

Approved: June 26, 1995  
Date

## MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Chairperson August Bogina at 10:00 a.m. on June 6, 1995 in Room 123-S of the Capitol.

All members were present except: Senator Morris (excused)

Committee staff present: Alan Conroy, Legislative Research Department  
Leah Robinson, Legislative Research Department  
Kathy Porter, Legislative Research Department  
Norman Furse, Revisor of Statutes  
Mike Corrigan, Revisor of Statutes

Conferees appearing before the committee:

Sherman A. Parks, Jr., Chair, Kansas Parole Board  
Barbara Tombs, Executive Director, Kansas Sentencing Commission  
Judge David Mikesic, 29th Judicial District  
Judge Richard Walker, 9th Judicial District  
Charles E. Simmons, Secretary, Kansas Department of Corrections  
Jim Clark, Kansas County and District Attorney Association

### MORNING SESSION, JUNE 6, 1995

Chairman Bogina indicated that because the severity of the inmate population problem was raised with the full committee so late in the session, the committee was called into session to get a more detailed presentation from all of the entities involved to allow for a better understanding of both the short- and long-term needs of the agency.

Senator Vancrum requested that a representative of the County and District Attorney Association be included on the agenda.

Norman Furse, Revisor of Statutes, presented the committee with information on the proviso language in the omnibus appropriations bill, House Substitute for Senate Bill No. 385 (Attachment 1). That language requires the Senate Committee on Ways and Means and the House Appropriations Committee to review the capacity expansion projects prior to release of funding for the projects by the State Finance Council. The Revisor noted that although no further action was required, the committee could make a recommendation of the Finance Council concerning the projects if it so desired.

Sherman Parks, Chair of the Kansas Parole Board, then presented testimony concerning parole issues and their impact on inmate population. (Attachment 2). The Chairman introduced the other four members of the Board, Jim Francisco, Chris Cowger, Marilyn Scafe, and Bob Mead. Chairman Parks said that, as of May 25, 1995, there were 6,819 inmates in the Department of Corrections system. Of that number, 1,470 are serving sentences imposed after July 1, 1993, under a determinate sentencing structure, 4,398 are serving sentences imposed before July 1, 1993, under an indeterminate sentencing structure, including 1,907 who are "A" and "B" felons. 951 additional inmates are either a mix of both systems or did not have a release date for proper designation. Of those inmates under the determinate sentencing structure, the Parole Board sets conditions for postrelease supervision. The inmates serving sentences under the indeterminate sentencing structure remain under the absolute jurisdiction of the Parole Board. The Board sets release dates and conditions for those inmates.

Chairman Parks stated that, although the parole rate has dropped from approximately 50 percent a few years ago to the current 20 percent, the Board has not become more conservative in its

paroling decisions. He noted that many of the "easier" paroling decisions were made under the retroactivity provisions of sentencing guidelines, and that the remaining inmates were of a more violent nature. Given public safety concerns, the Board does not feel that many of these inmates should be released.

Chairman Parks also observed that the Board was hesitant to parole some inmates because of the lack of a structured environment to send them to. He stated that if the Board is to be expected to release higher-risk inmates, there must be more programs and options (such as halfway houses or work release programs) available upon release. Members of the committee noted that the effectiveness of those types of programs should be evaluated before additional funding is designated for those purposes.

Members of the committee asked several questions about parole violators. In response to specific questions, Chairman Parks noted that technical violation decisions are made, in the first instance, by parole officers, followed by a probable cause hearing by a Department of Corrections hearing officer, and finally, by the parole violation hearing by the Board. Chairman Parks also indicated that the 90-day incarceration period imposed on parole violators begins when an offender sees the Parole Board, and that offenders could have been in a county jail for days or months before the Board sees them. Other Board members estimated that as many as 200 cases handled in a month are parole violation cases, and that many offenders are being seen repeatedly.

Chairman Parks also stated in response to committee questions that the parole rate would probably never again reach the 50 percent level, but that a 20 percent parole rate is much more realistic given the nature of offenders being seen by the Board. He noted, however, that several members of the Board would be replaced by new members who might or might not have a different philosophy concerning parole decisions.

The Committee recessed from 12:00 noon until 1:30 p.m.

#### AFTERNOON SESSION, JUNE 6, 1995

Barbara Tombs, Executive Director of the Kansas Sentencing Commission, appeared before the committee (Attachment 3). She presented a brief history of the Sentencing Guidelines Act, and addressed the issue of the impact of guidelines on inmate population. Ms. Tombs stated that although the retroactivity provisions of sentencing guidelines provided some temporary reduction in prison populations, normal admission patterns returned the prison population to its previous level within two years. She stated that there is a lag time between the implementation of sentencing guidelines and offenders entering correctional facilities under pure guidelines sentences, and estimated that it might take an additional two years before the full impact of guidelines on populations can be comprehensively evaluated.

Ms. Tombs noted that the Sentencing Commission met in January 1995 and decided that no changes could be made to the sentencing guidelines grid boxes without compromising public safety.

In addition, Ms. Tombs presented information concerning sentencing departures from presumptive sentences. She stated that of the offenders placed in Department of Corrections custody, only 12 percent of the sentences indicate a departure at sentencing. Of those departures, the vast majority were downward departures rather than upward departures. Ms. Tombs indicated that from an initial analysis of the data, it did not appear that departures contributed significantly to increasing prison populations.

In response to committee questions concerning population projections, Ms. Tombs indicated that the Sentencing Commission is in the process of acquiring a new computer software program which will allow the Sentencing Commission to better project prison, parole and youth center populations. The software will be available in the fall of 1995 and staff from both the Sentencing Commission and the Department of Corrections will be trained in using the projection models.

The Honorable David Mikesic, District Court Judge from the 29th Judicial District, then appeared before the committee. He testified regarding sentencing guidelines in general, sentencing departures, and grid adjustments. He indicated that many judges were initially concerned about the retroactivity provisions of sentencing guidelines, and that as the problems with retroactivity were beginning to ease somewhat, most judges were reasonably comfortable with sentencing guidelines.

Judge Mikesic indicated that information from his district indicated that departures from the guidelines were rare in the 29th Judicial District, and were generally the result of a plea agreement. Of a total of five departures, two were upward and three were downward departures. In response to a question, Judge Mikesic noted that, in general, judges did not utilize departures frequently because a very good record must exist and the circumstances have to justify the departure.

Judge Mikesic also noted that, with a few exceptions, the sentencing guidelines grid boxes were appropriate and that modifications were not necessary.

The Honorable Richard Walker, District Court Judge from the 9th Judicial District, also testified regarding sentencing guidelines issues. He indicated that some frustrations experienced by judges concerning sentencing guidelines were not directly related to the guidelines, but to related issues. As an example, the retroactivity provisions of sentencing guidelines caused many problems, but was a time specific event that would lessen in significance over time.

Judge Walker noted that more alternatives to probation or incarceration would be necessary. He noted that he often attempted to make placements to the Labette Correctional Conservation Camp, but that half of the people he referred were rejected, primarily due to health concerns and issues related to drug and alcohol abuse..

The meeting was recessed at 4:15 p.m.

#### **MORNING SESSION, JUNE 7, 1995**

The meeting reconvened June 7, 1995 at 9:00 a.m. All members were present except Senator Morris, who was excused.

Charles E. Simmons, Secretary of the Department of Corrections presented testimony to the committee regarding the population problems facing the department and the need for additional bed space (Attachments 4 , 5, and 6 ).

The information presented by the Secretary indicated that, as of May 31, 1995, the number of inmates incarcerated in Kansas represented 98.9 percent of the total capacity of the Kansas correctional system, including 99.1 percent of capacity for males and 94.8 percent of capacity for females. Systemwide operating capacity on May 31 was 6,898, of which 6,751 were in KDOC facilities.

The Secretary's testimony indicated that the number of releases per month for the first five months of calendar year 1995 was significantly below prior months. The parole rate dropped from 58 percent in FY 1991 to 27 percent in FY 1994, and to 19 percent for the first eleven months of FY 1995.

Other statistical information provided by the department indicates that based on the department's February 1995 revised population projections, the inmate population would reach 7,045 by June 30, 1996, 147 above the May 31, 1995 operating capacity. In addition, the average monthly increase for the past five months has been 90. If that trend were to continue, the population as of June 30, 1996 would reach 7,989, or 1,091 over the May 31 capacity. In addition, the material indicated that the female inmate population is growing at an even faster rate than the male population.

The Secretary also presented testimony which indicated that, of 1,586 admissions under sentencing guidelines, 599, or 37.7 percent were offenders in presumptive non-prison grid boxes. There are only two ways that inmates on presumptive non-prison grid boxes could be incarcerated: sentencing departures, or probation revocations.

The Secretary then summarized the short-term expansion plan which would add a total of 455 medium and minimum security beds at five different facilities. The total construction costs for the projects are estimated at \$1,741,000 to be funded primarily from the department's rehabilitation and repair funds, and from flood damage reimbursement funds. In addition, the department is beginning to doublecell one and one-half cellhouses at El Dorado Correctional Facility. The renovation projects and the doublecelling will add a net total of 663 beds to the system by February 1996.

The operating costs associated with the renovation projects are estimated at \$2,389,406 in FY 1996, with an annual cost estimated at \$2,738,350. The amount estimated for FY 1996 includes \$1,080,497 for the salaries and wages of 43.0 FTE positions, \$911,975 for other operating expenditures, and \$396,934 for increases in the inmate medical and mental health care contract.

In response to committee questions, the Secretary indicated that some of the short-term capacity expansion projects would be permanent, while others are intended to be only temporary measures. Specifically, the project at El Dorado Correctional Facility, which will occupy a building designed for correctional industries, should be temporary because the facility needs industries space. The Hutchinson project and one Lansing project are designed to be temporary, as is the doublecelling at El Dorado Correctional Facility. The Secretary indicated that it is the intent of the department to comply with standards of the American Correctional Association(ACA), but that those standards would generally not be exceeded.

Regarding long term options, the Secretary indicated preliminary plans are being considered which would add three additional units at El Dorado Correctional Facility, at a cost of approximately \$23,000,000. In addition, plans could call for the relocation of male inmates from the Topeka Correctional Facility - West Unit, to make room for additional female offenders.

Following the Secretary's presentation, Senator Vancrum offered a motion, seconded by Senator Rock, to recommend that the State Finance Council release the operating and renovation funding for the short-term capacity expansion projects proposed by the agency. The committee also directed the Secretary to proceed with a data collection plan which will allow the department to evaluate and demonstrate the effectiveness of the various offender programs provided by the department and report the details of the plan to the 1996 Legislature. The Secretary was also directed to report to the 1996 Legislature regarding strategies for dealing with parole violators and the large percentage of new admissions that group comprises. In addition, the Sentencing Commission was directed to be prepared to report to the 1996 Legislature on the higher than expected incarceration rates of offenders in presumptive non-prison grid blocks under sentencing guidelines.

Jim Clark, of the Kansas County and District Attorney Association then appeared before the committee. He stated that most departures he was aware of were downward and not upward departures, but noted that a great number of probation revocation cases could be forthcoming, adding to the prison population problem.

The Chairman adjourned the meeting at 12:20 p.m.

**CORRECTIONS INMATE CAPACITY EXPANSION****Staffing and OOE -- Facilities Operations Account**

1. Under subsection (a) of section 53 of 1995 SB 385, no expenditures may be made from the facilities operations account of the state general fund by the department of corrections for staffing and other operating expenditures associated with planned capacity expansion projects during FY 1996 unless approved by the state finance council.
2. Prior to finance council approval, the "project shall be reviewed by the senate committee on ways and means and the house committee on appropriations."

**Staffing and OOE -- Treatment and Programs Account**

1. Under subsection (j) of section 53 of 1995 SB 385, no expenditures may be made from the treatment and programs account of the state general fund by the department of corrections for staffing and other operating expenditures associated with planned capacity expansion projects during FY 1996 unless approved by the state finance council.
2. Prior to finance council approval, the "project shall be reviewed by the senate committee on ways and means and the house committee on appropriations."

**Capacity Expansion Projects**

1. Under subsection (k) of section 53 of 1995 SB 385, expenditures of \$1,741,000 shall not be made from the capital improvements -- rehabilitation, remodeling, renovation and repair of correctional institutions account of the correctional institutions building fund for planned capacity expansion projects during FY 1996 unless approved by the state finance council.
2. Prior to finance council approval, the "project shall be reviewed by the senate committee on ways and means and the house committee on appropriations."

**Senate Ways and Means Committee Action**

Prior to finance council action on these matters concerning inmate capacity expansion projects, the Senate Ways and Means Committee (and the House Committee on Appropriations) is to review the inmate capacity expansion projects of the Department of Corrections. No further action is required although the Senate Ways and Means Committee could make a recommendation to the finance council concerning the projects if it so desired.

Prepared by the Revisor of Statutes Office.

to the pooled money investment board the average daily balance of moneys in the wildlife and parks nonrestricted fund for the period of time specified under this subsection.

EDIF—prairie spirit rails-to-trails project—grant fund ..... \$75,000  
 For the fiscal year ending June 30, 1996 .....

*Provided*, That no expenditures shall be made from the EDIF—prairie spirit rails-to-trails project—grant fund until the secretary of wildlife and parks as certified to the director of accounts and reports that the county commissions of all affected counties have approved of the trail's development.

Rails-to-trails federal fund ..... \$808,000  
 For the fiscal year ending June 30, 1996 .....

*Provided*, That no expenditures shall be made from the rails-to-trails federal fund until the secretary of wildlife and parks has certified to the director of accounts and reports that the county commissions of all affected counties have approved of the trail's development.

(c) On July 1, 1995, the director of accounts and reports shall transfer \$225,000 from the wildlife fee fund of the department of wildlife and parks to the wildlife and parks nonrestricted fund of the department of wildlife and parks.

(d) On July 1, 1995, the expenditure limitation established by section 8(b) of 1995 House Bill No. 2265 on the wildlife fee fund is hereby decreased from \$15,823,153 to \$15,482,201.

(e) In addition to the other purposes for which expenditures may be made from the wildlife conservation fund for fiscal year 1995, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife conservation fund during fiscal year 1995 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wolf Creek public fishing facility ..... \$600,000

(f) In addition to the other purposes for which expenditures may be made from the wildlife conservation fund for fiscal year 1996, expenditures may be made by the above agency from the unencumbered balance as of June 30, 1995, in each of the following capital improvement accounts of the wildlife conservation fund for fiscal year 1996: Wolf Creek public fishing facility: *Provided*, That expenditures for fiscal year 1996 from the unencumbered balance in any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 1995.

(g) All expenditures by the above agency from the wildlife conservation fund for fiscal year 1995 and fiscal year 1996 for the Wolf Creek public fishing facility project shall be reimbursed with federal funds received under the federal Dingell-Johnson act, 16 U.S.C.A. § 777 *et seq.*, and shall be matched by Coffey county by money or in-kind services for the project in an amount equal to \$200,000: *Provided*, That the Wolf Creek public fishing facility project shall be conducted pursuant to an agreement which is hereby authorized to be entered into by the secretary of wildlife and parks with the licensee, as defined by K.S.A. 66-1281 and amendments thereto, of the nuclear power generation facility located in Coffey county and which shall also provide for: (1) Use of the Wolf Creek public fishing facility as a public fishing facility for which no operating expenses shall be incurred by the state; and (2) the public access to the Wolf Creek public fishing facility shall be equal to or exceed all access requirements for public access areas under the federal Dingell-Johnson act, 16 U.S.C.A. § 777 *et seq.*

Sec. 53.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year or fiscal years specified, the following:

Facilities operations ..... \$1,992,472  
 For the fiscal year ending June 30, 1996 .....

*Provided*, That no expenditures shall be made from the facilities operations account of the state general fund for staffing and other operating expenditures associated with planned capacity expansion projects during fiscal year 1996 except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed by subsection (c) of K.S.A. 75-3711c and amendments thereto: *Provided further*, That prior to approval by the state finance council of expenditures from this account, the project shall be reviewed by the senate committee on ways and means and the house committee on appropriations.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Flood relief—federal fund

For the fiscal year ending June 30, 1995 .....	No limit
For the fiscal year ending June 30, 1996 .....	No limit

(c) On July 1, 1995, of the \$22,895,005 appropriated for the above agency for the fiscal year ending June 30, 1996, by section 2(a) of 1995 Senate Bill No. 71 from the state general fund in the treatment and programs account, the sum of \$503,066 is hereby lapsed.

(d) On July 1, 1995, the expenditure limitation established by section 2(a) of 1995 Senate Bill No. 71 on expenditures from the reappropriated balance in the treatment and programs account of the state general fund is hereby increased from \$344,606 to \$1,244,606.

(e) Notwithstanding the provisions of section 2(b) of 1995 Senate Bill No. 71, expenditures may be made by the above agency from the department of corrections—general fees fund for fiscal year 1996 for the repair of flood damage without approval of the state finance council.

(f) On July 1, 1995, the amounts specified in section 2(c) of 1995 Senate Bill No. 71 as being included in the facilities operations account of the state general fund for the following correctional institutions and facilities are hereby increased to the amounts specified therefor, but expenditures from the facilities operations account of the state general fund for any such correctional institution or facility shall not be limited to, or be required to be made in, the amount listed for the correctional institution or facility, as follows: (1) The amount listed for the Topeka correctional facility is hereby increased from \$11,691,711 to \$11,730,111; (2) the amount listed for the Hutchinson correctional facility is hereby increased from \$21,240,790 to \$21,849,385; (3) the amount listed for the Lansing correctional facility is hereby increased from \$29,073,850 to \$29,429,313; (4) the amount listed for the Winfield correctional facility is hereby increased from \$3,840,121 to \$3,997,683; (5) the amount listed for the El Dorado correctional facility is hereby increased from \$15,056,154 to \$15,888,606.

(g) On the effective date of this act, any unencumbered balance in each of the following accounts of the correctional institutions building fund is hereby lapsed: Additional housing units at the Larned correctional mental health facility—planning.

(h) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year or fiscal years specified, for the capital improvement project or projects specified as follows:

Planning for new general housing population units	
For the fiscal year ending June 30, 1995 .....	\$600,000

*Provided*, That no expenditures shall be made from the planning for new general housing population units account except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed by subsection (c) of K.S.A. 75-3711c and amendments thereto: *Provided, however*, That prior to approval by the state finance council of expenditures from this account, the project shall be reviewed by the joint committee on state building construction.

(i) On July 1, 1995, the position limitation established by section 3 of 1995 Senate Bill No. 71 for the above agency is hereby increased from 3001.5 to 3044.5.

(j) Notwithstanding the provisions of section 2(a) of 1995 Senate Bill No. 71, no expenditures shall be made from the treatment and programs account of the state general fund for staffing and other operating expenditures associated with planned capacity expansion projects during fiscal year 1996 except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed by subsection (c) of K.S.A. 75-3711c and amendments thereto: *Provided*, That prior to approval by the state finance council of expenditures from this account, the project shall be reviewed by the senate committee on ways and means and the house committee on appropriations.

(k) Notwithstanding the provisions section 10 of 1995 Senate Bill No. 178, expenditures of \$1,741,000 shall not be made from the capital improvements—rehabilitation, remodeling, renovation and repair of correctional institutions account of the correctional institutions building fund for planned capacity expansion projects during FY 1996 except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed by subsection (c) of K.S.A. 75-3711c and amend-

ments thereto: *Provided*, That prior to approval by the state finance council of expenditures from this account, the project shall be reviewed by the senate committee on ways and means and the house committee on appropriations.

(1) The department of corrections and Winfield correctional facility are hereby authorized to make expenditures for architectural services and engineering services for the capital improvement project for renovation of the Garland building for the Winfield correctional facility for fiscal year 1995 and fiscal year 1996 from the amount transferred for the Winfield correctional facility by the secretary of corrections from the capital improvements—rehabilitation, remodeling, renovation and repair of correctional institutions of the correctional institutions building fund under section 6(b) of chapter 251 of the 1994 Session Laws of Kansas pursuant to contracts for architectural services and contracts for engineering services which may be negotiated and entered into by the department of corrections and Winfield correctional facility and which shall not be subject to the provisions of K.S.A. 75-1250 through 75-1257 or 75-5801 through 75-5807 and amendments thereto requiring the convening of negotiating committees for architectural services and engineering services and shall not be subject to the competitive bidding procedures of K.S.A. 75-3738 through 75-3744 and amendments thereto.

Sec. 54.

KANSAS SENTENCING COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year or fiscal years specified, the following:

Operating expenditures	
For the fiscal year ending June 30, 1996 .....	\$156,363

(b) On July 1, 1995, the position limitation established by section 15 of 1995 House Bill No. 2090 for the above agency is hereby increased from 5.0 to 6.0.

Sec. 55.

DEPARTMENT OF REVENUE

(a) On the effective date of this act, the expenditure limitation established by section 28(a) of 1995 House Bill No. 2234 on the division of vehicles operating fund is hereby increased from \$26,587,881 to \$26,704,881.

Sec. 56.

LIEUTENANT GOVERNOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year or fiscal years specified, the following:

Operations	
For the fiscal year ending June 30, 1996 .....	\$2,644

Sec. 57.

KANSAS ARTS COMMISSION

(a) On July 1, 1995, of the \$1,112,197 appropriated for the above agency for the fiscal year ending June 30, 1996, by section 3(a) of 1995 Senate Bill No. 80 from the state general fund in the arts programming grants and challenge grants account, the sum of \$500,000 is hereby lapsed.

(b) There is appropriated for the above agency from the following special revenue fund or funds all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Economic development initiatives grant fund .....	\$500,000
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*Provided*, That expenditures from this fund shall be made only for the purpose of matching an equal or greater amount of federal grant moneys or local grant moneys, or both, for arts programming: *Provided further*, That expenditures from this fund shall be made in a manner to benefit the maximum number of Kansas communities in the development of Kansas art and talent: *And provided further*, That no expenditures from this fund shall be made for state operations.

(c) On July 15, 1995, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$500,000 from the state economic development initiatives fund of the department of commerce and housing to the economic development initiatives grant fund of the Kansas arts commission.



SENATE BILL No. 71

AN ACT making and concerning appropriations for the fiscal year ending June 30, 1996, for the department of corrections; authorizing certain transfers and fees, imposing certain restrictions and limitations and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing.

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

Section 1. For the fiscal year ending June 30, 1996, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

Sec. 2.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund the following:

Central administration operations and parole and postrelease supervision operations ..... \$10,455,712

*Provided*, That any unencumbered balance in the central administration operations and parole and postrelease supervision operations account in excess of \$100 as of June 30, 1995, is hereby reappropriated for fiscal year 1996: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$103,893 except upon approval of the state finance council.

Community corrections ..... \$16,621,844

*Provided*, That any unencumbered balance in the community corrections account in excess of \$100 as of June 30, 1995, is hereby reappropriated for fiscal year 1996: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$508,312 except upon approval of the state finance council: *Provided further*, That no expenditures may be made by any county from any grant made to such county from the community corrections account for either half of fiscal year 1996 which supplant any amount of local public or private funding of existing programs as determined in accordance with rules and regulations adopted by the secretary of corrections: *And provided further*, That no expenditures from the community corrections account may be made for state operations.

Community correctional conservation camps ..... \$1,454,937

→ Treatment and programs ..... \$22,895,005

*Provided*, That any unencumbered balance in the treatment and programs account in excess of \$100 as of June 30, 1995, is hereby reappropriated for fiscal year 1996: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$344,606 except upon approval of the state finance council: *Provided further*, That expenditures from the treatment and programs account for malpractice insurance shall not be greater than the amount obtained by multiplying \$5,000 by the approved number of positions equated to full-time for individuals employed as physician specialists, physician assistants and dentists: *And provided further*, That of the \$22,895,005 appropriated in the treatment and programs account, the sum of \$650,000 may be released by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto upon demonstration by the department of corrections that it has evaluated the effectiveness of offender programs and prioritized spending for those programs accordingly.

Postconviction nonprison sanctions for felony offenders ..... \$275,000

*Provided*, That any unencumbered balance in the postconviction nonprison sanctions for felony offenders account in excess of \$100 as of June 30, 1995, is hereby reappropriated for fiscal year 1996: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$100,000, except upon approval of the state finance council: *Provided further*, That expenditures may be made from the postconviction nonprison sanctions for felony offenders account for only those postconviction nonprison sanction costs authorized by the secretary of corrections to be paid from this account: *Provided further*, That the rate of reimbursement for the expenses of such sanctions shall be determined and fixed by the secretary of corrections.

Facilities operations ..... \$106,075,150

*Provided*, That any unencumbered balance in the facilities operations account in excess of \$100 as of June 30, 1995, is hereby reappropriated for fiscal year 1996: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$891,285 except upon approval of the state finance council.

(b) There is appropriated for the above agency from the following special revenue fund or funds all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Federal funds — juvenile community corrections fund .....	No limit
Department of corrections state asset forfeiture fund .....	No limit
Adult basic education program—federal fund .....	No limit
Carl Perkins act—federal fund .....	No limit
Chapter I—federal fund .....	No limit
Correctional industries fund .....	\$9,681,120

*Provided*, That of the \$9,681,120 appropriated in the correctional industries fund, the sum of \$450,000 may be released by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto upon demonstration by the department of corrections that it has evaluated the effectiveness of offender programs and prioritized spending for those programs accordingly.

(b) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 1996, for the capital improvement projects specified as follows:

→ Capital improvements—rehabilitation, remodeling, renovation and repair of correctional institutions .....	\$4,725,542
<i>Provided</i> , That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 1996 from the capital improvements—rehabilitation, remodeling, renovation and repair of correctional institutions account of the correctional institutions building fund to an account or accounts of the correctional institutions building fund of any institution or facility under the jurisdiction of the secretary of corrections to be expended during fiscal year 1996 by the institution or facility for capital improvement projects, including security improvement projects, approved by the secretary of corrections.	
Expand general services building at Topeka correctional facility .....	\$262,376

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1996, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Ellsworth correctional facility—principal and interest fund—KDFA B bonds .....	No limit
Ellsworth correctional facility—principal and interest fund—KDFA C bonds .....	No limit
Wichita work release facility—principal and interest fund—KDFA F bonds .....	No limit
Revenue refunding bond—principal and interest fund—KDFA L bonds .....	No limit

Sec. 11.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1996, for the capital improvement projects specified as follows:

Rehabilitation and repair projects .....	\$56,637
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1996, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

EDIF purchase of certain land in Washington county near Hanover for Hollenberg station state historic site fund .....	\$5,000
<i>Provided</i> , That such moneys shall be used towards the purchase of the southeast quarter of the southeast quarter of section three, township two south, range five east of the sixth P.M. in Washington, county, Kansas, less a track of 7.5 acres conveyed to the state of Kansas by deed in book 117 at page 11, described as follows: Beginning at a point forty feet north and twenty-five feet west of the southeast corner of said section three, running thence north 780.5 feet; thence west 425 feet; thence south 756.9 feet; thence east 425.65 feet to the point of the beginning, containing a total of thirty-three acres, more or less.	

(c) On July 1, 1995, or as soon thereafter as such moneys are available, the director of accounts and reports shall transfer \$5,000 from the state economic development initiatives fund of the department of commerce and housing to the EDIF purchase of certain land in Washington county near Hanover for Hollenberg station state historic site fund of the state historical society.

Sec. 12.

STATE BOARD OF AGRICULTURE

(a) In addition to the other purposes for which expenditures may be made from the state budget stabilization fund for fiscal year 1995, expenditures may be made by the above agency from the state budget stabilization fund for fiscal year 1995 for the following specified purpose subject to the expenditure limitation prescribed therefor:

Air conditioner replacement .....	\$43,091
<i>Provided</i> , That all expenditures by the above agency from the state budget stabilization fund for fiscal year 1995 for the air conditioner replacement shall be in addition to any expenditure limitation imposed on the state budget stabilization fund for fiscal year 1995.	

Sec. 13. *Appeals to exceed limitations*. Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

Sec. 14. *Savings*. Any unencumbered balance in any special revenue fund, or account thereof, which is not otherwise specifically appropriated or limited by this or other appropriation act of the 1995 regular session of the legislature, is hereby reappropriated for the fiscal year ending June 30, 1996, for the same use and purpose as the same was heretofore

**TESTIMONY OF THE KANSAS PAROLE BOARD**  
**JUNE 6, 1995**  
 before the  
**JOINT COMMITTEE ON WAYS AND MEANS**  
 by  
**SHERMAN A. PARKS, JR, CHAIRMAN**

Mr. Chairman, members of the Committee, as stated, my name is Sherman A. Parks, Jr., Chairman of the Kansas Parole Board. Prior to answering the Committee's questions and concerns, I would like to make some brief comments and introductions.

The Kansas Parole Board has delayed its hearings until later today, and as a result, the entire Board is now present. Allow me to introduce them to you: Former Senator and Lt. Governor Jim Francisco - Mr. Francisco is the senior member of the Board and a past chairman; Attorney Chris Cowger from Topeka; Mrs. Marilyn Scafe from Overland Park; and our newest member, former State Representative and former Acting Secretary of KDHE, Mr. Bob Mead.

As of May 25, 1995 there were 6,819 inmates in the Department of Corrections system. This breaks down as follows:

**1,470 under a Determinate Sentence and new law;**  
**4,398 under the indeterminate sentence and referred to**  
**as the old law;**  
**1,907 of the 4,398 under the indeterminate sentence are**  
**"A" and "B" felons;**  
**914 inmates are a mix of both the systems;**  
**37 inmates don't have a date for proper designation.**

As you can see by these numbers, there still is a large number of inmates that keeps the Kansas Parole Board busy with hearings. With the passage of sentencing guidelines, the type of inmate that is left in prison has changed. Almost one-half of the indeterminate sentence inmates are Class "A" or "B" felons. These are the worst type of crimes; murder, rape, arson, aggravated robbery, etc. As a result, in general, the Kansas Parole Board is not paroling many of these types of inmates. We interview these inmates personally; the Kansas Parole Board's foremost concern is the safety of the community.

The Kansas Parole Board has not become more conservative nor has the Board reduced the number of paroles to justify its existence. The Kansas Parole Board was paroling at a rate just below 50%. Now our parole rate is around 20%. As Chairman, I have never had a meeting nor have I told my Board to become more conservative, or to vote a particular way. I have always told Board members to vote their conscience and to base their decision on the seven statutory factors that must be utilized in making a decision. Since the Kansas Parole Board is no longer seeing the "Driving While Suspended" and "Failure to Pay Child Support" cases and other minor Class E felony cases, the parole numbers have gone

down.

I would welcome any member of this Committee to sit in on our hearings and identify inmates that could be or should be paroled. Whenever I have legislators sit in on hearings, the response has been; "I would probably not have released as many as the Kansas Parole Board did today."

Additionally, Kansas citizens have become active and involved in keeping their communities safe, and have continually voiced those concerns during our monthly public comment sessions in Topeka, Wichita and Kansas City. During my 3 years on the Parole Board, while attending the public comment sessions, I've noticed a definite trend in public opinion. Their opinion is that inmates should serve the full sentence imposed.

This is certainly consistent with the legislators' reaction to their constituents' requests to keep violent and repeat offenders "locked up", as demonstrated by the passage of the "Hard 40", the "Hard 25", and certainly by the Death penalty. I would note that, despite the public outcry to not release any violent and repeat offender, the Kansas Parole Board interviews each inmate individually and objectively, and attempts to make a rational decision that serves the interests of all parties involved.

Since the Kansas Parole Board is seeing a more violent offender, if it is the desire of the Kansas Legislature to release more of these types of inmates, then it is a recommendation to change how the Kansas Parole Board votes on Class "A" and "B" felons. Under present law, a Class "A" or "B" felon can only be released with a 3-0 vote at the hearing, or, if its first three votes are 2-1 for parole, then the inmate would need a 4-1 vote for parole. If it is the desire to release more of these types of inmates, the legislature could pass legislation to release "A" and "B" felons with a majority vote of the five-person Board (3 to 2).

As of April 1995, (month 10 of fiscal year 1995), there have been 3,516 admissions to the Department of Corrections. 2,160 admissions were by court action, and 1,244 admissions were returns by the Department of Corrections. This is an area that could be addressed. Almost 40% of all admissions to our prisons are violators who are coming back with no new crimes. The Kansas Parole Board will reparole many of these individuals; however, there comes a point in time when even a repeat technical violator must remain in prison. Parole officers are not under the jurisdiction of the Kansas Parole Board. However, clear direction by the legislature to parole officers could help in the incidents of parolee recidivism while under parole supervision.

The transition from confinement to the community is a critical passage, as is the first 12 months of parole supervision. The

legislature must ensure that there is a structure in place that gives offenders a chance for success as they change their status from inmate to parolee. "\$100.00 gate money" is not the solution.

Sometimes, the Kansas Parole Board would parole an inmate if there were a structured environment for him/her to go to. If the Kansas Parole Board is expected to release more high-risk inmates, there must be more programs and options available upon release. The crafting of a comprehensive program for release will contribute to greater public safety and offer real assistance to parolees.

In closing, I believe the Committee should know that the Kansas Parole Board has been working with and communicating with the Kansas Department of Corrections. The Kansas Parole Board has done this in an effort to see if there are additional parole options regarding:

1. Inmates who have received an extended parole decision (e.g. parole on or after August 1, 1995)
2. Or a program completion parole decision (e.g. parole on or after completion of substance abuse treatment)
3. Finally, those inmates who have a parole decision, but are having difficulty with their parole plan.

The Kansas Parole Board most recently has reviewed 150 cases to see if our previous parole decisions could be "moved up" to help the Kansas Department of Corrections in solving the problem of their overcrowding issue. Our goal is to be part of the solution rather than being part of the problem.

Mr. Chairman, I, along with my fellow Board members, stand ready for questions or comments you or your Committee may have.

Thank you.

**SENATE WAYS AND MEANS COMMITTEE  
TESTIMONY  
JUNE 6, 1995**

**HISTORY OF THE GUIDELINES ACT**

In 1989, Senate Bill 50 was introduced and passed establishing the Kansas Sentencing Commission. The stated mission of the Kansas Sentencing Commission was to develop uniform sentencing guidelines that established a range of presumptive sentences, which would be based on two primary assumptions. The first assumption was that incarceration would be reserved for serious offenders and the second assumption was that the primary purposes of a prison sentence are incapacitation and punishment. Although this was a departure from the status quo, it clarified that the goal of incarceration was not rehabilitation, but rather incapacitation. The Commission supported this change but also believed that rehabilitation efforts should be maintained once the decision was reached to incarcerate.

The Sentencing Commission conducted a study of current sentencing practices throughout the state of Kansas. From the study Sentencing guidelines were drafted with several goals established: 1) to promote public safety by incarcerating violent offenders; 2) to reduce sentencing disparity by eliminating racial, geographical, or other forms of bias; 3) to establish sentences proportional to the seriousness of the offense and the degree of injury to the victim; 4) to develop a range of presumptive sentences that promote "truth in sentencing;" 5) to provide state and local correctional authorities with information to assist with population projections; and 6) to provide policy makers with information that will aid in decisions regarding resource allocations.

The Sentencing Guidelines Act was passed by the 1992 Kansas Legislature and sentencing guidelines became effective on July 1, 1993. Amendments to the guidelines have been made in the 1993, 1994 and 1995 sessions. The Guidelines Act utilizes sentencing grids, based on offense severity and criminal history of the offender, to determine sentences for all felony offenses committed on or after its effective date. In addition, a retroactive provision was incorporated for incarcerated offenders who would have been considered candidates for presumptive probation had their offense(s) been committed on or after July 1, 1993.

In addition to the prison portion of a sentence imposed under Sentencing Guidelines, all offenders are required to serve a period of postrelease supervision, plus the amount of good time earned and retained while imprisoned. The period of postrelease supervision was determined to be 12 or 24 months depending on the severity level used in determining sentence length. The parole board monitors and determines postrelease revocations.

## IMPACT OF SENTENCING GUIDELINES ON PRISON POPULATION

One of the primary roles of the Sentencing Commission centers around the issue of the ever increasing state prison population. Although guidelines were neither designed nor enacted with the goal of reducing prison population, they were implemented to help aid correctional authorities in projecting prison populations more accurately, and thereby providing more effective management options. In addition, the Commission has a legislative mandate under K.S.A. 1994 Supp. 21-4725 to consult with the Secretary of Corrections to try to develop mechanisms for reducing or managing the prison population when the state prison population reaches 90% capacity.

Sentencing guidelines did enact longer sentences for serious and violent person felonies, but at the same time reduced sentences or replaced incarceration with probation for less serious property and non-person felonies. The changes in sentence lengths were in accordance with the expressed public and legislative concern for increased public safety. The length of sentences becomes a very important issue in projecting prison population. Even if admission rates remain stable or demonstrate a slight increase, a shortage of prison bedspace will occur over time simply because offenders are incarcerated for longer periods of time. Thus, it is not just the number of offenders incarcerated but the length of incarceration that becomes a pivotal issue.

Retroactivity did provide a short term reduction in prison population. It reduced the stock population right away and accelerated the release of other inmates. However, this reduction was temporary and normal admission patterns returned the population to its previous level within two years.

When a state decides to implement guidelines, it must recognize that all four correctional components (jails, probation, prison, and parole systems) as well as the courts will be affected by the sentencing reform. Although some of the offenders who previously might have been sentenced to prison are now diverted, this might result in an even larger group of probationers, who could then recidivate and spend time incarcerated in prison or county jails. Further, along with changes in the attributes of the offenders within the various correctional system components, one can expect changes in the management needs and outcome measures of each system. For example, incarcerated offenders, who were not eligible for retroactivity, may have offender characteristics which impact the rate at which the Parole Board grants releases. Both changes in the length of postrelease supervision and offender characteristics may further affect the rate at which offenders on postrelease supervision are returned to prison, which will also impact the prison population. Projecting prison population is a very complex process that involves more than just determining sentence lengths.

Another area of concern relating to guidelines sentences is the amount of lag time experienced between implementation of the guidelines and offenders entering correctional facilities under pure guideline sentences. As of the end of May 1995, the Department of Corrections indicated that only 22% (1,481) of its prison population was incarcerated under pure guideline sentences. By contrast, 64% (4,395) of its population was still incarcerated under the prior indeterminate

sentencing model. An additional 13% (903) of the offenders were sentenced under some combination of indeterminate and guideline sentences. These figures would indicate that even though sentencing guidelines have been in effect for almost two years, it may be another couple of years before the full impact of sentencing guidelines can be comprehensively evaluated in relation to prison population.

During the 1994 legislative session, several significant statutory amendments were added to the Kansas Sentencing Guidelines Act. Considering the lag time experienced with the initial sentencing guidelines, the full impact of these amendments on prison population may not be realized for several years. Among the statutory amendments that may have significant impact on prison population are:

**Senate Bill 522** - (1) Offenders who are convicted for a new crime committed on or after July 1, 1993 while on parole for a crime committed before July 1, 1993, upon revocation of parole, the offender will not begin to serve the new sentence until the offender is reparaoled, conditionally released or reaches the maximum expiration date of the old sentence. Only at this point will the offender begin to serve the new sentence, which will also govern the post release supervision period.

(2) If an offender on felony probation, parole, conditional release, assignment to a community corrections, or postrelease supervision commits a new crime, it is no longer necessary to revoke the defendant's status as a prerequisite to sending the offender to prison without a departure for the new crime, even if the new crime presumes probation.

**Senate Bill 500** - 16 and 17 year olds will automatically be prosecuted as adults on their second rather than third felony conviction.

**House Bill 2788** (1) The imposition of the hard 25, if the defendant does not receive the hard 40; (2) Doubled presumptive prison sentences on guidelines grid for certain severity level/criminal history combinations on the nondrug grid; (3) Additional aggravating departure factors.

**House Bill 2332** -(amended by HB 2788) Creates a firearm special rule that makes all person felonies committed with a firearm presumptive prison, regardless of where the case lands on the grid. (2) Severity levels for the manufacture of controlled substances have been increased for first offense being a drug severity level two and second or subsequent offense being drug severity level 1.

All of the above mentioned changes could have significant impacts on prison population. In addition, several bills introduced in the 1995 Session and tabled for interim study include SB 241 and HB 2155 different versions of "2 strikes you're out" and HB 2454 which doubles the presumptive duration of sentences in nondrug severity levels 1 through 3 in all criminal history categories and elevates rape to a severity level 1. What all of these proposed amendments have in common is an increase in sentence length.



The Sentencing Commission met in January of this year and decided that there were no changes that could be made at that time to the grids that would not compromise public safety. Subsequently, the Commission established a six member subcommittee to study and reevaluate both the guidelines grids in terms of severity levels assigned to certain crimes and the duration of the presumptive sentences for certain severity levels. The subcommittee is scheduled to meet next week and will examine both nondrug and drug grid presumptive sentences.

## **DEPARTURES**

Often it is believed that departures from presumptive guideline sentences contribute significantly to prison overcrowding. In addition, departures are often employed as a measurement tool to determine if crimes are appropriately placed on the sentencing grid. Departures are categorized in four ways: 1) dispositional departures which indicate that the recommended sentence was replaced with another type of sentence, for example presumptive prison was replaced with probation; 2) durational departures which indicate the actual length of the sentence either below the minimum or above the maximum sentence recommended by the guidelines, often referred to as a departure up or a departure down; 3) dispositional and durational departure is a combination of both departures in the type of sentence and the length of sentence; and 4) sex offender departure which permits an extended period of postrelease supervision due to the nature of the crime.

An analysis of the data indicates that since sentencing guidelines went into effect in 1993, 1,908 offenders placed in the custody of the Department of Corrections with a sentence determined under guidelines. Of that total, 222 (12%) of the sentences indicate a departure from the recommended sentence. The data used for this analysis were the records for only those offenders who were sentenced under pure guideline sentences and does not include sentences which represent a combination of both indeterminate and guideline sentences. Although this decision may under represent the total number of departures, it was felt that the number of departures included in the combination sentences would be so insignificant that in the interest of clean reliable data, they should be excluded.

Of the 222 sentences representing departures, 72% were durational departures; 20% were dispositional departures; 4% were dispositional and durational departures, and 5% were sex offender departures (see Graphic 1). Upon further analysis of the durational departures, the data indicates that 79% of the durational departures were downward departures, and 18% were upward departures. Durational departures were found more often on the drug grid (56%) than the nondrug grid, indicating that judges were more likely to modify the length of a sentence for a drug related crime.

However, dispositional departures were more likely to be found on the nondrug grid (67%), with drug offenses representing only 33% of dispositional departures. It would appear that judges are more apt to replace presumptive prison with probation and vice versa with a nondrug related offense than with a drug related offense. More analysis needs to be performed before a determination can be made as to the direction of the dispositional departures.

It would appear from the initial analysis of this data, that departures have not had a significant effect on prison population, especially since durational departures have primarily been downward departures. As previously stated, dispositional departures warrant further analysis to establish the departure trend.

## CONCLUSION

It should come as no surprise that implementation of the commitment to increase public safety by providing lengthy prison sentences for violent offenders is incompatible with maintaining the current prison bed capacity of the state. We should not lose sight of the fact that many of the more serious offenders, for whom the Guidelines Act calls for the imposition of sentences of substantial duration be imposed, absent substantial and compelling circumstances, will continue to contribute to the state's increasing prison population. Furthermore, violent offenders often need maximum security treatment in prison, and the transition to a prison population increasingly comprised of violent offenders will eventually require prison construction regardless of any modifications which might now be made to the sentencing laws. Any changes that could immediately affect the duration of sentences would not have a substantial impact on prison population. Primarily, this is due to the fact that the positive effect of shorter prison sentences does not begin to occur until the offenders sentenced to reduced durations have served those terms and have been released. Dispositional issues could be modified by replacing presumptive prison sentences with presumptive probation, or eliminating some of the special rule enhancements, but then the issue of compromising public safety can be raised. Perhaps development and expansion of current alternative sanctions to incarceration may be a more cost effective direction for the State to expand.

For more information contact:

Barbara Tombs  
Acting Executive Director  
Kansas Sentencing Commission  
(913) 296 -0923

**SENTENCING RANGE - NONDRUG OFFENSES**

Category →	A	B	C	D	E	F	G	H	I
Severity Level ↓	3+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misdemeanor	1 Misdemeanor No Record
I	408 388 370	386 366 346	178 170 161	167 158 150	154 146 138	141 134 127	127 122 115	116 110 104	103 97 92
II	308 292 276	288 274 260	135 128 121	125 119 113	115 109 103	105 100 95	96 91 86	86 82 77	77 73 68
III	206 194 184	190 180 172	89 85 80	83 78 74	77 73 68	69 66 62	64 60 57	59 55 51	51 49 46
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 32 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	6 5	7 6 5	7 6 5

LEGEND
Presumptive Probation
Border Box
Presumptive Imprisonment

Recommended probation terms are:  
 36 months for felonies classified in Severity Levels 6 - 10  
 24 months for felonies classified in Severity Levels 1 - 5

Postrelease terms are:  
 36 months for felonies classified in Severity Levels 1 - 10  
 24 months for felonies classified in Severity Levels 7 - 10

**SENTENCING RANGE - DRUG OFFENSES**

Category →	A	B	C	D	E	F	G	H	I
Severity Level ↓	3+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misdemeanor	1 Misdemeanor No Record
I	204 194 185	196 186 176	187 178 169	179 170 161	170 162 154	167 158 150	162 154 146	161 150 142	154 146 138
II	83 78 74	77 73 68	72 68 65	68 64 60	62 59 55	59 56 52	57 54 51	54 51 49	51 49 46
III	51 49 46	47 44 41	42 40 37	36 34 32	32 30 28	26 24 23	23 22 20	19 18 17	16 15 14
IV	42 40 37	36 34 32	32 30 28	26 24 23	22 20 18	18 17 16	16 15 14	14 13 12	12 11 10

LEGEND
Presumptive Probation
Presumptive Imprisonment

Recommended probation terms are:  
 36 months for felonies classified in Severity Levels 1 - 3  
 24 months for felonies classified in Severity Level 4

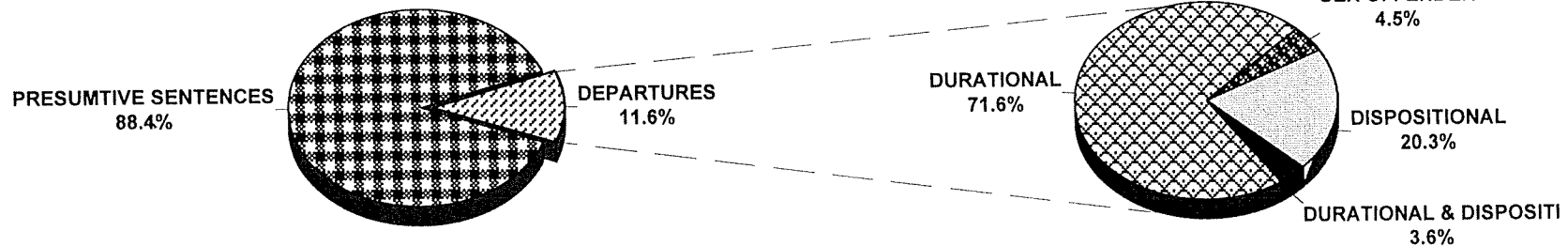
Postrelease supervision terms are:  
 36 months for felonies classified in Severity Levels 1 - 3  
 24 months for felonies classified in Severity Level 4

# GRAPHIC ONE

## DISTIRBUTION OF SENTENCING GUIDELINES DEPARTURES

### ALL GUIDELINE SENTENCES

### DEPARTURE SENTENCES



N=1,908

N=222



DEPARTMENT OF CORRECTIONS  
 OFFICE OF THE SECRETARY  
*Landon State Office Building*  
 900 S.W. Jackson — Suite 400-N  
 Topeka, Kansas 66612-1284  
 (913) 296-3317

Bill Graves  
 Governor

Charles E. Simmons  
 Secretary

### MEMORANDUM

To: Members of the Senate Ways and Means Committee

From: Charles E. Simmons  
 Secretary of Corrections *CHS*

Subject: Capacity Expansion Plans

Date: June 7, 1995

The Department of Corrections in SB 385 was authorized funding to employ 43 additional positions and operating expenses for an operating capacity increase of 431 beds. (The Department has also initiated two additional capacity expansion projects at Topeka Correctional Facility, as well as a project to doublecell 1.5 cellhouses at El Dorado Correctional Facility. However, these projects do not require additional staff nor were additional operating funds requested for them. When complete, short-term expansion projects will result in a net addition of 663 beds to operating capacity.) Expenditure of the approximate \$2.4 million appropriation for staffing and operating funds was made subject to release upon approval of the State Finance Council following review of both the Senate Ways and Means and House Appropriations Committees. A similar proviso also was included regarding approval to expend \$1.7 million in FY 1996 from the Rehabilitation and Repair account for capacity expansion renovation costs. The following information and attachments will provide you with background information on the need for expansion as well as specific details regarding the expansion projects.

#### POPULATION AND RELATED TRENDS

**Chart 1:** On June 30, 1986 the Kansas inmate population was 4,991; the May 31, 1995 population was 6,819, an increase of approximately 37% over the nine-year period. Chart 1 shows the annual changes in inmate population since FY 1986.

SENATE WAYS AND MEANS COMMITTEE  
 June 6-7, 1995  
 Attachment 4

D

**Chart 2:** Chart 2 summarizes recent monthly changes in the inmate population. The May 31, 1995 count of 6,819 is an increase of 841 since May 31, 1994. The May 1995 increase was 86. The number of inmates incarcerated in Kansas on May 31, 1995 represented 98.9% of the overall capacity of the Kansas correctional system, including 99.1% of capacity for males and 94.8% of capacity for females. Systemwide operating capacity on May 31 was 6,898, of which 6,751 was in KDOC facilities.

**Chart 3:** This reflects admissions in comparison to releases. Releases during the period January through May 1995 have been significantly lower than those in prior months. The average number of releases per month in FY 1995 is 329. This compares to 411 in FY 1994. The average for the last five months is 296.

**Chart 4:** This reflects admissions over the past 12 months, broken down by category. With some exceptions, admissions during this period have been fairly consistent. The average monthly admission rate for FY 1995 is 393. This compares to 394 in FY 1994.

**Chart 5:** Chart 5 details KDOC admissions of offenders sentenced under the Sentencing Guidelines Act. Admissions since July 1, 1993 are summarized for each of the two sentencing grids, and are presented by male and female offenders, as well as total admissions.

**Chart 6:** This chart presents KDOC admissions of condition violators, by month, since July 1993. Average monthly admissions in this category increased from 116 in FY 1993 to 176 in FY 1994, but then decreased to 157 in FY 1995 (to date).

**Chart 7:** The yearly parole rate during the period FY 1989 - FY 1994 ranged from a low of 46% in FY 1992 to a high of 58% in FY 1991, but dropped sharply to 27% in FY 1994 and declined further to 19% in the first 11 months of FY 1995. The monthly parole rate thus far in FY 1995 has ranged from 12%-23%.

**Chart 8:** The chart profiles the projected release status of the May 31 inmate population. Of the population on that date, 4,395 or nearly two-thirds were serving an indeterminate sentence only—meaning their release will be determined by action of the Kansas Parole Board. Approximately 22% were serving a guidelines sentence only.

**Chart 9:** The chart shows the actual inmate count on May 31st in comparison to the Department's initial projections and the revised projections of February 1995. The count as of May 31 exceeded the initial projections by 317 and the revised projections by 197. The only change made in February to the assumptions

involved in the projections was a reduction in the parole rate. The initial projections were based on a parole rate of 25% while the revised projections are based on the actual FY 1995 parole rate to date of 19%.

The revised projections show a population on June 30, 1996 of 7,045. This is 147 above the May 31 operating capacity.

The average monthly increase for the past five months has been 90. If this rate of increase continues through June 30, 1996, the count will total 7,989—1,091 above the May 31 capacity.

**Chart 10:** During the past year, the female inmate population has been growing at a much faster rate than the male inmate population—the May 31, 1995 female population was 30% greater than it was on June 30, 1994. Chart 10 shows annual changes in the female population between FY 1986 and FY 1995.

**Chart 11:** This chart summarizes new court commitments between FY 1992 and FY 1995 to date, and the proportion of these admissions categorized as drug offenders. Prior to implementation of sentencing guidelines, it was expected that female admissions might increase due to convictions for drug offenses with presumptive prison sanctions. The proportion of females admitted for drug offenses has increased since FY 1992, but not since implementation of guidelines, however.

**Chart 12:** This chart reflects the custody classification of the current inmate population compared to the number of beds for each custody level.

**Chart 13:** This chart reflects the current inmate custody level distribution compared to the custody breakdown in 1990. The comparison shows that maximum custody has declined by 3 percentage points, medium custody has grown by 7 percentage points, and minimum custody has decreased by 4 percentage points.

**Chart 14:** SB 360 which became effective April 20, 1995 may result in an increase in the inmate count. See the fiscal notes the Department submitted on these bills.

**RECENT CAPACITY ADJUSTMENTS AND SHORT-TERM EXPANSION PROJECTS**

**Chart 15:** The Department has attempted to keep pace with the increasing count through renovation projects at various facilities. Between July 1, 1993 and May 31, 1995, the Department has added 514 beds and taken 227 beds off line, for a net increase of 287. The reductions include Topeka Correctional Facility (South Unit) - 107 beds and I-Dorm - 90 beds, which was converted into the new I-Max unit for females. See Chart 15 for specific projects.

**Chart 16:** This chart summarizes the short-term expansion projects currently under development, by location, number of beds to be added, custody level, renovation costs and schedule. Approximately \$1.2 million of the renovation cost is being financed from the Department's *Capital Improvement-Rehabilitation, Remodeling, Renovation and Repair of Correctional Institutions* account. The balance of expansion project expenditures (\$473,000) will be made from federal flood damage reimbursement funds which the Department expects to receive. Of the total \$1.7 million in project expenditures, approximately \$1.2 million will be financed with FY 1995 funds, and the remainder with FY 1996 funds.

**Chart 17:** Chart 17 provides summary information on the current status of each expansion project, including expenditures/obligations to date, current versus original schedule, and completion percentage.

**Chart 18:** This chart reflects the schedule for the short-term expansion projects. The renovation work on the El Dorado and Hutchinson projects was initiated immediately following review of the projects on March 30, 1995 with the Joint Committee on State Building Construction. This was done in order to meet the July deadlines for these new beds. With the recent increases in the inmate population, it was felt that this additional capacity should be available as soon as possible. Materials for the W Unit at Lansing Correctional Facility were ordered at that time but renovation was not undertaken until female inmates were transferred to the new maximum security unit at Topeka on May 1.

**Chart 19:** Chart 19 presents facility operating capacities for male and female inmates as of May 31, 1995, and upon completion of all current capacity expansion initiatives. Once these projects are complete, the department's operating capacity will be 7,475—including 7,020 for males and 455 for females. As an illustration, if the growth rate experienced since January 1, 1995 would continue at an average of 90 per month, all additional beds would be filled in approximately seven months.



**Chart 20:** This section provides detailed information on the estimated operating costs for the bed expansion projects, including expenditures, by project, for staffing, including a breakdown of the 43 new positions, inmate medical costs, and other operating costs.

**Chart 21:** This section contains detailed information on each of the expansion projects, including narrative description, capital improvement cost breakdowns, and site locations.

Due to population demands, the decision has recently been made to doublecell one and one-half cellhouses at El Dorado Correctional Facility. This will add capacity for 192 medium custody inmates. These beds will be added in increments between mid-June and August 1. Cost to prepare for doublecelling is approximately \$130,000. This is being funded from FY 1995 balances in the Department's Rehabilitation and Repair account, and is in addition to the \$1.7 million for the expansion projects.

The decision to doublecell at EDCF was made reluctantly since we do not believe this to be the most appropriate use of this high-security space. As soon as practicable, the department's recommendation and intention is to return to single cell occupancy at the facility. In the interim, we do not recommend further doublecelling at the existing EDCF. Two of the cellhouses are currently used for administrative segregation which is not appropriate for doublecelling. The remaining one and one-half cellhouses should be used for housing maximum custody inmates, who are not appropriate for doublecelling, and also be kept available for expansion of administrative segregation in the event the need for this type of space increases due to increases in the total inmate count.

**Future Expansion.** The Department considers El Dorado as the primary location for capacity expansion in the event further expansion is necessary. The current capacity is 645. This will increase to 932 when both the renovation and doublecelling projects are complete. The infrastructure for the facility was designed for a capacity of 1,408 (but did not anticipate doublecelling in any of the housing units).

Construction costs for adding two 128-bed housing units at EDCF are estimated at \$18 million. Adding the three remaining 128-bed units which could be built at the site would cost approximately \$5 million each. (The cost per unit for these is lower, because the initial expansion projects include one-time costs for such items as reconfiguring the perimeter fence, upgrading utilities, increasing the capacity of the power plant, etc.)

In addition to evaluating capacity requirements to house male inmates, the Department feels it will be necessary to address future capacity needs for females. As noted above,

the female inmate population has grown at a much faster rate than the male inmate population over the past year. Since May 31, 1994, the female population increased by 101—56 of which has occurred during the past five months. The May 31, 1995 female inmate population was 405; current existing capacity for females—including the new I-Max unit at Topeka Correctional Facility—is 427. When the last of the short-term capacity expansion projects at Topeka is completed in September 1995, total capacity for females will reach 455 and all capacity expansion renovation options for housing females at the existing units will have been fully developed.

**Federal Funding Potential.** The federal Violent Crime Control and Law Enforcement Act of 1994 enacted last year includes authorization for grants to states for prison construction, renovation and operation. Although funds have not yet been appropriated, preliminary estimates indicate that Kansas could receive approximately \$50 million over a several year period, assuming that the grant program is fully funded at currently authorized levels. The potential exists for even more funds, however, since Congress is currently reconsidering this legislation and the House-passed version of the new federal crime bill would increase total funding earmarked for prison construction. Specific amounts and the timing for availability of these funds has not yet been determined.

Kansas is taking steps to establish full eligibility for prison construction and operation grant funds, should it become necessary to expand prison capacity in the state. One of the major eligibility criteria was met with enactment of SB 360, which reduces maximum good time earnings from 20 percent to 15 percent. The earliest that federal grant funds could become available is October 1995.

I hope this information is useful in providing the background and basis for the Department's need to proceed with short-term capacity expansion projects, as well as evaluate future expansion requirements.

CES:jj

Attachments

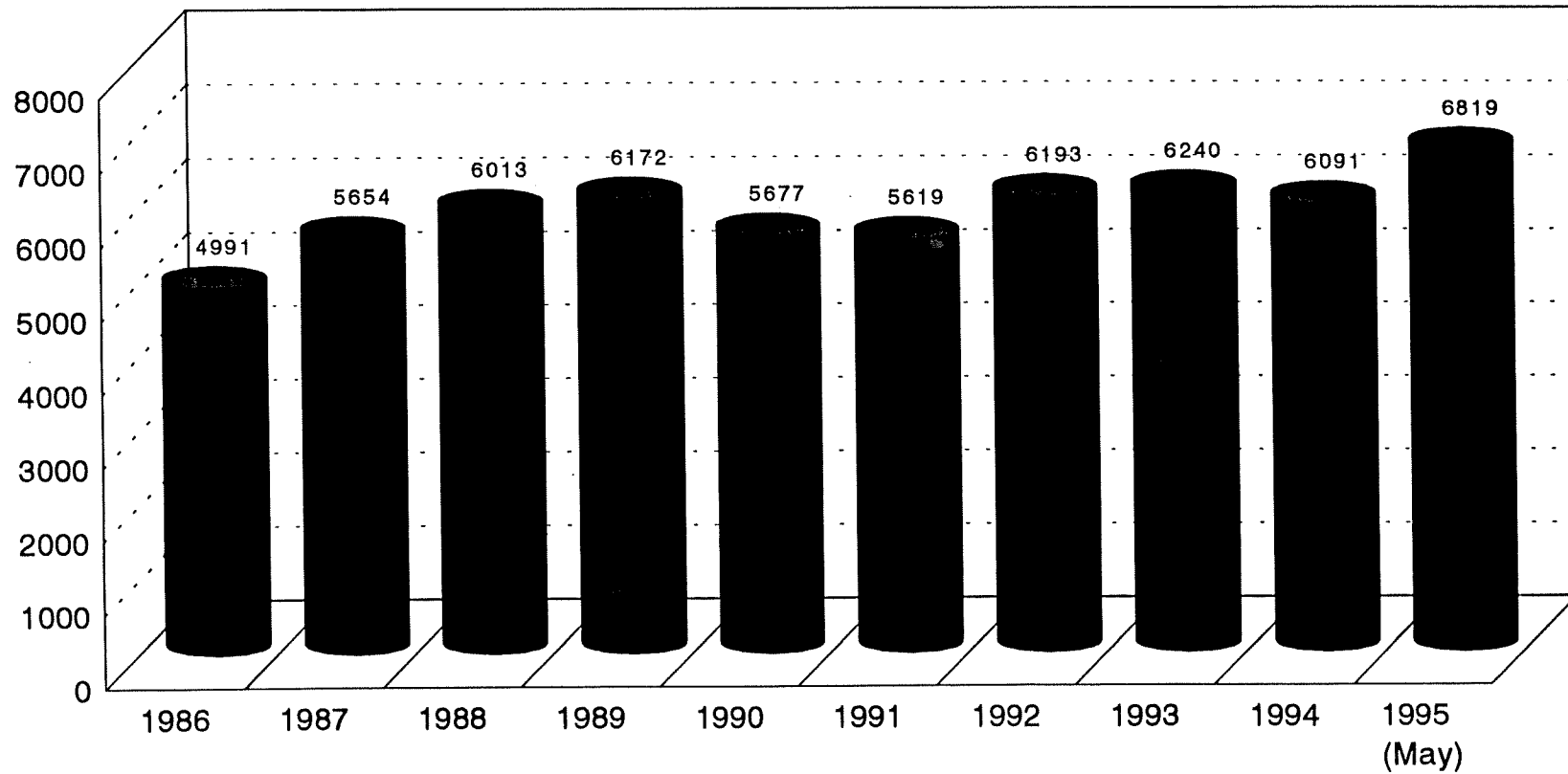
## ***Population Trends and Related Charts***

- Chart 1:** Inmate Population Trends by Year - FY 1986-FY 1995 to date
- Chart 2:** End-of-Month Inmate Population - May 1994-May 1995
- Chart 3:** Monthly Admissions and Releases: FY 1994 and FY 1995 to date
- Chart 4:** Monthly Admissions by Category - May 1994-May 1995
- Chart 5:** Guidelines Admissions (Total/Male/Female): July 1993 - May 1995

- Chart 6:** Return Admissions for Condition Violations
- Chart 7:** Parole Rates: FY 1989-1994 and FY 1995 by Month
- Chart 8:** Projected Release Profile of the May 31 Population
- Chart 9:** Actual Inmate Population Compared to Projected Population
- Chart 10:** Trends in the Female Inmate Population FY 1986-1995 to date
- Chart 11:** Proportion of Court Commitments Categorized as Drug Offenders

- Chart 12:** Inmate Population Compared to Current Bedspace, by Security Level
- Chart 13:** Male and Female Inmates by Custody Level
- Chart 14:** Fiscal Notes on SB 360

Chart 1  
 Total Inmate Population: FY 1986 Through FY 1995 To-date\*

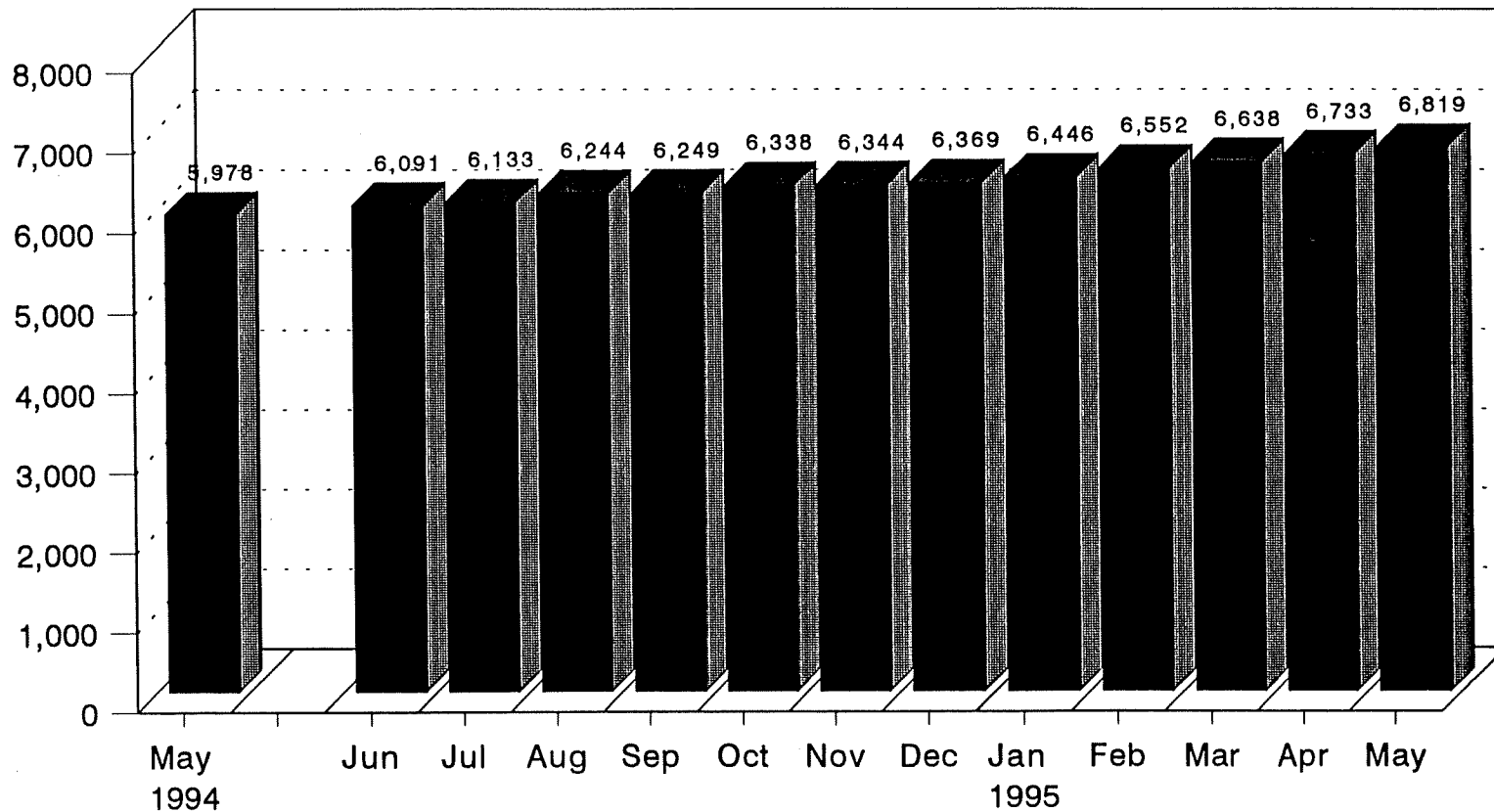


Female	269	275	276	300	293	242	328	335	312	405
Male	4722	5379	5737	5872	5384	5377	5865	5905	5779	6414

\*As of June 30 each year, except FY 1995 which is as of May 31, 1995

4-7

Chart 2  
 End-of-month Inmate Population: May, 1994 - May, 1995\*

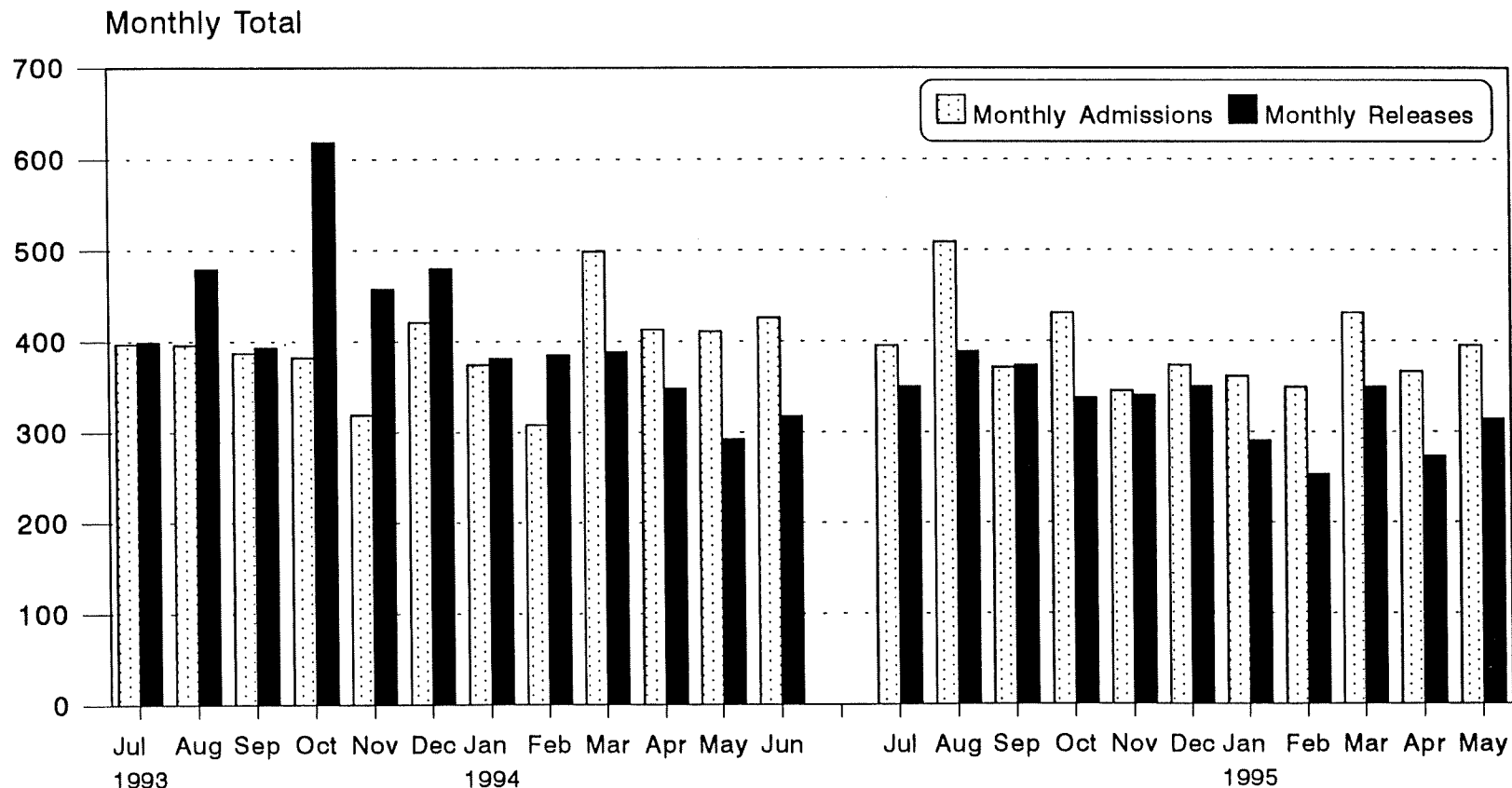


Change from Prev. Mo.			113	42	111	5	89	6	25	77	106	86	95	86
Change from May, 1994			113	155	266	271	360	366	391	468	574	660	755	841

\*Figures reflect the total inmate population (combined DOC and Non-DOC facility populations).

Chart 3

Monthly Admissions and Releases: FY 1994 and FY 1995 To-date (Through May, 1995)

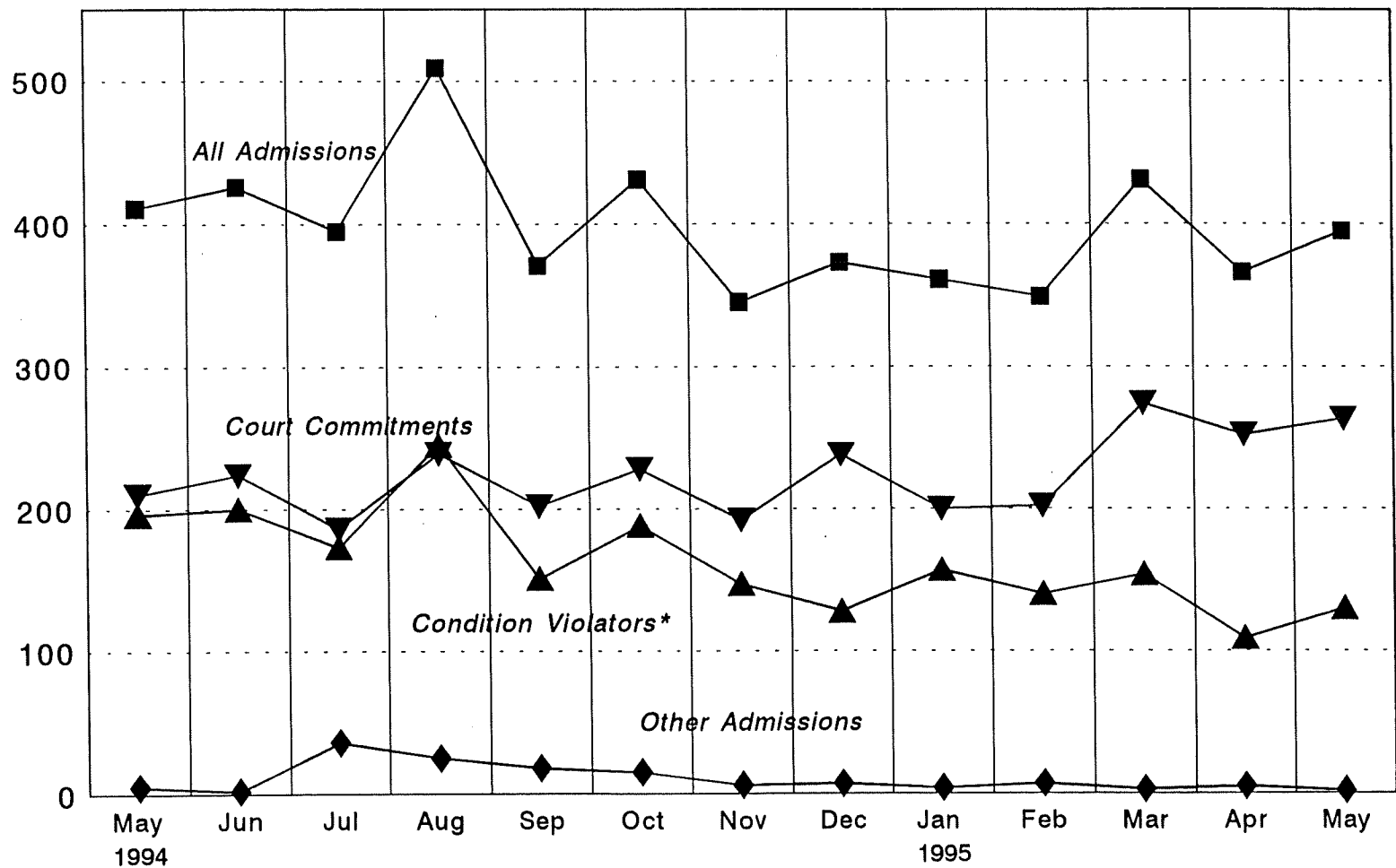


Monthly Admissions	397	396	387	382	319	421	374	308	499	413	411	426		395	509	371	431	345	373	361	349	431	366	395
Monthly Releases	399	479	393	618	457	480	381	385	388	348	292	317		350	388	373	337	340	350	290	253	349	273	314
Cumulative Admissions	397	793	1180	1562	1881	2302	2676	2984	3483	3896	4307	4733		395	904	1275	1706	2051	2424	2785	3134	3565	3931	4326
Cumulative Releases	399	878	1271	1889	2346	2826	3207	3592	3980	4328	4620	4937		350	738	1111	1448	1788	2138	2428	2681	3030	3303	3617

HG3 Chart ADM94-95

Chart 4

# Monthly Admissions by Category: May, 1994 Through May, 1995)



All Admissions	■	411	426	395	509	371	431	345	373	361	349	431	368	395
Court Commitments	▼	210	224	186	239	202	228	192	238	200	202	274	252	263
Condition Violators*	▲	196	200	173	245	151	188	147	128	157	140	154	109	130
Other Admissions	◆	5	2	36	25	18	15	6	7	4	7	3	5	2

HG3 Chart BF14AA2

11-7  
 \*"Condition violators" include those returned to prison for violation of the conditions of release (no new felony sentences involved).

**Chart 5**  
**KDOC Admissions of Offenders Sentenced under Guidelines**  
**July 1, 1993 through May 31, 1995**  
**Non-Drug Offenses**

(Total Admissions)

Category →	A	B	C	D	E	F	G	H	I	Totals
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person + 1 Nonperson Felony	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor No Record	
I	1	1	3	2	4	2	3	3	8	27
II	3	2	5	3	1	4	4	5	31	58
III	3	10	16	12	11	9	14	19	84	178
IV	4	7	5	10	4	3	8	5	19	65
V	8	7	21	20	9	12	12	13	76	178
VI	2	5	5	6	3	2	5	5	7	40
VII	22	23	33	9	28	21	29	16	33	214
VIII	9	8	14	6	23	5	25	12	15	117
IX	23	42	43	16	49	12	35	29	43	292
X	4	12	9	2	5	4	7	3	5	51
<b>Totals</b>	<b>79</b>	<b>117</b>	<b>154</b>	<b>86</b>	<b>137</b>	<b>74</b>	<b>142</b>	<b>110</b>	<b>321</b>	<b>1220</b>

Notes:

- During this period there were also 13 admissions for off-grid crimes.
- Of the 1,220 admissions, 543 or 44.5% were in presumptive non-prison grid boxes.
- Of the 1,220 admissions, 1004 offenders are still incarcerated.

Kansas Department of Corr.  
June 2, 1994



**Chart 5 (continued)**  
**KDOC Admissions of Offenders Sentenced under Guidelines**  
**July 1, 1993 through May 31, 1995**  
**Drug Offenses**

(Total Admissions)

Category →	A	B	C	D	E	F	G	H	I	Totals
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person + 1 Nonperson Felony	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor No Record	
I						1	1			2
II	1	1	5	3	3	5	6	5	12	41
III	2	4	8	9	10	11	28	30	82	184
IV	12	8	14	11	21	17	16	18	22	139
<b>Totals</b>	15	13	27	23	34	34	51	53	116	366

**Notes:**

- Of the total 366 admissions, 56 or 15.3% were in presumptive non-prison grid boxes.
- Of the total 366 admissions, 269 offenders are still incarcerated.

LEGEND
Presumptive Probation
Presumptive Imprisonment

**Kansas Department of Corrections**  
**June 2, 1995**

**Chart 5 (continued)**  
**KDOC Admissions of Offenders Sentenced under Guidelines**  
**July 1, 1993 through May 31, 1995**  
**Non-Drug Offenses**

(Males Only)

Category →	A	B	C	D	E	F	G	H	I	Totals
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person + 1 Nonperson Felony	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor No Record	
I	1	1	3	2	2	1	3	1	7	21
II	3	2	5	3	1	4	4	5	27	54
III	3	10	15	11	10	9	12	18	77	165
IV	4	7	5	10	4	3	7	5	17	62
V	8	6	21	18	9	10	11	10	63	156
VI	2	5	5	6	3	2	5	5	6	39
VII	22	22	32	9	28	20	28	16	32	209
VIII	8	8	11	4	16	2	18	9	6	82
IX	23	42	43	14	42	10	33	27	39	273
X	4	12	9	2	3	4	4	2	5	45
<b>Totals</b>	<b>78</b>	<b>115</b>	<b>149</b>	<b>79</b>	<b>118</b>	<b>65</b>	<b>125</b>	<b>98</b>	<b>279</b>	<b>1106</b>

**Notes:**

- During this period there were also 12 admissions for off-grid crimes.
- Of the 1,106 admissions, 479 or 43.3% were in presumptive non-prison grid boxes.
- Of the 1,106 admissions, 917 offenders are still incarcerated.

7-7

Chart 5 (continued)  
**KDOC Admissions of Offenders Sentenced under Guidelines**  
**July 1, 1993 through May 31, 1995**  
**Drug Offenses**

(Males Only)

Category →	A	B	C	D	E	F	G	H	I	Totals
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person +1 Nonperson Felony	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor No Record	
I							1			1
II	1	1	5	1	3	4	4	5	9	33
III	2	4	8	8	9	11	25	28	69	164
IV	12	7	13	9	16	12	13	15	18	115
<b>Totals</b>	15	12	26	18	28	27	43	48	96	313

**Notes:**

—Of the total 313 admissions, 46 or 14.7% were in presumptive non-prison grid boxes.

—Of the total 313 admissions, 227 offenders are still incarcerated.

LEGEND
Presumptive Probation
Presumptive Imprisonment

Kansas Department of Corrections  
 June 2, 1995

4-15

Chart 5 (continued)  
**KDOC Admissions of Offenders Sentenced under Guidelines**  
**July 1, 1993 through May 31, 1995**  
**Non-Drug Offenses**

(Females Only)

Category →	A	B	C	D	E	F	G	H	I	Totals
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person + 1 Nonperson Felony	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor No Record	
I					2	1		2	1	6
II									4	4
III			1	1	1		2	1	7	13
IV							1		2	3
V		1		2		2	1	3	13	22
VI									1	1
VII		1	1			1	1		1	5
VIII	1		3	2	7	3	7	3	9	35
IX				2	7	2	2	2	4	19
X					2		3	1		6
<b>Totals</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>7</b>	<b>19</b>	<b>9</b>	<b>17</b>	<b>12</b>	<b>42</b>	<b>114</b>

Notes:

- During this period there was also 1 admission for an off-grid crime.
- Of the 114 admissions, 64 or 56.1% were in presumptive non-prison grid boxes.
- Of the 114 admissions, 87 offenders are still incarcerated.

Chart 5 (continued)  
**KDOC Admissions of Offenders Sentenced under Guidelines**  
**July 1, 1993 through May 31, 1995**  
**Drug Offenses**

(Females Only)

Category →	A	B	C	D	E	F	G	H	I	Totals
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person + 1 Nonperson Felony	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor No Record	
I						1				1
II				2		1	2		3	8
III				1	1		3	2	13	20
IV		1	1	2	5	5	3	3	4	24
<b>Totals</b>		1	1	5	6	7	8	5	20	53

Notes:

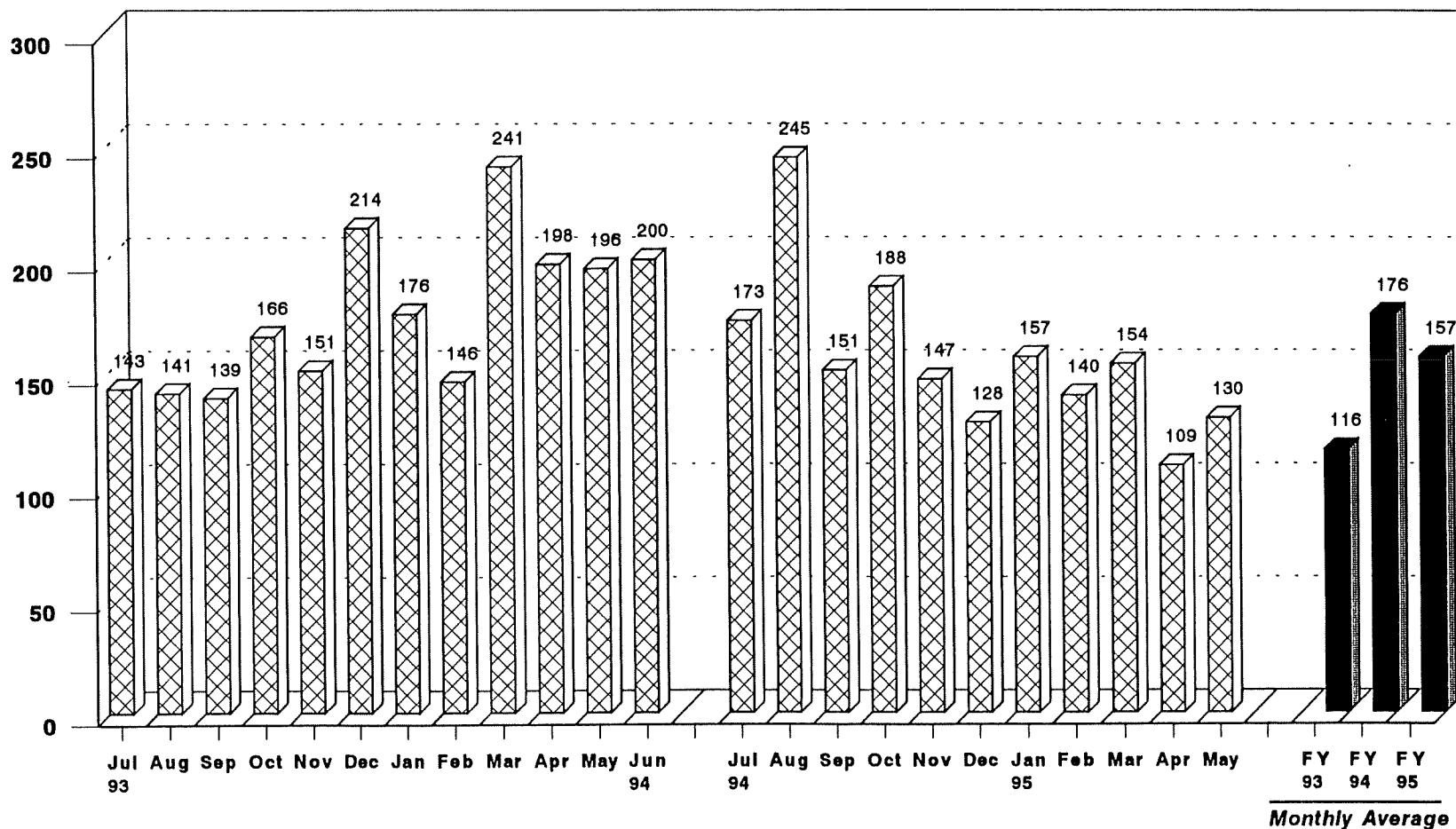
- Of the total 53 admissions, 10 or 18.9% were in presumptive non-prison grid boxes.
- Of the total 53 admissions, 42 offenders are still incarcerated.

LEGEND
Presumptive Probation
Presumptive Imprisonment

Kansas Department of Corrections  
 June 2, 1995

Chart 6

Number of Return Admissions for Condition Violations by Month:  
 FY 1994 and FY 1995 To-date (Through May, 1995 -- Month 11 of FY 1995)\*

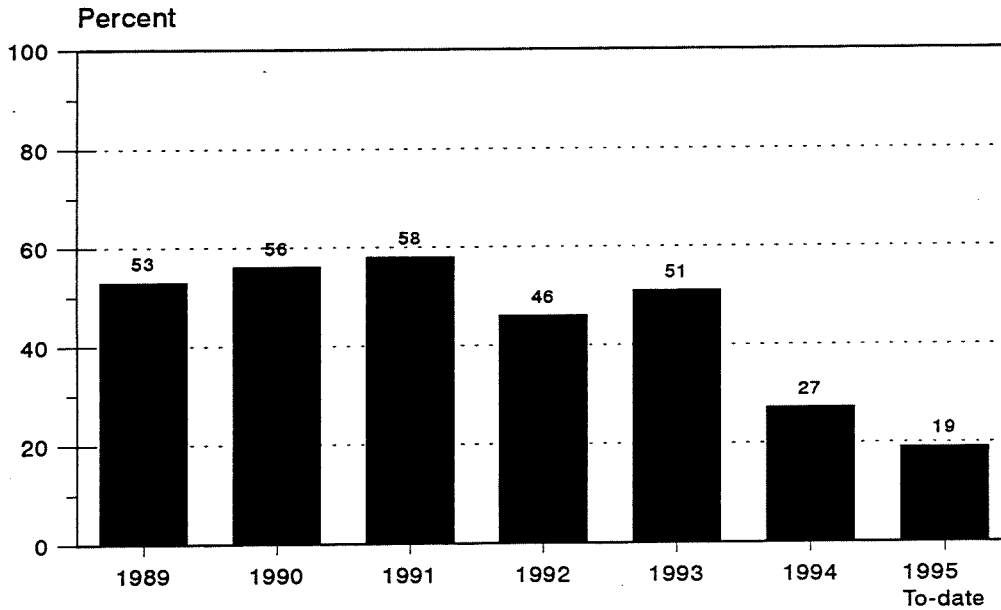


\*Total number of admissions for violation of the conditions of release (no new sentence).

81-7

Chart 7

**Yearly Parole Rate: Kansas Parole Board Decisions to Parole as a Proportion of Total Decisions: FY 1989 Through FY 1995 To-date (April, 1995)\***

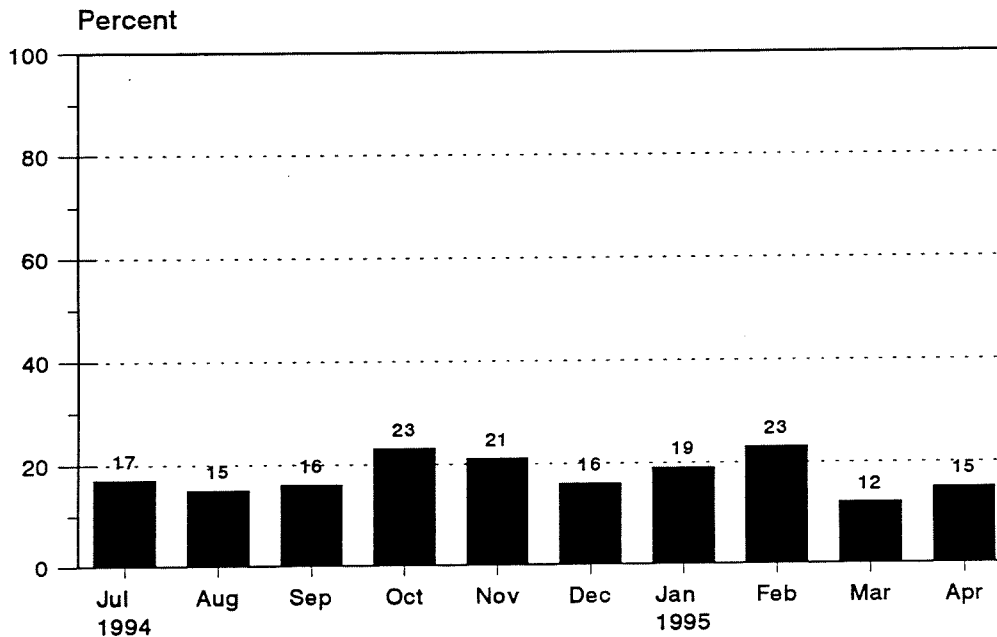


Decisions to Parole	2381	2961	2684	2210	2634	1127	575
Total Decisions	4457	5241	4635	4845	5139	4173	3034

\*Information pertains to decisions resulting from regular parole hearings. Excluded are decisions from parole violation hearings, one outcome of which is the decision to "reparole," which was used especially frequently in FY 94 and in effect reduced the number of regular parole hearings.

HG3 Chart CESBF9A

**Monthly Parole Rate: Kansas Parole Board Decisions to Parole as a Proportion of Total Decisions: FY 1995 To-date (Through April, 1995)\***



Decisions to Parole	51	52	53	82	78	39	56	77	35	45
Total Decisions	304	354	343	363	372	240	300	332	290	308

\*Information pertains to decisions resulting from regular parole hearings (the most recent parole decision to-date for each individual).

HG3 Chart CESBF9B

**Chart 8**  
**Projected Release Profile of the May 31 Population**

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- The May 31, 1995 inmate population was 6819.
  
- Distribution of the May 31 population by type of sentence (i.e. determinate vs. indeterminate) was as follows:

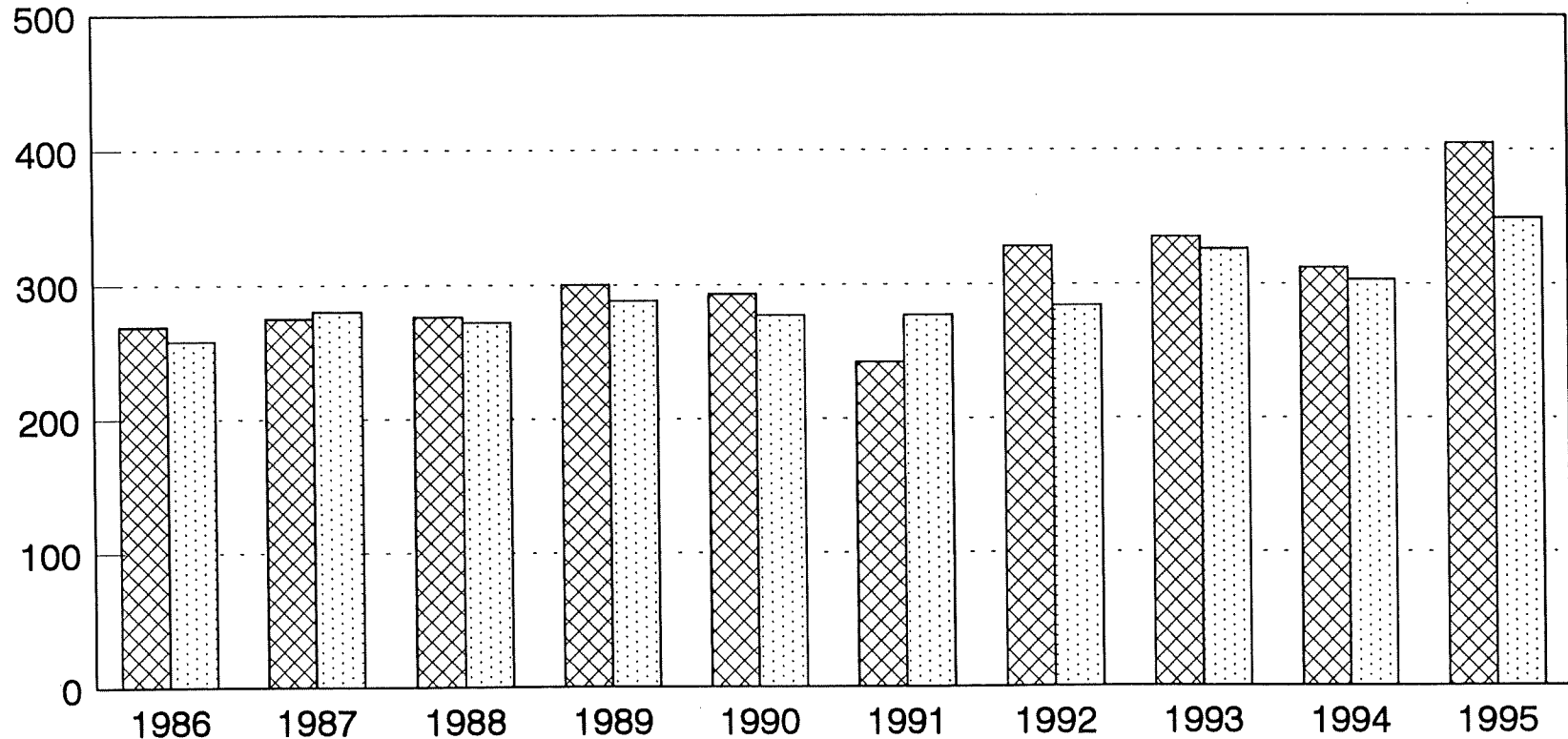
4395	(64%)	Indeterminate Sentence(s) Only
1481	(22%)	Determinate Sentence(s) Only
903	(13%)	Some Combination of Indeterminate and Determinate Sentences
40	(1%)	Recent admission - data not yet complete
  
- Of the 1481 with determinate sentences only, 727 have projected release dates between now and the end of FY 1996 (i.e., June 1, 1995 and June 30, 1996).
  
- In those cases with a combination of indeterminate and determinate sentences, if it is assumed that the determinate sentence will determine release, another 548 can be projected for release between now and the end of FY 1996.
  
- Of the 4395 with indeterminate sentences only, 2282 have projected parole eligibility dates between now and the end of FY 1996. The actual number to be released from this group is contingent upon Kansas Parole Board decisions (i.e., the parole rate).





Chart 10

## Female Inmate Population and Average Daily Population: Fiscal Years 1986 - 1995 To-date\*

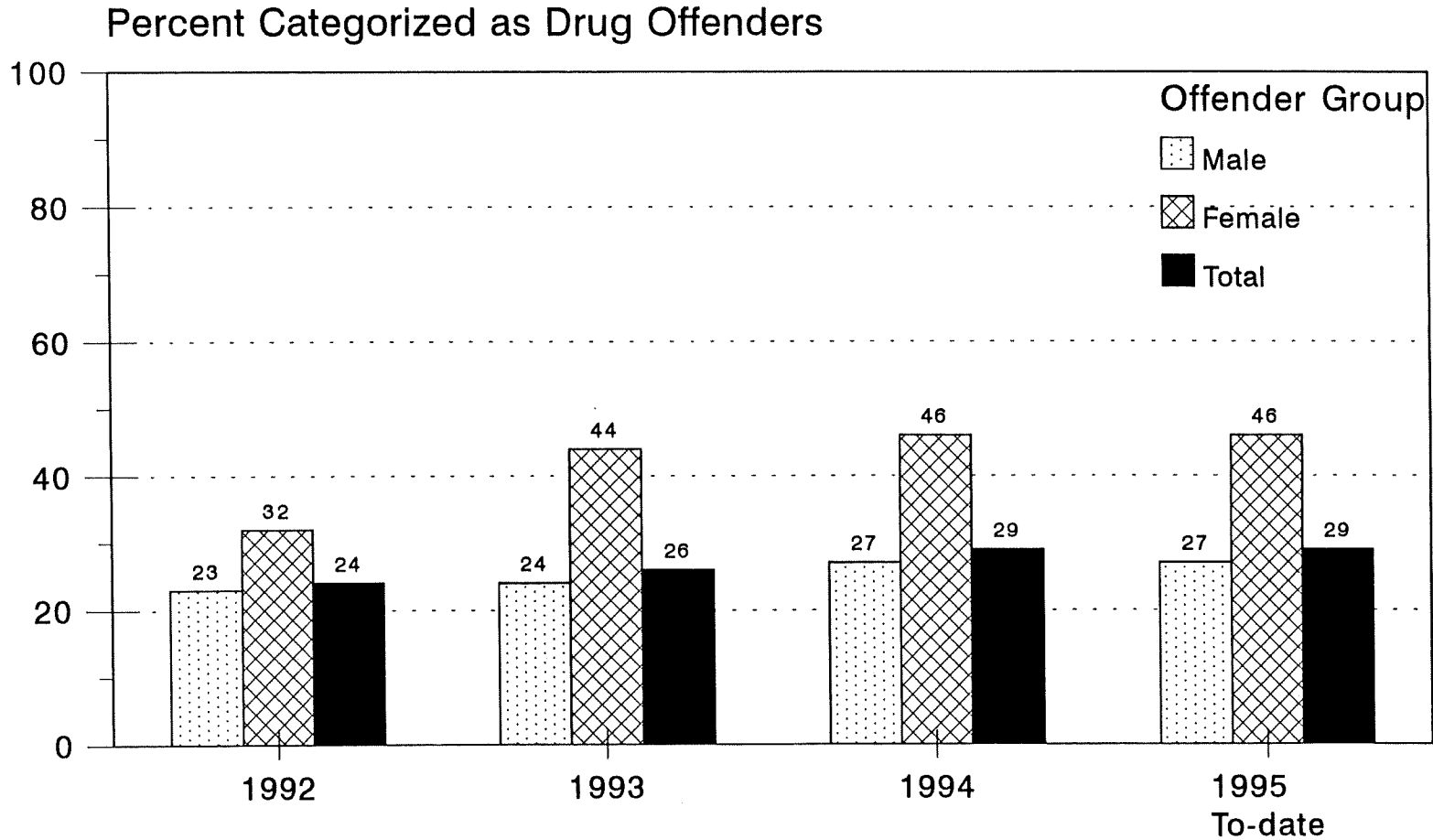


Female Pop.	269	275	276	300	293	242	328	335	312	405
Female ADP	258	280	272	288	277	277	284	326	303	349

\*The population figures reflect the count as of June 30 each year (except FY 95, which is May 31).  
The average daily population (ADP) is the average daily count for the year.

Chart 11

# Proportion of Yearly Court Commitments Categorized as Drug Offenders: FY 1992 Through FY 1995 To-date (May, 1995)\*

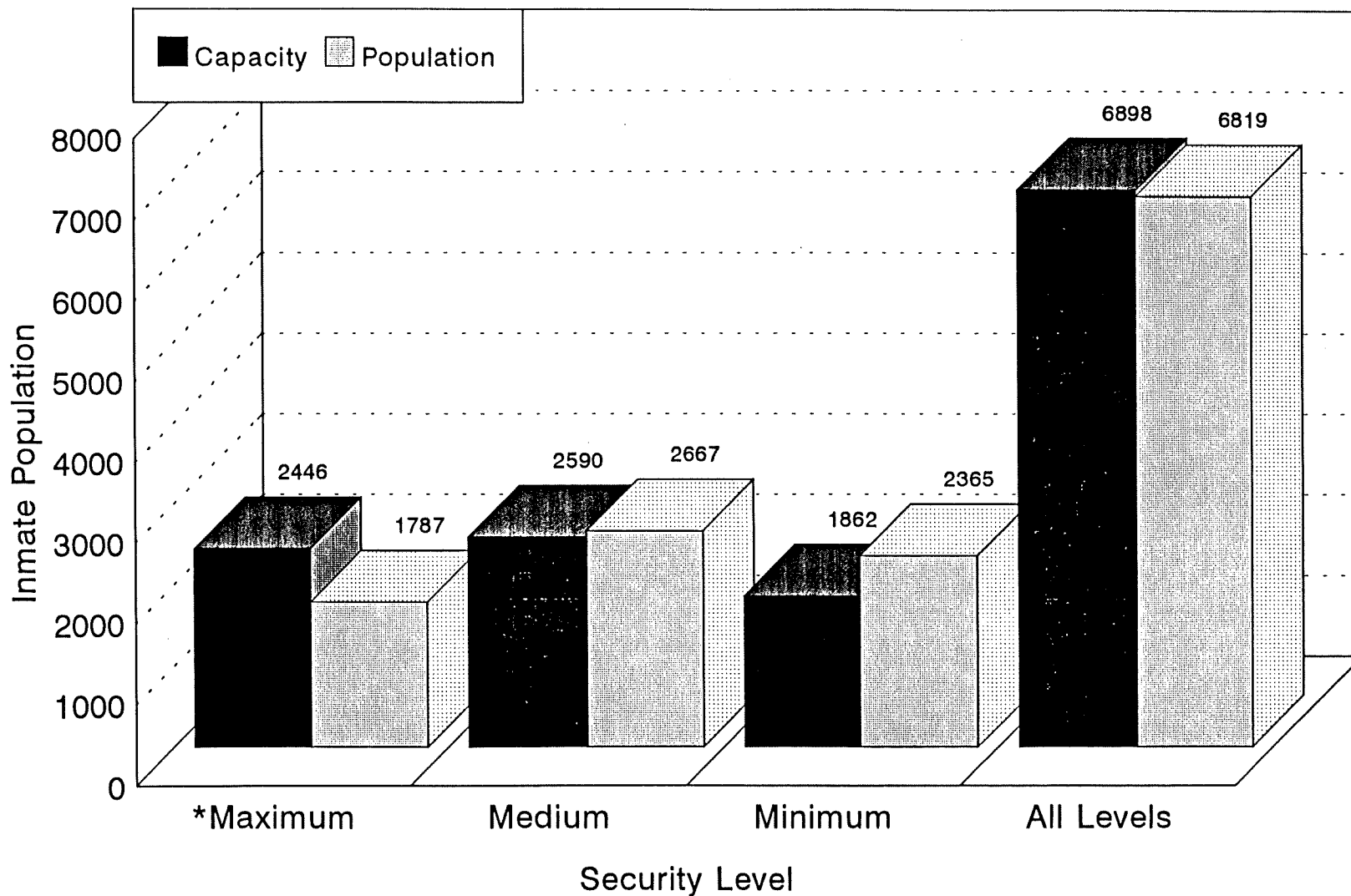


Male Court Commits.	2524	2534	2228	2166
Female Court Commits.	292	274	261	274
Total Court Commits.	2816	2808	2487	2440

\*Information pertains to the "primary" offense for each commitment. For the years FY 92 and FY 93 it is the controlling minimum offense and for the years FY 94 and FY 95 it is the most serious offense for the current incarceration.

4-23

# Inmate Population in Comparison to Current Bedspace By Security Level / Male and Female Inmates



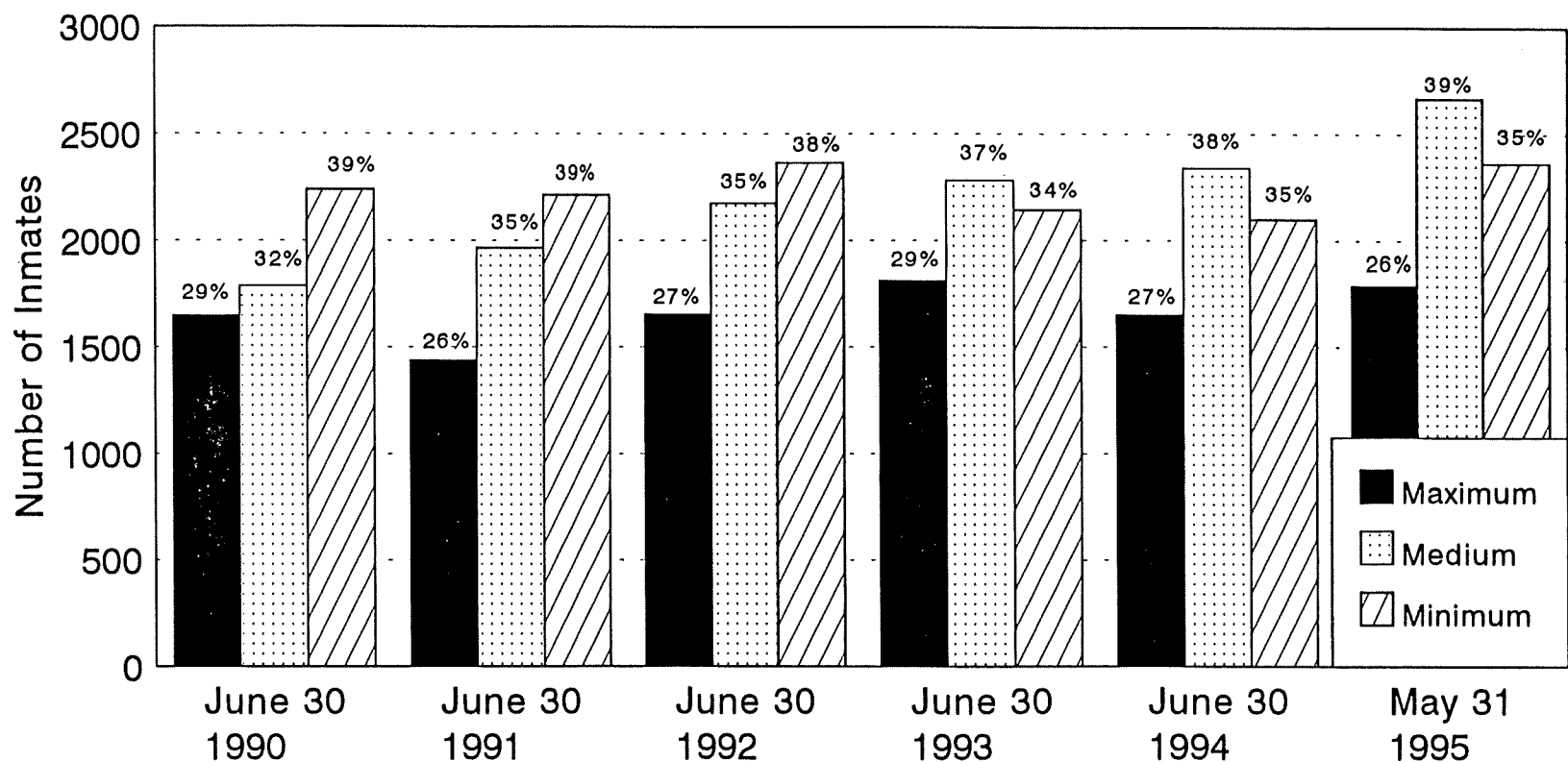
\* Maximum includes special management and unclassified custody levels.

Inmate Population as of May 31, 1995.

4-24

Chart 13

# Male and Female Inmates by Custody Level (Housed in KDOC and Non-KDOC Facilities)



Maximum	1648	1439	1654	1813	1650	1787
Medium	1789	1966	2175	2283	2341	2667
Minimum	2240	2214	2364	2144	2100	2365
Total	5677	5619	6193	6240	6091	6819

\* Maximum custody totals include unclassified and special management inmates. The total number of inmates housed has increased by 1142 since June 30, 1990. Of this increase, 878 (77%) are medium custody, 139 (12%) are spec. management/maximum custody, and 125 (11%) are minimum custody inmates.

4-25



# KANSAS DEPARTMENT OF CORRECTIONS

BILL GRAVES, GOVERNOR

CHARLES E. SIMMONS, ACTING SECRETARY

LANDON STATE OFFICE BUILDING — 900 SW JACKSON  
TOPEKA, KANSAS — 66612-1284  
913-296-3317

## MEMORANDUM

To: Gloria Timmer, Director of the Budget  
ATTN: Kathie Sparks

Chart 14

From: Charles E. Simmons  
Acting Secretary of Corrections *[Signature]*

Subject: Fiscal Note on SB 360

Date: March 7, 1995

### 1. SUMMARY OF THE BILL'S PROVISIONS

- reduces from 20% to 15% the good time which can be earned by an inmate.
- authorizes the Secretary of Corrections to make direct placements of inmates to the Labette Correctional Conservation Camp if: the inmate had been sentenced to the Secretary's custody as a result of probation revocation or as a departure from the presumptive non-imprisonment grid block of either sentencing grid. Upon an inmate's successful completion of the camp's 180-day program, the court would be required to assign the inmate to 180 days of follow-up supervision in the appropriate community corrections program. The court could also order that supervision continue thereafter for the length of time authorized by KSA 21-4611.
- increases to 180 days the period of incarceration to be served by postrelease supervision violators who are revoked because of condition violations. Under the Sentencing Guidelines Act, condition violators can serve up to a maximum of 90 days following revocation by the Kansas Parole Board. The bill provides that inmates could reduce actual time to be served from 180 days to 90 days pursuant to regulations adopted by the Secretary of Corrections.
- increases the postrelease supervision periods by 12 months (from 24 months to 36 months plus earned good time for SL 1-6 nondrug and SL 1-3 drug; and from 12 to 24 months plus earned good time for SL 7-9 nondrug and SL 4 drug). However, actual base periods for postrelease supervision could be reduced to 24 and 12 months, respectively, depending on offender behavior.

### 2. IMPACT ON KANSAS DEPARTMENT OF CORRECTIONS OPERATIONS

The bill is expected to:

- have little or no impact on the Department of Corrections
- have an impact on offender population levels, as described in 2a.
- have an impact on departmental policies, procedures or responsibilities as follows:



Equal Opportunity Employer

- SB 360 would facilitate the supervision of offenders on postrelease supervision, as well as the management of inmates re-admitted to prison as a result of condition violations. KDOC field staff indicate that, under current law, the 90-day incarceration limit for condition violators is too short to be a deterrent to conduct which would violate the conditions of postrelease supervision. The current 90-day limit also creates inmate management and discipline problems since condition violators know that they will be released in 90 days regardless of their behavior. Increasing the postrelease supervision period and the incarceration term for condition violations--with opportunity in both instances to reduce their duration based on behavior of the offender--is intended to create incentives for improved behavior of offenders both in the field and upon readmission to prison.
- The bill's provisions pertaining to the Labette Correctional Conservation Camp (LCCC) would not have a significant impact on KDOC operations, but are primarily intended to increase utilization of the camp. The LCCC has a capacity of 104 and is budgeted for an average daily population of 95. Actual utilization, however, typically is in the 70s. If the bill passes, the department would have to establish procedures for referring and monitoring the status of KDOC inmates sent to LCCC, but this would not present significant operational requirements and would be done within existing staff and budgetary resources.
- The change in good time policy proposed by the bill would help the state qualify for prison construction and operating grants authorized by the federal crime bill passed last year. To be eligible for Truth in Sentencing Grant funds, states must have in place laws requiring that violent offenders serve at least 85 percent of their sentence. Reducing maximum good time earnings from 20 to 15 percent would place the state in the position of being able to access these funds should new construction be necessary in the future, while not detracting significantly from the effectiveness of good time as an inmate management tool.

*2a. Impact on Offender Population Levels*

The bill will or could affect:  X  inmate population levels;  X  parole/postrelease supervision population levels;  X  community corrections population levels.

- The proposal for direct KDOC placement of inmates to the LCCC would result in an estimated ADP reduction of approximately 20 inmates in the department. This is based on an estimated 40 referrals per year for the 6-month Labette program. To the extent that these offenders successfully complete the program, community corrections caseloads would increase to provide aftercare supervision. There would be somewhat of an offsetting impact, however, on parole caseloads since the time spent on KDOC postrelease supervision would be less.
- The good time proposal will result in some inmates being incarcerated for five percent more of their sentence. However, the change would apply only to offenders convicted of crimes occurring on or after July 1, 1995. The department estimates the following impact on the size of the inmate population:

June 30, 1997	+ 68
June 30, 1998	+ 86
June 30, 1999	+ 126

- The provisions regarding the incarceration period for condition violators and the increased periods of postrelease supervision are intended to create an incentive for improved offender behavior while on postrelease supervision and also while incarcerated for condition violations. Ideally, the proposal would result in reduced admissions for condition violations. However, the new provisions will be more effective as an incentive for some offenders than for others, and the potential exists for inmate populations to increase and for postrelease supervision caseloads to increase. Until some experience is gained, it is difficult to determine the extent to which this might occur. Since the provisions will apply only to offenders sentenced to crimes committed on or after July 1, 1995 it is difficult to estimate when the impact of an increased period of incarceration will begin. Offenders must first be convicted, serve their prison sentence and be released, violate the conditions of release and return to prison, and serve the 90 days provided by current law before any impact on the prison population is noticed. This sequence of events, coupled with a yet to be determined actual deterrent effect this bill will have on offender behavior, makes it difficult to estimate the impact. However, to illustrate potential impact under different sets of assumptions, the following estimates were prepared.
- *Illustration 1:* Assuming that offenders subject to the bill's provisions will begin being re-admitted as condition violators during the 18th month following the effective date, that the bill would have no impact on the number of condition violator admissions, and that the length of stay would increase to 180 days for 25% of the re-admissions, the bill would increase the total inmate population starting in the 21st month following implementation and increase each month thereafter until the maximum impact of 120 additional inmates would be reached in the 32nd month following implementation.
- *Illustration 2:* If, on the other hand, a phased-in 25% reduction in admissions is also factored in (with other assumptions remaining the same as in Illustration 1), the inmate population would begin to decline in the 18th month following the effective date and decrease each month thereafter until a maximum reduction of 90 inmates is reached in the 30th month following implementation.

### 3. BUDGET IMPACT

The bill is expected to:

- have little or no fiscal impact on the Department of Corrections
- have the potential for fiscal impact resulting from offender population increases/decreases
- have a fiscal impact resulting from the bill's provisions affecting departmental policies, procedures or responsibilities

#### *3a. Fiscal Impact Resulting from Changes in Population Increases/Decreases (if applicable)*

If the bill results in a net increase in inmate population and the correctional facility capacity is sufficient, any additional costs would be limited to the per capita costs for basic support, the total of



which is estimated at \$1,600 annually. For those offenders who would participate in programs, the annual per capita cost would increase to \$2,700 per offender.

Should this bill, either alone or in combination with other legislation or changes in law enforcement, prosecution, judicial or parole policies result in an increase in the inmate population sufficient to require additional facility capacity, one-time construction and equipment costs would be required. In addition, annual costs to staff and operate the additional bedspace would be incurred. The additional construction, equipment, and operating costs (including programs and health care) to be incurred would depend upon the security level and configuration of the beds added.

Pursuant to KSA 1993 Supp. 21-4725, whenever the prison population equals or exceeds 90 percent of the overall prison capacity, the Kansas Sentencing Commission is to propose modifications to the sentencing guidelines grid deemed necessary to maintain the prison population within the reasonable management capacity as determined after consultation with the Secretary of Corrections. The department's most recent projections indicate that prison populations will exceed the department's existing operating capacity by the end of FY 1996, so even small increases in population would exacerbate the current situation and impact capacity considerations.

If the number of offenders under field supervision increases as a result of this bill and the increase in caseload is too large to be absorbed by existing staff without reducing the overall level of supervision, costs for additional field supervision officers will be incurred. The per capita operating cost for field supervision for the current fiscal year is \$1,542 (excluding central office administrative costs).

If offenders are assigned to participate in community corrections programs, these programs would incur additional costs. The unit cost for the basic program for adult offenders currently budgeted for FY 1996 (excluding costs for administration and extended services) is \$2,695. The currently budgeted FY 1996 per capita cost for the adult residential centers operated by Johnson and Sedgwick counties is \$18,900.

#### 4. COMMENTS

- This bill was introduced at the request of the Department of Corrections as part of its legislative package.

## ***Recent Capacity Adjustments and Short-term Expansion Projects***

**Chart 15:** KDOC and Non-KDOC Bedspace July 1, 1993 - May 1, 1995

**Chart 16:** Summary of Short Term Capacity Expansion Projects

**Chart 17:** Current Status of Capacity Expansion Projects

**Chart 18:** Project Schedule

**Chart 19:** Facility Capacities— Before and After Expansion Projects

**Chart 20:** Operating Costs: Bed Expansion Projects

**Chart 21:** Project Descriptions

Chart 15

KDOC and Non-KDOC Bedspace by Sex  
July 1, 1993 - May 31, 1995

<u>Bedspace</u>	<u>Male</u>	<u>Female</u>	<u>Total</u>	<u>Date</u>
<b>Bedspace</b>	<b>6235</b>	<b>376</b>	<b>6611</b>	<b>July 1, 1993</b>
TCF-CU (I-Dorm closed)	-90		-90	July 1993
TCF-RDU (9 bed expansion)	+9		+9	July 15, 1993
HCF-CU (79 bed D-Cellhouse expansion)	+79		+79	October 1993
<b>Bedspace</b>	<b>6233</b>	<b>376</b>	<b>6609</b>	<b>July 1, 1994</b>
●HCF-CU (E-Dorm expansion)	+10		+10	July 1994
●EDCF-CU (15 special use beds converted to gen. pop.)	+15		+15	July 1994
●LCF-CU (32 three men cells converted to four men cells in "c" cellhouse)	+32		+32	August 1994
●TCF-SU (closed)	-107		-107	August 1994
●LCF-EU (R-Dorm opened)	+48		+48	October 1994
●LCF-EU (first half of S-Dorm opened)	+48		+48	December 1994
●LCF-EU (second half of S-Dorm opened)	+48		+48	January 18, 1995
●TCF-CU (24 bed D-Dorm expansion)		+24	+24	February 13, 1995
●NCF-EU (18 bed expansion)	+18		+18	February 15, 1995
●LCF-CU (D-Cellhouse renovation)	+16		+16	March 15, 1995
●LCF-CU (H-Unit)*	+48		+48	April 1, 1995
●EDCF-CU (U-Unit)*	+20		+20	April 21, 1995
●TCF-CU (I-Max opened)		+75	+75	May 1, 1995
(56 female beds removed/56 male beds added at LCF-EU)	+56	-56	-0	May 1, 1995
(16 female eval. beds taken off line)		-16	-16	May 1, 1995
●Contract Jail Bed Reduction	-14		-14	May 1, 1995
●TCF-CU (24 bed A-Dorm expansion)	—	+24	+24	May 15, 1995
<b>Total Bedspace</b>	<b>6471</b>	<b>427</b>	<b>6898</b>	<b>May 31, 1995</b>

\* Beds listed in these 2 projects are on-line and currently in use, but they also are shown in Chart 6, which summarizes the short-term capacity expansion projects. The 48 beds at LC were initially used as temporary beds during the D Cellhouse renovation project. Now that the D Cellhouse project is complete, continued use of the LCF-H Unit requires additional staff, which the department has requested in the expansion proposal. The EDCF-U beds are part of a larger renovation project, most of which is not yet complete.

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**CHART 16  
SUMMARY OF PROJECTS  
SHORT TERM CAPACITY EXPANSION PROJECTS**

**CONSTRUCTION COSTS AND SCHEDULE**

Project	Beds Constructed	Beds Gained	Security Desig.	Gender	Renovation Cost	Capital Outlay Cost	Total Construction Cost	Cost Per Bed	Project Length	Projected Completion Date
TCF-A	24	24	Med	Female	\$12,500	\$10,500	\$23,000	\$958	3 mos.	6/1/95
TCF-B	16	16	Med	Female	\$12,500	\$10,500	\$23,000	\$1,437	3 mos.	7/7/95
LCF-H <sup>1</sup>	48	48	Med	Male	N/A	N/A	N/A	N/A	N/A	Complete
HCF-D	100	100	Med	Male	\$175,000	\$135,000	\$310,000	\$3,100	3 mos.	7/1/95
EDCF-U <sup>2</sup>	115	115	Med	Male	\$245,000	\$145,000	\$390,000	\$3,391	3 mos.	7/1/95
LCF-W	96	56 <sup>3</sup>	Min <sup>4</sup>	Male	\$149,700	\$95,300	\$245,000	\$5,104	5 1/2 mos.	10/15/95
WCF-G	228	96	Min	Male	\$530,000	\$220,000	\$750,000	\$7,813	8 mos.	2/15/96
<b>TOTAL</b>	<b>627</b>	<b>455</b>			<b>\$1,124,700</b>	<b>\$616,300</b>	<b>\$1,741,000<sup>5</sup></b>			

<sup>1</sup> LCF-H project includes continued use of beds brought on line in Sept. '94 as temporary beds during D-Cellhouse renovation, which is now complete. These beds are also counted and reflected in Chart 15.

<sup>2</sup> 20 of the beds at EDCF-U are currently in use. These beds are also counted and reflected in Chart 15.

<sup>3</sup> Earlier descriptions of the LCF-W project indicated that 48 beds will be gained; however, 8 segregation cells not previously counted in operating capacity will also be converted to general population beds, bringing the total to 56.

<sup>4</sup> Results in a gain of medium custody beds as this project provides bed space for minimum custody inmates who are currently occupying medium custody beds.

<sup>5</sup> Approximately \$1.2 million of the renovation cost is being financed from the Department's Rehabilitation and Repair Account and \$473,000 is being financed with federal flood damage reimbursement funds. Of the total \$1.7 million in project expenditures, approximately \$1.2 million will be financed with FY 1995 funds, and the remainder with FY 1996 funds.

**NOTE:** Since this table was initially prepared, one additional 16 bed project at TCF-C has been included, bringing the total short term expansion package to 471 beds, exclusive of double-celling 1.5 cellhouses at EDCF.

CHART 17

SHORT TERM CAPACITY EXPANSION PROJECTS

STATUS AS OF JUNE 1, 1995

Project	Beds Constructed	Budgeted Construction Cost	Funds Expended/Obligated	Original Completion Date	Revised Completion Date	% of Project Complete
TCF-A	24	\$23,000	\$16,520	06/01/95	Complete	100%
TCF-B	16	23,000	9,165	07/01/95	07/07/95	60%
LCF-H	48	0	0	Complete	Complete	100%
HCF-D	100	310,000	237,000	07/01/95	07/01/95	50%
EDCF-U	115	390,000	352,950	07/15/95	07/01/95	80%
LCF-W	96 (56 Net)	245,000	127,400	11/01/95	10/15/95	20%
WCF-G	<u>228</u> ( <u>96 Net</u> )	<u>750,000</u>	<u>29,000</u>	02/15/96	02/15/96	5%
Subtotal	627 (455 Net)	\$1,741,000	\$772,035			

ADDITIONAL PROJECTS

TCF-C	16	\$23,000	\$6,400	10/01/95	09/01/95	0%
EDCF-E/D	<u>192</u>	<u>130,000</u>	<u>71,000</u>	06/01/95	08/01/95	0%
Subtotal	<u>208</u>	<u>153,000</u>	<u>77,400</u>			
<b>GRAND TOTAL</b>	835 (663 Net)	\$1,894,000	\$849,435			



CHART 19

**Population vs Operating Capacity  
MALES**

<u>Facility</u>	<u>May 31, 1995 Population</u>	<u>May 31, 1995 Operating Capacity</u>	<u>Proposed Expansions</u>	<u>Operating Capacity with Expansions</u>
Lansing	1859	1863	56 <sup>(1)</sup>	1919
Hutchinson	1525	1503	100	1603
El Dorado	819	817	287 <sup>(2)</sup>	1104
Norton	610	612	-	612
Ellsworth	581	584	-	584
Topeka	331	331	-	331
Winfield	289	290	96	386
Wichita	190	188	-	188
Larned	135	150	-	150
Non-KDOC Facilities	<u>75</u>	<u>133</u>	<u>10<sup>(3)</sup></u>	<u>143</u>
<b>TOTAL</b>	<b>6414</b>	<b>6471</b>	<b>549</b>	<b>7020</b>

- (1) Beds for the proposed 48 bed H-Unit Option are included in the May 31, 1995 operating capacity. These beds were brought on-line in September '94 as a temporary action. Earlier descriptions of the LCF-W project indicated that 48 beds will be gained; however, 8 segregation cells not previously counted in operating capacity will also be converted to general population beds, bringing the total to 56.
- (2) 192 beds at EDCF will be gained through the double celling of one and one half existing housing units. Twenty of the 115 beds gained through the U-Unit Option have been on-line as a temporary action since May 1, 1995, and are included in the May 31, 1995 operating capacity.
- (3) On June 1, 1995, 10 beds were added to the operating capacity for housing KDOC inmates per S.B. 360 at Labette Correctional Conservation Camp (LCCC).

**FEMALES**

<u>Facility</u>	<u>May 31, 1995 Population</u>	<u>May 31, 1995 Operating Capacity</u>	<u>Proposed Expansions</u>	<u>Operating Capacity with Expansions</u>
Topeka	388	403	32	435
Wichita	10	10		10
Non-KDOC Facilities	<u>7</u>	<u>14</u>	<u>(-4)<sup>(1)</sup></u>	<u>10</u>
<b>TOTAL</b>	<b>405</b>	<b>427</b>	<b>28</b>	<b>455</b>

- (1) The contract with Topeka Halfway House to provide 4 work release beds for female offenders will be terminated on June 30, 1995.

**MALES AND FEMALES**

<b>GRAND TOTAL</b>	<b>6819</b>	<b>6898</b>	<b>577</b>	<b>7475</b>
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Note: When all projects are complete, the revised total operating capacity will be 7,475. As an illustration, if the growth rate experienced since January 1, 1995 would continue at an average of 90 per month, all additional beds would be filled in approximately seven months.

**CHART 20  
OPERATING COSTS - BED EXPANSION PROJECTS**

This chart summarizes the estimated operating costs for the bed expansion projects. The FY 1996 amount of \$2,389,406 was included in the Governor's budget amendment and approved by the Legislature subject to release by the State Finance Council. For those projects that will not be on line for the entire year, the annual amount was reduced accordingly to reflect the costs that will be incurred in FY 1996. The estimated annual costs are in current dollars, i.e. the annual costs do not include additional amounts for employee step movement, base salary increases, and inflation.

<u>Project</u>	<u>Positions Required</u>	<u>FY 1996</u>				<u>ANNUAL</u>			
		<u>Salaries &amp; Wages</u>	<u>Other Operating Expenditures</u>	<u>Medical Cost</u>	<u>Total Operating Costs</u>	<u>Salaries &amp; Wages</u>	<u>Other Operating Expenditures</u>	<u>Medical Cost</u>	<u>Total Operating Costs</u>
TCF-A		\$ ----	\$ 38,400	\$ ----	\$ 38,400	\$ ----	\$ 38,400	\$ ----	\$ 38,400
LCF-H	6	156,589	----	----	156,589	156,589	----	----	156,589
HCF-D	12	328,595	280,000	183,981	792,576	328,595	280,000	183,981	792,576
EDCF-U	14	381,077	451,375	122,654	955,106	381,077	451,375	122,654	955,106
LCF-W	6	147,674	51,200	33,262	232,136	180,575	76,800	49,893	307,268
WCF-G	5	66,562	91,000	57,037	214,599	133,123	218,400	136,888	488,411
<b>TOTAL</b>	<b>43</b>	<b>\$ 1,080,497</b>	<b>\$ 911,975</b>	<b>\$ 396,934</b>	<b>\$ 2,389,406</b>	<b>\$ 1,179,959</b>	<b>\$ 1,064,975</b>	<b>\$ 493,416</b>	<b>\$ 2,738,350</b>

Note: Subsequent to submission of the request for a Governor's budget amendment, two additional expansion projects providing for double occupancy of the B and C dormitories at the Topeka Correctional Facility-Central Unit were developed. Consequently, funds to finance the operating costs associated with these projects were not included in the budget amendment.



## Salaries and Wages

With the exception of the additional staff for the H unit at the Lansing Correctional Facility, the annual salaries and wages cost for each project were computed utilizing the following assumptions:

- the cost for entry level positions was computed utilizing steps A and B of the respective salary range (six months at step A and six months at step B).
- the cost for all other positions was computed utilizing step E (12 months) of the respective salary range.

The cost for the additional staff required for the H unit reflects the amounts included in the FY 1996 budget request submitted by the Lansing Correctional Facility. The need for this project was anticipated at the time the facility's budget document was prepared, and consequently the additional positions were requested for FY 1996. The additional positions were not included in the Governor's original recommendations.

For those projects that will not be on line for the entire year, the annual cost has been reduced to reflect the costs that will be incurred in FY 1996.

The following table summarizes the positions and salaries and wages costs for the bed expansion projects:

<u>OPTION</u>	<u>POSITIONS</u>	<u>FY 1996</u>	<u>ANNUAL</u>
TCF-A	None	\$ -----	\$ -----
LCF-H	5 Corrections Officer II	\$ 125,836	\$ 125,836
	1 Corrections Counselor I	<u>30,753</u>	<u>30,753</u>
		\$ 156,589	156,589
HCF-D	5 Corrections Officer II	\$ 146,920	\$ 146,920
	5 Corrections Officer I	114,365	114,365
	2 Corrections Counselor I	<u>67,310</u>	<u>67,310</u>
		\$ 328,595	\$ 328,595
EDCF-U	5 Corrections Officer II	\$ 146,920	\$ 146,920
	7 Corrections Officer I	160,111	160,111
	1 Corrections Counselor I	33,655	33,655
	1 Unit Team Manager	<u>40,391</u>	<u>40,391</u>
		\$ 381,077	\$ 381,077
LCF-W	5 Corrections Officer II	\$ 122,433	\$ 146,920
	1 Corrections Counselor I	<u>25,241</u>	<u>33,655</u>
		\$ 147,674	\$ 180,575
WCF- Garland	3 Corrections Officer II	\$ 44,076	\$ 88,152
	1 General Maint. Repair Technician	13,180	26,360
	1 Office Assistant II	<u>9,306</u>	<u>18,611</u>
		\$ 66,562	\$ 133,123
TOTAL	43.0 FTE	<u>\$ 1,080,497</u>	<u>\$ 1,179,959</u>

### Other Operating Expenditures

For those projects adding less than 50 beds to existing housing units, the annual OOE amount is based upon the marginal cost per inmate of \$1,600 times the number of beds added. This is the method that was utilized for computing the additional costs for the W unit at the Lansing Correctional Facility (48 beds) and the A dormitory at the Topeka Correctional Facility (24 beds). Included in the marginal cost of \$1,600 are amounts of \$1,045 for food, \$225 for incentive pay, \$200 for clothing, and \$130 for supplies and postage. Since the W unit at LCF will only be on line for eight months of the year, the annual amount of \$76,800 has been reduced to \$51,200 to reflect the costs that will be incurred in FY 1996.

In recognition of the fact that costs in addition to the marginal cost are incurred as increasing numbers of inmates are added to a facility, the following assumptions were used to project the OOE cost for the expansion projects at the Hutchinson, El Dorado, and Winfield correctional facilities.

- Since the basement of D cellhouse at HCF is currently being utilized for vocational education programs, it can be assumed that some of the additional costs for the conversion of this space to a different use are already included in the facility's budget. However, in order to take into account the additional costs that will be incurred once the space begins to be used for housing inmates, the marginal cost of \$1,600 has been increased by 75 percent to \$2,800. This increased amount is intended to reflect costs that are not included in the marginal cost, i.e. repair of buildings and equipment, utilities, maintenance materials, and miscellaneous supplies and cleaning materials. The OOE cost is based upon \$2,800 times 100 beds.
- Since the projects at EDCF (115 beds) and WCF (96 beds) reflect the addition of new housing units, the OOE costs are based upon the average cost per inmate (Governor's FY 1996 recommendation) times the number of beds added. The average OOE cost per inmate for EDCF and WCF is \$3,925 and \$2,275, respectively. Since the new housing unit at WCF will only be on line for approximately five months of the year, the annual cost of \$218,400 has been reduced to \$91,000 to reflect the costs that will be incurred in FY 1996.

It should be pointed out that additional funds for OOE were not requested for operation of the 48-bed H unit at LCF, based upon the assumption that utilization of these additional beds were reflected in the average daily population upon which the FY 1996 budget was based. Inmates were housed in the unit beginning in September of 1994.

**Medical Costs**

Under provisions of the health care contract, additional payments are made to the provider when the population at any facility begins to exceed the population level upon which the contract is based by 10 percent. Utilization of the beds included in the expansion projects will result in increased payments for health care at the Hutchinson, El Dorado, Lansing, and Winfield correctional facilities. For those projects that will not be on line for the entire year, the annual amounts have been reduced accordingly to reflect the costs that will be incurred in FY 1996.

**CHART 21  
SHORT TERM EXPANSION PROJECTS**

1. **TCF-A Dorm - 24 medium custody female beds  
TCF-B Dorm - 16 medium custody female beds**

**Project Overview**

This option adds 24 medium custody female beds to existing space in A-Dorm at the Topeka Correctional Facility and 16 medium custody female beds to existing space in B-Dorm. Renovation consists of adding toilets and showers in order to meet American Correctional Association (ACA) standards. The rooms in these dorms are 100 square feet in size and will easily accommodate double occupancy. In the event more space is required, an additional 16 beds can be added to the Central Unit without significantly impacting support services. The cost per bed is \$950. A-Dorm project was completed on June 1, 1995; B-Dorm project is scheduled for completion on July 7, 1995.

**A-Dorm/B-Dorm**

**Construction/Capital Outlay Costs**

General Construction	\$ 8,000
Plumbing	<u>4,000</u>
SUBTOTAL	\$ 12,000
Contingency	<u>500</u>
TOTAL	\$ 12,500
Furniture - Beds	\$ <u>9,600</u>
SUBTOTAL	\$ 9,600
Contingency	<u>900</u>
TOTAL	\$ 10,500
GRAND TOTAL	\$ 23,000
GRAND TOTAL A Dorm/B Dorm (\$23,000 x 2)	\$ 46,000

**Related Construction/Renovation**

None.

**NOTE:** Since this summary was initially prepared, one additional 16 bed project at TCF-C has been included at a cost of \$23,000.

## **2. LCF-H Unit - 48 medium custody male beds**

### **Project Overview**

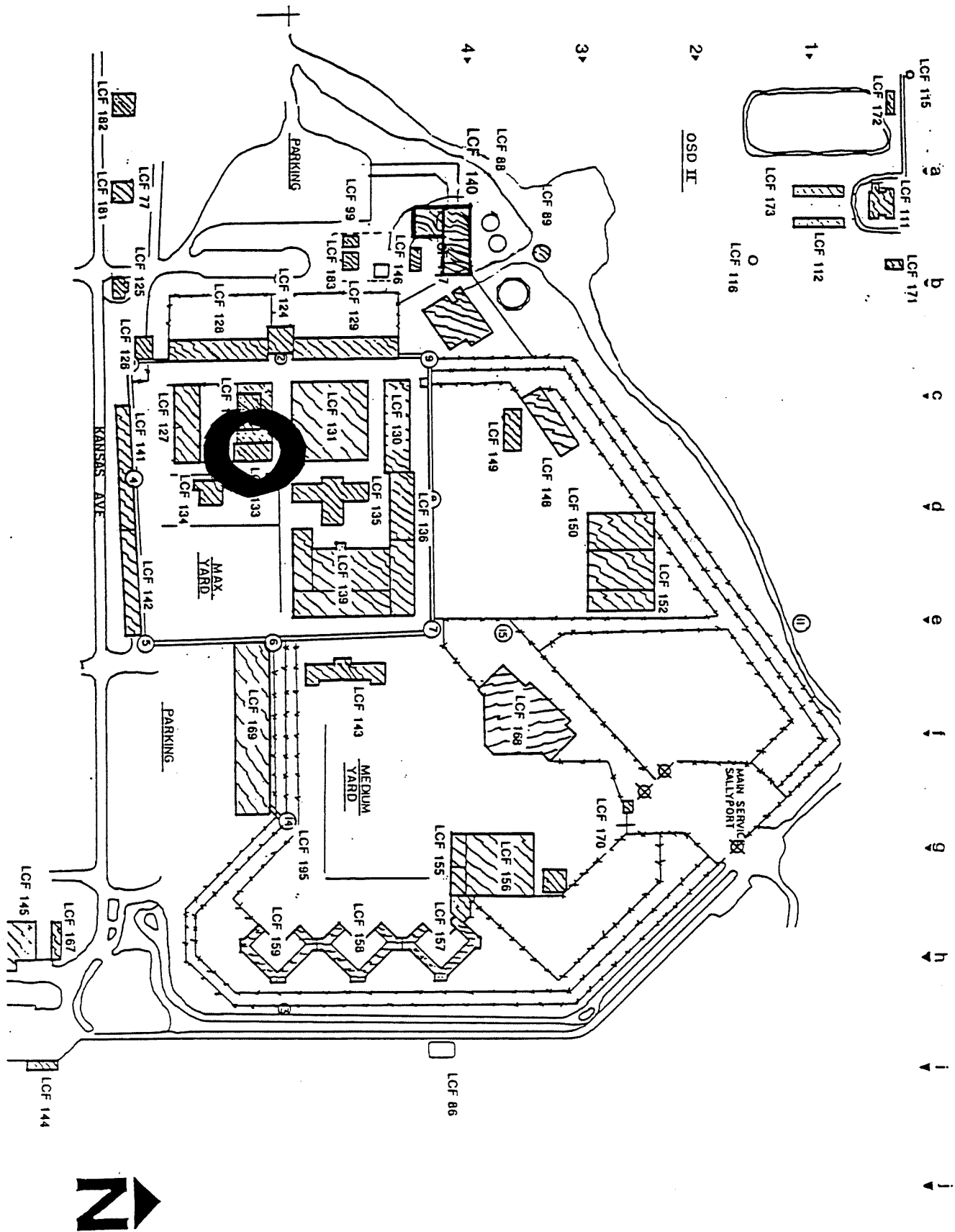
This option adds 48 medium custody male beds to the third floor of the old Extended Care Unit activity building (H-Unit) at the LCF-Central Unit at a per bed cost of less than \$2,000. This project is already complete and provides housing for 48 inmates. When this unit was occupied in September, 1994, staff were temporarily assigned to H-Unit from D-Cellhouse. With renovation being completed on March 15, 1995, staffing H-Unit presents a problem unless additional staffing is provided.

### **Construction/Capital Outlay Costs**

None.

### **Related Construction/Renovation**

None.



LCF Lansing Correctional Facility - Central Unit **FACILITY PLAN**

### 3. HCF-D Cellhouse Basement - 100 medium custody beds

#### Project Overview

This three month project adds 100 medium custody open dormitory male beds to the basement of D-Cellhouse at HCF-central unit. The renovation would include the installation of sufficient plumbing facilities to meet ACA standards and upgrading the electrical system. A limited amount of demolition will be required since the basement is currently designed for program space. This project is scheduled for completion on July 1, 1995.

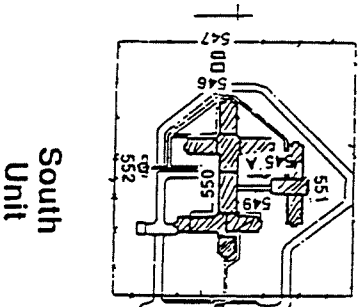
#### Construction/Renovation Costs

General Construction	\$ 88,500
Plumbing	15,000
Heating	20,000
Electrical	<u>35,000</u>
SUBTOTAL	\$ 158,500
Contingency	<u>16,500</u>
TOTAL	\$ 175,000
Partitions	\$ 30,000
Furniture - Cells	54,000
Furniture - Dayroom	12,000
Furniture - Offices	10,000
Equipment - Security Cameras and Radios	<u>17,000</u>
SUBTOTAL	\$ 123,000
Contingency	<u>12,000</u>
TOTAL	\$ 135,000
GRAND TOTAL	\$ 310,000

#### Related Construction/Renovation

None.

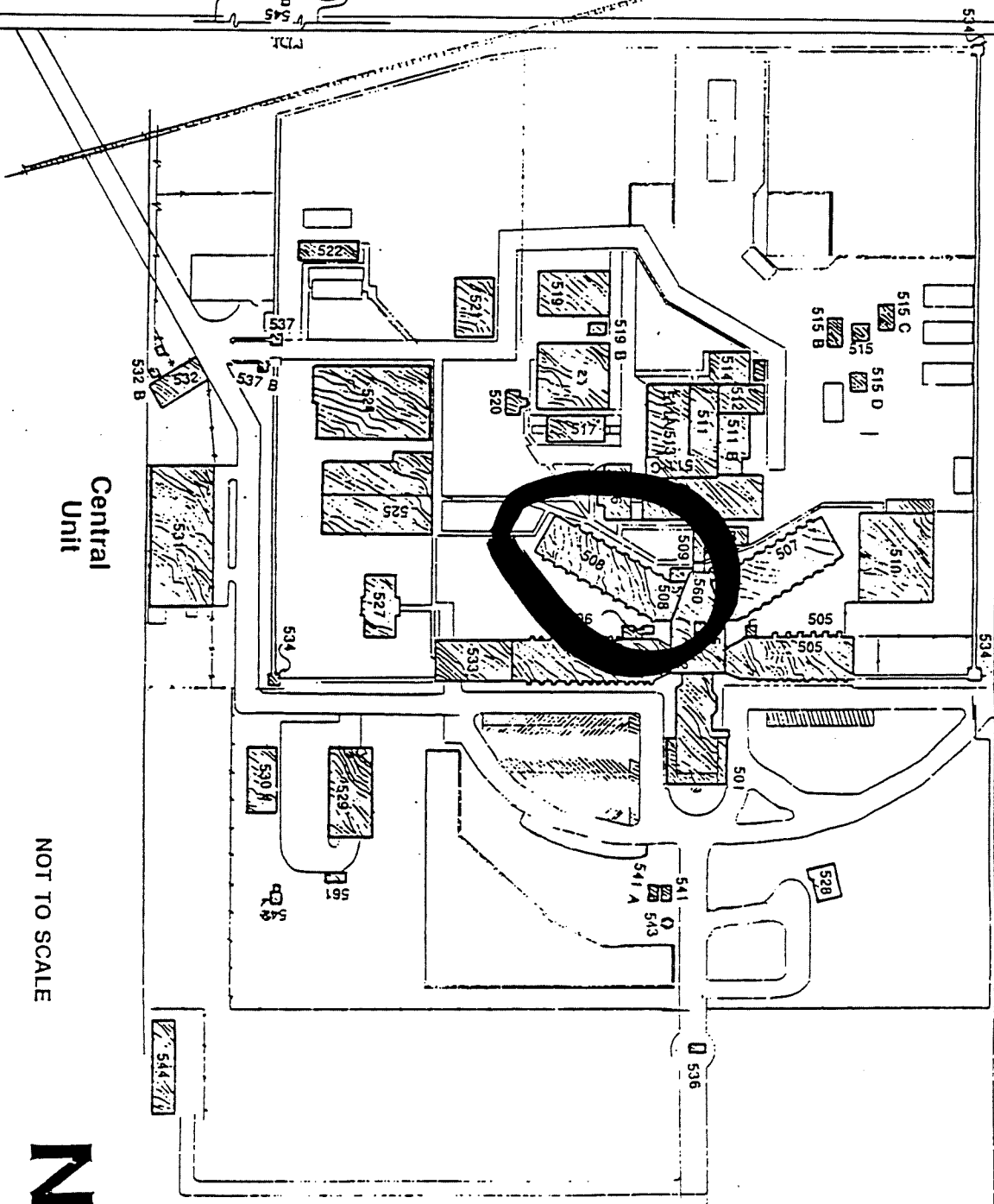




South Unit

1  
2  
3  
4

a  
b  
c  
d  
e  
f  
g  
h  
i  
j



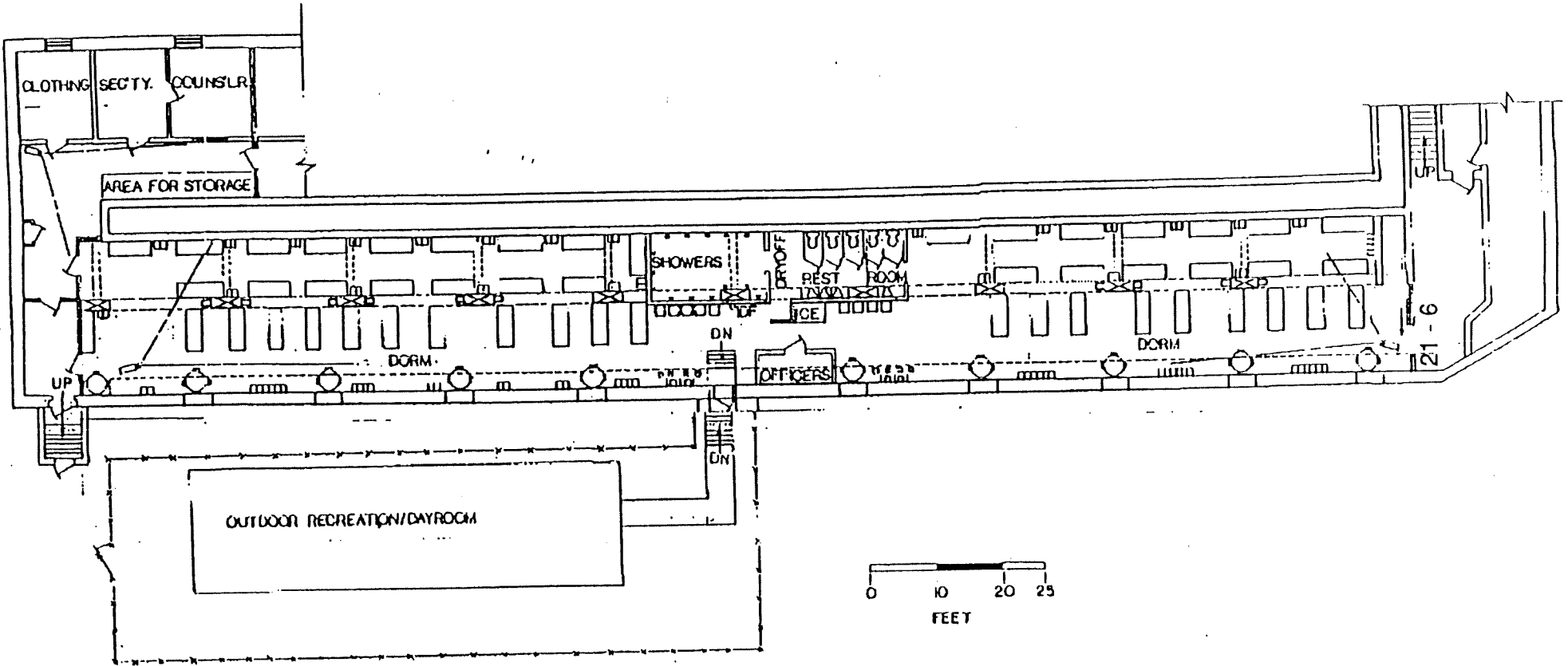
Central Unit

NOT TO SCALE



21-5

4-45



HCF-C		
PO Box 1568 HUTCHINSON, KS 67504		
SCALE: 1/8" = 1'	APPROX 15 IN	DRAWN BY JACKSON
DATE: 3/6/95		REVISED
D BSMT 100-MAN DORM		
FLOOR PLAN		508-A2

#### 4. EDCF-U Building - 115 medium custody male beds

##### Project Overview

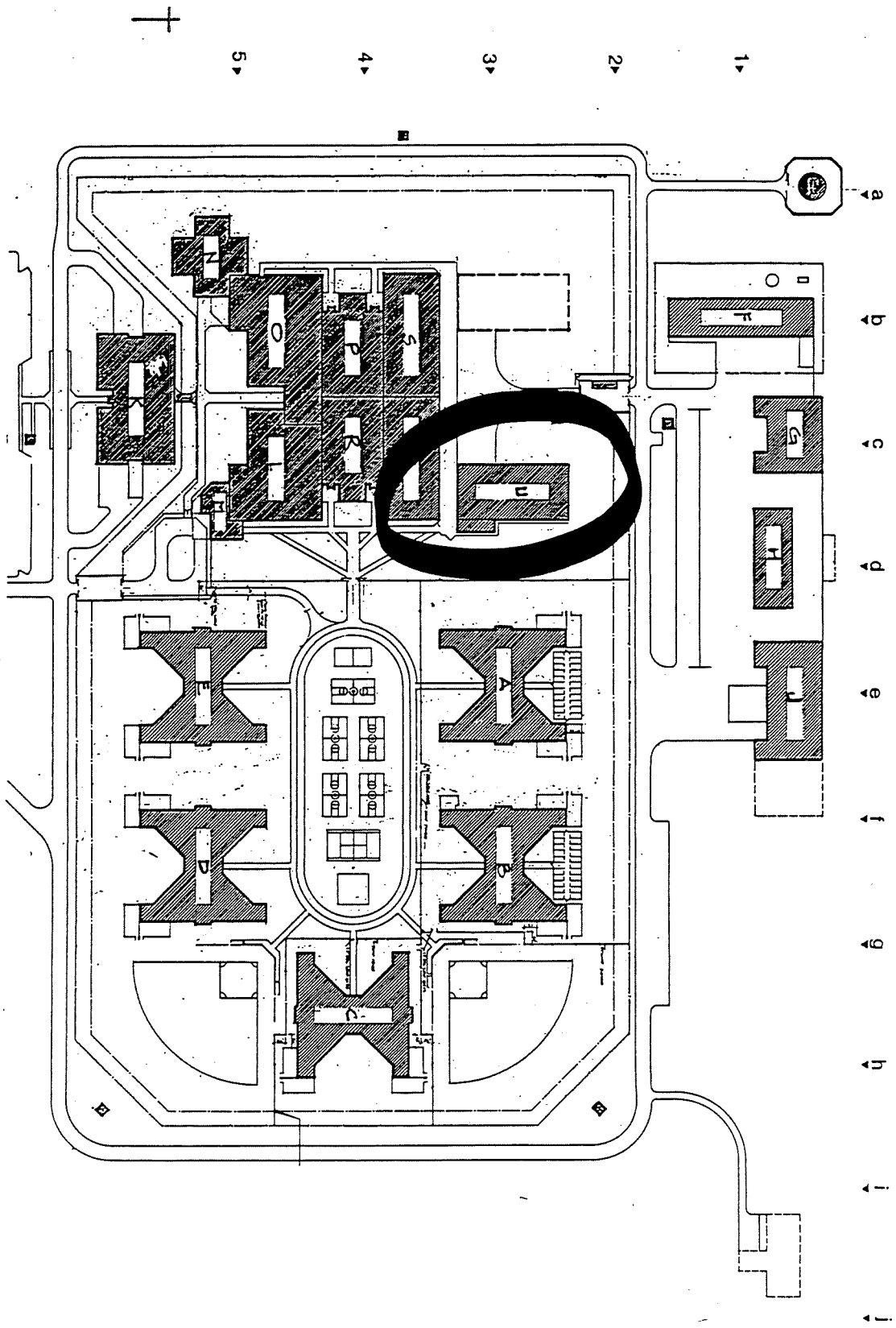
This is a twelve (12) week project which adds 115 medium custody male beds to the operating capacity by converting a warehouse intended for industry use to open dormitory housing at EDCF. The renovation involves adding sufficient plumbing facilities to meet ACA standards, upgrading the electrical system, installing an air tempering system (required due to the metal building construction), adding security communication equipment and cameras, and sufficient beds to accommodate the increase in numbers. The facility is located inside the secure perimeter but will house medium custody inmates in a dormitory setting. The per bed cost is \$3,391. The projected completion date is July 1, 1995.

##### Construction/Capital Outlay Costs

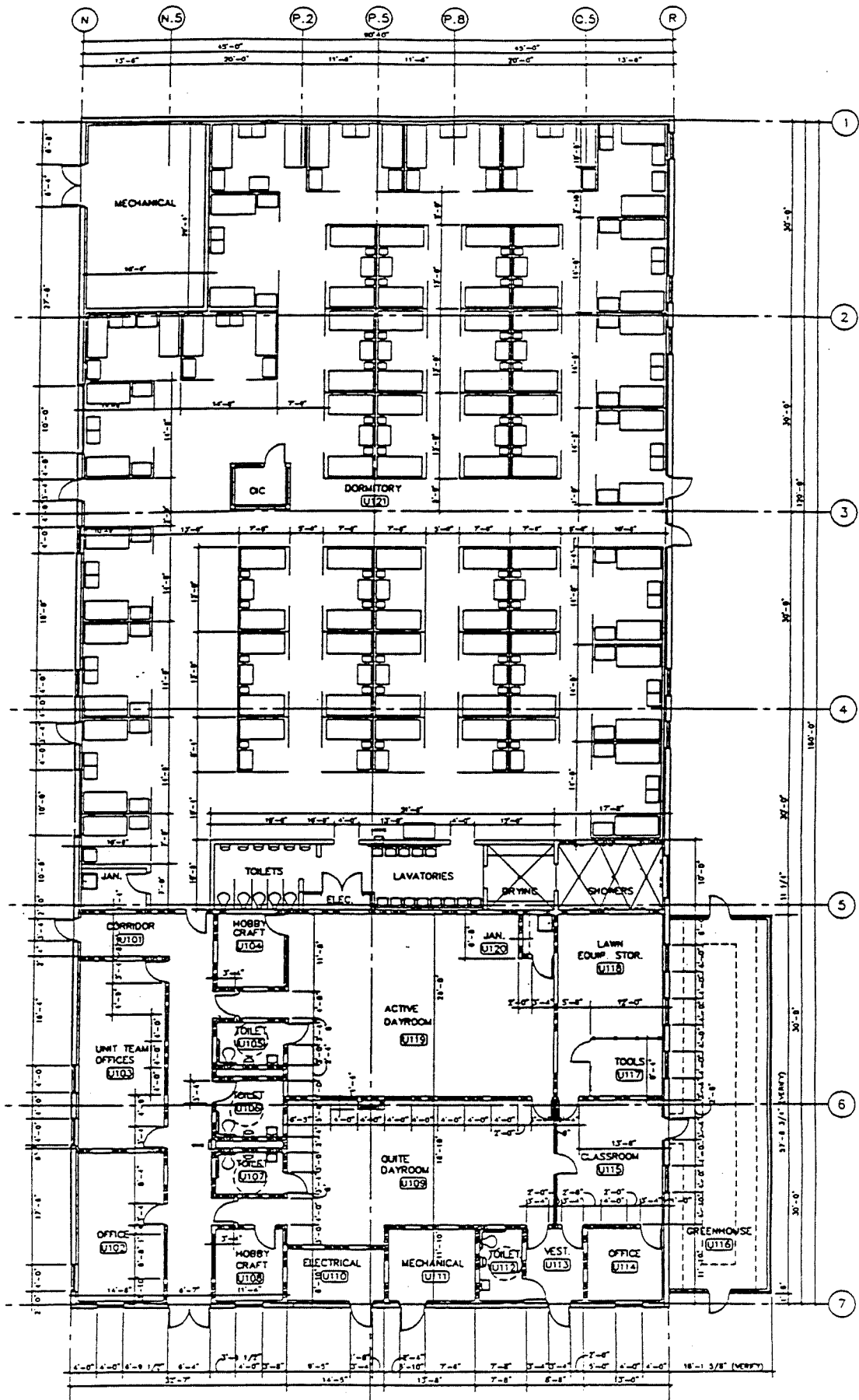
Sitework	\$ 3,200
General Construction	78,900
Plumbing	17,000
Heating	20,000
Air Tempering	75,000
Electrical	<u>35,000</u>
SUBTOTAL	\$ 229,100
Contingency	<u>15,900</u>
TOTAL	\$ 245,000
Partitions	30,000
Furniture - Cells	62,000
Furniture - Dayroom	12,000
Furniture - Office	10,000
Equipment - Security Cameras and Radios	15,000
Laundry Equipment - Dryer	<u>6,000</u>
SUBTOTAL	\$ 135,000
Contingency	<u>10,000</u>
TOTAL	\$145,000
GRAND TOTAL	\$ 390,000

##### Related Construction/Renovation

None.



21 - 8



(A) FLOOR PLAN <sup>21-9</sup> BUILDING U11  
EDCF

**5. LCF-W Unit - 56 minimum custody male beds**

**Project Overview**

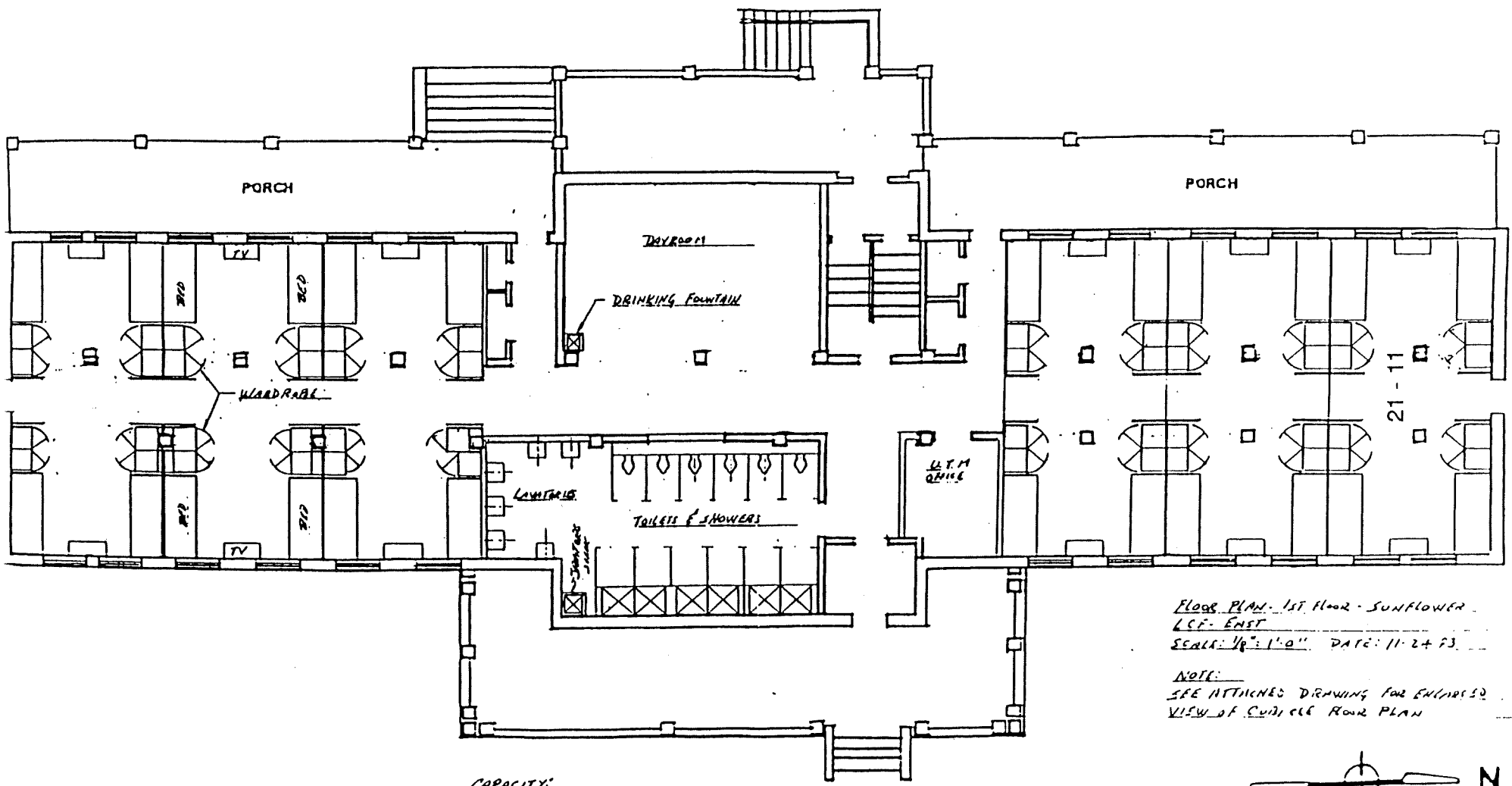
This option provides space for 96 minimum custody male inmates at the Lansing Correctional LCF - (W) Unit. This unit currently houses 40 maximum custody female inmates. These inmates moved into the new maximum security facility in Topeka on May 1, 1995. The renovation will require upgrades to the heating, plumbing, and electrical sub-systems and demolition of the single rooms and day room areas to provide open dormitory housing. Once complete, this renovation will add an additional 56 minimum custody beds, bringing the total operating capacity to 96. (Earlier descriptions of the LCF-W project indicated that 48 beds would be gained; however, 8 segregation cells not previously counted in operation capacity will also be converted to general population beds, bringing the total to 56.) Some equipment upgrades will be necessary to equipment in the food service area. This six month project is scheduled for completion on October 15, 1995. The cost per bed is \$5,104.

**Construction/Capital Outlay Costs**

General Construction	\$ 55,700
Heating	15,000
Plumbing	15,000
Electrical	51,000
SUBTOTAL	\$ 136,700
Contingency	13,000
TOTAL	\$ 149,700
Partitions	10,000
Furniture - Cells	51,300
Equipment - Security Cameras, Radios and Food Service	26,000
SUBTOTAL	\$ 87,300
Contingency	8,000
TOTAL	\$ 95,300
GRAND TOTAL	\$245,000

**Related Construction/Renovation**

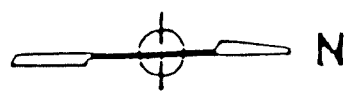
None.

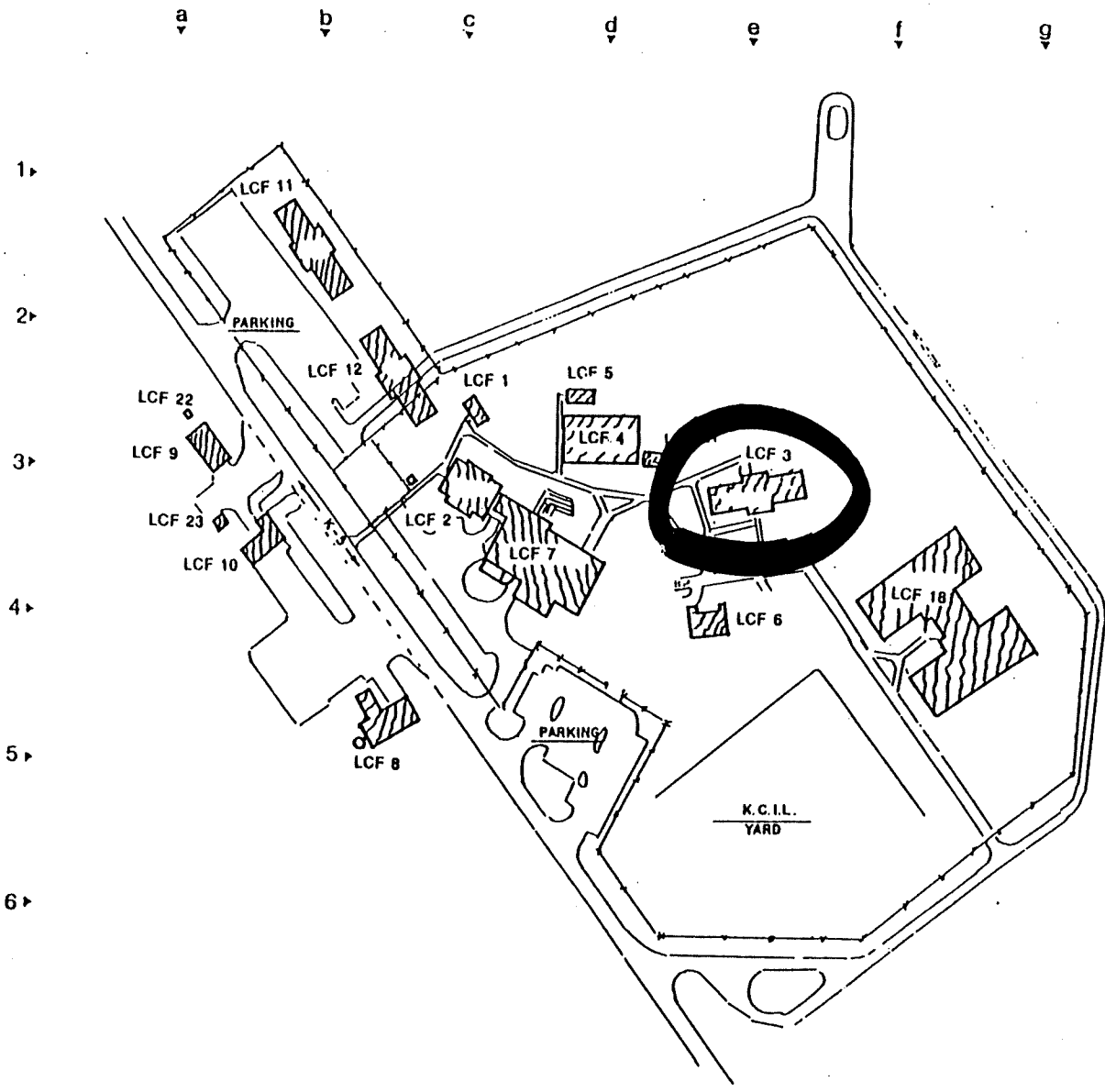


FLOOR PLAN - 1ST FLOOR - SUNFLOWER -  
 LCF - EAST  
 SCALE: 1/8" = 1'-0" DATE: 11-24-53

NOTE:  
 SEE ATTACHED DRAWING FOR ENLARGED  
 VIEW OF CUBICLE FLOOR PLAN

CAPACITY:  
 SINGLE BUNK - 24 INMATES UNENCUMBERED SPACE = 51 5/8 SQ. FT. EA.  
 DOUBLE BUNK - 48 INMATES UNENCUMBERED SPACE = 25 1/2 SQ. FT. EA.





BLDG. INVENTORY NUMBER	BUILDING NAME
LCF 1	Control
LCF 2	Administration Building
LCF 3	Perry Building
LCF 4	Phillips Hall
LCF 5	Phillips Hall Annex
LCF 6	Laundry
LCF 7	Activities Building
LCF 8	Maintenance
LCF 9	Power House
LCF 10	Soap Factory
LCF 11	Sunflower
LCF 12	Redwood
LCF 17	Sleep Out (Min.)
LCF 18	New Dormitory (Min.)
LCF 20	Guard House
LCF 21	Greenhouse (Phillips Hall)
LCF 22	Generator Shed
LCF 23	Soap Factory Storage Shed

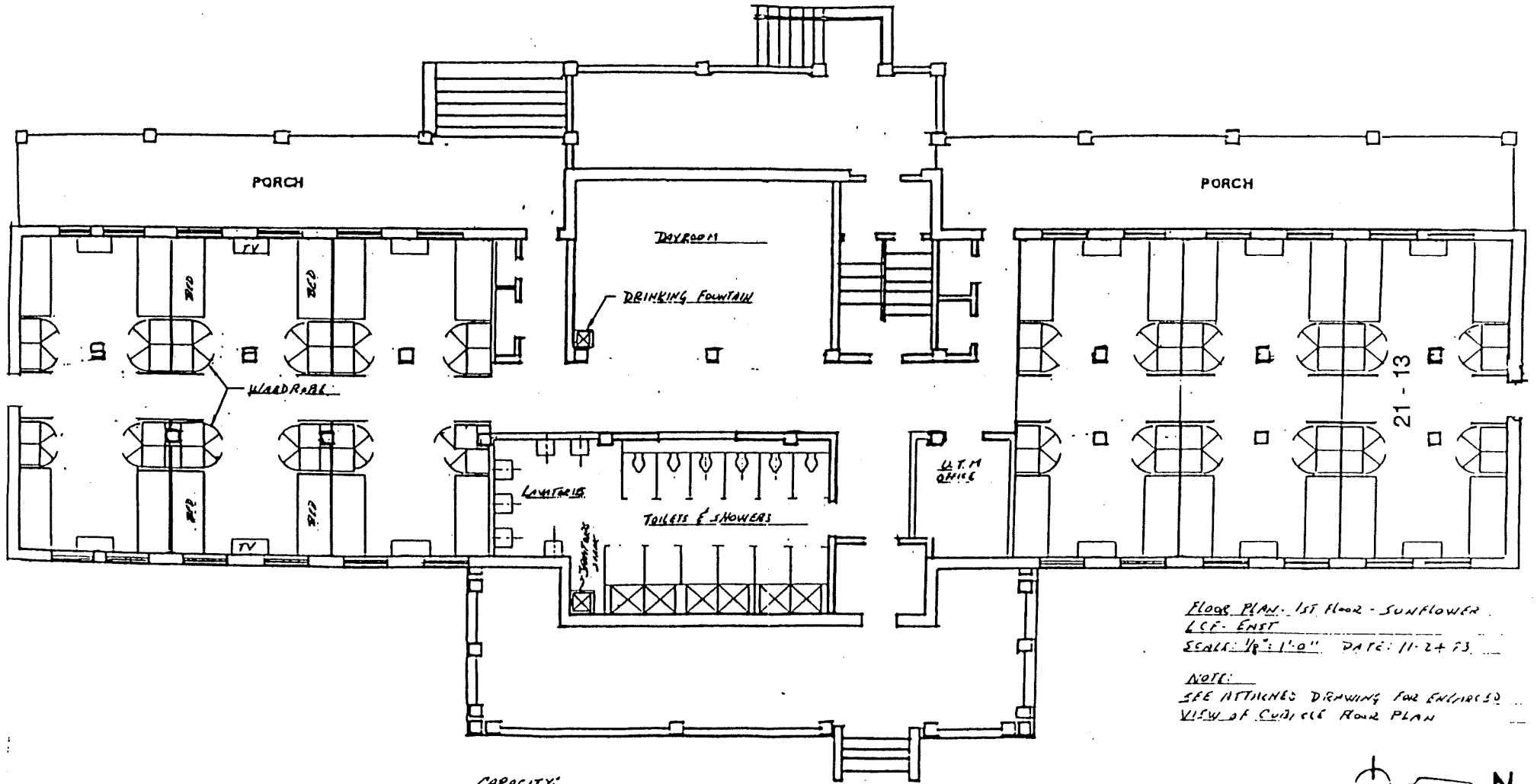
21 - 12

No scale



LCF Lansing Correctional Facility - East Unit **FACILITY PLAN**



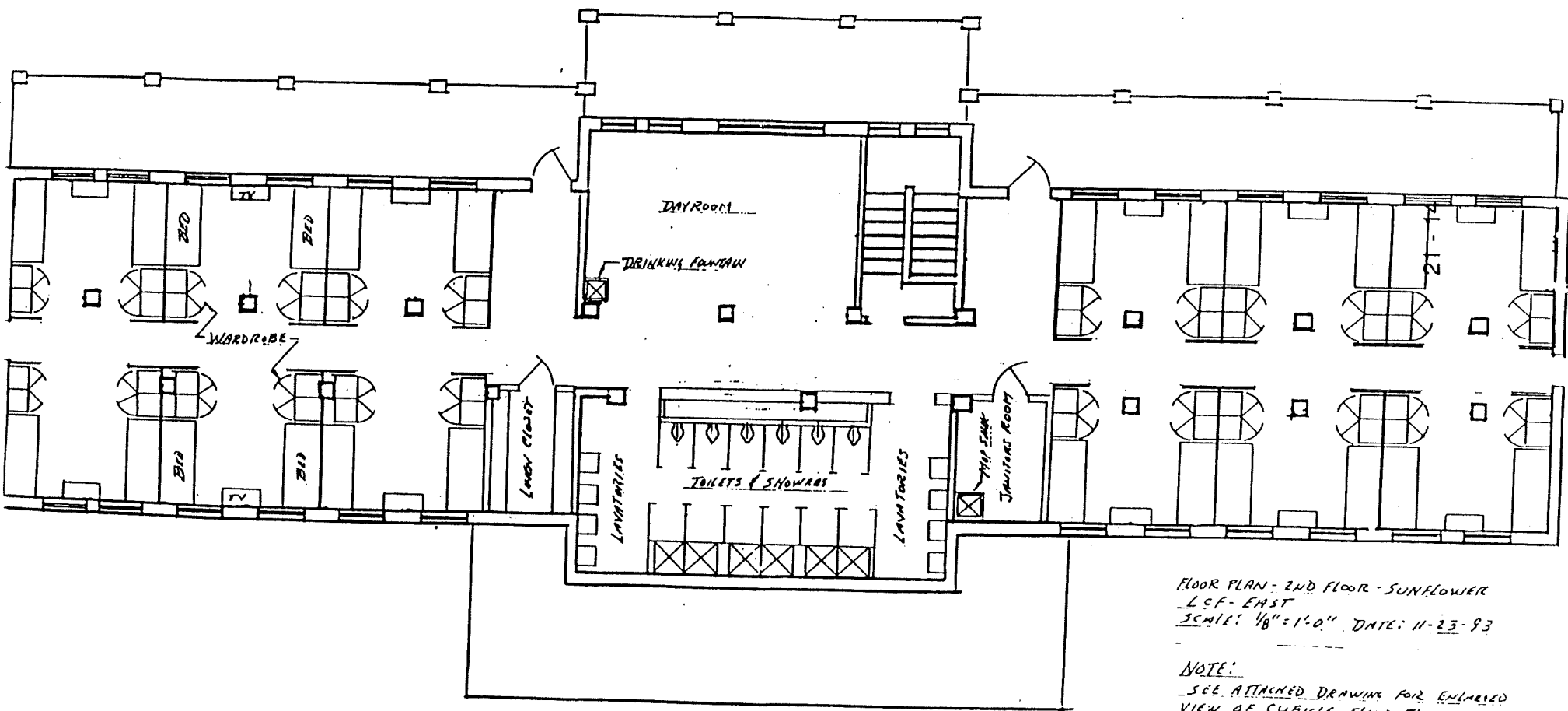


FLOOR PLAN - 1st floor - SUNFLOWER  
 LCF - ENST  
 SCALE: 1/8" = 1'-0" DATE: 11-24-73

NOTE:  
 SEE ATTACHED DRAWING FOR ENLARGED  
 VIEW OF CURTAIN ROUL PLAN

CAPACITY:  
 SINGLE BUNK - 24 INMATES - UNENCUMBERED SPACE - 51.53 SQ. FT.  
 DOUBLE BUNK - 48 INMATES - UNENCUMBERED SPACE - 25.54 SQ. FT. EA.

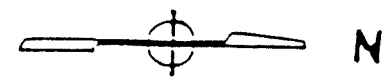


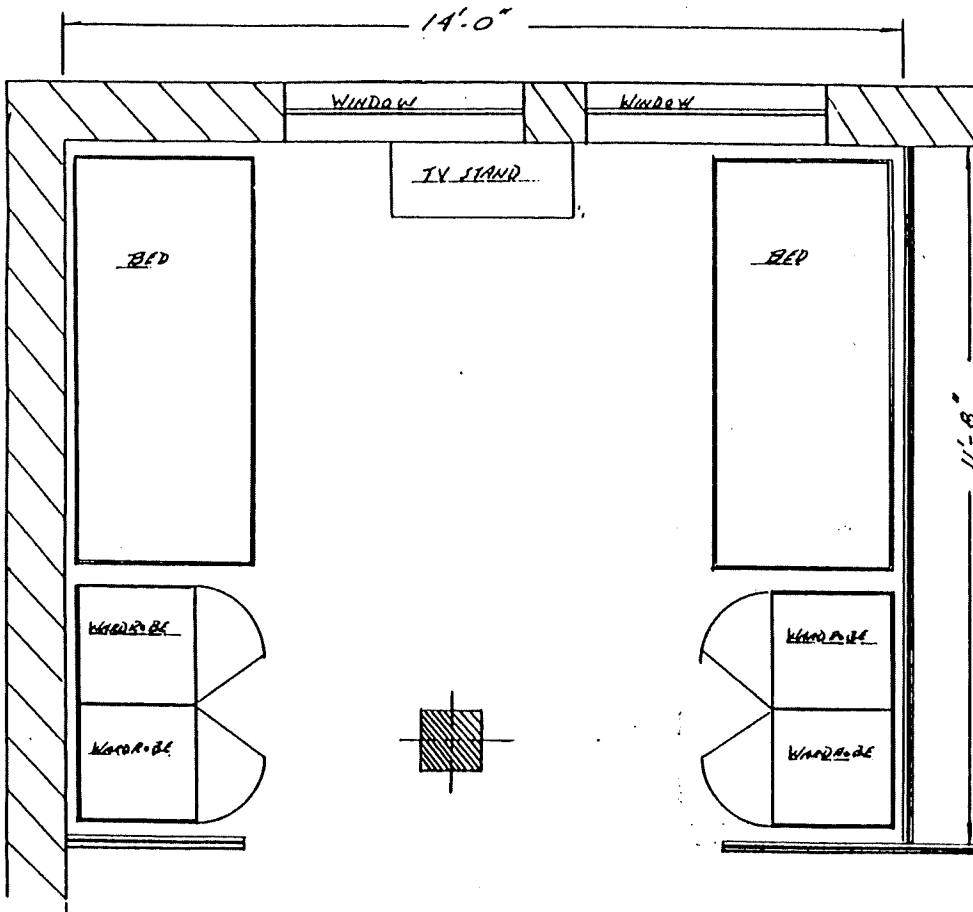


FLOOR PLAN - 2ND FLOOR - SUNFLOWER  
 LCF - EAST  
 SCALE: 1/8" = 1'-0" DATE: 11-23-93

NOTE:  
 SEE ATTACHED DRAWING FOR ENLARGED  
 VIEW OF CUBICLE FLOOR PLAN

CAPACITY:  
 SINGLE BUNK - 24 INMATES - UNOCCUPIED SPACE: 59 SQ. FT. EA.  
 DOUBLE BUNK - 48 INMATES - UNOCCUPIED SPACE: 25 1/2 SQ. FT. EA.





TYPICAL CUBICLE LAYOUT  
2 BED HIGH - 4 BEDS PER CUBICLE  
2 TV ON STAND - 2 TV ON TOP OF WARDROBE

BED - 76" X 81 3/4" = 20.69' X 2 = 41.38  
 WARDROBE - 29" X 29" = 4.0' X 4 = 16.0  
 TV STAND - 15" X 36" = 3.75' X 1 = 3.75  
TOTAL ENCUMBERED SPACE = 61.13 SQ. FT.

TOTAL SQUARE FOOT AVAILABLE = 163.33  
 LESS ENCUMBERED SPACE = 61.13  
SQUARE FOOT UNENCUMBERED = 102.2

102.2 = 25.55 SQ. FT. PER  
4 INMATE INMATE - UNENCUMBERED  
 2

TYPICAL CUBICLE PLAN  
SUNFLOWER BUILDING - 6CF - EAST  
4 INMATES PER CUBICLE  
SCALE: 1/2" = 1'-0" DATE: 11-23-93

**6. WCF-Garland Building - 96 minimum custody male beds**

**Project Overview**

This option would add 96 minimum custody beds to the Winfield Correctional Facility. This building has three (3) floors and will require substantial renovation to provide for habitable space.

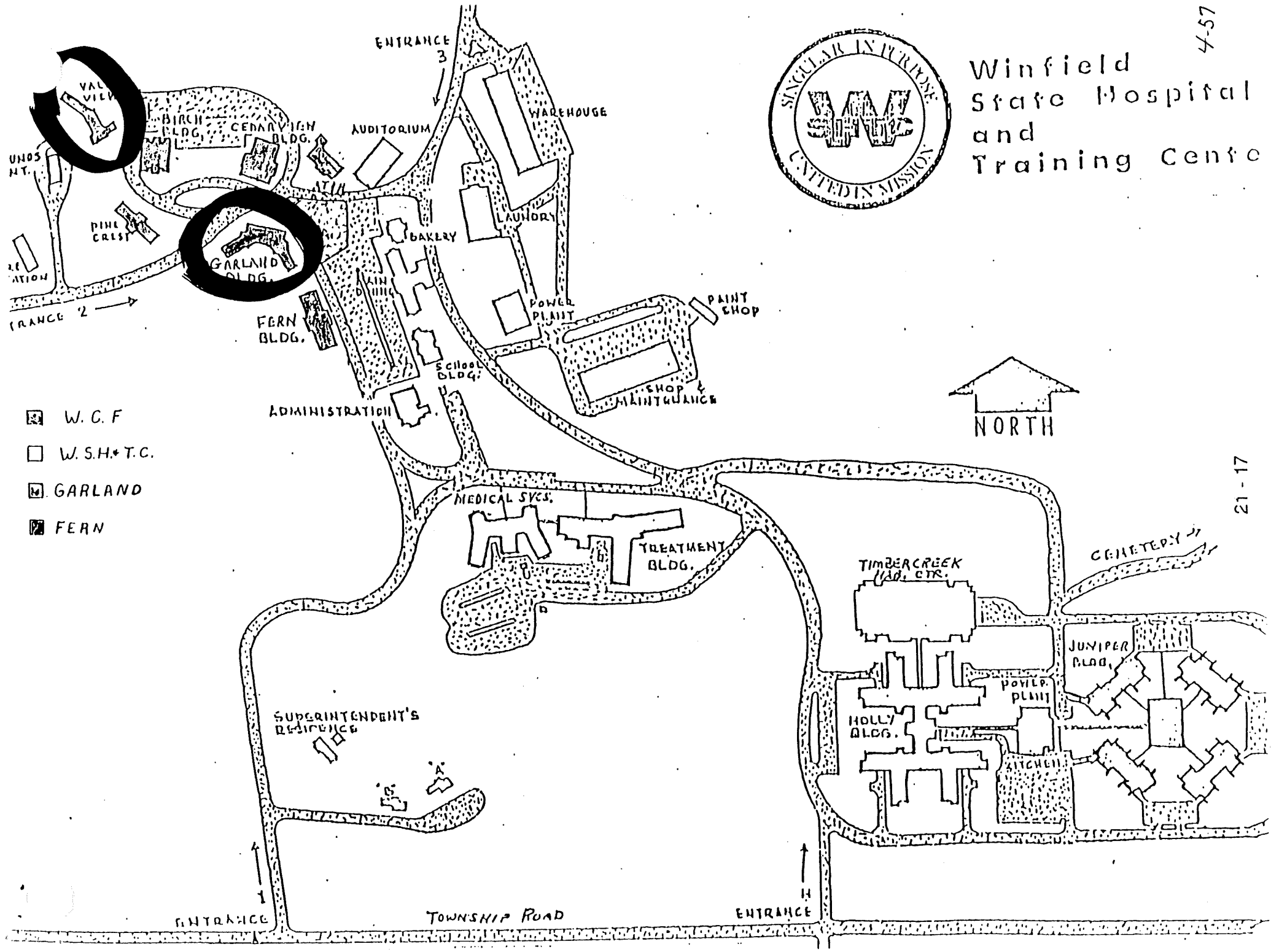
The Garland option would provide space for 228 minimum custody inmates. The Department would vacate A-Dorm at WCF, which currently houses 132 inmates, and relocate them to the renovated space. Thus, 96 additional beds are provided with only five additional staff. Renovation for Garland would require improvements in plumbing, electrical, fire alarm systems, and some asbestos removal. This nine month project is scheduled for completion on February 15, 1996. The cost per bed is \$7,813.





Renovation of this building will necessitate hiring three special project supervisors from rehabilitation and repair funds.

**Construction/Capital Outlay Costs**

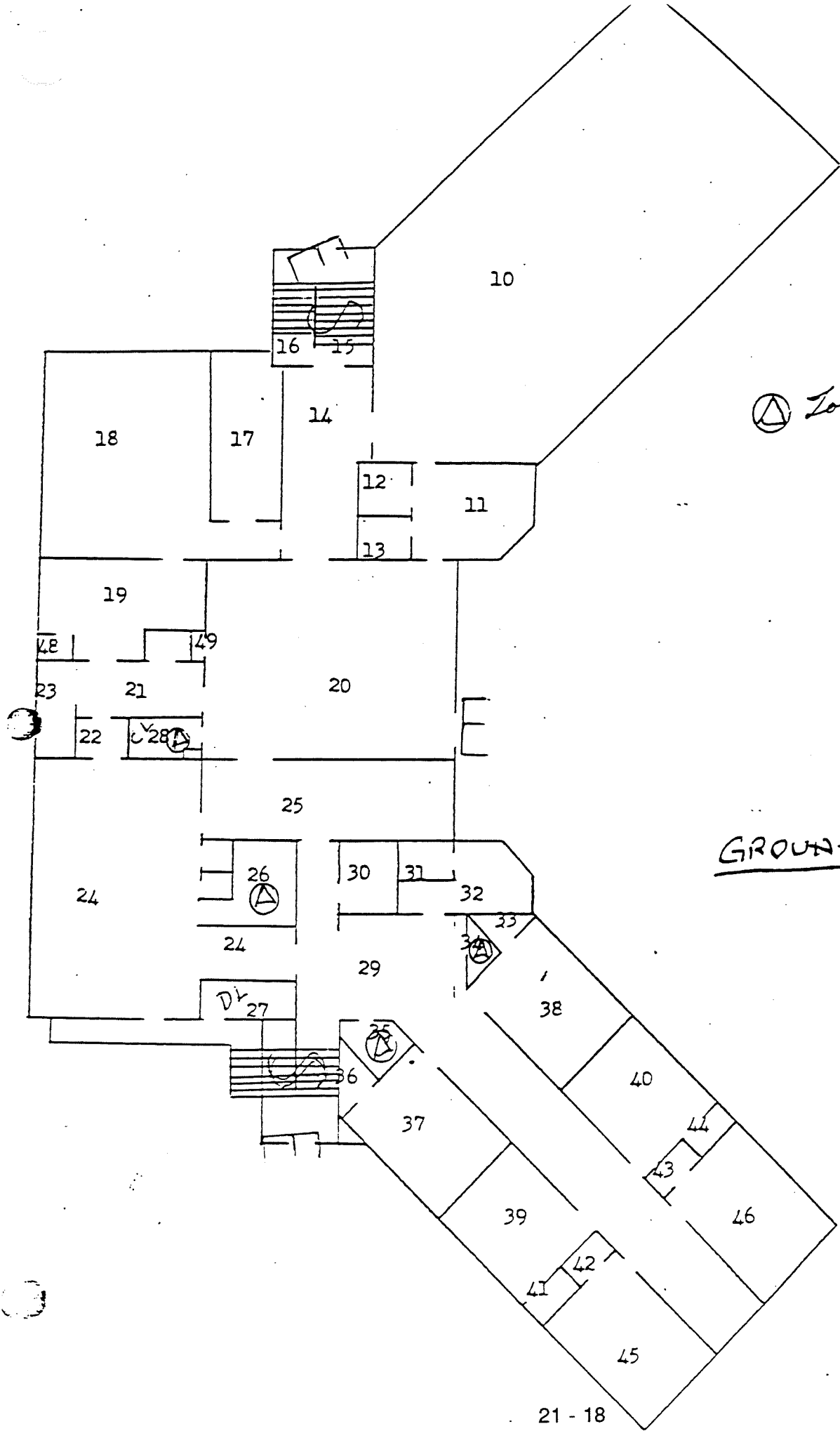
Sitework	\$ 15,000
General Construction	125,000
Plumbing	50,000
Heating	25,000
Electrical	145,000
Asbestos	<u>27,000</u>
SUBTOTAL	\$ 387,000
Contingency	38,000
Unclassified Construction Staff - 3 @ 35,000	<u>105,000</u>
TOTAL	\$ 530,000
Partitions	20,000
Furniture - Cells	80,800
Furniture - Dayrooms	12,000
Furniture - Offices	15,000
Telephones	2,000
Buffers	2,000
Equipment - Security Cameras, Computers & Radios	40,000
(2) 12 Passenger Vans (4 inmate work crews)	<u>28,000</u>
SUBTOTAL	\$ 199,800
Contingency	<u>20,200</u>
TOTAL	\$220,000
GRAND TOTAL	\$ 750,000

# Winfield State Hospital and Training Center



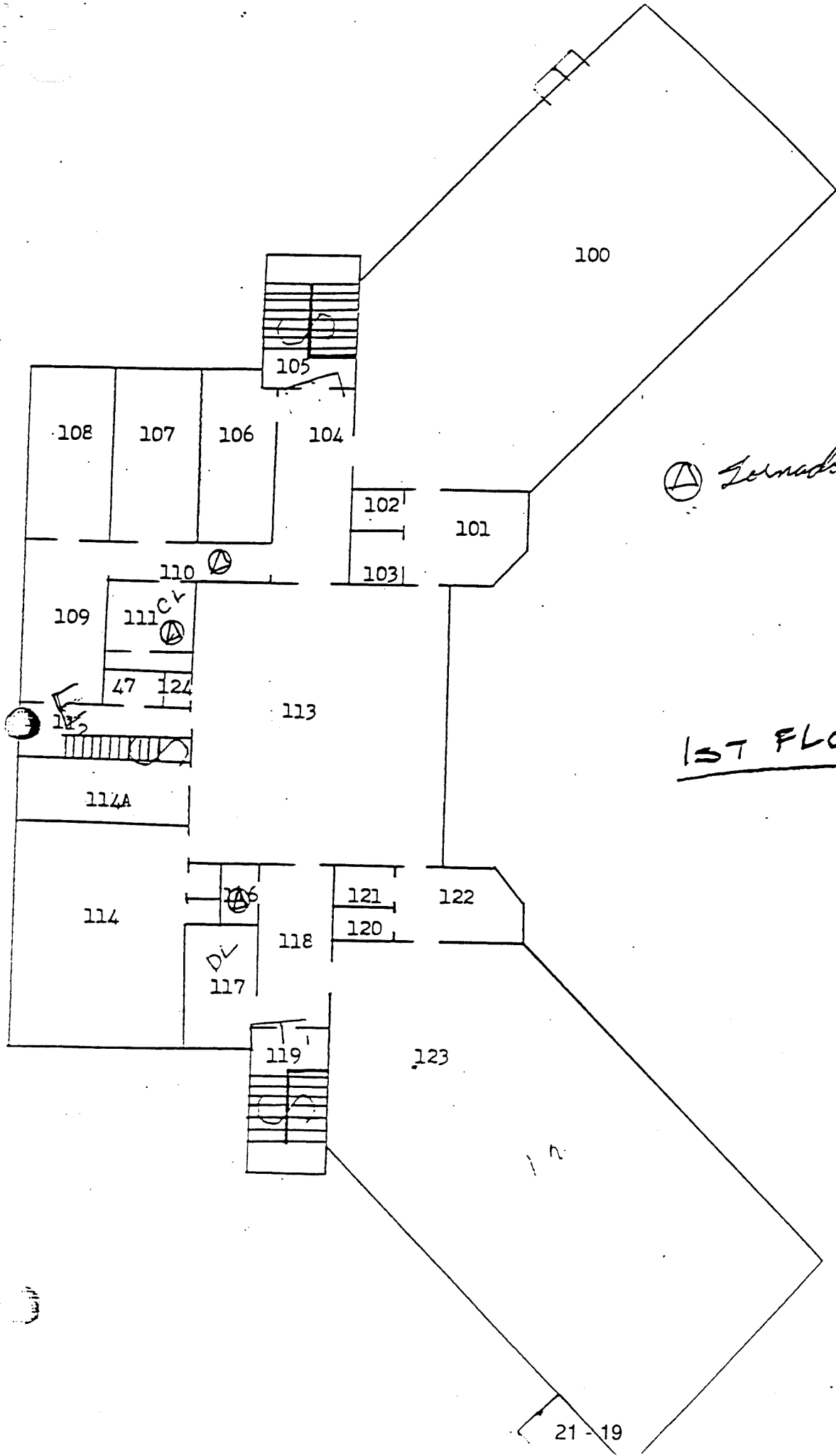
-  W. C. F.
-  W. S. H. + T. C.
-  GARLAND
-  FERN





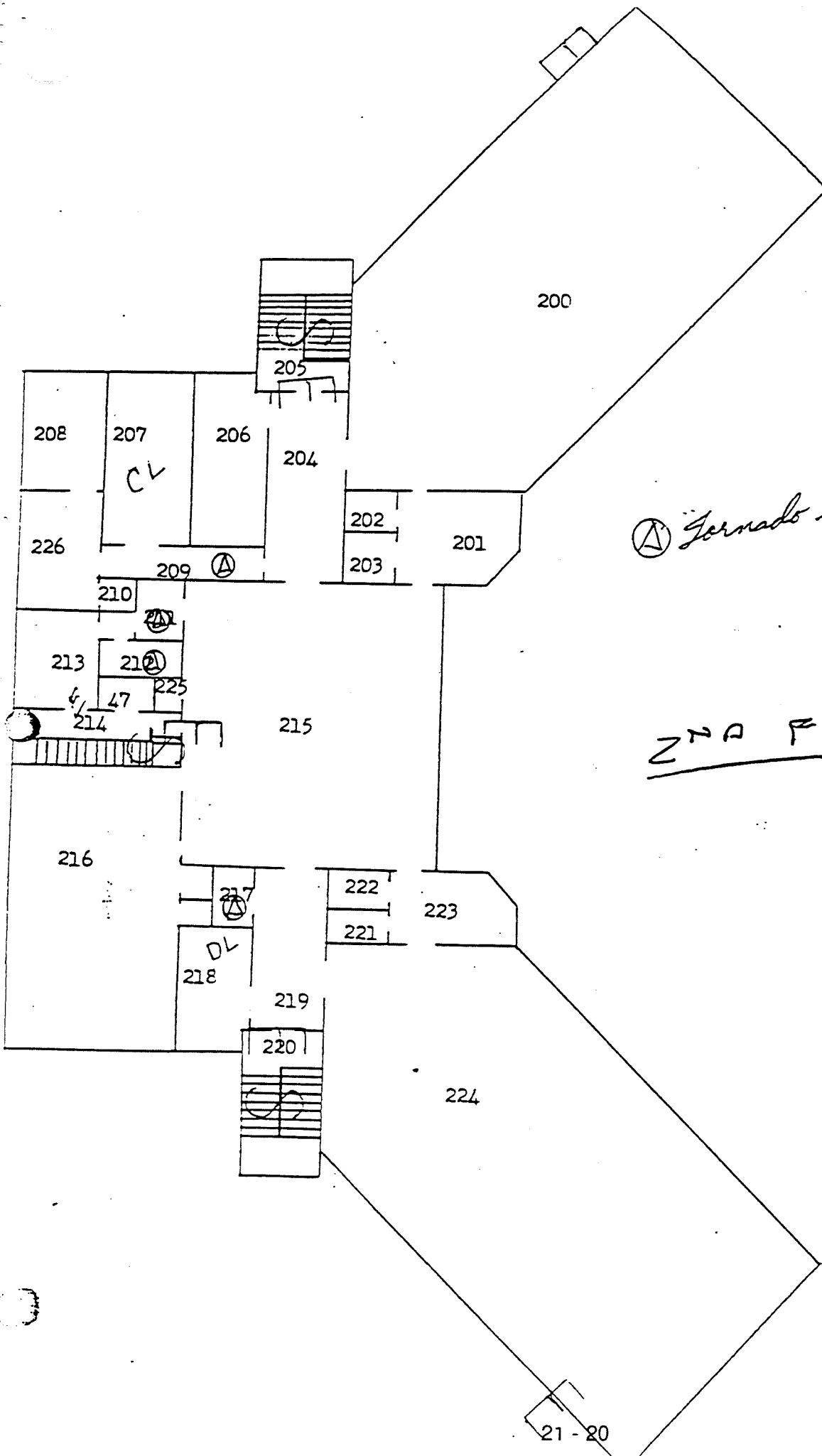
△ Tornado Shelter

GROUND FL



⊙ *Germade Shelter*

1ST FLOOR



Ⓐ Gornado Shelter

2ND FLOOR



## FY 1996 Offender Programs: Parole Services

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### Substance Abuse

- 52 Intermediate Treatment Slots (residential/treatment)
  - 26 in the Southern Region
  - 13 in the Northern Region
  - 13 in the Eastern Region
  
- 59 Reintegration Treatment Slots (residential/transitional)
  - 26 in the Southern Region
  - 12 in the Northern Region
  - 13 in the Eastern Region
  - 8 for female offenders/Hoisington
  
- 24 Day Treatment Slots
  - 13 in the Southern Region
  - 5 in the Northern Region
  - 6 in the Eastern Region
  
- 23,618 Outpatient Treatment Hours.....with services provided in 8 communities

### Sex Offender Treatment and Aftercare

— Approximately 15,000 hours of group counseling and 1,200 hours of individual counseling (estimated based on past usage levels; RFP does not specify hours of service; this is still in the bid process. The intent is to allow Parole Services to buy treatment as needed and where needed.)

### Mental Health and Transition Services

— Contract with KU to provide 5,252 hours of service in the Kansas City area.

### Halfway House Beds

- 10 Beds (ADP) in Outside Connections Halfway House in Salina
- New Contract for 10 Beds in Topeka, Wichita or Kansas City

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Note: These assume the release of program funds subject to Finance Council approval.

Kansas Department of Corrections  
June 7, 1995

SENATE WAYS AND MEANS COMMITTEE  
June 6-7, 1995  
Attachment 5

E

## Condition Violators (No New Sentence)

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### ....In the Prison Population

Of the May 31, 1995 prison population of 6,819:

- **1,064 or 15.6%** were condition violators without a new sentence.
- Of the 1,064:
  - 745 had indeterminate sentences only
  - 67 had determinate sentences only
  - 234 had combination sentences
  - 18 had uncoded sentence indicators (primarily new admissions)

### ....In FY 1995 Admissions to Date

During the first 11 months of FY 1995, there were 4,326 admissions, of which:

- **1,732 or 40%** were condition violators without a new sentence.
- Of the 1,732:
  - 594 had indeterminate sentences only
  - 110 had determinate sentences only
  - 1,004 had combination sentences
  - 24 had uncoded sentence indicators (primarily new admissions)

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Kansas Department of Corrections  
June 7, 1995