

Minutes
Criminal Justice Coordinating Council
January 24, 2013

Voting Members

- Judge James Fleetwood Judge Jennifer Jones Judge Warren Wilbert
 Sheriff Jeff Easter Chief Norman Williams District Attorney Marc Bennett
 Commissioner Karl Peterjohn Commissioner Dave Unruh
 City Councilmember Lavonta Williams Sharon Dickgrafe
 Bill Buchanan Mark Masterson Steve Osburn Marilyn Cook
 Chad VonAhnen Keith Thomas

Ex Officio Members and Others in Attendance

- Judge Clark Owens* Judge Ben Burgess* Ann Swegle*
 Kerrie Platt* Jason Scheck* Gail Villalovos* Jama Mitchell*
 Col. Richard Powell Major Glenn Kurtz Chief John Daily
 Karen Powell Melinda Wilson Lorien Showalter Richard Vogt
 Roger Taylor Stephen Owens John Todd Janice Bradley
 Bill Anderson Mary Dean

* Voting designee

A quorum was present for the meeting.

Approval of Minutes

Bill Buchanan moved and Keith Thomas seconded to approve the minutes of December 20, 2012 as written. The motion passed.

New Business

Criminal Justice System Population Discussion

There was no new discussion of the Criminal Justice Population Report.

Presentation on Kansas Open Meetings Act

Jennifer Magana, Deputy County Counselor for Sedgwick County, presented on the Kansas Open Meetings Act (KOMA). KOMA was adopted in 1972 to provide access to government so that the public could observe all units of government in Kansas. It is a civil statute and is to be construed liberally in favor of openness with the exceptions to be construed narrowly. The act specifically includes subordinate groups that are appointed by a parent body that is supported by public funds, which would fit the CJCC's charter because it is created by a county resolution and therefore CJCC meetings and any CJCC committee meetings are subject to KOMA. The meetings are not just to be open to the media, but also open to citizens to be present if they so choose and all that is required is that they are given notice.

The meetings that would be subject to KOMA are any gathering or assembly, in person or through the use of telephone or other medium, for interactive communication by a majority of the membership of a body or agency subject to this act for the purpose of discussing the business or affairs of the body or agency. The majority of the membership of the CJCC would be nine members and for the committees the majority number would be three members. Interactive communications in a series is another way that KOMA would apply, even if the members do not meet in person, if the communication is intended to reach an agreement. One example would be serial emails in an interactive form even if they do not occur simultaneously. Before and after meetings, during recesses and informal communications of a majority of the group are also subject to KOMA. A meeting notice request from any citizen or member of the media is good for one year. If the meeting times are set and do not change one notice within a reasonable time in advance with additional advance notice for special meetings is sufficient. If agendas are made they are required to be made available on request. Members of the CJCC could be assessed individual penalties of up to \$500 per violation.

The key to KOMA is knowing what the majority of the number of the group is and that mere discussion of the business of the CJCC or the committees would trigger KOMA. Matters regarding housekeeping or non-substantive items are not subject to KOMA and members have the authority to discuss these issues.

Designation of CJCC Committee Membership

Chad VonAhnen discussed that the committees of the CJCC had not had official voting members up to this point and that it was necessary to designate the official voting members for each committee while noting that the composition of the participants will change based on what the issue and topic is. Marilyn Cook was unable to attend the meeting but had been working on designating the five members of the Mental Health Committee and those would be brought to the February CJCC Meeting for an official vote. For the Systems Planning Committee the five recommended voting members are: the Public Safety Director (who would chair the committee), a representative from the Sheriff's Office, the Chief Judge, a representative from the District Attorney's office and the Executive Director of COMCARE or their voting designees.

Richard Vogt noted that for the Data Committee the recommendation for the five members would be: a representative from the Wichita Police Department, a representative from the Sheriff's office, a representative from the District Attorney, a representative from Public Safety and the Chief Information Officer. Richard Vogt discussed that there were some others that had shown interest in being members of the committee and

that if they could come back at a later time if the membership needed to be changed the five members could be approved today.

Bill Buchanan moved and Commissioner Karl Peterjohn seconded to approve the official voting members of the Systems Planning Committee and the Data Committee. The motion passed.

Systems Planning Committee Update

Chad VonAhnen talked about the last meeting of the Systems Planning Committee where the initial reaction to the Governor's budget had been discussed. The initial reaction was that the budget did not have the effect that they thought it could; for example a 20% reduction in the Public Defender's budget did not happen, and in Corrections the 10% projected reduction was also avoided. The other topics included preparation for the Legislative Session by discussing PAYGO in the Senate and how that could affect where we could be heading this year. Richard Powell talked about Senate Bill 10, which deals with Open Records Requests and will get rid of administrative fees and cap the per page charge at \$0.25. Marv Duncan will keep an eye on this because it seems to be on a lot of people's radars.

Sheriff Jeff Easter mentioned that KDOC was moving a lot of prisoners out of local jails and that local prisoners are shipped all across the state and because of the traveling to get them to court appearances, etc., there are people constantly out on the roads and that this is expensive. Sheriff Easter has asked Richard Powell to look at taking those prisoners out of faraway counties to house them closer to Wichita and that there should be a cost savings associated with this. Cowley County is one that is losing quite a bit of prisoners and they are interested in talking to Sedgwick County about this issue. They will be looking mainly at Sumner, Cowley and Butler counties to keep the prisoners closer. Sheriff Easter stated that he would bring a report back to the CJCC when they have worked this issue out.

Chad VonAhnen noted that the time of the Systems Planning Committee meetings would likely be changing because members from COMCARE have been unable to attend because of their state association meetings and that there are many issues dealing with mental illness and it is important for them to be at the table. The new date and time will be sent out once it is finalized.

Richard Powell discussed House Bill 2070 that deals with bonding agents again and stated that it is not nearly as volatile as the one last year that they were pursuing but there is some discussion about changing some of the requirements of OR release and he will continue to monitor this bill.

Janice Bradley asked if anyone was following Senate Bill 123 regarding drug rehabilitation for drug offenders. Mark Masterson noted that the sentencing commission studied it and has proposed changes for people that are low risk on LSI-R for future offending and that they are not eligible for payment. The money is being focused more on those with a more severe problem than that. Marc Bennett stated that this was originally passed 10 years ago and that they were tweaking some of those existing laws.

Bill Anderson discussed that the war on drugs had been a failure and that it had been putting people in jail unnecessarily and that it should be treated as a public health problem instead of a criminal problem. He noted that he would send on the information from the report submitted to the American Embassy for members of the CJCC to see.

Mary Dean asked a question on what a courtesy warrant was and why they were used. Mark Masterson stated that this was a conflict in terms because it was not really a warrant but a courtesy hold in detention when the person is discharged from an out of home placement and is waiting in detention for their next placement to become available and this gives the authority to hold them in detention for a certain period.

Other

Karen Powell noted that she had drafted a resolution to thank former Sheriff Hinshaw for his service on the CJCC that Judge Fleetwood would be signing and it was available if anyone wanted to see it.

Commissioner Karl Peterjohn asked about the DUI numbers and wondered why the District Court numbers and Municipal Court numbers were both lower than in 2011 with the new DUI laws. Chief Williams noted that DUI arrests were down 15-16% compared to previous years and that the reduction was due to limited resources as well as some other contributing factors. Judge Jones noted that along with that diversions are by application of the defendant, to be screened by the prosecutor's office, and that there were less people that could apply or qualify for diversion. Mark Masterson stated that one other change in the DUI law was that instead of fourth time and beyond going to prison, now third time offenders would go to jail and that community corrections would be supervising these offenders and it would take a while for this change to happen but they are now starting to see more cases for supervision than parole in community corrections.

Adjournment

The meeting was adjourned at 10:45 a.m.

Minutes prepared by Lorien Showalter.