-influence or certain non-violent criminal offenses to avoid a criminal conviction while being held accountable for their acts. Successful completion of a diversion program will result in the dis-

missal of criminal charges. Program requirements can include payment of restitution, correctional counseling, substance abuse or mental health treatment, community service work, and payment of costs, fines and other fees.

**Community Corrections
Offender Reentry Project**

The program was recommended by the Joint City/County/State Offender Reentry Task Force. The program goal is to improve the success of adult parolees returning to Sedgwick County from prisons.

Official Committees of the CJCC

Data Work Group

Chair: Richard Vogt, Chief Information Officer

The Data Work Group was formed because of the recognition by the CJCC that many decisions could only be made and evaluated based on consistent data. Primarily of interest to the CJCC are trends of what is happening in various segments of the criminal justice system in Sedgwick County and outcomes when program changes are implemented. The Data Work Group helped to establish the format for the population report that tracks the numbers in the criminal justice system and their fluctuations as well as creating a daily snapshot concept that has been the foundation for various research efforts and analysis. Currently the Data Work Group has been working with Wichita State University on a project for pre-trial inmates to determine inmate risk.

Mental Health Committee

Chair: Marilyn Cook, Director of COMCARE

The Mental Health Committee was established to evaluate what programs would be beneficial in helping to reduce the jail population. In 2011 \$700,000 was allotted in the budget to address mental health issues in the jail. The CJCC was tasked to develop recommendations for consideration by the BOCC and the Mental Health Committee was formed to research and report back to the CJCC on these recommendations. Overall the committee identified eight initiatives that were narrowed to three recommendations: a mental health pod in the jail, one new competency evaluator in the SCOAP program and two new case managers for SCOAP. A contract was established with a competency evaluator to help fill these needs. The Mental Health Committee meets when necessary to examine issues related to mental health and the jail population.

Systems Planning Committee

Chair: Chad VonAhnen, Director of Public Safety

The Systems Planning Subcommittee was established in September 2012 to help identify and focus on legislative issues that affect the CJCC and the criminal justice system as a whole. While the scope of the subcommittee was not limited to legislative issues, it was decided that the main focus initially would be on development of the legislative platform but that the group would retain the flexibility to expand to other issues in the future if deemed necessary. In the fall of 2012 the Systems Planning Subcommittee worked to establish a section in the County's Legislative Platform dedicated solely to CJCC issues.

August 2011

*Criminal Justice
Comprehensive
Master Plan for
Sedgwick County*



*Sedgwick County...
working for you*

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HISTORY OF JAIL OVERCROWDING IN SEDGWICK COUNTY

The history of jails in Sedgwick County begins in 1874, when Sedgwick County became a “booming cow town.” The need for a jail became evident to provide for public safety. In 1923, the “Munger Jail” was built to provide a permanent structure for the Sedgwick County Jail. This building was constructed to the north of the Sedgwick County (Historic) Courthouse and served the community for nearly 35 years.

In 1958, the Sedgwick County Courthouse was constructed and contained space for a 135 bed jail. The jail population between 1980 and 1983 rose from 193 to 241. By 1986, the jail population exceeded 325. A federal law suit (Reese v. Gragg) in 1986 required that the jail population be contained to 191-197 inmates and that a plan be developed to deal with the overcrowding issues at the facility. In addition, a 96-bed work release facility was opened as an option for the judicial system in 1987.

In 1990, in response to the increasing jail population and limited space at the courthouse jail, the Board of Sedgwick County Commissioners (BoCC) opened a new adult detention facility, with 418 beds. In 2000, the new jail was expanded to 1,068 beds. This expansion took place only 10 years after the jail was built.

In 2001, just one year after the expansion, Sedgwick County was once again faced with jail overcrowding and was forced to start sending inmates out of the county to be housed.

Jail Incarceration Rates in Sedgwick County

Jail incarceration rates are monitored both at the local and national level based on two measures:

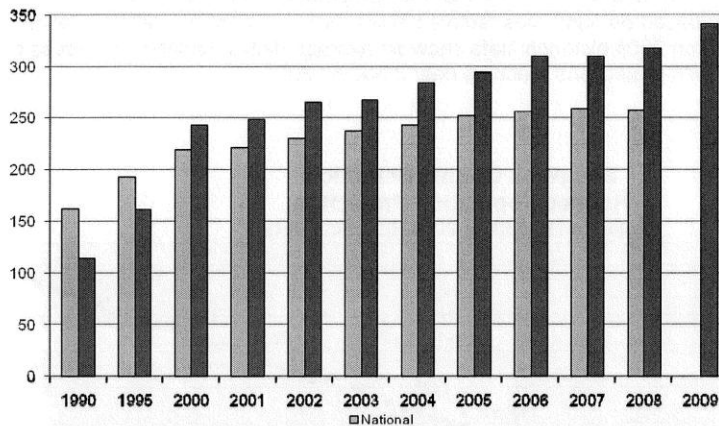
- The actual jail incarceration rate (number of inmates in jail per 100,000 residents)
- The growth rate computed by year as a percentage change in local jail population from the previous year

In 1990, the actual jail incarceration rate for Sedgwick County was a below-average rate of approximately 115 per 100,000 (national rate was 163 per 100,000).

In 1995, the Sedgwick County incarceration rate rose to 162 per 100,000 but still remained below the national rate of 193 per 100,000.

In 2000, the Sedgwick County incarceration rate rose to 243 per 100,000 (national rate was 220 per 100,000) and for each year since has remained above the national level.

Comparison of National and Sedgwick County Jail Incarceration Rate



The rate per 100,000 jail inmates made its most dramatic jump in Sedgwick County in the 1990s, (during the national "War on Drugs") when the rate more than doubled. Nationally, between 1990 and 2000, the incarceration rate increased by 34.9 percent; during the same time period, the rate in Sedgwick County increased by 111.3 percent.

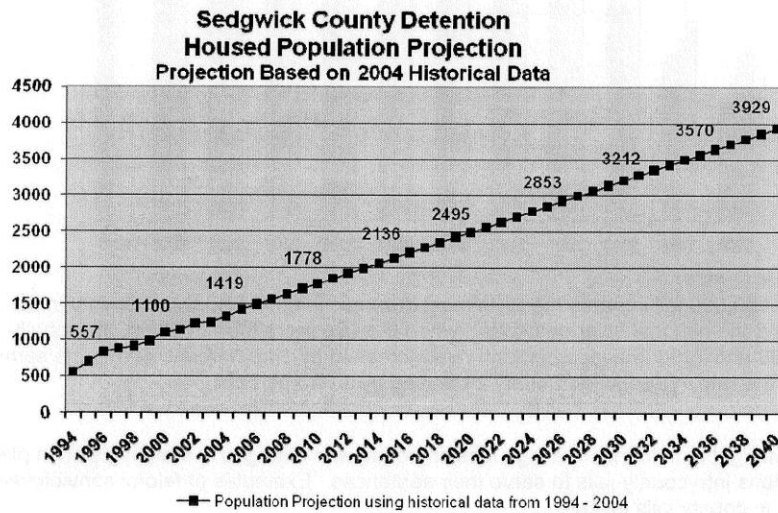
One factor thought to influence the high local increase was changes in state legislation placing convicted felons into county jails to serve their sentences. Examples of felony convictions serving time in county jails include:

- Felony DUI convictions
- Second and third conviction for forgery
- Third domestic violence battery conviction
- Cruelty to animal
- Harming or killing certain dogs

Other factors impacting local jail incarceration rates include:

- Kansas Crime Commission implementation of sentencing guidelines
- Targeted response to crime (gang activity, domestic violence, etc.)
- Increased emphasis and investment in law enforcement, prosecution, and forensic science
- Parolees leaving state prisons and coming to Sedgwick County for work (more than Wyandotte, Johnson, Saline, and Shawnee counties combined)

The driving force behind a need for additional jail bed space is the continuously rising jail population. The average daily population for the Sedgwick County Jail continues to accelerate, again based on numerous factors beyond our local control. Jail population projections based on 2004 historical data show an average daily population in excess of 1,700 in the year 2010 with projections reaching near 2,500 by 2020.



What's the cost?

The monetary investment in infrastructure to address the increasing jail population and assure community safety is significant. The jail constructed in 1990 cost \$25 million. The expansion that opened in 2000 cost \$37.5 million. The daily cost of housing an inmate in the Sedgwick County Jail is detailed as follows:

Daily Jail Cost Per Inmate: **\$66.20***

- Indirect costs: \$6.59 (facility maintenance, security, sheriff training, etc.)
- Direct costs: \$53.45 (salaries & wages, uniforms, food, transport, medical, etc.)
- Other costs: \$6.16 (building and equipment depreciation, bond interest)

* Costs reported are audited from certified public accounts in the 2009 Maximus Jail Rate Analysis.

CREATION OF THE CRIMINAL JUSTICE COORDINATING COUNCIL

In response to expensive jail construction and operational costs, in 2003 the Board of Sedgwick County Commissioners hired the Institute for Law and Policy Planning (ILPP) to conduct a jail population and criminal justice system study. The ILPP study was a comprehensive jail population study to examine whether a better understanding of the jail population dynamics and the overall administration of justice might result in re-engineering the system to reduce demand for jail beds.

The number one recommendation from the ILPP study was for Sedgwick County to create a Criminal Justice Coordinating Council and use that group of system stakeholders to manage the system and maximize the cost-effective use of criminal justice resources.

The Sedgwick County Criminal Justice Coordinating Council (CJCC) was formed by county resolution in February 2004. Sedgwick County created the CJCC to study our criminal justice system, identify deficiencies, formulate cohesive policies and programs, and implement innovative corrections programs for adult offenders.

Voting Members:

- Chief administrative judge of the 18th Judicial District
- Administrative judge of the Municipal Court of the city of Wichita
- Criminal presiding judge of the 18th Judicial District
- District attorney for the 18th Judicial District
- Chief prosecutor for the city of Wichita
- Sedgwick County sheriff
- Chief of police for the city of Wichita
- Chief public defender for Sedgwick County
- Director of Sedgwick County Department of Corrections
- One member from the Wichita City Council
- Two members from the Board of Sedgwick County Commissioners
- Sedgwick County manager
- Director of Sedgwick County Division of Public Safety
- Director of COMCARE of Sedgwick County
- One elected official from the Sedgwick County Association of Cities

Non-Voting Members:

- Judges of the 18th Judicial District
- Wichita State University
- Assistant county counselor for Sedgwick County
- Sedgwick County Department of Corrections
- Sedgwick County Department of Information and Operations
- Sedgwick County Facilities Management
- Sedgwick County Association of Police Chiefs
- 18th Judicial District Court Services
- City of Wichita Probation
- State of Kansas Parole

Sedgwick County CJCC Vision, Mission, and Goals

Vision

As a community, we are committed to promoting public safety, addressing the root causes of criminal behavior and creating a better community.

Mission

To provide the community with a comprehensive continuum of custodial care and community-based correctional programs, treatment and supervision, as well as develop proactive and innovative criminal justice practices, policies and processes through effective multi-system local and state partnerships.

Goals

- Maintain safe, well-run detention facilities from maximum to minimum management levels with adequate space to house persons who pose various levels of threats to the community
- Adopt and manage a wide range of adequate, community-based graduated sanctions and alternatives to confinement
- Develop substance abuse and mental health treatment programs to understand the root cause of repeated criminal behavior
- Maintain local control over multi-system operating practices, processes and policies
- Achieve local and state cooperation pertaining to practices, processes and policies
- Maintain a seamless system of information management across all organizations involved in the criminal justice system
- Adhere to our community's values and principles

The initial work of the CJCC was to provide a learning foundation for the members to assure that all perspectives were rolled into a system view of the issues and opportunities. The CJCC meets regularly to share data, review research, and create strategies for greater efficiencies in our local criminal justice system.

Some of the early CJCC actions (many based on the 2003 ILPP study) and initiatives from the city of Wichita include:

- The sheriff expanded the Work Release Facility from 96 to 157 beds
- Additional resources were funded to support an improved sheriff's inmate classification system important to housing placement
- Sedgwick County funded 45 beds in the Adult Residential Facility for state custody offenders to relieve a persistent backlog in the jail
- Additional staff were funded to extend pretrial supervision services to the Wichita Municipal Court
- Wichita Municipal Court expanded the criteria for Drug Court to include probation violators
- District and municipal courts reviewed and adjusted bond schedules, rebalancing offenses with the requirement to appear
- Sedgwick County funded an increase to the district attorney's adult diversion program
- The sheriff implemented "double-bunking" in the jail
- The BoCC adopted the 2005 Criminal Justice Comprehensive Master Plan for Sedgwick County

2005 CRIMINAL JUSTICE COMPREHENSIVE MASTER PLAN FOR SEDGWICK COUNTY

The CJCC determined that in order to manage the increasing jail population in Sedgwick County, the following should occur:

- Expand the current adult detention facility
- Implement alternative programs to more effectively deal with offenders

Again, the mission of the CJCC is to develop "a comprehensive continuum of custodial care and correctional programs, treatment and supervision..." Recommendations from the CJCC are based on trends and projections, an understanding of who is in the jail, and evaluated programs and best practices from other communities that have had an effect on controlling jail populations. These are tools to help the sheriff continue to effectively and efficiently manage the jail population.

Expand the current adult detention facility

In 2006, the CJCC recommended a jail expansion. The proposed expansion was to include 384 beds on the north side of the existing jail. The one-time construction cost for the expansion was estimated at \$48 million, with an additional \$7.5 million in annual operating costs. Design of the facility expansion began in 2007. In 2008 the BoCC opposed funding the jail expansion.

Implement alternative programs to more effectively manage offenders

In 2005, the BoCC asked Dr. Delores Craig-Moreland of Wichita State University to work with the CJCC to conduct an analysis of jail population to identify what types of offenders are in the jail and why. This information was the basis of understanding which alternatives (programs) might be most effective in our community. The following alternative programs were recommended by the CJCC to be implemented.

- Creation of a day reporting program
- Creation of a mental health diversion program and Mental Health Court
- Creation of Drug Court in district court and the expansion of municipal Drug Court to include DUI offenders
- Expansion of pretrial services
- Creation of a work center
- Requesting technical assistance to conduct court case flow analysis
- Continue working toward technology improvement to facilitate the exchange of data among user agencies
- Creating a release process to provide the sheriff with the resources to effectively manage the jail population

The purpose of these programs is to provide alternatives and options for the judicial system, which are designed to divert people from the jail. Again, the vision of the CJCC is to address the root causes of criminal behavior. By diverting individuals into appropriate treatment and supervision, we may reduce recidivism, which also reduces the jail population. And, these programs may be more cost-effective in dealing with certain offenders.

PROGRESS UPDATE

In 2010, the BoCC engaged Wichita State University to review the current jail population. The objectives for the study were to identify changes in the jail population over the past five years, seek the appropriate comparisons, assess the impact of jail alternatives, review the financial aspects of jail alternatives, and seek appropriate opportunities for improvement.

As background information in the 2010 study, WSU reports:

"Economic downturns pose difficult choices for all organizations. County government faces particular challenges because of its legal obligation to maintain jails. Jail costs are difficult to control and they compete with other services for scarce public resources. In addition, citizens are demanding fiscal restraint. In order to address the challenges presented by the increasing costs associated with the jail, Sedgwick County is preparing to update its Comprehensive Jail Plan. For the past decade, Sedgwick County has engaged in a process of successive evaluations of elements of the criminal justice system with a view to create a long-term plan for jail space. To that end, the Institute on Law and Public Policy, Wichita State University and Justice Concepts Inc., have reviewed data and made recommendations to at least stem growth in jail bed demand. Current data shows growth in demand has slowed, but there remains a constant pressure on the jail for beds, resulting in use of out-of-county beds to supplement those locally available."

Since the adoption of the 2005 Criminal Justice Comprehensive Master Plan a number of initiatives and jail alternatives have been implemented in the Sedgwick County criminal justice system; all of these options have now been in operation for at least 18 months, and some for as many as four years. As a foundation to the revision of the comprehensive plan, it will be helpful to review past initiatives and the outcomes for each alternative.

Day Reporting Center

In 2006, the BoCC entered into a contract with Behavioral Interventions (BI), Inc. to operate the Sedgwick County Day Reporting Center. The day reporting program targets misdemeanors, low-level felons, and DUI offenders. The program is a non-residential alternative to incarceration that provides the judiciary with a sentencing alternative to incarceration. The judiciary can place individuals either in treatment or a sanction track. In the treatment track, participants receive risk assessment, substance abuse treatment, case management, cognitive behavioral treatment, pre-employment training, domestic violence and/or anger management treatment, on-site and remote drug and alcohol testing, employment tracking, and verification of compliance with court orders. Participants progress through levels of treatment and supervision based on their own behavioral improvements.

- 2010 Budget: \$1,812,642
- 2010 Average Daily Population: 285
- 2011 Budget: \$1,441,665
- 2009 Net Direct Cost per Day: \$26.63

Sedgwick County Offender Assessment Program

In 2007, a crisis stabilization unit (CSU) became operational to address the needs of SCOAP participants experiencing an acute psychiatric crisis. The CSU provides a safe, structured environment for the provision of crisis intervention and crisis stabilization service 24 hours a day.

To work in collaboration with SCOAP, the Crisis Intervention Team (CIT) initiative was established in 2008 as a pre-booking jail alternative program. Successful diversion into treatment relies heavily on the effective interaction between police and mental health providers. CIT-trained law enforcement officers who encounter a person exhibiting signs and symptoms of a mental health disorder are trained to respond appropriately and refer the individual to local service providers, which diverts those individuals to community resources instead of booking them into jail. Currently there are more than 200 law enforcement officers and first responders trained in CIT.

Mental Health Court

In 2009, the city of Wichita implemented a Mental Health Court with funding from a two-year Bureau of Justice Assistance grant. Mental Health Court is a specialty court that uses a problem-solving model focused on connecting individuals diagnosed with a mental illness to treatment. The approach allows for better monitoring of individual compliance to mental health treatment and adherence to court orders. The emphasis of the court is on recovery, thereby enabling the participant to stop cycling through the criminal justice system. Early outcome studies have shown that participants of mental health courts have more frequent participation in treatment services, improved quality of life, and fewer jail bookings.

- 2010 Average Daily Population: 81

Sedgwick County Drug Court

The Sedgwick County Drug Court program was established in 2008 and is designed to serve felony offenders who are most in need of treatment services and whose addictions negatively impact the community. Drug Court is a collaboration among Sedgwick County COMCARE, the Department of Corrections, the 18th Judicial District Court and the Office of the District Attorney. In this program, non-violent, felony offenders who are identified as having a drug dependency problem are offered the opportunity to voluntarily participate in 18 months of probation with intensive drug and alcohol treatment and community supervision.

- 2010 Budget: \$894,175
- 2010 Average Daily Population: 90
- 2011 Budget: \$927,035

Expansion of Pretrial Services

Pretrial services divert appropriate inmates from the adult detention facility to their own homes under supervision of program staff. Electronic monitoring is provided, as needed, to strengthen supervision and help ensure clients abide by the conditions of their release and appear before the court as directed. Inmates are assigned to the pretrial program as a condition of bond as ordered by the court. In 2009, the pretrial program refocused attention to the Wichita Municipal Court.

- 2010 Budget: \$721,942
- 2010 Average Daily Population: 277
- 2011 Budget: \$732,127

As part of the 2010 study, WSU performed a cost-benefit analysis on SCOAP, day reporting, pretrial services, and the Sedgwick County Drug Court. Conclusions were as follows: "Jail alternative programs in Sedgwick County appear to be working very well. Nearly all estimates show positive net benefits even when measuring benefits only as jail days saved. Overall, the programs are saving taxpayers a minimum of \$4 million to \$5 million annually."

In addition to the successful implementation of jail alternatives, the CJCC has recommended and the BoCC has supported procedural changes in the criminal justice system that has had a positive impact on the jail population.

Implementation of a Housing Fee

In January 2008, Sedgwick County began charging municipalities a fee for housing inmates in jail based on municipal charges only. A housing fee is a reimbursement paid by a municipality for the cost of housing municipal offenders. Municipalities are charged the direct costs of housing an inmate, which equates to an hourly rate of \$2.09.

Progress: Municipalities within Sedgwick County continue to seek efficiencies and alternatives to booking inmates into jail who do not pose a public safety risk. Recent data taken from jail snapshots shows the number of inmates booked on a municipal charge only has declined.

Interface Management Team

In 2007, the Sedgwick County Interface Management Team was established to design and implement a comprehensive information sharing system to provide accurate, complete and timely sharing of information among criminal justice agencies. In 2008, the county purchased JIS (formally called Metatomix), a customizable multi-database search tool that connects disparate systems and provides users a single point of entry for searching multiple database systems. The reporting tool will increase the accuracy of stored information, speed the creation of reports, and remove obstacles to clerical functions.

Progress: Sedgwick County has taken a phased implementation approach with phase one connecting district court and the jail management system and phase two adding the city of Wichita. With each phase, users can search multiple databases to produce background checks, pre-sentence investigation reports, journal entries, and a variety of other reports. Prior to the Interface Management Team and JIS software implementation, agency users would frequently access up to seven separate databases to retrieve information for necessary reports. Eventually, the JIS software will connect as many as 14 local criminal justice databases and has the potential to connect with state and federal systems.

Justice Concepts, Inc. Review of Jail Population

In 2008, still struggling with an overcrowding condition in the jail and the desire to not expand the current facility, the BoCC hired Justice Concepts, Inc. Justice Concepts reviewed and assessed the current jail population and criminal justice practices in Sedgwick County.

Progress:

- Assisted in facilitating the 2009 expansion of pretrial services to the city of Wichita
- Provided Sedgwick County with a jail capacity analysis

Adult Residential Intake Criteria

In 2009, a committee was formed to look at the target population for the adult residential center, specifically how inmates are assigned to the program. All inmates in the program are felons and are either 1) serving a probation violation sanction, or 2) serving an original sentence as a condition of probation. The original sentence population represents 31 percent of the adult residential population, and 22 percent as "presumptive prison" on the sentencing grid. Departure from the sentencing grid occurs because the adult residential center is located in Sedgwick County.

Progress: The committee determined the probation violation population would best utilize the program and would help relieve the waiting list of inmates in jail awaiting a bed. The courts were approached and asked to consider only utilizing the adult residential center for probation violation sanctions and not for original sentencing.

Journal Entry Completion Support

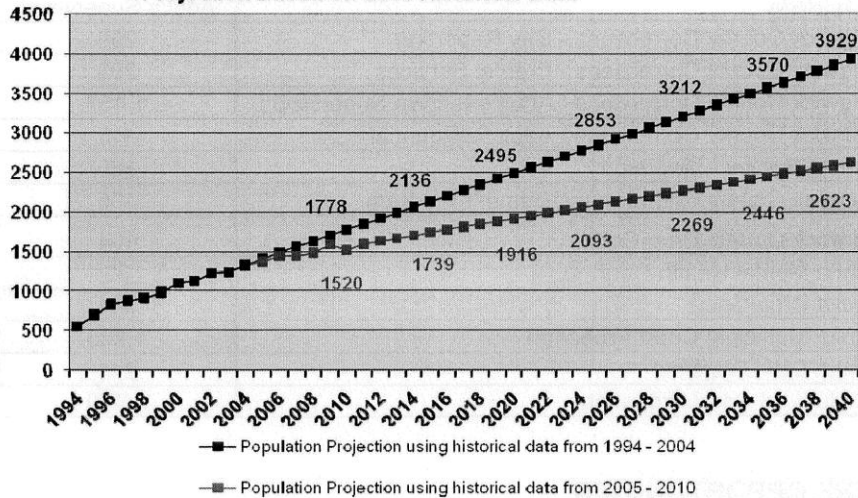
The courts, district attorney, and sheriff's office developed a process to ensure timely completion of journal entries for inmates remanded to the Kansas Department of Corrections. In 2010, the BoCC approved the addition of staff to assist with journal entry completion.

Progress: With the approval of additional resources to the district attorney's office, journal entry completion averaged 14.5 days during 2010.

CURRENT STATUS

In 2004, a projection of the jail population showed that at the previous rate of increase in the average daily population at the Sedgwick County Jail would reach nearly 2,500 by the year 2020. Action by the CJCC and its partners, including the implementation of jail alternatives, progress on data exchange, and efforts to improve case flow has had a positive impact of jail usage. Current projections using historical data through 2010 show that the community has significantly reduced the rate of increase in the jail population, with the new projection estimating the jail population just above 1,900 in the year 2020.

**Sedgwick County Detention
Housed Population Projection
Projection Based on 2010 Historical Data**



While the slower rate of increase in the Sedgwick County Jail's average daily population does improve the outlook for the future, the current rate-of-increase projection shows approximately 35 inmates annually. Unless the rate of the jail population begins to decline, it will continue to be a problem for Sedgwick County.

Also noteworthy is the fact that the profile of inmates in the Sedgwick County jail has also shifted over the past four years. While the percentage of inmates classified as felons has increased by 7 percent, the percentage of inmates classified as misdemeanors has decreased by 6 percent.

In addition to individuals in the custody of the sheriff, on any given day in Sedgwick County more than 7,000 adults are supervised in the community. The following chart shows the programs and number of individuals assigned to each program for the month of December 2010.

**ADULT SUPERVISION SNAPSHOT
December 2010**

PROGRAM	Adults Supervised
Sedgwick County Corrections - Day Reporting	256
Sedgwick County Corrections - Pretrial Services	283
Sedgwick County Corrections - Adult Intensive Supervision	1,457
Sedgwick County Corrections - Adult Residential	115
District Attorney - Diversion	380
Sedgwick County Offender Assessment Program	135
Sedgwick County Drug Court	104
Wichita Mental Health Court	83
Wichita Drug Court	244
Wichita Municipal Court Probation	1,286
Wichita DUI Diversion	241
18th Judicial Court Probation	2,470

FUTURE OPPORTUNITIES

Over the past several years, the CJCC, Sedgwick County, the city of Wichita, and the numerous criminal justice agencies within Sedgwick County have worked in successful collaboration in slowing the rate of increase in the jail population. As we look toward the future in a continued effort to increase efficiency in the criminal justice system and curb the growing population in the Sedgwick County Jail, the following aspects must remain in the forefront of decision making:

- Ensure public safety
- Take a systems approach
- Provide best outcome
- Utilize evidence-based practices

As part of the 2010 study, WSU provided a review of further opportunities for Sedgwick County. As reported in the WSU report, "there are many possible opportunities to consider, but some fit more closely with the current efforts in Sedgwick County. It is worthwhile to keep an observant eye on the national scene because innovation is a constant process that can lead to improvement. At this time a relatively limited number of opportunities appear to be a good fit locally."

The following opportunities for the future have been recommended by Wichita State University as the best jail population intervention efforts.

Legislative Action

The CJCC and Sedgwick County should consider petitioning the Kansas Legislature to tackle some of the statutorily issues that contribute to jail overcrowding including:

- **Good Time Credit:** One important tool in managing the jail population is the availability of good time credit. If "good time" is a respected means to encourage good behavior in the prison setting, it could be equally valuable in the jail setting. Good time credit in jail would help to relieve crowding, and would encourage inmates to behave well for early release.
- **Custody of the Sheriff:** Another topic for CJCC consideration is having the opportunity for offenders to spend their sentence in the custody of the sheriff, rather than in the jail. This would allow the sheriff flexibility in placing inmates in appropriate alternatives.
- **Modification of Felony Sentences:** Another important consideration is the ability of a judge to modify sentences for felons serving time in local jails. The ability to modify sentences would impact DUI and domestic violence cases, as well as forgery, and any other new legislation that might move other felons out of prison and into the jail population.

Some balance is necessary to afford local control of these moves from state facilities to county facilities.

Cost: Undetermined, but it may be necessary to engage a government relations professional.

Jail Population Expeditors

To improve the process of releasing inmates from the criminal justice system in Sedgwick County, a person/position entirely dedicated to coordinating, communicating and facilitating the movement of inmates through the system would be beneficial. Should such position(s) be created, a CJCC committee for jail population management should convene to establish a process for finding and releasing eligible offenders. Upon establishing the necessary guidelines, a first priority would be the hiring of two population expeditors to manage the jail population on a daily basis. Their main function would be to gather information and then notify a judge (either one designated for this purpose, or the judge assigned to the case) if an inmate could be moved out of jail either through release or into a more appropriate correctional setting. Jail expeditors would also be in a position to maintain records that detail movement of inmates - information that could drive future efforts to improve flow of the jail population.

Cost: \$120,000 in annual salary and benefits for two experienced criminal justice professionals.

Risk Assessment

The proposed CJCC jail population management committee could also weigh options for various offender risk assessment tools at both the municipal and district court level. Best practices show that maximum benefit from programs requires knowledge of risk to ensure programs are directed to those who are moderate to high risk of reoffending. The expeditors could be certified in use of the level of service inventory-revised (LSI-R), or the screening version of that instrument, so they could make a risk level determination on inmates, thereby establishing their need for treatment.

Cost: To be determined upon selection of an instrument. Cost would include a per-item cost plus staff time, which is included in the expeditor cost.

Court Case Flow Review

The judicial processing system is very complex and court case flow can be a source of unnecessary jail days when case flow is delayed. The CJCC may wish to create a working group to assess court case flow for areas in the system that may cause undue delays in judicial processing. If such a committee determines there are areas that require further assessment or require research, WSU would be available to facilitate the efforts within their expertise and assist in finding technical assistance as appropriate. Both district and municipal courts should be involved in the effort to restrict jail stays to only the days that are serving some function of community safety or correction.

Cost: To be determined, but the WSU study group has a small contingency fund in the current contract, which will cover small projects.

Expand Availability of Cognitive Behavioral Treatment

As risk assessments become more accessible to local criminal justice systems, they can facilitate the use of cognitive behavioral treatment (CBT). CBT has a reputation for dramatically improving the likelihood of success for offenders, whether offered while incarcerated or in the community. According to the Washington State Institute on Public Policy, CBT returns more than \$15,000 for every participant. If, for example, offenders referred for treatment in the Day Reporting program were primarily in the moderate- to high-risk range (as shown by the LSI-R or LSI-SV), and were given CBT set by their risk level (higher risk gets longer treatment) the probable benefit to the community would be substantial. Strategically provided CBT could increase the use of the Day Reporting program, thereby substantially reducing recidivism and reducing demand for jail beds. CBT is the most effective choice in dealing with condition violators if it is assigned according to the offender's risk level.

Cost: To be determined, but the capacity exists in the current Day Reporting Center contract.

Engage a Consultant to Assist with Computer Guided Placements

As the menu of jail alternatives has expanded, it is clear that finding the right people for the right programs will become increasingly valuable and provide for maximum use of alternatives. The effort to control the jail population requires good information. An effort is under way to improve the information sharing system, with the end goal of having all needed information readily available to staff in the various criminal justice agencies. With the utilization of risk assessment and integrated information systems, a consultant in computer guided placement could be valuable in making sure all needed information is considered in selecting an alternative to the jail for offenders. Dr. Sue Abdinnour of WSU is a specialist in computerized decision making models. One opportunity to utilize her expertise is for the CJCC data committee and Dr. Abdinnour to meet and discuss computer assisted decision making and the potential of utilizing such technology.

Cost: To be determined, but would depend on the complexity of the information available.

Adult Residential Program Expansion

For several years, the state of Kansas has recommended ceasing to fund adult residential programs in Sedgwick and Johnson counties. If the state funding for this program is not available for the 2012 budget year or beyond, the entire burden of the program would fall to Sedgwick County. Adult residential is an expensive program that has seen an increase in the average length of stay, mostly due to difficulty in employment for program participants. On any given day there are at least 40 males and seven females in the jail awaiting a bed at the adult residential facility. While the waiting list would appear to justify expansion of the adult residential program, the issue is complicated by the possible absence of state funding. If the entire cost of the program falls to Sedgwick County it would be prudent to consider the highest and best use of the current facility.

Cost: To be determined after the SFY budget for Kansas is approved.

Work Center

Employment is one of the strongest weapons against recidivism, according to the studies reviewed by the Washington State Institute on Public Policy. The high rate of unemployment among detainees in the Sedgwick County Jail suggests a work center, where offenders in the custody of the sheriff could gain work experience under close supervision, could be a valuable asset. In other communities, work centers fill valuable roles for local government and train offenders lacking in basic job skills. The type of work typically undertaken includes office cleaning, lawn work and any other jobs where the skills are at an entry level. The cost of such programs typically runs above that of work release, but below that of regular jail housing.

Cost: To be determined upon selection of a facility, programs, and starting requirements.

In addition to the recommendations provided by WSU, the CJCC has established four work groups to address mental health, data collection, facilities and satellite booking.

Mental Health Work Group

The mental health work group was established to determine the best use of currently budgeted funds to address the needs of those in the jail suffering from a mental illness. The work group examined numerous options, all of which entailed different scopes of service and associated costs. The group settled on recommending three options to the CJCC as those would have the greatest, most immediate impact on the mentally ill jail population.

The three proposed options include:

- Fund a mental health pod in the detention facility. While the mental health pod does not impact jail bed days, it does provide detention staff with a better way to manage mentally ill inmates and impacts inmate and staff safety (estimated cost of \$700,000).
- Fund an additional competency evaluator through the SCOAP program (estimated cost of \$36,000)
- Fund two case manager positions for jail release planning (estimated cost of \$100,000).

In January 2011, the aforementioned options were presented to the CJCC, who in turn voted to recommend funding the mental health pod and the two case manager positions to the Board of Sedgwick County Commissioners. Funding of the competency evaluator position had been recommended for funding by the CJCC in December 2010. Sheriff Bob Hinshaw presented the recommendations to the BoCC at a staff meeting on April 5, 2011.

Data Work Group

The data work group was established to examine available data for collection and to develop a template for reporting meaningful data to the CJCC. The reporting template has been developed and is used monthly, quarterly, and annually for reporting purposes.

Currently, the group is working to automate the jail snapshot process – a historically time-consuming process conducted manually by sheriff's office staff members.

Additionally, the group assisted in the establishment of a criminal justice information website featuring CJCC by-laws, criminal justice trends, and current initiatives. The site has been highlighted in the media and is updated as any new information about the CJCC or its activities becomes available.

Facilities Work Group

The facilities work group is tasked with determining what type of facility/facilities will be necessary to meet the future detention needs in Sedgwick County, based on the understanding that the current facilities are inadequate to meet current and future jail housing needs. Future needs would include sufficient space to house the population currently placed in out-of-county jails. Jail alternatives and programming are also under discussion. Currently the work group has endorsed the concept of a campus-type facility to house minimum- and medium-security inmates that is capable of future expansion as needed.

Satellite Booking Work Group

The satellite booking work group was established to examine the benefits of creating satellite booking stations in Sedgwick County. After examination of the data, the group determined that establishment of satellite booking stations was not economically feasible and would not impact the jail housing population. Instead, the work group continues to review initiatives that might impact the jail booking population, including the use of handheld ID verification devices and express booking processes in the jail.

8. JUSTICE SYSTEM ACTION PLAN

A concrete action plan for Sedgwick County is needed to further develop and manage a cost-effective and efficient justice system, leading to a balanced and flexible system to meet the County's needs.

Individually, every recommendation may not result in substantial savings in money or crowding, but the cumulative effect of the action plan will be a far reaching financial impact in terms of both savings and cost avoidance. Consequently the plan must be considered as a whole series of actions to be undertaken, some immediately and others later, by different officials, in concert. Recommendations will need modification as circumstances change.

The recommendations presented in this action plan are drawn from the overall system assessment and from the individual agency assessments. They are marked here to indicate which chapter contains a more complete iteration and discussion of the issues. In addition, there are many other recommendations of "medium" import, and still others of "lesser" import that occur throughout the report that have not been included in the action plan. The action plan includes several recommendations that have been consolidated for treatment. The most important recommendations, which were the ones used to derive the "low" population projections in this study, are those in the *Primary Recommendations* table on the following page. Most of these primary recommendations have been developed with some analysis herein. Later in this chapter there is a complete chart of all but the least important recommendations, although some are high and early priority.

Generally each recommendation provides all or most of the following information:

Recommendation	A brief statement of the recommendation.
Objective	Supporting principle: e.g. cost savings, improved public safety, or both.
Lead Agency	Agency or agencies with statutory and or administrative responsibility.
Logistics	Implementation issues and goals.
Cost	Estimated costs, cost savings, or cost considerations.
Pros/Cons	Policy benefits and disadvantages of the proposal.
Savings	Estimated bed savings or approximate impact, sometimes formulated conceptually.
Time Frame	Recommended timing (Stage 1, 2, 3, or 4). Stage 1: Implement immediately (early 2004). These policy-oriented or fundamental changes and recommendations are critical to the criminal justice system's efficiency and should happen now. Stage 2: Implement within this fiscal year (2004). These recommendations are more technical and in some cases require planning and/or regular funding. Stage 3: Implement when additional review is completed and/or as soon as funding is available. These are middle-range to long-range options.

Priority **Stage 4:** Implement after further review.
Recommended level of importance, (A = critical, B = important, and C = very helpful and needed).

METHODOLOGY FOR COSTS AND SAVINGS

The costs and savings that would result from each of these recommended actions is difficult to project with any certainty. Moreover, even looking at detailed information such as staffing salaries, benefits, exact square footage of buildings required, and similar information, all costs are necessarily rough.

In the discussion of costs and savings, the following general terms are used:

1. “Minimal” cost: No new staff or buildings are needed; might involve reassignment of staff time to new duties.
2. “Indirect” or “Contingent” savings: These savings result from the actions of the group, coordinator, etc., not from the mere establishment of the position or group. Also, some savings are dependent on the outcome of future findings, so they cannot be quantified better than “major,” meaning millions; “substantial,” meaning hundreds of thousands, or “moderate,” meaning \$10K to \$100K.
3. “Minor” costs are usually under \$10K. Probation-type savings are also indirect, resulting from decreased recidivism (jail beds are only one small component).

PRIMARY RECOMMENDATIONS

Recommendation	Priority			Implementation Time Frame*			
	A	B	C	Stage 1	Stage 2	Stage 3	Stage 4
Create a Criminal Justice Coordinating Council (CJCC).	•			•			
Expand pretrial release system and services.	•			•			
Develop a continuum of sanctions.	•			•			
Establish a booking fee or other economic rationing devices for the jail.	•			•			
Hire a jail programmer who is not an architect.		•		•			
Adopt a county-wide field release policy for law enforcement that clearly defines circumstances and offenses suitable for citations.		•		•			
Invest in a mental health court and supported housing programs and services.		•			•		
Implement early screening of persons accused of probation violations, without a new offense. Create a specific probation violation calendar with assigned public defenders and district attorneys. Require appearance within 72 hours of arrest, setting a pretrial date for disposition, assigning appropriate cases to drug court, and setting hearings within 30 days.	•			•			

Recommendation	Priority			Implementation Time Frame*			
	A	B	C	Stage 1	Stage 2	Stage 3	Stage 4
On a pilot basis, include pretrial screening and release supervision on all Municipal Court cases where individuals were unable to make bond or are waiting in jail pending probation violation hearings, but they meet the probation presumptive criteria for pretrial release.		•		•			
Work with all local police agencies and increase the use of cite and release activities for lower risk defendants. The jail should consider establishing a policy of not accepting some of these lower risk defendants.		•		•			
Review the criteria used to determine eligibility for OR release with an emphasis on broadening those criteria to include a greater number of defendants while still maintaining community safety and ensuring appearance at subsequent court hearings.		•			•		
Increase the scope of the pretrial release program to include a review of all defendants who have not been released within 6 hours.	•			•			
Implement Population Management Plan.	•			•			
Establish a Release Matrix.		•			•		
Establish a double bunking policy.	•			•			
Establish Methodology to Use Good Time.		•			•		
Fund a continuum of research based drug/alcohol programs including long term residential treatment (30-60 days).		•				•	
On first positive urinalysis and initial technical violations, the Court could consider permitting the Probation Officer to utilize sanctioning in lieu of immediate return to court and/or jail.			•			•	
In District Court, consider limiting first time DUI sentencing to the Wichita Intervention Program (WIP) only. Provide funding for those who are indigent and cannot pay the \$250 fee.			•			•	

SYSTEM ASSESSMENT CHAPTER

Principal Policy: The County's criminal justice system should be managed by a policy group whose decisions are data-based.

Objective: Employ ILPP's data, and generate quarterly data to duplicate the population studies.

Lead Agency: County Manager, through the Public Safety Director.

Logistics: Sample, code, run on SPSS, analyze, and write up briefing report.

Cost: \$5,000 each quarter.

Pros: Makes all development decisions rational rather than based on ideas without foundation.

Cons: None.

Savings: Impossible to estimate due to macro level impacts over time.

Time Frame: Start immediately; Stage 1.

Priority: A

Recommendation: Create a Criminal Justice Coordinating Council to effectuate above principle.

Objective: To provide oversight, direction and management for the criminal justice system as a whole.

Lead Agency: The newly created Criminal Justice Coordinating Committee (CJCC), by the Commission's appointments.

Logistics: Meetings, data and studies, and implementation.

Cost: Minimal.

Pros: Allows the management of the criminal justice agencies as a system and will lead to profound overall system efficiencies and improved system effectiveness; helps prevent the use of court orders to force change.

Cons: Requires unprecedented cooperation and commitment from each criminal justice agency. However, this should not be a serious obstacle because there is already some amount of cooperation between the agencies and a growing interest in improving the criminal justice system.

Savings: Actual savings in dollar amounts are difficult to quantify but are very large, and inherent in the efficiencies that will be implemented and the resulting improved system effectiveness.

Time Frame: Stage 1.

Priority: A.

Recommendation: Expand pretrial release system and services.

Objective: Reduce jail crowding.

Lead Agency: The Courts and Sheriff.

Logistics: Change policies and procedures, fund and implement change, consider employing the Pretrial Services Resource Center for technical assistance.

Cost: None.

Pros: Results in major jail bed savings by effecting more releases earlier in the judicial process and reducing the incarceration of minimal risk offenders.

Cons: Although major change may result in resistance, implementation will later result in strong support.

Savings: Significant.

Time Frame: 1.

Priority: A.

Administrative Location: The following are possible organizational settings for this new agency, in ILPP's order of preference, with pros and cons:

1. The Courts.

Pros: Monopoly on release authority/bottom line.

Cons: No surplus administrative capacity.

2. The Jail.

Pros: Already classifying inmates and will improve; close to setting.

Cons: Possible conflict in philosophy.

3. The CJCC.

Pros: Emphasizes system-wide impact of policy and program.

Cons: Possible divisive issue.

4. The County Commission.

Pros: Has biggest investment in policy and program.

Cons: Might fare poorly, politically, now and later.

Recommendation: Develop a continuum of sanctions and pretrial release mechanisms.

Objective: Expand the choices available to all agencies and decision-makers, instead of relying primarily on custody.

Lead Agency: All justice agencies are involved, but County Manager must take the lead, through the Public Safety Director.

Logistics: Request technical assistance from the National Institute for Corrections, Community Corrections Center in D.C.

Cost: Overall, perhaps \$1,500,000, after full development has occurred; but overlaps and replaces many other budget items.

Pros: Best practice, and full range of choices; rationalizes punishment and resources throughout the system.

Cons: Requires a change from the traditional model.

Savings: Savings will be upwards of 20% of the County's budget over twenty years, as an alternative to current construction to meet crowding policies.

Time Frame: Stage 1.

Priority: A

MANAGING THE FLOW CHAPTER

Recommendation: Starting at the beginning of the system, the law enforcement function would be greatly improved by adding a citation in lieu of arrest policy or an arrest policy covering only those offenders for whom certain characteristics require their custody; [an arrest policy that specifies the criteria that require an offender to be taken into custody] for example a danger of a continuing offense or endangering another victim would serve as a basis for incarcerating a misdemeanor [and also allows for offenders to be taken into custody at the officer's discretion]. Work with all local police agencies and increase the use of cite and release activities for lower risk defendants. The jail should consider establishing a policy of not accepting some lower risk defendants.

Objective: Reduce jail crowding.

Lead Agency: WPD, Sheriff's Office.

Logistics: Increase communication and cooperation between the WPD and Sedgwick County Sheriff's office and other agencies.

Cost: None.

Pros: Results in jail bed savings by effecting releases earlier in the judicial process and reducing the incarceration of minimal risk offenders.

Cons: Although major change may result in resistance, implementation should later result in strong support.

Savings: Significant.

Time Frame: Stage 1.

Priority: A.

MANAGING THE CASE CHAPTER

Recommendation: Establish a pilot project drug court, closely supervised by a broad advisory committee that combines justice personnel with treatment providers, other public agencies (such as the Department of Labor) and local colleges. The committee would guide the establishment and operation of the court, identify needs, monitor progress, add resources, and assess effectiveness. Identifying sources of funds from public and private sources could also be part of the committee's responsibilities. Invest in a mental health court and supported housing programs and services. The model of a partnership with the private sector to provide housing and supportive services is being tested in many communities that have suffered similar devastation of the public mental health infrastructure.

Objective: More efficient case management.

Lead Agency: 18th Judicial District, Department of Corrections, Probation agencies.

Logistics: Mandated treatment is a necessary action to reduce drug and alcohol dependent offenders.

Cost: None.

Pros: An effective treatment can result in ultimately reducing jail crowding and savings throughout the judicial system.

Cons: Some resistance from changing system norms.

Savings: Significant.

Time Frame: Stage 2.

Priority: B.

Recommendation: Establish a model program, with a team of prosecutors, to screen all arrests (or selected arrests) on a daily basis, determine sufficiency, and monitor and record dispositions, including continuances, dismissals, acquittals and convictions according to offense. Such a process would provide the City with more detailed information about how the current arrest driven system serves or fails to serve the interests of the efficient use of resources and increasing the safety of the public. Information gathered through this process could also be used to guide training, policy, allocation of resources, assignments, etc.

Objective: Reduce caseload and speed up processing pending cases.

Lead Agency: Office of the District Attorney.

Logistics: Selecting team of senior attorneys who can scrutinize individual cases prior to going to trial.

Cost: None.

Pros: The Office of the District Attorney can more aggressively move the caseload.

Cons: Requires reorganization of current system, and possible use of a charging manual, (under consideration). Will encounter resistance from legal culture.

Savings: Significant.

Time Frame: Stage 2.

Priority: A.

Recommendation: Implement early screening of persons accused of probation violations without a new offense. Create a specific probation violation calendar with assigned public defenders and district attorneys. Require appearance within 72 hours of arrest, set a pretrial date for disposition, assign appropriate cases to drug court, and set hearings within 30 days.

Objective: Reduce recidivism, jail crowding and court caseloads.

Lead Agency: Courts.

Logistics: Develop new guidelines and implement.

Cost: None.

Pros: Savings will result by decreasing the number of probation revocation hearings needed.

Cons: None.

Savings: Significant.

Time Frame: Stage 1.

Priority: A.

MANAGING THE OFFENDER CHAPTER

Recommendation: On a pilot basis, include pretrial screening and release supervision on all Municipal Court cases where individuals were unable to make bond or are waiting in jail pending probation violation hearings but meet the probation presumptive criteria for pretrial release. Track release recommendations, pretrial releases and FTAs (by reason) and, 6 months after program implementation, provide this data to a criminal justice oversight group for review.

Objective: Reduce jail crowding by more thoroughly and carefully screening and seeking release, and inform programs to modify criteria based on outcome.

Lead Agency: Pretrial Services Program, through the County's Public Safety Director and the Wichita Municipal Courts.

Logistics: New policies and procedures.

Cost: Minimal, shifting; screening with an instrument might add \$4-5 per case.

Pros: Best practice procedure to limit overuse of incarceration for good risk misdemeanors.

Cons: Resistance is likely from established agencies.

Savings: One-quarter of those now held in lieu of bond could be released in 15 days through an expanded OR.

Time Frame: Stage 1.

Priority: A

Recommendation: Implement Population Management Plan.

Objective: The County needs to translate ILPP's study and this action plan into a series of steps to be taken, based on a population cap and various levels of crowding, such that decisions about policies, practices and programs, and eventually facilities, are planned system-wide, in advance.

Lead Agency: Sheriff's Office Detention Bureau, Public Safety Director, and Commission

Logistics: Develop a series of steps tied to population levels and classification criteria, as well as costs and savings. Employ objective and validated risk criteria.

Cost: Minimal.

Pros: Removes the onus for diversion, release, and alternatives from law enforcement agencies and places it in a system wide framework. Improves budgeting and long term planning.

Cons: Any plan to provide for those now incarcerated, without newly constructed beds, will meet with some resistance from the stakeholders for the current strategy, as well as citizens of various persuasions.

Savings: This general recommendation stands in the place of a series of large construction projects that could well triple the jail's share of the County budget.

Time Frame: Stage 1.

Priority: A

Recommendation: Establish a Release Matrix.

Objective: Develop a stratified list, from least serious to most dangerous, of all offender categories in custody, for an orderly release under Court order when the jail population goes above an established cap.

Lead Agency: Public Safety Director, District Court, and Sheriff's Office Detention Bureau

Logistics: Using a validated and objective point-based risk assessment instrument, such as that planned for classification improvements, develop an orderly release list to prevent jail crowding beyond a stated cap.

Cost: Minimal.

Pros: Provides a rational system for managing peak crowding, and prevents the misallocation of responsibility for the inevitable releases that go bad.

Cons: Resistance will occur from those invested in keeping all inmates under custody, regardless of the seriousness of their risk to the community or crowding and costs.

Savings: Savings are relative to the impetus for new construction, discussed elsewhere, but also include limiting jail liability from crowding.

Time Frame: Stage 1.

Priority: A

Recommendation: Establish a double bunking policy.

Objective: Develop a pre-architectural program to safely double bunk all main jail beds, and a plan to employ the second bunks in stages, as needed, beginning with the return of all out-of-county inmates in rental beds.

Lead Agency: County Manager, General Services, and Sheriff's Office Detention Bureau.

Logistics: A pre-architectural program is needed, although not to begin double-bunking; the program defines the support spaces required, as well as staffing needed, to safely double bunk the main jail's population, defining as well the requirements for single bed cells to be double-housed only in emergencies.

Cost: About the same amount currently spent on renting out of county beds.

Pros: Saves tremendous invisible overall justice system processing costs; improves family visiting and lowers the chances of recidivism. Has the recent support and leadership of the Sheriff.

Cons: Has traditionally been resisted.

Savings: Without double-bunking, new construction will be needed.

Time Frame: Stage 1.

Priority: A

Recommendation: Establish Methodology to Use Good Time.

Objective: The Sedgwick jail should develop a formula that will effectuate best practice nationally, and allow a certain number of days towards early release of inmates based on good behavior.

Lead Agency: Sheriff's Office Detention Bureau

Logistics: A formula, and written order.

Cost: Minimal.

Pros: Reduces crowding, improves inmate behavior and morale, and fits the community's values.

Cons: None.

Savings: Approximately 10% of the costs of jailed inmates.

Time Frame: Stage 2.

Priority: B

Recommendation: Fund a continuum of research-based drug/alcohol programs including long term residential treatment (30-60 days). On first positive urinalysis and initial technical violations, the Court could consider permitting the Probation Officer to utilize sanctioning in lieu of immediate return to court and/or jail.

Objective: More efficient jail population management and lower recidivism should result from following the national trend towards treatment for substance abuse, enforced by the courts and custody, where required.

Lead Agency: County Manager, Commission, Public Safety Director, District and Municipal Courts

Logistics: Develop a planned grouping of programs, seek grant and general fund financing, and evaluate the effectiveness of implementing research based treatment efforts.

Cost: Contingent on the treatment programs selected, but substantial; less than jail alone, but not as inexpensive as probation; approximately \$15/day per inmate.

Pros: An effective treatment can result in ultimately reducing jail crowding and savings throughout the judicial system; strengthens alternatives to incarceration.

Cons: None, other than some resistance.

Savings: Significant.

Time Frame: Stage 2.

Priority: B.

OTHER RECOMMENDATIONS:

Recommendation	Priority			Implementation Time Frame*			
	A	B	C	Stage 1	Stage 2	Stage 3	Stage 4
System Assessment Chapter							
Hire a criminal justice planner for the CJCC.	•			•			
Increase partnerships with community-based agencies.		•			•		
Integrate City and County justice system components.			•			•	
Embrace leadership and change.	•			•			
Managing the Resources Chapter							
Create an overall criminal justice system budget (advisory).			•			•	
Adopt a common integration and data flow policy for both County and City criminal justice information systems.		•		•			
Acquire data integration software that permits information from each agency to be relayed to the next without duplicate entry of data.		•			•		
Make databases accessible for report writing software. Each information system must be able to export its data in a standard format that can be imported into other systems.		•		•			
Form a committee to discuss IT problems and plan for integration. This committee should report to the CJCC.		•		•			
Managing the Flow Chapter							
Develop mechanisms to routinely measure patrol workload and response performance.		•			•		
Seek to coordinate and consolidate and even co-locate law enforcement functions.			•				•
Support the County Communications Center in developing a full range of management reports.			•		•		
Managing the Case Chapter							
Establish mandatory pretrial calendar(s) supervised by one judge. Adopt local rules which require that both sides be prepared, that defendants appear, that all discovery be completed by the statutory time, and that sanctions be imposed for failure to appear.		•			•		
Establish a combined Court committee that meets at least monthly, and represents all components of the two courts.			•	•			
Open the work release program to persons convicted of felonies who meet specific criteria.			•	•			

Recommendation	Priority			Implementation Time Frame*			
	A	B	C	Stage 1	Stage 2	Stage 3	Stage 4
Managing the Case Chapter (cont'd)							
Establish a model program, with a team of prosecutors, to screen all arrests (or selected arrests) on a daily basis, determine sufficiency, AND monitor and record dispositions, including continuances, dismissals, acquittals and convictions according to offense.		•			•		
Invest in a mental health court and supported housing programs and services.		•			•		
Screening criteria for drug court participation should be created and revised jointly in consultation with a drug court advisory committee and/or the treatment team, rather than being within the exclusive discretion of the prosecutor.			•			•	
Establish a system that notifies the Sheriff of any future appearance dates set by the court at the time of sentencing. Submit to the court on a daily basis a list of persons in custody with their charges, court dates, release date, and the sentence being served.			•	•			
Establish a schedule for regular meetings with the Sheriff's Department, judges and court administration to monitor the jail population and solve problems.		•		•			
Use technology to supplement the citation form to remind persons who are out of custody on bail or their own recognizance of their court appearances. Amend the bond schedule to accommodate bench warrants for failure to appear in certain cases without automatic increases in the premium amount.		•		•			
Screen women detained for domestic violence carefully for alternatives to being arrested and taken into custody. Use of alternatives such as electronic monitoring, house arrest, or day reporting should be explored.		•			•		
Expand jail programs to afford more opportunities for sentenced offenders to work on the issues of substance abuse, alcoholism, domestic violence, and employment.			•		•		
Adopt by local court rule the requirement that bonding companies file an affidavit with the court prior to recommitting a defendant who has failed to pay the total premium.		•			•		
Conduct a comprehensive review of arrest practices, specifically including the "hold for warrant" practice, with experienced DA's leading the project.			•		•		

Recommendation	Priority			Implementation Time Frame*			
	A	B	C	Stage 1	Stage 2	Stage 3	Stage 4
Managing the Case Chapter (cont'd)							
Work with domestic violence advocacy community and local legislators to refine domestic violence statutes, identify those categories of offenders and offenses that are appropriately charged as felonies, and enact a misdemeanor classification for lesser degrees of relationship and conduct.		•				•	
Establish an 800 telephone number that clients held in custody in out county jails can use to contact Public Defenders during regularly scheduled time frames.			•			•	
The Public Defender should propose the formation of a Joint Case Resolution Committee with the District Attorney's Office to focus on resolving pending cases through negotiation and identifying cases that appear to be on a solid trial track, as well as identifying any discovery or disclosure problems well in advance of trial, without the necessity of court intervention.			•		•		
The Public Defender should establish a formal policy of regular file review to ensure appropriate attorney-client contact, case preparation and documentation.			•		•		
The Chief Public Defender should enlist the cooperation of the District Court to actively influence the Board and senior management of SBIDS to allocate funds to additional training of attorneys and support staff.			•		•		
Managing the Offender Chapter							
Implement City sharing in problem of jail cost.		•			•		
Add a risk prediction instrument to improve pretrial assessment and decision-making.		•			•		
Expand the pretrial staff by two people to cover high booking periods, including weekends, and provide for judicial review during these periods to expedite releases.		•			•		
To reduce FTA rates for Municipal Court cases, add two telephone reminders scheduled for one week and one day prior to all court hearings, using an automated telephone notification system. Until this system can be implemented, personal reminders by staff.		•		•			

Recommendation	Priority			Implementation Time Frame*			
	A	B	C	Stage 1	Stage 2	Stage 3	Stage 4
Managing the Offender Chapter (cont'd)							
Encourage the City to conduct random quality assurance audits on their warrant system to increase reliability.			•			•	
Review the bond schedule with an emphasis on lowering bond rates overall. Establish an annual bond schedule review.		•			•		
Revisit the mission of the Jail.	•			•			
Avoid construction until system improves internal assessment.			•				•
Determine jail capacity.			•			•	
Expand authority for the Department of Corrections.			•			•	
Provide criminal history profiles to judges.			•	•			
Fund alternatives to incarceration.		•		•			
Reduce population to return out of County inmates.	•			•			
Expedite jail computer improvements.			•		•		
Conduct a Sheriff's Department staffing study.			•		•		
Enhance offender fees to fund additional treatment options.		•			•		
Review the feasibility of claiming Targeted Case Management administrative costs via Medicaid for probation/corrections case management activities that target offender rehabilitation efforts.		•			•		
The Sedgwick County Criminal Justice Coordinating Council (CJCC) should develop a sophisticated drug/alcohol intervention plan.		•			•		
Implement a drug court in District Court.			•			•	
Expand the Wichita Municipal Drug Court participant criteria to include any misdemeanor offender convicted of a drug offense or with underlying drug/alcohol problems that contribute significantly to the criminal behavior.			•			•	
Consider increasing the number of community-based detoxification beds available for use by offenders and those defendants picked up by the police for public inebriate type offenses.		•				•	

Recommendation	Priority			Implementation Time Frame*			
	A	B	C	Stage 1	Stage 2	Stage 3	Stage 4
Managing the Offender Chapter (cont'd)							
Reinstate the COMCARE jail transition program for the chronically mentally ill inmate.		•			•		
Redirect District Court Probation efforts toward research-based approaches.		•			•		
Consider the implementation of specialty caseloads for higher risk felons including sex offenders, domestic violence perpetrators and drug dependant/addicted offenders.			•			•	
Consider seeking a sex offender planning grant through the National Center for Sex Offender Management (CSOM).		•				•	
Establish a single County offender work program.		•			•		
If permissible, use a portion of the Local Law Enforcement Block Grant funds (LLEBG) to pay down the SCDOC mortgage or to add beds to the SCDOC residential center.		•				•	

Frequently Asked Questions about the Kansas Open Meetings Act

What groups are subject to the KOMA?

How do you determine if a particular group is subject to the Kansas Open Meeting Act (KOMA)?

It is a factual issue. The KOMA applies to state and local public agencies (those related to the government). It does not apply to private entities. The KOMA also applies to any subordinate group formed by such public agencies (e.g. committees, sub-committees etc.). This means that KOMA applies to state boards, commissions, committees, city councils, county boards of commissioners, township boards, rural water district boards, public library boards, etc. and most groups formed by such entities in order to assist them with public business. The KOMA not apply to private persons or meetings of private groups such as home owners associations, church groups, private clubs, private businesses, political party caucuses, etc.

Does the KOMA apply to single individuals who work for the government?

No. The KOMA does not apply to single persons. It applies to "public bodies" which requires there be at least two people.

Does the KOMA apply to staff meetings of a public agency?

No. Not unless the staff meeting also includes participation by a majority of a quorum of a public body subject to the KOMA.

Does the KOMA apply to judges or judicial bodies?

No.

Does the KOMA apply to the Kansas Legislature or its committees?

Yes, unless the House or Senate, or one of their committees, adopts a rule exempting a particular body from the KOMA. Thus, in order to determine if the KOMA applies, the Rules of the House or Senate (or committee in question) must be reviewed.

Does the KOMA apply to a public body acting in a quasi-judicial manner?

Not if the body is deliberating on a case/matter before it. For example, a zoning appeals board may privately discuss a case it is trying to decide.

Does the title of the gathering make any difference? (E.g. "Work Session", "retreat", "Study group", "Executive board meetings")

No. If the group in question is subject to the KOMA, and it holds a meeting as defined by the KOMA, the meeting must comply with the KOMA.

What does being open under the KOMA require, what is a meeting and how should meetings be conducted?

A. WHAT DOES "OPEN" MEAN UNDER THE KOMA?

If a group is subject to the KOMA, what does the KOMA require them to do?

If the KOMA applies to a body or group, there are two main requirements: (a) Their meetings must be open and (b) Notice of meetings must be (individually) provided to those requesting notice. All meetings subject to the KOMA must be conducted openly - that means that the public must be allowed to listen to the discussion.

Can I use cameras or tape recorders at a public meeting subject to the KOMA?

Yes. A public body subject to the KOMA cannot prohibit the use of such devices. It can, however, make their use subject to reasonable rules that are designed to prevent disruption of public meetings, safety hazards, or other legitimate concerns.

Does a group subject to the KOMA have to allow the public to speak at all meetings?

No. The KOMA does not require that the public be allowed to talk at public meetings; unless some other law requires it, whether to allow the public a chance to speak at public meetings is a policy decision.

Can a public body subject to the KOMA conduct a meeting by telephone?

Yes. As long as it complies with all the requirements of the KOMA.

Do they have to move to another place if there are too many people in a room or some people can't get into the meeting?

The KOMA does not require that public meetings be moved to larger or better locations. Unless there is evidence that the meeting is deliberately being held in a place in order to prevent public attendance, the size or location of the room is not a KOMA violation.

Can a public body take a secret binding action?

Binding action must be taken openly. That means any binding vote on a public matter needs to be made in open session. However, some actions taken by a public body (such as spending decisions) may have been previously made by delegating authority to an individual; thus, one fact issue may be when and how decisions were originally made.

B. WHEN IS A PUBLIC BODY HOLDING A MEETING?

When does a meeting subject to the KOMA take place?

A meeting of a public body subject to the KOMA has three elements; (a) An interactive discussion (NOTE: *discussion* alone triggers the KOMA, it is not necessary that action or votes be taken); (b) by and between at least a majority of the body; (c) on matters relating to the functions of that body. All three elements must be present to trigger the KOMA.

What is a "Majority"?

A "majority" means the next whole number greater than one-half of the total number of members. E.g. the "majority" of a five member body is 3; the "majority" of a nine member body is 5.

Does a meeting have to be "prearranged" for the KOMA to apply?

No. All that is required is that the three elements of a meeting occur; (a) An interactive discussion (NOTE: *discussion* alone triggers the KOMA, it is not necessary that action or votes be taken); (b) by and between at least a majority of the body; (c) on matters relating to the functions of that body. All three elements must be present to trigger the KOMA.

Can a majority of members of a public body informally discuss public matters outside of an open meeting?

No. Informal discussions before, after, or during recesses of a public meeting are subject to the KOMA.

Is it OK to privately discuss public matters as long as no action is taken?

Binding action or voting is not necessary; discussion is what triggers KOMA.

Can members of a public body subject to the KOMA use other people, the telephone, notes, or email to privately discuss public matters?

Not if it involves a majority of the public body. If an interactive discussion on the affairs of the body takes place, among the threshold minimum number of members, it is subject to the KOMA. It does not matter what method is used to conduct the discussion.

Can members privately discuss when to hold meetings?

Yes. It is not encouraged, because of the temptation to discuss other things or the appearance of impropriety, but if the only way to arrange meeting times and places is to directly contact other members of the same body, the topic alone is not considered covered by the KOMA.

Can members attend a general interest meeting of another group?

Yes, as long as they refrain from any private discussions on the affairs of their body, they may attend conferences where general topics are being presented.

When and how does notice of meetings have to be provided?

When does a group subject to the KOMA have to provide notice?

Notice of meetings must be provided to those requesting notice. There is no KOMA duty to provide notice unless it has been requested.

How do I request notice of meetings subject to the KOMA?

All that has to be done is to make a request for notice of meetings; all regular and/or special meetings. The KOMA does not require that requests for notice be in writing. Oral requests are valid. However, because it often becomes harder to prove that such requests were made, we urge those who want to request such notice to put their requests in writing and keep a copy.

If I am interested in meetings on a specific topic, does the KOMA require that the public body notify me when that topic will be discussed?

Not under the KOMA. The KOMA only requires that public bodies provide the time, place and date when it holds meetings. It does not require that a public body decide, ahead of time, if a specific topic will be discussed and then provide interested persons with notice of that decision.

If I have requested notice from a group subject to the KOMA, how and when should that notice be given to me?

Notice must be made or attempted to be made to each individual person/entity requesting notice. A one time notice of regular meetings times/dates/places is sufficient unless there is a meeting (or meetings) held at another or different time/date/place; then additional notice is required.

Does notice of a meeting subject to the KOMA have to be given in writing?

No. Notice may be legally given verbally. However, we recommend it be in writing for evidentiary purposes.

Is the KOMA violated if the public body does not post notice or publish it in the paper?

No. The KOMA does not require notification through these methods.

How long does a public body have to continue giving notice of meetings, once it's been requested?

Notice requests may be allowed to expire once a year, but prior to discontinuing providing notice, the public body must let those persons know that their request is expiring so that it can be renewed if they'd like to continue getting notice.

Does a past practice of providing notice create a duty to continue providing notice?

No. Notice is only required under the KOMA if it has been requested.

Executive sessions: When can a meeting be closed and matters privately discussed?

When can a group subject to the KOMA close its meetings?

The body may go into an executive session (after convening an open meeting), in order to privately discuss a matter, if (a) the discussion is on a topic listed in K.S.A. 75-4319 and (b) the correct procedure is followed for going into executive session.

Does a public body have a duty to close certain discussions?

Not under the KOMA. The KOMA allows executive session discussions; it does not require them.

Does the KOMA require members of a public body to refrain from publicly revealing matters that were discussed while in executive sessions?

No. Some other laws, or considerations such as fiduciary duty, personal privacy rights, or contracts, may require or influence such confidentiality. But the KOMA itself does not require that the topics listed in K.S.A. 75-4319 always be kept private.

Who can be present during an executive session discussion?

Only members of the public body holding the discussion have a right to be in executive sessions. The public body may discretionarily include anyone they believe will aid them in that discussion.

Can a member of the general public be allowed into executive session discussions in order to simply listen and make sure the KOMA is not being violated?

No. If the public body allows one "general listener" to attend, the discussion must be open to the rest of the general public.

Can a group subject to the KOMA take secret binding action while in executive session?

No. All binding action must be publicly taken. Executive sessions may only be used to discuss matters. However, a public body can reach a consensus while in executive session.

How does a public body properly go into an executive session?

First the public body must be in an open session, before going into an executive session. Then, a motion must be made, and seconded. The motion must contain statement of Justification for closure; Subject(s) to be discussed; and (3) Time and place open meeting will resume.

Example: "Madam Chairman, I move we recess into executive session to discuss disciplinary action against a student in order to protect the privacy of the parties involved. We will reconvene the open meeting in the conference room at 8:30 p.m."

When making a motion to go into an executive session, are justification and subject the same thing?

No. Motions for executive session should contain subject and justification statement, which are not the same thing. The subject is one of the topics listed in K.S.A. 75-4319(b). The justification is an explanation of what is to be discussed (without revealing confidential information.)

Must motions to go into executive session be recorded in the minutes of meetings?

Yes. All executive session motions must be recorded in minutes.

What topics can be discussed in an executive session?

Those topics listed in K.S.A. 75-4319(b) can be privately discussed by a public body subject to the KO-MA. A copy of that statute is available on-line at www.kslegislature.org There are currently 14 topics listed. These include: Personnel matters relating to non-elected personnel; consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship; (3) matters relating to employer-employee negotiations whether or not in consultation with the representative or representatives of the body or agency; confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships; matters relating to actions adversely or favorably affecting a person as a student, patient or resident of a public institution, except that any such person shall have the right to a public hearing if requested by the person; preliminary discussions relating to the acquisition of real property; . . . And (13) matters relating to security measures, if the discussion of such matters at an open meeting would jeopardize such security measures, that protect specific systems, facilities, or equipment.

(a) Personnel matters

Can a public body privately discuss an individual who works for the body?

Yes. If that person is an employee of that body (or an applicant for employment) K.S.A. 75-4319(b) allows executive session discussions about individuals who are employed by the body holding that executive session discussion.

Can an employee who is being discussed by a public body require that they allow him or her into the executive session discussion, or require that the discussion be held openly?

Not under the KOMA. The public body gets to decide whether to close a discussion on a public employee, or not, and who can be present in executive session discussions.

Can a public body subject to the KOMA use an executive session to discuss independent contractors who are doing work for the public body?

No, not under the "personnel" exception; an independent contractor is not an employee.

Can a public body subject to the KOMA use executive sessions to discuss general employee related topics?

No. The personnel exception in K.S.A. 75-4319(b) is intended to protect the privacy of individuals. Thus, if no individuals are being discussed, that exception to openness does not apply.

Can a public body subject to the KOMA use executive sessions to discuss applicants for employment?

Yes. The KOMA specifically allows such discussions in order to protect the privacy of a specific individual or individuals who have applied for employment.

Does the KOMA allow use of the "personnel exception" to privately discuss other board members or elected officials?

No. The personnel exception is intended to allow discussion of employees. Officials, whether elected or appointed, are not ordinarily considered employees.

Does the KOMA allow use of the "personnel exception" to privately discuss employees of some other public body or entity?

No. The KOMA allows a public body to privately discuss their own employees, not the employees of some other employer.

(b) Consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship.

What constitutes a privileged relationship?

1. The body's attorney (or attorneys) must be present;
2. The communication must be privileged, and
3. No other third parties may be present.

Can a public body discuss a legal matter under this exception, even if their attorney is not with them?

No. This exception in the KOMA cannot be used to discuss legal matters, such as a letter received from attorney, if the attorney is not present. The attorney for the body must be present somehow (by telephone is allowed) and participating in the discussion (not enough to simply have the attorney present).

Does the discussion have to be on litigation or threatened litigation?

No. The KOMA does not require that the legal matter involve litigation.

Can someone who is not a member of the client organization or the attorney(s) for that entity be included in an executive session called under this exception?

No. The presence of a third-party who is not part of the client organization or an attorney for that body will destroy the privileged nature of the communication.

What or who determines if the topic being discussed is privileged?

Confidentiality can attach to any communication between an attorney and a client wherein legal advice or assistance is sought or given, or information imparted in order to facilitate such advice or assistance. With very limited ethical exceptions, the client alone can decide whether to waive such confidentiality.

What does the KOMA say about agendas and minutes?

Does a group subject to the KOMA have to create an agenda for its meetings?

No. If it chooses to create an agenda, it should include all matters planned for discussion but agendas can be amended. The public body may discuss matters not on an agenda that come up at the last minute.

Does a group subject to the KOMA have to put everything that is said at the meeting into the minutes?

Not under the KOMA. The KOMA does not speak to minutes or agendas, except to require that motions to go into executive session be recorded in the minutes.

Do all votes have to be recorded in minutes?

No, at least not under the KOMA. The KOMA only requires that motions to go into executive session be recorded. Recording anything else in minutes is a discretionary decision.

What happens if I think the KOMA has been violated?

Who can enforce the KOMA and go to court on alleged violations?

The KOMA can be enforced by the Attorney General, by county or district attorneys, or by private citizens.

If someone or group violates the KOMA, can they be sent to jail?

No. Violations of the KOMA are civil in nature, not criminal.

What penalties may result from a violation of the KOMA?

Up to \$500 fine per violation (per member violating it); injunction/mandamus/declaratory order; voiding illegal action (if a public prosecutor files a petition within 21 days after the alleged violation); possible grounds for ouster or recall (separately pursued actions).

Are these penalties always imposed for violation of the KOMA?

No. The courts rarely assess the fine provisions. Plus, in 1986, the Kansas Supreme Court created what are called "technical violations: "The court will not void any action and will overlook technical violations of the law if the spirit of the law has been met, there has been a good-faith effort to comply, there was substantial compliance with the KOMA, no one was prejudiced, and the public's right to know had not been effectively denied. *Stevens v. Board of Reno County Comm'rs*, 10 Kan.App.2d at 526.

If I want to make a KOMA complaint, how should I do that?

You may file a complaint with either the county or the district attorney, or the Attorney General. They have concurrent jurisdiction to investigate or bring an action. It is the policy of the attorney general's office to ask that all complaints be made in writing, together with any supporting documents. The Attorney General will refer an alleged KOMA violation by a local unit of government to the county/district attorney.

If I file a KOMA complaint with the Attorney General or a county/district attorney, do they have to bring charges or investigate the way I'd like?

No. Decisions on how or if to investigate or prosecute are discretionary on the part of the prosecutor. These prosecutors act on behalf of the general public, not as private attorneys for the persons filing the complaint.

Can I bring my own KOMA action in court?

Yes. Any individual can file a KOMA action. If they need legal advice or assistance in doing so, they may want to contact a private attorney.

Who has the burden of proof in KOMA actions that are filed in court?

The Plaintiff has the initial burden to show a prima facie case. If they meet that burden, it then shifts to the defendant to justify its actions.

Does the plaintiff have to prove that the violation was intentional?

No. There is no requirement of specific intent to violate the law. "Knowing" violation occurs when there is purposeful commission of the prohibited acts. Palmgren, 231 Kan. at 536-37.

Who pays court costs in a KOMA action?

A plaintiff may receive court costs if a violation is established. Defendant may receive costs only if action was frivolous.

Where is a KOMA law suit filed?

In the county where the action occurred. K.S.A. 75-4320a(a)