



## Criminal Justice Coordinating Council

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Attorney General Derek Schmidt, Chairperson  
Clay Britton III, Vice-Chairperson (Governor's Designee)

APPROVED AS AMENDED July 7, 2022

### **Kansas Criminal Justice Coordinating Council**

**State Capitol Building, Room 346-S**

**Topeka, Kansas 66603**

**Minutes of September 30, 2021**

**12:00 p.m.**

#### **Council Members in Attendance**

Attorney General Derek Schmidt, Chairperson  
Clay Britton, Governor's Designee and Vice-Chairperson  
Amber Smith, Chief Justice of the Supreme Court Designee  
Jeff Zmuda, Secretary of Corrections  
Kirk Thompson, Director of the Kansas Bureau of Investigation  
Colonel Herman Jones, Superintendent of the Kansas Highway Patrol

#### **Kansas Governor's Grants Program Staff in Attendance**

Juliene Maska, Jill Stewart, Jocelyn Scott, Kim Gerety, and Erica Haas

#### **Others in Attendance**

Attendance Sheet attached

#### **Welcome**

Chairperson Schmidt called the meeting to order at 12:10 p.m., noted a quorum is present, and welcomed all in attendance. At Chairperson Schmidt's request, the Kansas Criminal Justice Coordinating Council (Council) members introduced themselves.

#### **Approval of June 12, 2021, Minutes**

Mr. Britton made a motion to approve the June 12, 2021, minutes. Ms. Smith seconded the motion and the motion passed unanimously.

#### **Discussion of Fiscal Year 2022 JAG Applications**

Ms. Stewart introduced the Kansas Governor's Grants Program (KGGP) staff and provided an overview of the available Federal Edward Byrne Memorial Justice Assistance Grant (JAG) Program funding and the federal allocation requirements. Ms. Stewart explained JAG funds are awarded in two pools of money: 1) directly to local governments; and 2) to the states, administered

as a pass through to state and local governments and non-profit organizations. Within the second pool of money there are three silos of funding to which the money must be distributed: a) directly to counties, or alternatively to agencies that serve a particular county and can obtain a waiver from the county; b) jurisdictions that do not qualify for a direct Federal Bureau of Justice Assistance award of at least \$10,000 due to low crime rates; and c) discretionary funding for state agencies or nonprofit agency applicants whose projects have a statewide focus.

Ms. Stewart said 45 JAG applications were received requesting a total of \$5,427,846 and the estimated sum to award is approximately \$2,212,241.

The Council received by email the following documents prior to the meeting: 1) Agenda; 2) Draft minutes from June 12, 2021, Council meeting; 3) JAG 2022 Applications by Reviewer Recommendation and staff comments; 4) JAG 2022 solicitation; and 5) One page recommendation summary. Ms. Stewart informed the Council that each application had two outside reviewers.

Ms. Stewart reminded the Council the JAG funds are provided to criminal justice system partners to address crime and improve public safety. Applicants must request funds for use in one or more of the following eight purpose areas: law enforcement programs; prosecution and court programs, including indigent defense; prevention and education programs; corrections and community corrections programs; drug treatment and enforcement programs; planning, evaluation, and technology improvement programs; crime victim and witness programs (other than compensation); and mental health related law enforcement and corrections programs.

Ms. Stewart also reminded the Council in June 2019 the Council approved the five-year Kansas Statewide Strategic Plan (Plan) for administration of JAG. The Plan identified the following three funding priorities: evidence-based practices that improve the criminal justice system response to mental illness; evidence-based practices to enhance drug enforcement and workforce retention for law enforcement; and evidence-based programming to provide presentation and education on crisis intervention, mental health, substance abuse, suicide, and juvenile delinquency. The JAG solicitation instructed all applicants to review the Plan. The Council Members agreed that applicants clearly supporting the priorities set forth in the Strategic Plan will take precedence to the extent feasible when subgrant awards are determined.

Ms. Stewart informed the Council that in addition to submitting an application for JAG funding, three applicants (#7 Ottawa Police Department, #31 Liberal Municipal drug Court, #32 Family Service and Guidance Center of Topeka) submitted a replicate grant application to another funding source. Prior to this meeting, the KGGP staff contacted applicants #7, #31, and #32 to inquire whether the funds were awarded and applicants #7 and #32 had not received a decision. Applicant #31 did receive an award; therefore, any JAG funds awarded to applicant #31 would need to be used to supplement not supplant those funds.

Ms. Stewart informed the Council that in the applications that proposed new personnel positions, KGGP staff prorated the personnel costs to 11 months to correspond with the timing of the JAG award decisions and notices. Ms. Stewart also informed the Council that applicant #35 Kansas CASA Association has a contract with KGGP funded by Victims of Crime Act (VOCA) grant funds to provide training throughout the state to local CASA agencies. It is anticipated the contract

will be extended by four months. Their JAG application maximum recommended amount was accordingly adjusted to \$48,529.

The one-page recommendation summary initially provided to the Council has been updated to include a notation indicating whether an applicant is in compliance with the statutorily required KBI reporting. Director Thompson said he has additional information to provide to the Council regarding the effort put forth by some of the agencies that are not in compliance.

Ms. Maska addressed the Council concerning application #38 Kansas Bureau of Investigation (KBI). The KBI's \$850,000 request is to replace the Kansas Criminal Justice Information System (KCJIS) Central Message Switch. After the application was submitted to the KGGP, Ed Klumpp, representing Kansas Associated Chief of Police Kansas Sheriffs' Association and Kansas Police Officers Association, called Ms. Maska to offer his support for the KBI's application but also acknowledged the high cost of the Switch. Prior to the meeting, KGGP staff discussed how to fund the Switch outside of JAG funding due to the limited amount of JAG funds available. KGGP staff submitted a request to the Coronavirus Emergency Supplemental Funding (CESF) grant manager asking for permission to fund up to an estimated \$650,000 portion of the Switch project. Two levels of approval are required, and the first level approval has been received.

Chairperson Schmidt commented that there are more requests than money available. Chairperson Schmidt suggested the Council approach the JAG application review process by first tentatively approving a group of applications recommended for full funding by outside reviewers then review the remainder of applications adding and subtracting from the original approval category. The Council members acquiesced to Chairperson Schmidt's suggestion.

Per Chairperson Schmidt's suggestion, the Council reviewed the following applications that received a full funding recommendation by both outside reviewers: #5 Comanche County Sheriff's Office; #6 Northwest Kansas Community Corrections; #7 Ottawa Police Department; #9 Jackson County Sheriff's Office; #10 Johnson County Crime Lab; #11 One Heart Project; #12 Merriam Police Department; #13 10<sup>th</sup> Judicial District Court; #14 Gardner Police Department; #16 Brothers In Blue Reentry; #17 Basehor Police Department; #19 5<sup>th</sup> Judicial District Community Corrections; #21 Meade County Sheriff's Office; #22 Coffeyville Police Department; #24 Rawlins County Sheriff's Office; #31 Liberal Municipal Drug Court; #33 Kansas Department of Corrections Parole (KDOC-Parole); # 34 Kansas Judicial Branch; #35 Kansas CASA Association; #37 KDOC– Office of Victim Services (OVS); #38 KBI; #40 National Alliance on Mental Illness Kansas.

Chairperson Schmidt asked whether any of the law enforcement applicants failed to include verification of the statutory requirement for submission of criminal offense and criminal history data to the KBI. Director Thompson stated applicants #5, #7, and #24 are technically out of compliance but are working with the KBI to become compliant. Chairperson Schmidt asked the Council members if they wanted to include these three applicants that are out of compliance and he suggested the three applications be set aside for possible reconsideration later.

Director Thompson provided additional information about the KCJIS Central Messaging Switch. He explained the Switch is the main component to provide criminal records for law enforcement and the criminal justice community. The actual cost of a new Switch is \$1.2 million. The KBI set

aside about \$400,000 to help pay for the new Switch and requested the remainder in the JAG application. With the possibility of receiving \$650,000 from federal CESF grant funding, Director Thompson agreed to reduce the KBI's JAG application request from \$850,000 to \$200,000. Chairperson Schmidt asked if the current Switch is at the end of useful life. Director Thompson said it is getting close and the KBI would like to replace the Switch before it stops working. Secretary Zmuda asked if the purchase of the Switch is a one-time request or if there would be additional money needed for software and maintenance. Director Thompson said the current Switch has lasted about nine years and the KBI does incur expenses when upgrading equipment to keep full connectivity with federal resources. Chairperson Schmidt asked if the \$650,000 would be a one-time award and whether the expenditure is subject to the Strengthening People and Revitalizing Kansas (SPARK) Taskforce approval. Ms. Stewart said the \$650,000 would be a one-time award as those are unspent funds that were allocated to Kansas through the Cares Act and the expenditure would not be subject to approval by the SPARK Taskforce. After discussion by the Council members, Chairperson Schmidt suggested moving forward with the assumption that application #38 is a \$200,000 request.

Ms. Stewart said assuming application #38 KBI is \$200,000, application #35 Kansas CASA Association is decreased by \$5,000, and the three applicants (#5, #7, and #24) that are out of KBI reporting compliance are excluded, the funding total of the tentative approvals is \$1.95 million.

The Council discussed applications that are not in the full / full category that have current personnel positions that would not be sustained if the funding were not awarded. Ms. Stewart stated applications #42 Avenue of Life, #26 28<sup>th</sup> Judicial District Community Corrections, #27 Western Kansas Child Advocacy Center (WKCAC), and #36 Kansas Coalition Against Sexual and Domestic Violence (KCSDV) have positions that are funded by a 2021 JAG award.

Chairperson Schmidt asked why #27 WKCAC, which serves a large geographic area, did it not make the full / full approval list. Ms. Stewart informed the Council the reviewer notes indicate the application lacked data and outcome details.

Ms. Stewart informed the Council that the Federal Office on Violence against Women (OVW) recently awarded grants in the amount of \$950,000 each to #27 WKCAC and #20 SOS. Ms. Stewart is unaware of how these OVW grant funds will impact the agencies or how the funds may interact with the JAG funds, if awarded. Chairperson Schmidt offered an opportunity for a representative from #27 to address the Council, but a representative was not present.

The Council members discussed the possibility of awarding last year's funding levels to applicants that are in the full / partial and partial / partial funding categories except for the applicants in those categories that were not in compliance with KBI reporting.

Chairperson Schmidt directed the Council to review the applications that are tentatively approved. The tentatively approved applications overfund the discretionary fund silo so funding needs to be adjusted.

Applications #16 Brothers in Blue Reentry, #33 KDOC - Parole, #34 Kansas Judicial Branch, #35 Kansas CASA Association, #37 KDOC - OVS, and #38 KBI would be funded with the discretionary portion of JAG funds. Ms. Stewart explained these applications do not have a local

focus that would allow a county waiver submission. She also said #11 One Heart Project does have waivers from two of the four counties they serve; therefore, only a portion of the funding would be provided by discretionary funds.

Responding to a request from Secretary Zmuda, Ms. Stewart informed the Council which applicants in the full / full categories are asking for funds for a new project and which applicants are asking for funds for continuation of a project. The Council asked questions or made comments on the applications in this category and the feedback is noted as follows.

#5 Comanche County Sheriff's Office is new request and is not in compliance with KBI reporting.

#6 Northwest Kansas Community Corrections is an existing project and a slight enhancement has been requested.

#7 Ottawa Police Department is a new request.

#9 Jackson County Sheriff's Office is an equipment request so not considered a continuation even though they received a grant last year.

#10 Johnson County Crime Lab is a new request.

#11 One Heart Project has an existing project and is asking to add a new position.

#12 Merriam Police Department is a new request.

#13 10<sup>th</sup> Judicial District Court received funding in 2020 but not in 2021.

#14 Gardner Police Department is a current Subgrantee, but this request is not a continuation of the award from 2021.

#16 Brothers In Blue Reentry is a continuation request.

#17 Basehor Police Department is new request for equipment.

#19 5<sup>th</sup> Judicial District Community Corrections is a continuation request receiving JAG for many years and the request is the same as previous two years.

#21 Meade County Sheriff's Office is a new request. The application does not mention JAG priorities. Chairperson Schmidt asked if a representative of Meade County Sheriff's Office was at the meeting to comment on the application. A representative was not present. Director Thompson stated the application is for a small amount of funding to complete a radio replacement project as Meade is not getting proper coverage with current equipment. Mr. Klumpp addressed the Council providing general information about radio systems, not specific to Meade. Mr. Klumpp said many law enforcement agencies are struggling because the frequency ability that is available is narrowing and some radios are going to be aged out by 2025. Chairperson Schmidt noted there is not Council member consensus about whether to fund this application.

#22 Coffeyville Police Department is requesting equipment and had a grant the last two years for equipment.

#24 Rawlins County Sheriff's Office is a new request.

#31 Liberal Municipal Drug Court is a new request. The application stated they made a similar request to a different funder but have not received a decision. Chairperson Schmidt asked if the Council could make JAG funding contingent upon the applicant receiving funding from the other source. Ms. Stewart said the Council could do that but would have to vote on that caveat and this type of contingency has not been approved in previous years.

#33 KDOC– Parole is a continuation request.

#34 Kansas Judicial Branch is a new request.

#35 Kansas CASA Association is a continuation request including an increase to pick up the position that is funded under a VOCA contract.

#37 KDOC – OVS is a continuation request with an enhancement to include funding for a Batterers Intervention Program (BIP).

#38 KBI is a new request.

#40 National Alliance on Mental Illness, Kansas is a new request.

Director Thompson suggested applications that support JAG priorities could be given priority. If that suggestion were implemented #33 and #38 would be removed from the approval category. This adjustment would still result in about \$180,000 overage in the discretionary funding silo. Chairperson Schmidt suggested funding applications in the discretionary category at the amount the applicants received last year.

Ms. Stewart and Council members provided information about applications #11, #16, #33, #34, #35, #37, and #38. Ms. Stewart said application #16 requested less money this year than last so under Chairperson Schmidt’s suggestion the application would not be adjusted. If application #11 received additional county waivers it would reduce the amount of money out of the discretionary pool.

Secretary Zmuda acknowledged #33 KDOC-Parole was removed from consideration and said if #37 KDOC-OVS receives less money than was requested fewer victims will be served and the BIP would not be funded. He also informed the Council currently KDOC does not have enough money to serve all the victims eligible for services.

Ms. Smith informed the Council \$140,000 would allow applicant #34 Kansas Judicial Branch to proceed with two of the three prongs of the request.

Chairperson Schmidt discussed Brothers In Blue Reentry needs to look at other more sustainable funding. Ms. Stewart informed the Council Brothers In Blue Reentry has been funded by JAG funds for several years and there are about four or five applicants in the same situation. Secretary Zmuda said the Brothers In Blue Reentry provides a valuable service to individuals leaving the prison system and returning to society. Chairperson Schmidt said JAG funding is not intended to be long term. Ms. Stewart informed the Council there was a special condition on last year’s Brothers In Blue Reentry grant award document instructing them to identify and secure alternative funding.

Ms. Stewart informed the Council #11 One Heart Project started receiving JAG funds in 2018, and #6 Northwest Kansas Community Corrections and #27 WKCAC have been receiving JAG funds for about 15 years.

Carl Hughes, Executive Director for Brothers in Blue Reentry, suggested Brothers In Blue Reentry get waivers from various counties that receive the offenders back into certain counties. Ms. Stewart said it may not be possible due to the uncertainty of where in the state individuals are released into upon departing incarceration and the project has been viewed as having a statewide focus. She also stated the Brothers In Blue Reentry application is \$9,000 less than their application request from last year.

Ms. Stewart said the reduction would be approximately a 13 percent decrease to #16 Brothers In Blue Reentry, #34 Kansas Judicial Branch, and #37 KDOC-OVS if spread out the \$73,000 deficit remaining in the discretionary funding category. The Council agrees to the approach discussed whereby applicants in the discretionary category will be reduced to the previous year's funding and an additional 13 percent cut will be applied to applications #16, #34, and #37.

Ms. Stewart said the tentative approval of applications by the Council is as follows:

#6 \$114,187  
#9 \$75,186  
#10 \$51,625  
#11 \$69,470  
#12 \$82,500  
#13 \$26,532  
#14 \$13,830  
#16 \$236,580  
#17 \$77,160  
#19 \$43,212  
#21 \$126,091  
#22 \$2,672  
#31 \$109,481  
#34 \$141,225  
#35 \$48,529  
#37 \$162,421  
#40 \$116,850  
Total: \$1,497,451

Ms. Stewart said the discretionary funding pool is at the appropriate level.

Chairperson Schmidt acknowledged Steve Riach representing application #11 One Heart Project. Mr. Riach said One Heart Project's application was cut last year and they are the only agency in Kansas working on prevention and reentry for juvenile offenders. He said the One Heart Project was in the full / full funding category, has increased sustainability, and addressed the JAG priorities. Mr. Riach informed the Council an additional cut would be difficult to manage. One Heart Project is trying to get county waivers from Johnson and Wyandotte counties. One Heart Project does have county waivers from Shawnee and Douglas counties.

Ms. Stewart informed the Council the only money not tentatively allocated is the pass through to locals funding silo. Chairperson Schmidt said the Council appears to be in agreement with approving the above list with the exception of #21 Meade County Sheriff's Office.

Chairperson Schmidt shifted the discussion to consideration of the remaining funds in the pass through to locals funding silo. In the full / partial category #4 Coffey County Sheriff's Office, #41 Wallace County Sheriff's Office, and #44 Unified Government of Wyandotte County are tentatively removed from consideration for failure to comply with KBI reporting.

Chairperson Schmidt said if #11 One Heart Project and #16 Brothers In Blue Reentry received county waivers, about \$68,000 would be added back into the discretionary fund silo which could provide some money for small local applications.

Based on Council consensus, Ms. Stewart added to the approval category #1 Bourbon County Sheriff's Office \$113,292, #20 SOS Inc. \$27,432 (waivers from 3 of 5 counties propose to serve 60% out of pass through), #23 Council Grove Police Department \$33,527, #30 Episcopal Social Services \$183,788, and #42 Avenue of Life \$239,960. The amount left to be awarded is about \$306,000 for locals and local pass through silos.

Chairperson Schmidt mentioned all remaining applicants for the Council's consideration except that #45 Bonner Spring's Police Department and #25 City of Lyons will not be considered as they are in the deny / deny category.

The Council discussed the remaining applications. Mr. Britton asked if #36 KCSDV would be eligible for pass through funding and Ms. Stewart informed the Council application #36 would be funded out of the discretionary silo of money not the pass through silo.

Director Thompson said application #7 Ottawa Police Department is technically not in compliance with KBI reporting but the application is within the JAG priority areas. Chairperson Schmidt suggested funding #7, increasing the amount for #11 One Heart Project, and funding #24 Rawlins County Sheriff's Office. Ms. Stewart said that would leave about \$61,000 unallocated. Secretary Zmuda suggested an additional \$35,350 to #16 Brothers In Blue Reentry contingent upon submitting county waivers. Mr. Britton was in agreement with these recommendations.

Chairperson Schmidt said he will vote against adding #16 Brothers In Blue Reentry reduced funding back in because they have been told several years in a row to find different sustainable funding. Mr. Britton agrees with Chairperson Schmidt and mentioned setting a limit around how many years a program or agency could receive JAG funds.



Director Thompson made a motion to fund the following applications and amounts and Mr. Britton seconded the motion:

- #1 Bourbon County Sheriff's Office: \$113,292
  - #4 Coffey County Sheriff's Office: \$56,301
  - #6 Northwest Kansas Community Corrections: \$114,087
  - #7 Ottawa Police Department: \$150,798
  - #9 Jackson County Sheriff's Office: \$75,186
  - #10 Johnson County Crime Lab: \$51,625
  - #11 One Heart Project: \$132,164
  - #12 Merriam Police Department: \$82,500
  - #13 10<sup>th</sup> Judicial District Court: \$26,532
  - #14 Gardner Police Department: \$13,830
  - #16 Brothers In Blue Reentry: \$236,580
  - #17 Basehor Police Department: \$77,160
  - #19 5<sup>th</sup> Judicial District: \$43,212
  - #20 SOS Inc.: \$27,432
  - #21 Meade County Sheriff's Office: \$126,091
  - #22 Coffeyville Police Department: \$2,672
  - #23 Council Grove Police Department: \$33,527
  - #24 Rawlins County Sheriff's Office: \$31,716
  - #30 Episcopal Social Services: \$183,788
  - #31 Liberal Municipal Drug Court: \$109,481
  - #34 Kansas Judicial Branch: \$141,225
  - #35 Kansas CASA Association: \$48,529
  - #37 KDOC– OVS: \$162,421
  - #40 National Alliance on Mental Health Kansas: \$116,850
  - #42 Avenue of Life: \$239,960
- Total: \$2,396,959

After additional discussion, the motion was amended by Director Thompson and seconded by Mr. Britton to remove funding for application #20 SOS Inc. and award \$27,432 to applicant #26 28<sup>th</sup> Judicial District Community Corrections.

The Council voted to approve the amended motion. Secretary Zmuda abstained from voting on the KDOC-OVS application and Ms. Smith abstained from voting on the Kansas Judicial Branch application.

### **New Business**

Ms. Stewart updated the Council on other U.S. Department of Justice, Bureau of Justice Assistance, Bureau of Justice Statistics federal funding streams subject to the Council's oversight. The Council received a handout setting forth the following:

- Prison Rape Elimination Act (PREA): Kansas was awarded \$45,449 for FFY 2021. The funds are passed through to KDOC to be used for complying with PREA standards.
- National Criminal History Improvement Program: Kansas was awarded \$854,730 for FFY 2021. The funds are passed through to the KBI for data entry of manual dispositions and processing errant dispositions and to the Kansas Judicial Branch to centralize and implement supervision software statewide.
- Residential Substance Abuse Treatment: Kansas was awarded \$308,583 for FFY 2021. The funds are passed through to KDOC for a substance abuse treatment program at Topeka Correctional Facility.
- Paul Coverdell National Forensic Sciences Improvement Act: Kansas' FFY 2021 application is pending. Upon receipt of the grant award, Kansas will allocate the funds to the KBI Crime Laboratory, the Johnson County Crime Lab, and the Sedgwick County Forensic Science Center.

### **Adjournment**

Chairperson Schmidt adjourned the meeting at 3:15 p.m.