

as amended

Approved 2/5/86 Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Senator Edward F. Reilly, Jr. at Chairperson

11:00 a.m./~~p.m.~~ on February 4, 1986 in room 254-E of the Capitol.

All members were present ~~except~~

Committee staff present:

- J. Russell Mills, Jr., Legislative Research
- Emalene Correll, Legislative Research
- Mary Torrence, Assistant Revisor of Statutes
- June Windscheffel, Committee Secretary

Conferees appearing before the committee:

- Rosalys M. Rieger, Commissioner, Riley County Board of County Commissioners, Manhattan
- Richard A. Mills, Secretary of Corrections
- Marjorie Van Buren, Office of Judicial Administration
- Richard Ney, Sedgwick County Public Defender, Wichita
- Steven Robinson, Ombudsman, Corrections Ombudsman Board
- Phil Magathan, Kansas Association of Court Services Officers
- Ann Heberger, League of Women Voters
- Mannie Barbaran, Overland Park, Kansas

Senator Morris moved that the Minutes of the Meeting of January 29, 1986, be approved. Seconded by Senator Martin. Motion carried.

The Chairman announced that the intent of today's hearing is to hear testimony concerning SB401, concerning establishing Kansas comprehensive criminal justice commission; and SB410, concerning establishing commission to review and make recommendations regarding correctional facilities.

The first conferee was Rosalys Rieger, Riley County Commissioner and President of Kansas Citizens for Justice. The organizations she represents endorse establishing a comprehensive commission to study, review, evaluate and recommend improvements in correctional facilities, services, and policies in the criminal justice system. Her statement is part of these Minutes. (Attachment 1) They appreciate the drafting that has gone into both SB401 and SB410, and wish to recommend that the bills be integrated.

The Chairman asked Senator Daniels if she would care to make a presentation. She said because of the number of conferees present she would defer because of the matter of time so those who were present to testify might do so.

Richard A. Mills, Secretary of Corrections, presented his testimony. A written copy is part of these Minutes, and includes a Correctional Facility Capacity Report dated October 1985. (Attachment 2) It also includes a computerized simulation model to predict future inmate population. The memorandum points out the differences in the two bills, SB401 and SB410, explaining the way in which the bills give the commission its charge. Mr. Mills said that they would ask the Committee to combine the bills to make a good comprehensive bill.

Senator Daniels stated that it was not her intent to leave out law enforcement in drawing up SB401.

The next conferee was Marjorie Van Buren of the Office of Judicial Administration. Her statement (Attachment 3) supports the general thrust of both SB401 and SB410; however, they would suggest some conceptual amendments to either bill regarding the make-up and reporting of the commission.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS,
room 254-E, Statehouse, at 11:00 a.m. ~~p.m.~~ on February 4, 1986.

Mr. Richard Ney, the Sedgwick County Public Defender, said he was happy to appear in behalf of SB401. He would specifically applaud the bill and its inclusion of the public defender. He thinks such a commission will bring together aspects of the criminal justice system. He said that most contacts, unfortunately, are of a territorial or adversarial nature. Also, he feels that the ongoing status of the commission as proposed by SB401 is extremely important. Mr. Ney pointed out that the types of questions which have been with us forever do not have fast or easy solutions, but he would support addressing these problems on an ongoing basis. He also asked the committee to support SB401 as it is drawn.

The statement of the next conferee is that of Mr. Steven Robinson, Ombudsman, Corrections Ombudsman Board. (Attachment 4) It states that the present situation involves the courts deciding who will be remanded into the custody of the department of corrections; the parole board deciding who shall be released; and the department of corrections in the middle, with no control over the number or types of inmates they receive, or the length of time those inmates must be incarcerated. He believes that the commission as proposed in SB401 can be the first step in providing Kansas with an integrated system for the now three separate entities. He expressed his support of SB401 and asked the committee for its consideration.

Ann Hebbarger, of the League of Women Voters, said the League would like to support a commission conceptually and would like for it to not be sunseted. Staff pointed out that the majority of commissions are not subject to sunset.

The Kansas Association of Court Services Officers was represented by Phil Magathan. His statement is attached. (Attachment 5) This organization, which represents professionals throughout the state who work with adult and juvenile offenders, feels that the creation of a commission is extremely important. If SB410 is adopted, rather than SB401, they would ask that their names be amended into that.

Mr. Mannie Barbaran, appeared in opposition to
SB401. He also gave a copy of his testimony to the committee. (Attachment 6)
He stated that the legislative committees study the criminal justice system, and that is how it should be and how it should remain. Mr. Barbaran said the checks and balances that are required for good government would be lost with SB401, because the proponents and opponents of each scheme that the proposed commission will study will not have adequate opportunity to be heard. He also said it creates another expensive bureau for taxpayers to subsidize.

The Chairman thanked everyone for appearing, and announced that the committee will meet again tomorrow. The meeting was adjourned.

2/4/86
Attachment #1

COMMISSIONERS
ROSALYS M. RIEGER
DARRELL WESTERVELT
MARJORIE J. MORSE

RILEY COUNTY
BOARD OF COUNTY COMMISSIONERS

Riley County Office Building
110 Courthouse Plaza
Manhattan, Kansas 66502
(913) 537-0700

2/4/86

Testimony supporting SB 401 and SB 410

Chair Edward F. Reilly, Jr. and Vice Chair Bill Morris
Members of the Federal and State Affairs Committee:

I am Rosalys Rieger, Riley County Commissioner and President of Kansas Citizens for Justice, the lobbying arm of Kansas Council on Crime and Delinquency (KCCD), and appreciate having the opportunity to testify.

CONCEPT OF A COMMISSION

We heartily endorse establishing a comprehensive commission to study review, evaluate, and recommend improvements in correctional facilities, services, and policies in the criminal justice system. One reason is that it appears to be a state counterpart of the local 12-member Community Corrections board which has worked so well in Riley County and in others.

This concept was discussed in a public forum with Mark Corrigan, Director of the National Institute for Sentencing Alternatives at Brandeis University, keynote speaker at our annual conference last October. Mr. Corrigan felt that this was a wise direction to take so that planning--especially long-term planning--could be coordinated among all corrections entities. Subsequently, we were delighted to learn that Senator Daniels was working on just such a bill.

Because we appreciate the thoughtful drafting that has gone into both SB 401 and 410 reflecting most of the concerns we expressed at last summer's hearings by the special committee, we wish to recommend that the bills be integrated. The following remarks express our support for parts of both bills.

BOARD MEMBERSHIP

A sixteen-member board is a workable group and we believe that most designates are appropriate. However, we think that Social and Rehabilitation Services (SRS) should be represented (SB 410, line 0031) in order to more fully address concerns for juveniles.

We question whether the Attorney General should be included since that office is not involved in the corrections process. Probably law enforcement should be represented, however, through a "director of a law enforcement agency", preferably from a community corrections county where an agency director or designee is on the board. "Sheriff" (SB 410, line 35) eliminates city police officers who make the majority of arrests, and also our city-county law enforcement director in Riley County who is non-elective.

"The director of a county community corrections program" should distinguish the designate from the director of community correction in the Department of Corrections (SB 401 line 0043 and SB 410 line 0036), which we hope was the intent of both bills.

The "four members of the general public" (was SB/401 ^{line 0046} misnumbered?) might be enhanced if they were appointees "who have an interest in corrections, and preferably, who are not employed in the criminal justice system." We believe that political party should not be a consideration as in SB 410 line 0041.

CHARGE TO COMMISSION

Both bills designate excellent charges to the commission (SB 401, Sec.5, lines 0086-0117 and SB 410, Sec. 2 lines 0072-0111) and should be integrated into one charge, eliminating only duplication.

It would appear that a study by this commission would have provided much needed background on the question of building the Ellsworth prison. It might have answered, and still might answer, questions regarding the use

of alternative or diversionary measures as opposed to the appropriation of \$170,000 in planning money and the possible appropriation of \$12 to \$15 million in construction funds. We have already built a \$22 million expansion of medium security quarters at Kansas State Penitentiary (KSP) for 400 inmates, which was completed in June 1985. The question might be asked, "Are we headed for the same overcrowded prison situation that haunted us before it was completed?"

The charge to this commission might provide us with some answers.

ORGANIZATION

Senate bill 410 (lines 0049-0055) appears to be preferable to SB 401 in providing for the election of a chair and vice chair by the commission. It also establishes alternate procedures for calling meetings, and determines a quorum of eight members.

In view of the importance of this commission and the scope of its charge, we believe the appointment of an executive director and one clerical staff (SB 401, Sec. 3 lines 0075-0082) would make the most efficient use of the commission's time in executing its legislative charge. If the commission is effective, literally millions of dollars may be saved by this in-depth study and review. For example, it might find that granting the eight to ten thousand dollar request by Geary County for planning money for a new community corrections program might save a large portion of the annual \$250,000 a year that is expended for their twenty-one commitments a year to KSP or KSIR. Furthermore, see enclosed, an example by our Riley County community corrections director showing overlap and misdirection of services to a young offender, which might have been eliminated by coordinated planning and operation of different agencies of the criminal justice system.

In conclusion, we totally support SB 401 calling for three priorities

and a report in January 1987, July 1987, January 1988 and succeeding Januarys (Sec. 6 lines 0118-0131). Rather than calling for the commission to be terminated at the end of two years (SB 410 lines 0115-0118), we believe that an on-going commission would serve the state well, and may emerge with a long-range plan which should be updated annually. The Touche Ross eight-year plan has provided a guide for corrections, but ended in 1984 I believe. As for the termination of this commission, the legislature and/or the governor has that option if the commission is not productive.

We find the remaining recommendations of SB 410 to be excellent. (lines 0132-0147).

Thankyou. If I can be of help in any way, please call on me.

###

See attachment.

My name is Frank McCoy and I am the Director of Riley County Community Corrections. I am very encouraged by the prospect of establishing a state-wide criminal justice commission in Kansas and I commend you for considering this task.

I have worked in the criminal justice system for the past fifteen years in various capacities, and it is my observation that the criminal justice system is an "organizational Frankenstein." We have patched together the various subcomponents of our law-related agencies in an effort to preserve and protect the public's safety and, in doing this, we have created a functional, but uncoordinated, "Frankenstein." The criminal justice system, as it now exists, is neither extraordinarily effective or efficient. The tasks at hand are usually accomplished, but there is considerable room for improvement through the planning and coordination of services.

In my capacity as director of a community corrections program, I have many opportunities to "track" individual offenders through the Kansas criminal justice system. By legislative design (and foresight), community corrections cannot duplicate or supplant existing correctional services. In order to accomplish this goal, we "track" the offender to make sure we are not duplicating past or present services. Our "tracking" has revealed some interesting facts that strongly indicate that the right hand doesn't always know what the left hand is doing, so to speak. I would like to present one offender's "trek" through the system as a graphic example of why we need a criminal justice commission. This is an actual case and the offender is presently under probation supervision(s). The record of the individual indicated the following:

- *Committed to Youth Center at Topeka, age 15; released, age 17.
- *Stole auto in Wichita several months later, fined \$27, and told to "stay out of town for one year."
- *Apparently took the above order seriously as he was arrested in Arizona several months later for another auto theft.
- *Sentenced to an Arizona Department of Corrections prison and served 18 months, age 18.
- *Returned to Kansas after release from Arizona prison and stole another vehicle, age 19.
- *Convicted and committed to Kansas Department of Corrections. Transferred to Larned State Hospital. Later transferred to Kansas State Industrial Reformatory, age 19.
- *Placed on Court Services probation after release from KSIR with the supervision of probation transferred to community corrections, age 21. Probation was granted versus parole despite the fact that the offender had served approximately 18 months in the KDOC.
- *New misdemeanor conviction, placed on misdemeanor probation.
- *New municipal conviction, placed on municipal probation.
- *New misdemeanor conviction. Served jail time and placed on parole status.
- *New misdemeanor conviction in another county. Placed on another District Court's Court Services probation. At this point a "new" KBI arrest/conviction report indicated a past felony conviction that occurred in Oklahoma. This felony conviction was not noted on any prior documentation. As this was offender's third felony conviction, he was no longer eligible for community corrections.

*Arrested and convicted of a new federal offense. Served 60 days and released.

It is more than a little confusing, but this offender is currently being supervised by at least four agencies within the state of Kansas. He has had at least six probation or parole officers assigned to him as well as having a minimum of seven pre-sentence investigations conducted. He has had approximately seven public defenders assigned, as well as being evaluated for mental health status purposes by at least four different public or private agencies. He has also been arrested out-of-state on two occasions and was returned to Kansas for supervision. My conservative fiscal estimate is that the public has "invested" over \$150,000 in this individual without the benefit of a coordinated plan. Services and resources have been duplicated and reduplicated many times. Often one agency was not aware of another agency's present or past involvement with this offender. This case is unusual as far as the number of offenses committed; but I feel it is representative of the degree of overlap and duplication caused by the uncoordinated status of the criminal justice system. The problem is not a lack of resources and services, but rather the lack of a focus in the application and allocation of resources and services. The establishment of a criminal justice commission would go a long way towards correcting this problem.

It is also my observation that local versions of a criminal justice commission presently exist in the various community corrections counties of Kansas. The County Commissions and Advisory Boards of these counties represent a county-wide criminal justice commission that includes all key representatives. Their collective desires, in the form of directives and recommendations, are enacted through their community corrections programs. Since the passage of the Community Corrections Act in 1978, it has been demonstrated that there are many benefits to be gained through the establishment of a planning commission (in this case, the County Commission and Advisory Board) with the authority to carry-out their directives and recommendations. Such a body has the collective ability (and responsibility) to act through planning, while the various subcomponents of the criminal justice system are often forced to react and operate from a crisis management style. As we all know, crisis management is the most expensive form of government, while a planning approach that mandates the coordination of services can often save more money for the tax payer than it expends in operations.

If the implementation and resulting recommendations of a criminal justice commission would increase the criminal justice system's effectiveness by only ten percent, the savings in total tax dollars would be considerable. This is an obtainable objective in my opinion, and would create both short-term and long-term savings in the millions of dollars.

This is a situation where delaying implementation will cost more in duplicate services and missed opportunities than implementation would ever cost.

I urge you to pass the necessary legislation to enact this much needed bill.

Thank you for your time.

2/4/86
Attachment #2



KANSAS DEPARTMENT OF CORRECTIONS
INTERDEPARTMENTAL MEMORANDUM

TO: Senate Federal & State Affairs

DATE: February 4, 1986

FROM: Richard A. Mills, Secretary of Corrections

SUBJECT: SB 401 and SB 410

- ° Both seek to establish a statutory commission to study the Kansas Criminal Justice System and to make recommendations regarding its improvement.
- ° Both create a statutory commission made up of representatives from the various arms of the criminal justice system. The differences are underlined below:

SENATE BILL 401 (DANIEL'S)

SENATE BILL 410 (COMMITTEE BILL)

- (1) 4 legislators.
- (2) SOC or designee.
- (3) Chairman KPB or designee.
- (4) Attorney General or designee.
- (5) Co./DA appointed by Executive Dir. of Co./DA Assn.
- (6) Dist. Judge appointed by Chief Justice.
- (7) A Director of a Comm. Corr. program appointed by Governor.
- (8) Court Services Officer appt. by Chief Justice.
- (9) A Public Defender by Governor.
- (10) 2 members of public appt. by Governor.

- 4 legislators.
- SOC or designee.
- Chairman KPB or designee.
- Secretary of SRS or designee.
- Co./DA appointed by Attorney Genral.
- Dist. Judge appt. by Chief Justice.
- A Director of a Comm. Corr. program appointed by Governor.
- A sheriff appt. by Attorney General.
- 4 members of public appt. by Governor.

TOTALS 16

15

- * SB 401 seeks to stagger the terms of the members.
- * SB 410 appoints members until Act sunsets.
- * Both allow compensation to members pursuant to K.S.A. 75-3223.
- * SB 401 provides an Executive Director and one clerical staff person (unclassified, appointed by Governor).
- * SB 410 Provides that Legislative Research, Legislative Administrative Services, and the Revisor's Office staff shall provide assistance to the commission.

Each bill differs in the language which gives the commission its charge.

SB 410: An analysis of the Kansas Criminal Justice System which specifically includes review, evaluation and recommendations re:

- (1) Existing facility capacity and operation, current and projected inmate population / contracting for facilities or services / conversion of other state property for correctional uses / proposed legislation inacting pop. / current DOC policies including work release, classification, community corrections, staff, inmate idleness, capital improvements, juvenile-related issues.
- (2) Alternatives to incarceration and alternative incarceration.
- (3) Community corrections programs and funding.
- (4) Develop a state incarceration and parole policy re: classification of felonies, penalties, sentencing guidelines, parole practices and policies. GOAL: To establish a "reasonable relationship" between number of inmates and available facilities.
- (5) Commission sunsets 1-31-88.

SB 401: Gives the same general charge of examining the cause, extent and ramifications of increasing inmate population. Review to include the same factors as SB 410, but requires the commission to (A) Determine an appropriate limit of future prison capacity; and (B) A state incarceration policy which is specific in its articulation of who should go to prison and how long they should stay.

Commission has no "sunset" date under this bill.

Department of Corrections
Simulation Model

The Department of Corrections uses a computerized simulation model to predict future inmate population. The simulation model, developed by Stollmach¹ and Blumstein², attempts to re-create the actual flow of offenders in and out of the correctional system.

Predicting future populations with a simulation model is essentially a function of three factors:

- (1) current inmate population;
- (2) number of new commitments over the years; and
- (3) expected average duration of inmate stay prior to departure.

To simplify the explanation of how a simulation model works several components can be focused on. First, the model attempts to predict how many offenders will be coming to prison in future years. The key to this portion of the model is the age composition of the general population, the volume of arrests, and prison admissions from years past. The model requires a rate of commitment probability to be developed by comparing prison admissions as a proportion of total arrests.

The volume of predicted prison admissions varies in future years based on the growth or decline of people in the general population within designated age categories. If age groups with high probabilities of commitment increase, then the expected prison admissions will be higher. If age groups with high probabilities of commitment decrease, then prison admissions can generally be expected to be lower.

The second component of the model looks at all persons in prison at the start of the projection period, plus all persons admitted each year. This consolidated group of individuals is assigned an estimated length of stay based on estimated felony class distribution, sentence length, and so forth.

The last component of the model estimates actual releases from the system. This is accomplished by using an exponential curve. Inmates are subtracted from future population estimates based upon the mathematical distribution of all persons sentenced to prison.

¹ Stollmach, S. "Predicting Inmate Populations from Arrest, Court Dispositions, and Recidivism Rates" Journal of Research in Crime and Delinquency, Volume 10, Number 2, July 1973.

² Blumstein, Al, Cohen, J., and Miller, H.P. Demographically Disaggregated Projections of Prison Populations. Urban Systems Institute, Carnegie Mellon University, 1980.

The end result is that the simulation model produces a real-life estimate of what the future inmate population will be. The projection assumes that all administrative decisions involving criminal justice agencies and general sentencing patterns will remain relatively constant. If, however, there is a dramatic change in parole release practice or if sentencing laws are changed significantly after the projection has been calculated, then there can be significant error. Without such changes, the projection estimate should be accurate within 10% or 15% of the projected target.

An added dimension of this model is that it is possible to track the volume of admissions and releases during projection periods. The simulation model produces an estimated number of admissions and releases for all future years. This can then be compared to actual growth figures to determine any differences that may occur. This feature allows easy analysis and a quick determination as to whether increased population is due to errors in the admission or release portion of the model.

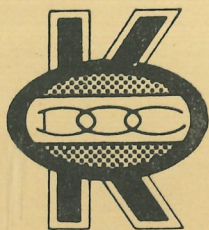
During FY 1986, it was predicted that the DOC facility population would increase by 40 inmates per month. Through January 31, 1986 the population has actually increased by 34 inmates per month. Current growth is running 15% below the year-end target.

Year-end projections for all inmates sentenced to the custody of the Secretary for FY 1986-1990 are as follows:

<u>FY 1986</u>	<u>FY 1987</u>	<u>FY 1988</u>	<u>FY 1989</u>	<u>FY 1990</u>
5012	5319	5510	5626	5686

Each of the above figures would have to be reduced by 157 to identify only those inmates who are estimated to be incarcerated in DOC facilities. Thus for FY 1986, the estimated DOC facility population is expected to be 4855; for FY 1987, 5162; and so forth.

Prepared February 4, 1986 by Policy and Planning Unit, Garry L. Kemp, Director



Kansas Department Of Corrections

CORRECTIONAL FACILITY CAPACITY REPORT

OCTOBER 1985

Executive Summary

This report is the third annual report on capacity for the Kansas Department of Corrections. The time frame examined in this report is two-fold. The first time period is the departmental capacity as of October 15, 1985. The second time frame looks at approved expansion of departmental capacity from the present time through January, 1988.

In the course of evaluating capacity, both the optimum management and maximum capacity of the Department are defined.

Optimum management capacity: is defined as the largest number of inmates a facility can accommodate and still maintain a desirable level of management and control. At this level, an institution can provide a reasonable degree of safety and security for staff, inmates, and the general public, and provide food service, personal hygiene, health services, exercise, programs, activities, and other daily operations in a timely and orderly fashion. As optimum management capacity is exceeded, there exists an increasingly clear and present danger to the safety of inmates and staff. Management and control become increasingly difficult.

Maximum capacity: is defined as the largest number of inmates a facility can physically house without using non-housing areas such as hallways, recreation, infirmary and segregation space. When maximum capacity is reached, the increased risk of disturbances, violence, and loss of control in the facility have reached an intolerable level. No additional increase in the inmate population can reasonably be allowed beyond maximum capacity.

The table below lists all of the current bed-space within the Department as of the time of this writing. The optimum capacity for the Department is 3,090 and the maximum capacity is 4,451. Both of these figures make allowances for cell-houses at KSP and KSIR that are out of service due to renovation. If these cell-houses were not partially closed for renovation, then the Department's capacity would be 3,378 at optimum capacity and 4,907 at maximum capacity.

The revised capacity for the Department as of January, 1988 will be 3,743 at optimum capacity and 5,576 at maximum capacity. These additional beds will increase the amount of capacity available within the Department by a significant amount.

CORRECTIONAL FACILITY CAPACITY REPORT
AS OF OCTOBER 15, 1985

<u>INSTITUTION</u>	<u>LOCATION</u>	<u>OPTIMUM CAPACITY</u>	<u>MAXIMUM CAPACITY</u>
KSP	"A" CELLHOUSE	222	369
	"B" CELLHOUSE	270	540
	"C" CELLHOUSE	272	455
	"D" CELLHOUSE	140	280
	ORIENTATION	50	65
	ORIENTATION ANNEX	50	108
	OUTSIDE DORM #2	110	126
	MEDIUM UNIT	378	696
	SEGREGATION ADJUST.	0	63
	SUB-TOTAL	1492	2703
	RENOVATION ADJUST. "C" CELLHOUSE	-136	-228
	ADJUSTED SUB-TOTAL	1356	2475
	KSIR	"A" CELLHOUSE	100
"B" CELLHOUSE		200	200
"C" CELLHOUSE		200	200
"D" CELLHOUSE		308	462
"E" UNIT		50	57
"F" UNIT		50	80
"MSF" UNIT		96	96
SEGREGATION ADJUST.		0	50
SUB-TOTAL		1004	1245
RENOVATION ADJUST. "D" CELLHOUSE		-152	-228
ADJUSTED SUB-TOTAL	852	1017	
KCVTC	BLDG. 1	40	40
	BLDG. 2	40	40
	BLDG. 3	40	40
	BLDG. 4	40	40
	"J" BLDG.	20	40
SUB-TOTAL	180	200	
SRDC	MAIN BLDG.	88	132
KCIL	SUNFLOWER BLDG.	48	48
	REDWOOD BLDG.	69	69
	PERRY BLDG.	48	61
SUB-TOTAL	165	178	
THC	MAIN BLDG.	61	61
EHC	MAIN BLDG.	64	64
TWRC	MAIN BLDG.	24	24
HWRC	MAIN BLDG.	19	19
WWRC	MAIN BLDG.	75	75
WPR	VALLEY VIEW	93	93
	BIRCH	48	48
	SUB-TOTAL	141	141
TPR	RESIDENCE HALL	65	65
GRAND TOTAL		3090	4451

Introduction

The FY 1985 increase in inmate population is the fourth year in a row that the Department has experienced a significant population increase. Since June 30, 1980 when the population stood at 2,264 the end-of-year population has increased as follows: June 30, 1981 - 2,598 (+334 or +15%); June 30, 1982 - 2,961 (+363 or +14%); June 30, 1983 - 3,332 (+371 or +13%); June 30, 1984 - 3,963 (+631 or +19%); and June 30, 1985 - 4,374 (+411 or +10%).

The purpose of this document is to properly identify the capacity of departmental facilities so that the need for capital improvement projects for prison construction or alternative community correctional programs can be determined.

On the surface, the capacity of any one particular correctional facility within the Kansas Department of Corrections would seem to be a simple concept. However, when management concerns regarding inmate control and the safety of both staff and inmates are added to the equation, complexities emerge. These complexities require a careful analysis of existing housing space to determine how many inmates can be housed under varying conditions.

In the past, widely varying capacity figures have made both long and short range planning difficult. In the short run, it becomes difficult to make responsible decisions regarding the most effective distribution of the current inmate population among existing institutions and facilities. The absence of consistent and reliable capacity data affect long range planning

in that it is difficult to assess whether or not there is enough of the right kind of space and programs to handle the aggregate inmate population.

To accurately determine the inmate population capacity of all the correctional facilities within the Kansas Department of Corrections, two tasks must be completed. First, an inventory of all existing correctional facility space must be taken to determine exactly how much space can reasonably be used for housing inmates. Second, standards must be set to determine how much space any one inmate should be allocated depending on the size, type, and configuration of the space available; the security rating of the facility; and the volume of inmates entering the system.

This report will focus on both the inventory of space available and set appropriate standards for housing inmates. The end result will be a much clearer definition of what constitutes capacity and the number of inmates that can be housed given existing space.

I. AN INVENTORY OF CURRENT HOUSING SPACE

A proper inventory of housing space takes into account all of the areas in each correctional facility that are designed to house inmates and excludes from the count areas which were designed for other purposes. Each institution within the department has different types of housing space. It varies in size, quantity of units per location, the amount of sanitation facilities available, and the security setting in which it is located.

A. Space Excluded From the Inventory

Institutional areas that will not be used as part of the inventory are listed below along with the rationale for exclusion:

1. Housing Space that is not under the Complete Control of the Department

This type of space includes the contract work release center space utilized at Fort Scott and the Topeka Halfway House. Also, excluded is treatment space at Larned State Hospital. This category of space is excluded because the amount of space available at any given time varies significantly. A good example is Larned State Hospital where space available had shrunk from over 100 beds to less than fifty in a span of a few years. Although the number of these beds now total over 125, the exact number should still not be counted as part of the capacity concept. Similar changes could easily occur in contract programs. Therefore, all of this type of space is left out of the capacity count.

2. Segregation and Infirmary Space

Segregation units and infirmary beds are designed for specific purposes related to the management and control of the institution as well as the health and well being of inmates. They are used for temporary placements of inmates for short periods of time and need to be kept immediately available when needed. It is therefore imprudent to count all of this space since the inmate will likely return to a normal cell or dormitory space at some point. As a result, the Department counts half of the segregation space in the maximum capacity (defined later) counts of the institutions. This practice is adopted on the basis that there is continuous occupation of this number of cells as inmates rotate in and out. Under the optimum management capacity concept, all of these cells would be excluded from the count. Counting this type of space, without qualification, would result in an inflated estimate of existing space.

Listed below is the current segregation and infirmary space at each institution:

	<u>Segregation</u>	<u>Infirmary</u>	
		<u>Ward</u>	<u>Locked cell</u>
KSP	127	2	4
KSIR	100	1	3
KCVTC	2	2	0
SRDC	4	0	0
KCIL	<u>6</u>	<u>2</u>	<u>0</u>
Total	239	7	7

3. Incidental Housing Space

These areas include sleeping quarters at the dog kennels, power plant, diesel plant, and the ranch and have been excluded because these sleeping areas are really not normal correctional space. Also, it is conceivable that this negligible amount of space could be eliminated at any time for almost any reason.

B. Space Included in the Inventory

Having listed out the various types of space that will not be included in the capacity figures, it is now appropriate to list the many types of housing areas that will be counted. It will become quite clear, through examination of Table 1, why capacity figures can be elusive. Individual cells or rooms vary in size from 40 sq. ft. at KSIR to 288 sq. ft. at Topeka Pre-Release Center. In addition, there are 29 dormitory or open housing areas within correctional facilities that range in size from 324 sq. ft. to 5,400 sq. ft. Table 1 gives an overall accounting of space available and should be viewed as the number of "areas" available for housing. Actual inmate capacities, within these areas, will become clearer once the capacity definitions for housing inmates are defined in the next section.

To ease the interpretation of Table 1, a summary of the amount of space available to each correctional facility is listed below.

1. Kansas State Penitentiary

KSP has a variety of individual cells/rooms at the facility with the vast majority (1,060 out of 1,096) falling within the 56 to 70 sq. ft. range. In addition, there are seven open or dormitory areas within the institution. The new medium security unit opened in July, 1985. The addition of this unit substantially increased the capacity of the penitentiary.

2. Kansas State Industrial Reformatory

KSIR has three different type of housing areas. The first type is designed for use as single cells. There are 500 such cells that are 40-44 square ft. in size. The second category of housing is designed for multiple inmate housing. There are 80 cells of this type measuring 168 sq. ft. each. The third category of housing are open dormitory areas. There are two such areas within the maximum portion of the institution. One such area is 3,312 sq. ft. and the other is 5400 sq. ft. In addition, a new minimum security facility was completed during FY 1985 and this facility has three open dormitory areas that are 1,600 sq. ft. each in size.

3. Kansas Correctional Vocational Training Center

Housing space at KCVTC is limited to 20 rooms at 70 sq. ft. and 160 rooms at 89 sq. ft. There are no dormitory areas at this facility.

4. State Reception and Diagnostic Center

SRDC, the facility where offenders are processed into the system, has 28 cells that are 63 sq. ft. in size. In addition, there are five open areas for housing ranging in size from 324 to 701 sq. ft.

5. Kansas Correctional Institution at Lansing

KCIL is comprised largely of individual rooms (96) that are between 61 and 67 sq.ft. in size. They also have two dormitory areas that measure 1,169 sq. ft. and 2300 sq. ft.

6. Toronto Honor Camp

The Honor Camp at Toronto has two dormitory areas that are 1,693 and 1,982 sq. ft.

7. El Dorado Honor Camp

The Honor Camp at El Dorado has four dormitory areas that are 980 sq. ft. each.

8. Topeka Work Release Center

This facility has one dormitory area that is 1,200 sq. ft. in size.

9. Wichita Work Release Center

The work release center in Wichita is composed of a wide variety of individual rooms (45) that range in from 110 to 265 sq. ft.

10. Hutchinson Work Release Center

This work release center, located on the grounds at KSIR, has one dormitory area that is 996 sq. ft. in size.

11. Winfield Pre-Release Center

The pre-release center at Winfield has 29 rooms that vary in size from 144 sq. ft. to 256 sq. ft. In addition, there are two dormitory areas that are 1,200 sq. ft. each.

12. Topeka Pre-Release Center

The pre-release center at Topeka has 15 rooms that vary in size from 168 sq. ft. to 288 sq. ft. There are no dormitories at this location.

In summary, Table 1 shows that there are 2,069 cells/rooms available state-wide. Added to this figure are 29 dormitory areas. This combination of space represents all of the housing space that the Kansas Department of Corrections has available at this time.

TABLE 1
Summary of Current Housing Space

(Size and Amount of Space by Institution/Facility)

Cell/Room Housing

Cell Size sq. ft	KSP	KSIR	KCVTC	SRDC	KCIL	THC	EHC	TWRC	WWRC	HWRC	WPRC	TPRC	Total
40		300											300
44		200											200
56	6												6
57	6												6
58	26												26
59	239												239
60	272												272
61	25				48								73
62	40												40
63	17			28									45
64	2												2
65	8												8
66	96												96
67	35				48								83
70	288		20										308
85	1												1
87	1												1
88	1												1
89			160										160
90	1												1
110									3				3
130									11				11
140									13				13
144											27		27
150									9				9
160									3				3
168		80										1	81
187	1												1
190	1												1
192	3												3
193	5												5

TABLE 1 (cont.)

Cell Size sq. ft	KSP	KSIR	KCVTC	SRDC	KCIL	THC	EHC	TWRC	WWRC	HWRC	WPRC	TPRC	Total
194	8												8
195	4												4
196	3												3
197	3												3
198	4												4
220									2				2
256											2		2
264												10	10
265									4				4
276												2	2
288												2	2
Total (Cells/Rooms)	1096	580	180	28	96	-	-	-	45	-	29	15	2069

Open/Dorm Housing

Sleeping Area Size	KSP	KSIR	KCVTC	SRDC	KCIL	THC	EHC	TWRC	WWRC	HWRC	WPRC	TPRC	Total
324				1									1
634				2									2
701				2									2
980							4						4
996										1			1
1169					1								1
1200								1			2		3
1483	2												2
1683						1							1
1770		3											3
1982						1							1
2000	1												1
2300					1								1
2862		1											1

TABLE 1 (cont.)

Sleeping Area Size	KSP	KSIR	KCVTC	SRDC	KCIL	THC	EHC	TWRC	WWRC	HWRC	WRPC	TPRC	Total
3312	1												1
3321	1												1
4000	1	1											2
5400	1												1
Total Open Dorm	7	5	-	5	2	2	4	1	-	1	2	-	29

II. DEFINING THE CONCEPT OF CAPACITY

The inventory or accounting of space available within each institution and facility is an important first step in arriving at a system-wide housing capacity. The next step is to describe and apply a set of standards to the space known to be available as a means of determining exactly how many inmates can actually be housed. Although the characteristics of each institution and facility are different, from a system-wide planning perspective it is important that the standards be developed and applied to all available space with as much uniformity as possible.

The concepts of management and control must be given primary consideration in determining the standards to be applied in rating the capacity of each institution and facility, and ultimately system-wide capacity. Management and control of inmates is the basis upon which institutions function. Therefore, in deciding the capacity of any one institution, or a system collectively, these factors need to be taken into account to avoid potentially negative consequences.

Listed below are two separate definitions of capacity. The first definition reads as follows:

A. Optimum Management Capacity

Optimum management capacity is defined as the largest number of inmates a facility can accommodate and still maintain a desirable level of management and control. At this level, an institution can provide a reasonable degree of safety and security for staff, inmates, and the general public, and provide food service, personal hygiene, health services, exercise, programs, activities, and other daily operations in a timely and orderly fashion. As optimum management capacity is

exceeded, there exists an increasingly clear and present danger to the safety of inmates and staff. Management and control become increasingly difficult.

B. Maximum Capacity

Maximum capacity is defined as the largest number of inmates a facility can physically house without using non-housing areas such as hallways, recreation, infirmary and segregation space. When maximum capacity is reached, the increased risk of disturbances, violence, and loss of control in the facility have reached an intolerable level. No additional increase in the inmate population can reasonably be allowed beyond maximum capacity.

The definition of maximum capacity attempts to communicate a very strong message. That message is that maximum capacity is a point which a correctional system hopefully will never reach. At maximum capacity, the state of overcrowding would be near a breaking point which could mean disastrous consequences for the institution and the public.

In short, optimum management capacity is the population level at which correctional facilities will function properly the vast majority of the time. Maximum capacity is a very undesirable population level that the system could physically hold out of necessity but at significant risk.

As the number of inmates increases beyond the optimum level, the management and control capabilities of the correctional system steadily decrease.

To the extent that the State considers using the maximum capacity of the system, it should be remembered that this will result in staff and program shortages. If there is an expectation that facilities will have to operate above optimum capacity, then additional staff positions will need to be allocated to accomodate the increased population.

*Special Note: The term design capacity was considered for use here, but was rejected because the term itself is unclear. The reason for this ambiguity is that over the years it has been used as both the greatest number of inmates a facility can hold and as the desired operating level.

III. APPLYING HOUSING SPACE STANDARDS TO CAPACITY DEFINITIONS

The previous section described conceptually the concerns related to capacity. The next step is to analyze the inventory of available space listed in Table 1 in conjunction with utilization practices. This analysis essentially results in a designation of the amount of space that would be allocated to inmates under both definitions.

Space standards for optimum management capacity are as follows:

<u>Type of Space</u>	<u>Amount of Space</u>	<u>Inmates Housed</u>
Cell/Room	90 sq. ft. or less	1
	91 to 124 sq. ft.	2
	125 to 164 sq. ft.	3
	165 to 204 sq. ft.	4
	205 to 244 sq. ft.	5
	245 to 288 sq. ft.	6
Dormitory	50 sq. ft. per inmate housed - maximum of 50 inmates per floor	1

The above standards apply to all correctional facilities except work release and pre-release centers. Work release and pre-release centers could house more inmates, in some cases, than they presently do based on the above standards. However, the numbers currently housed at each center is believed to be the number that the program can properly support from a work and/or program standpoint. Thus, the work release and pre-release capacities will be listed in Table 2 irrespective of space standards.

Space standards for maximum capacity are as follows:

<u>Type of Space</u>	<u>Amount of Space</u>	<u>Inmates Housed</u>
Cell/Room	55 sq. ft. or less	1
	56 to 90 sq. ft.	2
	91 to 109 sq. ft.	3
	110 tp 129 sq. ft.	4
	130 to 159 sq. ft.	5
	160 sq. ft. or more	6
Dormitory	50 sq. ft. per inmate housed	1

The maximum capacity standards for housing have two exceptions. First, KCVTC and KCIL, unlike KSP and KSIR, are not believed to be able to adopt a true maximum capacity population because the majority of the rooms do not have adequate sinks and toilets available for the number of inmates that would have to be housed under those standards. Also, the institutional programs and the level of staffing would need to be increased to be able to manage a large number of inmates. As a result, the maximum capacity increment has been limited to double-celling in those rooms where there are sinks and toilets at this time.

The second exception has to do with the open or dormitory space at SRDC. The standard space requirements have been lowered from 50 sq. ft. to 40 sq. ft. per inmate. This standard has been lowered because through utilization experience it has been shown that a smaller amount of space per inmate will work when the length of stay is relatively short (e.g. 30 days).

Table 2 illustrates the number of inmates that can be housed at each facility under both capacity definitions, using the space allocation standards described above.

To ease the burden of interpreting Table 2, the housing capability of each correctional facility is summarized below:

A. Kansas State Penitentiary

The Penitentiary, by virtue of the size of its single man cells, offers the most capability for increased housing. These cells, as noted in Table 1, range in size from 56 to 198 sq. ft. Also, the Penitentiary has expanded Outside Dorm #2 to include two open housing areas. The end result is that optimum management capacity allows adequate housing and facilities for 1,492 inmates. At maximum capacity this figure increases to 2,703. Most of this increase occurs in the main cell houses where management and control can be maximized.

One difference in the space allocation at KSP has to do with the number of cells that can house two inmates under a maximum capacity concept. Beginning with last year, 100 cells (split between A (75) and C (25) Cellhouses) were designated as single cells at maximum capacity. This exception was granted due to the increasing number of aggressive or assaultive inmates who cannot be successfully double-celled without negative consequences. This change in practice results in a slight decrease in the maximum capacity at this institution.

B. Kansas State Industrial Reformatory

KSIR, due to its cellhouse configuration, does not offer much relief beyond optimum management capacity. The cells are small (40-44 sq. ft.) for the most part and makes double-celling unreasonable for 500 of the 577 cells available in the institution. The only area which is able to accept additional inmates are the 77 cells which are 168 sq. ft. in size. There are, however, three additional dormitory areas available this year which provide some additional space. Despite the increase in space, capacity figures show only modest differences between the 1,004 designated for optimum management capacity and 1,245 for maximum capacity.

C. Kansas Correctional Vocational Training Center

KCVTC has larger rooms than many of the other correctional facilities. There are 160 rooms that are 89 sq. ft. in size and 20 rooms at 70 sq. ft. Despite this fact, it is believed to be poor management practice to double cell across the board at this facility. The reasons for this are as follows:

1. There are no toilets or sinks in most resident rooms which presents a potential health/sanitation hazard. Thus, double-celling will be limited to the 20 rooms that have these type of facilities;
2. The facility does not have adequate training or programming to accomodate straight double celling;
and
3. The facility does not have adequate staffing to manage a near doubling of the inmate population.

The maximum capacity capability could be increased if the above three items were remedied. As it stands, given current conditions, it is believed that only the 20 rooms with proper sanitation facilities can be double celled. Thus, there is only a slight difference between optimum management (180) and maximum (200) capacity.

D. State Reception and Diagnostic Center

As a reception facility, SRDC has a limited ability to increase its population capacity. The optimum management capacity is 88 and the maximum capacity is 132. This difference is accounted for by double-celling the individual cells and lowering the square foot standard for dormitory space from 50 sq. ft. to 40 sq. ft. per man. As explained earlier, this has been found to be possible through experience.

E. Kansas Correctional Institution at Lansing

KCIL is in much the same situation as KCVTC in the sense that only 23 of the rooms have toilet or sink facilities. As a result, all of the same concerns outlined above for KCVTC regarding availability of adequate programming, sanitation facilities, security, and proper management of large numbers of inmates apply here as well. However, due to the fact that KCIL has primary responsibility for housing female inmates, 10 of 23 rooms which have plumbing facilities are designated for single occupancy to accomodate segregation overflow and aggressive female offenders. There is, however, two additional dormitory areas which boost capacity somewhat. Using this approach, the optimum management capacity is 165 and the maximum capacity is 178.

F. Toronto and El Dorado Honor Camps

Because the mission of the Honor Camps is to provide a work force for the reservoirs at which they are located, and to perform other public service projects, only a finite number of inmates can be housed at the Honor Camps. Accordingly, no distinction is made between optimum management and maximum capacity. Toronto can hold 61 inmates and El Dorado can hold 64.

G. Work Release Centers

The capacity of the department's work release centers have been designed programmatically for 24 in Topeka, 19 in Hutchinson, and 75 in Wichita. These numbers were arrived at through experience and are based on success in finding inmate jobs in a saturated job market. These facilities are not believed to be able to house additional inmates until such time as more, suitable inmates can reasonably be assured of finding employment.

H. Pre-Release Centers

The capacity of the department's pre-release centers is limited largely by the rate at which inmates can flow into these facilities and the number of inmates that can be accommodated. Thus, all pre-release centers are measured in accord with optimum management capacity standards. Winfield is designated at 141 inmates and Topeka at 65.

In summary, it is clear from analyzing Table 2 that KSP is about the only facility where maximum capacity substantially exceeds optimum management capacity. The flexibility of the other facilities, as described above is very limited.

TABLE 2

Capacities by
Institution Using Established Standards
As of October 15, 1985

<u>Institution</u>	<u>Location</u>	<u>Housing Area Type</u>	<u>Optimum Management Capacity</u>		<u>Maximum Capacity</u>	
			<u>Number</u>	<u>Inmates</u>	<u>Number</u>	<u>Inmates</u>
KSP	"A" Cell House	1 inmate cells	222	222	75	75
		2 inmate cells	-	-	147	294
		Sub total		<u>222</u>		<u>369</u>
	"B" Cell House	1 inmate cells	270	270	-	-
		2 inmate cells	-	-	270	540
		Sub total		<u>270</u>		<u>540</u>
	"C" Cell House	1 inmate cells	144	144	25	25
		2 inmate cells	-	-	119	238
		4 inmate cells	32	128	-	-
		6 inmate cells	-	-	32	192
		Sub total		<u>272</u>		<u>455</u>
	"D" Cell House	1 inmate cells	140	140	-	-
		2 inmate cells	-	-	140	280
		Sub total		<u>140</u>		<u>280</u>
	Orienta- tion Unit	Dormitory (3,312 sq. ft.)	1	50	1	66
	Orienta- tion Annex	Dormitory (5,400 sq. ft)	1	50	1	108
	Outside Dorm #2	Dormitories (3,321 sq. ft.)	1	50	1	66
		(1,483 sq. ft.)	2	60	2	60
		Sub total		<u>110</u>		<u>126</u>
	Medium Unit	1 inmate rooms	288	288	-	-
		2 inmate rooms	-	-	288	576
	Medium Dormitory	Dormitories (2,000 sq. ft.)	1	40	1	40
		(4,000 sq. ft.)	2	50	2	80
		Sub total		<u>378</u>		<u>696</u>
	Segregation Adjustment			+ 0		+63
	KSP Total			<u>1,492</u>		<u>2,703</u>

TABLE 2 (cont.)

<u>Institution</u>	<u>Location</u>	<u>Housing Area Type</u>	<u>Optimum Capacity</u>		<u>Maximum Capacity</u>	
			<u>Number</u>	<u>Inmates</u>	<u>Number</u>	<u>Inmates</u>
KSIR	"A" Cell House	1 inmate cells	100	100	100	100
	"B" Cell House	1 inmate cells	200	200	200	200
	"C" Cell House	1 inmate cells	200	200	200	200
	"D" Cell House	4 inmate cells 6 inmate cells	77 -	308 -	- 77	- 462
	"E" Living Unit	Dormitory (2,862 sq. ft.)	1	50	1	57
	"F" Living Unit	Dormitory (4,000 sq. ft.)	1	50	1	80
	"MSF" Unit	Dormitory (1,600 sq. ft.)	3	96	3	96
	Segregation Adjustment		0		50	
	KSIR Total		1,004		1,245	
KCVTC	Bldg. 1	1 inmate rooms	40	40	40	40
	Bldg. 2	1 inmate rooms	40	40	40	40
	Bldg. 3	1 inmate rooms	40	40	40	40
	Bldg. 4	1 inmate rooms	40	40	40	40
	"J" Bldg.	1 inmate rooms 2 inmate rooms	20 -	20 -	- 20	- 40
	KCVTC Total		180		200	
SRDC	Main Bldg.	1 inmate cells	28	28	0	0
		2 inmate cells	0	0	28	56
		Dormitories (324 sq. ft.)	1	6	1	8
		(634 sq. ft.)	2	26	2	32
		(701 sq. ft.)	2	28	2	36
	SRDC Total		88		132	

TABLE 2 (cont.)

<u>Institution</u>	<u>Location</u>	<u>Housing Area Type</u>	<u>Optimum Management Capacity</u>		<u>Maximum Capacity</u>	
			<u>Number</u>	<u>Inmates</u>	<u>Number</u>	<u>Inmates</u>
KCIL	Sunflower	1 inmate rooms	48	48	48	48
	Redwood	Dormitories (2,300 sq. ft.)	1	46	1	46
		(1,169 sq. ft.)	1	23	1	23
	Perry Bldg.	1 inmate rooms	48	48	35	35
		2 inmate rooms	-	-	13	26
KCIL Total				<u>165</u>		<u>178</u>
THC	Main Bldg.	Dormitories (1,693 sq. ft.)	1	28	1	28
		(1,982 sq. ft.)	1	33	1	33
	THC Total				<u>61</u>	
EHC	Main Bldg.	Dormitory (980 sq. ft.)	4	64	6	64
TWRC	Main Bldg.	Dormitory (1,200 sq. ft.)	1	24	1	24
HWRC	Main Bldg.	Dormitory (996 sq. ft.)	1	19	1	19
WWRC	Main Bldg	1 inmate rooms	15	15	15	15
		2 inmate rooms	22	44	22	44
		4 inmate rooms	4	16	4	16
	WWRC Total				<u>75</u>	
WPR	Valley View	3 inmate rooms	27	81	27	81
		6 inmate rooms	2	12	2	12
	Birch Bldg.	Dormitory (1,200 sq. ft.)	2	48	2	48
WPR Total				<u>141</u>		<u>141</u>
TPR	Residence Hall	Multiple inmate rooms	14	65	14	65
GRAND TOTAL				<u>3,378</u>		<u>4,907</u>

IV. FUTURE HOUSING CAPACITIES

The Department of Corrections currently has (either planning or construction) funding for capital improvements that include: a new facility at Ellsworth, Kansas to be called the Ellsworth Correctional Facility; a 64 bed addition at the KSIR Minimum Security Facility; a new housing unit at KCIL; an addition at El Dorado Honor Camp; a small renovation project at Topeka Pre-Release; and a renovation of the bottom floor of the medium security dormitory at KSP. The estimated completion dates for the new construction projects is spread between December of 1985 for El Dorado to January of 1988 for the new Ellsworth facility and the KSP renovation. Exact dates for completion are identified as each new housing area is described below.

By referring to Table 3, it can be seen that there 150 new inmate cells (60 sq. ft. in size) planned at the Ellsworth Correctional Facility. This improvement, if construction funding is approved will increase the number of cells available within the Department from 2,069 to 2,291. There are also plans for an additional dormitory area at Ellsworth that will be 2,000 sq. ft. in size. Such a dormitory area would house 40 inmates at both optimum and maximum capacity.

Similarly, the project planned at KCIL would add 120 inmate cells to replace existing housing at KCIL. These cells will be 60 sq. ft. in size. This project will result in a small net increase in cell space if construction funds are approved.

Finally, projects at KSP, KSIR, Topeka Pre-Release, and El Dorado Honor Camp will add six (6) dormitory areas to the system capacity. These improvements add a total of 162 beds.

A. Ellsworth Correctional Facility

During the 1985 Legislative session, planning money was approved for a new facility to be located at Ellsworth, Kansas. Basic provisions allowed for 150 individual cells (60 sq. ft.) and a 2,000 sq. ft. dormitory area for minimum security inmates. If funded, the facility is scheduled to be completed by January of 1988. The optimum capacity for the facility will be 190 and the maximum capacity will be 340.

B. Kansas Correctional Institution at Lansing

The capacity at KCIL during FY 1985 was brought under close scrutiny. Several architectural firms, principally HDR of Houston, Texas determined that some of the buildings were not proper for housing of inmates, nor were they the proper subject for renovation to make the existing buildings (i.e. Sunflower and Redwood) habitable. Accordingly, planning funding was approved for a new housing unit which is designed to contain 120 60 sq. ft. cells. This number of cells would be in addition to the 48 cells in Perry Building. Thus, the revised capacity for KCIL in November, 1987 will be 168 optimum and 301 maximum capacity. This change in capacity for 1987 (FY 1988) results in a net increase of 3 beds at optimum capacity and +123 at maximum capacity.

C. Kansas State Penitentiary

The improvements scheduled for KSP involve the renovation of the bottom floor of the Medium Security dormitory. This floor is currently being used for offices for the medium unit, pending completion of the

administration building. Once this project is completed in January, 1988, a 4,000 sq. ft. dormitory area will be available for housing. This space will accommodate 50 additional inmates at optimum capacity and 80 additional inmates at maximum capacity.

D. Kansas State Industrial Reformatory

During the 1985 Legislative session, an additional 64 bed unit was approved for the KSIR minimum security facility. These beds will be placed in two dormitory "pods" 1,600 sq. ft. in size each, and are scheduled to be completed by June, 1986. Thus, each pod will house 32 inmates. This change will put a total of 160 beds at the minimum security facility. This figure remains the same for both optimum and maximum capacity because all 5 "pods" at the unit will be dormitory areas. In addition to this new space, renovation of "D" cellhouse will return 3 additional multiple-man cells to service (i.e. two 4-man cells and 1 cell for handicapped inmates).

E. El Dorado Honor Camp

The El Dorado Honor Camp is in the process of adding two additional dormitory areas that are about 980 sq. ft. in size. This addition will provide space for an additional 32 inmates, which will raise the optimum and maximum capacity to 96 inmates. Construction is expected to be completed so that occupancy can occur by December 1, 1985.

F. Topeka Pre-Release Center

Topeka Pre-Release Center received approval for 16 additional beds to be placed in an 800 sq. ft. dormitory area, and is scheduled to be completed by January, 1986. This added housing area will alter the facility capacity to 81.

Summary of Capacity Changes

The overall impact of future housing construction/renovation on the ability of the Department to house inmates will result in an increase in the optimum capacity from 3,378 to 3,743. This represents an increase of 365 new beds. Similarly, the maximum capacity will increase from 4,907 to 5,576 which will amount to an increase of 669 additional bed spaces. These system-wide capacity figures will represent the Department's overall housing capability until such time as there is additional construction or renovation approved in the future.

TABLE 3
Post-construction Housing Space

(Size and Amount of Space by Institution/Facility)

Cell/Room Housing

Cell Size sq. ft	KSP	KSIR	KCVTC	SRDC	KCIL	ECF	THC	EHC	TWRC	WWRC	HWRC	WPRC	TPRC	Total
40		300												300
44		200												200
56	6													6
57	6													6
58	26													26
59	239													239
60	272				120	150								542
61	25													25
62	40													40
63	17			28										45
64	2													2
65	8													8
66	96													96
67	35				48									83
70	288		20											308
85	1													1
87	1													1
88	1													1
89			160											160
90	1													1
110										3				3
130										11				11
140										13				13
144												27		27
150										9				9
160										3				3
168		80											1	81
187	1													1
190	1													1
192	3													3
193	5													5

TABLE 3 (cont.)

Cell Size sq. ft	KSP	KSIR	KCVTC	SRDC	KCIL	ECF	THC	EHC	TWRC	WWRC	HWRC	WPRC	TPRC	Total
194	8													8
195	4													4
196	3													3
197	3													3
198	4													4
220										2				2
256												2		2
264													10	10
265										4				4
276													2	2
288													2	2
Total (Cells/ Rooms)	1096	580	180	28	168	150	-	-	-	45	-	29	15	2291

Open/Dorm Housing

Sleeping Area Size	KSP	KSIR	KCVTC	SRDC	KCIL	ECF	THC	EHC	TWRC	WWRC	HWRC	WPRC	TPRC	Total
324				1										1
634				2										2
701			2											2
800													1	1
980								4						4
996											1			1
1169					1									1
1200									1			2		3
1483	2													2
1683							1							1
1770		3												3
1982							1							1
2000	1					1								2
2300					1									1
2862		1												1

TABLE 3 (cont.)

Sleeping Area Size	KSP	KSIR	KCVTC	SRDC	KCIL	ECF	THC	EHC	TWRC	WWRC	HWRC	WRPC	TPRC	Total
3312	1													1
3321	1													1
4000	2	1												3
5400	1													1
Total Open Dorm	8	5	-	5	2	1	2	4	1	-	1	2	1	32

TABLE 4

Post-construction Rated Capacities
by
Institution Using Established Standards

Institution	Location	Housing Area Type	Optimum Management Capacity		Maximum Capacity	
			Number	Inmates	Number	Inmates
KSP	"A" Cell House	1 inmate cells	222	222	75	75
		2 inmate cells	-	-	147	294
		Sub total		<u>222</u>		<u>369</u>
	"B" Cell House	1 inmate cells	270	270	-	-
		2 inmate cells	-	-	270	540
		Sub total		<u>270</u>		<u>540</u>
	"C" Cell House	1 inmate cells	144	144	25	25
		2 inmate cells	-	-	119	238
		4 inmate cells	32	128	-	-
		6 inmate cells	-	-	32	192
		Sub total		<u>272</u>		<u>455</u>
	"D" Cell House	1 inmate cells	140	140	-	-
		2 inmate cells	-	-	140	280
		Sub total		<u>140</u>		<u>280</u>
	Orienta- tion Unit	Dormitory (3,312 sq. ft.)	1	50	1	66
	Orienta- tion Annex	Dormitory (5,400 sq. ft)	1	50	1	108
	Outside Dorm #2	Dormitories (3,321 sq. ft.)	1	50	1	66
		(1,483 sq. ft.)	2	60	2	60
		Sub total		<u>110</u>		<u>126</u>
	Medium Unit	1 inmate rooms	288	288	-	-
		2 inmate rooms	-	-	288	576
	Medium Dormitory	Dormitories (2,000 sq. ft.)	1	40	1	40
		(4,000 sq. ft.)	2	100	2	160
		Sub total		<u>428</u>		<u>776</u>
	Segregation Adjustment			+ 0		+63
	KSP Total			<u>1,542</u>		<u>2,783</u>

TABLE 4 (cont.)

<u>Institution</u>	<u>Location</u>	<u>Housing Area Type</u>	<u>Optimum Management Capacity</u>		<u>Maximum Capacity</u>	
			<u>Number</u>	<u>Inmates</u>	<u>Number</u>	<u>Inmates</u>
KSIR	"A" Cell House	1 inmate cells	100	100	100	100
	"B" Cell House	1 inmate cells	200	200	200	200
	"C" Cell House	1 inmate cells	200	200	200	200
	"D" Cell House	2 inmate cells	1	2	1	2
		4 inmate cells	79	316	-	-
		6 inmate cells	-	-	79	474
	"E" Living Unit	Dormitory (2,862 sq. ft.)	1	50	1	57
	"F" Living Unit	Dormitory (4,000 sq. ft.)	1	50	1	80
	"MSF" Unit	Dormitory (1,600 sq. ft.)	5	160	5	160
		Segregation Adjustment		0		50
	KSIR Total		1,078		1,323	
KCVTC	Bldg. 1	1 inmate rooms	40	40	40	40
	Bldg. 2	1 inmate rooms	40	40	40	40
	Bldg. 3	1 inmate rooms	40	40	40	40
	Bldg. 4	1 inmate rooms	40	40	40	40
	"J" Bldg.	1 inmate rooms	20	20	-	-
		2 inmate rooms	-	-	20	40
	KCVTC Total		180		200	

TABLE 4 (cont.)

<u>Institution</u>	<u>Location</u>	<u>Housing Area Type</u>	<u>Optimum Management Capacity</u>		<u>Maximum Capacity</u>	
			<u>Number</u>	<u>Inmates</u>	<u>Number</u>	<u>Inmates</u>
SRDC	Main Bldg.	1 inmate cells	28	28	0	0
		2 inmate cells	0	0	28	56
		Dormitories (324 sq. ft.)	1	6	1	8
		(634 sq. ft.)	2	26	2	32
		(701 sq. ft.)	2	28	2	36
		SRDC Total			<u>88</u>	
KCIL	New Housing Unit	1 inmate rooms	120	120	120	240
		Perry Bldg.				
	1 inmate rooms	48	48	35	35	
	2 inmate rooms	-	-	13	26	
	KCIL Total		<u>168</u>		<u>301</u>	
ECF		1 inmate cells	150	150	150	300
		Dormitory (2,000 sq. ft.)	1	40	1	40
		ECF Total		<u>190</u>		<u>340</u>
THC	Main Bldg.	Dormitories (1,693 sq. ft.)	1	28	1	28
		(1,982 sq. ft.)	1	33	1	33
		THC Total		<u>61</u>		<u>61</u>
EHC	Main Bldg.	Dormitories (980 sq. ft.)	6	96	6	96
TWRC	Main Bldg.	Dormitory (1,200 sq. ft.)	1	24	1	24
HWRC	Main Bldg.	Dormitory (996 sq. ft.)	1	19	1	19

TABLE 4 (cont.)

<u>Institution</u>	<u>Location</u>	<u>Housing Area Type</u>	<u>Optimum Management Capacity</u>		<u>Maximum Capacity</u>	
			<u>Number</u>	<u>Inmates</u>	<u>Number</u>	<u>Inmates</u>
WWRC	Main Bldg	1 inmate rooms	15	15	15	15
		2 inmate rooms	22	44	22	44
		4 inmate rooms	4	16	4	16
		WWRC Total			<u>75</u>	
WPR	Valley View	3 inmate rooms	27	81	27	81
		6 inmate rooms	2	12	2	12
	Birch Bldg.	Dormitory (1,200 sq. ft.)	2	48	2	48
		WPR Total		<u>141</u>		<u>141</u>
TPR	Residence Hall	Multiple inmate rooms	13	65	13	65
		Dormitory (800 sq. ft.)	1	16	1	16
	TPR Total			<u>81</u>		<u>81</u>
GRAND TOTAL				<u>3,743</u>		<u>5,576</u>

Table 5

Summary of Change in Capacity Due to Construction

Institution	Current Capacity (September, 1985)		Additional Beds Due To Construction		Estimated Completion Date	Projected Capacity January 1, 1988	
	Optimum Management	Maximum Capacity	Optimum Management	Maximum Capacity		Optimum Management	Maximum Capacity
KSP	1,492	2,703 ¹	+ 50	+ 80	1-2-88	1,542	2,783
KSIR	1,004	1,245 ²	+ 74 ³	+ 78 ⁴	6-1-86	1,078	1,323
KCVTC	180	200	0	0	-	180	200
SRDC	88	132	0	0	-	88	132
KCIL	165	178	+ 3	+123	11-1-87	168	301
ECF	-	-	+190	+340	1-2-88	190	340
THC	61	61	0	0	-	61	61
EHC	64	64	+ 32	+ 32	12-1-85	96	96
TWRC	24	24	0	0	-	24	24
HWRC	19	19	0	0	-	19	19
WWRC	75	75	0	0	-	75	75
WPRC	141	141	0	0	-	141	141
TPRC	65	65	+ 16	+ 16	1-2-86	81	81
Total	3,378	4,907	+365	+669		3,743	5,576

1 - Includes +63 bed segregation adjustment.

2 - Includes +50 bed segregation adjustment.

3 - 64 beds from new addition to be minimum unit plus 10 beds recovered through renovation of "D" cell house.

4 - 64 beds from new addition to the minimum unit plus 14 beds recovered through renovation of "D" cell house.

2/4/86
Attachment #3



State of Kansas

Office of Judicial Administration

Kansas Judicial Center
301 West 10th
Topeka, Kansas 66612-1507

(913) 296-2256

SENATE FEDERAL & STATE AFFAIRS COMMITTEE SB 401 and SB 410

Testimony of
Marjorie J. Van Buren
Executive Assistant to the Judicial Administrator

The Judicial Administrator supports the general thrust of both SB 401 and SB 410. We would suggest some conceptual amendments to either bill regarding the make-up and reporting of the commission.

Each bill includes in the commission membership four members of the legislative branch and six members of the executive branch. In order to give the commission an appropriate perspective from the judicial branch, we recommend an increase to at least four or five members of the judicial branch. Just as one legislative or executive officer would not give a very broad perspective or variety of experience from these branches, so having only one judicial officer is not adequate. Judges with different backgrounds of experience and training in the criminal law can bring a rich variety of perspectives to discussions of sentencing, probation, and other alternatives to incarceration. Specifically, we would suggest inclusion of three judges, appointed by the Chief Justice (each bill includes one judge); a court services officer, appointed by the Chief Justice (SB 401 includes a CSO); and the Judicial Administrator or designee.

Each bill calls for the commission to report to the governor and to the legislature its findings and recommendations. Inasmuch as both bills include in the commission's purview areas within judicial branch responsibility, such as probation, we would suggest consideration be given to including the Chief Justice in the list of those to receive the commission's report.

2/4/86
Attachment #4

WE PRESENTLY HAVE A SITUATION WITHIN THE KANSAS CRIMINAL JUSTICE SYSTEM THAT IS, AT BEST, TENUOUS. ON ONE END WE HAVE THE COURTS THAT DECIDE WHO WILL BE REMANDED INTO THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS FOR AN INDETERMINANT AMOUNT OF TIME. ON THE OTHER END, WE HAVE THE PAROLE BOARD THAT DECIDES WHO SHALL BE RELEASED AND, WITHIN CERTAIN ESTABLISHED LIMITS, WHEN. THIS LEAVES THE DEPARTMENT OF CORRECTIONS IN THE MIDDLE, WITH ABSOLUTELY NO CONTROL OVER THE NUMBER OR TYPES OF INMATES THEY RECEIVE, OR THE LENGTH OF TIME THOSE INMATES MUST BE INCARCERATED. AS YOU WELL KNOW, THIS SITUATION HAS OVER THE PAST FEW YEARS CAUSED THE INMATE POPULATION TO GROW AT A PHENOMENAL RATE. INMATE OVERCROWDING CAN BE ALLEVIATED BY BUILDING MORE AND LARGER PRISONS. I DO NOT; HOWEVER, VIEW THIS AS A COST EFFECTIVE MEANS OF OBTAINING A LONG-TERM SOLUTION.

I DO BELIEVE THAT THE CREATION OF A COMPREHENSIVE CRIMINAL JUSTICE COMMISSION AS PROPOSED IN SENATE BILL NO. 401, CAN BE THE FIRST STEP IN PROVIDING KANSAS WITH AN INTEGRATED SYSTEM WHICH ENCOMPASSES WHAT NOW ARE THREE SEPARATE ENTITIES: THE COURTS, THE DEPARTMENT OF CORRECTIONS, AND THE PAROLE BOARD. I FURTHER BELIEVE THAT OF THE TWO BILLS YOU HAVE BEFORE YOU, SENATE BILL NO. 410 AND 401, THE LATTER IS THE BETTER OF THE TWO FOR SEVERAL REASONS. SENATE BILL 401 ENPANELS A COMMISSION TO MAKE RECOMMENDATIONS ON THREE SPECIFIC PROBLEM AREAS WITHIN THE SYSTEM OVER THE PERIOD OF ONE YEAR. SENATE BILL NO. 410 DOES NOT, AND ONLY ENPANELS A COMMISSION UNTIL JANUARY 1988. THIS I FEEL IS AN OVERLY OPTOMISTIC ESTIMATE OF THE AMOUNT OF TIME NECESSARY TO ADDRESS THE MANY VARIED PROBLEMS FACING THE KANSAS CRIMINAL JUSTICE SYSTEM.

THEREFORE, I WISH TO EXPRESS MY SUPPORT FOR THE PASSAGE OF SENATE BILL NO. 401, AND WILL BE HAPPY TO RESPOND TO ANY SPECIFIC QUESTIONS THE COMMITTEE MEMBERS MAY HAVE OF ME.

KANSAS ASSOCIATION OF COURT SERVICES OFFICERS

EXECUTIVE BOARD

President

Cecil Aska
Topeka

Vice President

Kathy Russell
Goodland

Secretary

Sue Jilka
Wichita

Treasurer

Mark Bruce
Parsons

Nomination/Membership

Donna Hoener
Olathe

Legislative Chairperson

Phil Magathan
Topeka

Training Chairperson

Mark Gleeson
Lawrence

Parliamentarian

Nancy Trahan
Salina

Public Relations Chairperson

Royal Scott, Jr.
Kansas City

Immediate Past President

Douglas Smith
Salina

Testimony on S.B. 401
By Phil Magathan
February 4, 1986

The Kansas Association of Court Services Officers represents professionals throughout the State of Kansas who work with adult and juvenile offenders.

Statewide, Court Services Officers are providing supervision to a Kansas probation population that is currently over 19,000. During fiscal year 1985, 13,229 formal reports were prepared to aid judges in determining the most appropriate sentence and correctional plan.

The Legislative Committee of Kansas Association of Court Services Officers has received S.B. 401. We are in support of this legislation establishing a Kansas Comprehensive Criminal Justice Commission charged with reviewing and making recommendations for improvements of the state's criminal justice system.

2/4/86
Attachment #6

Thank you Mr. Chairman for the opportunity to testify on SB 401.

The legislative committees and interium legislative committees study the criminal justice system, and thats as it should be, and thats how it should remain. The legislative committees receives input from all interested persons including those persons who this bill would make members of the so called criminal justice commission.

The checks and balances that are required for good government would be lost with this bill because the proponents and oponents of each scheme that the proposed commission will study will not have adequate opportunity to be heard. The fact is the people of Kansas would not even know where they would meet, who was meeting, or the time of meetings or the subject they were to discuss. This bill provides for government in secret.

SB401 creates another expensive bureau for taxpayers to subsidize. It provides for each member to be paid \$35.00 per day plus food, lodging and mileage, and receive and expend any funds available.

If there are those who wish to make recommendations regarding the criminal justice system they may appear before the interim legislative committees at no additional cost to the taxpayers and in an open forum and not in a secret meeting place.

This bill is a direct insult to the taxpayers and their elected Senators and Representatives because among other things it makes it a law that the proposed commission review all proposed criminal justice legislation.

It further makes it law that all agencies' officers of the state and all political subdivisions must cooperate fully with this so called commission.

This will hamstring and hold hostage local government and cause local officials to be responsible to 16 paid new beaurcrats and even an executive director and staff.

Section 9 provides that this proposed powerful commission shall have authority to enter into contracts for consultation services. That all we need is more consultants to tell us how to help criminals. There is a great deal of talk in this bill about how to help inmates and even who should go to prison and how long they should stay and even determine a limit on prison capacity and the quality of programs and activities for criminals, treatment programs, prerelease and work release programs and yes alternatives to incarceration. All this for the criminal. Not one time in this bill is the victims mentioned. Think about it! Victims of crime, victims of unnecessary and expensive programs and commissions.

Paul Baubers
9813 W 100^N Terr.
Overland Park, Kansas
66212