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Sam Brownback, Governor

Testimony on SB 330
to
The Senate Judiciary

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Secretary
Kansas Department of Corrections
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SB 330 imposes statutory mandates on inmate custody classifications, specifically regarding maximum security and administrative segregation. The Department of Corrections opposes SB 330.

Maximum security inmates are housed in individual cells. Administrative segregation inmates are likewise housed in individual cells but additionally remain in their cell for upward of 23 hours per day.

In the management of correctional facilities, the most important tool utilized by corrections professionals is a custody classification system, in particular the use of the “special management” classification commonly referred to as administrative segregation. The custody classification of administrative segregation is a separate consideration from the issues of the security of a facility’s perimeter and the risk of escape from a facility. Administrative segregation is the corner stone for internal security of a facility regarding the protection of staff, general population inmates and inmates who themselves are threatened. The use of administrative segregation should not be arbitrarily divorced from the actual threat posed by or to a particular inmate. Administrative segregation should be employed by the correctional professionals responsible for the safe and secure operations of a correctional facility.

Currently, KDOC utilizes 725 administrative segregation cells. SB 330 would require an additional 760 administrative segregation cells.

SB 330 would immediately require 760 additional segregation cells. This would require that rather than constructing two new cells blocks at the El Dorado Correctional Facility to house 512 general population inmates to fully meet the inmate population projections of the Kansas Sentencing Commission, four segregation cellblocks at EDCF would need to be constructed to partially meet the need for just the increase segregation requirements of SB 330. An additional 248 segregation cells would have to be configured from existing general population cells. By FY 18, the department would request funding for the construction or contracting for the housing of 400 additional inmates based on Kansas Sentencing Commission projections.

The cost incurred would include:

- 4 cellhouses constructed at EDCF.....\$50 million
- Operating costs of 4 segregation cellhouses\$14 million per year
- 248 general population cell reconfiguration.....\$2 million

The above costs are for male inmates. SB 330 would also require the segregation of 51 female inmates. In order to address that need, a new cellhouse at TCF would be necessary.

- TCF cellhouse construction.....\$12.5 million
- Operating costs.....\$1.5 million per year

Administrative segregation is the most expensive type of incarceration.

- A segregation cellhouse is twice as expensive to operate than a general population cellhouse.
- Administrative segregation inmates are housed in single cells.
- At least two corrections officers escort an administrative segregation inmate whenever the inmate is out of the cell.
- Individual exercise areas must be provided.
- Administrative segregation inmates cannot provide inmate labor such as laundry, food services, janitorial and general maintenance within the facility.

Due to being in administrative segregation, services must be delivered to the cell including:

- Food services.
- Medical rounds.
- Mental health services.
- Chaplain and other religious services.

The use of administrative segregation has serious consequences. In addition to being the most expensive form of incarceration, the use of administrative segregation by corrections officials:

- Isolates inmates that pose an actual threat to staff and other inmates or inmates who are threatened. Serving a life sentence does not automatically indicate a particular inmate poses a threat to others. Currently 11.79% (134 inmates) serving a life sentence are in administrative segregation with the remaining 591 administrative segregation cells housing inmates serving a non life sentence.
- Provides a deterrent against assaultive behavior inside the facility.
- Provides an incentive for good behavior to earn release from administrative segregation.
- Case by case application of administrative segregation addresses those inmates who want to be placed in a single cell and be exempt from facility work assignment but who do not need segregation confinement; as well as those inmate who have been placed into segregation and whose behavior indicates are no longer a threat but whose continued isolation maybe detrimental to their mental health.

The placement of inmates into administrative segregation who do not pose a threat to staff or inmates within the facility removes those inmates from facility work details such as food services, laundry and general janitorial and maintenance duties. Additionally, inmates serving a life sentence who have become accustomed to doing time have a positive impact on new inmates serving shorter sentences. Finally, officers who staff segregation cellhouses carry out their duties in an extremely difficult environment requiring post rotations to non segregation cellhouses. SB 330 would substantially increase the number of segregation cellhouses thus reducing the possibility to rotate staff to non segregation cellhouses in an effort to reduce staff burnout and turnover.

SB 330 would substantially alter the management of correctional facilities at a significant financial cost and be detrimental to the safe operation of the department's correctional facilities.

The department opposes SB 330.