

Testimony of
Mr. Roger Werholtz

Secretary of Corrections
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September 21, 2006

STATEMENT OF ROGER WERHOLTZ
SECRETARY KANSAS DEPARTMENT OF CORRECTIONS
BEFORE THE
SUBCOMMITTEE ON CORRECTIONS AND REHABILITATION
SENATE COMMITTEE ON THE JUDICIARY
ON
"OVERSIGHT OF FEDERAL ASSISTANCE FOR PRISONER REHABILITATION AND
REENTRY IN OUR STATES"
SEPTEMBER 21, 2006

Chairman Coburn, Ranking Member Durbin and members of the Subcommittee, thank you for the opportunity to testify today. My name is Roger Werholtz and I currently serve as the Secretary of the Kansas Department of Corrections. I am also appearing on behalf of the Association of State Correctional Administrators (ASCA). Thank you for providing me with an opportunity to comment on funding for prisoner re-entry and the relationships between federal agencies and state departments of corrections.

Federal agencies provide funding to organizations such as mine that allow us to pursue innovations or put in place resources that would otherwise be beyond our reach. In the current state fiscal year, my state of Kansas will expend \$1,952,371 in federal grant funding. That comprises only .71% of the Kansas Department of Corrections' annual budget, but for that less than 1% of our budget, the impact, on our agency and the citizens of our state is huge. With these federal funds and a blend of state, local and private revenues, we will be able to provide a variety of services to crime victims including routine and emergency notification, development of safety plans, assist in the successful reintegration of offenders into with their families, and provide victim/offender dialogue services. Likewise, my department is able to deliver therapeutic community substance abuse treatment, some academic and vocational education and to design and implement a highly influential offender re-entry program. We have also been able to defray some of the costs of housing criminal aliens in our prison system through the State Criminal Alien Assistance Program (SCAAP).

Grant programs such as the Serious and Violent Offender Reentry Initiative (SVORI) and the Violent Offender Incarceration/Truth In Sentencing (VOI/TIS) program, have significantly influenced state level correctional practice and state sentencing policies. In Kansas, the reentry program initiated with SVORI funding is appearing to be a highly effective intervention that has improved performance and compliance with supervision conditions of some of the most serious

offenders returning to Kansas communities. That small program has served as a model that has heavily influenced the training of KDOC parole and facility employees regarding effective strategies for offender supervision. It has helped us to dramatically reduce the number of parolees being revoked and returned to prison. Our SVORI funded program is being evaluated by the University of Kansas and is also a part of a larger national evaluation funded by a separate federal grant. While our results to date are so encouraging that the state and one of our largest counties have invested significant amounts of money to replicate the strategies in other cities in Kansas, I must caution you that these numbers are still preliminary and we will need to observe the impact over time to accurately judge the long term impact of these efforts.

In my view we have at least three types of relationships with various federal agencies: collegial/collaborative; grantor/grantee; and regulator/oversight. Correctional agencies and many of the federal agencies with which we regularly interact share a common mission of public safety.

Collegial/collaborative relationships - Federal agencies such as the National Institute of Corrections (NIC), the Bureau of Justice Assistance (BJA), the Bureau of Justice Statistics (BJS) and the Office of Justice Programs (OJP) regularly provide a large number of opportunities to improve correctional practices for very modest investments. These agencies provide technical assistance to state and local criminal justice organizations that allows us to access the services of leading researchers and practitioners throughout the country in order to improve the performance of our own organizations. They provide training opportunities in which state and local agency leaders can have direct access to the most current research and thinking on current correctional practice. Likewise, academics and researchers have a first hand opportunity to discuss and test their views and findings with those of us directly involved in the day to day operations of criminal justice organizations. These agencies provide opportunities for those of us in the field to guide the direction of future inquiry by soliciting input on the most pressing unanswered questions facing our organizations. They also provide a valuable service through simple "truth telling." There are many myths and misconceptions about the nature of the criminal justice system, offenders, the prevalence of crime, and the effectiveness of interventions with the offender population. The research and analysis performed and disseminated by federal groups such as BJS are invaluable in assisting us in informing our own governors, legislators, the media and the public about the true nature of the problems we face and the most effective responses to those problems. I think the influence that these federal agencies have in informing and influencing correctional practice in the states would be difficult to overstate.

Grantor/grantee relationships - On a national level, I would like to highlight two relatively modest grants provided to the Association of State Correctional Administrators (ASCA) by the Bureau of Justice Assistance. Most recently ASCA and BJA entered into a joint project to establish a "clearinghouse" that would assist state corrections agencies in tracking federal funding opportunities, compete more successfully for those resources and respond better to the federal agencies' responsibilities to ensure accountability for the funds invested. However, and of equal importance, the clearinghouse is intended to promote the exchange of information between the state and federal partners and among the states recognizing that information and lessons drawn from experience will increase the value of any monetary investment in a project. Below is a copy of the scope statement that describes the intended functions of the clearinghouse:

1) Determine what funding opportunities are available under current programs and supply that information to the Directors. To achieve this purpose the program will:

- a. Garner details about funding sources and build a database of funding opportunities and availability.
- b. Help states determine where to start with respect to communicating and working with federal agencies (e.g., identifying 'the door' as well as helping to 'open the door').
- c. In accessing federal funds, it will help states find a way to avoid the bureaucracy while still getting information and funding.
- d. Provide accurate and timely notification of grant initiatives to states as well as specific contact person(s) for additional information.
- e. Help navigate around the politics, competing issues, redundancy and ownership issues.
- f. Help educate states on how to measure and document what they do to better compete for funding.

2) Share information between correctional agencies and federal agencies. To accomplish this function the clearinghouse program will:

- a. Analyze, encapsulate and dispatch information from federal agencies.
- b. Keep Directors apprised on what federal agencies are doing.
- c. Establish a system to garner information on policies and develop a forum for discussing issues prior to them becoming legislation.
- d. Identify issues, consequences of issues, determine what directors can do and establish what directors need with respect to issues.
- e. Provide states with sample federal policies.
- f. Share what is going on in the field and what other states are doing.
- g. Provide coordination as well as communication to directors and those persons in their department that they identify.
- h. With the aid of a standardized measure, help determine why some jurisdictions are performing better than others.
- i. Share agency 'funding success stories' and creative use of funding.

3) Capture and articulate ASCA's perspective of federal government's role in corrections and help inform BJA's planning on priority issues.

- a. Help states understand BJA's new organizational structure.
- b. Continue to build a solid relationship between ASCA and BJA.
- c. Develop stronger relationships with non-corrections focused government agencies such as the Department of Labor, Department of Health and Human Services, Department of Housing and Urban Development, Department of Veteran Affairs, Department of education, etc.

A second BJA funded project that will have significant national impact is the Performance Based Measures and Standards (PBMS). This project is enabling ASCA to develop consensus among the states regarding how to measure some of the most fundamental characteristics of correctional agency performance in order to allow for meaningful and accurate comparisons among states. Historically, it has been impossible to accurately compare various activities and components of corrections agencies, because definitions and methods of calculation were not standardized. Things such as escapes, assaults, recidivism rates and costs were calculated and reported using methods and definitions that were unique to each jurisdiction. This may have worked well for

purposes of internal and historic comparison, but made meaningful comparison across jurisdictions impossible. While conversion to this system will require several years, more than half the states and the Federal Bureau of Prisons are now actively engaged in the conversion process.

Federal agencies also provide funding to organizations such as mine that allow us to pursue innovations or put in place resources that would otherwise be beyond our reach. In the current state fiscal year, my state of Kansas will expend \$1,952,371 in federal grant funding. That comprises only .71% of the Kansas Department of Corrections' annual budget, but for that less than 1% of our budget, the impact, on our agency and the citizens of our state, is huge. With these federal funds and a blend of state, local and private revenues, we will be able to provide a variety of services to crime victims including routine and emergency notification, development of safety plans, assist in the successful reintegration of offenders into with their families, and provide victim/offender dialogue services. Likewise, my department is able to deliver therapeutic community substance abuse treatment, some academic and vocational education and to design and implement a highly influential offender reentry program. We have also been able to defray some of the costs of housing criminal aliens in our prison system through the State Criminal Alien Assistance Program (SCAAP).

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VOI/TIS was a much more ambitious federal program that was intended to influence sentencing policy on a national level by providing incentives to states to incarcerate more violent offenders for longer periods of time. There is no question that the intended impacts were achieved. Many states including Kansas altered their sentencing practices to reduce the amount of "good time" that could be awarded to a maximum of 15% of the sentence thus lengthening amount of time most offenders in our state would remain incarcerated. Likewise, VOI/TIS heavily influenced the frequency of drug testing of the offender population as well as the methods used to carry out that testing.

Regulator/Oversight relationships - There is a third set of relationships that state corrections agencies have with federal organizations. In that set of relationships, we are required to respond

to federally imposed mandates. Perhaps one of the most recent examples is the Prison Rape Elimination Act which requires our participation in, among other things, the measurement of the frequency of sexual assault in confinement facilities and the development of strategies to ensure the safety of prisoners and staff within those facilities. There are both incentives to become actively engaged in this effort and consequences for lack of compliance.

I have been advised that the committee is interested in gaining a better understanding of our working relationships with various federal agencies. My greatest experience has been with the agencies housed within the Department of Justice (BJA, BJS, OJP) and the National Institute of Corrections. Those agencies are well respected by those of us in the field. They communicate well, seek frequent dialogue and input, provide meaningful assistance and leadership and offer access to services and resources that agencies such as mine could never access on our own. Perhaps as important to those of us on the state level, is the role they play in facilitating our access to one another and supporting our collaboration and sharing of experiences across states. NIC is particularly prominent in this respect.

The committee has also inquired about the role that non-profits, associations and lobbyists play in helping states to identify and acquire available federal funds. In my own experience, I have found organizations such as the Council of State Governments (CSG), the American Correctional Association (ACA), and the National Correctional Industries Association (NCIA) to be very helpful in understanding how to compete more effectively for resources and how to leverage the resources we receive with state, local and private funds to maximize the return on those resources. CSG has played a particularly effective role in helping Kansas formulate effective community reentry policy and achieve the necessary state and local political support to bring that to fruition.

We have formed a number of effective partnerships with local non-profit and faith based organizations to further our mutual goals. This has been particularly important in the establishment of reentry programs in some of our largest cities. We have also found many non-profit organizations to be helpful in providing services to families of offenders to either prevent the incarceration of offender's children (who are particularly high risk) or to maintain family ties which are often damaged by incarceration.

I frankly, am much more cynical about the role that lobbyists play in "assisting" agencies such as mine. Such help often comes in the form of assurances that they can facilitate access to federal funding to acquire their product or their clients product or services. Perhaps the most egregious example I can cite is the stipulation in the VOI/TIS funding rules that agencies such as mine, which might be interested in leasing secure confinement space from another entity, could use VOI/TIS to lease such space only from a private entity. Consequently, when my agency did lease space to house prisoners on a temporary basis, we had to send prisoners out of state because we could not use VOI/TIS funds to lease available bed space in county jails in Kansas. That made it more difficult to monitor the contract, more difficult to properly manage the prisoners cases, more difficult for families of prisoners to visit their loved ones, and diminished the impact those dollars could have had in benefiting local jurisdictions in my state of Kansas. I have seen similar examples where federal legislation that authorized assistance to states was written so restrictively, that only one product could qualify for the assistance and that company's

representative shopped the product so aggressively until a "customer" could be found to use the "free money" that there was real question whether the intended benefactors of the legislation received any value at all from the product.

The committee has requested examples of programs funded with federal grants. For my state, let me cite what is in the current state fiscal year's budget as well as some other significant grants we have received in the past or anticipate receiving in the near future.

Service/Program Funding Source Match Requirement

Day Reporting Centers VOI/TIS (OJP/BJA) 10%

Reentry Program SVORI (OJP/BJA) none

Special Education Chapter 1, (US Dept. Of Ed) none

Sub. Abuse Treatment Byrne/JAG (OJP/BJA) 75%

Sex Offender Management CASOM (US Dept. of Justice) 25%

Residential Sub. Abuse RSAT (OJP/BJA) 25%

Treatment

Community Transition for US Dept. of Ed. none

Youthful Offenders

Literacy Programs for US Dept. of Ed. none

Prisoners

State Criminal Alien SCAAP (OJP/BJA) none

Assistance Program

Victims Services Byrne/JAG (OJP/BJA) 30% - 75%

Victims Services VOCA (OJP/OVC) 20%

Transition Services for various funds to another 50%

Mentally Ill Offenders state agency

Affordable Housing and Community Development none

City Infrastructure Program Block Grant

In addition to the above listed programs, in our current budget we have received notification that we have been awarded a grant through the Prison Rape Elimination Act that will allow us to improve prison security and investigative techniques in order to further reduce the risk of sexual assaults occurring in Kansas facilities.

In summary, I would characterize our overall relationship with our federal agency partners as highly collaborative, productive, active and respectful. We are actively engaged with many of those federal agencies with whom we most closely associate, to further enhance our ability to carry out our respective missions. Your continued support will be of great service to my state and, I am confident, to those of my peers in the Association of State Correctional Administrators. I am pleased to have the opportunity to brief this committee and I would be pleased to answer any questions you may have.