

Approved: _____
Date 4-29-04

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Ward Loyd at 1:30 p.m. on January 20, 2004 in Room 241-N of the Capitol.

All members were present.

Committee staff present:

Jill Wolters, Revisor of Statutes Office
Jerry Ann Donaldson, Legislative Research Department
Becky Krahl, Legislative Research Department
Nicoletta Buonasera, Legislative Research Department
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Randy Hearrell, Kansas Judicial Council
Roger Werholtz, Secretary of Corrections

Others attending:

See Attached List.

This was a joint meeting with House Public Safety Budget committee. With Representative Ward Loyd and Representative Bill Light as co-chairs.

Randy Hearrell, Kansas Judicial Council appeared to brief the committee on Judicial Council Legislation of interest. (Attachment 1)

1. **HB 2270** which proposes amendments to the Kansas Juvenile Justice Code is before this committee.
2. The Committee approved introduction of a bill also drafted by the Judicial Council Juvenile Offender/Child in Need of Care Advisory Committee which relates to the confidentiality provisions of the CINC code.
3. The Judicial Council has requested introduction of proposed legislation in the Senate Judiciary Committee as a result of *Atkins v. Virginia* in which the U.S. Supreme Court held that capital punishment of those with mental retardation is cruel and unusual punishment under the Eighth Amendment.

Secretary Roger Werholtz gave a briefing on Department of Corrections and some perspective in terms of how they compare on issues nationally and provided background information on what he thinks are major issues that the department has to deal with in coming years and the ensuing two or three years to come. (Attachment 2)

One of the things that is heard is the concern about public safety. The Secretary shared data with the committee about victimization surveys. The national trend for violent crimes from 1993 – 2002 is a downward trend except for rape. Property crime the trend is downwards as is the general over all trend. Kansas prison population trend is increasing from 7500 in 1996 to 9018 in 2003. Kansas prison admission trends parole/post-release condition violators have gone down slightly over time. The trend for prison admission has steadily increased to 9018 in 2003. Just recently 48 inmates were moved to Texas.

The prison population capacity is increasing and the following options were offered:

- Do nothing and allow the prison population to exceed capacity.
- Implement an early release mechanism.
- Lease out-of-state private prison beds
- Lease jail beds from Kansas counties

- Private Construction and Operation of a Prison in Kansas
- Private Construction and Public (KDOC) Operation of a Prison in Kansas
- State Constructed and Operated Facility

Kansas Jail Capacity as of August 2003 in medium security, female 44-52 beds and male 216-250 beds with an average cost per day of \$43.79. For maximum security, 23 female beds and 70 male beds.

The state is housing 30 female Federal inmates at this time.

Some of the challenges in the future are:

- New medical contract – significant cost increases likely, contract will probably look quite different in FY 2006.
- VOI/TIS and RSAT money will likely be gone.

Program reduction FY 2000 – FY 2005, using FY 2000 as the base year:

- Inmate ADP has increased from 8513 to an estimated 9025 for FY 2005, a 6% increase.
- Funding for facility-based programs has decreased from \$8,913,797 to \$5,295,760, a 41% reduction.
- Intervention program capacity has decreased from nearly 1700 program slots to just over 950, a loss of 744 slots representing nearly a 45% reduction.
- Most significant losses were in short-term substance abuse treatment which has been virtually eliminated in the facilities; academic education which may be eliminated with the FY 05 funding; and vocational education which has been reduced by over a third of its capacity and may be reduced further in FY 05.
- Parole ADP has increased from 3999 to an estimated 4517, an increase of 13%.
- Funding for community-based intervention programs has decreased from \$3,502,672 to \$736,150 nearly 80% reduction.
- Capacity for community-based program interventions has been reduced from a high of 804 slots (FY 01) to 525 in FY 05, a loss of 279 slots, a 35% reduction.
- Most significant reductions in community-based programs have been in substance abuse treatment, again virtually eliminating community-based treatment; transitional housing (CRB) over a \$90 reduction representing a loss of 205 slots; and a reduction in transitional therapeutic community slots.
- Overall, the funding for facility-based and community-based programs has decreased by 51 percent.

The meeting was adjourned at 3:25 PM. The next scheduled meeting is January 21, 2004.

HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE
GUEST LIST

DATE 1-20-04

NAME	REPRESENTING
Roger Werholtz	Corrections
DENNIS WILLIAMS	KDOC
JEREMY S BARCLAY	KDOC
D. J. M. Hearrell	Judicial Council
Steve Solomon	The Farm, Inc.
Cristel Carrell	Intern for Rep. Ward
Patrick Hickey	CGA
Brenda Harmon	KSC
Robert Sanders	KDOC
Andy Sanchez	KAPE
Chris Meehler	WA
Julia Butler	KSC

MEMORANDUM

TO: House Corrections and Juvenile Justice Committee

FROM: Kansas Judicial Council - Randy M. Hearrell

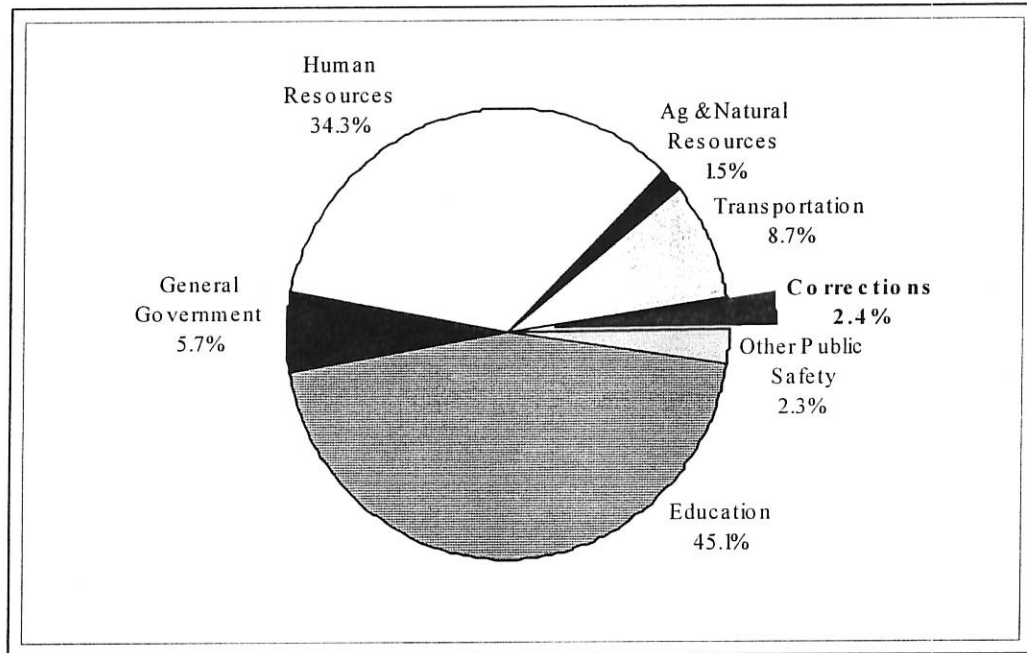
DATE: January 20, 2004

RE: Judicial Council Legislation of Interest

There are a number of bills requested by the Judicial Council, several may be of interest to the House Corrections and Juvenile Justice Committee.

- 2003 HB 2270 which proposes amendments to the Kansas Juvenile Justice Code is before this Committee.
- Last week this Committee approved introduction of a bill also drafted by the Judicial Council Juvenile Offender/Child in Need of Care Advisory Committee which relates to the confidentiality provisions of the CINC code.
- The Judicial Council has requested introduction of proposed legislation in the Senate Judiciary Committee as a result of its study of Atkins v. Virginia in which the U.S. Supreme Court held that capital punishment of those with mental retardation is cruel and unusual punishment under the Eighth Amendment.
- In the near future the Judicial Council will request the Senate Judiciary Committee to introduce proposed amendments to K.S.A. 21-4635 and 21-4638 which substitute the sentence of "life without the possibility of parole" for the "hard 50" as an alternative sentence to the death penalty when the defendant is found guilty of capital murder but the death penalty is not imposed.
- The Judicial Council has requested introduction of three bills relating to municipal courts which I am uncertain to which committee they will be assigned if they pass the Senate. They relate to calculating appeal time from municipal courts, contempt powers of municipal judges and the pretrial authority of municipal courts.
- Two other Judicial Council bills relating to docket fees and administrative procedures are before the Senate Judiciary Committee and it would appear that if they pass, they would be assigned to the House Judiciary Committee.
- Four other Judicial Council bills relating to the Kansas Uniform Trust Code, the Kansas Power of Attorney Act, the Kansas Probate Code and the amendment of K.S.A 12-105b (the time for filing claims against municipality) have been introduced in the House Judiciary.

KDOC in the Context of the State Budget



Systemwide Expenditure Summary: All Funds

Program/Facility	Actual FY 2003	Estimated FY 2004	Requested FY 2005	Governor's Rec FY 2005
<u>OPERATING EXPENDITURES</u>				
Department of Corrections				
Central Administration	4,060,823	5,114,148	5,986,449	6,086,571
Information Systems	1,745,887	1,727,568	2,474,093	1,674,891
Parole and Postrelease Supervision	9,229,392	9,812,224	9,825,024	9,853,212
Day Reporting Centers	1,702,000	2,544,000	2,596,000	2,596,000
Community Corrections	13,361,688	14,240,912	15,548,912	15,548,912
Correctional Conservation Camps	2,806,081	3,089,772	3,116,638	3,116,638
Offender Programs	9,397,488	7,575,501	10,404,280	6,505,423
Inmate Medical and Mental Health Care	25,165,595	26,113,007	26,789,304	26,934,607
Systemwide Projects	13,714,739	13,628,190	17,918,876	14,304,884
Kansas Correctional Industries	8,875,599	9,214,645	9,358,937	9,387,344
Debt Service	2,854,496	2,373,000	2,335,000	1,960,000
Subtotal - Department of Corrections	92,913,788	95,432,967	106,353,513	97,968,482
Ellsworth Correctional Facility	10,271,056	10,420,328	11,209,339	10,845,707
El Dorado Correctional Facility	20,306,398	20,506,995	21,676,241	21,300,282
Hutchinson Correctional Facility	23,915,331	24,116,669	25,601,310	25,085,661
Lansing Correctional Facility	32,038,886	31,862,253	33,800,484	33,034,706
Larned Correctional Mental Health Facility	7,693,844	7,913,608	8,389,977	8,312,635
Norton Correctional Facility	11,893,064	12,240,397	12,868,434	12,676,676
Topeka Correctional Facility	11,070,090	11,329,049	11,924,063	11,774,313
Winfield Correctional Facility	9,815,642	9,961,801	10,459,587	10,274,243
Subtotal - Facilities	127,004,311	128,351,100	135,929,435	133,304,223
Subtotal - Operating Expenditures	219,918,099	223,784,067	242,282,948	231,272,705
% Change	-	1.8%	8.3%	3.3%
<u>CAPITAL IMPROVEMENTS</u>				
Department of Corrections	10,839,699	13,001,603	13,730,967	11,200,295
Ellsworth Correctional Facility	120,376	201,217	0	0
El Dorado Correctional Facility	125,764	1,709	0	0
Hutchinson Correctional Facility	2,811,667	580,088	0	0
Lansing Correctional Facility	662,080	288,282	218,382	218,382
Larned Correctional Mental Health Facility	189,927	0	0	0
Norton Correctional Facility	8,906	270,000	0	0
Topeka Correctional Facility	12,583	37,274	0	0
Winfield Correctional Facility	280,550	166,614	0	0
Subtotal - Capital Improvements	15,051,552	14,546,787	13,949,349	11,418,677
Total Budgeted Expenditures	\$ 234,969,651	\$ 238,330,854	\$ 256,232,297	\$ 242,691,382
Total - Positions	3,132.5	3,135.5	3,125.0	3,125.2

Systemwide Expenditure Summary: State General Fund

Program/Facility	Actual FY 2003	Estimated FY 2004	Requested FY 2005	Governor's Rec FY 2005
<u>OPERATING EXPENDITURES</u>				
Department of Corrections				
Central Administration	3,937,209	4,381,418	4,632,414	4,730,819
Information Systems	1,633,388	1,595,568	2,419,093	1,619,891
Parole and Postrelease Supervision	8,539,824	9,127,224	9,289,024	9,317,212
Day Reporting Centers	177,400	254,400	259,600	259,600
Community Corrections	13,361,688	14,240,912	15,548,912	15,548,912
Correctional Conservation Camps	2,580,737	2,665,450	2,679,471	2,679,471
Offender Programs	4,228,213	5,662,531	8,393,864	3,815,757
Inmate Medical and Mental Health Care	24,522,595	25,479,007	26,152,304	26,297,607
Systemwide Projects	12,946,824	9,980,413	14,174,321	10,539,588
Debt Service	1,362,697	2,297,000	1,884,000	1,884,000
Subtotal - Department of Corrections	73,290,575	75,683,923	85,433,003	76,692,857
Ellsworth Correctional Facility	10,225,021	10,383,346	11,150,861	10,786,339
El Dorado Correctional Facility	20,147,442	20,373,140	21,539,761	21,163,802
Hutchinson Correctional Facility	23,686,402	23,859,070	25,284,288	24,766,458
Lansing Correctional Facility	31,722,931	31,753,902	33,678,455	32,912,677
Larned Correctional Mental Health Facility	7,558,776	7,911,579	8,386,170	8,308,828
Norton Correctional Facility	11,674,103	12,079,233	12,707,590	12,513,125
Topeka Correctional Facility	10,174,281	10,100,741	10,458,840	10,288,847
Winfield Correctional Facility	9,613,560	9,770,242	10,262,163	10,072,141
Subtotal - Facilities	124,802,516	126,231,253	133,468,128	130,812,217
Subtotal - Operating Expenditures	198,093,091	201,915,176	218,901,131	207,505,074
<u>CAPITAL IMPROVEMENTS</u>				
Department of Corrections	7,996,685	7,027,113	7,745,000	6,055,303
Ellsworth Correctional Facility	11,657	0	0	0
Hutchinson Correctional Facility	83,694	218,382	218,382	218,382
Subtotal - Capital Improvements	8,092,036	7,245,495	7,963,382	6,273,685
Total - Expenditures	\$206,185,127	\$209,160,671	\$226,864,513	\$213,778,759
% Change	-	1.4%	8.5%	2.2%

The National Crime Victimization Survey reveals long-term declines in victimization to the lowest per capita rates in nearly 30 years

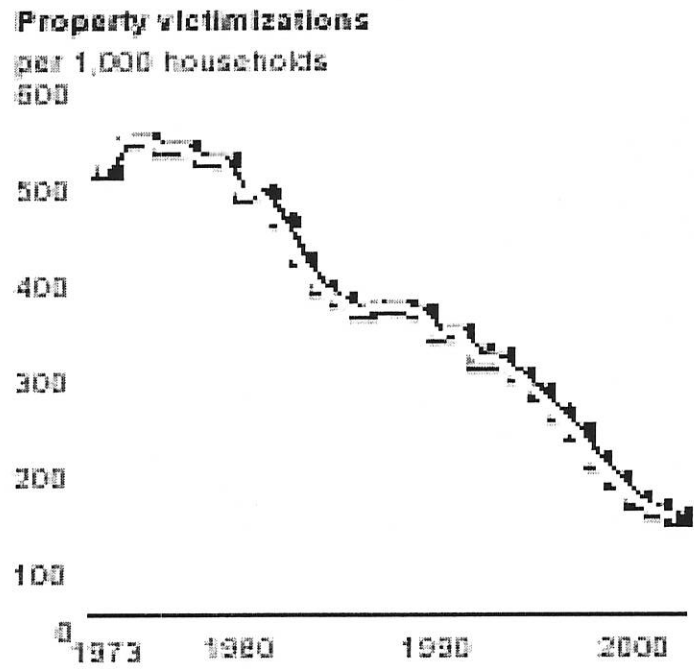


The best estimate and range of estimates

Each vertical bar shows the range within which the true victimization rate was likely to fall. For discussion of displaying estimates, see <<http://www.ojp.usdoj.gov/bjs/pub/pdf/dvctue.pdf>>.

Source: "Criminal Victimization, 2002," Bureau of Justice Statistics National Crime Victimization Survey; August 2003, NCJ 199994

The National Crime Victimization Survey reveals long-term declines in victimization to the lowest per capita rates in nearly 30 years

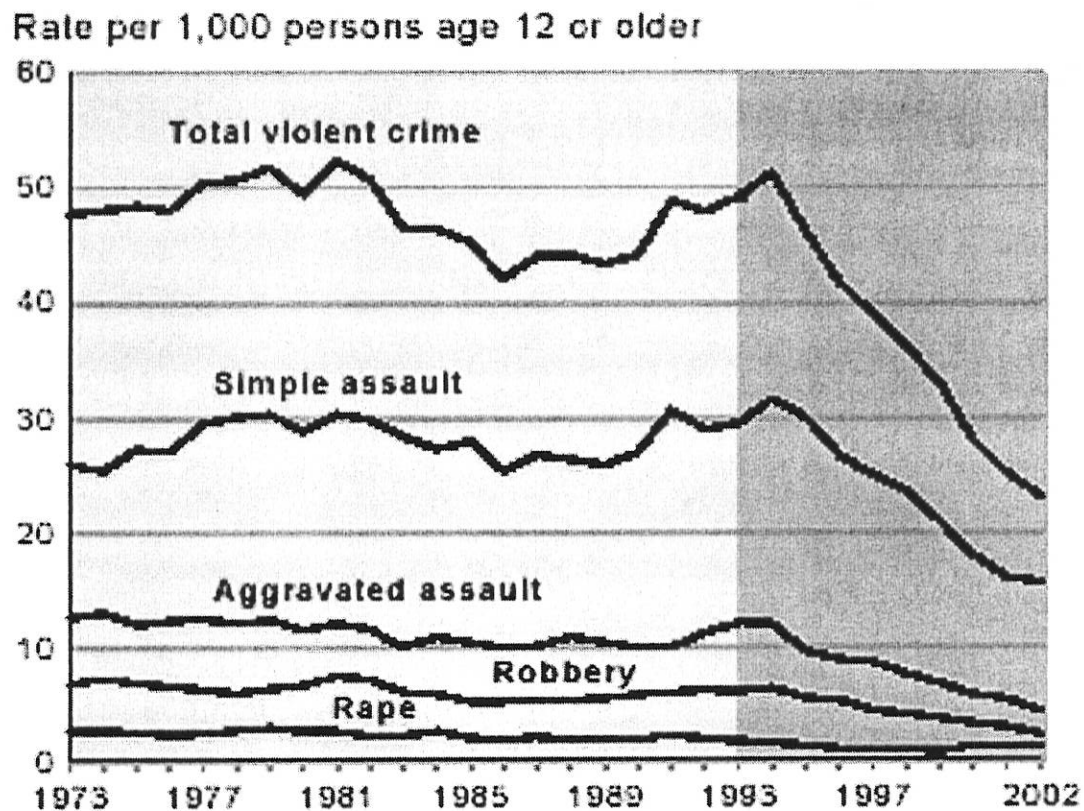


The best estimate and range of estimates

Each vertical bar shows the range within which the true victimization rate was likely to fall. For discussion of displaying estimates, see <<http://www.ojp.usdoj.gov/bjs/pub/pdf/dvctue.pdf>>.

Source: "Criminal Victimization, 2002," Bureau of Justice Statistics National Crime Victimization Survey; August 2003, NCJ 199994

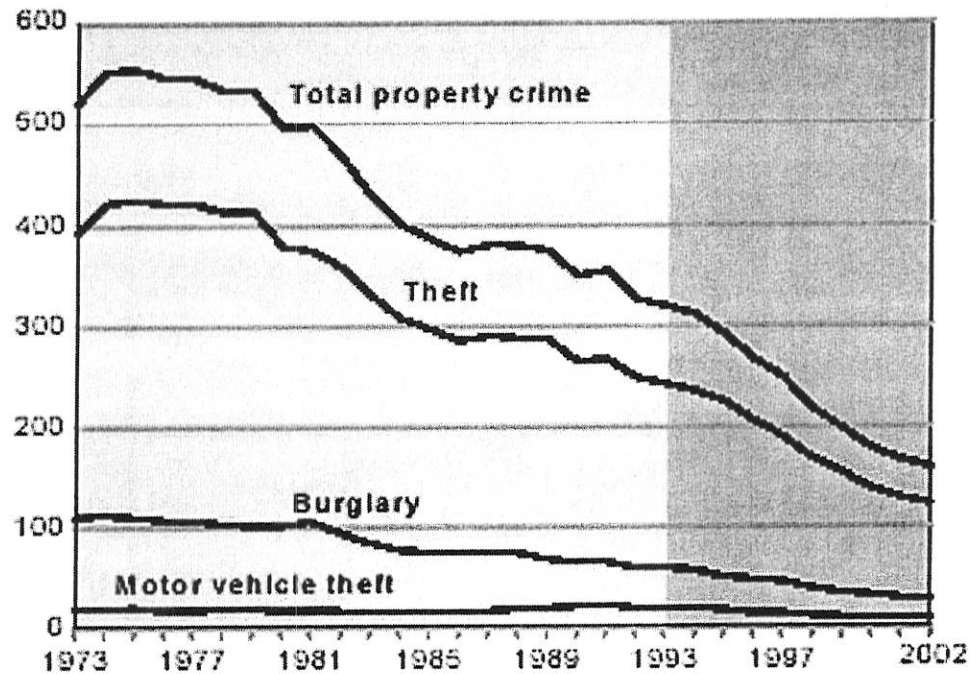
Victimization Trends, 1993-2002 – Violent Crime



Rate per 1,000 households

Note: Data collected before the NCVS redesign was implemented during the latter half of 1992 (the lightly shaded areas) have been made comparable to the post-redesign NCVS. Those data were re-estimated to account for the effects of the redesign.

Victimization Trends, 1993-2002 – Property Crime



Note: Data collected before the NCVS redesign was implemented during the latter half of 1992 (the lightly shaded areas) have been made comparable to the post-redesign NCVS. Those data were re-estimated to account for the effects of the redesign.

Source: "Criminal Victimization, 2002," Bureau of Justice Statistics National Crime Victimization Survey; August 2003, NCJ 199994

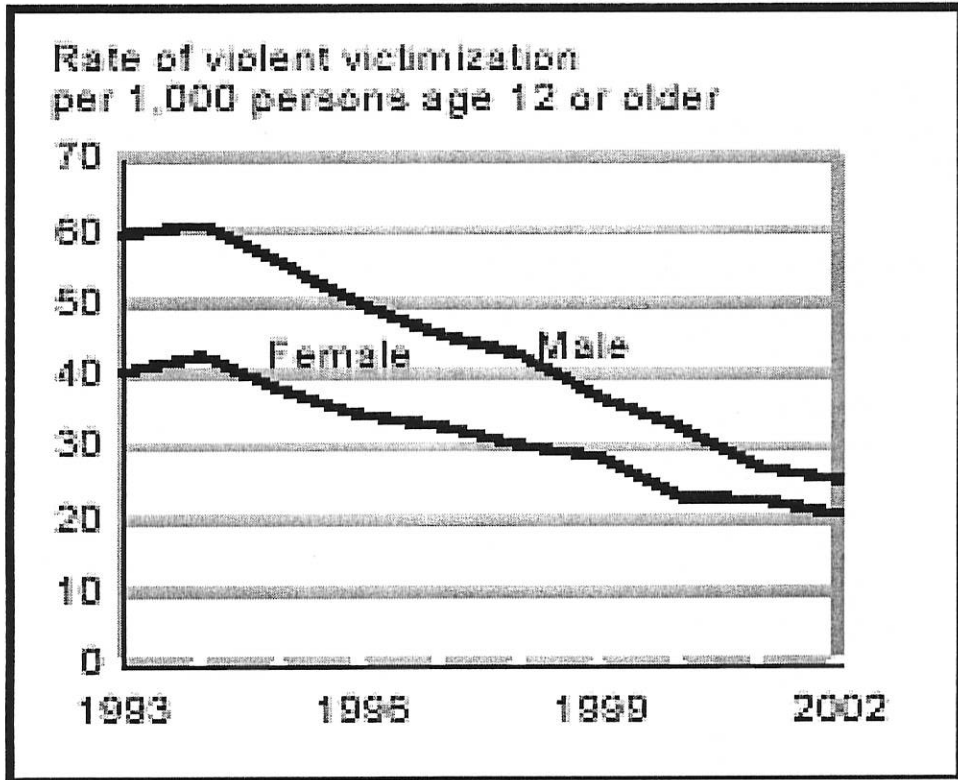


Figure 3 - Violent crime and gender

Source: "Criminal Victimization, 2002," Bureau of Justice Statistics National Crime Victimization Survey; August 2003, NCJ 199994

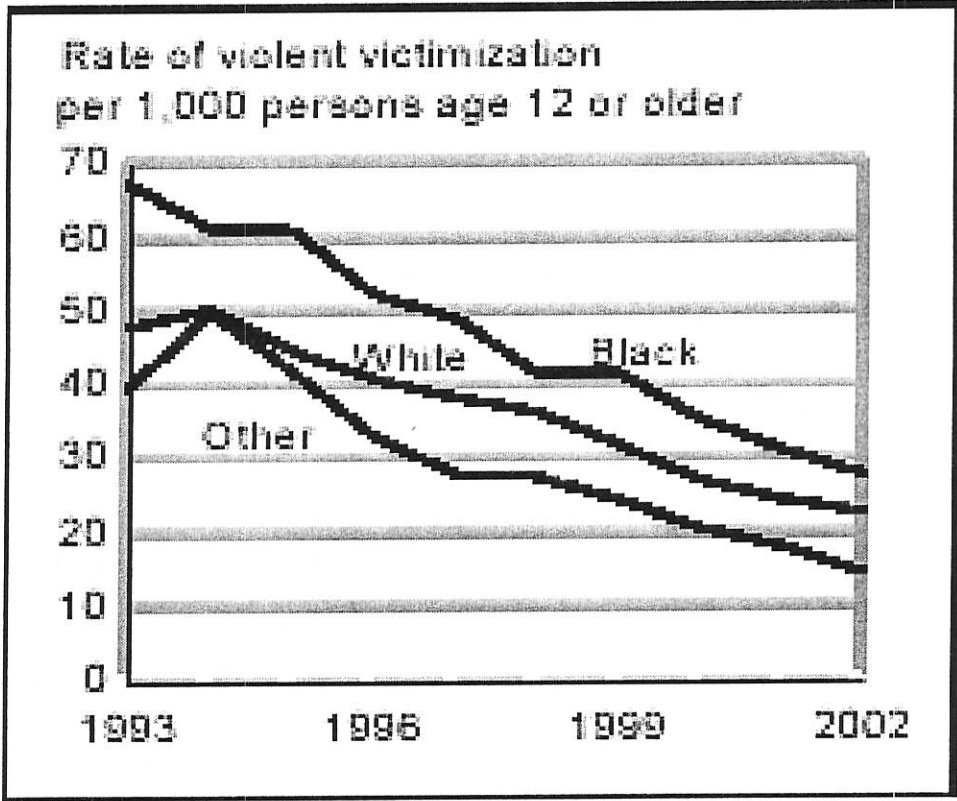


Figure 4 - Violent crime and race

Source: "Criminal Victimization, 2002," Bureau of Justice Statistics National Crime Victimization Survey; August 2003, NCJ 199994

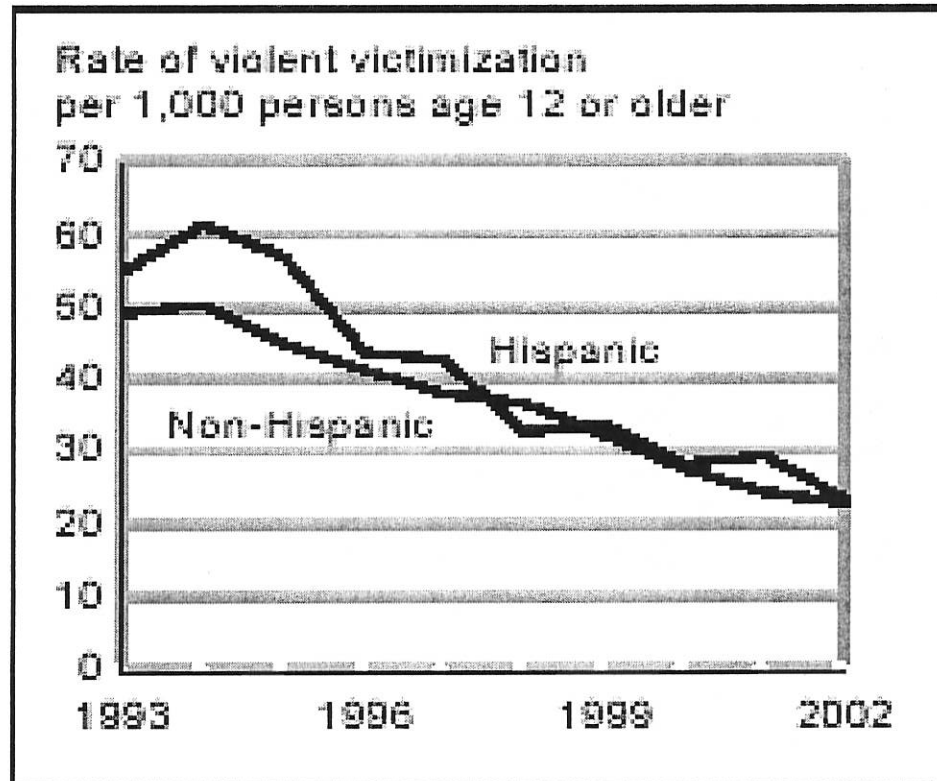


Figure 5 - Violent crime and Hispanic origin

Source: "Criminal Victimization, 2002," Bureau of Justice Statistics National Crime Victimization Survey; August 2003, NCJ 199994

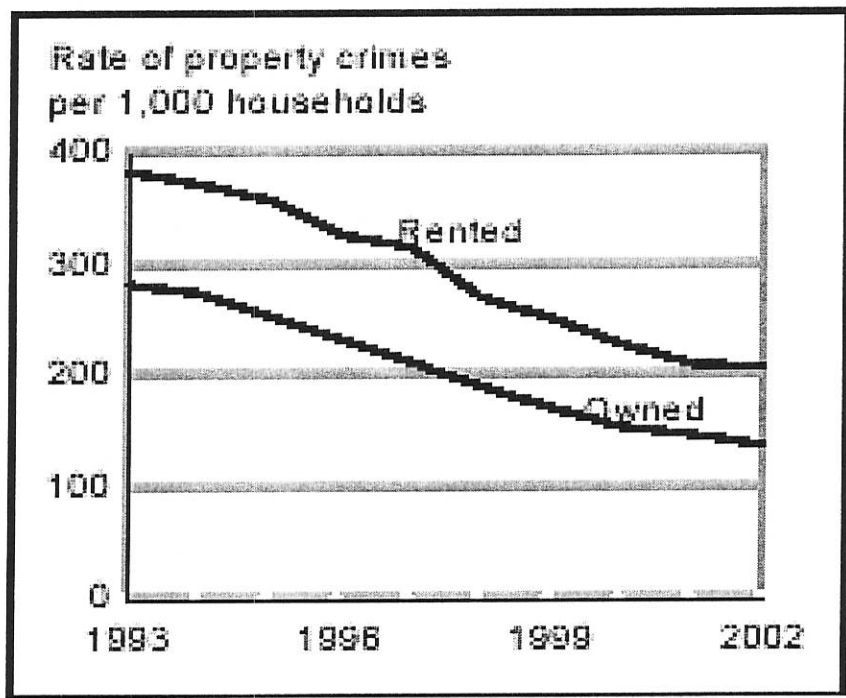


Figure 6 - Property crime and owned/rented residences

Source: "Criminal Victimization, 2002," Bureau of Justice Statistics National Crime Victimization Survey, August 2003, NCJ 199994

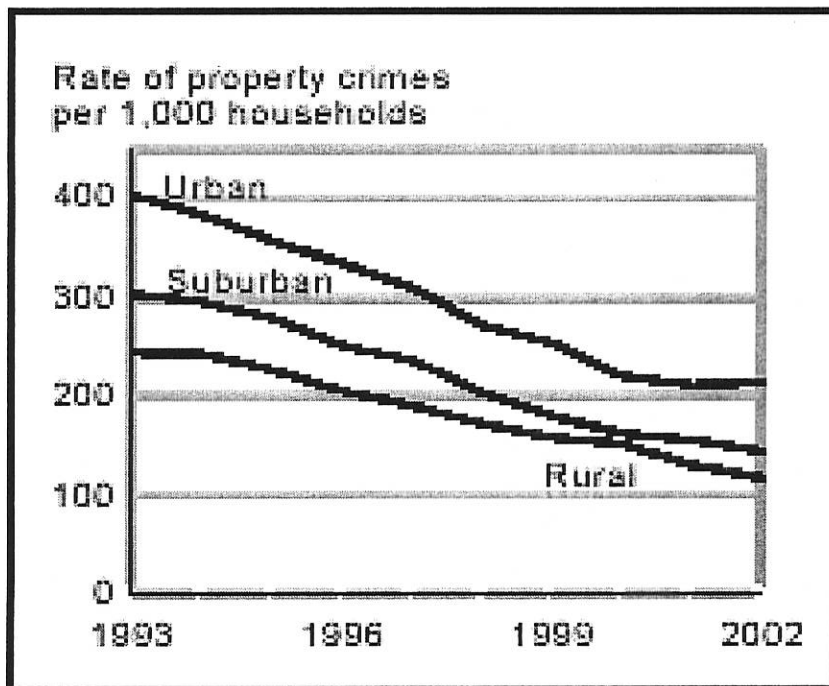


Figure 7 - Property crime and urbanicity

Source: "Criminal Victimization, 2002," Bureau of Justice Statistics National Crime Victimization Survey; August 2003, NCJ 199994

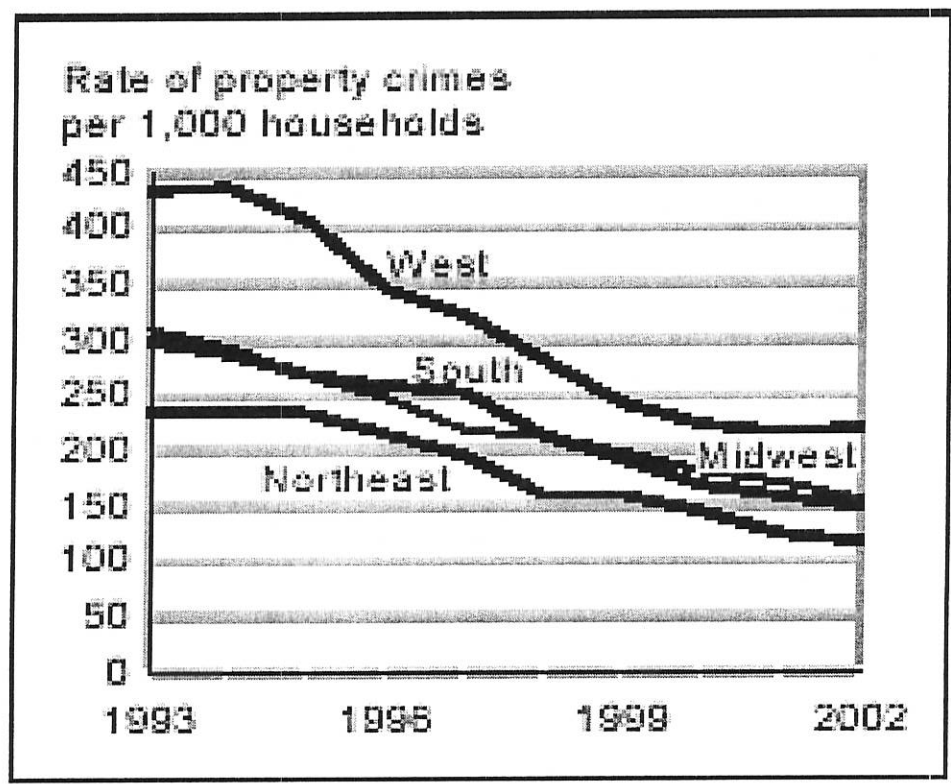
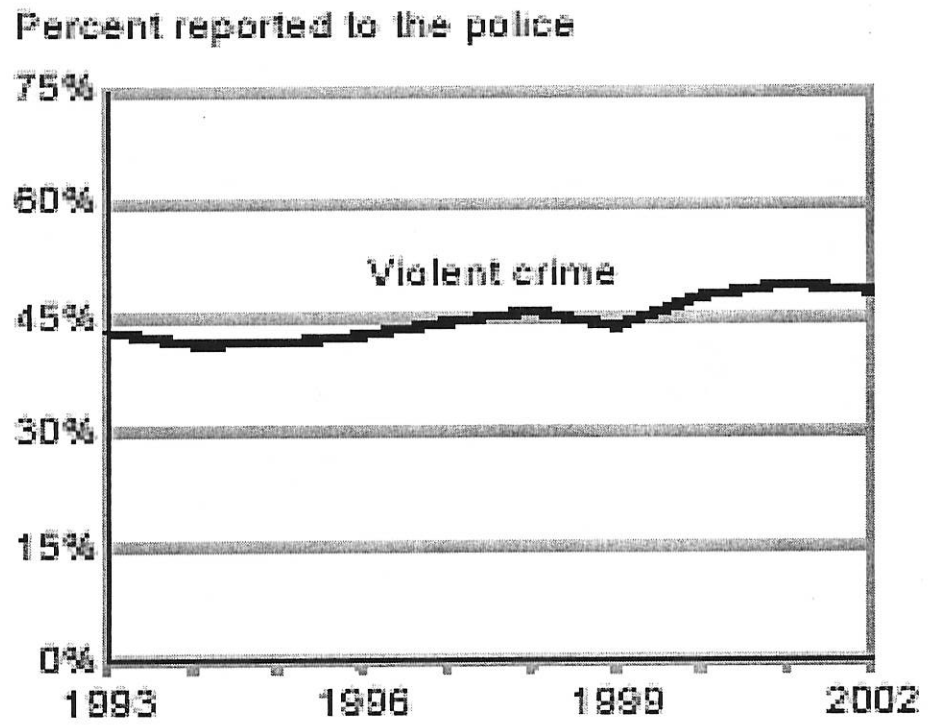


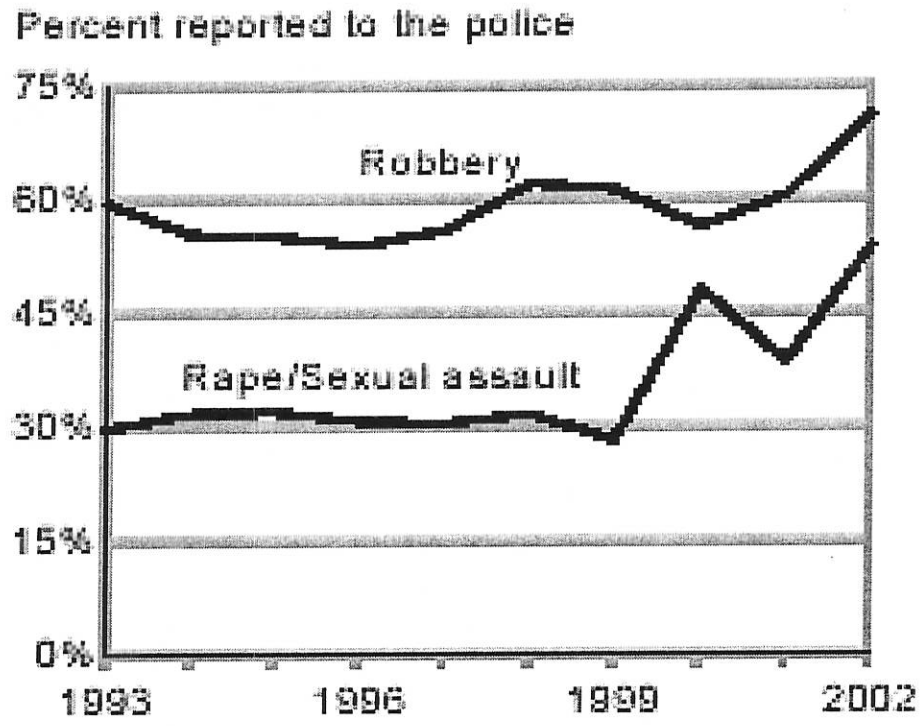
Figure 8 - Property crime and region

Source: "Criminal Victimization, 2002," Bureau of Justice Statistics National Crime Victimization Survey; August 2003, NCJ 199994

Reporting to the police increased from 43% of all violent crimes in 1993 to 49% in 2002

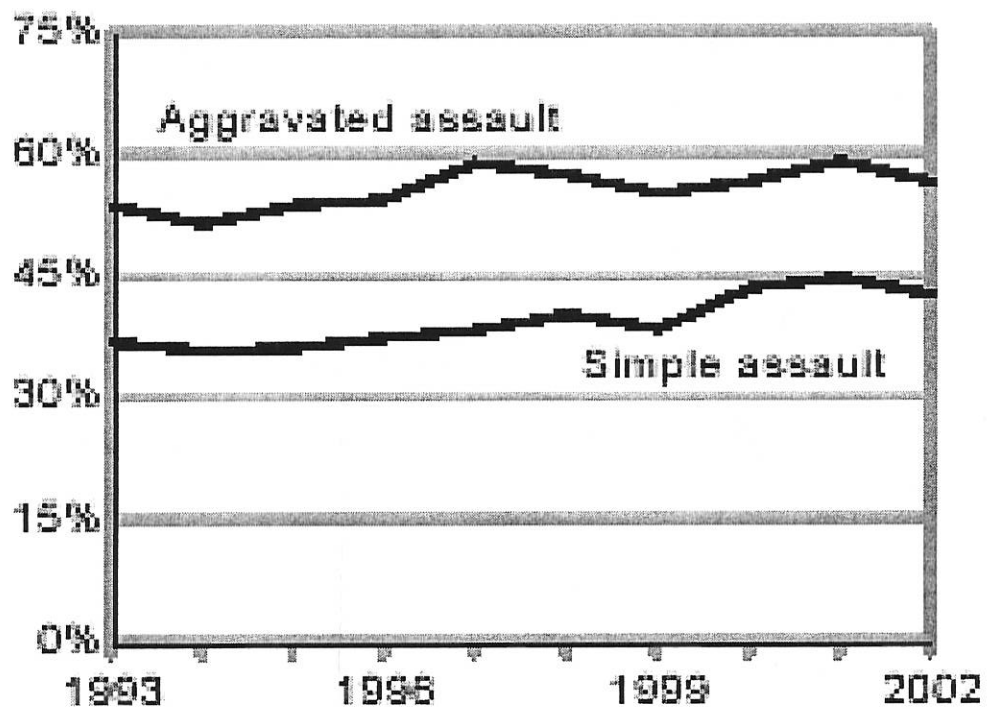


Source: "Criminal Victimization, 2002," Bureau of Justice Statistics National Crime Victimization Survey; August 2003, NCJ 199994



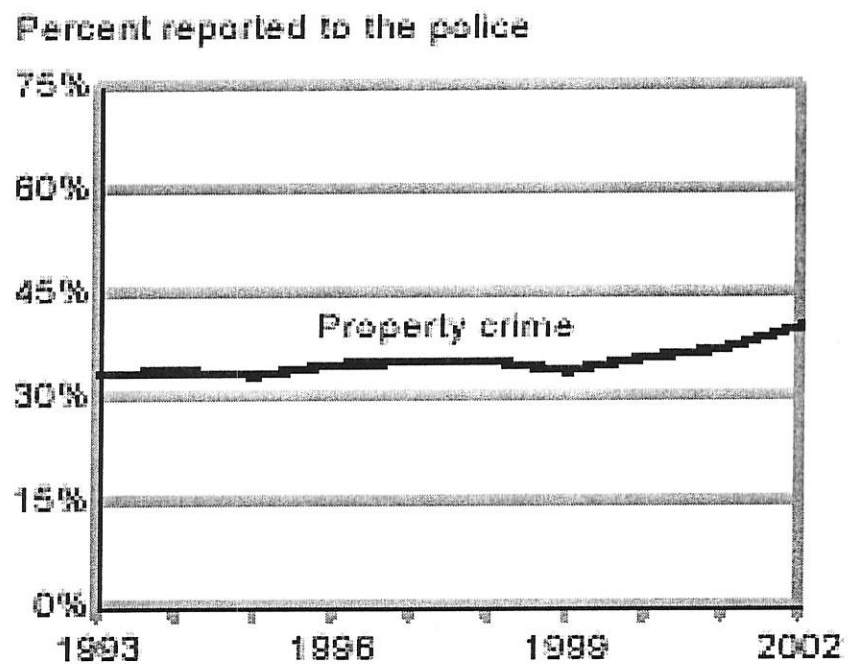
Source: "Criminal Victimization, 2002," Bureau of Justice Statistics National Crime Victimization Survey; August 2003, NCJ 199994

Percent reported to the police



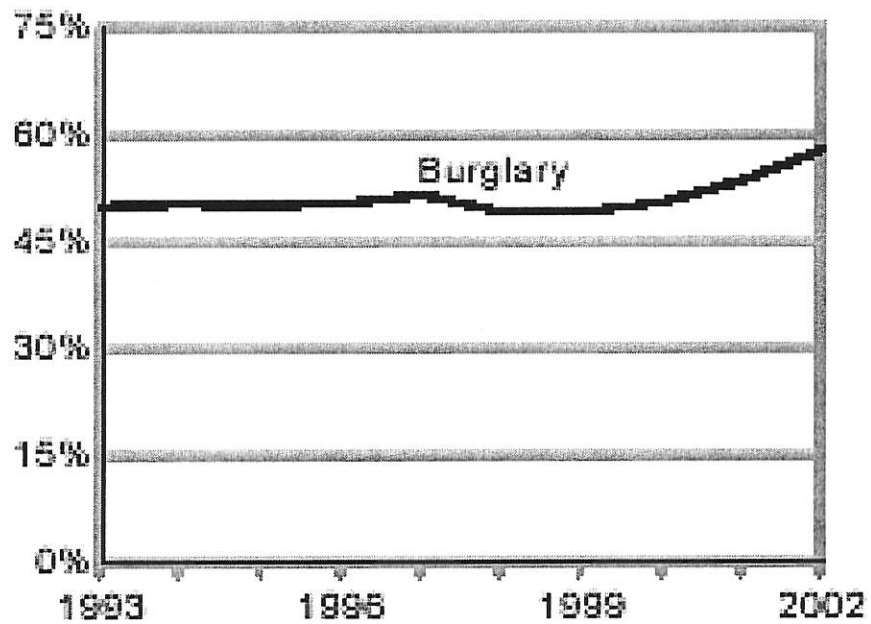
Source: "Criminal Victimization, 2002," Bureau of Justice Statistics National Crime Victimization Survey; August 2003, NCJ 199994

Reporting to the police increased from 34% of all property crimes in 1993 to 40% in 2002



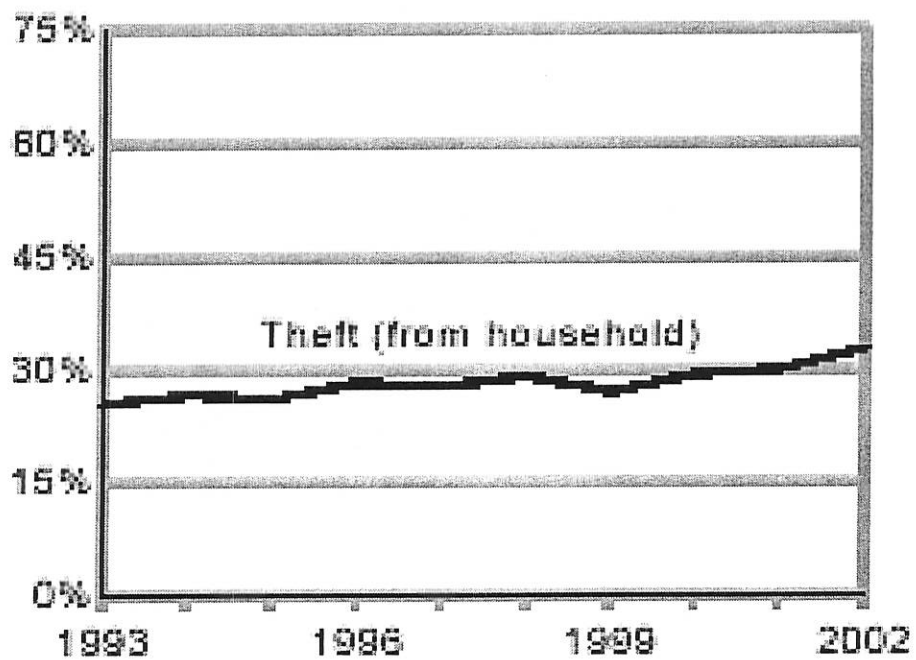
Source: "Criminal Victimization, 2002," Bureau of Justice Statistics National Crime Victimization Survey; August 2003, NCJ 199994

Percent reported to the police



Source: "Criminal Victimization, 2002," Bureau of Justice Statistics National Crime Victimization Survey; August 2003, NCJ 199994

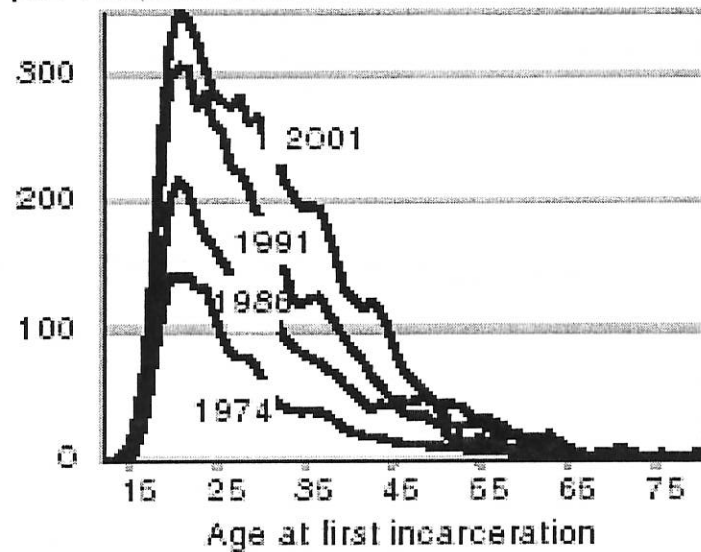
Percent reported to the police



Source: "Criminal Victimization, 2002," Bureau of Justice Statistics National Crime Victimization Survey; August 2003, NCJ 199994

First incarceration rates rose sharply among persons under age 45

Number first incarcerated per 100,000 U.S. residents*



*The number first incarcerated at each age divided by the number at risk to first incarceration, times 100,000.

Comparative Data Kansas Corrections

- Kansas ranks 33rd in corrections spending as a percentage of personal income[1]
- Kansas ranks 34th in per capita spending for corrections[2]
- Kansas ranks 15th in state spending on corrections as compared to spending by local units of government[3]
- Kansas ranks 34th in sentenced prisoners under the jurisdiction of state correctional authorities[4]
- Kansas is tied for 35th in the number of women under the jurisdiction of state correctional authorities[5]
- Kansas ranks 45th in terms of the number of persons per 100,000 on probation[6]
- Kansas reported 15,217 adults on probation on Dec. 31, 2002[7]
- Kansas ranks 21st in terms of the number of persons per 100,000 on parole[8]
- Kansas ranks 14th in terms of the percentage of the correctional population (probation, community corrections, prison, parole) that is incarcerated [9]

[1] Source: U.S. Bureau of Justice Statistics as quoted in Governing Magazine 2003 Source Book.

[2] Ibid.

[3] Ibid.

[4] Bureau of Justice Statistics Bulletin, Prisoners in 2002; July 2003.

[5] Ibid.

[6] Bureau of Justice Statistics Bulletin, Probation and Parole in the United States, 2002; Aug. 2003.

[7] Ibid.

[8] Ibid.

Comparative Data Kansas Corrections

- The Kansas prison population has grown from 4,538 on June 30, 1985 to 9,185 on Jan. 15, 2004.[10]
- The Kansas in-state parole caseload increased from 2,762 (6/30/87) to 6,525 (2/21/94) and then declined 3,727 (12/21/01). It has now increased to 4,233 on Jan. 9, 2004. Numbers of parolees supervised out of state through the interstate compact have followed a similar pattern.[11]
- The Kansas Community Corrections Act programs' average daily population increased from 1,672 in 1989 to 5,155 in 1999 and then declined to 4,133 in 2002. It increased to 4,365 in 2003.[12]

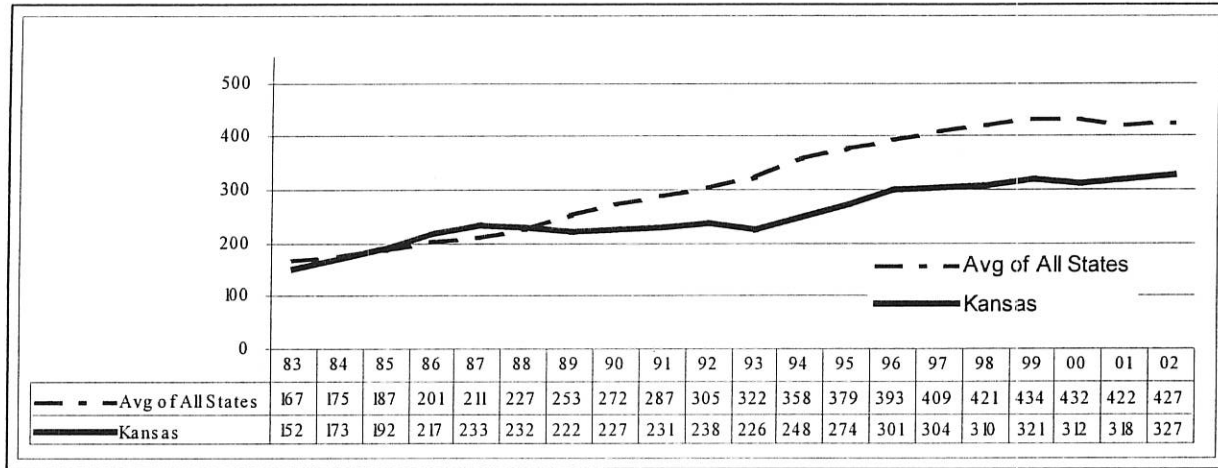
[9] Ibid.

[10] KDOC 2003 Corrections Briefing Report and PGM-POPREP1CBL,

[11] KDOC PGM-PARPOP1CBL,

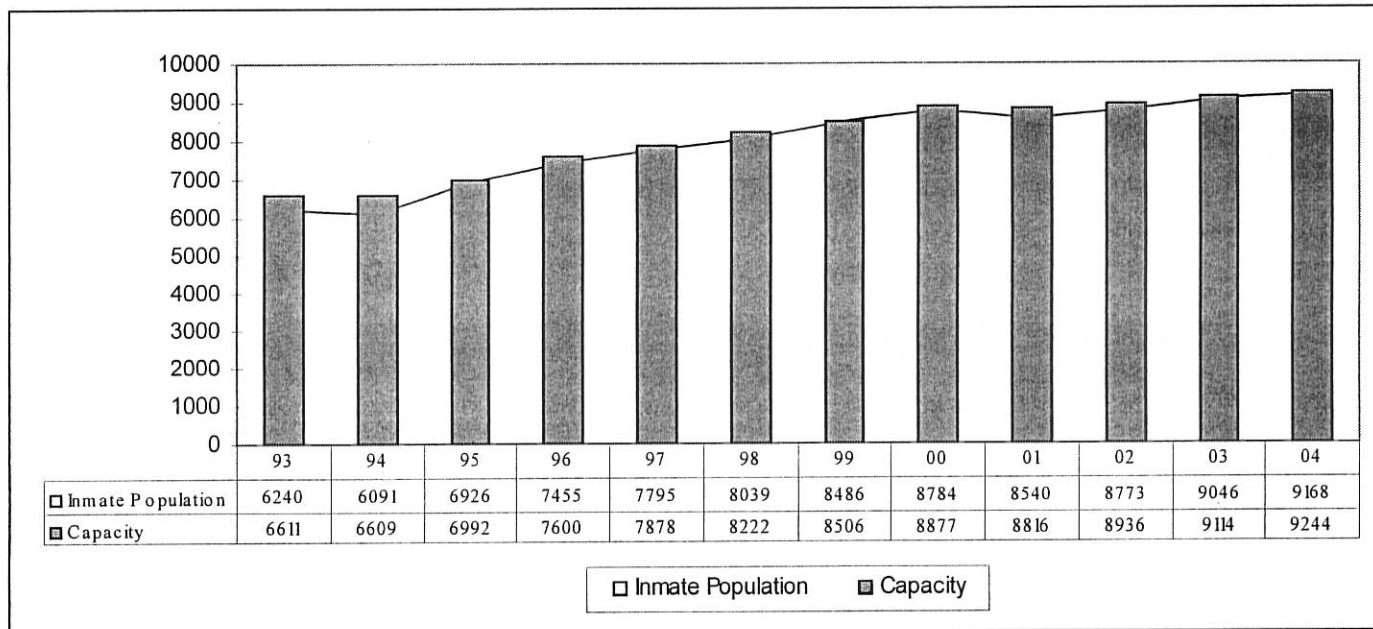
[12] KDOC Community Corrections\history\ADP History.xls DATA

Kansas Incarceration Rates



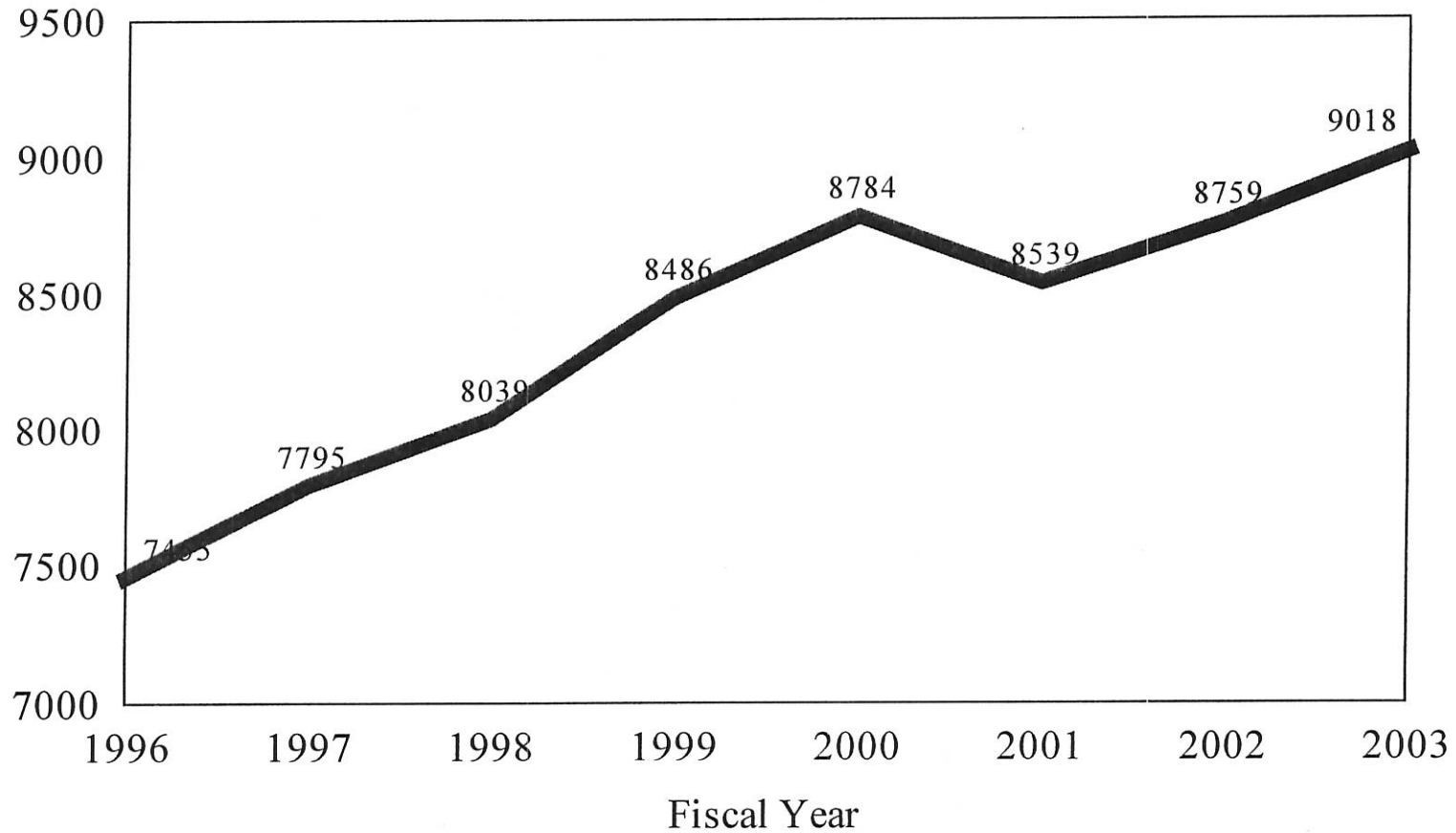
State Incarceration Rates: December 31, 2002								
Rank			Rank			Rank		
1	Louisiana	794	18	Tennessee	430	35	Pennsylvania	325
2	Mississippi	743	19	Maryland	425	36	New Jersey	322
3	Texas	692	20	Colorado	415	37	New Mexico	309
4	Oklahoma	667	21	Connecticut	405	38	Hawaii	308
5	Alabama	612	22	Ohio	398	39	Iowa	284
6	South Carolina	555	23	Alaska	396	40	Washington	261
7	Georgia	552	24	Wisconsin	391	41	West Virginia	250
8	Missouri	529	25	Kentucky	380	42	Massachusetts	234
9	Arizona	513	26	South Dakota	378	43	Utah	233
10	Michigan	501	27	Montana	361	44	Nebraska	228
11	Nevada	483	28	Indiana	348	45	Vermont	214
12	Arkansas	479	29	Wyoming	348	46	New Hampshire	192
13	Idaho	461	30	New York	346	47	Rhode Island	191
14	Virginia	460	31	North Carolina	345	48	North Dakota	161
15	Delaware	453	32	Oregon	342	49	Maine	141
16	California	452	33	Illinois	336	50	Minnesota	141
17	Florida	450	34	Kansas	327			
<i>Average for all states: 427</i>								

Capacity vs. Inmate Population FY 1993—FY 2004 (through December 31, 2003)



KANSAS PRISON POPULATION TRENDS

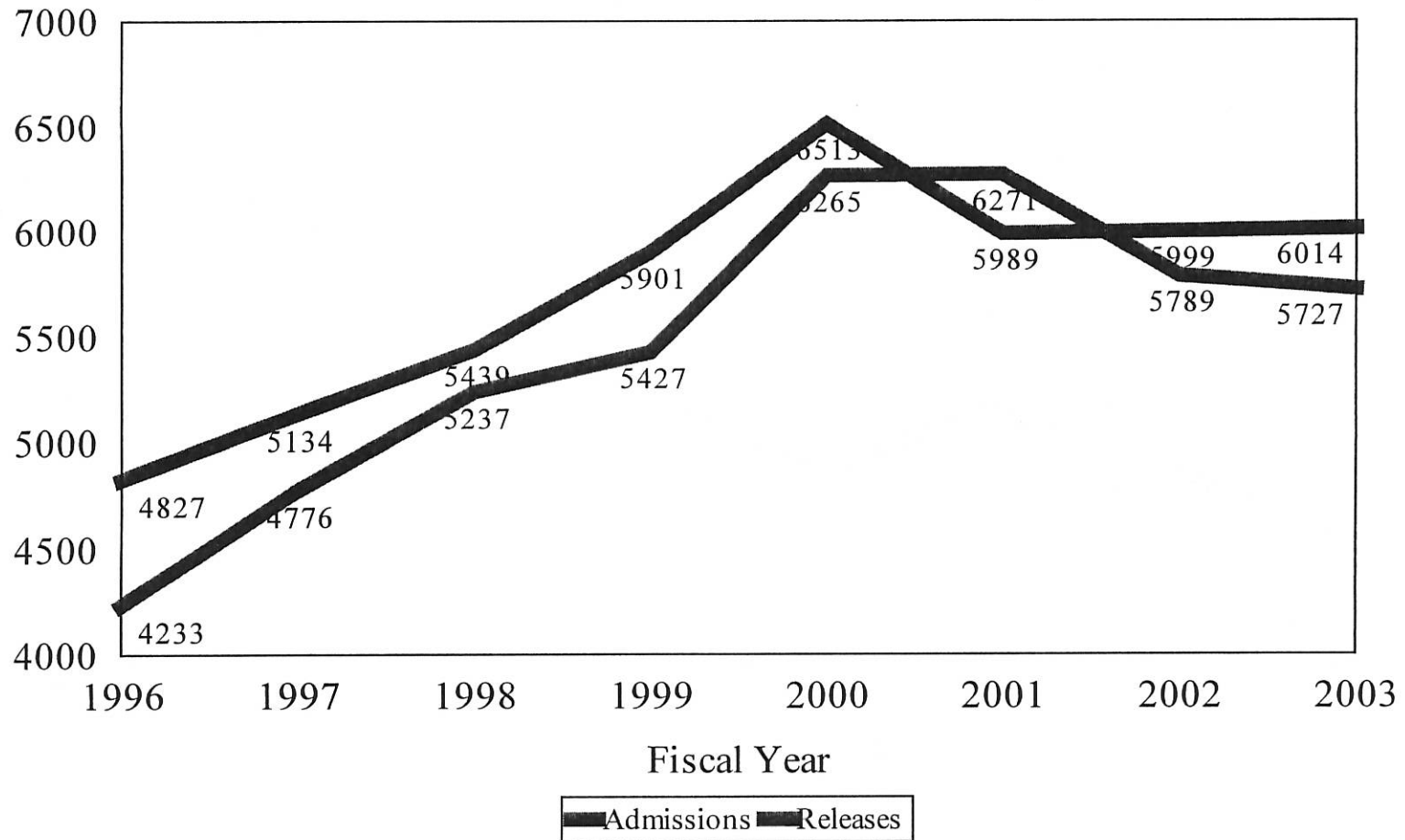
Total Prison Population



Source: DOC prison population files

KANSAS PRISON POPULATION TRENDS

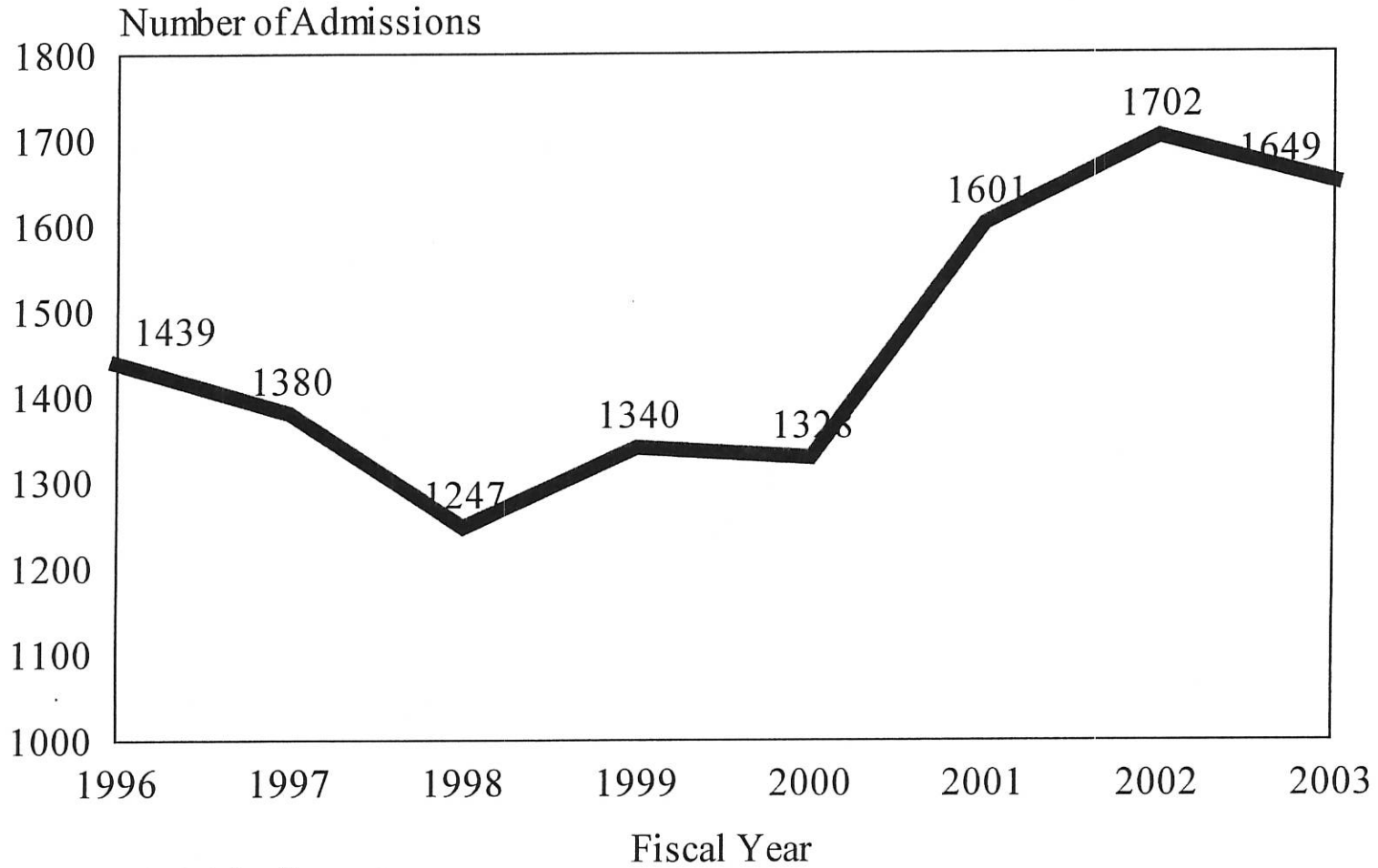
Admissions and Releases



Source: DOC admission and release files

KANSAS PRISON ADMISSION TRENDS

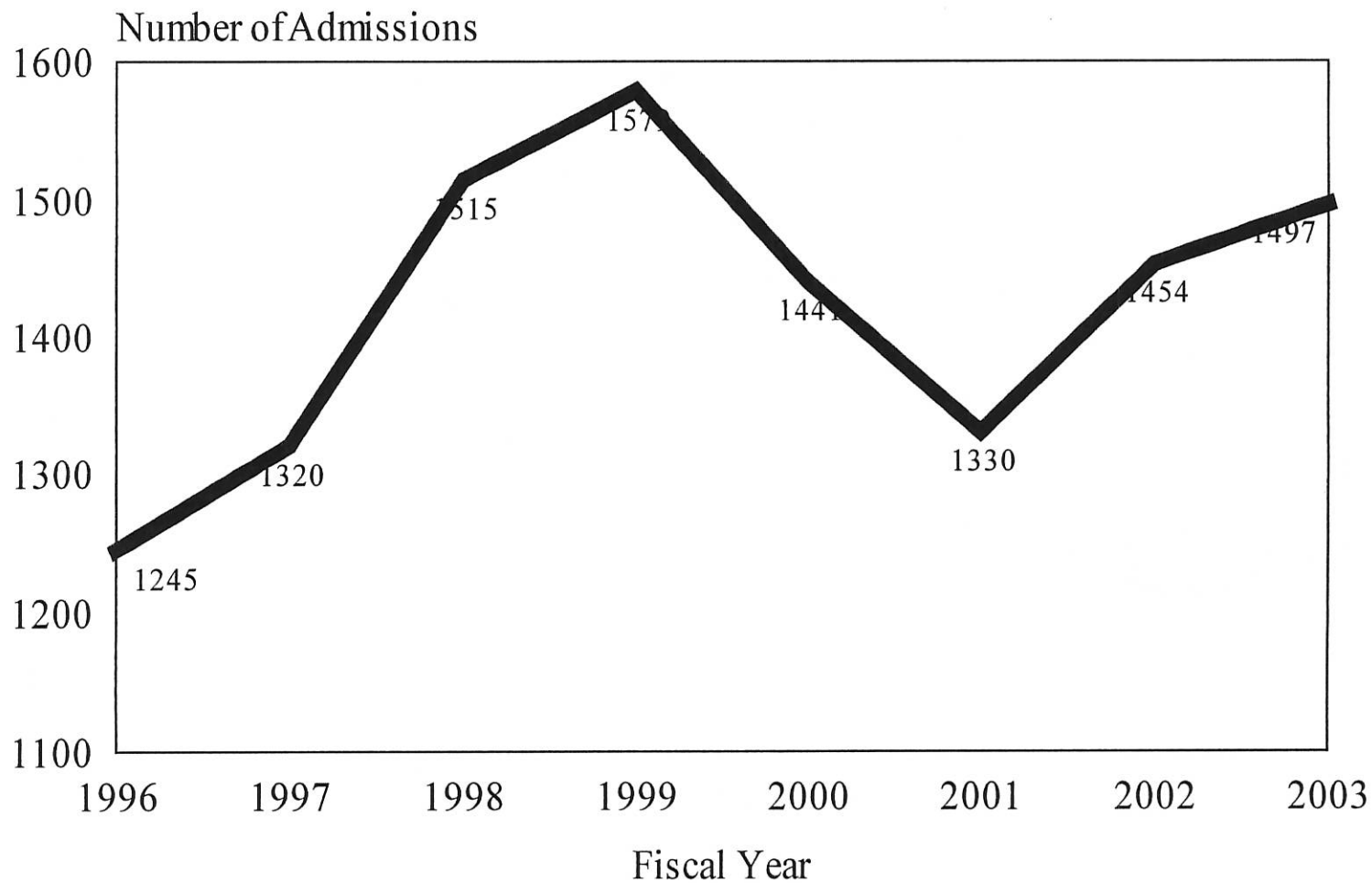
New Court Commitments



Source: DOC admission files

KANSAS PRISON ADMISSION TRENDS

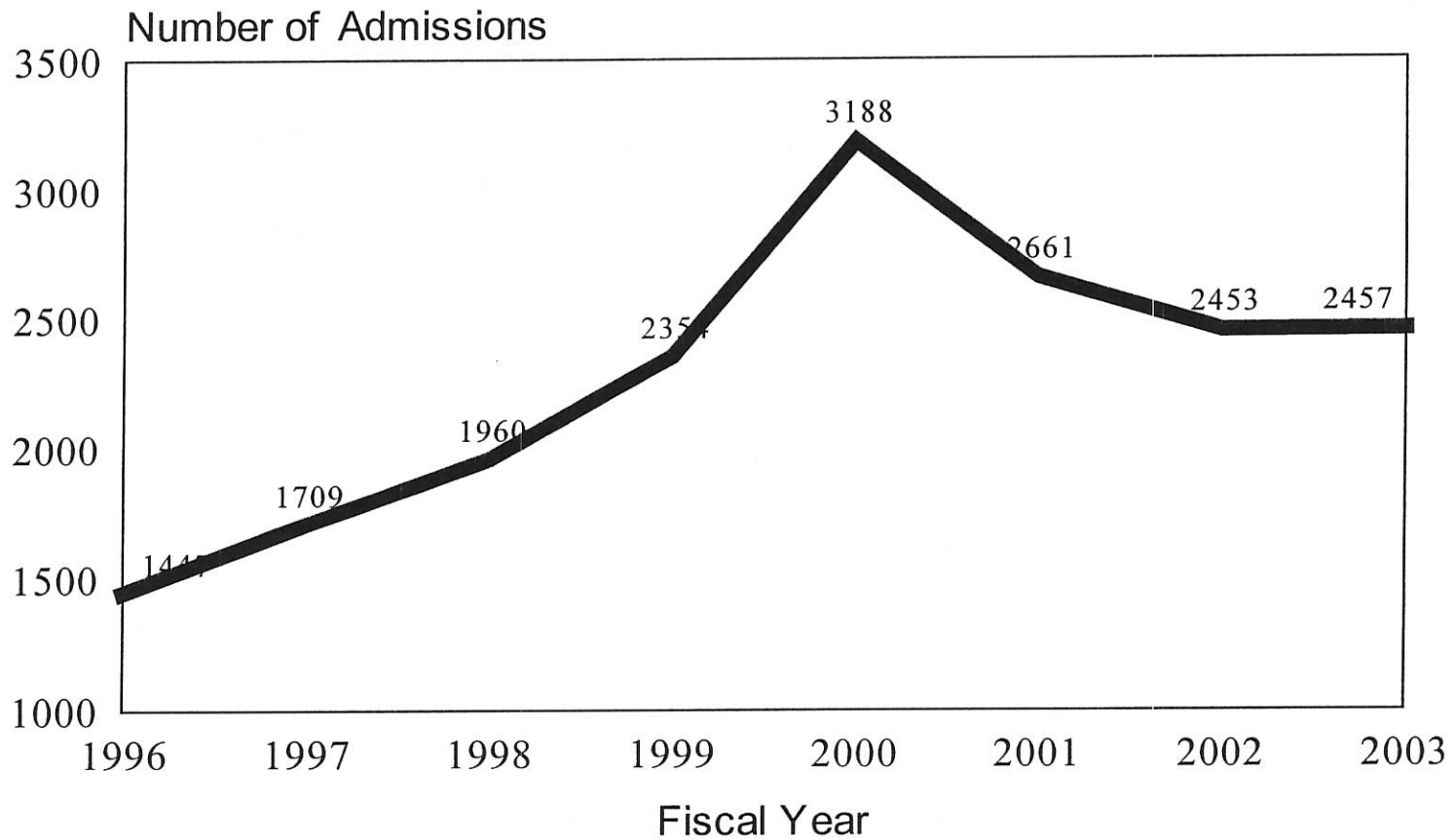
Condition Probation Violators



Source: DOC admission files

KANSAS PRISON ADMISSION TRENDS

Parole/Postrelease Condition Violators

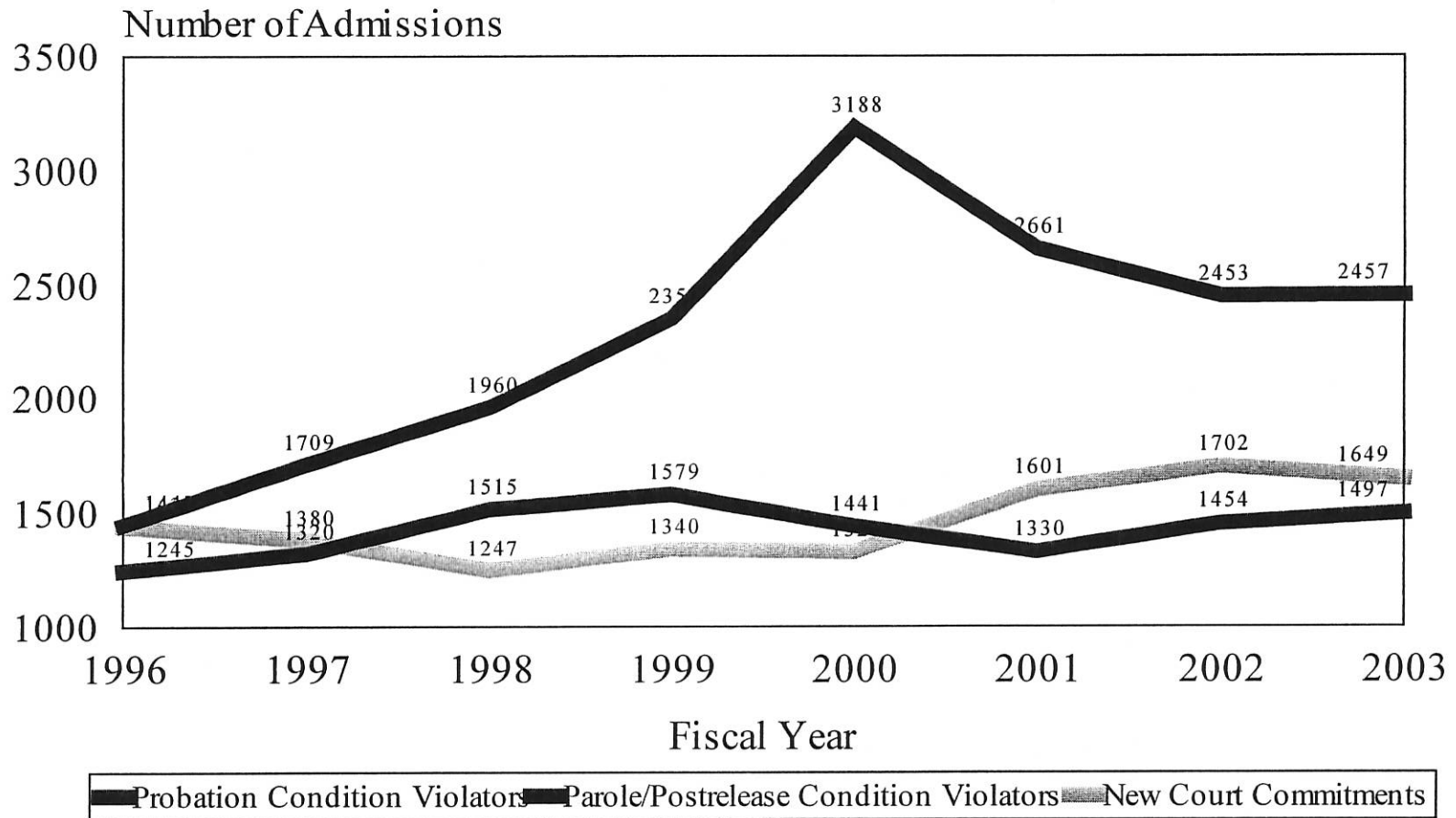


Source: DOC admission file

Note: Including condition conditional-release violators

KANSAS PRISON ADMISSION TRENDS

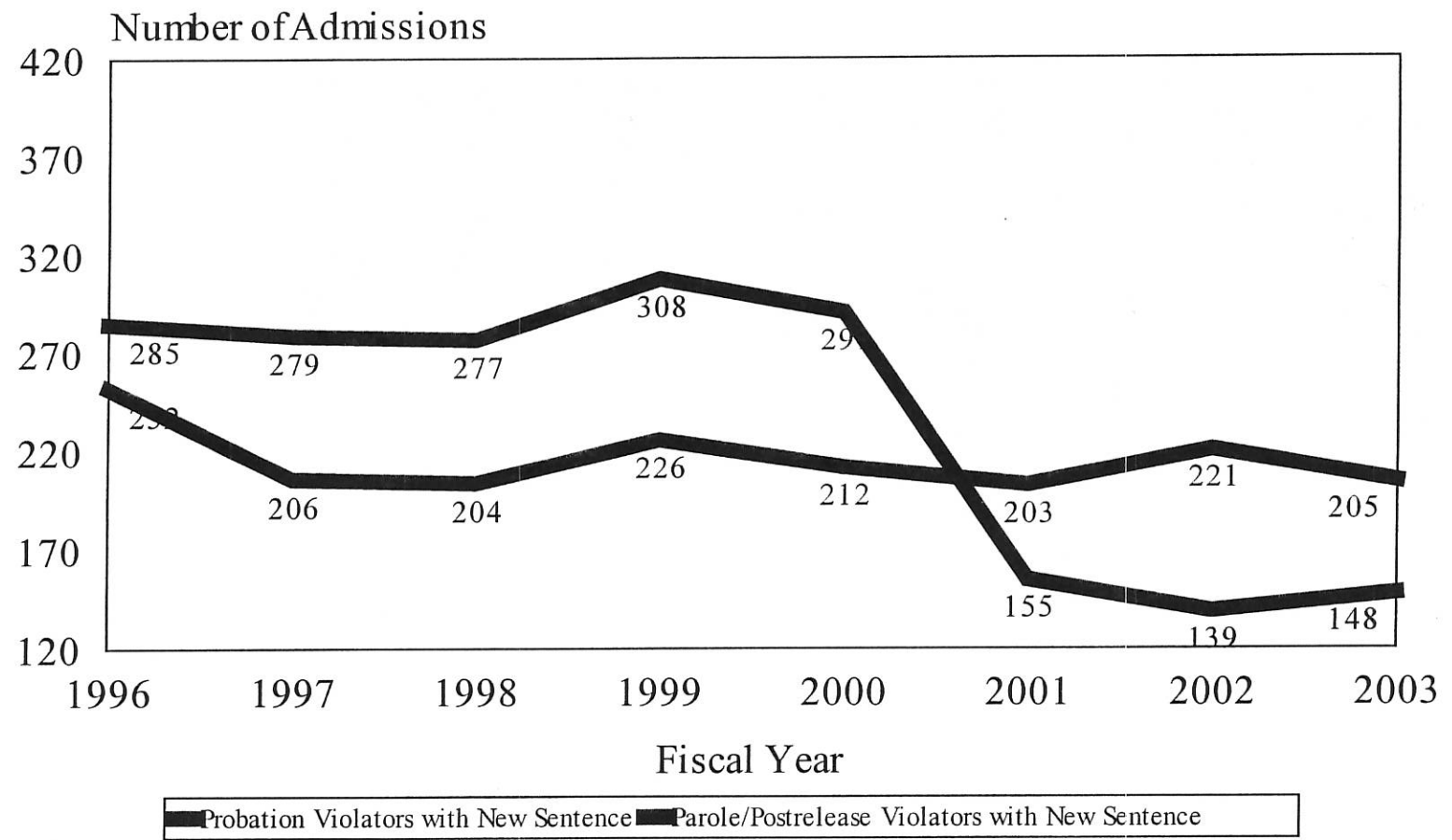
Admissions by Type



Source: DOC admission files

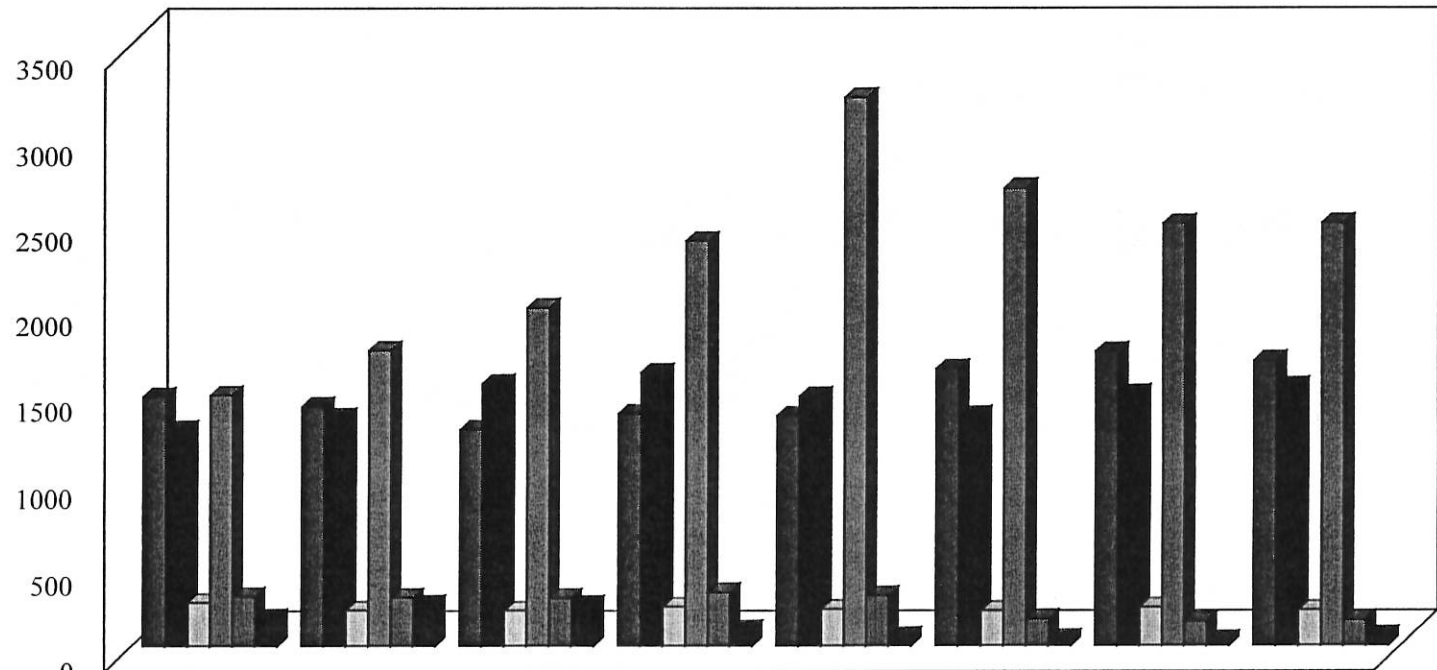
KANSAS PRISON ADMISSION TRENDS

Comparison between Probation and Parole/Postrelease Violators with New Sentence



Source: DOC admission files

KANSAS PRISON ADMISSION TRENDS BY TYPE FY 1996 Through FY 2003

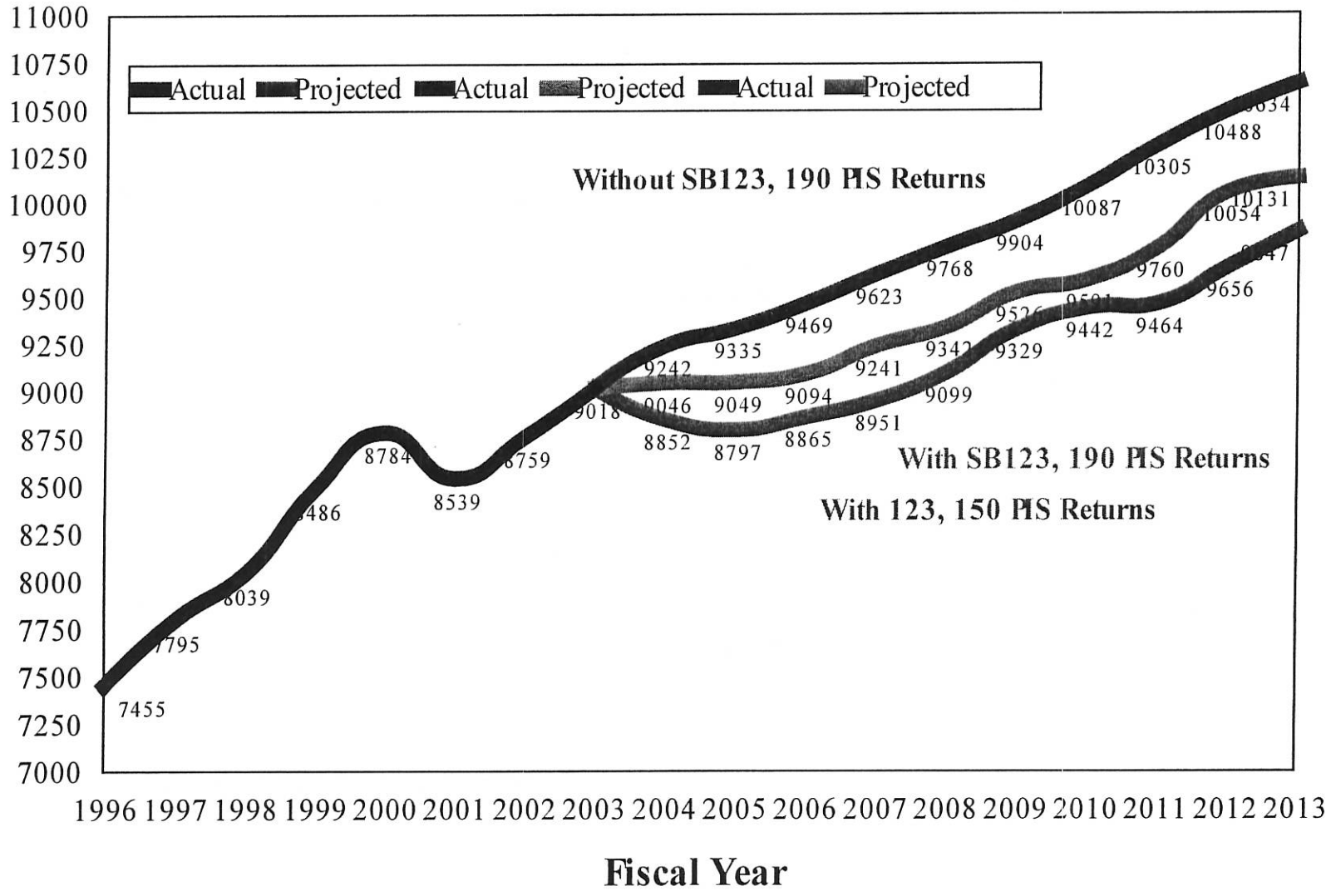


	1996	1997	1998	1999	2000	2001	2002	2003
New Court Commitment	1439	1380	1247	1340	1328	1601	1702	1649
Probation Condition Violator	1245	1320	1515	1579	1441	1330	1454	1497
Probation Violators w/New Sent	252	206	204	226	212	203	221	205
Parole/PIS Condition Violators	1447	1709	1960	2354	3188	2661	2453	2457
Parole/PIS Violators w/New Sent	285	279	277	308	291	155	139	148
Other	159	240	236	94	53	39	30	58

Source: DOC admission files

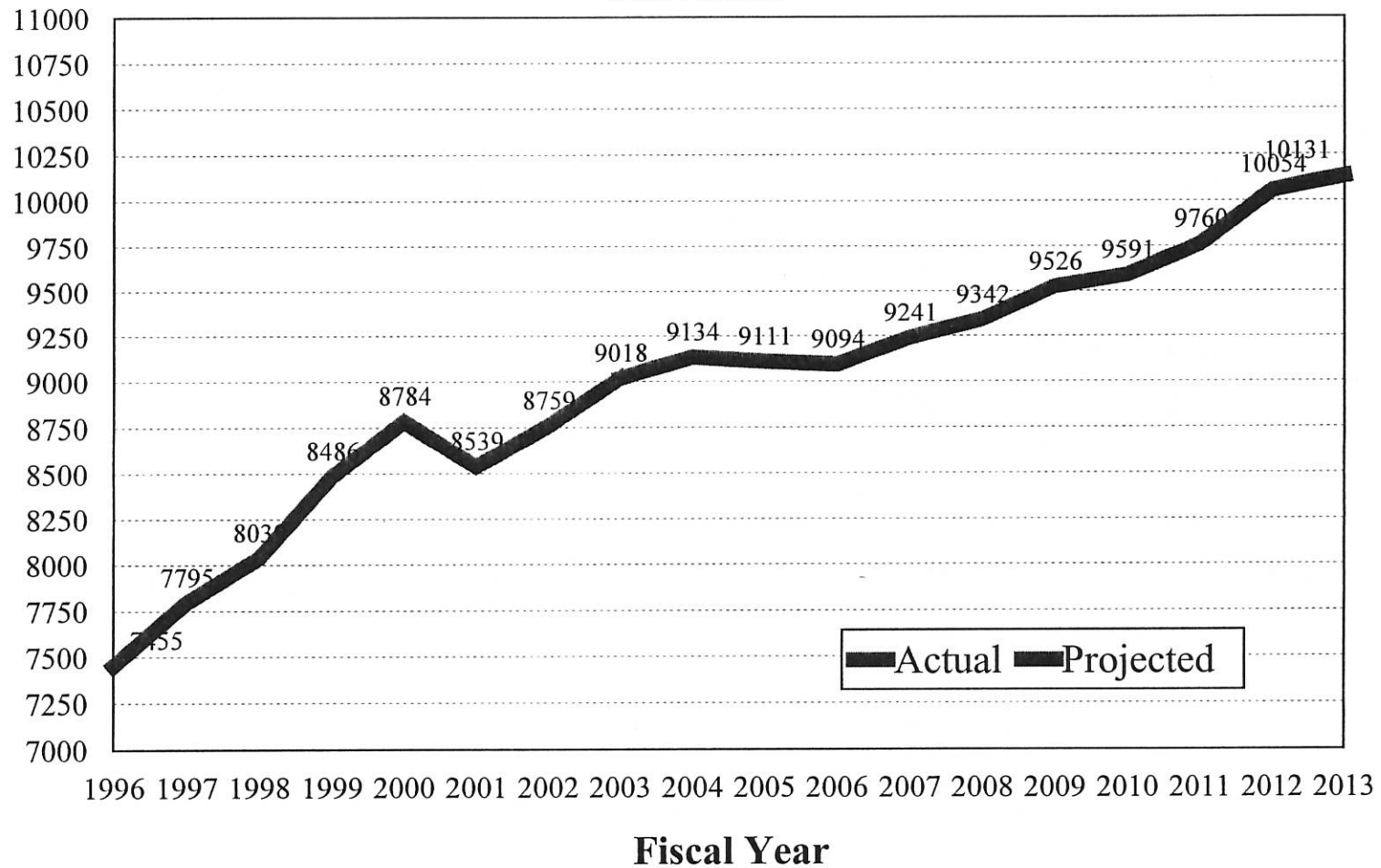
KANSAS PRISON POPULATION TRENDS

Actual and Projected Prison Population With or Without Senate Bill 123



KANSAS PRISON POPULATION TRENDS

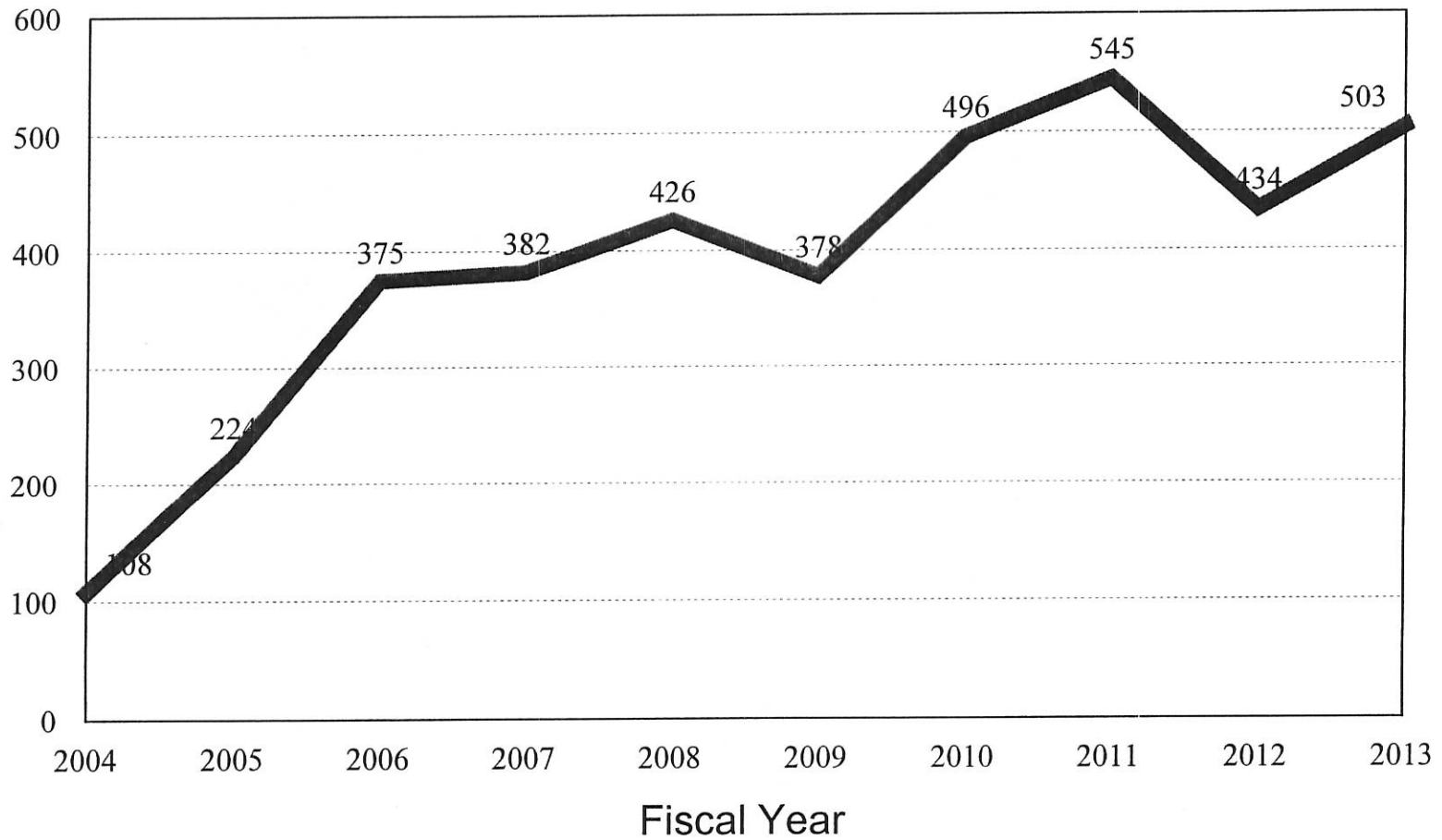
Actual and Projected Prison Population Revised



Note: Revised means offense date on or July 1, 2003 and sentence date on or after November 1, 2003

KANSAS PRISON POPULATION TRENDS

Estimated Beds Saving With SB 123 Revised



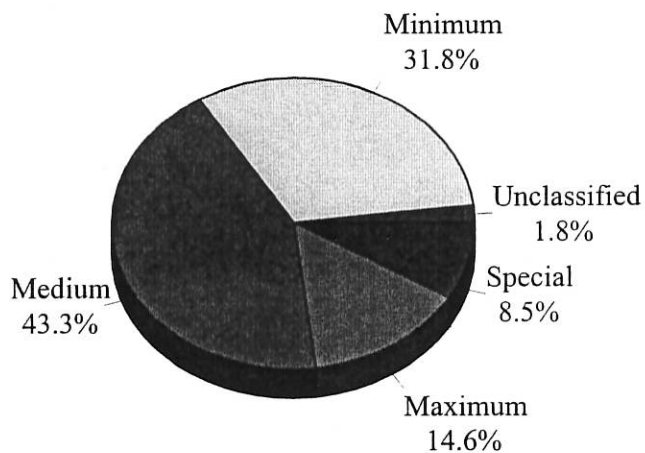
Note: Revised means offense date on or July 1, 2003 and sentence date on or after November 1, 2003

Kansas Sentencing Commission

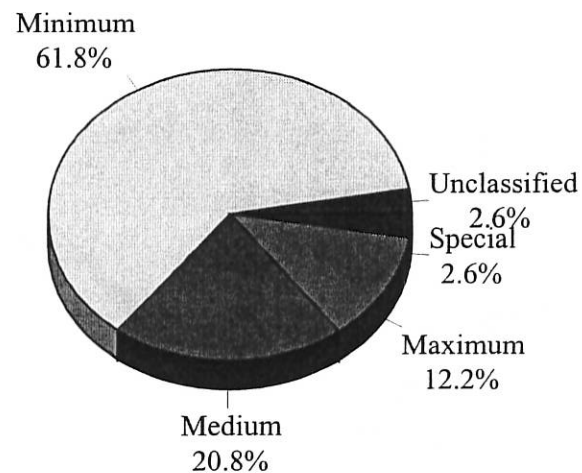
Projected Percentage Distribution of Custody Classifications

Revised

Male



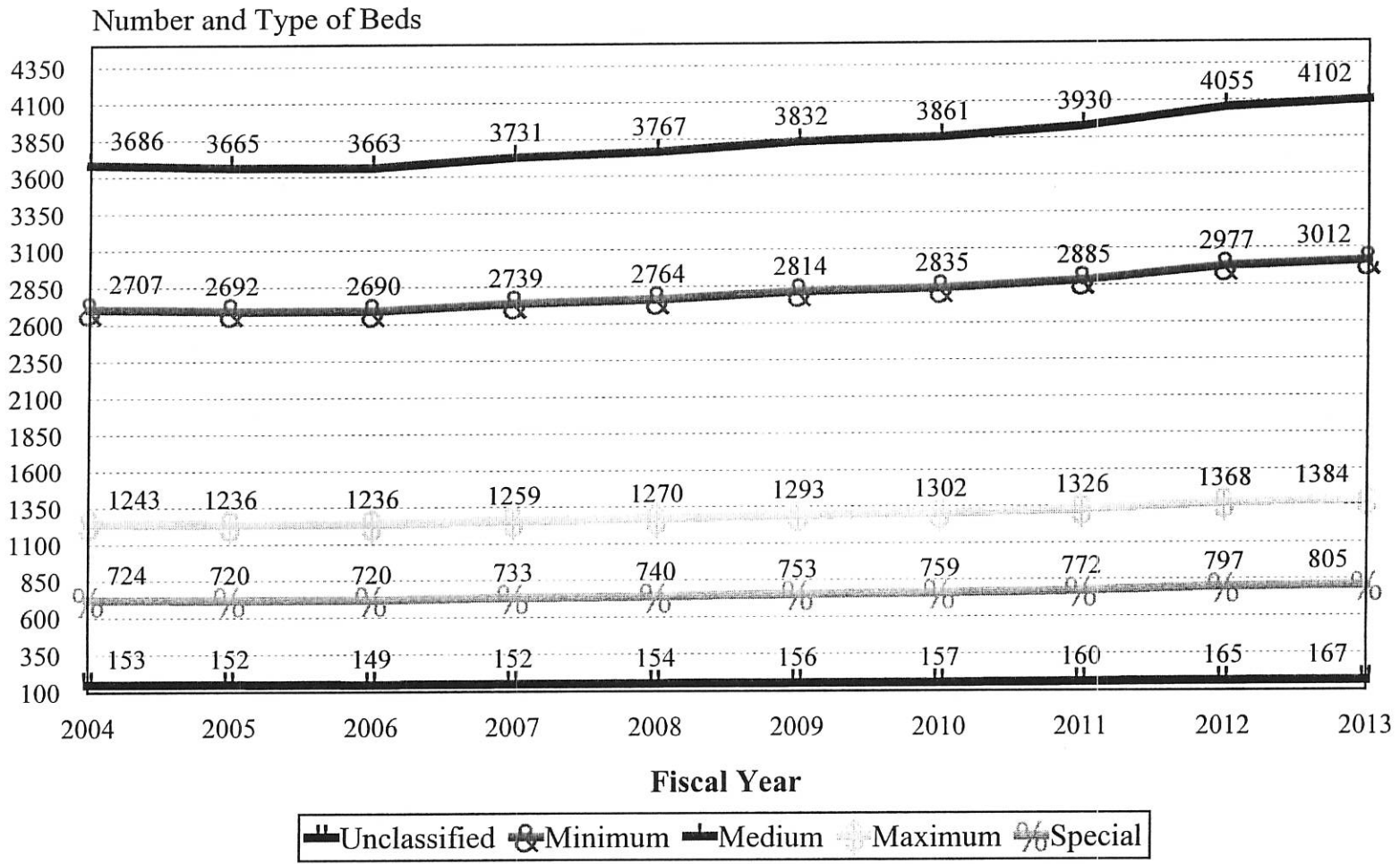
Female



Based on the projected prison population on June 30, 2004 (male = 8,513 and female = 621).

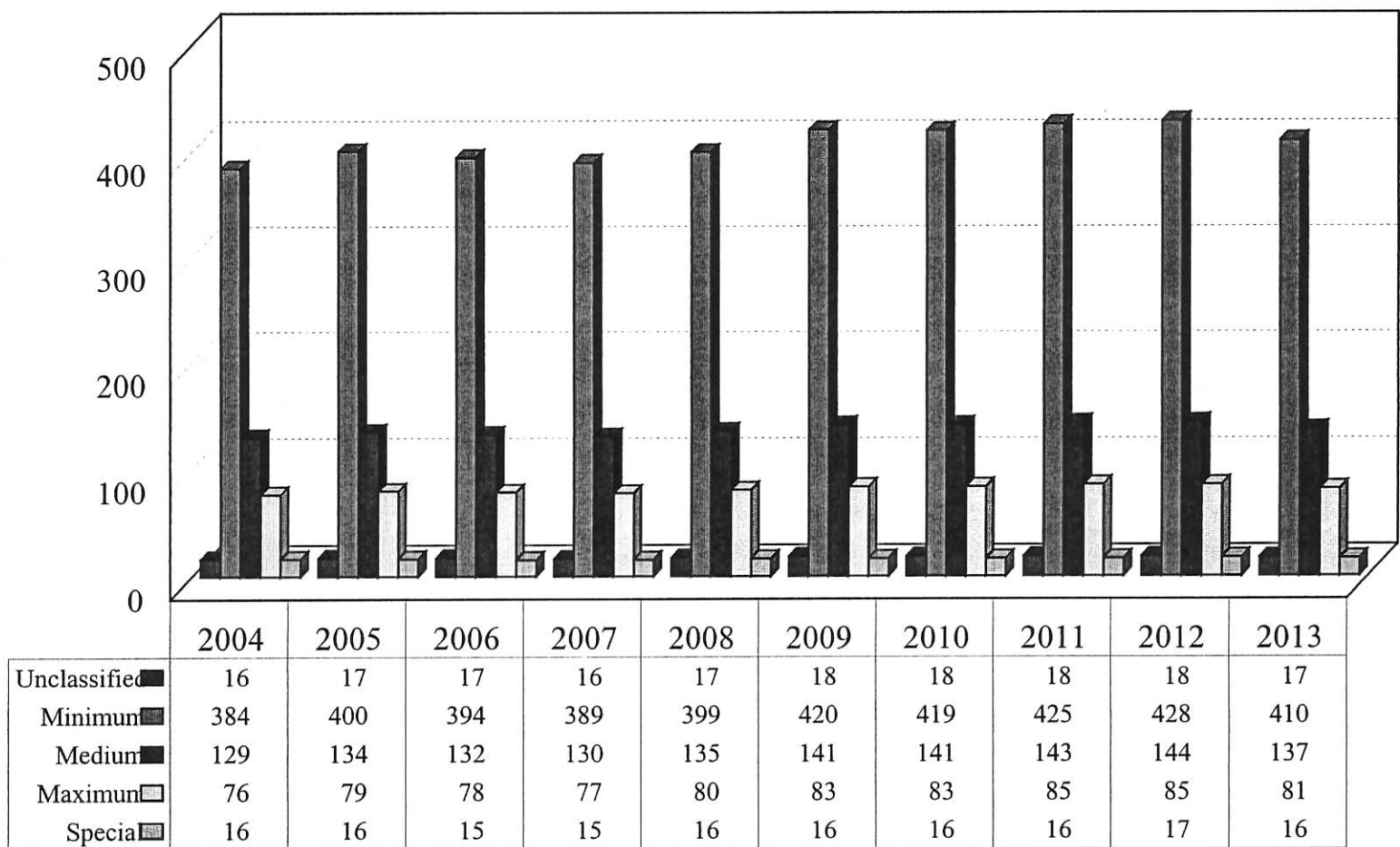
Kansas Sentencing Commission

Male Inmate Ten Year Custody Classification Projections FY 2004 Though FY 2013 - Revised



Kansas Sentencing Commission

Female Inmate Ten Year Custody Classification Projections FY 2004 Though FY 2013 -Revised



Fiscal Year

FACILITY CAPACITIES

Capacity by facility, Security Designation of Bedspace and Gender*

September 12, 2003

Location of Beds	Security Designation by Gender							
	Maximum		Medium		Minimum		All Levels	
	Male	Female	Male	Female	Male	Female	Male	Female
<u>KDOC Facilities</u>								
Lansing Corr. Facility	838		943		708		2489	
Hutchinson Corr. Facility	548		932		288		1768	
El Dorado Corr. Facility	691		487		172		1350	
Norton Corr. Facility			539		296		835	
Ellsworth Corr. Facility			794		38		832	
Topeka Corr. Facility		62		636				698
Winfield Corr. Facility					556		556	
Wichita Work Release Facility					250		250	
Larned Corr. Mental Health Facility	150				218		368	
Subtotal: KDOC Facilities/Placements	2227	62	3695	636	2526	0	8448	698
<u>Non-KDOC Facilities/Placements</u>								
Larned State Security Hospital	20	5					20	5
Labette Correctional Conservation Camp					50	17	50	17
Contract Jail Placements			6				6	
Subtotal: Non-KDOC Facilities Placements	20	5	6		50	17	76	52
Totals: All Facilities/Placements	2247	67	3701	636	2576	17	8524	720
Adjusted Capacity vs. Population	2082		3619		2753			

* Includes all beds counted in the capacity as of the specified date. Does not include the system-wide total of 250 "special use beds," which are primarily infirmary and certain types of segregation.

Male Custody Classification Projections FY 2004 through FY 2013

June 30, Each Year	Unclassified	Minimum	Capacity vs. population			
			Medium	Maximum	Special	Total
2004	149	2682	3653	1232	718	8434
2005	148	2674	3642	1229	715	8408
2006	149	2690	3663	1236	720	8458
2007	152	2739	3731	1259	733	8614
2008	154	2764	3767	1270	740	8695
2009	156	2814	3832	1293	753	8848
2010	157	2835	3861	1302	759	8914
2011	160	2885	3930	1326	772	9073
2012	165	2977	4055	1368	797	9362
2013	167	3012	4102	1384	805	3470
Capacity		2576	3701	2247		
Adj. Capacity		2753	3619	2082		

**Female Custody Classification Projections
FY 2004 through FY 2013**

June 30, Each Year	Unclassified	Minimum	Medium	Capacity vs. population		Total
				Maximum	Special	
				Adjusted capacity vs. population		
2004	16	379	127	75	15	612
2005	17	397	133	79	15	641
2006	17	394	132	78	15	636
2007	16	389	130	77	15	627
2008	17	399	135	80	16	647
2009	18	420	141	83	16	678
2010	18	419	141	83	16	677
2011	18	425	143	85	16	687
2012	18	428	144	85	17	692
2013	17	410	137	81	16	661

CAPACITY OPTIONS

Do nothing and allow the prison population to exceed capacity.

Implement an early release mechanism.

Lease out-of-state private prison beds

Lease jail beds from Kansas counties

Private Construction and Operation of a Prison in Kansas

Private Construction and Public (KDOC) Operation of a Prison in Kansas

State Constructed and Operated Facility

Estimated VOI/TIS Grant Status

Total Amount Awarded (FFY 96-01)		\$27,245,469
Project	VOI/TIS Amount	
Completed Projects		
NCF housing unit - 200 medium security beds	\$	4,190,379
Labette expansion - 100 conservation camp beds		718,889
LCF-East expansion - 100 minimum security beds		179,159
Programming for drug testing		133,747
Hair specimen testing		32,680
Lease of male beds - 100 medium security		695,300
ECF housing unit - 200 medium security beds		5,478,971
Funds expended on completed projects	\$	11,429,125
Ongoing Projects and/or Projects Committed But Not Yet Complete		
Maximum security juvenile facility - 150 juvenile offender beds	\$	5,500,000
Female conservation camp - 17 private facility beds (through FY 2003)		730,745
Day reporting centers (through FY 2003)		2,219,331
Funds expended and/or committed	\$	8,450,076
Total Expended or Committed to Date	\$	19,879,201
Planned Expenditures - FY 2004		
Day reporting centers	\$	2,289,600
Lease of male beds		634,500
Female conservation camp		424,322
Amounts included in FY 04 budget	\$	3,348,422
Planned Expenditures - FY 2005		
Day reporting centers	\$	2,336,400
Lease of male beds		1,244,279
Female conservation camp		437,167
Amounts included in FY 05 budget	\$	4,017,846
Total Expended, Committed & Planned	\$	27,245,469

VOI/TIS FINANCED PROGRAMS – KDOC BUDGET

<u>Program</u>	<u>FY 2005</u>
Day Reporting Centers	\$2,336,400
Female Conservation Camp	437,167
Bed Space Contract	<u>1,244,279</u>
Total	<u>\$4,017,846</u>

Notes:

If expenditures are made as planned, VOI/TIS funds will not be available after FY 2005.

Female conservation camp is also financed with a State General Fund appropriation of \$477,171.

SMC



Proposed Medium Security Offender Housing for the Kansas Department of Corrections

RFP #04839

Submitted by CiviGenics, Inc.

December 16, 2002

COST PROPOSAL
RFP #04839

# of Offenders	FY '03	FY '04	FY '05	FY '06	FY '07
125	\$38.50	\$38.50	\$39.27	\$40.00	\$40.80
150	\$38.50	\$38.50	\$39.27	\$40.00	\$40.80
175	\$38.00	\$38.00	\$38.76	\$39.54	\$40.33
200	\$38.00	\$38.00	\$38.76	\$39.54	\$40.33
225	\$38.00	\$38.00	\$38.76	\$39.54	\$40.33
250	\$37.50	\$37.50	\$38.25	\$39.00	\$39.78

* The amount to be filled in is the price per inmate bed per day.

Testing costs shall be included in per diem cost.

2-147

Tab Sheet - Kansas Division of Purchases

SUBJECT:		Medium Security Offender Housing						
INSTITUTION:		Kansas Department of Corrections						
PR NUMBER: 06962								
QUOTATION: 04839								
P.O. Number:								
MAIL DATE: 11/07/2002								
FILE CLOSED: 12/09/2002								
ORDER PLACED:		FRAN WELCH						
VENDORS		1	2	3	4	5	6	7
		Civigenics						
ITEMS		FY 03	FY 04	FY 05	FY 06	FY 07		
125 Offenders		\$ 38.50	\$ 38.50	\$ 39.27	\$ 40.00	\$ 40.80		
150 Offenders		\$ 38.50	\$ 38.50	\$ 39.27	\$ 40.00	\$ 40.80		
175 Offenders		\$ 38.00	\$ 38.00	\$ 38.76	\$ 39.54	\$ 40.33		
200 Offenders		\$ 38.00	\$ 38.00	\$ 38.76	\$ 39.54	\$ 40.33		
225 Offenders		\$ 38.00	\$ 38.00	\$ 38.76	\$ 39.54	\$ 40.33		
250 Offenders		\$ 37.50	\$ 37.50	\$ 38.25	\$ 39.00	\$ 39.78		

Tab Sheet - Kansas Division of Purchases

SUBJECT: Medium Security Offender Housing
 INSTITUTION: Kansas Department of Corrections
 PR NUMBER: 06962
QUOTATION: 04839
 P.O. Number: _____
 MAIL DATE: 11/07/2002
 FILE CLOSED: 12/09/2002
 ORDER PLACED: _____

FRAN WELCH

VENDORS	1	2	3	4	5	6	7
	IIM						
ITEMS	FY 03	FY 04	FY 05	FY 06	FY 07		
125 Offenders	\$ 39.75	\$ 40.94	\$ 42.16	\$ 43.42	\$ 44.72		
150 Offenders			\$ 42.16	\$ 43.42	\$ 44.72		
175 Offenders	\$ 39.75	\$ 40.94	\$ 42.16	\$ 43.42	\$ 44.72		
200 Offenders	\$ 39.75	\$ 40.94	\$ 42.16	\$ 43.42	\$ 44.72		
225 Offenders	\$ 39.75	\$ 40.94	\$ 42.16	\$ 43.42	\$ 44.72		
250 Offenders	39.75	40.94	42.16	43.42	44.72		

Tab Sheet - Kansas Division of Purchases

SUBJECT:		Medium Security Offender Housing					
INSTITUTION:		Kansas Department of Corrections					
PR NUMBER: 06962							
QUOTATION: 04839							
P.O. Number:							
MAIL DATE: 11/07/2002							
FILE CLOSED: 12/09/2002							
ORDER PLACED:		FRAN WELCH					
VENDORS	1 CSC	2	3	4	5	6	7
ITEMS	FY 03	FY 04	FY 05	FY 06	FY 07		
125 Offenders	\$ 55.71	\$ 57.38	\$ 59.10	\$ 60.88	\$ 62.70		
150 Offenders	\$ 49.26	\$ 50.74	\$ 52.26	\$ 53.83	\$ 55.44		
175 Offenders	\$ 48.19	\$ 49.64	\$ 51.12	\$ 52.66	\$ 54.24		
200 Offenders	\$ 47.76	\$ 49.19	\$ 50.67	\$ 52.19	\$ 53.75		
225 Offenders	\$ 47.25	\$ 48.67	\$ 50.13	\$ 51.63	\$ 53.18		
250 Offenders	\$ 47.00	\$ 48.41	\$ 49.86	\$ 51.36	\$ 52.90		

Capacity Expansion Options

<u>El Dorado Correctional Facility</u>		
2 cellhouses – 128 cells each		
Potential Capacity:	256 – maximum security	
	512 – medium security (doublecelled)	
Estimated construction cost:	\$15,111,984	
Estimated operating cost:	\$5,180,000	(maximum security)
	\$7,225,000	(medium security)

These estimates are the most recent ones available and will have to be adjusted upward to reflect costs applicable at the time the housing units would be occupied, I.e. base salary amounts, fringe benefits, health care and food service contracts, etc. These estimates exclude one-time start-up.

<u>Hutchinson Correctional Facility</u>		
1 cell house (special needs unit)		
Potential Capacity:	258 medium security	
Estimated construction cost:	\$6,528,657	
Estimated operating cost:	\$3,012,000	
One-time Start up cost:	\$165,000	

These estimates are in current dollars and will have to be adjusted upward to reflect costs applicable at the time the housing unit would be occupied, I.e. base salary amounts, fringe benefits, health care and food service contracts, etc.

KANSAS JAIL CAPACITY SURVEY

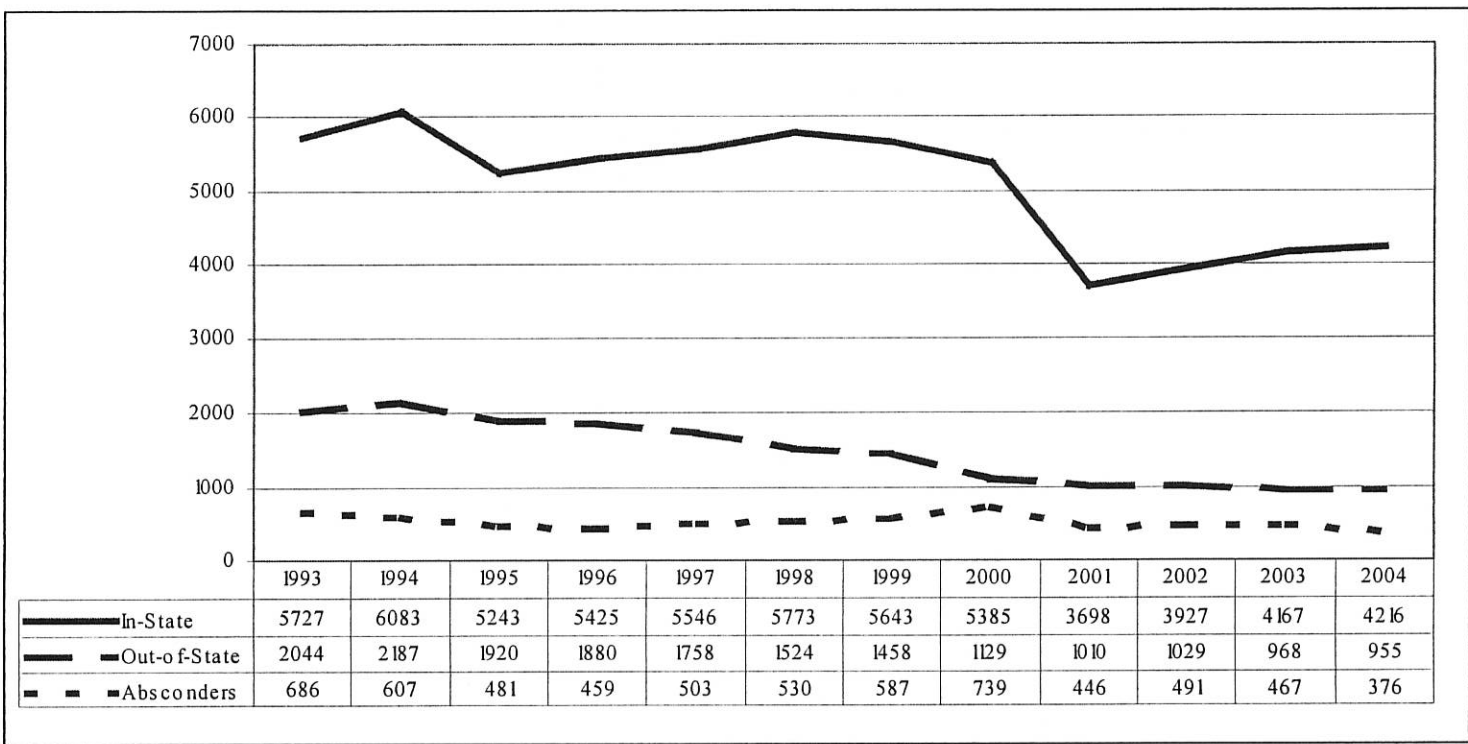
August 2003

	Female Beds	Male Beds	Level	Anticipated Cost Per Day
Total	44-52	216-250	Medium	\$30 - \$60 (\$43.79 average)
	23	70	Maximum	

Inmate Classification System

- The underlying intent of the classification system is to maintain the individual at the least restrictive level of supervision possible, given the level of risk to the system.
- The point-base classification criteria include:
 - Length of minimum sentence
 - Length of time remaining to serve
 - Criminal behavior involved in the current offense
 - Past criminal behavior
 - Escape history
 - Escape characteristics
 - Special skills and associates
 - Institutional adjustment
 - Behavioral characteristics (suicidal, predatory, etc.)
 - Special needs (protective custody, segregation, etc.)
 - Detainers
- There is one non-point based item. This item addresses such issues as inmate performance in sex offender's treatment, detainers, absconding supervised release, pending disciplinary issues and civil commitment issues. Like the point-based classification criteria, the application of the non point-based item, may or may not impact the inmate's classification level.

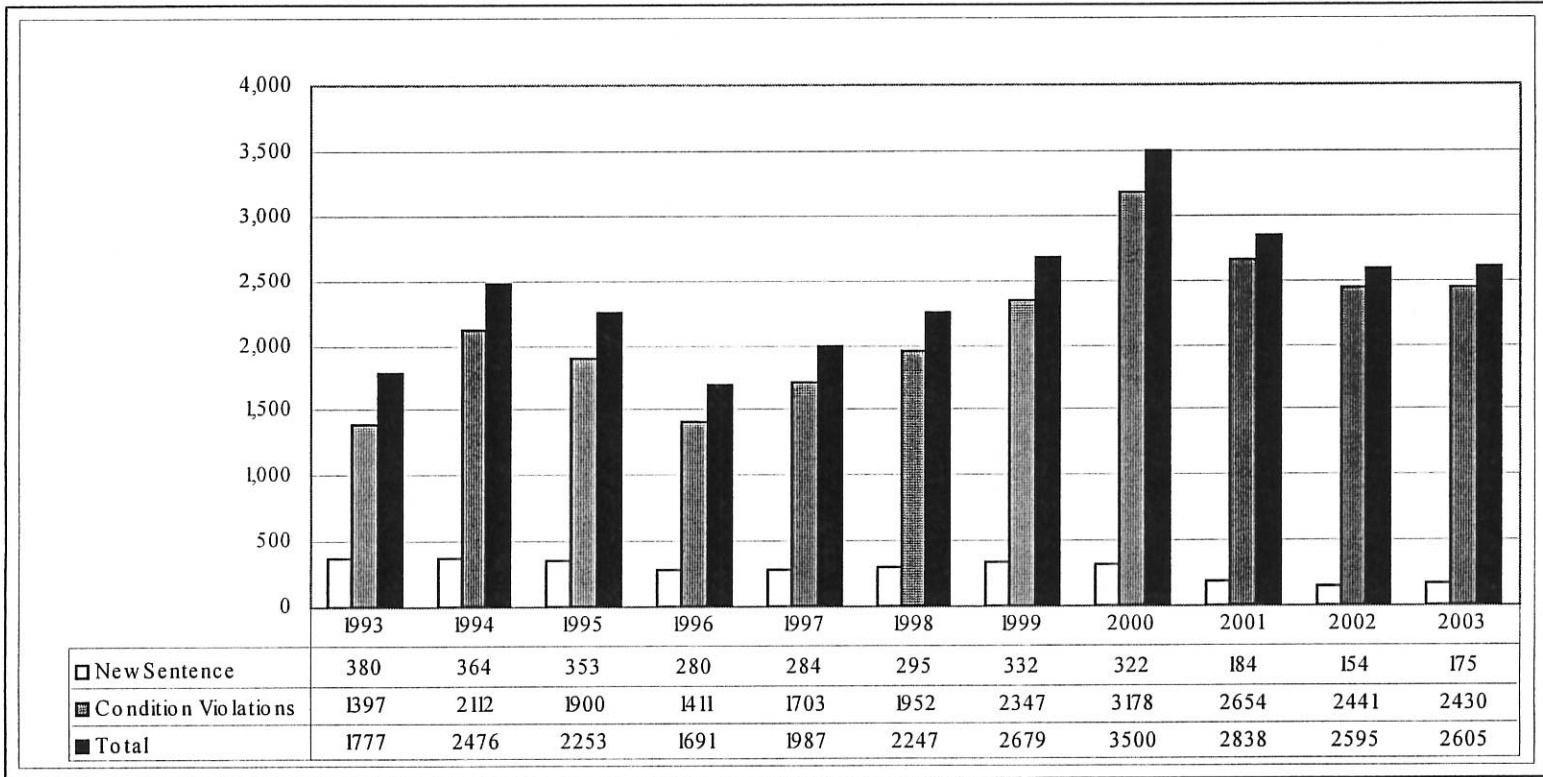
Components of the Offender Population Under KDOC's Post-Incarceration Jurisdiction FY 1993—FY 2004 to date



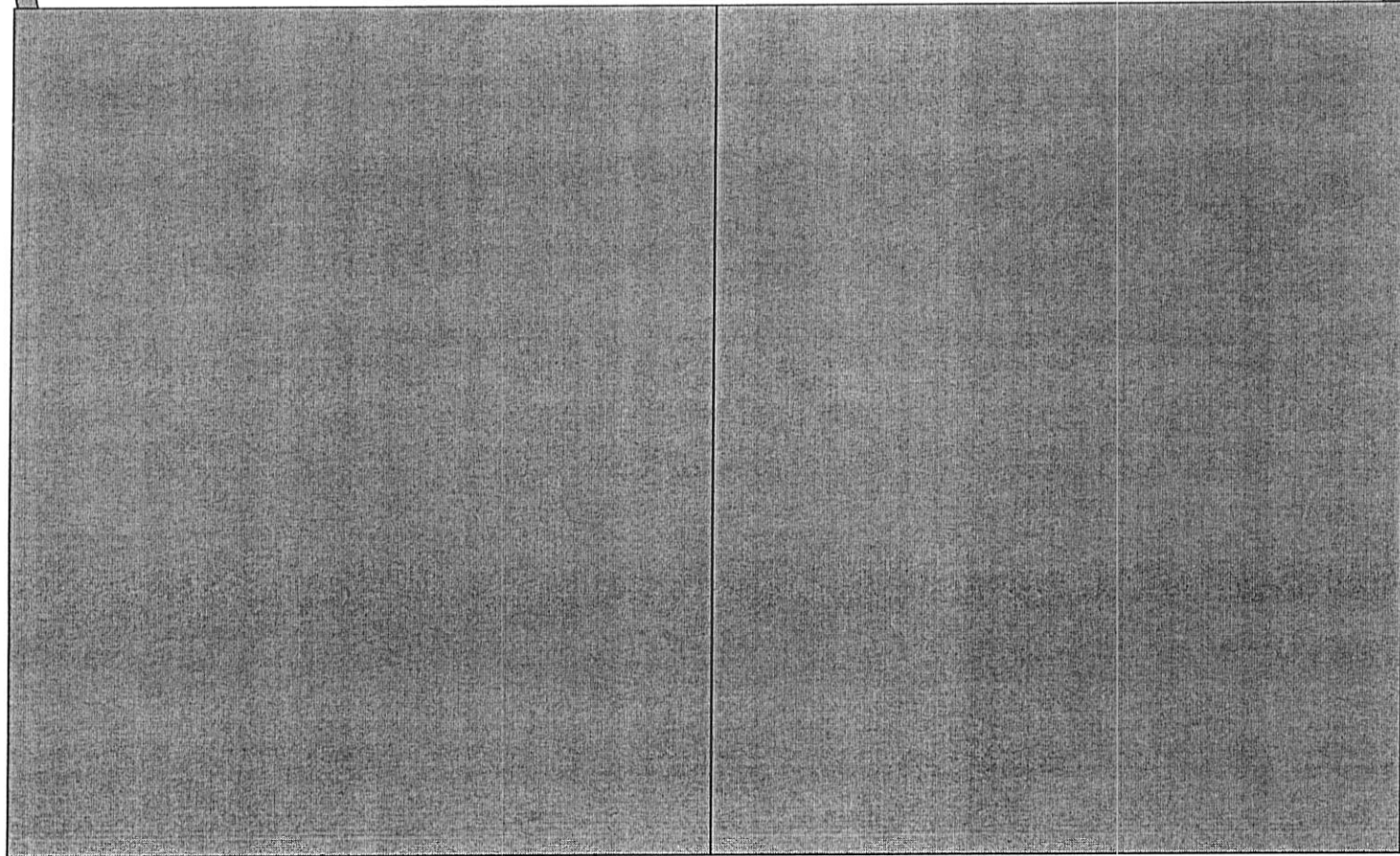
Condition Parole/PIS Violators

June 30, 2003*	June 30, 2004	June 30, 2005	June 30, 2006	June 30, 2007	June 30, 2008	June 30, 2009	June 30, 2010	June 30, 2011
1331	1209	1133	1084	1068	1110	1080	1118	1136

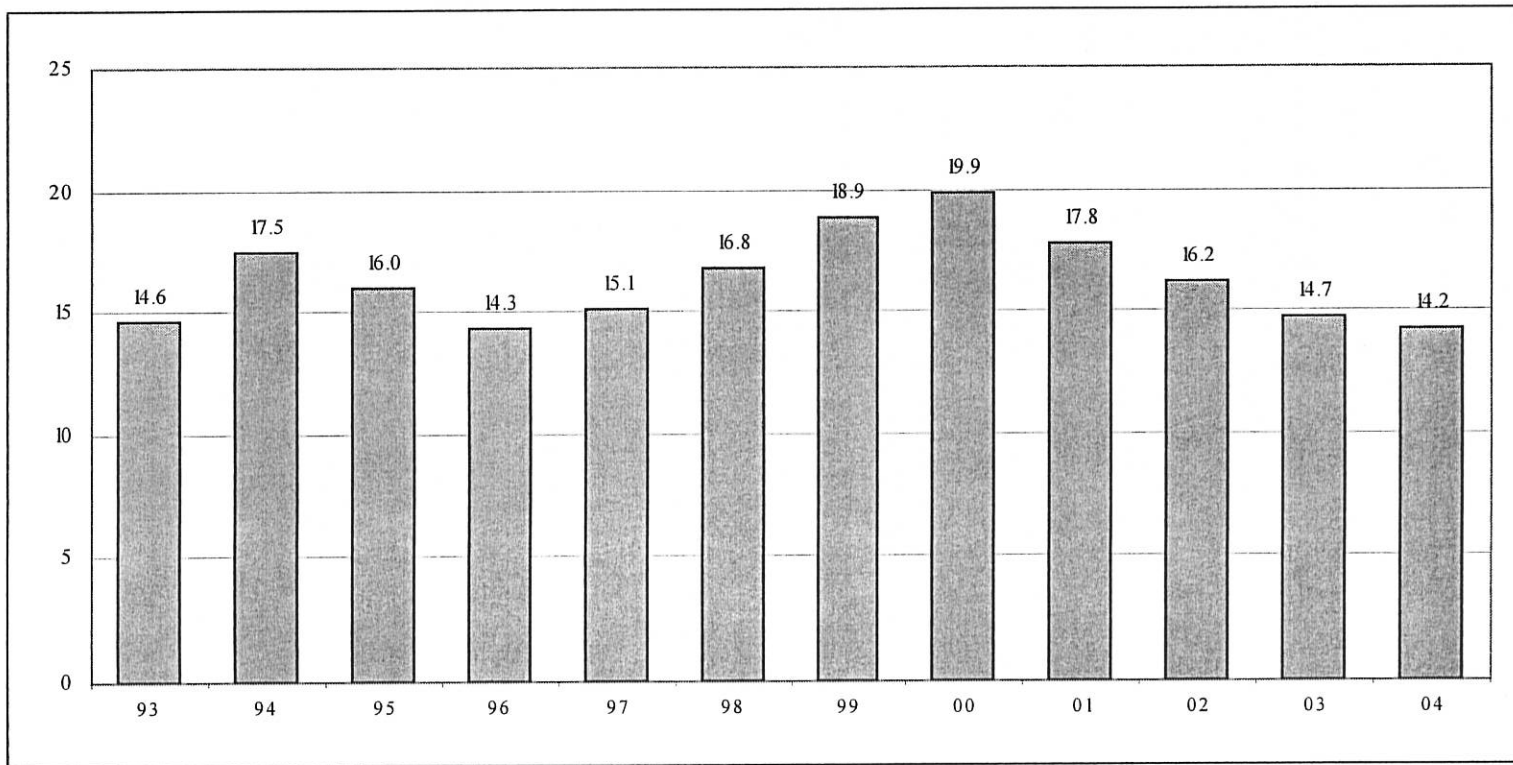
Yearly Return Admissions for Violation While on Post-incarceration Status: Fiscal Years 1993-2002



Risk Management



Proportion of Total Inmate Population Whose Latest Admission Was as a Post-incarceration Supervision Condition Violator: Selected Dates



Risk Management

Risk Containment

Risk Reduction

Risk Management

Risk Containment

Limits the environment in which negative offender behavior can occur.

Risk Reduction

Reduces the likelihood of negative offender behavior regardless of the environment.

Risk Management

Risk Containment

- Firm, Fair and Consistent
- Minimum Structure or Force Necessary (This means having the right offender in the right environment.)
- Security Is an Attitude

Risk Reduction

- Risk – Identifies Who
- Need – Identifies What
- Responsivity – Tells Us How
- Professional Discretion – Decision to Override What the Instruments Say (This is not “gut instinct.”)

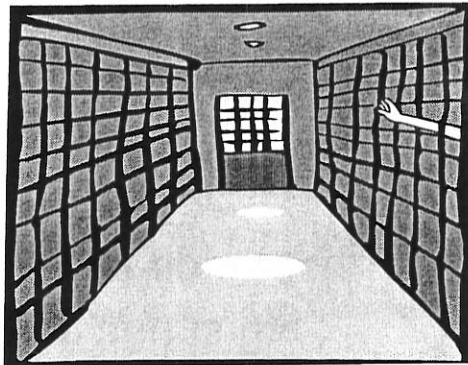
Risk Management

Risk Containment

- Walls and wire
- Surveillance Equipment – Cameras, telephone monitors, heartbeat monitors, etc.
- Lethal and less-lethal weapons
- Restraints
- SORT teams
- Uniformed personnel
- Offender classification

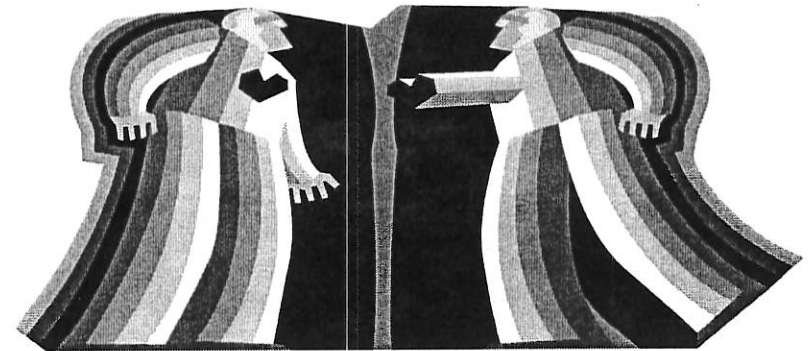
Risk Reduction

- Treatment and education programs
- Privileges and Incentives
- Self help, volunteer and faith based programs
- Release planning
- Cognitive interventions
- Relapse prevention
- Risk-Needs classification (LSI-R)
- Non-uniformed personnel (Corrections Counselors & Parole Officers)
- Other agency and community partners
- Families and advocacy groups



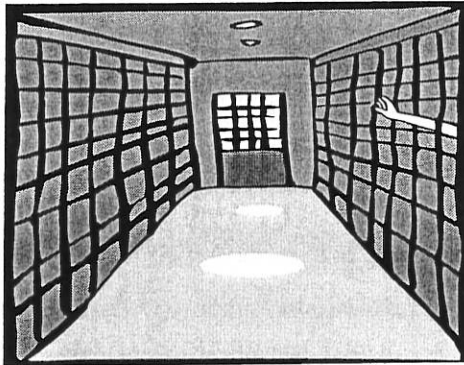
Containment

- Highly effective as an immediate strategy
- Not future oriented
- Expensive - \$19,615 to house one person for one year (FY 2004)
- 15 escapes in FY 2003, 1 escape from max. or med. Custody (99.84% probability of no escape. 99.98% from higher custody)
- Regardless of the amount of additional resources expended, it will be difficult to significantly improve performance – Our goal will be maintenance of effort.



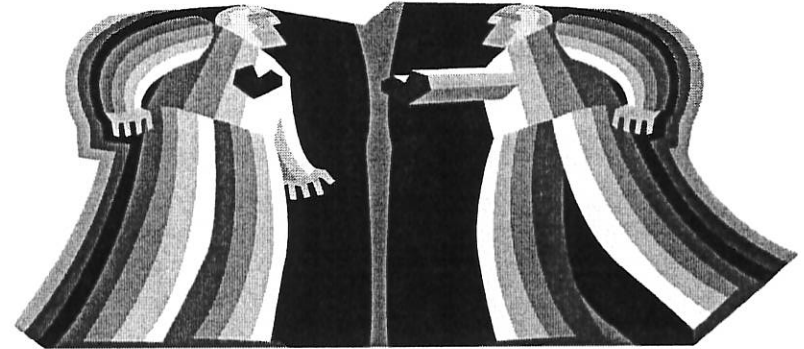
Risk Reduction

- More effective long term strategy – 95 – 98% of all KDOC inmates will be released.
- What we really want offenders to do when they are released is to **stop victimizing the rest of us!**
- The five year return rate for offenders convicted of a new crime was about 14 – 16%.
- The five year return rate for offenders who violated a condition of release was about 41 – 47%.
- There is much **more opportunity to improve** these numbers. This is where we need to concentrate our efforts to improve.



Containment

We do this so well that there is a tendency to want to do everything in the same way. That is a trap and is the wrong approach.



Risk Reduction

We cannot do this like containment and be successful. We need to do it as well, but not using the same strategies, tactics and methods.

How Can We Make Kansas Safer?

Risk Containment

- **Technological improvements – heartbeat monitors**
- **Maintain an environment where the risk reduction process begins and flourishes**

How Can We Make Kansas Safer?

Risk Reduction

- **Restoration of lost program resources – treatment, housing, etc.**
- **Implement latest research based innovations – LSI-R, cognitive interventions, release planning.**
- **Partner with community groups, other social service agencies, faith based organizations, families/advocates to create “wrap-around” structures and support systems to improve community performance.**
- **Start the process in the facilities – establish links to parole while the offender is still in prison.**
- **Recognize that no one can “control” the offender in the community.**

How Can We Make Kansas Safer?

Both

- **Use accurate, complete and timely information to make informed decisions.**
- **Make data systems and information accessible to supervising staff.**

Why Do We Do Some Things as Well as We Do?

- We have clear and detailed strategies, policies and plans.
- We have made a significant investment in adequate resources and technology to implement them.
- We provide quality training and retraining on these subjects.
- We specialize in some areas (SORT, sex offenders supervision, emergency preparedness).
- We practice regularly.
- We do regular vulnerability testing to identify areas needing improvement.

What Do We Need To Do Next?

- Explain the Risk Management concepts to policy makers, staff, victims, families/advocates, media, other stakeholders and the community.
- Define roles and expectations for staff.
- Solicit advice and feedback on the concepts, roles and expectations.
- Define tasks and responsibilities for employees, especially unit team and parole staff.
- Identify latest research based tools and interventions.

What Do We Need To Do Next?

- Train staff to use these tools with the same intensity we use for emergency preparedness, SORT, etc.
- Practice the new skills and tools to gain proficiency
- Practice, Practice, Practice!
- Review work and provide feedback. Adjust as necessary.
- Practice some more!
- Quality assurance – vulnerability testing.

Why Are We Doing This Again?

When the purpose of the work is unclear, the work becomes more important than the outcome.

Kansans will enjoy a higher quality of life by having an opportunity to be more productive, healthier, better educated and better connected with their government, their communities and with each other. Vision statement – Gov. Sebelius

Our mission is to provide those services Kansans want and need in the most cost effective manner. Mission statement – Gov. Sebelius

Why Are We Doing This Again?

A safer Kansas through effective correctional services.
KDOC vision statement

The Department of Corrections, as part of the criminal justice system, contributes to 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. KDOC mission statement

How will we know we are doing a good job?

- The percentage of offenders returning to Kansas prisons will decrease because they were better prepared prior to release; entered the community with a real job, safe housing, effective relapse prevention plans; and they received active parole supervision targeted at their specific risks and needs.
- Jail days expressed as a ratio to the parole population will decline because they will not be required.
- The number of offenders convicted of new crimes will decline.

How will we know we are doing a good job?

- It is a statistical certainty that some offenders supervised in the community will commit new crimes, and some of those crimes will be very serious. Field Services effectiveness should be evaluated on the changes in the trends listed previously, rather than on specific events.
- There will be more interaction and meaningful partnerships between KDOC and other state agencies, local agencies, victims groups, advocacy groups and families.

Feedback and Suggestions?



- Your constructive input is needed and welcome.
- This is a long, tough road ahead. How do we get there?
- How can we maintain optimism and focus on the goal?

FEDERAL FUNDS – KDOC BUDGET

KDOC Program

FY 2005

Therapeutic Community Substance Abuse Treatment – Lansing Correctional Facility (RSAT Grant)	\$375,000
Special Education (ESEA Title I Grant)	55,000
Vocational Education (Carl Perkins Grant)	55,000
Job Readiness Training and Community Transition (DOE Grant)	150,000
Day Reporting Centers (VOI/TIS Grant)	2,336,400
Female Conservation Camp (VOI/TIS Grant)	437,167
Bed Space Contract (VOI/TIS Grant)	1,244,279
Crime Victims Assistance and Information Technology Initiatives (Byrne Grants)	552,480
Crime Victims Assistance (VOCA Grant)	36,262
Therapeutic Community Substance Abuse Treatment – Hutchinson Correctional Facility (Byrne Grant)	210,000
Offender Reentry (OJP Grant)	372,654
Sex Offender Management (OJP Grant)	136,377
Health Care Contract (SCAAP Grant – reimbursement for housing illegal aliens)	600,000
Topeka Correctional Facility Operating Expenditures (BOP Grant - reimbursement for housing federal prisoners)	1,139,628
Affordable Housing Program – TCF (Community Development Block Grant)	<u>86,935</u>
Total	<u>\$7,787,182</u>

Challenges

New Medical Contract – significant cost increases likely, contract will probably look quite different in FY 2006

VOI/TIS and RSAT money will likely be gone

Community-Based Program Capacity

Fiscal Year	Sex Offender Treatment	Substance Abuse Treatment	Therapeutic Communities	Academic Education	Vocational Education	Total
2000	375	76	60	225		736
2001	470	79	44	211		804
2002	477	79	40	208		804
2003	477	48	40	188		753
2004	477	0	28	86		591
2005	477	0	28	20		525

Community-Based Program Funding

2000	\$3,502,672.00
2001	\$3,037,570.00
2002	\$3,269,496.00
2003	\$2,805,299.00
2004	\$1,848,635.00
2005	\$736,150.00

Figures exclude visitors centers, grantwriter, and risk-needs project.

Facility-Based Program Capacity

Fiscal Year	Sex Offender Treatment	Substance Abuse Treatment	Therapeutic Communities	Academic Education	Vocational Education	IFI	Total
2000	312	272	184	448	324	158	1698
2001	312	290	184	298	265	158	1507
2002	312	260	188	145	325	158	1388
2003	312	40	188	145	325	203	1213
2004	312	40	184	145	215	203	1099
2005	312	40	184	0	215	203	954

Facility-Based Program Funding

2000	\$8,913,797.00
2001	\$7,524,951.00
2002	\$6,958,469.00
2003	\$5,812,936.00
2004	\$5,268,065.00
2005	\$5,295,760.00

Figures exclude visitors centers, grantwriter, and risk-needs project.

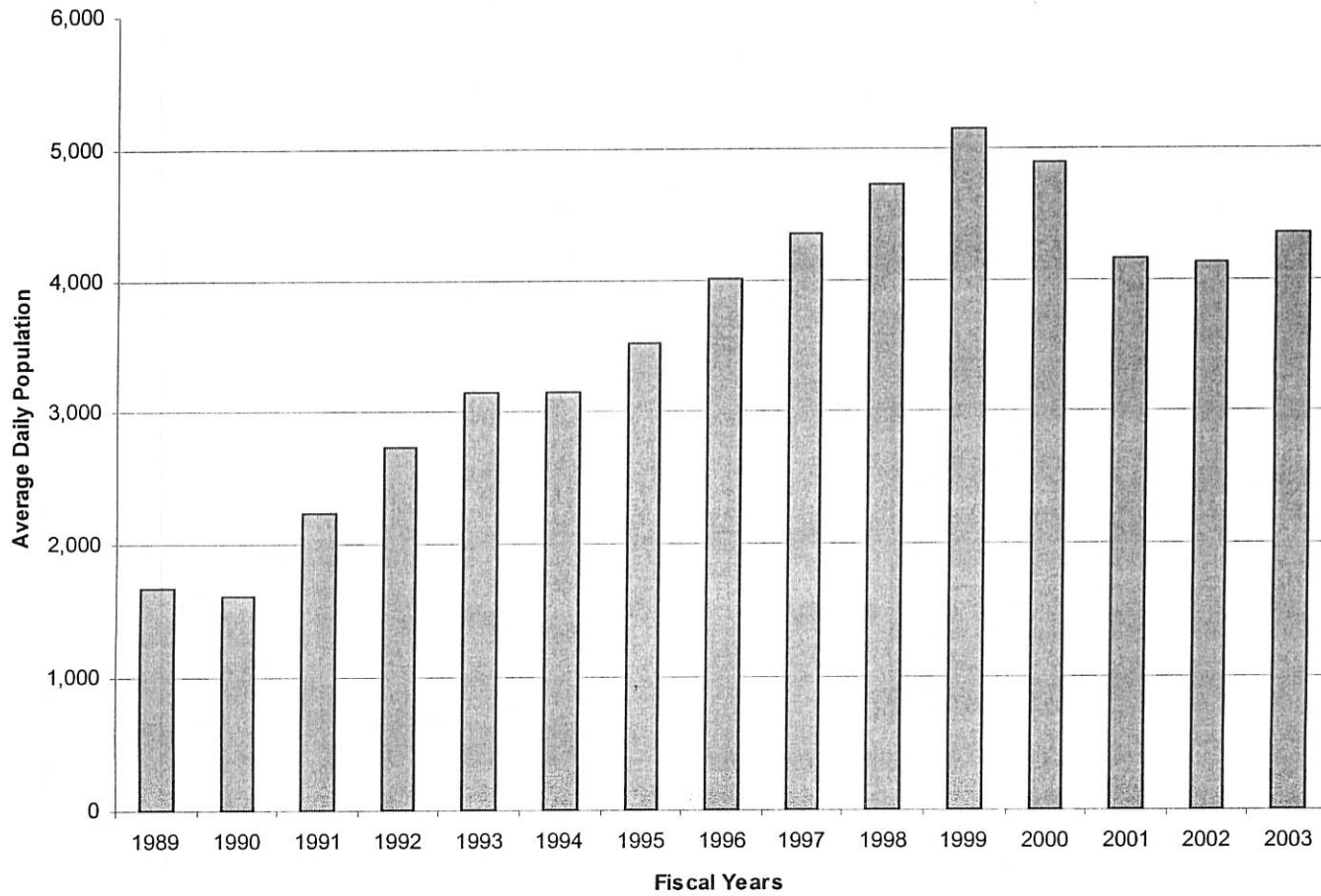
Programs Reductions FY 2000 – FY 2005

Using FY 2000 as the base year:

- Inmate ADP has increased from 8513 to an estimated 9025 for FY 2005, a 6% increase.
 - Funding for facility-based programs has decreased from \$8,913,797 to \$5,295,760, a 41% reduction.
 - Intervention program capacity has decreased from nearly 1700 program slots to just over 950, a loss of 744 slots representing nearly a 45% reduction.
 - Most significant losses were in short-term substance abuse treatment which has been virtually eliminated in the facilities; academic education which may be eliminated with the FY 05 funding; and vocational education which has been reduced by over a third of its capacity and may be reduced further in FY 05.
- Parole ADP has increased from 3999 to an estimated 4517, an increase of 13%.
 - Funding for community-based intervention programs has decreased from \$3,502,672 to \$736,150, a nearly 80% reduction.
 - Capacity for community-based program interventions has been reduced from a high of 804 slots (FY 01) to 525 in FY 05, a loss of 279 slots, a 35% reduction.
 - Most significant reductions in community-based programs have been in substance abuse treatment, again virtually eliminating community-based treatment; transitional housing (CRB) over a 90% reduction representing a loss of 205 slots; and a reduction in transitional therapeutic community slots.

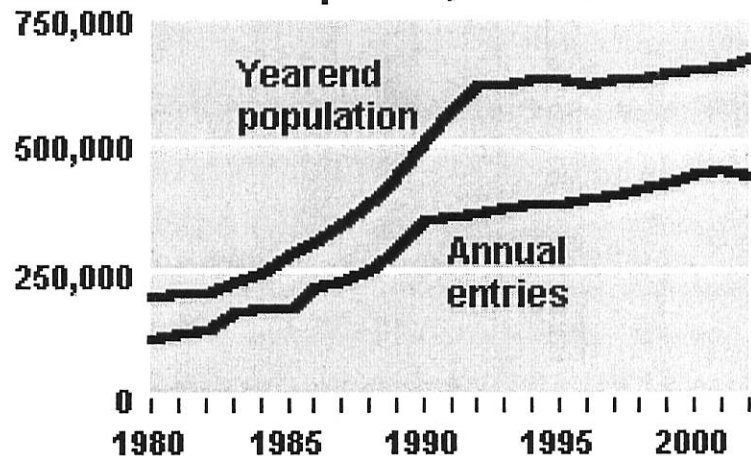
Overall, the funding for facility-based and community-based programs has decreased by 51 percent.

Community Corrections ADP History

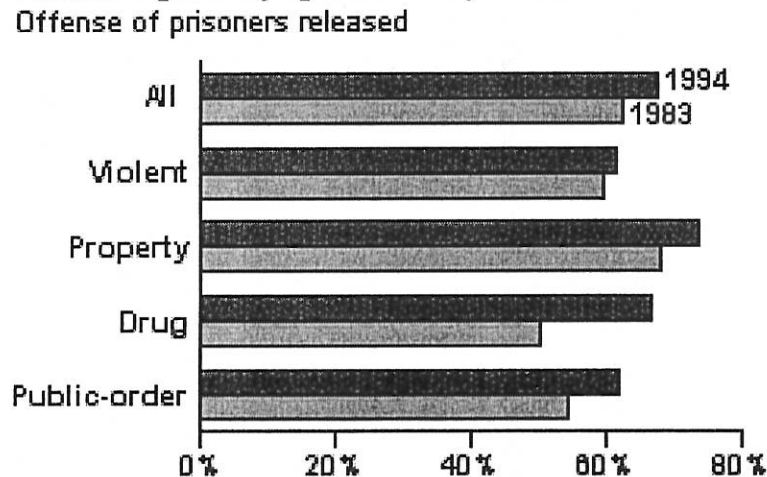


Reentry Trends in the United States

Annual State parole population and entries to State parole, 1980-2002



Percent of released prisoners rearrested within 3 years, by offense, 1983 and 1994



- At least 95% of all State prisoners will be released from prison at some point; nearly 80% will be released to parole supervision.
- At yearend 2002, 1,440,655 prisoners were under the jurisdiction of State or Federal correctional authorities.
- In 2001, about 592,000 State prison inmates were released to the community after serving time in prison.
- Nearly 33% of State prison releases in 1999 were drug offenders, 25% were violent offenders and 31% were property offenders.
- 670,169 adults were under State parole supervision at yearend 2002.
- By the end of 2000, 16 States had abolished discretionary release from prison by a parole board for all offenders.
- Among State parole discharges in 2000, 41% successfully completed their term of supervision; relatively unchanged since 1990.

Source: Bureau of Justice Statistics; Office of Justice Programs;
<http://www.ojp.usdoj.gov/bjs/reentry/reentry.htm>