

M I N U T E S

SPECIAL COMMITTEE ON CORRECTIONS

September 7-8, 1977
Room 514-S, State House

Members Present

Representative Patrick Hurley, Chairman
Senator Paul Hess, Vice-Chairman
Senator Jim Parrish
Representative Art Douville
Representative Phil Martin (September 7)
Representative Jack Rodrock

Advisory Committee Present

Dr. William Arnold (September 8)
Judge Michael Barbara (September 8)
Sister Dolores Brinkel
Loren Daggett
Bill Larson

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 Statute's Office

Conferees Present

Milton G. Rector, President, National Council on Crime and Delinquency, Hackensack,
New Jersey
William G. Nagel, Director of the Institute of Corrections, American Foundation, Inc.
Washington, D.C.
Dr. Karl Menninger, Menninger Foundation, Topeka, Kansas
Kay Harris, Coordinator, National Moratorium on Prison Construction, Washington, D.C.
Devon F. Knoll, Director, Kansas Adult Authority
Carolee S. Leek, Kansas Adult Authority
Dr. Bruce M. Burdick, Kansas Adult Authority
Ben Coates, Kansas Adult Authority
James Woodson, Kansas Adult Authority
Rod Clelland, Superintendent, Larned State Hospital
Larry J. Frost, Topeka Halfway House, Inc.
Lloyd W. Zook, Director of Court Services, Third Judicial District, Shawnee County
Ken North, Johnson County District Attorney's Office
Leo Pusch, Northeast Kansas Court Referral Program, Horton
Dr. Karl Targownik, Kansas Reception and Diagnostic Center
Herbert G. Callison, Topeka
Horst Satzinger, Reno County Halfway House, Inc., Hutchinson
Leo Taylor, Kansas Department of Corrections
Edward Dutton, National Association of Social Workers
Vincent DeCoursey, Kansas Catholic Conference
Alonso Dempsey, Kansas Adult Authority
Myrna Priesner, Voluntary Action Center, Topeka, Kansas
Richard P. Senecal, Atchison, Kansas
Ann Hebbinger, Kansas League of Women Voters
Forrest Swall, Citizens for Justice Coalition
Tom Root, Northeast Kansas Community Action Program, Inc.

September 7, 1977

Morning Session

Chairman Patrick J. Hurley called the meeting to order at 9:00 a.m. and introduced Mr. Milton G. Rector, President of the National Council on Crime and Delinquency. Mr. Rector presented a prepared statement to the Committee (Attachment I). In his statement, Mr. Rector urged the State of Kansas to turn away from over-reliance on imprisonment. He said that building more prisons was only a temporary solution to the problem of prison overcrowding and not a long-term solution to the problem of crime.

In response to a question, Mr. Rector stated that the National Council on Crime and Delinquency (NCCD) had been in operation for 70 years. NCCD was started as a professional reform organization to promote community corrections in 1907. The organization is supported by voluntary contributions, private funds, and does some contractual work with the federal government. The organization both initiates and assesses private projects and innovative corrections programs. Mr. Rector stated that the Minnesota program is an exceptional plan, largely because it involves law enforcement, the judiciary, the State Department of Corrections, and local officials. Mr. Rector stated that a community corrections program should not be organized with a bias towards residential centers; that the correctional program must have the support of the local judges; that probation and parole must be an integral part of the corrections program; and that funds should be shifted from institutional staff personnel to probation and parole officers so that their case loads may be reduced. Mr. Rector also stated that a treatment program should accompany the punishment, but that the punishment should not destroy the inmate. He stated that corrections planning should be of a comprehensive nature and that some overcrowding could be reduced simply by removing certain non-violent crimes, such as bad checks and shoplifting, from the criminal code. He noted that the large majority of offenders in the United States are on probation or parole, yet the correctional institutions receive the largest share of governmental appropriations. Mr. Rector felt that the diagnostic center function should be decentralized as a part of the original sentencing process. Mr. Rector stated that the NCCD policy is that no new jail or prison construction should occur in the United States: instead, community corrections facilities should be developed as an alternative.

Senator Hess reviewed the statutory qualifications for the position of Secretary of Corrections in Kansas. Mr. Rector felt that the five years' experience requirement should include corrections experience and not be limited to institutional management experience. He noted that most correctional administrators have backgrounds in institutional administration and not in community corrections administration.

Mr. William G. Nagel, Director of the Institution of Corrections, American Foundation, Inc., addressed the Committee. Mr. Nagel noted that the American Foundation was a privately-endowed organization which first started studying corrections problems in 1961. Mr. Nagel discussed his recent publication "On Behalf of a Moratorium on Prison Construction." He stated that his research efforts had discovered a positive relationship between incarceration rates and race: there are a disproportionate number of blacks sentenced to correctional institutions. Mr. Nagel expressed the belief that American society is using prisons to deal with problems which cannot be dealt with otherwise. He stated that the causes of crime are rooted in social injustices and that construction of new correctional facilities will not alleviate the problem of crime. In response to a question concerning the overcrowded situation in Kansas institutions, Mr. Nagel stated that the lead time for construction was much longer than the time needed to develop community corrections programs. He urged that Kansas shift emphasis from a construction program to the development of community corrections programs.

Senator Jim Parrish stated that he was concerned with the habitability of Kansas State Penitentiary: a moratorium on new construction would provide no relief for the inmates of KSP. Mr. Nagel replied that New Jersey faced a similar situation and solved their overcrowding problem by transferring approximately 100 inmates to do groundwork at state hospitals, 75 inmates were transferred to a mental retardation institution as maintenance helpers, and a number of other inmates were sent to a forestry camp. He stated that these were all temporary solutions to the overcrowding problem in New Jersey. Senator Hess inquired whether there was any relationship between rehabilitation efforts and the age and adequacy of the physical facility. Mr. Nagel replied that, for maximum rehabilitation efforts, a prison should be broken up into smaller units to permit better inmate classification and handling, and that ample room should be provided for recreation and exercise. Mr. Nagel stated that no prison with a high rate of inmate idleness would be a safe prison and the inmates must have work opportunities. He noted that Kansas may not need a new facility, but the existing facilities may have to be remodeled in order to adequately house inmates. He also stated that the attitude of the prison staff was a very important factor in the

management of the prison. Mr. Larson stated that overcrowding of prisons is a problem of great concern and that inmates cannot be adequately protected in an overcrowded institution. Mr. Nagel agreed that small prison populations are much easier to handle and stated that the prison staff should be highly visible to the inmates.

Representative Douville inquired whether Mr. Nagel had developed criteria for a humane prison. Mr. Nagel replied that there are different atmospheres in different prisons. The atmosphere is developed both by the staff and the physical facility; however, Mr. Nagel stated that he was not aware of very many good prisons. He noted that the American Correctional Association has recently released a manual of standards for adult corrections institutions.

Afternoon Session

Mr. Devon F. Knoll, Director of the Kansas Adult Authority, addressed the Committee. Mr. Knoll introduced the members of the Kansas Adult Authority: Chairman Carolee Leek, Vice-Chairman Bruce M. Burdick, Mr. Ben Coats, Mr. Alonzo Dempsey, and Mr. James Woodson. The members of the Authority and Mr. Knoll presented a prepared statement summarizing various aspects of the functions of the Kansas Adult Authority (Attachment II). Mr. Knoll stated that, during Calendar Year 1976, the Authority conducted a total number of parole, clemency and violator hearings of 1,926. Of these, there were 910 paroles granted, and 211 applications were passed over for later consideration. He stated that the number of paroles granted has remained relatively stable for the past several years, with 75-80 percent of those certified by the institution granted parole. He noted that a study several years ago had indicated a 3 percent recidivism rate among parolees.

Chairman Hurley asked Mr. Knoll to prepare statistical tables for the Committee indicating the number of parole hearings, paroles granted, and other information for Committee consideration. He also asked the Authority to discuss the criteria used for not granting a parole. Ms. Leek replied that some paroles are not granted because of the nature of the offender's crime, the information contained in the preparole report, or an adverse community reaction. She noted that published guidelines and criteria are given to the inmate prior to the parole hearing. Senator Hess inquired why community reaction or the nature of the offender's crime would be taken into consideration during the parole hearing. Mr. Dempsey replied that the Adult Authority feels it has a commitment to consider community reaction if the crime was of a serious nature. Mr. Leek stated that the Authority would look for an alternative community to parole the offender into. She also stated that there would be a very small percentage of inmates not paroled merely because of an adverse community reaction. She noted that most paroles are denied because of shortcomings in the parole plan or the fact that the offender has not secured suitable employment. Mr. Coats stated that the Adult Authority must consider the public safety in determining whether or not to grant a parole.

Dr. Karl A. Menninger addressed the Committee. Dr. Menninger noted the comparison between the present problems of prison overcrowding in Kansas and the overcrowding situation which existed in the state mental hospitals in the 1940's. He noted that the solution to the mental health problem was to develop community mental health clinics which eliminated the need to build a new state mental hospital. Dr. Menninger discussed his philosophy of the corrections process. He stated that the idleness of a prison will not cure a criminal and that it was too expensive to punish and hurt people in the name of rehabilitation. Dr. Menninger stated that society has not learned that it does not cure someone to treat him as badly as he has treated other people. He stated that people should be penalized for criminal acts but in a humane manner. Dr. Menninger stated that he feels the whole business of punishment is a crime and that there are slow ways of torturing a person sent to prison. He stated that persons convicted of non-violent crimes should be placed in corrections programs that provide restitution for the victims rather than being incarcerated.

Chairman Hurley inquired whether it would be feasible to send some prison inmates back through the Kansas Reception and Diagnostic Center to see if they are likely parole candidates. Dr. Menninger replied that there was probably not enough staff at KRDC to accomplish this and that, in any case, there are probably a large number of inmates who could be released directly on parole. Representative Douville inquired whether a presentence investigation should be required for each offender. Dr. Menninger replied that there was no way to arrange such an investigation in many parts of the state because diagnostic units and the requisite staff were very expensive. Dr. Menninger also commented that the plea of insanity should be abolished as an archaic defense. Representative Martin inquired what should be done with violent repeat offenders. Dr. Menninger replied that they should be confined in a humane situation. Dr. Menninger also stated that restitution by the offender should be required in as many instances as possible.

Ms. M. Kay Harris, Coordinator of the National Moratorium on Prison Construction, presented a prepared statement (Attachment III). Ms. Harris stated that there is no need for expansion of the Kansas network of prisons; that construction of newer, more modern prisons is not an answer to our prison problems; that there are many feasible, inexpensive, humane options for responding to law violators; and that, to build more prisons before fully exhausting these alternatives, would be irresponsible both to those unnecessarily incarcerated and to the citizens who must bear the economic and social costs. Ms. Harris briefly discussed the community service order program and the system of day fines used in some countries. She noted that the community service order program was developed in England in 1972; it is used for both felons and misdemeanants; and it is a program whereby the offender must work to pay society for his crime. The system of day fines has been used in the Scandinavian countries for 40 years. Under this program, offenders are fined a certain number of days' pay or are permitted to work off the fine in community service work. She also stated that restitution centers are used as a sentencing alternative in Georgia. She stated that a restitution program could be combined with the assignment of an offender to a community residential facility as an alternative to incarceration. She stated that her position was that no new prison construction should be implemented until all other alternatives to incarceration had been exhausted.

Representative Martin stated that he had invited the Superintendent of Larned State Hospital to discuss the role of that State Security Hospital. Representative Martin introduced Mr. Rod Clelland, Superintendent of Larned State Hospital. Mr. Clelland presented a prepared statement summarizing current census statistics at the State Security Hospital (Attachment IV). Mr. Clelland stated that the Dillon Unit contains three forensic wards with a total capacity of 90. At present, these wards contained 96 patients: 34 prisoners and 62 court cases. Mr. Clelland said that during FY 1977 the Security Hospital received 79 referrals from the Department of Corrections and 179 referrals from the district courts. He stated that many of the competency examinations could be handled outside the State Security Hospital. He also noted that the Department of Corrections feels that it now has 129 prisoners who should be transferred to the Dillon Unit for treatment. He stated that some of the overcrowding problem could be alleviated if the number of referrals from the district courts could be limited. Mr. Clelland noted that there are no formal clinical criteria for transfers from the Kansas State Penitentiary to the State Security Hospital. Mr. Clelland concluded that the hospital is currently overwhelmed with excessive and often needless court referrals for presentence or competency evaluations.

September 8, 1977

Morning Session

Mr. Larry Frost, Executive Director of the Topeka Halfway House, presented a prepared statement (Attachment V). In his statement, Mr. Frost noted that the Topeka Halfway House has been operating since 1970; that the Halfway House's per diem cost as of July 1, 1978; will be \$18.82; and that, if the Topeka Halfway House is to continue to be a referral source for the Department of Corrections, it is essential that monies be appropriated by the Kansas Legislature. At present no state funds have been allocated to pay for the services which the Topeka Halfway House provides to state parolees. Mr. Frost presented a brief history of the development and function of halfway houses in the United States. He noted that halfway houses were first developed in the mid-1800s and that the 1950s saw a rapid increase in the number of halfway houses. There are presently approximately 3,000 in the United States, 90 percent of which are ex-offender programs. Mr. Frost felt that private halfway houses could operate more efficiently and cheaper than state-operated halfway houses. He noted that the Federal Bureau of Prisons now contracts with 250 halfway houses for federal offenders. Mr. Frost discussed a study by Dr. Rick Sider which concluded that private halfway houses are cheaper to operate than state-operated ones. Mr. Frost felt that the state should contract with private halfway houses rather than attempt to develop its own. He also mentioned a study by the Federal Bureau of Prisons which concluded that, of all community corrections programs, ex-offender programs were the least accepted, but that private halfway houses received less negative response from the community than did state-operated programs.

In response to a question, Mr. Frost replied that the Topeka Halfway House is a non-profit corporation which presently has contracts with the Federal Bureau of Prisons and Shawnee County, and also receives \$6.00 per day from the Division of Vocational Rehabilitation for each state parolee for which it provides services. He noted that its capacity is 18 and that the house plans to expand should state monies be appropriated. He stated that there are presently three halfway houses in Kansas located in Hutchinson, Wichita, and Topeka.

Mr. Lloyd W. Zook, Director of Court Services, Third Judicial District, Shawnee County, addressed the Committee. Mr. Zook stated that Shawnee County has a comprehensive court service program for both adults and juveniles and that the Department of Court Service does programming for offenders in the Topeka Halfway House. Mr. Zook stated that the Department has witnessed, during the past two years, a 70 percent success rate for offenders on work release and a 92 percent success rate for persons released on probation directly from the court. Mr. Zook expressed the belief that restitution is a vital part of the rehabilitation process and that the work release program helps a number of offenders make restitution.

Sister Brinkel asked how community acceptance of the community corrections program can be generated. Mr. Zook replied that staff can work to cultivate community relations and that volunteers are an important part of the acceptance process. Senator Hess inquired how soon programs could be implemented around the state. Mr. Zook replied that it would probably take about six months to implement a community program and another year to get the program operating smoothly. He felt that community programs could be implemented statewide within three years. He noted that the crucial problem would be obtaining adequate staff with the necessary management skills. Mr. Zook stated that the financial incentive system used in Minnesota is a very good approach and that judicial support of the program would be a critical factor in its chances for success. He felt that the program should not be mandated by the state and that as much responsibility as possible should be granted the local jurisdictions.

Senator Hess inquired whether Kansas was ready for community corrections programs and whether qualified people were available to operate the programs. Mr. Zook stated that, in his opinion, Kansas is ready for community corrections programs and that it would take a public relations effort to generate community acceptance. He stated that qualified people are available to serve in professional capacities. Mr. Zook stated that he believed the residents of Shawnee County have accepted this program and that the Department of Court Services is making an effort to inform interested organizations and groups of the existence of the Shawnee County Program. Sister Brinkel inquired whether any other counties in the state operate similar programs. Mr. Zook replied that none are as comprehensive as the program in Shawnee County, although McPherson and Johnson County have mini-programs. Judge Barbara stated that he believes alternatives to incarceration would be a welcome addition to the Kansas criminal justice system and that, given the existing situation, judges are probably sending more people to jail or prison than necessary.

Mr. Ken North, Johnson County District Attorney's office, presented a prepared statement (Attachment VI). Mr. North stated that the Johnson County District Attorney's office supports the concept of community corrections and believe that there is a need to get the community involved in corrections. Mr. North stated that community resources exist now in Kansas; that Kansas has been a leader in the field of education in mental health; and that Kansas now could be a leader in the field of corrections. Mr. North stated that there will probably always be a need for a maximum security facility, although the size of the Kansas State Penitentiary should be reduced. Mr. North, in his prepared statement, recommended a two-tiered approach to community correction in Kansas: Phase 1 being the construction of three 75- to 100-man minimum security units located in Kansas City, Wichita, and Topeka; Phase 2 envisions the implementation of satellite community residence and work release centers for small groups in various locales adjacent to the three major facilities. Mr. Larson inquired whether Mr. North was advocating the construction of mini-prisons throughout the state. Mr. North replied that he was in favor of community residences and treatment centers in the heavy crime areas. He stated that private facilities could be used but a state institution may provide a more gradual approach. Mr. North stated that the mini-prison concept is a threshold type of introductory approach to community corrections. Mr. North stated that the courts in Johnson County use probation and parole and other community programs and are generally opposed to sentencing offenders to state institutions. He noted that there is a need for a secure detention facility in Johnson County, especially for juvenile offenders.

Mr. Leo Pusch, Northeast Kansas Court Referral Program, Horton, presented a prepared statement (Attachment VII). Mr. Pusch described a proposed community-based rehabilitation program for non-violent, alcohol troubled offenders which the Northeast Kansas Community Action Program is attempting to develop. The proposed program would offer a highly-structured living environment for non-violent, alcohol troubled offenders who are paroled from state correctional facilities. The tentative estimate for the first year operating budget of the program is around \$275,000. Mr. Pusch explained that the proposed program could serve as an alternative to incarceration in some cases, and he urged the Legislature to support the development of this program. Mr. Tom Root of the Northeast Kansas Community Action Program distributed a tentative organization chart for the proposed program and urged legislative support (Attachment VIII). Mr. Richard P. Senecal also discussed the proposed program and urged that the Legislature give favorable consideration to its development.

Dr. Karl Targownik, Kansas Reception and Diagnostic Center, presented a brief history of KRDC. He noted that the institute was opened in 1962 and, at that time, conducted 700-800 evaluations per year. During FY 1977 the center conducted 1,572 evaluations. Dr. Targownik noted that KRDC now has an experienced staff; that most psychiatrists do not like to work in forensics; and that much information is needed to make an accurate diagnosis on those individuals who come to the center. He stated that 80 percent of the judges in Kansas usually follow the KRDC recommendations and that 25 percent of those individuals examined are usually placed on probation. He noted that 5 to 8 percent of those individuals examined exhibit some form of mental illness. Dr. Targownik recommended that Kansas State Penitentiary be replaced by a more humane security facility for those individuals who must remain incarcerated. Chairman Hurley inquired whether 60 days was an adequate amount of time in which to make an accurate evaluation. Dr. Targownik replied that a longer time would probably permit better evaluations but that the main problem was the lack of adequate staff and bed space at KRDC. He noted that many of the buildings at the institution are very old and should be replaced. Judge Barbara stated that, if some type of community corrections program is developed in Kansas, the need for accurate evaluations will become even more acute. Dr. Targownik stated that KRDC could take the responsibility for these evaluations if the staff and space are expanded to handle the additional workload. He stated that the resources for evaluations have already been developed in Topeka and expressed his belief that the centralized diagnostic center is a more efficient way to conduct evaluations. He stated that use of a centralized diagnostic center permits utilization of standard forms which assist correctional personnel who must make decisions on the basis of the evaluations.

Mr. Herbert G. Callison, Topeka, addressed the Committee and summarized the research which he has been doing in the area of community-based corrections. He felt that the correctional system should have a variety of programs, including community corrections, and that the programs should be designed to permit the offenders to practice behavior patterns. He stated that successful programs are usually composed of two elements: (1) the program must motivate the offender to want to succeed by himself; and (2) the personality of the leadership of the program is an important factor. Mr. Callison stated that most of the problems in community corrections stem from poor administrative decisions. Mr. Callison stated that the current cost for incarceration in federal institutions is \$21.62 per day, while the current cost for assignment to the federal halfway house in Kansas City is \$16.21 per day, and a federal halfway house in Denver is \$16.36 a day. Mr. Callison said that restitution should be a strong point of any correctional system. Mr. Callison made four recommendations for Committee consideration: (1) that the state examine the present prison population to determine how many inmates could be assigned to community correction programs; (2) the state should assess the prison population to determine where community corrections programs should be located around the state; (3) the state should undertake an immense public education program to develop public support for community corrections; and (4) the state should develop the physical facilities for community corrections programs only after the first three recommendations have been thoroughly implemented.

Mr. Callison noted that two states have reduced their recidivism rates: Massachusetts from 30 percent to 19 percent, and Iowa from 28 percent to 10 percent. He noted that the State of Iowa makes extensive use of pre-release centers which have permitted the state to reduce its prison population by 40 percent. Mr. Callison stated that community corrections must be a coordinated effort which attempts to involve the entire community. He also recommended that any legislation include the provisions for community advisory groups to assist in the operation of local programs.

Afternoon Session

Mr. Horst Satzinger, Reno County Halfway House, Hutchinson, briefly described the halfway house program in Reno County. Mr. Satzinger stated that the halfway house is a private, non-profit corporation with a staff of five and is funded through a combination of city, county, GCCA, Vocational Rehabilitation Funds, and a Federal Bureau of Prisons contract. He noted that the halfway house does handle state parolees but does not receive monies from the State Department of Corrections. Mr. Satzinger stated that the halfway house had experienced some difficulty in the past and that he had only been in the position of executive director for six months. He expressed the opinion that, through professional management, many of the problems of the past could be eliminated. Mr. Satzinger noted that the FY 1978 budget for the halfway house was \$55,000; that acceptance by the Hutchinson community had not been good; and that the relationship with the Hutchinson Police Department had not been good.

Mr. Leo Taylor, Deputy Secretary of the Kansas Department of Corrections, stated that DOC feels it should assume some responsibility for those halfway houses which have state parolees. They are attempting to include money in their budget for this purpose in the future.

Mr. Edward T. Dutton, Kansas Chapter of the National Association of Social Workers, presented a prepared statement (Attachment IX). Mr. Dutton stated that the Kansas Chapter of the National Association of Social Workers has since 1973 urged that greater efforts be made to develop and expand community alternatives to prisons and jails. Mr. Dutton made the following recommendations for Committee consideration: (1) that the state set in place an on-going planning process which effectively involves the total criminal justice system; (2) that the state seek to strengthen and upgrade law enforcement as a means of preventing and controlling delinquency and crime; (3) that the state act to facilitate and encourage the development of effective working relationships between the police, the courts, correctional agencies, and other pertinent public and private agencies; (4) in judicial dispensations, individuals convicted of a crime have a right to immediate and appropriate service programs in a setting where the best available knowledge can be utilized to achieve the goal of rehabilitation; (5) that community-based programs be the first choice for the overwhelming proportion of offenders; and (6) to achieve the objectives of a criminal justice system, it is essential that local-state relationships be enhanced. Mr. Dutton also urged that the state engage in no major prison construction until all possible alternatives have been explored and implemented.

Mr. Vincent DeCoursey, Executive Director of the Kansas Catholic Conference, presented a prepared statement (Attachment X). Mr. DeCoursey stated that the Kansas Catholic Conference supports the establishment of community-based programs and opposes the construction of a new medium security prison.

Senator Parrish noted that none of the conferees had addressed the question of what should be done with the Kansas State Prison. He noted that, although other alternatives do exist, something still must be done to improve the habitability and humaneness of the Lansing institution.

Ms. Myrna Priesner, Voluntary Action Center, Topeka, discussed the use of volunteers in corrections. She noted that there is a rather active volunteer program in Shawnee County but that there is no expertise in volunteerism statewide. Ms. Priesner expressed a concern that, if a statewide system of community corrections is established in the state, there will be a great need for skilled persons to train volunteers to work in the corrections area.

Ms. Ann Heberger, Kansas League of Women Voters presented a prepared statement (Attachment XI). Ms. Heberger stated that the Kansas League of Women Voters supports the development of alternatives to incarceration, community-based corrections, and renovation and rehabilitative programs within existing institutions before any new major prison construction is approved. Ms. Heberger made the following recommendations: (1) that 1977 S.B. 292 be enacted; (2) that mandatory presentence investigations must be conducted for all convicted felons and misdemeanants; (3) that the statute which requires women misdemeanants to serve time in a state prison be repealed and that women be provided the same opportunities as men in work release programs, halfway houses, and other community-based programs; (4) that the Kansas Correctional Vocational Training Center not be restricted to first-time offenders; (5) that prison industries provide relevant work and teach good work habits with adequate pay for all persons willing and able to work; (6) that legislation be enacted to permit prison industries to contract with private firms to sell goods on the open market and to establish an advisory committee of business, industry, and labor to assist in the management of prison industries; (7) that the mentally ill and severely retarded be removed from correctional facilities and transferred to state mental hospitals; (8) that the rules and regulations of the Department of Corrections be subject to review by the Legislature the same as any other state agency; and (9) that work release or pre-release centers be used for all inmates coming out of prison.

Mr. Forrest Swall, Citizens for Justice Coalition, addressed the Committee. Mr. Swall noted that there had been some confusion as to the position of the Citizens for Justice Coalition. He stated that the Coalition had not said that all prisons should be abolished. Mr. Swall summarized the position of the Citizens for Justice Coalition as being the following: (1) that the state mandate presentence investigations for all convicted felons to be carried out in the community; (2) that the state establish a facility for utilizing local medical and mental health resources and use KRDC as a back-up; (3) that the state evaluate the presentence investigation program and the local mental health resources for at least one year; (4) that a sound industry program, related to real life jobs, be established in which inmates would be paid decent wages; and (5) that the state establish a statewide uniform probation system.

Staff presented a memorandum comparing relative projected tax revenues in the States of Kansas and Minnesota (Attachment XII).

Chairman Hurley distributed a letter from Secretary Robert Raines in response to a number of questions which the Committee had asked the Secretary (Attachment XIII).

Chairman Hurley advised the Committee that the next Committee meeting would be held September 16, 1977, at which time the Committee would tour the Kansas State Industrial Reformatory at Hutchinson.

The meeting was adjourned.

Prepared by J. Russell Mills, Jr.

Approved by Committee on:

10-14-77
(date)

Attachment T

STATEMENT OF
MILTON G. RECTOR
PRESIDENT - NATIONAL COUNCIL ON CRIME AND DELINQUENCY

ALTERNATIVES TO INCARCERATION

SPECIAL COMMITTEE ON CORRECTIONS
TO THE KANSAS LEGISLATURE

TOPEKA, KANSAS

SEPTEMBER 7, 1977

IT WAS HEARTENING TO RECEIVE THE INVITATION TO TESTIFY BEFORE THE SPECIAL COMMITTEE THROUGH STEVEN MILLSTEIN. HEARTENING BECAUSE THE STATE OF KANSAS HAS REFUSED, BY LEGISLATIVE ACTION, TO BE A TREND FOLLOWER. YOU HAVE REFUSED TO PROCEED WITHOUT BETTER PLANNING TO BUILD MORE PRISONS AS A TEMPORARY SOLUTION OF YOUR PRISON OVERCROWDING AND AS A LONG TERM SOLUTION OF YOUR CRIME PROBLEM. YOU WILL, HOPEFULLY, BE A TREND-SETTER IN CORRECTIONS AND CRIMINAL JUSTICE AS YOU WERE THIRTY YEARS AGO IN THE FIELD OF MENTAL HEALTH. THEN YOU SHIFTED EMPHASES

Atch. I

FROM INSTITUTION CONFINEMENT AND TREATMENT OF THE MENTALLY ILL TO TREATMENT IN THE COMMUNITY. THAT STORY HAS BEEN PUBLISHED BY DR. KARL MENNINGER IN HIS WIDELY DISTRIBUTED ARTICLE "THE QUANDARY IN CORRECTION: HISTORY REPEATS ITSELF." IT IS A STORY THAT NEEDS REPEATING.

IT SEEMS CLEAR THAT THE LEADERSHIP TO TURN THE UNITED STATES AWAY FROM ITS OVERRELIANCE ON IMPRISONMENT IS GOING TO HAVE TO COME FROM THE LEVEL OF STATE GOVERNMENT. THE ROLE OF THE FEDERAL GOVERNMENT WHICH NEEDS PRISONS EVEN LESS THAN DO THE STATES HAS BEEN TO LEAD IN THE EXPLOITATION OF PUBLIC FEAR OF CRIME BY CONSTRUCTING THE COUNTRY'S LARGEST PRISON SYSTEM FOR THE COUNTRY'S LEAST DANGEROUS PRISONERS. THE FEDERAL GOVERNMENT HAS BECOME A PROVIDER OF FUNDS TO HELP THE STATES AND COUNTIES DO THE SAME.

NEARLY ALL STATES ARE FOLLOWING THE FEDERAL LEADERSHIP. IN OUR BICENTENNIAL YEAR THE UNITED STATES COULD NOT CELEBRATE PROGRESS IN CRIMINAL JUSTICE. OUR ATTAINMENT HAS BEEN THE LARGEST PRISON POPULATION OF THE WESTERN INDUSTRIAL NATIONS.

THE PLANNING OR CONSTRUCTION OF AT LEAST 1,000 MORE JAILS AND PRISONS ARE CURRENTLY UNDERWAY AT AN ESTIMATED COST OF 8 TO 10 BILLION DOLLARS. FEDERAL AND STATE POLITICAL LEADERS ARE CALLING FOR MORE JAILS AND PRISONS AS OUR PRINCIPAL REACTION TO CRIME AND VIOLENCE. STATES AND CITIES ARE PROPOSING JAIL AND PRISON CONSTRUCTION AS A MEANS OF REDUCING UNEMPLOYMENT. EVEN THE INTERNATIONAL HOUSING CENTER FOR THE 1980 OLYMPIC ATHLETES AT LAKE PLACID, NEW YORK IS BEING CONSTRUCTED FOR QUICK CONVERSION TO A FEDERAL PRISON FOLLOWING THE OLYMPICS.

THIS IS THE PRESENT STATE OF THE NATION DESPITE THE 200 YEARS OF DOCUMENTED FAILURE OF INCARCERATION AS A CURE FOR CRIME. THIS IS THE BACKDROP AGAINST WHICH I COME TO PLEAD WITH THE LEGISLATIVE COMMITTEE FOR LEADERSHIP TO PLAN FOR A CORRECTIONAL SYSTEM THAT WILL GIVE PRIORITY TO OTHER SANCTIONS THAN INCARCERATION EXCEPT FOR VIOLENT OFFENDERS. NOT ONLY THE STATES BUT THE FEDERAL GOVERNMENT IS DESPERATELY IN NEED OF YOUR EXAMPLE AND LEADERSHIP.

GARRY WILLS, A NATIONALLY SYNDICATED COLUMNIST, RECENTLY STATED THE CASE AGAINST PRISONS IN THE LIGHT OF THE POLITICAL AND

PUBLIC ATTITUDES WHICH HAVE CATAPULTED OUR NATION INTO THE
CURRENT CONSTRUCTION MADNESS:

"OUR SOCIETY SPENDS MORE ON EDUCATION THAN ANY OTHER
SOCIETY IN HISTORY. YET, EVEN SO, OUR PRISONS ARE OUR MOST
EXPENSIVE SCHOOLS. THEY ARE DEVASTATING IN THEIR FIRST OUTLAY -
EACH PRISONER COSTS ROUGHLY THE KEEP OF A STUDENT AT HARVARD.
AND THEY ARE EXPENSIVE STILL IN WHAT THEY TEACH, AND IN A WAY
THEY GUARANTEE A CERTAIN RECYCLING OF THE SAME MEN BACK THROUGH
THE SAME PROCESS ENDLESSLY. BUT A BLIND WILL TO BE 'TOUGH'
RATHER THAN INTELLIGENT MAKES US KEEP OVERLOADING THIS INEFFECTUAL
SYSTEM. PUT IN ANOTHER WAY: SOCIAL VINDICTIVENESS IS OUR
COSTLIEST PLEASURE."

WHEN WE AS A NATION LEARN TO PROACT RATHER THAN TO REACT
TO THE CRIME PROBLEM THE ENTIRE CRIMINAL JUSTICE SYSTEM WILL BE
BROUGHT INTO PROPER PERSPECTIVE. MANY OF THE BILLIONS OF DOLLARS
NOW BEING INVESTED IN CRIMINAL JUSTICE, A REACTIVE SYSTEM AT BEST,
WILL BE REALLOCATED TO OTHER AREAS OF HUMAN SERVICES - MEANINGFUL
EMPLOYMENT, DECENT HOUSING, EDUCATION, PHYSICAL AND MENTAL HEALTH.

WHEN, FOR EXAMPLE, WE ADDRESS THE PROBLEMS OF YOUTH GANGS AND YOUTH VIOLENCE IN OUR CITIES WE SHALL GIVE PRIORITY IN PLANNING TO THE FIVE MILLION CHILDREN IN THE UNITED STATES UNDER SIX YEARS OF AGE NOW LIVING IN POVERTY. HERE ARE THE SEEDS OF GREATER VIOLENCE AND YOUTH ALIENATION WITHIN THE NEXT DECADE.

SOCIAL AND ECONOMIC IMPACT STUDIES IN PROACTIVE PLANNING WILL BE AS IMPORTANT AS ARE ENVIRONMENTAL IMPACT STUDIES FOR NEW PRISON CONSTRUCTION. SUCH IMPACT STUDIES WILL SHOW THAT A FAMILY HOME CAN BE BUILT AND MAINTAINED FOR LESS THAN THE COST AND MAINTENANCE OF A SINGLE NEW JAIL OR PRISON CELL. AN OFFENDER ON PROBATION IN THAT HOME CAN BE SUPERVISED AND CONTROLLED AS EFFECTIVELY AND FAR MORE PRODUCTIVELY AT ONE-TENTH THE COST OF INCARCERATION.

CORRELATIONS WILL BE SEEN IN THE STUDIES BY THE JOINT ECONOMIC COMMITTEE OF CONGRESS WHICH REPORT THAT FOR EVERY ONE PER CENT OF UNEMPLOYMENT WE HAVE ADDED FOUR PER CENT TO OUR NATION'S PRISON POPULATION AND ALMOST SIX PER CENT TO OUR RATES OF HOMICIDE.

SOCIAL AND ECONOMIC IMPACT STUDIES WILL ADD CREDENCE TO THE REPORT OF WILLIAM NAGEL OF THE AMERICAN FOUNDATION. IN THE RECENT CRIME AND DELINQUENCY JOURNAL OF THE NATIONAL COUNCIL ON CRIME AND DELINQUENCY HE DOCUMENTS THAT THE STATES WITH THE HIGHEST PRISON POPULATION OVER THE LAST 20 YEARS ARE STILL THE STATES WITH THE HIGHEST CRIME RATE. THEY ARE ALSO THE STATES WHICH ARE STILL REACTING BY STILL PLAYING CATCH-UP WITH MORE PRISONS. THEY ARE REACTING AS THOUGH IT IS THE CRIMINAL JUSTICE SYSTEM WHICH CAN ALONE CONTEND WITH THE INTERRELATED PROBLEMS OF CRIME, MORALS AND ETHICS IN OUR SOCIETY. IMPACT STUDIES OF PRISON OVERCROWDING WILL SHOW THAT COURT SENTENCES ARE TOO SEVERE NOT TOO LENIENT - AND THEIR DESTRUCTIVENESS IS INCREASING RATHER THAN DECREASING THE PROBLEM OF CRIME AND VIOLENCE.

WHEN WE, AS A NATION, DECIDE TO PROACT TO THE PROBLEMS OF CRIME IN OUR SOCIETY WE'LL REALLOCATE CORRECTIONAL DOLLARS TO ALTERNATIVES TO INCARCERATION FOR THE POOR AND THE MINORITIES WHICH WE NOW USE LIBERALLY FOR THE MIDDLE AND UPPER INCOME

OFFENDERS IN OUR SOCIETY. WE'LL DECLARE A MORATORIUM ON NEW PRISON AND JAIL CONSTRUCTION AND WE'LL STOP PLAYING THE GAMES OF PUNISHMENT VS. TREATMENT, OF MANDATORY SENTENCING VS. JUDICIAL SENTENCING, OR MEGA PRISON VS. MINI PRISON.

INSTEAD WE'LL ADMIT TO A CONFUSED PUBLIC THAT THE BEST WAY TO REDUCE CRIME MAY BE TO REDUCE THE SIZE AND OUTREACH OF THE CRIMINAL JUSTICE SYSTEM. WE'LL RAISE FOR PUBLIC DEBATE SUCH CRITICAL AND CONTROVERSIAL ISSUES AS OUR PUBLIC POLICY CONCERNING HARD DRUGS AS WE HAVE THE USE OF MARIJUANA. WE'LL EXAMINE THE EVIDENCE THAT GOVERNMENTAL POLICY MUST BE CHANGED WHEN IT SUPPORTS A HUGE BLACK MARKET FOR AN IMPORTED PRODUCT WHICH CANNOT BE STOPPED WHEN THE PROMISE OF HUGE PROFITS AND PUBLIC DEMAND MAKES RISK AND CORRUPTION COMMONPLACE.

WE'LL INFORM THE PUBLIC THAT THOSE WHO ARE "VICTIMS" OF CRIME ARE MOST OFTEN FROM THE SAME SECTORS OF SOCIETY AND SUFFER THE SAME SOCIAL AND ECONOMIC DISABILITIES AS THOSE MOST OFTEN ARRESTED FOR CRIME - YOUTHS 12 TO 19 YEARS OF AGE, AND NONWHITES TWO TO THREE TIMES MORE OFTEN THAN WHITES.

WE WILL DEVELOP THE CAPACITY OF LOW INCOME FAMILIES AND COMMUNITIES TO COPE WITH CRIMINAL OFFENDERS IN THEIR HOMES AND NEIGHBORHOODS. COMMUNITY CORRECTIONS WILL NOT MEAN INCARCERATION IN COMMUNITY-BASED FACILITIES FOR THE POOR ANY MORE THAN IT DOES NOW FOR THE WELL-TO-DO OFFENDER WHO IS ALLOWED TO LIVE AT HOME ON PROBATION OR ON SUSPENDED SENTENCE.

BECAUSE FULL EMPLOYMENT WILL BE OUR SOCIAL POLICY, DAY FINES RELATED TO THE AMOUNT OF A DAY'S WAGES, AND RESTITUTION TO THEIR VICTIMS WILL REPLACE INCARCERATION FOR THE GREAT MAJORITY OF PERSONS NOW INCARCERATED IN OUR JAILS AND PRISONS. FOR LOW INCOME OFFENDERS WHO CAN'T AFFORD FINES OR RESTITUTION, AND FOR SOME HIGH INCOME OFFENDERS WHO CAN, COURT SENTENCES TO A PERIOD OF COMMUNITY SERVICE IN BEHALF OF OTHERS WILL BE THE PRINCIPAL SENTENCE. WE WILL IMPROVISE WITH SECURITY SUPERVISION ON PROBATION FOR REPETITIVE, NONVIOLENT OFFENDERS.

THIS KIND OF PLANNING AS THE FOUNDATION OF A STATE CORRECTIONS SYSTEM WILL LEAVE A NEED FOR VERY FEW PRISON CELLS, THE MOST EXCESSIVE FORM OF PUNISHMENT, FOR THE MOST EXCESSIVE AND

VIOLENT OF CRIMES.

AS ADDENDA TO MY TESTIMONY I HAVE BROUGHT COMPREHENSIVE ARTICLES ON: COMMUNITY ALTERNATIVES TO PRISON; AID TO THE VICTIM; PROPOSAL FOR A HALT TO INSTITUTIONAL CONSTRUCTION IN FAVOR OF COMMUNITY TREATMENT; AN AMERICAN BAR ASSOCIATION JOURNAL REPRINT CALLING FOR A NEW LOOK AT PUNISHMENTS; RATE AND LENGTH OF IMPRISONMENT, COMPARING THE UNITED STATES WITH THE NETHERLANDS, DENMARK AND SWEDEN; ON BEHALF OF A MORATORIUM ON PRISON CONSTRUCTION BY WILLIAM G. NAGEL; AND THE QUANDARY IN CORRECTION BY DR. KARL MENNINGER.

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Attachment II

The following is a tentative and rudimentary (simple) script for presentation to the Blue Ribbon Committee, Room 514, at 1:30 PM, September 7, 1977. If you desire we can divide this into different sections and there can be many variations, adjustments, deletions, etc. The following suggestions are:

Chairman Leek

CREATION OF /FUNCTIONS:

The Adult Authority is an independent agency autonomous from the Department of Corrections with five members appointed by the Governor. We travel to all of the state's penal facilities on a monthly basis for the purpose of conducting any of the necessary parole related hearings.

The basic statutory functions are, in the actual (1) parole decision process (2) revocation of parole, (3) granting discharges from parole supervision and sentence and (4) review of applications for executive clemency and pardons.

The Authority's primary functions and responsibilities are (1) the establishment of policies and procedures for offenders with emphasis on fairness and equity of treatment in the best interests and public protection of the community, (2) to release on parole supervision at the optimum period of time those individuals who have demonstrated reasonable assurance they will lead a productive and law abiding life, (3) monitor and initiate rehabilitation plans in the transition from correctional confinement to a positive community plan, (4) reduce recidivistic patterns, (5) coordinate its activities with the mission of the Department of Correction and other related agencies of the Criminal Justice System, (6) implement the intent of applicable assigned and

related responsibilities from the legislative, executive and judicial branches of state government, and (7) perform other related activities in the delivery of services within the criminal justice system. The Secretary of Corrections has sole responsibility for the inmate while confined in the correctional system, as well as under parole supervision, until discharged by the Authority.

Vice-Chairman

PAROLE DECISION CRITERIA

Burdick

While there are many complex considerations within the paroling decision process, the three major categories are (1) nature and circumstances of crime, (2) institutional adjustment and accomplishments (3) community release plan (Refer to Paroling Criteria, if necessary).

The major components of any sentence are (1) Punishment (Just Deserts), (2) Retribution, (3) Incapitation, (4) Deterrence and (5) Rehabilitation.

While punishment may be an important consideration or community expectation in one case due to the nature of the seriousness of the crime, rehabilitation can be equally as important to another individual who is incarcerated for a relatively minor property offense and who experiences great social disadvantages. Consequently, we believe that flexibility under authorized law, not rigidity, and representation of the many diverse interests with emphasis on fairness and equity of treatment, is the touchstone of a responsible and responsive parole system.

INFORMATION SYSTEM

In the assembling of information for the Authority, it relies on a system of providing information on assessing an inmate's progress, identifying any deficiencies, as well as an incentive for the incarcerated offender to make positive changes utilizing available treatment and self-help programs consistent with the Department of Corrections' objectives. In this manner, the Authority has available (1) the District Attorney's report as to the nature and circumstances of the offense, (2) defense attorney report whenever available which is given on a voluntary basis (3) institutional classification material on the inmate's adjustment and program accomplishments (4) Reception and Diagnostic Center indepth psychiatric evaluation, (5) preparole investigation report which contains confirmation of the community plan and solicited comments from the local officials, (6) evaluations from institution's Mental Health Clinic whenever available or upon request and (7) communications from interested parties and other related material which allows for a rather thorough review of all aspects of each case on an individual basis.

STATISTICAL INFORMATION

At the end of Calendar Year 1976, the Authority conducted a total number of parole, clemency and violator hearings of 1,926. Of those figures, there were 910 parole grants and 211 were passed for later consideration, or approximately 23% of those that the institution certified as parole eligible.

Though parole grants have been relatively stable for the last dozen years or so, they have been on an increase within the last two years.

Presently, of those docketed for hearing within the last two years, approximately 75 to 80% are granted parole under the Department of Corrections' certification process as compared to approximately 55% of those eligible for hearing under the former law prior to July 1974.

Within the Department of Corrections' certification process, we find that the primary reasons for the Board passes are due to the serious nature of the crime.

As to time served in Kansas, it is still considered to be rather consistent with the national averages.

In the area of recidivism, approximately 1 out of 9 parole releasees are returned to Kansas prisons for new crimes. In a 1975 study, we found that approximately 3.04% of the parolees were returned to prison with new crimes or approximately 97% of the state's crime rate came from sources than from the parolee.

There are distinct economic advantages to the parole process. Within the last year, we have found that the parolees' earnings were \$11,379,245 as compared to the cost of confinement, and this allows for the parolee to keep his family off the welfare rolls, contributing taxes, keeping the family unit intact, etc.

Member Coates
TYPES OF RELEASE PLANS

On a national basis, approximately 98% of all offenders incarcerated in prison are released to the community at some time. In considering the release of an offender in Kansas, the Authority refers numerous cases for specialized treatment to alcohol centers, halfway houses, drug or vocational type of settings and in some instances for mental or other types of hospitalization. Following a lengthy period of institutional

observation, and monitoring of the inmate's needs, a community plan is initiated, investigated and assigned to a professional parole officer for supervision and guidance. In most instances, and prior to release, reasonable employment and residential arrangements are a required minimum expectation, though we have observed over the years a greater willingness for employers, volunteers, and treatment specialists to work with the released offender we continue to look for ways of improving these type of placements, particularly in terms of more meaningful types of jobs, volunteers and treatment facilities.

~~(That) we have continued to check for treatment opportunities of~~
~~offender, more evaluations at KMC if space were available prior to~~
~~release, or any other suggestions.)~~

Member Dempsey

PHILOSOPHICAL ISSUES

It is our policy to parole those individuals who have demonstrated sufficient assurance they will lead a law abiding and productive life and not become a threat to the community.

To encourage self-improvement in as many areas as possible and particularly in needed areas prior to parole.

To cooperate with training programs in paroling after training, if possible.

To return out-of-state prisoners to their home states if proper plans can be formulated and approved.

To aid those who have undergone training in being placed in their specific line of training even though it may mean removing them from their home town or home state, if advisable.

To parole to hospitals and special treatment units those in need of such treatment when they meet the requirements of parole.

To parole to other detaining authorities when and if possible.

To insist upon as nearly complete plan as possible prior to release including a home, suitable employment and a reliable sponsor.

To insist upon applicants earning back any forfeited good time if at all possible before parole release.

To defer those with unacceptable behavior and work adjustments until these problems can be resolved and good adjustment demonstrated.

To convey through the unit team to the applicant, the reasons for a setover or "pass", the date he will be heard again and what accomplishments will be expected of him in the meantime.

To recommend clemency to the Governor or to the Department of Corrections to consider asking for a reduction in the minimum term from the sentencing court in those cases where time or circumstances may indicate the sentence now to be excessive or to the applicant through outstanding performance, health condition or other compelling circumstances could or should be released earlier on parole.

Attachment III

National Moratorium on Prison Construction

3106 MT. PLEASANT ST., N. W. • WASHINGTON, D. C. 20010 • TELEPHONE: (202) 483-7080

Coordinators: Andy Hall and S. Brian Willson

Statement of

M. Kay Harris, Coordinator

National Moratorium on Prison Construction

Before

State of Kansas

Special Committee on Corrections

September 7, 1977



A Joint Venture of
THE UNITARIAN UNIVERSALIST SERVICE COMMITTEE
Seeking Sound, Systemic Alternatives to Incarceration
and
THE NATIONAL COUNCIL ON CRIME AND DELINQUENCY

Atch. III

National Moratorium on Prison Construction

3106 MT. PLEASANT ST., N. W. • WASHINGTON, D. C. 20010 • TELEPHONE: (202) 483-7080

Coordinators: *Andy Hall and S. Brian Willson*

My name is Kay Harris. I am pleased to appear before this special committee on corrections on behalf of the National Moratorium on Prison Construction, a project of the Unitarian Universalist Service Committee and the National Council on Crime and Delinquency. A national Moratorium office was established in February of 1975 to work toward achievement of a ban on construction of prisons and jails until total system planning in criminal justice had been meaningfully performed and a full range of alternative programs, procedures, policies, and philosophies developed and implemented.

I come with two different perspectives on this committee's deliberations which I would like to clarify at the outset. First, the National Moratorium on Prison Construction works with individuals and groups throughout the country who are interested in stopping the proliferation of prisons. I would like to share with you some of the experiences of these groups in other parts of the country. The second perspective from which I speak is as a Kansan. I was raised in Kansas. I graduated from the University of Kansas. My family lives in Kansas. I describe Kansas as "the heart of America" with some seriousness. The correctional issues being debated here in Kansas are the same issues being debated all across the country. I believe that what Kansas chooses to do with respect to these issues will be an

indication of the future. A Joint Venture of
THE UNITARIAN UNIVERSALIST SERVICE COMMITTEE
Seeking Sound, Systemic Alternatives to Incarceration
and
THE NATIONAL COUNCIL ON CRIME AND DELINQUENCY



2.

Kansans, and the rest of the country, are at a crossroads with respect to our prison systems. If we are to continue our present criminal justice policies or if we plan to take a "harder" line by locking up more persons for longer periods, then we must now commit ourselves to a massive and enormously expensive program of constructing new prisons and jails across the land. On the other hand, if we choose to seek more humane criminal sanctions than imprisonment and to pursue new approaches to reducing crime, then it is quite clear that constructing new institutions in the present model will be wasteful and counter-productive. The pressures to build ever more prisons and jails are strong and mounting. Prudence dictates that we resist these pressures and take a hard look at the facts.

Rationale for New Construction.

The primary rationale for the proposed new medium security institution, the proposed new outside dormitory, and the other facility expansion proposals is centered on projected prison population increases and inadequacies of existing facilities. The increasing prison population leads to crowding, idleness, and other inhumane conditions. Excess population also increases tensions, worsens already poor inmate/staff relations, and increases the real risk of violence. The age, poor design, and large size of existing facilities exacerbate these problems. Inadequate separation of differing categories of offenders is one unfortunate result with which the Department of

3.

Corrections is justifiably concerned. One response to this situation is that suggested by the Department of Corrections -- building more prisons. However, a number of compelling reasons support an alternate course. In simple terms, the Kansas Legislature should not approve any proposal for constructing new prisons because --

- ① construction would represent a long-term commitment to the most expensive alternative,
- ② prison populations are likely to decline, and
- ③ there are more immediate, less costly, more flexible, and more humane alternatives available.

There are less expensive alternatives.

The cost of one new prison bed is somewhere between \$24,00 and \$57,000 for medium and maximum security facilities. These figures will be increased by the costs of financing, with interest and the like eventually enlarging them by two or three times. Once built, the costs of keeping a person in prison for one year in a new facility run as high as \$17,300 in the federal system. The cost of maintaining a prisoner in a typical state maximum security institution has been estimated at about \$9400. Holding an offender in a relatively new facility that has a range of programs available is more expensive, running about \$13,500 in the Kansas Correctional Vocational Training Center, for example.

Most sanctions other than incarceration cost a fraction

of these amounts. Alternatives do not require construction and can prevent loss of earnings and taxes paid by offenders, as well as avoiding welfare costs for some families of persons who would otherwise have been confined. Some alternatives encompass providing compensation to victims of crime or to society in general.

A much broader array of correctional options should be available to sentencing judges in Kansas. Community service sentencing, for example, is an alternative by which offenders are permitted to perform some service in their city, county, or neighborhood, instead of serving time in prison for an offense. Generally, such services are performed for non-profit organizations or governmental agencies, the offender is not paid for his/her services, and the imposition of community service is considered a penalty, although the offender may be given a choice of service or a more traditional penalty. The community service sentence has been expanded nationwide in England after successful experimentation with it since 1972. Although individual judges have from time to time ordered offenders to provide some community service, only within the last few years has community service been considered a programmatic alternative to more traditional sentences in this country. Only a few jurisdictions use such sentences on a regular basis, such as Multnomah County, Oregon, and Alameda County, California.

Another alternative form of sentencing that is receiving more wide-scale testing in the United States involves the offender's making restitution to the victim. In the state of Georgia,

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for example, nine restitution centers are now in operation to which 700 people a year are now being diverted who would otherwise go to prison. Over \$1 1/2 million has been paid to victims in Georgia since the program was started in 1974. Restitution programs can benefit the offender, who is spared incarceration, the system, which pays less and saves institutional space, and the victim, who receives some compensation and perhaps some psychological gratification. The Law Enforcement Assistance Administration is now funding an evaluation of seven restitution programs around the country which should provide useful descriptive and evaluative data about such programs.

These are just two examples of programs that can help keep the prison population of Kansas down. Many other alternatives should be implemented. The courts should be able to make direct commitments to halfway houses, group homes, and other small residential settings as well as being able to impose purely punitive restrictions or penalties. For housing those already committed by the courts, a greater variety of residential settings should be utilized. Former hotels, college buildings, camps, and similar existing space can be leased to alleviate crowding or increase program flexibility. All of these options are less expensive than constructing and operating new prisons and all of them are more readily available. They are also more flexible. They can be used one year and not the next -- an option not realistically available once institutions are built and staffed.

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Greater use should also be made of inexpensive, existing alternatives to confinement. Probation and parole supervision, which are projected to cost about \$420 in fiscal year 1978 compared to the more than \$8900 average annual cost per offender in departmental facilities, should be greatly expanded. In 1976 Kansas ranked 16 among the states in per capita commitment rates. Prison commitments as a percentage of commitments and probation have increased from 45.9 percent in 1966 up to 59.98 percent in 1975, the last year for which data were available. This means that for every 100 persons being put on probation or being sent to prison, 60 were going to prison. Parole grants as a percent of certifications decreased from 91.9 percent in 1976 to 82 percent in 1977. Decreasing use of the least expensive sentencing and dispositional options makes little sense.

Prison Populations are Likely to Decline.

Development and implementation of a full range of sentencing options could result in a dramatic shrinkage of the confined population in Kansas. But even if those steps were not taken, prison populations are likely to decline as a result of broader socio-economic trends. Increases in use of incarceration are highly correlated with increases in unemployment. A number of recent studies have found a striking similarity between the unemployment rate and the pattern of prison admissions, in both state and federal institutions. Although the present

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unemployment rate is still high in comparison to those of the previous 15 years, it is projected to continue to decline through 1982, when estimates made by the Congressional Budget Office indicate it will be down to 5.5 percent. In addition, there has been a significant drop in the number of children born since the late 1960s. The proportion of the U. S. population in the 17-22 year old age group will soon be the smallest ever. By 1990 the number of persons 14 through 24 will decrease by 6.4 million to 38.1 million or 14 percent smaller than in 1975. Such a decrease in what is considered to be the most crime-prone age group should lead to lower rates of crime and prison commitment.

The young people available in the coming years will be in great demand. Institutions of higher learning are already working to attract and retain the students necessary for their well-being. Colleges and universities will be competing with employers. The needs of one particular employer of 18 year olds deserves special comment. An official in the Department of Defense recently estimated that if an active duty military force of around 2.1 million is to be maintained, and if women continue to join the services at about the present rate, then by 1984, the military will have to recruit more than one out of three qualified and available male 18 year olds. If reserve requirements are considered, one of every 1.9 of such 18 year olds will have to be attracted to the military between 1985 and 1990. These

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estimates exclude from the "qualified and available" pool persons mentally and physically ineligible, persons in mental and penal institutions, and full time college students. The point is, however, that the total of such young persons will have to be divided among all of these entities, which should have an overall effect of reducing prison populations.

There are also some indications that the pendulum of public opinion regarding what should be done with public offenders may be moving back from a recent extreme position to a more moderate one. Recent public opinion polls show that fear of crime has not been increasing as it once was. And as evidence accumulates of the futility and even counter-productive effects of locking up more people for longer, public interest in minimizing use of incarceration is likely to return and remain.

Some states are putting the facts together about prison populations and alternatives and rejecting construction plans. The June/July issue of "State Legislatures" cited Oregon as an example of a state in which legislators debating the funding of a new \$60 million prison found it would not be finished until the population crunch was over. The prison population is expected to peak there about 1980, the same year the facility was projected to be completed. The article quoted a corrections official as saying, "If we can't open the doors until 1981, why bother?"

In Iowa, a special Advisory Commission on Corrections Relief, created to examine the need for new institutions to

handle overcrowding, concluded in March of this year that new prisons should not be built in the state. The Commission's report found that Iowa's inmate population peaked last year and will decline until 1980-82 when it can be expected to peak at a level similar to the current population before again showing a downward trend. The panel concluded that the state should concentrate on making changes within existing institutions that will provide for a less volatile setting and a broader range of options for the future. The commission cited many prisoners who could be released to community based programs "with no increase in threat to community safety" as the key to immediately relieving prison overcrowding.

A recent study in Illinois conducted by the National Clearinghouse for Criminal Justice Planning and Architecture found that that state's prison population had not yet reached the crisis stage. The report on the study concluded that the prison population could be cut in half if misdemeanants were removed from state prisons and sentencing, probation, and parole practices were revised. However, the Department of Corrections has embarked on a 3000 bed expansion of prison facilities.

Construction Would Perpetuate Ineffective Policies.

The true prison and jail crisis involves current policy and practice of confining persons who do not require confinement under any logical schema. There is no logic to building more prisons for people who could and should be dealt with in the community at far less cost and with substantially greater

humanity. There is more than enough space in existing facilities to house the fewer offenders who would be incarcerated in a just and humane system. Although many existing facilities are admittedly unsuitable for any purpose, now new facilities should be erected at least until the full range of alternatives has been implemented and a clearer vision of a better way articulated.

Some striking evidence of the inappropriateness of building more facilities before a total overhaul of the corrections system has been accomplished is growing out of the correctional law cases being decided around the country. Correctional systems in Alabama, Arkansas, Delaware, the District of Columbia, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Hampshire, Oklahoma, New Jersey, Rhode Island, and in many cities and counties are now under federal court orders to improve treatment of prisoners and conditions in the prisons. As recently as August 10, 1977, a federal judge ordered widespread changes in the Rhode Island prison system and the closing of the state maximum security prison, where the court found that the inmates were subject to "rampant violence" and warehoused in "near total idleness." The court found that the "lack of sanitation, lighting, heating and ventilation and the noise, idleness, fear and violence ... create a total environment which is unfit for human habitation" in the prison system.

Crowding and unsuitable facility design, problems here in Kansas, are at issue in many of these suits. But some of the cases bear testimony that the knee-jerk response that construction

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is the best way to remedy the problems found is fallacious. In Alabama where a federal court found the state's prison system to be illegal in important respects, the court ordered the reduction of the population at each institution to its design capacity, an overall prison population reduction of more than 40 percent. As a step toward so doing, an outside review team from the University of Alabama was formed to re-classify the prisoners. The prison officials had classified about 34 percent of the prison population as "maximum security" prisoners. The panel so classified only about 3 percent. The prison officials had assigned "community custody" status to about 9 percent of the population. The review panel assigned roughly 32 percent of the population to that status. If facilities had been planned using the department of corrections' assignments, at least 1500 maximum security beds would have appeared necessary. Using the assignments of the review panel would have led to only 100 maximum security beds.

There is substantial evidence that our total institutions are criminogenic and do not even succeed in reducing the violent crime we fear when they are used for so-called incapacitation. I commend to your attention a recent book by Bartollas, Dinitz, and Miller entitled, Juvenile Victimization: The Institutional Paradox. Reporting on an intensive study completed in an Ohio training school for boys, the book makes painfully clear how such facilities socialize in a manner directly opposed to what we would wish, and at a very great cost in terms of human victimization.

Reliance on Caging Should Be Drastically Reduced.

There is no need for expansion of Kansas' network of prisons. On the contrary, deprivation of liberty should be resorted to much less frequently. It is vital that this body recognize that imprisonment as we know it is cruel, and although all too usual, does not comport with evolving standards of decency. Prisons as we know them are antithetical to the human spirit. Construction of newer, more modern prisons, but prisons based on the same bankrupt concepts as the old, is not an answer to our prison problems.

Witness the federal prison system which is spending the taxpayers' money for new prisons for youthful offenders in locations like Lack Placid, New York, Bastrop, Texas, and Talladega, Alabama. These new prisons will open with a guarantee that meaningful contact with family and friends will not be possible for the prisoners. Designed to hold 500 prisoners for "economies of scale", the new prisons will share the many defects inherent to such a scale, no matter how well they are managed. The very concept of caging large numbers of persons in penal institutions must give way to better means of responding to criminal acts.

Society has an interest in minimizing incarceration because it is drastic, costly, and productive of alienation, and because there are alternative means for promoting and protecting societal values. Any criminal sanction involves various degrees of impairment of an offender's freedom. Residence restrictions,

curfews, supervision, community service, even money damages, diminish personal liberty and involve elements of control and manipulation. The point is that the criminal justice system should try to minimize these elements both for the offender's sake and for the sake of the larger society. We should prefer those measures which are most consistent with, and conducive to, individual freedom and dignity. There are many feasible, inexpensive, humane options for responding to law violators. To build more prisons before fully exhausting these alternatives would be irresponsible -- irresponsible to those who would be unnecessarily confined and to the citizens who must bear the economic and social costs. I hope you will have the wisdom and strength to resist the pressures to build, and to move toward a better way.

M. Kay Harris is a Coordinator, National Moratorium on Prison Construction, Washington, D. C. She formerly served as Assistant Director, National Advisory Commission on Criminal Justice Standards and Goals (for Corrections). Ms. Harris has worked in research, planning, and policy development in the Office of the Attorney General, the National Institute of Law Enforcement and Criminal Justice, and the Bureau of Prisons, U. S. Department of Justice. Immediately prior to joining the Moratorium, she worked with the American Bar Association's Commission on Correctional Facilities and Services as Assistant Director, Resource Center on Correctional Law and Legal Services and Principal Investigator for a study on "Changes in Corrections by Judicial Decree."

Ms. Harris holds degrees in social work from the University of Kansas and the University of Chicago. She has served as speaker, consultant, and instructor for conferences and seminars sponsored by state, local, and federal governments, church and civic associations, universities, and professional organizations. She was on the staff for the National Conference on Corrections (1971) and for the National Conference on Criminal Justice (1973). She also served as an American delegate to an Anglo-American conference on penal reform sponsored by the Ditchley Foundation (1973). Her publications include, "Disquisition on the Need for a New Model for Criminal Sanctioning Systems," 77 West Virginia Law Review (1975); "After Decision: Implementation of Judicial Decrees in Correctional Settings," (with Dudley P. Spiller, Jr.) 1976; and two case study reports with the preceding principal title.

STATE SECURITY HOSPITAL

Attachment I

LARNED, KANSAS

31 August 1977

This is a cursory study in alternative programs better to serve the Department of Corrections related to prisoners referred to Larned. It is meant to utilize the data discussed in a meeting in Topeka. It will accompany the minutes of that meeting.

CURRENT CENSUS STATISTICS

1. The Dillon Building has three forensic wards--Total Capacity		90
2. The wards contain (prisoners)	34	
(court-cases)	<u>62</u>	
	Total	96
3. Overcrowded		6
4. We plan to open a 30-bed ward in the Jung Building for prisoners (Minimum security)--this will permit us to accept from the Department of Corrections another		24
5. This additional number is proposed to consist of--women		10
	--men	14
And the current 6 overload--men		<u>6</u>
	Total	30

ONE EXAMPLE OF MISUSE OF STATE SECURITY HOSPITAL

A defendant was committed for determination of competency (KSA)22-3302). He was determined incompetent and returned to court. After that:

1. He was court-committed to S.S.H. (KSA 22-3303) for incompetency evaluation and treatment;
2. Became competent and was returned for trial;
3. Returned to S.S.H. for Pre-sentce evaluation (KSA 3429);
4. Evaluated and returned to court; and
5. Committed to S.S.H. for care and treatment In lieu of sentencing (KSA 22-3430).

If, as seems apparent, the intention was to remove the defendant from the community, this could have been done immediately after the initial finding of incompetency.

Attch. IV

STATE SECURITY HOSPITAL

PATIENT MOVEMENT
Fiscal 1977

ITEM	CORRECTIONS CASES	COURT CASES
Referrals	79 KSIR 30 KSP 29 KSR & DC 19 Women's prison 1	179 Most are for deter- mination of competency Some are "not guilty by reason of insanity."
Current Residents	34	62
Discharged	80	176
Average length of stay	Days 211 In both types of cases, this average is distorted by a few with inordinately long periods of occupancy.	Days 139
Median length of stay	Days 91 In both cases this figure represents a more realistic computation of "turn-over" for estimating an annual volume that may be served.	Days 81
High number of referrals in 1 month	9	21
Low number of referrals in 1 month	4	12

NOTE OF CONCERN

Currently we are overwhelmed with excessive and often, needless, court-referrals for pre-sentence or competency evaluations. Many of these referrals (obviously competent) could be tried, and if not imprisoned, could be committed for Care and Treatment in Lieu of Sentencing (KSA 22-3430).

There are 129 prisoners now regarded by the Department of Corrections as needful of State Security Hospital care. With the 34 now here, an immediate total of 163 is easily visible. In Fiscal 1977 State Security Hospital handled a total of 80; however, these cases were often returned to the prison system prematurely to make a bed available for a prisoner with a more pressing need. It could be estimated that 100 or more should be served at any one time.

Now having 34 prisoners and planning to take 24 more in the near future (a total of 58 prisoner/patient beds) would accommodate about half of the need. A stronger approach to render the apparent volume of service would be to enlarge the population of the new security ward to the extent the new setting will allow.

ENLARGING THE SECURITY EXTENSION WARD IN JUNG BUILDING

The original staffing of thirty-six people was based on our estimate that we should start with thirty patients. To increase this ward to its maximum would allow a total of 60 patients instead of the thirty planned, making it (essentially) into two wards. To accommodate this increase would require the additional personnel and other operating costs estimated below:

<u>CLASSIFICATION</u>	<u>COST</u>
(2) Activity Therapy Aide II	\$ 16,760
(1) Clerk Steno II	7,419
(1) Custodial Worker	7,130
(19) Psychiatric Security Aide I	172,691
(5) Mental Health Technician I, Security	71,830
(1) Psychiatric Nurse I	14,131
(1) Psychologist II	18,518
(1) Social Worker III	14,131
(1) Physician	24,000
<u>32 Positions</u>	<u>Total Cost Per Year \$326,610</u>

In our original budget package, we projected other operating funds (food, drugs, clothing, supplies, contractual services) at an annual expenditure of \$1,554 per patient.

Since the Jung program visualized thirty (minimum security) patients, any addition would begin to involve patients who can't be characterized as minimum security. Thus, it would be wise to divide the area physically into two wards with separate levels of patient functioning. This suggests some simple division wall and door control with some unestimated construction costs. The above would increase the potential prisoner/patient bed space to 88.

Since further space is likely required, efforts should be made to reduce the volume of work done for the District Courts. The 179 patients evaluated for the courts last Fiscal Year required immense amounts of professional time. On any one day 60-65 such patients may be occupying space that could be devoted to referrals from the Department of Corrections. Presumably half of these 179 cases could be reviewed for competency in other settings and without the formal actions of a Forensic Review Board.

Since 179 court referrals annually translates into 62 occupied beds every day, a reduction of half these referrals would free 30 (more or less) beds. Thus, the entire (currently) predictable volume of prison referrals might be accommodated without further costs.

Larry Frost

Attachment I

The Topeka Halfway House Corporation has been operating since 1970. Through these past seven years we have developed a sound program which is attested to by Judges, Probation Officers, Parole Officers, Department of Corrections personnel and the general community at large. Our Board of Directors have been instrumental in this development. The establishment of an Advisory Committee, consisting of; Probation Officers, Parole Officers, Institutional personnel, provides the Topeka Halfway House with constant feedback as to what types of programs they feel are needed to best assist the individuals which they refer to the T.H.H.

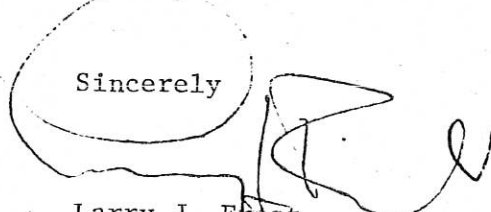
The continued operation of this program is dependent upon the Kansas Legislature and the Department of Corrections in the sense that monies are despartely needed. Up to this point in time the Department of Corrections has had a free referral source as no monies have been allocated to pay for the services we provide to State parolees.

The Topeka Halfway House's per deim cost as of July 1, 1978 will be \$18.82. According to past statistics it is anticipated that during the next fiscal year we will handle approximately fifty state parolees for an annual cost of \$48,085.10.

If the Topeka Halfway House is to continue to be a referral source for the Department of Corrections it is essential that monies be appropriated and ear-marked for this purpose.

Thank you for your time and consideration and should you have any further questions I will be most happy to meet with you.

Sincerely


Larry J. Frost
Executive Director

Atch. V

Attachment I

COMMUNITY CORRECTIONS

IN KANSAS:

A GRADUALIST APPROACH

A Conferee Proposal
For
The Joint Interim Committee
On
Corrections of the Kansas Legislature

Submitted By The Office Of:

DENNIS W. MOORE
DISTRICT ATTORNEY
TENTH JUDICIAL DISTRICT
JOHNSON COUNTY, KANSAS

9-8-77

Prepared by:

Ken North
Administrative Officer

Atch. VI

1

C O M M U N I T Y C O R R E C T I O N S

I N K A N S A S :

A G R A D U A L I S T A P P R O A C H

Passage of the Penal Reform Act by the 1973 Kansas Legislature (S.B. 72, Ch. 339, L. 1973) catapulted the state into an era of controversy and change of admittedly far-reaching proportions. As a statement of public policy, S.B. 72 was cogent, concise, and unequivocal:

The legislative purpose in enacting this act shall be deemed to be the establishment of a policy of treatment of persons convicted of felonies in this state by placing maximum emphasis on rehabilitation of each such person while in the custody of the state. . . consistent with the interests and safety of the public, so that a maximum of persons so convicted may be returned to private life in the communities of the state with improved work habits, education, mental and physical health and attitudes necessary to become and remain useful and self-reliant citizens.

- K.S.A. 1976 Supp. 75-5201

Although this expression of legislative intent leaves little to the imagination, the mechanisms for reconciling rehabilitation with public safety interests are not so clearly identified.

In spite of the fact that the law admonishes state officers and agencies to "construe and apply this act . . . liberally to rehabilitate, train, treat, educate, and prepare persons convicted. . . for entry or re-entry into the social and economic system of the community",

it is obvious that that mandate may be implemented in a variety of ways depending upon "who's doing the construing".

Of the two major correctional policy proposals currently being promoted by their respective sponsors as vehicles compatible with that goal, both appear to have relative limitations.

On the one hand, construction of a four-hundred man medium security institution - which may be fairly characterized as a prioritizing of "public safety" over "rehabilitation" - represents a continuation of the policies of the past, i.e. warehousing of inmates in a structural setting too large for either individual treatment or effective organizational management. Traditionally, the rehabilitative programs encountered in these environments tend to be both cosmetic and tokenistic, frequently evolving into nothing more than manipulative methods for behavioral modification in accordance with the institution's predetermined objectives as opposed to societal or individual needs.

Even if meaningful programs were forthcoming in this type of facility, it is readily evident that such a large concentration of inmates in one locale places an unrealistic support and absorption load on adjacent community resources.

The alternative proposal, which incorporates programs predicated upon small-group units situated within half-way houses and community treatment centers appropriately dispersed throughout the state, is a

II. Instill a sense of individual self-esteem through

- A. emphasis on individual and peer-group counseling enhancing self-awareness and self-perception;
- B. directed efforts at identification and development of those individual skills and attributes most likely to generate a feeling of competency and self-potential;
- C. programatic follow-through focusing on the detailed and methodical reinforcement of either rediscovered or newly-acquired personality goals and objectives;

III. Internalize threshold values reflecting an acceptance of baseline social-compliance standards through

- A. re-iteration of individually-acknowledged and accepted value systems regarding one's person and property;
- B. instructional emphasis on the role of reciprocal standards regarding one's person and property in the development of the individual's reputation and self-potential;
- C. inculcate individual self-acceptance of accountability for the consequences of one's actions;

IV. Maximize coping skills through

- A. individual and peer-group counseling focusing on predictable adjustmental problems encountered during the re-entry process;
- B. development of community-based inmate sponsors who will assist the offender in dealing with family and job-related problems;

- C. instructional consideration of the attendant problems and appropriate solutions relating to
1. marriage and family reconstruction;
 2. management of personal finances and resources;
 3. residency;
 4. pre-employment application processing and subsequent interviewing;
 5. employment maintenance and advancement;
 6. individual interpersonal and group relationships within the community.

Whether or not those program components can be implemented in a large, traditionally-designed institutional framework, is, in the opinion of this office, a proposition genuinely open to question.

It is important to recognize at this juncture that personnel orientation and staff capabilities are undoubtedly factors that can overcome the limitations of structural and environmental design. If the State Department of Corrections is prepared to persuasively establish the viability of its program and the program's staff potential, they are certainly entitled to an impartial and comprehensive hearing on the merits of their plan.

Given the abysmal performance record of large penal institutions in recent years, however, it would not be unreasonable to suggest that the burden of proof be borne by defenders of the status quo.

Those citizen-action groups endorsing alternative concepts of small-unit community treatment centers will find in the Minnesota and Des Moines case-studies evidence suggesting that their preference is at least as cost-effective as traditional models.

THIS OFFICE IS INCREASINGLY INCLINED TO BELIEVE THAT THE CONCEPT OF COMMUNITY CORRECTIONS IS AN IDEA THAT, APPROPRIATELY IMPLEMENTED, PROMISES MORE EFFECTIVE REALIZATION OF S.B.72'S POLICY GOALS.

Several considerations support that conclusion, including recognition of the premises that;

1. local units of government are potentially more efficient mechanisms for policy implementation;
2. most moderately-sized Kansas communities have superior diagnostic counseling, and therapeutic resources with supporting volunteer programs;
3. genuine rehabilitation efforts enjoy a higher probability

of success when they integrate the individual's family, friends, and employment potential into a re-entry program targeted to his/her home-community;

The success of the community-corrections concept, however, rests on the candid realization that the idea involved pre-supposes more than putting corrections into the local community.

The name of the game, quite simply, is getting the "community" into "corrections". Unfortunately, recent experience both in Kansas and Missouri would indicate that that is no small endeavor.

Consequently, this office respectfully submits that an intermediate approach may offer the Legislature added flexibility with which to proceed. Specifically, it is suggested that community-corrections be introduced to the people of Kansas through a carefully-phased method designed to resolve public safety concerns while facilitating an environment in which community corrections programs can prove themselves on their merits through performance evaluation.

The systematic and graduated implementation herein proposed can be effected through a two-tier approach:

PHASE I:

A. Design

Construction of three (3) seventy-five to one hundred (75-100) man minimum-security units, one for each of the following locales:

Unit 1	Kansas City	(Wy - Jo Counties)
Unit 2	Wichita	(Sedgwick County)
Unit 3	Topeka	(Shawnee County)

Each of the above units would function as the primary state correctional facility for the surrounding region, and would therefore have the necessary administrative personnel complement to support that function.

In order to enhance the acceptability of the facility within the community traditional architectural-design considerations for prison construction should be de-emphasized in favor of a low-profile configuration. This can be accomplished in part through:

1. Replacement of exterior perimeter walls with anchored chain-link fencing and electronic sensors;
2. Elimination of multi-story construction in favor of single-story dormitory and supporting structures;
3. Minimalization of the "confinement-atmosphere" through

aesthetically-planned structures and landscaping analogous to a campus environment.

Each of the three core-units should be further designed so that dormitory and living space will facilitate the formation of small group units within the institution, preferably in the twelve to fifteen (12 - 15) man range.

B. Program Orientation

Those units should be afforded appropriate programs characterized by non-hierarchical decision-making within the group itself, thereby facilitating the development of participatory-input and communication skills. In short, small group units should be encouraged to make decisions and/or recommendations that - consistent with sound institutional management practices - affect such areas as:

1. educational emphasis
2. recreational options
3. social and cultural projects
4. vocational orientation
5. individual scheduling and re-entry program development.

An advisory board composed of area citizens interested in corrections and broadly representative of business, labor, professional, educational, and religious elements within the community should be appointed for each facility. The advisory board would be assigned the primary responsibility for developing Phase II options, volunteer programs, and related community-support efforts.

C. Costing

Presupposing that each of the three units was designed to accommodate a maximum of one hundred (100) inmates (although program objectives should endeavor to keep the actual inmate load significantly lower), cost of turn-key construction for each installation, including land acquisition, could be held to four million dollars (\$4,000,000.00) per facility. Essential costing considerations inputted into that quote, assuming that expensive weight-bearing steel could be eliminated through single-story construction, are as follows:

Step One

1. Total space per inmate	500 sq. ft.
2. Total number of inmates	<u>x100</u>
3. Total facility size	50,000 sq. ft.

Step Two

4. Total facility size	50,000 sq. ft.
5. Composited cost per sq. ft.	<u>x70.00</u>
6. Estimated facility cost	\$3,500,000.00

PHASE II:

Implementation of satellite community residence and work-release centers for small/group units in various locales adjacent to the core facility.

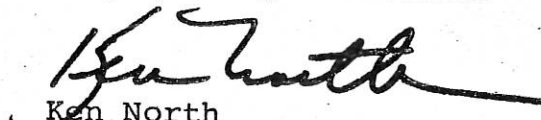
Responsibility for the design, development, location and staffing of each group home evolving from the core unit would be vested within the citizens advisory board. Decision-making in those areas should involve input from small group living units situated within the regional facility and should endeavor to preserve, to the maximum extent feasible, the integrity of group relationships initiated therein.

The advisory board, as a part of its overall development concept, should seek to secure sponsors for each group home branching from the core facility. Particular emphasis should be placed upon soliciting the support and assistance of civic clubs, professional associations, etc. for each residency center contemplated.


CONCLUSION:

The foregoing proposal, which not an all-encompassing solution to the correctional-policy issues confronting the Legislature, will hopefully underscore the availability of moderate but progressive solutions to the problems at hand. To the extent that sound public policy formulation seeks to address both public needs and public expectations, the concepts discussed herein may serve as a useful point of departure for legislative consideration.

Respectfully Submitted:


Ken North
Administrative Officer

Approved By:


Dennis W. Moore
District Attorney
Tenth Judicial District

PROPOSED COMMUNITY-BASED
REHABILITATION PROGRAM FOR
NON-VIOLENT ALCOHOL TROUBLED OFFENDERS

This idea came about as the result of a conversation with Mr. Richard P. Senecal who, until recently, was on the Kansas Governor's Pardon and Parole Board. NEK-CAP, Inc., a Community Action Program serving Atchison, Brown, Doniphan, Jackson and Nemaha counties, is offering technical assistance. An independent non-profit corporation will be established to administer the program.

We hope to place the non-violent alcohol-troubled offender who will be eligible for parole within about a year in a residential/dormitory type setting on the north campus of Benedictine College in Atchison Kansas. A maximum of 20 would be involved at any one time. (This will be the same facility where Atchison Valley Hope Treatment Center started). Screening would be handled by both the Department of Corrections and program staff. Let me add here that Father Gerard, President of the college, has expressed his approval for the program being on campus and Mr. Raines, Director of the Department of Corrections, has okayed our proceeding with the plan.

A highly-structured living situation would exist for new participants, with increased privileges being added as responsibilities are accepted. I might add, however, that participants would be "inmates outside the walls" until they are placed on parole and discharged from the program.

While in the program, participants will be expected to work, either through public service or private industry employment provided by the program or jobs found by their own initiative. In addition, involvement with and participation in Alcoholics Anonymous will be required.

During the program period, or afterward for that matter, the necessity for treatment as provided by Valley Hope may become apparent. Out-patient counseling, group therapy and other services provided by Valley Hope may also be required. It is important to remember that these services would not be provided by the program itself, since there is no intention to become licensed as a health-care facility. We anticipate that the primary funding for these services would be provided by Social and Rehabilitation Services, Department of Corrections and the Governor's Committee on Criminal Administration. The need to have the resources of Valley Hope available to the program staff on consultant basis can also be presumed and would be provided for in the funding grant or grants.

Valley Hope has been contacted through Tom Book and Dave Ketter, and the Atchison Advisory Board has also discussed the program. All comments so far have been favorable and a letter of support from Atchison Valley Hope has been received.

When the participant completes the program, say in four to twelve months, and is paroled, we would expect to have employment provided in the community in which the participant will settle and hopefully be assimilated.

If the participant is not yet ready for productive employment, then on-the-job training, vocational rehabilitation and other available resources might be utilized. Half-way houses could also enter the picture. Most importantly, however, we would hope that the resources of A.A. would be at hand to provide that support needed to maintain sobriety while reassuming a productive role in the community. It is also essential to this program that extensive follow-up services and participant evaluation be provided.

I think it's important to keep in mind that the type of program and participant evaluation will depend a great deal on the criteria established by the various funding agencies. For example, the Department of Corrections will probably view success by a reduction in recidivism while the S.R.S. will look at those who've managed to maintain sobriety for a period of time. On the other hand, the legislature may be primarily concerned with savings in tax dollars. In any event, we want to stress that valid program and participant evaluation systems will be essential to continuing success.

With a first-year operating budget in excess of \$275,000 anticipated and the creation of a number of public service jobs for the participants, there will be a real and beneficial economic impact in the Northeast Kansas area. Certainly, the return to productive roles in society for participants will be beneficial to many; families may be reunited, friends and business associations will be re-established and the public should see its tax dollars more effectively utilized in many areas.

I might add that any budget figures suggested at this time primarily reflect operating expenses and initial purchases needed the first year of operation. It is anticipated that some of the participants will be able to pay a portion of the operating costs as a result of their employment. It is quite conceivable that as the program develops and grows, it could become substantially self-supporting.

Your comments and suggestions are welcomed.

Thomas B. Root
Administrative Assistant
Northeast Kansas Community Action
Program
113 E. 8th Street
Horton, Kansas 66439
913/486-2156

Benedictine College

Rev. Gerard Senecal, O.S.B.
President

Atchison, Kansas 66002
(913) 367-6110



July 21, 1977



Mr. Richard P. Senecal, Attorney
Duncan, Senecal, Bednar and Mears, Chartered
P.O. Box 349
Atchison, Kansas 66002

Dear Dick:

The letter comes by way of expressing Benedictine College's interest in making facilities available for the use of an Atchison-based Work Release Center for non-violent, alcohol-troubled offenders.

As you well know, Benedictine College made facilities available on North Campus to the Valley Hope Alcohol and Drug Treatment Center during its initial years in Atchison. Valley Hope used St. Joseph Hall as a living center for men and women, used space in the Old Priory Building for offices and conference rooms, and used a house near St. Joseph Hall, a house owned by the College, as a recreation center. Patients at Valley Hope took meals in our North Campus cafeteria. To the best of my knowledge Valley Hope officials were more than satisfied with these quarters and with the cooperation afforded by the College during the years Valley Hope spent on North Campus. It was possible for Valley Hope to house a maximum of approximately 40 patients in this North Campus facility. Valley Hope, of course, now has built larger and more modern facilities for its Alcohol and Drug Treatment Center on the north side of the city of Atchison.

It would appear to me that there is every possibility the same facilities and conveniences Valley Hope used could be made available to the Atchison-based Work Release Center of which you speak. Such usage, of course, would be subject to approval by the St. Benedict's College Board of Directors, but I would expect the approval of this body. Since your proposal speaks of a maximum of 20 persons involved in the program at any time, the space available in the areas Valley Hope formerly used should be more than adequate.

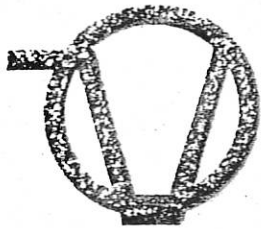
The operation of such a program for non-violent, alcohol-troubled offenders, moreover, should hold considerable interest in a variety of ways for our College departments of sociology, psychology, and, perhaps, education. There may be ways in which the College might cooperate with the program of which I have not even thought. Certainly it would seem in the overall best interests of Atchison to initiate an endeavor such as this which will provide some new jobs for people locally.

On behalf of the College I wish you every success in promoting this Atchison-based Work Release Center. If there is any additional information which I can provide, please do not hesitate to contact me.

CC: Fr. Hugh Keefer, O.S.B., Business
Manager, Benedictine College
Mr. Elmer Fangman, Dean of Students,
Benedictine College
Rt. Rev. Brendan Downey, O.S.B.,
Abbot, St. Benedict's Abbey,
Atchison, Kansas 66002

Sincerely yours,

Fr. Gerard Senecal, O.S.B.
Father Gerard Senecal, O.S.B.
President



VALLEY HOPE ASSOCIATION

July 28, 1977

VALLEY HOPE ASSOCIATION
P. O. Box 410
Norton, Kansas 67654
913 927-5111

ATCHISON IN-PATIENT FACILITY
P. O. Box 312
Atchison, Kansas 66602
913 367 1678

NORTON IN-PATIENT FACILITY
P. O. Box 410
Norton, Kansas 67654
913 927-5101

ABILENE OUT-PATIENT FACILITY
Hospital Annex - Route 5
Abilene, Kansas 67410
913 263-7100

GREATER KANSAS CITY
OUT-PATIENT FACILITY
5931 Outbox Drive
Mission, Kansas 66202
913 432-4037

WICHITA OUT-PATIENT FACILITY
1002 W. Douglas
Wichita, Kansas 67202
316 264-7369

CUSHING IN-PATIENT FACILITY
P. O. Box 47
Cushing, Oklahoma 74023
918 225-1736

Mr. Tom Root
Administrative Assistant
Northeast Kansas Community
Action Program
113 East 8th Street
Horton, Kansas 66439

Dear Tom:

This letter is in response to your letter describing the proposed Atchison based rehabilitation program for non-violent alcohol troubled offenders from our penal institutions. As I have said in my discussions with you and Leo Pusch and Dick Senecal, Valley Hope in Atchison is quite supportive of this idea. The project has been discussed at our advisory board meeting twice, and the advisory board is quite supportive of your project.

The idea of such a program is really quite exciting, in fact, and I certainly hope that the project is widely supported by the community and gets into operation. When you have some more detailed ideas of what it is that you would want from Valley Hope, I will certainly sit down with you and try to be as helpful as we can, within the limitations of our own goals and objectives as a treatment facility.

Sincerely yours,

Thomas L. Book, Ph.D.
Program Director

VALLEY HOPE ASSOCIATION BOARD OF DIRECTORS

Judge Jean W. Kissell
President
Norton

George M. Wallace
Vice-President
Denver, Colorado

Richard D. Boya
Secretary
Norton

Guy L. Allen
Treasurer
Norton

Merlynn Collip, M. D.
Norton

E. F. Steichen, M. D.
Lenora

Milton A. Nitsch
Oberlin

Tony Jewell
Garden City

Bernard Sprague
Red Cloud, Nebraska

Robert C. Long, M. D.
Norton

D. O. Cullage
Cushing, Oklahoma

Barbara Jeffries
Atchison

TLB:sm

Department of Corrections

State of Kansas



ROBERT R. RAINES, *Secretary*

913-296-3317

~~KRXX~~ ~~XXXXXX~~ 535 Kansas Avenue
~~XXXXXX~~ ~~XXXXXX~~ Suite 200
Topeka, Kansas ~~XXXX~~ 66603



July 29, 1977

Mr. Richard P. Senecal, Attorney
P. O. Box 349
Atchison, Kansas 66002

Dear Mr. Senecal:

This letter is written in support of your proposed Atchison-based adjustment center for non-violent, alcohol-troubled offenders. The Department of Corrections certainly would support such a program as the one described by yourself and Mr. Tom Root during your brief visit to my office on 7-27-77.

It is a well-known fact that a rather high percentage of those who are incarcerated in our various state penal institutions are there either as a direct result or indirect result of the abuse of alcohol or drugs. Therefore, it is very encouraging to hear that a program such as the one you are contemplating is specifically designed to address those individuals who obviously are in need of some form of assistance, in attempting to combat this problem.

At the present time, the Department of Corrections is seeking to expand the use of community-based facilities relative to the offender group and when and wherever it is feasible under existing state statutes and necessary funding provided. Therefore, on behalf of the Department of Corrections, I wish you every success in the establishment of this program. You have the Department's support and cooperation in promoting this proposed facility. If I can be of further assistance, feel free to write or call.

Sincerely yours,

Handwritten signature of R. R. Raines.
R. R. Raines
Secretary of Corrections

RRR:mls

MIDWEST SOLVENTS COMPANY, INC.
ATCHISON, KANSAS

CLOUD L. CRAY, JR.
PRESIDENT

August 8, 1977

Mr. Thomas B. Root
Administrative Assistant
Northeast Kansas Community Action Program
113 East 8th Street
Horton, Kansas 66439

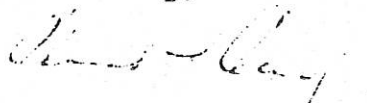
Dear Tom:

This letter is written to you after reading the proposal describing the proposed Atchison based Rehabilitation Program for Non-Violent Alcohol Troubled Offenders from our penal institutions. Since receiving this proposal, I have talked to Mr. R. R. Raines, Secretary of the Department of Corrections of the State of Kansas and also with the Administrator of the State Penitentiary at Lansing, Kansas. We have discussed it at great length with people from Valley Hope here in Atchison as well.

Frankly, we are most interested and excited about the project and might well, as an industry, further furnish a major part or all of the seed money needed to get this project going. It seems to us that it would be a natural for the Atchison area not only because of the facilities which are available but also because of your interest and proximity of Valley Hope who could work with us in the Rehabilitation Program. As you know I have also checked with our national distillers organization, DISCUS, in Washington, D. C. and I am very pleased that IMPACT has seen fit to make changes in the program carrying out many of the DISCUS suggestions.

In summary, you have the total support of our company and trust that you will have every success in the establishment of the program. If we can be of further assistance, please write or call.

Sincerely,



C. L. Cray, Jr.

CIC:jt

KANSAS DEPARTMENT OF
Human Resources
OFFICE OF THE SECRETARY

401 TOPEKA AVENUE TOPEKA, KANSAS 66603
913-296-7474

August 22, 1977

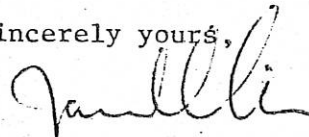
Mr. Tom Root
NEK-CAP, Inc.
113 East 8th
Horton, Kansas 66439

Dear Tom:

This will acknowledge receipt of your letter of August 16 and its enclosure, your proposal for a community-based rehabilitation program for nonviolent alcoholic trouble offenders. I have discussed your proposal with Mr. Fred Ramirez who administers the Balance-of-State CETA program, and Mr. Ben Courtright who administers the Job Service program for the State. All of us find much merit in this proposal. I am asking Mr. Ramirez to review it with appropriate members of his staff.

I'll be looking forward to an opportunity to talk with you about all this when you visit us.

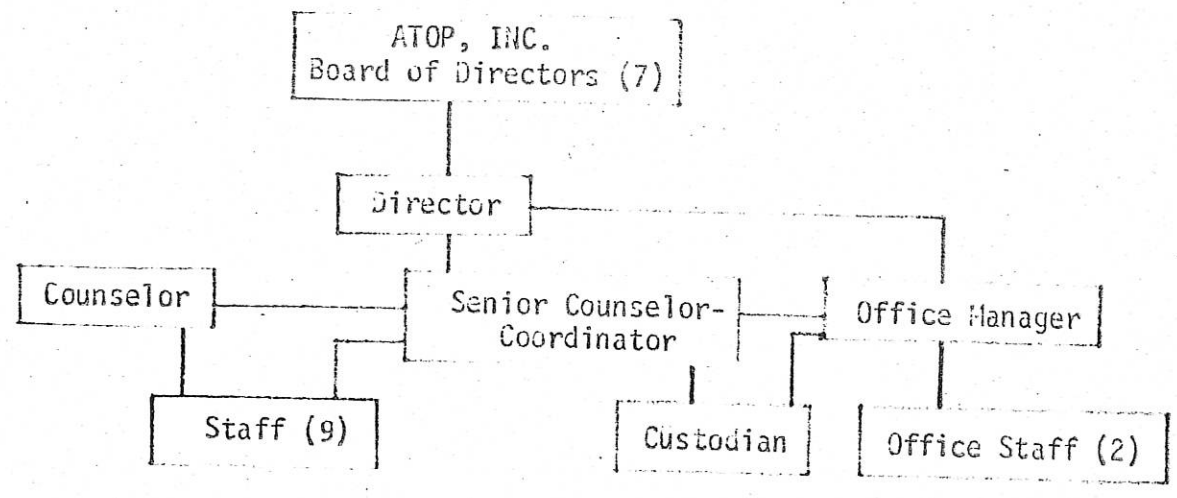
Sincerely yours,



James A. McCain
Secretary of Human Resources

JAM:jlr

ATOP - ORGANIZATIONAL CHART



ATOP, Inc. will be a non-profit Kansas Corporation. The organizers will select the first Board of Directors. The Board will then select replacements on a yearly basis. Board members will have staggered terms. Suggested Board make-up - 1 from the legal profession, 1 from the ministerial alliance, 2 from business and industry and 3 from other sectors, with at least 3 Board members being recovering chemically dependent persons.

ATOP personnel, from Office Manager up, must be recovering chemically dependent persons. Preference for other positions will be given to those who are recovering chemically dependent persons. Preference will also be given to those who are former institutional residents, penal or otherwise.

ATOP - PERSONNEL COSTS - 1st Year Of Operation

Director	- 1750 mo.	\$ 21,000
Senior Counselor	- 1425 mo.	17,100
Counselor	- 1150 mo.	13,800
Staff (1)	- 750 mo.	9,000
Staff (8)	- 700 mo. (9000)	67,200
Office Manager	- 700 mo.	8,400
Secretary	- 525 mo.	6,300
Clerk	- 475 mo.	5,700
Custodian	- 625 mo.	<u>7,500</u>
		\$156,000

Fringe Benefits - 18% 28,080
184,080

S.S. 5.85

A&E 6.75

W/C 1.80

V/C 3.60

Overtime - 8 Staff - average 500	4000	
Fringe - 11.25	<u>450</u>	<u>4,450</u>
		<u>188,530</u>

Part of Staff Could Be Benedictine Students (or other)
 Working For Board, Room, Ex. Credit. (See letter from
 Father Gerard Senecal, President of Benedictine College)

ATOP - STAFF SHIFTS

Monday	6A - 2:30P (1);	2P - 10:30 P (2);	10P - 6:30 A (2)
Tuesday	"	"	"
Wednesday	"	"	"
Thursday	"	"	"
Friday	"	2P - 10:30 P (3);	10P - 6:30 A (3)
Saturday	6A - 2:30P (2);	"	"
Sunday	"	"	10P - <u>6:30</u> A (2)
	<u>9</u> Shifts	<u>17</u> Shifts	<u>16</u> Shifts

42 Shifts, 5 Shifts Per Person

8 staff regular shifts

1 staff swing shift and illness coverage

9 staff (recovering chemically dependent preferred)

(It is hoped that some of this staff would be in Counselor or Probation Officer Training Status)

ATOP - CONTRACTED SERVICES - 1st Year Of Operation

Valley Hope - Outpatient Services - 500 mo.	6000
Impact - Consultant Services 250 mo.	3000
Medical - Not Covered By Insurance 200 mo.	2400
Auto Insurance - 2 Vehicles - 225 Semi-Annually	450
Accounting Services 100 mo.	1200
* Liability Insurance - 16 employees	
20 Residents	1500
* Liability Insurance - Premises	<u>300</u>
	14,850
* Very Rough Estimates	

NOTE: Medical Insurance for residents should average about 45-50 month-@ 12,000 per year. We can anticipate 1 resident per month in treatment at Valley Hope - 1400 mo - 16,800 year. Resident medical coverage should be covered by employment or vocational rehabilitation. Valley Hope treatment (in-patient) should be covered by vocational rehabilitation. Outpatient and medical services may also be covered by S.R.S.

ATOP - BENEDICTINE COLLEGE - 1st Year Of Operation

Rent - 75 per mo./resident

Includes furnished rooms for residents,
partially furnished space for staff,
all utilities, building insurance,
trash pickup (60 mo.) solid waste
disposal (1 mo/resident) 1,500 mo. 18,000

Food

3 meals a day at college cafeteria
(2 on Sunday) Sack lunches provided
those working. 100 mo/resident 2,000 24,000
42,000

ATOP - TRAVEL AND SUBSISTENCE - 1st Year of Operation

Director

500 mi/mo. @15.5¢	77.50	930
per diem 1 day/mo.	33	<u>396</u>
		1,326

Counselors (2)

same as above		2,652
---------------	--	-------

Staff

150 mi/mo. @15.5	23.25	279
per diem 5 days/mo	165	<u>1,980</u>
		6,237

NOTE: Some travel by Director & Counselor
maybe covered by program vehicles

ATOP - OFFICE SUPPLIES, ETC. - 1st Year Of Operation

Consumables	2,400.00
Printing	2,400.00
Subscriptions	<u>500.00</u>
	5,300.00

ATOP - TELEPHONE, POSTAGE - 1st Year of Operation

Telephone - 3 lines

8 extensions	200 mo.	2,400
Initial installation		500
Long Distance	150 mo.	1,800
Postage	40 mo.	<u>480</u>
		5,180

ATOP - EQUIPMENT - 1st Year of Operation

12 passenger van (with CB)		8,000.00
9 passenger wagon (with CB)		6,000.00
CB Base Station		200.00
Office Furniture, Equipment		
Director	1500	
Counselor-Coordinator	1500	
Counselors	1500	
Staff Office	2500	
Business Office	5000	12,000.00
Custodial		1,200.00
Recreational		1,800.00
Laundry (2 washers, 2 dryers)		3,300.00
30 window air/conditioner units @100		3,000.00
20 foot lockers @25		<u>500.00</u>
		<u>36,000.00</u>
Reserve for depreciation (5 year life)		<u>7,200.00</u>
		<u>43,200.00</u>

ATOP - MAINTENANCE - 1st Year Of Operation

Bedding, linens, towels, etc. (15/mo/resident) 3,600

Vehicle maintenance - based on

4000 miles/mo. @15.5¢ 7,440

Equipment maintenance (250 mo.) 3,000

14,040

ATOP - BUDGET SUMMARY - 1st Year Of Operation

Salaries, etc.	188,530
Contracted Services	14,850
Benedictine College	42,000
Travel & Subsistence	6,237
Office Supplies	5,300
Telephone, Postage	5,180
Equipment	43,200
Maintenance	<u>14,040</u>
	319,337

Potential Income

175 mo/resident - 3500 mo.	<u>42,000</u>
	277,337

Indirect Costs of Vocational
Rehabilitation, S.R.S. payments,
Uninsured Medical Expenses
Should Be Between 30,000 - 35,000

ATOP - Second Year of Operation

1st year	319,300
less equipment	<u>36,000</u>
	283,300
+ 7% inflation	<u>19,830</u>
	303,130
less income	<u>54,000</u>
(225 mo./res.)	249,130

Attachment I

A STATEMENT TO THE
LEGISLATIVE INTERIM COMMITTEE ON CORRECTIONS

Presentation By:

Edward P. Dutton, Chairman
Professional Action Division
KANSAS CHAPTER OF THE NATIONAL ASSOCIATION OF SOCIAL WORKERS

Atch. IX

Professional social workers have been involved in the correctional services for a long time. In Kansas, only a few work directly in the state correctional system; and, in recent years, most of the social workers have been employed at the Kansas Reception and Diagnostic Center in Topeka. Many more social workers have worked directly and indirectly with the criminal offender through other agencies in our communities: mental health centers, social and rehabilitation services, state mental hospitals and other community-related social service programs.

However, social workers are concerned about more than the delivery of services. We are concerned about the public policies at the national, state, and local levels which determine the kinds of services that will be provided. In Kansas this means we are concerned about the proposals presently under consideration regarding community corrections alternatives and the prison proposals.

The Kansas Chapter of the National Association of Social Workers has, since 1973, urged that greater effort be made to develop and expand the community alternatives to prisons and jails. For a long time social workers, along with others, maintained that if we would strengthen our programs in the prisons and correctional institutions, we could achieve the objectives of rehabilitation of the sentenced offender. At the same time we urged, at the national and state levels, that more resources be devoted to community treatment alternatives.

The NASW position has shifted. We now believe that many of the expectations of the correctional system which we once shared are not achievable. The choice of "treatment and rehabilitation" in the prisons and traditional limited community-oriented efforts -- mainly probation and parole -- are too limited. Social workers, along with others, have come to view crime in our society as deeply interrelated with other broader social problems -- economic deprivation, discrimination, poor housing, poverty, social injustice, and deteriorating ethical standards and values. The efforts to concentrate so much of our resources on prisons and prison programs, as we have in the past, denies the reality of the deeper and interrelated social conditions.

Social workers recognize the serious threat certain criminal offenders are to society. Whatever the contributing causes of their behavior, some must be removed for extended periods of time. For them, in accordance with the values and standards of our society, we must provide humane care and we must make the effort to help them change. Obviously, this means we must continue to rely on secure facilities -- prisons. Within these prisons we must strive to develop programs of humane care, work opportunities, counseling, and education.

However, the Kansas Chapter of the National Association of Social Workers joins with other organizations and individuals in the state in calling for a major effort to develop the community corrections alternatives, before

committing vast sums of money to major prison expansion projects. We are convinced that there are a range of programs which, with state leadership and creative state-local partnerships, have potential for impacting on crime.

In focusing on the prison and community corrections alternatives currently under consideration we would urge the committee's consideration of the following:

1. That the state set in place an ongoing planning process which effectively involves the total criminal justice system -- law enforcement, courts and corrections -- at the local and state level. In addition, the related professional disciplines should be involved with particular emphasis on participation by all minority group members.
 2. That the state seek to strengthen and upgrade law enforcement as a means of preventing and controlling delinquency and crime through the provision of two fundamental and essential services: the reduction of criminal opportunity and the arrest and detention of the criminal offender.
 3. In the administration of justice, that the state act to facilitate and encourage the development of effective working relationships between the police, the courts, correctional agencies and other pertinent public and private agencies.
- A principle objective in the administration of

justice is the establishment of a system which guarantees fair treatment of every individual, from the point of apprehension to final discharge.

4. In judicial dispositions, individuals convicted of a crime have a right to immediate and appropriate service programs in a setting where the best available knowledge will be utilized to achieve the goal of rehabilitation. Programs and services should provide continued linkage with the free community and should include service to the individual after release to the community. The need for "treatment" alone does not justify legal removal from the community, and appropriate services and facilities should be available in the community.
5. In matters of disposition, we now know from the best available evidence that, while some offenders must be completely segregated from society, such segregation most often may be expected to do more harm than good. In light of this information, it is concluded that community-based programs are the first choice for the overwhelming proportion of offenders.
6. To achieve the objectives of our criminal justice system, it is essential that local-state relationships be enhanced. The community and/or neighborhood offers the best base for treating the offender and each community and/or neighborhood

should establish services and resources for adults involved in the correctional process.

These six considerations constitute the major underpinnings of the NASW position on community corrections and prisons in Kansas. We would add one further urgent recommendation: that the state engage in no major prison construction until we have explored and implemented all possible alternatives.

We are now more than ever convinced that alternatives to incarceration are available. These may include decriminalization of "victimless" crimes, expanded use of field release programs, probation and parole programs, as well as a range of community-based correctional programs.

The Kansas Chapter of the National Association of Social Workers is proud to be a part of the Citizens for Justice Coalition in Kansas. This group, with the work of a few dedicated members, has succeeded in calling our attention to our own fundamental position. The Kansas Chapter of NASW has a position which is consistent with the views that have been expressed by the Coalition and we are proud to be associated with the other 17 organizations who have joined in calling on the state to consider the alternatives before building more prison facilities.

TESTIMONY

Attachment

Special Committee on Corrections
Proposal 14 - Correctional Programs and Facilities

By Vincent DeCoursey, Executive Director
Kansas Catholic Conference

September 8, 1977

My name is Vincent DeCoursey, Executive Director of the Kansas Catholic Conference. I would like first of all to thank the Chairman and members of this Special Committee on Correctional Programs and Facilities for the privilege of speaking briefly on the subject of its investigation: a study of the state's correctional programs and facilities, including the feasibility of starting community-based programs or developing new physical facilities, such as the proposed medium security prison.

I do not wish to address the particulars of community based correctional programs nor the question of building a new medium security prison other than to state our support for the community based programs and our opposition to the building of a new medium security prison.

Let me add one word of caution: To decide not to build a new medium security prison because the state cannot afford the cost is to be right for entirely the wrong reason. Until we have all attained eternal peace in this next world we shall have crime -- and criminals. To punish by way of incarceration is expensive and to rehabilitate through community programs is expensive. Not to appropriate money for prisons, and then not to commit funds for correctional programs is a sure path to social disorder and increased, not decreased, crime.

Atch. X

What I wish to present to this committee is the inescapable fact that there are implicit moral problems present in society's treatment of prisoners. Archbishop Ignatius J. Strecker of the Archdiocese of Kansas City, Kansas in a pastoral letter early last year to the people of Kansas put it this way:

"Crime is one of society's great moral and social evils today. The prevention of crime and the rehabilitation of the offender must be one of society's great concerns. The whole subject presses for urgent action, but the subject must be viewed in the light of our Christian faith and not merely as a social problem.

There is a right and wrong in the decisions that concern the welfare of prisoners.

" Serious over-crowded conditions do exist in our state penal institutions and in some county and city jails. Serious decisions must be made by our State Legislators ... These decisions will have far reaching effects and what our legislators decide will determine our policy toward prisoners and prisons for many years to come. Wrong decisions could lock us into a system which we may soon regret, and this at a terrible loss both to prisoners and to ourselves.

" We may take one of two positions. We can make a strong commitment to human and Christian values and to positive and innovative approaches to the criminal justice system, or we can continue to build large, inhuman and unchristian security institutions.

Our decisions will be made on our understanding of all

people as brothers and sisters created by God, of all people as friends and fellow citizens of one nation -- in the hope of reconciliation and rehabilitation. Or, they will be made on our view of the offender as one to be rejected from society, confined outside our own communities and condemned to a situation that leads to violence and despair.

"What is society seeking to achieve through prisons and jails and the imprisonment of offenders? Do not the very words "prison" and "prisoner" speak clearly to our understanding of prisons and about those persons whom we imprison in them? Do not the words "prison" and "jails" and "penitentiary" clearly express the thought that confinement and punishment is our understanding of their purpose? Do not the very words conjure in our minds iron bars, concrete walls and security rather than forgiveness, reconciliation and rehabilitation? Should we not speak of offenders and correctional institutions rather than of prisoners and prisons?

"Is a prison or jail an institution for punishment whereby the criminal "does time" in expiation for his misdeeds? Is it a means of retribution designed to deter the criminal from engaging in unlawful behavior? Is it a place of custody where a dangerous citizen is detained to protect society? Or is a jail, a prison and a penitentiary a place where an offender, for whatever reason, will be re-educated, rehabilitated and reconciled to a lawful way of life in dignity, personal pride and honor?

"Correctional institutions should, in fact, be all of these, but they should be primarily concerned with offering and achieving

the rehabilitation of the offender.

"One cannot take a person out of 'normal' society, imprison him in an 'abnormal' situation, and then expect to teach him how to live 'normally.' Yet, in spite of grave inherent weaknesses in the system, the offender has the obligation to realize the need for rehabilitation, appreciate the need for it and must personally desire it. He must respect the staff and the other residents in the institution and cooperate with those who are responsible for his rehabilitation.

"We are, however, confronted today with vastly over-crowded jails, prisons and penitentiaries. But this is not the time to build larger, new security institutions. Instead we should seek alternatives to enable the offender to live in as normal a situation as possible in order to assist him to change his way of life. Besides, alternatives such as furloughs prior to release, reduced time for non-violent crimes, fines and restitution for property crimes, and increased use of probation would provide adequate space in existing institutions. Particular emphasis should stress the improvement of conditions in society which produce the multitude of offenders. If we do not, we will only continue to build more and more fortresses of steel and stone and dehumanize more and more of our fellow citizens.

"Correctional institutions should be community based. This would facilitate the visitation by families and friends, encouragement by persons of the same ethnic, racial and cultural society. It would likewise more effectively prepare the offender for a fruitful return into a free society. Fewer and fewer persons

should be sent to prison as a means of punishment. Imprisonment must be seen as an alternative to community supervision and treatment, not vice versa.

"Penologists agree that only 20-30% of present inmates represent a danger to society and must be securely confined. They have long recognized that most offenders are redeemable, that most offenders can function in the community under supervision and that community treatment works. If the 70% can be rehabilitated in less restrictive local institutions or under supervision in the community, fewer facilities will be needed for the dangerous or least responsive to corrective treatment. It should be remembered that, except for the 2% who die in prison, all other offenders will return to the community -- the question of release is not if but when, and how well prepared will they be to return to society.

"Consideration should be given to the integration of institutional programs with community programs. Proper state agencies should set policy and provide consulting services. The local community, to a great degree, should share the responsibility of programming and its implementation."

Therefore, members of the committee, I ask you to ponder deeply the significance of Archbishop Strecker's words as you consider the issue before you. Keep in mind that what you debate are primarily moral issues that must be resolved in the light of Christian faith, and that only secondarily are they financial and political issues!

LEAGUE OF WOMEN VOTERS OF KANSAS



Attachment XI

Affiliated with the
League of Women Voters of the United States

6703 Hadley
Overland Park, Ks. 66204
September 8, 1977

STATEMENT TO THE SPECIAL COMMITTEE ON CORRECTIONAL PROGRAMS AND FACILITIES

Mr. Chairman and Members of the Committee:

I am Ann Heberger, member of the Board of Directors of the League of Women Voters of Kansas.

The League would like to take this opportunity to thank the Kansas State Legislature and the Governor for responding to the League's request that a study of the entire State Correctional System be made during the Interim, and to commend the Chairman and Members of the Committee who have taken this responsibility so seriously.

The membership of our organization, since 1972, has had a firm commitment to work for improvement of services in the criminal justice system for juveniles as well as adults. As late as December, 1976, the League reaffirmed its' position by adding that, WE SUPPORT THE DEVELOPMENT OF ALTERNATIVES TO INCARCERATION, COMMUNITY-BASED CORRECTIONS, RENOVATION AND REHABILITATIVE PROGRAMMING WITHIN EXISTING INSTITUTIONS BEFORE ANY NEW MAJOR PRISON CONSTRUCTION IS APPROVED. In fact, according to our total position, we have supported the concept of a community corrections Act long before we were aware that the State of Minnesota had one.

We have known all along that adequate funding by the State would be required, as well as community acceptance, to the idea that the citizens and governmental units of the State have the responsibility to provide for society a humane program of corrections for each offender in or out of prison. The object should be to integrate offenders back into society as productive and successful citizens, thereby protecting the total community.

We would like to see changes, statutory and administrative, in the existing system, and support the following:

1. The passage of S.B. 292 with a suggestion that Page 8, Section 17, Lines 0269 - 0272 be changed by specifying that a district shall be charged for sending a felon to a state institution for a certain period of time, such as less than 5 years. We think there should be some incentive provided to keep those with relatively short sentences in the community.
2. Mandatory pre-sentence investigation conducted by probation and parole staff, or by contract with local agencies, for all convicted felons and misdemeanants who face the possibility of a jail sentence.
3. The law that provides for women misdemeanants to serve time in a state prison be stricken, and women be provided with the same opportunities in work-release programs, half-way houses, etc. that men are.

Atch. XI

LEAGUE OF WOMEN VOTERS OF KANSAS



Affiliated with the
League of Women Voters of the United States

STATEMENT TO THE SPECIAL COMMITTEE ON CORRECTIONAL PROGRAMS AND FACILITIES- PAGE 2

The Department of Corrections Statistical Report, July, 1977, shows that on June 1, 1977, there were 47 women incarcerated between the ages of 16 and 24. 31 out of 94 were serving sentences for crimes against persons. It can be assumed that a number of these women are first timers. It appears that there are probably many women in KCIW that qualify for even the strict standards to get into KCVTC. We believe that KCVTC should be made available to both men and women. We further believe that it is time to explore other uses of the womens prison. We are not sure that the cost of the facility is justified for it's present use. We do not claim to know the number of misdemeanants or federal prisoners presently incarcerated, but if women in those catagories were removed, it would no doubt lower the number serving time. By adding robbery, even though considered a very serious offense, to the number serving time for various types of stealing, the number is 62. If restitution was used in the community or the women had the opportunity to be on work-release, restitution could be paid or worked out with the victims. If we had good drug programs, possibly 7 more women could be helped in the community. The woman who was in for commercial sex, in my opinion, is not worth discussing. The one in for obstructing justice, if I managed to read the Criminal Code right, is a Class A misdemeanor. It would finally be necessary to determine how many women are in maximum custody. The Department's 1975 figures show 5 women committed for murder 1. If the number is reasonably small, it makes more sense to contract with the Federal Bureau of Prisons or another state rather than the State trying to fill up a prison. If it was found that it was not necessary to incarcerate all of the women at State expense, the prison could be used for another purpose. The possibilities that come to mind are use as a minimum custody facility for men, or even better, use for the aged, senile or incapacitated inmates of both sexes. Either way, it would relieve some overcrowding.

4. KCVTC should not be restricted for first-timers. It appears to us that the Institution might be being used in place of probation by some of the judges, which if true, is the wrong use of the facility.
5. Prison Industries should provide relevant work, or at least teach good work habits with adequate pay for all persons willing and able to work. The idea of prisoners paying some support to their families, room and board or restitution to their victims even while serving time, is a good one.
6. Allowing, by statute, contracting with private firms, sale of goods on the open market, and an advisory committee of business, industry and labor people to encourage and find solutions to the problems of prison industries, makes a great deal of sense.
7. Removing the mentally ill and severely retarded from the main body of the State facilities by allowing more use of the State mental hospitals.

LEAGUE OF WOMEN VOTERS OF KANSAS



Affiliated with the
League of Women Voters of the United States

STATEMENT TO THE SPECIAL COMMITTEE ON CORRECTIONAL PROGRAMS AND FACILITIES - PAGE 3

8. The rules and regulations of the Department of Corrections be subject to review by the Legislature the same as any other State agency. We see the CAB functioning as a real advice giving Board re: rules and regulations and establishing guide-lines which the Department is authorized to do. We think that this would help to establish a more humane system. We do not believe that the CAB or the Office of the Ombudsman has been allowed to function as they properly should, ~~because of~~ budget and legislative restrictions.
9. Work-release or pre-release centers to be used for all inmates coming out of prison to assist with the problems of adjusting to the outside.

We believe that the 1974 Corrections Act is basically sound, and that S.B. 292 would enhance the Department of Corrections and the justice system about 100%, and urge the Committee's support of the Bill.

What we now need is a person who can be a strong leader, and is an enthusiastic creative thinker to make the successful programing we have heard about, happen. It will also take the Exectutive, Legislative and Judicial branches of government to support that person.

Thank you.

Attachment

MEMORANDUM

September 7, 1977

TO: Special Committee on Corrections
FROM: Kansas Legislative Research Department
RE: Comparison of Relative Per Capita Tax Revenues -
States of Kansas and Minnesota

At the last meeting of the Committee, staff was requested to provide some comparative data indicating the relative level of taxes levied by the state governments of Minnesota and Kansas. The Committee will recall that at the August meeting Mr. Schoen, Commissioner of Corrections for the State of Minnesota, indicated that Minnesota was generally known as the "high tax" state. Staff requested from the Committee concurrence to provide comparative per capita tax data as an alternative to an analysis of the individual tax sources.

One source of information that the staff referenced was Governmental Finances in 1974-75, a publication of the U.S. Bureau of Census. This publication identifies per capita state and local government taxes in addition to the relationship of state and local government taxes to personal income in the state. Considering both state and local taxes collected in Fiscal Year 1975, the per capita tax burden in Kansas was \$597.91 whereas in Minnesota it was \$754.31. In relationship to personal income, Kansas state and local taxes per \$1,000 of such income was \$108.57 compared to \$139.44 in Minnesota.

Should the Committee wish only to consider comparative state taxes, the staff would reference State Governmental Finances in 1976, also produced by the U.S. Bureau of the Census. For that fiscal year, per capita state taxes in Kansas amounted to \$369.67 whereas in Minnesota it was \$559.62. Again, in comparing the two states relative to state taxes per \$1,000 of personal income, Kansas taxes amounted to \$62.54 while Minnesota taxes amounted to \$97.35. The principal factor contributing to the significant difference would seem to be the level of individual income tax paid in Kansas versus Minnesota. Per capita individual income tax collections in FY 1976 in Kansas amounted to \$83.87 whereas in Minnesota for the same period they amounted to \$214.25.

Atch. XII

Department of Corrections

State of Kansas

ROBERT R. RAINES, Secretary



535 Kansas Avenue - Suite 200
Topeka, Kansas 66603
(913) 296-3317

August 19, 1977

The Honorable Patrick J. Hurley, Chairman
Special Committee on Correctional Facilities
Third Floor, Statehouse
Topeka, Kansas 66612

Dear Representative Hurley:

You and members of your committee have requested certain information from the Department. The request as outlined in a letter dated July 25, 1977 includes three reports compiled of different aspects of departmental operations, a report on the correctional industries operation compiled in 1971 by William Merrion and Associates, a report on the farm operation at the Kansas State Penitentiary conducted in 1974 by Mr. Floyd W. Smith of Kansas State University, and a report on the compensation and job dimension study of unique classes within the Department conducted in late 1976 and early 1977 by Central Research Corporation. While not specifically requested, a copy of the report on the farm operation at the Kansas Industrial Reformatory also conducted in 1974 by Mr. Floyd W. Smith is also enclosed. I further call your attention to the Reports of Special Committees to the 1975 Legislature for the interim study and committee recommendations relative to operation of the farms (See Pages 777 through 796).

As stated in your letter, you desire to know what percent of those persons between 16 and 24 years of age committed to the Department are first offenders with non-violent crimes. The necessary data collection and analysis to ascertain that information has not been completed. The departmental research staff is working on the project, and the results should be available in the very near future. Responses to the remaining requests are provided under the following subheadings:

Comparison of Minority Staff to Minority Inmate Population

The number of minority employees and the number of minority inmates varies from institution to institution. For the total system as of June 30, 1977, the inmate populations were 37.8% minority and 11.7% of the institutional employees were minority. Additionally, 20.3% of the employees were female. Attachment A reflects the number of minority inmates and the number of minority staff by institution.

Inmate Classification System

The inmate classification system is a means of assessing the security and escape risk of an inmate. The initial classification of an inmate is made at the Kansas Reception and Diagnostic Center following a psychiatric evaluation. Subsequent changes of an inmate's custody level are made by the institutional unit team and the program planning committee. The procedures followed and criterion used in determining custody levels are contained within materials marked Attachment B.

Operating Cost of Minimum Security Institution

Based on the program statement and staffing patterns as outlined in the architect's report (Schaefer and Associates), the estimated annual operating cost of the proposed medium security institution would approximate \$4.6 million based on current salary rates and today's cost of goods and services. The cost would include \$3.3 million for wages of an estimated 205 positions and \$1.3 million for other operating purposes. Other cost and revenues resulting from the operation of an industries program at the institution are not included within the estimate. The amount of capital involved in an industries program is contingent upon the type and amount of industries established.

Square Footage of Cells

The size of cells vary from 40 square feet in A Cellhouse at the Industrial Reformatory to 194 square feet for the larger cells in C Cellhouse at the Kansas State Penitentiary. The number of cells and square footage of those cells is reflected in Attachment C by cellhouse for the two institutions.

New Positions Requested for Work Detail Supervision

In late spring 1977, the Department submitted a request through the Department of Human Resources for funding of a number of positions to be financed by federal monies allocated under the jobs program of the Comprehensive Employment and Training Act. Included within that request were positions for the Kansas State Penitentiary and the Kansas State Industrial Reformatory to provide work supervisors for inmate work details. The request included maintenance personnel for supervision of construction and maintenance work details and correctional officers for supervision of general utility (clean up) work gangs. The details supervised by correctional officers would include the higher security risk inmates and in many instances would work under armed guard.

The request for the Kansas State Penitentiary included 9 correctional officers and 3 maintenance positions. The request for the Kansas State Industrial Reformatory included 9 correctional officers and 4 maintenance positions. The request is still pending allocation of federal funds and recommendation by the Department of Human Resources to the Governor.

Educational Level of Inmates

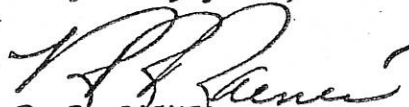
Inmates committed to the Department of Corrections are tested at the Kansas Reception and Diagnostic Center. Using those test scores, the functional grade level of the inmate population as of March 31, 1977, was provided within the Statistical Report provided the committee in July. For further details on the functional grade level on the inmate population, I refer you to Section C of that report.

With respect to your request for a comparison of the educational level upon release to admission, I am unable to provide a comparison. Inmates are not currently tested at time of release. Likewise the educational achievements of inmates participating in educational programs are not accumulated nor organized to the extent that such comparison could be readily made.

Correctional Industries Program

The Correctional Industries program is operated under authority of K.S.A. 75-5273 through 75-5284. As prescribed in K.S.A. 75-5275, any article or products produced may be sold to any state agency, any local agency (defined as county, city, township, school district or political subdivision or taxing district of the state); any other state or political subdivision thereof; or to the federal government or any agency thereof. During the 1977 Legislative Session, the Department proposed that authority be extended to allow articles or products to be sold to churches, non-profit corporations organized for eleemosynary purposes, and to employees of the State of Kansas. The sales potential resulting from such a statutory change are not known. Increased sales would undoubtedly result, but additional staff effort would be required to develop the market. The full marketing potential would be expected to develop gradually following passage of such legislation.

Very truly yours,


R. R. RAINES
Secretary of Corrections

RRR/CWT/lb

Attachments