

INMATE RIGHTS AND THE KANSAS STATE PRISON SYSTEM

—A report of the Kansas Advisory Committee to the United States Commission on Civil Rights, prepared for the information and consideration of the Commission. This report will be considered by the Commission, and the Commission will make public its reaction. In the meantime, the findings and recommendations of this report should not be attributed to the Commission, but only to the Kansas Advisory Committee.

December 1974

THE RIGHTS AND THE
KANSAS STATE PRISON SYSTEM

Report prepared by the Kansas Advisory
Committee to the U.S. Commission on Civil

ATTRIBUTION:

The findings and recommendations contained in this report are those of the Kansas Advisory Committee to the United States Commission on Civil Rights and, as such, are not attributable to the Commission.

This report has been prepared by the State Advisory Committee for submission to the Commission, and will be considered by the Commission in formulating its recommendations to the President and the Congress.

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Prior to the publication of a report, the State Advisory Committee affords to all individuals or organizations that may be defamed, degraded, or incriminated by any material contained in the report an opportunity to respond in writing to such material. All responses have been incorporated, appended, or otherwise reflected in the publication.

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/s/

CONSTANCE M.
Chairwoman

LETTER OF TRANSMITTAL

KANSAS ADVISORY COMMITTEE TO THE
U.S. COMMISSION ON CIVIL RIGHTS
December 1974

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Stephen Horn, Vice Chairman
Frankie Freeman
Robert S. Rankin
Manuel Ruiz, Jr.

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Sirs and Madam:

The Kansas Advisory Committee submits this report of its study on the Kansas prison system as part of its responsibility to advise the Commission about civil rights problems within the State.

During our 4-month investigation, which culminated in open hearings in March 1974, we examined conditions in the adult institutions, including staff recruitment and training, medical services, disciplinary procedures, and inmate representation.

The Kansas penal system has many progressive features. While many other States provide psychiatric evaluations of convicted offenders through regular prison medical departments, the Kansas prison system has developed the Kansas Reception and Diagnostic Center exclusively for this purpose. Keenly aware of past difficulties in administering the State prison system, the Kansas State Legislature, in its 1973 session, passed Senate Bill 72. The bill made sweeping changes in the structure of corrections in Kansas. Foremost was the creation of the position of Secretary of Corrections, who coordinates the diagnostic and parole facets of corrections, as well as supervises conditions of incarceration.

Yet, Senate Bill 72 alone cannot remedy many of the problems in the Kansas prison system that this Advisory Committee found. There has been a lack of communication between prison administration and inmates which bred misperceptions and mistrust. Furthermore, in a State where minorities comprise approximately 5.9 percent of the population, they constitute 37.5 percent of the inmate population at the four adult penal institutions. The percentage of minority employees at these institutions is 9.6. Female employees account for 13.3 percent of the combined staff.

The Advisory Committee is making recommendations to the State legislature, the Department of Corrections, and to individual penal institutions, among others. These recommendations include creation of a penal ombudsman within the Department of Corrections, expansion of the work release program, and creation of inmate councils at each institution.

We urge you to concur with our recommendations and to assist this Advisory Committee in followup activities.

Respectfully,

/s/

CONSTANCE MENNINGER
Chairwoman

ACKNOWLEDGMENTS

The Advisory Committee wishes to thank the staff of the Commission's Central States Regional Office, Kansas City, Mo., for its help in the preparation of this report. Research and writing was provided by Leslie A. Berger, with field investigation and review by Ascension Hernandez and Melvin L. Jenkins, and support from Jo Ann Poole and Gloria O'Leary. All worked under the guidance of Thomas L. Neumann, regional director.

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THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the Act, as amended, the Commission is charged with the following duties pertaining to denials of the equal protection of the laws based on race, color, sex, religion, or national origin: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to denials of equal protection of the law; maintenance of a national clearinghouse for information respecting denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

THE STATE ADVISORY COMMITTEES

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

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CHAPTER I

INTRODUCTION

And there is one crime we all keep committing, over and over....We commit the crime of damning some of our fellow citizens with the label 'criminal.' And having done this, we force them through an experience that is soul-searing and dehumanizing. In this way we exculpate ourselves from the guilt we feel and tell ourselves that we do it to 'correct' the 'criminal' and make us all safer from crime. We commit this crime every day that we retain our present stupid, futile, abominable practices against detected offenders.¹

--Karl Menninger, MD

This book The Crime of Punishment, Dr. Karl Menninger, psychiatrist and member of the Menninger Foundation, presented his indictment of the criminal justice system in the United States. When, on November 15, 1973, the Kansas Advisory Committee to the U.S. Commission on Civil Rights decided to investigate conditions in the Kansas State adult prisons, the words and ideas of Dr. Menninger provided a stimulus to this decision. The Advisory Committee's effort parallels a national study of adult correctional institutions being conducted by the Commission. More than a dozen State Advisory Committees to the Commission have participated in the study, and the results of each project will be used as a basis for a comprehensive report on the subject. In addition to Kansas, studies have been undertaken in Arizona, Delaware, Georgia, Illinois, Louisiana, Nebraska, New Hampshire, New Jersey, Ohio, Oregon, Texas, and West Virginia.

¹. Karl Menninger, MD, The Crime of Punishment, New York: The Viking Press, Inc., 1968, p. 9.

The emphasis of this report is not solely upon black, Native American, Spanish surnamed, or Asian American inmates. Rather, the study treats all inmates as a minority group, one which lacks access to the traditional sources of power. Burton M. Atkins and Henry R. Glick write Prisons, Protest and Politics:

One way to understand the development of political protest in prisons is to view protest activity as a political resource that is used by disadvantaged groups to gain political power and influence when more traditional sorts of political activity are unavailable or unsuccessful.²

Throughout the investigations the treatment of racial minorities and women as a subgroup of the minority group was examined to determine whether or not they were receiving further differential treatment. To this end, the Kansas Advisory Committee's open meetings obtained testimony from inmates and interested citizens representing the special concerns of these minority groups.

Donald H. Goff, former director of the Correctional Association of New York and a consultant to the U.S. Commission on Civil Rights, prepared extensive guidelines for the study. The Goff design seeks the "Establishment of A Base Line for Minimum Standards of Civil and Human Rights of Inmates in Correctional Institutions." Four major classifications of rights are defined: the right to humane treatment, the right to due process, the right to self-development, and First Amendment rights. Within these divisions some 17 substantive areas are identified as follows:

- 1) The right to humane treatment
 - a. housing
 - b. medical
 - c. staff training and disciplinary treatment
- 2) The right to due process
 - a. legal services
 - b. disciplinary procedures
 - c. inmate representation
- 3) The right to self-development
 - a. recreation
 - b. work assignments
 - c. education
 - d. vocational training
 - e. commissary

2. Burton M. Atkins and Henry R. Glick, Prisons, Protest and Politics, Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1972, p. 3.

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- 4) First Amendment rights
 - a. religion
 - b. media contact
 - c. media use
 - d. visits
 - e. mail
 - f. outside contacts

The Advisory Committee focused upon the Kansas Office of Director of Penal Institutions, and more specifically upon the adult institutions--the Kansas Reception and Diagnostic Center at Topeka, the Kansas State Penitentiary at Lansing, the Kansas State Industrial Reformatory at Hutchinson, and the Kansas Correctional Institution for Women at Lansing. The juvenile institutions were excluded from consideration because the matter of juvenile rights lies beyond the scope of the Commission's prison study.

Preliminary field research began in December 1973. From that time until March 1974 Commission staff members and Advisory Committee members interviewed prison administrators, correctional officers, inmates, penologists, social scientists, and members of interested private organizations, among others. This was done in order to obtain a complete picture of conditions in the adult institutions. Two days of informal hearings, in which 36 witnesses were heard, were held in Topeka, Kans., on March 8-9, 1974. This report represents the findings of this investigation.³

Besides providing information for the national study, this report has several other purposes. Groups such as the Kansas Association for Mental Health, Committee on Penal Reform, and the League of Women Voters have been involved in studies of the State prison system. The findings and recommendations contained herein hopefully will assist the efforts of these citizens' groups. In a similar vein, the report by the Special Committee on Social, Rehabilitative and Penal Institutions to the 1974 Kansas State Legislature will be supported, in part, by this report.

Because the comments of both prison officials and inmates were heard at great length by this Advisory Committee, this report can serve as a forum for both groups. It is hoped that by having each group read the other's assessment of the penal system, the net result will be an immediate attempt at meaningful reform which will benefit the penal system and society at large.

3. A list of documents used by the Advisory Committee and Commission staff in preparing this report is on file at the Central States Regional Office of the U.S. Commission on Civil Rights in Kansas City, Mo.

A. BACKGROUND FOR INMATES RIGHTS

Crime is everybody's temptation. It is easy to look with proud disdain upon 'those people' who get caught--the stupid ones, the unlucky ones, the blatant ones. But who does not get nervous when a police car follows closely? We squirm over our income tax statements and make some 'adjustments.' We tell the customs officials that we have nothing to declare--well, practically nothing.⁴

--Karl Menninger, MD

Our criminal justice system does not function on the premise that people commit crimes during their lifetime for which they are not caught. Instead, it operates as a modern-day version of the Hammurabi Code. According to Dr. Menninger, rather than taking someone's eye for a tooth, it punishes by the destruction of one's spirit.

I suspect that all the crimes committed by all the jailed criminals do not equal in total social damage that of the crimes committed against them.⁵

The idea of punishment as the law interprets it seems to be that inasmuch as a man has offended society, society must officially offend him. It must deliver him a tit for the tat that he committed. This tit must not be impulsive retaliation; not mob action. It must be done dispassionately by agency, by stipulation, and by statute.⁶

And so, by the Constitution and by statute, it was done. Section 1 of the 13th Amendment to the U.S. Constitution states that "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." This was interpreted by the courts to mean that those convicted of crimes may be considered "civilly dead." In Ruffin v. Commonwealth, 62 Virginia (21 Gratt.) 790,796 (1871) the court ruled that:

4. Karl Menninger, MD, op.cit., p. 6.

5. Ibid., p. 28.

6. Ibid., p. 71.

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7. Jessica M
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8. Ibid., p.

He [the convicted felon] has, as a consequence of his crime, not only forfeited his liberty, but all his personal rights except those which the law in its humanity accords to him. He is for the time being the slave of the State.

This decision became the rationale behind American corrections for decades following. According to the "hands off" doctrine, the internal affairs of prisons, for the most part, were beyond the court's jurisdiction. Interference by the courts would be prejudicial to the maintenance of prison security. Therefore, it was for prison authorities to determine what constituted humane and proper treatment for inmates. Prison critic Jessica Mitford describes it:

Via the 'hands-off' policy, the courts had invested prison officialdom with all functions of government within the walls: administrative [it is the prison authorities who regulate all aspects of the prisoner's daily life and who make all decisions affecting his standard of living, the work he shall perform, the wages, if any, he shall receive], legislative [it is they who are empowered to make all rules governing the prisoner's conduct], and judicial. Furthermore, it is the prison authorities who determine what is 'administrative' and what 'judicial'--this is, when and in what circumstances an inmate may be subjected to the internal judicial process of trial and punishment.⁷

This policy was upheld in court cases as recently as the last decade. In 1962, the court ruled that the "...supervision of inmates of...institutions rests with the proper administrative authorities and...courts have no power to supervise the management of disciplinary rules of such institutions."⁸ (Sutton v. Settle, 302 F. 2d. 286,288 (1962))

Although this was the general attitude of the courts, several noteworthy cases countered this position. In Coffin v. Reichard, 143 F. 2d 443 (1944), the 6th Circuit U.S. Court of Appeals ruled that "...a prisoner retains all the rights of an ordinary citizen except those expressly, or by necessary implication, taken from him by the law." The U.S. district court in Washington v. Lee, 263 F. Supp. 327 (1966; aff'd 390 U.S. 333)

⁷ Jessica Mitford, Kind and Usual Punishment - The Prison Business, New York: Alfred A. Knopf, 1973, pp. 249-250.
⁸ Ibid., p. 249.

(1968), held that prisoners' fundamental rights cannot be denied cause of deference to internal prison policy. It stated that:

The Due Process and Equal Protection Clauses of the Fourteenth Amendment follow [persons] into prison and protect them from unconstitutional action on the part of prison authorities carried out under color of State law.

Prison disturbances and increased access to Federal courts for all inmate grievances have intensified prisoners' demands for civil and human rights. Because inmates can be considered a powerless minority group, the civil rights movement that began building up in the late 1950's and early 1960's has also helped call attention to their cause. Dr. Menninger comments:

Many wardens live in dread of a riot. Uprisings of prisoners, for whatever cause, frighten the public and greatly alarm the politicians. A riot is taken to be prima-facie evidence that the system has broken down...this is not the place to go into the details of why most of these riots develop, a more sensible question is why there are not many more of them.⁹

Riots have helped to bring the public, so comfortably isolated by the high prison walls, into the prison via the news media. Such publicity has resulted in restructuring of some State correctional systems and the suspension of many former prison rules that were disrespectful to inmates as human beings. In addition, groups such as the National Advisory Commission on Criminal Justice Standards and Goals and the National Council on Crime and Delinquency have proposed minimum civil and human standards for inmates.

The massive prisoner disturbance at the New York State Correctional Institution at Attica from September 9-13, 1971, was the most publicized of a rash of inmate riots in the past several years. The following excerpt from The New Yorker magazine presents an interesting analysis of the event:

During the Attica uprising, millions of Americans were brought face to face with convicted criminals for the first time. Most of us were wholly unprepared for what we saw....The crowd we saw on television was not a mob but a purposeful gathering, and the men we saw were not brutalized, although they

9. Karl Menninger, MD, op.cit., p. 78.

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may have suffered brutality--they were unmistakably whole men. We saw men acting with dignity, not men stripped of their pride....¹⁰

July 1973 at the Oklahoma State Penitentiary at McAlester, inmates demanding, in part, the formation of a popularly elected inmate council to represent prisoners in dealings with the administration and suspension of a veteran prison employee who inmates felt hated them and enjoyed flaunting his power over them.¹¹ As an aftermath to this incident, on March 15, 1974, Judge Luther Bohanon of the U.S. district court ruled in favor of inmate Bobby Battle of the penitentiary. Battle filed suit, assisted by the American Civil Liberties Union and the Civil Rights Division of the Justice Department, alleging racial discrimination and mistreatment at the penitentiary. Judge Bohanon "ordered State officials to improve 'disgusting' conditions at the penitentiary."¹²

Prison riots, like ghetto riots, signify a kind of civil rights revolution by people who too long have been without ordinary institutions, adequate representatives, or any other means to redress strongly felt grievances. Riots are a warning phenomenon that prisoners will no longer march silently in lock step accepting everything done to them in the name of 'correction.'¹³

This Kansas project and the larger study of which it forms a part are intended to further the development and ratification of a body of rights for incarcerated Americans. It is necessarily similar to countless other documents on penal reform since it deals with the same subject: life in prison. It differs from other studies in one important aspect. Where the others view the matter from the perspective of the prison administrator or the elected official, or society at large, this effort concentrates upon the individual inmate. It is our hope that by changing the perspective in this fashion, new insights may be gained and a new stimulus provided for the establishment of universally accepted inmate rights.

¹⁰ Jessica Mitford, *op.cit.*, p. 13.

¹¹ Harry Jones, Jr., "Officials Hopeful Prison Riot Over," *Kansas City Star*, July 28, 1973.

¹² "Prison Found Deplorable." *Kansas City Star*, Mar. 16, 1974, p. 2.

¹³ Ronald L. Goldfarb and Linda R. Singer, "Redressing Prisoners' Grievances," *The George Washington Law Review*, Volume 39: No. 2, December 1970, p. 176.

B. KANSAS PROFILE

The State of Kansas covers 81,787 square miles of America's Great Plains, ranking 13th in area among the States. Its 1970 population as reported by the U.S. Bureau of the Census, is 2,246,578, reflecting a 3.1 percent increase since 1960.¹⁴ Since 1950, the increase has been 5.3 percent.

Of the current population, 2,122,068 persons are white, 106,977 black, 8,672 Native American, 3,575 Asian American (only those of Chinese, Japanese or Filipino descent) and 5,286 persons of other races.¹⁵ The Bureau of the Census figures for 1970 indicate that there are 46,706 persons of Spanish speaking background in Kansas.¹⁶ The Cabinet Committee on Opportunities for Spanish Speaking Americans and the U.S. Commission on Civil Rights both feel these figures are substantial undercounts of persons of Spanish background.¹⁷

The female population of 1,146,288 persons is somewhat larger than the male population of 1,102,783, and the median age of the population is 29.0 years.¹⁸

Currently, this population is scattered throughout the State, with few areas of concentration. This accounts for the State's relatively low population density of 27.5 persons per square mile. Although 66.1 percent¹⁹ of the State's population resides in urban areas, this statistic is deceptive because the census definition of urban includes any place with a population of 2,500 persons or more. Perhaps a better indicator is the fact that 30.2 percent of this population resides in four metropolitan areas:

14. U.S. Department of Commerce/Bureau of the Census, Congressional District Data--Districts of the 93rd Congress, December 1971, p. 5.

15. U.S. Department of Commerce/Bureau of the Census, General Population Characteristics-Kansas, Table 17.

16. U.S. Department of Commerce/Bureau of the Census, General Social and Economic Characteristics-Kansas, Table 49.

17. See U.S. Commission on Civil Rights, Counting the Forgotten--the 1970 Census Count of Persons of Spanish Speaking Background in the United States, Apr. 1974.

18. U.S. Department of Commerce/Bureau of the Census, Congressional District Data op.cit., p. 5.

19. Ibid., p. 5.

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metropolitan areas: Wichita (302,334), Kansas City, Kans. (168,213), Topeka (132,108) and Overland Park (76,623).²⁰ These four areas also contain 67.1 percent of the State's minority population, although none of them can be termed large in proportion to the white majority. For example, the minority population of Wichita is 8.1 percent of the total population; Topeka, 8.3 percent; Kansas City, Kans., 9.5 percent; and Overland Park, 0.5 percent.²¹

C. CRIME IN KANSAS

Since 1930 the Federal Bureau of Investigation has released an annual publication--the Uniform Crime Report--which contains crime statistics voluntarily contributed by local law enforcement agencies. The 1972 report reflects information supplied by 10,000 law enforcement agencies representing some 93 percent of the United States population. Each agency supplies data on the following crimes: murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny \$50 and over, and auto theft.

According to the 1972 report (released in August 1973), the 1972 crime rate was 2,829 per 100,000 inhabitants, which was a decrease of 1.5 percent since the 1971 report. However, crimes against persons--murder, forcible rape and aggravated assault--had all increased.

In fact, the Uniform Crime Report has been attacked on many counts. Jessica Mitford in Kind and Usual Punishment--The Prison Business makes the point that

...FBI crime-reporting is shrewdly tailored to focus attention on crimes of those perceived by the establishment as the dangerous classes: poor people, ghetto-dwellers, political dissidents. These are the crimes that make headlines, sell newspapers, frighten and upset people.²²

The U.S. Department of Commerce/Bureau of the Census, General Population Characteristics, op.cit., Table 16. A Standard Metropolitan Statistical Area (SMSA) is defined by the U.S. Office of Management and Budget as "...a county or group of contiguous counties (except in England) which contain at least one central city of 50,000 inhabitants or more or 'twin cities' with a combined population of at least 50,000. Contiguous counties are included in an SMSA if, according to certain criteria, they are found to be metropolitan in character and socially and economically integrated with the central city." There are three SMSA's in Kansas--Wichita, Topeka, and Kansas City, Mo. and Kans. As noted, the latter is not totally contained in Kansas. Both Kansas City, Mo. and Overland Park are part of the Kansas City SMSA.

Ibid., Table 23.

Jessica Mitford, op.cit., pp. 63-64.

Professor Albert D. Biderman of the Bureau of Social Science Research states that half the rise in crime results from increased reporting of crimes, pointing out:

...Due to the spectacular rise in comprehensive homeowners' insurance policies, people are far more likely to report thefts than heretofore. Affluence, too, is an important factor in reported thefts:There [are] more valuables around to steal....Thus in a period of inflation, when things cost more, thefts that would formerly not have made the Index--because the items involved were worth less than \$50--now show up to swell the surging crime wave.²³

Unfortunately, for all its limitations, the Uniform Crime Report of the FBI is the only centralized compilation of crime data in this country. Bearing the assets and limitations in mind, Table 1.1 presents an extensive view of crime trends in Kansas from 1967-1972, gleaned from the FBI reports. As the table indicates, this 6-year period experienced a 60.6 percent increase in crime. Although there was a slight decline from 1970 to 1971, the crime rate rose again in 1972, but not to the 1970 level.

Comparative 1972 crime rates for the four largest cities in Kansas, as drawn from the FBI report, show:

Wichita--10,616 per 100,000 residents
 Kansas City, Kans.--7,374 per 100,000 residents
 Topeka--3,889 per 100,000 residents
 Overland Park--1,776 per 100,000 residents²⁴

23. Ibid., pp. 61-62.

24. Clarence M. Kelley, Crime in the United States - 1972, Uniform Crime Reports, Table 76.

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TABLE 1.1

KANSAS CRIME RATE PER 100,000 RESIDENTS - 6-YEAR PERIOD, 1967 - 1972

Year	Total Crime	Violent Crime	Property Crime	Murder Non-Negligent Manslaughter	Forcible Rape	Robbery	Aggravated Assault	Burglary	Larceny \$50 & Over	Auto Theft
1967	1331.6	-	-	4.0	10.7	42.2	86.0	598.2	405.8	184.9
1968	1480.2	150.4	1329.9	3.7	13.2	47.5	85.8	615.6	508.7	205.5
1969	1764.6	166.9	1567.7	3.5	15.1	54.8	93.5	693.3	676.5	228.0
1970	2143.8	202.8	1941.0	4.8	14.5	75.1	108.5	881.7	802.7	256.6
1971	2124.4	214.5	1909.9	5.1	15.9	65.7	127.8	888.6	777.6	243.8
1972	2139.4	209.8	1929.6	4.0	17.8	68.9	119.1	906.6	791.0	232.0

SOURCE: Federal Bureau of Investigation, Uniform Crime Reports

CHAPTER II

STATE CORRECTIONS EFFORTS

A. THE LEGISLATURE

During the past few years the State of Kansas has ~~considered~~ penal reform measures.

In January 1970, Kansas Gov. Robert Docking appointed the Governor's Penal Planning Council. It was directed by him to "develop a clear and effective long-range plan for penal improvement," as well as to advise and assist the State penal director in formulating "policy, performance and planning in corrections."¹

After visiting the institutions, holding 10 formal meetings, and reviewing seven studies of the Kansas penal system, the council issued a pamphlet enumerating its findings and recommendations. One of its important findings was that there was a "...crazy-~~fruit~~ administration of correctional services" which resulted in "...the absence of a mechanism for planning the development of a well-balanced correctional program."² Although it pointed out several of the State's notable penal programs, e.g., the Kansas Reception and Diagnostic Center and the work-release program, it stated that these were hampered by deficiencies of penal organization, of funds, and of staff.

The council's overriding recommendation called for the establishment of a Kansas Department of Corrections, in lieu of the then-existing Office of Director of Penal Institutions. Said ~~department~~ would

1. Report of the Governor's Penal Planning Council, Topeka, Kan., Nov. 19, 1970, p. 1.
2. Ibid., p. 2.

list of a seven-member, bipartisan citizen's Board of Corrections, and "...operating divisions covering security; classification and treatment of prisoners; education, training and recreation; medical and psychiatric services; industrial operations; administration; community services; and research and statistics."³ Several functions of the department were then outlined by the council.

During the 1971 State legislative session eight bills were introduced dealing with the State penal institutions. Three of these were passed. House Bill No. 1131, by Representative Robert Madden, established a system of home visitations for inmates. Formerly, inmates were permitted to leave their institutions unaccompanied upon institutional approval, only for a serious illness or death in the family, or if a prospective employer wanted to interview them near the end of their sentence. Senate Bill No. 37, introduced by Senator Edward Reilly, Jr., changed the name of the State Industrial Farm for Women to the Kansas Correctional Institution for Women. It also provided for the appointment of a superintendent by the State director of penal institutions. Formerly, the women's institution was organizationally part of Kansas State Penitentiary and the superintendent was officially known as a deputy warden. House Bill No. 1348, by Representative Madden, amended an earlier bill which established a plasmapheresis program--permitting inmates to donate plasma for money--in the penal institutions. The bill stated that inmates be compensated \$5 per pint of plasma, and the institution \$1.50. It also stipulated that "all funds received by the State...shall be used for programs and the making of capital improvements for use in the rehabilitation, or for the health, benefit, or recreation of prisoners."

Among bills not passed during the 1971 session:

House Bill No. 1132, by Mr. Madden, called for conjugal visits in the State prisons, while House Bill No. 1168, by Messrs. Madden, John F. Lutter, Loyd E. Andrews and Fred L. Weaver, sought to raise the maximum wage from \$.40 per day to \$1.00 per day. Senate Bill 98, by Senators Frank Hodge and Wint Winter, sought several structural changes in the Department of Penal Institutions and the Board of Probation and Parole, while House Bill 1134, by Messrs. Brian Moline, Richard L. Harper and James Francisco, was designed to eliminate the death penalty.⁴

³ Ibid., p. 3.

⁴ Kansas Association for Mental Health, Committee on Penal Reform. "Citizen's Study of the Kansas Penal System," Report Vol. I, Sept. 1971, pp. 133-138.

House Bill No. 2030, passed in the 1972 session, proposed many structural changes in the State's penal system. It was to have become effective July 1, 1974. However, it was repealed before it became operative, and Senate Bill No. 72 of the 1973 session took its place. Also passed during the 1973 session was Senate Bill No. 393, giving the State treasurer investment responsibility for moneys in the chapel fund.

Several noteworthy bills were proposed but defeated during the 1972 and 1973 sessions. House Bill No. 1778 of the 1972 session, by Representative Madden, provided that a person released from the State prisons shall be immune from arrest and prosecution "for any misdemeanor committed by him prior to commencement of such sentence in any case where such misdemeanor did not result in injury to the person or property of another." Senate Bill No. 167 concerned increased compensation, as well as allowances and transportation, for inmates upon release.

House Bill No. 354 of the 1973 session, by Representative Madden, was an attempt to put into law "A Model Act for the Protection of Rights of Prisoners" established by the National Council on Crime and Delinquency. The act proposed that inmates "shall retain all rights of an ordinary citizen, except those expressly or by necessary implication taken by law." Even though this was not passed by the legislature, the Kansas penal system adopted it on August 1, 1972, in its Policy, Guidelines, and Inmate Disciplinary Procedures.

In line with its other penal actions, during the 1973 session the State legislature appointed an interim Special Committee on Social, Rehabilitative and Penal Institutions, with Senator Wint Winter as chairman.

The special committee was composed of 11 members from both houses of the legislature. Since none of these legislators belonged to a minority group, Chairman Winter told the Advisory Committee that he had requested that the committee be reconstituted, with the same members being reappointed, plus three members from minority groups. He told the Advisory Committee that legislators from minority groups had requested such appointments. (p. 232)⁵

The charge to the committee was "to conduct a study, inquiry, and investigation of any or all institutions under the Division of Mental Health and Retardation Services--Department of Social and Rehabili-

5. Testimony of State Senator Wint Winter to Kansas Advisory Committee to U.S. Commission on Civil Rights, open meeting, Mar. 8, 1974. Page numbers cited hereafter refer to statements presented at the Mar. 8-9, 1974, open meetings as recorded in the transcript.

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7. Ibid.,
8. Ibid.,

tion Services, and the Director of Penal Institutions."⁶ In carrying this out, the special committee focused its major attention upon the Kansas State Industrial Reformatory, the Kansas State Penitentiary, and the Kansas Correctional Institution for Women.

In its final report, the special committee included findings and recommendations for each institution, along with several general findings. Some of these were: (1) "The prison environment has little to commend to itself in terms of encouraging rehabilitation or constructive change in behavior patterns...it seems exceedingly important to make the most beneficial use possible of programs such as work-release, family visitation, and other limited release programs which help get inmates out of institutions;"⁷ (2) The salaries of institutional employees are too low; (3) Correctional officers should be given an optional retirement age of 55; (4) Supervisors give distorted employee performance records to the State Civil Service Commission; (5) The license plate manufacturing program offers little in the way of rehabilitation. A minority report submitted by Senators Jan Meyers and John Simpson rebuked the censorship of inmate communications at the Kansas Correctional Institution for Women, and the spot-checking of incoming inmate mail at the Kansas State Penitentiary.⁸

In his appearance before this Advisory Committee, Senator Winter elaborated on some of his committee's findings. On the question of correctional officer salaries, Senator Winter said

I wouldn't want to state it particularly in dollars. I would prefer to state it relative to other compensation received by persons of the same general classification and type of work. I think correctional officers should be paid basically the same as peace officers and generally now the Kansas penal institutions' classification and pay schedule is under that of the highway patrol and the municipal peace officers' salaries throughout the State. (p. 225)

As for the distortion of employee performance records, Senator Winter told the Advisory Committee that he "...would say they were no more distorted in the correction system or the penal system than they are

⁶. Special Committee on Social, Rehabilitative and Penal Institutions,

"Reports of Special Committees to the 1974 Kansas Legislature, Re:

Proposal No. 1-State Institutional Programs," p. 1--1.

⁷. Ibid., p. 1--3.

⁸. Ibid., pp. 1--3, 1--5, and 1--8.

any place else in the Kansas civil service system." (p. 225) He referred particularly to the practice of giving unduly high ratings to mediocre employees in order to avoid intraoffice friction by department administrators.

Senate Bill No. 72 of the 1973 session (which went into effect July 1, 1974) is probably the most significant legislative action in Kansas State corrections since establishment of the Kansas Reception and Diagnostic Center. The bill was drafted after a thorough review of House Bill No. 2030 was made by the legislature assisted by a citizens' coalition. (This coalition consisted of such groups as the Kansas Association for Mental Health, the Kansas Council of Churches, the Kansas Council on Crime and Delinquency, and the League of Women Voters.)

The bill brought about many changes in the State's penal system, several of which were suggested 4 years earlier by the Governor's Penal Planning Council. Of prime importance was the establishment of a Department of Corrections with a secretary as chief executive officer. This secretary is appointed by the governor upon the advise and consent of the Senate for a 4-year term. The person filling the position must have at least 5 years experience "as an executive officer in the administration of a Federal or State penal or correctional institution, but three (3) years of such experience may be waived for an appointee having a degree from an accredited college or university which degree is based on penology, or a related field."⁹ The secretary's annual salary is set by the governor, with approval by the finance council.

On May 20, 1974, Governor Docking announced that Robert R. Raines, former superintendent of management services for adult corrections for the State of Washington, had been appointed secretary. Also on May 20, the Kansas Finance Council approved a salary of \$28,500 for the position--a considerable hike from the \$15,000 originally proposed.

Senate Bill 72 authorizes the secretary to establish six divisions within the Department of Corrections as follows: personnel and professional services, research and planning, facility and jail standards, industries and training, operations, and probation and parole. The secretary, however, is not prohibited from creating additional divisions.

The sentiment of those Kansans pleased with the bill is reflected by Ms. Jane Sieverling of the Kansas Association for Mental Health committee on penal reform:

9. Kansas Senate Bill No. 72, 1973 Session, p. 2.

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To me...the thing that is essential...is the structural organizational changes which it would make in our system....That was the key element which, if there had not been that move toward integration of the system of delivery of correctional services, the bill could have been a renaming of old jobs and old boards into new things. Now, there are other things which can turn out to be substantive which can make changes, but I feel it will be the process of how the system is administered that is going to make the key difference. It is not necessarily the words in this legislation. (pp. 79-80)

B. GOVERNOR'S COMMITTEE ON CRIMINAL ADMINISTRATION (GCCA)

In order to assist law enforcement and correctional agencies in stemming the increased levels of crime nationally, Congress in 1968 passed the Omnibus Crime Control and Safe Streets Act. The Law Enforcement Assistance Administration (LEAA) was established within the U.S. Department of Justice to provide block grants to States for local criminal justice projects. In order to administer these grants, 55 state planning agencies (SPA's) were established. The Committee on Government Operations of the U.S. House of Representatives found that after 6 years of existence "the block grant programs of LEAA have too often been characterized by inefficiency, waste, maladministration, and in some cases, corruption. They have had no visible impact on the incidence of crime in the United States."¹⁰

Kansas Statutes Annotated (KSA) 74-6201 - KSA 74-6205 authorized the establishment of the Governor's Committee on Criminal Administration (GCCA) within the executive department of the Kansas State government. It was designated the state planning agency for LEAA funds in Kansas.

The GCCA is directly under the jurisdiction of the governor. The governor, by statute, is a member of the Committee, as are the:

Attorney general, the chairman of the State board of probation and parole, the director of penal institutions, the governor's pardon attorney, the director of the Kansas bureau of investigation,

¹⁰ Committee on Government Operations, U.S. House of Representatives, Block Grant Programs of the Law Enforcement Assistance Administration, 12th Report, May 18, 1972.

the superintendent of the Kansas highway patrol, one (1) justice of the supreme court, one (1) district court judge, one (1) probate and juvenile judge, one (1) county attorney, two (2) members of the Senate and two members of the House of Representatives, one (1) sheriff, one (1) mayor, a regularly admitted and practicing attorney in the State of Kansas and six members at large, at least two (2) of whom shall not hold public office or public employment.¹¹

The statute provides for only six members at large on the committee. Thomas W. Regan, executive director of the GCCA, told the Advisory Committee that at the time of the open meeting only two of these members were lay people. These were Dr. Roy Menninger, president of the Menninger Foundation, and Mrs. Gloria McAfee. All other committee members were government officials or professionals in the fields of legal representation, law enforcement, or corrections.

Mr. Regan also said that of the 30 committee members (including the governor) there were four minorities--all black--and one woman. When questioned as to why there was not a Mexican American on the committee Mr. Regan responded, "I don't think there is any reason for not having them on there." (p. 322)

The committee is authorized 25 positions, divided as follows:

- | | |
|-------------------------------|-----------------------|
| 1 executive director | 1 auditor I |
| 3 deputy directors | 2 accounting clerks I |
| 4 law enforcement specialists | 1 secretary II |
| 1 administrative officer | 2 clerk/typists II |
| 1 accountant II | 3 clerk/typists I |
| 1 accountant I | 1 research analyst II |
| 1 auditor II | 3 research analysts I |

Twenty-four of these positions are presently filled. They include 18 white males, one black male, 3 professional white women, one professional Mexican American male, and one black female clerk.¹²

11. KSA 74-6201.
 12. Aug. 5, 1974, telephone conversation with officials of the GCCA.

Mr. Regan told the budget was approved used for corrections Commission staff for the next 3 years corrections money granted in projects Mr. Regan explained

The nation within the states of our time local and even delinquency to time we feel is remain with the

In light of this was asked if he had in Kansas City, he felt they had been didn't feel it need some other States engage in frequent

GCCA staff member commercial facilities been approved and the proposal is in

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Regan told the Advisory Committee that the GCCA's 1972-1973 budget was approximately \$6,000,000, and of this, 44 percent was used for corrections. Bill Arndt, the GCCA's fiscal director, told Commission staff that this percentage has remained fairly constant for the past 3 years. Because of an interpretation by the GCCA, corrections money (and all money, for that matter) can only be granted to projects submitted by State and local government units. Regan explained this to the Advisory Committee:

The rationale we have felt is the limitations within the statute. The issue of who the sub-grantee may be is one open for interpretation. Our interpretation is it must be a State or local unit of government--that is, city, county, and even with the Kansas Council on Crime and Delinquency which we fund, we require them to go through a local unit of government because we feel in our interpretation of the law that is required. I know other states do not agree with that interpretation. (p. 319)

In light of this difference in interpretation among States, Mr. Regan was asked if he had sought an opinion from the LEAA regional office in Kansas City, Kans. "The issue has not been raised by anyone who felt they had been prohibited from talking to the agencies, so we didn't feel it necessary," he answered. (p. 320) By contrast, some other States, including Missouri, Wisconsin, and Michigan, engage in frequent and direct funding of private agencies.

GCCA staff members work with the individual Kansas State adult correctional facilities to develop proposals. Once a proposal has been approved and funds have been granted, the GCCA monitors how the proposal is implemented. Mr. Regan described the process:

...The monitoring activities are an effort on the part of the staff persons to determine if the project is being conducted as it was intended, as to whether or not the project is on schedule. There is an attempt to make a rather quick evaluation of the financial status of the grant to be sure there are no difficulties along that line, and, generally, as to whether or not the goals set out are going to be accomplished. (p. 314)

Three GCCA staff persons are available for the monitoring process.

GCCA grants to the Kansas State adult penal institutions, in the past, have covered a wide variety of areas, including work release, remote

Figure 2.1

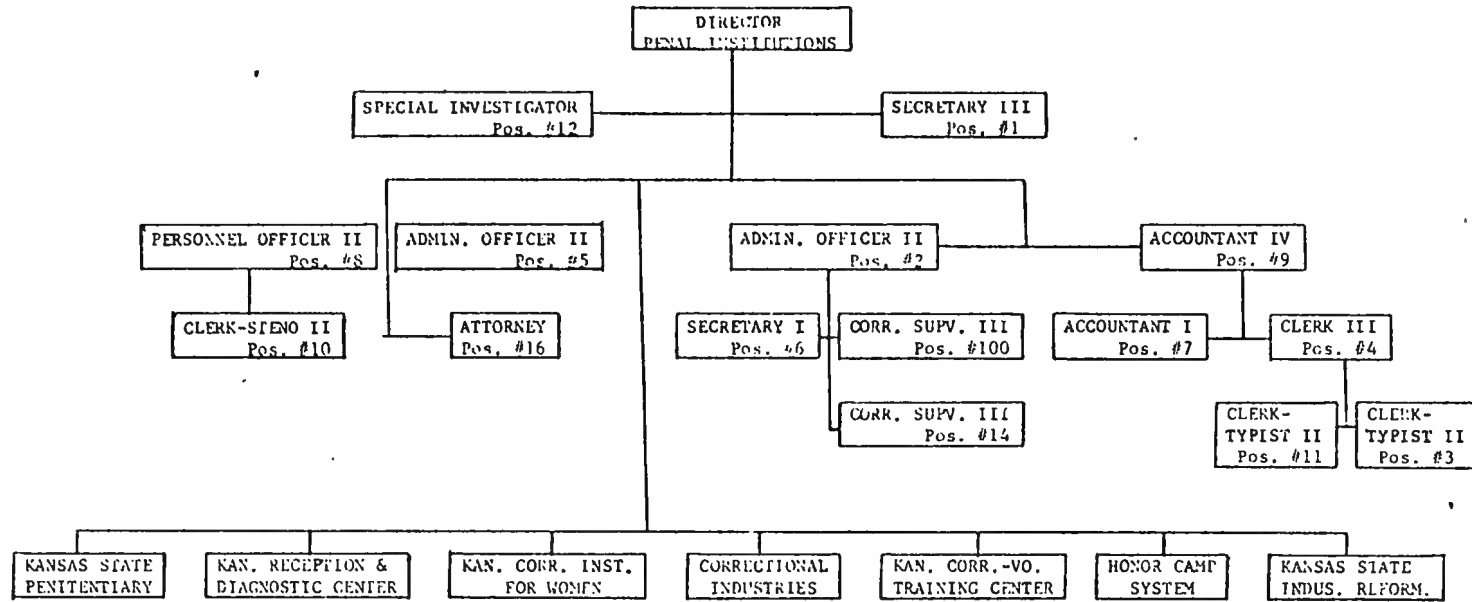
ANNUAL BUDGET

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 3. DETAILED JUSTIFICATION OF REVENUE ESTIMATES
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EXPLANATION AND JUSTIFICATION

AGENCY NO.	AGENCY NAME	FUNCTION NO.	FUNCTION NAME	ACTIVITY NO.	ACTIVITY NAME
	Department of Corrections		Public Safety		

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control units, inmate recreational equipment, inmate educational programs, behavioral science training for correctional officers, an X-ray making machine, a security fence, and construction of the Kansas Correctional Vocational Training Center in Topeka.

Regan told the Advisory Committee that, except for the "one-time" construction grant for the Correctional Vocational Training Center, the Kansas State Penitentiary receives more GCCA money than other institutions. He said that the Kansas Correctional Institution for Women (KCIW) has received very limited funds (approximately \$10,000 for renovation programs) mainly because "they have not expressed much interest." (p. 312)

When questioned by the Advisory Committee as to why she had not taken advantage of GCCA funds, KCIW Superintendent Miriam Phillips replied:

I guess not any particular reason, but I have kind of a feeling about this business of 'there's the money, let's spend it.' I kind of felt if we asked for a grant, it should be something that was very necessary. (p. 465)

In the week of March 4, 1974, the women's institution submitted its first proposal to the GCCA. It was to provide additional correctional matron coverage for the institution so that the other correctional matrons could receive the in-service training that Senate Bill No. 72 requires.

C. OFFICE OF DIRECTOR OF PENAL INSTITUTIONS

In March 1974 as the Advisory Committee was conducting its study, the Office of Director of Penal Institutions was organized as described in Figure 2.1. John C. Hazelet was serving as acting director. His task was to oversee the State's correctional institutions. Fifteen persons were employed in the central office. Each institution was administered with considerable autonomy.

Because the Advisory Committee's study terminated before Senate Bill 72 went into effect, all references in this report will be to the former Office of Director of Penal Institutions and to its organizational framework, rather than to the new Department of Corrections.

As indicated earlier, only four of the system's seven operational units will be considered in this report. They are: the Kansas Reception and Diagnostic Center at Topeka, the Kansas State Penitentiary and the Kansas

Correctional Institution for Women, both at Lansing, and the Kansas State Industrial Reformatory at Hutchinson. Prison industries are involved insofar as working conditions have an impact upon inmates.

As of December 1973, there were 1,325 inmates in the four State adult prisons.¹³

For fiscal year 1973, \$14,149,665 was budgeted for the Office of Director of Penal Institutions and the four adult institutions. The chart below indicates the per capita cost:

TABLE 2.1

Per Capita Costs of Maintaining Inmates in Four Kansas Adult Penal Institutions - Fiscal Years 1972 and 1973

	<u>Fiscal Year 1972</u>	<u>Fiscal Year 1973</u>
Kansas State Penitentiary	\$3,801.30	\$5,064.37
Kansas State Industrial Reformatory	3,574.77	4,518.79
Kansas Correctional Institution for Women	7,595.95	9,402.16
Kansas Reception and Diagnostic Center	1,446.95/per evaluation	1,550.65/per evaluation

Figures supplied by the Division of Research and Statistics, Kansas Department of Social and Rehabilitation Service, showed that as of January 1973, there were 52,121 cases receiving Aid to Dependent Children (ADC) in Kansas. Of these, 868 (1.7 percent) were children with a parent in a correctional institution, 99 children (0.2 percent) had a mother imprisoned, while 769 (1.5 percent) had an inmate father. The research division estimated that the monthly ADC payment per child was \$74.15. Projecting from this figure, it cost the State approximately \$772,346 per annum in welfare payments for children with a parent in a correctional institution.¹⁵

13. Statistics received by the Central States Regional Office of the U.S. Commission on Civil Rights from each institution in Dec. 1973.

14. Figures furnished by Richard L. Davis, controller, Office of Director of Penal Institutions, in an Apr. 3, 1974, letter to Leslie A. Berger; per capita costs are based upon the total operating costs of each institution, except for the costs of capital improvements.

15. Projections prepared by Gary Sullivan and Halaime Doss of the Kansas Department of Social and Rehabilitation Service, Division of Research and Statistics, based upon Tables 18, 28, 37, and 52 of "Characteristics of Recipients of Aid to Dependent Children in Kansas, January 1973."

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Kansas State Penitentiary (KSP)

by the 1863 legislature authorized establishment of the Kansas Penitentiary at Lansing, and construction began the following year. Most of the present physical facilities date back to this time.

The Penitentiary is located on 2,300 acres, 11 of which are surrounded by fences. North of this enclosed area are several craft and machine buildings. At the front of the prison (west area) there is an administration building, flanked on the south by A cell house and on the east by the inside honor dorm. In 1969 a visitors' waiting room and restrooms were added. The original four-story administration building contains administrative offices, the inmates' visiting room, classrooms for correctional officers. Also within the fence are the kitchen, laundry, hospital, and athletics building.

West of A cell house is C cell house, and B cell house is west of inside dorm.¹⁶ The adjustment and treatment building (A&T) is west of the service building within the walls. Finished in 1967, the A&T housing houses inmates who must be segregated from the main population for punishment or for their own protection. There were two maximum security dormitories outside the walls, but one has been closed because of the declining population. As of November 1973 there were 132 male residents in outside dormitory 1.¹⁷

According to Acting Warden Robert A. Atkins, as of December 1973 there were 655 male inmates at the penitentiary. The racial composition reported at that time was as follows:

TABLE 2.2

Racial Composition of Inmate Population at Kansas State Penitentiary - December 1973

	White	Black	Spanish Surnamed	Native American
Number	400	225	9	21
Percentage	61.1%	34.4%	1.4%	3.1%

At the time of the Advisory Committee's investigations, A cell house was used to house black inmates, C cell house, white inmates, and B cell house was not in use because of renovations. On Mar. 4, 1974, Robert A. Atkins, acting warden, announced that the cell houses would be integrated.

Kansas Association for Mental Health, Committee on Penal Reform, "Doing Your Own Time" - A Citizen Study of the Kansas State Penitentiary, Report Vol. II, Grandview, Mo., Overnite Printing, Oct. 1973, pp. 18-29.

Employment patterns at the penitentiary showed a vastly different racial trend. There were 251 employees working within the institution's walls. Table 2.3 below indicates their racial composition.

Table 2.3

Racial and Sex Composition of Staff at Kansas State Penitentiary -- December 1973

	White		Black		Spanish-Surnamed		Native American		Other	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Number	232	2	14	1	0	0	0	1	1	0
Percentage	92.4%	0.8%	5.6%	0.4%	-	-	-	0.4%	0.4%	-

When the professional staff positions are considered, black, Spanish surnamed and Native American representation is lost altogether:

Table 2.4

Racial Composition of Staff at Kansas State Penitentiary in Selected Professional Positions -- December 1973

	White	Black	Spanish-Surnamed	Native American	Other
Executive (Percentage)	13 100.0%	0 -	0 -	0 -	0 -
Education (Percentage)	3 100.0%	0 -	0 -	0 -	0 -
Counselors (Percentage)	14 87.5%	0 -	0 -	0 -	2 12.5%

Note: All staff in these categories at Kansas State Penitentiary is male.

2. Kansas Correctional Institution for Women (KCIW)

The 186.4-acre women's institution, located in Lansing about a mile east of the men's penitentiary, was established in 1917. Seven acres are enclosed by a fence, including the administration building, B building (food preparation, dining halls), A building (inmate housing), Perry building (regular and honor housing), the hilltop store (canteen), and Phillips hall (all-purpose building).

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institution has a 100-bed inmate capacity (excluding the hospital maximum security units).¹⁸

of December 1973 there were 43 inmates in the institution. The small size of the inmate body prompted the Special Committee on Social, Rehabilitative and Penal Institutions of the Kansas State Legislature report in 1974 that:

The Committee recognizes the declining population at KCIW results in increasingly higher per capita costs, as well as declining opportunities for constructive rehabilitation programs for inmates.

The Committee requests the Director of Penal Institutions to conduct a study of incarceration by the State of women in order to develop possible alternatives such as continued operation of KCIW, merger of the institution with some other facility now being operated by the State, and contracting with appropriate authorities of some other State for the incarceration of women offenders. Other alternatives also should be explored. The Director of Penal Institutions (or Secretary of Corrections) should report his findings and recommendations to the legislature by no later than Jan. 15, 1975.¹⁹

The inmate racial composition at KCIW as of December 1973 is listed below:

Table 2.5

Racial Composition of Inmate Population at Kansas Correctional Institution for Women -- December 1973

	White	Black	Spanish-Surnamed	Native American
Count	23	19	0	1
Percentage	53.5%	44.2%		2.3%

18. Kansas Association for Mental Health, Committee on Penal Reform, "A Citizen's Study of the Kansas Penal System," *op.cit.*, pp. 26-41.

19. Special Committees to the 1974 Kansas Legislature, Re: Proposal No. 1 - State Institutional Programs, p. 1--59.

The KCIW work force of 58 persons as of December 1973 was 82.7 percent white:

Table 2.6

Racial and Sex Composition of Staff at
Kansas Correctional Institution for Women -- December 1973

	White		Black		Spanish-Surnamed		Native American
	Male	Female	Male	Female	Male	Female	
Number	19	29	0	10	0	0	0
Percentage	32.7%	50.0%	-	17.2%	-	-	-

The professional positions are dominated completely by whites.

Table 2.7

Racial and Sex Composition of Staff at Kansas Correctional
Institution for Women in Selected Professional Positions -- December 1973

	White		Black		Spanish-Surnamed		Native American	
	Male	Female	Male	Female	Male	Female	Male	Female
Executive (Percentage)	1 50.0%	1 50.0%	0 -	0 -	0 -	0 -	0 -	0 -
Education (Percentage)	3 60.0%	2 40.0%	0 -	0 -	0 -	0 -	0 -	0 -
Counselor (Percentage)	0 -	0 -	0 -	0 -	0 -	0 -	0 -	0 -

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The Kansas State Industrial Reformatory (KSIR)

Completed in 1900, the Kansas State Industrial Reformatory is located on the southern edge of the city of Hutchinson. It is situated upon 530 acres, 23 of which are within the institution's walls. Major buildings include the administration building, the gymnasium, the hospital, power plant and engine building, the guard house, the service building, the laundry, storage and construction buildings, several maintenance, trade and vocational shops and four cell houses. The cell houses each have facilities for 195 inmates. Three of the four are maximum security facilities.²⁰

Superintendent Kenneth Oliver told the Advisory Committee that as of December 1973 there were 510 inmates at the Kansas State Industrial Reformatory. Their racial breakdown follows:

Table 2.8

Racial Composition of Inmate Population at Kansas State Industrial Reformatory -- December 1973

	White	Black	Spanish-Surnamed	Native American
Number	315	177	13	5
Percentage	61.8%	34.7%	2.6%	0.9%

Table 2.9 indicates the racial and sex composition of the 203-person reformatory staff (as of December 1973.)

Table 2.9

Racial and Sex Composition of Staff at Kansas State Industrial Reformatory -- December 1973

	White		Black		Spanish-Surnamed		Native American		Other	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Number	169	22	4	0	5	0	1	0	2	0
Percentage	83.3%	10.8%	1.9%	-	2.5%	-	0.5%	-	0.9%	-

²⁰ Kansas Association for Mental Health, Committee on Penal Reform, "A Citizen Study of the Kansas Penal System," op.cit., pp. 72-88.

When professional staff positions are examined, black, Native American and "other" minority group representation disappear altogether. Of the five Spanish-surnamed employees, only one held professional position.

Table 2.10

Racial and Sex Composition of Staff at Kansas State Industrial Reformatory in Selected Professional Positions -- December 1972

	White		Black		Spanish-Surnamed		Native American	
	Male	Female	Male	Female	Male	Female	Male	Female
Executive (Percentage)	8 88.9%	0 -	0 -	0 -	1 11.1%	0 -	0 -	0 -
Education (Percentage)	4 100.0%	0 -	0 -	0 -	0 -	0 -	0 -	0 -
Counselor (Percentage)	10 100.0%	0 -	0 -	0 -	0 -	0 -	0 -	0 -

4. Kansas Reception and Diagnostic Center (KRDC)

Legislation passed in 1961 by the Kansas State Legislature established the Kansas Reception and Diagnostic Center. Operations began in 1962 in what was formerly the Kansas Vocational School for Negroes. Facilities consist of three archaic buildings and one that is relatively new. Despite remodeling, the old buildings still remain in poor condition.

Dr. Karl Menninger says of the center:

In my opinion, the most promising improvement in recent years is the diagnostic center. Perhaps I am influenced in my views by my close personal association with its development in the State of Kansas. Most prisons have reception wings or units where a certain amount of diagnosis is carried on, but there are only a few reception centers operated as separate and distinct facilities, and not all of these serve the courts as the Kansas Reception and Diagnostic Center does.²¹

21. Karl Menninger, MD, op.cit., pp. 228-229.

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center serves the courts by providing (as stated in its enabling relation):

...a thorough and scientific study of all felony offenders of the male sex sentenced by the courts of the State...so that each offender may be assigned to a State penal institution.²²

study that is prepared--referred to as the psychiatric diagnostic report--is a team effort. Psychiatrists, social workers, psychologists meet with, test, and observe the offender over a period that averages 40 days. In the course of their examination, they probe the offender's personality, social background, and mental aptitude, among other traits.²³

When an offender is assigned to the center, he has received only a tentative sentence from the judge. The latter assigns him to KRDC for a diagnostic period--usually 40 days and not to exceed 120 days. The diagnostic report on the offender is returned to the judge and frequently serves as a basis for determining the length and conditions of the offender's ultimate sentence.

The center has a capacity of 101 inmates, but if necessary 120 inmates can be accommodated. Figures given to the Advisory Committee in December 1973 indicated that the center was operating close to its capacity. At that time, the inmate population was 117.²⁴ A racial breakdown shows:

Table 2.11

Racial Composition of Inmate Population at Kansas Reception and Diagnostic Center -- December 1973

	White	Black	Spanish-Surnamed	Native American
Number	90	23	3	1
Percentage	76.9%	19.6%	2.6%	0.8%

²² Kansas Association for Mental Health, Committee on Penal Reform, "A Citizen's Study of the Kansas Penal System," op.cit., p. 10.

²³ Karl Menninger, MD, op.cit., p. 229.

²⁴ The population does not consist only of offenders undergoing evaluation. Certain inmates are assigned to the center to serve their term there rather than at the Kansas State Penitentiary or the Kansas State Industrial Reformatory. They are called "permanent parties," in contradistinction to those inmates assigned for diagnosis.

The chart indicates that minority persons constituted 23.1 percent of the inmate population at KRDC. This is low in comparison to the other institutions--46.5 percent at KCIW, 38.2 percent at KSIR, and 38.9 percent at KSP. These figures suggest that the courts have been referring a disproportionately small percentage of minority felons for treatment at KRDC in light of their percentages at the other institutions.

Minority representation on the center's 113-person staff, as of December 1973, is slightly greater than at the other institutions:

Table 2.12

Racial and Sex Composition of Staff
Kansas Reception and Diagnostic Center -- December 1973

	White		Black		Spanish-Surnamed		Native American		Other	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Number	77	15	10	2	3	0	0	1	5	0
Percentage	68.1%	13.3%	8.8%	1.8%	2.7%	-	-	0.9%	4.4%	-

Table 2.13

Racial and Sex Composition of Staff at Kansas Reception
And Diagnostic Center in Selected Professional Positions -- December 1973

	White		Black		Spanish-Surnamed		Native American	
	Male	Female	Male	Female	Male	Female	Male	Female
Executive (Percentage)	3 75.0%	0 -	1 25.0%	0 -	0 -	0 -	0 -	0 -
Education (Percentage)	0 -	0 -	0 -	0 -	0 -	0 -	0 -	0 -
Counselor (Percentage)	6 40.0%	5 33.3%	2 13.3%	1 6.7%	0 -	0 -	0 -	0 -

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D. KANSAS BOARD OF PROBATION AND PAROLE

In the course of my reading--by no means confined to law--I have reviewed many of the world's religions. The tenets of many faiths hold the deity to be a trinity. Seemingly, the parole boards, by whatever names designated in the various States, have in too many instances sought to enlarge this to include themselves as members.²⁵

--Justice Hugo Black
U.S. Supreme Court

Use the U.S. Commission on Civil Rights' national prison study based upon the rights of inmates within correctional institutions, topic of parole was considered to be outside the project's parameters. Interviews with inmates and penologists, however, convinced Advisory Committee that the question of parole looms over most inmates in Kansas State prisons every day. For this reason, the Advisory Committee included the Kansas Board of Probation and Parole in its study. Accordingly, Board Director Devon Knoll and Board Chair-Alonzo E. Dempsey were invited to present information at the open hearing.

The legislative action in 1864 vested pardon power in the governor. Although a three-man board of pardons was created in 1885, actual power still remained in the governor's hands. In 1901, a statute was passed authorizing "...the conditional release of inmates based upon the governor's pardon power."

For this period, power was gradually removed from the governor. A 1903 statute provided for the creation of a prison board to "adopt rules and regulations pertaining to parole." Such board would consist of the board of directors and the warden of the penitentiary, and would have absolute power on all paroles, provided that an inmate had served the minimum sentence imposed by law and that a job and housing were secured for the inmate prior to release.

This mechanism remained intact until 1957, when the prison board was abolished and replaced by a five-member, part-time Board of Probation and Parole. Further legislation in 1961 changed the board's composition to three full-time members. Each is appointed by the governor, and ap-

²⁵ Quoted in Jessica Mitford, op.cit., p. 216.

proved by the State Senate.²⁶ As of March 1974, there was one black member on the board.²⁷

Board Chairman Dempsey told the Advisory Committee that:

It is the board's policy to parole as many people as we can in compliance with the law and in accordance with the best judgement of the board members...we try to be as impartial and as objective as we possibly can with parole and we realize, and I think every one of you realize, that everybody wants out of the penitentiary. Not everybody is ready. The court's order has to be met and then we have the obligation to society and to the inmates as well.
(p. 350)

The board makes monthly visits to the four institutions in order to conduct hearings with inmates. "We devote approximately 2 days each to the Lansing and Hutchinson hearings," Mr. Dempsey said, "and an hour or 2 at the other two smaller institutions [KCIW and KRDC] which will have about two to four applicants each month." (p. 348)

On the average, the board hears three inmates an hour. Many times, though, when the board interviews an inmate for the second or third time, the session only lasts as long as it takes to ascertain what the inmate has done since the last hearing. (p. 352) According to Mr. Dempsey:

We do not authorize attorneys to sit in and represent their clients. If an attorney has anything he wants to tell us we welcome his letters. If he wants to come in and see us, we have seen them in the Topeka office a number of times, but we do not have attorneys sitting in representing inmates, either on parole application or violation hearings.
(p. 369)

Results of the board's interviews are kept in an inmate's parole file. This file also contains reports from the FBI, the county attorney, the defense attorney, and the presentence investigation, as well as the KRDC diagnosis, and disciplinary committee reports. Letters concerning the inmate from any number of sources are kept in this file, as are

26. Kansas Board of Probation and Parole, "History of Parole in Kansas," Topeka, Sept. 1970.

27. Senate Bill 72 created a five-member Kansas Adult Authority to replace the Board of Probation and Parole. This report is based upon investigations prior to its creation.

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sortment of other written materials about the inmate. (p. 360)
 For example, if an inmate committed a crime against a person, a letter from the victim may be included in the file. In this instance, the same evidence that was used in determining the inmate's original sentence may also be used to deter his/her parole.

Dempsey and Mr. Knoll also explained the confidentiality of materials in the parole file to the Advisory Committee. Several days after the open meeting Mr. Knoll furnished the Advisory Committee with KSA 22-3711:

22-3711. Certain records privileged. The presentence report, the preparole report and the supervision history, obtained in the discharge of official duty by any member or employee of the authority, shall be privileged and shall not be disclosed directly or indirectly to anyone other than the authority, the judge, the attorney general, or others entitled to receive such information, except that the authority or court may in its discretion permit the inspection of the report or parts thereof by the defendant or prisoner or his attorney, or other person having a proper interest therein, whenever the best interest or welfare of a particular defendant or prisoner makes such action desirable or helpful. (emphasis added)

The statute gives the Board of Probation and Parole much greater discretion in granting access to parole records to inmates and their attorneys than the interpretation of the chairman and director of the board would seem to allow.

Even though an inmate cannot examine the parole file, he/she is free to communicate in writing with the board. Asked if this mail was subject to censorship, Director Knoll responded, "Normally it is not." (p. 373)

The criteria used by the board to assess the parole possibility of an inmate are not defined by statute, other than that the minimum sentence assigned by the judge must be honored. Some of the items the board examines are: (1) the inmate's attitude about society, himself, and others around him; (2) the nature of the crime; (3) the inmate's background--i.e., how stable has he/she been in the past?; (4) educational and training skills; (5) the inmate's amenability to regulations of the institution--i.e., work record, training, education.

(pp. 351-355) Mr. Dempsey said, "There are a number of other ingredients that we look at." (p. 355) He did not enumerate them.

Allegations were made by several inmates that the training and education classes were inadequate, and that many inmates were denied the opportunity to participate. This places a handicap on inmates when they try to honor the board's recommendations to obtain education or vocational training. When asked how this problem is evaluated by the board, Mr. Dempsey answered that he "...couldn't answer that too well." (p. 357)

On being granted parole, the inmate devises a parole plan that must meet the board's specifications. In cases in which the board feels it imprudent for an inmate to return to the community from which he/she came, a suggestion is made that the inmate be paroled to another community or State. The board, however, will not parole an inmate anywhere he/she does not wish to go. If an inmate turns down the board's suggestion, Mr. Dempsey said:

Then we are confronted with adjustments that we have to make and it might even result in the inmate staying in the institution until we could resolve the problem, even staying on until this sentiment dies down. (p. 366)

Table 2.14 contains parole statistics given the Advisory Committee by Mr. Dempsey. (pp. 349-350) Recidivism rates are not precise because parolees do not necessarily violate their parole the same year they are released.

TABLE 2.14

Parole Statistics, State of Kansas - 1971-1973

	<u>1971</u>	<u>1972</u>	<u>1973</u>
Number of Parolees	594	790	907
Number of Parolees violating parole and returned to prison	209	120	140
Recidivism rate	35%	15%	15%

... chart indicates that although the number of parolees increased
... percent from 1971 to 1973, the recidivism rate decreased 58 per-
... cent. Mr. Dempsey expressed concern that the absolute number of
... parole violators increased from 1972 to 1973, even though the per-
... centage remained constant. He told the Advisory Committee, "We may
... have arrived at a place in the curve where we better examine our
... policies." (p. 362)

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CHAPTER III

AN INMATE'S RIGHT TO HUMANE TREATMENT

Excessive bail shall not be required nor excessive fines imposed, nor cruel and unusual punishments inflicted.

The Eighth Amendment to the U.S. Constitution, cited above, provides a basis for an inmate's right to humane treatment. It was established in the case of Coffin v. Reichard¹ that rights not denied inmates because of their incarceration remain by law theirs. Therefore, at least one circuit court of appeals has determined that if an inmate lives in unsanitary or indecent housing, is denied medical attention, or is subjected to severe disciplinary actions by untrained guards, the inmate is, in fact, being subjected to "cruel and unusual punishment"--an unconstitutional action.

A. HOUSING

Penal administrators and inmates complained to Commission staff and to Advisory Committee members about the old, decrepit buildings at all institutions. KSP dates back to 1864, KSIR to 1895, and the women's institution to 1917. The Reception and Diagnostic Center occupies the former Vocational School for Negroes. Its oldest building is approximately 75 years old. Very few renovations have been made at any of the institutions.

At the women's institution each newly arrived inmate is assigned to an isolation cell in the hospital area--the basement of the administration building--for about a week to 10 days. She is permitted to watch television in the ward, but must use the toilet facilities in the isolation cell. When it is determined

1. Coffin v. Reichard, 143 F. 2nd 443 (1944).

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2. Kansas
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3. Ibid.,

that the inmate does not have a contagious disease, she is transferred to one of the orientation floors--either in A building or Perry building. After orientation the inmate is assigned to a single room on the second floor of either housing building.

The first and second floors of A building and Perry building contain the same facilities--a living room, card room, bathroom (one section for toilets and one for showers) and 23 rooms for inmate housing. Each 6- by 8-foot room is identical: furnishings include a bed, chair, dresser, stand, and cupboard-closet. The rooms has solid doors.²

Inmates are locked in their rooms from 10:00 p.m. (11:00 p.m. in honor housing) until morning. Because none of the rooms have a toilet, chamber pots are left in each cell at night. Inmates complained that the contents are not emptied until morning. Other inmate complaints referred to the small rooms and soft mattresses, as well as poor lighting and poor plumbing in communal showers and lavatories.

Although the buildings at KRDC were remodeled in 1961, they are still overcrowded and in deteriorating condition (the superintendent's office is in a condemned building). One of these buildings is used exclusively for inmate housing. Single occupancy cells, built in 1961, are on the first and third floors of this building. Each cell is identical--7 feet by 8 feet 10 inches. The second floor provides dormitory housing for inmates. In addition, trustees are housed in a separate honor dormitory.

Inmates in the regular housing complained to Commission staff that they are not allowed to hang pictures or posters on their walls, that the plumbing system is poor, the cells are cramped, and the beds are hard.

At KSIR the three maximum security facilities--cell houses A, B and C--each have four tiers of single cells 6 by 8 feet. Each cell is furnished with a steel bunk and mattress, a toilet with no seat or cover, a mirror, and a bare light bulb. In each maximum security block there are four cells that are used for administrative segregation.

Only medium custody inmates may live in D cell house. It is dormitory style, with one to four men sharing an open, three-sided area containing three bunk beds, a toilet, and basin.³ These afford very little privacy, but are reportedly popular among inmates.

2. Kansas Association for Mental Health, Committee on Penal Reform, "A Citizen's Study of the Kansas Penal System," op.cit., pp. 40, 41, 49-50.

3. Ibid., p. 74.

None of the cell houses offer individual showers, and inmates complained of the poor drainage in the group showers. Their other complaints included: small cells, poor lighting, inadequate furnishings in cells, poor ventilation, and soft mattresses, oftentimes missing springs.

At the time of the open meeting inmates at KSP were housed in either A cell house, C cell house, the adjustment and treatment building, an inside dormitory or outside dormitory 1. B cell house was undergoing renovation and has since been reopened.

The adjustment and treatment building, a new two-story, windowless, concrete facility, houses inmates in disciplinary or administrative segregation. There are three wings of cells and a centrally located control area. Two wings are used for disciplinary segregation (rule infractions), the other for administrative segregation (protective custody, communicable diseases, etc.). Each wing has three tiers of single-man cells arranged back-to-back, and a shower area. Cells are furnished with a bed attached to the wall, a toilet, a sink, a metal mirror, and a light.⁴ Inmates complained about the lack of daylight in the building, as well as the potential fire hazard imposed by the building's small number of exits.

Outside dormitory 1, located outside the walls, is for minimum security inmates. It is a two-story brick building, enclosed by a wire fence which is left open during the day. Housing is arranged dormitory style--each man has a bed with a headboard, shelves, a table, or a dresser. Many have a chair. There is also an honor dormitory inside the walls for minimum security inmates similar to the dormitory at KSIR.

In early March 1974 the main population was housed in either A or C cell house. Black inmates were assigned to the former; white inmates to the latter. In A cell house three tiers of two-man cells are used. Each cell is 6 feet by 8 feet. Because the institution is not overcrowded, only the two-man cells in C cell house, also 6 feet by 8 feet, are used. The four-man cells were closed June 1, 1974.

Cells in both cell houses are furnished identically, with a toilet and lavatory, medicine chest and mirror, shelf, desk and chair, and four electrical outlets (many torn out by the inmates).⁵

4. Kansas Association for Mental Health, Committee on Penal Reform "Doing Your Own Time," op.cit., p. 25.
5. Ibid., p. 20.

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Ibid., pp.

complaints by inmates--especially black inmates--were many, and
 stemmed from the antiquated buildings. They talked of roaches,
 peeling paint, an omnipresent sewer gas smell, and the lack of hot
 water. Reporters Harry Jones and J. J. Maloney elaborated on the
 content of black inmates in a June 14, 1973, article in the
Kansas City Star:

Blacks interviewed seemed generally more
 upset over their own lot than did the whites.
 This was partly because the whites have been
 placed in a cellblock that was recently
 renovated with new plumbing, electrical
 wiring, ventilation system, wash basins,
 and commodes, while the blacks are housed
 in a cellblock that has not yet been
 renovated.

Gaffney [former KSP warden] explained that
 the choice of cellblocks was based on a
 number of inmates of each race. There
 are nearly twice as many whites as blacks,
 he said, and cellblock C is much larger
 than the one holding the blacks.

Convincing all the blacks that they are
 not being given 'separate but unequal'
 treatment, however, is difficult, es-
 pecially when less than 10 percent of the
 prison staff is black.⁶

Equally difficult was convincing the Civil Rights Division of the
 U.S. Department of Justice that segregated cell houses were legal.
 Rather than face a lawsuit, the Kansas State Penitentiary, with
 assistance from the Kansas Commission on Civil Rights and the Community
 Relations Service of the U.S. Department of Justice, drafted a plan to
 desegregate A and C cell houses on January 17, 1974. The procedure,
 begun February 14, 1974, spread over several months, and was assisted
 by an advisory committee of 12 inmates--6 from each cell house. B cell
 house was reopened, and on May 23, 1974, it was reported that B and C
 cell houses were integrated, and the institution was beginning to
 integrate A cell house. On June 6, 1974, the institution announced
 the integration process had been completed.

⁶ Ibid., pp. 20 - 21.

B. MEDICAL TREATMENT

It would seem axiomatic to me that the State, in committing a person to a penal institution, assumes total responsibility for him, including protection of his health and well-being. The totalitarian nature of most present-day penal institutions precludes the possibility of the individual inmate exercising his own initiative in procuring for himself such health maintenance services. The basic health right of prisoners is therefore for health maintenance provided by the State; the guarantee that, subject to the limitations of medical science, he shall leave the institution no worse than when entered.⁷

--Russell O. Settle, Sr., MD

Dr. Russell O. Settle, Sr., a physician with 33 years experience in prison medicine and psychiatry, was asked in 1970 by the Kansas director of penal institutions to prepare an analysis of medical and psychiatric facilities in the Kansas State prisons. The project was funded by a grant from the Governor's Committee on Criminal Administration. The final report, "The Clinical Services of the Kansas Penal System," contained Dr. Settle's survey of existing medical facilities along with recommendations for improvement.

Dr. Settle told the Advisory Committee that:

A medical service really can't operate in isolation. You can hardly have a good medical program in a bad institution because of the oppression which makes it difficult for the medical staff to try to operate and deal with the inmate's problems. (p. 307)

For this reason, he recommended that a unified medical program be established for all the penal institutions, headed by a medical director. This program should offer:

1. A complete physical and psychosocial evaluation of each new prisoner for the purpose of identifying existing disabilities and disorders and formulating a treatment plan.

7. Written statement of Russell O. Settle, Sr., MD, presented to the Kansas Advisory Committee to the U.S. Commission on Civil Rights, Mar. 9, 1974.

2. The capability of providing treatment for the disabilities and disorders so identified, as well as for the inter-current injuries and illnesses which develop during the prisoner's confinement.
3. A program of prevention of health deterioration through periodic re-examinations and immunizations; and the capacity to offer consultation to management in dietetics, sanitation, and other matters affecting health.⁸

An examination of medical facilities and practices at the Kansas State penal institutions reveals that, in many cases, Dr. Settle's standards are not being met. Four basic problems were identified by Advisory Committee members: (1) The salary of prison physicians was not commensurate with those paid physicians in State hospitals; (2) Medical facilities and practices at the institutions were often not sufficient to handle medical emergencies; (3) Response to inmate medical problems arising at night was slow at each institution; and (4) In many instances, non-medical personnel were authorized to judge whether an inmate was sufficiently ill to warrant medical attention.

Dr. Karl Targownik, clinical director of the Kansas Reception and Diagnostic Center, spoke to the Advisory Committee about prison physicians' salaries. He said that a \$2,000 per annum pay hike had been approved, around the time of the open meeting, for physicians at State hospitals. However, a comparable raise was not granted prison physicians. According to Dr. Targownik:

I am not asking for myself or my staff higher salaries than the State hospital. This would be unfair. But I think you are especially very sensitive about discrimination and I don't see any reason why my physicians shouldn't earn as much as the physicians at the State hospital.
(p. 432)

The Kansas Civil Service Commission disclosed on June 27, 1974, that physicians at Kansas State hospitals may earn a maximum of \$33,000 per annum, while the maximum for physicians at penal institutions is only \$30,216 per annum. The responsibility for establishing higher salaries

8. Ibid.

rests with the individual department. Each department must initiate requests for higher salary ceilings to the State's finance council.

1. Kansas State Penitentiary

According to Dr. Settle, the medical care program at the penitentiary "is housed in a small, 50-year-old, brick hospital building which is inadequate from almost every point of view."⁹ The hospital was built to accommodate 50 inpatients. However, because some of the area was taken over to house x-ray and laboratory facilities, medical records storage, and outpatient facilities, the hospital's actual capacity is much lower. The building's half-basement has been converted for office and clinic use; the first floor contains an emergency room, clinical laboratory, doctors' and nurses' offices, and inpatient wards; the second floor has additional inpatient wards, an x-ray laboratory, the surgery area, and a few individual security cells.

Four of the hospital's major problems identified by Dr. Settle were: (1) "lack of space for housing of clinical program features;" (2) absence of an inpatient psychiatric unit; (3) no facilities available for isolation of "infectious diseases under humane and sanitary conditions;" and (4) "absence of adequate working space for staff and consultants and the operation of services."¹⁰

As of May 1974 the hospital was staffed by one full-time physician (who was also the medical director), four full-time registered nurses, six full-time prison medical assistants (PMA's); and one full-time pharmacist. All medical employees were on call 24 hours a day. For medical emergencies the institution utilizes facilities at Kansas University Medical Center in Kansas City, Kans., and St. John's Hospital in Leavenworth, Kans. The institution employed the services of an optometrist and dentist on a consulting basis.

Sick call for inmates is held Monday through Friday, beginning at 8:00 a.m. According to prison administrators, it ends after all patients have been seen by the medical staff.¹¹

9. Robert N. Woodson and Russell O. Settle, Sr., MD, "The Clinical Services of the Kansas Penal System," Project No. 521-003, Governor's Committee on Criminal Administration, p. 12.

10. Ibid., p. 12.

11. May 6, 1974, telephone conversation with Deputy Warden R.V. Oliver of the Kansas State Penitentiary.

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... providing medical services for inmates, the penitentiary also administers a blood plasmapheresis program for an outside hospital. Dr. Targownik told the Advisory Committee at the open meeting in Lansing, Michigan. Dr. McKee, a retired doctor, supervised the blood plasmapheresis program at the penitentiary. Dr. McKee was paid the top penal physician's salary plus \$15,000 a year from the company for supervising the program.

... volunteers for the program need only pass a physical examination. There are no other criteria. Volunteers may contribute twice a week, and they are compensated \$5 by the company for their donation. Thus, for qualified men this program is much more attractive than working in prison industries.

... In March 1974 six inmates, all participants in the blood plasmapheresis program, contracted hepatitis. Responding to the incident, Acting Warden Robert Atkins was quoted in a March 6, 1974, article in the Kansas City Star as saying:

We are systematically testing everyone--inmates and personnel--we notified the county and State boards of health, and they have cleared the mess hall and the dairy. We have temporarily shut down the blood program.¹²

... On May 6, 1974, doctors from the Public Health Service's Center for Disease Control, Atlanta, Ga., who were investigating conditions at the penitentiary, had not authorized the reopening of the blood plasmapheresis program. Prison administrators indicated that they were hopeful that approval would be forthcoming later that week, but Commission staff members told on June 27, 1974, that the program was still not operating.

... Inmates appearing before the Advisory Committee had several complaints about medical care at the penitentiary. They alleged that: (1) the PMA's were medically unqualified; (2) medical attention is difficult to obtain at night; (3) the pharmacist often overrides the physician's prescriptions.

... State Representative John Rouwenhoust expressed concern about the PMA's. He told the Advisory Committee:

...I have had three specific instances when PMA's have given me injections, which obviously was the first injection they had ever given anyone. One, it hurt him worse than it did me. I had another one give me a shot, supposedly to go into the shoulder

¹²"6 Hepatitis Cases at Lansing," Kansas City Star, Mar. 6, 1974.

muscle. It went behind the shoulder muscle into the socket of my shoulder, and it made him so sick he checked out and he went home.

They do not have any proper medical training. The convicts that tend you can tend you better than the PMA's can. (pp. 260-261)

Job description 02-00-8-051 of the Kansas Civil Service Commission concerns the prison medical assistant. Excerpts from this document describe the duties of this job and its prerequisites:

Examples of Work Performed

Performs bedside patient care such as bathing; taking pulse, temperature and blood pressure; administering oral, intravenous and hypodermic medication; changing dressings; readying patients for surgery or special examinations; monitoring and recording all vital signs regarding the patient's physical and mental condition; and maintaining isolation procedures.

Takes charge of the outpatient clinic or service, emergency room, evening or night shift and receives and observes patients; performs elementary services such as treating minor illnesses and injuries, referring the more serious cases to a physician; makes rounds of cell houses and outside housing units; conducts sick calls; performs physical inspections of new prisoners; arranges for physical examinations; and administers dental first aid....

Operates sterilization equipment; prepares patients for x-ray; obtains specimens and performs routine laboratory tests; monitors physical therapy; performs as scrub or surgical technician; and issues hospital and medical supplies.

Controls the use of hospital and medical equipment and supplies and safeguards narcotics and other drugs and chemicals....

Education and Experience

Graduation from high school; and two years of experience in the treatment and care of mentally or physically ill patients. This

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experience may have been in the areas of nursing, x-ray, medical laboratory, pharmacy, physical therapy, or other treatment areas.

Any of the following may be substituted for the required two years of experience: Graduation from an approved school of practical nursing or license as a practical nurse in Kansas; completion of a training program in a school of medical technology approved by the American Medical Association; completion of a training program in a school of x-ray technology approved by the American Medical Association; licensure as a physician's assistant by one of the States which has such licensure.

Training in any area of the medical field in the armed services, or psychiatric side training, may be substituted for experience on a month for month basis.

The Kansas State Board of Nursing attached its own statement to the "Statement of Functions and Qualifications of the Licensed Practical Nurse" approved in April 1972 by the Executive Board of the National Federation of Licensed Practical Nurses, Inc. This said, in part:

The Kansas Board of Nursing does not believe that the educational programs preparing nurses include a sufficiently broad base of scientific knowledge on which to develop the skills required in supervisory roles. Furthermore, the Board does not believe that licensed practical nurses who have had additional preparation should be working in the specialized areas without the direct supervision of a registered nurse.

Although the Board of Nursing believes that most licensed practical nurses who are currently graduating from basic preparatory programs have these skills and knowledge necessary to administer medication under supervision, the Board encourages employers to provide an adequate orientation to this function. The Board does not believe that licensed practical nurses should be assigned to give intravenous medications. (emphasis added)

The Kansas Department of Corrections permits its PMA's to administer medical services which the Kansas Board of Nursing assigns to registered nurses. Yet, the PMA is not required to be a registered nurse.

Betty Riccardi, RN, BSN, MA Ed., Coordinator, Careers and International Affairs, American Nurses Association, Inc., Kansas City, Mo., said that

I am particularly concerned about the statement, 'graduation from an approved school of practical nursing or licensed as a practical nurse in Kansas.' The requirements for education and experience do not appear to be consistent with the requirements for work performance.¹³

Inmate Rouwenhousht also complained to the Advisory Committee of the difficulty of getting medical attention at night. Inmate John Wayne Franklin concurred. Mr. Franklin, an asthma sufferer, said he feared as asthma attack at night because the penitentiary medical response, in his estimation, is slow.

Mr. Rouwenhousht said that the inmate's first problem at night is in attracting the attention of a correctional officer.

Most of the time a guy gets his broom and beats on the railing to get an officer to come up to his cell...and find out what is the matter with him. Unless he [the inmate] is in an obvious emergency situation, he [the officer] goes down and calls the captain of the guards or the lieutenant of that shift and then generally the [lieutenant] will come up and talk to the man and if they decide it is a serious enough occurrence they will take you to the hospital. (p. 259)

If this procedure goes smoothly, Mr. Rouwenhousht said, it might take only 5 minutes for a man to get medical attention. He alleged, though, that it sometimes takes 30 minutes. Once medical personnel arrive at an inmate's cell, Rouwenhousht said:

They open your door and if it is necessary, they will have inmates and hospital personnel come in and carry you on a stretcher if you are not well enough to walk over. If the

13. Betty Riccardi, letter to Leslie A. Berger, Aug. 12, 1974, Central States Regional Office, U.S. Commission on Civil Rights.

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doctor is available, they can get him and sometimes he comes.

If he is not available, they take him... [to an outside hospital] if it is an emergency. If it is not, they will leave him lay there until morning, or try to treat him there...sometimes medicate him and sometimes not, depending on who is on and what he thinks is necessary. They are not allowed to give medication at night without the doctor's okay to a new patient that is brought in. It is the PMA's that are on duty in the evening. (pp. 259-260)

regard to dispensing medication, Mr. Rouwenhous told the Advisory Committee that only the PMA's and the nurses are responsible for this. Alleged, though, that:

While the doctor is there, the medication is prescribed for you and you can get it. But our pharmacist has a tendency to effectively overrule his prescription by not sending sufficient medication. This is especially bad on the weekends. The medication will be prescribed for the patients that are in the hospital. She will send exactly this much medication down there. If any emergency arises or someone injures himself or whatever the case may be and requires medication, they use some of the medication that is there and then when it is gone, the patients in the hospital do not have any medication.

Sometimes I have seen the medication run out on Saturday night for the patients in the hospital and nobody got any medication until Monday morning. (p. 262)

Warden Atkins refuted this charge in his appearance before the Advisory Committee.

...Only a licensed doctor can prescribe medication in my institution, unless it is aspirin or milk of magnesia or castor oil....

The procedure is, a man goes on sick call, and if the doctor prescribes something for him, that prescription is forwarded to the pharmacist to be filled. The pharmacist fills the prescription and places it in a locked box which is then taken to the pharmacy dispensing point inside the penitentiary twice daily, between the hours of 11 and 12 and 3:30 and 4:30. Inmates can go up to this dispensing counter and draw their prescriptions.

Perhaps some of you are aware of the fact that there is a drug industry that has made things rather complicated for physicians. Very recently there have been decisions rendered which makes it a duty and a responsibility of a pharmacist to insure that drugs, when dispensed by different doctors, are compatible when used by the patient.

I charged my pharmacist with maintaining patient profiles on the drugs being used and advising the physician if there is any incompatibility in those drugs. There may be cases where the pharmacist, who is a professional, has recommended to the doctor not to dispense these two drugs together and this word may not have gotten to the patient. But the pharmacist does not have the decision as to whether or not to dispense. (pp. 522-523)

On August 20, 1974, under provisions of KSA 46-1106(d), the Division of Post Audit of the Kansas State Legislature sent a list of apparent violators of Kansas law concerning pharmacies and drug rooms to the Kansas attorney general. The Kansas State Penitentiary was cited as follows:

The auditor was led to believe that the pharmacy was probably being operated by a prison medical assistant in the absence of the pharmacist. Such operation is an apparent violation of KAR 68-1-8 which requires a full-time pharmacist be on duty during the hours of the pharmacy operation. (emphasis added)¹⁴

14. W. Keith Weltmer, post auditor, Legislative Division of Post Audit, Aug. 20, 1974, memorandum to members, Legislative Post Audit Committee.

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15. Ibid. 16. Telephone.

Kansas Correctional Institution for Women

There is no hospital or medical building at the women's institution. Health care is provided at a 15-bed clinic operated in the basement of the administration building. Sick call is held daily at 8:30 a.m., 1:00 p.m. and in the evening.

A registered nurse is on duty 8 hours a day, Monday through Friday, on call the remainder of the time. A local physician is available when needed. Medical specialists from the community are available on a consulting basis when required.

Correctional supervisors are responsible for distributing medication to inmates (p. 469) about 3 times a day. However, several apparent violations of Kansas law concerning pharmacies and drug rooms were reported by the Kansas Legislature's Division of Post Audit. It noted the following at KCIW:

The institution did not have a current controlled substances registration though controlled substances were in the inventory. This is an apparent violation of Federal and State Controlled Substances Law. (L. 1974, ch. 259, Sec. 1(e))

A drug clerk or a registered nurse is re-packaging drugs into smaller containers in an apparent violation of KSA 65-1643(b) which requires the 'immediate supervision of a registered pharmacist or such other person approved by the board....'¹⁵

Maternal care is provided through community health facilities.

Superintendent Phillips said that an inmate has never requested an abortion, but if one did the institution would make arrangements.¹⁶

Inmate Shirley Fairres made several allegations about medical care during her appearance before the Advisory Committee. She said that if an inmate feels ill while on work detail, it is left up to the supervisor to decide whether or not she requires attention by the nurse. The same holds true if an inmate becomes ill during the night. In this instance, the supervisor, along with the control desk, decides whether outside medical help is required.

¹⁵ Ibid.

¹⁶ Telephone conversation with Commission staff, Aug. 7, 1974.

Ms. Fairres also told the Advisory Committee that the doctor visits the institution once a week, on Monday. In order to see him, an inmate must place her name on an appointment list Monday morning in the dining hall.

3. Kansas State Industrial Reformatory

At the reformatory medical services are housed in an old three story building which is used as a hospital. One small ward with approximate 10 to 12 beds houses inpatients, while the remainder of the space is used for various outpatient activities.

In "The Clinical Services of the Kansas Penal System," Dr. Settle describes the hospital's functions:

[it]...is not equipped for major medical or surgical care, has no operating room, no x-ray equipment and no clinical laboratory. It operates, insofar as medical care is concerned, simply as an infirmary where a relatively small number of patients can be kept in bed for observation and for treatment of relatively minor and uncomplicated disorders.¹⁷

As of May 6, 1974, the hospital was staffed by two full-time physicians--one medical doctor and one psychiatrist--and two registered nurses. Positions for a dentist and two additional registered nurses were authorized, but not yet filled. Sick call was held Monday through Friday, from 9:00 a.m. until all patients were treated. However, because of the small staff and limited facilities the institution must rely heavily upon outside medical specialists and hospitals.

In their appearances before the Advisory Committee, inmates Oscar Bethea and David Elliot described some of their concerns about medical care. Mr. Bethea complained about the after-hour (on the weekend and after 4:00 p.m. weekdays) delivery of health care services to inmates. After hours the only medical personnel on duty is one registered nurse. In cases where an inmate becomes ill at night, he must get the attention of the cell house officer. The officer, in turn, must get the attention of the captain on duty. It is the captain who must decide if an inmate is sick enough to warrant medical attention. If such aid is deemed

17. Robert N. Woodson and Russell O. Settle, Sr., op.cit., p. 18.

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necessary, the captain must then decide what form it will take-- whether medicine should be brought to the inmate in his cell; whether the registered nurse should visit the man in his cell; whether an outside doctor should be called in; or whether the inmate should be transferred to the reformatory hospital or to an outside hospital. Mr. Bethea said:

There is no way I can pin it down to actual time. I have seen cases where they were there immediately and I have seen cases where it took them hours.... (p. 199)

Superintendent Oliver told the Advisory Committee that he had requested the director of penal institution's office to permit the institution's psychiatrist to live in the hospital 7 days a week and to be available at all times. In a July 1, 1974, interview Superintendent Oliver told Commission staff that his request was approved, and his psychiatrist lives at the institution 7 days a week. Mr. Hazelet, in a separate interview the same day, said that he approved the request, but the psychiatrist lives at the institution only Monday through Friday.

Inmate David Elliot, who is being held in protective custody, stated that the doctor visits him routinely on Mondays, Wednesdays and Fridays. Protective custody cells are screened in and set off from the rest of the institution, so if he becomes ill at any other time, he must yell to attract the attention of a correctional officer, he said. "A lot of times, if they think you are just making noise, they are going to leave you alone," he added. (p. 112)

Kansas Reception and Diagnostic Center

Dr. Karl Targownik, clinical director, described to the Advisory Committee the medical and psychiatric facilities of the Reception and Diagnostic Center.

The medical staff consisted of the clinical director, (a psychiatrist), two full-time and six part-time psychiatrists, one chief psychologist, six full-time staff psychologists, one chief social worker, five full-time (one of whom was on leave as of May 8, 1974) and three part-time staff social workers, one medical director (a physician) and one registered nurse. According to Dr. Targownik, all the psychiatrists have had experience as medical doctors and can substitute for the medical director when he is not at the institution. All of these employees, along with the correctional staff, work together as a team in order to develop the evaluative report on a felon that is later sent to the courts.

On the first Monday after a felon arrives at the institution he is met by members of the team--a psychiatrist, psychologist, social worker, and the medical director. A diagnostic schedule is then prepared. On Monday, Tuesday and Thursday morning of the first week the felon undergoes a battery of psychological tests. Monday afternoon he begins a thorough physical examination, which is completed Wednesday when he takes a series of blood tests. A full medical history is taken of all men, and electrocardiograms are administered to those over 35 years of age. In cases where a neurological examination is necessary, the institution employs the services of the head of neurology at the Veterans Hospital in Topeka as a consultant. Other medical specialists are also utilized as the need arises.

As for the second week, Dr. Targownik said, "...[It] is a bit of an idle week" (p. 437). During the third week, the offender meets with a social worker, who elicits a personal social history of the man. The social worker then contacts some of the offender's personal references in order to obtain a more complete picture.

Although the psychiatrists introduce themselves to the men as soon as they can, their major contact is during the third and fourth weeks. Dr. Targownik explained their function:

...They are senior staff physicians from the Veterans Administration. They are not babies in psychiatry. They don't need to spend 10 hours. They get all the material compiled by the social worker, the psychologist. They study this. They study the correctional record, and then they see the men. My instructions are, 'You spend as much time as you need to come to a diagnostic conclusion and to make reasonable suggestions.'

Every record is reviewed by myself, every psychiatric report...and quite often I make some changes, see the men if necessary, clarify, call the team. In other words, every report from the Kansas Reception and Diagnostic Center carries my signature. (pp. 438-439)

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Correctional officers are also part of the team at KRDC. Dr. Targownik described their role:

The correctional officer plays the role, in my opinion, as the big brother. He listens, he is trained, he identifies with us and he does not get too disturbed when an offender insults him because he understands that this is not him whom he insults but someone from his previous life. They show tremendous patience. Sometimes I wish I would show so much patience with some of our senior officers. They are very much identified with our work. You must understand this is 12 years of working together. (p. 442)

According to Dr. Targownik, the final report that is prepared by the court about a convicted felon does not contain psychological labels or recommendations. Instead, it informs the court what the clinical diagnosis of a man is and of the clinical preference as to treatment.

Despite of its achievements, though, the Reception and Diagnostic Center has not gone without criticism. Both inmates and staff have observed that the clinical staff has a white, middle-class orientation which precludes their full understanding of minority felons.

Wes Gonzales, a Puerto Rican inmate who spent some time at KRDC before being transferred to KSIR, said:

They evaluated you on an overall, the same old schedule for everybody. You will go up and talk to the psychiatrist and the psychologist and get into your background, but one of them might be a foreigner. He will understand, up to a certain extent, the problems of minorities. But if you just get somebody that had been working with minorities, it is hard for you to know about Mexicans. You would have to be a Mexican or have an understanding of it. I don't think enough time is taken for that, and you really couldn't for the different races. (p. 222)

In response to this allegation Dr. Targownik said:

...I don't think we were so smart [cognizant of minority cultural differences] 12 years ago but by

working for 12 years I think we have learned a lot about the backgrounds. We learned about sometimes understandable distorted perceptions or experiences of the world as hostile and some realities confirm this. Why the men look for a solution in the commitment of crimes...

I don't think it would be wise for me to say we learned everthing, but I think year after year we learn more and more. A lot of my staff comes from Kansas. A lot of the teaching is done by people who come from these circles....

I don't think anyone on my staff comes from the high, high middle class. High, high middle class doesn't work in prison systems, so the one who goes to work in the prison system has a little bit of emotional feeling; they would like to be there where they are needed. (pp. 443-444)

Dr. Settle, in his report, "The Clinical Services of the Kansas Penal System," stated that the clinical staff was too few in number to effectively diagnose every convicted male felon in the State of Kansas. Although this observation was made during 1970 and 1971, the Advisory Committee's investigation in 1974 noted the same problem. Commission staff was told that approximately 50 percent of all eligible felons are denied diagnosis at the center. They are sent directly to the Kansas State Industrial Reformatory or to the Kansas State Penitentiary. Both institutions have a small staff of psychiatrists, psychologists, and social workers to diagnose all incoming inmates who have not been to the Reception and Diagnostic Center. One psychologist from the reformatory told Commission staff in a May 6, 1974, telephone interview that the clinical staff does not give psychiatric examinations to all inmates. Instead it relies heavily upon inmate self-referrals. Clinical staff at both KSIR and KSP operate group therapy sessions.

Criticism against the KRDC was also leveled by inmates. In his appearance before the Advisory Committee, Jim Gatewood alleged that he was at the center for 3 weeks before he even got to see any of the clinical staff. After this period, he was seen by each member of the clinical staff only once or twice during his diagnosis period. Mr. Gatewood recalled that his sessions with the professional staff lasted from 15 to 40 minutes.

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Mr. Gatewood complained about the abundance of idle time for inmates. He said that because (1) clinical diagnosis is short; (2) recreational opportunities few; (3) the library is closed at night; and (4) many inmates are not given work assignments, inmates "...just sit in their tank." (p. 156)

C. STAFF RECRUITMENT AND TRAINING

The comment was made...that they found in the penitentiary that there was a gap between philosophy, rationale and reality. You bet there is...my personal opinion is that comments that were made...that the key to the Kansas penal system is to hire a well qualified secretary, that's just a drop in the ocean....A man sitting in Topeka in that secretary's job can come out with all kinds of programs and all sorts of activities and they are not going to mean one...God damned thing unless it goes down to the correctional officer.

--Superintendent Kenneth Oliver
(pp. 492-493)

Aware of the crucial importance of correctional officers to general prison conditions, the Advisory Committee devoted considerable time to that position. How are correctional officers recruited? What type of training do they receive?

1. Recruitment

Job classification 06-04-1-001 of the Kansas Civil Service describes the correctional officer I position. Below are excerpts from this document.

Definition of Work

This is routine work in maintaining order and supervising inmates in a State penal institution during an assigned shift.

Work involves responsibility for maintaining security in a penal institution by supervising the movement, conduct, work, discipline, recreation, and training of inmates. Assignments are changed frequently and are performed under the direct supervision of a higher ranking

officer and are reviewed through conference with a superior and on the basis of results achieved.

Examples of Work Performed

Stands guard in a tower armed with firearms, patrols yards, grounds, cellhouses, corridors, dormitories, and work areas; assists in searching for fugitives, their capture and return to the institution.

Escorts individuals or groups of inmates to work assignments; maintains order and discipline in work shops and during bathing, meals, and recreation; requires inmates to meet institutional standards of conduct; keeps perpetual count on inmates assigned.

Acts as turnkey, or as guard on gates, on guard hall duty, or in charge of visiting rooms or armory; searches inmates, cells, cellhouses, and work locations for contraband.

Inspects quarters, facilities, and work locations for unauthorized materials; checks on sanitary conditions and fire and safety hazards such as unsafe tools and equipment or machinery; makes reports on irregularities.

Performs related work as required.

As noted, the major emphasis of the correctional officer's job is security. This was corroborated by Ms. Orvleen Daugherty, a correctional supervisor at the women's institution who told the Advisory Committee, "My duties consist of security first. I must know where each and every resident is at all times." (p. 404)

The civil service job description indicates that correctional officers should be high school graduates. An advertisement for correctional officers in the December 2, 1974, issue of the Leavenworth Times suggested that a certificate of academic achievement could be substituted for high school graduation.¹⁸

18. Such certificate is awarded by the Kansas State Education Commission upon passing the General Education Development (GED) examination.

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an applicant can satisfy this criterion, the next step is to take the civil service examination for correctional officer I. A psychological aptitude test is administered at the same time.

According to the Civil Service Commission, an applicant is interviewed the same day he takes the written examination. Major Charles Johnson, chief of security, Kansas State Penitentiary, described the interview process to Advisory Committee members:

Applicants go up to personnel and fill out the papers up there. The person who is in charge of personnel would talk to them. If he was satisfied with them he would call me up. I would talk to them and check them out to see if they had any arrests listed on there or anything, how they talk, how they act, see if they seem pretty levelheaded. If I am satisfied with them I okay them. Security will then run a check on them which will take 10 days to 3 weeks. The security check goes clear back to FBI records, everything. Once that security check comes back and it clears them, then their paper is sent to Topeka to the director's office and they interview them and decide whether they want to hire them or not.

(p. 400)

ing Director Hazelet told Commission staff that his office never interviews prospective correctional officers. All it does is administer security check on all applicants. If a man passes the check and written examination and is approved by the institution at which he will be employed, the director's office will hire him.

Because correctional officer jobs are civil service jobs, the penal institutions are required to hire one of the five highest-rated applicants on the civil service register (the "Rule of Five"). Superintendent Oliver of KSIR said he had "...never been faced with the problem [of having to choose among five applicants]. Yes, I have never had five applications." (p. 500) Major Johnson of KSP described his observation:

...I would like to say for several years we have never come up with so many correctional officers that we could choose from. If we could get five on the records up at Topeka eligible for it, there is a good chance we would take them all. (pp. 402-403)

Because of this shortage prison officials indicated that in some cases they interview an applicant who has not taken the written test. If he meets institutional approval, he can be hired provisionally, pending later passage of the written examination (at the earliest date the test is offered).

One major factor for correctional officer jobs being undesirable is the low salary officers are paid. This also contributes to the high turnover rate. As of March 27, 1974, the starting salary for a correctional officer I was \$6,300 per annum, reaching a maximum of \$8,040 per annum. An officer can rise through the ranks in the following progression--correctional officer II (\$6,948-\$8,868 per year); correctional supervisor I (\$7,656-\$9,780 per year); correctional supervisor II (\$8,448-\$10,788 per year); and correctional supervisor III (\$9,780-\$12,504 per year). This issue of low salaries was raised by the Special Committee on Social, Rehabilitative and Penal Institutions in its report to the 1974 Kansas legislature:

The consensus of the Committee is that the salaries of institutional employees are too low and in need of improvement....At KSP, for example, the salaries are not at all competitive with those at the Federal Penitentiary at Leavenworth.¹⁹

Also as of March, 1974, Federal correctional officers at the U.S. Penitentiary at Leavenworth were paid according to the general schedule (GS) of the U.S. Civil Service Commission. Trainees begin at a GS-5 level, earning \$8,055 per annum, and may progress to a GS-13, step 10, level, which pays an annual salary of \$26,878.

Thus, at entry level, Leavenworth correctional officers earned 21.8 percent more than those hired by the State; and they could, with comparable longevity and promotions, end up earning more than twice the salary of State correctional officers.

In examining recruitment of correctional officers, the Advisory Committee was particularly interested in measures taken to attract minorities and women. Acting Director Hazelet told Commission staff that the civil service procedures preclude active recruitment of these groups. At the open meeting, Advisory Committee members questioned correctional supervisors about this issue. Their responses indicated a lack of initiative in recruiting minorities and women, as well as a lack of knowledge of how and where to recruit them.

19. Special Committee on Social, Rehabilitative and Penal Institutions, op.cit., p. 1--2.

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Major Ayers of the KSIR told Advisory Committee members, "I would like to see some of them [minorities and women]." (p. 392) He went on to say that he recruited through employment agencies and newspapers, but he did not know whether he advertised in the minority newspapers. (p. 393) Major Johnson of the KSP told the Advisory Committee, "I don't judge a man by what he is or what color he is." (p. 393)

In his appearance before the Advisory Committee, Dr. Karl Menninger advocated having more women correctional officers. "Men don't want to fight with women," he said. "As a rule, physical encounters are of the order of day...." (p. 555) Women correctional officers are employed at all the California State prisons. Correctional officers at the Kansas State prisons indicated women were hired as a last resort. For example, Major Johnson told the Advisory Committee:

We run about eight or ten officers short all the time. We have even hired four women correctional officers here at our prison to run the radio room, the base stations, the switchboard, and the last four we hired are going to run the cage. (p. 403)

No women correctional officers were also employed at KSIR at the time of the open meeting.

Training

Classroom training sessions are held several times a year at the Kansas State Penitentiary (for officers from the penitentiary, the women's institution, the Reception and Diagnostic Center and from some of the honor camps) and at the Kansas Industrial Reformatory (for officers from the reformatory and from the other honor camps). All correctional officers must take this training during their first year of employment. Consequently, many correctional officers may work for 6 months before receiving any classroom training. In the interim they rely solely upon informal on-the-job training.²⁰

The training consists of 160 hours: 104 provided by the penal administration and 56 by Washburn University, Topeka, Kans. The latter is funded by a grant from the GCCA.

May 10, 1974, telephone conversation with Wayne Woolverton, Assistant director of penal institutions.

Institutions

Superintendent Oliver told the Advisory Committee that the training program

...is an outstanding program. Of that 104 hours of training...a significant amount of that training is devoted to other than security and control classes. That is a basic function of the course. For example, we have added in the last year 4 hours taught by an attorney on legal rights of inmates. (pp. 488-489)

An examination by Commission staff of the 104-hour program at the Kansas State Penitentiary revealed that in addition to the course on inmate legal rights there were only 3 other training hours not dealing with prison orientation, security or control; there is a 1-hour course on "counseling of inmates" and a 2-hour course on "public relations."

As for the courses provided by Washburn University, several deal with minority culture--"cultural relativity of crime" (2 hours); "socio-cultural basis of criminal behavior; social psychological explanations of crime" (4 hours) and "understanding types of criminal behavior; race and ethnic relations; collective behavior" (4 hours).

When asked about minority culture training, the correctional supervisors appearing before the Advisory Committee were unconvinced of its necessity. Major Johnson of KSP said:

I would say [it is] not [necessary].
I think you can give them a general idea, but their best training is right down there with the men because there are no two inmates exactly the same. (p. 379)

Lieutenant Maddox from the Reception and Diagnostic Center told Advisory Committee members that in his 12 years working for the institution he had never had any minority culture training. He added

I don't know if it would be of any benefit; it certainly would do no harm. (p. 379)

In addition to the 160 hours training for new correctional officers Senate Bill 72 made it mandatory for all correctional officers to have an additional 80 hours training every year.

Other training is held 3 times a year in the form of a 2-day mid-management behavioral science seminar at Washburn University. Superintendent Oliver said that two of the seminars held in 1973 dealt exclusively with inmate rights. Staff attending the seminars brought back video tapes and written material for the staff members unable to attend.

KSIR completed plans with Hutchinson Community College, Hutchinson, Kans., early in 1974 for an associate of arts degree in corrections. At the time of the open meeting the institution was negotiating arrangements for a bachelor's degree in corrections with McPherson State College, McPherson, Kans.

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CHAPTER IV

AN INMATE'S RIGHT TO DUE PROCESS

Due Process of Law...a course of legal proceedings according to those rules and principles which have been established in our systems of jurisprudence for the enforcement and protection of private rights.¹

This doctrine is embodied in the Fifth Amendment to the United States Constitution which states that a person cannot "...be denied of life, liberty, or property without due process of law." This same protection is echoed in the 14th Amendment--"nor shall any State deprive any person of life, liberty, or property, without due process of law...."

Because of their incarceration, inmates on many occasions have been denied due process. Coffin v. Reichard² establishes that "...a prisoner retains all the rights of an ordinary citizen except those expressly, or by necessary implication, taken from him by the law." Accordingly, this section will explore the due process guarantees afforded inmates in the Kansas State adult prisons.

A. LEGAL SERVICES

Inmates who cannot afford a private attorney are presented three alternatives: they may utilize the services of the Legal Services for Prisoners, Inc.; the inmate legal assistant; or handle their own legal

1. Henry Campbell Black, MA, Black's Law Dictionary, Revised Fourth Edition, St. Paul, Minn.; West Publishing Co., 1968, p. 590.
2. Coffin v. Reichard, 143 F. 2d 443 (1944).

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atters. Because of its overcrowded caseload, the Legal Aid Society of Kansas City, Kans., is unable to provide legal representation for inmates.

In June 1972 LEAA approved a discretionary grant for a project providing legal assistance for inmates. The grant identifies Minnesota, Georgia and Kansas as pilot States for the project, and the Legal Services for Prisoners, Inc. (herein referred to as Legal Services) was established in Kansas to implement the grant.

In the past, rather than receiving funding directly from LEAA, the organization received its money by contract from the Minnesota Governor's Crime Commission. Because the Minnesota State Legislature approved State funding for the project for fiscal year 1975, LEAA funding for the Kansas project will be channeled through Charles Decker and Associates, Washington, D.C., or through the State of Maryland.

During fiscal year 1974 LEAA discretionary funding to the organization totaled \$55,000. The GCCA provided an additional \$22,000 from its annual LEAA allotment. Legal Services is a private organization and therefore deemed ineligible for GCCA funding. The \$22,000 was granted to the Reno County Commissioners, who relayed the funds to Legal Services.

Peter Farabi, director of Legal Services, told the Advisory Committee that he had requested a budget of \$85,000 from LEAA and GCCA for fiscal year 1975. New guidelines, however, state that subgrantees must match 10 percent of all monies granted them. This means Legal Services must supply \$8,500. "We were successful," Farabi said

....with the assistance of Senator Winter in having legislation passed this year which allows the AID fund, which is Aid to Indigent Defendants Fund, to pay to us a lump sum based on a budget we will present to them before 1 July 1974. (p. 335)

In March 1974 the paid staff of Legal Services consisted of Director Farabi, Fred Jackson, a part-time litigation attorney, a full-time attorney at KSIR, an administrative assistant, and a secretary, none of whom belongs to a minority group. Legal Services hoped to hire an additional secretary if the 1975 funding requests were approved and submitted.

In addition to paid staff, Legal Services relies heavily on volunteers. As of March 1974, 15 students enrolled in the Defender Project at the Kansas University Law School and approximately 30 students from the Washburn University Law School were working for Legal Services. There were also two work-study students from Kansas University helping out.

Mr. Farabi described the racial composition of the volunteer staff:

We have some minorities in our unpaid staff of law students. We actively recruited the women and the black students because we felt they were needed in the project. We were having trouble communicating with the black inmates and we were having trouble getting into the women's institution because we--the men weren't interested in it to be honest with you; but the women are interested in it, and the women are going up there but we are not getting the response out of the institution that we want....(p. 336)

Mr. Farabi told the Advisory Committee:

We provide a complete legal service. We handle disciplinary hearings and we also handle civil cases, divorces, veterans' benefits, social security, financial problems, and installment purchase problems. (p. 328)

When an inmate requests assistance from Legal Services, he/she is asked if it is of an emergency nature. Then, depending on the circumstances, the organization schedules the request into its caseload. Since it came into operation, Legal Services has opened 1,077 cases and closed 911. In March 1974 Mr. Farabi indicated that

the oldest case we have that has not been interviewed is 26 days old; that is at the Kansas State Penitentiary at Lansing.

At the Kansas Reception and Diagnostic Center we are current as of today. At the Kansas State Industrial Reformatory, where we have one man operating without a supporting staff, he is approximately 30 to 40 days behind. (p. 332)

Inmates who decide to forego Legal Services' assistance, and who either handle their own legal matter (the courts in some instances have allowed individuals to represent themselves--pro se--in civil and criminal matters)³ or who rely upon the inmate legal assistant, can only use the legal materials furnished at their own institution

3. See Ross v. Moffit, 42 U.S.L.W. 4941.

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er staff: the KRDC there is no legal library. Superintendent Thompson told the Advisory Committee that:

We have only some State statutes. Approximately 5 years ago the Federal Government did, I think, give the State of Kansas a certain amount of money for library purposes. However, the Reception and Diagnostic Center was not included in these institutions. We were able to get Federal funds through the State library office; however, one of their stipulations was that we were not to purchase any law books for the law library. (p. 459)

mate Linda Frost from the KCIW said, "We don't have a legal library with anything. If we want to find out something, everything is kept in Mr. Phillips' office...." (p. 141) Commission staff observed that the only legal materials available were Kansas Statutes Annotated from 1969.

There is a law library at KSP, but inmates in the A&T building claimed they were denied access. At KSIR the office of the full-time Legal Services attorney serves as the law library.

The legal materials at KRDC, KCIW, and KSP are, for the most part, outdated. For example, inmates at KSP alleged that only the 1949 version of the Kansas Statutes Annotated was on the shelves. At KSIR the attorney stocks the library with many of his personal legal references, and these are up-to-date.

B. DISCIPLINARY PROCEDURES

Prison is a world unto itself, like a game of Monopoly where the players don't understand the rules.⁴

Prison administrators and inmates presented different accounts of prison disciplinary procedures to Advisory Committee members. Administrators, on the one hand, described a well-defined set of rules, regulations, and disciplinary methods. On the other hand, inmates alleged they either had not been informed of these policies, or, if they had, claimed that implementation of rules differed greatly from what the rule manuals stated. Inmates claimed that oftentimes rules were applied arbitrarily and inconsistently. For example, they said different correctional officers interpreted the same rule differently,

Quoted in Jessica Mitford, op.cit., p. 5.

and punishments varied, depending on how the officer and administration felt toward the inmate in question.

Section 76-2410 of the Kansas Statutes Annotated authorized the director of penal institutions to establish uniform rules for both staff and inmates at all Kansas State penal institutions. Consequently, when he was assistant director of penal institutions, John C. Hazelet compiled and edited Rules and Regulations of the Director of Penal Institutions, State of Kansas. (herein referred to as the rule book) This book became effective on July 1, 1968.

The rule book contains six chapters, arranged as follows:

Chapter I. General Institutional Regulations

- Article 1. Public Information and Community Relations
- Article 2. Custody and Security
- Article 3. Escapes
- Article 4. Disorders and Emergencies
- Article 5. Inmate Discipline
- Article 6. Medical Service

Chapter II. Personnel

- Article 1. Institution Heads
- Article 2. Employees
- Article 3. Services to Employees
- Article 4. General Personnel Regulations

Chapter III. Inmate Rules

- Article 1. Behavior
- Article 2. Personal Cleanliness
- Article 3. Living Quarters
- Article 4. Work Program
- Article 5. Education and Training
- Article 6. Food
- Article 7. Clothing and Shoes
- Article 8. Marriage
- Article 9. Inmate Grievances and Appeals

Chapter IV. Inmate Privileges

- Article 1. Mail
- Article 2. Visiting
- Article 3. Personal Property
- Article 4. Inmate Canteen
- Article 5. Library
- Article 6. Legal Documents
- Article 7. Inmate Manuscripts
- Article 8. Handicraft Program

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Chapter V. Inmate Activities

- Article 1. Religion
- Article 2. The Athletic Program
- Article 3. Institutional Inmate Publications
- Article 4. Radio and Television Programs

Chapter VI. Honor Camps

- Article 1. Honor Camps Inmate Rules

Each of the above articles is subdivided into a series of explicit policies.

Employees receive the entire rule book, while inmates receive only Chapters III through VI. These contain a series of do's and don'ts; for example, "No inmate shall spit or throw trash of any kind upon the floors, sidewalks or grounds of any institution or camp." "Inmates will be attentive and respectful toward State employees and officials." Although rules are enumerated, no accompanying rationale for their existence is included nor are punishments described for failure to follow a specific rule.

Inmates are afforded use of the library, access to legal documents, etc., only as privileges granted them by the administration, rather than rights to which they are entitled.

The rule book was issued in 1968. An April 30, 1974, telephone conversation by Commission staff with Wayne Woolverton, assistant director of penal institutions, confirmed that it is still in use. Woolverton said that there have been modifications to some parts of it, but the director's office had not found the time to update the volume. Instead "administrative procedures" are issued, promoting changed issues.

On August 1, 1972 a disciplinary manual, Policy, Guidelines and Inmate Disciplinary Procedures, (herein referred to as the disciplinary manual) went into effect. It supersedes sections pertaining to inmate discipline in the rule book. According to the penal administration, both penal employees and inmates receive a copy.

Section A of the manual, except for recommended cell sizes, adopts the Model Act ("An Act to Provide for Minimum Standards for the Protection of Rights of Prisoners") of the National Council on Crime and Delinquency. It represents a substantial shift in attitude toward inmates. This change is reflected in its "Declaration of Purpose and Intent."

The central principal (sic) underlying all rules, regulations, procedures and practices relating to persons imprisoned in accordance

with law shall be that such persons shall retain all rights of an ordinary citizen, except those expressly or by necessary implication taken by law.⁵

Section A of the manual prohibits inhumane treatment of inmates, places restrictions on their isolation in solitary confinement, calls for disciplinary and grievance procedures for inmates, permits inmate lawsuits when provisions of the Act are abridged, and points to the need for allowing outsiders to visit inmates. Section B details disciplinary procedures of the Kansas penal system--administrative segregation, disciplinary segregation, disciplinary board, review board, and disciplinary forms.

The disciplinary manual divides inmate offenses into two categories: Class I offenses and Class II offenses. The former are of such a serious nature that State criminal charges could result. The county prosecutor is notified of all Class I offenses. For Class II offenses, only institutional disciplinary action is taken. For all offenses a disciplinary report must be prepared and a copy given to the inmate.

A disciplinary board was established at each institution in order to rule on inmate guilt and innocence. The composition of said board is defined by the disciplinary manual. It must consist of the deputy warden, individual treatment, or assistant superintendent (chairman); the director of classification or a classification officer; and the chief correctional officer or an assistant. Decisions of the board are made by a majority vote of its members.

If inmates are charged with Class I offenses or if the possible penalty of an inmate's action affects the length of the original sentence or parole eligibility, a hearing is held. In this instance,

he shall have the right to be represented by (Option A) any available legal counsel at no cost to the inmate. Option B provides that he may waive his right to available legal counsel and request counsel substitute (inmate) of his own choice within his institution. In lieu of either (A) or (B), the inmate may request Option C--the services of his own private attorney at the inmate's expense, or that provided by his family. The inmate should

5. Kansas Penal System, Policy, Guidelines and Inmate Disciplinary Procedures; p. 1.

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6. Policy,
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be advised that his institution or the State of Kansas will not pay for the services of a private attorney....

Both employee and inmate witnesses may be summoned to testify at a disciplinary board hearing.⁶ (emphasis added)

The disciplinary manual also states that the maximum security unit will consist of two sections, one for administrative segregation, the other for disciplinary segregation. Inmates may be confined in administrative segregation for any of the following reasons: for protective custody; to await a disciplinary board hearing on a crime they allegedly committed; because they have a communicable disease; because they are special security inmates; e.g., homosexuals; those with suicidal or self-mutilation tendencies; those with serious mental problems; or because of an emergency situation where the behavior of an inmate indicates him to be potentially dangerous to other inmates or employees." All inmates placed in administrative segregation must be approved by the shift supervisor, with written notification sent to the institution head.

Inmate Linda Frost told the Advisory Committee about time she served in administrative segregation.

[I]...stayed 15 days and nights in maximum security, which is a 2-by-2 cell with my pot and my water, and they wouldn't let me have my sheets and blankets until 10 o'clock. I asked them what was the reason I was being charged. They hadn't brought any papers down and didn't tell me anything and nobody seemed to know, but yet I was put into an isolation cell of maximum security.

So I stayed down there for 9 days before I even met a disciplinary board...I didn't see no doctor until probably 5 or 6 days later and all he wanted to ask me was, 'How are you feeling, what do you have?' and that was it. (p. 126)

Peter Farabi of Legal Services commented on inmate David Elliot from KSIR. Elliot was being held in administrative segregation because he testified against an inmate charged with first degree murder. Farabi said:

6. Policy, Guidelines and Inmate Disciplinary Procedures, op.cit., p. 9.

...they [inmates] go on protective custody the minute they testify against another inmate for something like this, as the man [Elliot]....He is on protective custody at KSIR because he testified in a trial in Wichita, not because he did anything. Not because he had any disciplinary report against him. So you punish the man, because in a sense it is a punishment to place him in that protective custody, for testifying. (p. 343)

The disciplinary manual says that only inmates serving a sentence meted out by the disciplinary board and approved by the institution head are placed in disciplinary segregation. In addition, it states that the following conditions must be met: (1) that a disciplinary report must be written and a copy given to the inmate; (2) that a disciplinary board hearing must be held and the charged inmate given opportunity to present his side of the case and to cross-examine witnesses against him; (3) that the disciplinary board has recommended an inmate be placed in disciplinary segregation; (4) that the deputy warden or superintendent has approved the disciplinary board's recommendation; (5) that the warden or superintendent has given his/her "signature for implementation of the punishment."

Inmate Linda Frost told the Advisory Committee of another incident whereby she was kept in disciplinary segregation for 15 days, during which time she was taken out for only 15 minutes a day for showers. She alleged that she was permitted no recreation and no mail while in segregation. She also said that she was not permitted to keep any reading matter (except the disciplinary hearing report on her case) in her cell. In response to this, Superintendent Phillips said:

...She did not spend 15 days down there and she was not without reading material. She does receive her mail and she does get regular diet and the nurse sees her every day. (p. 475)

Danny L. Smith, inmate at the KSP (adjustment and treatment building) differentiated between administrative and disciplinary treatment at the institution:

...Upon receiving a major writeup, you go to administrative segregation. Administrative segregation are those charged with an alleged violation of law or serious rule infraction pending a hearing before the institutional disciplinary board....

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Then you have disciplinary segregation. Inmates are those currently serving a sentence as meted out by the institution's disciplinary board where the punishment for the specific offense has also been approved by the warden or superintendent.

What it means is you can go to administrative segregation when you receive a writeup, if that particular offense warrants that type of treatment....If you are found guilty, you go to disciplinary segregation. You never leave the cell, you are in the same room. There is no difference other than the title itself.

That also applies to what they consider mental health [problems]. They have an individual down there now who can't control his temper and he needs mental help and so he is down there two cells from me, although I am being punished for infraction of the rules and he is supposedly being helped, he is still in the same situation I am.
(pp. 255-256)

The disciplinary manual also provides an inmate grievance procedure. It states, "All inmates are entitled to report any grievance or violation of a law or regulation...." An inmate may first send a sealed and censored communication to the institution head, stating the grievance. If a solution satisfactory to the inmate is not found, the inmate can send a sealed, uncensored communication to the director of penal institutions. If the grievance cannot be resolved by him, the director will refer the matter to Legal Services.

According to the disciplinary manual, inmates are also permitted to appeal disciplinary board decisions to the director of penal institutions within 7 days of the date they receive the board's decision. The director may approve the institution's decision, disapprove it entirely, or reduce the stipulated penalties.

Inmate Linda Frost appealed a decision of the disciplinary board to the director of penal institutions in November 1973, and as of March 1974 had not received notification as to its disposition. Oscar Bethea, inmate at the KSIR, showed Commission staff the response he received to his appeal. The letter, dated December 21, 1973, was written by Wayne D. Colverton for John C. Hazelet and said in part:

As for me expressing my opinion regarding the time element I can only say that it is a fact that every time you have been written up for a violation you immediately proceed to protest through every known source in an attempt to 'beat the rap' and deluge the institution administration and this office with letters, appeals, and protests. This only serves to support my opinion that you should accept the fact that some of the delay was due to your protests. The case could have been handled with a lot more expediency without them.

Inmates alleged during interviews with Commission staff and at the Advisory Committee's open meeting that in many instances discipline at the institutions is not meted out according to the rule book or to the disciplinary manual. They also objected to Rule 55, "other violations." This covers offenses not enumerated in the disciplinary manual. Superintendent Thompson explained how this has been implemented:

I can give you an example where we used this one just recently. We had a young man who was on the work release program. He falsified the signature of his employer in stating he was supposed to go to work on Sunday. We honored this request and he did go to the service station. He spent the afternoon drinking beer and riding around in one of the customer's cars and watching TV.

When this came to our attention through the employer, a disciplinary report was written and the offense fell under 'other rule violations.' The 'other rule violation' as far as he was concerned was the agreement he signed or the contract he signed with us in terms of the do's and don'ts he would carry out as member of the work release program. (pp. 461-462)

Inmates at the women's institution stated that when an inmate is written up, she is given a copy of the charges and is advised of her right to be represented by an attorney, but no mention is made of the free legal services available to her.

Inmate Shirley Fairres told Advisory Committee members:

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...If you want to get counsel, a lawyer, and fight it--I have never known anybody to do that because it wouldn't do you any good....

They already know what they are going to do with you anyway, so I don't see much point in doing that. (p. 124)

She also alleged that in one instance, even though she pleaded not guilty to a charge, the papers on the incident indicated that she pleaded guilty.

Both inmates from the women's institution appearing before the Advisory Committee alleged that the disciplinary board functions more as a symbolic body than as a genuine decisionmaking body. They claimed that it is Superintendent Phillips who determines the guilt or innocence of an inmate.

Female inmates also alleged that while they did receive the disciplinary handbook, they never received a rule book. In fact, rules changed so rapidly that they often found it difficult to keep informed. Superintendent Phillips said:

We have institutional rule books but we have rules that apply to the particular institution and these go by memo. This is probably my lazy way of doing it. I would rather put up a memo and not tear a page out of a book. I am not one bit adverse to changing rules and regulations if it seems the application more reaches the goal of the institution.
(p. 480)

Inmates also stressed that the application of rules and regulations varied according to different correctional officers.

Oscar Bethea presented to the Advisory Committee his version of disciplinary procedures at KSIR. He said that inmates receive a copy of a disciplinary report the day the infraction is committed. However, they are not advised of their right to an attorney nor of their right to cross-examine witnesses at the disciplinary hearing, he added.

When asked by the Advisory Committee if inmates were kept in segregation while awaiting a disciplinary hearing, Mr. Bethea answered:

It depends on who you are, how mad they are at you, or what the infraction consists of. Like they have arrested guys for

possession [of drugs] in that institution and didn't do anything to them, and they arrested me for nine joints and put me in the hole immediately, right then. So it all depends on who you are, what you do, and whether they like you or not. (p. 192)

Bethea also expressed his impression of a disciplinary board hearing:

...The court line-up there is what everybody talks about being kangaroo court. It don't make no difference if you are guilty or if you are not guilty; the thing is run by the assistant superintendent. (p. 190)

Thus, it is difficult from the outside to obtain an accurate picture of prison disciplinary procedures. The penal administration presents a description of ideal rules, regulations and procedures, while most inmates present a critical account of the way they perceive justice is served.

C. INMATE REPRESENTATION

Another issue which tangentially relates to the issue of due process is the degree to which inmates participate in the decisionmaking process to what extent do they have a voice in determining issues directly affecting them?

Acting Warden Atkins of the penitentiary commented before the Advisory Committee on the testimony of the inmates from his institution:

...I was here at the time when the four inmates from Kansas State Penitentiary were heard by this Committee. I will tell you what I told them. I thought they did a pretty good job...I thought they told it the way they perceived it, but, unfortunately, I am learning something, that these inmates are not in possession of the facts. They are not administrators and they don't know what we are doing. Therefore, we obviously are not properly communicating to the inmate body, because many of the answers that you got yesterday were wrong, not because the inmate was trying to give

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(p. 514) (emphasis added)

Mr. Atkins' stated concern over the failure of prison administrators and inmates to communicate did not translate into an endorsement of an ongoing body for inmate representation. He told the Advisory Committee:

I believe in some participatory management in the institution. I think that people who are incarcerated there are sort of like the rest of us; they ought to have a say in what goes on. I am not a believer in a continuing inmate council.... (p. 530)

He went on to say that in the past inmate councils had not been "too successful" at the penitentiary. Inmate John Rouwenhous elaborated on this point.

In 1973, when the little problem came up [a racial disturbance] there, an inmate council was formed at the request of the warden [former warden Raymond Gaffney], I believe, but I am not positive about that. They worked very hard to get that penitentiary back to functioning again.... They got everybody back to working together, eating together, going to shows together.... They weren't able to get the men to agree to cell in the same cell houses at that time. Immediately the warden saw we were unable to achieve the goal and he disbanded the entire committee and we haven't had one since. The administration is not favorable to the idea of having inmate councils up until the present time (pp. 276-277).

Even though there was not an inmate council at the penitentiary, Mr. Atkins told the Advisory Committee that there were "three inmate Council-type activities" operating at the time of the open meeting. One was to help desegregate the cell houses; another to "sort of supervise and help manage an art activity," which also included music and inmate self-study; and the final one to help administer the inmate welfare fund - managing the commissary (selecting merchandise and setting prices), choosing movies, etc. (pp. 530-531)

The lack of communication that Acting Warden Atkins spoke of was concretized in regard to the inmate welfare fund. Inmate John Rouwenhous said:

The profits in the store...supposedly go to the inmate fund. In the last 3 years no accounting has been made of the inmate fund. They used to be published quite regularly in the inmate magazine, but I haven't seen a publication in the institution that details how much money has been put into the fund? From what source? What it is being spent for? And what is left of it? (p. 274)

The acting warden's philosophy concerning inmate councils also prevailed at the other Kansas State adult prisons. There was no inmate council at the Kansas Correctional Institution for Women. Superintendent Phillips said that she spent much time talking with inmates individually and in groups. Similarly, there was no organized standing inmate council for the trustee inmates at the Reception and Diagnostic Center. Commission staff was told, though, that inmates are free to go to the administration with problems, suggestions and questions.

Inmates Oscar Bethea and Claude Conover from the Kansas State Industrial Reformatory spoke vociferously at the open meeting concerning the lack of inmate council and inmate representation at their institution. In order to compensate for this lack of a participatory and communicative forum, Mr. Conover said that inmates try to use some of the outside groups, such as the Jaycees, as conduits for presenting their suggestions to the administration:

We have sent probably a hundred memos up front on things....A lot of them are minor things. Some of them are important. Some we never hear anything on. Some of them are denied to us and maybe 6 months later the institution will come in with it.

It might sound like a small thing, but we are allowed to wear our own socks and underclothes now and we have been asking for this for 3 years. All of a sudden, about a month or so ago they finally approved it. I think a lot of it is due to the new warden we have. (p. 204)

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CHAPTER V

AN INMATE'S RIGHT TO SELF-DEVELOPMENT

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nal authorities traditionally have stressed that prisons have a dual purpose: to protect society from dangerous persons (incarceration) and to help inmates to return to society better able to live as law-abiding citizens (rehabilitation). The second aim is, of course, much more difficult to fulfill since persons commit crimes for different and even conflicting reasons. Additionally, some forms of rehabilitation, such as psychiatric treatment, require considerable financial outlays for staff and resources. As a result, rehabilitation frequently received short shrift from prison officials with meager budgets. Recent legal battles over inmate rights have tended to concentrate more on achieving basic human survival needs, e.g., housing, diet, etc., rather than self-development needs.

Recreation, education, work opportunities, and access to the commissary, or "prison general store," are some of the factors contributing to positive self-development.

A. RECREATION

Phillips Hall, a modern gymnasium, was constructed at the women's institution in 1968. Because of a shortage of supervisory personnel, however, for 6 years the facility never had fixed operating hours. It was open only when there was a supervisor available to take charge of the building.

In early March 1974, though, the institution initiated a new policy. A supervisor was assigned to Phillips Hall, enabling it to be open from 12:30 p.m. to 8 p.m. daily. Inmates play cards, dominoes, and

checkers in the hall, as well as listen to a jukebox or ride bicycles. Athletics are usually not allowed. Only Thursday night is "rec" night meaning that inmates can participate in a volleyball game

At the Reception and Diagnostic Center, both inmates and staff complained of the poor recreational facilities available.

Superintendent Thompson told the Advisory Committee that:

...The facilities we are using are antiquated; they are old. We have the yard and in the spring and summer they are permitted to go out in the yard in the morning, afternoon, and evening, but when there is inclement weather this erases this activity. (p. 453)

Clinical director Dr. Targownik said:

We are in a very old building. The grounds are not suitable for a diamond. I am kind of scared when I see them playing because they could easily fracture a leg there. (p. 441)

Inmate James Gatewood stated that weather permitting, inmates go outside from about 1:00 p.m. to 2:30 or 3:00 p.m. every day. They can play volleyball, basketball, catch, miniature golf, or toss horseshoes. He claimed that there is not enough equipment for all of these activities. Although there is an athletic director, Mr. Gatewood commented, "He just gets our supplies and the stuff we need," (p. 157) and does not plan activities.

Inside the institution, an inmate's recreation consists solely of listening to the radio, watching television, or playing cards.

The trustees were a major exception to this. Superintendent Thompson told the Advisory Committee:

We do have a gym for [the trustees] outside the prison. In terms of recreation for these people, they participate in a league basketball team downtown, volleyball, baseball; they go fishing. This is not the group we are concerned with. They do have recreational facilities. The ones we are concerned with are the ones who are locked up in the compound where we cannot

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Superintendent Oliver told the Advisory Committee that the gymnasium is open from 7:30 a.m. to 3:30 p.m. daily and on Sunday. Inmate Claude Conover said that 3 mornings a week those from segregation and the orientation detail are taken to the gym. Oliver said:

I have no man, I have no officer to handle these people [in segregation], nobody to take them to the gym...nobody to take them to the exercise yard...I have asked for that in the budget, an urgent request for it, and I didn't get it. (p. 509)

Although Mr. Conover told the Advisory Committee that each work detail was assigned certain days to use the facility, he complained that the gymnasium still became too crowded. For example, if several inmates wanted to play basketball, they might have to contend with "two sets of electric weights, an isometric machine, [and] a shuffleboard table." He estimated that for this reason only about "...30 percent of the inmates ever go to the gym." (p. 211)

Several of the inmates complained to Commission staff about the gymnasium being closed at night. Superintendent Oliver responded:

You always say there is one thing, by God, that we're going to do before this weekend. And last September I said one thing we are going to do down there is open up that gymnasium in the evenings. I'll tell you, I haven't been able to do it. And it gets right back to this business of where we have more activities, we have more programs, we have more this and more that crammed into that institution than we have staff to handle it. We finally just said 'time out' back in December, 'we are not going to start one new thing in this institution until we have people who can run it effectively and handle it and make it worthwhile and until we have the facility in which we can do it.' (p. 507)

Inmate Conover said that he typed the proposal for a Federal grant to provide for new outdoor facilities, e.g., tennis court, baseball diamond, etc. However, when questioned by the Advisory Committee, he said that no inmate input was sought in planning the proposal.

Inmate John Rouwenhous described recreational opportunities at the Penitentiary:

Really right now [there are] very little recreation facilities. Sports have become, outside of basketball, almost nonexistent. This is particularly due to lack of organization, lack of interest on the part of inmates, lack of interest on the part of the administration, lack of, in my opinion, an efficient athletic director. It is also caused considerably by the racial tension there. There have been a number of instances of clashes between groups of inmates of different races over sports or athletic events, so some of the men, many of them, are hesitant to engage in a sport, specifically any type of contact sport, for fear there will be another clash and they will be involved and either get hurt or hurt someone or lose some good time or get thrown in jail or whatever the case may be, so it has petered out, so there isn't much going on. (p. 263)

Inmate John Wayne Franklin said that the gymnasium was open at night from 6:00 p.m. to 8:00 p.m. at which time there was usually a basketball game.

B. WORK ASSIGNMENTS

There is recognition of the great potential work programs have for the building of morale....Contemporary authorities in the field of corrections emphasize that the principal value of work activity is to be found in the opportunity it may afford for the inculcation or the reactivation of attitudes, skills, and habit patterns which can be instrumental in the rehabilitation of many offenders.

• --American Correctional Association
Manual of Correctional Standards¹

1. American Correctional Association, Manual of Correctional Standards, 3d edition, Washington, D.C., 1969.

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at staff interviews with inmates and outside observers, four complaints concerning inmate work assignments surfaced time and time again. These are: (1) work is assigned according to institutional needs, rather than inmate rehabilitative needs; (2) inmates are paid a low, demeaning wage; (3) inmates have too much idle time; and (4) often the methods and equipment used in prison industries are antiquated.

According to Assistant Director of Penal Institutions Wayne Woolverton, the classification committee at each institution arranges inmate work assignments. Although penal administrators claim they honor most inmate requests for initial job assignments and subsequent job changes, inmate Danny Smith of the KSP said, "[Prison officials weren't concerned]...so much where I wanted to work but what was available and what I would choose of the available work." (p. 243) Other inmates echoed his feelings.

10 Numerous attempts by some State legislators to insure a meaningful wage for inmates have failed. KSA 75-5211, effective July 1, 1974, established a minimum wage of 10¢ per day and a maximum of 75¢ per day for inmates.

11 For this wage inmates are assigned to full-day institution jobs. Working hours vary from institution to institution, e.g., inmates work from 12:30 a.m. to 3:45 p.m. at KSIR and 8:30 a.m. to 4:00 p.m. at KCIW.

12 Inmates complained that the low pay and the low rehabilitative value of the work (no opportunity to utilize skills learned in vocational training courses) made for low motivation. This fact was substantiated by William Merrion & Associates in their "Evaluation and Survey of Present Correctional Industries," prepared for George Clark, director of prison industries at KSP. They said that when pay rates and conditions...are not in line, productivity is discouraged." KSP Acting Warden Atkins concurred that many men do not work hard at the jobs because they feel they are not being adequately compensated. However, he pointed out to the Advisory Committee:

In the last year the incentive pay scales for inmates in the Kansas penal system have been tripled to where a man can draw incentive pay up to 65 cents per day [prior to enactment of KSA 75-5211]. Nevertheless, he feels entitled to more and I feel many of them are, and I feel some of them should pay me because they are a minus quantity when it comes to working. (p. 517)

Standards? William Merrion and Associates, Evaluation & Survey of Present Correctional Industries, Vol. 1, August 1971, p. 2.

Many job details do not even offer enough work for inmates to do in a day. According to William Merrion & Associates:

The need to keep the largest number possible of inmates busy has also discouraged growth and diligence. To minimize discontent, it is sometimes the practice to assign several times the number of inmates to service, maintenance, and production tasks than would be required in private industry. Also, when the assigned period in which work is to be accomplished is longer than the time actually needed to accomplish it, diligence and skill are discouraged.³

Senator Winter told the Advisory Committee:

The normal work day within the tag factory [at KSP] is 2 1/2 hours. The rest of the time he [the inmate] is basically in idleness. (p. 239)

The situation is most acute at KRDC, where inmates stay a relatively short period of time and where there are few jobs to offer them.

Inmate allegations concerning antiquated equipment and methods used in work details were upheld, in part, by William Merrion and Associates. In their analysis of prison industries at KSP, they pointed out that many used "reasonably" current equipment. However, they said that "...both materials and equipment being used in the clothing factory today are on the verge of obsolescence."⁴

Another complaint brought to the attention of Commission staff was that inmates perceived that the better jobs were assigned to the white inmates. As a result, they said some of the job details became racially segregated. The four tables which follow indicate inmate job assignments by race at each of the institutions.

3. Ibid.

4. Ibid., p. 23. No similar study has been made of industries at the other institutions.

Table 3.1
Inmate Job Assignments by Race at
Kansas State Penitentiary--December 1973

Race	Number	Percent
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Inmate Job Assignments by Race at
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	White		Black		Spanish-Surnamed		Native American	
	Number	Percent of Total	Number	Percent of Total	Number	Percent of Total	Number	Percent of Total
Clerical Positions	27	67.5%	11	27.5%	0	-	2	5.0%
Food Service	36	57.1%	24	38.1%	1	1.6%	2	3.2%
Runners & Porters	36	42.4%	46	54.1%	1	1.2%	2	2.4%
Medical & Hospital	29	65.9%	14	31.9%	1	2.3%	0	-
Mechanical Service	44	55.7%	32	40.5%	0	-	3	3.8%
Plumbing Shop	3	60.0%	2	40.0%	0	-	0	-
Education	33	67.3%	16	32.7%	0	-	0	-
Electric Shop	3	50.0%	3	50.0%	0	-	0	-
Farm	19	48.7%	17	43.6%	2	5.1%	1	2.6%
Tag Factory	49	60.5%	20	24.7%	3	3.7%	9	11.1%
Upholstery	9	52.9%	8	47.1%	0	-	0	-
Tool and Die	4	80.0%	1	20.0%	0	-	0	-
Soap Factory	9	100.0%	0	-	0	-	0	-
Paint Factory	8	57.1%	6	42.9%	0	-	0	-
Metal Furniture	7	63.6%	4	36.4%	0	-	0	-
Warehouse	3	60.0%	2	40.0%	0	-	0	-
Print Shop	3	50.0%	3	50.0%	0	-	0	-
No Assignment	73	76.8%	19	20.0%	1	1.1%	2	2.1%

Table 5.2

Inmate Job Assignments by Race at Kansas
State Industrial Reformatory--December 1973

	White		Black		Spanish-Surnamed		Other	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Clerical Positions	6	85.7%	1	14.3%	0	-	0	-
Runners & Porters	21	55.2%	16	42.1%	0	-	1	2.6%
Food Service.	29	50.0%	28	48.3%	1	1.7%	0	-
Medical & Hospital	5	100.0%	0	-	0	-	0	-
Construction Work	11	61.1%	7	38.9%	0	-	0	-
Beauty Shop	1	25.0%	3	75.0%	0	-	0	-
Plumbing Shop	4	66.6%	2	33.3%	0	-	0	-
Laundry	13	38.2%	19	55.9%	2	5.9%	0	-
Paint Shop	10	76.9%	3	23.1%	0	-	0	-
Electric Shop	4	44.4%	4	44.4%	0	-	1	11.2%
Carpenter Shop	8	53.3%	6	40.0%	1	6.6%	0	-
Steel Shop	7	70.0%	3	30.0%	0	-	0	-
Power House	1	100.0%	0	-	0	-	0	-
Commissary	9	81.8%	2	18.2%	0	-	0	-
Automotive	6	100.0%	0	-	0	-	0	-
Other Details	62	63.3%	33	33.7%	3	3.1%	0	-
No Assignment	38	59.3%	23	35.9%	3	4.7%	0	-

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Table 5.3

Inmate Job Assignments by Race
at Kansas Reception and Diagnostic Center -- December 1973

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	62	63.3%	33	33.7%	3	3.1%	0
No Assignment	38	59.3%	23	35.9%	3	4.7%	0

Table 5-1
 Inmate Job Assignments by Race
 at Kansas Reception and Diagnostic Center -- December 1973

	White		Black		Spanish-Surnamed	
	Number	Percent	Number	Percent	Number	Percent
Food Service	14	93.3%	1	6.7%	0	-
Sanitation Service	3	50.0%	3	50.0%	0	-
Medical & Hospital	1	100.0%	0	-	0	-
Laundry	2	50.0%	2	50.0%	0	-
Maintenance Electric Shop	1	50.0%	0	-	1	50.0%
Library	0	-	1	100.0%	0	-
Park Crew (Governor's Mansion)	2	66.6%	1	33.3%	0	-

Table 5.4

Inmate Job Assignments by Race at
Kansas Correctional Institution for Women -- December 1973

	White		Black		Native American	
	Number	Percent	Number	Percent	Number	Percent
Clerical Positions	2	100.0%	0	-	0	-
Food Service	10	55.6%	8	44.4%	0	-
Housekeeping	1	20.0%	4	80.0%	0	-
Medical & Hospital	1	100.0%	0	-	0	-
Sewing Room	2	40.0%	2	40.0%	1	20.0%
Beauty Shop	0	-	0	-	0	-
Laundry	3	50.0%	3	50.0%	0	-
Card Room	2	100.0%	0	-	0	-
No Assignment	1	50.0%	1	50.0%	0	-

Source: Compiled by Central States Regional Office of the U.S. Commission on Civil Rights based upon information provided by each penal institution.

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John Irwin,
1970, p. 52.

ough the charts show few completely segregated details, minority representation is high in several of the more menial jobs, e.g., service at KSP and KSIR, and the laundry at KSIR. At the women's institution a high percentage of blacks is involved in bookkeeping details.

C. VOCATIONAL TRAINING

In effect they were led to believe that if they participated in the prison programs with sincerity and resolve, they would leave prison in better condition than when they entered and would generally be equipped to cope with the outside world.

--John Irwin
The Felon⁵

ate interviews consistently conveyed the attitude that vocational training was not highly regarded for its rehabilitative value. Four complaints aired most frequently were: 1) there was a limited variety of training offered; 2) techniques taught and equipment used were, in many cases, outmoded; 3) training was geared more toward institutional maintenance than inmate rehabilitation; and 4) training classes were too small, excluding many eligible inmates. Described earlier is the "catch-22" an inmate encounters when told to enroll in vocational training to satisfy the Parole Board, only to find there are no openings in the program.

The women's institution has a licensed cosmetology school. Upon completing their training, inmates are eligible to take the State licensing examination. Through the Manpower Development Training Act (MDTA), courses are offered in general business skills--secretarial, accounting, filing, bookkeeping, and transcribing. After an inmate finishes a course (usually 6 months in length), she finds no opportunity within the institution to utilize her skills--except for one position in the prison office.

At the time of the open meeting there were four MDTA courses offered at the KSIR--welding, auto mechanics, drafting, and machinery. During the summer of 1974, a building maintenance course was added to the curri-

⁵ John Irwin, The Felon, Englewood Cliffs, N.J., Prentice-Hall, 1970, p. 52.

culum. In September 1974, KSIR was remodeling its kitchen so that a culinary arts course could be developed.

Superintendent Oliver complained to the Advisory Committee that:

I really don't have any control over who goes into the MDTA programs in my institution. They [the Department of Labor] have criteria which says that a man should have an out-date in 8 months to be eligible for the program....

What happens to the man that comes in with a sentence of 5 to life and he looks like he is a good shot for probation, parole in 3 1/2 years? If the man comes into the institution, he is not allowed to participate in a major portion of our vocational programs. He is going to sit there and grow stagnant for an extended period of time, and then all of a sudden 8 months before his parole eligibility date, we're going to say, 'Ok, now we're going to give you a vocation.' By that time the guy may have gone down the tube. (p. 497)

However, William Merrion and Associates in "Evaluation and Survey of Present Correctional Industries" stated that:

There is widespread misconception about the time constraints which apply to MDTA programs. According to MDTA personnel contacted by our staff, an inmate may be enrolled in an MDTA program as much as 2 years before his probable release if there is appropriate on-the-job training available to complement his formal training.⁶

Inmate Oscar Bethea commented about the quality of the MDTA programs:

You probably couldn't get a job as an auto mechanic or a machinist working with the materials that they have there. The machines and tools that they work with there are outdated. (p. 182)

6. William Merrion & Associates, op.cit., p. 30.

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8. Ibid., p. 22

Superintendent Oliver took strong exception to this allegation. He told the Advisory Committee that:

MDTA [programs] are not the only vocational programs we have at the institution, and this creates confusion at times. Probably one of the real good non-MDTA vocational programs we have at the institution that's strictly State-funded is our printing plant. Under a GCCA grant we are spending about \$22,000 in the printing plant right now and probably somewhere around \$17,000 of that is going for nothing but new equipment. (p. 496)

Other vocational courses offered at KSIR are crafts, woodworking, manual trade, and barbering.

"Doing Your Own Time," a study by the Kansas Association for Mental Health Committee on Penal Reform, states that in 1973 there were two MDTA courses offered at the Kansas State Penitentiary--auto mechanics and "sales person - general." The latter has been discontinued, and the remaining course has a capacity of 30 inmates.⁷

In addition to the MDTA programs, at the time of the open meeting the penitentiary offered vocational training in major appliance repair, basic electronics, and small engine repair. In August 1973 a total of 22 inmates were enrolled in these programs.⁸ Small engine repair was discontinued on July 1, 1974, because of a cut in funds for the program.

The Reception and Diagnostic Center offers no vocational training because the majority of its population remains at the center only for a short time.

D. WORK RELEASE

Under the work release program, inmates are allowed to take jobs in the community but must return to institutions during non-working hours.

The work release legislation, first passed in 1970, took effect in January 1972. KSA 1973 Supp. 75-5267 and KSA 1973 Supp. 75-5268 state that "the Kansas Department of Corrections is hereby authorized to establish and administer a Work Release Program for inmates of any

7. Kansas Association for Mental Health, Committee on Penal Reform, "Doing Your Own Time," op.cit., pp. 229-230, 233.

8. Ibid., p. 211.

institution under the jurisdiction of the Department." No budget is supplied for the program, except to fund the work release coordinator's position in the office of the penal director. The program is administered by existing personnel in each institution's classification department.

The fundamental purpose of the Kansas work release program, according to the Office of Director of Penal Institutions, "is to help selected inmates prepare for release and to assist him (sic) in making a successful transition from structural prison environment back into free society."⁹

The six objectives of the program were listed by the office:

1. To meet the selected inmate's needs for the opportunities and responsibilities which Work Release provides. It is to be emphasized, however, that participation is not intended for all who seem eligible, and a genuine need in each individual case must be indicated, such as dependent support;
2. To provide a structural pre-release experience for selected inmates;
3. To provide specific training, or experience, in actual work situations which are related to prior educational or occupational training;
4. To provide further education and training to complement that which was given at the institution;
5. To give the paroling authorities a means of testing and observing the inmate's suitability for parole before the final decision is made;
6. To permit the inmate to accumulate savings for release, to make restitution, to pay legitimate debts, especially when such payments will free the inmate from overwhelming financial burden on the day of his release, and to make dependent support payments to aid his dependents and relieve welfare rolls.¹⁰

9. Kansas Department of Corrections, Work Release Program, p. 1.
 10. Ibid., pp. 1-2.

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Robert C. Nye, work release coordinator, told Commission staff that the program is completely voluntary and that inmates must apply to receive consideration. He said the office uses the following written criteria for assigning inmates to the work release program:¹¹

They must be incarcerated for at least three months before applying. In some cases, a six month incarceration may be requested.

They must have a good conduct record of three months, and in some cases, a six month record is required.

A thirty day successful minimum custody record is required.

He must be in good health and have the physical ability to work.

They must not have detainers [writ for continuing to hold a person already in custody].

Those with a history of violent behavior are not eligible.

Those serving sentences for 1st or 2nd degree murder, 1st degree or voluntary manslaughter, kidnapping, aggravated robbery, aggravated sodomy, aggravated indecent solicitation of a child, crime against nature or forcible rape will not be considered.

According to penal officials this restriction was lifted on July 1, 1974. Inmates accused of these crimes will be screened on an individual basis.

Inmate Linda Frost, serving a sentence for one of the above crimes, told the Advisory Committee:

I feel like I could be trusted on work release because I worked as an LPN [licensed practical nurse]. Just because I am incarcerated in KCIW doesn't mean that I don't have any type of responsibility, that I can't have

1. Robert C. Nye, letter to Commission staff, Jan. 4, 1974.

any respect for myself, that I can't work on an 8-hour job and come back to that institution. (p. 151)

In addition to the aforementioned criteria, inmates are reviewed by key staff members including administrators and counseling staff. Final decisions rest with the director, who relies heavily on the staff recommendation. "If in the judgment of the staff, an inmate would be a risk to the Kansas penal system work release program, the inmate will not be approved....Preference will generally be given to inmates who are Kansas residents and those who have families on welfare."¹²

Statistics provided by the Office of Director of Penal Institutions show that 273 inmates have participated in the program since its inception in 1972. Table 5.5 indicates the breakdown of participants by institution.

Table 5.5

Total Work Release Program Participation
By Institution

	1972		1973	
	Number	Percent	Number	Percent
KSIR	68	69.4%	125	71.4%
KSP	14	14.3%	29	16.6%
KRDC	14	14.3%	15	8.6%
KCIW	<u>2</u>	<u>2.0%</u>	<u>6</u>	<u>3.4%</u>
Total	98	100.0%	175	100.0%

Source: Kansas Office of Director of Penal Institutions.

Although from 1972 to 1973 there was a 79 percent increase in the number of inmates participating in the program, there were still more inmates eligible for the program than there were facilities and jobs available to them. Acting Warden Atkins told the Advisory Committee that only eight inmates from the penitentiary can participate in the program at the same time. At the time of the open meeting only two inmates were in the program. Both Acting Warden Atkins and Superintendent Phillips told of the difficulty of finding employment for inmates in the Lansing-Leavenworth area. Inmates must compete with inmates from the U.S. Penitentiary and the U.S. Disciplinary Barracks in Leavenworth.

12. Ibid.

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	Number
KCIW	2
KSIR	48
KSP	12
KRDC	8
Total	70

Source: Kansa

As of January 4, 1974, those participating in the work release program were employed in the following job categories:

Table 5.6

Work Release Participants by Job Category--
As of January 4, 1974

Battery Factory Workers	4
Auto Mechanics	2
Farm Labor	1
Chip & Buff Man	1
Foundry Workers	2
Machinists	3
Construction	2
Production Worker	1
Laborer	1
Cook	1
Maintenance Man	2
Service Station Employees	2
Stock Workers	2
Office Worker	1
Newspaper Inserters	9
Welders	6
TOTAL	40

Source: Kansas Office of Director of Penal Institutions

Work release coordinator Nye said that "race, creed, or national origin are not factors for consideration" in selecting inmates for the program. Tables 5.7 and 5.8, which follow, indicate the racial breakdown for 1972 and 1973.

Table 5.7

Participants in Work Release Program by Race -- 1972

	White		Black		Mexican American		Native American		Total
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
KCIW	2	100.0%	0	-	0	-	0	-	2
KSIR	48	70.6%	16	23.5%	3	4.4%	1	1.4%	68
KSP	12	85.7%	1	7.1%	0	-	1	7.1%	14
KRDC	8	57.1%	4	28.6%	2	14.3%	0	-	14
Total	70	71.4%	21	21.4%	5	5.1%	2	2.0%	98

Source: Kansas Office of Director of Penal Institutions.

Table 5.8

Participants in Work Release Program by Race -- 1973

	White		Black		Mexican American		Native American		Total
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
KCIW	5	83.3%	1	16.7%	0	-	0	-	68
KSIR	90	72.0%	30	24.0%	4	3.2%	1	0.8%	125
KSP	22	75.9%	5	17.2%	0	-	2	6.9%	29
KRDC	<u>11</u>	<u>73.3%</u>	<u>4</u>	<u>26.7%</u>	<u>0</u>	<u>-</u>	<u>0</u>	<u>-</u>	<u>15</u>
Total	128	73.1%	40	22.9%	4	2.3%	3	1.7%	175

Source: Kansas Office of Director of Penal Institutions.

As with most new projects, the Office of Director of Penal Institutions has performed frequent evaluations of the work release program. A major criterion has been the recidivism rate among participants of the program--those who violated the terms of the program and had to be returned to the institution.

Table 5.9 below shows the work release recidivism rates for 1972 and 1973.

Table 5.9

Work Release Recidivism

	1972	1973
Completions	50	84
Returns	5	1
Rate	10%	1.2%

Source: Kansas Office of Director of Penal Institutions

Based upon these figures, there have been many recommendations for expansion of the work release program. State Senator Wint Winter, who questioned about the program, told the Advisory Committee that he strongly favored an expanded work release program. (p. 228)

E. EDUCATION

Education has not received major budgetary allocations at the Kansas State adult correctional institutions. Table 5.10 on the following page gives an indication of expenditures at the four adult prisons:

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Table 5.10

Education Expenditures at Kansas State
Adult Prisons - Fiscal Year 1973

Total	Institution	Budgetary Classification	Percentage of Total Budget
68	Kansas State Penitentiary	Education and Religion	2.2%
125	Kansas Correctional Institution for Women	Education, Religion and Rehabilitation	6.3%
29	Kansas State Industrial Reformatory	Education, Religion and Rehabilitation	6.7%
15	Kansas Reception and Diagnosis Center	Not included	0.0%
175			

Source: Compiled by Central States Regional Office of the U.S. Commission on Civil Rights, based upon fiscal year 1973 budgets of the office of director of penal institutions.

James A. Hills, director of education at the Kansas State Penitentiary, outlined the institution's educational program in a 1973 report.¹³ He concluded that as of February 26, 1973, approximately 10 percent of the inmates were "functionally illiterate; yet they are capable of learning, and most of them have attended public schools until the eighth grade." For these inmates either of two remedial education programs were available--morning fundamentals or evening fundamentals. The former was for inmates lacking the most basic learning skills. Classes, meeting Monday through Friday, 8:00 - 11:00 a.m., provided instruction on an individualized basis. For this reason, enrollment was limited to 15 students, selected on the basis of personal need and closeness of parole date.

Evening fundamentals accommodated approximately 35 inmates whose academic achievement was between the fourth and sixth grade level. Classes met Monday through Thursday, from 6:00 - 8:00 p.m.

13. James A. Hills, Ed. D., "A General Description of the Educational Programs at Kansas State Penitentiary and Some Suggestions Regarding Possibilities for Cooperation Between Kansas State Penitentiary and the School of Education at the University of Kansas," Feb. 26, 1973.

According to figures supplied by the institution, as of December 1973, 11 inmates were enrolled in remedial classes. Five were white, three black and three Spanish-surnamed. Dr. Hills indicated that there were approximately 65 functionally illiterate inmates at KSP in need of this program.

The institution also offered a General Education Development Program to assist inmates in preparing for the GED examination, leading to the equivalency of a high school diploma. In February 1973 five outside teachers taught courses in mathematics, science, English and social studies. Each class met 4 hours per week for 10 weeks, after which GED examinations were scheduled. As of December 1973, 51 inmates were enrolled in the GED classes--22 white, 25 black, 2 Spanish-surnamed and 2 inmates from other minority groups.

College education for eligible inmates was provided both through correspondence courses and through the Kansas City, Kansas, Community Junior College. As of December 1973, 97 inmates were enrolled in the latter program. According to Dr. Hills, the vast majority of these inmates were enrolled in 10 to 12 credit hours. Of these, 53 were white, 42 black, 1 Spanish-surnamed and 1 Native American.

Sixty credit hours of college courses are offered each semester--Monday through Friday nights. Classes are limited to 25 inmates. Most major in business, psychology or sociology, and many earn an associate of arts degree.¹⁴

Inmates housed in the A&T building complained to the Advisory Committee that they are not permitted any educational opportunities. Those in the general population, such as inmate Danny Smith, alleged that many teachers did not recognize the difference between teaching inside the walls and outside. (p. 248) Inmate John Wayne Franklin stated that, "The teachers there are not concerned with what you want to learn or your ability. They are concerned mainly with their paychecks." (p. 246)

Unlike KSP, the women's institution offers no remedial education. Instead, it focuses upon preparing inmates for the GED exam. Superintendent Phillips told the Advisory Committee that she was "really quite proud" of the education program there. She commented:

We find that probably the largest group have an educational aptitude of sixth, seventh or eighth grade. This doesn't mean that they have not gone beyond that grade. That means that actually on their standard achievement tests that everyone receives when they come

14. Ibid.

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into the institution, this is usually the standard of their knowledge. So we encourage them from the day they come to enter into the educational program and get their high school certificate through the GED program. Education is voluntary but we try to help them motivate themselves to take this program. (p. 467)

As of December 1973 there were nine inmates enrolled in the program. Five were white and four were black.

The only college study opportunities for inmates were through correspondence courses.

Because inmates are assigned to KRDC for a relatively short period of time, the institution does not offer an education program. Some, however, prepare for the GED on a self-study basis, while others take college correspondence courses.

KRDC provides a rather extensive education program which includes remedial courses, GED courses, college courses offered at the institution, college correspondence courses, and a work study (education release) program.

Inmates with educational achievement levels below the eighth grade are assigned to the remedial day school. It is staffed by only one teacher who works with five to six classes a day, each containing three or four students. Figures provided in December 1973 showed 36 inmates attending the classes--21 white and 15 black.

Instruction is on an individualized basis because the students' abilities differ. One school instructor told Commission staff that at least 10 teachers would be necessary to provide quality instruction in the remedial classes.

Both day and night GED programs are offered. According to institution records, in December 1973 there were 45 inmates participating in these--28 were white, and 17 were black. Two instructors teach in the day school. Class sizes range from 15 to 30 students. Night classes are held 2 times a week, 2 hours a night. Up to 55 students can participate in the night classes at a time.

College courses are offered at the institution Monday through Thursday from 6:30 p.m. to 8:30 p.m. Inmate Claude Conover told the Advisory Committee that "they have a pretty good night study course"--five courses are offered each semester. As of December 1973, 40 inmates were enrolled in the courses--40 were white, 21 black, and 1 Spanish-surnamed.

Each institution, except KRDC, is given an education budget. It is up to the individual institution to allocate this money among its education programs. This State money pays for college tuition and books for eligible inmates. However, at KSIR there is not enough State money to support the entire college program.

Inmate Claude Conover told the Advisory Committee:

....Most of [the courses] are geared for the veterans because the guys that are going to school inside can draw their VA benefits. You have 25 or 26 veterans and they get first choice on which classes they want in. It is extremely hard to pick up a line of curriculum. I took English Composition I and I still haven't got II yet. (p. 184)

Mr. Conover went on to say that although he would like to work toward a degree "....It is hard to make much headway...when you have to take whatever courses are open." (p. 185)

Superintendent Oliver supported Mr. Conover's allegation. He told the Advisory Committee that:

....If the VA isn't paying for that program, we are, and we have so much money. We are having 4 nights of college classes outside the institution right now. If it weren't for the number of veterans we wouldn't have near that many programs because the VA, frankly, through our inmates that are eligible, are paying for a significant percentage of those programs. (p. 505)

KSIR is the only Kansas State adult prison to offer a work study program. Selected inmates may pursue the associate of arts degree at Hutchinson Junior College. Prior to July 1, 1974, inmates who committed crimes against persons were ineligible for the program. After that date they were to become eligible pending approval by the new Department of Corrections.

According to the Kansas Office of Director of Penal Institutions, 11 inmates participated in the program in 1972, while in 1973 the figure dropped to 10. The State paid for the education of 16 of these students, while 5 paid for their own courses through either veteran's educational benefits or their own funds.

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the most part, inmates in the program were academically successful. Of a total of 308 credit hours gained, the average grade was a B. Although only one inmate had thus far received an associate of arts degree, the Office of Director of Penal Institutions considered others to be successful.¹⁵

LIBRARY

The accessibility of a prison library is a crucial factor in the education of any inmate. Invariably, inmates complained to Commission Staff and Advisory Committee members about prison libraries being closed during evening hours. This makes it difficult for inmates assigned to work details during the day to find suitable reading material.

At KSIR the library is open weekdays from 8 a.m. to 4 p.m. Inmates alleged that those in the A&T building were denied access. At KRDC library hours are flexible because the library is used for other purposes, e.g., group testing. Opportunity is provided for inmates to visit the library at least once a week.

Inmates at KSIR indicated that the library situation there is slightly better--it is open Monday through Thursday, 7:30 a.m. to 4:00 p.m., Friday afternoon and night until 8:00 p.m. Superintendent Phillips said that the library at the women's institution is open seven days a week, usually until 8 p.m. Its daily schedules are flexible, though.

F. COMMISSARY

In 1918 an inmate named Choteau was released from the Kansas State Penitentiary in 1918 he gave the warden \$100 and said:

Warden, I want you to take this money and start a little store where the inmates can obtain a few of the luxuries they could have if they were free men.¹⁶

The warden heeded his advice, and to this day the commissary at the Kansas State Penitentiary is called the Choteau Store.

The store is open Monday, Tuesday, Wednesday and Friday, 11:00 a.m. to 4:30 p.m., and on Saturday and Sunday from 10:00 a.m. to 4:30 p.m. Before going to the store an inmate must request the amount of money he intends to spend (not to exceed \$20 a week).

Kansas Department of Corrections, Work Release Program, op.cit., p. 6.
Leavenworth Times, Apr. 12, 1961.

On the average, goods sold at the store are marked up 10 percent over cost. Inmates may order goods not stocked in the store (special orders) through the institution, also at a 10 percent markup.

According to the penitentiary's business manager, profits from the store are placed into an inmate welfare fund. A five-member inmate council decides upon the use of this money, and also determines what items should be stocked in the store.

At the Reception and Diagnostic Center the commissary is open Tuesday from 9:00 a.m. to 11:15 a.m. and from 1:00 p.m. until everyone is accommodated, and on Thursday from 9:00 a.m. to 11:15 a.m. Although inmates do not have to fill out any forms requesting permission to go to the commissary, their weekly purchases may not exceed \$10. Merchandise sold at the store is marked up between 12 and 15 percent, and profits are placed in the inmate welfare fund. Inmates may place special orders for goods not carried in the store. As long as the items do not threaten prison security, they are obtained for the inmate. Sometimes the institution even sends a correctional officer to a Topeka store to buy the merchandise.

The Hilltop Store at the women's institution is open on either Thursday or Friday morning, depending on institutional staffing. If on another day of the week an inmate runs out of an item, e.g., cigarettes, in many cases, the business manager will sell it to her anyway. Items which the institution purchased at a discount are marked up 15 percent before being sold to inmates; those bought at retail cost are sold to inmates at that price. On special orders, inmates simply pay cost price.

Profits from the store are placed in the inmate fund and used to purchase equipment for the inmates. Some money was used to buy a swimming pool. Commission staff was told by an administrator that Mrs. Phillips decides how the money in the fund is to be used--there is no formal structure allowing inmate participation in these decisions. Inmate Linda Frost told the Advisory Committee:

We don't even know what the balance
...is in the inmate's fund. All we
know is every time we buy something
it is going to the inmate's fund.
(p. 147)

At KSIR the commissary is open Tuesday, Wednesday, Thursday and Friday, 4:00 p.m. to 9:00 p.m. Because each of the four cell houses is assigned one of these nights, an inmate is allowed to visit the commissary only once a week. An inmate must request to go to the commissary in one of three ways: 1) submit a written request 2 to 4 days prior to his assigned day; 2) submit a written request to spend

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Inmates can spend up to \$15 a week at the commissary. Goods are priced 5 percent above cost and profits go to the inmate welfare fund. The business manager and assistant superintendent determine how the money will be spent.

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CHAPTER VI

FIRST AMENDMENT RIGHTS

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise, thereof; or abridging the freedom or speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

The First Amendment to the U.S. Constitution provides several basic assurances concerning an individual's right to believe, and to express these beliefs alone or along with others. Although inmates as citizens of this country have not forfeited these rights, their exercise has usually been curtailed. Recent court cases initiated by or for inmates have brought new attention to these First Amendment rights.

A. RELIGION

At the women's institution Protestant and Catholic services are held every week. Inmates indicated that they occasionally attend Sunday morning church services in the community. When inmates want to talk to a religious leader, this is arranged either with local clergymen or with the chaplains.

Superintendent Phillips takes an active part in the religious program. In addition to assisting in the planning of programs, she plays the organ for the inmate choir. The choir has performed for groups outside the institution.

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There is no religious program for Black Muslims. Superintendent Phillips told Commission staff that no inmate has ever requested these services, but if one did, she "would have to" offer them.

The Association for Clinical Pastoral Education gave accreditation to the KRDC's clinical education training program in 1971. Under the program, KRDC recruits and trains clergymen for quarterly periods of clinical, pastoral education. This gave the center "...the distinction of being one of only 11 penal institutions in the United States--Federal State--accredited by the association."¹ Formerly, the institution relied heavily on the Menninger Foundation for supervision and accreditation.

Beginning in 1971 the penal director's office "...began to recruit and train clergymen for quarterly periods of clinical pastoral education." During a 1-year period from 1971-1972 the institution reported that 10 Roman Catholic priests, 1 Roman Catholic nun and 6 Protestant ministers had completed pastoral programs.

At the time of the Advisory Committee's open meeting, a Presbyterian minister held the position of director of chaplaincy services at KRDC. The remainder of the religious staff consisted of a Catholic priest, who was a clinical chaplain; a part-time Dutch Reform minister from the Menninger Foundation; and a non-salaried Catholic sister.

On Sunday mornings a Catholic mass is held, followed by a non-denominational service. Inmates can attend services, and the religious staff tries to encourage maximum inmate participation in the services.

Currently, services are not provided for minority religions, such as for Black Muslims or for Jewish inmates. Inmates of these faiths, however, may request to see their own religious counselor, and Sister Helen, the Catholic sister at the institution, said in an April 23, 1974, interview with Commission staff that they are permitted such visitations.

At the Kansas State Penitentiary there are one Protestant and one Catholic chaplain. As noted earlier, they also counsel inmates at the men's institution. They provide services, especially holiday services, for all religions. Services are conducted for the Black Muslims every Sunday by an outside minister.

The Advisory Committee received a thorough description of the religious program and of the chaplain's role at the Kansas State Industrial Reformatory from Rev. Joseph A. Bayles, KSIR's clinical chaplain. He described the clinical chaplain's role as one not solely involved

with religious instruction--it also included providing counseling and organizational activity for inmates.

Fr. Smith, the Roman Catholic chaplain,, and I consider that we, conjointly, are the administrators of a religious program which is designed for all of the inmates of our institution. We have a concern for all inmates and their personal growth, regardless of their affiliation or non-affiliation with any religious group. We intend to minister to any who seek us out, whether they ever show up in any of our formal programs or not.

The religious backgrounds represented in the inmate body are many and varied. Therefore, we make an effort to provide for special needs upon request of the inmate. At the present time, we have Latter Day Saints, Jehovah Witnesses and Orthodox Muslim groups meeting regularly in our institution, in addition to the full program provided by the staff chaplains. I also am in contact with a black minister in Wichita to see if there is any interest in a special ministry in this area of need.

Presently established programs are open to all who care to attend from the outside. We depend upon a diversity of opinion to keep the interest of all the participants.

Not only do Fr. Smith and I feel responsibility for the religious program of the institution, but feel responsible for any problem which the inmate might wish to confide in us. This takes us into every aspect of life in the institution.²

Reverend Bayles estimated that about 20 percent of the inmate population at KSIR was Catholic. He said that percentages of other religious groups were difficult to quantify because many inmates were non-observant. Of those who participated in services, there were 10 inmates attending the Latter Day Saints meeting on Sunday evening, anywhere from one to six

2. Written statement of Joseph A. Bayles, clinical chaplain, to the Advisory Committee, Mar. 9, 1974.

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ates attending the Jehovah's Witnesses meeting, two or three
 ng and phodox Muslims, and four or five Black Muslims. The two Jewish
 ates had never asked for visitation by a rabbi.

reverend Bayles also described to the Advisory Committee how the
 institution accommodated the Black Muslim celebration of the Feast
 Ramadan--a 30-day religious period. During this time observers

...do not eat during daylight hours....
 [T]hey have had the privilege of having
 whatever the institution can furnish
 them for their meals which they eat
 after sundown, and they eat only one
 meal a day. If the institution cannot
 furnish certain items they may, out of
 their own funds, buy those special things
 that they feel they need...this last
 Feast of Ramadan...they did their cele-
 bration in the officers' dining hall rather
 than call special attention to this by
 placing them in the inmate dining hall.
 (p. 423)

mates who are in administrative or disciplinary segregation are not
 permitted to attend religious services. They may keep Bibles and other
 religious materials in their cells. They are also visited regularly
 by a member of the religious staff; they may request special interviews.
 Reverend Bayles told the Advisory Committee that he may take an inmate
 out of segregation and to his office if he escorts him.

B. MEDIA CONTACT

For the most part, contacts with the press and television have been
 easily obtained by inmates at the Kansas State prisons.

At the Kansas State Penitentiary inmates must complete a special form
 in order to request that a newspaper, television or radio station be
 added to their mailing list. Assistant Warden Oliver said that approval
 of these requests is always forthcoming.

Chae Chee Williams, news commentator for KMBC-TV, Kansas City,
 told Commission staff in an April 24, 1974, interview of her
 contacts with the penitentiary. In November 1973 she received a
 letter from a group of black inmates asking her to sponsor their black
 awareness group. She consented, and consequently is able to visit
 the institution for group meetings and to talk with inmates. The ad-
 ministration approved her request to film a documentary--"Total News
 Close-Up: The Black Prisoner"--for KMBC-TV.

Superintendent Oliver of the Kansas State Industrial Reformatory told Commission staff in an April 26, 1974, telephone conversation that since he has been at the institution the situation has never arisen where an inmate has written a letter to a newspaper editor. If such a letter were written, Oliver said that it would be "reviewed and screened," but no changes would be made in the text. Newspaper and television reporters have visited the institution on occasion and have been permitted to interview inmates. Inmates complained, however, that the administration would not allow them to take part in a television talk show project.

At the KRDC inmates must have all letters to newspapers cleared through Superintendent Thompson. Thompson said that he has never prohibited an inmate from sending such a letter. There have been several occasions when reporters have visited the institution and have been permitted to meet with inmates.

At the women's institution all requests by reporters to interview inmates must be cleared through Superintendent Phillips. She told Commission staff that she allows all "reputable" reporters to talk with inmates. There have been occasions when reporters who have been touring the institution have been permitted to talk with inmates.

C. MEDIA USE

In general, inmates had few complaints about their personal use of radio, television, and other media.

At the Kansas State Penitentiary inmates who can afford televisions, hi-fi sets, and/or tape decks may keep them in their cells. Televisions may be purchased at the commissary for approximately \$66; the institution provides each inmate with a radio. There are no restrictions on the number of hours inmates may watch television or listen to the radio in their cells, provided the volume is controlled. The institution does not maintain a television room for inmates living in the cell houses who cannot afford to buy their own television. In the dormitory, however, the institution provides three television sets for inmate use.

Inmates at the Kansas State Industrial Reformatory may own their own televisions and keep them in their cells. Televisions and radios are sold at the commissary; the former sell for approximately \$119. Inmates may watch television in their cells all day and night. After 10:30 p.m. however, they must use headphones.

As of April 1974 the institution provided four color television sets for inmates who could not afford their own televisions. Viewing hours were from 6:30 p.m. to 10:30 p.m. weekdays, and all day on holidays and weekends. Saturday night hours extended to 12:30 p.m. Future plans

call for built televisions)

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At the KRDC inmates who can afford television room to 10:00 p.m. little access

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visiting hours 10:00 p.m. to 3:00 p.m. Dale Smith told for visitors w visiting hou must be submit approval at al the visitation institution.

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for building two more television rooms (equipped with color televisions) for minimum custody prisoners.

KRDC inmates who can afford their own televisions may keep them in their cells. Inmate Linda Frost told the Advisory Committee "...you are able to stay up and watch TV as long as you want, as long as you are up for your next morning's detail." (p. 119) Superintendent Phillips agreed, adding that inmates must keep television volume controlled.

For inmates not owning personal television sets, there is a television room. This closes at 11:00 p.m.

At the KRDC inmates are not permitted to own televisions, but those who can afford radios can keep them in their cells. There is a television room in the dormitory. Viewing hours are from 4:30 p.m. to 10:00 p.m. Inmates in single cells, however, complained of having little access to this room.

D. VISITS

Visits...are one of the things that are a significant part of an inmate's life. They bear on his morale, upon his ability to work, upon his adjustment in the institution and ultimately upon his ability to function on parole. (p. 518)

--Acting Warden Robert Atkins

Visiting hours at the KRDC are from 9 a.m. to 11:30 a.m. and from 1:00 p.m. to 3:30 p.m., Monday through Friday. Assistant Superintendent Dale Smith told Commission staff that special arrangements are made for visitors who cannot make weekday visits. Each inmate is allowed a certain number of visiting hours per month, and the name of each prospective visitor must be submitted on a standard form for approval by Mr. Smith. Such approval at all the institutions involves a routine police check.

The visitation policy is a matter of concern to some inmates at the institution. Inmate Jim Gatewood told the Advisory Committee that

At no time have I seen the visiting room really crammed to where they had to tell the visitor that he had to sever his visit to make room for another visitor...what is the difference in visiting 5 hours and 10 hours? (p. 162)

Superintendent George Thompson stated:

Our current policy is 5 hours per month. However, after the 5 hours have been used, there has never been one time where an extension has been refused by the administration. (p. 450)

A similar visitation policy exists at the KSIR. Inmates are allowed 5 hours of visitation per month; visiting hours are from 8:15 a.m. to 11:15 a.m. and from 12:15 p.m. to 3:15 p.m. 7 days a week. An inmate may be visited by any friends and relatives appearing on his visiting list. The list normally does not contain more than 10 persons, but requests for additional names are routinely granted.

In light of the flexible visitation policy that Warden Atkins described, one Advisory Committee member asked: "If inmates are currently vastly underusing the 5 hours, why don't you just eliminate the 5-hour maximum and let them visit as much as they want?"

Warden Atkins responded:

In effect I am doing that while still maintaining the rule in place. There are some people who, if given the opportunity, would do nothing but visit or other things other than work. So I am still going to control that half a dozen people through this rule, but for the rest of them the rule has little meaning, but it's still there. That may sound irrational to you but that's the way I feel. (pp. 531-532)

Official visitation policies at the women's institution are more relaxed than at the penitentiary. Inmates may begin with 10 names on their visitation list (subject to police checks), and others may be added if approved by Superintendent Phillips. Inmate Linda Frost told the Advisory Committee that

...sometimes Mrs. Phillips would call you in, if you have a boy friend...to find out a little about him and she decides if he should go on the list. (p. 135)

Regular visiting hours are from 1:30 p.m. to 3:30 p.m., 7 days a week but if an inmate has a special form approved, hours can be extended. In this instance, inmates can then visit with friends and inmates from 9:30 a.m. to 3:30 p.m. Inmates cannot visit with the same person more than once every 2 weeks unless the person has to travel a long distance

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come to the institution. Children are excluded from this restriction because the administration feels it is beneficial for mother and child to remain in close contact.

ates complained of the lack of privacy and the prohibition of intimacy during visits. An inmate and her visitor sit across from each other at a table, within the view of a supervisor. According to Linda Frost the only form of physical contact an inmate and visitor are permitted is "...kiss when you meet...and then when you leave it is the same type of contact." (p. 135)

Superintendent Phillips indicated to this Advisory Committee that this was not the policy.

I don't think you can limit it [kissing] to one or two times. How are you going to limit anybody to that? I am not a chaperone of moral conduct. (p. 471)

In addition to visitation at the institutions, family visitations outside of the confines of the institution were authorized in 1971 by the Kansas legislature (H.B. 1131). The bill stipulated that the director of penal institutions could approve home visitations for inmates who, in his estimation, were deserving. No eligibility restrictions, e.g., the nature of an inmate's crime or the length of the sentence, were placed on participants in the program.

Wolverton, assistant director of penal institutions, said in an April 9, 1974, interview with Commission staff that the home visitation program, as originally passed by the legislature, was "liberal." Consequently, when it was first instituted the Office of the Director of Penal Institutions used it "liberally." State senators and representatives soon received complaints from constituents, angry that convicted felons were spending time in their communities.

In response to this public criticism, additional restrictions were placed on the program on August 10, 1972. Now to be eligible for the program, an inmate must be confined for at least 2 years, "...have a good behavior record, must be classified as minimum custody and must not have longer than 2 years remaining on sentence to parole eligibility...." In addition, inmates serving sentences for murder 1st degree, murder 2nd degree, 1st degree or voluntary manslaughter, kidnapping or aggravated kidnapping, aggravated robbery (1st degree), sex offenses, or assault on a law enforcement officer or a correctional officer (or a history of such actions) were not eligible for home visitations.³

Administrative Procedure No. 112, Rules Regarding Family Visitations for Approved Inmates of the Kansas Penal System.

When questioned by the Advisory Committee about this, Superintendent Phillips said:

I would like...to see that the home visitation was included for those that are going to be there a longer length of time. They are the ones having a time keeping the family together...I would like to see them go home. The long-timers are the ones that need to keep contact. (pp. 481-482)

Figures provided by the Office of Director of Penal Institution indicate that from July 1, 1971 (institution of the program) to December 31, 1973, 162 inmates have participated in the home visitation program, completing a total of 253 visits. There have been "failures," i.e., cases in which inmates violated the conditions of the program.

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E. MAIL

respect to an inmate's access to mail, "the courts have constitutionally held that prison authorities have the right to limit control inmate mail."⁴ In doing so, a distinction has been made between general and special correspondence. The latter includes mail to the courts, and to an inmate's attorney; the former covers all other mail.

Regarding general correspondence, the recent case of Evans v. Galey, 455 F. 2d 1084 (10th Cir. 1972), reaffirms the belief "...that except for specific kinds of mail...a prison inmate has no right to send or receive mail."⁵

The Supreme Court in 1941 (Ex parte Hull 1312 U.S. 546 1941) ruled that an abridgement of an inmate's access to the courts was a denial of due process. Subsequently, in Coleman v. Peyton, 362 F. 2d 905 (5th Cir. 1966), cert. den 385 U.S. 905 (1966), the court held that censorship or needless delay of an inmate's special mail was inappropriate. In a later case, however, prison authorities were given the right to "...open and read a prisoner's mail to and from the courts if necessary, where a prisoner has abused his right of access to the courts, delete, withhold or refuse to mail communications to and from the courts."⁶

The courts have also ruled that to prohibit an inmate from communicating by mail with his/her attorney would be a denial of due process. In Smith v. Moore, 325 F. Supp. 392 (D. Mass. 1971) "prison authorities denied the right to open and read a prisoner's correspondence with his attorney and were restricted to using a detection device to inspect letters for contraband."⁷ Smith v. Robbins, 454 F. 2d 696 (1st Cir. 1972) gave prison authorities the right to open an inmate's correspondence to his attorney without reading it, and to check for contraband in the inmate's presence.

Practices at the Kansas State prisons are a source of discontent for many inmates. Each inmate drafts a list of not more than 10 correspondents to be included on his/her mailing list. These are all subject to a thorough police check before institutional approval is given. Inmates indicated that additions to the list are not difficult to obtain. The State provides an inmate with two free stamps a month.

Committee on Internal Security, House of Representatives, 93d Congress, 1st Session, Revolutionary Target: The American Penal System, Dec. 18, 1973, p. 112. See Adams v. Ellis, 197 F. 2d 483 (5th Cir. 1952) and Ortega Ragen, 216 F. 2d 561 (7th Cir. 1954).

Ibid., p. 116.

Ibid., p. 113. See Sostre v. McGinnis, 442 F. 2d 178 (2d Cir. 1971), cert. den. 404 U.S. 1049 (1972).

Ibid., p. 114.

The question of reading or censoring of inmate mail by staff arose many times in interviews and at the open meeting, with inmates alleging such action and administrators denying it. After an inmate writes a letter, he/she sends it unsealed to the control desk. Here, a prison official seals it. All general incoming correspondence is opened, but confusion exists as to the policies regarding incoming special mail.

Inmate Linda Frost indicated that until March 1974 outgoing inmate mail had to be shown to Superintendent Phillips to determine if it should go out. "If she feels that it should go out, it will go out." (p. 134) She added at the open meeting that "for about 4 or 5 days now, they have been 'shaking' the mail to see if there is any contraband. They say they aren't censoring it." (p. 134)

Superintendent Phillips said:

Mail is not censored, but incoming mail is opened. That is to find contraband in the mail....The attorney's mail is opened in the presence of the inmate...by me. (p. 471)

Mrs. Phillips indicated that outgoing mail is not sealed by the inmate but by Mr. Greenwood. "I have all confidence in Mr. Greenwood," she said. "He is not interested in reading the mail." (p. 472)

Inmate Jim Gatewood said he felt that mail was read by staff at the Reception and Diagnostic Center. Superintendent George Thompson tended to confirm Gatewood's allegation:

The policy as far as the system as a whole is that we do not censor inmates' mail. There at KRDC we do deviate from the procedure of the other institutions because we do review their mail. We feel this is important in view of why the person is there, and certainly it can be just as helpful to the inmate as well as it is to the staff in gathering information pertinent to the evaluation process. (p. 450)

Inmate Claude Conover from the Kansas State Industrial Reformatory stated that mail:

...is sealed at the Post Office because they are supposed to inspect it, open the

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letter to see if there is any...
 money or whatever...Mail is opened in
 the Post Office department. They inspect
 it and see what they want to do with it,
 and staple it back closed, and send it to
 you. A letter from your attorney is opened
 in your presence. (p. 196)

In regard to mail policies at KSP, William Arnold of the Kansas
 Association for Mental Health, Committee on Penal Reform, told the
 Advisory Committee that:

...in 6 of the 33 files we looked at
 there were Xeroxed copies of letters
 either from inmates to someone else,
 or from someone else to the inmates.
 (p. 73)

Despite promises by administration that mail is not censored, inmates
 at all institutions complained of harassment by correctional officers
 because of information contained in their mail.

Inmate Conover told the Advisory Committee that:

They claim it is not censored any more,
 but there has been a lot of inmates
 coming up to me...and saying there has
 been a lot of information that has been
 brought back to them by officers and
 people that they could not have gotten
 unless they read the letters. (p. 195)

One additional complaint aired by inmates concerning mail dealt with
 the amount of time for mail to be delivered after it arrives at the
 institution. Inmate Vernon Towner of the KRDC said that he knows:

of an individual...[who] gets some of this
 mail on a Monday and there will be two or
 three letters at a time dated 3 or 4 days
 back....The third day he will get two or
 three or four more letters and they are
 marked 2 or 3 or 4 days back. (p. 268)

F. OUTSIDE CONTACTS

Ties between the institution and outside community groups assist in
 the inmate rehabilitation process in several ways.

Alcoholics Anonymous holds meetings and sponsors activities within each of the institutions. The Seventh Step Foundation, an organization providing pre-release guidance for inmates, is also active.

At the Penitentiary and the Reformatory the M-2 Program is an integral part of an inmate's life. The organization is composed of businessmen who develop personal rapport with inmates, and who later assist them in securing a job upon release. Although relatively new at the reformatory, its popularity can be measured by the waiting list of inmates desiring membership. (p. 425)

At the Kansas State Penitentiary there are several cultural groups--including a Black Awareness group and an Indian cultural group.

The Black Awareness group, which began in November 1973, meets weekly on Sunday nights. Dr. James Hills, educational director for the penitentiary, is the group's inside sponsor, while Ms. Chee Chee Williams, news commentator for KMBC-TV, Kansas City, Mo., is its community sponsor. Acting Warden Atkins, while in support of the group, does not attend any of its meetings; he feels the group belongs to the inmates. As of April 1974 one-third of the black inmates (approximately 60) belonged to the group.

Black inmates, including Howard Carney, president of the group, described their goals: to try to rehabilitate themselves; to ease their transition back into society; to prevent recidivism among themselves; to demonstrate to the community that they are responsible beings; and to show the community any problems they are having with the administration.

At the group's meetings, inmates either have discussions among themselves, or outside speakers are brought in. Dr. Hills has been working with the Black Economic Union in Kansas City, Mo., to set up a company to produce Montessori learning materials. The company would employ men both while they are incarcerated, and after they are released.⁸

In a July 1, 1974, interview, Dr. Hills said that the institution was in the process of surveying Montessori schools to determine their equipment needs. The Department of Corrections had not, at that time, approved the project.

Both inmates and Reverend Bayles talked of the successful Jaycees program at the KSIR. The group holds meetings inside the walls, and makes presentations on such topics as drugs and criminality.

8. Chee Chee Williams, KMBC-TV, Kansas City, Mo., "Total News Close-up: The Black Prisoner," Apr. 25, 1974, 7:30 p.m.

Reverend Bayles

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Wend Bayles commented:

The point in time has come that the institution is more and more open to people from the outside. This is what we are trying to develop in our volunteer program--to provide opportunities for persons with skills willing to come in and give them to the State, as it were, in the institution. Our volunteer program is just in its infancy and I feel like there is much more we are going to be doing in this volunteer thing. (pp. 426-427)

A complaint registered against these outside programs concerned the denial of participation to inmates as a punishment. Forrest Swall, of the Kansas Association for Mental Health, Committee on Penal Reform, said during his appearance before this Advisory Committee that:

....In our study we found the policy of the penitentiary acknowledges the value of voluntary programs and the importance of having outside groups coming in and opportunity for the involvement of the men inside in these programs but we also found that the policy establishes these as privileges and, therefore, uses the programs in many instances as punishments. If the voluntary programs for some reason do not meet the expectations--and I might say these expectations have not been clarified as far as we can determine--the voluntary program may be terminated at the judgment of the warden. (p. 58)

Claude Conover, inmate at the Reformatory, described an incident which happened a week prior to the hearing when he was:

...coming in from a Jaycees meeting in the outside visiting room. Our outside guests consisted of a gentleman and his wife from the Mennonite Church and a very well thought-of man from the Kansas Jaycees, the director of the Kansas Cerebral Palsy branch at Augusta, Kansas, and his wife. When we come back in, we had to strip off our clothes complete, which I don't mind because I can see they need security and all this. However, they have an electronic device at

the front end...a metal detector which they don't even run. The man told me to bend over and spread my cheeks and I refused and I was informed this was to my benefit, that I bend over in front of three officers and three inmates and spread my cheeks, and if I didn't like it, not to participate in any of these programs....In other words, he told me, 'If you don't like it, take your name off the Jaycees and Seventh Step list.' I asked him if he had ever found anything that way. He said, 'You'd be surprised,' but he couldn't give me an incident where they found any contraband by making a man do this. (pp. 214-215)

Correctional Major H. P. Ayers of the Reformatory said that in his 28 years in prison work he had "not particularly [found anything] coming from the visiting room." (p. 387)

The Kansas Advisory Commission on Prisons was not part of the system. Kansas is one of the national prisons for its reason for its diagnostic Center and

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CHAPTER VII

CONCLUSION

The Kansas Advisory Committee's decision to study the Kansas State Prisons was not occasioned by major complaints or allegations against the system. Kansas was one of the States selected for inclusion in the national prison study of the U.S. Commission on Civil Rights; one reason for its selection was the presence of the Reception and Diagnostic Center and its remarkable impact on the State's judicial system.

Before enumerating its conclusions a comment upon the environment which has helped to foster prison reform in Kansas is in order. The Kansas Association for Mental Health's Committee on Penal Reform spent several years investigating the State prisons. Its findings and conclusions are contained in two publications, "A Citizen's Study of the Kansas Penal System" (September 1971) and "Doing Your Own Time--A Citizen Study of the Kansas State Penitentiary" (October 1973). Both have received statewide attention, including praise from John Hazelet, former acting director of penal institutions,¹ and were helpful in the preparation of this Advisory Committee's report..

The Kansas Council on Crime and Delinquency has also assisted the cause of inmate rights. It has lobbied statewide for Senate Bill 72. Its parent organization, the National Council on Crime and Delinquency, has published "A Model Act for the Protection of Rights of Prisoners."

¹ Harry Jones, Jr., "Kansas Penal Director Praises Prison Report," The Kansas City Times, Feb. 28, 1974.

Except for recommended cell sizes, this Act was adopted by the Office of Director of Penal Institutions in its Policy, Guidelines and Inmate Disciplinary Procedures.

The Kansas Legislature has also played an active role in penal reform. Sen. Robert Madden has introduced numerous bills (most of which unfortunately never passed) calling for increased inmate rights. The legislature's Special Committee on Penal Reform (reporting to the 1973 legislature) and its Special Committee on Social, Rehabilitative and Penal Institutions (reporting to the 1974 legislature), both chaired by Senator Wint Winter, have brought many problems in State corrections to the attention of both the legislature and the penal system. The passage of Senate Bill 72 is their chief accomplishment.

Because none of the changes mandated by the bill were in effect at this writing, the Advisory Committee is unable to gauge the act's effectiveness. Many of the changes, though, seem certain to improve the quality of Kansas corrections.

John C. Hazelet, former acting director of penal institutions, Acting Warden Robert A. Atkins of the Kansas State Penitentiary, Superintendent Kenneth Oliver of the Kansas State Industrial Reformatory, Superintendent Miriam Phillips of the Kansas Correctional Institution for Women, and Superintendent George Thompson of the Kansas Reception and Diagnostic Center deserve some recognition from this Advisory Committee. All have been cooperative with this investigation, especially in response to frequent requests for information and access to inmates and staff members.

During its study, the Advisory Committee has been most impressed by the psychiatric services provided inmates at the Kansas Reception and Diagnostic Center. The existence of the center indicates a serious attempt by the State to rehabilitate inmates. However, the Advisory Committee is concerned that the center is not serving all convicted felons in the State. Even for those inmates being served by the center, there is not adequate follow-through support at the other penal institutions.

Other conditions noted by the Advisory Committee prevent the Kansas penal system from serving as a model for others. Foremost is the lack of communication between administrators and inmates. Despite knowledge by prison officials of this problem, very little has been done to improve the situation. As a result, every aspect of prison life suffers. Inmates misperceive many prison policies and mistrust the persons they feel responsible for these.

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penal system has not developed a capability to meet expressed needs of minority groups. There is wide racial disparity between staff and inmate population. Prison administrators say it is difficult to recruit minority personnel because of State civil service regulations. Some responsible for personnel recruitment state that they have tried to attract minority employees but were unable to give much detail of their recruitment methods.

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have recently very little training in understanding minority cultures been provided for employees. The Advisory Committee is concerned that some veteran prison employees who have never had this training are unconvinced of its necessity. (p. 379) This is dangerous in light of the fact that black inmates and white inmates were living in segregated housing at the Kansas State Penitentiary when the Advisory Committee began this study. The Kansas Legislature's Special Committee on Social, Rehabilitative, and Penal Institutions also observed that some staff persons at the KSIR were fomenting racial strife among inmates.²

Another negative factor which the Advisory Committee observed is the separate treatment given female inmates. By law, services of the Kansas Reception and Diagnostic Center are limited to males only. In addition, the small size of the KCIW limits programs offered to inmates--the only college education available is through correspondence courses, and vocational training is meager and limited to the traditional male areas.

The next chapter contains a summary of the findings and recommendations of this study. The Advisory Committee hopes that these will be of use to administrators, inmates, and the interested organizations described earlier. The creation of the Kansas Department of Corrections, granting usually comprehensive authority to the new, high-salaried secretary, might signal a breakthrough for rehabilitative corrections. It could also be only a costlier version of "more of the same." This report, and the Advisory Committee's continuing efforts, are intended to enhance the realization of the former alternative.

² Kansas Legislature Special Committee on Social, Rehabilitative and Penal Institutions, op.cit., pp. 1--13.

CHAPTER VIII

FINDINGS AND RECOMMENDATIONS

Based upon 4 months of study by Advisory Committee members and Commission staff, including 2 days of hearings and interviews with prison administrators, correctional officers, community representatives and inmates, the Kansas Advisory Committee to the U.S. Commission on Civil Rights reports the following findings and recommendations:

Finding 1: Lack of Communication Between Prison Administration and Inmates

There has been minimal evidence of action taken by administrators at any of the prisons to heighten communication between themselves and the inmates. None of the prisons has an inmate council to act as a liaison between inmates and administration. As a result, inmates misperceive many prison policies and mistrust prison officials.

Recommendation 1a:

The Advisory Committee recommends that the Kansas State Legislature or the Governor of Kansas create an office of penal ombudsman within the Department of Corrections. Such office would consist of one ombudsman and a supportive staff. It would function as a liaison between inmates and administrators at their respective prisons and with the secretary of corrections. To finance the program at the outset the Department of Corrections could submit a grant proposal to the Governor's Committee on Criminal Administration.

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Recommendation 1b:

The Advisory Committee recommends that an inmate council be established at each penal institution. Such council should consist of at least five inmates elected at-large from the inmate population at their respective institutions. Council members should serve on the council for 6 months except at the Kansas Reception and Diagnostic Center where the majority of inmates reside for shorter terms. KRDC should establish a realistic length of service for its council members. Each penal institution should empower its inmate council with reasonable decision-making responsibilities, as well as an advisory role.

Finding 2: Visiting

In theory, each penal institution imposes strict visiting rules on its inmates. Penal administrators claim, though, that rules are seldom adhered to--inmates are not limited as to the number of hours they may receive visitors nor in the number of visitors.

Recommendation 2:

The Advisory Committee recommends that each penal institution make its written visiting policies correspond to actual practice.

Finding 3: Kansas Reception and Diagnostic Center

The Kansas Reception and Diagnostic Center is required to provide a complete psychiatric evaluation of all convicted male felons in the State of Kansas. Although its accomplishments are numerous, because of understaffing it is not reaching all male felons. Furthermore, the law does not provide for such services to female offenders.

Recommendation 3:

The Advisory Committee recommends that the Kansas State Legislature revise the laws governing the and Diagnostic Center so that psychiatric evaluations are required for female offenders. In addition, sufficient funds should be appropriated to the center to psychiatrically evaluate all convicted felons in the State of Kansas, both male and female.

Finding 4: Correctional Officers' Salary

The low salary paid correctional officers does not attract high level candidates and contributes to the high turnover rate among officers.

Recommendation 4:

The Advisory Committee recommends that the Department of Corrections ask the Kansas Civil Service Commission to establish salary levels for correctional officers competitive with those paid their counterparts at the U.S. Penitentiary at Leavenworth, Kans.

Finding 5: Employment of Minorities and Women

Despite the high minority inmate population in the Kansas penal system, very few minorities and women are employed at the adult institutions. In December 1973 minority persons composed 9.6 percent of the combined staffs at the four institutions, but were 37.5 percent of the inmate population at these institutions. Women constituted 13.3 percent of the total staff. Of these minority and women employees, only a handful held professional positions. Women are hired as correctional officers only as a last resort.

Recommendation 5:

The Advisory Committee recommends that the Department of Corrections improve its affirmative action policies to insure that more minority and female employees are hired at all levels of employment and at all job classifications at the penal institutions.

Finding 6: Correctional Officer Training

Correctional officers are provided 104 training hours by the penal administration, and 56 by Washburn University. The latter deal with human relations and behavior, while only 7 of the former cover this. There are correctional officers, however, who work at the institutions before receiving any of this training. Senate Bill 72 requires that employees receive 80 hours training every year in addition to their initial training.

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Recommendation 6:

The Advisory Committee recommends that the Department of Corrections prohibit newly-hired correctional officers from beginning their work assignment until they have received at least 80 hours training.

Finding 7: Outside Contracts

Many community-based groups, e.g., M-2, Jaycees, are sponsoring programs for inmates within the institutions. They are popular because they enable inmates to maintain contact with the community.

Recommendation 7:

The Advisory Committee recommends that each institution maximize its use of community resources. Outside groups operating at each institution should be increased and diversified, and community persons should be allowed to volunteer assistance in many aspects of prison life, e.g., education, recreation.

Finding 8: Education

Education programs differ from institution to institution--ranging from remedial education to college work-study. Only the Kansas Reception and Diagnostic Center does not offer a formal education program.

Except for inmates at KCIW, inmates complained to Commission staff about the limited hours libraries are open.

Recommendation 8a:

The Advisory Committee recommends that educational opportunities superior to those currently provided be extended to trustees at the Reception and Diagnostic Center.

Recommendation 8b:

The Advisory Committee recommends that inmates at the women's institution be permitted to take college courses offered at the Kansas State Penitentiary.

Recommendation 8c:

The Advisory Committee recommends that libraries at each institution be opened several nights a week and a half-day on the weekend to give working inmates an opportunity to select books.

Finding 9: Legal Libraries

Legal materials provided by the institutions for inmate use are for the most part incomplete and outdated.

Recommendation 9:

The Advisory Committee recommends that the Department of Corrections provide the law library at each institution with the following materials: U.S. Law Week (Supreme Court and General Law Sections), Federal Reporters, Kansas State Statutes (most recent edition), U.S. Codes Annotated, Volume 18 complete, State Reporters, Corpus Juris Secundum, Federal Rules of Evidence, Criminal Law Reporter, and Prison Law Reporter. The Department of Corrections might apply to the GCCA for a grant.

Finding 10: Recreation

At all institutions recreation facilities and programs are inadequate. None of the recreation programs are staffed by a full-time recreation director.

Recommendation 10:

The Advisory Committee recommends that each penal institution hire a director of recreation to plan recreational activities. A cooperative arrangement should be established with Kansas colleges and universities to allow physical education students to serve as interns at the Kansas State correctional institutions.

Finding 11: Governor's Committee on Criminal Administration

Grants from LEAA have been used to improve conditions for inmates. Many potentially beneficial projects, however, are not funded by GCCA because of that body's interpretation that non-government organizations are ineligible for direct funding. The organization is also hampered by

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State law restricting most of its board's membership to professionals in the administration of justice. In addition, minorities and females are underrepresented both on the board itself and the administrative staff.

Requests for LEAA funds have not been consistent throughout the Kansas penal system. The women's institution, in particular, has underutilized this funding source.

Recommendation 11a:

The Advisory Committee recommends that the State Legislature amend the GCCA's enabling legislation to permit more lay people on its board.

Recommendation 11b:

The Advisory Committee recommends that the GCCA adopt an affirmative action plan to appoint more minorities and females to its board, and to hire more on its staff.

Recommendation 11c:

The Advisory Committee recommends that the GCCA permit non-government agencies to be direct recipients of LEAA grants.

Recommendation 11d:

The Advisory Committee recommends that the Department of Corrections create a position to assess the needs of all institutions and develop proposals requesting Federal funding.

Finding 12: Commissary

At each institution the profits derived from commissary sales are placed in an inmate welfare fund. Inmates in three of the four institutions alleged that they have no voice in determining how these funds are spent.

Recommendation 12:

The Advisory Committee recommends that the inmate councils proposed in Recommendation 1b be entrusted with some decisionmaking responsibilities concerning commissary profits.

Finding 13: Work Release

The work release program has provided selected inmates with work experience outside of the prison. Since its inception, though, very few inmates have participated in the program because of poor job markets near the prisons and limited housing facilities for inmates beyond the prison walls.

Recommendation 13:

The Advisory Committee recommends that the Department of Corrections establish work release centers in the large labor markets throughout the State.

Finding 14: Work Assignments

Although there are few segregated work details, penal administrators said that in some details the racial composition may fluctuate--one month it may have mostly white workers; the next month mostly minority. Statistics show that few minorities are employed in skill-development details.

Recommendation 14:

The Advisory Committee recommends that the Classification Committee at each institution establish affirmative action policies to promote racial stability and to employ more minorities in skill-development details.

Finding 15: Medical Care

The penal system has no uniform, comprehensive medical program. The detailed psychiatric evaluations of male offenders developed at the Reception and Diagnostic Center are not systematically utilized at the institutions which receive the offenders.

The maximum salary paid penal physicians is almost \$3000 per annum less than that paid physicians at the State hospitals. This results in frequent vacancies.

The training requirements of prison medical assistants (PMA's) are considerably less than for registered nurses, although many duties are comparable.

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Recommendation 15a:

The Advisory Committee recommends that the Department of Corrections hire a medical administrator to oversee medical care at the institutions.

Recommendation 15b:

The Advisory Committee recommends that the State establish examinations to qualify prison medical assistants.

Recommendation 15c:

The Advisory Committee recommends that each institution be provided with a staff of psychiatrists, psychologists and social workers who would administer psychiatric aid to all inmates on a regular basis.

Recommendation 15d:

The Advisory Committee recommends that the Kansas University Medical Center establish, in conjunction with the Department of Corrections, a medical internship in the Kansas State prisons.

Recommendation 15e:

The Advisory Committee recommends that the secretary of corrections propose a pay raise for penal physicians which will make their salaries commensurate with those paid physicians at State hospitals.

Finding 16: Kansas Board of Probation and Parole

Based on current recidivism rates the Kansas Board of Probation and Parole carefully evaluates inmates' participation in institutional programs, as well as attitude and behavior, for parole purposes. However, it relies heavily on inmate participation in the limited college and vocational training programs. Also, it interprets rather narrowly a State statute concerning confidentiality of parole file materials, thus prohibiting inmate inspection of these materials.

Recommendation 16a:

The Advisory Committee recommends that the Kansas Board of Probation and Parole not rely as heavily upon inmate participation in education and training programs until such time as these programs can support all eligible inmates.

Recommendation 16b:

The Advisory Committee recommends that the Kansas Board of Probation and Parole allow inmates to examine the contents of their parole file. They should also be allowed to offer documentation contradicting information contained in the file.

Finding 17: Kansas Correctional Institution for Women

The women's institution does not receive as many services as do the male institutions. For example, no college education program is offered at the institution.

Recommendation 17:

The Advisory Committee recommends that female inmates be allowed to partake of programs offered at nearby Kansas State Penitentiary.

Finding 18: Physical Facilities

The four penal institutions under consideration are characterized by old buildings. For this reason, they are limited in the quantity and quality of services they can provide.

Recommendation 18:

The Advisory Committee recommends that the State of Kansas explore the possibilities of halfway houses and other alternatives to incarceration.