

MINUTES OF THE House COMMITTEE ON Federal & State Affairs

The meeting was called to order by Representative Robert H. Miller at
Chairperson

1:30 a.m./p.m. on January 11, 1984 in room 526S of the Capitol.

All members were present except:

Representative Hensley (E)

Committee staff present:

Russ Mills, Research Department
Mary Torrence, Revisor of Statute's Office

Conferees appearing before the committee:

Barbara Hinton, Legislative Post Audit

The meeting was called to order by Chairman Miller.

Representative Vancrum made a motion, seconded by Representative Ediger, that the minutes of the January 10 meeting be approved. The motion carried.

Barb Hinton, Legislative Post Audit, gave a presentation on the classification of inmates in Kansas prisons. (See attachment A)

She explained the specific criteria which have been established in nine areas (Classification Category) to help assess the degree of supervision needed to control the inmate, and the points which have been assigned to the criteria in each category. The more points an inmate receives under the criteria, the higher the custody level.

When asked who made up this system of points, Ms. Hinton explained that a task force had been appointed by the former Secretary of Corrections.

There was discussion on the necessity of having behavior as an important category as well as the crime itself.

A committee member questioned whether there was a possibility that a medium/maximum security facility was needed rather than a minimum security facility.

The meeting was adjourned.

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Atch. A

Specific criteria have been established in nine areas to help assess the degree of supervision needed to control the inmate, and points have been assigned to the criteria in each category. The more points an inmate receives under the criteria, the higher the custody level, as follows:

Close custody	10 or more points
Medium custody	4-9 points
Minimum custody	0-3 points

The nine basic classification categories and the range of points assigned to each are listed below.

<u>Classification Category</u>	<u>Possible Points</u>
Criminal behavior involved in the offense	0-2
Length of minimum sentence	0-3
Past criminal behavior involving violence	0-2
Length of time served	0-2
Escape history	0-6
Escape characteristics	0-5
Unusual escape/assault skills	0-1
Institutional adjustment	0-10
Behavior characteristics affecting custody	0-10

The behavior involved in the criminal offense is an important consideration, especially in cases involving death, personal injury, and threat of harm. But because an inmate can accumulate more points under the criteria for behavioral problems or poor adjustment to prison life than for criminal behavior involved in the offense, these factors can play an even greater role in determining the custody level assigned to an inmate. For example, an inmate can receive up to 10 points for severe behavioral problems (homicidal or suicidal tendencies, for instance), or 10 points for severe disciplinary infractions that result in disciplinary segregation. By contrast, a maximum of two points is given for the type of crime committed, and two points for a record of past violent crimes.

Because of this distribution of points under the criteria, some inmates who have committed violent crimes but are "model" prisoners may have a lower custody level than inmates who have committed less serious crimes but are unruly or uncontrollable.

If an inmate's needs or circumstances warrant a different level of supervision than his or her point score would indicate, exceptions can be made by noting the reason on the form and assigning a custody level "by exception" rather than "by criteria." Exceptional circumstances would include stricter supervision requirements for an inmate with assaultive behavior or an inmate informer who needs protective custody, pressure situations caused by a death in the family, marital or financial problems, or parole denial, or other documented reasons.

Most inmates classified by exception are given a higher custody level than they would have received if they had been classified by criteria. There are four possible custody levels for inmates classified by exception: minimum, medium, close, and maximum. Assignment to maximum custody is always an administrative decision, then, because it is always done by exception.

Custody Classification Example:

Inmate Who Committed A Non-Violent Crime

<u>Classification Items</u>	<u>Points assigned</u>
1. Serving a 2-year minimum sentence	0
2. Just entered the prison facility	2
3. Convicted of theft	0
4. No past conviction for a violent crime	0
5. No escape history	0
6. No escape characteristics	0
7. No unusual escape/assault skills	0
8. Indications are that he is not adjusting well to prison	3
9. Is impulsive	<u>0</u>
10. This is an initial classification	
11. Point total for items 1-9	5
12. Custody level by criteria Close = 10 or more points Medium = 4-9 points Minimum = 0-3 points	Medium

Reclassification:

If this inmate has adjusted well and has not had any behavior problems, his point total under item 8 could change to 0. His point total under item 2 would likely drop to 1. His total point score would then be 1, and this inmate would be classified as minimum.

If this inmate did not adjust well--got into fights, tried to escape, refused to cooperate, or the like--he would be scored in these areas and his custody level could be raised to close or maximum.

**Custody Classification Example:
Inmate Who Committed A Violent Crime**

*Subsequent
minimum*

<u>Classification Items</u>	<u>Points Assigned</u>
1. Serving a 15-to-life sentence	2
2. Just entered the prison facility	2
3. Convicted of second degree murder	2
4. One prior conviction for aggravated assault	1
5. No escape history	0
6. No escape characteristics	0
7. No unusual escape/assault skills	0
8. Indications are he is not adjusting well to prison	3
9. Is threatening to other inmates	2
Uses alcohol	<u>0</u>
10. This is an initial classification	
11. Point total for items 1-9	12
12. Custody level by criteria	Close
Close = 10 or more points	
Medium = 4-9 points	
Minimum = 0-3 points	

Reclassification:

If this inmate has adjusted well, has not committed any disciplinary infractions, and is no longer considered to be threatening, his point totals under items 8 and 9 could be changed to 0 and his total point score would be 7. This inmate would then be classified as medium.

Because the points assigned to this inmate under items 1,3, and 4 are permanent, this inmate's point total could never drop below 5 according to the classification criteria. If the inmate had served most of his prison sentence and was a candidate for placement in a minimum security facility or program, prison officials could make an exception because of his good behavior and nearness to parole and classify him as minimum custody by exception.

A third group of inmates in the correctional system is classified outside the classification system. This group consists primarily of inmates who have not yet been evaluated or have not completed their evaluation at the Reception and Diagnostic Center and consequently have not yet received their initial classification. Inmates in this group are mostly classified in the upper custody levels.

**Most Inmates Are Minimum or Medium Custody,
But the Percentages Vary Considerably By Institution**

As of September 15, 1983, the inmate population in the State's correctional facilities was 3,426. Of that total, 1,258 or 37 percent were classified as minimum custody, 942 or 27 percent were classified as medium custody, and 1,226 or 36 percent were classified as close or maximum custody. Of the total, 66 percent were classified by criteria, 21 percent were classified by exception, and 13 percent were classified outside the custody classification system.

Classification of Inmates By Institution

<u>Institution</u>	<u>Inmate Population on September 15, 1983</u>	<u>Custody Classification</u>		
		<u>Minimum</u>	<u>Medium</u>	<u>Close/ Maximum</u>
<u>Maximum Security Institutions</u>				
State Penitentiary	1,597	34%	37%	29%
Industrial Reformatory	1,103	19	29	52
Reception and Diagnostic Ctr.	138	11	1	88
<u>Minimum Security Institutions</u>				
Vocational Training Center Correctional Institution at Lansing	179	92%	5%	3%
	168	54	12	34
<u>Honor Camps</u>				
Toronto	62	98%	0%	2%
El Dorado	56	98	2	0
<u>Work Release Centers</u>				
Topeka	28	100%	0%	0%
Wichita	54	100	0	0
Hutchinson	19	100	0	0
Contract (Fort Scott and Topeka Halfway House)	<u>22</u>	<u>95</u>	<u>0</u>	<u>5</u>
TOTAL AND AVERAGE	3,426	37%	27%	36%

As the accompanying table shows, the percentage of inmates in the different custody levels varied considerably by institution. These differences are fairly easy to explain. For example, inmates being evaluated at the Reception and Diagnostic Center are administratively assigned a high custody

The second involved timeliness of an inmate's reclassification. One inmate scheduled for a routine reclassification in March of 1983 was not reclassified until July 9. This inmate, who lived in a maximum security cell, received a disciplinary report on March 8 for sodomy and was placed in administrative segregation for 30 days. Either action should have triggered a non-routine reclassification as well. On July 9 his classification was formally changed from minimum by exception to close by criteria.

The Department's current study of inmate classifications is addressing such issues as proper documentation for custody decisions--especially those made by exception--and timeliness of inmate reclassifications. As the task force reviews inmates' files, it is anticipated that such problems will surface and be reported and that steps will be recommended to minimize such problems. Legislative Post Audit will review the extent to which such problems were found in the Department's completed study.

Generally, Minimum Custody Inmates Have Been Convicted of Lesser Offenses And Maximum Custody Inmates Have Been Convicted of Violent Crimes, But There Are Many Exceptions

The following tables list the characteristics of inmates in the three major custody levels: minimum, medium, and close or maximum. These characteristics were taken from data on the inmates' classification records as of

**Profiles of Inmate Characteristics as Recorded
On Their Classification Forms as of September 7, 1983**

MINIMUM CUSTODY INMATES (1,229)

<p>On the average, these inmates . . .</p> <ul style="list-style-type: none"> --committed lesser offenses (Section D) --are serving 1-5 year sentences --have no record of past violent crimes --have no escape history --have not had recent institutional adjustment problems --are not considered to be violent or potentially violent 	<p>However, there are exceptions . . .</p> <ul style="list-style-type: none"> --34% committed violent crimes (Section A) --5% have records of past violent crimes --7% are serving over 15-year sentences --15% have had recent institutional adjustment problems
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MEDIUM CUSTODY INMATES (948)

<p>On the average, these inmates . . .</p> <ul style="list-style-type: none"> --committed violent crimes (Section A) --are serving longer sentences (over 5 years) --have no record of past violent crimes --have no escape history --have not had recent institutional adjustment problems --are not considered to be violent or potentially violent 	<p>However, there are exceptions . . .</p> <ul style="list-style-type: none"> --17% committed lesser offenses (Section D) --16% have records of past violent crimes --5% have histories of escapes from prison --36% have had recent institutional adjustment problems
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CLOSE/MAXIMUM CUSTODY INMATES (755)

<p>On the average, these inmates . . .</p> <ul style="list-style-type: none"> --committed violent crimes (Section A) --are serving longer sentences (over 5 years) --have no record of past violent crimes --have no escape history --have had recent institutional adjustment problems --are not considered to be violent or potentially violent 	<p>However, there are exceptions . . .</p> <ul style="list-style-type: none"> --28% committed lesser offenses (Section D) --19% have records of past violent crimes --41% are serving 1-5 year sentences --19% have histories of escapes from prison --17% have violent or potentially violent behavior characteristics
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<u>Facility</u>	<u>Current Minimum Security Bed Spaces</u>		<u>Post-Construction Minimum Security Bed Spaces</u>	
	<u>Optimum</u>	<u>Maximum</u>	<u>Optimum</u>	<u>Maximum</u>
State Penitentiary				
(outside dorm 1)	127	255	0	0
(outside dorm 2)	50	99	50	99
Industrial Reformatory				
(inside dorm)	50	57	50	57
(outside dorms)	0	0	96	96
Vocational Training Center	180	200	180	200
Correctional Institution at Lansing	100	123	146	169
Honor Camps				
Toronto	61	61	61	61
El Dorado	64	64	64	64
Work Release				
Topeka	26	26	26	26
Hutchinson	20	20	20	20
Wichita	<u>55</u>	<u>55</u>	<u>55</u>	<u>55</u>
Totals	<u>733</u>	<u>960</u>	<u>748</u>	<u>847</u>

minimum custody inmates, were housed in minimum security bed spaces. The remaining 459 minimum custody inmates were housed in medium or maximum security bed spaces at the Penitentiary or the Reformatory.

The construction now under way will do almost nothing to change this situation. Further, the Department projects that the inmate population will reach 4,041 by December 31, 1984, which is 615 more inmates than the September 15 population. Currently, 37 percent of the inmate population is minimum custody. If the same percentage were to hold true through December of 1984, as many as 1,500 minimum custody inmates might be in the system. Thus, there are currently far more minimum custody inmates than minimum security bed spaces, and this difference is likely to grow as inmate populations increase. If minimum security bed spaces were to be expanded, two questions that arise are what types of minimum security bed spaces could be made available, and how many inmates are potentially eligible for placement in those new minimum security settings.

Alternatives for Expanding Minimum Security Bed Spaces Range From Building New Institutions to Adding More Programs

The types of bed spaces now available are minimum security institutions like the Vocational Training Center in Topeka and the Correctional Institution at Lansing, minimum security dormitories either within or outside the walls of the maximum security institutions at Lansing and Hutchinson, honor camp facilities, and work release programs. As discussed briefly below, the system's minimum security bed space could be expanded by building a new minimum security institution, providing more dormitory space at the maximum security institutions, or expanding the honor camps or work release programs.

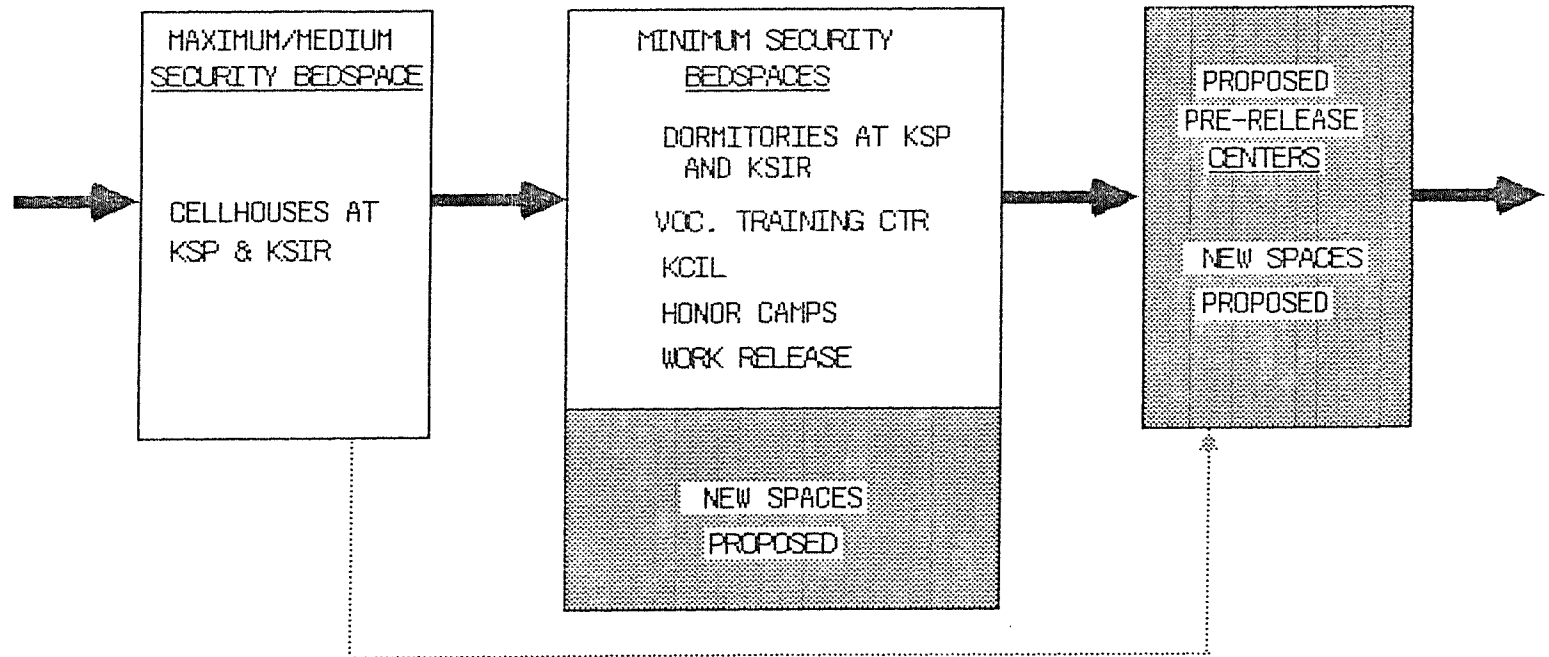
MOVEMENT OF MINIMUM CUSTODY INMATES THROUGH THE PRISON SYSTEM

OF MINIMUM
CUSTODY INMATES
AS OF 9/7/83

459

770

TYPES OF
INMATE HOUSING



APPENDIX B

**Profiles of Inmates With Minimum, Medium, and
Close/Maximum Custody Levels
Based on Selected Classification Data Current as of September 7, 1983**

MINIMUM CUSTODY INMATES

<u>Classification Characteristics</u>	<u>Penitentiary & Reformatory (758 inmates)</u>	<u>Training Center & Correctional Inst. (261 inmates)</u>	<u>Honor Camps & Work Release (210 inmates)</u>
Length of minimum sentence			
1-5 years	63%	76%	57%
5-15 years	31	14	38
over 15 years	6	10	5
Length of sentence served			
more than 40% of mandatory or 20% of non-mandatory	85%	80%	96%
less than 40% of mandatory or 20% of non-mandatory	15	20	4
Type of criminal offense			
Section D	53%	71%	43%
Section A	34	26	43
Record of past violent crime			
No	94%	97%	97%
Yes	6	3	3
History of prison escape			
No	99%	97%	99.5%
Yes	1	3	.5
Institutional adjustment			
No problems	88%	80%	81%
Problems within the preceding 8 months	12	20	19
Behavior characteristics			
No problem	72.7%	49.0%	78%
Lesser behavior problems	27.0	50.6	22
Violent or potentially violent behavior problems	.3	.4	0

MEDIUM CUSTODY INMATES

<u>Classification Characteristics</u>	<u>Penitentiary & Reformatory (919 inmates)</u>	<u>Training Center & Correctional Inst. (28 inmates)</u>	<u>Honor Camps & Work Release (1 inmate)</u>
Length of minimum sentence			
1-5 years	25.2%	68%	--
5-15 years	36.4	32	100%
over 15 years	38.4	0	--
Length of sentence served			
more than 40% of mandatory or 20% of non-mandatory	56%	68%	100%
less than 40% of mandatory or 20% of non-mandatory	44	32	--
Type of criminal offense			
Section D	16%	43%	--
Section A	76	39	100%
Record of past violent crime			
No	84%	93%	100%
Yes	16	7	--
History of prison escape			
No	95%	89%	100%
Yes	5	11	--
Institutional adjustment			
No problems	65%	36%	--
Problems within the pre- ceding 8 months	35	64	100%
Behavior characteristics			
No problem	72%	50%	100%
Lesser behavior problems	26	50	--
Violent or potentially vio- lent behavior problems	2	0	--

CLOSE/MAXIMUM CUSTODY INMATES

<u>Classification Characteristics</u>	<u>Penitentiary & Reformatory (728 inmates)</u>	<u>Training Center & Correctional Inst. (27 inmates)</u>	<u>Honor Camps & Work Release (0 inmates)</u>
Length of minimum sentence			
1-5 years	41%	52%	
5-15 years	31	22	
over 15 years	28	26	
Length of sentence served			
more than 40% of mandatory or 20% of non-mandatory	53%	59%	
less than 40% of mandatory or 20% of non-mandatory	47	41	
Type of criminal offense			
Section D	28%	41%	
Section A	64	52	
Record of past violent crime			
No	81%	93%	
Yes	19	7	
History of prison escape			
No	80%	96%	
Yes	20	4	
Institutional adjustment			
No problems	49%	48%	
Problems within the preceding 8 months	51	52	
Behavior characteristics			
No problem	56%	33%	
Lesser behavior problems	27	56	
Violent or potentially violent behavior problems	17	11	

Kansas Correctional Institution at Lansing

Length of Sentence	30-Life	15-30	5-15	1-5
Maximum	0	0	2	1
Close	6	1	4	4
Medium	0	0	9	10
Minimum	21	5	31	31

Length of Time Served	More than 40%	20%-40%	Less Than 20%
Maximum	1	2	0
Close	6	3	6
Medium	10	3	6
Minimum	69	15	4

Type of Offense	Section D	Section C	Section B	Section A
Maximum	0	0	0	3
Close	5	0	0	10
Medium	4	3	1	11
Minimum	25	3	1	59

Past Violent Criminal Record	No	Yes
Maximum	3	0
Close	13	2
Medium	17	2
Minimum	86	2

Escape History	No	Yes
Maximum	3	0
Close	14	1
Medium	17	3
Minimum	84	4

Institutional Adjustment Problems	No	Yes
Maximum	1	2
Close	4	11
Medium	10	9
Minimum	77	11

Violent or Potentially Violent Behavior	No	Lesser Problems	Violent Characteristics
Maximum	0	2	1
Close	8	5	2
Medium	13	6	0
Minimum	78	9	1