

MINUTES OF THE HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE.

The meeting was called to order by Chairperson Ward Loyd at 1:30 p.m. on January 22, 2003 in Room 526-S of the Capitol.

All members were present except:

Representative Jeff Goering - Excused

Committee staff present:

Jill Wolters - Office of Revisor  
Mitch Rice - Office of Revisor  
Jerry Ann Donaldson - Legislative Research Department  
Martha Dorsey - Legislative Research Department  
Nicoletta Buonasera - Legislative Research Department  
Bev Renner - Committee Secretary

Conferees Appearing before the committee:

Representative Kathe Decker  
Kyle G. Smith, Special Agent-Kansas Bureau of Investigation  
Roger Werholtz, Secretary-Kansas Department of Corrections

Representative Kathe Decker appeared before the committee with a request for bill introduction. She asked that legislation be drafted to discourage simultaneous diversions.

Vice-Chairperson Owens made a motion to have the request introduced as a committee bill. Representative Swenson seconded the motion. The motion carried.

Ranking Minority Member, Representative Jim Ward made a motion to have legislation drafted as a committee bill to provide district attorneys in multi-county judicial districts. Representative Dillmore seconded the motion. The motion carried.

Kyle G. Smith, Special Agent with the Kansas Bureau of Investigation requested that legislation be drafted to change K.S.A. 22-3437 to require certificates and underlying reports be served 'at least 15 days prior to any hearing' so that the defense has time to review the reports, making it the same for civil and criminal cases (Attachment 1).

Representative Carter made a motion to have the request introduced as a committee bill. Representative Kassebaum seconded the motion. The motion carried.

Roger Werholtz, Secretary of the Kansas Department of Corrections was introduced to the committee and gave a general overview of the department (Attachment 2). He talked about the vision and mission of the department and the commitment to enable employees to meet these goals through various duties and responsibilities. He explained the organization of the department and the various prison locations throughout the state. He presented a video of staff situations to enlighten the members of the precautions needed and the safety issues involved in day-to-day prison operations.

Secretary Werholtz challenged the committee with KDOC's needs in the 2003 session.

- 1) **FY 2003 Supplemental Appropriation** - Because of allotment reductions, the department has determined that several KDOC and local facilities would need to be closed. To avoid these closures, a supplemental appropriation of \$4.0 million is needed, which would also include funds for food service and medical contract costs because of an increase in the inmate population.
- 2) **Capacity Expansion vs. Sentencing Policy Change** - Kansas Sentencing Commission projections indicate that a decision must be made to respond to the projected growth in the male inmate population. Options are to expand capacity or revise sentencing laws to reduce the number of offenders in the system.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE at 1:30 p.m. on January 22, 2003 in Room 526-S of the Capitol.

- 3) **Cuts to Offender Programs** - There has been a significant decline in resources available for effective offender intervention programs such as substance abuse treatment, academic and vocational education and sex offender treatment.

Secretary Werholtz ended his briefing with KDOC's Legislation Package and bill introduction requests concerning:

- Jail per diem costs for housing KDOC offenders
- Definition of the scope of the Agency relationship for Inmate work crews
- Release gratuity for offenders whose detainer is resolved within 30 days
- Unavailability of Community Intermediate Sanction Centers
- Responsibility of certain released offenders to pay for public transportation
- Offender responsibility for DNA collection fees

Vice-Chairperson Owens made the motion to have the requests introduced as committee bills. Representative Huntington seconded the motion. The motion carried.

The committee meeting adjourned at 3:22 p.m. The next meeting is scheduled for January 27, 2003.





# Kansas Bureau of Investigation

Larry Welch  
*Director*

Phill Kline  
*Attorney General*

## Bill Request

### Lab Results Certification Procedures

Kyle G. Smith  
Before the House Corrections and Juvenile Justice Committee  
January 21, 2003

Chairman Lloyd and members of the Committee,

On behalf of the Kansas Bureau of Investigation I am hear today to request this committee introduce legislation making a procedural change in the statute that controls the admission of certified forensic exams, K.S.A. 22-3437.

The problem with the current system is that the certified reports are required to be served within 20 days of arraignment. However, in misdemeanor cases, typically marijuana, arraignment occurs the next court day after arrest and the items may not even be submitted to the KBI within 20 days, let alone analyzed and reports finished. The requested change would require certificates and the underlying reports be served 'at least 15 days prior to any hearing' thus giving the defense time to review the reports but still allowing for the different timeline in misdemeanor versus felony cases. This would also simplify the law by making it the same for civil and criminal cases.

Thank you and I would be happy to answer any questions.

H. Corr : J.J.  
1-22-03  
Attachment 1



**DRAFT: 22-3437.** (1) In any hearing or trial, a report concerning forensic examinations and certificate of forensic examination executed pursuant to this section shall be admissible in evidence if the report and certificate are prepared and attested by a criminalist or other employee of the Kansas bureau of investigation, Kansas highway patrol or any laboratory of the federal bureau of investigation, federal postal inspection service, federal bureau of alcohol, tobacco and firearms or federal drug enforcement administration. If the examination involves a breath test for alcohol content, the report must also be admissible pursuant to subsection (f) of K.S.A. 8-1001, and amendments thereto, and be conducted by a law enforcement officer or other person who is certified by the department of health and environment as a breath test operator as provided by K.S.A. 65-1,107 et seq. and amendments thereto.

(2) Upon the request of any law enforcement agency, such person as provided in subsection (1) performing the analysis shall prepare a certificate. Such person shall sign the certificate under oath and shall include in the certificate an attestation as to the result of the analysis. The presentation of this certificate to a court by any party to a proceeding shall be evidence that all of the requirements and provisions of this section have been complied with. This certificate shall be supported by a written declaration pursuant to K.S.A. 53-601 and amendments thereto or shall be sworn to before a notary public or other person empowered by law to take oaths and shall contain a statement establishing the following: The type of analysis performed; the result achieved; any conclusions reached based upon that result; that the subscriber is the person who performed the analysis and made the conclusions; the subscriber's training or experience to perform the analysis; the nature and condition of the equipment used; and the certification and foundation requirements for admissibility of breath test results, when appropriate. When properly executed, the certificate shall, subject to the provisions of subsection (3) and notwithstanding any other provision of law, be admissible evidence of the results of the forensic examination of the samples or evidence submitted for analysis and the court shall take judicial notice of the signature of the person performing the analysis and of the fact that such person is that person who performed the analysis.

(3) Whenever a party intends to proffer in a criminal or civil proceeding, a certificate executed pursuant to this section, notice of an intent to proffer that certificate and the reports relating to the analysis in question, including a copy of the certificate, shall be conveyed to the opposing party or parties ~~within 20 days after arraignment, if a criminal proceeding or~~ at least 20 days before a ~~civil trial~~ **hearing where the proffer will be used** begins. An opposing party who intends to object to the admission into evidence of a certificate shall give notice of objection and the grounds for the objection within 10 days upon receiving the adversary's notice of intent to proffer the certificate. Whenever a notice of objection is filed, admissibility of the certificate shall be determined not later than two days before the beginning of the trial. A proffered certificate shall be admitted in evidence unless it appears from the notice of objection and grounds for that objection that the conclusions of the certificate, including the composition, quality or quantity of the substance submitted to the laboratory for analysis or the alcohol content of a blood or breath sample will be contested at trial. A failure to comply with the time limitations

regarding the notice of objection required by this section shall constitute a waiver of any objections to the admission of the certificate. The time limitations set forth in this section may be extended upon a showing of good cause.

**History:** L. 1993, ch. 261, § 3; L. 1996, ch. 224, § 3; L. 2002, ch. 163, § 4; July 1.

## Background on the KDOC Organization

- *Mission, Vision, Goals and Responsibilities*
- *Organization*
- *Facility Management*
- *KDOC Correctional Capacity*
- *Community & Field Services — Parole Services*
- *Community & Field Services — Community Corrections*
- *Programs, Research, and Support Services*
- *Offender Program Capacity*
- *Kansas Correctional Industries*
- *KDOC Budget*
- *KDOC Staffing*

## KDOC Mission, Vision, Goals and Responsibilities

### Vision

**A safer Kansas through effective correctional services.**

### Mission

The Department of Corrections, as part of the criminal justice system, contributes to the public safety by exercising safe and effective control of inmates, by managing offenders in the community, and by actively encouraging and assisting offenders to become law-abiding citizens.

### Strategic Goals

Increase offenders' abilities and motivation to practice responsible crime-free behavior through correctional management consistent with the research-driven principles of effective intervention.

Operate safe and secure correctional facilities.

Manage offenders commensurate with documented risks and needs during their term of community supervision.

Acquire and maintain staff and resources needed to provide effective services.

Become a Department in which we all function as a single team.

Manage accurate, timely and complete information.

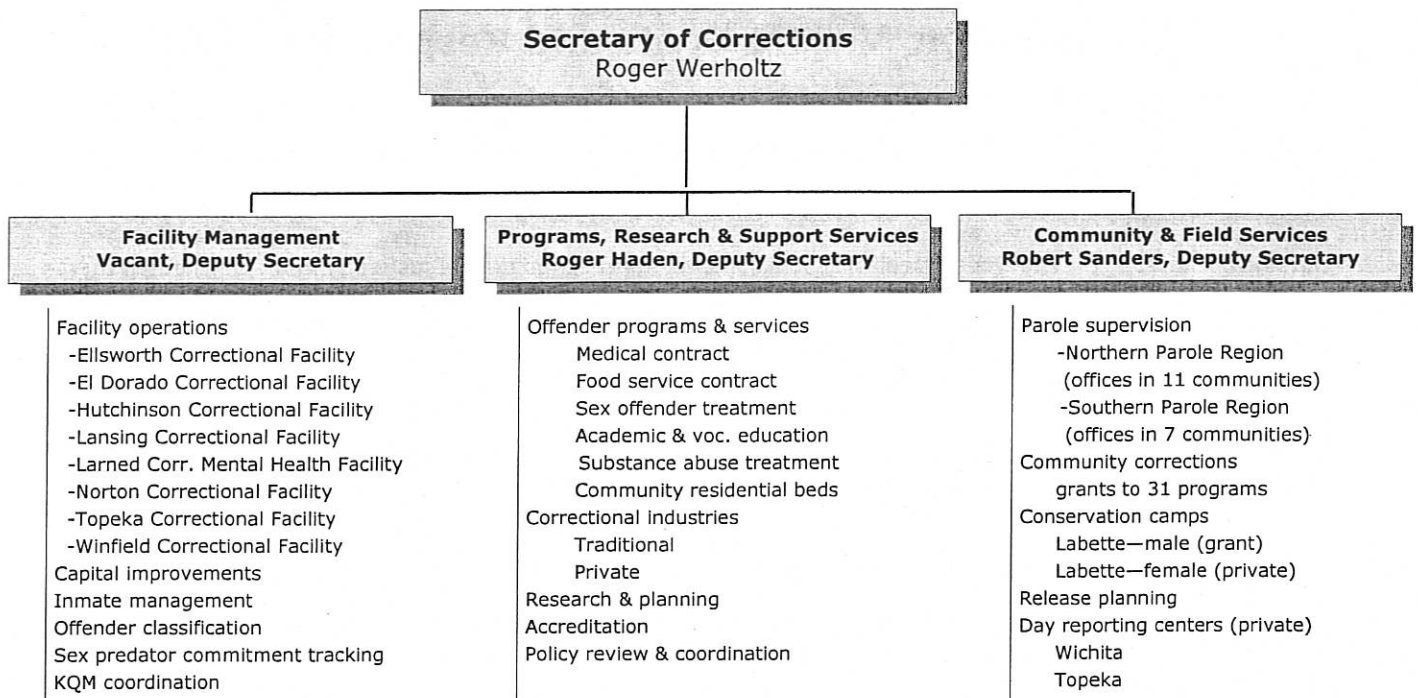
Serve as a liaison and service provider for crime victims.

### Duties & Responsibilities

The Kansas Department of Corrections is a cabinet-level agency responsible for administering the state correctional system. The department:

- Administers felony sentences of adult offenders committed to the custody of the Secretary of Corrections.
- Operates correctional facilities for incarceration of adult felony offenders.
- Provides community supervision of offenders released from prison.
- Provides program services to offenders to assist them in preparing for successful return to the community.
- Administers grants to local governments pursuant to the Community Corrections Act and for operation of a correctional conservation camp.
- Provides services to crime victims.

*Statutory authority for the Department of Corrections is found in Chapter 75, Article 52 of the Kansas Statutes Annotated.*



**Other KDOC Divisions/Functions**

**Victim Services**  
 Debi Holcomb, Director

- Victim notification
- Victim advocacy, awareness & liaison
- Victim-offender dialogue

**Legal Services & Investigations**  
 Tim Madden, Chief Counsel

- Legal services
- Internal investigations

**Public Information**  
 Bill Miskell, Public Information Officer

- Public information
- Freedom of information officer

**Human Resources**  
 Judy Rickerson, Director

- Personnel services
- Staff development
- EEO/affirmative action
- Recruitment

**Information Technology**  
 Carlos Usera, Director

- Computer applications, equipment & systems
- PC technical support
- Telecommunications
- Records management

**Fiscal & Budget**  
 Dennis Williams, Director

- Budget preparation
- Accounting & fiscal control

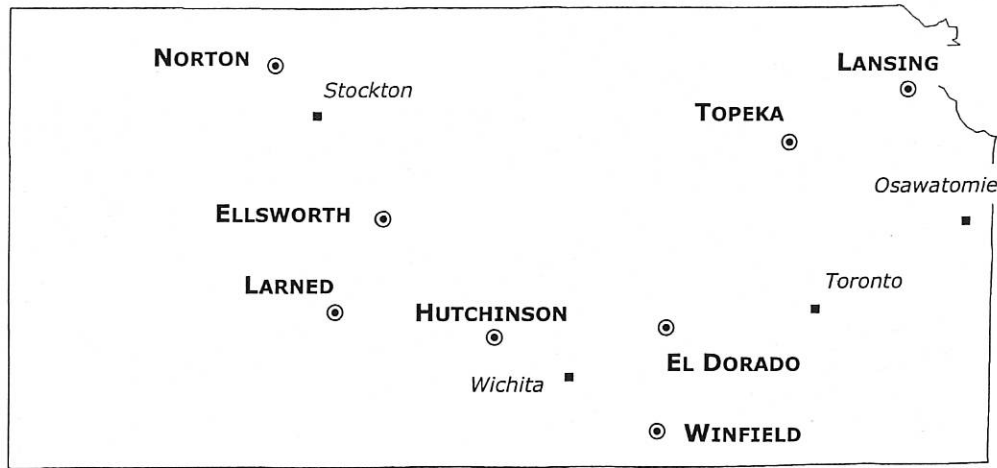


## Facility Management

The Division of Facility Management is responsible for oversight and coordination of facility-based operations and inmate movement, while daily operations are the responsibility of the respective facility wardens. The eight facility wardens report to the Deputy Secretary of Facility Management. The division:

- Develops systemwide policies and procedures.
- Is responsible for offender classification system and approving classification exceptions.
- Performs all sentence computation functions.
- Performs capacity planning evaluations.
- Prepares the five-year capital improvements plan.
- Manages new construction, renovation, repair and maintenance projects.
- Coordinates offender disciplinary process; reviews disciplinary actions appealed to the Secretary.
- Administers transfers of inmates pursuant to provisions of the interstate corrections compact.
- Reviews and evaluates inmate grievances appealed to the Secretary.
- Oversees implementation of the privileges and incentives system as it applies to inmates.
- Administers systemwide risk management procedures, particularly relating to security threat groups.
- Oversees inmate transportation activities and coordinates inmate movement/ placement decisions.
- Coordinates systemwide development and implementation of security, emergency preparedness, hostage negotiation and safety/sanitation procedures.
- Coordinates and provides staff support for the multidisciplinary team review of sex offenders required by the Sexually Violent Predator Act.
- Coordinates drug testing practices among facilities.
- Responds to correspondence and other inquiries regarding specific inmates.
- Coordinates Kansas Quality Management implementation systemwide.

## KDOC CORRECTIONAL FACILITY LOCATIONS



CENTRAL UNIT LOCATION

Administrative Subunit Location

The Kansas Department of Corrections operates 8 correctional facilities, with units located in 12 Kansas communities. Systemwide capacity is 9,114 beds—9,016 of which are in KDOC facilities. The facilities, and their administrative subunits are identified below.

### EL DORADO CORRECTIONAL FACILITY (EDCF)

Charles Simmons, Warden  
Capacity: 1,358 FTE: 466.5 (353 uniformed)  
FY 03 Operating Budget: \$20.4 million

Central Unit  
North Unit  
East Unit (Toronto Correctional Facility)  
Reception and Diagnostic Unit (males)

### LARNED CORRECTIONAL MENTAL HEALTH FACILITY (LCMHF)

Karen Rohling, Warden  
Capacity: 368 FTE: 186 (132 uniformed)  
FY 03 Operating Budget: \$7.7 million

Central Unit  
West Unit

### ELLSWORTH CORRECTIONAL FACILITY (ECF)

Ray Roberts, Warden  
Capacity: 832 FTE: 223 (147 uniformed)  
FY 03 Operating Budget: \$10.3 million

### HUTCHINSON CORRECTIONAL FACILITY (HCF)

Louis Bruce, Warden  
Capacity: 1,768 FTE: 513 (354 uniformed)  
FY 03 Operating Budget: \$24.0 million

Central Unit  
East Unit  
South Unit

### NORTON CORRECTIONAL FACILITY (NCF)

Jay Shelton, Warden  
Capacity: 819 FTE: 266 (190 uniformed)  
FY 03 Operating Budget: \$12.1 million

Central Unit  
East Unit (Stockton Correctional Facility)

### TOPEKA CORRECTIONAL FACILITY (TCF)

Richard Koerner, Warden  
Capacity: 610 FTE: 248 (158 uniformed)  
FY 03 Operating Budget: \$11.1 million

Central Unit  
Reception and Diagnostic Unit (females)

### LANSING CORRECTIONAL FACILITY (LCF)

David McKune, Warden  
Capacity: 2,489 FTE: 710 (537 uniformed)  
FY 03 Operating Budget: \$32.1 million

Central Unit  
East Unit  
South Unit (Osawatomie Correctional Facility)

### WINFIELD CORRECTIONAL FACILITY (WCF)

Emmalee Conover, Warden  
Capacity: 772 FTE: 201 (130 uniformed)  
FY 03 Operating Budget: \$9.8 million

Central Unit  
Wichita Work Release Facility (WWR)

**KDOC CORRECTIONAL CAPACITY**

By location, gender and security designation as of December 31, 2002

| Facility                  | Males       |             |             |             | Females   |            |           |            | Total       |
|---------------------------|-------------|-------------|-------------|-------------|-----------|------------|-----------|------------|-------------|
|                           | Max         | Med         | Min         | Total       | Max       | Med        | Min       | Total      |             |
| <b>KDOC</b>               |             |             |             |             |           |            |           |            |             |
| Lansing                   | 838         | 943         | 708         | 2489        |           |            |           |            | 2489        |
| Hutchinson                | 548         | 932         | 288         | 1768        |           |            |           |            | 1768        |
| El Dorado                 | 699         | 487         | 172         | 1358        |           |            |           |            | 1358        |
| Norton                    |             | 539         | 280         | 819         |           |            |           |            | 819         |
| Ellsworth                 |             | 794         | 38          | 832         |           |            |           |            | 832         |
| Topeka                    |             |             |             | 0           | 62        | 548        |           | 610        | 610         |
| Winfield                  |             |             | 772         | 772         |           |            | 0         | 0          | 772         |
| Larned                    | 150         |             | 218         | 368         |           |            |           |            | 368         |
| <b>Subtotal KDOC</b>      | <b>2235</b> | <b>3695</b> | <b>2476</b> | <b>8406</b> | <b>62</b> | <b>548</b> | <b>0</b>  | <b>610</b> | <b>9016</b> |
| <b>Non-KDOC</b>           |             |             |             |             |           |            |           |            |             |
| Larned State Hospital     | 20          |             |             | 20          | 5         |            |           | 5          | 25          |
| Labette conservation camp |             |             | 50          | 50          |           |            |           |            | 50          |
| Female conservation camp  |             |             |             |             |           |            | 17        | 17         | 17          |
| Contract jail             |             | 6           |             | 6           |           |            |           |            | 6           |
| <b>Subtotal Non-KDOC</b>  | <b>20</b>   | <b>6</b>    | <b>50</b>   | <b>76</b>   | <b>5</b>  | <b>0</b>   | <b>17</b> | <b>22</b>  | <b>98</b>   |
| <b>Total Capacity</b>     | <b>2255</b> | <b>3701</b> | <b>2526</b> | <b>8482</b> | <b>67</b> | <b>548</b> | <b>17</b> | <b>632</b> | <b>9114</b> |

| Capacity vs. Population 12-31-02 |              |              |
|----------------------------------|--------------|--------------|
|                                  | Population   | Capacity     |
| <b>Males</b>                     |              |              |
| Lansing                          | 2,452        | 2,489        |
| Hutchinson                       | 1,840        | 1,768        |
| El Dorado                        | 1,388        | 1,358        |
| Norton                           | 824          | 819          |
| Ellsworth                        | 821          | 832          |
| Topeka                           | -            | -            |
| Winfield                         | 714          | 772          |
| Larned                           | 352          | 368          |
| Non-KDOC                         | 15           | 76           |
| <b>Total Male</b>                | <b>8,406</b> | <b>8,482</b> |
| <b>Females</b>                   |              |              |
| Topeka                           | 557          | 610          |
| Non-KDOC                         | 4            | 22           |
| <b>Total Female</b>              | <b>561</b>   | <b>632</b>   |
| <b>Grand Total</b>               | <b>8,967</b> | <b>9,114</b> |

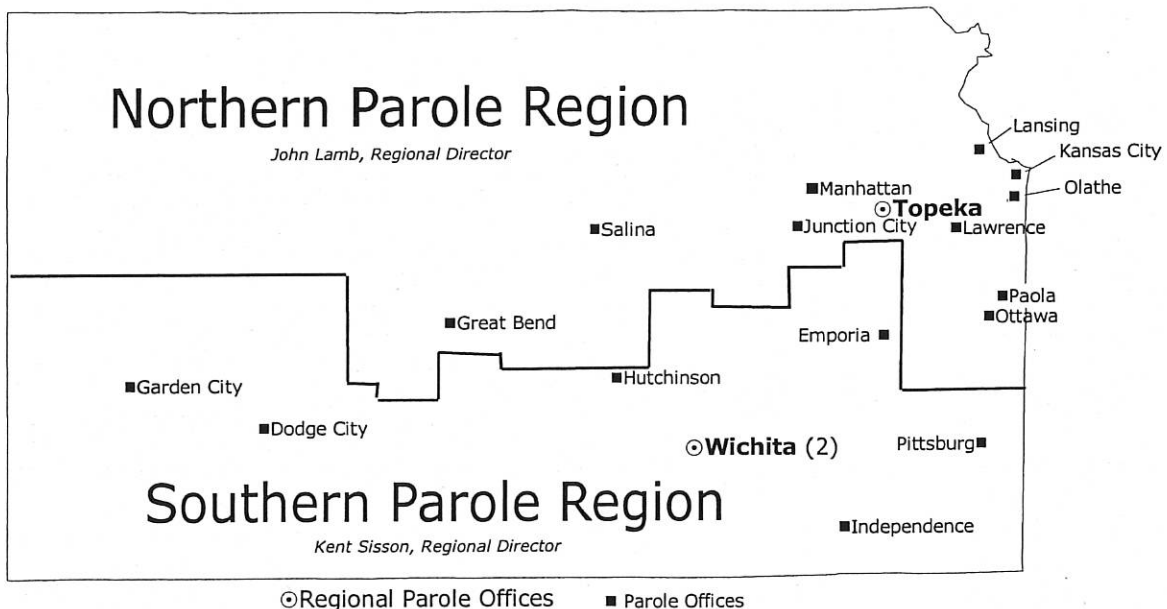
- Total correctional capacity includes bedspace in facilities operated by KDOC, as well as placements in facilities operated by other agencies pursuant to contract or interagency agreement.
- Several KDOC facilities are responsible for administration of minimum security satellite units located in other communities (e.g. Lansing is responsible for 80 beds in Osawatomie, El Dorado for 70 beds in Toronto, Norton for 112 beds in Stockton, and Winfield, 250 beds at Wichita Work Release.)
- Capacity includes the new 200-bed medium-security housing unit at Ellsworth which became operational in late May 2002. Also included is a 52-bed expansion at Wichita Work Release implemented in December 2002.
- Capacity numbers do not include 250 "special use beds" used primarily for infirmary and disciplinary segregation purposes.
- The December 31st female inmate population includes 22 federal inmates housed at Topeka pursuant to a contract with the U.S. Bureau of Prisons.

## Community & Field Services

### Parole Services

- Provides community-based supervision of approximately 4,000 offenders who have been released from correctional facilities but who have not yet been discharged from their sentences.
- Administers Kansas' participation in interstate compact activity involving exchange of community-based supervision responsibility for adult offenders who transfer from one compact member state to another. (A new compact was ratified in 2002; the first meeting of the new compact commission was held in November 2002.)
- Administers and coordinates release and reentry planning for offenders released from KDOC facilities.
- Investigates and pursues offenders who abscond from supervision.
- Provides contract oversight of day reporting centers in Topeka and Wichita .
- Provides administrative staff support to the Kansas Parole Board.
- Total Parole Services staffing (including field staff) is 151.5 FTE.

### KDOC PAROLE REGIONS AND PAROLE OFFICE LOCATIONS



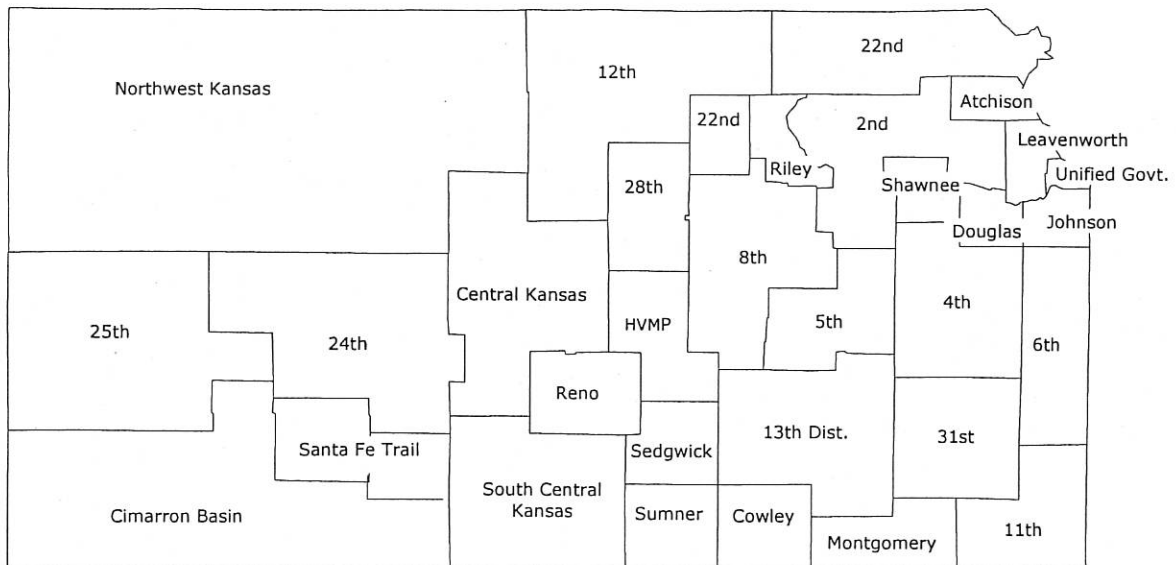
KDOC has parole offices in 18 Kansas communities. Since 1994, the department has contracted with Northwest Kansas Community Corrections to provide post-incarceration supervision of offenders in 17 northwestern Kansas counties.

## Community & Field Services

### Community Corrections

- Administers state grants to 31 community corrections programs. The basic grant provides for adult intensive supervision of offenders assigned to community corrections. In FY 2002, the adult intensive supervision population supervised by community corrections was 3,928.
- Two counties (Johnson and Sedgwick) receive grants for operation of community corrections residential centers. Some community corrections agencies also receive grants targeted at supervision of community corrections condition violators.
- Administers funding for the two conservation camps in Labette County. The 191-bed male facility is funded through a state grant to Labette County. The 32-bed female facility is privatized and operates pursuant to a contract with the department.
- Total community corrections staffing in KDOC is 4.0 FTE.

### COMMUNITY CORRECTIONS PROGRAMS IN KANSAS



There are currently 31 programs receiving state grants under the Community Corrections Act. Some programs serve a single county, while others are multi-county programs. Single-county programs include: Atchison County; Leavenworth County; Unified Government of Wyandotte County; Johnson County; Douglas County; Shawnee County; Reno County; Sedgwick County; Sumner County; and, Cowley County. Riley County and the 22nd District have a common administrator, as do Shawnee County and the 2nd District.



## Programs, Research & Support Services

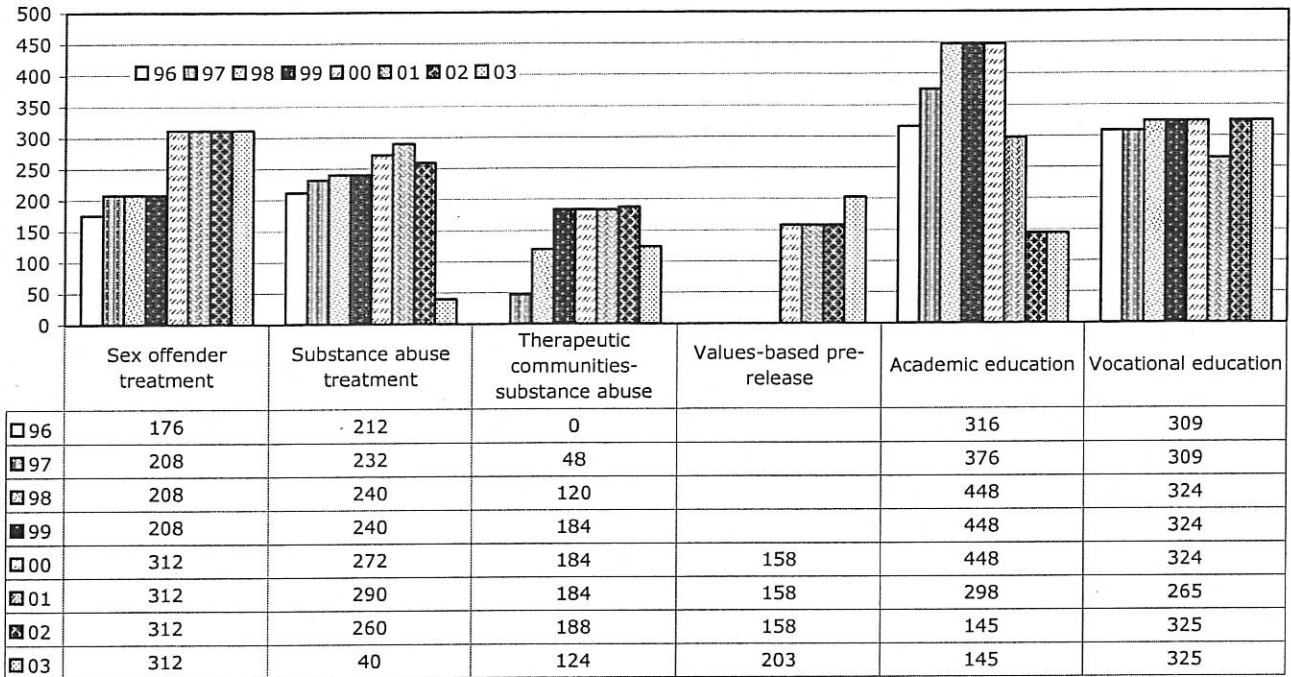
- Offender program development and contract compliance monitoring—including substance abuse treatment, sex offender treatment, vocational and academic education, values-based pre-release.
- Risk/needs assessment instrument implementation and coordination.
- Development and implementation monitoring of Strategic Action Plan.
- Coordination of American Correctional Association accreditation activities.
- Coordination of systemwide policy and general order review and development process.
- Statistical analysis.
- Research and data projects.
- Population projections —data preparation and coordination with Kansas Sentencing Commission.
- Substance abuse testing contract.
- Offender program evaluation.
- Response to information requests.
- Development of requests for proposals and contract management.
- Grants management.
- Food service contract management.
- Health services contract management, compliance monitoring, and health care records management.
- Through KCI, operates 14 traditional correctional industries and coordinates contracts with 15 private correctional industries. (*KCI Director reports to the Deputy Secretary of Programs, Research & Support Services but KCI staffing is based at KDOC facilities.*)
- Coordinates systemwide policies relative to religious and volunteer activities.
- Private prison bed contract.

*Nearly all KDOC offender programs—as well as food service and health care services— are delivered by contract providers selected through an open, competitive process. This division administers most major KDOC contracts. Altogether, the division's contract oversight responsibility in FY 2003 totals approximately \$47 million, or 21% of the department's systemwide operating budget.*

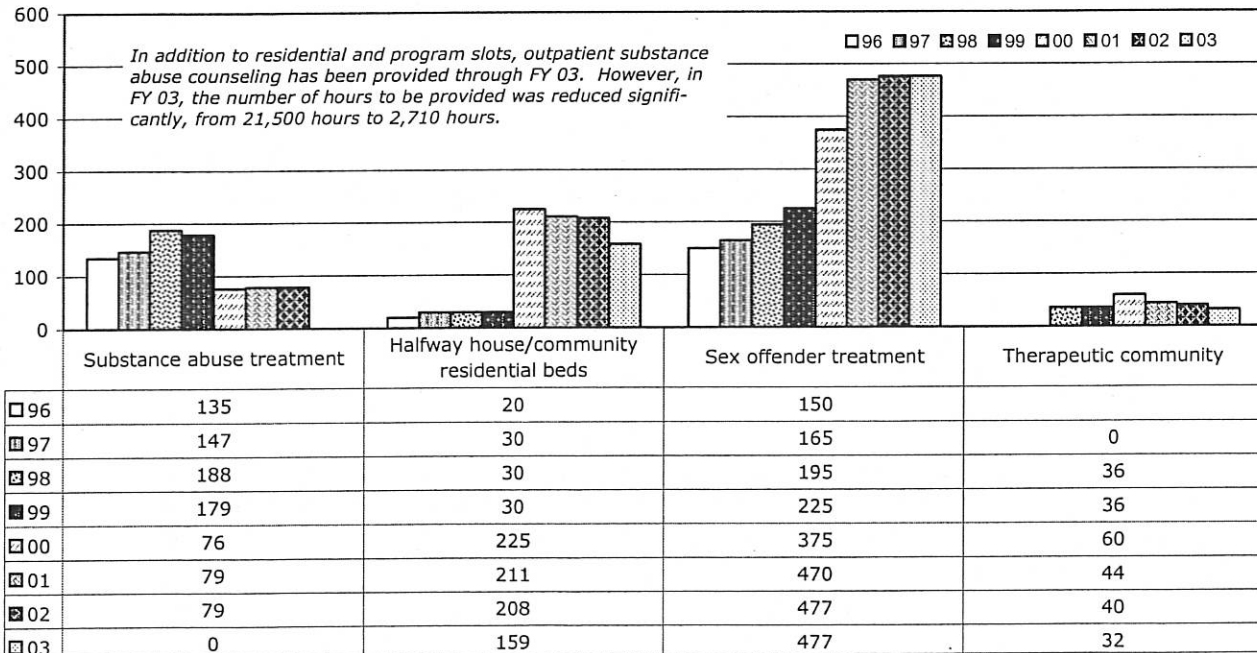
## Programs, Research & Support Services

### Offender Program Capacity: FY 1996—FY 2003 (reflects mid-year adjustments in FY 03)

#### FACILITY-BASED PROGRAM SLOTS



#### COMMUNITY-BASED PROGRAM SLOTS



## Kansas Correctional Industries

### Traditional Industries: 1-1-03

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.

| 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     |
| 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 which are employed by the respective industry divisions.

## Staffing

### KDOC Authorized Staffing FY 2003

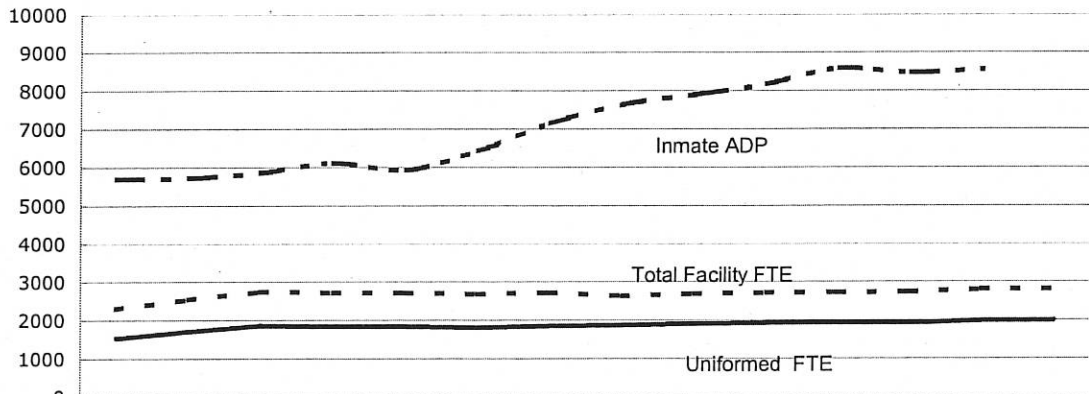
90% of the total authorized positions for the Department of Corrections are in correctional facilities.

Nearly two-thirds of the total system-wide FTE are uniformed security staff.

The department's FTE count does not include unclassified temporary positions or employees of contract providers who deliver services such as medical and mental health care, offender programs, and food service.

| Location                       | Total FTE     | Uniformed     | Non-Uniformed |
|--------------------------------|---------------|---------------|---------------|
| <b>Facilities</b>              |               |               |               |
| El Dorado                      | 466.5         | 353.0         | 113.5         |
| Ellsworth                      | 223.0         | 147.0         | 76.0          |
| Hutchinson                     | 513.0         | 354.0         | 159.0         |
| Lansing                        | 710.0         | 537.0         | 173.0         |
| Larned                         | 186.0         | 132.0         | 54.0          |
| Norton                         | 266.0         | 190.0         | 76.0          |
| Topeka                         | 248.0         | 158.0         | 90.0          |
| Winfield                       | 201.0         | 130.0         | 71.0          |
| Subtotal-Facilities            | 2813.5        | 2001.0        | 812.5         |
| <b>Parole Services</b>         | 151.5         |               | 151.5         |
| <b>Correctional Industries</b> | 76.0          |               | 76.0          |
| <b>Central Office</b>          | 91.5          |               | 91.5          |
| <b>Total</b>                   | <b>3132.5</b> | <b>2001.0</b> | <b>1131.5</b> |
| <i>% of Total</i>              |               | 63.9%         | 36.1%         |

### Facility Staffing vs. Inmate Average Daily Population



|                  | 90   | 91   | 92   | 93   | 94   | 95   | 96   | 97   | 98   | 99   | 00   | 01   | 02   | 03   |
|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| --- Facility FTE | 2314 | 2555 | 2761 | 2727 | 2726 | 2691 | 2733 | 2642 | 2699 | 2728 | 2733 | 2744 | 2814 | 2814 |
| — Uniformed FTE  | 1543 | 1718 | 1867 | 1843 | 1843 | 1820 | 1857 | 1881 | 1917 | 1939 | 1937 | 1935 | 1998 | 2001 |
| --- Inmate ADP   | 5703 | 5726 | 5870 | 6119 | 5935 | 6441 | 7158 | 7656 | 7902 | 8190 | 8604 | 8480 | 8563 |      |

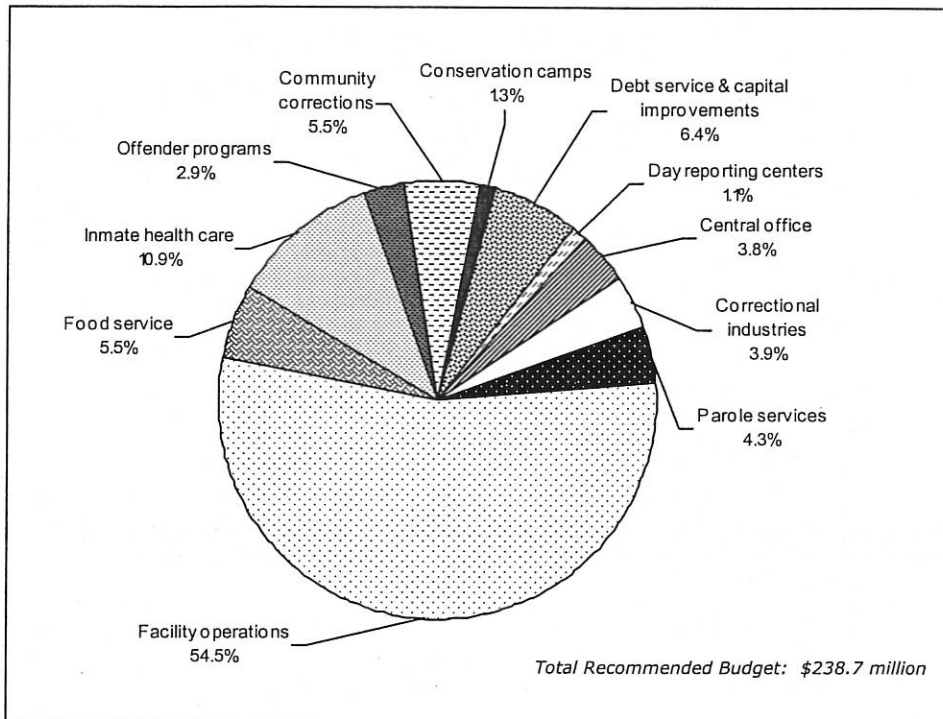
*Inmate ADP includes KDOC facility and non-KDOC facility placements. Fractional FTE have been rounded.*

Between FY 1990 and FY 2002:

- the inmate ADP increased by 50.1%
- total facility staffing increased by 21.6%
- total uniformed security staffing increased by 29.5%

# Budget

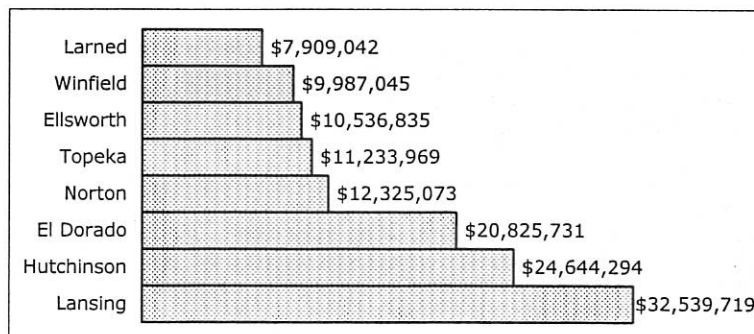
## GOVERNOR'S BUDGET RECOMMENDATIONS FY 2004 - ALL FUNDS



Note: Capital improvements includes debt service payments for principal & interest.

The Governor's budget recommendations for FY 2004 include \$238.7 million for the Department of Corrections from all funding sources. Individual facility operating budgets represent 54.5% of the total KDOC budget for FY 2004 as recommended by the Governor. However, significant expenditures are also made by KDOC on a systemwide basis in support of facility operations and infrastructure. These categories of expenditure include: inmate health care; food service; debt service and capital improvements; correctional industries; and a portion of offender programs.

### Facility Operating Budgets—FY 2004

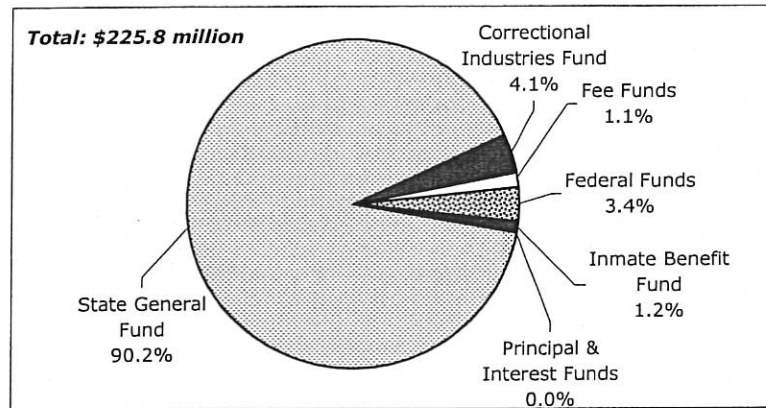


Of the total \$130 million recommended by the Governor for appropriation to individual correctional facilities, \$78 million or 60% is the combined recommendation for the three largest facilities.



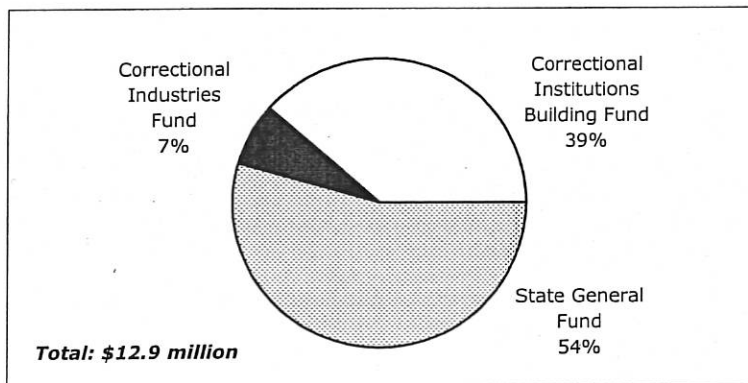
## KDOC Budget, by Funding Source

### THE OPERATING BUDGET—FY 2004



**The principal funding source for the department's operating budget is, by far, the State General Fund, representing 90% of all operating expenditures.**

### CAPITAL IMPROVEMENTS—FY 2004



**Major sources of funding for FY 2004 capital improvements expenditures include the Correctional Institutions Building Fund (financed with transfers from the Gaming Revenues Fund) and the State General Fund. Together, these two funding sources account for 93% of the budgeted capital improvements.**

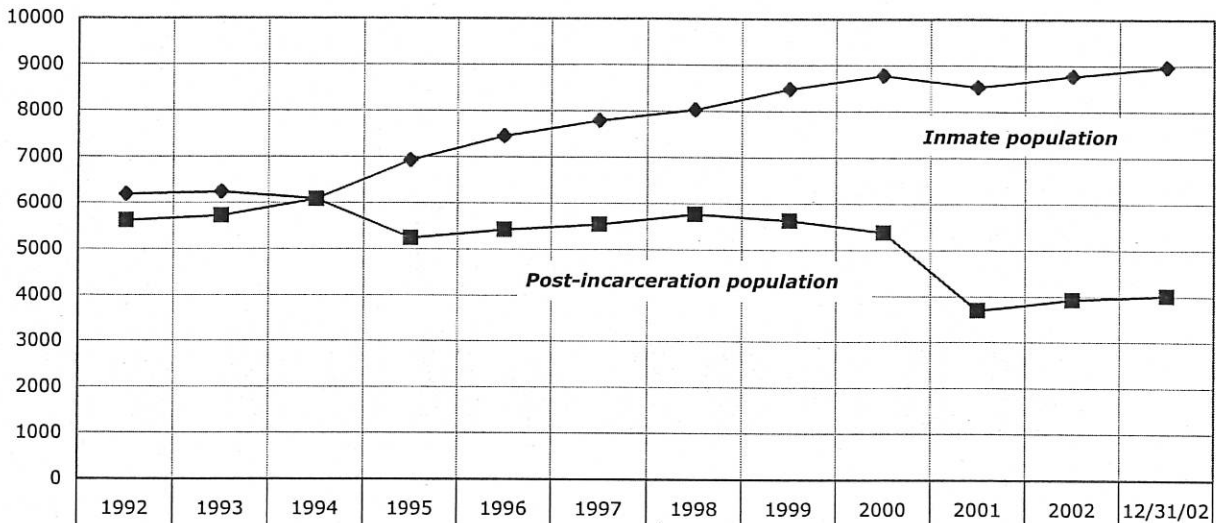
**All of the State General Fund amount of \$7.0 million, \$1.7 million of the \$5.0 million CIBF amount, and \$523,000 from the correctional industries fund will be expended for the principal portion of debt service payments which, for budgeting purposes, are considered to be capital improvements expenditures. The chart does not include \$2.4 million in debt service payments for interest, which are budgeted as operating expenditures.**

## **Background on the Offender Population**

- *Inmate Population and Post-incarceration Population Under In-State Supervision: FY 1992—FY 2003*
- *Year-end Inmate Population by Custody Level: Fiscal Years 1992—2003 to Date*
- *Demographics of the December 31, 2002 Inmate Population*
- *Total Inmate Population by Type of Crime: 1993 vs 2002*
- *Inmate Population by Gender and Type of Crime: 1993 vs 2002*
- *Offender Payments for Fees and Other Obligations FY 1993-FY 2002*
- *Total Hours and Estimated Value of Community Service Work FY 1995—FY 2002*

## Inmate Population and Post-incarceration Population Under In-State Supervision

*FY 1992–2002 and FY 2003 to Date (through 12-31-02)*

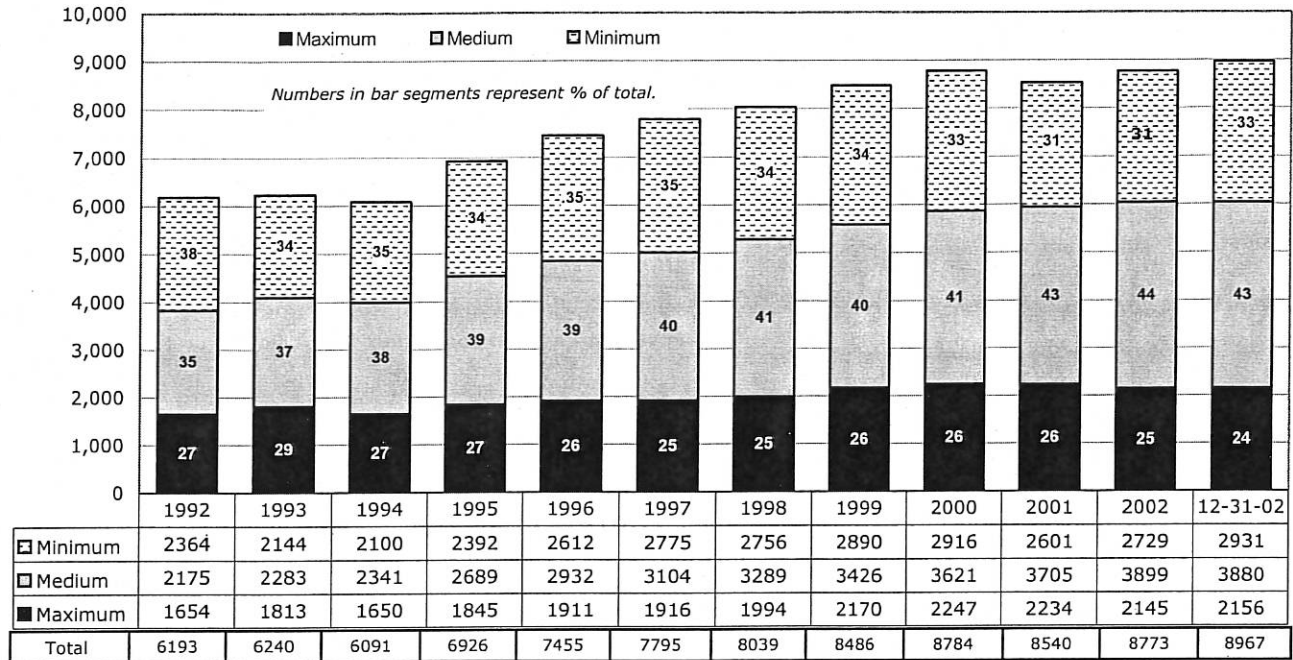


|                  |      |      |      |      |      |      |      |      |      |      |      |      |
|------------------|------|------|------|------|------|------|------|------|------|------|------|------|
| ◆ Inmate Pop.    | 6193 | 6240 | 6091 | 6926 | 7455 | 7795 | 8039 | 8486 | 8784 | 8540 | 8773 | 8967 |
| ■ Post-inc. Pop. | 5621 | 5727 | 6083 | 5243 | 5425 | 5546 | 5773 | 5643 | 5385 | 3698 | 3927 | 4019 |

*\*All numbers are as of June 30 each year except FY 2003, which is December 31, 2002.*

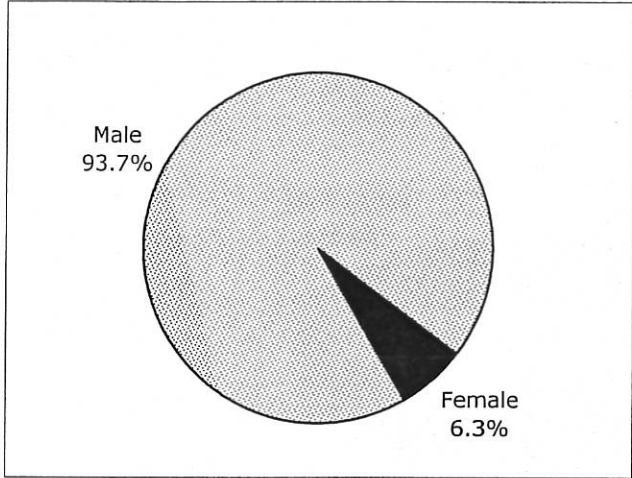
- The December 31, 2002 inmate population of 8,967 is about 45% greater than ten years previously (6,193 in 1992).
- The post-incarceration population of 4,019 is about 29% smaller than the 1992 population (5,621).
- The decreases in the inmate and post-incarceration populations in FY 2001 are primarily due to the implementation of provisions of SB 323.
- The term "post-incarceration population" is used to encompass the traditional "parole population" (Kansas offenders on parole/conditional release in Kansas and compact cases supervised in Kansas), as well as offenders released under the provisions of the Kansas Sentencing Guidelines Act who are serving a designated period of supervised release.

### Year-end Inmate Population by Custody Level Fiscal Years 1992–2003 to Date (12-31-02)

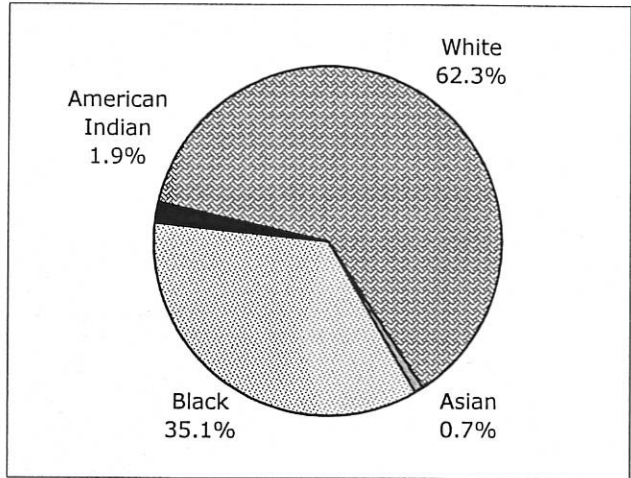


- This graph presents trend information on the custody composition of the inmate population since FY 1992.
- The primary shift occurring during this period is the increase in the percentage of inmates classified as medium custody, growing from 35% on June 30, 1992 to 43% on December 31, 2002. Also during this timeframe, the percentage of inmates classified as minimum custody declined from 38% to 33%.
- The slight shift upwards in minimum custody inmates during the first half of FY 2003 is due, at least in part, to legislation passed during the 2002 session which establishes a presumption of minimum custody for some condition violator admissions.
- Note that the totals for maximum custody include special management and unclassified inmates, as well as regular maximum custody.

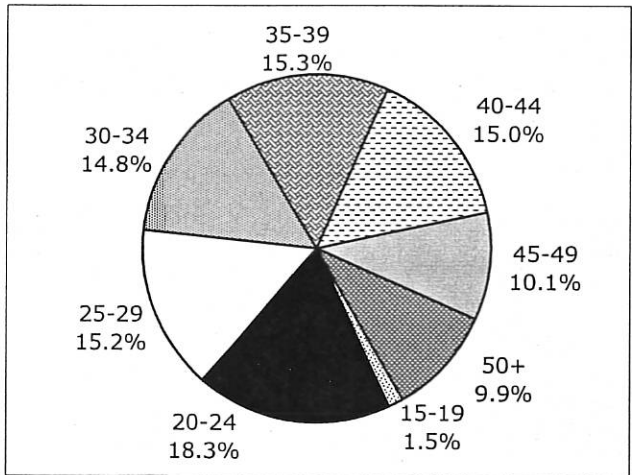
### Demographics: December 31, 2002 Inmate Population



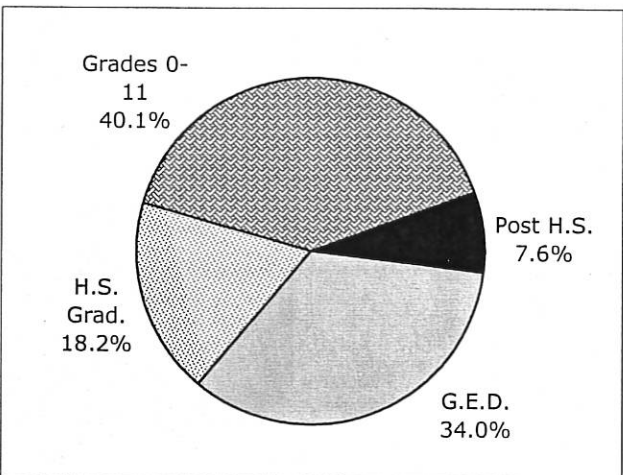
**Gender**



**Race**



**Current Age**



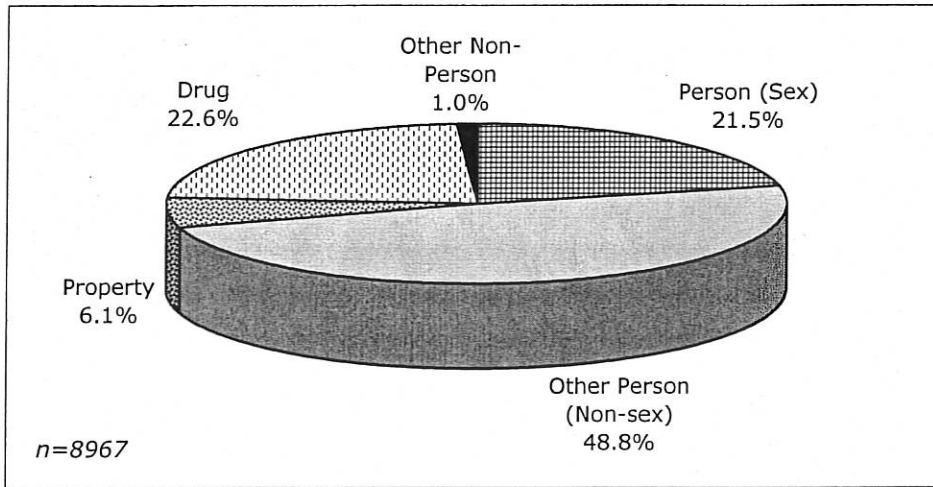
**Educational Level**

*N=8,967 inmates. Information unavailable as follows: Current Age (n=4), Education Level (n=283). Not included as a separate racial category is "Hispanic", of which there were 680 inmates, including 653 in the "White" category, 14 in "Black", and 13 in other racial groups.*

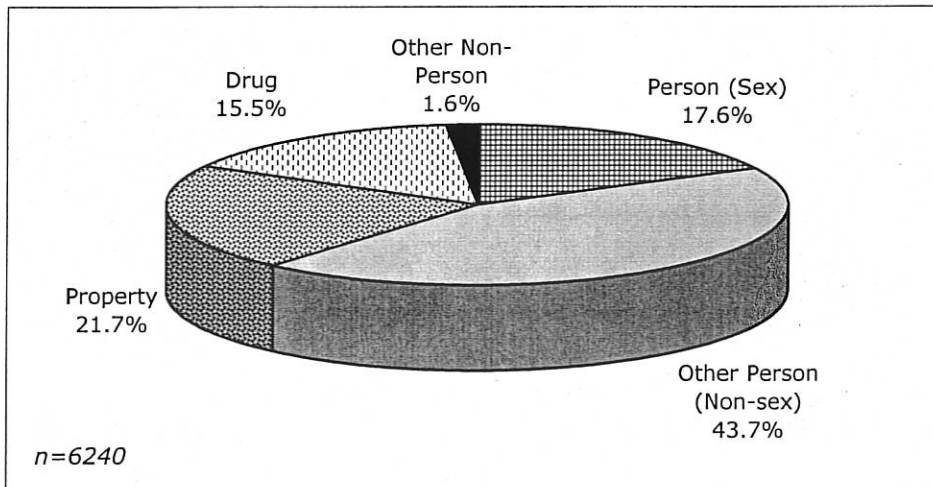


### Total Inmate Population by Type of Crime (Most Serious Offense) 12-31-2002 Compared to 6-30-1993\*

December 31, 2002



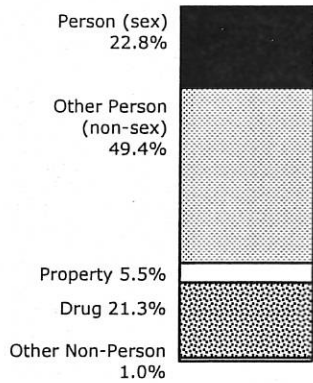
June 30, 1993



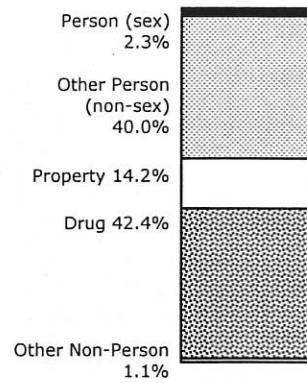
Note: Information pertains to the overall most serious active offense for each offender and includes attempts, conspiracies, and solicitations. Information was unavailable for 92 offenders in 1993 and 21 offenders in 2002.

### Inmate Population by Gender and Type of Crime (most serious offense) 12-31-02 Compared to 6-30-93

**Males (n=8406)**

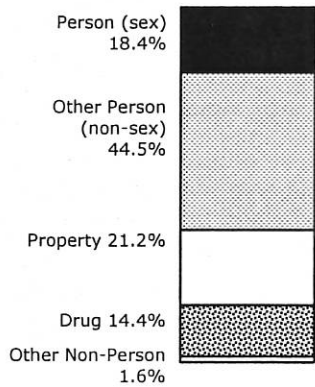


**Females (n=561)**

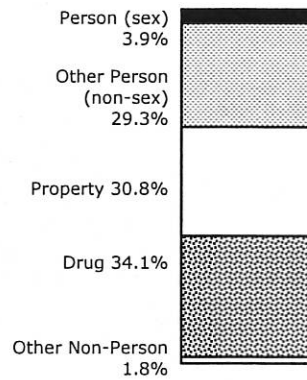


**December 31, 2002**

**Males (n=5905)**



**Females (n=335)**

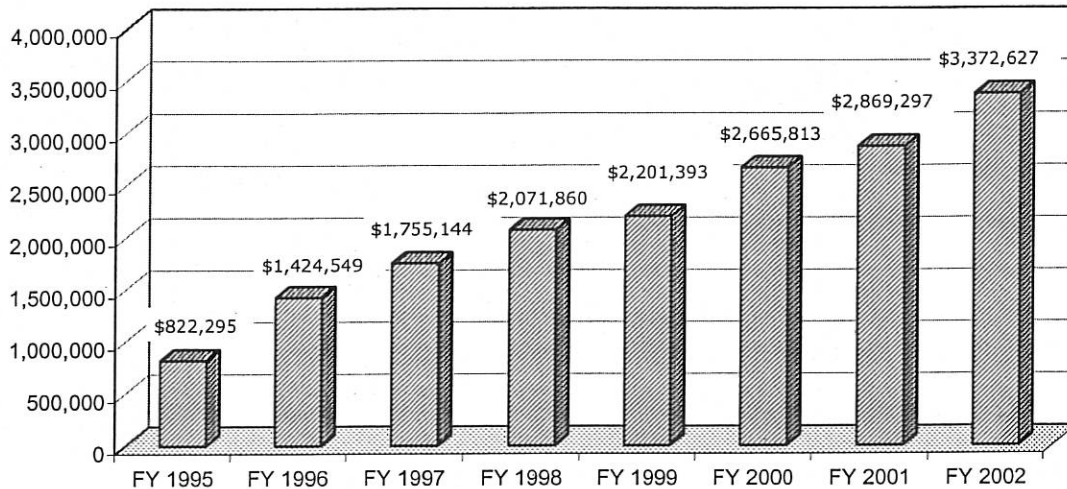


**June 30, 1993**

*Note: Information pertains to the overall most serious active offense for each offender and includes attempts, conspiracies, and solicitations. Information was unavailable for: 4 female offenders in 1993; 4 female offenders in 2002; 88 male offenders in 1993; and, 17 male offenders in 2002.*

## Offender Accountability and Responsibility

### Offender Payments for Fees and Other Obligations FY 1995—FY 2002



In 1995 the department greatly expanded its use of fees as part of a larger initiative to increase offender accountability and responsibility. Between FY 1995 and FY 2002, total offender payments for KDOC fees and court-related payments more than quadrupled, increasing from \$822,295 to \$3,372,627. Cumulative payments by offenders over the eight-year period totaled \$17.2 million. KDOC fees and assessments now include the following:

**Reimbursement for room, board and transportation.** Work release inmates and inmates employed by private correctional industries pay 25% of their gross wages in partial reimbursement for room and board. The reimbursement rate changed during FY 2001; previously, the rate was \$52.40 per week. Where applicable, these inmates also reimburse the state at \$.33/mile for costs incurred in transporting them to their work site.

**Administrative fee.** Inmates pay \$1 per month for administration of their inmate trust account. Proceeds are transferred to the Crime Victims Compensation Fund.

**Supervision fee.** Offenders on post-incarceration supervision pay a supervision fee of \$25 per month. *(The fee policy was revised, effective January 1, 2002. Prior to this date, offenders paid either \$25 or \$15 per month, depending on incentive level.)* 25% of fee proceeds are transferred to the Crime Victims Compensation Fund; the balance is used to improve supervision services.

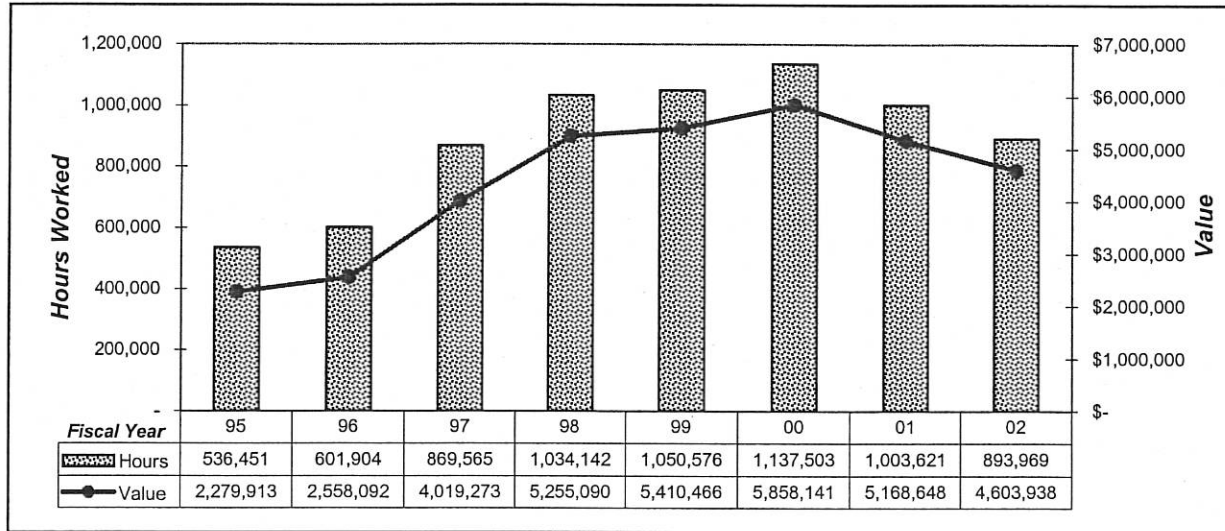
**Sick call fee.** Inmates are charged a fee of \$2 for each sick call visit initiated by the inmate (although no inmate is denied medical treatment because of an inability to pay).

**Drug test fee.** Inmates are charged \$5.35 for the cost of conducting a drug test if the drug test result is positive. They are also charged \$15 for a follow-up confirmation test if one is requested. Offenders on post-incarceration supervision are charged a fee of \$10 for a positive drug test and \$30 for a follow-up confirmation test.

In addition to KDOC fees and charges, offenders pay court-ordered restitution, dependent support, court filing fees, attorney fees and other court-ordered payments. Private correctional industry inmates make payments to the Crime Victims Compensation Fund if they do not owe court-ordered restitution. Work release and private correctional industry inmates also pay federal and state taxes.

## Offender Accountability and Responsibility

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



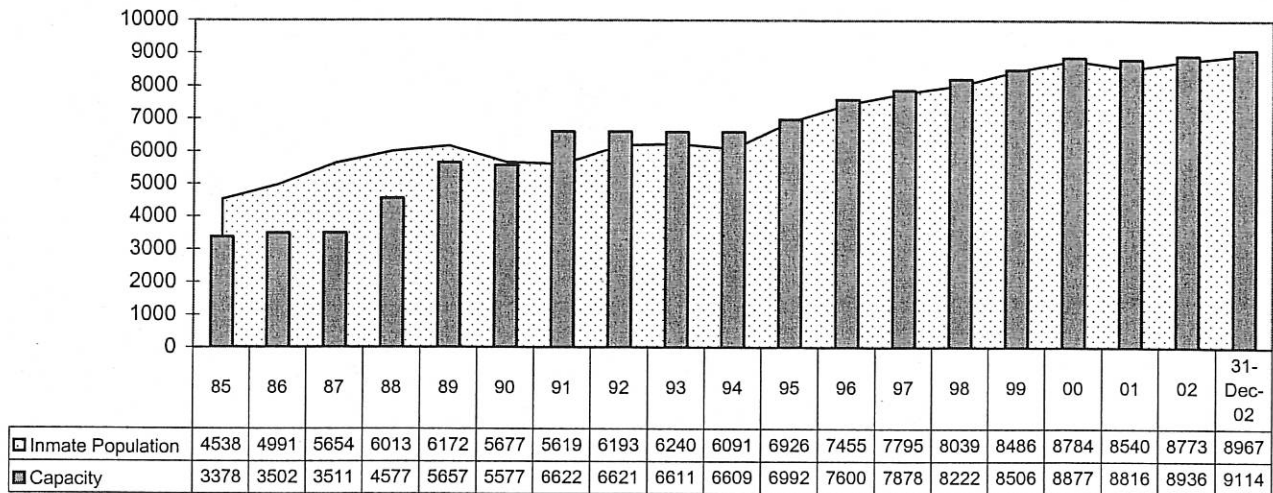
KDOC inmates are expected to participate in work and/or program assignments. One of the primary work venues for minimum custody inmates is community service work. Each year, numerous KDOC work details perform a wide variety of tasks for public and non-profit agencies that these agencies would not be 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.

## **Inmate Population and Capacity**

- *Capacity vs. Inmate Population FY 1985— FY 2003*
- *Capacity and Population Breakdowns, by Gender and Custody, December 31, 2002*
- *Kansas Sentencing Commission FY 2003 Inmate Population Projections*
- *Adjusted Baseline Capacity Compared to Projected Population: Male Inmates, by Custody*
- *Difference Between Adjusted Baseline Capacity and Projected Male Inmate Population, by Custody Level*
- *Capacity Compared to Projected Population: Female Inmates, by Custody*

**Capacity vs. Inmate Population FY 1985— FY 2003 (through December 31, 2002)**

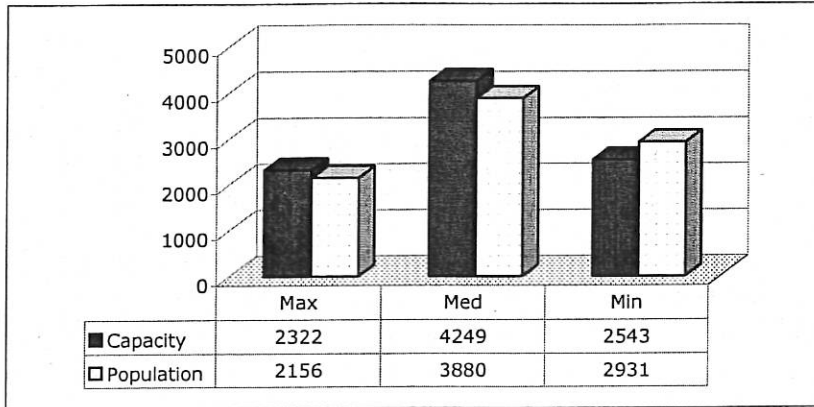


Capacity numbers are not exactly comparable over the entire period. In the mid-1980s, the department used two capacity measurements—optimum management capacity and maximum capacity. The capacities given for 1985-1987 reflect the "optimum management capacities" for those years. Also, the capacities given for 1985-1992 are for varying dates. Capacities for 1993-2001 are as of June 30th each year. The inmate population given for each year is the June 30 population, except for the December 31, 2002 population.

During much of the past 18 years, KDOC managers and state policymakers have had to address the issue of providing adequate correctional capacity for steady and prolonged growth in the inmate population. In the late 1980s, capacity did not keep pace with the population—which, along with related issues, resulted in a federal court order in 1989. The order was terminated in 1996 following numerous changes to the correctional system. During the last half of the 1990s, increases in the inmate population were matched by capacity increases, but capacity utilization rates remained consistently high.

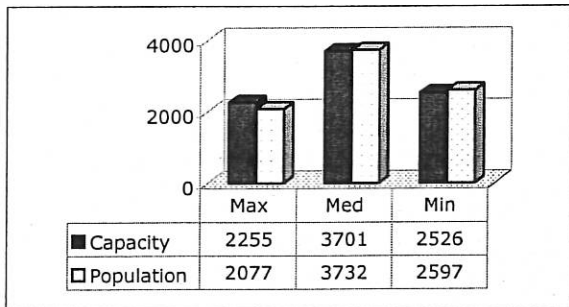
- Since FY 1985, the inmate population has increased by 98% and capacity has increased by 170%.
- Of the 18 complete fiscal years represented in the chart above, the June 30 inmate population represented 97% or more of capacity on 14 occasions.
- Since 1995, the average June 30 capacity utilization percentage has been 98.5%.

**Capacity & Population Breakdowns, by Gender & Custody**  
**December 31, 2002**



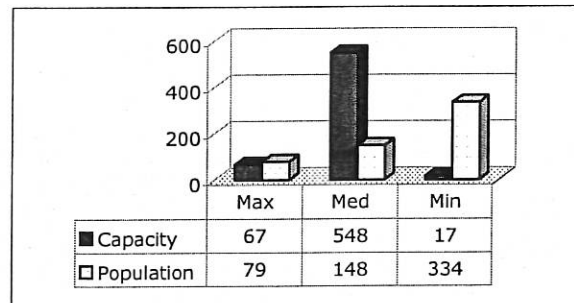
**CAPACITY VS. POPULATION — SYSTEMWIDE TOTAL**

Capacity = 9,114 Population = 8,967



**CAPACITY VS. POPULATION — MALES**

Capacity = 8,482 Population = 8,406



**CAPACITY VS. POPULATION — FEMALES**

Capacity = 632 Population = 561

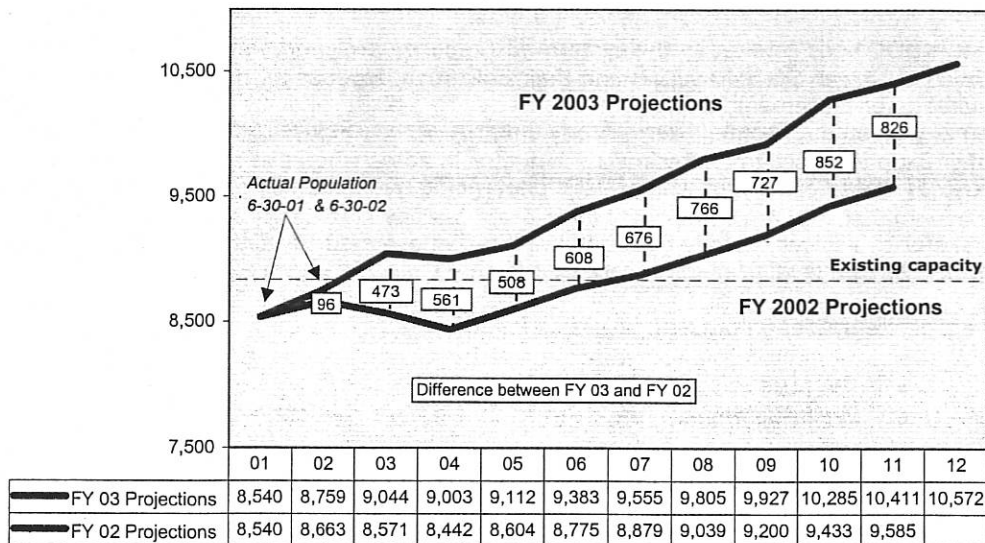
While systemwide totals provide general information regarding trends and correctional system status, analysis of capacity requirements cannot be based on systemwide totals, but must take into account both inmate gender and custody requirements. Inmates can be placed in higher security locations than their custody classification level would indicate (minimum custody inmates in medium security housing, for example) but the reverse cannot happen. Inmates with higher custody classifications cannot be placed in locations with a lower security designation. Moreover, capacity in an all male or all female facility is not available for housing inmates of the opposite gender. Finally, there are facility-specific considerations which come into play. As an example, the security designation of much of the female capacity at TCF's Central Unit is medium security. While this capacity is suitable for housing medium custody females, it would not be appropriate for housing medium custody males.



### Kansas Sentencing Commission FY 2003 Inmate Population Projections Population as of June 30 each year

| ID Group          | fiscal year (population as of June 30 each year) |              |              |              |              |              |              |              |               |               |               | Total Change | % Change     |
|-------------------|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|---------------|---------------|--------------|--------------|
|                   | Actual 02  | 03           | 04           | 05           | 06           | 07           | 08           | 09           | 10            | 11            | 12            |              |              |
| <b>Off Grid</b>   | 656  | 676          | 707          | 734          | 763          | 795          | 825          | 854          | 885           | 916           | 945           | 289          | 44.1%        |
| <b>Non-Drug</b>   |  |              |              |              |              |              |              |              |               |               |               |              |              |
| Level 1           | 656  | 692          | 741          | 793          | 837          | 876          | 910          | 951          | 983           | 1019          | 1056          | 400          | 61.0%        |
| Level 2           | 509  | 511          | 520          | 532          | 548          | 562          | 576          | 596          | 594           | 608           | 612           | 103          | 20.2%        |
| Level 3           | 1246   | 1323         | 1380         | 1431         | 1487         | 1514         | 1529         | 1592         | 1638          | 1651          | 1689          | 443          | 35.6%        |
| Level 4           | 276  | 278          | 295          | 305          | 323          | 319          | 339          | 331          | 345           | 356           | 358           | 82           | 29.7%        |
| Level 5           | 921  | 946          | 907          | 900          | 896          | 912          | 925          | 937          | 982           | 994           | 998           | 77           | 8.4%         |
| Level 6           | 160  | 165          | 170          | 177          | 183          | 182          | 189          | 171          | 189           | 186           | 198           | 38           | 23.8%        |
| Level 7           | 758  | 758          | 778          | 808          | 829          | 835          | 841          | 828          | 843           | 864           | 852           | 94           | 12.4%        |
| Level 8           | 212  | 213          | 207          | 205          | 195          | 190          | 193          | 210          | 222           | 214           | 211           | -1           | -0.5%        |
| Level 9           | 274  | 274          | 303          | 290          | 302          | 288          | 320          | 317          | 328           | 328           | 331           | 57           | 20.8%        |
| Level 10          | 51   | 65           | 70           | 52           | 56           | 44           | 65           | 57           | 56            | 59            | 54            | 3            | 5.9%         |
| <b>Drug</b>       |  |              |              |              |              |              |              |              |               |               |               |              |              |
| Level D1          | 371  | 423          | 515          | 582          | 635          | 712          | 751          | 760          | 792           | 820           | 830           | 459          | 123.7%       |
| Level D2          | 340  | 337          | 345          | 367          | 374          | 405          | 442          | 445          | 460           | 439           | 435           | 95           | 27.9%        |
| Level D3          | 427  | 433          | 445          | 450          | 464          | 475          | 485          | 458          | 481           | 478           | 488           | 61           | 14.3%        |
| Level D4          | 480  | 549          | 543          | 539          | 591          | 618          | 589          | 600          | 611           | 622           | 637           | 157          | 32.7%        |
| <b>Parole CVs</b> | 1422   | 1401         | 1077         | 947          | 900          | 828          | 826          | 820          | 876           | 857           | 878           | -544         | -38.3%       |
| <b>Total</b>      | <b>8,759</b>                                     | <b>9,044</b> | <b>9,003</b> | <b>9,112</b> | <b>9,383</b> | <b>9,555</b> | <b>9,805</b> | <b>9,927</b> | <b>10,285</b> | <b>10,411</b> | <b>10,572</b> | <b>1,813</b> | <b>20.7%</b> |

As illustrated in the graph below, the FY 2003 population projections prepared by the Kansas Sentencing Commission represent a significant increase from the FY 2002 projections. Annual variance between the two projection series ranges from 473 for the June 30, 2003 population to 852 for the June 30, 2010 population.



## Adjusted Baseline Capacity Compared to Projected Population: Male Inmates, by Custody

|                                   | Max          | Med          | Min          | Total        |
|-----------------------------------|--------------|--------------|--------------|--------------|
| Current Capacity                  | 2,255        | 3,701        | 2,526        | 8,482        |
| Utilization Adjustments           | (129)        | (73)         | 112          | (90)         |
| <b>Adjusted Baseline Capacity</b> | <b>2,126</b> | <b>3,628</b> | <b>2,638</b> | <b>8,392</b> |
| <b>Projected Male Population</b>  |              |              |              |              |
| June 30, 2003                     | 2,088        | 3,778        | 2,648        | 8,514        |
| June 30, 2004                     | 2,049        | 3,758        | 2,667        | 8,474        |
| June 30, 2005                     | 2,133        | 3,777        | 2,667        | 8,577        |
| June 30, 2006                     | 2,197        | 3,884        | 2,751        | 8,832        |
| June 30, 2007                     | 2,179        | 3,989        | 2,823        | 8,991        |
| June 30, 2008                     | 2,179        | 4,123        | 2,921        | 9,223        |
| June 30, 2009                     | 2,197        | 4,203        | 2,939        | 9,339        |
| June 30, 2010                     | 2,250        | 4,327        | 3,097        | 9,674        |
| June 30, 2011                     | 2,327        | 4,376        | 3,093        | 9,796        |
| June 30, 2012                     | 2,350        | 4,502        | 3,099        | 9,951        |

### Population projections

The population numbers are based on the Kansas Sentencing Commission's FY 2003 projections. In addition to its basic projections by inmate ID group, the commission also prepared a separate breakdown by custody and a separate breakdown by gender. The numbers above correspond with the commission's total projections for male inmates; the custody distribution by gender was calculated by first estimating the custody breakdown for women, and then subtracting those from the totals to derive an estimate for males.

### Adjusted Baseline Capacity

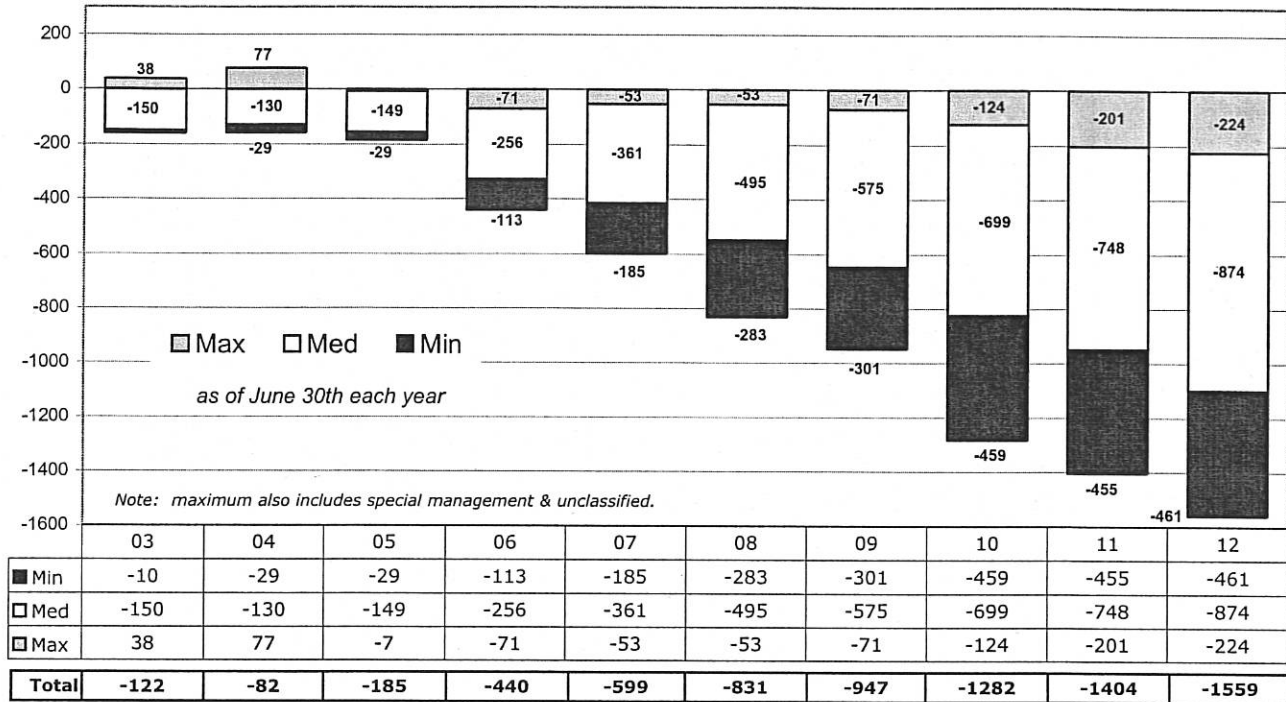
The capacity numbers are based on the department's existing capacity for male inmates of 8,482 beds. The raw capacity numbers have been adjusted, however, to reflect certain utilization and operational factors to provide a more accurate estimate of bed availability at each custody level. These *utilization adjustments* reflect the following:

- (1) non-KDOC beds counted in the systemwide capacity are special purpose beds (such as those at Larned State Hospital) and their utilization depends on the number of inmates suitable for placement; and,
- (2) on any given day, some lower custody inmates occupy higher custody beds. Examples of situations where the latter occurs include: inmates who have received their initial custody classification but who are still undergoing evaluation as part of the intake process; inmates who have just received a lower custody classification and are waiting transfer to a lower custody bed; and, inmates whose medical condition requires close proximity to a level of medical care that is only available within a higher security unit.

The net effect of the utilization adjustments is as follows:

- -90 total beds.
- -129 maximum custody beds.
- -73 medium custody beds.
- +112 minimum custody beds.

### Difference Between Adjusted Baseline Capacity and Projected Male Inmate Population, by Custody Level



This chart summarizes the difference between available capacity for male inmates and the projected male inmate population, by custody, for the end of each fiscal year through FY 2012.

With the exception of maximum custody beds in FY 03 and FY 04, capacity deficits are projected at all custody levels during all fiscal years of the projection period. The total deficit ranges from a low of -82 in FY 04 to a high of -1559 at the end of FY 12.

### Capacity Compared to Projected Population: Female Inmates, by Custody

|                                    | Max | Med | Min | Total |
|------------------------------------|-----|-----|-----|-------|
| <b>Current Capacity</b>            | 67  | 548 | 17  | 632   |
| <b>Projected Female Population</b> |     |     |     |       |
| June 30, 2003                      | 69  | 143 | 318 | 530   |
| June 30, 2004                      | 69  | 152 | 308 | 529   |
| June 30, 2005                      | 70  | 155 | 310 | 535   |
| June 30, 2006                      | 71  | 160 | 320 | 551   |
| June 30, 2007                      | 73  | 164 | 327 | 564   |
| June 30, 2008                      | 81  | 175 | 326 | 582   |
| June 30, 2009                      | 83  | 177 | 328 | 588   |
| June 30, 2010                      | 86  | 183 | 342 | 611   |
| June 30, 2011                      | 87  | 184 | 344 | 615   |
| June 30, 2012                      | 88  | 185 | 348 | 621   |

*Note:*

*88 beds at Topeka Correctional Facility's J Cellhouse are available but have not yet been added to capacity. This living unit was renovated following the transfer of the male Reception and Diagnostic Unit to El Dorado Correctional Facility, and was partially occupied following the termination of KDOC's operations at the TCF-West Unit, located on the grounds of the former Topeka State Hospital. The additional beds in J Cellhouse will become operational as warranted by population levels and when funding is approved for the additional positions needed to staff the remainder of the living unit.*

The security designation of capacity for females is heavily weighted towards medium custody because medium and minimum custody inmates are housed together at Topeka Correctional Facility's Central Unit. All of the beds in these living units are classified as medium. (The I Cellhouse compound, which houses maximum custody females, is also part of TCF-Central, but it has its own perimeter and is physically separated from the rest of the facility.) Once the renovated J Cellhouse is fully operational with 176 medium beds, the department may review the classification of bedspace at the existing TCF-Central living units.

Although slow growth is projected for the female inmate population, an overall bed surplus is expected throughout the projection period. Because of the existing bed surplus for females, the department has entered into a contract with the federal Bureau of Prisons whereby state capacity will be used for placement of up to 25 female inmates from the federal system. The agreement became effective January 1, 2002. Under the terms of the agreement, the state is reimbursed \$87.02 per day for each inmate.

## Issues in 2003 Session

- *Capacity and Population*
  - *FY 03 Supplemental Appropriation to Retain Minimum Security Housing Units, Residential Centers and Conservation Camps*
  - *Capacity Expansion vs. Sentencing Policy Change*
  - *Contract for Placement of KDOC Male Inmates-Status*
- *Offender Programs*
- *KDOC Legislative Package*

## Issues in the 2003 Session

### Capacity and Population

#### FY 2003 Supplemental Appropriation

- Two allotment reductions were made to the KDOC FY 2003 budget, including a \$4.3 million reduction in August 2002 and a \$8.3 million reduction in November 2002. To fully meet the reductions in the second allotment, the department determined that several KDOC and local facilities would need to be closed, including: minimum security KDOC units at Stockton, Toronto, Osawatomie, and El Dorado; community corrections residential centers in Sedgwick and Johnson counties; and, the two conservation camps in Oswego. To avoid these closures, Governor Sebelius has recommended a supplemental appropriation of \$3.3 million for the department. (The total supplemental recommended is \$4.0 million, which also includes funds for food service and medical contract costs because of an increase in the inmate population.)

If the supplemental is not approved—

- Unit closures would result in the loss or unavailability of 708 correctional beds throughout the state, including 364 KDOC beds, 223 conservation camp beds, and 121 community corrections residential center beds. Such a capacity reduction would be very problematic, given the current status of the correctional system and the most recent inmate population projections made by the Kansas Sentencing Commission.
- Minimum custody inmates affected by the KDOC closures would be transferred to other KDOC facilities, where the inmate count would then exceed established operating capacity. Those facilities would be impacted with increased supervision requirements and more inmate idleness.
- Loss of beds in the conservation camps and residential centers would result in either a lesser degree of community supervision for the affected offenders or, in some cases, they would likely be admitted to KDOC.
- There would be an economic impact in the affected communities because of the loss of jobs and the loss of community service work performed by KDOC inmates.
- Additional cuts would need to be made in the department's budget because there are fewer months remaining in the fiscal year to achieve the targeted savings.

#### Capacity Expansion vs. Sentencing Policy Change

The Sentencing Commission's FY 2003 projections indicate that a decision needs to be made this session as to how the state will respond to the projected growth in the male inmate population. The basic options are to expand capacity or revise the state's sentencing laws to reduce the number of offenders in the KDOC system.

The department has not made a recommendation regarding this policy choice or a specific expansion project for consideration. However, we have estimated the construction and annual operating costs involved in expansion at El Dorado Correctional Facility, as described on the next page. Regarding sentencing alternatives that would reduce the inmate population, the Kansas Sentencing Commission will present a proposal to the Legislature that would significantly revise sentencing policy for offenders convicted of drug possession.

Expansion at El Dorado would involve construction of one or more 128-cell living units. The living unit design would be suitable for housing 128 maximum custody inmates or 256 medium custody inmates. (Departmental practice is to single-cell maximum custody inmates and doublecell medium custody inmates.)

**Capital Improvement Project Costs.** Total project cost of constructing one new cellhouse at El Dorado is estimated at \$7.1 million. The cost of constructing two new cellhouses is estimated at \$14.4 million, which also includes costs for installation of an additional boiler and emergency generator, as well as construction of additional warehouse storage space for inmate property. The estimated cost per bed is approximately \$28,000 if doublecelled and used for medium custody inmates. If used for maximum custody inmates, the cost per bed is approximately \$56,000.

**Staffing**

| FTE          | One Cellhouse            |                          | Two Cellhouses           |                          |
|--------------|--------------------------|--------------------------|--------------------------|--------------------------|
|              | 128 cell/<br>128 inmates | 128 cell/<br>256 inmates | 256 cell/<br>256 inmates | 256 cell/<br>512 inmates |
| Uniformed    | 53.6                     | 55.3                     | 75.7                     | 80.3                     |
| Unit team    | 3.0                      | 4.0                      | 6.0                      | 8.0                      |
| Support      | 7.0                      | 9.0                      | 10.0                     | 11.0                     |
| <b>Total</b> | <b>63.6</b>              | <b>68.3</b>              | <b>91.7</b>              | <b>99.3</b>              |

**Annual Operating Costs (excluding one-time start-up costs)**

|                     | One Cellhouse            |                          | Two Cellhouses           |                          |
|---------------------|--------------------------|--------------------------|--------------------------|--------------------------|
|                     | 128 cell/<br>128 inmates | 128 cell/<br>256 inmates | 256 cell/<br>256 inmates | 256 cell/<br>512 inmates |
| Salaries & Wages    | \$2,257,000              | \$2,405,000              | \$3,258,000              | \$3,509,000              |
| Other Operating     | 286,000                  | 525,000                  | 705,000                  | 1,024,000                |
| Programs            | 143,000                  | 286,000                  | 286,000                  | 573,000                  |
| Health Care         | 317,000                  | 549,000                  | 549,000                  | 1,355,000                |
| Food Service        | 191,000                  | 382,000                  | 382,000                  | 764,000                  |
| <b>Total</b>        | <b>\$3,194,000</b>       | <b>\$4,147,000</b>       | <b>\$5,180,000</b>       | <b>\$7,225,000</b>       |
| <i>Avg\$/Inmate</i> | <i>\$25,000</i>          | <i>\$16,200</i>          | <i>\$20,200</i>          | <i>\$14,100</i>          |



Contract for Placement of KDOC Male Inmates- Status

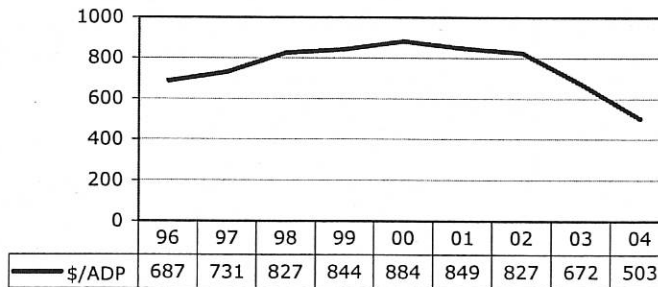
The 2002 Legislature approved \$2.28 million in federal and state funds for the department to contract, if necessary, for lease of beds to house medium custody inmates in a private facility during FY 2003. *(The provision relating to use of beds in a private facility is based on federal requirements for expenditure of grant funds under the Violent Offender Incarceration/Truth-in-Sentencing (VOI/TIS) Grant Program. There is a general prohibition against the use of these funds for operating expenditures unless a privatized facility is involved.)* The authorization given by the 2002 Legislature—which is based on a funding split of 90% federal funds and 10% state funds—provided funding for the entire fiscal year in FY 2003. However, in identifying its first round of allotment reductions, the department reduced the SGF funding for this purpose by 50%, effectively limiting the contract option to six months in FY 2003.

In late fall of 2002, the department issued a Request for Proposals for contract placement of up to 125 male offenders. Five proposals were received and are currently under review.

**Offender Programs**

One of the challenges facing the department relates to the significant decline over the past few years in resources available for effective offender intervention programs such as substance abuse treatment, academic and vocational education and sex offender treatment. Funding for offender programs peaked in FY 2000, both in terms of total resources available and funding per ADP (average daily population of offenders in prison and offenders under KDOC supervision in the community).

- The FY 2004 budget of \$6.6 million for offender programs is approximately 47% less than the \$12.4 million expended for this purpose in FY 2000.
- When measured on the basis of funding per ADP, there has been a 43% decline between FY 2000 and FY 2004, as shown in the graph below.



- The programs that have or will be significantly impacted by funding reductions are substance abuse treatment, academic and vocational education, and community residential beds. When compared to FY 2000, the FY 2004 budget represents a projected reduction of over 800 treatment and education program assignments systemwide.
- 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.

## KDOC Legislative Package and Bill Introduction Request

The department has several items in its legislative package, and respectfully requests that the committee introduce these bills so they may be considered this session. Drafts of three of these measures have previously been submitted to the Revisor's Office for preparation of bill drafts.

A brief description of each proposal is provided below:

1. **Jail Per Diem Costs for Housing KDOC Offenders.** This proposal would codify a limitation on the amount that a jail could charge the department for the housing of KDOC parole violators pending transfer of the violator to a department facility. This proposal codifies the proviso contained in the department's appropriation passed during the 2002 Legislative session.
2. **Definition of the Scope of the Agency Relationship for Inmate Work Crews.** This proposal amends K.S.A. 75-52,116 to limit the agency relationship between the Department of Corrections and other units of government and not-for-profit organizations provided with inmate work crews. An agency relationship would not be created whereby liability could be imputed to the State or the Department of Corrections as a principal for the negligence of the local unit of government or not-for-profit organization.  
  
This proposal by deleting the statutorily defined "agency" relationship between the department and entities that utilize inmate work details would result in the department and the entity using the services of a work detail being responsible for only the negligence attributable to each individually.
3. **Release Gratuity for Offenders Whose Detainer is Resolved Within 30 Days.** Amends K.S.A. 75-5211(c)(1) to provide for the payment of a release gratuity to offenders released from KDOC incarceration to a detainer if the detainer is resolved within 30 days with the offender being released into the community. Additionally, the threshold for disqualification for a release gratuity would be increased from \$500 to \$600 in the inmate's facility account.
4. **Unavailability of Community Intermediate Sanction Centers.** This proposal amends K.S.A. 21-4603d (L.2002, ch. 19 §2) relative to sentencing dispositions to address the unavailability of community intermediate sanction centers. This proposal would delete references to community intermediate sanction centers since community intermediate sanction centers have not been implemented.
5. **Responsibility of Certain Released Offenders to Pay for Public Transportation.** Amends K.S.A. 75-5211 to restrict the eligibility for the payment of public transportation costs by the Department for offenders released from incarceration.
6. **Offender Responsibility for DNA Collection Fees.** Amend K.S.A. 21-2511 (L.2002 ch. 128) to provide that offenders on postrelease supervision who are required to provide specimens of blood and saliva to the Kansas Bureau of Investigation for DNA analysis be required to pay for the collection of the specimens.