

M I N U T E S

SPECIAL COMMITTEE ON CORRECTIONS

October 25, 1977

Room 519 - State House

Members Present

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

Advisory Committee Present

Dr. William Arnold
Sister Dolores Brinkel
Loren Daggett
Bill Larson

Staff Present

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

Conferees Present

Gale Hughes, Supervisor, Missouri Division of Probation and Parole
Robert D. Hannigan, Director, Toronto Honor Camp, Kansas Department of Corrections
Devon F. Knoll, Director, Kansas Adult Authority
Ben Coates, Kansas Adult Authority
Leo Taylor, Deputy Secretary, Kansas Department of Corrections
G.E. Hetzel, Kansas Department of Corrections, Kansas State Penitentiary
C.R. Shaw, Kansas Department of Corrections, Kansas Correctional Institute for Women
Al Singleton, Kansas Department of Corrections, Kansas State Industrial Reformatory
Roger Krehbiel, Kansas Department of Corrections, Kansas Correctional-Vocational
Training Center

Morning Session

Chairman Patrick J. Hurley called the meeting of the Special Committee on Corrections to order at 9:00 a.m.

None Mr. Robert D. Hannigan, Director of the Toronto Honor Camp, presented a prepared statement (Attachment I). He discussed the history of the honor camp program and noted the three objectives of the program:

1. To utilize inmates in conservation and maintenance projects for the Kansas Park and Resources Authority;
2. To alleviate the overcrowded conditions within the Department of Corrections at a fraction of the cost of building a new institution; and
3. Rehabilitation of the inmates.

Mr. Hannigan noted that the Toronto Honor Camp has a maximum capacity of 52 inmates and a staff of 16. The work program at the camp supplied 54,279 man-hours of labor to the Park and Resources Authority in FY 1977. The inmates utilized at the Toronto, Fall River, and Elk City Reservoirs work 40-hour weeks, as do the inmates assigned to the camp's various work details. He stated that the program has been a success in that labor is supplied to the Park and Resources Authority and, through a sound work program, the inmates have increased their knowledge and work skills. The average stay at the camp is 12 months, although some inmates stay longer. Mr. Hannigan discussed the food service program, canteen and release services, visitation schedule at the camp, recreation and religious activities, A.A. and educational programs available to the inmates.

He stated that the direct cost of maintaining an inmate at the camp for FY 1977 was \$6,074.86. He noted that this cost was about the same or slightly less than the cost of incarceration at KSP. Mr. Hannigan noted that he was not opposed to community facilities in larger metropolitan areas; however, he felt that the rural setting of the camp and its wholesome atmosphere afforded inmates the opportunity for meditation and thought in which personal change can occur. He stated that the recidivism rate at the camp was 15.12 percent, based on a five-year study.

Mr. Hannigan discussed the history of the honor camp program. In 1961, the first detail of inmates was assigned to work at Kanopolis. Since that time, inmates have been also utilized at Cheney, Dodge City, Perry, Pomona, Tuttle Creek, Milford, Elk City, Toronto, and Fall River. The Cheney Reservoir operation lasted from June of 1971 to March of 1973. The mobile unit of the camp began operation at Toronto in 1963; in 1965 it was transferred to Pomona Reservoir; in 1970 it was moved to Perry Reservoir; and it remained there until the program ceased in October 1974. The Tuttle Creek Honor Camp functioned from 1962 until 1975, when it was closed. The Toronto Honor Camp opened in 1963. The main facility was constructed with inmate labor and was completed in July, 1965. Mr. Hannigan stated that the honor camp program was one of the most successful corrections programs in the state.

Mr. Hannigan discussed the physical facilities at the camp and noted that there are usually two types of inmates assigned to the camp: 1) those with short terms left who will be paroled; and 2) some inmates with long terms who will serve the remainder of their sentence at the camp. He stated a number of the inmates are sentenced for crimes against persons; that the Secretary has authority to recall inmates to KSP or KSIR; and that, last year, four or five inmates were recalled to the major institutions, largely for disciplinary problems. Inmates are placed in the honor camp upon the recommendation of the unit team, the program management committee, and the institution director, with final approval by the Secretary. He felt that the decline in the honor camp program resulted from a reduced emphasis on a work ethic in the early 1970's and because institutional populations were reduced.

In response to a question, Mr. Hannigan stated that honor camps could be established in Kansas at Clinton, Pomona, Perry, Tuttle Creek, El Dorado, and Milford, each with a capacity of 50-54. Senator Parrish inquired whether honor camp inmates could be used for projects of local governments. Mr. Hannigan replied that it would probably not be feasible because of the transportation costs involved and the increased number of staff which would be required.

Senator Winter inquired whether the corrections system could provide enough minimum security inmates who are not involved in educational or vocational programs to fill four honor camps (200 inmates) and also provide inmates for a community corrections program in Kansas. Mr. Hannigan felt that a sufficient number of inmates could be found; he suggested that inmates could phase through the camps on their way to work release or other community programs. He noted that, in the past, the maximum number of inmates in all the camps was 100.

Mr. Larson inquired whether there was a contract between DOC and the Park and Resources Authority for the inmate labor. Mr. Hannigan replied that there was no contract but rather an agreement and that the inmates were paid from 60¢ to 90¢ per day. He noted that the minimum wage should be about \$2.00 per day. Mr. Larson observed that the wages appeared to be extremely low.

In response to questions, Mr. Hannigan stated that a number of the inmates had committed crimes against persons; that the average escapee has 4.5 months remaining to serve; that the work ethic appeared to fall from grace in 1971-72, although more emphasis is now placed on work; that juveniles could function in the camp, but a number of problems would arise; that the average inmate age is about 25; that he has a good staff with positive attitudes and a low turnover rate; that the average stay is 12 months but some inmates stay much longer; that the camp has few first offenders and could not utilize mentally ill inmates; and that the State Architect estimated in 1974 that the cost to construct a new camp would be \$790,000.

Chairman Hurley thanked Mr. Hannigan for his informative presentation.

Afternoon Session

Mr. Gale Hughes, Supervisor of the Missouri Division of Probation and Parole, addressed the Committee. He stated that the Division provides statewide probation and parole services through a staff of 460 located in 35 offices to some 15,000 clients, 85 percent of whom are on probation. Services include supervision, investigation, referrals, pre-trial investigations, deferred prosecution, release-on-own recognizance, and halfway houses, which are operated through contractual agreements. Mr. Hughes stated that the program is similar to the Des Moines experience, although the Missouri program is operated by state employees; that the largest service area is in St. Louis and that rural areas are treated on a "circuit rider" basis; that the staff sees clients as soon as they are arrested and then files a report to the court; that the program relies on computer files of past criminal activity; and that the state is releasing a greater number on probation than in the past. Mr. Hughes stated that the program began in 1965 with a staff of 60 and a caseload of 2,800; the program now has a staff of 460 and a caseload of 15,000. He noted that the cost of probation, parole, and recognizance is cents per day, while the cost of jail incarceration is \$8.50 per day with an average stay of 90 days. He felt that the program offered great cost savings over the construction and maintenance of facilities and was about as successful as incarceration. He noted that Missouri did not start with a complete program: goals were set, target areas identified, methodologies adopted, and the program was implemented over time.

Chairman Hurley noted that Kansas is not now faced with a population problem at the jail level. Mr. Hughes stated that it would be wise to plan ahead for future needs and not rely on crisis responses; goals could be set and a statewide approach adopted to provide for equality and equity throughout the system. He urged that strong central (state) control be used, since legislative intent and equity will lose if there are too many actors in the program. He stated that the program can function under state control and still maximize the use of community resources. He noted that the Division consults with and encourages community resources, contracts with local agencies for some services, and utilizes volunteers in many ways. In addition, presentence investigations are conducted at the local level. Post-conviction evaluations are done at a diagnostic center.

In response to questions, Mr. Hughes stated that resources were developed through a combination of federal (LEAA), state, local, and private funds; that the average per diem cost of the program is \$1.27; that his staff is composed of 6 percent minority and 27 percent female; that about 1,000 of the 15,000 caseload are females; and that the state contracts with 16 residential programs which provide a capacity of 200 to 300. He noted that Missouri, with a population of 4.7 million, now has 5,100 persons incarcerated. The state also operates 10 to 12 group homes for juveniles. Mr. Hughes stated that Missouri utilizes restitution to some degree and is currently assessing the need for a crime victims' compensation program. He stated that about half of the caseload is in the St. Louis area and that one-third of the prison commitments come from this area. He also stated that a conditional release statute will become effective in 1979 as part of the new criminal code.

Mr. Hughes stated that Missouri has a diagnostic center which functions similarly to KRDC; that Missouri needs a new facility for maximum or minimum security inmates, but not for medium security inmates; that the budget for the division is \$7.3 million; that the Missouri parole board is composed entirely of parole officers; that inmates must have an acceptable parole plan; and that the caseload of 15,000 is composed of various levels of supervision, with individual caseloads ranging from 50 to 600 probationers depending upon whether the person is on intensive, regular, or minimum supervision. Mr. Hughes also stated that some difficulty has been encountered in locating halfway houses and that the agency uses public relations advisory groups, as well as over 400 volunteers. In response to a question, Mr. Hughes stated that the most beneficial effect of the Missouri program is in reducing costs: state incarceration costs average over \$10 per day while the cost of probation services is \$1.27 per day.

Chairman Hurley thanked Mr. Hughes for his presentation.

Mr. Devon F. Knoll, Director of the Kansas Adult Authority, presented a letter to the Committee in response to a number of questions concerning the parole process which had been raised at an earlier meeting (Attachment II). Mr. Knoll described the parole procedure and the hearing process, as detailed in the letter. He stated that the inmate is advised in writing of the board's decision. He noted that some of the most difficult parole decisions involve the mentally ill or retarded inmate and the aged inmate who has no family or home.

Mr. Ben Coates, a member of the Kansas Adult Authority, further discussed the parole process in Kansas. Mr. Coates stated that the primary concern in the parole process is the safety of the public; that the KAA does consider public reaction to the proposed parole; that it is difficult to get updated clinical evaluations because of the lack of staff at KRDC; that some clinical summaries are available from institutional psychiatrists; that periodic evaluations would be very helpful; and that the KAA believes it should assess the nature of the offender's crime and consider the penal sanction which should be imposed. Mr. Coates presented a number of client profiles on inmates who had been recommended for parole. He also briefly discussed the federal Salient Factor Score system and stated that a written report is given to inmates who are not approved for parole.

In response to questions, Mr. Coates stated that an inmate must have a job commitment, although the KAA does sometimes grant an out date to be effective if the inmate finds a job; that the KAA is now revising its rules and regulations; that the board does not utilize a written contract approach with the inmates, (such as MAP); and that it would be desirable to have written procedures governing the objective and subjective factors to be considered.

Mr. Leo Taylor, Deputy Secretary of the Department of Corrections, introduced the following unit team leaders: Mr. G. E. Hetzel, KSP; Mr. C. R. Shaw, KCIW; Mr. Al Singleton, KSIR; and Mr. Roger Krehbiel, KCVTC. Each unit team leader made a brief presentation.

Mr. Hetzel stated that the establishment of the unit teams came about as a result of Senate Bill 72 and became operational in 1974. The primary functions of the unit teams are to: (1) develop an individual treatment program for the inmate; (2) monitor individual inmate's progress on the tasks assigned to the inmates; and (3) progress the inmate through the chain of custody. Mr. Hetzel stated that the unit teams are comprised of seven people which includes a security officer, a social worker, correctional officers I and II, and counselors.

Mr. Singleton stated that his unit team consisted of persons from the education department, clinical services, and vocational training. He stated that the unit team monitors the progress of the inmates for 90 days and then makes recommendations to the program management committee. The unit team also estimates a tentative parole eligibility date.

Mr. Krehbiel stated that his unit team is comprised of Correctional Officers I and II, a Correctional Counselor II, a Social Worker I, and a Vocational Rehabilitation Counselor. KCVTC has four unit teams and one unit team supervisor. The program plan is a contract that is made with the individual and may include a group process, alcoholism treatment, vocational training of 780 hours for 26 weeks, and educational training. The plan is written as an agreement and establishes projected parole eligibility. The average stay for an inmate at KCVTC is seven months and a review of the inmate's progress is made every 30 days. A written report is made after the review and the individual is given a copy of that written review so that he will know what he has to work on.

Mr. Shaw stated that the unit team at KCIW operates similarly to the other Kansas institutions. Mr. Shaw further stated that they do not have access to a KRDC report and rely on consulting psychiatrists. An inmate's parole eligibility date is projected when she is seen by the unit team for the first time and the date will not change unless there has been a disciplinary problem or if the Kansas Adult Authority changes the date. Programs available at KCIW are GED, vocational programs, non-traditional training, and individual and group counseling.

Mr. Hetzel stated that it would be beneficial to have a projected release date established by the KAA and that the KRDC reports are valid for two years, but need to be updated. However, he noted that KSP does have its own clinical psychologists. KSIR has two psychologists and social workers on the staff who are involved with group and individual counseling. He stated that mandatory presentence reports would be very helpful to the unit teams.

Mr. Taylor stated that the Department feels a commitment to maintain the unit team concept.

Chairman Hurley thanked all the conferees for their presentations. He announced the dates for future meetings as October 31 November 9, 16, and 22, 1977.

The meeting was adjourned.

Prepared by J. Russell Mills, Jr.

Approved by Committee on:

1-9-78
(date)

JRM/dmb



Kansas Adult Authority

Room 400
535 Kansas Avenue
Topeka, Kansas 66603
913 296-3469

Attachment II

October 25, 1977

Representative Patrick J. Hurley
Chairman
State Capitol Building Rm 519 - S
Topeka, Kansas 66603

Dear Mr. Chairman:

The following items are in response to a previous inquiry for presentation to the Blue Ribbon (Correction) Committee on October 25, 1977.

QUESTION:

1. A summary of the guidelines or criteria used by the Adult Authority in establishing a successful parole plan, including a discussion of the shortcomings encountered with some plans.

In establishing parole plans for presentation to the Authority, the inmate is expected to participate in the decision making process and to confer with his/her Unit Team prior to achieving parole eligibility under the Department of Corrections regulations. The proposed parole plan is then referred to the Classification Department to be incorporated in the classification material. In some instances, the unit team may recommend a plan that is different than what the inmate proposes as an alternate consideration for the Authority.

Normally, the Authority expects some reasonable assurance of a community release plan compatible to the individual's needs and to allow the offender to lead a law abiding and productive life, as well as to insure that we are not placing the offender in a situation of having to revert to new criminal activity. In other cases, the Authority may decide to parole individuals to inpatient treatment programs, halfway houses, active detainers or deportation proceedings.

After the inmate is declared parole eligible and approximately 30 days prior to the hearing, the institution classification department will submit case material to our office. This is for the benefit of the members of the Authority to analyze and acquaint themselves with the cases, though no actual voting takes place until the hearing with the inmate has been completed. Also, on receipt of the case material, our Case Analyst will assign these cases to the field district parole officers, in order that they may solicit the viewpoints from the officials in the area of the county of conviction.

Atch. II

In some instances, the victim will be contacted and the parole officer also has the ability to provide any additional comments. The second stage of the preparole investigation consists of a confirmation of the proposed community release plan in which the strengths and weaknesses are identified, as well as any recommendations for improvements of the plan. The preparole reports are then returned and made available to the board members and institutional staff for consideration at the time of the hearing. As to out-of-state offenders, incarcerated in Kansas institutions, the Authority encourages those individuals to return to their home state, family and resources, whenever feasible. This is accomplished by paroling those inmates for placement under the Interstate Compact Agreement, which is a mutual arrangement for the transfer of parole and probation cases under supervision and allows the receiving state to investigate the plan beforehand and then make their determination. We have found the Interstate Compact Agreement as a rather successful arrangement in allowing offenders to return to their home state and a cooperative spirit between participating states.

At the time of the hearing, the inmate is docketed for personal appearance before the Authority at which time he/she may present any pertinent matters concerning their case. The inmate's unit team or a designated institutional staff member, is also present and we have found this to be a helpful arrangement.

Following the hearing, the inmate is notified in writing of the Authority's decision, and if an affirmative parole is granted, a release date is established. In most instances, the release date is approximately 30 days after the hearing, or longer, such as cases that have been granted parole out of state under the Interstate Compact Agreement or for other valid purposes.

This is not to suggest that all inmates must have their parole plans perfected at the time of the hearing since the Authority is aware that it is sometimes difficult for an employer to make a firm commitment until they are aware of the inmate's availability. However, prior to the actual release of the inmate, a report on parole plan is received from the assigned parole officer confirming the job, residence, sponsorship, and any other pertinent details. In those cases where the plan does not bear out investigation and the Authority is still agreeable to an affirmative parole grant, we will refer the case back to the unit team for further planning of an alternate proposal. In general, we have found an improvement in this area with more employers willing to hire an offender as well as more meaningful volunteer sponsorship arrangements. Additionally, we have also found helpful placement arrangements in this regard from the unit teams, parole officers, institutional placement counselors, vocational rehabilitation and positive experiences in better placements through authorized furloughs and the work release programs. The increase in gate money of up to \$250 that the Legislature previously authorized has also been helpful in allowing greater financial stability for the releasee during the initial stages of the community plan. From a general observation, we have found that normally the parolee makes a very good employee, rarely ever commits a crime against the employer, but perhaps our greatest

difficulty in this regard is to channel the parolee's working energy over a long period of time. Frequently, we have discovered that the sponsor or volunteer through the parole officer, is quite helpful in providing meaningful relationships after working hours thereby insuring greater employee stability.

From our experiences, we normally find the prospective parolee comes from a combination of; low income groups or even at the poverty levels, inadequate housing, and experienced degrees of unemployment, limited educational achievements, broken homes through the absence of one parent or both, limited employment skills and that they have also experienced prior failures for one reason or another in school, job market or at least in their personal relationships with others.

As to other placement difficulties perhaps our greatest problems come from trying to develop adequate release plans for the retarded offender, mentally ill and sometimes the aged offender, or those individuals without any family or resources.

QUESTION

2. A summary of the criteria used when the Adult Authority decides to deny a parole on the basis of either adverse community reaction or the nature of the offenders crime.

In the Authority's decision making process, it invites inputs from the community. After all, the community has a valid interest in terms of public protection and in assisting in the reintegration of one of their citizens, since 98 to 99% of all incarcerated offenders on a national basis return to society at some time.

In soliciting the community's viewpoints, this is not to suggest that the Authority's decision and responsibility is delegated to the local officials but rather a meaningful and representative input in the decision making process is one of many considerations that the Authority undertakes. On some cases, we receive mixed recommendations for or against parole. In other instances, and where there is strong community opposition, the Authority may elect to encourage the inmate to develop an alternate plan away from the county of conviction, in fairness to the community and inmate.

As to denial of parole due to the serious nature of the crime, the Authority attempts to determine if the inmate has served a sufficient amount of time in relationship to the offense, and sentence imposed by the court. Other considerations in this area may be if there were aggravating or mitigating circumstances, as well as if there were prior criminal convictions. In analyzing these matters, the Authority attempts to assess a proper and reasonable penalty in relationship to the crime, amount of time served and in comparison to state and national averages and in what manner they apply to the Authority's general paroling criteria.

Normally, in denying parole, a combination of factors are found and we have enclosed a copy of some of these samples for your information.

QUESTION

3. A discussion of the usefulness of obtaining a current psychiatric evaluation of the offender prior to the parole hearing.

In most instances, we have found this to be most helpful as a tool or guide in identifying the strengths and weaknesses of an individual offender's case and then applying this relationship to other pertinent criteria. It assists us in helping to individualize the case and in some instances to determine a more proper placement plan, particularly if it involves a specialized treatment program. In other cases, the Authority will continue a case for the benefit of a clinical evaluation from the institution's Mental Health Clinic, for the purpose of determining his or her readiness for release. In making this determination, the Authority will normally request or ask for such an evaluation whenever there is a history of mental illness, violent behavior or to aid in determining the proper course of treatment.

In certain select cases, the Authority would like to have more evaluations undertaken at the Reception and Diagnostic Center in Topeka prior to considering parole, but space is simply not available due to the Diagnostic Center's obligations to new court commitments.

Also, in response to a previous request, we are including statistics on the number of parolee releases since 1966:

Fiscal Year	1977	-	920
Calendar Year	1976	-	932
	1975	-	793
	1974	-	847
	1973	-	867
	1972	-	896
	1971	-	636
	1970	-	683
	1969	-	711
	1968	-	637
	1967	-	716
	1966	-	861

Additionally, and as per request, we are enclosing a copy of the Adult Authority's Rules and Regulations, Conditions of Parole, and Paroling Criteria.

If questions arise, please feel free to contact us.

Sincerely,


Devon F. Knoll
Director