

M I N U T E S

SPECIAL COMMITTEE ON CORRECTIONS

July 12-13, 1977
Room 514-S, State House

Members Present

Representative Patrick J. Hurley, Chairman
Senator Paul Hess, Vice-Chairman
Senator Jim Parrish
Representative Phil Martin
Representative Jack Rodrock

Advisory Members Present

Dr. Bill Arnold
Judge Michael Barbara
Sister Dolores Brinkel
Bill Larson
Perry Profitt

Staff Present

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

Conferees

Robert R. Raines, Secretary, Kansas Department of Corrections
Leo Taylor, Deputy Secretary for Community Correctional Services,
Kansas Department of Corrections
Carl Tramel, Deputy Secretary for Management Services,
Kansas Department of Corrections
Leo Jenkins, Deputy Secretary for Institutional Services,
Kansas Department of Corrections
Staff members of the Kansas Department of Corrections

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Chairman Hurley called the meeting to order at 9:00 a.m. Mr. Robert R. Raines, Secretary of Corrections, presented a prepared statement (Attachment I) which is summarized below.

None

Mr. Raines stated that the Kansas Department of Corrections (DOC) was vested with the responsibilities of the previous Office of Director of Penal Institutions relating to the management and supervision of adult correctional facilities; that the Department also assumed responsibility from the State Board of Probation and Parole for statewide supervision of adult parolees and supervision of adult probationers in 99 counties; and that the Department was also vested with the responsibility of inspecting county and city jail facilities. The Department operates through the Division of Institutional Services, the Division of Community Correctional Services, and the Division of Management Services.

The Division of Institutional Services operates the five adult correctional institutions, inmate training programs, and the Toronto Honor Camp. The Division of Community Correctional Services operates the work release facilities, jail inspection program, and probation and parole supervision. The Division of Management Services encompasses the correctional industries program, fiscal management, research and planning, personnel, and staff training.

The long-range planning of the Department was initiated two years ago with the hiring of outside consultants to examine the Department and make recommendations regarding personnel, management, training, and organizational problems, to assess the Department's facilities and programs, recommend a more effective utilization of existing facilities and assessment of future space and program needs. The Eight-Year Master Plan and the Project Development Plan-77 are the results of these studies.

From these studies and other surveys, the Department has noted two major needs: salaries commensurate with the abilities and services of employees; and new and improved facilities with necessary programs. Documentation in a recent survey indicates that the Department's employees are underpaid.

The need for changes in facilities is critical: the conditions affect employees as well as the prison population. These poor conditions may lead to internal problems and must be addressed to prevent a crisis within the system or federal court intervention.

The capacity of prison facilities is also critical. Almost all of the Department's institutions are approaching maximum housing capacity; the Kansas State Industrial Reformatory has exceeded its design capacity.

The steady growth of the prison population has created multiple internal problems including inmate idleness because of a lack of programs, and conflicts among inmates because of forced living conditions in tight quarters. These conditions also serve as stress situations for the employees of the Department.

The Department has made significant strides in accomplishing goals for better delivery of services to those persons in custody. Some of the accomplishments are: reorganization of the Department into three divisions; creation of a research and planning section within the Division of Management Services for determination of current needs and better program planning; creation of an educational specialist position within the Division of Institutional Services to provide educational opportunities for inmates; establishment of a training specialist position within the Division of Management Services for the coordination of mandatory training of all correctional personnel on a continuous basis as required by statute; establishment of the unit team concept at each institution for inmate accessibility to staff, resulting in better treatment of inmate problems through counseling and programming; the hiring of an EEO Compliance Officer for the improvement of the Department's minority recruiting efforts; establishment of two work release centers in Wichita and Topeka to facilitate the transition from institution to community; establishment of a jail standards and inspection program and technical assistance services within the Division of Community Correctional Services; and the establishment of the Kansas Correctional Vocational Training Center for young, non-violent offenders, with a program emphasis on educational and vocational training. The Department's goal is to achieve a balanced correctional system to serve a variety of offenders with maximum security, medium security, and minimum security facilities, and community programs.

Mr. Raines stated that community corrections refers to any structured program that enables an offender to remain in the community or return to the community for all or a portion of the correction process. The program is based on the premise that traditional incarceration is a last resort, since the current trend is toward maximum utilization of available alternatives, consistent with public safety.

He noted several community corrections possibilities: diversion mechanisms; non-residential; supervised programs, including parole and probation; residential alternatives to incarceration; pre-release programs; and community facilities for released offenders. The move toward community corrections requires that the community share with the Department the responsibility for the alleviation of crime problems.

Mr. Raines listed the Department's priorities: (1) better separation of offenders and additional programs to assist in overpopulation problems through the construction of two new facilities -- a 400-bed medium security institution and a 100-bed outside dormitory at KSIR; (2) the need for renovation of existing, obsolete institutions; (3) expansion of community corrections; (4) improvement of the salary plan for the Department's personnel.

The Department's recommendations were: more funds for personnel and support services in major metropolitan areas for work release centers and parole staff allocation of funds for contracting with existing residential resources; and establishment of an on-going community corrections task force through the Department to explore programs as alternatives to incarceration.

The next conferee was Carl Tramel, Deputy Secretary of the Division of Management Services. He presented a prepared statement (Attachment II). He stated that the Division has 50 employees. The major problems of personnel are in recruitment and retention and there is little selectivity since there are very few applicants. DOC has had no success in hiring Psychologist III's for KSIR and KRDC and little success in hiring nursing staff, doctors, and mid-level personnel. In the past fiscal year, the Department had 198 terminations or 25 percent of the overall workforce. The correction officer position had the highest rate with a 30 percent turnover. Reasons for turnover were related to: low pay in comparison to local jobs as well as similar jobs in surrounding states; poor working conditions; high stress situations; high activity within a small physical area and employees never seeing the results of their efforts; and the lack of promotional opportunities within the system. A recent salary survey indicated that corrections officers were paid 13.4 percent less than comparable private jobs and jobs in surrounding states. Note

The operating budget of DOC for FY 1978 will be \$23,825,556, including capital improvements for existing facilities of \$672,000. The budget is funded from three sources: state general fund; federal funds (LEAA and CETA); and self-generated funds. The majority of staff expansions have been funded through LEAA; most vocational training programs have been funded through CETA. The utilization of this federal money requires additional efforts by the accounting and reporting personnel.

The correctional industries program provides products such as paints, metal, soap, and upholstering. There are 150-170 inmates in this program. Total sales for FY 1978 were \$2.6 million; expenditures for production were \$2.5 million, yielding a 5.1 percent profit.

Mr. Tramel stated that there is a need to expand sales and production. The program is now hindered since a statute permits sale of industries products to only a limited number of purchasers.

Mr. Tramel discussed the two training requirements for corrections staff: a 200-hour initial program and an 80-hour annual training program. During FY 1977, the Department trained 121 correctional officers in the 200-hour program and 422 in the 80-hour annual in-service training program. In FY 1977, a 26-hour training course was provided for 112 middle management supervisors.

The Research and Planning Section is designed to evaluate and assess existing programs and to establish a statistical base of the inmate population.

Mr. Tramel reviewed various statistical data contained in the Department's "Statistical Report" of July, 1977. (Copies are available in the Kansas Legislative Research Department.)

Senator Hess inquired whether, to alleviate idleness on the part of the inmates, DOC has a plan to resolve this idleness and any plans to expand the industries program. Mr. Tramel replied that they have the market for products but need funds for expansion and the authority to sell to non-profit organizations. This was proposed to the 1977 Legislature but the bill did not pass. He noted that DOC has an individual who is going to do a market/sales survey to determine what products could be produced; however expansion will have to come from state funds. Mr. Tramel stated that the federal prison industry has a larger market and produces shoes, paint brushes, and other products.

Secretary Raines stated that expansion possibility in existing institutions is limited. The proposed 400-bed facility is designed to permit expansion of the industries program. He stated that the market is there and DOC would like to expand the programs but it is not possible because of the existing statute. He also noted that the new medium security facility should provide industries employment for 140 inmates. Mr. Raines stated that, although DOC has a position for a marketing specialist, they have been unable to fill the position because of its low salary level. Secretary Raines stated that one of the biggest problems in recruiting people to work for the Department of Corrections is the generally low level of the salary plan. Mr. Tramel noted that expansion of the industries program is only one solution to the problem of inmate idleness.

Dr. Arnold inquired what the EEO staff person had accomplished. Mr. Tramel replied that one of his contributions is establishing a record of the DOC, the employee picture and that EEO guidelines have been prepared. Senator Parrish asked if the prison industries program is broad enough to include in-house maintenance. Mr. Tramel replied that correctional industries is a production program; however, the inmate in maintenance

work may not be in prison industries. Senator Parrish asked whether prison industries could be a significant source of income. Mr. Tramel stated it was not a significant source in terms of costing out the product since production requires a substantial amount of supervision by corrections staff. In addition, Kansas statutes limit sales to a small market. Senator Parrish inquired whether prison industries could reduce inmate idleness and generate revenue. Mr. Tramel stated that a prison industries program is not a substantial source of revenue but it is one way of reducing inmate idleness. He noted that the level of efficiency of inmate labor will not yield a substantial profit margin. Senator Parrish expressed the opinion that the Department should look to prison industries as a source of revenue.

Chairman Hurley asked for further explanation of why the Department does not see prison industries as a good source of income. Mr. Tramel stated that the federal industry is profitable largely because it makes shoes for the military and because other federal agencies are required to purchase the products. He noted that the market survey DOC is conducting will be available before the 1978 Legislative Session begins. Mr. Raines stated that the Texas prison industry program operates at a profit because the inmates are not paid.

Mr. George Clark, Director of Correctional Industries, stated that the market has not been saturated with industries' products and that paint sold to the Kansas Department of Transportation was the major product.

Mr. Tramel stated that, of 2,200 inmates, 150 work in prison industries. He also stated that the industries program has two accounts: a correctional industries revolving fund and an equipment fund. The income from the program goes back into prison industries to purchase more materials, supplies, and equipment. Mr. Tramel noted that Federal laws limit prison goods going across state lines and that union problems could develop if the goods are sold on the open market. In response to a question, Mr. Tramel stated that \$1 million would be needed to grant a two-step increase to all DOC personnel.

Sister Brinkel inquired whether DOC has any plans for programs to train or recruit and minority employees. Mr. Bill Green, EEO officer for DOC, said that there is a new program being developed to help retain minority employees. Mr. Raines stated that DOC needs to develop a reward system, whether it is monetary or fringe benefits: there are not enough classifications that offer much for career development. Sister Brinkel inquired what, other than little hope for advancement and poor salary, were the usual reasons for people leaving the Department. Mr. Tramel replied that the general stress of closely-confined areas and working with too many inmates was a major factor.

Chairman Hurley inquired whether DOC has made an analysis of the high turnover rate. Mr. Raines stated that his budget request included funds for salary, retirement, and promotion policies. Chairman Hurley stated that the Committee would appreciate seeing the budget request as soon as possible. Mr. Raines stated that DOC is exploring the possibility of an expanded industries program and attempting to initiate communication with private industry and labor.

Representative Martin inquired if DOC has problems in retaining staff at all levels. Mr. Tramel replied that the general turnover rate is high but is much higher for correctional officers: there are 17 vacancies for correction officers. He stated that a 10 percent salary increase would probably permit the vacant positions to be filled.

Senator Hess inquired if there is a board of prison industries. Mr. Tramel stated that the program is run by a director who is responsible to the Deputy Secretary for Management Services. Mr. Tramel noted that expansion of the program is not just a matter of increasing the products you already manufacture, it is a matter of finding out the needs of the local units of government and state agencies and in producing those products.

Senator Hess asked if, in terms of employment, it would be difficult to fill the types of positions that DOC has the most trouble filling in a smaller community like Osawatomie or in a larger urban area. Mr. Raines stated that, the larger the population, the better chances you have to find more applicants and more minorities.

Dr. Arnold inquired whether the Planning and Research Section had adequate staff. Mr. Raines stated that the section is being expanded by three new positions in order to develop a data base.

Chairman Hurley asked Mr. Tramel to repeat the sales and profit figures for the industries program. Mr. Tramel stated that the FY 1978 estimates were \$2.6 million sales and \$2.5 million in expenditures.

Senator Hess asked if DOC sees a need for a board of prison industries. Mr. Raines stated that this would be helpful if composed of people from the community, from labor, and from industry. Senator Hess inquired whether DOC would support the development of community corrections programs in Kansas. Mr. Raines replied that DOC would support the implementation of such programs and would provide the necessary technical assistance to counties wishing to develop the programs.

Mr. Raines then introduced a number of Department of Corrections personnel who were attending the meeting.

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The Committee discussed financial data concerning the prison industries program operated by the Federal Bureau of Prisons. Secretary Raines noted that the Bureau of Prisons reported a total profit figure for all Bureau of Prisons Industries for 1976 of \$6,029,562. An administrative aide to Warden Benson at the Federal Prison at Leavenworth reported that their industries total sales were \$12.6 million, with a profit of \$2.1 million. The Bureau of Prisons will supply further information to the Committee.

Mr. Leo Taylor, Deputy Secretary of the Division of Community Correctional Services, presented a prepared statement (Attachment III). In his remarks, Mr. Taylor stated that the Division provides professional probation and parole services to 99 of the 105 Kansas counties; conducts an increasing number of presentence investigations; accepts interstate compact cases for supervision; and is experiencing an increase in the number of cases requiring probation and parole supervision. The majority of parole officers serve clients from urban cities. Prior to 1974 there were 29 parole officers for entire state; today there are 48 probation and parole officers in five regional offices. As of June 30, 1977, they have under active supervision 3,134 parole, probation, and compact cases. With a requested staff of 54 parole officers, the average caseload per officer is approximately 50 to 51 clients. With continuing increases in caseloads, it will be necessary to request additional field staff in order to continue to have a manageable caseload at a 50 to 1 ratio. None

The goal and mission of this Division is to provide the client-family group with best professional services to better assist them in making a successful reintegration whether they are referred from the institution or the court system. A priority of the probation and parole section is to develop standardization of the presentence investigation reports on those individuals referred to KDOC from the KRDC.

In the work release program, during the past three years services have been provided to 254 inmate participants:

Program Completion (Parole)	211
Program Termination (Disciplinary)	43
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Total Participants	254

The average length of program participation to parole is four months. Participants in the program earned in excess of \$399,894 and paid federal income tax of \$33,666 and state tax of \$2,289; support paid to dependents by participants totaled \$136,698; and return to state in maintenance and transportation charges was \$70,427.

The philosophy of the program is to provide work release opportunities to the greatest number of participants while maintaining a sense of purpose of the program criteria. The new philosophy eliminated placement of inmates in a job near the institution during the period of program participation, as they are now released to parole supervision in another area. Because of this philosophy, the institutional work release programs at KSP, KCIW and KRDC were abolished and the KSIR program was maintained at a smaller operation.

The Topeka work release center has paroled 67 participants and returned 11 for disciplinary purpose. It has space for 19 participants and has capacity to service a greater number. The current population of the center is 18.

The Wichita work release center has paroled 42 participants and returned 17 during the first 15-month period. It is the first completely autonomous community-based center and the current population of the center is 22.

The Kansas City work release program has been funded and DOC is seeking a suitable site to locate the center, which will serve 100 parolees.

The Division has expanded use of a furlough program for work release participants and has established work release opportunities for members of both sexes; however, there has been only five female participants (three in Wichita and two in Topeka).

Each work release center has developed in-house rules and regulations generic to each center using the Administrative Policy and Procedures Manual as a guide.

There is a need for research on the question of responsibility for those inmates committed to the custody of the Secretary of Corrections who are being supervised by private or local governmental staff. There may be a need to change the legislation to accomplish this contract concept.

The authority for establishment of jail standards and procedures came about as of July 1, 1975, by K.S.A. 75-5228. The jail inspection section has inspected 141 jails, lockups, and holding facilities, including 29 joint inspections with State Fire Marshall's Office and the Department of Health and Environment.

In 1976, it was found that Kansas had 164 jails, holding facilities, and lockups in 105 counties; however, 42 of these were no longer in use or had no facilities and some were under planning, construction, or renovation. Of the remaining 121 jails, holding facilities, and lockups in actual operation, 76 were operational county jails, 13 were approved jail facilities; 10 were approved holding facilities; five were lockups, and 18 were for the detention of prisoners awaiting transportation to a jail. The Division is attempting to bring about the upgrading of jail facilities throughout the state.

Senator Hess inquired how many inmates there are at Lansing and Hutchinson who really do not need a maximum security setting and could function in work release programs or honor camps. Mr. Taylor referred to the DOC the "Statistical Report" and stated that about one-half of the parole eligible inmates are recommended for parole. There are some who would benefit.

Senator Hess inquired whether the recommendations of the professionals that have been hired as unit teams are being heeded. Mr. Taylor stated that, of 106 people certified by all institutions who went to the Adult Authority for consideration of parole, 99 were paroled, which is 93.4 percent of those recommended by the institutions.

Senator Hess inquired how many of the inmates at KSP and KSIR require a minimum security setting and how many require medium security setting. Mr. John Hurla, KDOC, stated that the work release applications and transfers to work release take two to six months and the transfer techniques have been modified to speed up the process. Senator Hess asked how many more work release centers were needed in this state. Mr. Hurla said that Wichita should be expanded and that one more center should be able to handle most of the caseload, possibly located in Salina. Mr. Taylor stated that the cost of the Wichita work release is \$166,000 annually or \$7,500 per inmate. Inmates pay in only \$5 per day which generated \$70,000 statewide.

Mr. Raines stated that Salina is developing a Community Work Release Center and Bourbon County is wanting to develop such a center. The Department would like to have the money to contract on a pilot project basis to see how a work release center will operate under those conditions.

Mr. Taylor stated that KSIR is the only institutional program operating where some inmates at Hutchinson work outside the facility, but return at night. He stated that inmates must initiate an application for a work release program which must be approved by the unit team. The Program Management Committee and DOC must also approve the application. In order to be eligible, an inmate must have attained Minimum II custody status.

Mr. Raines stated that DOC does not have funds to contract with private half-way houses for state parolees. He stated that the honor camp program could be expanded if funds are available to develop adequate facilities and staffing.

Mr. Raines stated that DOC has proposed a permanent honor camp at Tuttle Creek or Clinton. He stated that the two main problems of work release are locating a suitable site and developing community acceptance.

Representative Martin inquired how the screening process is done for inmates going into a work release program. Mr. Taylor said that DOC is very careful in excluding people who have committed violent crimes against individuals. Some multiple offenders are accepted for work release.

Mr. Taylor said that probation officers see that the person starts on a program, whether it is in employment, vocational training or other programs, to help get that person back into the mainstream of society. He stated that a 50 to one ratio for probation officers is a livable figure. Chairman Hurley stated that DOC has control over the number of inmates certified as parole eligible. Mr. Taylor discussed the parole violation hearing process required by the Supreme Court decision (Morrissey v. Brewer) which sets up criteria as to how parole or probation revocation is determined. He stated that a degree of fairness and consistency is practiced. The Supreme Court has set up guidelines for fairness at the hearings.

Mr. Taylor stated that any residential programs should meet health, fire, and safety standards, with adequate staff and programs for the inmates. He could not guess at the number of facilities which might be needed in Kansas. He stated that public relations programs are essential to overcome the natural resistance to residential programs encountered in many communities. Mr. Taylor stated that he was familiar with the Texas pre-release program and some federal residential programs. He stated that the statutory structure of DOC would have to be changed to permit the operation of some of these programs, such as the Minnesota community approach. He noted that the existing honor camp and work release programs could be expanded, a restitution program linked with release could be established, and that DOC could be authorized to contract with private facilities.

Mr. Taylor expressed concern regarding the status of an inmate sent to a private facility: the person would not be paroled but would be classified in a particular category. Legislation may be needed to clarify the responsibility of DOC for these inmates.

He stated that a new program will be initiated with a capacity of 20 at KRDC for parole violators. These parole violators will be housed at KRDC and will work on state-owned property. Mr. Raines stated that each institution has a pre-release program for those inmates who do not go on work release. Also, individuals on the waiting list for work release could be put into this program. The program will place emphasis on work and program needs instead of going into the institution. Chairman Hurley stated that DOC appeared to have five alternatives for those inmates about to leave the institutions:

1. Work release.
2. Contracted halfway houses.
3. Parole.
4. Parole violator facility at KRDC.
5. Pre-release programs at each institution.

Senator Hess inquired whether DOC had ever thought about developing a system where families could take an inmate and let him live in their home and let that be the setting prior to their release date. Mr. Raines stated the sponsorship has been left to civic groups and the M2 program. DOC has not considered using families as sponsors. Mr. Raines said he would see this as parole volunteerism. Problems arise because volunteers need support and help with an inmate. A family which is willing to adopt an offender will require some structured contact with DOC staff.

Mr. Taylor stated that in some parts of the state it is difficult to locate jobs for inmates on work release. Senator Hess inquired whether DOC would be willing to cooperate with coops where inmates would be paid a minimum wage and be given a certain percentage of the stock to provide funds for employing inmates. Mr. Taylor said that DOC would be responsive to any self-help programs that would keep people out of institutions and could be administered efficiently. Senator Hess asked what is the attitude of DOC towards the state subsidizing local community corrections and penalizing a county for sending a person to an institute while rewarding those that keep inmates in their area. Mr. Taylor said that DOC would be receptive and would lend technical assistance for this concept. Senator Hess asked whether a non-profit corporation has the capability of running a local correctional facility. Mr. Raines stated that they would have to assume legal responsibility for that inmate if the Legislature gives them that power. Representative Martin asked whether work release centers have been initiated or established in rural areas in other states. Mr. Taylor said that he did not know of any states where that is the case. There would be some problems with high administrative costs. The emphasis now rests with the urban areas.

Mr. Raines stated that he had created a community corrections task force to look at various types of alternatives. Senator Hess asked whether the state is paroling enough people. Mr. Raines stated that the question would have to be addressed to the Kansas Adult Authority. Mr. Kenneth Oliver, Director of KSP, briefly discussed the process for determining parole eligibility, which includes the unit team, program management committee, director of the institution, and the Secretary of Corrections.

Chairman Hurley stated that DOC does have ultimate control over the number of inmates who go before the parole board as well as the number who have their sentences reduced by the Secretary under a "4603" procedure. Mr. Oliver stated that KSP approved about 10 "4603" requests last year. Mr. Raines did not know how many had been granted by DOC last year but would ascertain the figure. About 80 percent of those submitted by KSP have been approved.

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Staff of DOC distributed a chart summarizing the accomplishments made by DOC in implementing the recommendations contained in the Touche Ross report (Attachment IV). None

Chairman Hurley stated that he wanted to discuss any program that could be used in lieu of sending people to an institution.

Mr. Taylor stated that DOC does not have any diversion programs. He noted that diversion programs in Minnesota and Iowa require total cooperation between the court, defense attorney, and prosecuting attorney. Mr. Taylor stated that legislation would be needed to permit DOC to operate a post-conviction program. Mr. Raines stated that, in Kansas, the court retains jurisdiction for 120 days, which could be viewed as a unique type of diversion program. Chairman Hurley inquired whether it would be a major alteration in both statutes and overall direction of DOC if the Legislature were to consider adoption of a community corrections program similar to the one in Minnesota. Mr. Taylor said it would mean a major change in the present direction of DOC.

Mr. Taylor stated that the 120 day period is adequate and many judges view it as a shock treatment. He noted that many inmates are sent to KSIR or KSP for two or three weeks and then pulled back to the court. He noted that about 15 percent of those sent to KRDC are recalled by the court prior to the expiration of 120 days. He felt that this was a good feature of the legislation. Mr. Raines stated that DOC has only 120 beds at KRDC and is limited in space as to what can be done for evaluations. He noted that both consultants' studies had recommended expansion of KRDC. The backlog has forced DOC to send some inmates to KSP or KSIR to await evaluation. These inmates are segregated, to some extent, from the general prison population. He stated that the backlog has caused the time an individual would have to be evaluated at KRDC to be reduced. Some of the backlog also extends to county jails. Mr. Taylor stated that enactment of a community corrections bill could reduce the number of probation cases because counties would develop their own probation system.

Mr. Raines discussed his newly-formed task force on community corrections. He said the task force is to look at the total system; not only at the community site but also at the institutions and the problems that would face the entire department. The task force is to look at planning and into alternatives for the department and to make recommendations for the upcoming legislative session. The task force has been in operation for one month and is intended to conduct an on-going study. One member of the Citizens' Advisory Board has been invited to join the task force.

Senator Parrish stated that, in Shawnee County the court will postpone sentencing until there is space available at KRDC. The individual is not locked up but is restricted to the county, to the home, and this alleviates any backlog in the jail. He inquired whether this was being done anywhere else in the state. Mr. Taylor was not cognizant if this is done any place other than in Shawnee County. Mr. Taylor stated that DOC had opposed any extensive use of KRDC in presentence investigations because of a lack of space. KRDC does not have facilities for presentence investigation. There is a difference in presentence investigation and evaluation. DOC cannot handle presentence investigations because of a lack of facilities. Senator Hess inquired how many people in Lansing and Hutchinson really do not need to be there. Of the 1,800 people at Lansing and Hutchinson how many could function in some other type of program. Mr. Taylor said that this was a difficult question because a number of people are sent to KSP or KSIR because the judges want to get them out of the community. Some judges send people for punishment and some inmates want shelter at the institution. Mr. Raines stated that not all people are sent to institutions for rehabilitation; some are sent for deterrence, some to protect society. He stated that DOC needed a variety of programs and institutions to handle the various types of inmates.

Chairman Hurley stated that this was the first time he had heard of the DOC task force on community corrections. Chairman Hurley noted his displeasure that the Special Committee was not informed of the existence of this group. Mr. Taylor stated that the group had only been in existence for one month and the task force is willing to cooperate with the legislative committee. Chairman Hurley requested that Mr. Taylor, as head of the Division of Community Correctional Services, attend all meetings and accompany the Committee on trips and offer evaluations of all programs which the Committee examines. He noted that the two groups should not be in adversary positions. He also requested that Mr. Taylor critique the Committee hearings and make recommendations as to what Kansas should be doing in the future. Mr. Taylor agreed to attend all meetings and cooperate in any manner with the Committee .

The next conferee was Mr. Leo Jenkins, Deputy Secretary of Institutional Services of the Kansas Department of Corrections. Mr. Jenkins discussed the various institutions of the Kansas correctional system. He stated that the total system population on July 1, 1977, was 2,231.

Mr. Jenkins presented a prepared statement (Attachment V). In his statement, *Note* Mr. Jenkins discussed the Kansas correctional facilities, education programs at institutions, agency accomplishments, population projections, federal court actions, the role of Larned State Hospital, construction costs, and security classifications.

Chairman Hurley inquired concerning the design capacity of the institutions as stated in the DOC "Statistical Report". Mr. Jenkins stated that the design capacity was 2,095, and that the system contained 2,137 inmates on June 3, 1977. Mr. Raines stated that construction of a new facility would ease the overcrowding situation at the institutions. Senator Hess asked whether any storage, closet, or other space could be converted to housing. Mr. Raines stated the the unit teams should be left in the cellhouse and that storage space is obviously needed. Senator Hess stated that Mr. Jenkins population projections indicate that the 1985-1995 population will decrease by the same amount of increase to be seen in 1975-1985. Mr. Raines stated that DOC needs different types of institutions for different types of inmates and that the new prison was proposed prior to the current population escalation. Mr. Raines stated that a large number of variables must be considered in projecting prison populations. Senator Hess discussed the theory that more prisons lead to higher incarceration rates. Mr. Jenkins stated that DOC realistically expects population growth in the future. Mr. Raines stated that Minnesota traditionally has a low crime rate which probably affects the incarceration rate in Minnesota.

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Mr. Jenkins stated that DOC requires a 6 3/4 hour work day for working inmates. He noted that the number of inmates available for work but not assigned, as of July 11, 1977, was 207 (21 percent) at KSP and 180 (21 percent) at KSIR and that inmate idleness constitutes a serious management problem. He stated that DOC would like to have all inmates involved in a work program daily but that the programs were not available. He stated that the farm operation and the tag factory had both been closed but no new programs were established. Mr. Raines stated that DOC had opposed the legislative decision to close the tag factory. Mr. Jenkins stated that the proposed new institution would permit expansion of the industries program but that legislative action would be needed to expand the market for prison made goods. DOC also plans to house the Director of Prison Industries in the central office in Topeka to permit better coordination. Mr. Oliver stated that inmate idleness presents a serious security problem and that both KSP and KSIR are attempting to provide more jobs for inmates. KSP uses casual labor gangs which occupy 207 inmates while KSIR has recently created 40 new job slots. However, larger work details require additional supervisory staff. Mr. Raines noted that each institution has inmate details for maintenance purposes. Senator Parrish noted that he had found KSP to be in a state of utter disrepair. Mr. Raines stated that the pay scale was too low to attract qualified craftsmen who could also supervise inmate details. Mr. Raines stated that KSP could be renovated, largely with inmate labor, if the Legislature would appropriate the funds.

Mr. Larson inquired whether DOC had considered requesting a new maximum security prison and using KSP as a medium security facility. Mr. Raines stated that this would be contrary to the recommendations of the consultants. Mr. Jenkins observed that KSP had already seen 112 years of use. Mr. Raines stated that a decision must be made on whether to build a new facility or to remodel an existing institution. Mr. Jenkins stated that DOC had requested 18 new positions to supervise more inmate details. Mr.

Oliver noted that the inmate idleness rate varies from day to day. Senator Hess inquired whether the idleness problem stems from a lack of work or a lack of supervisory staff. Mr. Jenkins stated that a large capital outlay will be needed to expand the industry program and that there was not a work ethic in DOC as there was in the Texas prison system. Mr. Raines stated that DOC had asked for more supervisory staff at each session but the positions were not approved. Mr. Raines stated that, if the Legislature will provide the funds, DOC can resolve the idleness problem and that the current population explosion makes it almost impossible to place every inmate in a job slot. Mr. Oliver stated that the work is there or could be created if supervisory staff were available. Mr. Oliver said that a plan exists to have full inmate employment by the end of FY 1979.

Chairman Hurley noted that the Touche Ross report estimated the cost of the new prison at \$29 million while the Schaefer report had a \$16.3 million figure. Mr. Jenkins said that LEAA estimates place maximum security costs at \$34,000 per bed which would result in a total cost of \$13.6 million for the facility. Mr. Raines stated that the Touche Ross report did not call for program planning; that the cost figures were to be estimates; that the Touche Ross consultants said they would rather be too high than too low; and that the Schaefer report did contain detailed program planning. Chairman Hurley inquired how the population at KSP could be reduced to 450 even if a new prison is built. Mr. Raines stated that DOC is predicting a population increase only until 1985 and that alternative programs, such as community corrections, honor camps, or temporary facilities could be used to reduce the population. Chairman Hurley observed that, even if the prison population remained constant for the next five years and the new 400-bed facility were constructed, it was very doubtful that the population at KSP could be reduced to 450. Mr. Raines stated that DOC has recommended the development of community programs since 1972. Chairman Hurley stated that Kansas has no community programs except probation, parole, work release, and the honor camp. Mr. Raines stated that, as a long-range plan, the Touche Ross report is still feasible. Chairman Hurley stated that it was feasible only if populations decline or if community alternatives are developed. Mr. Raines stated that DOC still needs a medium security facility to permit segregation and to provide flexibility. Chairman Hurley stated that the maximum number of beds recommended in Touche Ross and Schaefer cannot house the number of inmates confined today. Mr. Raines noted that DOC did not support all of the facility recommendations of Touche Ross.

Senator Hess inquired whether a mental hospital facilities at Osawatomie or Norton could be converted to correctional uses. Mr. Raines replied that the costs to convert these facilities would be as high as new construction; that Forbes AFB would require a great deal of renovation; that the federal government will not release the Sunflower Ordinance Plant; and that the Osawatomie facility could possibly be converted to a minimum security institution or a female institution. Mr. Raines stated that about one-half of the prison population requires a maximum security setting. Chairman Hurley noted that the Touche Ross report projected a 1980 prison population of 2,000 inmates.

Mr. Jenkins discussed the cell sizes of KSP and KSIR: cells at KSP range from 58 to 62 square feet while most KSIR cells contain about 40 square feet. Representative Martin stated that a new prison will not solve the cell size problem. Mr. Jenkins said that DOC must deal with both immediate and long-range problems and that the new prison would provide a balanced system. Chairman Hurley observed that a federal court could further magnify the problem by ordering a reduction of population levels at KSP or KSIR, although no recent decisions have been based solely on cell size. Mr. Oliver stated that some small renovation projects are being conducted at both KSP and KSIR although funding has not been made available for major projects. A portion of this remodeling is being accomplished through the use of inmate labor.

Mr. Jenkins discussed the inmate classification procedure. Initial classification is done at KRDC and further classification occurs at the institutions by the unit teams and classification teams. Mr. Jenkins stated that the classification procedure also determines an inmate's security status; systemwide, DOC has 49 percent maximum security status inmates, 24 percent medium security, and 27 percent minimum security. Mr. Raines gave the following definition of security status.

1. Maximum - the inmate may attempt to escape and will inflict bodily harm;
2. Medium - the inmate may attempt to escape and may inflict bodily harm; and
3. Minimum - the inmate may attempt to escape but is not likely to inflict bodily harm.

Senator Hess inquired whether DOC needs another honor camp and why the Tuttle Creek camp was closed down. Mr. Raines stated that Tuttle Creek had much adverse community sentiment, that staffing was not adequate, and that it was intended to be only a temporary camp. He stated that DOC would like another honor camp and that the system could place 100 or more inmates in honor camps if the facilities were available. Mr. Raines also stated that it would be feasible to double the size of the Wichita work release program and to establish work release programs in Kansas City, Salina, and Bourbon County. An additional 75 inmates could be placed in these programs immediately, according to Mr. Raines. He stated that he would also like to develop some type of transitional, pre-release program for inmates about to leave the institution. Mr. Oliver stated that an inmate may be classified as medium security but it is meaningless because the inmate is living in a maximum security situation. It was noted that some minimum security inmates are in training programs and, if transferred out of the institution, they would be unable to complete the programs. Mr. Jenkins stated that educational programs are mandatory at KCVTC but not at the other institutions.

Mr. Raines stated that there had been some initial discussion about using Osawatomie State Hospital as a correctional facility, but the idea was apparently dropped. He said there had been no in-depth discussion of the future use of any state-owned facility and that there was no plan to close KSP. Mr. Raines stated that the Schaefer report probably contained the best construction cost estimates and that there are probably some state facilities which could be converted to correctional uses. He stated that KCIW could be used as a minimum security facility but would require remodeling for use as a medium security facility. Chairman Hurley requested a copy of the Merrian report, relating to prison industries.

Representative Rodrock inquired whether the farm operation at KSP could be reinstated. Mr. Oliver stated that a mechanized farm operation was very expensive; that it is difficult to cost account a farm operation; and that a KSU study indicated that the farm operation was costing the state money.

The Committee briefly discussed the classification procedure and the role of KRDC. Mr. Raines stated that KRDC provides better evaluations than would be possible if the function were decentralized and conducted at the various institutions. Senator Hess stated that, since the Governor appoints both the Secretary and the Kansas Adult Authority, he could direct these individuals to reduce the populations of the institutions through the use of their statutory powers. Mr. Raines stated that the appointees would try to establish criteria to increase the number of paroles, if the Governor were to direct such a policy. Senator Hess asked whether Mr. Raines had stated, as was reported in the April minutes of the Citizens' Advisory Board, that Minnesota had the worst corrections plan in the United States. Mr. Raines stated that an early version of the minutes was grossly wrong; that he had never publicly criticized another state's correctional program; and that those minutes had not been approved by the Board.

Chairman Hurley thanked Mr. Raines and the DOC staff for their presentations. The minutes of the May and June meetings were approved. The meeting was adjourned.

Prepared by J. Russell Mills Jr.

Approved by Committee on:

January 16, 1978
(date)

JRM/dmb