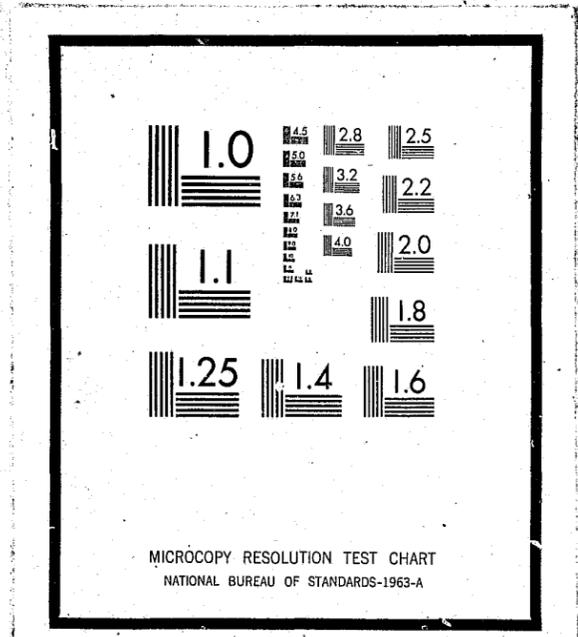


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LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
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Report of the Governor's Penal Planning Council

**Report of the
Governor's Penal Planning Council**

Topeka, Kansas

Introduction

In January, 1970, Governor Robert Docking appointed a Penal Planning Council to "help steer penal reforms in Kansas." The Council was directed to develop a "sound and effective long-range plan for penal improvement," as well as to advise and assist the state penal director in formulating "policy, performance and planning in corrections."

The Penal Planning Council has held ten formal meetings and in addition there have been numerous meetings of special sub-groups. The Council visited the State Prison and the Women's Industrial Reformatory at Lansing. Several inmates at the prison were interviewed. A number of key persons connected with the various parts of the Kansas Penal System appeared before the Council and made statements, including the Warden of the Prison, the Director of the Kansas Reception and Diagnostic Center, the Director of the Board of Probation and Parole, and the Director of Penal Institutions.

The Council has also reviewed the following reports of surveys and studies of the Kansas Penal System made during the past fourteen years:

1. The Report of the Governor's Advisory Committee on Penal and Correctional Institutions, dated October, 1956.
2. The report of a study of the Medical Facilities and Program at the Penitentiary made by a team from the State Department of Health, and authorized by the State Board of Health, at the request of the then Director of the Penal System, in the summer of 1961.
3. A second report of the Governor's Advisory Committee on Penal and Correctional Institutions, dated October, 1962.
4. "An overview of the Administration of Criminal Justice in Kansas," by the Director of the Penal System dated September, 1966.
5. A report of the Kansas Legislative Council on the Kansas Penal System published in December, 1966.
6. A Survey of the Kansas Correctional System, dated February 1970 by O.C. Minton of the Federal Office of Law Enforcement Assistance.
7. A Report of a special consultant on Medical and Psychiatric Facilities and Programs, dated December 16, 1969.

The Council has also studied the various recommendations of the National Council on Crime and Delinquency with respect to recommended organizational structure and the quality and kinds of programs which are needed to carry on an effective state correctional program. It has informed itself as to correctional program developments in certain other states, and considered the recommendations of the Task Force on Corrections of the President's Commission on Law Enforcement and the Administration of Justice.

The Council has had the assistance during its deliberations of consultants Drs. Karl Menninger, Joseph Satten, and Russell Settle, Sr., for which we are most grateful.

As a result of its deliberations and studies, the Council now respectfully submits this summary report of its findings and recommendations to date:

I. Findings

- A. There is no single agency of government in Kansas charged with the responsibility for developing, operating, coordinating, or supervising comprehensive correctional services. A variety of organizational patterns exist, ranging from city to county jails and probation systems, to the State Penal System, and the state operated Board of Probation and Parole. There is no consistent philosophy of treatment, no central coordination of the programs which pick up the offender at the time of sentencing and coordinate the responsibility for his supervision, control and treatment on through to his final release. The two state juvenile institutions are operated by the Board of Social Welfare; aftercare for juveniles belongs to county departments of public welfare; and juvenile probation to the juvenile courts. And Kansas still operates its adult services under the obsolete title of "Penal System." The result of this crazy-quilt administration of correctional services is the absence of any mechanism for planning the development of a well-balanced correctional program.
- B. However, there are a number of bright spots in the Kansas situation:
1. A revised progressive Penal Code went into operation July 1, 1970 which spells out in Section 21-4601 a modern correctional philosophy.
 2. A new Code of Criminal Procedure also became effective July 1, 1970 which clarifies and modernizes many procedures for the handling of offenders.
 3. Kansas has a Diagnostic Center for adult felons which provides perhaps the best case studies of any state system in the United States.
 4. The state system for parole and probation supervision has made great improvements in the quality and comprehensiveness of its services in the past decade.
 5. A work release law was passed by the 1970 Legislature.
 6. A new correctional-vocational institution for youthful offenders has been authorized by the Legislature.
 7. A number of local programs can be found which are of good quality.
 8. Kansas has a progressive parole statute which enables the operation of effective community release programs.
 9. The statutes now give great flexibility to the courts and the Penal Director in providing appropriate treatment programs geared to individual needs.
 10. Finally, mention should be made of the efforts of the Director of Penal Institutions to make improvements within the system and to develop new programs with the financial support of the Governor's Committee on Criminal Administration.
- C. These program parts are not organized into a consistent whole, and by and large they are characterized by being inadequate to meet the needs, underfunded, understaffed and of limited quality.
- D. The problem of corrections has been repeatedly surveyed in Kansas by various ad hoc committees and commissions. The pattern of the recommendations resulting from these studies is very similar: better salaries, better quality of

personnel, improved physical facilities, better staff training, improved in training and treatment, clearer program goals. More studies are not needed. What is needed is *implementation*.

- E. An ad hoc council such as this Penal Planning Council can make meaningful recommendations, but it cannot spell out the intricate, specific details of a master plan. Further, it cannot, by its own authority, implement changes. With this understanding, the following recommendations submitted.

II. Recommendations

- A. We recommend the establishment through appropriate legislation of a Department of Corrections specifically charged by law with the responsibility for planning and operating a state-wide comprehensive system of correctional services for adult and juvenile offenders. We recommend as a model the State Corrections Act, as proposed by the National Council on Crime and Delinquency, suitably modified.
- B. The department should be composed initially of a Board of Corrections consisting of seven capable and competent persons appointed by the Governor from outside government. It should be charged with the responsibility of appointing a professionally trained director of the department to serve as executive officer, and with the responsibility for planning and policy determination.

Since a truly comprehensive system of correctional services cannot be totally conceptualized, nor spring into full operation in the space of a short time, the department should be charged with planning as an ongoing function and with the responsibility of making annual recommendations to the Governor and the Legislature. In this way, developing programs can be phased into operation in an orderly manner as a part of overall planning.

- C. Enabling legislation covering all of the parts of a comprehensive correctional system, such as your Council envisions, cannot nor should not be enacted as one single package. However, the Council recommends the enactment at the next session of the Legislature of a preliminary correctional services statute which will provide for the following:

1. The present office of the Director of Penal Institutions should be converted into the Kansas Department of Corrections, with all the power and authority presently invested in it.
2. A seven-member, bipartisan citizens' Board of Corrections should be established with authority to appoint the director and assistant director at salary levels which will attract professionally trained and experienced correctional administrators.
3. It should be authorized to establish operating divisions covering security, classification and treatment of prisoners; education, training and recreation; medical and psychiatric services; industrial operations administration; community services; and research and statistics. It should be adequately funded so as to be able to staff and implement the

divisions within the first year of operation.

4. A unified budget for correctional services should be prepared by the department, rather than by individual institutions or program units. The department should have the flexibility to adjust funds to meet changing priorities within the limits of the budget appropriated by the Legislature.
 5. Present state-operated parole and probation field services and their appropriations should be transferred to the department's jurisdiction in its Division of Community Services. The Parole Board should remain as an independent, quasi-judicial body charged with the responsibility for determining parole releases and revocations.
 6. The Department of Corrections should be authorized and encouraged to develop regional community-based correctional service programs, either operated by the department or by local units of government. It should have power to provide consultation to local communities regarding program development, to establish personnel and program standards of acceptability, and to make grants-in-aid to local communities and units of government.
 7. Such an enabling statute should clearly specify that the goals of corrections in Kansas are (a) the maximum protection of society, and (b) the preparation of offenders through education, training and treatment for prompt return to civilian status as soon as there is reasonable assurance that they can become law abiding.
 8. The initial statute should establish the responsibility of the Board of Corrections and the director for planning as outlined above, and provide funding for planning studies, consultants, site visits to other states, clerical assistance, etc. It should spell out that Kansas needs and wants a plan for comprehensive correctional services covering the control and treatment of offenders from the time of sentencing until final restoration to unsupervised living.
 9. Of paramount importance in the development of effective correctional services is the need, as recommended in all previous surveys and studies, for immediate salary increases for existing personnel. Competitive salaries as well as improved personnel programs are essential to promote professionalization of the service and attract well trained persons to the service. The compensation must take into account the hazardous nature of penal institution assignments and the supervisory responsibilities inherent in all correctional positions.
- D. In the course of its future planning operations, the Board of Corrections and the department should be directed to study and make periodic recommendations to the Governor and the Legislature with respect to, among other things, the following subjects:
1. The operation of the 1970 enacted work release statute.
 2. The appropriateness and utility of an Adult Authority in Kansas with broad powers of control over adult offenders.
 3. With the Board of Social Welfare, the most appropriate and effective placement of juvenile correctional services in the state organizational

- structure and the utility of a Youth Authority with broad powers over delinquent youths
4. The merits of establishing an overall permanent State Commission on the Administration of Criminal Justice
 5. The optimal utilization or non-utilization of the present institutions in the penal system, with particular reference to the prison at Lansing and the reformatory at Hutchinson, and to the ultimate development of a state wide system of classified institutions
 6. The optimal methods for providing for the treatment of mentally ill offenders with specific reference to (a) the continued utilization of the Security Hospital at Larned or the construction of a new facility within the department located elsewhere, and (b) to the need for a greatly enhanced mental health program within the Department's institutions and the possibilities for collaboration with the Division of Institutional Management of the Board of Social Welfare
 7. The matter of the development of a personnel system for the department with higher qualifications, more competitive salaries, and continuous training and staff development
 8. Methods for building into the department statistical and research capabilities which will provide a continuous evaluation of the effectiveness of correctional service programs
 9. Development of a program for upgrading local detention facilities including consideration of multiple county or district detention facilities

III. Transmittal

It will be seen that the matter of comprehensive correctional services is a complex one. The present Penal Planning Council is not geared to deal with so complicated a subject unless it acquires statutory authority and funding to employ research, legal and advisory staff. Hence, our recommendation is that a permanent statutory Department of Corrections be established and charged with the responsibility of ongoing planning, as well as program development and implementation.

This report is respectfully submitted with the assurance that your Council stands ready to deal with any further charges that you may give it, and to assist in the implementation of its recommendations.

Adopted by the Council November 10, 1970

Respectfully,

Judge David Prager, Chairman, Topeka

Mr. Ben Boyer, Leavenworth	Mr. Jack Quinlan, Topeka
Dr. Laurence Chalmers, Lawrence	Mr. Ernest Rice, Topeka
Dr. John W. Henderson, Topeka	Dr. Charles Roquemore, Wellington
Sen. Frank Hodge, Hutchinson	Mr. O. R. Stites, Olathe
Dr. James A. McCain, Manhattan	Mrs. Catherine Swearngen, Hill City
Dr. W. Walter Menninger, Topeka	Judge Maurice Wildgen, Larned
Mr. Vern Miller, Wichita	Rep. Josephine Younkin, Junction City
Judge Clark Owens, Wichita	

A. Proposed Penal Reform Bill

AN ACT

TO ESTABLISH A KANSAS DEPARTMENT OF CORRECTION

ARTICLE I. CONSTRUCTION OF ACT

1. Construction and Purpose

The purpose of this Act is to establish an agency of state government for the custody, study, care, discipline, training, and treatment of persons in the correctional and detention institutions and for the study, training, and treatment of persons under the supervision of other correctional services of the state, so that they may be prepared for lawful community living. Correctional services shall be so diversified in program and personnel as to facilitate individualization of treatment.

ARTICLE II. ORGANIZATION OF DEPARTMENT

2. Department Established; Board

A state department of correction, hereinafter referred to as "the department," is hereby established. Within the department there shall be a board of correction of seven members, who are not officials of the state in any other capacity and are qualified for their position by demonstrated interest in and knowledge of correctional treatment. Members of the board shall be appointed by the governor with the advice and consent of the Senate. The terms of members shall be six years and until their successors are appointed and have qualified, except that the first appointments shall be for terms of two years for two members, four years for two members, and six years for three members. A member may be reappointed. The board shall elect its chairman and provide for its organization. Members of the board shall receive no salaries but, when in attendance at meetings of the board or engaged in other duty authorized by the

board, shall receive \$25.00 per diem and necessary expenses for not more than 36 days per year. The board shall meet quarterly and other times at the call of the chairman. The chairman shall call a meeting when requested by a majority of the board.

The board shall determine department policy; it shall not have administrative or executive duties and shall not deal with specific procedural matters. The board may appoint temporary or permanent advisory committees, for such purposes as it may determine. It shall have other duties as granted in this Act.

3. Institutions and Services

a. The following institutions and services shall be administered by the department:

(1) All state institutions for the care, custody, and correction of persons convicted of felonies or misdemeanors, and committed to the department by the courts under sections 21, 22, and other applicable laws.

(2) Probation services for courts having jurisdiction over criminals over 18 years of age.

(3) Parole services for persons committed by criminal courts to institutions within the department. The parole board shall be continued, but the Department of Probation and Parole is herewith transferred to the Department of Correction.

b. The department [may] establish and operate institutions for misdemeanants committed for terms of thirty days or over. It may establish and operate regional adult detention facilities.

c. The department shall provide consultation services for the design, construction, programs, and administration of detention and correctional facilities for adults operated by counties and municipalities and shall make studies and surveys of the programs and administration of such facilities. Personnel of the department shall be admitted to these facilities as required for such purposes. The department shall administer programs of grants in

aid of construction and operation of approved local facilities. It shall provide courses of training for the personnel of such institutions and shall conduct demonstration projects with offenders in the institutions. It shall establish standards and rules for the operation of correctional and detention facilities, shall at least once a year inspect each facility for compliance with the standards set, and shall publish the results of such inspections as well as statistical and other data on the persons held in detention. The director may order the closing of any detention or correctional facility that does not meet the standards set by the department.

4. Director of Correction

A director of correction, who shall be the chief executive, administrative, and budget and fiscal officer of the department, shall be appointed by the board for an indefinite term, at a salary fixed by the board. The director shall be qualified for his position by character, personality, ability, education, training, and successful administrative experience in the correctional field. He need not be a resident of this state. He shall be subject to removal only by vote of a majority of the entire board, after a hearing upon due notice, for disability, inefficiency, neglect of duty, malfeasance in office, or other just cause.

5. Other Employees

The director shall appoint such personnel as are required to administer the provisions of this act. All employees of the department other than the director and, with the approval of the board, two assistants to the director, shall be within the state merit system.

6. Duties of Director

Within the general policies established by the board, the director shall administer the department, shall prescribe rules and regulations for operation of the department, and shall supervise the administration of all institutions, facilities, and services under the department's jurisdiction.

The director shall prescribe the duties of all personnel of the department and the regulations governing transfer of employees from one institution or division of the department to another. He shall institute a program for the training and development of all personnel within the department. He shall have authority, subject to civil service requirements, to suspend, discharge, or otherwise discipline personnel for cause.

7. Administrative Structure

The Director and the Board of Correction shall develop a suitable administrative structure providing for divisions and services to accomplish the purposes, goals and programs required by this Act; including, but not limited to, (1) a Division of Medical and Psychiatric Services, (2) a Division of Administration, (3) a Division of Classification and Treatment and (4) a Division of Parole, Probation and Community Services.

8. Research, Statistics, and Planning

The department shall establish programs of research, statistics, and planning, including study of the performance of the various functions and activities of the department, studies affecting the treatment of offenders, and information about other programs.

9. Reports

The department shall make an [annual] report to the governor on the work of the department, including statistical and other data, accounts of research work by the department, and recommendations for legislation affecting the department. Printed copies of the report shall be provided to each member of the legislature.

The director shall periodically submit to the board an analysis of the institutions and services within the department, and an analysis and evaluation of the adequacy and effectiveness of personnel and buildings.

10. Cooperation and Agreements with other Departments and Agencies

The Department shall cooperate with public and private agencies and

officials to assist in attaining the purposes of this Act. The department may enter into agreements with other departments of federal, state, or municipal government and with private agencies concerning the discharge of its responsibilities or theirs.

ARTICLE III. INSTITUTIONAL ADMINISTRATION

11. Commitment; Transfers

Commitment to institutions within the jurisdiction of the department shall be to the department, not to any particular institution. The director shall assign a newly committed inmate to an appropriate facility. He may transfer an inmate from one facility to another, consistent with the commitment and in accordance with treatment, training, and security needs. A person detained in or sentenced to a local jail may, at the discretion of the director, be transferred to a state institution.

12. Treatment of Mentally Ill and Mentally Retarded Inmates; Transfer

The department may establish resources and programs for the treatment of mentally ill and mentally retarded inmates, either in a separate facility or as part of other institutions or facilities of the department.

On the recommendation of the medical director, the director of the department may transfer an inmate for diagnosis and treatment to the department of mental hospitals or other appropriate department or institution. While the inmate is in such other institution, his sentence shall continue to run.

When in the judgment of the administration of the institution to which an inmate has been transferred, he has recovered from the condition which occasioned the transfer, he shall be returned to the department unless his sentence has expired.

13. Diagnostic Center

There shall be within the department a diagnostic center, consisting of one or more branches, to make social, medical, and psychological studies of persons committed to the department as provided in section [_____].

ARTICLE IV. TREATMENT OF INMATES

14. Classification and Treatment Programs

Persons committed to the institutional care of the department shall be dealt with humanely, with efforts directed to their rehabilitation, to effect their return to the community as promptly as practicable. For these purposes the director shall establish programs of classification and diagnosis, education, case-work, counseling and psychotherapy, vocational training and guidance, work, and library and religious services; he may establish other rehabilitation programs; and he shall institute procedures for the study and classification of inmates.

Women committed to the department shall be housed in institutions separate from institutions for men.

15. Work by Inmates; Allowances

The department shall provide employment opportunities, work experiences, and vocational training for all inmates. Equipment, management practices, and general procedures shall approximate, to the maximum extent possible, normal conditions of employment in free industry. Tax-supported departments, institutions, and agencies of the state and its governmental subdivisions shall give preference to the purchase of products of inmate labor and inmate services.

Inmates shall be compensated, at rates fixed by the director, for work performed, including institutional maintenance and attendance at training programs. Prisoners who are unable to work because of injury, illness, or other incapacity may be compensated at rates to be fixed by the director. The inmate shall contribute to support of his dependents who may be receiving public assistance during the period of commitment if funds available to him are adequate for such purpose.

The department shall make contractual arrangements for the use of inmate labor by other tax-supported units of government responsible for the conservation of natural resources or other public works.

16. Discipline

The director shall prescribe rules and regulations for the maintenance of good order and discipline in the facilities and institutions of the department, including procedures for dealing with violations. A copy of such rules shall be provided to each inmate. Corporal punishment is prohibited.

The director shall provide for a record of charges of infractions by inmates, any punishments imposed, and medical inspections made.

17. Medical Care

The Director shall establish and shall prescribe standards for health, medical, and dental services for each institution, including preventive, diagnostic and therapeutic measures on both an inpatient and outpatient basis for all prisoners. An inmate may be taken when necessary to a medical facility outside the institution.

18. Inmate Contacts with Persons Outside the Institution; Temporary Releases

Under rules prescribed by the department, heads of the institutions may authorize visits and correspondence, under reasonable conditions, between inmates and approved friends, relatives, and others, and temporary release of an inmate for such occasions as the serious illness or death of a member of the inmate's family or an interview of the inmate by a prospective employer.

19. Good Behavior Allowance

An inmate serving a commitment shall be allowed a reduction, from his maximum term, of ten days for each month served for the first five years of any term, and fifteen days per month for the period of any term over five years. Regulations shall be issued authorizing the director to deny such allowances for one or more months of time served prior to the infraction of rules by the inmate. The regulations shall also authorize, under stated conditions, restoration of good time lost.

20. Discharge Allowance; Loans

Inmates released upon completion of their term or released on parole or mandatory conditional release shall be supplied with satisfactory clothing, transportation, and financial assistance to meet their needs for a reasonable period after release. If the inmate or his family has financial resources, these shall be used prior to the use of public funds.

The department shall establish a revolving fund from funds available to the department, to be used for loans to prisoners discharged, released on parole, or released on mandatory conditional release, to assist them to readjust in the community. The fund shall be operated in accordance with regulations approved by the board.

ARTICLE V. INTERSTATE RELATIONS; DETAINERS

21. Agreement on Detainers

The Agreement on Detainers is hereby enacted into law and entered into by this state with all other jurisdictions legally joining therein in the form substantially as follows:

ARTICLE VI. APPLICATION OF ACT

22. Laws Repealed

All other acts and parts of acts inconsistent with the provisions of this Act are hereby repealed.

23. Constitutionality

If any section, subdivision, or clause of this Act shall be held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the Act.

24. Appropriations

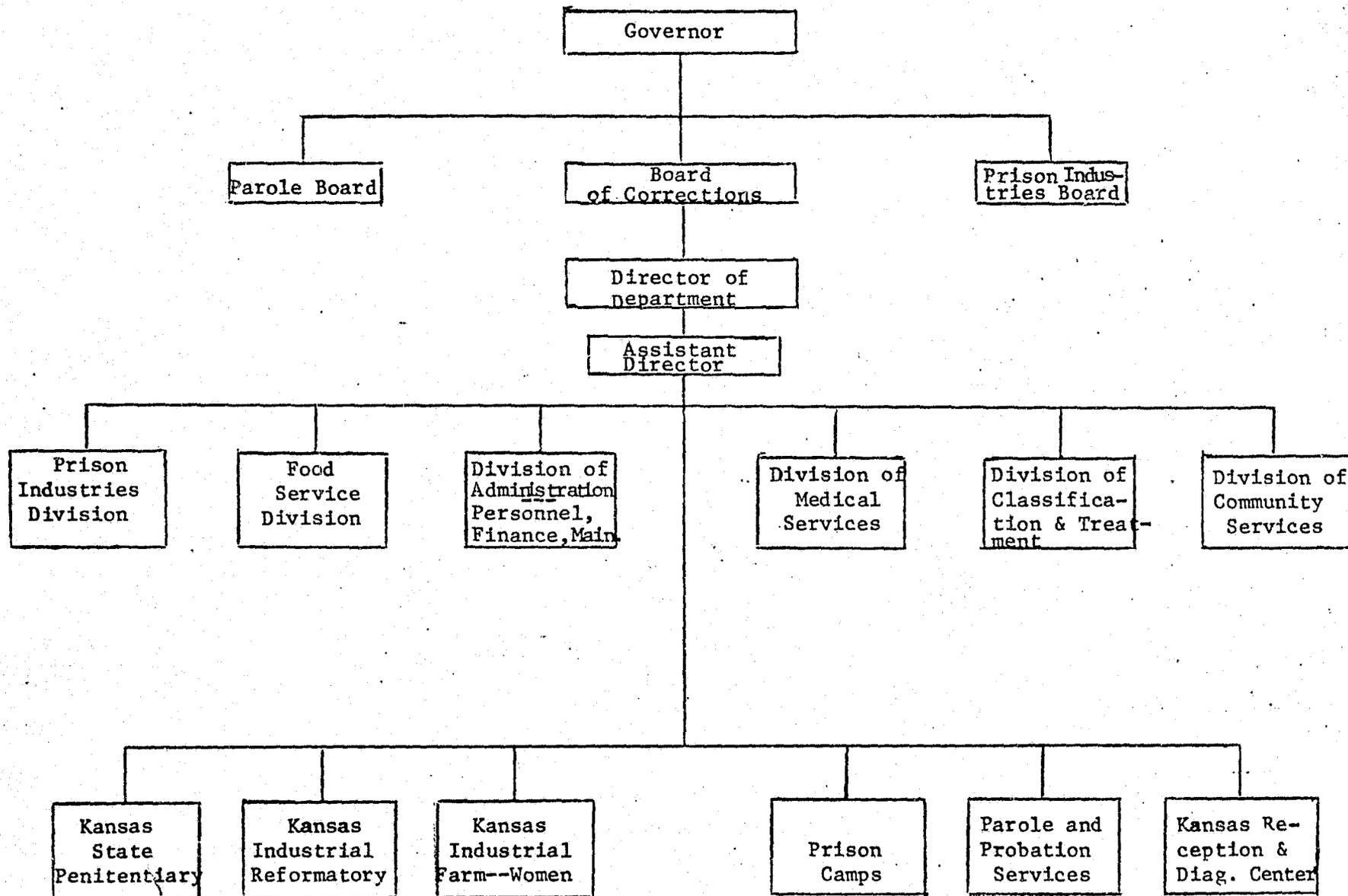
The Director, with the approval of the Board of Corrections, shall prepare an annual budget request to the Governor covering the total estimated costs of carrying out the purposes of this Act during the ensuing fiscal year, including salaries, capital expenditures, equipment, operations, and other expenses; for which appropriation shall be made to the Department.

The sum of #[] is hereby appropriated for the purpose of this Act for the fiscal year ending June 30, 1972.

25. Time of Taking Effect

This Act shall take effect on July 1, 1971.

KANSAS DEPARTMENT OF CORRECTIONS



END