M I N U T E S

SPECIAL COMMITTEE ON CORRECTIONS

November 16-17, 1977
Room 514-S, State House

Members Present

Representative Patrick J. Hurley, Chairman
Senator Paul Hess, Vice-Chairman
Senator Wint Winter (November 16)
Senator Jim Parrish
Representative Arthur Douville
Representative Jack Rodrock
Representative Phil Martin

Advisory Committee Present

Sister Dolores Brinkel
Loren Daggett (November 16)
Bill Larson

Staff Present

J. Russell Mills, Kansas Legislative Research Department
Marlin Rein, Kansas Legislative Research Department
Louis Chabira, Kansas Legislative Research Department
Julie Mundy, Kansas Legislative Research Department
James A. Wilson, Revisor of Statutes Office
Steve Millstein, Administrative Aide to the House Majority Leader

November 16, 1977

Chairman Patrick J. Hurley called the meeting of the Special Committee on Corrections to order at 9:00 a.m. He advised the members that the Governor is currently reviewing the new Five-Year Master Plan for the Department of Corrections and that it would not be available to the Committee.

Ms. Julie Mundy, Kansas Legislative Research Department, presented a memorandum concerning LEAA funding and the Governor's Committee on Criminal Administration (GCCA) (Attachment I). Ms. Mundy discussed the availability of LEAA funds, the required state and local matching funds, the awarding of GCCA grants, past legislative involvement in the use of LEAA funds, and possible legislative alternatives to permit the Legislature to exert more control over the use of LEAA funds, largely through the appropriation process.

Mr. Louis Chabira, Kansas Legislative Research Department, presented a memorandum concerning the Fiscal Year 1979 budget requests of Kansas correctional institutions and the Department of Corrections (Attachment II).

Mr. Wilson presented a rough working draft of a proposed bill to establish a "residential community corrections act" (Attachment III). Mr. Wilson discussed the draft section-by-section.

The following changes in the draft were directed by the Committee:

Section 1. Delete the word "residential" so that the act would be entitled the "Community Corrections Act".

Section 2. Delete the word "based" and broaden the definition of offenders to include all juveniles.

Section 3. The Committee discussed various population levels for counties to become eligible under the act. Mr. Rein suggested that one figure could perhaps be used for individual counties and another figure for groups of counties. After further discussion of various population levels, it was decided to defer a decision on this point until a later meeting.

It was directed that it be clarified that the boards of county commissioners must adopt resolutions to come under the act.

Senator Hess conceptually moved that minimum standards for all probation personnel be included and that the staff coordinate with the interim Committee on Ways and Means to ascertain that local areas that do not come under the Community Corrections Act would still be subject to those standards. Senator Parrish seconded the motion. Motion carried.

Representative Douville stated that the bill should spell out that the county commission has the final authority and control on the budget.

Mr. Rein stated that the new court pay plan should extend to the court personnel and employees in counties under the Community Corrections Act and provide comparable salaries that would apply to the local correctional bodies.

In Section 3 (c), it was decided to change "five percent (5%)" to "ten percent (10%)", regarding advance grants for expenses of the corrections advisory boards. Staff was directed to draft language which would provide for expenses incurred during the development of the comprehensive plan.

Section 4. It was decided that this section should require that rules and regulations of the Secretary be adopted in accordance with the Regulations Filing Act.

Section 5. The Committee directed that language be added to permit counties to contract with private resources for services.

Section 6. This section should indicate that counties may seek any types of funds, including federal funds.

Section 7. This section should be changed to authorize the Secretary of Corrections to examine and inspect books, records, programs, and facilities operated under the act.

Section 8. This section should be deleted as it is unnecessary and inapplicable language.

Section 9. This section establishes the membership of the corrections advisory boards. After considerable discussion, the Committee determined: that the board should be composed of 12 members; that the chief of police of the largest city in the unit should be a member; that an educational professional should be appointed to the board; that the judiciary representative would be the administrative judge of the judicial district or his designee; that no more than two-thirds of the membership of the board could be of the same sex; that cities should be permitted to appoint three members to the board; that at least two members of each board will be ethnic minorities; and that, if possible, the members appointed by the counties and cities should be representative of parole or probation officers, public or private social service agencies, ex-offenders, the health care professions, and the general public. The provision authorizing the Secretary of Corrections to increase the size of the boards was deleted.

Section 10. The provision requiring that subcommittees of the boards reflect the membership of the entire board was deleted and a specific reference to the Kansas Open Meetings Act was added. The boards were authorized to promulgate rules regarding the conduct of meetings.

Sections 11 to 13. No change.

Section 14. Mr. Rein presented a memorandum entitled "Community-Based Corrections Funding Formula" (Attachment IV). Mr. Rein suggested that the "per capita corrections expenditures" factor was very arbitrary and should perhaps be replaced with another factor. He also suggested that grant payments be phased in so that counties do not experience the "windfall" problems which developed in Minnesota. Staff was directed to prepare alternative formulas for committee consideration since some factors in the Minnesota formula may not be applicable to the situation in Kansas.

Section 15. The section should be redrafted to clearly state that the board of county commissioners must approve the plan prior to its submission to the Secretary of Corrections for final approval.

Section 16. The term "level of spending" should be changed to read "amount of spending". The provision concerning unexpended balances was deleted since it did not follow the Kansas appropriations process.

Section 17. The section should be changed to provide that counties will not be charged for inmates sentenced to state correctional institutions for terms of 10 years or more.

Sections 18 to 21. No change.

Staff was directed to revise the draft in accordance with the Committee's directions, as well as any needed editorial or technical changes.

November 17, 1977

Chairman Hurley called the meeting to order at 9:00 a.m. Mr. Steve Millstein, Administrative Aide to the House Majority Leader, presented a report encompassing various policy options for Committee consideration (Attachment V). The policy options were discussed at length by Committee members and staff.

The Committee directed that a bill draft be prepared to require that those counties which elect to come under the Community Corrections Act develop a system of pretrial release. The pretrial release program could be implemented on a permissive basis by those counties which do not come under the act. However, the bill will mandate pretrial release programs for counties under the act.

The Committee directed that a bill draft be prepared which would require that presentence investigations be conducted on all convicted felons, unless the court waives the requirement because current information of a similar nature is available through another source. The Committee also requested a bill draft to authorize the Department of Corrections to develop, through rules and regulations, a standardized presentence investigation form for use in Kansas. The Committee requested a bill draft to require that community corrections facilities be used for presentence investigations, with Larned State Hospital and KRDC used only if other facilities are not available. The results of the presentence investigation should be forwarded to KRDC if the offender is sentenced to an institution. A bill draft was also requested to authorize the Director of KRDC to determine the amount of time needed to evaluate an inmate, up to a maximum of 60 days, and a bill draft to permit the evaluation of females at KCIW or another appropriate state institution.

Senator Hess, Representative Douville, and several advisory members of the Committee visited KRDC during the noon hour in order to obtain more information concerning the procedures at the institution. Senator Hess stated that all males convicted of a felony go through KRDC. These felons show a great need for psychotherapy, crisis counseling, and working with personal problems. KRDC is there to help the courts but, the judges do not get all of the KRDC report: the judges get a recapitulation of the report. The recapitulation only gives a subtle hint as to what the judge could do but does not make firm recommendations. There is a need to give the judges more information when they are sentencing the person and that much information could be developed in the communities of Wichita, Kansas City, and other cities with professional services. KRDC does classification work and recommends where the individual is to be sent; generally this recommendation is followed.

Representative Douville stated that, when an inmate is sent to KRDC, the staff has only the rap sheet on the inmate: no background information is provided. He stated that perhaps the information is not being gathered or that it is just not made available to KRDC. The one element that KRDC does provide in its services is objectivity. Representative Douville stated that perhaps KRDC should also have a center for treatment in psychotherapy.

Sister Dolores Brinkel stated that the social history of an individual is written separate from the evaluation and that perhaps these two should be included in the presentence investigation and become a part of the inmate's record.

Senator Hess stated that the judge should have all the information available when sentencing an individual. If presentence investigations are done in the community, they should include psychiatric and psychological evaluation and, when an inmate is committed, the information should be sent to KRDC.

The Committee agreed that the use of restitution should be encouraged, as well as a greater emphasis on public service tasks for offenders. Staff was instructed to develop a bill draft reflecting this point.

Staff was instructed to prepare bill drafts authorizing the Secretary of Corrections to contract with community corrections facilities for services; to permit prison industries to sell goods on the open market within Kansas and to establish an advisory board for the program; and to authorize the Secretary to contract with private industry for expansion of the program. Staff was also directed to prepare a draft to establish some type of tax incentive for those industries which contract to provide more jobs within the prison industries program. The Committee agreed that the report should urge that inmate idleness be eliminated to the extent possible and that inmate workers be paid the highest compensation possible.

The Committee directed that a bill draft be prepared which would make the Kansas Adult Authority a full-time board, with four members appointed by the Governor and one member appointed by the Secretary of Corrections, both appointments subject to the advice and consent of the Senate. The appointment by the Secretary is to fill the first vacancy which develops after the effective date of the act.

Staff was directed to prepare a proposed draft to implement a parole procedure similar to the Minnesota "Mutual Agreement Programming (MAP)" system. The Committee also directed that the report reflect approval of the development of the Kansas Comprehensive Correctional Information System by the Research and Planning Section of the Department of Corrections.

The minutes of the October 14 and October 31 meetings were approved. The meeting was adjourned.

Prepared by J. Russell Mills Jr.

Approved by Committee on:

1-9-78
(date)

JRM/dmb

Attachment I

MEMORANDUM

November 16, 1977

TO: Special Committee on Corrections

FROM: Kansas Legislative Research Department

RE: LEAA Funding

LEAA Funds Available

Federal funds under the LEAA program consist of three major categories: (1) planning funds, which are to be used for state agency operations and regional planning units; (2) action funds, which are to be used for state and local criminal justice projects, and (3) discretionary funds, which are funds awarded by LEAA for special projects on an individual grant basis. Both planning and action funds are block grants made to the state on the basis of population. There are two basic types of action funds. Part C action funds are used for all types of criminal justice projects as set out in the GCCA plan. For FY 1979 the GCCA must pass through 54.4 percent of all Part C funds to local units of government. Part E action funds are for correctional programs only. Since there is no federal pass through requirement on Part E funds the state may use all of Part E funds on state projects. The following table summarizes the amount of federal action funds spent in FY 1976-77 and estimates for FY 1978-79.

	Action Funds			
	FY 76	FY 77	Est. FY 78	Est. FY 79
State Projects	$2,525,126	$2,343,547	$3,302,607	$2,526,516
Local Projects	3,249,549	3,164,731	3,098,393	2,181,984
TOTAL	$5,774,675	$5,508,278	$6,401,000	$4,708,500

Federal funds for action programs have been declining over the past three years. The substantial increase shown in action funds in the table for FY 1978 is caused by the change in the federal fiscal year. That change resulted in the state being able to catch-up with the lag time between congressional appropriations and state expenditures. The FY 1979 estimate also reflects this catch-up program; of the $4,708,500 available for action projects, $1,494,500 are FY 1978 funds. It should be noted that of the $2,526,516 in FY 1979 for state projects, $472,500 is in Part E funds which could be used for local projects.

In addition to the pass through requirement on action funds, the GCCA must allocate at least 17 percent of all action funds to juvenile justice programs and at least 40 percent of all action funds to correctional programs.

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Required State and Local Match

LEAA requires that action projects be matched with state and local funds. For state projects the full amount of match must be paid by the state. For local projects one half of the match must be from the state and one half from the local unit of government. With the exception of construction projects, the state only has to contribute five percent of the required match, which equals 50 percent of the first year match requirement. In FY 1977 as part of the Governor's budget recommendations, the GCCA adopted and implemented an assumption of cost policy. Using the FY 1976 grants as the base year, the funding ratio (federal to state/local) is as follows: First year - 90/10, Second year - 75/25, and Third Year - 40/60. All construction projects must, however, be matched at a 50 percent level.

The Awarding of GCCA Grants

The official awarding of LEAA action grants (both Part C and Part E) must be made by the Governor's Committee on Criminal Administration in accordance with the GCCA annual comprehensive plan. Practically speaking, the Committee has a relatively small role in the awarding of state grants. Although agencies must go through the application and grant approval process, technically the decision as to what state projects should be funded is made by the Governor and the Legislature in the appropriation process. LEAA funds for state agency projects and the required state match are contained in individual agency appropriations. The GCCA Committee's authority is therefor primarily limited to determining whether the projects fit into the GCCA plan in that if the Committee chooses not to fund the agency project it cannot use the funds elsewhere.

In the case of local projects the LEAA funds and required state match are allocated though an appropriation to GCCA. Accordingly the Committee has the absolute authority for awarding of local grants. All discretionary grants must also be submitted through the GCCA. However, the federal government can award such grants without GCCA approval. Discretionary funds vary from year to year and are set aside for specific types of projects. As such the state competes with the other 50 states for the funds.

Past Legislative Involvement in Use of LEAA Funds

In the past, Legislative involvement in the use of GCCA funds has been limited to involvement by Legislators appointed to the GCCA Full Committee and through the appropriation process. The Crime Control Act of 1976 contains a provision which permits and encourages state legislative involvement in the LEAA program. Under the provision, state legislatures may request the opportunity to review general goals, priorities, and policies of the annual state plan. They are allowed 45 days for such a review. Although no authority is granted under the act which would allow the Legislature to change the plan, comments can be forwarded to LEAA. The

oversight function of the Kansas Legislature is currently accomplished by furnishing copies of the plan to the Speaker of the House and the President of the Senate. This procedure is necessary in that the plan must be completed pursuant to federal law, by August.

Possible Legislative Alternatives

The Legislature could exert more control over the use of LEAA funds within present state and federal laws provided that at least 54.4 percent of all Part C action funds were awarded to local units of government and at least 17 percent of all GCCA action funds (Part C and E) were allocated for juvenile justice programs and 40 percent for corrections programs. Nothing prohibits the state from allocating 100 percent of all funds for local projects. In the first five years of the program all of Part E funds were allocated to local units of government for correctional programs.

The Legislature, in the appropriation bill to the GCCA, could line item a set amount of federal funds and required state match for use only for local correctional programs. It would then be the GCCA Committee's responsibility to allocate such grants through the normal application review process.

The Legislature should, however, be aware of possible problems which could result from allocation of the majority of LEAA funds for local correctional programs. First, the LEAA program is only authorized for one more year, therefor, projects could be cut off abruptly if the Act were not reauthorized. Second, the amount of funds have been declining in recent years. Third, the GCCA is currently supporting many on-going local criminal justice programs of all types which could be severely damaged if funding were withdrawn. Finally, if money were taken from on-going state projects, unless the projects were severely cut back or eliminated, State General Fund support would be necessary.

Attachment II

MEMORANDUM

November 4, 1977

TO: Special Committee on Corrections

FROM: Kansas Legislative Research Department

RE: FY 1979 Budget Requests of Kansas Correctional Institutions

AGENCY BUDGET REQUESTS

The following represents a brief listing of several of the items appearing in the FY 1979 budget request of each agency in the Kansas Correctional System, including continuation or modification of existing programs, initiation of new programs, and requests for increasing staff. In addition, a brief list of capital improvement projects, together with estimated costs, is included in the summary.

Kansas Department of Corrections

State Operations

1. Request seven additional probation and parole officers and request state funding support for all such officers, those currently authorized as well as those requested.

2. Upgrade in-house training capability by adding two Staff Development Specialists to the training staff to be funded as an LEAA project — $58,200.

3. Request opening a second work-release center in Wichita to accommodate 25 inmates — $270,996.

4. Request expansion of work-release on a contractual basis to agencies and programs outside the correctional system, such as the Southeast Regional Correctional Center, Saline County Work Release Center, and the Topeka Halfway House — 34 additional placements — $267,580.

5. An LEAA project to allocate funds to selected communities for determining the feasibility of developing community-based correctional programs — $555,000.

6. Expand the Metal Industry at KSP to include refurnishing metal furniture — adding approximately 30 inmate jobs.

7. Expand industries at KSIR to include a tailor shop — creating 50 additional jobs.

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Capital Improvements

1. Preliminary and final planning for a 400-bed medium security correctional facility — $572,000.

2. Preliminary and final planning for an outside dormitory at KSIR — $ 146,300.

3. Preliminary and final planning for two new honor camps — one at Clinton Reservoir and one at Tuttle Creek Reservoir — $65,000.

4. Replace floor tile at the Toronto Honor Camp; renovate shed near outside dormitory at KSP; and repairs on various industries facilities — $20,325.

Kansas State Penitentiary

State Operations

1. Add nine correctional officers to establish three outside work details with 25 inmates assigned to each detail.

2. Continuation of state-funded vocational education program for long-term inmates.

3. Continuation of funding to certify institution employees as vocational instructors.

4. Improve academic educational services by adding an additional ABE instructor and establishing a special education program.

5. Increase security staff with two additional correctional officers to provide security for the new outside visting area.

Capital Improvements

1. Fire escapes for the Administration Building — $34,000.

2. Relocate electrical transformer banks from Cellhouse "C" to an area outside the walls — $52,665.

3. Chemical treatment of water wells — $5,900.

4. Renovate steam heating system at the outside dormitory — $5,500.

5. Blacktop visitors' parking area — $65,000.

6. Replace freight elevator in Service building — $56,000.

Kansas State Industrial Reformatory

State Operations

1. Add eight correctional officers and one correctional supervisor to establish outside work details to accommodate 200 inmates.

2. Add four maintenance positions to better maintain facilities.

3. Expand the education program by adding two GED instructors, a substitute teacher, a supervisor of the day school, and a clerical position.

4. Continue the state-funded vocational education program for long-term inmates.

5. Continue funding to certify institution employees as vocational instructors.

Capital Improvements

1. Construct outside security area to accommodate increased traffic as a result of the expanded outside work details — $55,280.

2. Renovate plumbing in cellhouses — $338,250.

3. Replace roofs of selected buildings — $127,831.

4. Pave service roads — $142,993.

5. Repair gutters and downspouts; renovate butcher shop; remodel kitchen area; replace ceiling in rotunda; and insulate selected buildings —$65,450.

Kansas Correctional Institution for Women

State Operations

1. Reclassify four Correctional Officers I, who were added during the interim by action of the Finance Council and funded with CETA -Title VI funds, as Correctional Officers II and add a fifth Correctional Officer II, all of which would be used to staff the control center.

2. Request state funding to support the Unit Team, consisting of a Unit Team Supervisor, Correctional Counselor I, and Clerk III, which had been funded as an LEAA project.

3. Delete from the vocational education program the Home and Health area. Expand the Sewing program to include the making of draperies and home decorative items and continue development of Project X to accommodate ten additional inmates in non-traditional job training positions.

4. Add to existing staff a deputy director, an Accountant I, and a half-time psychologist.

Capital Improvements

No capital improvement projects are included in the fY 1979 request.

Kansas Reception and Diagnostic Center

State Operations

1. Request state funding for a Correctional Counselor I and a clerical position which were added in FY 1978 and funded with CETA - Title VI funds to provide additional staff support for operation of the honor dorm which currently houses 20 inmates.

2. Add a clerical position to the Records Division to reduce administrative workload resulting from an increase in the number of evaluations processed.

3. Continue the Correctional Officer and Social Worker Trainee Programs.

Capital Improvements

1. Replace floor covering in food service area — $4,000.

2. Install storm windows on the Administration Building, hospital, and honor dorm — $2,100.

3. Air conditioning units for the hospital — $3,000.

Kansas Correctional Vocational Training Center

State Operations

1. Budget request includes no increases in staff.

2. Continue providing services related to operation of the Topeka Work Release Center, such as food service, maintenance, and accounting.

3. Continue vocational education program on a contractual basis with Kaw Area Vocational Technical School at its present level.

Capital Improvements

Pave access road adjacent to institution — $6,768.

Kansas Adult Authority

State Operations

1. Increase from half-time to full-time the additional clerical position approved a year ago.

2. Add a research analyst to coordinate with the Research Division of the Department of Corrections the data that will be included in the centralized information system currently being developed.

3. Travel expenses are requested at approximately the same level as in the previous year to continue the Authority's regular visits to the various correctional institutions.

FUNDING

A comparison by agency between authorized FY 1978 expenditures and requested FY 1979 expenditures, both for the operating budgets and capital improvements projects, is presented below. State General Fund expenditures for FY 1978 totaled approximately $19.2 million as compared with the requested $23.6 million in FY 1979. A part of the increase in State General Fund expenditures can be attributed to the expiration of LEAA funds on a number of programs and projects as a result of the "assumption-of-cost" policy established in 1976.

Operating Budgets

Agency	Authorized FY 78	Requested FY 79
KDOC	$5,659,327	$7,251,296
KSP	7,182,509	8,472,440
KSIR	5,738,975	6,597,428
KCIW	1,285,750	1,385,302
KRDC	2,053,827	2,166,032
KCVTC	1,951,703	2,100,420
Adult Authority	161,648	185,670

Capital Improvement Expenditures

Agency	Authorized FY 78	Requested FY 79
KDOC	$ 19,000	$ 803,625
KSP	433,696	219,065
KSIR	305,340	729,804
KCIW	35,000	—
KRDC	19,650	9,100
KCVTC	—	6,768

November 16, 1977

Attachment I

ROUGH WORKING DRAFT

For Consideration by the Special Committee on Corrections

AN ACT relating to correctional services; enacting the residential community corrections act; concerning the development, implementation and operation of community based corrections services and programs; authorizing state grants in aid to counties for such purposes; prescribing powers and duties for the secretary of corrections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. This act shall be known and may be cited as the "residential community corrections act."

Sec. 2. For the purposes of more effectively protecting society and promoting efficiency and economy in the delivery of correctional services, the secretary of corrections is hereby authorized to make grants to assist counties in the development, implementation, and operation of community based correctional services programs including, but not limited to preventive or diversionary correctional programs, probation, parole, community corrections centers, and facilities for the detention or confinement, care and treatment of persons convicted of crime or adjudicated delinquent.

Sec. 3. (a) Any county or group of contiguous counties having a total population of twenty thousand (20,000) or more may qualify for a grant as provided in section 2 by the adoption of appropriate resolutions creating and establishing a corrections advisory board, in accordance with section 9, and providing for the preparation of a comprehensive plan for the development, implementation and operation of the correctional services described in section 2. Such comprehensive plan shall include the assumption of those correctional services presently provided in

Atch. III

such county or counties by the department of corrections, other than the operation of correctional institutions, as defined in subsection (d) of K.S.A. 75-5202, and amendments thereto, and for centralized administration and control of the correctional services described in section 2.

(b) Where the boards of county commissioners of two or more counties act together under this act, such counties shall cooperate for all purposes of this act in the manner prescribed by K.S.A. 12-2901 to 12-2907, and amendments thereto, to the extent that said statutes do not conflict with the provisions of this act.

(c) To assist a county or group of counties which has established a corrections advisory board under subsection (a) and requires financial aid to defray all or part of the expenses incurred by corrections advisory board members in discharging their official duties pursuant to section 11, the secretary of corrections, upon receipt of resolutions by the board of county commissioners, or the administrative authority established by cooperating counties, certifying the need for and inability to pay such expenses, may advance to the county or group of counties an amount not to exceed five percent (5%) of the maximum quarterly grant for which the county or group of counties is eligible. The expenses described in this subsection shall be for subsistence allowances, mileage and other expenses, in addition to mileage and subsistence, and shall be paid in the same manner and amounts as prescribed in accordance with K.S.A. 75-3223, and amendments thereto.

Sec. 4. (a) The secretary of corrections shall adopt rules and regulations for the implementation and administration of this act and shall provide consultation and technical assistance to counties and corrections advisory boards to aid them in the development of comprehensive plans.

(b) This act shall be administered by the secretary of corrections or by officers and employees of the department of corrections designated by the secretary to the extent that

authority to do so its delegated by the secretary, exceput that the authority to adopt rules and regulations under this act shall not be delegated.

Sec. 5. (a) Any county or group of counties electing to come within the provisions of this act may (1) acquire by any lawful means, including purchase, lease or transfer of custodial control, the lands, buildings and equipment necessary and incident to the accomplishment of the purposes of this act, (2) determine and establish the administrative structure best suited to the efficient administration and delivery of the correctional services described in section 2, and (3) employ a director and such other officers, employees, and agents as deemed necessary to carry out the provisions of this act.

(b) Whenever a county or group of counties assumes and takes over state correctional services presently provided in such county or group of counties, employment shall be given to those state officers and employees engaged in providing such services and thus displaced. Notwithstanding the provisions of any other law, resolution or ordinance to the contrary, such employment of former state officers and employees by a county or group of counties shall be deemed a transfer in grade with all of the rights, benefits and accrued leave and longevity credits enjoyed by such former officer or state employee while in the service of the state, to the extent that it is possible and that such rights, benefits and accrued leave and longevity credits are similarly enjoyed by the other officers and employees of the county or group of counties.

Sec. 6. For the purposes of this act and to provide for the correctional services described in section 2, any county or group of counties electing to come within the provisions of this act, may, through their governing bodies, or administrative bodies established by cooperating counties in accordance with this act, use unexpended funds, accept gifts, grants and subsidies from any lawful source, and apply for, accept and expend federal funds.

Sec. 7. (a) Except as provided in section 3 for expenses of

corrections advisory board members, no county or group of counties electing to come within the provisions of this act shall be eligible for the grants authorized under this act unless and until its comprehensive plan shall have been approved by the secretary of corrections.

(b) In accordance with the provisions of K.S.A. 77-415 et seq. and amendments thereto, the secretary of corrections shall adopt rules and regulations establishing additional eligibility requirements for receipt of grants under this act and standards for the operation of the correctional services described in section 2. In order to remain eligible for grants the county or group of counties shall substantially comply with the operating standards established by the secretary of corrections.

(c) The secretary of corrections shall review annually the comprehensive plans submitted by participating county or group of counties and the facilities and programs operated under such plans. The secretary of corrections is authorized to enter upon any facility operated under any such plan and inspect books and records, for purposes of recommending needed changes or improvements.

(d) When the secretary of corrections determines that there are reasonable grounds to believe that a county or group of counties is not in substantial compliance with minimum operating standards adopted pursuant to this section, at least thirty (30) days notice shall be given the county or group of counties and a hearing held to ascertain whether there is substantial compliance or satisfactory progress being made toward compliance. The secretary of corrections may suspend all or a portion of any grant until the required standards of operation have been met.

Sec. 8. In any county where correctional services are currently being provided by a single jurisdiction within that county, nothing in this act shall be interpreted as requiring a change of authority.

Sec. 9. (a) Except as otherwise provided in this section, each corrections advisory board established under this act shall

consist of at least fifteen (15) but not more than seventeen (17) members, who shall be representative of law enforcement, prosecution, the judiciary, education, corrections, ethnic minorities, the social services, and the general public, and shall be appointed as follows:

(1) The law enforcement representation shall consist of the sheriff, or, if more than one county is cooperating the sheriff shall be selected by the sheriffs of such counties, and a chief of police selected by the chiefs of police of the county or group of counties, or the respective designees of the sheriff or chief of police so selected;

(2) the prosecution representative shall be either the county attorney or district attorney, or, if more than one county is cooperating a county attorney selected by the county attorneys of such counties or the designee of such county attorney or district attorney;

(3) the judiciary representatives shall be district judges or associate district judges designated by the administrative judge of the judicial district containing the county or group of counties, or by the administrative judges of the judicial districts containing one or more of the cooperating counties, if such is the case; and such representatives shall include district judges and associate district judges having criminal and juvenile jurisdiction;

(4) education shall be represented by the superintendent of a school district appointed by the chairperson or chairpersons of the board or boards of county commissioners of the county or group of counties with the advice and consent of the other members of such board or boards of county commissioners;

(5) a representative designated by the secretary of social and rehabilitation services; and

(6) with the advice and consent of the other members of the board or boards of county commissioners of the county or group of counties, the chairperson or chairpersons of such board or boards shall appoint the following additional members of the corrections

advisory board:

(A) one parole or probation officer;

(B) one correctional administrator;

(C) a representative from a public or private social service agency;

(D) an ex-offender;

(E) a person licensed to practice medicine and surgery in Kansas or other representative of the health care professions; and

(F) at least four(4), but no more than six (6) citizens which are representative of the general public, except that if the percentage of ethnic minorities in the population of the county or group of counties exceeds the percentage of ethnic minorities in the state population, at least two (2) of the citizen members shall be members of an ethnic minority group.

(b) If two (2) or more counties have combined to establish a corrections advisory board and to participate in the grants authorized by this act, the secretary of corrections may increase the size of the corrections advisory board for such group of counties to include one member of the board of county commissioners of each such county.

Sec. 10. (a) Members of a corrections advisory board appointed by the chairperson or chairpersons of the board or boards of county commissioners shall serve for terms of two years from and after the date of their appointment, and shall, subject to the approval of the county board or boards of commissioners of the participating counties, remain in office until their successors are duly appointed. The other members of a corrections advisory board shall hold office at the pleasure of the appointing authority. Each corrections advisory board may elect its own officers.

(b) If a corrections advisory board carries out its duties through the implementation of a committee structure, the composition of each committee or subcommittee shall generally reflect the membership of the entire board.

(c) All proceedings of the corrections advisory board and any committee or subcommittee of the board shall be open to the public. All votes taken of members of the corrections advisory board shall be recorded and shall become matters of public record.

(d) The corrections advisory board shall promulgate and implement rules concerning attendance of members at board meetings.

Sec. 11. Corrections advisory boards established under the provisions of this act shall actively participate in the formulation of the comprehensive plan for the development, implementation and operation of the correctional program and services described in section 2 in the county or counties which compose the community corrections district, and shall make a formal recommendation to the board or boards of county commissioners at least annually concerning the comprehensive plan and its implementation during the ensuing year.

Sec. 12. Failure of any county or counties to elect to come within the provisions of this act shall not affect their eligibility for any other state subsidy or grant of assistance for correctional purposes otherwise provided by law.

Sec. 13. Any comprehensive plan submitted pursuant to this act may include the purchase of selected correctional services from the state by contract, including the temporary detention and confinement of persons convicted of brime or adjudicated delinquent in an appropriate state institution as otherwise provided by law. The secretary of corrections shall annually determine the costs of the purchase of services under this section and deduct them from the grant due and payable to the county. No such contract with the state shall exceed in cost the amount of the grant the county is eligible to receive under this act.

Sec. 14. (a) Prior to July 1 of each year, the amount of each grant to each county participating under this act shall be determined by the secretary of corrections in accordance with this section.

(b) Each of the following factors shall be calculated for each county participating under this act:

(1) per capita income;

(2) per capita taxable value;

(3) per capita expenditure per one thousand (1,000) population for correctional purposes; and

(4) percent of county population aged six (6) through thirty (30) years of age, according to the most recent enumeration by the state board of agriculture.

(c) The "per capita expenditure per one thousand (1,000) population" shall be calculated by multiplying the number of persons convicted of a felony who are under supervision in each county at the end of the preceding calendar year by three hundred fifty dollars ($350) and by adding to the product so obtained the following:

(1) the number of presentence investigations completed in that county for the preceding calendar year multiplied by fifty dollars ($50);

(2) the annual cost to the county for salaries of persons providing probation services within that county during the preceding calendar year; and

(3) thirty-three and one-third percent (33 1/3%) of such annual cost for salaries of persons providing probation services within that county during the prediong calendar year.

The total figure obtained by adding the foregoing items (1), (2) and (3) shall be divided by the total county population according to the most recent enumeration by the state board of agriculture and the result shall be the "per capita expenditure per one thousand (1,000) population" for that county.

(d) The "percent of county population aged six (6) through thirty (30) years of age" shall be determined according to the most recent enumeration by the state board of agriculture.

(e) After calculating the factors under subsection (b), the following factors shall be calculated for each county:

(1) Each county's per capita income shall be divided into

the one hundred five (105) county average;

(2) Each county's per capita taxable value shall be divided into the one hundred five (105) county average;

(3) Each county's per capita expenditure per one thousand (1,000) population for correctional purposes shall be divided by the one hundred five (105) county average;

(4) Each county's percent of county population aged six (6) through thirty (30) years of age shall be divided by the one hundred five (105) county average.

(f) The factors calculated under subsection (e) for each county shall be totaled and divided by four (4). The quotient thus obtained then becomes the computadion factor for the county. This computation factor is then multiplied by the total amount available for such grants times the total county population. The resulting product is the amount of the grant the county is eligible to receive under this act.

Sec. 15. (a) The comprehensive plan submitted to the secretary of corrections for approval shall include those items prescribed by rules and regulations adopted by the secretary, which may require the inclusion of the following: (1) the manner in which pre-sentence and post-sentence investigations and reports for the district courts and social history reports for the juvenile matters will be made; (2) the manner in which probation and parole services to the courts and persons under jurisdiction of the secretary of corrections will be provided; (3) a program for the detention, supervision and treatment of persons under pretrial detention or under commitment; (4) delivery of other correctional services defined in section 2; and (5) proposals for new programs, which proposals must demonstrate a need for each such program, its purpose, objective, administrative structure, staffing pattern, staff training, financing, elevating process, degree of community involvement, client participation and duration of program.

(b) In addition to the foregoing requirements made by this section, each participating county or group of counties shall be

required to develop and implement a procedure for the review of grant applications made to the corrections advisory board and for the manner in which corrections advisory board action shall be taken thereon. A description of this procedure shall be made available to members of the public upon request.

Sec. 16. No county which elects to come under the provisions of this act shall diminish its current level of spending for correctional services as described in section 2 to the extent of any grant received pursuant to this act. Grants provided under this act shall be expended by the county receiving the grant for correctional purposes in excess of those funds currently being expended by such county. Should a participating county be unable to expend the full amount of the grant to which it would be entitled to receive in any one year under the provisions of this act, the secretary shall retain the unexpended amount of the grant for disbursement to the county in the ensuing fiscal year, subject to the provisions of appropriations acts, if such county can demonstrate a need for and ability to expend same for the correctional services described in section 2.

Sec. 17. Each county participating under this act shall be charged a sum equal to the per diem cost of confinement of those persons committed to the secretary of corrections after the effective date of this act and confined in a correctional institution as defined in subsection (d) of K.S.A. 75-5202, and amendments thereto, except that no charge shall be made for those persons convicted of a felony nor shall the amount charged a participating county for the costs of confinement exceed the amount of subsidy to which the county is eligible. The secretary shall annually determine costs and deduct them from the subsidy due and payable to the respective participating counties. All charges shall be a charge upon the county of commitment.

Sec. 18. (a) Upon compliance by a county or group of counties with the prerequisites for receipt of the grants authorized by this act and approval of the comprehensive plan, the secretary of corrections shall determine whether funds exist for the pay-

ment of the grants and proceed to pay same in accordance with this act and applicable rules and regulations.

(b) Based upon the comprehensive plan as approved, the secretary of corrections may estimate the amount to be expended by each county or group of counties in furnishing the required correctional services during each calendar quarter and cause the estimated amount to be remitted to the counties entitled thereto in the manner provided in section 19.

Sec. 19. (a) On or before the end of each calendar quarter, participating counties which have received the grant payments authorized by section 18 shall submit to the secretary of corrections certified statements detailing the amounts expended and costs incurred in furnishing the correctional services described in section 2. Upon receipt of certified statement, the secretary of corrections, in the manner provided in sections 14 and 16, shall determine the amount each participating county is entitled to receive, making any adjustments necessary to rectify any disparity between the amounts received pursuant to the estimate provided in section 18 and the amounts actually expended. If the amount received pursuant to the estimate is greater than the amount actually expended during the calendar quarter, the secretary of corrections may withhold the difference from any subsequent quarterly payments made pursuant to section 18. Upon certification by the secretary of corrections of the grant payment amount a participating county is entitled to receive under the provisions of section 18 and this subsection, the state treasurer shall thereupon issue a state warrant to the county treasurer of each participating county for the amount together with a copy of the certificate prepared by the secretary of corrections.

(b) The secretary shall annually make the calculations pertaining to each participating county in accordance with the formula prescribed in section 14 and compute the amount of the annual grant accordingly.

Sec. 20. Any county or any cooperating group of counties which is participatiing under this act, at the beginning of any

calendar quarter, by resolution of the board or boards of county commissioners, may notify the secretary of corrections of its intention to withdraw from the grant program under this act and such withdrawal shall be effective the last day of the last month of the calendar quarter in which such notice was given.

Sec. 21. This act shall take effect and be in force from and after its publication in the official state paper.

Attachment I.

MEMORANDUM

November 16, 1977

TO: Special Committee on Corrections

FROM: Kansas Legislative Research Department

RE: Community-Based Corrections Funding Formula

The following is a brief analysis for the Committee's consideration of the funding formula of the Minnesota Community Corrections Act and its application to the Kansas Correctional System.

Elements of the Formula

The Minnesota formula contains the following four elements, each of which is intended to reflect some measure of need upon which the allocation of funds is based:

1. Per Capita Corrections Expenditures
2. Risk Population, Ages 6-30
3. Per Capita Income
4. Per Capita Taxable Value

Application of the formula on the basis of the four elements yields an average standardized score to which is multiplied a constant dollar amount in order to arrive at the funding allocation for a given county or group of counties.

The first element of the formula, Per Capita Corrections Expenditures, contains within it several subelements. One of these is the number of pre-sentence investigators in the county. Since Minnesota's policy on conducting pre-sentence investigations is different from that in Kansas, there is difficulty in applying this subelement to a Kansas formula. In addition, aspects of other subelements appear to be somewhat arbitrary -- for example, the dollar amount multiplied by the number of probations.

Minnesota also utilizes as an element of its formula the "risk" population of each county, which encompasses those between the ages of 6 and 30. If this factor is deemed to be worthy of inclusion in a Kansas formula, the Committee may wish to consider whether this particular age

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range is the most accurate and desirable for the purpose intended. An alternate method might be to base this element of the formula on the actual number of commitments from each county or group of counties for the past five years. This might constitute a more direct measure of which counties are contributing the most inmates to the Corrections System.

Application of the Formula

Perhaps the most significant component of the formula is the fixed dollar amount that is multiplied by the final average standardized score for each county. The amount used will determine the total level of funding that will be allocated for support of community programs. The following table represents a limited application of the Minnesota funding formula to selected Kansas counties in order to provide the Committee with some indication of the possible funding levels using several fixed dollar amounts. The amounts used were $3.00, $4.00, and $5.00. The resulting funding level for each, assuming that all counties participate, is indicated at the top of each column. It should be noted that only two elements of the formula were used in making these estimates -- the Per Capita Income and Per Capita Taxable Value. Inclusion of the other two elements will impact individual county allocations but not statewide costs.

TABLE I

Statewide Implementation	$6,982,467	$9,309,956	$11,637,445
Wyandotte	$ 888,772	$1,185,029	$ 1,481,286
Johnson	685,710	914,280	1,142,850
Shawnee	695,430	927,240	1,159,050
Sedgwick	1,176,154	1,568,206	1,960,257
Saline	171,721	228,962	286,202
Reno	205,228	273,637	342,046
Crawford	165,603	220,804	276,005
Ellis	73,660	98,214	122,767
Multi-county area (Morton, Stevens, Seward, Meade, Gray, Haskell, Grant, Stanton, Hamilton, Kearny, Finney)	154,570	206,093	257,616

Source: Data compiled by Kansas Legislative Research Department.

LC/sdp

Prepared at the request of the Chairman encompassing the apparent direction of t Committee.

Attachment I

I. PRETRIAL RELEASE

A defendant who is poor typically remains in jail prior to trial, despite the presumption of innocence, because he is unable to raise money for bond or bail. Because he is jailed prior to trial he is less ablè to participate in his own defense and is therefore, more likely to be convicted. If convicted, he is more likely to be incarcerated because he has been unable to demonstrate a post arrest ability to behave in constructive manner. Additionally, while in jail he cannot work which often results in financial hardship on his family and loss of employment. To lessen these problems we are recommending three pretrial programs: (1) Release on Recognizance, (2) Supervised Release, and (3) Pretrial Diversion.

A. Release on Recognizance

Release for those individuals without money bond and with stable roots in the community indicating that he will appear at trial and while released will not jeopardize community safety.

There are five major components involved in the ROR process: (1) identification of detainees, (2) conduct of ROR interviews, (3) verification of responses, (4) release, and (5) follow-up prior to trial.

The ROR project shall be the responsibility of the parole and probation officers with jurisdiction in the area in which the detainee is being held. Great emphasis should be placed on recruiting community volunteers, i.e., law and social welfare students, league of women voters, etc. to assist with the interviewing with court approval.

For the purpose of identifying the detainee, the parole and probation officers shall contact the jails regularly. (Ideally after the program is established the detainor will cooperate to the point of calling the parole and probation officer when an individual is taken into custody). The parole and probation officer shall conduct the interview as soon as possible after notification.

The interview is a subjective measure of five basic variables which have been proven to be directly related to the likelihood that the person will appear. The variables are: (1) length of residence in the local community, (2) the nature and extent of local family ties, (3) time in the local area, (4) stability of employment, and (5) nature and extent of prior criminal record.

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Points should be awarded for length of residence, the existence of family ties in the community, employment stability, etc., the idea being that the stronger the ties are to the community the more points are awarded. Points should also be awarded - or subtracted - on the basis of detainee's record of prior convictions.

After the interview, the responses should be verified. If the unverified score is five points or more the responses shall be verified, if less than five, the individual will not be eligible for ROR, but may be a candidate for supervised release, which will be discussed later.

Verification should be conducted by the interviewer as soon as possible. The verification process should begin immediately after the interview. The process should consist of a series of reference checks with family and friends. Beyond that, prior convictions should be confirmed through local police records, KBI, and the NCIC. As a rule, employers should not be contacted since this could jeopardize the detainee's employment.

When the verification process is completed, the unverified and verified scores should be compared. If the verified is significantly lower then the detainee should be admonished that ROR may be disallowed for false statements made by one otherwise eligible for ROR. The detainee should be given his responses and asked to confirm or change without informing him of which responses were verified or which were not.

The achievement of a verified score of five or more should warrant a recommendation of release. Exceptions should be recognized when the detainee has had a past history of non-appearance or because of the high chance of injury to himself or others.

Detainees, after interview, should be classified into five categories:

R-1	Unverified score not high enough for ROR
R-2	Unverified score was high enough but verified score was not
R-3	Sufficient verified score, but high risk exception - ROR refused
R-4NA	Recommended for ROR, but refused by court
R-4A	Recommended for ROR, accepted by court

Once the answers have been verified the interviewer shall complete an evaluation codesheet to be used in the overall evaluation of the program to be sent to the Department of Corrections and/or the Community Corrections office.

If the detainee has the requisite five or more points, the interviewer prepares pretrial release order and a recommendation for release form and submits these to the judge. The judge if he accepts the recommendation shall prescribe conditions of release and sign the order. The recommendation for release submitted to the court shall not reveal detainees score, nor does the interviewer verbally provide that information to the court.

Soon after the release the ROR interviewer shall review the conditions of release with the accused. The accused shall be given written notice of the parole and probation officers phone number and the time and date of his next court date. One week prior to the scheduled appearance, the parole officer shall send out a remainder notice to the accused of his appearance date.

Failure to abide by the conditions of release established by the court shall make the accused liable for ROR revocation. Minor infractions shall be handled by the parole and probation officer.

B. Supervised Release

The purpose of Supervised Release is to serve those defendants who, because of their relative lack of community ties and for their more serious criminal background, are denied release on their own recognizance. Therefore the purpose of the program is not only to release the maximum number of persons consonant with public safety, but also to assist the released defendant to become qualified for probation if convicted.

The Supervised Release program shall be staffed by parole and probation officers. Because these defendants require more supervision, the SR caseload of each parole and probation officer shall be less than the caseload of those involved with ROR, ideally 20-25 defendants per officer.

There shall be seven basic tasks involved in the SR program: (1) selection, (2) release, (3) intake, (4) testing, (5) counseling and referral, (6) job development and placement, and (7) termination.

The SR program team (those parole and probation officers assigned to SR) shall routinely review the files of a defendant who either failed to qualify for ROR (R-1, R-2, R-3 or R-4NA). Three types of defendants shall be routinely screened out following the file review. First are those defendants that are transients, not Kansas residents. Second are those defendants subject to specific "holds" or warrants issued by local, state, or federal law enforcement agencies. Third are those defendants who are mentally disturbed or addicted. In the third instance, the team may recommend that defendant be transferred to a facility for appropriate service programs.

Following the initial review of case files the team conducts the interview. The interview shall be subjective and open ended, focusing on the defendant's ties to family and friends in the community, length of residence and mobility, the defendants age and prior arrest and conviction record, the defendant's employment record, and the defendant's involvement in drugs (including alcohol).

If the interviewer is satisfied that the defendant honestly responded to his questions, understood the program and the tasks he will be expected to assume and indicates an honest willingness to abide by the conditions of the SR program, the interviewer may select the defendant for entry into the program and recommend to the court that the defendant be released.

The subjective interview should probe the likelihood that (1) the defendant will appear in court following release; (2) the defendant will be a "good risk" and that he will not become involved with the police during the pretrial period; and (3) the defendant will cooperate with the staff of the supervised release component.

When the defendant is selected for participation in the SR program, the interviewer submits a recommendation to the court and requests release of the defendant to the program. Releases to the program are subject to the provisions of a release bond and any special conditions which the court or the program may impose. The interviewer prepares the release order to the court and details any special conditions of release. The court then enters its conditions, the order is reviewed with defendant, he signs it and the court approves it.

Immediately following release, the defendnat is taken to parole and probation office and a master file and SR evaluation codesheet is filled out on defendant. At that time the defendant shall enter into a contract with the parole and probation officer. The contract shall acknowledge the relationship between the program and the client, details the conditions of release, and specifies the consequences of any breach of the contract by the client (i.e. revocation of release). If the client refuses to sign, the release bond would be revoked and defendant returned to jail.

Within a few days after entry into the program, a battery of diagnostic tests shall be administered to the defendant. The authority responsible for parole and probation shall have authority to contract for use of state facilities or to contract privately for such services. The defendant shall also be given a career exploration test in those cases where employability is questionable or where work records are spotty. Again, the authority responsible for SR shall have authority to contract for the services of AVTC or state agencies, such as Department of Human Resources, Employment Security Division. It should be stressed that the SR team must utilize those resources in the community which might be called upon to help the defendant's needs.

The officer should closely supervise the defendant and develop an educational and employment program to establish a solid and sound record for the defendant to present to the court for the purpose of attaining probation upon conviction.

The defendant shall be terminated from the program only (1) through revocation of the release bond or (2) through judicial disposition of the case. The release bond may be revoked for any breach of those conditions set forth in either the release bond or the contract. It shall be the duty of the SR officer to review the breach and recommend revocation to the court. The officer shall use discretion in recommending revocation; revocation should not be recommended for minor infractions. However, the release bond should be revoked in the event of re-arrest or another indictable charge or failure to appear in it.

C. Pretrial Diversion

PD is the procedure of postponing prosecution either temporarily or permanently at any point in the judicial process from the point at which the accused is charged until adjudication. The purpose of diversion is to offer the offender an alternative method of rehabilitation other than incarceration or probation which will bring about the offender's future compliance with the law.

Each district or county attorney shall prepare and issue guidelines consistent with the act, providing for a diversion conference at which the prosecutor, defense counsel, and offender may meet to discuss the case. These regulations shall identify those classes of cases in which the prosecutor may schedule a conference and shall further provide that the prosecutor believes a conference is desireable. To the extent the prosecutor believes feasible in the effective administration of justice, such regulations shall include guidelines concerning action which the prosecutor will consider taking in certain types of cases or factual situations.

At the diversion conference, the prosecutor shall afford either the offender or his counsel the opportunity to advance arguments and present facts bearing on the issues and shall inform the offender or his counsel of his views and the reasons therefor in a manner that will give the offender or his counsel the opportunity to respond. The parties may discuss and agree upon a disposition of the case which may include dismissal or suspension of the prosecution. The parties may agree that a particular disposition shall be conditions upon the offender's participation in a supervised rehabilitation program.

In any case in which the prosecutor is considering charging an offense punishable by imprisonment for more than one year, the offender must be represented by counsel.

In all cases where an individual is found eligible for diversion, a written report shall be made and retained on file in the prosecutor's office, regardless of whether the individual is finally rejected or accepted for a diversionary program. A copy of this report shall be provided to the offender and the offender's counsel. In addition, copies may be provided to those agencies which may be involved in developing treatment programs with the offender. All parties concerned shall take due care to insure privacy of the diversionary reports.

The process of diversion and the diversion conference, if such a conference is held, cannot be used to coerce a guilty plea from an offender, even though there is reasonable assumption of the offender's guilt. The offender, or an accused, shall not be required to enter any formal plea to a charge made against him as a condition for participation in a diversion program. Participation in a diversion program shall not be used in subsequent proceedings relative to a charge as evidence of an admission of guilt.

Each individual who is charged must be provided with a sheet of facts about the diversion process.

In any case in which an offender agrees to a specific diversion program, a specific agreement shall be made between the prosecution and the offender. This agreement shall include the terms of the diversion program, the length of the program, and a section stating the period of time after which the prosecutor will either move to dismiss the charge or to seek a conviction based upon that charge. This agreement must be signed by the offender and his counsel, if so represented, and by the prosecutor. No diversion shall take place without the written consent of the offender. The agreement shall be filed in the prosecutor's office with a copy to the offender and his attorney.

Prior to formal entry into a diversion program, the prosecutor may require the offender to inform him concerning the offender's past criminal record, his education and work record, his family history, his length of residency in the community, his medical or psychiatric treatment or care received, and other information bearing on the prosecutor's decision for an appropriate disposition of the case.

If the case should go to trial, any statements made by an offender or his counsel in connection with any pre-charge discussions concerning diversion shall not be admissible in evidence.

The written policies developed by the prosecutor's office shall contain policies for the diversion of offenders. Prior to authorizing diversion, the following factors should be taken into account:

(1) Whether the community will be safe if the individual is placed on diversionary program (or not prosecuted),
(2) Whether the offender's needs are best served,
(3) Whether the offense was the result of circumstances likely to recur,
(4) Whether the victim of the offense induced or facilitated the offense,
(5) Whether there are grounds tending to excuse or justify the offense,
(6) Whether the offender acted under strong provocation, and
(7) Offender's prior criminal activity.

An individual should not be considered for a diversion program if (1) he has been irresponsive to previous diversion programs, or (2) he may be considered a dangerous offender.

The district or county attorney's office shall have authority to contract with any agency, governmental and non-governmental, for the purpose of providing services and programs for those placed in a diversion program.

II. POST-TRIAL/PRE-SENTENCE

A. Pre-Sentence Investigation

KRDC shall continue to provide evaluation reports on all individuals under the jurisdiction of the Department of Corrections. Additionally, all judicial districts are required to have PSI reports on convicted felons prior to sentencing. It shall be the responsibility of KRDC to develop a standardized form for use by the District Courts. Said reports shall be completed by parole and probation officers. If more is needed, the court may send the individual to KRDC for Pre-Sentence evaluation.

KRDC shall also provide the evaluation reports for female inmates prior to their placement in KCIW.

To facilitate KRDC in its task, the Schaefer Plan for construction should be implemented.

B. Classification

Inmate classification shall be performed by KRDC, including the types of programs most beneficial to the inmate. The inmate shall go directly to KRDC from the court for said classification. The classification and recommended programs shall be explained to the inmate prior to his placement in a correctional facility. The KRDC inmate classification and program recommendation shall be followed in all instances except where prohibited by space.

Any inmate classified as minimum security shall not be placed in any institution other than a ~~residential~~ community facility providing the programs identified by KRDC. Community facility includes but is not limited to work release centers, honor camps, half-way houses, and residential and non-residential programs designed for the detention, care or treatment of persons convicted of a crime.

III. POST CONVICTION

A. Probation

Recognizing the effectiveness of probation as a post conviction sentencing alternative, it is necessary for the Department of Corrections to decrease the workload of each officer so more time can be devoted to each probationer. We recommend that those government units with authority for parole and probation decrease the caseload to 50 when the felon is on regular probation (anything other than ROR and supervised release.)

The parole and probation officers for all purposes shall be employees of the Department of Corrections except, in those counties who have elected to participate in the Community Corrections Act, the parole and probation officers shall be employees of the Community Corrections county or counties.

Restitution - In lieu of incarceration and as a condition of probation, the courts shall have the authority to prescribe that the probationer pay restitution to the victim.

An investigation of the offense of which the probationer is convicted shall be conducted by the probation officer who, after investigation shall compute the actual cost of the crime to the victim, determine the amount the probationer can reasonably be expected to contribute to restitution, and establish a restitution payment plan that is signed by the probationer and then submitted to the court.

Payments made by the probationer shall be submitted to the probation officer who in turn deposits it in a special account. Interest earned on the deposit is treated as interest on the debt. If the probationer's financial situation changes during the probationary period, the plan may be altered, subject to its approval.

Community Correction Programs - Recognizing the need for an alternative to imprisonment and regular probation, the court shall have the authority to place convicted felons in community-based programs as a condition of probation. Those counties who have entered the Community Corrections Act shall have a variety of facilities available to meet the needs of the probationers. Those counties who have not joined the act

shall have the authority to contract with participating counties for such services. The programs available are identified later under the heading of "The Community Corrections Act."

B. Department of Corrections

Community Corrections Act - Those who are not placed on probation by the court are sentenced to the Department of Corrections. The Department, as the court, is in dire need of incarceration alternatives. The department needs the capability of segregating the minimum, medium and maximum security inmates for rehabilitation as well as security reasons. Community based programs accomodate that end. The enabling legislation, to be referred to as Community Corrections Act, is attached.

Those communities which participate in the Act shall be encouraged to establish a broad variety of facilities including but not limited to:

(1) Chemical Dependency Centers
(2) Work Release Centers
(3) Centers for the Sex Offender
(4) Half-way Houses (both for the offender sentenced there in lieu of institutionalization and for those offenders leaving an institution and re-entering society.)
(5) Youthful Offender Centers

The Department of Corrections should propose such a variety of centers when giving assistance to Community Corrections Advisory Boards and when approving local comprehensive plans. Nothing in the Act shall preclude the Department of Corrections from establishing a Community Corrections Facility on its own in areas not participating in the Act.

The successful transition from our predominantly institutional system to a system including community correction programs will depend upon developing leadership, freedom for innovation, and a commitment of human and financial resources close to the center of action rather than in geographically and hierarchically distant power centers.

Industries - Recognizing that generally lacking among inmates are marketable skills and good work habits and attitudes, and further recognizing that the idleness rate at our institutions is unacceptably high, (1) the Department of Corrections shall be given the statutory authority to manufacture and sell products and services to any purchaser within the state. Additionally, (2) the Department of Corrections shall have the power to contract with private concerns for the leasing of space within the institution and (3) loaning of personnel for the purpose of promoting industries.

The DOC shall investigate and establish industry programs within the appropriate institution. Some possible programs are:

(1) office machine maintenance and repair
(2) nursery - ($250,000 annually spent by state, in 1971 dollars)
(3) highway guard rail repair - ($58,000 ")
(4) decal and sign work - ($20,000 ")
(5) metal office desks and file cabinets - ($175,000 ")

It shall be the policy of the Department of Corrections to provide a job for all inmates who can work. The DOC should develop a variety of work programs providing the highest level of compensation possible for such work. When such compensation is sufficiently adequate, the Department of Corrections shall (1) establish a program of restitution to the victim where applicable, (2) establish a program for reimbursement to the state for the per diem expenses incurred, (3) establish payment of a reasonable portion to the family for support, and (4) establish payment of a reasonable portion in a savings account for the inmtae who shall receive it upon release.

The industries program shall receive start-up money from the state with a goal of self-sufficiency.

Programs - Within the institution, the Department of Corrections shall establish programs for the purpose of treating inmates with particular problems as identified in the KRDC evaluation. Such programs shall include: (1) adult education programs, (2) vocational programs, (3) chemical dependency programs, and (4) sexual offender programs, (5) recreational programs, and (6) college extension courses. Additionally, the DOC shall place a great emphasis on pre-release programs and re-entry skills. The department shall also establish a job placement program for the inmate.

C. Kansas Adult Authority

KAA shall be fulltime with a full-time staff. The KAA shall consist of five members as it currently does, four shall be appointee's of the governor and serve for four year terms and the fifth member shall be the chair, appointed by the Secretary of Corrections and serving ~~at his pleasure~~. The KAA shall establish published criteria for consideration of parole and shall provide written explanations of the reasons for denying parole.

Mutual Agreement Program - The DOC shall establish a Mutual Agreement Program (MAP) designed to increase the efficiency and humanity of prisoner rehabilitative programs and the parole review process.

Under the MAP concept, the DOC (or a representative such as the director of the institution), the KAA, as well as the prisoner agree to a three way contractual commitment. The prisoner must assume responsibility for planning (with prison staff) and completing successfully an individually tailored rehabilitative program to obtain parole release at a mutually agreed upon date. The KAA must establish a firm parole date and honor it if the inmate fultills the explicit objective and mutually agreed upon criteria for release. Institution staff must provide the services and training resources required by prisoners and must fairly assess their performance in the program.

It is the objective of MAP to have a positive impact on the inmate and the DOC by:

(1) establishing a specific release date,
(2) reducing resident anxiety and a resultant reduction in disciplinary infractions,
(3) increasing resident motivation in rehabilitative programs they feel will best help them,
(4) enabling the DOC to rationally plan for better allocation of resources based upon known entry and exit dates for programs and institutions,
(5) responding to allegations of KAA arbitrariness over lack of knowledge of what one must do to be granted parole,
(6) developing an improved level of accountability for the three contracting parties,
(7) reducing recidivism for MAP participants.

Within 60 days from arrival to the institution, the inmate eligible for MAP shall see the KAA. Those eligible for MAP contracts shall be limited to inmates convicted of property crimes, with eligibility being extended within one year to all offenders except those convicted of first degree murder and sex offenses.

At the meeting the KAA shall assign two release dates. The first date shall be an "upper limit" date, i.e., the guaranteed parole date upon non-participation in MAP, or upon non-completion of a MAP contract, but with absence of major misconduct convictions in the institution. The other date is a "lower limit" date, which is a guaranteed parole date upon prior completion of a MAP contract and with absence of major misconduct convictions in the institution. As a rule, most inmates who successfully complete the MAP contract will reduce the period of incarceration by four to six months.

The deputy of corrections shall develop the criteria consistent with the above guidelines for implementation of this program.

IV. INFORMATION SYSTEM

Recognizing the importance and difficulty of collecting data on inmate profile and disposition of DOC, Research and Planning Section, shall develop and implement a Kansas Comprehensive Correctional Information System.

Corrections 17 Nov. 77
Steve Millstein

INMATE POPULATION AND CAPACITY AT KANSAS CORRECTIONAL INSTITUTIONS

	Current Population	Max Capacity As Per DOC Proposal	Max Capacity Under Recommended Proposal
KSP	947	1043	989
KSIR	857	923	935
Outside Dorm	-	100	100
KRDC	103	126	126
Expansion	-	-	128
KCVTC	133	160	160
400 Bed Med. Sec.	-	400	-
KCIW	94	100	100
Toronto	51	52	52
Two DOC proposed	-	100	100
One Addition	-	-	50
Work Release			
Wichita	22	22	22
Kansas City	-	20	20
Topeka	20	20	20
Fort Scott – SE Reg Cor Center	-		
Topeka	-		
Saline Co.	-	34	34
	2,227	3,100	2,836
Wichita II	—	25	25