

Approved: 4/29/94
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Jerry Moran at 8:00 a.m. on March 23, 1994 in Room 514-S of the Capitol.

All members were present except: Senator Martin (excused)
Senator Feleciano (excused)
Senator Parkinson (excused)

Committee staff present: Mike Heim, Legislative Research Department
Gordon Self, Revisor of Statutes
Darlene Thomas, Committee Secretary

Conferees appearing before the committee:

Lisa Moots, Sentencing Commission
Carla Dugger, American Civil Liberties Union

Others attending: See attached list

SB 835--crimes and penalties, subclassifications
SB 836--crimes and punishment, sentencing guidelines

Lisa Moots, Sentencing Commission testified in regard to SB 835 and SB 836 and provided written testimony (Attachment No. 1). She said SB 835 amendments were technical in nature and that they reorganized and renumbered the sections and subsections to make them consistent. Ms. Moots said SB 836 contained clarifying language that closed some gaps in the procedures established by the guidelines act and responded to a number of questions left unanswered by the act. She said SB 836 also contained one suggestion in Section 18 for a possible new aggravating departure factor. She asked that new forms, which are mandated by statute, be amended by statute number or placed in a conference committee in order for them to be passed this legislative session. Ms. Moots provided copies for the Committee of a report of the Subcommittee on Intermediate and Community Based Sanctions and recommendations of The Task Force on the Transition of Offenders into the Community (Attachments No. 2).

Jim Clark, Kansas County and District Attorneys and Gary Stotts, Secretary, Department of Corrections answered questions from the Committee regarding SB 835 and SB 836. Secretary Gary Stotts suggested amending SB 836 into HB 3074.

Carla Dugger, American Civil Liberties Union provided written testimony on HB 2832 (Attachment No. 3).

Chairman Moran announced there would be a Senate Judiciary Meeting at 12:30 p.m. today in Room 519-S.

The meeting adjourned at 9:00 a.m.

GUEST LIST

COMMITTEE:

State Judiciary

DATE:

3/23/94

[illegible]



State of Kansas
KANSAS SENTENCING COMMISSION

SENATE BILLS 835, 836
SENATE COMMITTEE ON JUDICIARY
MARCH 23, 1994

It should come as no surprise that the sentencing guidelines act requires additional refinements in the first legislative session following the effective date of the act. All of the provisions of Senate Bill 835 are purely technical in nature, and the same can be said for almost all of the contents of Senate Bill 836. For those provisions of SB 836 which require any type of substantive or philosophical decision on your part, I will try to outline your options for you and tell you why the sentencing commission recommends the approaches taken in the bill.

SB 835 contains no provisions of any substance. Instead, it simply reorganizes and rennumbers the sections and subsections of a number of crime statutes to make them consistent, to facilitate the determination of the severity level assigned to the crime and, as a side benefit, to facilitate the process of data entry of dispositional information by the Kansas sentencing commission, Kansas department of corrections, and the KBI. Otherwise, SB 835 assigns guidelines severity levels to several previously unranked, relatively obscure felonies.

For the most part SB 836 contains clarifying language that closes some gaps in the procedures established by the guidelines act and responds to a number of questions left unanswered by the act. The bill also contains one suggestion for a possible new aggravating departure factor that comes from the sentencing commission for your consideration [Section 18]. The sentencing commission's recommendations for some language to resolve conflicts in the DUI sentencing provisions are also contained in the bill [Sections 1, 10]. The bill also offers a couple of alternatives regarding the appropriate mechanism for including certain municipal ordinance violations in an offender's criminal history [Sections 14, 15, 17, 18].

The technical aspects of the bill include provisions which:

Clarify the rules regarding the imposition of consecutive sentences

Clarify the definition of "prior conviction" for purposes of inclusion in offender's criminal history score and the limits on use of prior convictions

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Clarify the rules regarding plea-bargaining and the acceptance of guilty pleas by the court

Clarify that an attempt, conspiracy, or solicitation of a person crime is also a person crime

Clarify the procedure for notice regarding imposition of departure sentences

Clarify the rules regarding the controlling term of postrelease supervision in cases of multiple sentences

Codify the supreme court's rule regarding peremptory challenges (with corrections)

Clarify the provisions regarding imposition of an extended period of postrelease supervision for certain sex offenders

Clarify the provisions regarding the process of preparing the presentence investigation report and the accessibility of the report

Clarify the rules regarding the amount of the balance of the sentence to be served by postrelease supervision violators with new conviction but no new sentence

Amend the journal entry and other required forms.

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**SUBCOMMITTEE ON INTERMEDIATE AND
COMMUNITY BASED SANCTIONS**

DRAFT REPORT TO KANSAS SENTENCING COMMISSION

FEBRUARY 14, 1994

Senate Judiciary
3-23-94
attachment 2-1

SUBCOMMITTEE MEMBERSHIP

KANSAS SENTENCING COMMISSION MEMBERS

Gary Marsh, Chairman
Honorable Richard B. Walker
Representative Denise Everhart
Sister Therese Bangert
John Burchill

KANSAS DEPARTMENT OF CORRECTIONS

Robert Sanders
Director of Community Corrections Services

STAFF

Blaine A. Carter

The Sentencing Guidelines Act was passed in the 1992 Legislature and became effective July 1, 1993. The Sentencing Guidelines Act establishes presumptions regarding the appropriate prison or nonprison disposition and the appropriate duration of the prison sentence imposed for all felony crimes. A significant number of nonviolent felony offenders are presumed to be dealt with in the community through standard probation, community corrections, or other nonprison sanctions.

On July 12, 1993, the Kansas Sentencing Commission voted to establish a subcommittee to study intermediate and community based sanctions in order to identify the range of programs and sanctions that are available to the courts for dealing with offenders in presumptive probation cases and to make recommendations regarding the development of a system of structured nonprison sanctions as a component of the presumptive sentencing guidelines system.

A STRUCTURED APPROACH TO NONPRISON SANCTIONS

The idea of structuring non-imprisonment sanctions is not new. The potential benefits are better allocation of finite resources, more effective sanctions, more fairness, better planning ability, and increased ability to learn from various applications. In addition, the structuring of sanctions helps establish the credibility of these sanctions with the public. Some studies have shown that without some structured intermediate sanctions in a sentencing system, opportunities for offenders to improve themselves in ways that offer alternatives to re-offending are extremely limited and are used less and less by the courts; frugal use of state (and local) resources has not been realized; and alternatives to total confinement for offenders have not been emphasized, nor fully utilized.

Many sentencing guidelines acts, including the Kansas Sentencing Guidelines Act, speak predominantly in the language of incarceration as punishment and do not emphasize other viable and effective punishment options for offenders. However, many jurisdictions across the country have successfully implemented intermediate sanction sentencing schemes which punish some offenders in the community rather than through total confinement in state institutions. Once the decision has been made that allowing these offenders to remain in the community will not compromise public safety, attention can instead be given to the imposition of less costly yet potentially effective nonprison punishments on these offenders.

The subcommittee identified the following general purposes for a structured system of community based sanctions:

- * emphasize the use of community based punishments for offenders;
- * be consistent with the purposes of sentencing guidelines;
- * provide the court with increased flexibility to fashion appropriate sentences for offenders within presumptive ranges;
- * provide a range of meaningful and viable sentence options;
- * make frugal use of state and local resources, e.g., reduce the burden on local jails and state prisons without compromising public safety;
- * continue to emphasize the priority and importance of restitution, as well as victim participation in the sentencing process; and
- * hold offenders accountable.

As the subcommittee worked toward developing a specific approach to structuring a nonprison punishment system, the decisions reached in developing the Kansas sentencing guidelines system were revisited. The Kansas Sentencing Guidelines Act focuses primarily on incarceration as punishment and does not emphasize other viable and effective punishment options for offenders. Many other states have now recognized that a comprehensive system of punishment should also include community sanctions and an approach to ensuring proportional and consistent imposition of those sanctions as well.

In fashioning a specific intermediate sanction structure or sentence, the following goals should be considered:

- A. **Proportionality** of the sanction imposed to the offense of conviction and the offender's prior criminal record;
- B. Restoration of the victim as nearly as possible to pre-offense condition;
- C. Specific deterrence of the offender from future criminal conduct;
- D. Rehabilitation of the offender;
- E. Maximizing the degree to which the offender is held responsible for the costs and conduct associated with the sanction.

The subcommittee's recommendations for the development of a presumptive, equitable, structured system of community based sanctions are as follows:

1. The subcommittee recommends that consideration be given by the Legislature to increased funding for intermediate sanction programs to make a full continuum of sanctions available to the court in each judicial district of the state. Enhancing the availability of intermediate sanctions provides punishment options through which the offender can held accountable without compromising public safety. The subcommittee believes that these programs can be an

effective and cost efficient way of dealing with offenders in the community. Of the approximately 27,000 adult and juvenile offenders being supervised in communities across Kansas, the average daily population of Community Corrections clients receiving intermediate sanction program services includes only 3,415 adult and 141 juvenile offenders.

2. The subcommittee endorses an approach to structuring community based sanctions that encompasses a wide range of types of intermediate sanctions and a mechanism for measuring the comparative value and degree of restriction entailed by each type of sanction in order to promote proportionality and consistency in the imposition of these sanctions. The subcommittee recommends the use of Intermediate Sanction Exchange Rates as the appropriate mechanism to serve this purpose while allowing the court maximum flexibility in fashioning appropriate nonprison sentences that are comprised of a combination of intermediate sanctions that will constitute meaningful and sufficiently restrictive punishment. Use of the Intermediate Sanction Exchange Rate preserves uniformity in the amount of punishment imposed on offenders with similar criminal history, circumstances, and offense of conviction.

3. The subcommittee recommends that a uniform risk and needs assessment be developed by the Office of Judicial Administration and the Department of Corrections for use in determining the appropriate placement of the client and level of sanction(s).

The Intermediate Sanction Exchange Rates System

This method involves the development of punishment exchanges among the variety of types of community based sanctions and the development of sanction units as a standard basis of measure. The sentencing judge imposes a total number of sanction units within a presumptive range determined by the severity level of the crime of conviction and the criminal history of the offender. Just as these factors determine the range of months for the presumptive prison sentence under the sentencing guidelines, the same factors would determine the range of nonprison sanction units within which the court may operate. The sentencing judge then has the option of choosing from among the array of types of sanctions, with the ability to mix and match until the appropriate total number of sanctions units is reached.

ILLUSTRATION

Sample Sanction Unit Conversion Table

<u>Sanction type</u>	<u>Amount of Sanction</u>	<u>Value in Sanction Units</u>
Jail	1 mo.	4
Probation	1 mo.	2
Community Service	40 hr.	1
Fine	5 day units	1

Fred Smith has been convicted of felony theft. He has one prior conviction for felony theft four years ago. The sentencing guidelines specify a sentencing range of 75 to 85 sanction units.

The court could sentence Mr. Smith to:

21 months in jail or

42 months on probation or

6 months in jail and 30 months probation or

3 months in jail, 160 hrs. community service, 60 day fine units and 28 months probation, etc.

The choice of the exchange rates approach to systemitizing intermediate sanctions next required the subcommittee to devise an appropriate sanction unit conversion table. This process required recognition of the fact that sanctions are multidimensional, serving more purposes than simply the infliction of punishment on the offender.

For example, while prison incarceration is certainly punishment, it also serves the purpose of physically separating the offender from the rest of society, as well as locating him at some distance from his home and the place where the crime occurred. Consequently, while the choices about the appropriate nonprison sanctions to impose may be focused on the need to punish the offender, the exchange rates system also makes room for consideration to be given on a case-by-case basis to the other purposes sought to be accomplished. This means that the sentencing court can decide on an exchange rate that is, for example, designed for maximum incapacitation of the offender short of total prison confinement for public safety purposes, or designed to rehabilitate the offender through job training and development of a work ethic, with an eye toward helping him find alternatives to reoffending. The creation of a sanction unit conversion table simply creates a uniform method for fashioning an appropriate nonprison sentence that suits the crime and the offender. With these considerations in mind, the following sanction utility table was developed:

SANCTION UTILITY

CHARACTERISTICS RELATIVE TO

<u>SANCTION</u>	<u>INCAPACITATION</u>	<u>REHABILITATION</u>	<u>COSTS</u>
Prison	Maximum level of security; removed from community.	Some specialized programs may be available. Security reduces effectiveness of rehab. programs.	Max. Little pos. of return on exp.
Jail	Maximum level of security in community	Limited in most jails.	High Some pos. of return through community work.
Periodic Incarceration	Can be effective if time specific crime	Permits treatment in community. Can hold job.	Moderate Can charge for costs.
Half-way House	Can be effective with proper monitoring	Permits treatment in community Can hold job.	Moderate can charge for costs.
Work-Release	Can be effective with proper monitoring	Limited, unless can be provided in community. Can hold job.	Moderate Can charge for costs.
House Arrest	Can be effective if time specific crime or with proper monitoring	Permits treatment in community. Can hold job.	Low Can charge for costs.
Probation	Not very effective	Properly structured can provide max. rehab. Can hold job.	Low Can charge for costs.

Community Service	Not effective	Can contribute to sense of social resp. Can have other rehab. effect for certain crimes.	Low Can charge for costs.
Fine	Not effective	None	Ranges
Loss of Privilege	Can be effective if related to crime.	None	Ranges

Beyond the issue of simple exchanges, the development of the sanction unit conversion table may necessitate consideration of more than a simple sanction-to-sanction comparison, because some sanctions also have very real limits in terms of what time will permit (community service) and/or what the law will permit (fines; limits on length of total term of probation or jail term imposed as a condition of probation). Furthermore, some sanctions may have more of a cumulative effect than others. For example, jail time is fairly flat in terms of effect (jail is jail), and it could even be argued that its effect diminishes over time (as one learns how to live in jail or prison, the pain of confinement becomes less for many offenders). Community service, in contrast to jail, may have a greater cumulative effect, because it requires the offender to sacrifice time on a periodic basis and uses up free time during which the offender would have chosen to engage in different activities. As a result, sanctions such as community service can be scaled to count more heavily as time goes by.

Finally, the subcommittee had to deal with the question of exactly what it is that sanction units seek to measure. The subcommittee determined that the most appropriate approach to using nonprison sanctions as real punishment is to define punishment in terms of deprivation of liberty, which is also the primary punitive purpose of prison sentences. The various types of nonprison sanctions are therefore scaled in accordance with the degree of deprivation of liberty involved as follows:

SANCTION TYPE SEVERITY SCALE

SANCTION TYPE

DEPRIVATION OF LIBERTY

Prison

Maximum deprivation of liberty. Liberty is restricted through secure confinement. Liberty is further restricted by placement outside of the community, thereby severely limiting access to

friends, family, and other community ties.

Jail

High deprivation of liberty. Liberty is restricted through secure confinement. Access to the community is possible, but controlled. It is easier for the offender to see friends and relatives than with prison due to the fact that the jail is usually located in the offender's home community.

Work-release - - -
Periodic Incarceration

High medium deprivation of liberty. Liberty is restricted through secure confinement during specified periods. At other times, offender has access to the community. The two sanction types in this group differ in that for work-release, the offender is released from secure confinement only for a specific purpose, i.e. to work, while a person released from periodic incarceration may have total freedom or may be under supervised probation which also restricts his liberty.

Half-way House - - -
Home Incarceration

Medium deprivation of liberty. Liberty is restricted through control of the living environment. The options differ in that both require that the offender be at a specific place during certain times each day, but the half-way house requires a supervised living arrangement, while home incarceration does not.

Probation

Restriction of liberty. Probation places certain minimum conditions on what a person may or may not do, subject to the supervision of a probation officer. The offender is not deprived of liberty in the same sense of the higher ranked options, but liberty is supervised subject to the order of the court. The extent of the deprivation of liberty can be controlled by the frequency of reporting required.

Community Service

Restriction of liberty for specific periods of time. Community service takes personal time away from the offender. It

is therefore a periodic restriction of liberty.

Fine

Curtailment of liberty. A fine is a curtailment of liberty because it reduces the offender's income that is available to be spent as he chooses.

Loss of Privilege

Curtailment of liberty. Taking an offender's driver's license or professional license is a significant curtailment of liberty.

The other major issue which must be addressed is the choice of mechanism for structuring the sanctions within the sentencing guidelines. Some states, such as Minnesota, Oregon, and Kansas, have opted for fairly tight structures which are reflected in the relatively narrow prison duration ranges which are presumed under their sentencing guidelines. The advantages of relatively narrow ranges are that the guidelines are more effective in reducing sentence disparity and enhancing the ability to predict future prison populations so that correctional resources can be allocated appropriately. The same advantages will be associated with a fairly narrow approach to establishing the proper range of nonprison sanction units within each grid box on the sentencing guidelines grid. Without the benefit of a period of implementation to help guide their decision, the subcommittee worked with an approach that simply involved multiplying the number of months of the presumptive prison sentence in each grid box in the presumptive nonprison area by 10.

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SENTENCING RANGE - NONDRUG OFFENSES

Category	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor No Record
I									
II									
III									
IV									
V									
VI								80 70 60 50 40 30 20	190 180 170
VII			290 270 250	260 240 220	230 210 190	190 180 170	170 160 150	210 200 190	190 180 170
VIII			190 180 170	170 160 150	150 140 130	130 120 110	110 100 90	140 130 120	130 120 110
IX			130 120 110	130 120 110	110 100 90	100 90 80	90 80 70	110 100 90	90 80 70
X			110 100 90	100 90 80	90 80 70	80 70 60	70 60 50	80 70 60	70 60 50

SENTENCING RANGE - DRUG OFFENSES

[illegible]

The subcommittee then developed the following Intermediate Sanction Exchange Rate Table for implementing the structured community punishments system:

INTERMEDIATE SANCTION EXCHANGE RATE TABLE

<u>SANCTION*</u>	<u>DURATION</u>	<u>SANCTION UNIT VALUE</u>
County Jail	1 Day	1
County Jail With Work Release	2 Days	1
State Conservation Camp (Boot Camp)	2 Days	1
Residential In-patient Treatment	2 Days	1
House Arrest With Electronic Monitoring	2 Days	1
House Arrest W/O Electronic Monitoring	3 Days	1
Residential Center / Work Release	3 Days	1
Day Reporting	10 Days	1
Intensive Supervision Program	15 Days	1
Probation	30 Days	1
Out-Patient Treatment	4 Sessions	1
Community Service Work	16 Hours	1
Victim/Offender Reconciliation	Completion	1
Loss of Driving Privileges** (Including Interlock)	10 Days	1
Day Fines	1 Day	1
AA / NA Meetings	8 Hours	1

* = Most Restrictive to Least Restrictive

**= No credit when mandated by statute

Basic Probation includes but is not limited to the following:
Regular Reporting
Payment of Costs, Fees, Fines, Victim Restitution and other amounts
assessed by the court
Drug Testing
Any Education Requirement

An additional question relating to the issue of how sanctions should be structured is what to do with offenders who violate the conditions of the nonprison sanctions. If the sentencing guidelines have established exchange rates among the various nonprison sanctions, should violation result in revocation and imprisonment or imposition of additional or alternative nonprison sanctions? If the imposition of different or additional nonprison sanctions is the preference of the sentencing court, how should those new nonprison sanctions be structured? If a straight exchange system is employed, there may not be a sufficiently lengthy period of incarceration facing the offender to punish him adequately for the violation or to give the court sufficient leverage to enforce the conditions of the nonprison sanctions. If the violation constitutes new criminal behavior, this problem is rather readily solved by imposition of a new, consecutive prison sentence upon conviction for the new crime. However, the sentencing court may confront more difficult decisions when faced with violations short of new criminal activity. For example, using the hypothetical exchange rates from the previous illustration of an exchange system, an offender sentenced to 80 hours of community service (worth 2 sanctions units) could only receive two weeks in jail (also worth 2 sanction units) for failure to perform the community service work assigned by the court unless the court sends him to prison. It would seem appropriate for the court to be authorized to impose additional nonprison punishment above and beyond the presumptive guidelines limit on the total units of nonprison punishment. One way to structure the additional punishment would therefore be to permit the court to go above limit up to a fixed percentage. For example, the sanction unit guidelines could allow the court to impose additional sanctions of up to 15% over the original maximum number of sanction units without a departure whenever there is a violation. This approach would leave the precise amount of the additional punishment within the control of the sentencing court, while establishing limits on the additional punishments which are related to the original sanction. On the other hand, one could use the traditional system in Kansas and require a prison sentence be served upon violation. The subcommittee concluded that once a community punishment sentence is imposed the court should have ultimate discretion concerning revocations or violation of the court's orders to impose the original prison sentence or to require additional community sanctions.

In conclusion, the work of the subcommittee was based on the belief that the process of the development of sentencing guidelines would be complete only when the guidelines also provide for the imposition of an appropriate combination of nonprison sanctions in an equitable manner that amount to real punishment and offer a meaningful alternative to prison.

RECOMMENDATIONS OF
THE TASK FORCE ON THE
TRANSITION OF OFFENDERS INTO THE COMMUNITY

Sister Therese Bangert, Chairperson

A Task Force of the Kansas Sentencing Commission



July, 1993

**TASK FORCE ON THE
TRANSITION OF OFFENDERS INTO THE COMMUNITY**

Sentencing Commission Representatives

Sr. Therese Bangert, Chairperson
Topeka, Kansas

Ernestine Freeman
Wichita, Kansas

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Kansas Parole Board
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Elizabeth Gillespie
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Topeka, Kansas

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Mike Youngken
Johnson County Community Corrections
Olathe, Kansas

Ex-offender Representative

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Topeka, Kansas

Staff

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TASK FORCE ON THE
TRANSITION OF OFFENDERS INTO THE COMMUNITY

Dear Commission Members,

The Task Force on the Transition of Offenders into the Community is happy to present these recommendations to you for your critique, suggestions, and approval.

Ernestine and I were joined by Joan Bengtson and James Francisco of the Parole Board, Richard Dunkin, LMSW and founder of "Free For Life" of Topeka, Elizabeth Gillespie from the Department of Corrections, and Mike Youngken from Johnson County Community Corrections.

The recommendations are based on the belief that every person has the potential to change. With that belief also comes the realization that the Department of Corrections deal with many persons who have a significant amount of "brokenness" in their lives. That brokenness should not be an excuse for complacency about the number of offenders who fail in transitioning, but a challenge to find new ways of empowering people to make different choices.

The recommendations are also based on the awareness that a significant amount of new monies will not be placed into the Department of Corrections' budget for new programs. Thus, we've asked in some instances for an evaluation of how current resources might be used more effectively.

I am very aware that this report is being presented to the full Commission during the week in which we mark Dr. Karl Menninger's 100th birthday. His voice from the plains of Kansas reached around the world with his many concerns for people who lived with severe brokenness. Persons incarcerated were included in the compassion of his heart and the challenge of his words in such writings as The Crime of Punishment. In reflection of the public's changing attitudes about the needs of the mentally ill, he concludes this book commenting then on the possibility of attitude change about prisoners:

"It will be harder to bring about, for reasons we have given: the public has a fascination for violence and clings tenaciously to its yen for vengeance, blind and deaf to expense, futility, and dangerousness of the resulting penal system. But we are bound to hope that this will yield in time to the persistent, penetrating light of intelligence and accumulating scientific knowledge. The public will grow increasingly ashamed of it cry for retaliation, its persistent demand to punish. This is its crime, our crime against criminals - and incidentally our crime against ourselves. For before we can diminish our sufferings from the ill-controlled aggressive assaults of fellow citizens, we must renounce the philosophy of punishment, the obsolete, vengeful penal attitude. In its place we would seek a comprehensive, constructive social attitude - therapeutic in some instances, restraining in some instances, but preventative in its total social impact."

We have listened to the concerns of people in many different roles: parole officers, parolees, parole violators, families of offenders, social workers, ...to mention some.

Now we ask for your voice, too, regarding this report that we bring to you after much thought and hard work.

Respectfully submitted,

Sister Therese Bangert
Sister Therese Bangert
Chairperson

"...a significant number of the major transitional problems encountered by Kansas offenders are a *direct* result of traditional prison experience which inmates carry into the community as 'useless baggage'. I believe these issues must be addressed during, not after, incarceration. This would require a substantial shift in philosophy, policy, and procedures starting at the day of entry into the prison system and continuing to five years post-release. ...improvement in the provision of useful service *throughout* incarceration is needed to provide a functional foundation of consistency and continuity in community-based support and guidance."

--Ned Rollo, from his report to the Task Force
October, 1992

Contributors and Participants

Joe MacNevin, Community Transition, Mission, KS
Warren Robinson, M2-W2 - Volunteers in Prison
Larry Dyer, Community Transition, Mission, KS
Ned Rollo, OPEN Inc., Dallas, TX
Gary Stotts, Secretary of Corrections
Roger Werholtz, Department of Corrections
Larry Peter, Department of Corrections
Dave Riggins, Department of Corrections
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Warren Berry, Department of Corrections
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Ray Haskett, Topeka, KS
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Donna Love, Washburn University
Diane Garner, Washburn University
Mary Ann Gabel, Behavioral Sciences Regulatory Board
Cheryl Kinderknecht, Behavioral Sciences Regulatory Board
Ann Weick, University of Kansas
Lee Ann Davis, University of Kansas
Administrators, staff, and participants in the survey from the four parole regions:
 Eastern Region - Kansas City, Olathe
 Western Region - Hutchinson, Garden City, Great Bend, Salina, McPherson
 Central Region - Topeka, Junction City, Lawrence, Emporia, Pittsburg, Independence
 Southern Region - Wichita Central, Wichita South
Administrators, staff, and participants in the survey from the following correctional facilities:
 Hutchinson Correctional Facility
 El Dorado Honor Camp
 Toronto Honor Camp
 Wichita Work Release
 Lansing Correctional Facility
 Topeka Correctional Facility-Central
 Topeka Correctional Facility-Reception & Diagnostic Unit

SUMMARY OF RECOMMENDATIONS

The Task Force has dedicated the past year to studying issues surrounding the transition of offenders into the community. The Task Force had the benefit of receiving valuable information from a variety of sources. Citizens truly concerned about offenders successfully rejoining their communities have assisted the Task Force in developing recommendations. There is not a simple solution to successfully integrating ex-offenders into the community. This report contains discussion and recommendations that may be a beginning in forging a comprehensive plan for successful transition of offenders into the community.

The Task Force members recommend that:

- 1. all persons involved with offenders recognize ethnic and cultural diversity among inmates and parolees, and provide equal access to support, treatment, and other programs for ethnic and cultural groups. Organizations must have policies and goals that reflect acknowledgement of diversity and a provision for compliance.**
- 2. the Department of Corrections emphasizes prison programs which promote education, job training and job placement.**
- 3. the Department of Corrections restructure program participation within the prisons. It is critical that habilitative programs, such as education, mental health, substance abuse and vocational training, be initiated at the beginning of the prison term rather than during the last 90 days of imprisonment. Some programs can be provided for persons under maximum or medium custody classification. As offenders move into minimum status, other programs, including work projects, can be initiated.**
- 4. the Department of Corrections continue to make the Pre-release Program available to inmates according to the length of incarceration and the degree of need.**
- 5. the Department of Corrections emphasize required treatment for those people in prison who exhibit recurring violent behavior. The appropriate treatment must be specified in the inmate's program agreement or any subsequent amended program agreement. An inmate's refusal to comply with treatment requirement will result in privileges being withheld.**
- 6. the Department of Corrections make specialized programs available to all inmates. Such programs include: Parenting, Stop Violence, Cognitive Skills, etc.**
- 7. the Department of Corrections ensures that vocational training will allow inmates to be competitive in the current job market. Instructors must continually update their skills and curriculum to meet current job market trends.**
- 8. the Department of Corrections provides opportunities for inmates to attain a college education through the use of Pell grants, scholarships, etc. The Department of Corrections will utilize all possible funding sources, such as federal grants.**

9. the Governor, State legislators, Secretary of Corrections, and other appropriate state officials lobby our Federal legislators for continuation of federal funding for higher education for inmates.
10. the Department of Corrections promote the active participation of inmates in various self-help and support groups and make every effort to provide a suitable environment for these groups to assemble. Notable support groups include Alcoholics Anonymous, Narcotics Anonymous, and Stop Violence.
11. the Department of Corrections' management and mental health staff evaluate access to support services, including chaplaincy and visitation policies for inmates during the initial intake phase of their imprisonment, including the impact of these policies on the mental health and testing of the offender.
12. the Department of Corrections pursue a victim-offender reconciliation program. This type of program would require sensitivity, expertise and care. The Department of Corrections could utilize the chaplains and other appropriate staff and volunteers to provide support and guidance in bringing victims and offenders together in a restorative manner.
13. the Ombudsman of Corrections and/or the Department of Corrections provides information and assistance to inmates upon intake to aid and direct them in attaining deferment of child support obligations.
14. the Department of Corrections locate a work release facility in the Kansas City Metropolitan area. In addition, the members recommend the Department of Corrections examine the number and location of work release facilities that are needed, and if the need exists, develop more work release facilities.
15. the Department of Corrections review the criteria for entering the work release program so that more inmates receive the structured environment this program provides prior to release into the community.
16. highest funding priorities be given to substance abuse and the mental health issues of mental illness and mental retardation.
17. all criminal justice agencies provide workers in the criminal justice system (judges, prosecutors, parole officers, etc.) with a basic knowledge of substance abuse and the treatment and recovery of addiction. Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) frequently have open meetings in which others could become acquainted with the issues surrounding substance abuse.
18. the Department of Corrections pursue a more cost effective course in dealing with relapse issues while recognizing that treatment may often offer an effective means of addressing an incidence of relapse. In many instances, out-patient services can

be obtained in the community where the client lives and are less expensive and more successful than in-patient treatment or imprisonment. Employment and family ties are not severed. Families can be called upon to participate in the treatment program. Relapse is a probable circumstance during the recovery period. Returning a client to prison for a relapse may cause more harm than good.

19. the Department of Corrections evaluate the current substance abuse programs under contract on a continuing basis. The Task Force recommends that the evaluation committee be composed of both departmental (DOC) personnel and appropriate nondepartmental (DOC) personnel. The Task Force recommends that audits be conducted to review performance and ensure adherence to standards developed by the Department of Corrections.
20. the Department of Corrections ensure that persons under treatment will continue to receive enough of the proper medication to sustain them for 30 days after release from prison. The paperwork relating to medication and treatment should be received by the parole officer prior to the initial meeting with the parolee. Resources in the community, such as mental health centers, that would benefit this type of parolee should be identified by the institutional Parole Officer at least 90 days prior to release. In some instances, necessary appointments must be scheduled in advance of the parolee's release.
21. the Department of Corrections evaluate the availability of group homes, halfway houses or other appropriate placements that address the special needs of mentally ill and mentally retarded parolees.
22. because of the duality of responsibility, the Department of Corrections and the Department of Social and Rehabilitative Services should work together to address the needs of the mentally ill and mentally retarded parolees.
23. the Chronically Mentally Ill (CMI) program continue to be made available to the institutions that deal with chronically mentally ill population. The Department of Corrections has been very creative in managing this special group of people.
24. halfway houses be fully staffed and supervised, provide some programs, broker-out special services, and meet and adhere to American Correctional Association (ACA) standards and to standards to be developed by the Department of Corrections.
25. the Department of Corrections make a determination of the number and location of halfway houses needed. The recommended average length of stay should be 90 to 120 days. Zoning and NIMBY (Not In My Back Yard) are obstacles in securing locations for these houses. The halfway houses need to be structured in a manner that provides incentives to succeed in the community. The halfway houses should offer secure and affordable housing to the residents.

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26. bidding for Department of Corrections halfway house contracts be expanded to include vendors on a local level. Contracts must be monitored regularly.
27. the Department of Corrections establish a pilot self-supporting group home for parolees. Various funding sources should be pursued for seed money to establish the home. Criteria for participation must be developed. The residents would be subject to home visits by parole officers.
28. the Department of Corrections' parole officers be more accessible. Office hours need to be flexible and nontraditional in order to accommodate parolee schedules. Appointments with parole officers sometimes conflict with an offenders employment. Availability may be a key in developing good rapport, as well as continued successful supervision.
29. the Department of Corrections' staff make available a community resource directory. This directory would provide the parolee with a variety of relevant information about resources in the community.
30. the Department of Corrections work with Community Corrections in placing more parolees in Community Corrections programs.
31. the Department of Corrections consider providing training to social workers. The training would familiarize them with corrections issues and offender characteristics.
32. the House and Senate Judiciary Committees direct a task force to further study and coordinate the efforts of representatives of the field of corrections and representatives of the field of mental health to work towards deinstitutionalizing people and assist in reintegrating them into the community.
33. Department of Corrections' funding for the Community Transition programs, such as the services contracted with the University of Kansas and Emporia State University, be continued.
34. funding for the facility transition programs, such as contracted with Outside Connections, be continued.
35. the Department of Corrections develop a means of reporting success such as prison newsletters, press releases, and using successful ex-offenders as speakers in both the prison setting and the community. Persons who have been successfully discharged from parole and are involved with Stop Violence, AA, NA, SOTP, or the Speakers Bureau would be excellent choices.
36. the Department of Corrections strive to hire more ex-offenders with credentials for employment in every area of the department's programs.

- 37. the Department of Social and Rehabilitative Services evaluate the patient payment policies of community mental health centers. Indigent parolees must have the same considerations as other patients for participating and paying for drug rehabilitation programs or mental health services available in the community.**
- 38. the Department of Correction recruit community involvement. Examples of this would include the Speaker's Bureau, volunteer organizations, mentor programs, independent support groups, substance abuse support groups, religious support groups. The Volunteer Coordinator may be an appropriate person to pursue cooperative agreements with the Department of Corrections.**
- 39. the Department of Corrections provide for an annual prisoner art show, similar to the show organized by the Leavenworth Federal Penitentiary, in which the proceeds would be used for payment of restitution and/or donated to the Crime Victim's Compensation Board.**
- 40. The Task Force members support the Department of Corrections' staff in their efforts to prosecute those inmates who commit crimes while imprisoned.**

DEVELOPMENT OF A NEW PROGRAM?

The Task Force gave a lot of thought to this question. The members chose to consider the programs currently offered to inmates and parolees and determine action based upon the findings. One hundred and sixty-two persons participated in a survey created by the Task Force. Participants were either in custody as parole violators or in the community under parole supervision.

A portion of the survey concerned the participants' opinions regarding programs offered by the Department of Corrections. Many identified Alcoholics Anonymous (AA), Narcotics Anonymous (NA), Sex Offenders Treatment Program (SOTP), Alcohol and Drug Addiction Primary Treatment (ADAPT), work release, education and church as programs that were helpful and supportive during their imprisonment.

"A person can get information and help out of those classes or they can con their way through the group and get a good report."

"With each group I have completed, I grew a little more. The more I grow, the more I see that I need. I take this one day at a time and I no longer stuff feelings. I am not in any hurry to get from one place to another because this is on going. I will always have my addictions and it is important for me to become familiar with every aspect of my addiction."

Yet, a few participants offered a different view of prison program participation.

"While I was incarcerated I wasn't having the problems that I had when I was out."

"They are bad programs that eat up tax dollars to pay some politician's friend who works there. If you want to quit dope, you will. If you don't want to, you won't. I will shoot dope from the womb to the tomb, and that is that."

"We just do them to be doing them."

Programs deemed helpful during the period of parole supervision were identified as AA, NA, mental health programs, support groups and halfway houses. Diverse opinions were also gained from this group.

"I did not get this way over night."

"You can lead a horse to water, but you can't make him drink."

"I feel the SOTP has done me a great deal of good. I realize that I have between six and eight months to go. It will be a long road, but I feel it will be worth it. The program would be more helpful now if I had been allowed to participate in SOTP while incarcerated."

The Task Force realizes the costs that are associated with creating new programs. The duty assigned by the Legislature is not an easy undertaking in light of the fiscal limits surrounding state government. Ned Rollo, a guest speaker of the Task Force, summed up his opinion of this task in the following manner:

"One of the duties of the Sentencing Commission is to develop a program plan which includes involvement of business, industry, social and fraternal organizations to help offenders return to society. I believe this goal is nonachievable given the realities of public opinion and political priorities. In my opinion, such an effort would only serve to divert critical, limited attention and resources away from much needed client-based programming."

"My experience suggests that this effort to create, or pull together, a network of community-based services and resources for ex-offenders is probably more of a well-intended dream than a realistic possibility. This does not discount the importance of formal community-based efforts, such as probation, community alternatives, etc. Service delivery by community agencies is essential, but must be coordinated by a central entity which has experience serving correctional clients and is accountable for meeting a common positive objective for correctional programming. It is improbable that the community at large will participate in reaching out to the ex-offender in anything but a token, ineffectual, illusionary manner."

"I believe the State of Kansas would be better advised to prepare convicts to be functional, well adjusted 'human beings' during the full duration of their incarceration. It is not reasonable to kick someone out of prison unprepared for social integration, and then to rely on a network of ill-coordinated, fragmented, inadequately funded, poorly staffed services with no common mission to function as the 'glue' to hold the program together."

"This type of effort may sound good on paper or in a superficial political presentation, but it lacks both feasibility and a factual understanding of the critical program vacuum which permeates the pathology of an institutional lifestyle and value system. It also demonstrates a lack of insight into the variety of survival needs and adaptive hurdles encountered by a person fresh out of a cage."

The Task Force is not recommending a major program be created to specifically handle the transition issue. The members have received quite a bit of information from parole officers, parolees and their

families, parole violators, consultants and social workers studying the transition issue. Many feel there are already a variety of programs available that would benefit an offender's reintegration (or integration) into society. However, special barriers exist that make transition difficult. One of these barriers is experienced by both the offender and the state, --funding. In the words of one of the parolees:

"You can't fight the system. Change is made, as money is available."

In the following sections, the Task Force members present their view of the strengths of Kansas' correctional system and make recommendations for change to address inadequacies. An individual's potential for change is evident; however, metamorphosis is a delicate quest.

"I think you need to start to look at the people in prison as human beings. They do need help. Don't throw them away."

STRENGTHS OF THE KANSAS CORRECTIONAL SYSTEM

The Task Force commends the innovative and progressive work of the Department of Corrections. Sentencing guidelines has provided inspiration to rethink prison philosophy, policy and objectives.

Chronically Mentally Ill (CMI) Program. The Topeka Correctional Facility-Central has established a program for the Chronically Mentally Ill (CMI). This program provides a multitude of short, attention-getting sessions for offenders suffering CMI. Recognizing and providing special care for the chronically mentally ill offender is a first step in managing a very difficult type of person. The program is successful at keeping the CMI busy throughout the day, and simultaneously shifts responsibility among various employees so that nobody becomes particularly tired of the situation. The stress that CMI's create can cause problems with both employees and inmates.

Client Management Classification (CMC). The CMC system is designed to help parole officers determine the best way to classify and manage offenders in the community. The classification tool prescribes a management strategy based upon the offender's attitudes, criminal record, criminal motivation, and resource needs. Coupled with the CMC is an improved risk assessment and workload measurement. The new risk assessment tool is capable of predicting which offenders are at greatest risk of returning to prison. The CMC system was originally developed in Wisconsin. It provides corrections administrators with standardized and efficient methods for client management and supervision planning. The CMC system requires parole officers to systematically gather detailed information about the parolee. The information is processed through scoring procedures, and then a goal-oriented, written plan of action is developed. This system personalizes the manner in which parolees are managed in the community. The Department of Corrections is using this system as a pilot project with the Central Parole Region, Shawnee County Community Corrections and Shawnee County Court Services.

Cognitive Skills Program. This program, which is under consideration by the Department of Corrections, deals with development of cognitive skills. This program would help offenders to evaluate their needs and set goals. They would also learn problem solving skills. This type of program is sorely needed.

"It did not seem like I could do things right, and when I did, I felt that something would go wrong. I usually created something to make things go wrong."

"At times it gets hard out there to live and it seems so much easier to go back to prison. I guess that's crazy thinking..."

Mr. Larry Dyer, a doctoral student of the University of Kansas School of Social Welfare, has contributed to the work of the Task Force. In one of his reports on transition problems, he includes the following:

"Prisonization, or learned dependence on the institution for decision making, leaves many parolees trapped in a cycle of recidivism."

Providing a program which develops cognitive skills may provide the offender increased self-esteem and the ability and incentive to succeed.

Community Transition Program. The School of Social Welfare Departments of the University of Kansas and Emporia State University currently contract with the Department of Corrections to provide additional support to parolees during the period of transition from prison to the community. The University of Kansas Community Transition Program is staffed by graduate students. There are offices located in Mission and Topeka. Parolees are referred to the agency by parole officers. The students (counselors) provide assistance in various problem areas. Parolees have various issues to deal with that can make decision making difficult. The transition from the prison environment to a community environment is a crucial change in behavior and attitude. The program offers various services including: job assistance, family therapy, individual counseling, anger management, women's group, ex-offender support group, housing and food assistance, post-traumatic stress disorder counseling, etc. The program recruits ex-offenders to participate in the Speaker's Bureau. The parole office located in Wichita has a similar program contracted with Emporia State University.

Field Services. Parole and Community Corrections are noted as major strengths in the criminal justice system. A majority of the offenders who participated in the Task Force survey felt that their parole officer was helpful and had a good relationship with them. This type of opinion came from both parole violators and successful parolees. Many of the parole violators blamed themselves for returning to prison rather than the parole officer.

"The parole officer did work with me. I did not work with them nor was truthful with them."

"He is very understanding and seems to not treat me like a number. I like him okay. He is straight to the point."

"He makes me feel like I am somebody."

Offender Management Planning. The Offender Management Planning (OMP) develops a strategy for managing offenders from the point of entry into the correctional system until the time of discharge from community supervision. The Department of Corrections has solicited input from both senior and

middle management and line staff to develop an OMP for Kansas. The Offender Management Planning report should be finalized the latter part of 1993.

Visitor Centers. The visitor centers are unique to Kansas. Currently, five centers are operated by **Outside Connections** and one center is operated by **Jerry Hicks** of El Dorado, Kansas. This service is contracted by the Department of Corrections. The visitor centers help link offenders with their families. Houses are available for out-of-town family members to stay in while visiting the offender. This program provides families with resource information. Until recently, Outside Connections contracted with the Department of Corrections to provide transition services to assist inmates in developing parole plans and securing employment and housing. This service has been curtailed due to the staff's inability to predict parole decisions. A great deal of work is necessary in developing parole plans and the time spent is wasted when the parole decision is negative.

Prison Ministries. **Prison ministries** is another notable feature of Kansas prisons. Many inmates and parolees have noted that involvement in religion has helped them through tough times. Some parolees reflect that this was the key to their success.

"I only made it through prison because I found God. It took me one and a half years to finally go to church in there because I thought people would try something. An Indian guy never let up on me and I will never forget the day I went to Convicts for Christ. It was beautiful. Keep religion going strong because I am just one who found it there."

Programs. Programs in the prison facilities have been commended by many current inmates, as well as parolees. Rehabilitative programs are important, regardless of whether prison is viewed as punitive or restorative. The Task Force emphasizes the necessity of continuing to offer a variety of rehabilitative, educational, and vocational programs.

"Make sure programs are set up in prison months before the out date to help individuals prepare for leaving, including housing, how to apply for jobs and what is available, education, how to get loans, scholarships, grants, etc."

"Make programs available that promote work ethic. Prison promotes a 'lay around and wait for things to happen' attitude."

"I would put more emphasis on programs that helped keep families in touch and together instead of getting torn apart and isolated from them. Being cared about in prison from loved ones is vital to one's mental health."

Stop Violence. Stop Violence is an inmate governed program which is unique to Kansas. This program, which works with offenders while imprisoned, was developed by a group of inmates of the Kansas Department of Corrections. Participants work on developing personal control, speaking and problem solving. The program provides an outlet for offenders to share experiences and seek support from others. The Department of Corrections provides a sponsor to work with this group. Participants of Stop Violence share their experiences and promote the program through monthly newsletters and speaking engagements in the community.

"Stop Violence helps me deal with my abuse issue and anger problems."

"There were moments when I found myself emotionally jolted by ill conceived accusations and targeted innuendos. There were also times when I found myself almost tickled by compliments and lifted by expressions of admiration. There were moments when things got quite stressful, as well as time when a show of strong support and respect lifted everyone."

"To those who truly wish to develop organizational skills along with opportunities to heal emotional wounds, to develop leadership-rich capabilities and to become creatively assertive, Stop Violence is the place to focus your energy."

Volunteer Coordinator. The Department of Corrections has recently offered and filled the position of Volunteer Coordinator. This position offers hope in coordinating the work of volunteer services, both inside and outside the "walls" of Kansas prisons. The Task Force members recommend that the Coordinator seeks assistance from various employment services to build a network of sources which would aide parolees in searching for jobs.

"Try as much as possible to have some sort of support network set up, preferably before release. The network doesn't have to be extensive, one other person is a start. A shoulder to cry on and somebody to do things with is a great start to putting prison behind us."

Women's Programs. The Topeka Correctional Facility-Central has done a wonderful job in promoting and expanding programs for women inmates. With the assistance of the United Methodist's Women, the Department of Corrections developed the Women's Activities and Learning Center (WALC) in 1990. The basement of the facility was remodelled into a more "homey" and pleasant environment so the women inmates could share time with their children in less austere surroundings. There are several rooms available for private visits, classes, and activities.

Work Release. Currently, the Department of Corrections system-wide capacity for work release participants is 236, with 183 positions at the **Wichita Work Release Facility**, 19 positions at the

Hutchinson Work Release Facility, and 30 positions in a unit of **Topeka Correctional Facility**. The **Wichita Work Release Facility** can manage an additional 15 inmates as non-participant permanent party personnel. There are four contract work release positions for women at the **Topeka Halfway House**.

During FY 1992, 436 offenders were paroled directly from work release participation, excluding Topeka Halfway House. So far in the first 10 months of FY 1993 (July, 1992 through April, 1993), 372 offenders have been paroled from work release.

There has been a significant increase in the number of inmates paroled from the work release facilities in the past two years. This increase is due to a change in the length of stay. The time served in work release fluctuates some. However, it was determined that 90 days is as effective, if not more effective, than a longer period of time. After 90 days, it appears that most inmates are well enough prepared to begin community supervision by living independently or by residing in a halfway house. Recent recidivism data compiled by the Department of Corrections indicates that the rate of return to prison during a one-year postrelease period has averaged four percentage points less for offenders released from work release than for offenders released from other Department of Corrections facilities and units (28% versus 32%). Similar differences were noted for the second and third years of postrelease follow-up. During their stay at the work release facility, offenders are working and contributing to family support, restitution and debt, as well as saving money to be used after release. In many instances, restitution is paid prior to release, thus alleviating one obligation of parole. It is unfortunate that other regions of Kansas, particularly the metropolitan Kansas City area, do not have similar facilities.

The Task Force members recognize the significance and importance of the aforementioned projects. The enormous effort put forth in these areas is noteworthy and should be continued.

RECOMMENDATIONS

Offender Management and Programs

The Task Force members recommend that:

- ▶ **all persons involved with offenders recognize ethnic and cultural diversity among inmates and parolees, and provide equal access to support, treatment, and other programs for ethnic and cultural groups. Organizations must have policies and goals that reflect acknowledgement of diversity and a provision for compliance.**
- ▶ **the Department of Corrections emphasizes prison programs which promote education, job training and job placement.**
- ▶ **the Department of Corrections restructure program participation within the prisons. It is critical that habilitative programs, such as education, mental health, substance abuse and vocational training, be initiated at the beginning of the prison term rather than during the last 90 days of imprisonment. Some programs can be provided for persons under maximum or medium custody classification. As offenders move into minimum status, other programs, including work projects, can be initiated.**

Rationale. A variety of programs exist in the Department of Corrections. These programs attempt to provide the information, incentive, structure, and training to bring about change in an individual's life. Mr. Rollo emphasizes that reintegration should start at the "time the gavel pounds the bench." At that moment, it has been determined that the person is a social problem and needs to be reformed. The reformation and reintegration process should start immediately and continue for the duration of the sentence, including the term of postrelease supervision. The practice of introducing programs just prior to release is ineffective and does not properly prepare the offenders for reintegration.

Many offenders have a lifetime accumulation of unacceptable behavior. In such cases, it is not merely a reintegration process, but an *integration* process. Due to the long standing impact of segregation and discrimination, a program promoting education, training, and job placement needs to be emphasized between imprisonment and freedom. Living in the prison environment forms a behavior that conflicts with family and community living. Over longer periods of time, social skills and other skills erode significantly. Lack of skills, or disintegrated skills, make adjustment difficult.

The Task Force members recommend that:

- ▶ **the Department of Corrections continue to make the Pre-release Program available to inmates according to the length of incarceration and the degree of need.**

Rationale. The Pre-release Program is particularly helpful to those inmates who have not had any recent experience in completing employment applications, establishing a personal budget, and other skills necessary to living independently.

The Task Force members recommend that:

- ▶ **the Department of Corrections emphasize required treatment for those people in prison who exhibit recurring violent behavior. The appropriate treatment must be specified in the inmate's program agreement or any subsequent amended program agreement. An inmate's refusal to comply with treatment requirement will result in privileges being withheld.**

Rationale. The possibility of violence is inherent in the subculture of prison. The Department of Corrections has an increasing number of violent offenders which include gang members. Personal safety of both corrections employees and inmates is critical and demands that the root causes of the violent actions of these individuals be addressed.

The Task Force members support the Department of Corrections' staff in their efforts to prosecute those inmates who commit crimes while imprisoned.

Rationale. Society has a responsibility to model its values and expectations to those incarcerated. There is also a responsibility to protect staff and prisoners from physical and mental abuse.

The Task Force members recommend that:

- ▶ **the Department of Corrections make specialized programs available to all inmates. Such programs include: Parenting, Stop Violence, Cognitive Skills, etc.**

- ▶ the Department of Corrections ensures that vocational training will allow inmates to be competitive in the current job market. Instructors must continually update their skills and curriculum to meet current job market trends.
- ▶ the Department of Corrections provides opportunities for inmates to attain a college education through the use of Pell grants, scholarships, etc. The Department of Corrections will utilize all possible funding sources, such as federal grants.
- ▶ the Governor, State legislators, Secretary of Corrections, and other appropriate state officials lobby our Federal legislators for continuation of federal funding for higher education for inmates.

Rationale. The State of Kansas recognizes the importance of education as a positive contributing factor to successful reintegration. Programs that are supportive also enhance the probability of successful reintegration. The **Parenting Program** offered at **Topeka Correctional Facility-Central** helps develop several skills: responsibility, decision making, patience, and inter-personal communication. Supportive and educational programs, such as this, would be beneficial to inmates at all of the institutions.

The Task Force members strongly feel that education is an important element of successful reintegration. Educational achievement builds self-esteem, promotes perseverance and work ethic. Inmates that are able to attain a better education, may become better equipped to handle other obstacles in their life. An education may provide the parolee with the ability to move out of the "old rut" and move forward with a new handle on life, becoming independent from both the state and the prior way of life. The Bureau of Criminal Justice Statistics show that an inmate who has some college has a 10% lower recidivism rate than an inmate with an eighth grade education.

The Task Force members recommend that:

- ▶ the Department of Corrections promote the active participation of inmates in various self-help and support groups and make every effort to provide a suitable environment for these groups to assemble. Notable support groups include Alcoholics Anonymous, Narcotics Anonymous, and Stop Violence.

Rationale. Many respondents of the survey noted the importance of **prison support groups**. Identifying others with similar circumstances and similar problems may enhance rehabilitation. Discussion and problem solving in these groups may be of a very personal nature and this should be acknowledged. We recognize that space is an issue, however, having the meeting in a place that protects privacy is

essential to the effectiveness of these groups. The significance of support groups is recognized in the community, and should be recognized and promoted within the prisons.

The Task Force members recommend that:

- ▶ **the Department of Corrections' management and mental health staff evaluate access to support services, including chaplaincy and visitation policies for inmates during the initial intake phase of their imprisonment, including the impact of these policies on the mental health and testing of the offender.**

Rationale. The Prison Ministries program is valuable to many inmates. Several sources have stated that consistent availability of chaplains is more beneficial to the inmate population than inconsistent visits of various ministers. The availability of a chaplain to walk among the inmates and staff during the intake phase of imprisonment could ease some of the stress suffered during this crucial period.

Visitation and support of family and friends is critical to the mental health and rehabilitation of offenders. Imprisonment of a family member, particularly a parent or spouse, is a major change for other members of the family. Loss of contact, changes in family roles, added financial burdens, and other issues can cause a great deal of anxiety and confusion for both the family and the inmate.

The Task Force members recommend that:

- ▶ **the Department of Corrections pursue a victim-offender reconciliation program. This type of program would require sensitivity, expertise and care. The Department of Corrections could utilize the chaplains and other appropriate staff and volunteers to provide support and guidance in bringing victims and offenders together in a restorative manner.**

Rationale. Victim-offender reconciliation can provide healing closure for the victim and the offender. In addition, an offender who has dealt directly with the victim would hopefully experience a sense of the harm and pain caused by their actions.

The Task Force members recommend that:

- ▶ **the Ombudsman of Corrections and/or the Department of Corrections provides information and assistance to inmates upon intake to aid and direct them in attaining deferment of child support obligations during the period of imprisonment.**

Rationale. The Task Force wholeheartedly endorses inmates being responsible for payment of child support when they have returned to the community, but if this obligation is not deferred, the amount accumulates during the period of imprisonment. The offender is placed at a disadvantage upon release because of this accumulated debt and it can become another overwhelming circumstance. This obligation is not removed, but merely set aside until the offender is released and able to regain employment. Those inmates who are able to pay child support must continue this obligation during the period of incarceration.

Work Release

The Task Force members recommend that:

- ▶ **the Department of Corrections locate a work release facility in the Kansas City Metropolitan area. In addition, the members recommend the Department of Corrections examine the number and location of work release facilities that are needed, and if the need exists, develop more work release facilities.**
- ▶ **the Department of Corrections review the criteria for entering the work release program so that more inmates receive the structured environment this program provides prior to release into the community.**

Rationale. The Task Force is impressed with the **Work Release** program. Many favorable comments have been expressed about the Wichita Work Release Facility. It is reasonable to request that this program be expanded. Work release offers the offender an opportunity to begin employment prior to release, save money, develop community ties, and make plans for release. The problems associated with transitioning into the community can begin to be addressed in the environment of a work release facility. Proper supervision, counseling and support are maintained until the inmate appears ready to live in a less structured environment. Frequently, the inmates of the work release facilities are able to pay off court costs and restitution amounts prior to release. This alleviates some of the burden, particularly financial burden, that will be experienced during the period of parole.

The Task Force recognizes the difficulties, especially the lack of community support, the Department of Corrections face in providing work release. Some offenders need a period of highly structured community supervision immediately prior to release. The work release facility offers this environment. However, in releasing the inmates to work in the community, the Department of Corrections takes on a great liability. In response to this, the Department of Corrections has developed strict policies regarding admission to the work release facilities, thus creating another paradox. The medium and maximum security inmates who need the most structure prior to release on parole are not allowed into the program because of their security status. Thus, these inmates are paroled directly to the community without the benefit of the structured environment provided by work release.

If work release facilities were available in more areas, participants would not have to leave jobs upon attaining parole. Work release participants could secure jobs in areas closer to their home and continue employment once parole is granted. Many work release participants obtain employment in minimum wage, service-type jobs and are unable to make a career of the job because of the necessity to return to their home community. Community support in developing more work release facilities would probably bring about higher work release participation, lower turnover and more involvement in career oriented jobs.

Substance Abuse, Mental Illness, Mental Retardation

The Task Force members recommend that:

- ▶ **highest funding priorities be given to substance abuse and the mental health issues of mental illness and mental retardation.**

Rationale. These areas dominate the lives of a majority of offenders. If these issues are examined and treated, then it is reasonable to expect a positive change to occur in the individual's life.

The Task Force members recommend that:

- ▶ **all criminal justice agencies provide workers in the criminal justice system (judges, prosecutors, parole officers, etc.) with a basic knowledge of substance abuse and the treatment and recovery of addiction. Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) frequently have open meetings in which others could become acquainted with the issues surrounding substance abuse.**

Rationale. The Task Force members feel that it is extremely important for members of the criminal justice system to become knowledgeable about substance abuse and the treatment and recovery of addiction. Daily, decisions are made about sentencing, placement, treatment, etc. It is imperative that these decisions are based upon an accurate and realistic understanding of addiction.

The Task Force members recommend that:

- ▶ the Department of Corrections pursue a more cost effective course in dealing with relapse issues while recognizing that treatment may often offer an effective means of addressing an incidence of relapse. In many instances, out-patient services can be obtained in the community where the client lives and are less expensive and more successful than in-patient treatment or imprisonment. Employment and family ties are not severed. Families can be called upon to participate in the treatment program. Relapse is a probable circumstance during the recovery period. Returning a client to prison for a relapse may cause more harm than good.
- ▶ the Department of Corrections evaluate the current substance abuse programs under contract on a continuing basis. The Task Force recommends that the evaluation committee be composed of both departmental (DOC) personnel and appropriate nondepartmental (DOC) personnel. The Task Force recommends that audits be conducted to review performance and ensure adherence to standards developed by the Department of Corrections.

Rationale. The degree of substance abuse in our State's criminal justice system is quite evident. Over 75% of the offenders in the Task Force survey reported suffering either alcohol or drug addiction. Of this group, one-third are addicted to both alcohol and drugs. This is obviously an issue that must be dealt with. Currently, the Department of Corrections provides assessment and treatment within the prisons and for parole services. Conflicting opinions surround the issue of treatment. What manner of treatment is recommended? Which agency recommends what type of treatment? Where is the treatment located? What degree of treatment is used? How much does the treatment cost? All of these questions surface and lead to the conclusion that this is an extensive issue to undertake. The Task Force has discussed this issue at great length and has had a variety of information provided surrounding this issue.

Currently, the Department of Corrections has assembled a committee to evaluate the substance abuse programs under contract. The results of this committee are not yet known to the Task Force. In discussing this issue with a representative of the evaluation committee, the members found that there is a great deal of work that goes into obtaining a service provider in the most economical manner.

The Task Force members recommend that:

- ▶ **the Department of Corrections ensure that persons under treatment will continue to receive enough of the proper medication to sustain them for 30 days after release from prison. The paperwork relating to medication and treatment should be received by the parole officer prior to the initial meeting with the parolee. Resources in the community, such as mental health centers, that would benefit this type of parolee should be identified by the institutional Parole Officer at least 90 days prior to release. In some instances, necessary appointments must be scheduled in advance of the parolee's release.**
- ▶ **the Department of Corrections evaluate the availability of group homes, halfway houses or other appropriate placements that address the special needs of mentally ill and mentally retarded parolees.**
- ▶ **because of the duality of responsibility, the Department of Corrections and the Department of Social and Rehabilitative Services should work together to address the needs of the mentally ill and mentally retarded parolees.**
- ▶ **the Chronically Mentally Ill (CMI) program, mentioned previously, be made available to all institutions. The Department of Corrections has been very creative in managing this special group of people.**

Rationale. Special care must be provided for this group. In many instances, the persons in the custody of the Department of Corrections have also been in one or more of the state hospitals administered by the Department of Social and Rehabilitative Services. The DOC sometimes ends up as the "dumping ground" for those lacking family support and adequate resources to maintain life in the community. Successful parole may be attained by an individual if proper treatment is continued. Psychiatrists, psychologists, medication, and other expenses associated with mental illness and mental retardation can place a financial burden on anybody. Indigent parolees suffering from either of these problems are placed in a distinct disadvantageous circumstance. Employment is hard to find and may be nearly impossible to maintain, insurance is almost unavailable for such pre-existing conditions, and county mental health centers may be difficult to obtain services from. The stigma of a prison record does not make the path any easier. In some cases, these problems may not have ever been diagnosed until entry into the prison system.

Some inmates may have a history of long-term mental illness and the future only holds a continuation of this condition. In some instances, the degree of mental illness and treatment necessary is beyond the

scope of a parole officer's duties or expertise. As a last resort, involuntary commitment may be considered and pursued.

Community Release

The Task Force members recommend that:

- ▶ **halfway houses be fully staffed and supervised, provide some programs, broker-out special services, and meet and adhere to American Correctional Association (ACA) standards and to standards to be developed by the Department of Corrections.**
- ▶ **the Department of Corrections make a determination of the number and location of halfway houses needed. The recommended average length of stay should be 90 to 120 days. Zoning and NIMBY (Not In My Back Yard) are obstacles in securing locations for these houses. The halfway houses need to be structured in a manner that provides incentives to succeed in the community. The halfway houses should offer secure and affordable housing to the residents.**
- ▶ **bidding for Department of Corrections halfway house contracts be expanded to include vendors on a local level. Contracts must be monitored regularly.**

Rationale. Halfway houses provide offenders with a home, counseling, and support during the time of adjustment. Commonly, halfway houses are available to those with substance abuse problems. However, there is also need for halfway houses that provide services for offenders not suffering from substance abuse problems. Some offenders enter the community without the support of family or friends. Having no attachment to the community and no place to reside puts an added burden on the already apparent strain of parole or conditional release. Some offenders require a middle ground between prison and home. The parolee may need to avoid a bad relationship with family members. The parolee may simply need an adjustment period before moving into the added stresses and responsibilities encountered in raising a family.

The Task Force members recommend that:

- ▶ **the Department of Corrections establish a pilot self-supporting group home for parolees. Various funding sources should be pursued for seed money to establish**

the home. Criteria for participation must be developed. The residents would be subject to home visits by parole officers.

The "Oxford House" project was discussed. This project establishes a house for six to eight recovering alcoholics/addicts. The residents are self-governed and self-supporting. The success of this project prompted the Task Force members to consider this type of program for parolees. The Task Force members feel that a pilot project may discern whether this program should be established in various areas of the state.

The Task Force members recommend that:

- ▶ **the Department of Corrections' parole officers be more accessible. Office hours need to be flexible and nontraditional in order to accommodate parolee schedules. Appointments with parole officers sometimes conflict with an offenders employment. Availability may be a key in developing good rapport, as well as continued successful supervision.**
- ▶ **the Department of Corrections' staff make available a community resource directory. This directory would provide the parolee with a variety of relevant information about resources in the community.**
- ▶ **the Department of Corrections work with Community Corrections in placing more parolees in Community Corrections programs.**
- ▶ **the Department of Corrections consider providing training to social workers. The training would familiarize them with corrections issues and offender characteristics.**
- ▶ **the House and Senate Judiciary Committees direct a task force to further study and coordinate the efforts of representatives of the field of corrections and representatives of the field of mental health to work towards deinstitutionalizing people and assist in reintegrating them into the community.**

Rationale. Parole officers are a crucial ingredient of successful community release. For many parolees, the parole officer is a guide in a "foreign" land. The parole officer acts as a social "mentor," as well as enforcing the established social rules. The job of "wearing two hats" can be hard for both the parole officer and the parolee. Reliance upon case managers, such as provided by the counselors of the

Community Transition programs, is valuable social guidance that does not cause a conflict in roles. Unfortunately, this program is not yet available in all areas. Parolees will continue to need several forms of guidance.

Community Corrections have many programs that would benefit parolees. Some of these programs would provide better structure and more intensive supervision. This sharing of resources needs to be expanded. The budgetary issues may need to be examined or possibly modified so that these programs can be more accessible to parolees.

The involvement of social workers in the transition process was advocated by both the members of the Task Force and representatives of Kansas universities. Case management was discussed as a vital and comprehensive method of providing the support and necessary guidance that is critical to the success of an offender's reintegration. A plan for providing pro bono services for parolees was studied and discussed. The conclusion was that it would merely be a "band-aid" response to a more extensive need.

The Task Force members recommend that:

- ▶ **Department of Corrections' funding for the Community Transition programs, such as the services contracted with the University of Kansas and Emporia State University, be continued.**
- ▶ **funding for the facility transition programs, such as contracted with Outside Connections, be continued.**

Rationale. The **Outside Connections Transition Program** provided a useful service in developing parole plans. This service was cut because of the inability to predict parole decisions. The Sentencing Guidelines Act provides predictability in release. This particular service should be reconsidered for funding. Outside Connections and the Department of Corrections may work cooperatively to develop a network of resources for parolees. The department should establish a liaison with employment services and develop an informal list of employers willing to review parolee resumes.

The Task Force members recommend that:

- ▶ **the Department of Corrections develop a means of reporting success such as prison newsletters, press releases, and using successful ex-offenders as speakers in both the prison setting and the community. Persons who have been successfully discharged from parole and are involved with Stop Violence, AA, NA, SOTP, or the Speakers Bureau would be excellent choices.**

- ▶ **the Department of Corrections strive to hire more ex-offenders with credentials for employment in every area of the department's programs.**

Rationale. Reporting success is important to both the community and ex-offenders. People need to be aware of the good things about criminal justice. Failure is easy to find, but success should be promoted. Success may be defined in many ways. Community acceptance may hinge upon the feelings surrounding the ability of a program to succeed. Reporting success may develop a greater interest and involvement in corrections. Realizing success is possible will also provide incentive for offenders to undertake change. Reporting success may bring about a different community attitude towards offenders, and it may bring about a different offender attitude towards offenders.

Community Support

The Task Force members recommend that:

- ▶ **the Department of Social and Rehabilitative Services evaluate the patient payment policies of community mental health centers. Indigent parolees must have the same considerations as other patients for participating and paying for drug rehabilitation programs or mental health services available in the community.**

Rationale. The Task Force members recognize the difficulty some parolees have in obtaining mental health services in the community. The costs associated with mental health can be very prohibitive. The state is often recognized as the client, due to an individual's parole requirement to obtain these services. This billing practice removes the parolee, the true client, from obtaining services on a sliding scale, similar to other members of the community. Some individuals are unable to receive services because of their parole status. This practice discriminates against people that need the help these services provide. Compliance with parole conditions, that require the parolee to obtain these services, may become difficult. If the parolee is unable to access the community mental health centers, then he/she must find a counselor willing to accept new patients. Counselors in private practice are often more expensive. Both of these factors, cost and discrimination, cause unnecessary added frustration during the period of reintegration. These factors can be corrected.

The Task Force members recommend that:

- ▶ **the Department of Correction recruit community involvement. Examples of this would include the Speaker's Bureau, volunteer organizations, mentor programs,**

independent support groups, substance abuse support groups, religious support groups. The Volunteer Coordinator may be an appropriate person to pursue cooperative agreements with the Department of Corrections.

Rationale. As stated previously, an offender's participation in support groups is crucial in attaining reform. An offender's affiliation with a support group should be started while in the prison and be continued when released into the community. Many specialists have stated that Post Traumatic Stress Disorder (PTSD) experienced by veterans of war is a similar mental health issue of persons who have served time in prison. Mental health programs, which offer PTSD counseling, should be offered at all the parole offices. The transition period is a difficult time. Special support during this time would enhance the chances of successful parole.

Family support is crucial to attaining successful parole. A parolee not only reintegrates into society, but also reintegrates into the family. The longer the separation, the harder the reintegration may be. Some families have great obstacles to overcome because of the nature of the offender's crime. In some cases, the family is the wrong place for an offender to turn for support. Great care needs to be practiced in reintegrating the offender into the family.

Involvement in support groups should not be limited to those dealing with a specific problem, such as substance abuse. Some parolees need support from others because of the hardship and stigma associated with the labels of "ex-offender" or "parolee." The support group provides a buffer between being an offender and "ex"-ex-offender.

The Kansas City area offers a group named **Volunteers in Prisons**. Since 1972, over 1,500 inmates and sponsors have been brought together. Volunteers complete training prior to being matched with an inmate. The inmate is one to two years away from prison release. The volunteer and the inmate agree to stay in contact during imprisonment and after release. This match is made after a trial period and by mutual agreement. The volunteer will visit the inmate on a monthly basis. This group reports that inmates who have a volunteer-friend are demonstratively less likely to return to prison than others. Volunteers in Prisons receives funding from the United Ways of Johnson and Wyandotte counties, churches, service clubs, and individuals.

The Topeka area offers a group named **Free For Life**. This group was founded in 1989 by Richard Dunkin, an ex-offender of the Kansas prison system. This group is made up of parolees with a variety of reintegration issues. Free For Life does not focus on any one issue, it is truly a support group that deals with reintegration in a comprehensive manner. Participation is usually short-term and the number of members fluctuates. One of the members has attempted to expand by initiating a Women's Free For Life group.

Many church groups offer support to inmates and ex-offenders. Support and assistance may be in the form of housing, food, and clothing. Spiritual support, family counseling, and mental health counseling is offered by several denominations.

The Task Force members recommend that:

- ▶ **the Department of Corrections provide for an annual prisoner art show, similar to the show organized by the Leavenworth Federal Penitentiary, in which the proceeds would be used for payment of restitution and/or donated to the Crime Victim's Compensation Board.**

Rationale. Making amends to the community or individuals harmed by crime can be substantially affected by the ability of offenders to pay restitution. An obvious display of concern and willingness to make reparation to those harmed is a first step in successful reintegration. An annual exhibit, sponsored by the Department of Corrections, with artwork, crafts, poetry, and other items created by inmates would be therapeutic for the offender and promote good will in the community.

CHRONOLOGY

The Kansas Sentencing Commission was charged with developing standards that reduce disparity in the sentencing of criminals, specify circumstances under which imprisonment is appropriate, and establish guidelines for presumptive sentencing of offenders. The Commission considered current sentencing and release practices, correctional resources, and facility capacities in developing the sentencing guidelines. A final report, including the recommended guidelines, was submitted by the Commission to the Legislature upon the commencement of the 1991 Legislative Session.

The 1991 Legislature directed the Commission to refine the drug sentencing proposal and prepare estimates of how the proposed guidelines could be applied retroactively. In addition to these topics, the Legislature requested that the Sentencing Commission study the feasibility of consolidating the three correctional field services agencies. A report on these topics was presented to the Legislature during the 1992 Legislative Session. Senate Bill 479, the Sentencing Guidelines Act, was passed by the 1992 Legislature, and the Governor signed the bill on May 12, 1992. The Sentencing Guidelines Act will become effective July 1, 1993.

The Commission was assigned a variety of new duties that were included in the Sentencing Guidelines Act. One duty is the development of a program plan which includes the involvement of business, industry, social or fraternal organizations to help offenders return to the mainstream. This program will target offenders who demonstrate the desire and ability to reconstruct their lives during their incarceration or upon release. Three Commission members were assigned as a Task Force to carry out this duty and report back to the Commission with a report and recommendations. The Commission determined that assistance from representatives of parole services and community corrections would be beneficial to the new Task Force. The original five members of the Task Force decided to include an ex-offender in the composition of this group.

The members of the Task Force held the first meeting on July 9, 1992, and developed the following mission statement:

The mission of the work group studying the transition of persons imprisoned to community life includes:

- 1) An assessment of current programs available in both the state correctional facility and the community. Assess the availability in all areas of the state.**
- 2) An assessment of the success or inadequacies of these programs.**
- 3) Making recommendations for change or improvement.**

The members determined which groups should be contacted for input and consultation. The members selected various topics to study.

The second meeting was held on July 24, 1992. The mission statement was approved. The members discussed the possibility of developing a survey for parolees and parole violators in order to gain input from those directly involved in rehabilitative programs in the state institutions and in the community.

A meeting was held on August 12, 1992. The members reviewed a survey that had been used by Johnson County Community Corrections. The survey was revised to address the needs of the Transition

Task Force. The members felt that it would be important to schedule guest speakers. The Department of Corrections has worked with several universities in studying the transition problems of inmates. The group decided to schedule a panel of professors that had been involved in these studies.

On August 27, 1992, the members met to have a panel discussion with representatives from three Kansas universities. The guests included: Mr. Larry Dyer from the University of Kansas, Dr. Sharon Karr from Emporia State University, Mr. Scott Wilson from Emporia State University, and Dr. Chuck Romig from Wichita State University. The guests presented valuable information gained from the study of inmates during their adjustment to the community. The problems experienced during the transition period can be very extensive. The primary problems discussed involved: obtaining and maintaining employment, becoming reacquainted and adjusted to family life, feeling overwhelmed by the responsibilities of family, job, and parole requirements. Readjusting to life and society after the culture of prison was also mentioned as a major issue. In some instances, the socialization to violence, the erosion of decision making skills, and the reenforcement of sexism and racism are three parts of the prison culture that can become debilitating to some parolees.

The guests at the September 16 meeting included parolees from various locations in Kansas and parole violators from Topeka Correctional Facility. The guests shared the problems encountered adjusting to life after prison. They noted the same concerns as the professors. The guests also shared concerns about what they believe are inequities and problems they experienced while in the custody of the Department of Corrections. The guests offered insight to the problems that this Task Force hopes to address.

The Task Force, through a grant from the National Institute of Corrections (NIC), sponsored a seminar on October 29, 1992. The guest speaker was Mr. Ned Rollo of OPEN, Inc. (Offender Preparation and Education Network). Mr. Rollo is an ex-offender who has been working with other ex-offenders since 1979. He is the author and co-author of seven self-help handbooks which are used in approximately 60 correctional programs nationally. The list of visitors to this presentation indicated that over forty members of the criminal justice system, mental health professionals, concerned citizens, students, parolees and sponsored inmates were in attendance. The Department of Corrections enabled many employees directly involved with transitional issues to attend the presentation. Mr. Rollo's presentation had a significant impact on the work of the Task Force.

On November 24, 1992, the Task Force met and started "brainstorming" to bring ideas together. Concerns about the current prison and parole system were discussed. Suggestions for the transition program and items yet to be studied were considered. The members identified short term and long term objectives. The group produced a list of issues, five of which were chosen as priorities.

The members started work on this list of issues at the December 7 meeting. Mr. Warren Berry, of the Department of Corrections, discussed program standards and requirements. The members shared concerns about the types of programs, standards and availability of programs provided by contract with the Department of Corrections.

The January meeting focused on involvement of professionals in the field of mental health, mental illness and social work. The members discussed the possibility of social workers and psychiatrists

providing pro bono services for parolees. Several representatives of this field were consulted. The Task Force chose to sponsor a meeting in which these representatives could assemble and develop a course of action regarding this issue.

Results of the parolee and parole violator survey were compiled. The members reviewed these results at the February and March meetings. Secretary Gary Stotts and Deputy Secretary Elizabeth Gillespie, both of the Department of Corrections, provided the members with an update of the activities of the department.

On April 13, 1993, the Task Force reviewed the compilation of the information that had been presented over the past several months. The members agreed upon a list of precursory recommendations to be included in the final report.

On April 30, 1993, the Task Force met with representatives of Washburn University School of Social Welfare, University of Kansas School of Social Welfare, and the Kansas Behavioral Sciences Regulatory Board. The group discussed the problems surrounding transitioning offenders into the community. Pro bono services for parolees were explored as a possible source of mental health services which would encourage successful reintegration into the community.

In May and June, 1993, the members finalized the Task Force report and recommendations regarding the transition of offenders into the community.

APPENDIX A
REPORT
NIC Training Activity
Kansas Sentencing Commission
by
Ned Rollo
November 15, 1992

Introduction:

The Kansas Sentencing Commission currently maintains a Task Force studying the transition of inmates into community life. This concern is precipitated by Senate Bill 479, known as the Sentencing Guidelines Act, which was passed by the 1992 Kansas Legislature to become effective July 1, 1993. A primary goal of the Task Force is to guide the Sentencing Commission in development of a program plan to assist effective post-release adaptation.

Since August 1992, Task Force members have solicited a variety of sources to provide insight into the transitional needs of adult felons institutionalized in the Kansas correctional system. As part of their research, I was invited to deliver a presentation to the Task Force and a mixed group of approximately fifty correctional practitioners on October 29, 1992.

I was charged with provision of information on a wide variety of subjects. These included a subjective accounting of my transitional experiences, a review of common obstacles and roadblocks encountered by newly released inmates, needs and priorities of newly released inmates, observations on traditional programming, and recommendations for future program planning.

Presentation Content:

Review of the minutes from prior Task Force meetings indicated that the group had already received substantial useful input from academic and subjective perspectives. It was my distinct impression that the information previously afforded the Task Force covered problems and concerns fundamental to the "correctional experience" and were not unique to Kansas.

My assumption based on the data was that a significant number of the major transitional problems encountered by Kansas offenders are a direct result of traditional prison experiences which inmates carry into the community as "useless baggage." I believe these issues must be addressed in philosophy, policy, and procedures starting at the day of entry into the prison system and continuing to five years post-release. My sense was that improvement in the provision of useful service throughout incarceration is needed to provide a functional foundation for consistency and continuity in community-based support and guidance.

I therefore determined to pull together and re-enforce the testimony relative to the needs of released offenders as by-products of the correctional experience (psycho-social profile). My goal was to bring into question the historical methods of conditioning inmates and call for modification in the elemental content and scheduling of services provided on an institutional level.

My presentation (outline and handouts attached) focused on:

1. The basic dysfunction of the correctional process as it impacts the transitional potential of released offenders;
2. Basic needs and priorities of offenders relative to pre-and post-release adaptation;
3. Psycho-social outcomes of incarceration;
4. The nature of and overall mix of requirements needed for "success" of former prisoners;
5. Elements critical to creation of a "value-added product"; and
6. A series of basic recommendations for Task Force review.

My major goals included:

1. Alerting the participants to the **predictability** of the existing "correctional experience" and its negative psycho-social repercussions;
2. Suggesting to the participants that "release preparation" should begin upon initial arrival into prison, followed and supported by ongoing coordinated program tracks focused on a common positive objective;
3. That these program tracks should have coordinated counterparts in the form of post-institutional activities; and
4. That the "common positive objective" should be formally defined as **"achievement of five years arrest-free community living."**

Observations & Recommendations:

Although my time on site and exposure to the realities of the overall needs of the Task Force and State of Kansas were very limited, I came away with a few strong impressions.

1. A great deal of hard work is being invested in research by way of surveys and Task Force initiatives to collect data on the needs of offenders, assess the effectiveness of existing efforts, and get a handle on what is needed and will work in Kansas.

In this regard, I was very impressed with the sincerity and level of dedication consistently displayed by both the Task Force members and the staff of the Kansas Sentencing Commission. There is clearly a high level of commitment across the board!

2. One of the duties of the Sentencing Commission is to develop a program plan which includes involvement of business, industry, social and fraternal organizations to help offenders return to society. I believe this goal is nonachievable given the realities of public opinion and political priorities. In my opinion, such an effort would only serve to divert critical, limited attention and resources away from much needed client-based programming.

My experience suggests that this effort to create or pull together a network of community-based services and resources for ex-offenders is probably more of a well-intended dream than a realistic possibility. This does not discount the importance of formal community-based efforts, such as probation, community alternatives, etc. Service delivery by community agencies is essential but must be coordinated by a central entity which has experience serving correctional clients and is accountable for meeting a common positive objective for correctional clients and is accountable for meeting common positive objective for correctional programming. It is improbable that the community at large will participate in reaching out to the ex-offender in anything but a token, ineffectual, illusionary manner.

I believe the State of Kansas would be better advised to prepare convicts to be functional, well adjusted "human beings" during the full duration of their incarceration. It is not reasonable to kick someone out of prison unprepared for social integration, and then to rely on a network of ill-coordinated, fragmented, inadequately funded, poorly staffed services with no common mission to function as the "glue" to hold the program together.

This type of effort may sound good on paper or in a superficial political presentation, but it lacks both feasibility and a factual understanding of the critical program vacuum which permeates the pathology of an institutional lifestyle and value system. It also demonstrates a lack of insight into the variety of survival needs and adaptive hurdles encountered by a person fresh out of a cage.

3. It is essential that Kansas build its post-release effort on a consistent chain of competent, coordinated program initiatives beginning at the time of entry into the state prison system and extending out to five years post-release. To this end, I strongly advise an initial orientation workshop be conducted at about the sixth week following arrival into the facility, serving as an overview to the total experience from point of arrest to "success" at five years post-release. The learning objectives of the initial training would be short-term adaptation, effective use of the incarcerated period, and long-term preparation for reaching the goal of 60 months arrest-free community living.

This orientation into correctional life would serve as the foundation for a series of program tracks focusing on individual dysfunctions and acquisition of life and decision-making skills required to survive and flourish in the mainstream of community life.

4. Post-release or parole supervision should function as a direct support process for the training and goals established during the period of incarceration. In this manner, release should be addressed as a "midpoint" in program delivery and client support efforts. This would promote much needed consistency and

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continuity of policy and procedure, thereby significantly upgrading the potential for effective transition and long-term success.

5. The overall goals and efforts of the Task Force and Sentencing Commission cannot be met without the formal identification and unified acceptance of a common, positive outcome objective upon which to focus all policies and programs.

I suggest that this "island of common concern" be established as "60 months arrest-free behavior." Statistics (and reality) validate that if an ex-offender remains arrest-free for five years or longer, the probability of future failure is **minimal!** This does not imply that by remaining arrest-free for five years a person is "rehabilitated," "recovered," or "perfect." However, it does tell us they are NOT active in the cycle of recidivism, have reasonable survival skills, and have established an "investment" in community living.

Without this goal as a **universal objective**, Kansas may succeed in changing the color and type of the icing, but it will totally fail to impact the cake! Only by defining this measurable, publicly acceptable, politically "safe" goal can the correctional "process" finally display the potential to become a "system." Once this step is taken, a wealth of program offerings can be brought on line to enhance the probability of final success.

Conclusion:

I enjoyed working with the Task Force and Sentencing Commission staff. They are caught up in the growth pains of a state system anxious to define workable solutions for their problems. Their progress and level of success will, I sincerely believe, depend primarily on how well and how quickly they come to terms with defining and applying a common positive objective.

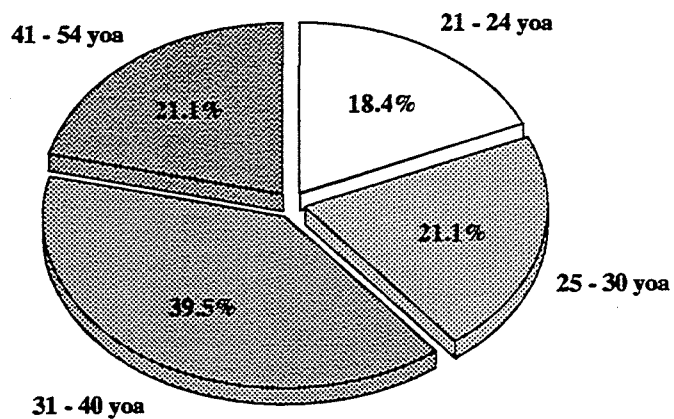
Only by focusing all attention and resources on creation of a value-added product can Kansas hope to give its "process" any future validity. Once this occurs, they could well benefit from ongoing assistance by way of program development and staff training.

APPENDIX B

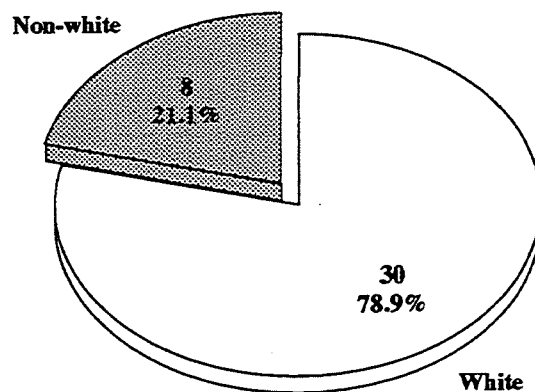
Survey on Parolees and Parole Violators

Selection of Participant Demographics

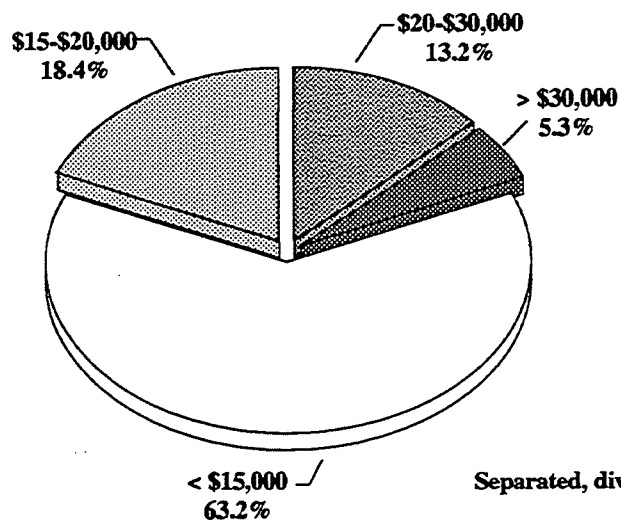
**Age
Parolees**
Total in Sample = 38



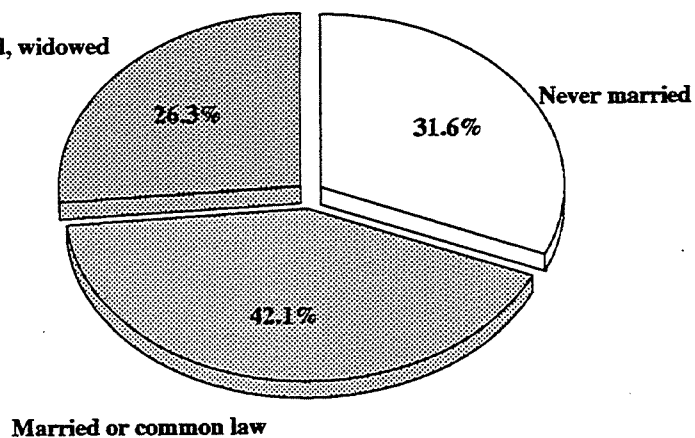
**Race
Parolees**
Total in Sample = 38



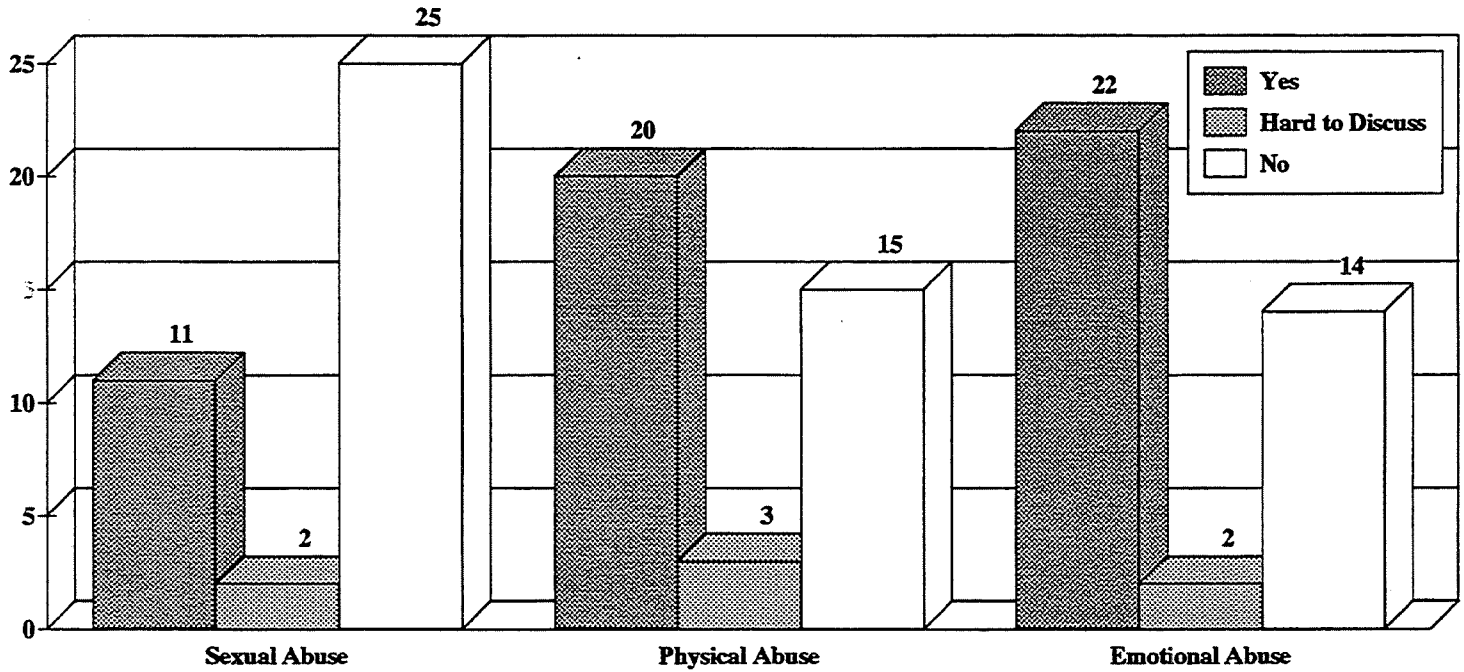
**Household Annual Income
Parolees**
Total in Sample = 38



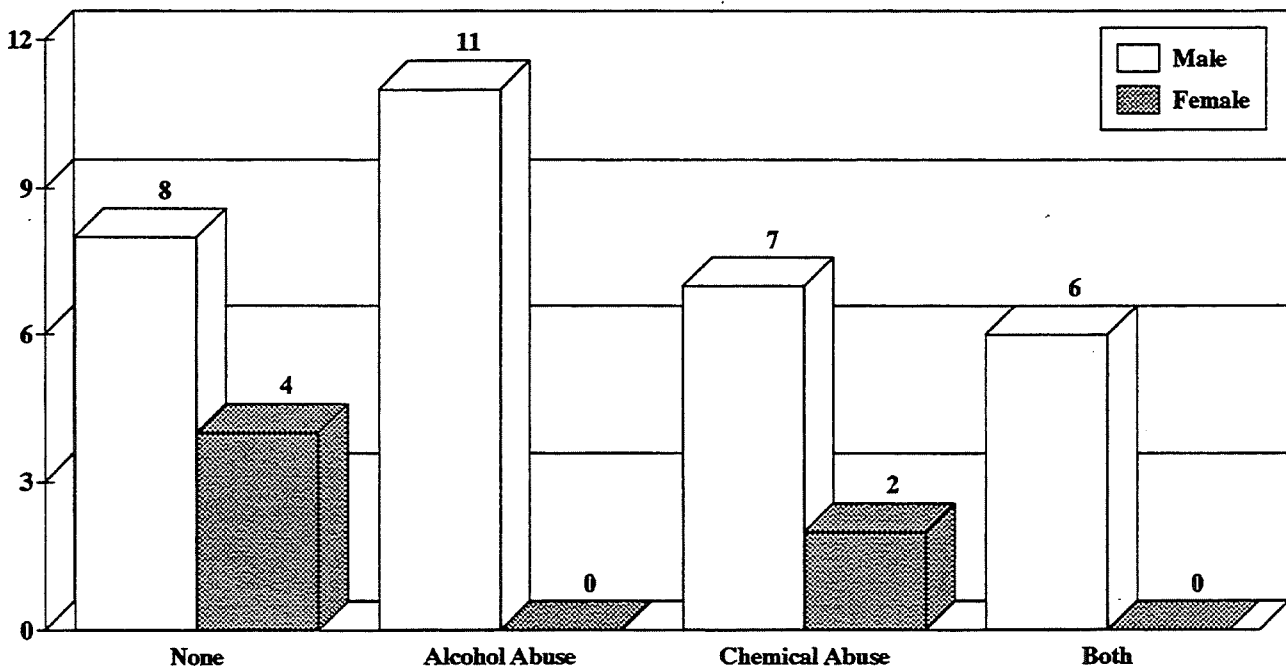
**Marital Status
Parolees**
Total in Sample = 38



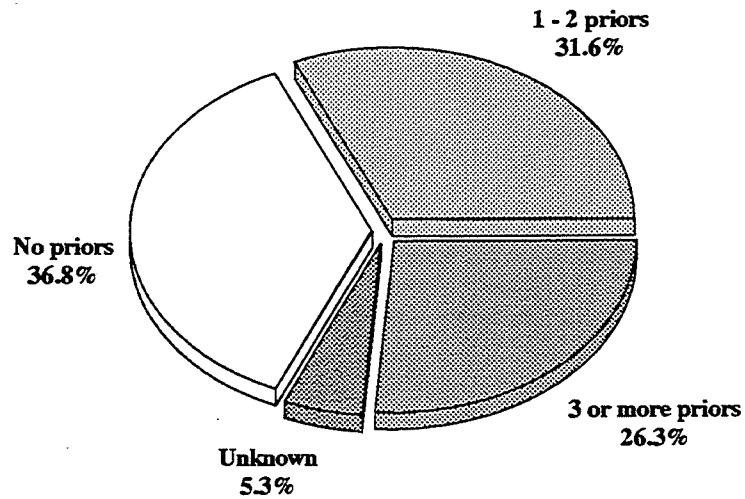
**Victims of Prior Abuse
Parolees**
Total in Sample = 38
(Some report abuse in more than one area)



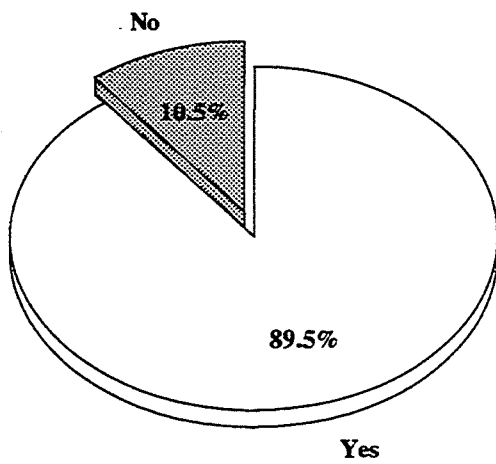
**History of Substance Abuse
Parolees**
Total in Sample = 38



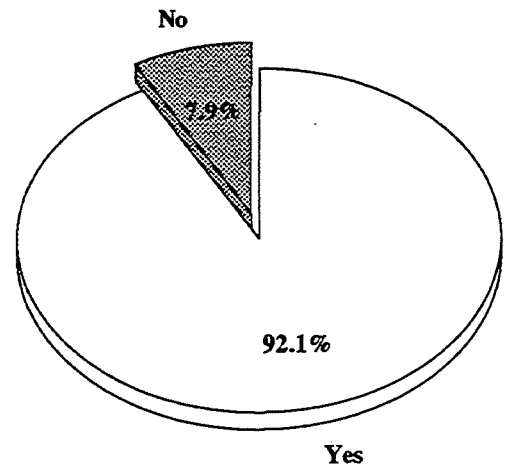
**Prior Felony Convictions
Parolees
Total in Sample = 38**



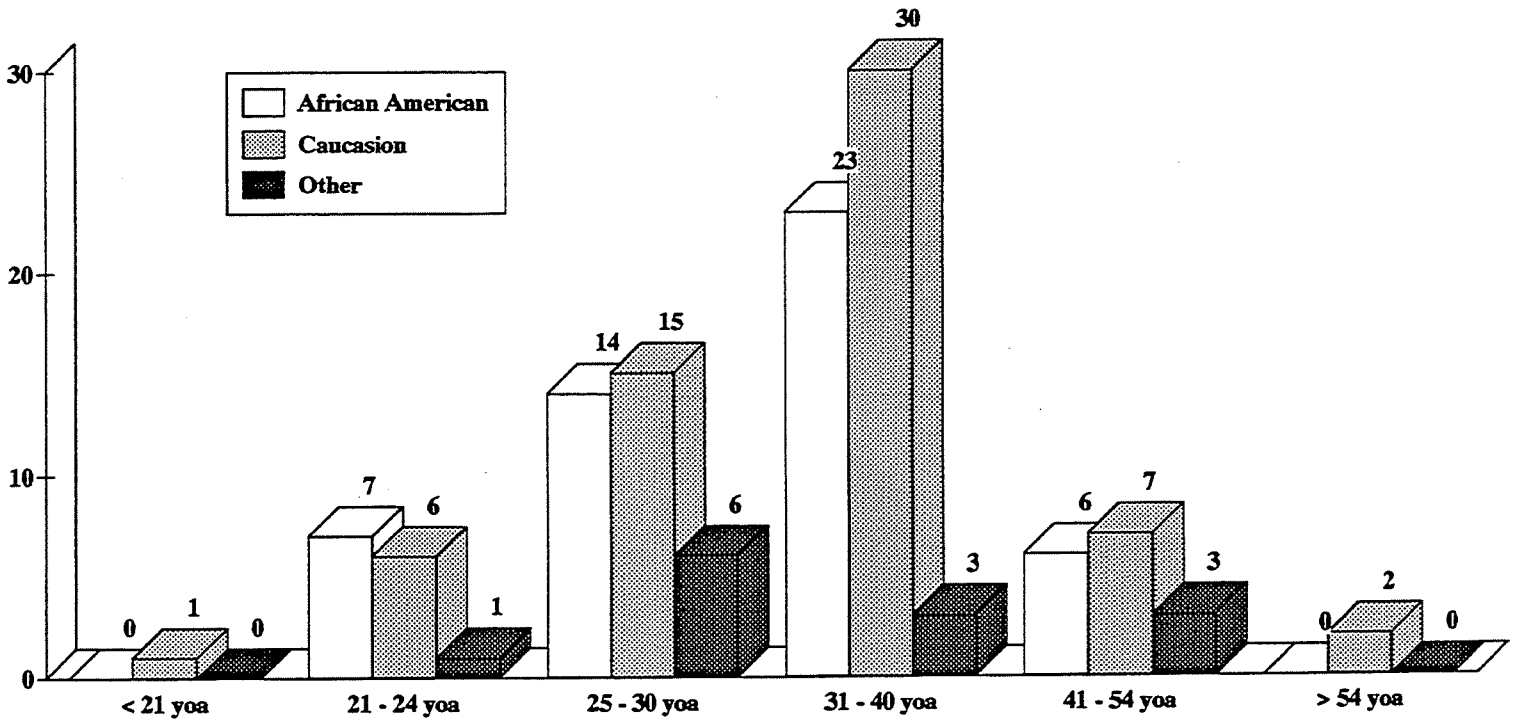
**Did you have a good relationship with your Parole Officer?
Parolees
Total in Sample = 38**



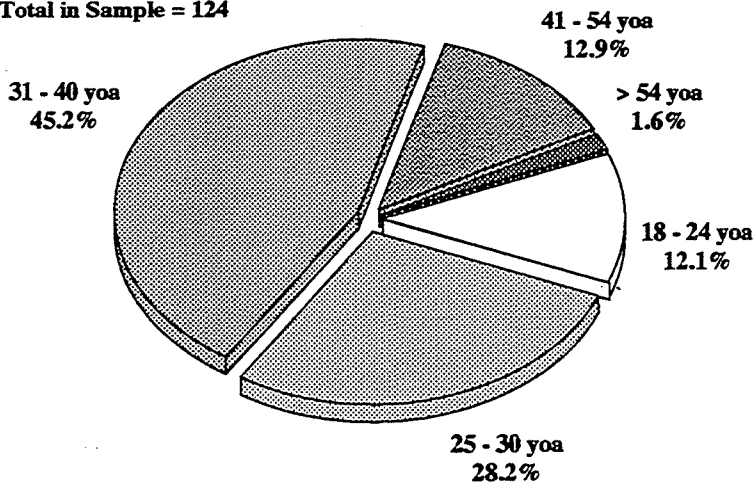
**Was your Parole Officer helpful?
Parolees
Total in Sample = 38**



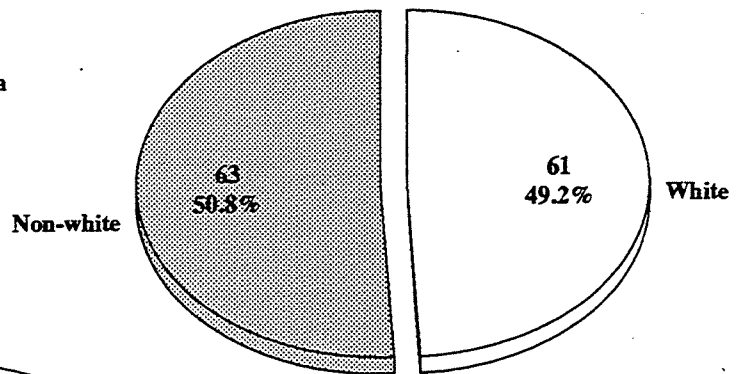
Race by Age
Parole Violators
Total in Sample = 124



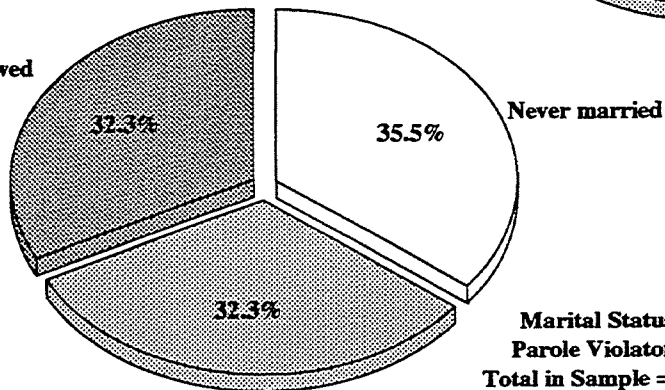
Age
Parole Violators
Total in Sample = 124



Race
Parole Violators
Total in Sample = 124



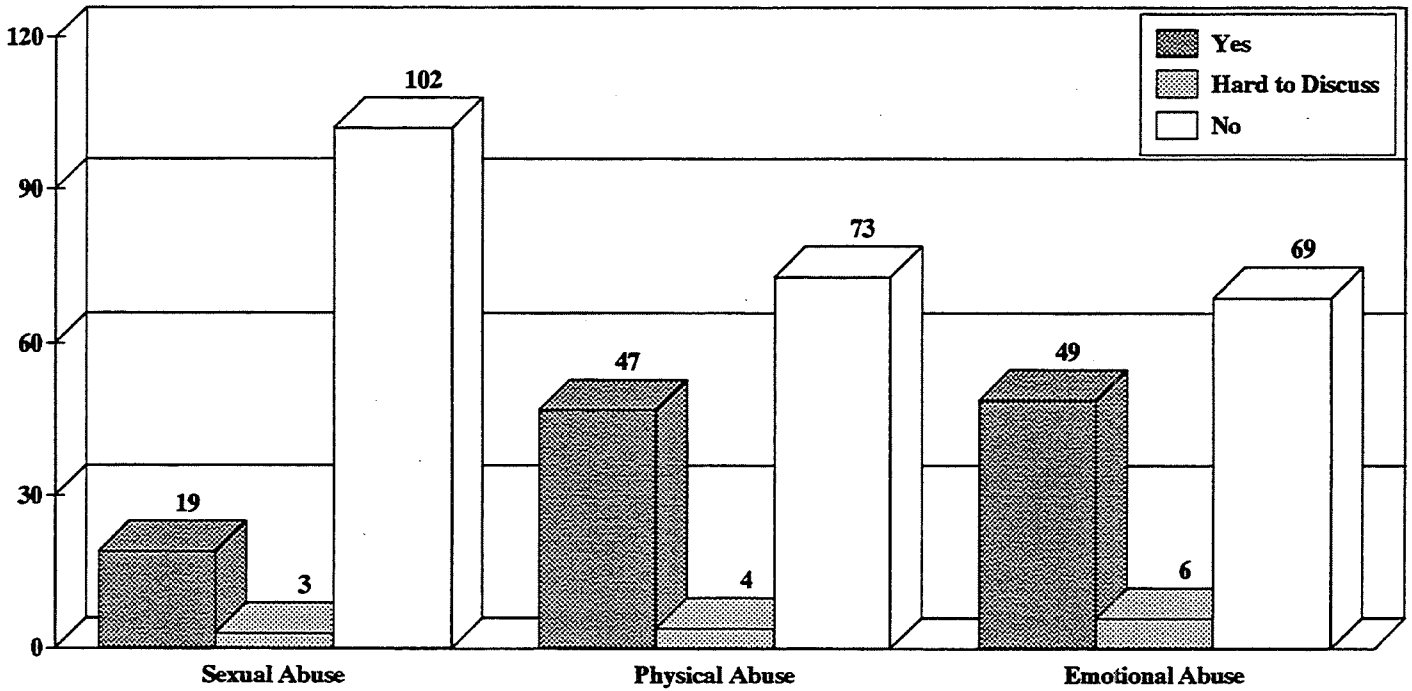
Separated, divorced, widowed



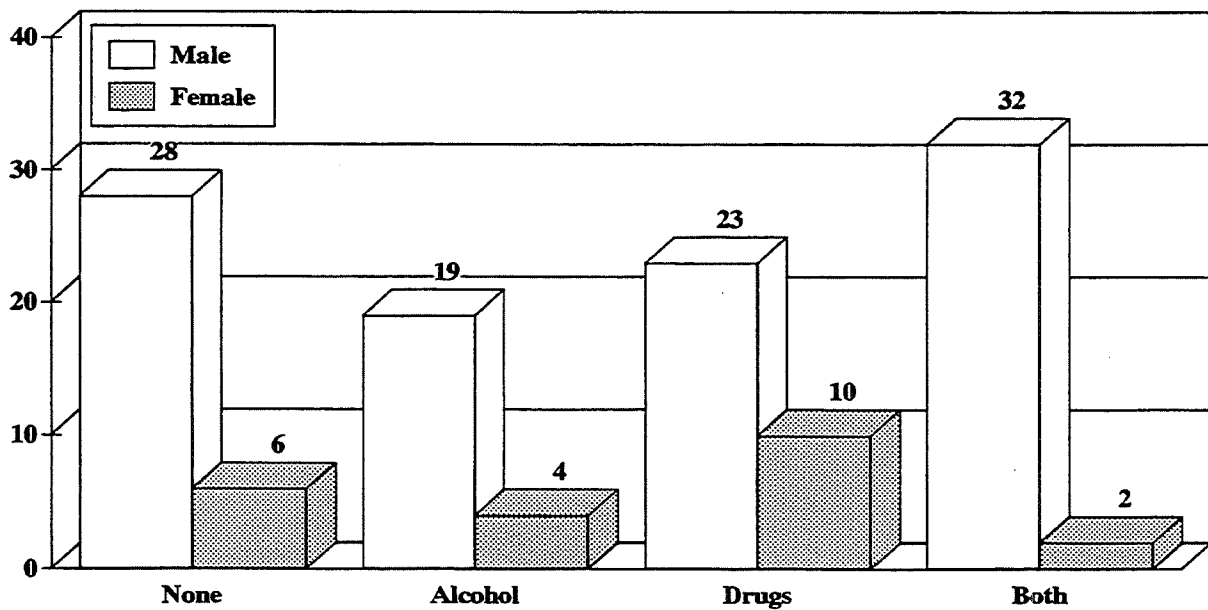
Married or common law

Marital Status
Parole Violators
Total in Sample = 124

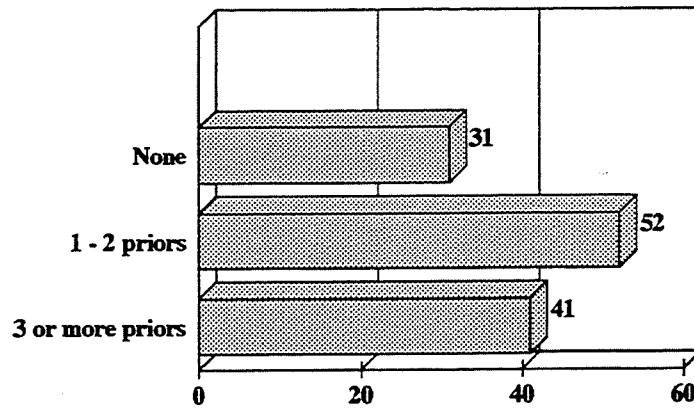
Victims of Prior Abuse
Parole Violators
Total in Sample = 124
(Some report abuse in more than one area)



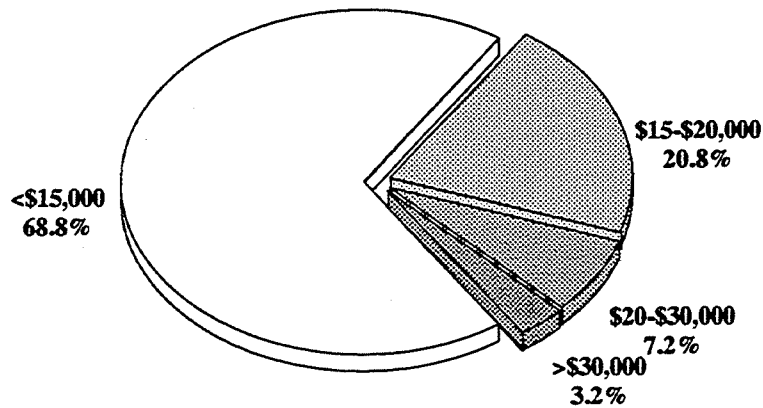
History of Substance Abuse
Parole Violators
Total in Sample = 124



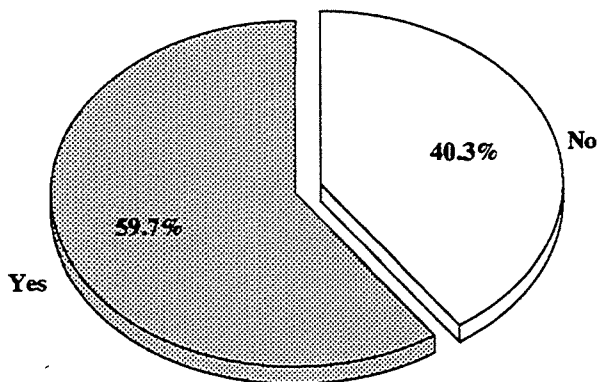
**Prior Felony Convictions
Parole Violators
Total in Sample = 124**



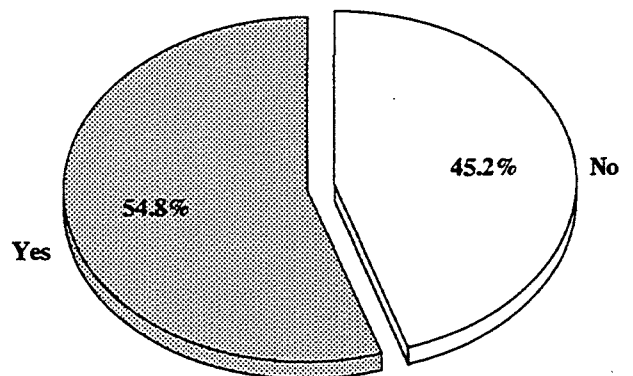
**Household Annual Income while on Parole
Parole Violators
Total in Sample = 124**



**Did you have a good relationship with your Parole Officer?
Parole Violators
Total in Sample = 124**



**Was your Parole Officer helpful?
Parole Violators
Total in Sample = 124**



**AMERICAN CIVIL LIBERTIES UNION
OF KANSAS AND WESTERN MISSOURI**

706 West 42nd Street, Kansas City, Missouri 64111 (816) 756-3113

March 22, 1994

TO: Members of Senate Judiciary Committee
Members of the Senate

FROM: Carla Dugger, ACLU Associate Director

RE: HB 2832 (Inmates filing civil actions; parole board denials)

House Bill No. 2832 is now pending before the Kansas State Senate. It represents a fundamental attack on civil liberties for all state prison inmates, and should not be adopted. The Bill would limit the time period for bringing a state habeas corpus petition from two years to thirty days. It would also create a new and major financial burden on inmates bringing such actions. As such it would dramatically reduce inmate access to the courts.

Habeas corpus actions represent one of our most fundamental protections from totalitarian rule. While many of the actions filed under this title may seem frivolous, and government officials required to respond may be annoyed, the free flow of such actions is essential if instances of genuine abuse (regardless of how rare such instances may be) are to be successfully challenged.

A thirty day limit on the filing of habeas actions is both unrealistic and unwarranted. In many Kansas prisons, access to the Legal Services for Prisoners program to learn about the availability of such an alternative may take more than thirty days. This is especially true of inmates placed in segregation, or of inmates with medical or mental health problems who are most in need of assistance. The impact would also fall heavily upon the poorest and most ignorant of inmates. While the time limit may not affect proficient "writ writers" and "jail house lawyers" who may know how to respond quickly when they have reasons to go to court, the genuine problems of the most unskilled and dependent inmates will be dramatically affected.

The imposition of automatic court costs is also likely to be abusive to the most needy of the inmates. "Pay" for state inmates is dramatically lower than that for federal inmates or for state inmates in some other states. A thirty dollar imposition of court costs could wipe out all of the inmate's "earnings" for a two month period, and this impact is especially severe now that the Kansas prisons require inmates to pay for

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many of the goods needed to maintain basic personal hygiene. To provide some sense of equivalence, imagine reactions if an individual with an annual income of \$24,000 was likely to be forced to pay \$4,000 of that income in order to file an objection to the way he or she was being treated by the government. And because inmates in the Kansas prison system currently lack substantial access to legal advice, they are in an impossible position when forced by themselves to sort out the difference between cases in which they may or may not eventually prevail. The bottom line is that such a system of payment of costs -- given the unique financial and legal circumstances of Kansas inmates -- will substantially deter the most legitimate of inmate complaints.

In the midst of the 1994 flood of "tough on crime at any cost" bills, we urge special caution regarding HB 2832. Specifically, we ask you to reconsider it next year with an opportunity for substantial further discussion, debate and reflection.

Thank you.