

Approved

Neal D. Whitaker

Date

1/24/83

MINUTES OF THE House COMMITTEE ON Federal and State Affairs

The meeting was called to order by Neal D. Whitaker at
Chairperson

1:30 ~~am~~/p.m. on January 12, 1983 in room 526-S of the Capitol.

All members were present except: Rep. Peterson, who was excused

Committee staff present:

Russ Mills, Legislative Research
Mary Torrence, Revisor of Statute's Office
Nora Crouch, Secretary

Conferees appearing before the committee:

Chairman Whitaker called the meeting to order and welcomed all returning members and all new members to the Committee. He informed the Committee that they do meet after lunch and it is important that the meeting start on time as there will be times the Committee will use the full 2 hours.

The Chairman asked all members to introduce themselves and tell what area they are from. He also introduced Russ Mills and Mary Torrence who would be staffing the Committee.

The Chairman explained that the tour of the Kansas State Penitentiary scheduled for January 13th was open to anyone who wanted to go. It is simply a follow-up on the reports submitted by Mr. Henderson and Mr. Lovelace on the prison situation last year to discuss the changes and improvements made. It is possible that Mr. Henderson will be available on the 13th for the tour. He further advised the Committee that KSP Director, Gary Rayl, has prepared a report which has been submitted to the Governor on the problems that have been corrected. There is a copy of the report in the Chairman's office and there will be copies available after the tour of the facilities.

Russ Mills, Legislative Research, presented the Committee with copies of the House and Senate Committee Reports, a copy of the Special Joint Committee on Prison Building Construction, and a copy of budget information (See Attachments A, B, C). Three committees examined the Department of Corrections in 1982. He discussed the employee problems that surfaced in 1982 as well as the escape of the 7 prisoners. Mr. Mills explained that the FY 82 and 83 money has already been appropriated by the Legislature. The request for this year will include more money and the FY 85 and 86 figures were part of the overall plan by the DOC for the prison system.

Chairman Whitaker suggested to the members that if they were going on the tour that they try to read the material provided by the Research Department.

Chairman Whitaker advised the Committee that most committees have a deadline for consideration of bills and that after a certain date every committee except Ways & Means will cease to operate. Federal and State Affairs will be able to act on any legislation referred to us after the deadline for bills to be out of committee. The same applies to the end of the session. This Committee also introduces Committee bills on occasion, however, it depends on the merit of the bill. If a member wants a bill introduced they have bring it up before the committee for discussion.

The meeting adjourned.

February 8, 1982

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COMMITTEE REPORT

FROM: House Committee on Federal and State Affairs

RE: Management Issues at Kansas State Penitentiary and the
Department of Corrections

The House and Senate Committees on Federal and State Affairs held three days of joint hearings concerning issues relating to the management of the Kansas State Penitentiary (KSP). Numerous personnel of the Department of Corrections (DOC) appeared before the joint committee under subpoena and the testimony covered a wide range of issues concerning the operation of the Penitentiary and the Department of Corrections. A complete transcript of the public hearings is available from the Legislative Counsel. The Committees also reviewed two security analyses prepared by independent evaluators on security matters at KSP. The House Committee wishes to submit the following recommendations for legislative consideration.

1. Managerial Communication

There is an urgent need for improved communication at all levels between the Department of Corrections and KSP. Communication must be improved at all staff levels from the Office to Secretary of Corrections to the line personnel at KSP. This communication must flow both up and down the chain of command if effective management is to be achieved at KSP.

2. Secretary of Corrections

The Secretary, Patrick McManus, stated in his testimony "That's not my prison, and I will not own for you or anyone else all of the problems at that institution." The Secretary of Corrections must become willing to accept his statutory responsibility for the operation of KSP and be responsive to the institutional employees and their problems. This criterion also includes the Deputy Secretary of Institutions who has been the staff person at DOC directly responsible for the operation of KSP. The Deputy

Atch. A

Secretary of Institutions, who is the former director at KSP, has an office just outside the walls of the institution. By his statement before the Committee, he indicated that he did not think it was necessary to tour the institution on a regular basis. It is our assumption that the Deputy Secretary of Institutions' attitude is one of disinterest and no change for KSP and that his disinterest and that of the Secretary have contributed in a large part to the emergence of serious employee-management problems at the institution. It is the Committee's opinion that until the Secretary and the Deputy Secretary of Institutions reestablish their personal priorities for the Department that change cannot possibly occur.

3. Disciplinary Procedure

The current inmate disciplinary procedure must be immediately revised. The procedure is cumbersome, lengthy, and a major source of frustration for correctional officers. The perception that the procedure is weighted in favor of the inmate must be eliminated and a firm, but fair, procedure implemented. The Secretary stated that revisions have been made and they are following the rules and regulations process. The Committee points out that the Department must recognize the fact that the disciplinary procedure is a major cause of divisiveness within the institution between the correctional officers, management, and the inmates. Testimony also points out that unit team management could function adequately if relieved of the major burdens of the disciplinary process. The Committee finds that the problems surrounding this process are such that efforts should be made by the DOC to change the process through temporary regulations.

4. Legal Services for Prisoners

The program of free legal services for inmates in the disciplinary process should be eliminated, except when constitutionally required. This state-funded program, under which inmates receive legal counsel for civil, criminal, and disciplinary matters, is counterproductive to the efficient operation of KSP and detrimental to staff morale.

5. Staff Salary and Benefits

Immediate efforts should be undertaken to upgrade the salary schedule for correctional officers, establish a career ladder, and consider new pension options. At the time, additional training should be mandated for correctional officers to professionalize the standards for such staff. A system of promotions based on experience and qualifications should be implemented.

6. Inmate Work.

The farming operation at KSP should be studied to provide work for inmates. Reactivating the farm and new industrial operations should be studied. Inmate idleness at the institution must be eliminated. New work programs should be established to insure that every inmate has a daily job to accomplish. At the least, inmates should be used to clean and maintain the facility.

7. Classification of Inmates

A classification program must be implemented to classify and segregate inmates according to degree of security risk.

8. Mentally Ill Inmates

Immediate action should be taken to remove mentally ill inmates from KSP and house them in other suitable quarters.

9. Future Corrections Plans

The Committee endorses and supports the need for additional correction facilities to be constructed within the state and the Legislature should address that need.

10. Employee Grievance Procedure

There should be an effort made to assess and evaluate the employee grievance procedure from what is presently in place to be made more responsive to the needs in the institution.

11. Stress Management Program

A stress management or "troubled employee" program, similar to the one used by the Department of Social and Rehabilitation Services, should be implemented for DOC personnel.

12. Oversight Committee

Any new construction or renovation undertaken by the DOC should be subject to continual legislative oversight.

13. Future Reports

Reports on the operation of KSP should be submitted to the Legislature by the Secretary of Corrections and the new KSP Director concerning the classification system, security matters, the disciplinary procedure, and other issues raised in the two security studies. The authors of the security studies should be commissioned to conduct follow-up analyses in the near future.

14. Shakedown Crew

New staff positions should be funded at KSP so that a shakedown crew can operate on a daily basis.

15. Honor Camps

The Committee supports the expanded use of honor camps for those inmates who can be placed in a minimum security setting.

16. Job Descriptions

A concise organizational chart, which clearly delineates the job responsibilities of DOC personnel, should be prepared.

17. Staff Meetings

Mandatory, periodic staff meetings for all KSP personnel should be established immediately.

18. Protective Custody

The administration of the protective custody program should be revised so there are no unintentional incentives to encourage an inmate to seek protective custody status.

19. Delivery of Commissary Goods

Correctional officers should not be required to deliver commissary goods to the inmates' cells. Inmates should purchase their own commissary goods.

20. Security Issues

The Committee recommends that immediate action be taken by the DOC to remedy the security issues discussed during the executive session.

COMMITTEE REPORT

TO: Legislative Coordinating Council

FROM: Senate Committee on Federal and State Affairs

RE: Management Issues at Kansas State Penitentiary and the Department of Corrections

The Senate and House Committees on Federal and State Affairs held three days of joint hearings concerning issues relating to the management of the Kansas State Penitentiary (KSP). Numerous personnel of the Department of Corrections (DOC) appeared before the joint committee under subpoena and the testimony covered a wide range of issues concerning the operation of the Penitentiary and the Department of Corrections. A complete transcript of the public hearings is available from the Legislative Counsel. The Committees also reviewed two security analyses prepared by independent evaluators on security matters at KSP. The Senate Committee wishes to submit the following recommendations for legislative consideration.

Commentary

Kansas State Penitentiary is an ancient institution. It has served our state for nearly 100 years. Although antiquated, it remains a viable institution, and, with some updating and modernization, it can serve its stated purpose well in future years. It should be a maximum security institution, housing only the most desperate of convicted felons and long-term habitual criminals. Security should be its principal objective, notwithstanding the fact that it should provide educational and work programs. To complicate the mission of the Penitentiary by injecting short-term inmates complicates the ability of the Penitentiary to operate.

Forces of various political aims and persuasions are constantly pulling and pushing to instill their philosophy into the prison setting. Whoever pulls and pushes the hardest seems to gain the advantage, and prison administrators appear hard pressed to follow a consistent, humane, and intelligent course of action.

The Committee received testimony as to the conditions at KSP and it should be noted that the Committee's observations concerning these conditions reflect the testimony presented as to what the conditions had been prior to the hearings.

It appears that there were several deficiencies in the administrative directions of the Secretary of Corrections including:

1. lack of planning;
2. failure to clearly define intermediate and long-term goals;
3. a decided lack of understanding for prison personnel, staff, and inmate thinking;

Atch. B

4. a lack of insight into the immediate problems of Lansing;
5. lack of coordination with our Attorney General and other senior police and law enforcement officials;
6. an unnecessary layered bureaucracy within his own office that made contact with him difficult;
7. a failure to communicate the needs and aims of the penal system to the public; and
8. last, but not least, he had lost the respect of staff, both prisoner and administrative force alike.

Problems at Lansing

According to Mr. James Henderson, one of the consultants who did a review, after October, 1981, of problems at Kansas State Penitentiary, all of the ingredients were in place for a major and destructive incident. We concur with this statement and submit they had been there for some time:

1. Prisoners were frightened for their own safety, and staff were concerned for theirs.
2. Staff was without direction, leadership, or supervision.
3. Conflict existed between treatment and security personnel.
4. Staff morale was at an all-time low and discipline was questioned.
5. For these reasons and others, many of which were defined in statements made by correctional officers and others appearing before the joint Senate and House Committees during hearings conducted this session, the majority of the correctional staff threatened to walk off their jobs at Kansas State Penitentiary in October, 1981.

The new director must be given sufficient autonomy to regain control of the prison population, the guard force, and other employees. It will take months and considerable patience to restore the principal ingredients that had been missing at Lansing for a long period of time: discipline, control, and communication at all echelons.

Other situations are as follows: (1) the commingling of male and female inmates at KCIL; (2) the use of male and female guard force personnel at opposite sex facilities; and (3) the failure to properly classify some inmates.

The Committee recognizes that there are limited occasions when male and female inmates could properly be housed in the same institution, such as persons who work in Zephyr Industries or persons who are receiving vocational training. Care must

be taken to ensure that, in those instances, they are housed in separate living facilities in the institutions and that contacts between the male and female inmates should be limited and supervised. Recreational activities should be segregated to prevent unnecessary fraternization.

We should look at the institution as a place of incarceration where we will provide every reasonable opportunity for individuals to better themselves. The institutions serve the major purpose of incarcerating the dangerous, convicted felon and providing an opportunity for that convict to change his unsuccessful lifestyle.

Observations Relating to Past Problems
at KSP

There were all sorts of identifiable problems at Lansing. What concerns us is that little that could be considered constructive had been brought forth to correct those deficiencies:

1. The place was filthy; certainly, there is not a shortage of manpower, and its standard appearance of uncleanness was inexcusable.
2. Idleness. One of the major ills existing in a close confinement area is idleness; with some exception, prisoners should be required to work or to be involved in a training program that keeps them occupied. At Lansing, the farms have been closed, the animal enterprises closed, the license plate factory closed; all were considered nonproductive work for inmates.

K.S.A. 1981 Supp. 75-5205 sets out the general powers and duties of the Secretary of Corrections. These duties include:

1. general supervision and management of the correctional institutions of the state;
2. general supervision, management and control of any manufacturing or other business carried on in a correctional institution;
3. general supervision of the grounds and buildings of correctional institutions and authority to purchase the necessary materials and supplies therefore;
4. authority to receive and expend federal funds and to contract with other federal and state agencies; and
5. authority to appoint such employees as may be necessary, within available appropriations.

In testimony before the Senate Committee, the Secretary stated that he is willing to accept these responsibilities and confident that he can accomplish the duties. He also stated that no legislative action is needed to assist him in fulfilling the responsibilities, other than the appropriations measures already suggested by the Legislature, the Governor, and the Department of Corrections.

Finally, a sense of normalcy and direction must be restored at KSP quickly. Let the people that are in charge run the institution. Give them guidelines, monitor their progress, encourage progressive, modern penal techniques, and protect the public. Correctional personnel serve the people of our state. They must be sensitive to the needs of the people in their charge, constantly bearing in mind that we are dealing with the human species gone astray.

Recommendations

1. Managerial Communication

There is an urgent need for improved communication at all levels between the Department of Corrections and KSP. Communication must be improved at all staff levels from the Office to Secretary of Corrections to the line personnel at KSP. This communication must flow both up and down the chain of command if effective management is to be achieved at KSP.

The Department of Corrections should investigate methods to seek additional staff input and improve efficiency. Such methods could include the use of a suggestion box system or cash awards through the employees award program contained in K.S.A. 75-2956b.

2. Disciplinary Procedure

The current inmate disciplinary procedure must be immediately revised. The Committee recognizes the need for change and understands that the rules and regulations will be modified. The perception that the procedure is weighted in favor of the inmate must be eliminated and a firm, but fair, procedure implemented. The Secretary stated that revisions have been made and they are following the rules and regulations process. The Committee points out that the Department must recognize the fact that the disciplinary procedure is a major cause of divisiveness within the institution between the correctional officers, management, and the inmates. Correctional officers should be advised of the disposition of all write-ups and the outcome of all disciplinary hearings. The Committee finds that the problems surrounding this process are such that efforts should be made by the DOC to change the process through temporary regulations.

3. Legal Services for Prisoners

The program of free legal services for inmates in the disciplinary process should be limited only to disciplinary cases involving Class I offenses.

4. Staff Salary and Benefits

Immediate efforts should be undertaken to upgrade the salary schedule for DOC employees, establish a career ladder, and consider new pension options. Serious consideration should be given to the ramifications of changing to a new retirement system. At the time, additional training should be mandated for correctional officers to professionalize the standards for such staff. A system of promotions based on experience and qualifications should be implemented.

5. Inmate Work

A labor-intensive farming operation at KSP should be implemented to provide work for inmates. Reactivating the farm, with a minimum of equipment should be undertaken now. Inmate idleness at the institution must be eliminated. New work programs should be established to insure that every inmate has a daily job to accomplish. At the least, inmates should be used to clean and maintain the facility. In addition, efforts should be made to expand outside work programs, similar to Zephyr Industries.

6. Classification of Inmates

A classification program must be implemented to classify and segregate inmates according to degree of security risk.

7. Mentally Ill Inmates

The Kansas Correctional Review Commission should examine the problem of mentally ill inmates as a priority item and consider the need for additional facilities to house such inmates.

8. Employee Matters

Management personnel must develop better methods of communicating with line staff. Communication should be frequent, periodic, and designed to improve morale and efficiency. The problem of low staff morale should be given vigorous and immediate study. A stress management or "troubled employee" program should be implemented for DOC personnel. A concise organizational chart, which clearly delineates job responsibilities, should be prepared. Mandatory, periodic staff meetings for all KSP personnel should be established immediately.

9. Future Reports

Reports on the operation of KSP should be submitted to the Kansas Correctional Review Commission, by June 1, 1982, by the Secretary of Corrections and the new KSP Director concerning the classification system, security matters, the disciplinary procedure, and other issues raised in the two security studies. The authors of the security studies should be commissioned to conduct follow-up analyses in the near future.

10. Shakedown Crew

New staff positions should be funded at KSP so that a shakedown crew can operate on a daily basis. The Committee encourages the Director to immediately implement a program of frequent, total shakedowns of KSP on an irregular basis. Every area of the prison should be subject to a periodic shakedown.

11. Honor Camps

The Committee strongly supports the expanded use of honor camps for those inmates who can be placed in a minimum security setting. Inmate labor should be used to the extent possible in constructing new honor camps.

12. Protective Custody

The Committee urges the Director to take steps to end the preferential treatment of protective custody inmates and to implement procedures to discourage inmates from seeking protective custody status. Inmates on protective custody status should be given work duties daily.

13. Delivery of Commissary Goods

Correctional officers are now required to deliver commissary goods to the inmates' cells. DOC should review this policy to determine if this is an appropriate job responsibility for correctional officers.

14. Security Issues

The Committee recommends that immediate action be taken by the DOC to remedy the security issues discussed during the executive session.

15. Oversight Commission

We support the creation of the Kansas Correctional Review Commission made up of selected members of the House and Senate to oversee the prison and to monitor plans for the future.

16. KSP Mission

Publicly define the mission of the Penitentiary, enumerate the goals expected to be attained in the next six months, and insist on compliance and monitoring by the Correctional Review Commission.

17. General Orders

Review the general orders at the Penitentiary and require coordination with appropriate law enforcement agencies in the area.

18. Emergency Plans

Instigate an emergency plan with a whistle sound alarm for the surrounding community, with the Leavenworth County Sheriff participating in the plan.

19. KSP Director

Render the fullest possible support to the new director.

20. KSP Staff

Review the job description and performance of each and every employee at the Penitentiary, replace the unqualified, and begin a recruiting program statewide.

21. Future Oversight

Our prison system should be closely monitored by the Legislature on an ongoing basis. Penal institutions should be visited regularly by state judges and members of the Legislature. Plans should be submitted to appropriate committees for their perusal.

Respectfully submitted,

March 4, 1982

Senator Edward F. Reilly, Jr.
Chairman

Senator John Chandler, Vice-Chairman
Senator Neil Arasmith
Senator Norma Daniels
Senator James Francisco
Senator Richard Gannon

Senator Bill Morris
Senator Nancy Parrish
Senator Elwaine Pomeroy
Senator Ed Roitz
Senator Ben Vidricksen

112
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SPECIAL JOINT COMMITTEE TO STUDY PLANS
FOR PRISON BUILDING CONSTRUCTION

REPORT AND RECOMMENDATIONS
TO
THE 1982 LEGISLATURE

February, 1982

Atch. C

COMMITTEE REPORT

TO: Legislative Coordinating Council

FROM: Special Joint Committee to Study Plans for Prison
Building Construction

RE: Recommendations for New Construction and Improvements
to Kansas Correctional Institutions

Introduction

Background. The 1981 Legislature provided FY 1982 appropriations of \$377,985 to the State Penitentiary for facilities planning. An amount of \$220,000 was for comprehensive preliminary planning and it was understood that such plans would include a combination gymnasium/education/activities building, a new warehouse for Prison Industries, a garage and maintenance building, a perimeter fence, housing for approximately 300 medium custody inmates, and related feasibility and engineering studies. A separate appropriation of \$157,985 was provided for final planning of that portion of the preliminary plans dealing with housing for the medium security inmates. This latter appropriation was accompanied by a proviso requiring that the preliminary plans be presented to the State Finance Council and subjecting expenditures to Finance Council approval. The preliminary plans were presented to the Finance Council on November 6, 1981 and the Council approved the expenditure of final planning funds on that same date.

On November 9, 1981 the Joint Committee on State Building Construction reviewed all requested capital improvements for the Department of Corrections and correctional institutions. The principal focus of the Joint Committee's hearing was a review of the preliminary plans for additional facilities at the State Penitentiary and the justification rationale for the requested appropriations in the current fiscal year and FY 1983. During its next meeting on December 17, 1981 the Joint Committee unanimously adopted a motion to recommend that a special joint committee be created for the purpose of studying and making recommendations to the 1982 Legislature regarding the correctional system as a whole and the need for additional correctional facilities. It was the opinion of the Committee on Building Construction that there was a need for input and consideration of policy matters outside the statutory charge of the

Building Committee in order that a more definitive assessment of the need for additional correctional facilities could be made. This recommendation was communicated to the President of the Senate and the Speaker of the House by way of a letter from the Chairman. On January 12, 1982 the Legislative Coordinating Council adopted the Building Committee's recommendation and decided that the special joint committee would consist of seven representatives and six senators.

Committee Activities

The Special Joint Committee to Study Plans for Prison Building Construction began meeting on January 18, 1982 at which time the Committee adopted 19 objectives toward meeting its charge (attachment 1). During subsequent meetings the Committee heard testimony from a number of conferees including the Attorney General, the Secretary of Corrections on several occasions, the Chairman of the Adult Authority, the Director of the Park and Resources Authority, the Health Care Administrator for the Department of Corrections, and the principal architects (and their criminal justice facilities consultant) who developed the preliminary plans for additional facilities at the Penitentiary. A list of conferee names and their responses to Committee questions are in attachment 2. The written testimony of the Attorney General is attachment 3 and the written testimony of the Chairman of the Adult Authority is attachment 4. The transcript of a conference call is attachment 5.

One of the matters brought to the Committee's attention during its deliberations is a consent decree, effective May, 1980, concerning conditions at KSP. The consent decree was entered into by the Department of Corrections and the Kansas Attorney General in U.S. District Court, in a case wherein they were both defendants, whereby the Department has agreed to make a good faith effort to comply with standards of the American Correctional Association as they apply to conditions at KSP. The Committee believes, therefore, that the recommendations it can make with respect to construction of new facilities at KSP are necessarily constrained by the provisions of the consent decree, which is attachment 6.

Inmate Population Characteristics

Population Trend. Following is a table showing the actual average daily inmate population of the corrections system from FY 1964 to FY 1981 and an estimate

of the average daily population for FY 1982 and FY 1983 that serves as the basis for the Governor's FY 1983 budget recommendations. It should be noted that the average daily census for a given year does not reflect the maximum population level and further, that given the current trend, the population at the end of a year would likely exceed the average daily census for that same year.

<u>FY</u>	<u>Total</u>
1964	2,859
1965	2,817
1966	2,825
1967	2,478
1968	2,297
1969	2,252
1970	2,055
1971	1,984
1972	1,891
1973	1,664
1974	1,415
1975	1,510
1976	1,770
1977	2,068
1978	2,261
1979	2,322
1980	2,316
1981	2,485
Est. 1982	2,839
Est. 1983	3,116

For FY 1982, the male offender population is estimated to be 2,708 and the female population 131. For FY 1983, the estimated number of males is 2,970 and the number of females 146.

The inmate population began to decline in FY 1967, reaching a low of 1,415 in FY 1974. In FY 1975, the population began to rise and continued to increase until FY 1977, at which time it stabilized. The population remained stable until the late fall of 1980 when it began to increase again. The increase has continued to the present time.

Inmate Population by Custody Classification. The following table shows the custody classification of the inmate population as of January 12, 1982, by institution, as presented to the Committee by the Department of Corrections. The Department noted that the population data represented a first run of information under the new computerized classification system.

<u>Inst./Prog.</u>	<u>Maximum</u>	<u>Close</u>	<u>Medium</u>	<u>Minimum</u>	<u>Total</u>
KSP	115	396	491	246	1,248
KSIR	79	214	336	272	901
KRDC	—	100	5	19	124
KCVTC	10	1	21	167	199
KCIW	1	19	8	83	111
Toronto H.C.	—	—	—	64	64
Wichita W.R.	—	2	3	39	44
Topeka W.R.	—	1	—	22	23
Hutchinson W.R.	—	—	—	19	19
Contract W.R.	—	—	—	18	18
TOTAL	205	733	864	949	2,751

The current percentages of inmate population by custody classification are 34.1 percent for maximum/close, 31.4 percent for medium, and 34.5 percent for minimum. The capacity recommendations of the Committee are those shown on the table under the section of this report on capacity. It should be noted that because the Department's classification system has only recently been implemented, the population statistics may show a disproportionate number in the close custody category. As the new system develops, the Department has indicated that a number of inmates currently classified as close custody and minimum custody would eventually be distributed to the medium custody category.

Population Projections. The Department of Corrections presented to the Committee a projection of inmate population based on population rate increases in recent years. At the same time, the Committee acknowledges that all conferees have indicated that predicting future inmate populations is difficult. The Department emphasized that the totals presented were not intended to be true estimates of future population levels, a calculation that would involve a more sophisticated application of mathematics, socio-economic factors, etc., but was a projection of population based solely on rate increases in recent years. All totals were projected to January, 1987, or five years from the present time. Using rate increases occurring over the past 12 months, the Department projected a population level of 4,353 for January, 1987. Based on rate increases over the past three years, the projected population level would be 3,521; and using rate increases over the past five years, the population level would be 3,166. The Committee's recommendations allow for the population of the system to reach approximately 4,000 in five years. This recommendation is based on Committee considerations and study of crime rate trends as well as actual inmate population trends. For a description of recent crime rates see attachment 7.

Capacity

The following table compares current housing capacity with capacity under the Department's proposal and capacity under the Committee's recommendations.

<u>Inst./Prog.</u>	<u>Current Capacity</u>	<u>Agency Rec.</u>	<u>Committee Rec.</u>
KSP	1,150	1,150	1,093
KSIR	1,013	1,013	1,013
KRDC	122	122	106
KCVTC	180	180	180
KCIW	112	112	112
Toronto Honor Camp	52	52	52
El Dorado Honor Camp	—	56	56
New Honor Camps	—	—	100
Wichita W.R.	55	55	55
Topeka W.R.	45	45	20
Hutchinson W.R.	21	21	21
Contract Placement	20	20	20
Medium Security No. 1	—	480*	480
Medium Security No. 2	—	—	500
Facility for Mentally III	—	—	200
TOTAL	2,770	3,306	4,008
Male	2,644	3,180	3,882
Female	126	126	126
Maximum/Close	2,166	2,166	2,350
Medium	94	574	1,074
Minimum	510	566	584

* 192 of the 480 represent two additional dorms included in Phase Two of the Department's plan for which funds have not been requested.

The Committee's recommendations for a long-range correctional facilities plan would provide for a systemwide housing capacity of approximately 4,008 inmates. The significant differences in capacity between the Committee's recommendations and the Department's proposal are: making 62 beds available for medium security male offenders on an interim basis during construction only; establishing new honor camps for approximately 100 inmates; constructing five 96-man dormitories (total 480) adjacent to the existing KSP compound (instead of 288 under Phase One of the KDOC proposal); and recommending preliminary planning funds for a new 500-bed medium security facility

and a 200-bed facility to accommodate mentally ill inmates. The Committee envisions that new medium security facilities at KSP would be constructed in priority order without regard to phases to provide a continuous construction sequence.

In making its recommendations, the Committee considered increases in the inmate population, which continue to be a nationwide phenomenon. Recognizing that the factors which affect the inmate population are working in the direction of further population increases, the Committee believes that more beds than the total recommended under the Department's proposal are necessary to adequately provide for future housing needs. Because the population increases are expected to consist predominantly of male offenders, the Committee's recommendations emphasize the need for expanded bedspace for these offenders.

The Committee's recommendations also take into account the need for medium custody bedspace in the system. The Department has testified that currently little or no bedspace in the system could be characterized as medium security. Cellhouse "D" (the inside dormitory with open front cells at KSP) is considered to be a medium custody housing unit within a maximum custody compound. Outside Dormitory No. 2 has been converted to use as a medium custody facility while the cellhouses are being renovated; however, the Department plans to resume using this dormitory as a minimum security facility after cellhouse renovation is completed and after new medium security facilities are constructed next to the KSP compound. The Committee therefore emphasizes the need for medium security bedspace and Committee recommendations would provide approximately 1,074 medium custody beds (including the Department's proposal to convert Outside Dormitory No. 1 from minimum security to medium).

From information presented by the Department of Corrections, the Committee has experienced some difficulty in distinguishing between bed capacity under normal conditions and capacity under emergency conditions, i.e., when major projects, such as cellhouse renovation, are undertaken or when population increases occur. The Committee recognizes that total capacity is an elusive number because there are convicted persons under the custody of the Secretary of Corrections who are not included in any of the beds counted for capacity purposes, such as those in "sleep-outs," some infirmary beds, area hospitals, Larned Security Hospital, local jails, and the

old infirmary at KSP. The Committee has made several assumptions in making its recommendations in an effort to arrive at some estimate of normal capacity. It is assumed that one person per cell represents normal capacity and double bunking would be discontinued after new facilities are constructed. Discontinuation of double bunking would reduce the capacity of Outside Dormitory No. 2 at KSP from 87 to 30 (or 57); the Main Cellhouse at KRDC from 122 to 106 (or 16); and the Topeka Work Release Center from 45 to 20 (or 25). It is further assumed that multiple cells in "C" Cellhouse at KSP and "D" Cellhouse at KSIR would not be converted to single cells.

Recommendations for Immediate Action

Expedite Cellhouse Renovations. Appropriations totaling \$4,054,827 were approved by the 1978 Legislature to undertake an extensive renovation of cellhouses at KSP and KSIR and the two outside dormitories at KSP. The Legislature authorized planning funds for the renovation project for all four major cellhouses at each institution and construction funds for all cellhouses except Cellhouse "D" at KSIR and Cellhouse "C" at KSP, both of which have multiple cells. For the major cellhouses, renovation was intended to include a partitioning of the cellhouses into independent units; the addition of stairs to access the upper level through a new outside entry; plumbing, heating, and electrical improvements; and installation of fire alarm systems. At the present time, renovation of the two outside dormitories has been completed; Cellhouse "C" at KSIR is nearly complete; and renovation of Cellhouse "B" at KSP began November 23, 1981.

The primary purpose of renovating cellhouses was to improve living conditions for inmates and working conditions for corrections personnel but also to enhance the Department's ability to properly classify and manage inmates. The Committee reaffirms the validity and importance of these objectives and believes that the cellhouse renovation project should continue on its present course with all due haste. The Committee takes note of the level of progress in renovating cellhouses in the approximate four-year period since funds were approved and is frankly dismayed at the number of delays and redesign of plans that has occurred in that time. The Committee is further concerned about the apparent lack of planning and direction following completion of the first major cellhouse at each institution. It should be noted,

in fact, that cellhouse renovation is one of the provisions of the consent decree with which the state is obligated to comply. The Committee expects the Department to continue plans to renovate the remaining cellhouses for which funds have been authorized. If, in the judgement of the Department, additional funds are necessary to complete the project, the Committee recommends that the Department submit its proposal for additional funds in the shortest time possible.

Medium Security Facility. The Committee recommends construction of medium security facilities east of the existing compound at KSP. The recommendations for immediate action include the following: construction of five 96-man dormitories (total 480 beds); a new Industries Warehouse; a new Education/Recreation Building; and a new Vehicle Maintenance Building; remodeling of the existing Industries Warehouse and new construction adjacent to it for vocational shops, and new kitchen and dining areas; and construction of a security perimeter, a tower, service roads, and utility connections. The Committee concurs with the Department's plan to convert Outside Dormitory No. 1 from a minimum custody unit to medium custody so that it, together with the five new dorms, would constitute a medium security zone at KSP. The Committee also agrees with the Department's proposal to return to its use of Outside Dormitory No. 2 as a minimum security housing unit, instead of continuing its current use as a medium security facility.

The primary difference between the Committee's recommendation and the Department's proposal is the construction of five dorms as soon as possible. The Committee envisions construction of medium security facilities as a continuous sequence without regard to specific phases. Consequently, apart from giving priority to housing, the Department should be free to schedule the construction of other facilities within architectural, programmatic, and funding constraints.

Plan Additional Honor Camps. The Committee recommends that additional honor camps be established as soon as possible to provide work for approximately 40 minimum security inmates at Melvern, Perry, Clinton, Pomona, and eventually Hillsdale State Parks. Housing for a new honor camp operation is available from vacant space at Osawatomie State Hospital and possibly Forbes Field in Topeka. It is anticipated that the Department of Corrections and the State Park and Resources Authority would coordinate efforts to ensure the best utilization of inmates. The cost of new honor camps would include additional equipment, staffing, and transportation costs for the Park Authority and housing costs for KDOC.

Expedite Telecommunications System for KSP. The Committee recommends that the telecommunications system at KSP be significantly upgraded by the purchase and installation of a security telephone system and purchase of radio communications equipment. The Department is proposing that the existing telephone system, which it considers outdated and inefficient, be replaced with a telephone system having a number of security features designed specifically for correctional institutions. Such features include: a "watch call" station for taking count of inmates; a security conference call to facilitate the communication of administrative and security decisions during an emergency; a fire and emergency dial number; a "no-dial" alarm which sends an emergency signal to the control center if a phone is left off its hook for 14 seconds; and an "annoyance trap" for tracing annoyance calls. The radio communications equipment would enhance KSP's ability to communicate with other law enforcement agencies during emergencies and would allow for the taping of communications to facilitate logging requirements of the control center. The Committee concurs with the Department's proposal to provide funding in the current fiscal year to expedite purchase and installation of these equipment items.

Temporary Placement of Inmates. The Committee recommends that the Department undertake immediate efforts to relocate 60-65 medium security inmates at KSP, in addition to any inmates that might be relocated as a result of other Committee recommendations, to alleviate overcrowding during cellhouse renovation and construction of new facilities. The new oversight commission, the creation of which is recommended elsewhere in this report, should monitor and assist in the relocation effort.

Legislation. The Committee recommends introduction and passage of a "Prison Overcrowding Emergency Relief Act," which would empower the Governor to declare an emergency with respect to prison overcrowding. The emergency declaration would allow the Governor to advance by not more than 60 days the parole eligibility dates for certain inmates in the system in order to facilitate the release of inmates who may be suitable candidates for parole and who are unlikely to be a danger to society. The bill should specify that upon declaration of emergency, the Kansas Adult Authority would be responsible for implementation of the provisions of the act. In addition, the Committee recommends that before Kansas adopts legislation which considerably increases prison population by amending sentencing laws or parole standards, facilities should be available.

Recommendations For Future Action

Medium Security Facility. The Committee recommends for future action that the new medium security facilities adjacent to KSP include the following: construction of an Administration Building, an Infirmary, a Prison Industries Building, and a Power Plant. Having focused on the immediate concern for housing by including all five dormitories considered for this project in recommendations for immediate action the Committee recommends the eventual construction of a new Administration Building, replacing the existing building which is old and structurally unsound and which has been vacated except for the first floor. The new Administration Building would also replace the temporary buildings located in front of the institution which have housed some of the administrative offices relocated from the existing Administration Building.

Although the Department's proposed plans for Phase Two are not well developed concerning the last three facilities, the Committee recommends that they be included in the construction program. The existing infirmary is a relatively new structure and could continue to be used for inmates housed inside the compound in the maximum security zone. However, in the interest of maintaining the separation of inmates between the maximum and medium security zones, there is a need to establish some infirmary facilities within the medium security zone. Consideration should be given to the possibility of including such facilities as part of a new Administration Building. To provide additional programs to reflect the anticipated increase in the overall KSP population, a new Prison Industries Building should be considered for construction in the "brickyard" area adjacent to existing Prison Industries facilities. The Committee also recommends that consideration be given to construction of a new Power Plant. The Van Doren, Hazard and Stallings facilities plan completed in 1981 describes the condition of the equipment of the existing power plant as fair; however, the Department indicates that the power plant building itself is in poor condition. There is some question concerning the adequacy of the existing plant to serve the new facilities envisioned and there is also concern about possible energy loss enroute as a result of the significant distance between the Power Plant northwest of the compound and the new facilities east and south of the compound.

Facility For "Mentally Ill" Inmates. A "guilty but mentally ill" verdict permits the conviction of the defendant while at the same time ensuring that the defendant also receives the appropriate mental treatment. Upon conviction, the court may impose any sentence which could be imposed pursuant to law, but the defendant has the right to receive treatment for the mental illness.

Before Kansas adopts such legislation, the program and facilities should be in place. Testimony before the Special Committee on Judiciary during the 1981 interim indicated that approximately 8 percent of the individuals who currently enter the penal system in Kansas are in need of hospitalization for their mental condition. The Department of Corrections has indicated that there are approximately 100 inmates currently in the system that could benefit from separate housing facilities. Assuming this to be the case, it appears that a facility should be constructed which would provide adequate mental treatment for the prison population and would contain at least 200 beds. The facility should be within the corrections system, but could be located within a prison complex or on the grounds of a diagnostic institution.

500-Bed Medium Security Facility. The Committee is recommending that funds be approved for preliminary planning of a new free-standing medium security facility for approximately 500 male offenders. The Committee's estimate of projected population increases indicates that additional medium custody beds will eventually be needed. The Committee recommends that funds for the recommendation be approved for FY 1983 to allow the study to begin without delay so that construction of such a facility would keep pace with the anticipated population increase. The recommendation of the Committee is intended to indicate the number of beds that will be needed in the medium custody classification in the near future and is not intended to specify the exact size or configuration of facilities that could eventually be constructed. It is possible that additional facilities could be designed as a complex with various components serving different needs in the system.

Expand Honor Camps. In addition to recommending new honor camps to provide work for inmates in state parks, the Committee considered the possible benefit of inmate labor to other state agencies, including the Fish and Game Commission and the State Department of Transportation. The Committee strongly recommends that the

Department actively and vigorously pursue every possibility to establish honor camp programs with state agencies and other units of government in order that minimum security inmates can be removed from KSP and KSIR to relieve overcrowded conditions and be put to work. It is the Committee's opinion that the honor camp program at Toronto is working satisfactorily and provides tangible assets to the state and the opportunity for the inmates to be gainfully occupied, thereby reducing nonproductive idleness.

Juvenile Offender Facilities. The Committee is also concerned that there are not adequate facilities available for confinement of juvenile delinquents. This problem is as critical as the need for facilities to confine adult offenders and has been a legislative concern for quite some time, however, this Committee thus far has focused its deliberations on the need for facilities to confine adult offenders. Therefore, it is recommended that this Committee be continued in existence for the purpose of studying matters relating to juvenile delinquency and making recommendations regarding facility needs as an addendum to this report.

Recommendations For Funding

The following table summarizes the Committee's FY 1982 estimate of the expenditures needed to implement the recommendations included in this report.

<u>Recommendation</u>	<u>FY 1982</u>
Medium Security Facilities	
Planning	\$ 605,015
Land Acquisition	340,000
Telecommunications for KSP	401,180
TOTAL	<u>\$1,346,195</u>

The Committee estimates that an additional \$6-\$10 million would be needed for FY 1983 to implement the Committee's recommendations and additional funds would be needed beyond FY 1983.

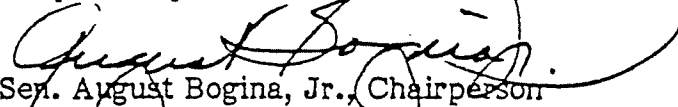
Long-Term Financing. The Committee recognizes that implementation of its recommendations will place a significant demand on current state financial resources. However, if the Legislature is to respond responsibly to the current and projected needs of the state in respect to its adult correctional system, the financial means must be made available. While the Committee's recommendations are not inexpensive; they do not even address the additional need for providing increased facilities for juvenile offenders, a need that is well-documented but continues to be ignored. Therefore, the Committee recommends that this Committee be continued.

Given the magnitude of need for improved and expanded facilities for both adult and juvenile offenders, the Committee is convinced that an additional permanent funding source should be provided to finance in large part these needed improvements. The Committee recommends that the 1982 Legislature act to place before the public a constitutional amendment that would amend Section 6, Article 7 to include prisons and correctional institutions among those facilities for which expenditures from the State Institutions Building Fund may be made. The amendment should also authorize the Legislature to dedicate the revenues of this Fund for the purpose of retiring bonds and exempt this provision from the normal constitutional debt limit. This recommendation is made based on the Committee's understanding of constitutional restraints imposed on the Legislature regarding indebtedness and property taxation. An explanation is contained in the form of a brief as attachment 8. Furthermore, if such a constitutional amendment should be adopted by the electorate, the Committee recommends that the 1983 Legislature amend K.S.A. 76-6b04 to replicate the constitutional amendment.

New Oversight Commission

The Committee recommends creation of a Kansas Correctional Review Commission to monitor the progress of implementing the construction projects approved by the Legislature. Specifically, the Commission would work to expedite cellhouse renovation; to provide for the establishment of one or more new honor camps; to oversee the implementation of corrective measures with regard to institutional security; assist in the relocation of 60-65 medium security inmates at KSP during construction; monitor the development of plans for future construction — including the medium security facilities plan, a unit for mentally ill inmates, and a new 500-bed medium security facility; and develop long-range facilities plans for female and juvenile offenders.

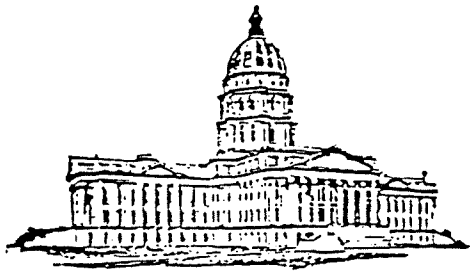
Respectfully submitted,



Sen. August Bogina, Jr., Chairperson
Special Joint Committee to Study
Plans for Prison Building Construction

Rep. Joe Hoagland, Vice-Chairperson
Sen. Paul Feleciano
Sen. Paul Hess
Sen. Joe Norvell
Sen. Elwaine Pomeroy
Sen. Edward F. Reilly, Jr.

Rep. William Buntin
Rep. Michael Crow
Rep. Robert Frey
Rep. David Heinemann
Rep. John Myers
Rep. Darrell Webb



TOPEKA

SENATE CHAMBER

MINORITY REPORT

TO: Legislative Coordinating Council

FROM: Senator Joe Norvell, Assistant Minority Leader
Senator Paul Feleciano, Minority Whip

RE: Recommendations for New Construction and
Improvements to Kansas Correctional Institutions

While we agree with most recommendations contained in the Majority Report by the Special Committee, and compliment members of both parties for their dedication and diligence in attempting to fully assess the correctional needs of Kansas, we respectfully disagree with several recommendations made by the Committee.

1. We strongly object to the Committee's recommendation that the Legislature adopt a "moratorium" on stiffening existing criminal sentencing statutes or parole standards. In the first place, we believe that any such "moratorium" violates the Constitution by attempting to abridge and diminish the inherent powers of the Legislature to enact stiffer criminal penalties. The power of the Legislature to enact laws is entrusted by the people of Kansas to all 165 legislators and cannot be diluted, diminished, or reduced by

a "moratorium." More importantly, legislators have an obligation to listen to the people of Kansas and enact laws accordingly. There is little doubt that the people of Kansas want tougher sentencing laws to keep criminals off the streets, and the Legislature is obligated to consider the concerns and wishes of the people.

2. We also object to the Committee's recommendation that the Legislature enact a "Prison Overcrowding Emergency Relief Act" which, for some unknown reason, places direct responsibility for prison overcrowding with the Governor. This is little more than an attempt to make the Governor the chief parole officer of Kansas. Moreover, there is absolutely no need for this legislation. Under existing statutes, the Kansas Adult Authority is empowered to accelerate parole eligibility dates for most non-violent offenders. This group of inmates comprises approximately half of the Kansas prison population.

3. Despite the long hours the Committee used in reaching their conclusions, we believe the Committee failed to fully consider the tax-increase implications of their proposed \$70 million program. The Committee made an attempt to estimate the construction costs of their recommendations. They failed, however, to consider the added tax burden on Kansans needed to fund the long-term operation costs of a new, free-standing medium security prison, a mental health

unit or new honor camp. The annual price tag to Kansas taxpayers to operate these new facilities remains unknown. Neither Kansas taxpayers nor legislators can make an intelligent decision on the Committee recommendation without knowing the real costs in taxpayer dollars of the new program.

4. We also oppose funding prisons at the expense of our state hospitals and universities. More fully detailed comments will be submitted at a later date.

February 12, 1982.

Respectfully submitted,

JOSEPH F. NORVELL

Senator Joe Norvell
Assistant Minority Leader

Paul Feleciano DR
Senator Paul Feleciano
Minority Whip