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Kansas Legislative Research Department October 26, 1976

~~PRELIMINARY~~
MINUTES

SPECIAL COMMITTEE ON INSTITUTIONS

October 18, 1976

Members Present

Senator Arden Booth, Chairman
Representative Ray Zajic, Vice-Chairman
Representative Eugene Anderson
Representative Glee Jones
Representative Ardena Matlack
Representative Rip Reeves
Representative Bill Wisdom

Staff Present

John Schott, Kansas Legislative Research Department
Sherman Parks, Jr., Revisor of Statutes Office

October 18, 1976

Chairman Booth called the meeting of the Special Committee on Institutions to order. Before beginning the day's agenda, Representative Jones discussed with the Committee a seminar she had attended on child abuse and neglect. In the course of this discussion, Mrs. Jones indicated her feelings concerning family structure and the proper role of the family in society. Following Committee discussion of this matter, it was moved and seconded that Representative Jones summarize her remarks and include them as an addendum to the Committee report. The motion carried.

The Committee then turned its attention to the agenda for the day. The first individual to appear was Mr. Forrest Swall, University of Kansas. Mr. Swall indicated that he was appearing and representing the Citizens for Justice, an organization with ties to the Council on Crime and Delinquency. Mr. Swall distributed information concerning the position of his organization on the construction of the proposed medium security correctional facility. (This packet of information is available for inspection in the Legislative Research Department.)

During the course of the discussion Mr. Swall indicated that he and the organization advocated utilizing funds which would go towards construction of a medium security correctional facility for the development of effective community-based correctional operations for convicted non-violent felons. It was the position of this organization that a medium security correctional institution is not needed and that an effective community-based operation for non-violent convicted felons would not only be less costly but ultimately more effective in reducing prison population. Mr. Bill Arnold, University of Kansas, indicated that the estimated cost for an effective community-based program in Kansas would be approximately $3,000,000 per year.

Responding to questions from the Committee, Mr. Swall and Mr. Arnold indicated that there is a need to create a single system for corrections in Kansas which would include an effective community-based correctional operation.

In response to a question from a Committee member, Mr. Arnold indicated that the number of adult and juvenile probation officers has steadily been increasing in Kansas.

A Committee member questioned the conferee on what other states have been doing relative to the establishment of community-based corrections. Mr. Swall replied that the State of Minnesota, through its Community Corrections Act, provides for community level correction operations. Mr. Swall also described the Des Moines project, an experimental corrections program in Iowa, through which non-violent convicted felons live and work in order to make restitution for the crimes which they have committed and to receive treatment.

The Committee devoted a period of time to the discussion of presentence investigations for convicted felons in the community and the establishment of a uniform statewide probation system. It was the position of the conferees that presentence investigation for all convicted felons should be carried out in the community and that such an operation would significantly reduce the backup at the Kansas Reception and Diagnostic Center. The conferees also felt that a uniform probation system, which would require a minimum standard of service for all county probation departments, is necessary for the delivery of appropriate and effective probation services.

The Committee also discussed the question of establishing restitution centers in Kansas, at which individuals would live and work to make restitution to their victims for the crimes committed.

At the conclusion of the discussion, it was the feeling of the Committee that, since the members had heard an extensive discussion by the opponents of the proposed medium security correctional facility, they should also devote an equal amount of time to hearing the proponents of this facility. As a result, it was moved and seconded that the Committee reconvene in November for a one-day meeting to hear a presentation by appropriate individuals supporting the construction of this new institution. Included in the motion was the provision that a separate report on community-based corrections and the proposed medium security correctional facility would be issued by the Committee, but not under Proposal No. 25. The motion carried. The Kansas Legislative Research Department was requested to secure permission for this meeting and to notify members of the Committee accordingly.

The Chairman thanked Mr. Swall for his presentation and requested Mr. Preston Barton, Ombudsman for Corrections, to give his presentation to the Committee.

Mr. Barton indicated that he has just completed one year as the Kansas State Ombudsman for Corrections and that Kansas is only the third or fourth state to have an ombudsman. He briefly reviewed the history of the concept of the ombudsman, noting that a recent conference in Alberta, Canada, was the first international meeting of ombudsmen ever held. He felt it particularly important that Kansas was the only state in the United States which was invited to send a delegate and that the trip to Alberta, although included in the budget of the ombudsman, was denied by the Governor.

In reviewing his operation, the Ombudsman stated that he is concerned with all individuals involved in the correctional operation, including inmates, correctional officers and administrators. He stated that although he had hoped to meet with the Committee earlier in the summer, he felt that the ombudsman might play an appropriate role providing input to future interim committees concerned with corrections about correctional operations and problem areas with which the ombudsman was familiar.

In responding to Committee questions, Mr. Barton indicated that there might be a real necessity for an ombudsman position similar to his for social and rehabilitation services institutions.

In summing up the operations of his office, Mr. Barton noted that one of the major problems is visibility. He stated that he distributes data and information cards which explains the function and operation of the ombudsman.

In response to a question concerning complaints received, Mr. Barton indicated that only five percent of all complaints he had received to date were blatently unfounded.

Following several additional questions, the Chairman thanked Mr. Barton for his presentation and recessed the Committee until 1:30 p.m.

Afternoon Session

At 1:30 p.m. the Committee reconvened to discuss the Committee report. Prior to doing so Representative Wisdom distributed to the Committee a letter (see attached) concerning Social and Rehabilitation Services matters in Kansas City, Kansas. The Committee took no action on this letter.

The Committee then turned its attention to the draft report of the Committee to the Legislative Coordinating Council. Staff read the entire report and responded to questions from members. Following several modifications and additions, the Committee report was tentatively approved. Staff was directed to prepare the report in final form and to attach as an addendum to the report the statement from Representative Jones. The report is then to be forwarded to each Committee member and if no comments, corrections, or changes are immediately forthcoming, the Committee report will stand approved.

It was moved and seconded that the minutes of the September 13 and 14 meeting be approved. The motion carried.

In discussing the November meeting of the Committee, it was decided that the meeting date would be November 8, beginning at 10:00 a.m.

There being no further business, the meeting was adjourned.

Prepared by John S. Schott

Approved by Committee on:

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(Date)