

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE.

The meeting was called to order by Chairman Donald Dahl at 9:00 a.m. on January 27, 2003 in Room 521-S of the Capitol.

All members were present except: Representative Joe Humerickhouse, Unexcused  
Representative Rick Rehorn, Unexcused

Committee staff present: Jerry Ann Donaldson, Kansas Legislative Research Department  
Renae Jefferies, Revisor of Statutes  
June Evans, Secretary

Conferees appearing before the committee: Roger Werholtz, Secretary, Kansas Department of Corrections

Others attending: See Attached Sheet

The Chairman called the meeting to order and asked if there was anyone requesting bill introductions.

Susan L. Somers, Executive Director, Board of Accountancy, requested the introduction of 3 bills; (1) recouping the cost of subpoenas, (2) uniform Certified Public Accountant examinations and (3) fees for a permit to practice as a certified public accountant in this state.

Representative Johnson moved and Representative Novascone seconded to accept the three bill requests for introduction. The motion carried.

Roger Werholtz, Secretary, Kansas Department of Corrections (KDOC), gave a briefing on inmate work programs. One of the key goals articulated by KDOC in its strategic action plan is to increase offenders' abilities and motivation to practice responsible crime-free behavior. One of the primary objectives identified in support of this goal is to increase opportunities for inmates to acquire work skills. KDOC has increased the emphasis on improving the processes related to offender re-entry into the community. Employability and the ability to have sustained employment is often a critical factor in reducing recidivism and in an offender's successful transition to community life.

KDOC inmates are expected to participate in work or program assignments. Work assignments provide for productive use of time, helping offenders develop work skills and appreciation for the work ethic, and they also reinforce responsible behavior. Work release and private industry jobs also help inmates accumulate financial resources in preparation for release. The work release and private industry inmates pay taxes, reimburse the state for room and board, make crime victim compensation payments, and pay court-ordered obligations. Community service and facility work details receive between 40 cents and \$1.05 per day. Traditional correctional industry workers receive from 25 cents to 60 cents per hour, depending on work performance and longevity. Private correctional industries, which are private companies that operate within or in close proximity to KDOC, pay at least the federal minimum wage. Inmates who participate in education and treatment programs earn up to \$1.05 per day (See Attachment #1).

There was discussion and Representative Grant suggested a committee field trip to one of the prison locations. The Chairman requested that any member interested in a field trip contact either him or the secretary. If enough interest was shown a trip could be arranged.

The meeting adjourned at 10:20 a.m. The next meeting will be January 28.

**COMMERCE AND LABOR**

DATE January 27, 2003

NAME	REPRESENTING
Cathy McNofton	KTLA
Susan Somers	Board of Accountancy
Roger Haden	KDOC
Roger Werholtz	KDOC
J.P. SMALL	City of Stockton
Michael White	Kearney & Assoc.
Kevin Boone	Helm Law Firm
Mike Huttles	Ks. Governmental Consulting
Martha Jersey	KLRD
Martha Jean Smith	KMLA

**Briefing on Inmate Work Programs**  
*presented to the*  
**House Committee on Commerce and Labor**

---

*Roger Werholtz*  
*Secretary of Corrections*

January 27, 2003

Commerce Labor  
1-27-03  
Atch #1

## Inmate Work

One of the key goals articulated by the Department of Corrections in its Strategic Action Plan is to increase offenders' abilities and motivation to practice responsible crime-free behavior, and one of the primary objectives we have identified in support of that goal is to increase opportunities for inmates to acquire work skills. We use several mechanisms for addressing that objective within correctional facilities. Within the last few years, we have also significantly increased our emphasis on improving the processes related to offender reentry into the community, where employability and the ability to have sustained employment is often a critical factor in reducing recidivism and determining whether an offender's transition to community life is a successful one.

All KDOC inmates are expected to participate in work or program assignments. Work assignments provide for productive use of time, they help offenders develop work skills and appreciation for the work ethic, and they reinforce responsible behavior. Work release and private industry jobs also help inmates accumulate financial resources in preparation for release. The work release and private industry inmates also pay taxes, reimburse the state for room and board, make crime victim compensation payments, and pay court-ordered obligations.

The principal types of inmate assignments include:

- *Community service work details*....inmate workers perform tasks for public or not-for-profit agencies that would not otherwise be done. Most of these projects are performed outside of the facility perimeter, which means that most of this work is performed by minimum custody inmates. The maximum rate of pay is \$1.05 per day.
- *Facility work details*....inmates perform work in support of the daily operation of correctional facilities and also provide some of the labor for KDOC capital improvement projects. Inmates of all custody levels are assigned to work details within the facility perimeter; only minimum custody inmates are eligible for outside work details. The maximum rate of pay is \$1.05 per day.
- *Traditional correctional industries*....are KDOC-operated industries which employ inmates to produce goods and services sold to eligible public and not-for-profit agencies. These inmates receive wages ranging from \$.25-\$.60 per hour, depending on work performance and longevity.
- *Private correctional industries*....are private companies who operate within or in close proximity to KDOC facilities and who employ inmates in the production of goods or services that are marketed in the private sector. These inmates earn at least the federal minimum wage rate of \$5.15 per hour.
- *Work release*....is a program for minimum custody inmates nearing their release date whereby the inmate is housed in a KDOC facility but is allowed to leave the facility to work in a "regular" job in the community.
- *Education and treatment programs*....are made available for the purpose of better equipping offenders for a successful return to the community. Vocational education programs directly relate to improving work skills, while others, such as sex offender treatment, substance abuse treatment and academic education, address other needed areas. Inmates who participate in these assignments earn up to \$1.05 per day.

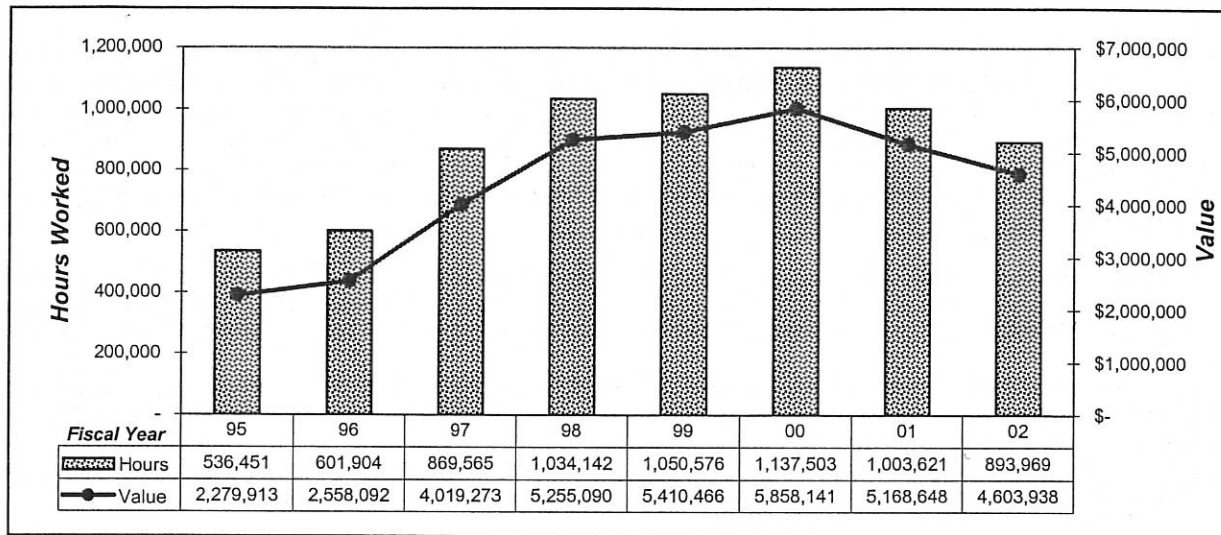
## Inmate Assignment Status Snapshot as of June 30, 2002

<b>Assignment Status</b>	<b># Inmates</b>
<b>Assigned</b>	
Institutional support	3,230
Maintenance detail	549
Utility work detail	595
KCI	
traditional industries	456
private industries	519
Academic education	233
Vocational education	188
Treatment program	244
Work release	228
Pre-release	40
<i>Total assigned</i>	<u>6,282</u>
<b>No primary assignment</b>	
Evaluation	334
Medical lay-in	166
No work available	800
For cause	650
Disciplinary segregation	89
Protective custody	28
Administrative segregation	368
<i>Total unassigned</i>	<u>2,435</u>
Assignment status not available	56
<b>Total</b>	<u><u>8,773</u></u>

*Note. Assignments are summarized on the basis of the inmate's primary assignment. The table does not fully reflect all program participation by inmates because some program participants also have primary work assignments.*

## Community Service Work

### Total Hours and Estimated Value of Community Service Work FY 1995—FY 2002



One of the primary work venues for minimum custody inmates is community service work. Each year, numerous KDOC work details perform a wide variety of tasks for public and non-profit agencies that these agencies would not be able to accomplish otherwise.

- The 893,969 hours worked in FY 2002 is approximately 11% less than the number of hours completed in FY 2001. The decline occurred because the number of minimum custody inmates available for community service work details remained lower during much of FY 2002 than in previous years. This was primarily the result of legislation (SB 323) passed during the 2000 session.
- If estimated at the minimum wage rate of \$5.15/hour, the total value of community service work performed by KDOC offenders was approximately \$4.6 million in FY 2002.
- Most of the community service work performed by KDOC offenders is done by minimum custody inmates. However, offenders on post-incarceration supervision also are assigned to community service projects. In FY 2002, these offenders worked a total of 10,348 hours. Of this amount, 4,351 hours of community service work were performed by offenders assigned to the Topeka Day Reporting Center.

1-4



## Examples of Community Service Work—FY 2002

Inmates from the **El Dorado Correctional Facility's** North Unit provided labor to Project Play Park in Augusta. This park project was completed by community volunteers and the inmate work crew and funded by donations. The project involved setting poles, sorting lumber, and carpentry skills. Inmate crews from the Toronto Unit provided more than 900 hours cleaning up towns of Yates Center, Fall River, Coyville and Toronto following the destructive ice storm of January 2002.

More than 20 dogs graduated from the Canine Assistance Rehabilitation Education and Services (CARES) program at **Ellsworth Correctional Facility** and have been placed in Kansas, Colorado, Nebraska, Oklahoma and other states during Fiscal Year 2002. Ellsworth inmates have assembled collections of baby blankets, diapers, jumpers, sleepers, socks, hats, bottles, and pacifiers for shipment to Romania as part of the Romanian Baby Bundle Project. An inmate detail at ECF is developing pages and covers for concept book kits which will be available to visually impaired students throughout the state from the School for the Blind in Kansas City.

An inmate work crew and detail supervisor from the **Hutchinson Correctional Facility** assisted the City of Nickerson by razing a building owned by the city. In return for the inmate labor, Nickerson city officials donated the materials from the building for construction of a training facility for the Wild Mustang program.

Inmate work crews and supervisors from **Lansing Correctional Facility** provided more than 3,000 hours renovating the abandoned Easton High School into the temporary Easton Primary School. The former Primary School was destroyed by a flood in the spring of 2001 and the community had only a few months to restore a building that had not been used as a school since the 1960's to be ready for students in the fall. The citizens of Easton and crews from Lansing worked as a team to accomplish this task.

For the fifth consecutive year, minimum custody inmates from the **Larned Correctional Mental Health Facility** assisted the Larned Chamber of Commerce in March 2002 with the annual Antique Show held at the National Guard Armory. Inmate workers helped to set up display areas, unload merchandise for participating vendors, and tear down and clean up after the three-day event.

Inmate work crews from **Norton Correctional Facility** and the East Unit at Stockton assigned to the Kansas Department of Transportation cut grass, cleaned bridges, painted buildings, and completed many miscellaneous projects throughout northwest Kansas. The Atwood Township crew mowed, trimmed, painted, and cleaned cemeteries, government owned areas, and maintained the Atwood Lake. Inmates from NCF - Central Unit assigned to an Audio Recording program read school texts and library books on tape. Since October 1999, more than 1,800 hours have been devoted to reading more than 2,500 books onto cassette, primarily for Unified School District 281 in Hill City.

Three crews of female inmates from **Topeka Correctional Facility** provided services to the Topeka community while at the same time learning and practicing "non-traditional" skills for woman. Two of the crews worked to repair and restore city owned housing - from minor touch-up to complete remodeling - so that the property can be sold at an affordable price to qualifying individuals and families. The other crew restored brick streets in historical areas of the community.

Inmate crews from **Winfield Correctional Facility** provided 3,760 hours of work to the communities of Winfield, Atlanta, Burden, Cedar Vale, and Udall following the devastating ice storm of January 2002. Crews were assigned for approximately two months clearing away the massive amount of broken tree limbs and other debris. The inmate workers picked up limbs and operated saws and wood chippers throughout south-central Kansas.

Offenders under **parole and postrelease supervision** throughout the state may also be assigned community service work as either a condition of supervision or as a sanction for violating a condition of supervision. All offenders assigned to day reporting centers are required to perform a minimum of 50 hours of community service work while participating in the program.

## Kansas Correctional Industries

Kansas Correctional Industries (KCI) has two distinct components:

- traditional correctional industries, which are operated directly by KCI; and
- private correctional industries, whereby the department enters into agreements with private firms who locate their operations in or near KDOC facilities.

In both cases, the objective is to provide meaningful employment for inmates to develop both work skills and appreciation for the work ethic.

### Traditional Industries: 1-1-03

Location	Industry	Inmate Workers
Hutchinson	Agri-business	16
	Industrial technology	1
	Laminated furniture	39
	Office systems	27
	Sewing	67
	Warehouse	5
	Vehicle/furniture restoration	29
Lansing	Agri-business	11
	Chemical division	33
	Data entry	20
	Private sector porters	12
	Sign and graphics	39
	Warehouse	11
	Wood furniture	36
Norton	Microfilm	39
Topeka	Federal surplus property	5
	State surplus property	9
<b>Total</b>		<b>399</b>

### Private Correctional Industries: 1-1-03

Location	Industry	Product/Service	Inmates Employed
El Dorado	Aramark	food service	1
	Century Mfg.	tap handles/awards	76
Ellsworth	Tescott Mfg.	cabinet doors	-
Hutchinson	Aramark	food service	2
	Unruh Fabrication	metal fabrication	10
	Hubco	cloth bags	11
Lansing	Aramark	food service	6
	BAC	leather products	20
	Compuchair	office seating	5
	CSE	emblems	19
	Heatron, Inc.	heating elements	26
	Henke Mfg.	snow plows	37
	Impact Design	screen-print & embroid. clothing	246
	Jensen Engineering	computer-assisted drafting	5
	United Rotary Brush	street sweeper brushes	6
	VW Services	heating elements	22
Zephyr Products	metal fabrication	27	
Norton	Aramark	food service	1
Topeka	Aramark	food service	1
<b>Total</b>			<b>521</b>

KCI is headquartered at Lansing Correctional Facility under the direction of Rod Crawford, the KCI director. The director reports to the Deputy Secretary of Programs, Research, and Support Services.

The Correctional Industries operating budget is \$10 million in FY 2003, all of which is financed with special revenues generated through KCI operations.

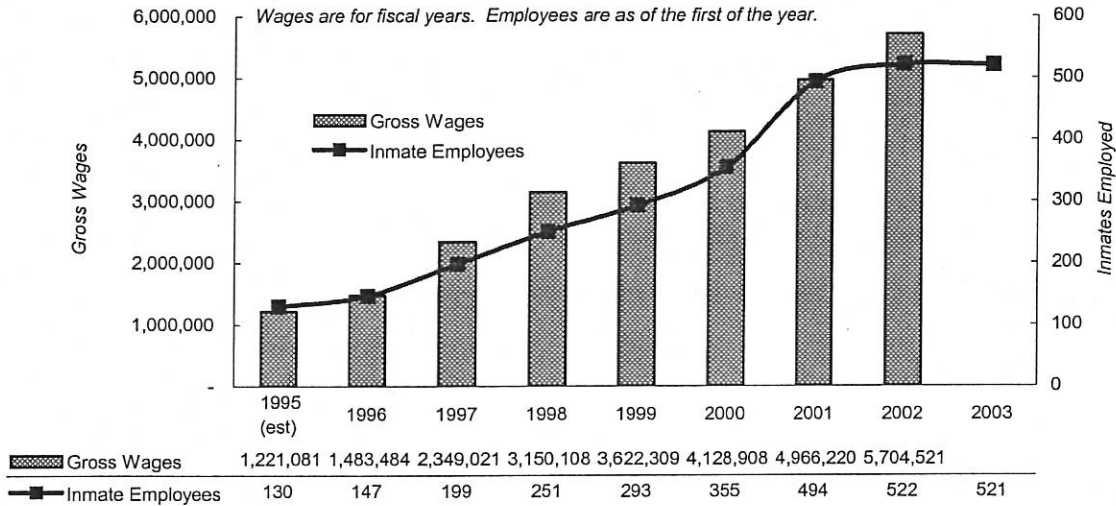
KCI has an authorized staffing level of 76.0 FTE, 52 of whom are employed by the respective industry divisions.

1-6



## Private Correctional Industries

### Private Industry Inmates: Number Employed & Gross Wages Earned 1995–2002



KDOC has significantly increased its emphasis on recruiting private correctional industry in the past several years. The department currently has 15 agreements with private companies for employment of inmates in or near KDOC facilities.

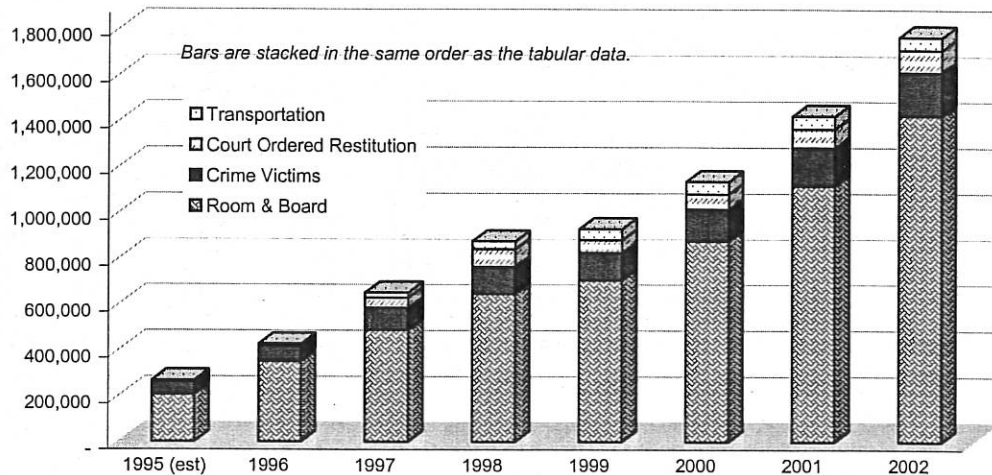
The number of inmates employed by private correctional industries on December 31, 2002 was four times the 1995 level.

Gross wages earned by these inmates totaled \$5.7 million in FY 2002—more than four times the estimated wages in FY 1995. Inmates employed by private correctional industries must earn at least minimum wage.

1-7

## Private Correctional Industries

### Payments by Private Industry Inmates Breakdown by Type and Amount FY 1995—FY 2002



	1995 (est)	1996	1997	1998	1999	2000	2001	2002
Transportation	-	-	22,964	34,406	48,392	54,531	56,834	56,472
Court Ordered Restitution	5,861	6,863	43,385	76,850	54,891	66,769	80,912	96,003
Crime Victims	57,801	70,253	97,597	119,063	121,084	139,391	167,426	188,995
Room & Board	204,895	349,772	487,600	645,922	705,384	876,246	1,118,121	1,426,153

Note: Dependent support payments are not charted, but they are included in the totals.

Inmates employed by private correctional industries pay:

Room and board reimbursement to the state at a rate equal to 25% of gross wages. This rate became effective February 1, 2001; previously, the reimbursement rate was \$52.40/week.

Reimbursement to the state (at \$.33 per mile) for transportation to and from work, if located off prison grounds.

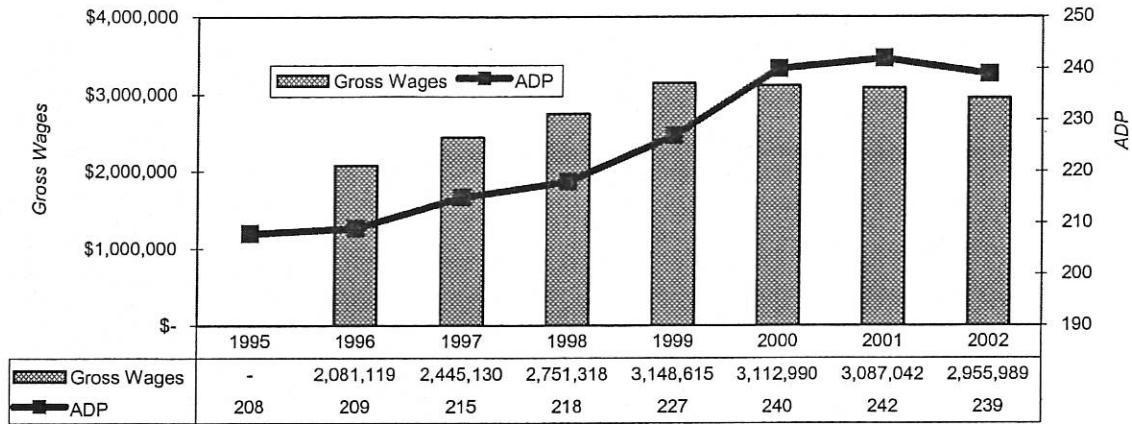
Either court-ordered restitution or payments to the Crime Victims Compensation Fund.

State and federal taxes.

Payments made by these inmates for these purposes (except taxes) totaled \$1,770,057 in FY 2002, including \$1,426,153 for room and board and \$284,998 for restitution and victim compensation.

## Work Release

### Work Release Inmates: ADP and Gross Wages Earned FY 1995—FY 2002



During FY 2002, the department had work release programs in Wichita and Hutchinson, with capacities of 198 (including some permanent party inmates) and 48, respectively.

The total work release ADP was 239 in FY 2002, compared to 208 in FY 1995. Gross wages earned by work release inmates totaled \$2,955,989 in FY 2002—an increase of 42% from FY 1996.

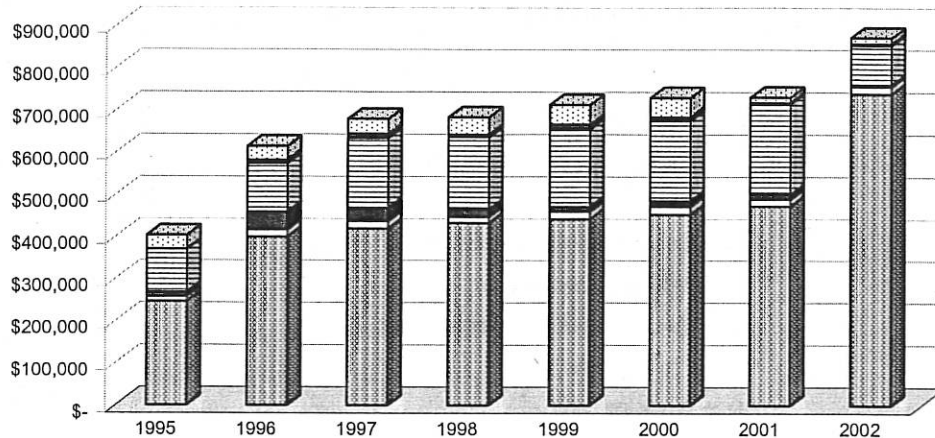
During FY 2003, the department initiated changes to increase work release program capacity by a net of 72 beds—

- in November 2002, the work release program for women was moved from Wichita Work Release to Topeka Correctional Facility. In conjunction with this move, the total number of work release beds available for placement of women increased from 10 to 20. *(This involves designation of existing general population beds for the work release program, so there is no net change in the overall capacity at Topeka.)*
- In December 2002, the total number of beds at Wichita Work Release increased by 52, resulting in a net increase of 62 beds for male work release inmates (i.e. the 10 beds at Wichita previously reserved for women, plus the 52 new beds resulting from the expansion.) The expansion involved renovation of existing space, and did not involve new construction.

1-9

## Work Release

### Payments by Work Release Inmates Breakdown by Type and Amount FY 1995—FY 2002



	1995	1996	1997	1998	1999	2000	2001	2002
Medical Fees	33,043	32,801	35,171	41,196	46,654	44,645	12,243	14,203
Attorney Fees	-	8,201	10,109	5,708	10,875	8,617	3,166	3,436
Court Ordered Restitution	102,235	114,544	166,074	172,192	184,708	191,042	214,419	93,598
Dependent Support	10,397	42,138	30,866	17,285	11,249	12,616	11,597	3,800
Transportation	11,229	17,709	18,212	14,975	17,942	19,436	16,430	17,496
Room & Board	246,786	399,789	420,003	433,220	442,585	453,830	473,925	740,272

**Work release inmates pay:**

Room and board reimbursement at a rate equal to 25% of their gross wages. This rate took effect July 1, 2001; previously, the reimbursement rate was \$52.40/week.

Reimbursement to the state (at \$.33 per mile) for transportation to and from work.

Medical expenses.

Court-ordered payments such as restitution, dependent support, and attorney fees.

State and federal taxes.

Payments made by work release inmates for these purposes (except taxes) totaled \$872,805 in FY 2002, including \$740,272 for room and board and \$93,598 for court-ordered restitution.

In FY 2002, the average reimbursement to the state by each work release inmate was approximately \$3,170\*. The expansion in work release capacity being implemented in FY 2003 will result in an estimated increase of \$228,000\* in annual reimbursement payments to the state.

\*Amounts do not include an estimate for taxes. While we have information on withholding amounts for state and federal taxes on earnings by work release inmates, we do not maintain data on their actual tax liability.

1-10

## Programs

KDOC provides direct program services to inmates and offenders on post-incarceration supervision. The underlying objective common to all offender programs is to better equip the offender for a successful return to the community by providing appropriate educational and treatment opportunities.

Major programs provided to the inmate population include:

- Sex offender treatment
  - Substance abuse treatment
  - Special education
  - Vocational education
  - Academic education
  - Values-based pre-release
  - Pre-release
  - Work release
- 
- Most KDOC programs are delivered by contract providers, an approach which provides professional services from those who specialize in each of the respective service areas. Contracts are awarded through a competitive selection process coordinated through the Division of Purchases in the Department of Administration.
  - KDOC staff provide program development and oversight, monitor contract compliance, and evaluate program effectiveness. Responsibility for contract procurement, administration and monitoring resides with the department's Division of Programs, Research and Support Services, headed by the Deputy Secretary of Programs, Research and Support Services.
  - In FY 2003, this division is responsible for administering approximately \$8.9 million in contracts for offender programs and services.

## Programs

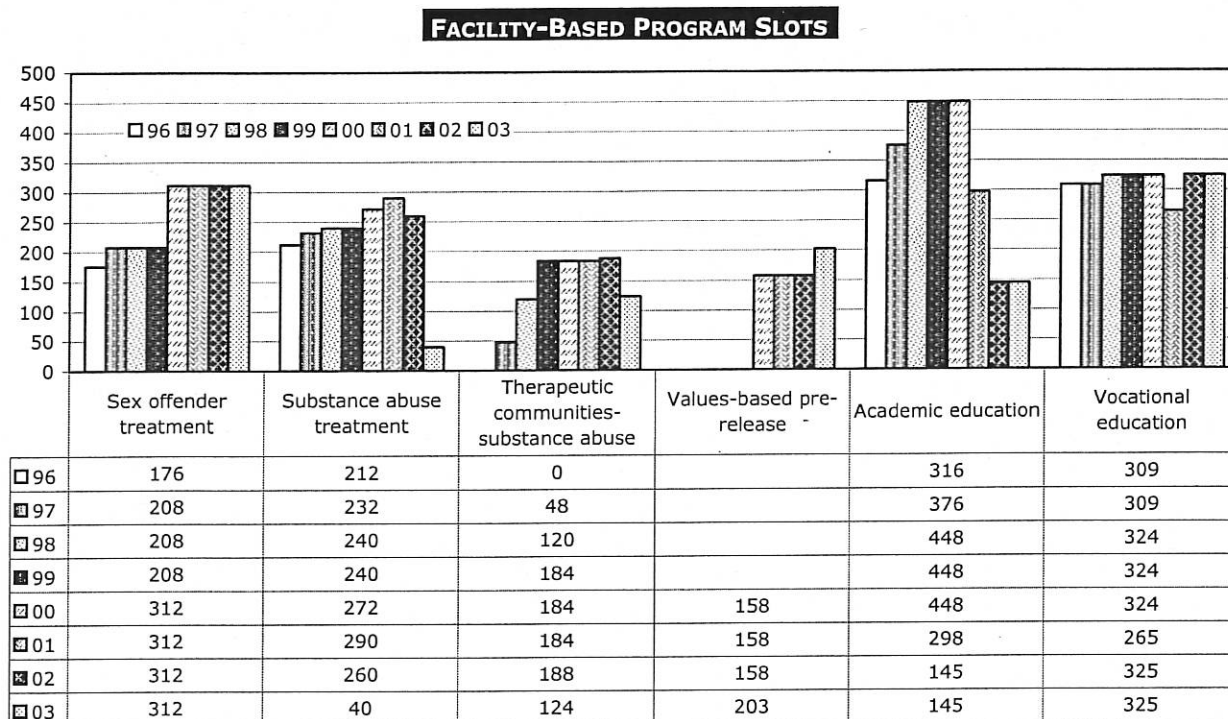
<b>Number of program slots, by facility — FY 2003</b>									
	EDCF	ECF	HCF	LCF	LCMHF	NCF	TCF	WCF	Totals
Academic education	15	15	30	30	10	15	15	15	<b>145</b>
Special education			20	30			10	10	<b>70</b>
Substance abuse treatment									
Standard program					40				<b>40</b>
Therapeutic community				100			24		<b>124</b>
Sex offender treatment			80	140		80	12		<b>312</b>
Values-based pre-release		203							<b>203</b>
Vocational education									<b>325</b>
Barbering			10						
Building maintenance				12			12		
Business support							12		
Cabinet-making				12					
Computer tech								12	
Construction			12			24			
Custodial services					8				
Drafting			15						
Food service	10		12	12		12			
Horticulture		12	12			12			
Industries technology			20						
Masonry	12								
Transitional training program		10	10	10		10			
Utilities maintenance			15						
Welding			15	12					
	<b>37</b>	<b>240</b>	<b>251</b>	<b>358</b>	<b>58</b>	<b>153</b>	<b>85</b>	<b>37</b>	<b>1219</b>

*Note: All of the program slots are contracted except the 40 substance abuse treatment slots at Larned Correctional Mental Health Facility, where services are provided by KDOC staff.*

1-12



## Facility-Based Program Capacity: FY 96-FY 03



—Because of budget reductions, funding available for all offender programs (both facility-based and community-based) has decreased each year since FY 2000. The amount available in FY 2003 is 30% less than the amount expended in FY 2000. As a result, significant reductions have been implemented in the department's capacity to provide program services, particularly in substance abuse treatment and academic education.

—When compared to FY 2000, the FY 2003 facility-based program capacity represents a reduction of over 500 treatment and education program assignments systemwide. Additional reductions, including vocational program slots, are projected for FY 2004.

—Program reductions have an impact not only on offenders and their ability to effectively prepare for successful reentry into the community, they also impact prison operations by contributing to inmate idleness, thus creating attendant management, security, and staff safety issues.

1-13

## Offender Reentry

In the last three years KDOC has reviewed and revised release planning processes to identify and implement policies, practices and procedures that are conducive to preparing viable release plans for offenders, and improve the flow of information from the facility to the field as offenders are released.

The ultimate goal is to create an environment in which anyone having contact with an offender or victim from entry into the system through reintegration into the community is focused on successful reintegration of the offender, through consistent strategies based on a substantial body of research about what works. These efforts strive for transitional plans that *1) are comprehensive, 2) are based on assessed criminogenic risk and need, 3) provide a continuum of care for special needs offenders, 4) are driven by individual goals for offenders after release, 5) meet the goals of public safety, risk reduction and successful reintegration, 6) contain appropriate levels of risk management and 7) involve input from communities, victims, offenders and families of offenders.*

This initiative is not limited to employment-related concerns, but it has some clearly defined aspects that are specific to employment and job development, as described below.

- KDOC has established two Offender Job Specialist positions (at LCF and Wichita parole) through a federal grant obtained through Southeast Kansas Education Service Center, KDOC's education contract provider, to address employee preparedness needs of offenders. Similar positions will be established in Hutchinson and Salina/Ellsworth early in 2003. These positions will provide services in the facilities and in the communities to help prepare offenders for sustained employment, including:
  - Vocational assessments
  - Course work addressing completing applications, writing resumes, job interviews, skills for sustained employment (punctuality, accountability, problem-solving, getting along with co-workers)
  - Mock job fairs, enabling interaction between potential employers and offenders, and practice interviews with feedback
  - Guidance in preparing detailed plans for seeking and sustaining employment, addressing job search options, job training programs, transportation, day care, etc.
  - Addressing barriers to sustained employment (such as home situations, stigma of being an ex-offender, etc.) and how to work through those barriers
  - Making referrals to work force agencies in the community
  - Establishing working relationships with work force agencies for access to these services by offenders in the community
  - Establishing job mentors
  - Job development
- KDOC has established working partnerships with the work force centers in all five Workforce Investment regions in the state, and with the Kansas Department of Human Resources. Through these partnerships we have:
  - Established dialogue to share information between the two systems (corrections and

## Offender Reentry (cont)

work force development)

- o Developed a program design for work force development agencies/centers to specialize in working with offenders, addressing the unique barriers faced by offenders in gaining and keeping employment, and beginning work prior to release
- o Began together pursuing private and government funds for these programs
- KDOC obtained a \$1 million grant for a Shawnee County Reentry Program. Key components of this program will include:
  - o Job development in Shawnee County.
  - o Working with the local workforce center, all program staff will address employment of offenders in the program, accessing job search, job training, mentoring and other employment support services through the local one stop. (The program site will be in the same building as the one stop to strengthen this partnership and this aspect of the program.)
  - o Through volunteers, employment-related life skills and employment preparedness courses will be delivered prior to release, and job mentoring will be provided upon release.