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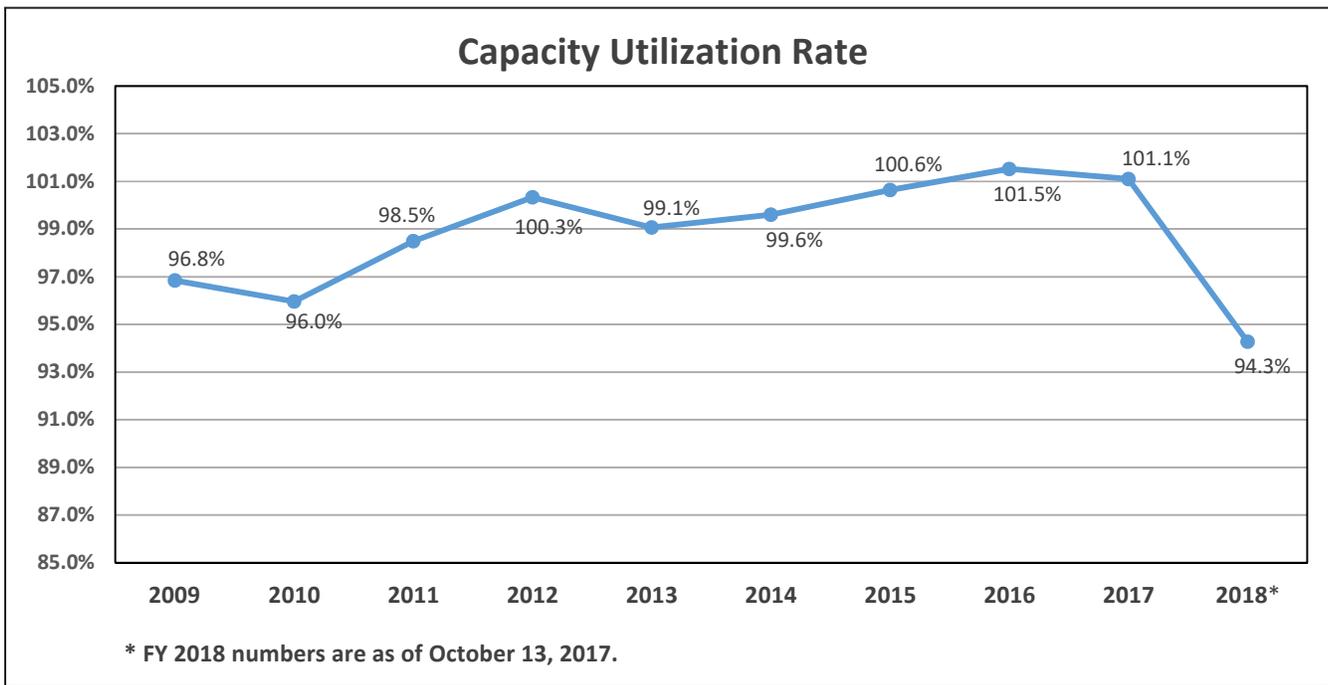
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Judiciary, Corrections, and Juvenile Justice

G-5 Kansas Prison Population, Capacity, and Related Facility Issues

Historically, the Kansas Department of Corrections (KDOC) and state policymakers have had to address the issue of providing adequate correctional capacity for steady and prolonged growth in the inmate population. In the late 1980s, capacity did not keep pace with the population, which, along with related issues, resulted in a federal court order in 1989. The order dealt in part with mentally-ill inmates and developing a long-term plan to address the capacity issue, but did not mandate any new construction. Nonetheless, the immediate direct result was construction of a new facility that became El Dorado Correctional Facility (EDCF). The court order was terminated in 1996 following numerous changes to the correctional system, including the construction of Larned Correctional Mental Health Facility (LCMHF). During the last half of the 1990s, increases in the inmate population were matched by capacity increases, but capacity utilization rates, which divide average daily population (ADP) by total capacity, remained consistently high.

The population and capacity concerns continued into the early part of the 2000s. The utilization rate reached a peak of 99.0 percent in FY 2006. Between FY 2006 and FY 2008, the ADP decreased by 314 inmates to 8,773, while the total capacity increased by 72 to 9,317 beds, and utilization reached a recent low at 94.1 percent. The ADP has increased from FY 2009 to present. The utilization rate reached a high of approximately 101.5 percent in FY 2016 and has dropped to 94.2 percent based on information contained in recent KDOC population reports.



Budget reductions in FY 2009 prompted the KDOC to suspend operations at three smaller minimum-custody facilities (Stockton, Osawatomie, and Toronto) and close the men’s and women’s conservation camps in Labette County. Additionally, the Department for Aging and Disability Services has since taken over the Osawatomie facility. These suspensions and closings resulted in a decrease in total capacity by 447 beds.

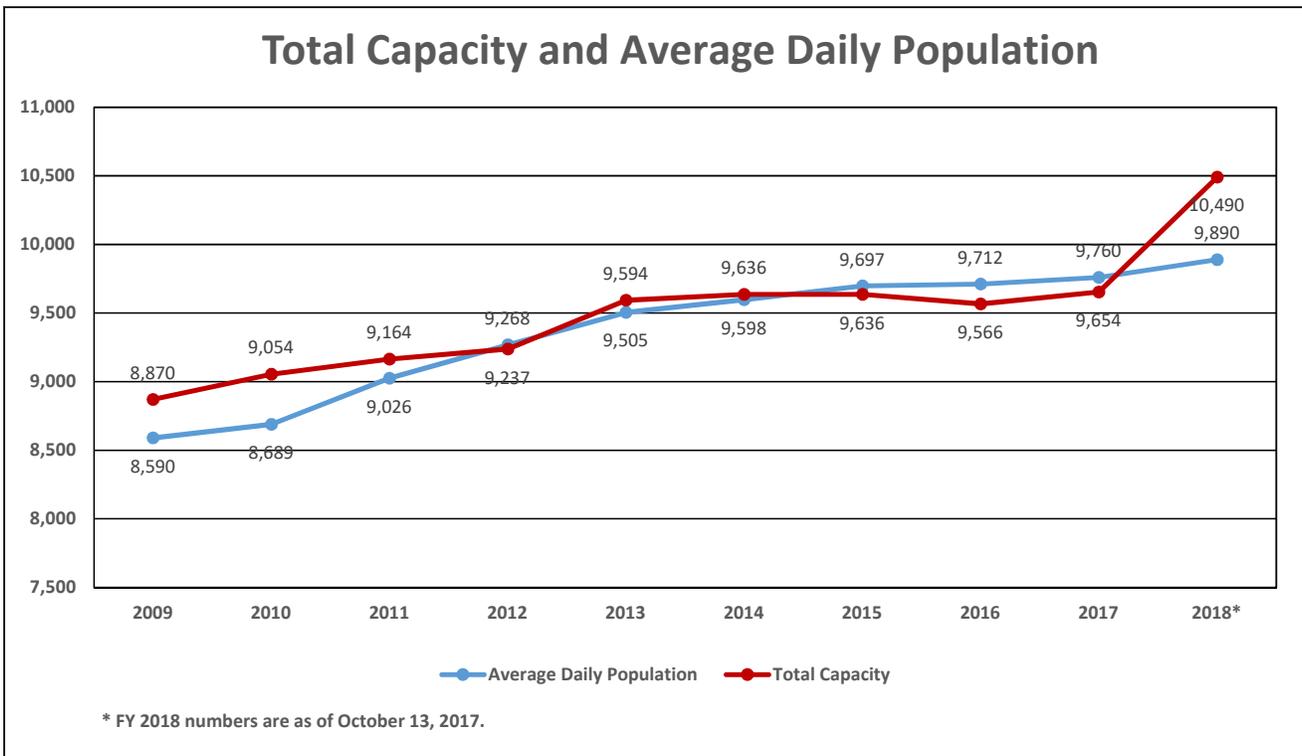
Due to the increasing inmate population, the 2010 Legislature included a State General Fund (SGF) appropriation for FY 2011 to reopen the Stockton Correctional Facility, which reopened September 1, 2010. In addition, prison beds at LCMHF and Lansing Correctional Facility (LCF) that had been unavailable due to renovation work were opened again. During the 2012 Legislative Session, the Governor recommended the Labette facilities be re-purposed as a 262-bed geriatric facility set to house inmates beginning in January 2013, and KDOC purchased a property to serve as a 95-bed minimum-security unit in Ellsworth that began housing inmates in September 2012. Current capacity of KDOC facilities is 10,435.

Larned Correctional Mental Health Facility (LCMHF) has traditionally provided mental health services to inmates in need. In May 2017, KDOC

announced its intention to convert LCMHF into a prison for 18 to 25-year-old inmates. KDOC intends to move the inmates receiving mental health services to EDCF in the coming years. On November 1, 2017, Secretary of Corrections Joe Norwood stated 62 high-acuity behavioral beds were open at EDCF and KDOC intends to open another 124 high-acuity behavioral health beds in EDCF’s Individualized Reintegration Unit.

The ADP increased each fiscal year from FY 2009 through FY 2016, although in FY 2017 and in FY 2018, the ADP has decreased from the FY 2016 peak. This is due to the expansion of double-bunked cells at EDCF, LCMHF and Norton Correctional Facility. On October 13, 2017, the ADP in FY 2018 was 9,890, and the utilization rate was 94.2 percent, down from 101.1 percent in FY 2016. The October 13, 2017 inmate ADP included 119 inmates held in non-KDOC facilities during FY 2017, primarily at county jails and Larned State Hospital. The KDOC has a limited number of prison beds that are not counted in the official capacity, such as infirmary beds, that allow the population to exceed the official capacity.

Budget reductions have prompted the KDOC to reduce parole and postrelease services and offender program services systemwide. The KDOC continues to be concerned these

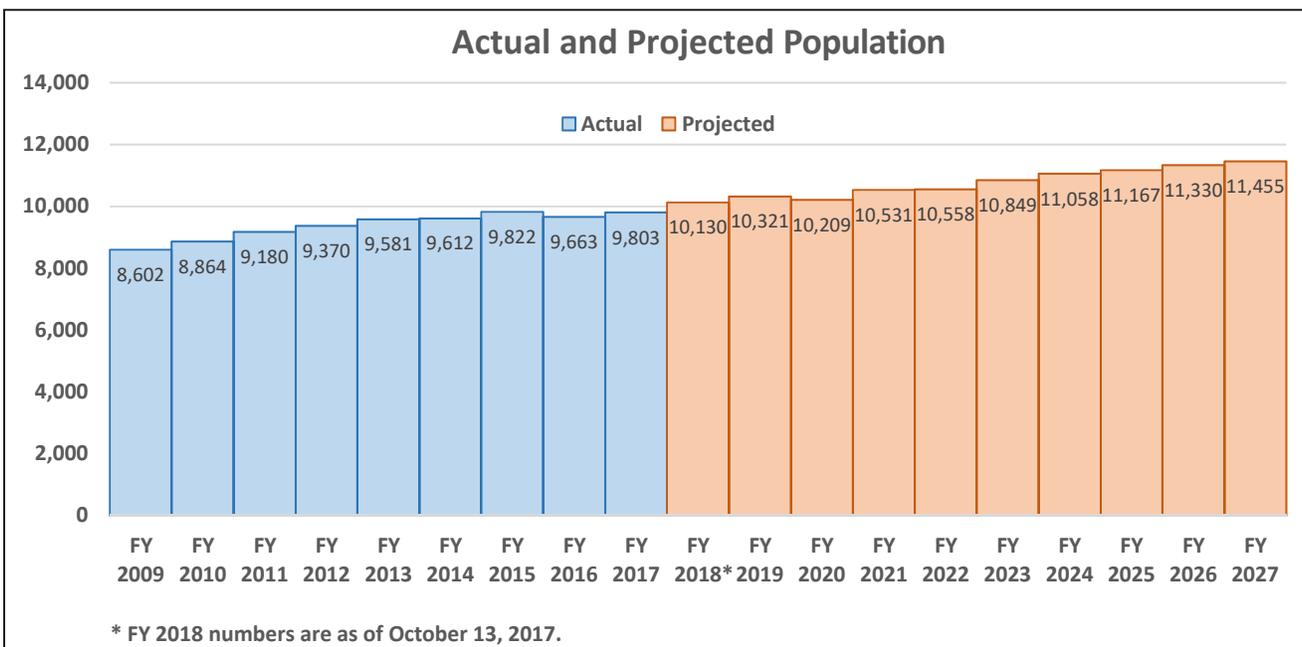


reductions will create an increase in the ADP even after the addition of \$2.0 million in FY 2014 and \$3.0 million in FY 2015 for these programs. The FY 2018 prison population projections released by the Kansas Sentencing Commission (KSC) anticipate the inmate population will be 360 below full capacity by the end of FY 2018 but will exceed capacity by FY 2021 and will exceed capacity by 965 inmates by the end of FY 2027.

Actual and projected populations are detailed in the following chart.

Population and Capacity by Gender and Custody Classification

In addition to total capacity, consideration also must be given to gender and custody

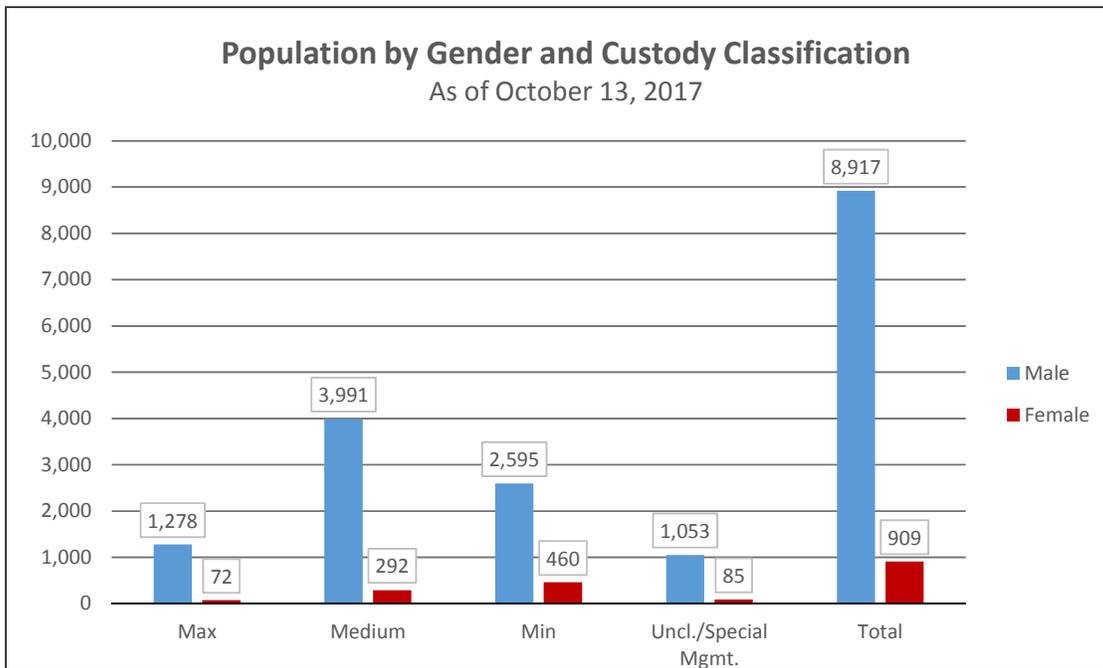


classification. The Population by Gender and Custody Classification chart displays capacity and ADP by gender and custody classification for FY 2017, as of October 13, 2017.

Issues with inadequate capacity are more common among the higher custody levels of inmates. This is due to the fact that higher custody level inmates cannot be placed in a lower custody level cell (e.g., maximum inmates cannot be placed in medium or minimum cells). That is not the case for the lower custody level inmates, who can be placed in higher custody level cells. In addition, capacity in all-male or all-female facilities are not available for housing inmates of the opposite gender.

The FY 2018 prison population projections released by the KSC anticipate the male inmate population will meet capacity in FY 2021, dip slightly during FY 2022, before exceeding capacity during FY 2023 and climbing to 10,407, exceeding projected capacity by 832 inmates, in FY 2027.

The FY 2018 prison population projections released by the KSC show the female inmate population exceeding capacity by three inmates in FY 2018. Recent KDOC population reports show that KDOC is under capacity for its female inmates. The KSC projects the female population will rise to 1,048 in FY 2027, exceeding capacity by 133 inmates.



Consequences of Operating Close to Capacity

According to the KDOC, the following list illustrates some of the consequences of operating close to capacity:

- Excessive inmate movement;
- More difficult to manage emergencies;
- More difficult to separate inmates with conflicts (e.g., gangs, grudges);
- Greater reliance on segregation;
- Greater reliance on contract jail beds; and

- Inability to keep inmates near to their families, which creates more problematic releases.

Options for Increasing Capacity

If the need to increase inmate capacity arises, several options are available. Two of the minimum custody facilities “moth-balled” in FY 2009 to achieve budget savings remain closed under KDOC ownership. The facility at Toronto has a capacity of 70 male inmates with an approximate annual operation cost of \$966,500, and the north

unit at EDCF has a capacity of 102 male inmates with an approximate annual operation cost of \$1.2 million.

New construction is also an option to expand inmate capacity. During the 2007 Legislative Session, KDOC received bonding authority totaling \$40.5 million for new construction including adding cell houses at El Dorado, Stockton, and Ellsworth Correctional Facilities and a new facility in Yates Center. The KDOC issued \$1.7 million in bonds for architectural planning at the four proposed sites, but the balance of the bonding authority was rescinded during the 2008 and 2009 Legislative Sessions. KDOC completed planning for expansion of the EDCF and beginning in FY 2017, included plans for construction on two new cell houses at EDCF in its five-year capital improvement plan at a total cost of \$24.9 million. Each cell house would contain up to 256 beds depending on the combination of single and double-occupancy cells.

During the October 4, 2016, meeting of the Joint Committee on State Building Construction, KDOC asked the Committee to recommend that its requests to finance the construction of two facilities at EDCF, then totaling \$27.2 million, all from the SGF, for FY 2019 be deleted from its five-year capital improvement plan. KDOC

anticipates, based on population projections, the construction of the facilities may be needed by FY 2020.

Construction on Medium and Maximum Unit at Lansing Correctional Facility

During the 2017 Legislative Session, KDOC brought plans before the Legislature to demolish an existing medium-security unit at LCF and construct a new facility in its place. KDOC asserts the new facility will reduce the need for staff, generating savings over time.

Senate Sub. for HB 2002 (2017) allows KDOC to enter into a lease-purchase agreement for the demolition, design, and construction of a new facility at LCF or, if more cost-effective, allows the agency to bond with the Kansas Development Finance Authority to demolish, design, and construct a correctional institution at LCF, capping expenditures related to the project at \$155.0 million. The bill also requires the Secretary of Corrections to advise and consult the State Building Advisory Commission for the use of an alternative project delivery procurement process and requires KDOC to appear before the State Finance Council for approval of the decision for FY 2018. The construction will not expand capacity by more than 100 beds.

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