House Committee on Corrections and Juvenile Justice
House Bill 2741
Kansas Department of Corrections (KDOC)
February 13, 2024

Good afternoon, Mr. Chairman, Members of the Committee. I am Megan Milner, Deputy Secretary of Juvenile and Adult Community Based Services with the Kansas Department of Corrections. I am pleased to present testimony today in support of House Bill 2741, which would standardize the conditions of supervision for offenders in Kansas.

This work is a result of the Kansas Criminal Justice Reform Commission, a multi-branch, multi-disciplinary group created by Kansas legislators in 2019 to examine certain elements of the criminal justice system and provide recommendations for improvements (K.S.A. 21-6902). The Commission also received support from the Council of State Governments (CSG). In 2021, the charge to the Commission from the Legislature was amended in 2021 House Bill 2077 to include (among other items):

- Reviewing the supervision practices for offenders who serve sentences for felony offenses on supervision by Court Services, Community Corrections, and KDOC.

  This component was addressed during the 2022 legislative session when a law was passed which required KDOC and the Office of Judicial Administration (OJA) to enter into a Memorandum of Agreement to ensure a person is only supervised by one entity or agency, when multiple district courts and/or the Prisoner Review Board retain jurisdiction.

  KDOC, OJA, and community corrections agencies collaborated on this work and the concurrent supervision process began in January 2024.

- Review and consideration of standardized terms and conditions for community supervision.

In response to this last item, the Commission created the Standardized Terms and Conditions of Supervision Subcommittee. After extensive review of Kansas practices, as well as the practices of other states, this subcommittee found that Kansas had no standardized format or general conditions of supervision across the state. Furthermore, CSG Justice Center staff reported that "conditions of supervision in Kansas do not meet best practice guidelines and cause inconsistencies in how agencies approach supervision".

CSG recommended the consideration of three areas:

1. Is it realistic?

   Conditions of supervision should be reasonable and realistic enough to allow someone on probation or parole to meet those conditions. Unrealistic and unreasonable conditions only put the individual in a position to fail from the beginning.

2. Is it relevant?

   Conditions of supervision should be related to a person's criminal behavior and their criminogenic risk and needs, as identified by standardized risk/need assessments.

3. Is it research-supported?

Programs, services, and interventions should be evidence-based in reducing risk for this population.

Additionally, to achieve the standard of best practice in community supervision, the subcommittee learned that conditions should:

- Be limited in number
- Be used to address behaviors associated with risk
- Be used to foster behavior change
- Be used to support positive outcomes
- Be based on supervision goals
- Be research-supported or backed by evidence demonstrating that they promote individual success, and
- Should have rehabilitative value.

House Bill 2741 includes the 10 standardized terms and conditions of supervision recommended by this subcommittee, with the addition of one more condition regarding no contact with victims unless approval is obtained for rehabilitative or therapeutic purposes. These conditions would apply to community corrections and parole, to include conditions imposed by the Prisoner Review Board.

The Kansas Department of Corrections is in support of this bill which would provide consistency in terms and conditions of supervision for individuals in Kansas and better align our structure of supervision with best practice, however, we would like to request one amendment to the bill. In section 1, subsection b, number 10, we would like to change the language from "*Submit to searches of the defendant's person, effects, vehicle, residence or property by the defendant's supervision officer or any law enforcement officer based on reasonable suspicion that the defendant violated conditions of supervision or engaged in criminal activity*;"

to

"*be subject to searches of the defendant's person, effects, vehicle, residence and property by a court services officer, a community correctional services officer and any other law enforcement officer based on reasonable suspicion of the defendant violating conditions of probation or criminal activity*".

Additionally, in section 3, subsection m, number 10, we would like to change the language from "*Submit to searches of the defendant's person, effects, vehicle, residence or property by the defendant's supervision officer or any law enforcement officer based on reasonable suspicion that the defendant violated conditions of supervision or engaged in criminal activity*;"

to

"*Submit to searches of the person and the person's effects, vehicle, residence and property by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with or without cause. Nothing in this subsection shall be construed to authorize such officers to conduct arbitrary or capricious searches or searches for the sole purpose of harassment: and submit to searches of the person and the person's effects, vehicle, residence and property by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or post release supervision or reasonable suspicion of criminal activity. Any law enforcement officer who conducts such a search shall submit a written report to the appropriate parole officer no later than the close of the next business day after such search. The written report shall*

include the facts leading to such search, the scope of such search and any findings resulting from such search."

Thank you for allowing me to be here today.

I'm happy to stand for questions.