

MINUTES

SPECIAL COMMITTEE ON CORRECTIONS

June 13-14, 1977  
Room 514-S, State House

Members Present

Representative Patrick Hurley, Chairman  
Senator Paul Hess, Vice-Chairman  
Senator Jim Parrish  
Senator Wint Winter (June 14)  
Representative Arthur Douville  
Representative Phil Martin  
Representative Jack Rodrock

Advisory Committee Present

William Arnold (June 14)  
Judge Michael Barbara  
Loren Daggett  
Bill Larson (June 14)  
Perry Profitt

Staff Present

J. Russell Mills, Jr., Kansas Legislative Research Department  
Marlin Rein, Kansas Legislative Research Department  
Louis Chabira, Kansas Legislative Research Department  
James A. Wilson, Revisor of Statutes Office

Conferees Present (June 14)

Robert J. Schaefer, Schaefer and Associates, Wichita  
Kenton Cox, Schaefer and Associates, Wichita  
Sid Folse, Folse HDR, New Orleans

June 13, 1977

The Committee met at Kansas State Penitentiary at 10:00 a.m. Following brief remarks by KSP Director Kenneth Oliver, the Committee spent the morning touring the facilities at the institution. The afternoon session consisted of additional tours of the Kansas Correctional Institution for Women and the United State Penitentiary in Leavenworth.

June 14, 1977  
Morning Session

Vice-Chairman Hess called the meeting to order and introduced Robert J. Schaefer, Schaefer and Associates, Wichita. Mr. Schaefer presented an overview of the Project Development Plan - 77, commonly known as the Schaefer report. Mr. Schaefer introduced Kenton Cox, the architect who was in charge of the site evaluation portion of the study, and Sid Folse, a New Orleans consultant on correctional facilities who assisted Schaefer and Associates on the project. Mr. Schaefer noted that his firm was retained by the Department of Corrections in August, 1976, to provide professional services in developing the plan, which was completed in February, 1977. The contract assignment was for the firm to establish a development plan for the following specified projects:

1. 400-bed medium-security facility;
2. 100-bed outside dormitory at KSP;
3. 100-bed outside dormitory at KSIR;
4. 128-bed facility at KRDC;
5. new administration building at KSP; and
6. cellhouse renovation at KSP and KSIR.

The Schaefer firm also assisted the Site Selection Committee in evaluating proposed construction sites. The contract limited the number of proposed sites to an in-depth review of six sites, although others were examined cursorily. At the direction of the Site Selection Committee, the study group considered the following criteria for the proposed site of a medium-security facility:

1. Staffing capability of the area.
2. Accessibility to the state's population.
3. Site size of 100 acres with 35-50 acres of buildable land.
4. Access to highways and geographic relationship to existing correctional facilities.
5. Availability of utilities.
6. Suitable topography and soils.
7. Access to a hospital.
8. Access to educational and vocational institutions.
9. Existing land-use patterns, environmental impact, and zoning.
10. Community impact and image.

Five additional criteria were established by the Division of Architectural Services for evaluating potential sites:

1. Desirability to the Department of Corrections in terms of population and criminal activity trends.
2. Land availability and cost.
3. Community impact and citizenry acceptance.
4. Availability of utilities and extension costs.
5. Accessibility to major highways and local service and labor resources.

The Schaefer consultants toured all the proposed sites and prepared site evaluation studies which were used by the Site Selection Committee. The criteria listed above were used in evaluating each site. Mr. Schaefer stated that an outline of the number of facilities and beds needed was stated in the contract; his firm developed the space and cost estimates and the necessary support services which would be required.

In response to a question, Mr. Folsie discussed the various levels of custody. He stated that a minimum security facility would usually not need an enclosed perimeter, would have wooden doors, and would represent the lowest custody level. Medium security implies an enclosed perimeter with housing units enclosed at night, individual rooms with shared day rooms and water facilities, and a small number of maximum security cells. While medium security envisions two perimeters (the housing unit and the external perimeter), a maximum security institution would have three perimeters: the individual cell, the cellhouse, and the external perimeter. Maximum security would usually be accompanied by an external wall or fence supervised by guards or electronic alarms.

Judge Barbara inquired whether the labor resource data were arranged by racial minority or sex. Mr. Schaefer replied that the data were not broken down by those categories. Judge Barbara also inquired whether a cubic feet space requirement would be more useful than the square feet standards. Mr. Folsie stated that a continuum of spaces was more important than looking at an individual cell. The Schaefer report assumes a minimum of 65 square feet per individual cell, with an adjunct of 25 square feet for dayroom use per inmate. Mr. Folsie stated that a cubic feet measure becomes less useful after ceilings reach a height of eight feet.

Representative Douville inquired whether the cost estimates considered the use of inmate labor. He noted that some renovation at the U.S. Penitentiary in Leavenworth is being conducted by inmate labor. Mr. Folsie replied that the Department did not ask that inmate labor be considered in the estimates. He stated that both Texas and Louisiana use inmate labor and that Texas estimates cost savings of up to 50 percent. Mr. Folsie noted that the labor/material cost breakdown for new construction is usually 60/40 or 50/50.

Representative Rodrock discussed the heat problem in the upper cellhouse tiers at KSP. Mr. Folsie stated that the Schaefer report recommends that the two upper tiers be closed off, both for heat problems and for security reasons.

Chairman Hurley inquired whether the Schaefer report used the conclusions of the Touche Ross report as a premise in developing recommendations. Mr. Schaefer replied that his firm was given directions to develop estimates for specified projects and that the capacity levels were set on the basis of available square footage, not on the Touche Ross recommended levels of 400, 600, or 700. The recommendations of the Schaefer report would yield the following capacities: KSP, 641, including a new 100-bed dormitory; KSIR, 500, including a new 100-bed dormitory; KRDC, 230; and, a new 400-bed medium-security facility. These recommendations would result in a total system capacity of 1,771.

Senator Hess noted that this is a smaller capacity inside the walls than the present capacity. He also inquired whether the Schaefer report contained any alternative recommendations, since the present inmate population is over 2,200 in Kansas. Mr. Folsie replied that the report includes a Modified Plan which would result in a total system capacity of 1,808. The Modified Plan calls for building two new 400-bed facilities, expanding KRDC, and placing KSP into a "phase-out role." Mr. Folsie stated that 627 cells at KSP will not meet the 65 square feet requirement.

Chairman Hurley asked how the 65 square feet standard was established. Mr. Folsie stated that 65 square feet was a reasonable figure, if there is an additional 25 square feet adjunct of dayroom space. He noted that the Law Enforcement Assistance Administration's standards range from 72 to 80 square feet; a recent Alabama court decision required 60 square feet; and the National Advisory Commission on Criminal Justice Standards and Goals recommended 80 square feet. Mr. Schaefer stated that existing cell space at KSP is about 60 square feet and 45 square feet at KSIR. Mr. Folsie stated that the 65 square feet requirement was established by Schaeffer and Associates with the concurrence of the Department of Corrections.

Chairman Hurley inquired whether the 60 square feet average at KSP jeopardizes the continued use of the institution. Mr. Folsie felt that the 65 square feet standard was a reasonable figure and noted that no studies have indicated a correlation between cell size and inmate behavior. Mr. Schaefer stated that at KSP it is impossible to move a wall one foot since the cell walls are load-bearing. It is necessary to make door openings combining cells in order to increase cell size. Mr. Folsie stated that 80 square feet should be the standard for close custody inmates confined to their cells for long periods.

Senator Hess stated that it could be an expensive proposition to go from 60 to 65 square feet, since the cells at KSP now average 58 to 62 square feet and, presumably, could meet the standards of the Alabama case, Pugh v. Locke.

Senator Hess discussed the cost discrepancy between the Touche Ross report, which estimated the cost of a new medium-security facility at \$29.8 million, and the Schaefer report, which placed the cost at \$16.2 million. Mr. Folsie replied that the Schaefer estimates were based on actual bids for a similar North Carolina facility which was bid in January, 1977. He noted that the \$16 million figure included furnishings, equipment, fees, escalation costs, etc. Mr. Folsie stated that he had no knowledge of the methods used by Touche Ross in developing their cost estimate.

Senator Hess stated that the trend in federal prisons is to build 500-bed institutions. He inquired whether the proposed medium security facility could be expanded to 600-beds. Mr. Folsie indicated that such an expansion would require increases in infirmary and warehouse space and minor adjustments to the chassis of the institution, although the unit cost per inmate would be substantially reduced. He estimated that a 400-bed institution would cost \$16.2 million (\$40,000 per inmate), while a 600-bed facility would cost \$19.8 million (\$33,000 per inmate).

Senator Winter stated that there are many variables which must be considered and that the two reports should be viewed as expert opinions: they are useful up to a point, but the Legislature must make the final decision. He felt that standards should be developed to be used as guidelines.

Representative Martin inquired whether the KRDC construction proposal was intended to reduce the current backlog of persons waiting to enter the facility. Mr. Folsie replied that the project is to provide additional space to reduce the backlog and to create larger support facilities. Representative Martin also inquired how the facilities in Kansas compare with those in other states. Mr. Folsie said that many other states are in a similar situation: 19th century structures which could be closed by a judge's decision. He added that there is no assurance that the 65 square feet standard will be acceptable, even though it would appear to be a reasonable amount of cell space.

Kenton Cox, Schaefer and Associates, discussed the firm's activities with regard to the site selection process. He stated that data were prepared on each site and submitted to the Site Selection Committee. These reports included information concerning population trends, labor resources, utilities, community acceptance, and the other criteria mentioned previously. Mr. Schaeffer stated that a number of communities made initial application but later withdrew from consideration and that the Site Selection Committee authorized in-depth studies of not to exceed six sites. He stated that the Committee received preliminary data on all of the sites. Mr. Cox said that his task was to evaluate those sites selected by the Committee; his firm did not recommend any site over another to the Committee.

Mr. Folsie stated that there was no site selection pattern in other states: Virginia recently built a new prison on state-owned land, North Carolina built two prisons on purchased land adjacent to existing prisons, and one county in Louisiana wanted a new prison built as an industry. He also stated that the Osawatomie site is a very fine choice, although there are other good sites available.

Mr. Schaefer said that the Osawatomie site satisfied a majority of the requirements and that some other sites either withdrew or public opposition developed. The Osawatomie site is state-owned and, thus, readily available. Even if there are certain deficiencies at the site, these may be offset because of the availability of the land. Mr. Cox noted that this site was unique because of the number of support facilities already constructed, such as a laundry, power plant, utilities, and maintenance shops.

Senator Hess inquired what the cost savings at Osawatomie will be over other sites. Mr. Cox estimated that the Osawatomie site would save a minimum of \$500,000 over other sites. Mr. Schaefer stated that Salina and Leavenworth withdrew and that Berryton, Towanda, El Dorado, Hutchinson and Larned were all considered, as well as several sites in Sedgwick County. Mr. Cox noted that most criminal activity occurs in the Kansas City, Wichita, and Topeka areas and that the facility should be located reasonably close for family visitations.

Chairman Hurley inquired whether the ten criteria had been prioritized. Mr. Schaefer stated that they were not considered in any priority. Chairman Hurley noted that, if the land cost is excluded, all of the other sites would rank higher than the Osawatomie site. Mr. Cox stated that the other sites also met the criteria and that there was no public opposition in Osawatomie.

Representative Martin inquired whether the report made any long-range forecasts of the effect of the facility on Osawatomie or on KSP. Mr. Schaefer stated that it was not their task to assess the future of mental health facilities in Kansas. He also noted that Lansing is having difficulty in providing adequate staff levels for KSP. Mr. Schaefer felt that the members probably had more information than he concerning the future of the state mental hospitals.

Representative Douville inquired whether existing state facilities could be renovated and converted into corrections facilities. Mr. Cox stated that the Osawatomie hospital was not designed as a corrections facility and that the costs of renovation would probably be as high as new construction. Mr. Schaefer stated that there was some discussion of converting the Adair Section at Osawatomie, but the judgement was reached that this would not be practical.

Chairman Hurley stated that one of the state mental hospitals may eventually be closed. He inquired whether this facility could be used as a juvenile, minimum-security, or female institution. Mr. Schaefer stated that this may be possible, depending on the intended use and the construction of the facility. He doubted that any could be converted to maximum- or medium-security utilizations. Senator Winter noted that, because of the necessities of penal construction, many existing facilities would not be suitable for use as corrections facilities. Mr. Schaefer felt that there might be some facilities at Osawatomie suitable for hospital uses. Senator Winter stated that the Department of Corrections felt that no existing state structures could be converted to maximum- or medium-security uses.

Mr. Schaefer summarized the cost estimates contained in the Project Development Plan-77.

Chairman Hurley announced that the Committee will possibly travel to Minnesota in August to tour various of the Minnesota facilities and meet with state legislators, corrections personnel, and others. Further details will be sent to Committee members.

#### Afternoon Session

The Committee spent the afternoon touring the Kansas Reception and Diagnostic Center and the Kansas Correctional-Vocational Training Center.

The meeting was adjourned.

Prepared by J. Russell Mills, Jr.

Approved by Committee on:

7-13-77

(Date)