

Approved: March 26, 1996
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on February 13, 1996 in Room 313-S of the Capitol.

All members were present except:

Representative Vince Snowbarger - Excused

Committee staff present: Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes
Cindy Wulfkuhle, Committee Secretary

Conferees appearing before the committee:

Representative Dennis Wilson
Representative Dale Swenson
Representative Greg Packer
Charles Simmons, Secretary Department of Corrections
Bob Hannigan, Warden Hutchinson Correctional Facility
Louis Bruce, Warden Ellsworth Correctional Facility
Chaplin Frank Werder
Fred Braun, Inmate Work Program in Leavenworth
Bill Deppish, Kansas Sheriff's Association
Wendy McFarland, American Civil Liberties Union
K.C. Groves, NAACP
Gilbert Hammond, NAACP

Others attending: See attached list

Hearings on **HB 2841** - requiring the secretary of corrections to establish disciplinary work action groups, were opened.

Representative Dennis Wilson appeared before the committee as a sponsor of the bill. He told the committee that having disciplinary work action groups would be a reasonable step to having criminals work hard because of the crimes that they have committed. The inmates who cause the most problems and refuse to work are the most likely to be repeat offenders. This proposed bill would put those inmates to work. Justice is never cost effective but having disciplinary work action groups sends the message to inmates that they don't want to come to prison. (Attachment 1)

Committee members were concerned that public safety would be an issue since this bill would place the most violent offenders and disciplinary offenders on the disciplinary work action groups. They also questioned why Kansas should enact these groups when other states haven't had them "up and going" for very long.

Representative Dale Swenson appeared before the committee as a sponsor of the bill. He explained that only minimum and medium security inmates who are either repeat offenders, parole violators and those who have behavior or attitude problems would be assigned to the disciplinary work action groups. (Attachment 2)

Representative Greg Packer appeared before the committee as a sponsor of the bill. He told the committee that prisoners are provided a better living place inside the prison than outside and that prisons are to protect the public and to punish those in them. (Attachment 3)

Charles Simmons, Secretary Department of Corrections, appeared before the committee as an opponent of the bill. He explained that work is a requirement within the system and provided the committee with a breakdown of inmate time at work within each facility and a list of work projects. Currently, 75% of all inmates work and those that don't are due to their medical state or disciplinary problems. (Attachment 4) He believes that this bill would put the public and officers at risk and was concerned with putting those who have an attitude and/or a behavior problem within the community. (Attachment 5)

Gilbert Hammond, NAACP State Communications Director, appeared before the committee as an opponent of the bill. He told the committee that Kansas legislators have consistently taken an extreme view when it comes to crime and punishment and that enacting a "chain gang" would be a spiteful thing to do. (Attachment 6)

K.C. Groves, NAACP State Chairman Political Action Committee, appeared before the committee in opposition to the bill. He stated that this bill is racist. (Attachment 7)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY, Room 313 S Statehouse, at 3:30 p.m. on February 13, 1996.

Robert Hannigan, Warden Hutchinson Correctional Facility, appeared before the committee as an opponent to the bill. He told the committee that disciplinary work action groups were not a good tool for learning and would not provide inmates with job skills that they need when they get out. Kansas Department of Corrections has been very progressive and a leader in the nation for managing prison populations. (Attachment 8)

L.E. Bruce, Warden Ellsworth Correctional Facility, appeared before the committee as an opponent to the bill. He explained that the Department of Corrections is progressive and is willing to take risks, but the state shouldn't go backwards, which is what "chain gangs" would do. It does nothing to change the attitude of inmates because they are not stimulated by the same things that stimulate us. The only way to stop crime is to deal with the criminal mind.

Presently, each correctional facility adopts a stretch of highway to keep clean. It's not hard to find inmates to volunteer but it's hard to find the funding for officers. What is needed is more private industries in the facilities, such as Century Manufacturing, who couldn't find minimum wage employees and was looking at placing a plant in Mexico. Department of Corrections attracted Century Manufacturing to put a plant at Ellsworth. The inmates that are hired receive a wage and are required to pay room and board, restitution, child support and keep a mandatory savings account. The best part is that the inmates are guaranteed a job when they leave the facility. (Attachment 9)

Chaplin Frank Werder appeared before the committee as an opponent to the bill. He stated that it's incorrect to believe that inmates don't work and if there were "chain gangs" they would be less effective. (Attachment 10)

Fred Braun, Inmate Work Program in Leavenworth, appeared before the committee as an opponent to the bill. He has a private enterprise that provides training for inmates in Leavenworth and believes that teaching inmates job skills benefits both the public and inmates. (Attachment 11)

Bill Deppish, Kansas Sheriff's Association, appeared in opposition to the bill. He stated that disciplinary work action groups would work only as fast as the slowest inmate and therefore would not be very productive. (Attachment 12)

Wendy McFarland, American Civil Liberties Union, appeared before the committee as an opponent to the bill. She told the committee that this bill is racist and that Kansas should not go backwards and have "chain gangs" (Attachment 13)

Hearings on HB 2841 remained opened.

The Chairman assigned HB 2700 - if parole denied, hearing within 10 years of denial instead of 3 years, to a sub-committee consisting of Representative Adkins, Mays & Garner.

The committee meeting adjourned at 6:45 p.m. The next meeting is scheduled for February 14, 1996.

TESTIMONY

TO: REP. MIKE O'NEAL, CHAIRMAN
JUDICIARY COMMITTEE

FROM: REP. DENNIS WILSON
REP. GREG PACKER
REP. DALE SWENSON

RE: HOUSE BILL 2841
DISCIPLINARY WORK ACTION GROUP

Dear Mr. Chairman and Committee members:

Thank you for allowing me this time for testimony on what could be a very important change towards reform in our "Corrections System". This legislation hopes to mark a change in policy and attitude concerning repeat offenders and the way they ought to be dealt with. The bill intends to do this through the implementation of what we call "Disciplinary Work Action Groups" which are groups of prisoners doing a community service of manual labor in public, under armed guard and shackled together. There are two reasons that we feel this legislation is needed at this time.

- The crime statistics in this country and in our state show that crime is continuing on a rise including repeat offenders and those within the correctional system who choose not to obey the rules. We must have a deterrent system to those who continue on the path of repeat violence and/or disobedience in prison.
- The second reason for looking at Disciplinary Work Action Groups in Kansas is that the Kansas residents have expressed frustration and sometimes outright disdain for the present system. They want criminals to be punished in an environment where work is prevalent and amenities are non-existent.

The co-authors and myself would not be here pushing this bill if we did not know that it has overwhelming popular support. More important though, is the support this bill enjoys here in Kansas. Many TV, radio and newspapers have done their own surveys, including ones paid for by co-authors, and they have all consistently shown massive popular support for

the idea. In particular, our own personal polls show that 70 to 95 % of people in various parts of the state are very much interested in seeing this legislation passed. Further representation of popular support is the fact that there are 40 co-sponsors of this bill. This is neither a radical nor a revolutionary idea. Nationally, several states have implemented such plans and many other state legislatures are considering this approach.

Let me share and elaborate upon several reasons why this reform is serious business. Though Kansas doesn't have the most serious crime rate or problems in the country, it does share some of the most disturbing national trends. One is the rising proportion of crimes committed by criminals who are on parole, probation, or pre-trial release. Nationally, these totals are 696,000 crimes, including 319,000 robberies, 24,000 rapes and 7,000 murders. This is significant on its own, but even more so in that it represents a large proportion of total crime. The message is clear that our current efforts to deter crime by going soft on crime and trying to "rehabilitate" has failed. We clearly have not prevented more crime and it can be argued that the current system has actually worsened the problem of recidivism. It is clear that some kind of reform needs to take place and we feel that this legislation is a good start.

Another reason why this legislation is needed is because the current system so offends the dignity of crime victims and the values and sensibilities of the average honest citizen. The system must be changed and realigned with these values. We feel that this program does this in a moderate and very reasonable manner. It is the height of injustice that a justice system would have a criminal, who has a debt to society for his crime, be exempted from hard work requirements and yet be rewarded with the amenities of free food, shelter, education and recreation, while honest citizens are required to work hard for the enjoyment of those very amenities. Because of this and other trends, the public has lost all comfort in the justice and effectiveness of the correctional system. It is a modest and reasonable step to have inmates doing hard work for their crimes, in public, so that the public can be assured that justice is being done. Without such a step, the public's confidence cannot be restored.

I would now like to elaborate on why we feel this approach is the best one and to anticipate objections. First, some will say that this measure is not necessary because prisoners are already working. The problem is that this

is true of the inmates who are the least cause of trouble and therefore, the least in need of more extensive reform. We have it from the reports of civil prison workers that those who want to work are obedient and not generally repeat offenders. However, those who cause the most problems and refuse to work are the most likely to be repeat offenders and they are not working precisely because they are left alone because of their destructive behavior. This is clearly not rehabilitation, but reinforcement of bad behavior. They are the most in need of being forced to work.

We need legislation to change this practice despite the discomfort it may cause prison officials. These are the people that need to be targeted and forced to work and that is what this bill does. It is targeted towards the repeat offender and the disciplinary case who has learned that by continuing his anti-social behavior, he will be exempted from work or any other constructive but unpleasant activity. Hard work and public humiliation will make an impression on those who are in prison and for those who are outside the walls as citizens.

Some will challenge the need for such unpleasant and humbling work such as picking up trash in chains. Why not some kind of more elevating, positive and constructive work? We say that it is precisely and only this type of work that is appropriate and effective. It needs to be unpleasant because it needs to be punitive in accordance with their bad behavior. The prisoners must no longer get the message that we reward bad behavior by being scared from imposing unpleasant punishments. The worse the behavior, the worse the punishment. Only good behavior will be rewarded. They will learn that if they do not like such work they can only avoid it by training themselves for some other kind of more pleasant work. They will not be able to avoid it by criminal behavior or by acting up in prison.

Some will criticize that doing that work and doing it in chains is degrading and humiliating. We disagree. Picking up trash is unpleasant, but not degrading to a human's dignity. Many honest, decent and dignified people do it for a living. Certainly then, it is not beneath these disgraced individuals. Further, it is a very constructive and useful community service and it is for the community these debtors to society ought to be working. The fact that they are in chains, we agree, is humiliating and this is essential. It is really no more degrading than being locked up behind bars in orange suits, but it is more humiliating. Having a sense of shame is essential for being an upright citizen. Instead of hiding these

shame is essential for being an upright citizen. Instead of hiding these individuals from the public behind walls, we need to try to appeal to their sense of shame by punishing them in public.

Some will object that these groups won't be cost effective. Sometimes justice is not cost effective. Yet we maintain that it will be cost effective by sending a message to the repeat offenders to stay away. Judges will have a powerful alternative to the weaker yet longer punishments of multi-year incarcerations. They will have the option of hard labor sentences of three to six months instead, and this will free up prison space.

It is time to admit that rehabilitation does not work--it is a bureaucratic boondoggle. We should call a prison a prison, not a correctional facility, because it does not correct a darn thing.

Prisoners often go to prison expecting television, video games, weight training, regular visitation; not being chained to five other sweating inmates working beside the road in the hot Kansas sun. This was not what they bargained for when they committed the crimes. Of course there are mixed feelings and whining for those who want to be on the criminals side, but we are not apologists for the criminals. It is time that we quit being so concerned about the well-being of killers, rapists and robbers who have viciously preyed upon our citizens. We have been making criminals happy in the hope that they won't cause trouble.

In closing, I would like to point out that with 10 hour days of stooped labor by men who are shackled together, these men will have nothing better to do when they come home from a hard days work than to eat, sleep and to get ready for the next day. They will be less likely to fight, argue or steal and will not have time to file frivolous lawsuits against the State of Kansas. These men will be treated humanely, but not comfortably. We must do more to encourage deterrents from crime.

I hope you pass this bill out favorably.

I stand for questions.

DALE A. SWENSON
REPRESENTATIVE, NINETY-SEVENTH DISTRICT

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TOPEKA

HOUSE OF
REPRESENTATIVES

February 13, 1996

House Judiciary Committee

TESTIMONY ON H.B. 2841
DISCIPLINARY WORK ACTION GROUPS

House Bill 2841 instructs the Secretary of Corrections to create work groups of medium and minimum security inmates who are either repeat offenders, parole violators, and those who have exhibited a behavior or attitude problem. Maximum security offenders or those who may jeopardize public safety would not be eligible for participation in the program.

This program is not to be confused with the work programs that enable inmates to get good time credits. This non-voluntary work assignment has been very successful in the Alabama Correctional system.

There has been some justifiable concern and skepticism regarding the use of leg restraints and disciplinary work assignments. However, Alabama's experience has been positive on all fronts. Some of the benefits include a reduction of repeat offenders, reduced costs, and a reduction in inmate idle time.

Commissioner Ron Jones reported this statistical data on Alabama's chain-gang policy:

Inmate assaults have dropped by 22%.

Inmates on chain-gangs were more disciplined, and personal hygiene has improved.

Punctuality for the work release program has improved.

Inmates are less likely to get into trouble because they are tired.

The average of drop out rate for work release went from 23 per week to 7.



STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS
Montgomery, Alabama 36130

Fob James, Jr.
GOVERNOR

DR. RON JONES
COMMISSIONER

January 29, 1996

Mr. Dale Swenson, Legislative Support
House of Representatives
State of Kansas
Topeka, Kansas

Dear Mr. Swenson:

I have read the material contained in your fax transmittal (January 26, 1996) in reference to chain gangs and will divide my response into two parts: role of chain gang in modern corrections and actual mechanics of same.

ROLE OF CHAIN GANG. Our current Governor, Fob James, Jr., campaigned on a promise to cut the cost of inmates in Alabama. It is of note that we started 1995 with an annual cost of \$9,500 per year per inmate and have since dropped that to \$9,000. We have every intention of dropping that cost to \$8,500 by early 1997. That was my promise to the Governor and his promise to the citizens of this state (we have 21,000 inmates in our system).

In our prison system, two-thirds of first offenders do not return to prison--that did not basically change between 1975 and today. What did change was the constant return of repeat offenders--many for the 10th time. It seemed to me, and the Governor agreed, that the infusion of "entitlements" into the prison--free college, free medical care, cable television, etc.--had created for at least a significant segment of our repeat offenders an attitude that prison was just one more entitlement program. From the first inception of the chain gang in our state, its explicit role was to erode this attitude and to help us cut costs.

Starting in May, 1995, ANY repeat offender entering our prison system, and classified as **MEDIUM CUSTODY**, was placed on the chain gang for the first 90 days of incarceration. In 1996, we raised this to 180 days. In 1997, it will increase again to 270 days, and by 1998 the minimum will be 365 days. Inmates in the chain gang are required to work 12 hours each day. Some work on the interstates, some in state parks, and some break rocks on prison property (we currently have 600 in the program, and this will increase to 800 in the near future). Inmates in the chain gang are placed in an isolated dormitory, and they

have no television, radio, visitation, canteen, etc. They have no entitlements at all. The message is clear and blunt--for repeat offenders, prison will increasingly become a place to which you do not want to come.

MECHANICS OF GANG CHAIN. In Alabama, we place inmates in groups of five with leg irons. The leg iron weighs 3.2 pounds and chains between shackles are eight feet long. The eight-foot chains allow inmates to spread out and do meaningful work, with or without tools. We place 40 inmates in each squad (eight groups of five each). While working on prison property, the inmate to officer ratio is 40:1. When working on the interstates or state parks, we usually work a ratio of 80:3. Off prison property we use a third officer that roams near both squads--one officer being assigned to each squad. On the rock pile the ratio is 50:1. We have dog teams in the area at all times, and they are available within thirty minutes at the minimum.

From the inception, we established databases to track inmates that go through the chain gang. In time we will have reliable data on its impact on repeat offenders. We do screen out some very high profile cases (e.g., double-murderers, multiple rapists) from the chain gang as being too risky.

In the middle of 1995, the state judges and I worked out a program whereby inmates could be sentenced to the chain gang, particularly young, multiple probation violators. This program has provided our judges with a potent weapon in the courtroom; since most of the sentences they impose are three to six months instead of the traditional three years, demand on my prison beds dropped dramatically. Out of the first 80 placed in this program, only one has returned for another dose.

At any rate, this is an overview of our chain gang. We are doing many other things to cut costs, including the erection of high-voltage fences at our maximum security prisons. Needless to say, anything we do to cut costs is opposed by the state employees union, but that is expected. I have attached a couple of recent articles from the Montgomery Advertiser as illustration.

It would be very helpful to me to have a recent copy of the annual statistical report from the Kansas Department of Corrections, including budget data. If you could provide this item, it would be of great assistance to me.

I am looking forward to meeting with you in the near future.

Sincerely,


Ron Jones, Ph.D.
Commissioner

RJ:mkw

Some convicts say they like working outdoors

CHAIN GANG

From 1A

wire fence, alongside a private road within the compound.

"If you can't see this, you don't know it's happening," Crist told reporters. "But we're trying to work this out."

Corrections officials are at odds with lawmakers over the issue. For one, they say chaining prisoners together would endanger guards if a fight broke out. Lawmakers would rather see harsher punishment.

"I'm not going to say that these chain gangs will serve as a great deterrence to criminals," said Stan Czerniak, assistant secretary for operations with the state prison system. "But we have to do what we can."

Two other correctional facilities in Central and North Florida formed chain gangs Tuesday. Four other prisons will follow suit by Dec. 1. Like lawmakers in Arizona and Alabama before them, Florida officials hope the work details immortalized in movies since the 1930s will help deter crime by making prison life tougher.

But some inmates say they prefer working outside to confinement. Craven Johnson of West Palm Beach was on the reception center's first chain gang. Serving a four-year sentence for burglary and robbery, Johnson, like the others, was chosen because he violated prison rules, such as fighting with other inmates or disobeying orders. He said he would rather be on the work detail than "sitting



The chain gang uses bush axes to chop down melaleucas Tuesday in western Dade County. Florida shackles convicts at the ankles but does not chain them together, as Alabama does. Florida will have chain gangs at seven prisons in all by December.

BILL INGRAM
Staff Photographer

around and doing nothing."

"I have no problems with shackles on my feet," said Johnson, 33. "I've made my own bed by breaking institutional rules."

Crist emphasized that the inmates who say they prefer the chain gang over confinement won't feel that way after working 10 hours in the heat for a stretch of two weeks at a time.

"People who commit crimes must be convinced that doing time is not a pleasant experience," Crist said. "Life in prisons shouldn't just revolve around watching television, lifting

weights and playing volleyball."

"If it's cold, they will stay out," said Tim Mingo, assistant superintendent for operations at the Dade prison. "If it's hot, they will stay out."

No bug repellent in the mosquito-infested Everglades. Just water, baseball caps, gardening gloves and thick leather pants to guard against snakebites.

Another chain gang member said his constitutional rights are being violated.

"Of course I don't want to do this," said Bryan Burnett, 22, who was sentenced to 12 years

for armed robbery. "I just don't like having chains on my ankles. But I certainly don't expect people to have sympathy for me."

One inmate at Polk Correctional Institution in Central Florida has sued Crist for \$75 million, contending he shouldn't have to work in chains.

The American Civil Liberties Union, which is considering legal action in Alabama, is not planning any lawsuits in Florida, said spokeswoman Robyn Blummer.

"It sounds to me that Florida has done a good job avoiding the major vices of chain gangs in Alabama," said Richard Cohen, legal director for the Southern Poverty Law Center in Montgomery, which has filed suit against Alabama's chain gangs. "It allows the inmates more freedom of movement to do the work. When you're chained to five people, there's nothing you can get done."

Corrections officials have instituted several safeguards to prevent escapes. They will not allow murderers and sex offenders to take part in the chain gangs. No one can come within 50 feet of the guards, who are armed with shotguns and pistols.

Because of the spread of melaleucas around the prison, inmates were given the task of removing the trees, which pose an environmental hazard throughout Florida.

There's plenty of work. The rapidly spreading exotic invader is choking out native vegetation in the Everglades.

This report was supplemented by *The Associated Press*.

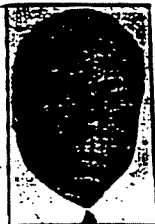
APR 22 1982

PALM BEACH POST

TT 5/2/95
**Put convicts
 on the streets
 — in chains**

BY JOSEPH H. BROWN

There has been a lot of expected uproar over the state of Alabama's decision to bring back chain gangs as part of its corrections operation. Some of it is legitimate; most of it is grotesque hyperbole.



Some call chain gangs inhumane. Nonsense. Most prisoners are shackled in some form or another every time they leave the jail. What's more, the current Alabama practice is much more humane than the one of the earlier part of the century, when prison labor was contracted out to private businesses that could not have cared less about fair treatment.

One prisoner said the practice reminded him of slavery. As a descendant of slaves, I find that argument frivolous. There is no comparing those forced into bondage against their will with predators who break the law.

And as for the possibility of the safety and security of law-abiding citizens being compromised with so many convicts on the outside, that doesn't bother me either. I don't see chain gangs as posing any greater public safety hazard than the parole system that lets people out before their court-imposed sentences have run. People chained together are limited on what they can do, and they're slowed down appreciably if they have to drag the dead weight of a couple of fellow prisoners.

I HAVE ONLY one complaint about the Alabama chain gangs and the ones that are sure to follow: They are too limited in the areas that they labor. Rather than being restricted to chopping weeds and picking up litter on the highway, I would like to see the prisoners back on the streets from which they came — in shackles and chains for all in the community to see.

It's rather nice to think about: some of the glamour boys — the dope dealers, pimps and high-rolling robbers and burglars — hobbled together in their prison dungarees, coming down the street a few days a week, sweeping up debris from the roads and sidewalks, a shotgun-toting guard keeping them moving.

How's that for showing the young people that crime doesn't pay? Seeing a group of inmates in orange suits restoring a park or digging ditches while a shotgun-toting guard moves them along would serve as a good deterrent to kids wanting to engage in criminal activity.

I would also put the prisoners' names and crimes on their state-issued clothing so the people in the community would know just what they did. When labels like "drug dealer," "armed robber" and "attempted murderer" won't adequately describe the felon, the generic "thug" or "career criminal" would suffice.

There are already indications that the reintroduction of chain gangs is producing results. More than one inmate has acknowledged that the experience has convinced him to never return to prison. "I hope and pray I don't never come back. I don't like the idea of being used as a political chess piece," said Dwayne Rowe, serving seven years for selling cocaine.

Alabama Gov. Fob James reinstated chain gangs in an attempt to make prison life so unpleasant that no one will ever want to return. When we look at the rate of recidivism, it is obvious that going to jail is not a traumatic experience in the mind-set of many habitual offenders.

Whereas serving time in prison once carried a stigma, in many communities it has become a badge of honor. Convicted felons return to their old stomping grounds and brag about their time served. Who can blame them? With cable TV, up-to-date exercise equipment and conjugal visits, many of the thugs live as well or better than they did on the outside. As Forrest Gump might say, "I'm not a smart man, but I know what coddling is."

CHAIN GANGS will change all of that. The prisoners will be "giving back" to the communities that they helped to make so crime-ridden. It will offer them a chance at real redemption. And the taxpayers will be getting something for their money besides expensive revolving doors.

There is plenty of work that needs to be done. There are buildings that need fixing in the inner city. Weeds in vacant lots need cutting. The nation's infrastructure is in need of repair, and who better to work on it than wards of the state who are each costing the taxpayers more than \$20,000 a year?

For those who think "chain gang" sounds too Draconian, we could call it the Prisoner Repayment Enterprise Program — PREP squads. Even with the name change, there are going to be those who think it is too cruel. To them I say, if you want to know about cruelty, talk to some crime victims. That's where my sentiments lie.

We may have chain gangs in Florida by December. Even then, the Republicans will argue for 7 feet of chain between cons, while the Democrats would contend that simple human dignity requires 8 feet. Regardless, the idea has merit and should be implemented — again.

Joseph H. Brown is a Tribune editorial writer.

N. Carolina showcases chain-gang system

Unlike Florida, where gangs work out of sight, North Carolina invites citizens to call with public works project ideas.

Los Angeles Times

TILLERY, N.C. — As the morning wind blew across the vast Caledonia Farm, men bent over makeshift tables, potting day lilies. Dressed in warm jackets, caps and gloves, each wore a bright orange vest with "inmate" printed across the back.

Although some complained, no slackers are permitted. For that would mean a return to the Caledonia Correctional Institution to spend the day in lockup.

These inmates and others across the state are participating in North Carolina's prison-work program, one of the nation's most progressive.

They are fulfilling Gov. Jim Hunt's 1992 campaign pledge to put inmates to work. And the prisoners work at jobs that benefit the system and communities.

"Work gives inmates some hope and a sense of self-worth. In the process, they are benefiting the state and paying their debt to society," said Franklin Freeman, secretary of the state's Department of Correction.

Florida is among the states resurrecting chain-gang prison labor this year. Chain gangs are used on state- and prison-owned fields to farm, clean ditches, remove sludge, clear brush and pull weeds — rather than clearing busy highways or doing any work in public places.

State Sen. Charlie Crist, R-St. Petersburg, who was among those who pushed for the return to forced labor squads, favors using the gangs on public projects. He reasons that chain gangs must be seen for people to realize that prison is hard. Otherwise, that symbol is lost.

In North Carolina, the latest innovation in the Governor's Community Work Program debuted Nov. 1 — a toll-free hot line to invite ideas for public works projects for city, county or state properties.

"The (hot line) program is an opportunity for persons in correctional institutions across the state to be good neighbors to others in the community," said Keith Hester, head of inmate work programs.

There is no charge for the inmate labor. A maximum of 10 days is allotted each job, but workers can return later to complete the project. The minimum-security inmates earn from 40 cents to \$1 per day and receive time off their sentence for every day worked.

The governor's work program, which has been fully in place since Jan. 1, saves taxpayers' money that would have gone to private contractors and gives communities the chance to complete projects that languished because of lack of funds.

These include clearing tire dumps that had harbored mosquitoes and snakes; chopping away underbrush in a state park so that the endangered red-cockaded woodpeckers could return to their nesting places; and excavating earthen drainage ditches around a state-owned historical home. Because of the delicate walls of the ditches, no heavy equipment could be brought in, and the inmates had to resort to digging with spoons in some areas.

Of the 27,000 inmates in North Carolina, more than 17,000 are working or are in some type of worker-training.

At Caledonia Farm — a 7,500-acre, state-owned property 120 miles northeast of Raleigh — inmates have tilled the soil for almost a century.

Last year, their labors saved the Correction Department \$5.2-million. The produce grown on the farm and the products preserved in the cannery account for one-third of all state prison food. Last year's cotton and peanuts grossed more than \$750,000, and \$880,000 was realized from cattle and poultry sales.

Profits are reinvested in inmate salaries, farm equipment and other needs. Any excess is returned to the state treasury.

Along one of the many roads that crisscrosses Caledonia Farm, a crew of maximum-security inmates recently chopped away at brush.

Michael Player, 22, who is serving 14 years for breaking and entering and drug possession, said he had no problem with the farm work. "That way society can't say I'm staying here free. They can't say I came here and laid around."

Ronnie Sawyer, 35, pointed to the long road of brush that lay

ahead for him and his group. Serving a sentence of life plus 13 years for kidnapping and rape, Sawyer said that work on the farm helps him cope with prison life.

"A lot of guys think of this as hard labor, but I think of it as freedom," he said.

— Times files were used in this report.

DEC 6

ST. PETERSBURG TIMES

Chain gangs no roadside attraction — yet

The hard-labor squads reappear for the first time since 1946. But legislators wanted them on busy highways where they would be seen.

By JOHN FERNANDEZ
Palm Beach Post Staff Writer

MIAMI — Chain gangs returned to Florida for the first time in nearly 50 years Tuesday when shackled inmates hacked away at melaleuca trees with long-handled bush axes at a remote prison in western Dade County.

It wasn't exactly what lawmakers envisioned when they enacted the get-tough legislation in the spring. Sen. Charlie Crist, the St. Petersburg Republican dubbed "Chain Gang Charlie" for pushing the legislation, was hoping to have the squads chained together and working in full view near busy expressways to show just how tough Florida is on crime.

Tuesday's version featured "restricted labor squads" with inmates individually shackled at the ankles and not chained together as they are in Alabama.

The 18 prisoners at Dade's South Florida Reception Center were out of the sight of all but the media Tuesday, working a few yards from the facility's high

Please see CHAIN GANG/5A



BILL INGRAM/Staff Photographer
A corrections sergeant unlocks a man's handcuffs on Tuesday before the convicts cut down melaleucas at an isolated prison in Dade County.

MAY 22 1998

PALE BEACH POST

2-7

GREG A. PACKER

REPRESENTATIVE, FIFTY-FIRST DISTRICT
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TOPEKA

HOUSE OF
REPRESENTATIVES

February 13, 1996

Thank you Mr. Chairman & members of the committee:

Thanks for the opportunity to testify on HB 2841. The disciplinary work action group on chain gangs. I want to explain up front that our intent is not to place minimum security prisoners who are already working and do not pose a disciplinary problem in the chain gang. I also, however, firmly believe that those inmates who, at the discretion of the secretary are chronic problems and classified as minimum or medium security inmates, should be disciplined by being placed in a chain gang. We must put into perspective who these people are. They are rapists, killers and burglars of a habitual nature. They are the criminals of society. Take for instance today outside of this Capitol in America 65 people will be murdered, 299 women will be raped, 1842 people will be robbed and more than 3000 people will be victims of an aggravated assault. From 1960 to 1990's America became a much more dangerous place

to live. The chance of becoming a victim of a violent crime, or a woman's chance of being raped increased by more than three times from 1960 to the 1990's. Also during this time the crime rates rose 215 percent, the murder rate doubled, property crimes went up 210 percent, burglaries increased 231 percent. The crime rate in Michigan went up 151% but in New Hampshire it went up at an even greater rate 579%. Without doubt the most powerful explanation of the difference is directly related to punishment rate variations throughout the period. New Hampshire was third in the nation while its crime rate increases its imprisonment rate fell by more than 80% the third sharpest decline of any state. In Michigan the imprisonment rate fell as well but by only 47%. Consequently Michigan's crime rate increase was actually one of the lowest in the nation. In the 1980's and beginning 1990's New Hampshire experienced one of the greatest reversals in policies of all the states. It actually increased its incarceration rate more than any other state. During the very same period New Hampshire experienced the greatest decline in crime rates in the country. This clearly

demonstrates something I believe we inherently understand. When punishment increases, the crime rate falls; when punishment decreases, crime increases. The sole message is leniency is associated with higher crime rates; getting tough brings crime rates down. It places common sense and consequence at the center of criminal justice policy.

My second major point I would like to make relates to conditions in prisons. For criminals who went to prison, living conditions were rising dramatically. Indeed, they were rising faster than those for the law-abiding. In North Carolina the Federal Court has ordered that the inmates in each prison unit of a correctional institution be supplied with no fewer than five frisbees. In Arizona the Federal Court has prohibited prison officials from serving a certain kind of meat loaf. In California the Federal Court has dictated the number of changes of clothes to be provided each week. When prisoners are provided better institutional living conditions than they have available outside of prison one of the primary purposes of punishment is

undercut. This is what has happened over the last 30 to 40 years in the United States.

In late 1950's chain gangs were abolished in most states. From 1960 - 1990's the crime rates were out of control. Punishment was down and incarceration rates were down. This problem can not be fixed overnight. We as Kansas elected officials, must send a clear message to career criminals , don't come to Kansas to commit crime unless you want to do the time, in chains, while working hard. We must give the corrections facilities a punishment tool for prisoners who have exhibited behavior or attitude problems, are repeat offenders or have violated the conditions of parole, probation or conditional release. We need to make examples for prisoners that cause these problems and continue as repeat offenders. The problem we run into is with liberal professors and the civil libertarians who are concerned as always with the well-being of killers, rapists and robbers who have viciously preyed on other citizens. Prisons are to protect the public and to punish those kept in them. Making criminals

comfy and happy in the hope they won't cause trouble is an easy way to run a corrections system, but not always the best public policy. The disciplinary work action legislation would make repeat offenders and discipline problem inmates know they were doing something wrong.

I thank you for your time.



**COMMUNITY WORK PROJECTS
FY 1995**

| DETAIL/PROJECT | MANHOURS WORKED |
|---|--------------------|
| ELLSWORTH CORRECTIONAL FACILITY | |
| <u>Long Term Projects:</u> | |
| City of Ellsworth | 7,476 |
| Kansas Department of Wildlife - Kanopolis | 2,976 |
| Kansas Department of Wildlife - Wilson | 4,487 |
| <u>Short Term Projects:</u> | |
| Ellsworth County 4-H Barn | 62 |
| Ellsworth County Historical Society | 193 |
| Outside Connection | 142 |
| First Church of the Nazarene (Salina) | 56 |
| Kansas Highway Patrol Training Academy (Salina) | 525 |
| Kansas Correctional Industries | 14 |
| Dorrance Historical Society | 182 |
| TOTAL | 16,113 |
| EL DORADO CORRECTIONAL FACILITY | |
| <u>Long Term Projects:</u> | |
| El Dorado Health Club | 2,303 |
| El Dorado State Park | 49,400 |
| Elk City State Park | 6,836 |
| Fall River State Park | 11,118 |
| KDOT Rest Area | 14,511 |
| Toronto Cemetery | 96 |
| Toronto City Crew | 3,568 |
| Toronto State Park | 11,984 |
| Wildlife 1 | 2,682 |
| <u>Jail Program:</u> | |
| Allen County | 1,784 |
| Woodson County | 1,880 |
| <u>Short Term Projects:</u> | |
| Chili Feed/Auction | 149 |
| Christmas With Friends | 38 |
| City Sign | 152 |
| 4-H Building | 142 |
| Holiday Visions | 112 |
| Prairie Port | 1,268 |
| Roadside Rest | 658 |
| WHIC Tree Harvest | 2,464 |
| El Dorado Alley Project | 136 |
| Governor's Turkey Shoot | 306 |
| Rio Park | 341 |
| TOTAL | 111,928 |

**COMMUNITY WORK PROJECTS
FY 1995**

| DETAIL/PROJECT | MANHOURS WORKED |
|---|--------------------|
| HUTCHINSON CORRECTIONAL FACILITY | |
| <u>Long Term Projects:</u> | |
| K-61 | 7,629 |
| City of Hutchinson | 11,740 |
| State Fairgrounds | 61,752 |
| Kansas Law Enforcement Training Center | 4,568 |
| Fox Theater | 2,456 |
| <u>Short Term Projects:</u> | |
| Hutch Fest | 586 |
| Fairgrounds (Special) | 375.5 |
| Prairie Skies Air Show | 105 |
| Butler County Courthouse | 139 |
| Big Brothers | 272 |
| Guadalupe Yard Clean-up | 72 |
| Convention Hall Clean-up | 24 |
| Eastside Cemetery | 80 |
| Salvation Army | 32 |
| TOTAL | 89,830.5 |
| LANSING CORRECTIONAL FACILITY | |
| <u>Long Term Projects:</u> | |
| Lost 80 | 1,680 |
| Hwy 5, 24, 73 | 1,260 |
| Delaware Cemetery | 1,680 |
| Osawatomie State Hospital | 34,104 |
| Miami County | 7,280 |
| City of Osawatomie | 12,080 |
| Hillsdale #1 | 12,072 |
| Hillsdale #2 | 13,176 |
| Hillsdale #3 | 12,984 |
| Hillsdale #4 | 12,944 |
| Elwood | 5,468 |
| Leavenworth County Crew | 1,260 |
| <u>Short Term Projects:</u> | |
| Alliance Against Family Violence | 588 |
| City of Richmond | 1,346 |
| Linn County Fairgrounds | 523 |
| Hillsdale Lake | 72 |
| City of LaCygne | 2,647 |
| City of Louisburg | 1,372 |
| City of Lansing Sidewalk Project | 400 |
| Highway 169 Viaduct | 376 |
| Osawatomie State Hospital | 893 |
| Linn County Park | 1,841 |

**COMMUNITY WORK PROJECTS
FY 1995**

| DETAIL/PROJECT | MANHOURS WORKED |
|--------------------------------------|--------------------|
| Marais Des Cygne | 330 |
| City of Lane | 554 |
| Agricultural Hall of Fame | 200 |
| Kansas School of the Blind | 192 |
| City of Leavenworth | 240 |
| Lane Methodist Church | 1,391 |
| Mine Creek | 753 |
| TOTAL | 129,706 |
| NORTON CORRECTIONAL FACILITY | |
| <u>Long Term Projects:</u> | |
| Atwood Township Lake | 6,587 |
| Prairie Dog State Park | 3,745 |
| Webster Lake | 6,895 |
| Kirwin Reservoir | 7,686 |
| City of Stockton | 6,286 |
| Woodston Big Barn | 147 |
| Phillipsburg Rodeo | 2,793 |
| Phillipsburg Armory | 2,086 |
| Stockton Recreation Commission | 1,666 |
| <u>Short Term Projects:</u> | |
| Norton Fair | 388 |
| Norton County - Court House | 501 |
| Sunshine Day Care - Norton | 36 |
| Norton City - Parking Lot | 539 |
| Norton City - Nature Trail | 910 |
| Oberlin Fairgrounds | 323 |
| Adopt-A-Highway - Norton KDOT | 127 |
| Norton Race Track | 21 |
| Norton Recreation Commission | 24 |
| USD #211 | 88 |
| Logan Manor | 258 |
| Andbe Home | 778 |
| Norton Armory | 528 |
| American Legion Field | 292 |
| Local Norton Churches - Snow Removal | 36 |
| Norton Recycling Project | 931 |
| Lenora Ball Field | 385 |
| Norton Arts Council | 84 |
| Norton Health Fair | 2 |
| Jennings Church | 35 |
| Oberlin Living Snow Fence | 42 |
| Norton Landfill | 420 |
| Community Churches (Grass/Snow) | 36 |

**COMMUNITY WORK PROJECTS
FY 1995**

| DETAIL/PROJECT | MANHOURS WORKED |
|--|--------------------|
| USD #271 - Stockton | 1,393 |
| Solomon Valley Antique Association | 560 |
| Galilean Center | 70 |
| Phillipsburg Nazarene Church | 287 |
| Stockton Lions Club | 245 |
| Phillipsburg Chamber of Commerce | 140 |
| Rooks County Free Fair | 2,772 |
| Rooks County Emergency Preparedness | 1,309 |
| Rooks County Historical Society | 1,071 |
| Rooks County Health Department | 140 |
| Rooks County Courthouse | 854 |
| Osborne KDOT | 280 |
| City of Zurich | 560 |
| Phillipsburg KDOT | 182 |
| KDOT Highway Clean-up | 49 |
| Congregational Church | 49 |
| Phillipsburg Recreation Commission | 343 |
| Kirwin Nazarene Church | 49 |
| Osborne Historical Society | 427 |
| Water Resources Department | 49 |
| TOTAL | 55,504 |
| TOPEKA CORRECTIONAL FACILITY | |
| <u>Long Term Projects:</u> | |
| Topeka State Hospital Grounds Crew | 13,241.25 |
| Topeka State Hospital Complex Crew | 14,451.25 |
| Topeka State Hospital Property Control | 1,578.5 |
| KDOT Motor Pool | 4,203.75 |
| Cedar Crest Grounds Crew | 2,803.5 |
| MTAA | 13,647 |
| Project Topeka | 9,170.5 |
| Historical Society | 2,560.5 |
| Michaud Industries | 2,719.75 |
| Governor's Mansion | 1,424.5 |
| Kansas Correctional Industries Office Products | 508 |
| Travel & Tourism | 268.5 |
| <u>Short Term Projects:</u> | |
| Governor's Award | 80 |
| TOTAL | 66,657 |
| WINFIELD CORRECTIONAL FACILITY | |
| <u>Long Term Projects:</u> | |
| KDOT - Canal Route | 11,480 |
| City Golf Course | 4,488 |

**COMMUNITY WORK PROJECTS
FY 1995**

| DETAIL/PROJECT | MANHOURS WORKED |
|--------------------------------------|----------------------------|
| KDOT - Newton Rest Area | 10,920 |
| Winfield Cemetery #1 | 3,432 |
| Winfield Cemetery #2 | 3,376 |
| Winfield City Projects | 4,098 |
| Winfield Parks | 4,472 |
| Winfield State Hospital Laundry | 16,072 |
| City Lake | 2,168 |
| Winfield State Hospital Utility Crew | 4,128 |
| <u>Short Term Projects:</u> | |
| American Red Cross | 12 |
| Winfield State Hospital Gym | 424 |
| Cowley County Fair | 120 |
| Flag Crew | 110 |
| Cowley County Clerk | 120 |
| Winfield Community Flower Bed | 24.5 |
| Kansas Correctional Industries | 96 |
| Winfield State Hospital | 192 |
| Alley Improvement | 272 |
| SRS | 12 |
| Kanza Days | 126 |
| City of Winfield (Clean-up) | 440 |
| Cowley County Community Theater | 9 |
| Burden Fair | 120 |
| TOTAL | 66,711.5 |

SUMMARY

| <u>FACILITY</u> | <u>FY 95 WORK HOURS</u> | <u>FY 95 \$ VALUE</u> (\$4.25/HR) |
|----------------------------------|-------------------------|--------------------------------------|
| Ellsworth Correctional Facility | 16,113.0 | \$ 68,480.25 |
| El Dorado Correctional Facility | 111,928.0 | \$475,694.00 |
| Hutchinson Correctional Facility | 89,830.5 | \$381,779.63 |
| Lansing Correctional Facility | 129,706.0 | \$551,250.50 |
| Norton Correctional Facility | 55,504.0 | \$235,892.00 |
| Topeka Correctional Facility | 66,657.0 | \$283,292.25 |
| Winfield Correctional Facility | 66,711.5 | \$283,523.88 |
| TOTAL | 536,450.0 | \$2,279,912.51 |

COMMUNITY WORK PROJECTS
07/01/95 thru 12/31/95

DETAIL/PROJECT WORK HOURS FISCAL YEAR TO DATE
ELLWORTH CORRECTIONAL FACILITY

| | |
|-------------------------------------|--------------|
| *Long Term Projects: | |
| City of Ellsworth | 2,154 |
| Kansas Department of Wildlife | |
| Kanopolis | 1,211 |
| Wilson | 1,344 |
| *Short Term Projects: | |
| Ellsworth County 4-H Barn | 22 |
| Ellsworth County Historical Society | 259 |
| Outside Connection | 88 |
| TOTAL | 5,078 |

El Dorado Correctional Facility

| | |
|------------------------|---------------|
| *Long Term Projects | |
| El Dorado Health Club | 1,305 |
| El Dorado State Park | 24,565 |
| *Short Term Projects | |
| WHIC True Harvest | 200 |
| Chili Feed/Auction | 184 |
| Christmas With Friends | 77 |
| Holiday Visions | 116 |
| 4-H Building | 99 |
| EDCF Christmas Dinner | 12 |
| Prairie Port | 892 |
| Roadside Rest | 340 |
| Jefferson School | 98 |
| City Crew | 3,568 |
| Gordy Park | 348 |
| Elk City State Park | 3,208 |
| Fall River State Park | 5,232 |
| KDOT Rest Area | 6,492 |
| Toronto City Crew | 1,643 |
| Toronto State Park | 6,832 |
| Wildlife I | 1,040 |
| TOTAL | 56,251 |

DETAIL/PROJECTWORK HOURS FISCAL YEAR TO DATE**HUTCHINSON CORRECTIONAL FACILITY**

| | |
|-------------------------------------|---------------|
| *Long Term Projects | |
| K-61 | 3,264 |
| City | 6,128 |
| Fairgrounds | 29,648 |
| K.L.E.T.C. | 2,808 |
| Fox Theater | 888 |
| Hutch Fest | 120 |
| Fairgrounds (Special) | 5,058 |
| | |
| *Short Term Projects | |
| Salvation Army | 664 |
| Reno County Museum | 144 |
| Eastside Cemetary | 280 |
| Our Lady of Guadalupe Church | 32 |
| HCC South Campus | 2,032 |
| Cheney Lake (work 10 hours per day) | 740 |
| TOTAL | 51,806 |

LANSING CORRECTIONAL FACILITY

| | |
|------------------------------------|--------|
| *Long Term Projects | |
| Lost 80 | 840 |
| Hwy 5, 24, 73 | 630 |
| Delaware Cemetary | 840 |
| Osawatomie State Hospital | 15,496 |
| Miami County | 3,952 |
| City of Osawatomie | 4,416 |
| Hillsdale #1 | 5,016 |
| Hillsdale #2 | 5,704 |
| Hillsdale #3 | 6,208 |
| Hillsdale #4 | 6,056 |
| Leavenworth County Crew | 630 |
| | |
| *Short Term Projects | |
| Mine Creek | 414 |
| Linn County Fairgrounds | 460 |
| Spring Grove Church | 806 |
| OSH Sidewalk | 662 |
| Miami County Law Library | 87 |
| City of LaCygne | 843 |
| Lansing Sidewalk | 200 |
| K-Mart DARE Circus Grounds | 104 |
| Lansing High School Football Field | 144 |
| Trading Post Museum | 386 |
| City of Fontana | 193 |
| City of Pleasanton | 467 |

DETAIL/PROJECTWORK HOURS FISCAL YEAR TO DATE***Short Term Projects (LCF) Cont.**

| | |
|-----------------------------|-----|
| Kansas City Kansas Clean-up | 60 |
| Marais Des Cygne | 888 |
| Mine Creek Battlefield | 252 |
| Osawatomie Graffiti Removal | 252 |
| OSH Greenhouse | 202 |
| Head Start | 48 |

TOTAL**56,256****NORTON CORRECTIONAL FACILITY*****Long Term Projects**

| | |
|--------------------------------|-------|
| Atwood Township Lake | 2,422 |
| Prairie Dog State Park | 2,702 |
| Norton Recycling | 4,676 |
| Webster Lake | 5,348 |
| Rooks County Free Fair | 2,079 |
| Phillipsburg Armory | 1,239 |
| City of Stockton | 2,954 |
| Kirwin Reservoir | 4,011 |
| Phillipsburg Rodeo | 2,499 |
| Stockton Recreation Commission | 2,058 |

***Short Term Projects**

| | |
|--|-------|
| Norton Fair | 519 |
| Local Churches (Snow/Grass) | 423 |
| Oberlin Living Snow Fence | 308 |
| Norton Land-Fill | 140 |
| Adopt-A-Highway (Norton KDOT) | 42 |
| Almena City | 882 |
| Norton Court House | 35 |
| Sunflower Pioneer Power Association (SPPA) | 98 |
| Lenora Ball Field & Airport | 163 |
| Norton SRS Office | 111 |
| Lenora School (USD #213) | 133 |
| Norton City (Parking Lot) | 28 |
| Norton School (USD #211) | 36 |
| Adopt-A-Highway | 14 |
| DSNWK Group Home | 203 |
| Almena Church Pews | 1,132 |
| Quinter Work Stations | 125 |
| Norton Arts Council | 35 |
| Norton Manor | 563 |
| Norton Library Chairs | 112 |
| Osborne County Historical Society | 133 |
| Rooks County Historical Society | 28 |
| Solomon Valley Antique Association | 1,043 |
| Plainville Masonic Lodge | 2,191 |

DETAIL/PROJECTWORK HOURS FISCAL YEAR TO DATE

| | |
|-----------------------------------|---------------|
| *Short Term Projects (NCF) Cont. | |
| Phillips County Retirement Center | 189 |
| Stockton School (USD #271) | 98 |
| Phillipsburg Chamber of Commerce | 273 |
| Stockton KDOT | 42 |
| TOTAL | 39,087 |

TOPEKA CORRECTIONAL FACILITY

| | |
|------------------------------|----------|
| *Long Term Projects | |
| TSH Grounds Crew | 7,029.5 |
| TSH Complex Crew | 6,375.75 |
| TSH Property Crew | 343.75 |
| Cedar Crest Crew | 1,330 |
| MTAA | 7,478.5 |
| KDOT Motor Pool | 4,436.5 |
| Historical Society | 1,666 |
| Project Topeka Crews | 5,680 |
| Topeka Police Department | 885 |
| Department of Agriculture | 512 |
| Kansas Sentencing Commission | 64 |

| | |
|--|-----|
| *Short Term Projects | |
| Department of Administration - Personnel | 136 |
| State Agency Moves | 237 |
| Outside Work Detail | 40 |
| KDOC Central Office | 4 |
| Department of Administration | 200 |

TOTAL **36,551**

WINFIELD CORRECTIONAL FACILITY

| | |
|-------------------------|-------|
| *Long Term Projects | |
| KDOT Canal Route | 5,632 |
| City Golf Course | 2,248 |
| Mobile #1 | 12 |
| Newton Rest Area (KDOT) | 5,312 |
| Winfield Cemetary #1 | 2,072 |
| Winfield Cemetary #2 | 1,976 |
| Winfield City Projects | 1,792 |
| Winfield Parks | 2,568 |
| WSH & TC Laundry | 7,568 |
| City Lake | 896 |
| WSH & TC Utility Crew | 9,432 |

DETAIL/PROJECT

WORK HOURS FISCAL YEAR TO DATE

| | |
|---|-------------------|
| *Short Term Projects (WCF) | |
| American Red Cross | 9 |
| WSH & TC Gym | 213.5 |
| Cowley County Fair | 112 |
| Flag Crew | 40.25 |
| SRS | 27 |
| Flottman Flower Bed | 4 |
| KCI - WSH & TC Panel Crew | 132 |
| TOTAL | 40,045.75 |
| TOTAL HOURS ALL FACILITIES 7/1/95 - 12/31/95 | 285,074.75 |



DEPARTMENT OF CORRECTIONS
 OFFICE OF THE SECRETARY
Landon State Office Building
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 Topeka, Kansas 66612-1284
 (913) 296-3317

Bill Graves
 Governor

Charles E. Simmons
 Secretary

MEMORANDUM

DATE: February 13, 1996
 TO: House Judiciary Committee
 FROM: Charles E. Simmons, *Secretary*
 SUBJECT: House Bill 2841

This bill provides for the establishment of a work group, called a disciplinary work action group, to do work in the community for various organizations. Inmates assigned to work in these groups would be in restraints and under armed supervision.

Minimum security inmates already perform the type of work contemplated in this bill, although not while in restraints nor under armed supervision. During Fiscal Year 1995 minimum security inmates performed approximately 536,000 hours of work on community service projects. If these inmates had been paid minimum wage of \$4.25 per hour, the value of the work was approximately \$2.3 million. Broken down by facility, the hours worked and value of the labor was as follows:

| <u>Facility</u> | <u>FY 95 Work Hours</u> | <u>FY 95 Value</u> |
|--|-------------------------|-----------------------|
| Ellsworth Correctional Facility | 16,113.0 | \$ 68,480.25 |
| El Dorado Correctional Facility ¹ | 111,928.0 | 475,694.00 |
| Hutchinson Correctional Facility | 89,830.5 | 381,779.63 |
| Lansing Correctional Facility ² | 129,706.0 | 551,250.50 |
| Norton Correctional Facility ³ | 55,504.0 | 235,892.00 |
| Topeka Correctional Facility | 66,657.0 | 283,292.25 |
| Winfield Correctional Facility | <u>676,711.5</u> | <u>283,523.88</u> |
| TOTAL | 536,450.0 | \$2,279,912.51 |

¹Includes Toronto

²Includes Osawatomie

³Includes Stockton

A list of projects on which inmates worked in FY 1995 is enclosed for your review.

For Fiscal Year 1996, through December 31, 1995 inmates have performed over 285,000 hours of work.

| <u>Facility</u> | <u>FY 96 Work Hours</u> | <u>FY 95 Value</u> |
|----------------------------------|-------------------------|-----------------------|
| Ellsworth Correctional Facility | 5,078 | \$ 21, 581.50 |
| El Dorado Correctional Facility | 56,251 | 239,066.75 |
| Hutchinson Correctional Facility | 51,806 | 220,175.50 |
| Lansing Correctional Facility | 56,256 | 239,088.00 |
| Norton Correctional Facility | 39,087 | 166,119.75 |
| Topeka Correctional Facility | 36,551 | 155,341.75 |
| Winfield Correctional Facility | <u>40,045.75</u> | <u>170,194.43</u> |
| TOTAL | 285,074.75 | \$1,211,567.68 |

A list of the FY 96 projects to date and hours worked on each is enclosed for your information.

The Department of Corrections is working to expand the use of inmate labor in community work projects. For example, just recently we have reached agreement with the Kansas Department of Transportation for a work crew on the K-96 bypass in Wichita, discussed with Reno County providing a work crew for the Reno County landfill, re-established a work detail at Cheney State Park and Wildlife area, and participated in a community cleanup program in Kansas City, Kansas, with hopes that this will result in a permanent work detail in the Kansas City community. We are currently involved in discussions with KDOT to take over maintenance of more highway rest areas. We are also discussing with the Department of Wildlife and Parks the provision of more work crews for state parks. The Governor's budget recommendation includes a recommendation for minimum security inmates to be housed in the Jenkins Building at Larned so that they would be available for the Larned State Hospital. Our goal is to have as many minimum custody inmates as possible working outside of a security perimeter assisting governmental agencies (including other state agencies, cities and counties), school districts, and charitable organizations.

The Department of Corrections has long emphasized work as a part of an inmate's life while incarcerated. Department rules (K.A.R. 44-12-401) mandate work and inmates are disciplined if they refuse to work as assigned. The importance of work is further emphasized in

that inmates who refuse to work are not eligible to earn good time credits and, under the Department's privileges and incentives system, those inmates who refuse to work will either not advance from the level of lowest privileges or will be returned to that level.

We believe that having work skills and a work ethic are important to increasing an inmate's chances for success once he or she is returned to the community to live. Productive work opportunities help inmates learn good work habits and serve to pay back some of the costs the taxpayers pay for their incarceration.

Our experience is that most inmates do work and most inmates want to work. As of June 30, 1995, 75% of inmates were assigned to work details or programs. Only 4.7% were reported as unassigned for failure to work. Other inmates were awaiting assignment, undergoing evaluation, unassigned for medical reasons, or in disciplinary or administrative segregation. The percentage of inmates employed would be higher except for the rapidly increasing inmate population over the past year. This increase has outstripped our ability to create more work opportunities and to create the security positions to supervise additional work details.

Any perception that large numbers of inmates spend most of their days watching television or lifting weights is inaccurate. Those of us in corrections do not desire idle inmates. Idle inmates are a management problem. Inmates who are actively engaged in productive work or programs are much preferred and present fewer problems to facility staff.

Inmates in facilities perform a variety of work every day, including building and grounds maintenance, plumbing, carpentry, electrical maintenance, kitchen and laundry work. A substantial number are employed by Kansas Correctional Industries and private industries. If state employees had to be hired to perform these duties, the Department's budget would certainly increase by millions of dollars. Inmate work has and continues to save taxpayers significant amounts of money. Facility work assignments within a secure perimeter can be and are performed by inmates of all custody levels while community work assignments are only given to minimum custody inmates.

This bill, as drafted, proposes that certain inmates in minimum and medium custody be placed in a disciplinary work action group. Our concerns with this are as follows:

- Minimum custody inmates, without restraints, are already in the communities performing labor. We believe that placing inmates in

this custody level in restraints will make them less productive. In addition, if a minimum custody inmate requires restraints, in our view they should not be regarded as being minimum custody. As such, we do not believe this type of program should be applicable to minimum custody inmates.

- We want to create incentives for inmates to advance to a less restrictive custody level. This bill will create a disincentive to such advancement since it does not apply to maximum custody inmates, nor those in segregation for rules violations.
- Minimum custody inmates are required to work as a condition of being in that custody level. Refusals to work are rare. Those who refuse are removed from minimum custody. This bill may result in a higher number of refusals.
- Placing inmates with a custody level higher than minimum in a community setting has a negative impact on public safety. It increases the opportunity for escape. Medium and maximum custody inmates belong inside a secure perimeter. Taking them outside creates an increased risk to the public safety and the safety of the officers who are providing supervision. We do not think it is a good idea for medium custody inmates to work outside the secure perimeter of a correctional facility, even if they are in leg restraints and under armed supervision as provided by this bill.
- In the event a disciplinary work group is established, our plans would be to assign three corrections officers to each 20-inmate work detail. We do not believe this to be an efficient utilization of staff since such a detail will be less productive than existing details which work without leg restraints, and with less supervision.

The Department's philosophy is that inmates should be held accountable and responsible for their actions. We have in recent months taken a number of actions to do so. Some of those actions are:

- Imposed fees for various services provided to inmates.
- Proposed the reduction of good time to 15% which was enacted last session.
- Proposed the increase in the parole revocation period from 90 to 180 days which was enacted last session.
- Proposed the increases in parole supervision periods from 12 to 24 months and 24 to 36 months which were enacted last session.
- Made it clear that good time will be awarded only when earned.
- Implemented a system where privileges are allowed only when earned.

We believe these are reasonable and prudent measures to demonstrate to offenders that there are consequences to their actions. We believe these types of measures present far fewer management concerns than those presented by this bill, while still achieving the same objective.

HB 2841 provides that inmates who have "exhibited behavior or attitude problems" be assigned to disciplinary work action groups. The Department believes that the current policy of reducing this type of inmate's incentive level or placing the inmate in disciplinary segregation or imposing other disciplinary sanctions is a more appropriate response to behavior or attitude problems.

CES:dja
Enclosures

NAACP Position Paper

We in the NAACP strongly believe that silence indicates acceptance hence, we wish to take this opportunity to express our growing concern over pending legislation that seeks to introduce the use of chain gangs in Kansas.

The NAACP is not soft on crime or on punishing criminals. We actively support the concept of boot camps for genuine first time offenders as well as proactive youth programs and a vigorous independent Youth Authority that has the ability to deal effectively with youthful offenders.

Currently, no such system exists in our state.

What is true in Kansas is true for the rest of the nation, black criminals prey upon the black community and that anyone who doesn't think this is true needs to take an honest look at the FBI's national crime statistics.

Most of us in the NAACP do not subscribe to the group hug theory of rehabilitating criminals.

We need to turn the page on the Old Testament theory of crime and punishment and look to the future. Our state needs to seriously invest in providing educational and career opportunities for Kansas' youth.

My grandmother always said that an ounce of prevention is worth a pound of cure. In our society, we do not have the luxury of being able to throw away human beings because they have made a serious mistake.

According to Bill Miskell, of the Department of Corrections, 78 percent of the states prisoners either already work in prison or attend vocational training.

The remaining 22 percent or the 'hard cases' represent a genuine threat to the people of Kansas who sent them to prison to begin with and should not be allowed the opportunity for escape that is inherent in a chain gang.

Once again, this isn't a black or white issue; we are just trying to get the politicians to back away from the vote winning rhetoric and take a long hard look at what they are proposing.

Fortunately or unfortunately, the United states of America does not possess a Devil's Island.

Some Kansas legislators have consistently taken an extreme view when it comes to crime and punishment.

I never ceased to be amazed by the spiteful things that some of the legislators say. I sometimes have to stop and wonder if they have ever read the portions of the Bible where the Apostle Paul tells the early Christians to go into the prisons and minister to those they find there.

One representative from the eastern part of the state said he personally couldn't wait to see 'them' in chains working along side of the roads.

I had the uncomfortable feeling that I was also one of 'them' and that for this person it seemed much of a mental stretch to go from chains around 'their' ankles to ropes around 'their' necks.

Kansas has a tradition of long and proud law enforcement and law enforcement officers.

I wonder what Wild Bill Hickok would have to say about chain gangs. I'm pretty sure that ol' Wild Bill would take exception to placing Kansas in the same league as such "progressive states" as Alabama and Arizona.

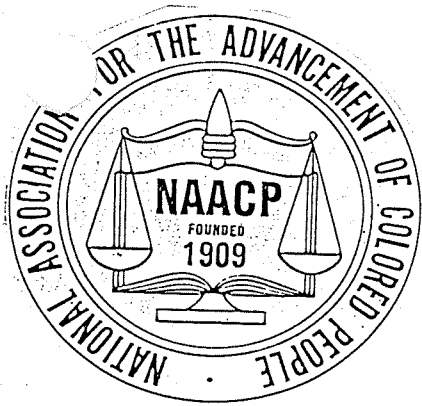
Since so many of the legislators in Kansas would feel safer in Alabama perhaps the NAACP would be happy to help raise the necessary bus fare to get them safely there.

We in the NAACP invite the men and women in the legislature to sit down with us and enter into a frank and candid exchange of ideas on what we can all do to make Kansas a better place to live. After all, we have more things in common than things which would tend to keep us apart.

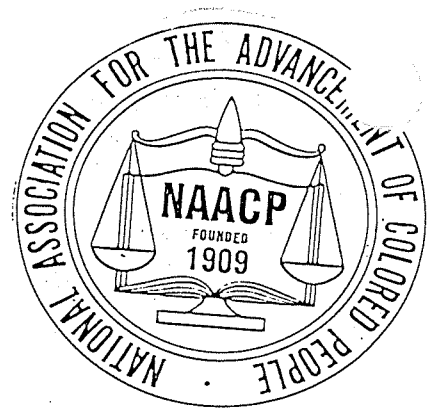


Gilbert N. Hammond Sr.

State Communications Director

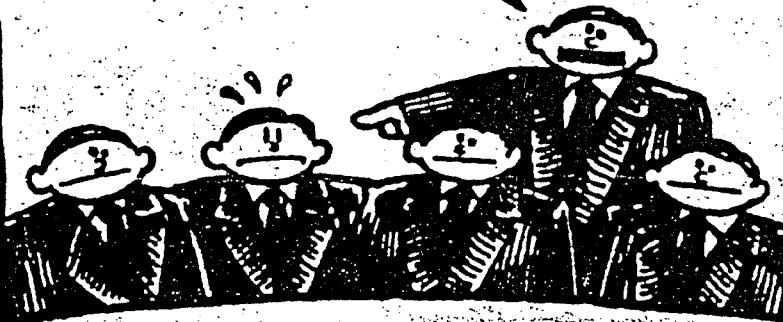


2-13-96



MEANWHILE... BACK IN THE CIVILIZED WORLD

I SAY WE TAKE A VOTE.
HOW MANY IN FAVOR
OF KILLING BOB.

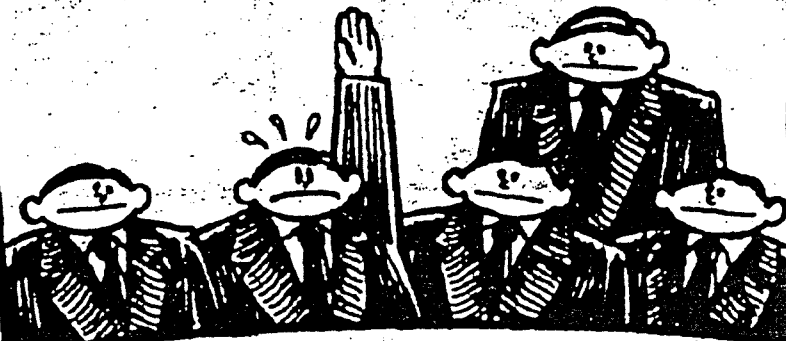


VERY GOOD... OK, NOW
HOW MANY OPPOSED.



CLAY 094

YOU KNOW, IN SOME
COUNTRIES PEOPLE
AREN'T EVEN
ALLOWED TO VOTE!



HOW BARBARIC!



NAACP STATE CONFERENCE
BONNER SPRINGS, KANSAS

February 13, 1996

House Judiciary Committee
Kansas House of Representatives
State Capitol Building
Topeka, KS 66612

Our office works for the enactment of legislation to improve the educational, political and economic status of all suppressed minorities.

We are opposed to House Bill 2841, commonly known as the Chain Gang Bill.

One of the most pointed facts about the use of the chain gang, like the death penalty, in America is racial discrimination.

Our goal is to ensure that all laws, including penal statutes such as the chain gang bill are racially neutral and just in their intent, implementation and effect; and are both effective and cost-effective. Passage of the chain gang bill and resurrection of chain gangs in this state would not, and can not, achieve that goal.

We agree that the intent behind chain gangs is deeply rooted in racism. As stated by Sandy McFarland, lobbyist for the American Civil Liberties Union, as reported in the *Kansas City Kansan* on February 11, 1996:

“Historically, it’s something you associate with the Deep South, with racial intolerance. It promotes the idea tht we treat these people as less than human.”

The implementation of chain gangs does not have favorable results and does not appear to be well received in the corrections community. According to the *Kansas City Star* on February 3, 1996, neither Charles Simmons, Secretary of the Department of Corrections, nor David McKune, Warden of the Lansing Correctional Facility, favor the bill. Secretary Simmons is quoted as saying that “[w]e do not see a need for chain gangs.” Warden McKune is quoted as saying:

“I think it’s a terrible idea. If I go out and treat them like animals, is that going to rehabilitate them? Not likely.”

Further, Governor Bill Graves does not favor the bill. He is quoted in the *Kansas City Star* on February 3, 1996, as saying:

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2-13-96
Attachment 7

NAACP STATE CONFERENCE
BONNER SPRINGS, KANSAS

"I'm not convinced they're a viable corrections tool. If the idea is to make sure inmates are kept busy, we do that already. Chain gangs would require additional costs to the state, since we'd have to hire still more corrections officers to guard them."

Reports that the Governor has convinced Alabama officials to cancel Corrections Commissioner, Ron Jones' visit to our State to support this measure is further evidence of the Governor's view of this bill.

We concur with the above assessments of the value of this proposed legislation and urge you to terminate this legislation now.

This crime and punishment bill would make minorities the recipient of the grossest outrage from government. As historian Carl Becker said in 1910, "[t]he belief that Kansas was founded for a cause ... lifts the history of Kansas out of the commonplace ... and gives to the temper of the people a certain elevated purpose and quality."

We urge you to vote against this House Bill 2841 if you share our belief that this law should be racially neutral and just in its intent, implementation and effect and should produce results both effective and cost-efficient.

Sincerely,

K. C. GROVES
First Vice-President and State Chairman
Political Action Committee



KCG: tbn

HOUSE BILL NO. 2841

Testimony by Robert D. Hannigan Warden Hutchinson Correctional Facility

Mr. Chairman and Legislative Members:

I appreciate the opportunity to appear before your committee to speak in opposition to the introduction of chain gangs into the state of Kansas for the following reasons:

1. It is an unacceptable risk to public safety to place inmates who require such a degree of security in the community, since the possibility of escape has increased and the possible harm as a result of such an escape, or harm which could be inflicted upon a member of the public by staff in an attempt to prevent such an escape.
 - a) It would not be in the facility's best interest to let the inmates know where they will be working the following day. However, secrets in a correctional facility are hard to keep. With all likelihood, the inmates would know where they are going to work the next day, either from overhearing the officers' discussions, assumption that they started a project and need to go back and complete it, or by an individual or individuals on the outside who monitor the details' movements. Thus, it is safe to assume that if an inmate really wanted to escape, he will have a gun, handcuff key and leg iron key waiting for him at a pre-designated location. I would point out that some medium custody inmates are very long-term inmates with little chance of being released. Their crimes include the most heinous and most serious.

- b) When we transport medium custody inmates, they are cuffed hand and foot, and escorted by two Correctional Officers. This is not only to prevent escape, but to prevent the inmate being taken from our custody by friends or associates. One can envision a scenario where an inmate's friends or associates pull up along the highway, and using deadly force to assure the release of one or more of the inmates on the chain gang. Such a situation would not only endanger the officers' lives, but could also endanger the lives of residents living in the area and the motoring public.
2. That chain gangs are notoriously inefficient, in terms of productive work accomplished, are not cost-effective.
- a) It will require three salaried officers to supervise a crew of 20 inmates.
 - b) A crew of one or two minimum custody inmates or one or two employed citizens could accomplish as much at much less cost.
3. If the purpose of the chain gang is to shackle non-dangerous or dangerous inmates together for the purpose of humiliating them, then such a program is counter-productive to rehabilitation of the offender and serves no useful correctional objective.
- a) The chain gang will serve its purpose in terms of humiliating inmates. It shall also, most likely, make them so angry that they learn nothing constructive during their confinement, only anger at a society which has subjected them to this experience.

While I have never supervised or had personal first-hand experience with chain gangs, I do understand their intent which is politically popular with the purpose of demeaning or humiliating the inmate. Such a program will, in my assessment, have a negative impact on the community to which the inmate is eventually paroled. He will still be a socially

unprepared person released even more angry than when he entered the prison system, absent normal working environment skills.

As I mentioned earlier, while I do not have first hand experience with chain gangs, I do have first hand knowledge of the negative effects of demeaning treatment of inmates as such was the practice at the time I commenced my employment with the KDOC in 1959. From my observations, this demeaning treatment, while not as demeaning as chain gangs by any means, had no positive effects toward the success of the inmate when released on parole. To give a few examples:

- 1) The inmates wore trousers with a stripe on the leg and striped shirts. The striped clothing was probably intended to identify them as inmates.
- 2) They marched in formation everywhere they went, not being permitted to chew gum or speak.
- 3) They were not permitted to approach an officer to engage in a conversation unless the invitation was extended by the officer.
- 4) Were not permitted to talk from cell to cell.
- 5) Were not permitted to talk in the dining hall, a "rap" system was the only means of communication. One rap was the communication to pass the salt, two raps meant pass the pepper, and three raps was the request for the water pitcher.
- 6) Segregation conditions - confined to a cell for days at a time, served bread and water, without the benefit of exercise, shaving or showering.
- 7) Health care services were almost non-existent, with one nurse overseeing the entire medical services during this period, except when services were provided by an inmate doctor.
- 8) Food service program was terrible. The evening meal consisted of goulash and boiled potatoes most of the time, except during sweet potato season.
- 9) The inmates had absolutely no luxuries such as telephone calls to their families, radios, TV's, watches or other personal property, with the exception of a few photographs of family.

The illustration that I have presented was probably quite typical of most prisons during that era in terms of condition, except, like some states, we did not have chain gangs.

Life was strict and very harsh. But it did not deter some inmates from returning to crime upon release or lead to good behavior while in prison. In fact, it lead to a riot in 1962.

The type of inmate has changed considerably over the years. The youthful burglars, check writers, forgers, car thieves, and statutory rapists that made up the big percentage of our population have been replaced by more aggressive and more serious offenders.

A high percentage of these individuals violated their parole and returned to prison. The percentage was not as high today, however, there are elements that weren't present a few years ago that are very evident today. The inmates of today, like their counterparts of the 60's, come into the system uneducated, possessing few job skills, and are products of dysfunctional families. The crimes being committed now are more serious, and there are also the elements of drug addiction and street gang involvement. This group is bound to violate their paroles more frequently than the population of the 50's and 60's. Harsh treatment programs, like the chain gang, will not cure drug addiction or an anti-social personality.

Probation and Community Corrections: If there was probation in the early 60's, it was used rather infrequently. Community corrections did not exist. Both of these programs, doing what they should do, have siphoned off the population most apt to succeed on parole.

Kansas has long been recognized as a state with a correctional system that is progressive, adhering to good discipline, good work programs inside their prisons, good work programs in the communities for minimum custody inmates, a department that protects the public well, a department that believes in the value of education of inmates, vocational education, drug and alcohol treatment, sex offenders treatment, mental health assistance, and other programs that help the inmates, their families, and the public in terms of lower recidivism rates.

In closing, I would ask that you take a long, hard look at the chain gang program, study it well. The chain gang and other mean-spirited programs that were present prior to the 1960's did not work. This concept is now being challenged in the courts to determine if it is constitutional, it may well be. However, the methods used to assure that the inmates show up for the shackles, most likely, will not be. From my understanding, the inmates who refuse to work or don't work to the supervisor's satisfaction are chained to what is known as the hitching rail and are provided a bucket to be used for toilet necessities. A hot, humid day in the sun, could cause the inmate to have heat-stroke, if he is healthy, or death should an unhealthy inmate be mistakenly chained in this fashion. Certainly, to make a chain gang work, the punishment for not working must be greater than the humiliation associated with this program. A constitutionally managed segregation unit, in my assessment, is less punitive than the treatment associated with the chain gang or the hitching rail.

Attached to this presentation is a copy of a resolution adopted by the North American Association of Wardens & Superintendents in opposition to establishing chain gangs.



North American Association Of Wardens & Superintendents

NORTH AMERICAN ASSOCIATION OF WARDENS & SUPERINTENDENTS

RESOLUTION

Be it resolved the North American Association of Wardens and Superintendents does hereby support the protection of the public while carrying out the sentence imposed by the court in a safe and humane manner. Further be it resolved that we support a safe working environment for correctional employees.

Further be it resolved that we support a balanced approach to crime and treatment of the offender that is consistent with constitutional standards and modern correctional practices which should create a correctional environment conducive to public and institutional safety; and a learning environment conducive to a safe and successful reintegration of offenders into society as law-abiding citizens, while opposing the use of chain gangs.

- 1) Oppose the shackling of inmates together for the purpose of working (chain gangs) because:
 - a) It is a risk to public safety to place inmates who require such a high degree of security into the community. This includes risk to correctional staff who supervise inmates, the inmates themselves when forced to work in close situations, and the public should any of these inmates escape, and possible harm to the public as correctional staff try to stop the escaping inmate.
 - b) The utilization of chain gangs for completing work in the community is notoriously inefficient in terms of productive work accomplished, and the work being accomplished can be more productively completed by minimum security inmates.
 - c) The shackling of inmates together, whether dangerous or non-dangerous felons, for the purpose of humiliation of these people is counter-productive to the rehabilitative process and serves no useful correctional goal.
- 2) Oppose unnecessary practices that result in demeaning treatment of offenders or negatively affect their dignity.

Further be it resolved that the North American Association of Wardens and Superintendents endorses a disciplined correctional environment including the following:

- 3) Constructive activities within confinement that provide correctional staff with tools for effective inmate management.

- 4) Structured work programs and work training such as vocational education.
- 5) Educational programs and appropriate treatment programs.
- 6) Support recreation and physical fitness programs that are appropriate for the correctional setting that assist in maintaining inmate health; while preventing an increase in inmate management problems as a result of pent-up stress and anxiety due to lack of physical exercise.
- 7) Appropriate arts and humanities programs that promote good citizenship and inmate management of the correctional institution.

Crime control and prevention is a complex problem, requiring clear delineation of federal, provincial, state, and local roles. The state legislature, federal government and provincial governments should play a supportive role, and initiatives should not infringe on the corrections administrators' responsibilities to implement and administer sound and modern correctional practices.

Resolution was introduced and passed at the North American Association of Wardens and Superintendents business meeting on January 16, 1996.



INTERDEPARTMENTAL MEMORANDUM

MEMORANDUM

DATE: February 13, 1996

TO: Members of the House Judiciary Committee

FROM: L. E. Bruce, Warden
Ellsworth Correctional Facility

SUBJECT: House Bill 2841 (Disciplinary Work Action Groups)
Testimony

Over the last several years, the Kansas Department of Corrections (KDOC) has been extremely successful in providing meaningful work programs for our inmate population. The programs are patterned after a typical work day in the community and designed to assist inmates with reintegration into society. As corrections professionals, we realize the importance of providing meaningful work programs due to the fact that more than 95% of the inmates incarcerated in our system will eventually be released.

The KDOC presently utilizes minimum custody inmates throughout the State of Kansas and expends thousands of hours annually in assisting communities with types of work that could not otherwise be afforded or accomplished if inmate labor was not supplied. Not only is this a beneficial situation for the surrounding communities where prisons are located, but also for the inmates who take pride in their work and feel a sense of accomplishment by being able to give back to society.

The KDOC continues to join in partnership with private industries to place maximum, medium, and minimum custody inmates to work whereby they are paid at or above minimum wage. Inmates employed by private industry are subject to withholdings from their paychecks for room and board, crime victim compensation, court costs/restitution, and mandatory savings. Employment with private industries provides inmates with meaningful work experiences, the opportunity to provide financial support to their families, and a resource for obtaining full-time employment upon release from prison. Why would we want to counterbalance the positive impact of private industries with chain gangs?

The Kansas system, unlike others, does not have a large number of inmates that absolutely refuse to work. On June 30, 1995, there were 6,844 inmates incarcerated in Kansas correctional facilities.

Members of House Judiciary Committee
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Of this number only 325 were on lay-in status for failure to work. The most dangerous inmates obviously cannot be placed in these groups that perform work within the community. Additionally, inmates who refuse to cooperate with assignment to a work action group will more than likely engage in behaviors that will make them ineligible for this program. Under the present classification system, maximum custody can be obtained merely by receiving disciplinary convictions. As a result, our most productive and cooperative inmates would be the ones subjected to chain gangs. Why would we want to compromise the productivity of these inmates by chaining and humiliating them?

An Offender Privileges and Incentives Level System was recently implemented within the KDOC. This system provides structured levels of increased privileges and incentives which inmates may earn through demonstration of appropriate and responsible behavior. The objective of this system is for inmates to earn privileges as opposed to automatically receiving them. Inmates are encouraged to abide by rules, participate in work and program assignments, and actively work towards constructive behavioral change. This type of philosophy will be instrumental in facilitating the Department's forward progression. Since implementation of the system, there has been a decrease in disciplinary reports and termination from work assignments.

After closely examining the advantages and disadvantages of implementing chain gangs in Kansas, I question why we would want to proceed in this direction. The impetus for this change appears to be driven by public perception. As a society, we are frustrated because the number of inmates continues to increase and it is costing us more to incarcerate inmates. It is our responsibility as corrections professions to portray an accurate image of inmate productivity and to successfully reintegrate as many inmates as possible into the community as constructive individuals. It would be in the State's best interest to continue to focus on quality education, additional community policing, and community ad-hoc organizations.

Ultimately, if the real concern is not building additional bed space and reducing the recidivism rate, we need to take a look at public policy. It is important that we listen to the public, but it is equally important that we develop policy balancing the operational considerations of corrections with the interests of society. The final direction will affect us for many years to come.

I have all the confidence in the world that members of the Legislature possess the wisdom to refrain from making a quick decision that could stifle future progress for Kansas in years to

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come. Let's not fall prey or feel a need to follow others down a dead-end road. We need to remain on the high road and continue to be innovative and visionary, resulting in a safer Kansas through effective correctional services.



L. E. Bruce, Warden
Ellsworth Correctional Facility

LES:dja

IF IT HAD BROKE DON'T FIX IT.
We DO NOT need CHAIN GANGS IN KANSAS

THE KANSAS DEPT OF CORRECTIONS, ALREADY HAS AN EFFECTIVE, EFFICIENT, AND COST-CONSCIOUS SYSTEM FOR USING INMATE LABOR IN MANY LABOR-INTENSIVE ENTERPRISES. THERE ARE APPROXIMATELY 100 INMATES RIGHT HERE IN TOPEKA AT THE WEST UNIT OF THE TOPEKA CORRECTIONS FACILITY, THAT GO FORTH DAILY TO SHOVEL SNOW, ~~PULL~~ PULL WEEDS, MOW, ^{grass} AND GENERAL OUTSIDE MAINTENANCE. THE CAPITOL BUILDING, THE STATE OFFICE BLDG., F.S.H. AND THE AIRPORT ARE JUST A FEW OF THE STATE FACILITIES THAT ARE SERVED AND MAINTAINED BY INMATE LABOR. OTHER INMATES WORK AS PLUMBERS, ELECTRICIANS, PAINTERS & CARPENTERS MAINTAINING THE INSIDES OF STATE PROPERTY AS WELL. THESE MEN, AND THIS KIND OF WORK COULD BE SERIOUSLY ~~JERPERDISED~~ JERPERDISED, IF THESE INMATES WERE CHAINED TOGETHER.

~~THESE~~
THE PRESENT PENAL SYSTEM IN KANSAS ENCOURAGES THIS INMATE LABOR - BY ALLOWING AN INMATE TO PROGRESS FROM A MAXIMUM SECURITY TO A MEDIUM SECURITY, TO A MINIMUM SECURITY FACILITY. ~~TO~~ IN EACH OF THESE STEPS, THE INMATE MUST DEMONSTRATE MORE

MATURITY, AND MORE RESPONSIBILITY, AND DEPENDABILITY.
AND IN THE PROCESS ARE LEARNING WHAT IT
WILL TAKE TO BE SUCCESSFUL - WHEN THEY
ARE RELEASED - AND TO BE PRODUCTIVE TO THE
STATE - IF THEY REMAIN INCARCERATED.
THE PRODUCTIVITY OF THIS SYSTEM
IS NOT RESTRICTED TO THE 100 PEOPLE ON
THE WEST UNIT IN TOPEKA - THERE ARE
THESE SAME INCARCERATED OPERATING IN
LANSING, HUTCHISON, EL DORADO, AND ~~OTHER~~
FOR SOME AND PERHAPS OTHER CORRECTIONAL
FACILITIES OF WHICH I'M UNSURE.

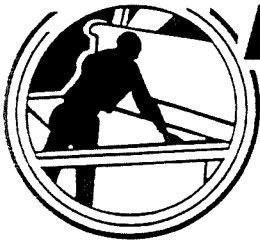
THIS IS A GOOD SYSTEM TO UTILIZE
PRISON LABOR - AND REPRESENTATIVES & SENATORS
~~THE~~ BOB, AS WELL AS THE PEOPLE OF
KANSAS NEED TO KNOW THAT
THE STATE OF KANSAS IS
~~IS~~ INMATES WORKING PRODUCTIVELY

PART OF THE PUBLIC IMAGE OF
THE KANSAS CORRECTION SYSTEM IS
THAT ~~THE~~ INMATES ARE LIVING
IN LUXURY. I CAN ~~SEE~~
~~THE~~ ONLY ENCOURAGE

Frank Wender

This Group of lawmakers to
just only know Faculty - to
dispell that MISCONCEPTION. THE
~~#~~ STATE MAINTAINS STANDARDS - BUT
I will guarantee - you will NOT BE
SO ENHANCED WITH luxury THAT
you would ASK TO SPEND THE
NIGHT.

The Workman Fund



Providing Inmate Training
Through Private Enterprise

RE: House Bill 2841
Inmate Work Crews in Leg Restraints

MEMO TO: Committee Members

FROM: Fred P. Braun, Jr.
Initiator of LCF Work Programs: Zephyr, Heatron, Henke
Member of Koch Crime Commission (two committees)

DATE: February 13, 1996 3:30 PM

I am a firm supporter of hard work for inmates, and have spent the past nineteen years creating these work programs in Kansas and nationally.

However, for the benefit of Kansas taxpayers, there are better inmate work alternatives currently operating and expanding than those proposed in new section D.

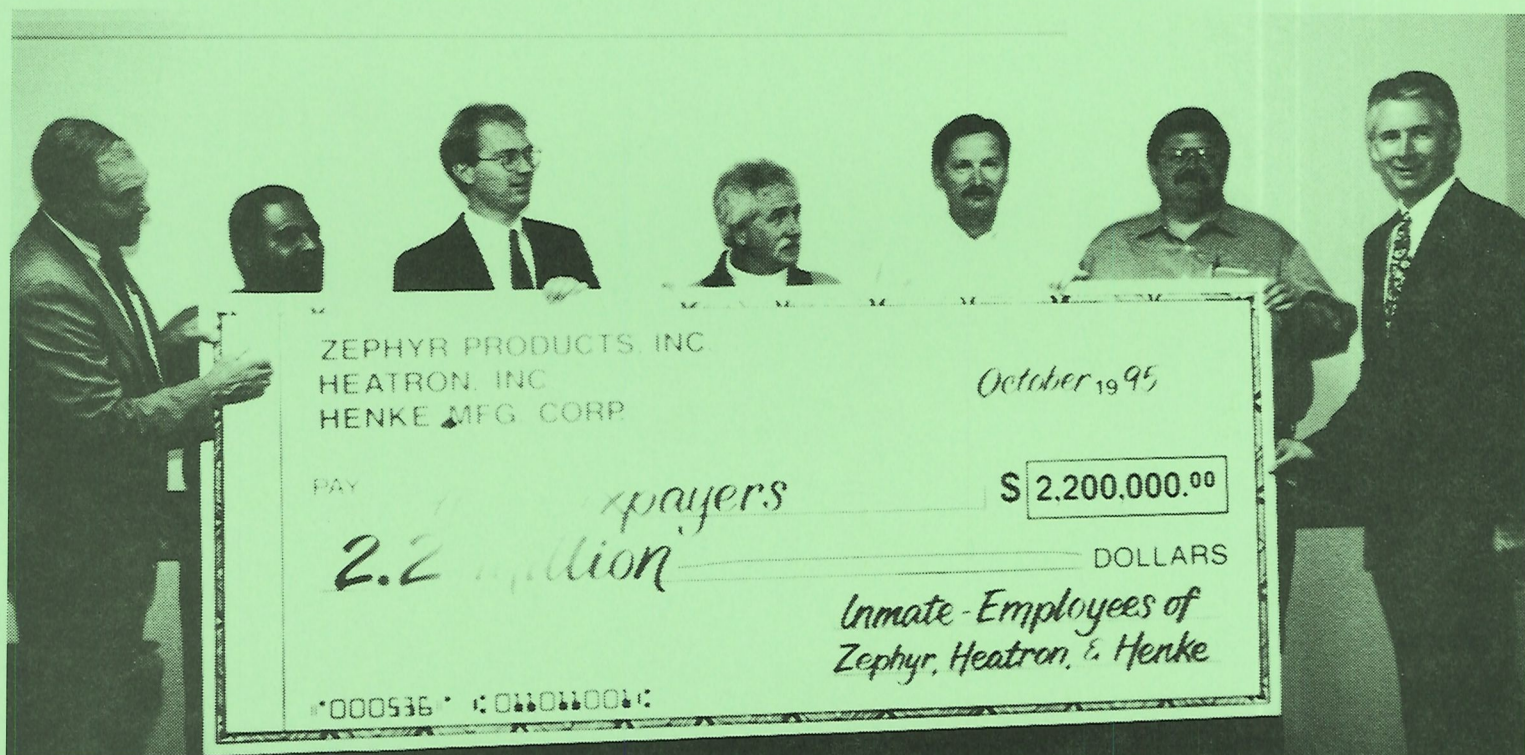
- 1) Most of the current work programs provide revenue to the state. For instance, the inmate/employees of Zephyr, Heatron, and Henke currently pay \$50/wk room and board in the prison, plus all taxes, etc (see attachment).
- 2) The cost of supervision for the current programs is reasonably inexpensive. At Zephyr, Heatron, Henke, one part time security officer is assigned for 90 minimum security inmates.
- 3) The inmate/employees of the private sector prison industry programs work hard. The employees of Zephyr, Heatron, and Henke get on the prison bus at 3:30 PM tired and dirty, after working a full eight hour day.
- 4) Real world work programs reduce recidivism by providing realistic training and job skills. Parolees with these skills seldom return to our Kansas prisons, saving \$25,000 annually per inmate.
- 5) Work crews along the roadside in leg restraints may give the appearance of hard work, but the restraints prevent vigorous physical, mental, and emotional effort. And they fail to provide any sense of personal responsibility. If public humiliation is the goal, there may be cheaper alternatives.

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Attachment 11



Taken from
The Leavenworth Times
Wednesday, Oct. 11, 1995

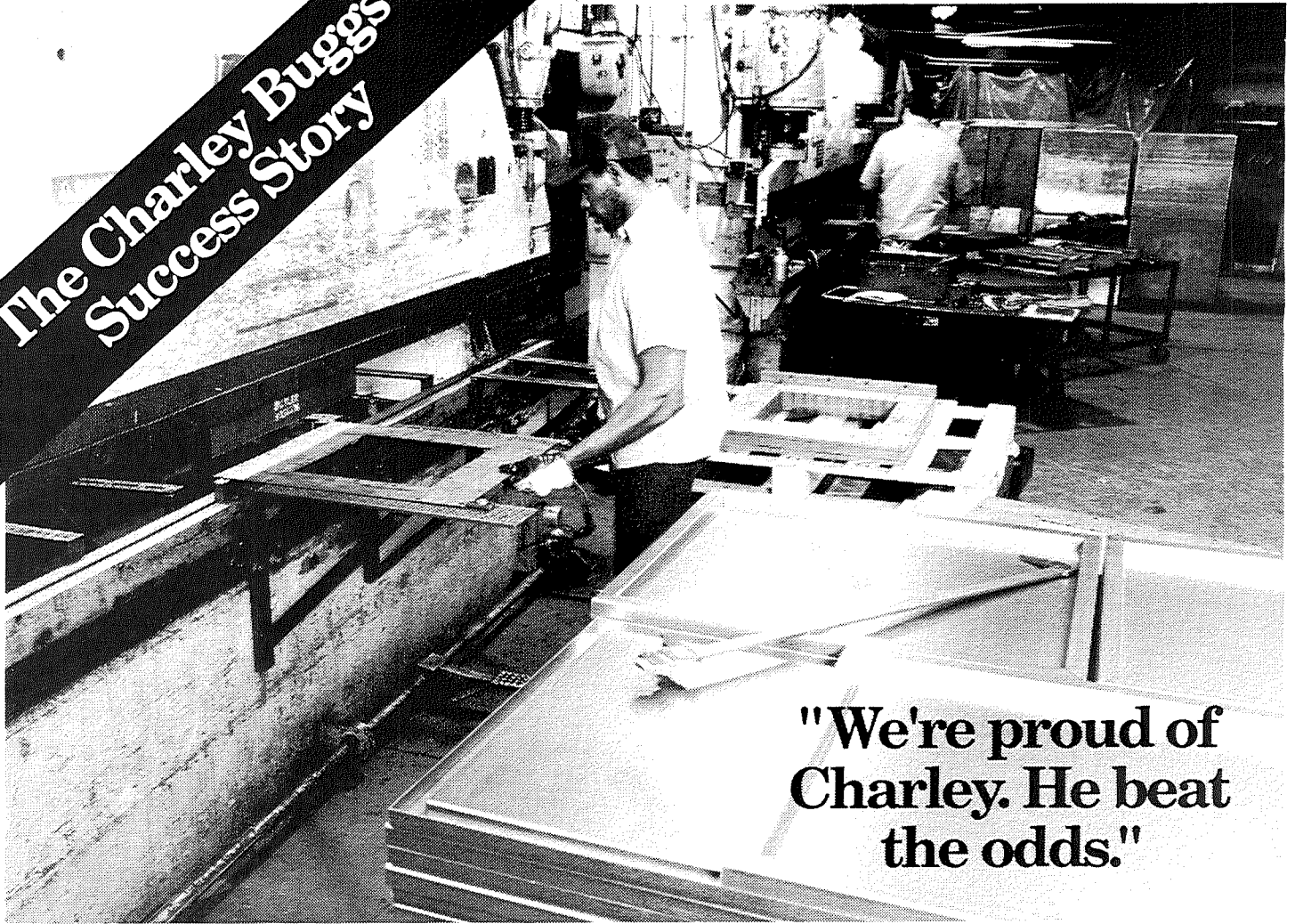
PAYMENTS FROM INMATE EMPLOYEES HIT \$2.2 MILLION DOLLARS



Gov. Bill Graves, far right, accepted a symbolic \$2.2 million check Oct. 6 from inmate workers at three Leavenworth manufacturing plants. Presenting the checks are, from left: Fred Braun, president of Henke Manufacturing Inc.; Jesse Rodriguez, LCF, Henke; Randy Reinhardt, president of Zephyr Products Inc.; Greg Musselman, LCF, Zephyr;

Paul Lambert, LCF, Heatron Inc.; Mike Keenan, president of Heatron. Braun said the \$2.2 million represents the money inmates have given back to the state and federal governments since the first program started in 1979. Minimum-custody inmates make the minimum wage working at the industries.

**The Charley Buggs
Success Story**



**"We're proud of
Charley. He beat
the odds."**

Special to The Times

Charley Buggs landed a job at a Wichita manufacturing plant after he was released from Lansing Correctional Facility. While in prison, Buggs worked at Zephyr Products.

Zephyr experience helps ex-con find work

Former LCF inmate has held job for nearly a year

By **CONNIE PARISH**
Times Staff Writer

Charley Buggs beat the odds. He's a black 41-year-old ex-convict who's held a good, skilled job for nearly a year. He earned a raise after six months at a Wichita sheet metal fabrication plant that makes airplane parts.

Buggs was 23 when he was sent to what was then the Kansas State Industrial Reformatory at Hutchinson. His work history before incarceration was sketchy.

He describes what he did as "semiskilled labor jobs": a short time at a grain silo company, some roofing work, some janitorial work.

Buggs had some jobs in prison, too. One he remembers was as a projectionist to show movies at the reformatory.

But he's sure the key to his good job after 17½ years in prison was his 5½ years of experience at Zephyr Products Inc.

Buggs transferred to what was formerly the East Unit of the Kansas Correctional Institution in Lansing — now Lansing Correctional Facility — in 1983.

Three years later, he started work at Zephyr.

Zephyr is a sheet metal fabrication plant that opened in Leavenworth in late 1979. Zephyr and Heatron Inc. were started by Fred Braun, Jr., president of Creative Enterprises, the firms' umbrella company.

The two firms are different from most in one way — they employ state prison inmates. One of Braun's ideas when he moved the two companies to Leavenworth was to provide opportunities for prisoners to learn skills to make them employable once they were free. Zephyr and Heatron are a joint venture with the state Department of Corrections.

Eligible minimum-custody inmates living at what is now LCF-East are bused to work each day.

They earn the federal minimum wage and there's also an employee stock ownership plan. Braun said it amounts to the company kicking in about \$1 for each \$4.25 an hour employees work.

Once prisoners are freed, they receive the proceeds. Buggs, for example, will be getting a check for more than \$9,000 next month, Braun said.

Buggs says his experience in operating machines at Zephyr — the parts press, the press brake

and some shear work, among others — helped him get the job at Tru-Circle Corporation in Wichita.

He's a metal former in the sheet metal department at the Wichita firm, operating a 135-ton hydro press as well as another press.

"This is a big difference for me, especially," Buggs said. "It's better pay, (than any jobs he'd held before prison) for one, and it's skilled work.

"There's a chance to get a raise and the benefits are better. This is the longest I've held a job in the free world and I've progressed. I benefited (from working at Zephyr)."

Braun was president of Zephyr when Buggs started working there in January 1986. He recalls that Buggs had virtually no job history and no demonstrable skills. It took him a while to learn the job.

"And he had injury problems right off the bat," Braun said. "But the main thing was, he persevered. He had a good attitude and he slowly got better. ... He really did get good at the press brake.

"And that's the reason this is so pleasing — that he's come as far as he has."

Buggs says he's sure Braun helped him get his job at Tru-Circle.

Braun acknowledges that he probably had some influence there. He's on the board of Kansas Venture Capital, which invests in small Kansas companies, particularly high-risk companies.

Kansas Venture Capital had invested some \$600,000 in Tru-Circle when the lathe and machine company wanted to start a metal fabrication plant.

Braun said he put in a good word about Buggs to the president of the company.

"I highly recommended that he was a guy who had experience (in sheet metal fabrication)," he said.

Working at Zephyr meant more than just a good job for Buggs.

It meant he had substantially more than the \$100 gate money inmates typically get when they leave the state prison.

He had earnings accumulated from his work at Zephyr, minus what had been taken out over the years for room and board, federal and state taxes, family support and victims' compensation.

"It helped to have money," Buggs said. "I got a pretty good used car that I was able to pay cash for and some other things I probably wouldn't have been able to do without funds. I wasn't dependent on anyone."

KANSAS PEACE OFFICERS ASSOCIATION

February 13, 1996

**House Committee on Judiciary
House Bill 2841**

Mr. Chairman and Members of the Committee:

I am Helen Stephens, representing the 3700 members of the Kansas Peace Officers Association. We are here to oppose and voice our concerns on House Bill 2841, commonly called the "chain gang" bill.

The new language appears to present several issues not addressed in the bill; namely, would the State of Kansas be liable and responsible in the following situations:

- 1) Injury or death to an inmate that might occur during work at a non-state work site?
- 2) For damage to non-state work sites if damage was the result of an inmate's actions?
- 3) Does DOC have sufficient manpower to provide armed guards to properly supervise, plus provide transportation to and from the worksite?

Is there is demand for the type and quality of work this group would be able to do to merit the creation of such a disciplinary work action group.

If all costs are not paid by the State, how much of the expense would be borne by the agency or organization using the program. Would local law enforcement be expected to provide guards, transportation, food, or medical help if used in their jurisdiction.

While the concept appears to be good, we believe during a time of tight budgets for everyone, the cost of such groups would outweigh the benefits; not only in terms of dollars, but also in terms of manpower allocated by DOC; **and possibly local units of government**. Local law enforcement agencies are presently strapped for money, personnel, and equipment; being involved in the above would only add to these problems.

We are also concerned about the type of felon who would be out of a secure facility and secured only by leg irons. These situations would be ripe for escape, either planned with outsiders or "spur of the moment". Is this suggested legislation one where everyone thinks it is a good idea -- but "not in my backyard"? How secure would the general public feel about medium security prisoners with an "attitude problem" working in their parks, on school grounds, or other facilities near their homes. Under the present system, DOC chooses those felons who are at least risk to the public.

While KPOA advocates "locking up the felons", we are concerned about the above issues and believes the current system used by DOC is in the best interest of the State and public safety.

Thank you for the opportunity to speak today. I will stand for questions.

House Judiciary
2-13-96
Attachment 12

Wendy McFarland, Lobbyist
575-5749

TESTIMONY ON HB 2841 DELIVERED 2/13/96
BEFORE THE HOUSE JUDICIARY COMMITTEE

GOOD AFTERNOON. MY NAME IS WENDY MCFARLAND AND I REPRESENT THE ACLU OF KANSAS AND WESTERN MISSOURI. I AM HERE TODAY TO OPPOSE THE INTRODUCTION OF CHAIN GANGS INTO OUR PRISON SYSTEM.

PROponents OF THIS ISSUE WOULD HAVE YOU BELIEVE THAT THERE IS NOTHING RACIST ABOUT THE REAPPEARANCE OF CHAIN GANGS. WHETHER INTENTIONAL OR NOT, THERE IS. THEY EVOKE IMAGES OF A RACIST CHAPTER IN AMERICAN HISTORY...ONE THAT UP TILL NOW, KANSAS WAS NOT REALLY A PART OF.

CHAIN GANGS WERE A SUCCESSOR TO SLAVERY WHEN THEY ORIGINATED AND SWEEP THROUGH THE LABOR STARVED SOUTH DURING RECONSTRUCTION.

A PUBLIC OUTCRY BEGINNING IN THE 1930'S GRADUALLY SHAMED STATES INTO ABOLISHING CHAIN GANGS. THEIR RETURN LAST YEAR TO ALABAMA HAS GENERATED WORLD WIDE ATTENTION AND SHOULD BE A MATTER OF SHAME FOR EVERY DECENT AMERICAN.

THE WORK GANGS DO IS VALUELESS. THE HIGHWAY CREWS ALLEGEDLY CLEAR WEEDS AND DEBRIS BUT THE FACT IS THIS IS IMPOSSIBLE TO DO ON ANY USEFUL SCALE WITH 5 MEN CHAINED 8 FEET APART, EACH STUMBLING WHEN THE NEXT ONE DOES.

THE REAL REASON FOR STRETCHING LEGIONS OF CHAINED MEN FOR A MILE OR SO ALONG KANSAS HIGHWAYS IS TO LET MOTORISTS FILL THEMSELVES ON A VISIBLE SYMBOL OF PUNISHMENT AND HUMILIATION.

FAR FROM DECREASING CRIME, BY DELIBERATELY DEGRADING AND DEHUMANIZING THE PEOPLE UNDER OUR CONTROL, WE WILL IN FACT MAKE SOCIETY LESS SAFE.

THERE IS NO RESEARCH ABOUT THE EFFECTIVENESS OF CHAIN GANGS SINCE IN THE PAST IT WAS NEVER FELT TO BE NECESSARY TO JUSTIFY THEIR USE.

BY ALL MEANS, LET PRISONERS WORK BUT GIVE THEM REAL JOBS TO DO THAT WILL EARN THEM REAL MONEY SO THAT THEY CAN MAKE RESTITUTION TO THEIR VICTIMS AND AT THE SAME TIME GAIN SOME USEFUL SKILLS TO TAKE BACK INTO THE FREE WORLD.

WE URGE YOU TO VOTE AGAINST THIS BILL THAT WILL TARNISH THE IMAGE OF KANSAS AS A STATE THAT RIGHTLY PRIDES ITSELF ON CIVIL AND HUMAN RIGHTS. AND PROMISES LITTLE IN THE WAY OF SUCCESSFUL REINTEGRATION OF INMATES BACK INTO A SOCIETY WHERE WE ALL HAVE THE RIGHT TO EXPECT THEM TO BEHAVE AS CIVILIZED HUMAN BEINGS. WE TEACH BY EXAMPLE.