

Approved: 1-18-96  
Date

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS.

The meeting was called to order by Chairman Robin Jennison at 1:30 p.m. on January 10, 1996 in Room 514-S of the Capitol.

All members were present except: Representative Carmody, Excused  
Representative Gross, Excused  
Representative Reinhardt, Excused

Committee staff present: Alan Conroy, Russell Mills, Susan Wieggers, Legislative Research Department  
Jim Wilson, Revisor of Statutes  
Tim Kukula, Appropriations Secretary; Todd Fertig, Administrative Aide

Conferees appearing before the committee: Representative David Adkins, Kansas Youth Authority  
Barbara Tombs, Executive Director, Sentencing Commission  
Charles Simmons, Secretary of Corrections

Others attending: See attached list

Chairman Jennison recognized Representative David Adkins to brief the committee on the Kansas Youth Authority. Adkins presented a handout outlining a summary recommendations titled "The Juvenile Justice Reform Act of 1996." This summary made recommendations in the areas of Prevention, Agency Reform, Nomenclature, Intake and Assessment, Information Systems and Utilizations, Parental Responsibility and Continuation of Placement Options (Attachment 1).

Adkins discussed the urgency of acting quickly to insure a successful program of the Kansas Youth Authority. He outlined the funding requests of the Kansas Endowment for Youth (KEY). Adkins stated: "The dollars spent on the front-end will be much more valuable than buying beds to lock up young thugs." Adkins fielded several questions from the floor pertaining to conduct and supervision in the Youth facilities, comparisons of Youth Authority Facilities to Foster/Group homes, purpose of maximum security facilities, and short and long-term funding issues, including Federal grants.

Chairman Jennison recognized Barbara Tombs from the Kansas Sentencing Commission to brief the committee on the Prophet Model Review. Tombs' briefing included three handouts pertaining to Adult Inmate Population Projections, Legislative Impact Assessments, and Bedspace Impact Assessment. These handouts included references to HB 2424, HB 2425, HB 2025, and SB 241 (Attachments 2 - 5).

Chairman Jennison recognized Secretary of Corrections, Charles Simmons to brief the committee on inmate population trends. Simmons distributed a handout that displayed charts and graphs describing inmate population trends in Kansas in the past and projections for the future. This handout also covered areas of cost concerning expansion and improvement, both past and future. Questions of Federal funding was discussed (Attachment 6).

A motion was made by Representative Farmer, seconded by Representative Neufeld, to introduce the House half of the Governor's Budget proposal. The motion carried.

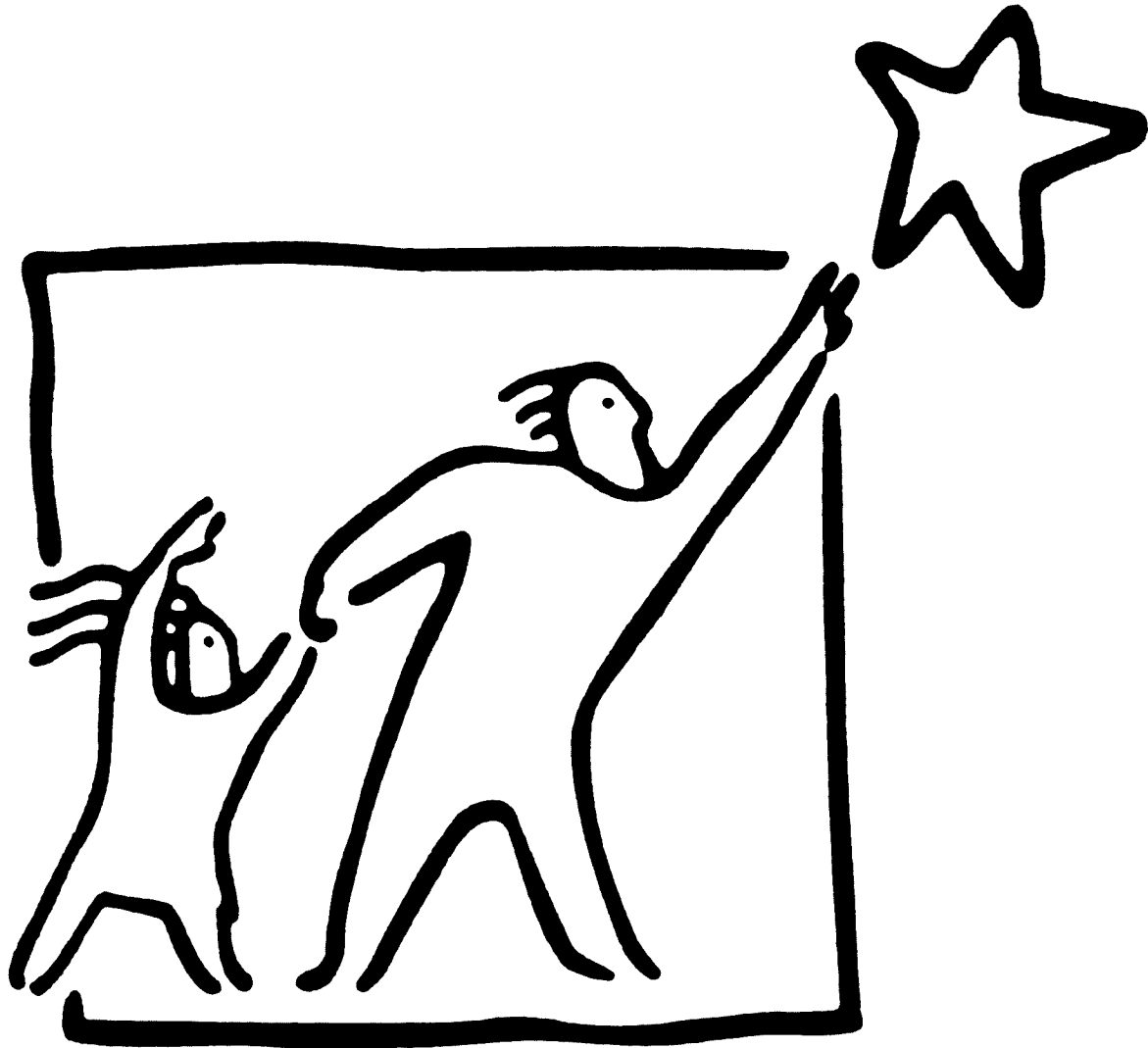
The meeting adjourned at 3:34 p.m.

The next meeting is scheduled for January 11, 1995.



# KANSAS YOUTH AUTHORITY

## SUMMARY OF RECOMMENDATIONS: "THE JUVENILE JUSTICE REFORM ACT OF 1996"



### MEMBERS

DAVID ADKINS, CHAIRMAN  
JUDGE JAMES BURGESS  
LORRAINE GAVIN-NWAKPUDA  
KAREN GRIFFITHS  
KENNETH HALES  
LIGIA PAQUETTE  
DAVID WHITE

### EX-OFFICIO

BRENT ANDERSON, OFFICE OF  
THE GOVERNOR  
SEC. ROCHELLE CHRONISTER  
SEC. JIM O'CONNELL  
SEC. CHARLES SIMMONS  
CARLA STOVALL, ATTORNEY GENERAL  
JERRY WELLS, GENERAL COUNSEL,  
KOCH CRIME COMMISSION

# Mission Statement

**Our mission is to serve the citizens of Kansas by designing a system of juvenile justice which promotes public safety, holds juvenile offenders accountable for their behavior, and improves the ability of juveniles to live more productively and responsibly in the community.**

**I. This mission shall be pursued through the development of juvenile justice policies which reflect principles that:**

- ☆ establish public safety as the primary goal of the system;
- ☆ recognize that the ultimate solutions to juvenile crime lie in the strengthening of families and educational institutions, the involvement of the community and the implementation of effective prevention and early intervention programs;
- ☆ are community-based to the greatest extent appropriate;
- ☆ are family centered;
- ☆ facilitate efficient and effective cooperation, coordination and collaboration among agencies of state government and among all levels of government;
- ☆ are outcome based, allowing for effective and accurate assessment of program performance;
- ☆ are cost-effectively implemented and administered and utilize resources wisely;
- ☆ encourage the recruitment and retention of well-qualified, highly-trained professionals to staff all components of the system;
- ☆ appropriately reflect community norms and public priorities;
- ☆ encourage public/private partnerships to address community risk factors.

**II. This mission shall also be implemented through the development of a juvenile justice system composed of components which:**

- ☆ establish a full range of placement options from diversion through maximum security confinement and a full continuum of post-release, aftercare services;
- ☆ impose appropriate sanctions and consequences fairly, swiftly and uniformly;
- ☆ deal effectively with chronic, serious and violent juvenile offenders;
- ☆ provide for individualized supervision, care, accountability and treatment of youthful offenders;
- ☆ empower parents and encourage parental involvement and responsibility;
- ☆ require the collection and dissemination within the juvenile justice system of relevant and accurate information on youthful offenders and mandate the sharing of information among appropriate entities;
- ☆ allow communities to develop, implement and operate programs appropriate to local needs;
- ☆ provide for ongoing innovation, research and evaluation to improve and support all components of the system;
- ☆ allow for the utilization of private and non-profit service providers when appropriate, and encourage the use of intergovernmental agreements by the commissioner of juvenile justice.

## Prevention

1. Kansas Endowment for Youth (KEY): Prevention is the KEY. An endowment shall be created from which funds generated will be available for preventions programs. Private and Public dollars shall be utilized to fund the endowment with incentives granted by the state to encourage private contributions. The Authority requests funding to develop a specific program proposal. The Authority requests authorization to contract with an appropriate consultant to determine the elements of a successful endowment program.
  
2. Official Recognition. The Youth Authority shall annually recognize up to six organizations or individuals that have made significant and positive contributions to Kansas youth. Additionally, the Youth Authority shall recognize one male and one female young Kansan for significant contributions to the eradication of youth risk factors in their communities. The awards would include an honorarium.
  
3. Drug and Alcohol Prevention. The Youth Authority shall coordinate all state efforts to prevent alcohol and drug abuse by juveniles.
  
4. Comprehensive Strategy. The Youth Authority shall develop a comprehensive strategy for prevention and early intervention including a program to assist each community in performing a comprehensive risk assessment.
  
5. Youth Council. The Youth Authority shall appoint a youth advisory council with which to confer on policy recommendations and programs.

## Commissioner of Juvenile Justice: Powers/Duties/Functions.

1. The Commissioner shall administer the juvenile justice system utilizing several core functions including:

- a. Operations: Through this function the commissioner shall oversee intake and assessment, provide technical assistance and facilitate community collaboration, license youth correctional facilities, programs and providers, assist in coordinating a statewide system of community based service providers and operate youth correctional facilities.
- b. Research: Through this function the commissioner shall generate, analyze and utilize data to develop new program initiatives, restructure existing programs and assist communities in risk assessment and effective resource utilization. Particular focus would be given to the identification or development of effective preventions programs.
- c. Contract: Through this function the Commissioner would secure the services of direct providers. It is not anticipated that the Commissioner will oversee a large staff of correctional officers or social workers. Rather, the Commissioner shall, when appropriate, contract with non-profit, private or public agencies to perform functions or provide services necessary to operate the state's portion of the juvenile justice system. The contract function could also be utilized in the administration of state programs funded by grants to local communities.
- d. Performance Audit. Through this function the Commissioner would audit contracts to determine that service providers were performing as required. This function would grant the Commissioner regulatory authority to administer programs to be performed pursuant to contracts.
- e. Personnel Services. Through this function the Commissioner would provide appropriate training opportunities and administer the employees that answer to the Commissioner.

2. Other Duties. In addition to the above-noted functions, the Commissioner shall:

- a. Administer all state and federal funds appropriated within the executive branch for juvenile justice.
- b. Administer the development and implementation of appropriate information systems.
- c. Administer the transition to and implementation of system reforms.

- d. Have authority to enter into contracts with other public agencies or private entities.
- e. Shall coordinate functions with the Judicial branch and serve as a resource to legislators and other policy makers.

3. Access to Records. To ensure maximum access to records the juvenile justice authority shall be designated a criminal justice agency and an educational agency, and the commissioner shall be a member of the Criminal Justice Coordinating Council. The commissioner shall have access to all existing and historical Kansas juvenile justice records.

4. Accept Custody of Juveniles. The Commissioner shall be authorized to accept custody of juveniles so assigned by a court.

5. Date of Appointment. Although current law calls for the appointment of a commissioner July 1, 1997, the Youth Authority recommends the hiring of a commissioner at least by January 1, 1997, with appropriate staff, to facilitate the creation of the juvenile justice authority and the transition of responsibilities to the commissioner. July 1, 1997 would remain the date upon which transfer of authority would become effective.

6. Kansas Youth Authority Subsequent to 1997. The Kansas Youth Authority members shall serve staggered terms of four years. The authority shall control its own agenda and shall meet at the call of its chair. The seven statutory members may be augmented by ex-officio appointments to serve at the pleasure of the Governor. The Attorney General and the Chief Justice of the Supreme Court or their designees shall be permanent ex-officio members.

## System Nomenclature.

The terms used in the juvenile justice system shall be changed to avoid confusion and to clarify procedure. For example, the following terms shall be used:

“trial” not “adjudication”  
“guilty” or “not guilty” not “admit” or “deny”  
“sentence” not “disposition”  
“juvenile correctional facility” not “youth center”  
“immediate intervention” not “diversion”  
“juvenile justice code” not “juvenile offender code”.

However, some distinctions will remain. For example,

“juvenile proceedings” not “criminal proceedings”  
“offense” not “crime”



## Intake and Assessment.

### 1. Commissioner to Oversee Intake and Assessment.

Intake and Assessment functions shall be conducted by the Commissioner of Juvenile Justice.

### 2. Intake and Assessment Model: State Mandates/Local Options.

The Commissioner shall contract with local service providers, when available, to provide 24-hour a day intake and assessment services. Local providers will be required by the state to provide a basic package of intake and assessment services but may provide additional services as determined by local authorities. Local innovation will be encouraged through the funding of pilot programs and through the utilization of facilitators from the Commissioner's office. Programs operating collaboratively, encouraging local interagency cooperation directly in the intake and assessment process are to be pursued. In such communities where need justifies such a model, representatives of law enforcement, education, mental health agencies, substance abuse programs and other key agency representatives will jointly staff the intake and assessment center.

### 3. Immediate Intervention Options.

The state shall allow each judicial district, at its option, to develop and implement immediate intervention programs. Pursuant to agreement between the District Attorney and Court and Intake and Assessment Center local programs may be developed to allow:

- a. Direct referral of cases by the prosecutor and/or intake and assessment worker to youth courts.
- b. Allow intake and assessment workers to issue a summons to appear, requiring a court appearance at a date certain.
- c. Develop restorative justice centers and allow direct referrals by intake and assessment workers and/or prosecutors.
- d. Allow direct referral of cases by the prosecutor or intake and assessment worker to citizen review boards or hearing officers for determination.
- e. Intake and assessment centers to directly purchase services for youth and their families.

Immediate Intervention Programs shall be utilized pursuant to specific authorization by the court and prosecutor. State law shall prohibit the use of any such programs for persons who commit felonies or crimes committed while in possession of a deadly weapon.

### 4. Statutory Clarification.

The juvenile offender code shall be revised to more clearly define the role of intake and assessment. Intake and assessment workers shall be granted specific authority to set conditions for release, be listed as mandatory reports of alleged child abuse, be authorized to take custody of a juvenile from law enforcement and be granted authority to assist juveniles in accessing services.

# Information System Reform.

## 1. Computerized Records System.

The KBI shall develop and maintain an information system which is computerized, accurate, current and integrated to provide all agencies and individuals involved in the juvenile justice system with easy and appropriate access to records.

## 2. Shared Information.

All barriers to information sharing shall be removed and individuals and agencies involved with juveniles shall share information. Schools, law enforcement agencies, non-profit/private service providers, state agencies and others shall share and have access to appropriate information regarding a juvenile.

## 3. Open Records.

The official court file of a juvenile shall be open to the public unless access is restricted by the court upon a finding that opening the file to the public is contrary to the best interests of the child. Absent such a finding, public access to file information shall be permitted subsequent to charges being filed with the court.

## 4. Open Proceedings.

All juvenile court proceedings shall be open to the public to the extent allowed in adult criminal proceedings, unless closed by the court upon a finding that open proceedings would be contrary to the best interests of the child.

## 5. Operational Deadline.

By July 1, 1997, the juvenile justice computerized information system shall be operational and functioning in conjunction with the adult criminal justice information system as implemented by the Criminal Justice Coordinating Council. This deadline may be extended by official action of the Criminal Justice Coordinating Council.

## 6. Current Information.

Incentives shall be developed to encourage the timely entry of records into the juvenile justice information system database.

## 7. Scope of Information Database.

Information available to system users shall include information collected at intake and assessment centers. Such information shall include:

- a. Information collected by utilizing a standardized risk assessment tool (for

- example, the POSIT, a Problem Oriented Screening Instrument for Teens).
- b. Criminal (Delinquency) history; including indications of criminal gang involvement.
  - c. Abuse history.
  - d. Substance abuse history.
  - e. History of prior services/treatments provided.
  - f. Educational history.
  - g. Medical history.
  - h. Family history.

Additional information may be collected/utilized at local option. The commissioner shall monitor the collection and utilization of information to ensure that information is current and accurate. Further, the commissioner shall determine if all information listed above is being utilized and, if not, determine if modification of the list is appropriate to achieve efficiencies.

## Parental Responsibility.

1. Financial Accountability: To enhance financial recovery for the costs of services provided, the following shall be enacted:

- a. Private insurance companies may not exclude coverage for treatment when a juvenile is in custody.
- b. A judge may order reimbursement by parents to pay for services provided to a juvenile in an amount determined by the court but not to exceed the actual cost of such services. Parents would be allowed to request a hearing to challenge such an order.
- c. Any financial obligation imposed on a parent shall be enforced as a civil judgment or pursuant to the court's contempt powers. Failure to satisfy any such obligation may result in revocation of professional licenses or driving privileges, or state set off against tax refunds.
- d. The court may allow any financial obligation imposed on a parent to be fulfilled through the performance of community service should the parent be financially unable to pay.

2. Positive Parental Participation. To encourage parental assistance in the enforcement of court orders, terms of probation and treatment plans, the following shall be enacted:

- a. Expand the scope of K.S.A. 21-3612 to include adult conduct which assists or participates in the violation of the terms of a juvenile's probation within the crime of contributing to a child's misconduct or deprivation.
- b. Amend K.S.A. 38-1668 to authorize courts to require that parents report probation violations.
- c. A court shall be authorized to require parental participation in treatment programs or to attend parenting classes/programs in juvenile offender cases to the extent now authorized in children in need of care proceedings.
- d. The commissioner shall be authorized to require parental cooperation and participation as a condition of release or as an element of post-release programming.
- e. A parent may be made a party to any contract for immediate intervention.

3. School Attendance. Absent parental consent, a child shall be required to attend school until the age of 18. The court may revoke driving privileges for anyone less than eighteen years of age who is not regularly enrolled in school, including those suspended or expelled.

## Placement.

1. Placement Options. Reforms shall be implemented to create a full continuum of placement options from immediate intervention programs to maximum security incarceration. In building this system the state and local communities (by judicial district) shall share responsibilities. The following shall guide our development of a statewide system.

- a. A placement matrix shall be developed to promote uniformity in placement and efficient use of resources. Thresholds will be established to govern access to state provided placements (youth centers, maximum security). These thresholds will be defined by a juvenile's offense, offense history and risk factors. The state would establish minimum and maximum placement lengths.
- b. The jurisdiction for juvenile court placements shall be expanded from age 21 to age 23.
- c. The Commissioner shall assist local communities in developing community based placement options and programs. By blending a community matrix with a state matrix a full range of placement options, tailored to the needs of each community, will be available.

2. Dual Sentencing. Juvenile courts shall be allowed to impose both a juvenile sentence and an adult criminal sentence on an offender regardless of age at time of offense. Based on a Minnesota law, if a juvenile successfully completes a rehabilitative program pursuant to the juvenile sentence the court may release the offender. However, if the offender is not amenable to rehabilitation in the juvenile system, the adult sentence can be imposed. The commissioner would have authority to move the court for an order of release or seek transfer to the Secretary of Corrections. All juveniles dually sentenced would be subject to an automatic court hearing at age 18. If retained in the juvenile system at age 18, the court would be required to establish a date to review the case again at least within 36 months. Juvenile Court jurisdiction would extend to age 23.

3. Waiver to the Adult Criminal System.

No "automatic" waivers of juveniles to the adult criminal system shall occur. The waiver of juveniles to the adult criminal justice system shall occur pursuant to the following:

- a. A juvenile, subject to the offender code, may be waived to adult status, regardless of age or offense, upon the court granting a motion brought by the state. The offender shall be presumed a juvenile unless good cause is shown to justify prosecution as an adult. Juvenile court jurisdiction for actions arising under the juvenile offender code commences at age 10.
- b. Upon a motion by the prosecutor, a juvenile, age 14, 15, 16 or 17 accused of an offense for which incarceration would be presumed pursuant to adult sentencing guidelines if the juvenile were convicted as an adult shall be presumed to be an

adult and shall be tried as such unless the presumption is rebutted. The juvenile is not automatically waived to adult status, but the burden of proof shifts to the juvenile to prove why he should not be tried as an adult.

- c. Upon a motion by the prosecutor, a juvenile age 14, 15, 16 or 17 accused of an offense committed while in possession of a firearm shall be presumed to be an adult and shall be tried as such unless the presumption is rebutted. The juvenile is not automatically waived to adult status, but the burden of proof shifts to the juvenile to prove why he should not be tried as an adult.
- d. Upon a motion by the prosecutor, a juvenile, regardless of age, accused of the equivalent of a felony that has previously been found to have committed a felony shall be presumed an adult and may be tried as such unless the presumption is rebutted. The juvenile is not automatically waived to adult status, but the burden of proof shifts to the juvenile to prove why he should not be tried as an adult.
- e. As an alternative to waiver to adult status the prosecutor may seek dual sentencing of a juvenile accused of an offense, regardless of age. The juvenile shall be presumed to be subject to dual sentencing under the same circumstances that a presumption of adult status would arise if the prosecutor sought to waive the juvenile to adult status.
- f. The prosecutor retains the discretion in all cases to seek juvenile adjudication, seek dual adjudication or seek waiver to adult status. The court must determine the juvenile's status in all cases.

### **Youth Centers.**

Our state youth centers shall be administered with the following reforms recommended:

1. **Immediate Reforms.**
  - a. Immediate reforms will be enacted to upgrade security at existing facilities including secure perimeter fencing.
  - b. A rigid grooming code, with appropriate regard for religious beliefs, shall be enforced and offenders shall be issued appropriate uniforms to be worn while in custody.
  - c. No passes, furloughs or leaves shall be granted except to accommodate reintegration into the community and as necessary to obtain medical services. Any such activity outside the facility shall be directly supervised by an appropriate adult.
  - d. Each youth, to the extent allowed by law, shall be assigned a work assignment as a condition of placement. State laws which prohibit such assignments shall be repealed.

2. Intermediate/Long-Term Reforms.

- a. The mission of the youth centers shall be restructured to allow greater specialization. Instead of assigning juveniles based on age and sex a more appropriate classification model would be developed for each institution. A military corps model might be utilized in one facility and a substance abuse focus might characterize another.
- b. Assignment to a specific state custody facility would be made based on information collected at intake and assessment and at a juvenile reception and diagnostic center and information contained in the court's presentence report.
- c. A reception and diagnostic function shall be created and utilized to effectively administer placements at all state youth correctional facilities.
- d. Community corrections services for juveniles and aftercare transition services for juvenile offenders released from a state juvenile correctional facility shall be available in each judicial district.

3. Maximum Security Facility. To augment our state's juvenile placement options, a maximum security youth correctional program shall be developed pursuant to the following:

- a. Federal funds to assist with construction costs shall be sought and cost-efficient conversion of existing state facilities shall be considered.
- b. The program would be designed to house chronic, serious and violent juvenile offenders.
- c. A capacity of 150 beds is required to meet existing needs.
- d. The Department of Corrections shall have responsibility, with appropriate appropriations, to develop a plan to construct a facility or facilities to house 150 offenders.
- e. Ideally, three 50 bed facilities would be built, dispersed geographically throughout the state with flexibility of expansion or future conversion to other uses. Facilities should also be planned to accommodate the possible co-location of other functions such as detention or intake and assessment centers, or reception and diagnostic services.
- f. It is anticipated that the maximum security facilities would be administered by the Department of Corrections pursuant to a contract with the commissioner.



State of Kansas  
KANSAS SENTENCING COMMISSION

HOUSE APPROPRIATIONS COMMITTEE  
TESTIMONY  
JANUARY 10, 1996

The Kansas Sentencing Commission initiated a contract with the National Council On Crime And Delinquency (NCCD) in July of 1995, to develop a computer based simulation prison population projection model known as Prophet. The Prophet Model utilizes a modeling technique that is a combination of stochastic entity simulation and a Monte Carlo simulation. The stochastic or probabalistic technique utilizes a random number process to simulate the movement of offenders through the correctional system. The Monte Carlo technique converts the random numbers chosen into individual cases (inmates admitted to prison) and places the inmate in the possible statuses available, such as prison, parole, post-release, or discharge. The status placement of offenders is based upon transition probabilities provided by the programmer and developed by assumptions used in the construction of the model.

Prophet assigns every inmate into one of three basic identification groups: Indeterminate Sentencing Group/Old Law; Determinate Sentencing Group/New Law; and an Aggregate Sentencing Group/Combination Old and New Law. The Aggregate Sentencing Group consists of offenders with concurrent and/or consecutive sentences involving both indeterminate and determinate sentencing structure. The placement of the offender is then dependent on the possibilities available under that specific sentencing structure (See Attachment A).

Within each of the three basic identification groups, the inmate is then assigned to one of the fifteen sentencing guidelines groups based on the most serious offense, producing a total of 45 separate inmate sub-groups or identification groups. The assignment process was used for stock prison population, as well as new admissions for FY 1995. The identification group distribution of future admissions to prison is assumed to be the same as inmates admitted to prison during FY 1995.

The report provides a list of the major assumptions used in the development of the Prophet Model. Assumptions play a crucial role in the accuracy of the projections and are based on both past and anticipated future trends in law enforcement, correctional policies, and



parole board practices. A Consensus Group was formed to review the assumptions used in Prophet. This group was comprised of representatives from the KBI, Department of Corrections, Court Services, Community Corrections, and the Parole Board. Based on the group discussion, the assumptions formulated represented what members anticipated, to the best of their knowledge, would be future practices. The major assumptions included are:

1. Anticipated yearly admissions increase will mirror the prior ten years and are projected to be 2.9% annually.
2. By July of 1997, all admissions will be determinate or guideline sentences.
3. Future new court commitments will be the same as 1995 admissions in terms of the types of offenses and length of sentences.
4. Parole rates are anticipated to increase from 20% to 25% over the projection period.
5. Technical violators of parole are anticipated to serve 7.8 months and post-release violators will serve 3.1 months under sentencing guidelines. It is assumed that 75% of technical violators under guidelines will earn all eligible good time (S.B. 360), and the remaining 25% will earn 50% of their good time.
6. Revocation rates for offenders returned to prison for the commission of a new offense will remain unchanged.
7. Department of Correction's graduated sanctions program will reduce the number of technical post-release violators returned to prison by 25% (120-130 beds per year) beginning in FY 1996.
8. Good time awards for indeterminate sentences are assumed to be 24.5 days per month based on the prediction that 65-75% of all inmates will earn all good time available; 25-30% of inmates will earn 50% of good time available and 5% of the remaining inmates will receive no good time credits.
9. Inmates sentenced under guideline sentences will serve 80% of their sentences less jail credits prior to July 1995 and 15% of their sentences less jail credits after July 1995 (S.B.360). It is assumed that all inmates on guidelines sentences will lose 15% of eligible good time.

All population projections were done on an annual basis, rather than monthly. Monthly projections often indicate short term trends such as seasonality, which was factored into the annual projections. It should be noted that the projections are based on current legislation and any changes in legislation would have an impact on the numbers. In addition, there are a couple of unknowns at this time that could not be factored into the model, but may impact adult prison admissions. First, any changes in the Juvenile Code could increase the projections if a significant number of juveniles are sentenced to adult facilities. Second,

the closing of state hospitals could have the potential to increase prison population.

A ten year forecast period was developed, which provided a baseline prison population projection by severity level up to the year 2005 (Table 2). The baseline projections also include a projection number of technical parole/postrelease violators that will enter correctional facilities in that same ten year period. Current prison bed capacity provided by the Department of Corrections indicates that Kansas has a maximum capacity of 7,570 beds available, 491 of which are temporary in nature and should not be considered as permanent housing for inmates. With the removal of the temporary beds, current long-term capacity stands at 7,079 beds. Given the prophet projections, even if the temporary beds are utilized, the state of Kansas will exceed available bedspace by the end of FY 1997.

The analysis of the data used in the Prophet Model provided a list of major findings on page three of the report provided. The basic trend seems to indicate that in spite of modest project growth of annual prison admissions (2.9%) over the next ten years, the population continues to increase due to low parole grant rates and the large number of technical parole/postrelease violators returning to prison. It should be noted that the projected prison population would be considerably higher if the Department of Corrections had not established a graduated sanctions program for technical parole/postrelease violators, which is anticipated to reduce the current number of violators returned to prison by 25%.

Examining the distribution of offenders by severity levels, sentencing guidelines are fulfilling the purpose for which they were established. The highest levels of projected growth are in the levels with the longest sentences, which target the most serious offenders. Severity levels 1, 2, and 3 indicates a projected growth of 1,162 offenders over the next ten years. Declines are projected in levels 4, 9, and 10, along with a reduction in technical violators. In reviewing the projections, it should be noted that because of the growth in severity levels containing the longest sentences, there is a certain stacking effect that takes place over time. This means that even if admissions are flat or decrease slightly, bedspace needed may increase because of the length of time these offenders are incarcerated. Stacking effects are not immediately noticeable, but have a significant impact 10 to 20 years in the future. You can admit the same number of offenders year after year, but if there are limited number of releases, eventually there will be a shortage of beds.

The Prophet Model also allows impact statements of proposed legislation that would impact sentencing lengths for specific offenses. The second report provided indicates projected bedspace needed for three bills held over from the 1995 Legislative Session: HB 2424, HB 2425, and HB 2025. HB 2424 changes rape from a severity level 2 person felony to a severity level 1 person felony and increases the severity level from level 5 to level 3 person felony for criminal discharge of a firearm. HB 2425 doubles the sentencing ranges in the top three severity levels. It also increases rape to a level 1 person felony and criminal discharge of a firearm to a level 3 person felony. HB 2025 increases the sentence for first degree, capital murder, treason or any level 1, 2, or 3 person felony, or any sexually violent crime to life imprisonment without parole, if the offender has at least one prior conviction for any of the above mentioned crimes.

The impact projections for SB 241 and HB 2155 are also included in the package of information provided. SB 241 defines a second conviction for sexually violent crimes as a persistent sex offender, with a sentence of life without parole and requires mandatory prison sentences of 15 or 25 years for convictions of treason, capital murder, and first degree murder. H.B. 2155 provides a sentence of life imprisonment without parole for a second conviction of an any offgrid crime, a severity level 1, 2, or 3 person felony, sexually violent offense, aggravated battery, and several child abuse crimes.

The projections for these pieces of proposed legislation encompass a 20 year period to allow for the lag time before offenders sentenced under the new legislation would actually enter correctional facilities. Page one of the Legislative Impact Report lists the description of the proposed legislation and the assumptions used in the projection model. The individual impact of each piece of legislation is presented and the projected year that the bedspace would be needed. Since these pieces of legislation increase sentence lengths significantly, the stacking effect increases over time.

The Prophet Model can not provide impacts for SB 177 or HB 2426, since both pieces of legislation involve the misdemeanor offenses. Prophet was designed using felony offense information and does not have the capability to track misdemeanor offenses.

The state of Kansas is at a very crucial point with regards to issues of public safety, prison bedspace capacity, and sentencing policies. There are no easy or cheap solutions to the state's current prison overcrowding problem. Last year the Legislature allocated funds for the development of the Prophet Model for prison population projections. As Legislators faced with some very difficult decisions, please keep in mind that policy changes should not be merely reactive, but rather the result of careful and rational decisions based on accurate and sufficient information. The Sentencing Commission will continue to be available to provide any assistance, support or information requested.

For more information contact:

Barbara Tombs  
Executive Director  
Kansas Sentencing Commission

# PROPHET PROJECTION MODEL KDOC SIMULATED PRISONER MOVEMENT

2-5

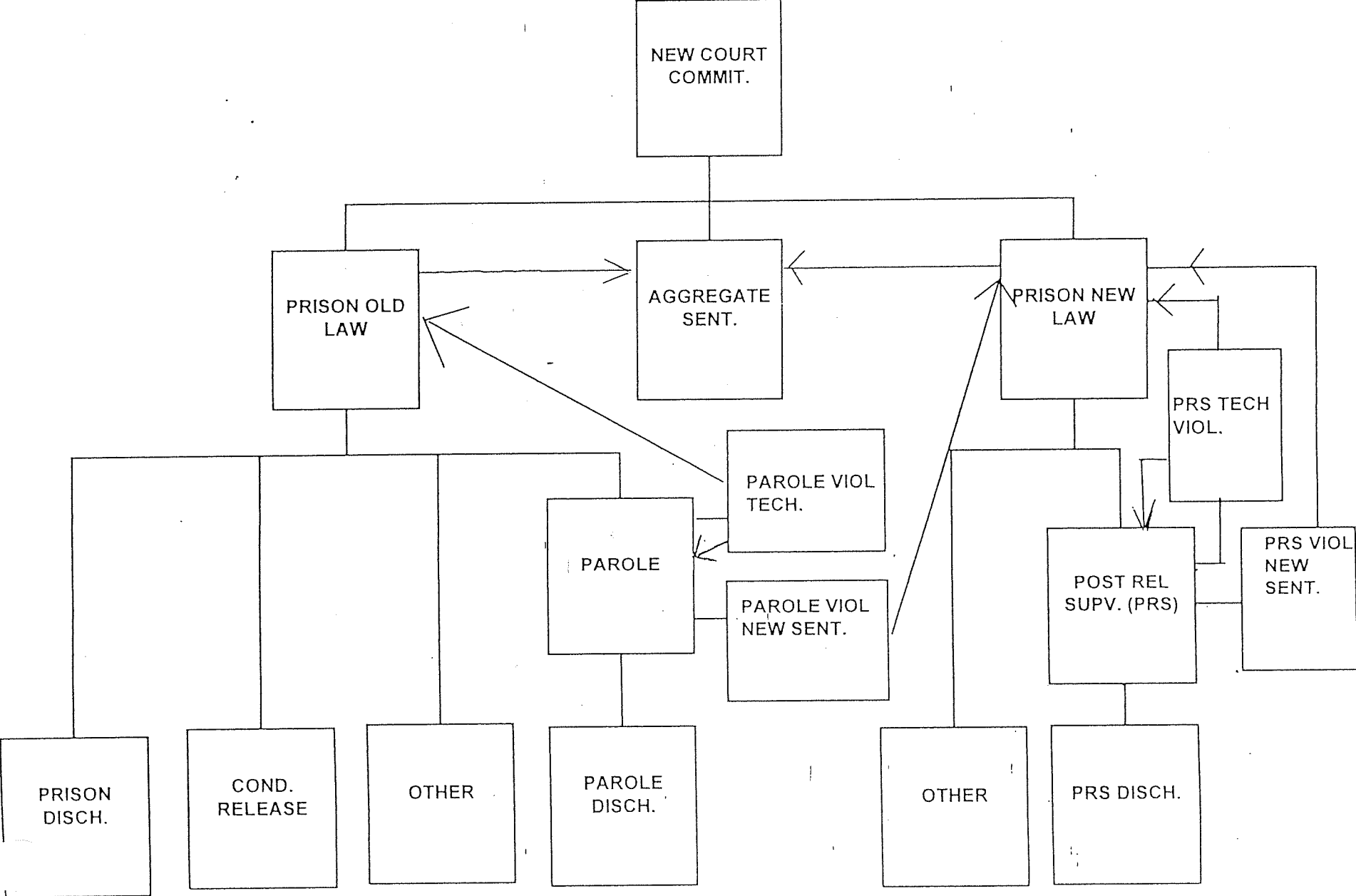


TABLE 2

KANSAS DEPARTMENT OF CORRECTIONS  
PRISON POPULATION PROJECTIONS  
OCTOBER 1995 - JUNE 2005

Inmate Population - June of Each Year

Severity Level	October 1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	Total Increase	Percent Increase
Level 1	288	320	361	396	439	478	513	536	560	589	610	322	111.8
Level 2	523	558	629	676	723	760	784	811	824	824	830	307	58.7
Level 3	1,214	1,266	1,329	1,369	1,417	1,435	1,422	1,466	1,474	1,467	1,441	227	18.7
Level 4	294	289	291	293	294	292	285	279	269	260	269	-25	-8.5
Level 5	901	913	960	1,011	1,031	1,025	1,033	1,040	1,086	1,095	1,097	196	21.8
Level 6	176	192	208	222	224	220	230	213	219	233	251	75	42.6
Level 7	588	615	621	662	662	664	667	666	656	680	684	96	16.3
Level 8	200	202	197	199	211	208	211	221	199	222	221	21	10.5
Level 9	337	326	310	315	318	305	298	313	324	325	314	-23	-6.8
Level 10	39	55	60	43	43	40	31	29	31	27	24	-15	-38.5
Level D1	11	13	17	23	27	27	28	28	30	30	29	18	163.6
Level D2	119	136	167	188	196	214	241	243	243	238	231	112	94.1
Level D3	851	892	933	920	899	848	845	857	810	821	849	-2	-0.2
Level D4	214	208	223	221	247	255	260	247	278	259	275	61	28.5
Lifer	584	607	635	662	695	731	767	801	830	860	890	306	52.4
Technical Violator	792	739	766	612	541	483	402	385	362	406	406	-386	-48.7
Total*	7,131	7,331	7,707	7,812	7,967	7,985	8,017	8,135	8,195	8,336	8,421	1,290	18.1

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**KANSAS DEPARTMENT OF CORRECTIONS**  
**ADULT INMATE POPULATION PROJECTIONS**

*November 10, 1995*

**NATIONAL COUNCIL ON CRIME AND DELINQUENCY**

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HOUSE APPROPRIATIONS

Attachment 3

House Appropriations  
1-10-96  
Attachment 3  
1-10-96

KANSAS DEPARTMENT OF CORRECTIONS  
ADULT INMATE POPULATION PROJECTIONS

I. SCOPE

The National Council on Crime and Delinquency (NCCD) has been asked by the Kansas Sentencing Commission (KSC) to provide planning technical assistance to KSC personnel and: (1) develop a planning tool to assess the likely impacts of proposed law and policy changes on future inmate bed needs; (2) develop a simulation model to project the adult inmate population into the future; (3) issue a projection of the adult inmate population over a ten-year forecast horizon; (4) provide training to state personnel in the use of planning, simulation and forecast models.

This document contains a summary of preliminary projections of the adult inmate population through the year 2005 as well as brief descriptions of the key assumptions upon which the estimates were based. These projections were produced using NCCD's Prophet Simulation and Projections model and are based on data provided to NCCD by Kansas Department of Corrections (DOC) and Sentencing Commission staff.

II. KEY MODEL ASSUMPTIONS

This section presents a summary of key assumptions upon which inmate projections are based. These assumptions were developed in cooperation with state personnel from several agencies.

- Over the next ten years new admissions from court will increase at approximately the same rate of growth recorded between 1986 and 1995. New court admissions to prison are projected to increase from 2,531 in FY 1995 to 3,335 in FY 2005 -- a total increase of just over 26 percent and an annual average increase of 2.9 percent per year (see Table 1).
- A total of 1,775 new court commitments with determinate sentences were admitted to DOC in FY 1995. It is assumed that the sentences received by these inmates are representative of future determinate sentences imposed for future new court commitments. By July 1997, all new court commitments admitted to prison will have determinate sentences.
- It is assumed that the crimes for which inmates were admitted to prison in FY 1995, for both indeterminate and determinate sentenced offenders, will remain the same in each future year. Future annual new prison commitments from court will "look like" FY 1995 admissions in terms of their committing crimes and imposed sentences.

- Parole grant rates for inmates with indeterminate sentences will increase five percent over FY 1995 levels.
- At the present time, offenders are returned to prison for technical violations of post-release supervision under two laws. Persons under the indeterminate sentencing structure are returned to prison and incarcerated until the parole board re-releases them to the community or they reach their conditional release dates. These parole violators are assumed to serve 7.8 months in prison. Persons admitted to prison and released to the community under sentencing guidelines and who are returned to prison for technical violations are assumed to serve 3.1 months. The assumption is made that 75 percent of new law technical violators will earn all eligible good time, and the remaining 25 percent will earn half of their eligible good time.
- Revocation rates for post-release supervision cases who are returned to prison for new crimes are assumed to remain unchanged. That is, the number of violators returned to prison with new sentences is unaffected by sentencing laws.
- Recently approved graduated sanctions programming for technical post-release violators will reduce the number of prison returnees by 25% beginning in FY 1996. This reduction in re-admissions results in a prison bed reduction of 120-130 beds per year.
- It is assumed that inmates in prison at the beginning of the forecast who are serving indeterminate sentences will earn, on average, 24.5 days per month. This is based on the assumption that 65-75 percent will earn all eligible good time credits; 25-30 percent of inmates will earn half of all eligible good time and the remaining five percent will receive no good time credits.
- Inmates with determinate sentences who are confined in prison in July 1995 will serve approximately 80% of imposed sentences less jail credits. Inmates with determinate sentences who are admitted to prison after July 1995 will serve approximately 85% of imposed sentences less jail credits. All inmates serving determinate sentences will lose fifteen percent of eligible good time over the projection period.



### III. FINDINGS

A summary table is attached to this document showing annual projected inmate populations by offender sub-group (Table 2).

- The prison population increased from 6,091 in 1994 to 6,925 in 1995. This represents a total increase of 834 inmates and 14 percent growth. This growth can be attributed to a 12-month increase in prison admissions, very low parole grant rates, and a relatively large number of parole violators returning to prison without new charges.
- Despite modest projected growth in prison admissions, the total prison population is projected to increase by just under 1,300 inmates (an 18 percent increase) over the decade.
- Substantial declines are projected in the number of beds required to house technical parole and conditional supervision violators returned to prison. This decline is due to shorter prison serving times for future violators returned to prison under sentencing guidelines, and the assumption that alternative programs will divert 400-500 violators per year throughout the decade.
- Projected declines in the technical violator population offset higher levels of growth in the non-violator prison population, which is projected to increase by 1,676 inmates or 26 percent over the next ten years.
- By inmate sub-group, the largest numerical population increases are projected for inmate groups with the longest sentences: Level 1 (+322), Life (+306), Level 2 (+307) and Level 3 (+227). The inmate population in these groups is projected to increase by 1,162 inmates over the next ten years. Inmate population declines are projected in the following sub-groups: Technical Violators (-386), Level 4 (-25), Level 9 (-23), and Level 10 (-15).
- Overall, projected growth in the total inmate population is substantially higher in the near term. Between FY 1996 and FY 2000, the population is projected to increase by approximately 650 inmates -- an increase of nine percent. By comparison, between FY 2000 and FY 2004, the inmate population is projected to increase by 350 inmates -- a four percent increase.

TABLE 1

KANSAS DEPARTMENT OF CORRECTIONS  
 ACTUAL AND PROJECTED COMMITMENTS TO PRISON  
 FY 1986 - FY 2005

Fiscal Year	New Court Commitments	Violators Returned-Technical
1986	1,947	334
1987	2,085	393
1988	2,232	564
1989	2,570	715
1990	2,721	954
1991	2,469	982
1992	2,535	1,130
1993	2,529	1,397
1994	2,257	2,112
1995	2,531	1,900
1996*	2,641	1,492
1997	2,755	1,622
1998	2,845	1,578
1999	2,910	1,516
2000	2,976	1,514
2001	3,045	1,399
2002	3,115	1,440
2003	3,187	1,393
2004	3,260	1,469
2005	3,335	1,527

Source: National Council on Crime and Delinquency  
 \*FY 1996-2005 figures are projected commitments to prison.

TABLE 2

KANSAS DEPARTMENT OF CORRECTIONS  
PRISON POPULATION PROJECTIONS  
OCTOBER 1995 - JUNE 2005

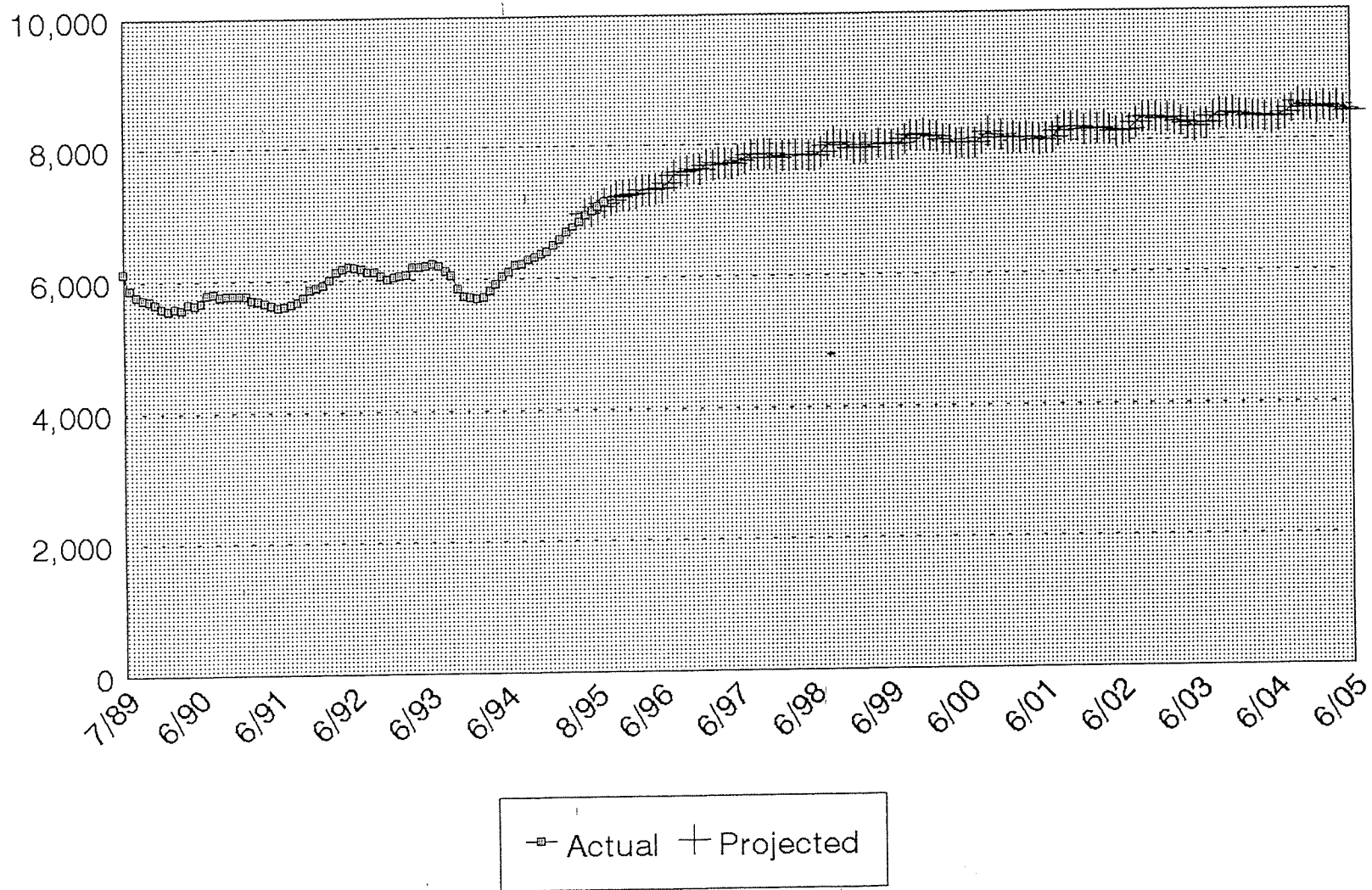
3-6

Inmate Population - June of Each Year

Severity Level	October 1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	Total Increase	Percent Increase
Level 1	288	320	361	396	439	478	513	536	560	589	610	322	111.8
Level 2	523	558	629	676	723	760	784	811	824	824	830	307	58.7
Level 3	1,214	1,266	1,329	1,369	1,417	1,435	1,422	1,466	1,474	1,467	1,441	227	18.7
Level 4	294	289	291	293	294	292	285	279	269	260	269	-25	-8.5
Level 5	901	913	960	1,011	1,031	1,025	1,033	1,040	1,086	1,095	1,097	196	21.8
Level 6	176	192	208	222	224	220	230	213	219	233	251	75	42.6
Level 7	588	615	621	662	662	664	667	666	656	680	684	96	16.3
Level 8	200	202	197	199	211	208	211	221	199	222	221	21	10.5
Level 9	337	326	310	315	318	305	298	313	324	325	314	-23	-6.8
Level 10	39	55	60	43	43	40	31	29	31	27	24	-15	-38.5
Level D1	11	13	17	23	27	27	28	28	30	30	29	18	163.6
Level D2	119	136	167	188	196	214	241	243	243	238	231	112	94.1
Level D3	851	892	933	920	899	848	845	857	810	821	849	-2	-0.2
Level D4	214	208	223	221	247	255	260	247	278	259	275	61	28.5
Lifer	584	607	635	662	695	731	767	801	830	860	890	306	52.4
Technical Violator	792	739	766	612	541	483	402	385	362	406	406	-386	-48.7
<b>Total*</b>	<b>7,131</b>	<b>7,331</b>	<b>7,707</b>	<b>7,812</b>	<b>7,967</b>	<b>7,985</b>	<b>8,017</b>	<b>8,135</b>	<b>8,195</b>	<b>8,336</b>	<b>8,421</b>	<b>1,290</b>	<b>18.1</b>

# Kansas Department of Corrections Actual and Projected Prison Populations July 1989 - June 2005

3-7



Source: National Council on Crime and Delinquency

SUPPORTING DOCUMENTATION

## SUPPORTING TECHNICAL INFORMATION

### A. Methodology

The Prophet model utilizes a modelling technique that is consistent with models that are called stochastic entity simulation models. It is stochastic or probabilistic in the sense that random numbers are used in the modelling process, and an entity simulation in the sense that the model is conceptually designed around the movement of individuals through the correctional system. The model is also generally an example of the Monte Carlo simulation technique, again because random numbers are used in the process of simulating a system. Individual cases -- inmates admitted to prison in Kansas -- are processed by the program through a series of possible statuses -- prison, parole, post-release supervision -- based upon the transition probabilities fed in by the researcher.

If, for example, under current practice 20 percent of all "old law" drug offenders are released at their first parole hearing, then 20 percent of the cases in that subgroup will be released within the model at their first hearing. Once the next status (old law parole supervision) has been randomly selected based upon actual probabilities, a length of stay in the initial status (old law prison inmate) is randomly generated, based on the minimum and average lengths of stay inherent for the selected type of transition. Once the simulation model has "moved" the case into the next status, the process is repeated for the new status until the case either reaches the end of the projection period or enters a terminal status which signifies a complete exit from the system being modelled. If the model is loaded with accurate data, the model will be quite accurate as it will "mimic" the actual flow of cases through the correctional system.

### B. The Kansas Inmate Simulation Model

Estimating future serving times in Kansas is complicated by the fact that inmates' lengths of stay (LOS) are currently governed by two major sentencing laws. Prior to July 1993, Kansas had an indeterminate sentencing structure. Prison serving times for offenders who committed crimes prior to July 1993, serve periods of incarceration which are governed by this "old law." Offenders committing crimes after July 1993, and admitted to prison receive fixed determinate sentences based upon sentencing guidelines.

The model developed for the Kansas Sentencing Commission simulates the movement of 45 separate inmate sub-groups (ID Groups) and provides estimates of the number of inmates projected to be in each of these ID Groups in any given month over the next ten years. These 45 ID Groups are

grouped into three larger categories based on their controlling sentencing law(s): (1) indeterminate; (2) determinate; and, (3) both indeterminate and determinate (aggregate).

### 1. Indeterminate Sentencing Group

There are still a substantial number of offenders who are admitted to prison with these "old law" sentences. The "typical" inmate under this structure receives a minimum and maximum sentence; receives up to 30 days good time for every 30 days served; and is eligible for discretionary parole release after serving the minimum sentence less good time and pre-trial jail credits. Mandatory release from prison occurs once inmates have served their maximum sentences less good time credits. Most inmates are released from prison by the parole board. The projection model simulates the awarding of pre-trial and good time credits, the parole board hearing process, parole supervision period and the revocation process.

### 2. Determinate Sentencing Group

Inmates in this group committed crimes after July 1993, and are serving determinate sentences where inmates are eligible to receive good time credits, which reduce sentences by up to 20 percent for crimes committed before April 1995 and 15 percent for crimes committed after April 1995. The projection model simulates the awarding of pre-trial and good time credits as well as post-release supervision periods and the revocation process.

### 3. Aggregate Sentencing Group

Inmates in this group are governed by both old and new sentencing laws. They are required to serve an indeterminate sentence prior to serving a sentencing guidelines-determinate sentence. The projection model simulates the awarding of pre-trial and good time credits and requires these inmates to serve indeterminate sentences prior to serving determinate sentences.

Each inmate in the Kansas model has been placed in one of these major groups. Within each major category inmates have been assigned to one of fifteen sentencing guidelines groups based on the most serious admitting offenses. The ID Group distribution of future annual admissions to prison is assumed to be the same as inmates admitted to prison during fiscal year (FY) 1995.

**KANSAS PRISON POPULATION FORECAST  
TOTAL POPULATION, FY 1995-2005**

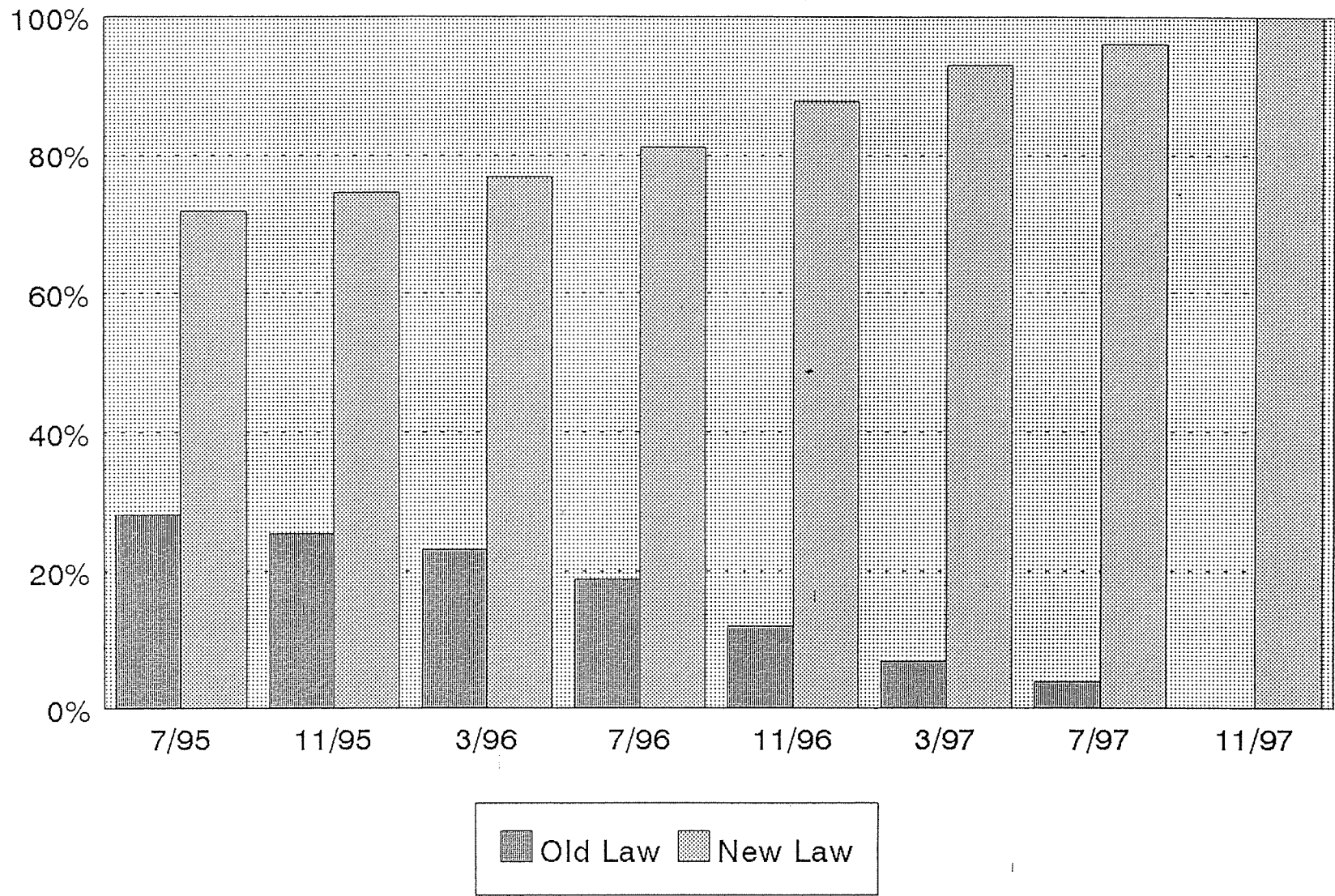
Fiscal Year	Average Monthly Population	Fiscal Year Low	Fiscal Year High
1995	6,445	6,109	6,848
1996	7,194	6,982	7,331
1997	7,608	7,358	7,726
1998	7,819	7,753	7,853
1999	7,943	7,817	8,012
2000	8,046	7,960	8,126
2001	8,054	7,978	8,143
2002	8,162	8,043	8,222
2003	8,282	8,146	8,356
2004	8,350	8,257	8,408
2005	8,467	8,342	8,563
<b>Summary</b>			
1995-2000 Number Change	1,601	1,851	1,278
1995-2000 Percent Change	24.8%	30.3%	18.7%
1995-2005 Number Change	2,022	2,233	1,715
1995-2005 Percent Change	31.4%	36.6%	25.0%

Source: National Council on Crime and Delinquency



# Kansas Department of Corrections New Law vs. Old Law New Commitments to Prison: Phase-In July 1995 - November 1997

3-12



Source: National Council on Crime and Delinquency

**KANSAS DEPARTMENT OF CORRECTIONS  
PRISON POPULATION PROJECTIONS  
JULY 1995 - JUNE 2006**

Month/Year	Projected	Actual	Difference	Percent Error
July 1995	6982	6,954	+28	0.40%
August 1995	7015	7,012	+3	0.04%
September 1995	7071	7,086	-15	0.21%
October 1995	7131	7,147	-16	0.22%
June 1996	7331			
June 1997	7707			
June 1998	7812			
June 1999	7967			
June 2000	7985			
June 2001	8017			
June 2002	8135			
June 2003	8195			
June 2004	8336			
June 2005	8421			

Source: National Council on Crime and Delinquency

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KANSAS DEPARTMENT OF CORRECTIONS  
NEW LAW ADMISSIONS CHARACTERISTICS  
FISCAL YEAR 1995

ID Group	Number Admitted	Percent Admitted	Sentence (Months)	Jail Credits (Days)	Good Time Possible (Months)	Good Time Not Awarded (Days)
N1	28	1.1	190.2	231	28.5	63.0
N2	55	2.2	104.9	187	15.7	71.8
N3	127	5.0	69.9	161	10.5	47.9
N4	43	1.7	51.6	160	7.7	35.4
N5	170	6.7	47.0	147	7.1	31.9
N6	50	2.0	35.8	156	5.4	15.5
N7	253	10.0	23.7	126	3.5	14.8
N8	157	6.2	14.8	118	2.2	9.5
N9	347	13.7	10.8	105	1.6	7.2
N10	49	1.9	7.5	92	1.1	5.2
D1	5	0.2	84.0	228	12.6	57.5
D2	40	1.6	52.8	122	7.9	36.2
D3	290	11.5	19.4	85	2.9	12.8
D4	162	6.4	19.9	105	2.9	13.7
Total	1776	70.2				
Total Old Law	681	26.9				
Missing	74	2.9				
Grand Total	2531	100.0				

Source: National Council on Crime and Delinquency  
based on data supplied by KDOC

## KANSAS SENTENCING COMMISSION

### LEGISLATIVE IMPACT ASSESSMENTS

- HB 2424
- HB 2425
- HB 2025

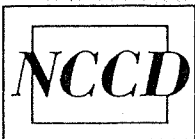
*November 10, 1995*

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HOUSE APPROPRIATIONS

Attachment 4

House Appropriations  
1-10-96  
Attachment 4  
1-10-96

**KANSAS DEPARTMENT OF CORRECTIONS  
BEDSPACE IMPACT ASSESSMENT  
TOTAL IMPACT: HB 2424, HB 2425, HB 2025**

June Each Year	Additional Beds Needed		
	House Bill 2424	House Bill 2425	House Bill 2025
1996	0	0	0
1997	0	0	0
1998	0	0	0
1999	0	0	0
2000	0	0	7
2001	10	21	15
2002	18	72	22
2003	19	202	48
2004	23	331	85
2005	39	480	114
2006	42	633	195
2007	38	796	255
2008	43	874	312
2009	38	913	384
2010	34	983	470
2011	39	1,046	523
2012	43	1,055	650
2013	43	1,048	714
2014	54	1,049	793
2015	61	1,063	888

Source: National Council on Crime and Delinquency

Kansas Department of Corrections  
Bedspace Impact Assessment  
H.B. 2424

**SCOPE**

This briefing document contains a summary of the estimated impact of H.B. 2424 on future Department of Corrections (DOC) bedspace needs. This impact assessment was completed by the National Council on Crime and Delinquency (NCCD) and is based on information supplied to NCCD by state planners.

**BACKGROUND**

According to information supplied to NCCD, H.B. 2424 proposes to change the sentencing ranges for the crime of rape from a severity level 2 person felony to a severity level 1 person felony. In addition, the sentence for criminal discharge of a firearm would be changed from severity level 5 to severity level 3. Any impact associated with the targeted firearms crime has not been assessed.

**KEY ASSUMPTIONS**

Several key assumptions apply to this assessment.

- Projected admissions to prison are assumed to increase by an average of 2.9 percent in each future year. Additional bedspace needs, if any, are in relation to the baseline forecast produced in November 1995, by NCCD.
- The proportion of offenders admitted to prison each year in the "target groups" (groups identified in the proposal) is assumed to remain constant in each future year.
- In conducting the assessments, the sentences received by inmates admitted to DOC under current policies are assumed to be the same as those recorded for 1,775 new commitments admitted under sentencing guideline policies in FY 1995.
- Percentages of imposed sentences served in prison are assumed to be 85 percent, less estimated good time lost and jail credits under existing and proposed policies.
- Bedspace impacts assume implementation in July 1996.

**FINDINGS**

- There are two main target offender populations in this proposal -- inmates admitted to DOC for the crime of rape and inmates admitted for discharge of firearms. The impact associated with the firearms section of the proposal has not be assessed.

- In FY 1995, there were 32 new court commitments and violators returned to prison with new rape charges.
- The assumption is made that only those targeted admissions with sentences below the new proposed sentencing range will receive longer sentences under the proposal.
- A total of 12 admissions in FY 1995 had sentences which fell below the minimum for nondrug level 1 offenders. These inmates are assumed to serve the proposed minimum allowed for severity level 1.
- The attached table displays a summary of estimated additional bedspace needs associated with H.B. 2424 (excluding the firearms section of the proposal).
- A total of 39 additional beds will be required by June of 2005 if the proposal is implemented in July 1996. By June of 2015, just over 60 additional beds will be required.

**KANSAS DEPARTMENT OF CORRECTIONS  
BEDSPACE IMPACT ASSESSMENT  
HB 2424**

June Each Year	Additional Beds Needed
1996	0
1997	0
1998	0
1999	0
2000	0
2001	10
2002	18
2003	19
2004	23
2005	39
2006	42
2007	38
2008	43
2009	38
2010	34
2011	39
2012	43
2013	43
2014	54
2015	61

Source: National Council on Crime and Delinquency



Kansas Department of Corrections  
Bedspace Impact Assessment  
H.B. 2425

**SCOPE**

This briefing document contains a summary of the estimated impact of H.B. 2425 on future Department of Corrections (DOC) bedspace needs. This impact assessment was completed by the National Council on Crime and Delinquency (NCCD) and is based on information supplied to NCCD by state planners.

**BACKGROUND**

According to information provided to NCCD, H.B. 2425 as amended by the House Committee of the Whole doubles sentencing ranges in the top three severity levels of the sentencing guidelines nondrug grid and raises the penalty for rape from a severity level 2 person felony to a severity level 1 person felony. The bill also amends the crime of criminal discharge of a firearm at an occupied building or vehicle to divide it into two categories. If the gunfire results in bodily harm, the penalty stays the same as current law (a severity level 5 person felony). If the shooting results in great bodily harm, there is a new penalty established, a severity level 3 person felony.

**KEY ASSUMPTIONS**

Several key assumptions apply to this assessment.

- Projected admissions to prison are assumed to increase by an average of 2.9 percent in each future year. Additional bedspace needs, if any, are in relation to the baseline forecast produced in November 1995, by NCCD.
- The proportion of offenders admitted to prison each year in the "target groups" (groups identified in the proposal) is assumed to remain constant in each future year.
- In conducting the assessments, the sentences received by inmates admitted to DOC under current policies are assumed to be the same as those recorded for 1,775 new commitments admitted under sentencing guideline policies in FY 1995.
- Percentages of imposed sentences served in prison are assumed to be 85 percent, less estimated good time lost and jail credits under existing and proposed policies.
- Bedspace impacts assume implementation in July of 1996.

**FINDINGS**

- In FY 1995, there were 290 new court commitments and

violators returned to prison with new charges in nondrug severity levels 1, 2, and 3. Of this number, 30 admissions were in level 1, 67 admissions were in level 2, and 193 admissions were level 3 nondrug cases.

- The number of admissions charged with discharging a firearm has not be determined. As such, bedspace impacts associated with this section of H.B. 2425 are excluded from this document.

- The assumption is made that only those admitted cases with sentences below the new proposed ranges for each severity level will receive longer sentences. A total of 171 admissions had sentences below the new proposed ranges. The proposal is assumed to have no impact on inmates with sentences currently falling within the proposed ranges.

- The attached table displays a summary of the estimated additional beds required by passage of H.B. 2425 (excluding the firearms section of the proposal), by severity level.

- A total of 480 additional beds will be needed by June of 2005, and just over 1,050 additional beds will be needed by June of 2015.

**KANSAS DEPARTMENT OF CORRECTIONS  
BEDSPACE IMPACT ASSESSMENT  
HB 2425**

June Each Year	Additional Beds Needed			
	Severity Level 1	Severity Level 2	Severity Level 3	Total
1996	0	0	0	0
1997	0	0	0	0
1998	0	0	0	0
1999	0	0	0	0
2000	0	0	0	0
2001	0	3	18	21
2002	0	15	57	72
2003	0	62	140	202
2004	1	97	233	331
2005	3	142	335	480
2006	12	181	440	633
2007	22	226	548	796
2008	36	233	605	874
2009	65	238	610	913
2010	84	264	635	983
2011	99	278	669	1,046
2012	108	286	661	1,055
2013	116	300	632	1,048
2014	119	301	629	1,049
2015	128	300	635	1,063

Source: National Council on Crime and Delinquency

Kansas Department of Corrections  
Bedspace Impact Assessment  
H.B. 2025

SCOPE

This briefing document contains a summary of the estimated impact of H.B. 2025 on future Department of Corrections (DOC) bedspace needs. Their impact assessment was completed by the National Council on Crime and Delinquency (NCCD) and is based on information supplied to NCCD by state planners.

BACKGROUND

H.B. 2025, which is in the House Judiciary Committee, would provide for a new sentencing option of life imprisonment with no possibility of parole for an offender convicted of an offgrid crime, i.e. murder in the first degree, capital murder, or treason; a severity level 1, 2, or 3 person felony; or a sexually violent crime. The offender is required to have a documented criminal history of at least one prior conviction of any of the above listed crimes.

KEY ASSUMPTIONS

Several key assumptions apply to this assessment.

- Projected admissions to prison are assumed to increase by an average of 2.9 percent in each future year. Additional bedspace needs, if any, are in relation to the baseline forecast produced in November 1995 by NCCD.
- The proportion of offenders admitted to prison in the "target groups" (groups identified in the proposal) is assumed to remain constant in each future year.
- In conducting the assessments, the sentences received by inmates admitted to DOC under current policies are assumed to be the same as those recorded for 1,775 new commitments admitted under severity guidelines in FY 1995.
- Percentages of imposed sentences served in prison are assumed to be 85 percent, less estimated good time lost and jail credits under existing and proposed policies.

- Bedspace impacts assume implementation in July of 1996.

#### FINDINGS

- In FY 1995, a total of 94 new court commitments and violators with new charges were admitted to DOC, who had at least one prior person felony conviction, and had admitting charges falling under H.B. 2025.
- The assumption was made that all inmates targeted by the proposal will receive life sentences without the possibility of parole.
- Targeted inmates serve long periods of incarceration under current policies. Twenty of the 94 admitted offenders who entered prison in FY 1995 are projected to serve over 20 years under current law.
- By June of 2005 an additional 114 beds would be required. By June of 2015, just under 900 additional prison beds would be needed for inmates targeted in the proposal.

**KANSAS DEPARTMENT OF CORRECTIONS  
BEDSPACE IMPACT ASSESSMENT  
HB 2025**

June Each Year	Additional Beds
1996	0
1997	0
1998	0
1999	0
2000	7
2001	15
2002	22
2003	48
2004	85
2005	114
2006	195
2007	255
2008	312
2009	384
2010	470
2011	523
2012	650
2013	714
2014	793
2015	888

Source: National Council on Crime and Delinquency

Kansas Department of Corrections  
Bedspace Impact Assessment  
S.B. 241

SCOPE

This briefing document contains a summary of the estimated impact of S.B. 241 on future Department of Corrections (DOC) bedspace needs. Their impact assessment was completed by the National Council on Crime and Delinquency (NCCD) and is based on information supplied to NCCD by state planners.

BACKGROUND

S.B. 241 amends current law to define a person who has been convicted for a second time of a sexually violent crime as a persistent sex offender. The sentence for a conviction of a persistent sex offender would be life without the possibility of parole under S.B. 241. The proposal also sets mandatory minimum prison terms of 15 and 25 years for persons convicted of certain serious crimes such as capital murder, treason and murder in the first degree.

KEY ASSUMPTIONS

Several key assumptions apply to this assessment.

- Projected admissions to prison are assumed to increase by an average of 2.9 percent in each future year. Additional bedspace needs, if any, are in relation to the baseline forecast produced in November 1995 by NCCD.
- The proportion of offenders admitted to prison in the "target groups" (groups identified in the proposal) is assumed to remain constant in each future year.
- In conducting the assessments, the sentences received by inmates admitted to DOC under current policies are assumed to be the same as those recorded for 1,775 new commitments admitted under severity guidelines in FY 1995.
- Percentages of imposed sentences served in prison are assumed to be 85 percent, less estimated good time lost and jail credits under existing and proposed policies.
- This impact assessment only addresses the persistent sex offender section of this proposal since persons currently convicted for the target crimes for which mandatory minimum sentences are proposed already serve extremely long periods of incarceration. It is assumed that no bedspace impact would be realized over the projection period for these inmates. Bedspace impacts assume implementation in July of 1996.

*House Appropriations*  
1-10-96

*Attachment 5*

*House Appropriations*

*Attachment 5*

*1-10-96*

## FINDINGS

- In FY 1995, a total of 191 new court commitments and violators with new charges were admitted to DOC with most serious crimes which are defined as sexually violent crimes. Of this number, 33 admissions (17 percent) had been convicted of at least one prior person felony according to data supplied to NCCD. The sentences for these inmates ranged between 18 months to 23 years, and average sentence of 7.6 years.

- Three scenarios are presented in this document based on different assumptions relating the number of inmates admitted to prison each year as persistent sex offenders. Scenario #1, is based on the assumption that all 33 prison admissions in FY 1995 with at least one prior person felony conviction, were convicted previously of a violent sexual crime. Scenario #2, assumes that 60 percent (20 admissions) of the 33 prison admissions in FY 1995 (the midpoint between scenario #1 and scenario #3) were convicted previously of a sexually violent crime. Scenario #3, is based on the assumption that 19 percent of the 33 prison admissions in FY 1995 (six cases) with prior felony convictions, were convicted previously for a violent sexual crime. In FY 1995, nineteen percent of all person crimes fall into the category of "sexually violent crimes".

- Between 29-124 additional prison beds will be required by the end of FY 2005. By the end of FY 2015, 100-500 beds will be required under the three scenarios.



KANSAS DEPARTMENT OF CORRECTIONS  
 BEDSPACE IMPACT ASSESSMENT  
 SB 241

June of Each Year	Scenario #1	Scenario #2	Scenario #3
1997	0	0	0
1998	1	1	0
1999	10	3	0
2000	22	12	3
2001	40	22	5
2002	63	35	12
2003	86	51	21
2004	106	69	24
2005	124	88	29
2006	152	99	34
2007	184	113	45
2008	226	136	55
2009	255	152	62
2010	298	171	68
2011	334	199	74
2012	376	220	83
2013	424	251	88
2014	465	272	97
2015	503	297	102

Source: National Council on Crime and Delinquency

Kansas Department of Corrections  
Bedspace Impact Assessment  
H.B. 2155

SCOPE

This briefing document contains a summary of the estimated impact of H.B. 2155 on future Department of Corrections (DOC) bedspace needs. Their impact assessment was completed by the National Council on Crime and Delinquency (NCCD) and is based on information supplied to NCCD by state planners.

BACKGROUND

H.B. 2155 would provide for a new sentencing option of life imprisonment with no possibility of parole for an offender convicted of an offgrid crime, (i.e. murder in the first degree, capital murder, or treason); a severity level 1, 2, or 3 person felony; a sexually violent crime; aggravated battery and several child abuse crimes. The offender is required to have a documented criminal history of at least one prior conviction of any of the above listed crimes. This proposal is very similar to H.B. 2025, but adds the crime of aggravated battery to the list of target offenses for which life without the possibility of parole would be required upon a second conviction for the targeted crimes.

KEY ASSUMPTIONS

Several key assumptions apply to this assessment.

- Projected admissions to prison are assumed to increase by an average of 2.9 percent in each future year. Additional bedspace needs, if any, are in relation to the baseline forecast produced in November 1995 by NCCD.
- The proportion of offenders admitted to prison in the "target groups" (groups identified in the proposal) is assumed to remain constant in each future year.
- In conducting the assessments, the sentences received by inmates admitted to DOC under current policies are assumed to be the same as those recorded for 1,775 new commitments admitted under severity guidelines in FY 1995.
- Percentages of imposed sentences served in prison are assumed to be 85 percent, less estimated good time lost and jail credits under existing and proposed policies.
- In assessing prior convictions, it is assumed that all inmates with documented prior person felony convictions, were convicted for crimes specified in the proposal. Bedspace impacts assume implementation in July of 1996.

## FINDINGS

- In FY 1995, a total of 517 new court commitments and violators with new charges were admitted to DOC with most serious crimes specified in the proposal. Of this number, 118 (23 percent) had been convicted of at least one prior person felony according to data supplied to NCCD.
- The assumption was made that all inmates targeted by the proposal will receive life sentences without the possibility of parole. Had H.B. 2155 been enacted at the beginning of FY 1995, 118 inmates would have been admitted to prison and been required to serve life without parole. Thirty-two percent (38 of the 118 admitted cases) were admitted with most serious offenses of aggravated battery.
- While many of the targeted inmates serve long periods of incarceration under current policies, under current policies the target population together receives, on average, a sentence of 50 months.
- By June of 2005 an additional 328 beds would be required. By June of 2015, just over 1,600 additional prison beds would be needed for inmates targeted in the proposal.

KANSAS DEPARTMENT OF CORRECTIONS  
BEDSPACE IMPACT ASSESSMENT  
HB 2155

June of Each Year	Additional Beds
1996	0
1997	0
1998	0
1999	1
2000	35
2001	78
2002	121
2003	187
2004	256
2005	328
2006	454
2007	559
2008	665
2009	684
2010	926
2011	1,028
2012	1,206
2013	1,319
2014	1,461
2015	1,616

Source: National Council on Crime and Delinquency



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Bill Graves  
 Governor

Charles E. Simmons  
 Secretary

## MEMORANDUM

Date: January 10, 1996  
 To: House Appropriations Committee  
 From: Charles E. Simmons, Secretary  
 Subject: Prison Population and Capacity

During the past 18 months, the Kansas correctional system has experienced significant growth in the inmate population. Between July 1, 1994 and December 31, 1995 the number of inmates in Kansas prisons increased from 6,091 to 7,055 — an increase of 964, or 15.8%. The system reached its highest level of 7,161 on November 2, 1995 but decreased to 7,055 as of December 31, 1995. As Secretary of Corrections, my primary concern is to ensure that there is enough capacity to appropriately and safely house whatever number of inmates are in the department's custody at any point. To date, the challenge of increasing population levels has been met mainly through short-term capacity expansion projects at existing KDOC facilities.

Since October 1994, renovation of existing space at seven of the department's nine correctional facilities has resulted in the addition of 975 beds.<sup>1</sup> With the exception of the 96-bed expansion project at Winfield Correctional Facility, which is scheduled for completion in March 1996, all short-term capacity projects initiated during this period have now been completed. The expansion in capacity resulting from these projects has been achieved at very low cost. The total construction cost for all projects is estimated at \$1,776,600, or \$1822 per bed, all of which has been financed from the department's rehabilitation and repair fund. The only additional appropriation which has been made is

<sup>1</sup>This does not equal exactly the net change in capacity during this time period, since other capacity changes occurred which were unrelated to the short-term expansion projects. See Chart 5 in the attachments for a detailed listing of capacity changes since July 1, 1993.

*House Appropriations  
 1-10-96  
 Attachment 6*

*1-10-96*

*HOUSE APPROPRIATIONS*

*Attachment 6*

funding required for 43 new positions and other related operating costs, which in FY 1996 totaled \$2,389,406.

All of the short-term capacity projects have been necessary, but the department considers 467 of the new beds to be temporary rather than permanent additions to capacity. Renovation projects at El Dorado Correctional Facility (EDCF) and Hutchinson Correctional Facility are in this category, as is the additional capacity resulting from doublecelling two cellhouses at El Dorado and doublecelling a portion of I-Max at Topeka Correctional Facility. It is our expectation that the doublecelled housing units at EDCF and I-Max will be necessary in the future for maximum security or special management inmates, neither of whom are appropriate for doublecelling. It is the department's intent that the doublecelling beds in these units be taken off line as soon as feasible, i.e. when population trends reverse and/or when more suitable permanent capacity additions become available.

Inmate population projections developed through use of the Prophet model and released by the Kansas Sentencing Commission in November 1995 indicate that prison population levels will exceed current capacity of 7,548 sometime during FY 1997. Prophet model projections show a capacity deficit of 159 by the end of FY 1997; the capacity deficit grows each remaining year of the 10-year projection period, reaching a shortage of 873 beds by the end of FY 2005.

Governor Graves has indicated his support for ensuring that adequate capacity is available to house inmates committed to the department's custody. Further, he has expressed his priorities for achieving any necessary capacity expansions to be as follows: 1) additional expansion at existing correctional facilities which can be implemented in a legal, safe and appropriate manner; 2) conversion of other state facilities to correctional use; and 3) new construction and use of available federal grant funds. The department has worked on development of options in each of these areas.

Additional Expansion at KDOC Facilities. The Governor's budget recommendations include partial year FY 1997 operating fund support for 280 additional beds at existing correctional facilities. Of these beds, 148 have recently been completed and are reflected in current capacity of 7,548. These beds are available for use if required, but no additional operating funds have yet been appropriated for them. The remaining 132 beds would result from re-occupancy of the A Dorm building at Winfield Correctional Facility. This unit will be vacated when the Garland Building renovation is completed in March 1996.

On December 19, 1995 the federal court entered an order on the department's motion to allow doublecelling at the medium unit at Lansing Correctional Facility. The court's order conditionally allows the doublecelling, subject to: a requirement that the

department maintain ACA accreditation of the medium unit, that the renovation be consistent with ACA standards, that inmates be screened for suitability for doublecelling, and that work opportunities be maintained for inmates who are doublecelled. The department is currently reviewing what actions will be necessary to comply with these conditions. If it is determined that accreditation can be maintained, up to an additional 210 beds would be gained through doublecelling at LCF's medium unit. The department estimates that it will have work opportunities for 134 inmates initially and could develop 76 additional assignments to allow the increase in capacity to reach 210.

Other State Facilities. The Governor's budget recommendations include partial year FY 1997 operating fund support for 32 minimum security beds which would result from use of the Jenkins Building at Larned State Hospital. (The net increase to capacity would be 18, however, since 14 minimum security beds currently at LCMHF would be transferred to the new unit under the proposal).

At the request of the Hospital Closure Commission, the Legislative Budget Committee, and the Joint Committee on State Building Construction, the department has initiated evaluations of correctional use potential of all or a portion of the two state hospitals recommended for closure. The department's evaluation is still in progress, but is expected to be completed by the end of January.

New Construction. We have identified El Dorado Correctional Facility as the most appropriate location for new construction. In 1989 the Legislature authorized construction of five cellhouses at EDCF, with an infrastructure capable of accommodating future construction of an additional six cellhouses, with a total facility capacity of 1408. Given the substantial investment made in the infrastructure at EDCF, it appears that legislative intent at that time was to construct any necessary future permanent capacity expansions at El Dorado.

The 1995 Legislature appropriated planning funds for additional general population capacity expansion. The department has utilized approximately \$250,000 of the \$600,000 appropriation to develop preliminary plans for expansion at EDCF. (A portion of the balance is being used to perform the correctional use potential evaluations at Topeka and Winfield state hospitals.) We recently received the architect's cost estimates for possible expansion at El Dorado. The estimates are as follows: \$23.0 million to construct two cellhouses (520 beds); \$33.3 million to construction three cellhouses (780 beds); and \$40.0 million to construct four cellhouses (1,040 beds). The capacity increase is based on doublecelling of each new unit. These estimates are higher than the preliminary ones prepared by the department, with the single largest contributing factor being an increase of \$3 million for the cost of site utilities. The estimates are based on using the same cellhouse design as those which currently exist at EDCF. A different design might result in a lower cost and the department will review this alternative.

*Federal Grant Funds.* The federal crime bill was enacted over a year ago, but no funds have yet been appropriated to implement its provisions for prison construction grants. In late 1995 the Congress passed an appropriations bill that not only appropriated funds for the grant program but in effect re-wrote its substantive provisions. The President vetoed the bill, however. Because of the larger budget impasse which still exists at the federal level, much uncertainty remains regarding prison grant funds—including when grant funds will be available, at what level, and subject to what eligibility conditions and requirements. The department will continue to monitor closely developments at the federal level regarding the grant program.

*Condition Violators.* Parole and postrelease supervision condition violators represent a significant percentage of the KDOC admissions, accounting for 40% of all admissions in FY 1995 (although they represent a lower percentage of the total inmate population, at 14.2% on December 31, 1995). In an effort to provide parole officers with a wider range of options in responding to violation of conditions of release, the department began implementation of a graduated sanctions program on October 1, 1995. Since the program has not been in effect very long, it is too early to draw firm conclusions about its impact. However, admissions of condition violators have declined each month since its inception. Condition violator admissions totaled 111 in October, 104 in November and 80 in December. In FY 1994, the average number of condition violator admissions was 176 per month; in FY 1995 the average was 158 per month. The FY 1996 monthly average to date is 119. *(See Charts 8 and 9 for more information.)*

Attached are a number of charts providing information related to various aspects of inmate population trends and correctional capacity. We hope you find this information to be useful as you deliberate on correctional issues.

CES:jj  
Attachments



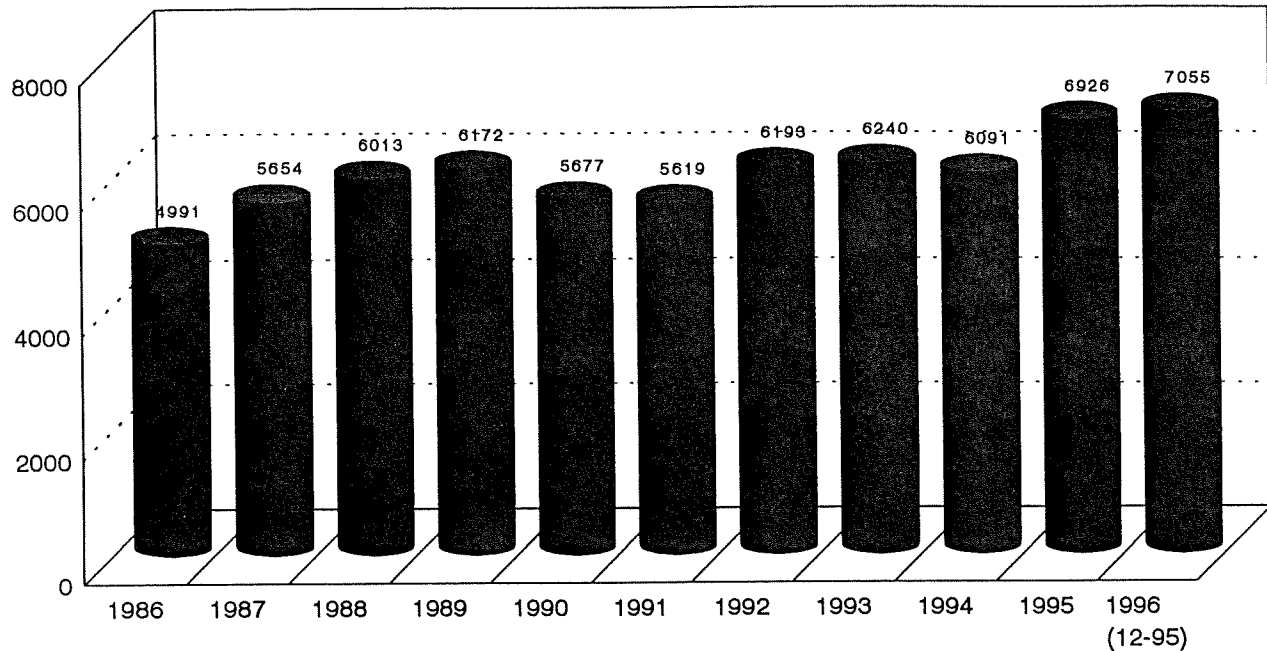
# Attachments

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- Chart 1 Inmate Population: FY 1986-1996
- 2 End of Month Inmate Population
- 3 KDOC Population vs. Capacity
- 4 End of Month Female Inmate Population
- 5 Changes in Bedspace since 1993
- 6 Yearly Admissions and Releases
- 7 Monthly Admissions and Releases
- 8 Yearly Return Admissions for Violations
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- 12 Inmate Population by Type of Crime
- 13 Population by Type of Crime, by gender
- 14 Inmate Population by Custody Level
- 15 Capacity vs. Population by Security/Custody
- 16 Projections vs. Capacity
- 17 Projections by Custody (Males)
- 18 Projections by Custody (Females)

# al Inmate Population: FY 1986 - 1995 and FY 1996 To- e

Chart 1



Female	269	275	276	300	293	242	328	335	312	411	454
Male	4722	5379	5737	5872	5384	5377	5865	5905	5779	6515	6601

As of June 30 each year except 1996, which is as of December 31, 1995.

- The inmate population grew steadily from FY 1986 to FY 1989, but dropped in FY 1990 and FY 1991. In FY 1992 the population grew again by 574 or 10% higher than at the end of FY 1991. There was little change from FY 1992 to FY 1993 (+1%), but a large decrease (8%) during the first six months of FY 1994 (through December, 1993). However, by the end of FY 1994 the population had regained much of that loss and at 6,091, was only 149 (2.3%) lower than at the end of FY 1993.

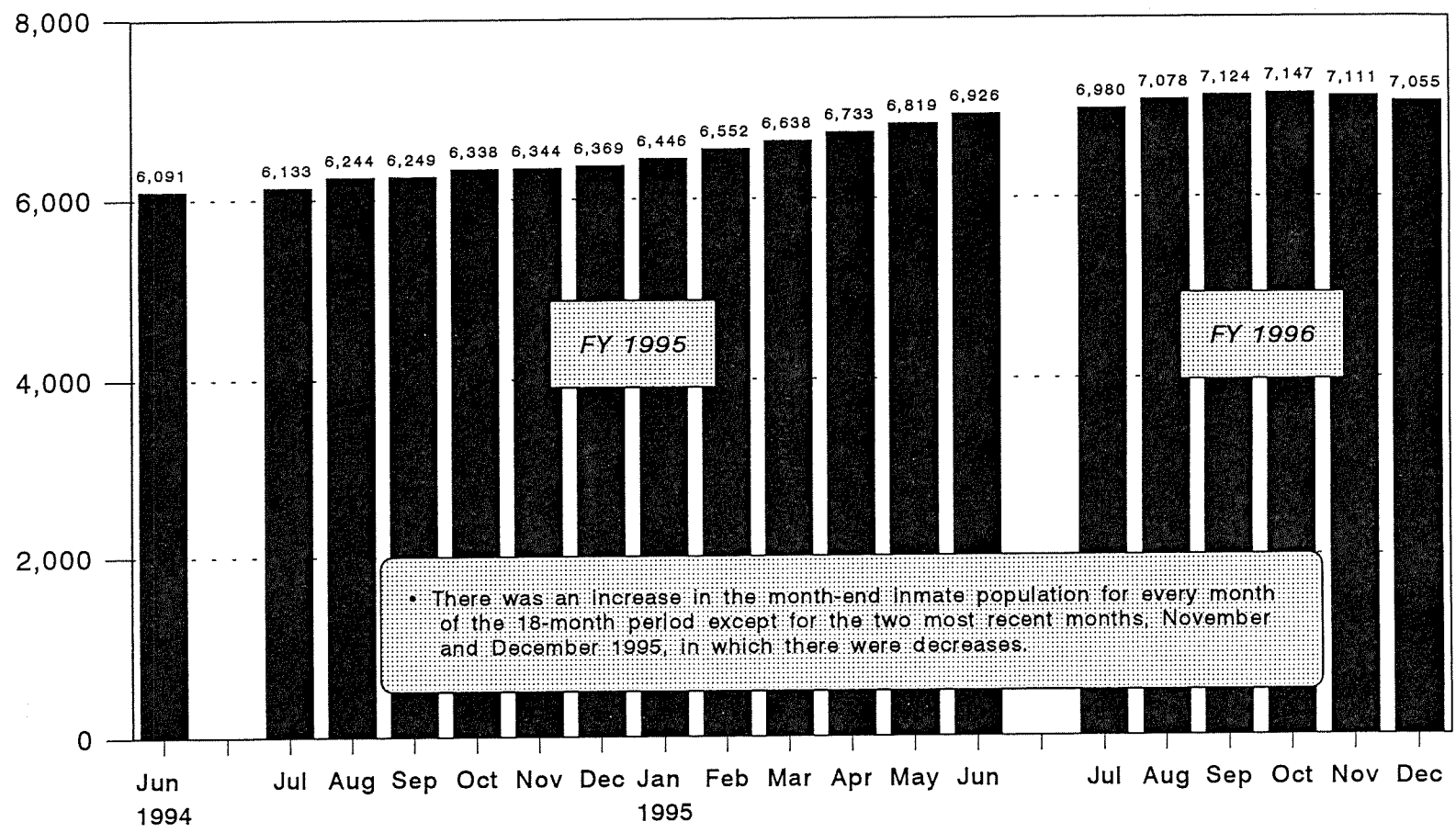
During FY 1995, the increase in the number of inmates was the largest on record—rising from 6,091 to 6,926 (+835 or 13.7%). By the end of the first six months of FY 1996 (December, 1995), the population was 7,055, 129 higher (1.9%) than at the end of FY 1995.

- The decrease in the inmate population from FY 1989 to FY 1990 was related to the passage of Senate Bill 49, which enhanced good time provisions and resulted in "early" releases for a number of inmates.
- The decrease in inmate population during the first half of FY 1994 resulted primarily from a large number of offenders being released under the retroactive provisions of the Kansas Sentencing Guidelines Act, which took effect July 1, 1993.
- The large increase in inmate population during FY 1995 resulted from a low rate of release from prison coupled with the sustained relatively high rate of admission to prison.

6-7

Chart 2

# End-of-month Inmate Population: June, 1994 - December, 1995\*



• There was an increase in the month-end inmate population for every month of the 18-month period except for the two most recent months, November and December 1995, in which there were decreases.

Change from Prev. Mo.			42	111	5	89	6	25	77	106	86	95	86	107		54	98	46	23	-36	-56
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\*Figures reflect the total inmate population (combined DOC and Non-DOC facility populations) at month-end.

**Chart 3  
KDOC POPULATION VERSUS CAPACITY**

<u>Facility</u>	<u>12-31-95 Population</u>	<u>Current Capacity</u>
<b>MALES</b>		
Lansing Correctional Facility	1920	1935
Hutchinson Correctional Facility	1584 <sup>1</sup>	1579 <sup>1</sup>
El Dorado Correctional Facility	1074	1164
Norton Correctional Facility	599	612
Ellsworth Correctional Facility	482	632
Topeka Correctional Facility	280	331
Winfield Correctional Facility	278	386 <sup>2</sup>
Wichita Work Release Facility	174	188
Larned Correctional Mental Health Facility	128	134 <sup>3</sup>
Non-KDOC Facilities	<u>82</u>	<u>111</u>
<b>TOTAL</b>	<b>6601</b>	<b>7072</b>
<b>FEMALES</b>		
Topeka Correctional Facility	442	461
Wichita Work Release Facility	10	10
Non-KDOC Facilities	<u>2</u>	<u>5</u>
<b>TOTAL</b>	<b>454</b>	<b>476</b>
<b>MALES AND FEMALES</b>		
<b>GRAND TOTAL</b>	<b><u>7055</u></b>	<b><u>7548</u></b>

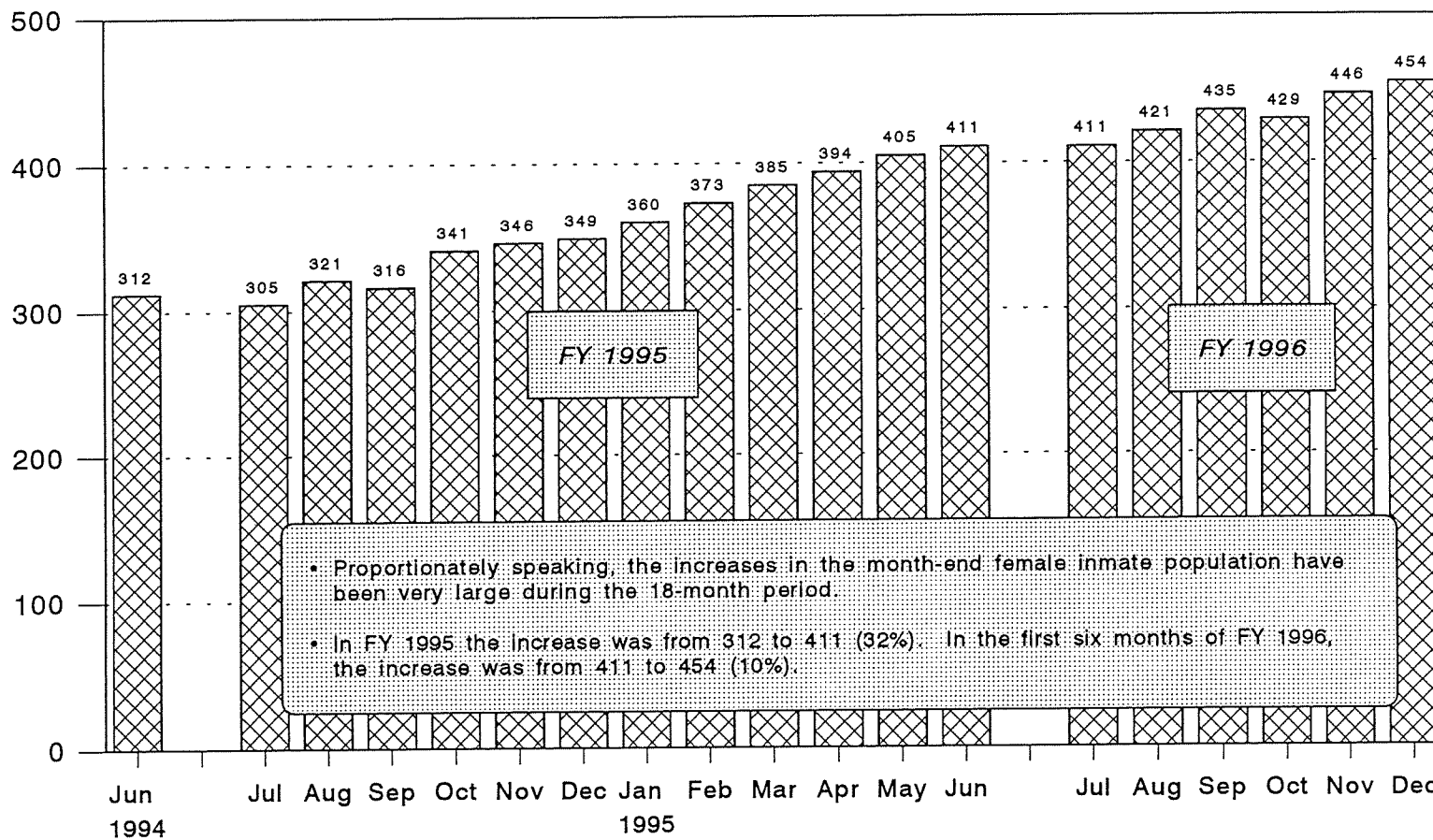
<sup>1</sup> The population at Hutchinson Correctional Facility did not exceed capacity on December 31, 1995. The current capacity reflects a 24-bed reduction that occurred after January 1, 1996.

<sup>2</sup> The capacity for Winfield Correctional Facility includes 96 beds scheduled to become available March 15, 1996.

<sup>3</sup> The original LCMHF capacity of 150 is adjusted to reflect: reduction of 30 beds currently unavailable to house KDOC inmates because of the sexual predator unit operated by SRS; and addition of 14 beds used to house permanent party minimum custody inmates. Once provision is made for permanent housing for sexual predators, the 30 beds will be added back to KDOC capacity.

# End-of-month Female Inmate Population: June, 1994 - December, 1995\*

Chart 4



• Proportionately speaking, the increases in the month-end female inmate population have been very large during the 18-month period.

• In FY 1995 the increase was from 312 to 411 (32%). In the first six months of FY 1996, the increase was from 411 to 454 (10%).

Change from Prev. Mo.																					
			-7	16	-5	25	5	3	11	13	12	9	11	6		0	10	14	-6	17	8

\*Figures reflect the total female inmate population (combined DOC and Non-DOC facility populations) at month-end.

Chart 5

**Changes in KDOC and Non-KDOC Bedspace Since July 1, 1993**

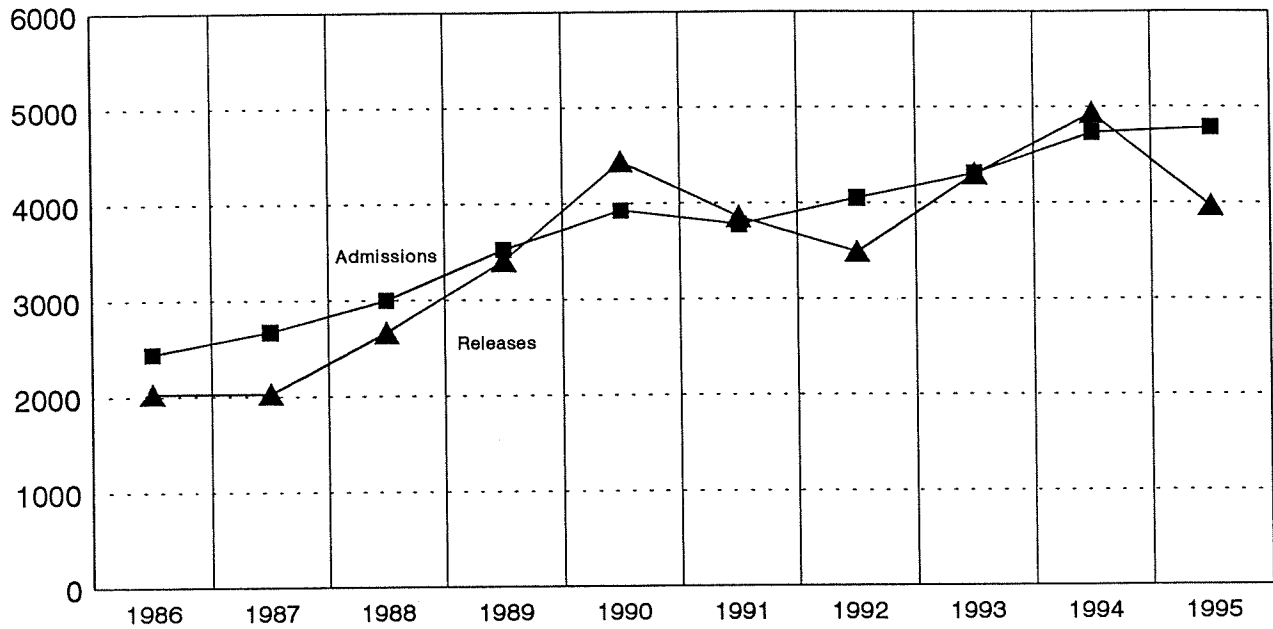
<u>Bedspace</u>	<u>Male</u>	<u>Female</u>	<u>Total</u>	<u>Date</u>
<b>Bedspace</b>	<b>6235</b>	<b>376</b>	<b>6611</b>	<b>July 1, 1993</b>
TCF-CU (I-Dorm closed)	-90		-90	July 1993
TCF-RDU (9 bed expansion)	+9		+9	July 15, 1993
HCF-CU (79 bed D-Cellhouse expansion)	+79		+79	October 1993
<b>Bedspace</b>	<b>6233</b>	<b>376</b>	<b>6609</b>	<b>July 1, 1994</b>
●HCF-CU (E-Dorm expansion)	+10		+10	July 1994
●EDCF-CU (15 special use beds converted to gen. pop.)	+15		+15	July 1994
●LCF-CU (32 three men cells converted to four men cells in "c" cellhouse)	+32		+32	August 1994
●TCF-SU (closed)	-107		-107	August 1994
●LCF-EU (R-Dorm opened)	+48		+48	October 1994
●LCF-EU (first half of S-Dorm opened)	+48		+48	December 1994
●LCF-EU (second half of S-Dorm opened)	+48		+48	January 18, 1995
●TCF-CU (24 bed D-Dorm expansion)		+24	+24	February 13, 1995
●NCF-EU (18 bed expansion)	+18		+18	February 15, 1995
●LCF-CU (D-Cellhouse renovation)	+16		+16	March 15, 1995
●LCF-CU (H-Unit)	+48		+48	April 1, 1995
●EDCF-CU (U-Unit)*	+20		+20	April 21, 1995
●TCF-CU (I-Max opened)		+75	+75	May 1, 1995
(56 female beds removed/56 male beds added at LCF-EU)	+56	-56	-0	May 1, 1995
(16 female eval. beds taken off line)		-16	-16	May 1, 1995
●Contract Jail Bed Reduction	-14		-14	May 1, 1995

<u>Bedspace</u>	<u>Male</u>	<u>Female</u>	<u>Total</u>	<u>Date</u>
●TCF-CU (24 bed A-Dorm expansion)		+24	+24	May 15, 1995
●LCCC (10 Non-KDOC beds)	+10		+10	June 1, 1995
●EDCF-CU (U-Unit)*	+20		+20	June 15, 1995
●EDCF-CU (D-Cellhouse, Double-Celling)*	+64		+64	June 15, 1995
●EDCF-CU (U-Unit)*	+75		+75	July 1, 1995
●EDCF-CU (E Cellhouse Double-Celling)*	+128		+128	July 1, 1995
●TCF-CU (16 bed expansion)		+16	+16	July 1, 1995
●HCF-CU (D-Cellhouse)	+100		+100	July 1, 1995
<b>Bedspace</b>	<b>6868</b>	<b>443</b>	<b>7311</b>	<b>July 1, 1995</b>
●Topeka Halfway House (Terminate)		-4	-4	July 25, 1995
●TCF-CU (16 bed C-Dorm expansion)		+16	+16	September 1, 1995
●LCF-EU (56 bed W-Unit expansion)	+56		+56	October 2, 1995
●LSSH (37 Non-KDOC bed reduction)	-32	-5	-37	October 2, 1995
●LCF-EU (16 bed expansion)	+16		+16	November 17, 1995
●LCMHF (16 bed reduction)**	-16		-16	November 17, 1995
●EDCF-CU (Double-Celling)	+60		+60	December 18, 1995
●TCF-CU (26 I-Max Double-Celling)		+26	+26	December 18, 1995
●ECF (48 bed minimum unit expansion)	+48		+48	December 18, 1995
●HCF (D Cellhouse -24 bed reduction)	-24		-24	January 12, 1996
●WCF (96 bed expansion)	<u>+96</u>	<u>—</u>	<u>+96</u>	March 15, 1996 (Projected)
<b>Total</b>	<b>7072</b>	<b>476</b>	<b>7548</b>	

\* The 115 beds at EDCF (U-Unit) and 192 beds added via double-celling (D & E Units) were added to the operating capacity over a 10 week period beginning April 21, 1995.

\*\* The original LCMHF capacity of 150 is adjusted to reflect: reduction of 30 beds currently unavailable to house KDOC inmates because of the sexual predator unit operated by SRS; and addition of 14 beds used to house permanent party minimum custody inmates. Once provision is made for permanent housing for sexual predators, the 30 beds will be added back to KDOC capacity.

## Yearly Admissions and Releases: Fiscal Years 1986 - 1995



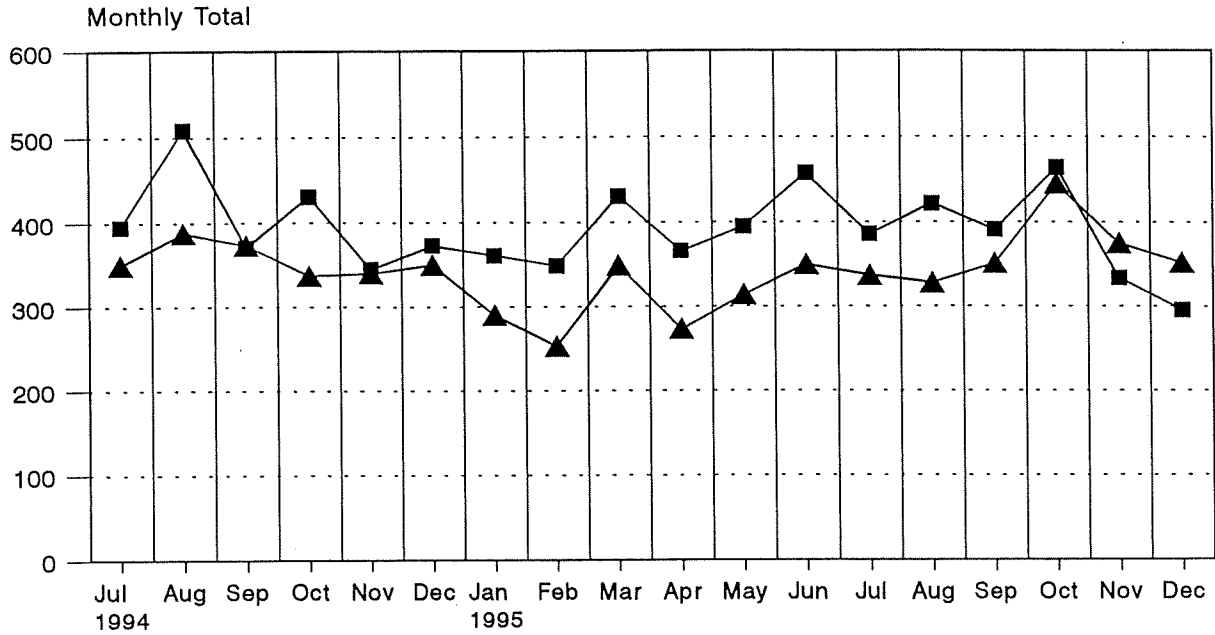
Admissions ■	2443	2675	3000	3523	3929	3776	4051	4306	4733	4784
Releases ▲	2027	2026	2664	3408	4439	3857	3490	4300	4937	3967

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- The FY 1995 yearly total for admissions is the highest on record.
- Admissions numbered 4,784, an increase of 51 (1%) from the previous record high level of 4,733 in FY 1994.
- Releases numbered 3,967—a very large decrease (20%) from the record high level observed in FY 1994 (4,937).



# Monthly Admissions and Releases: FY 1995 - FY 1996 To Date (Through December, 1995)



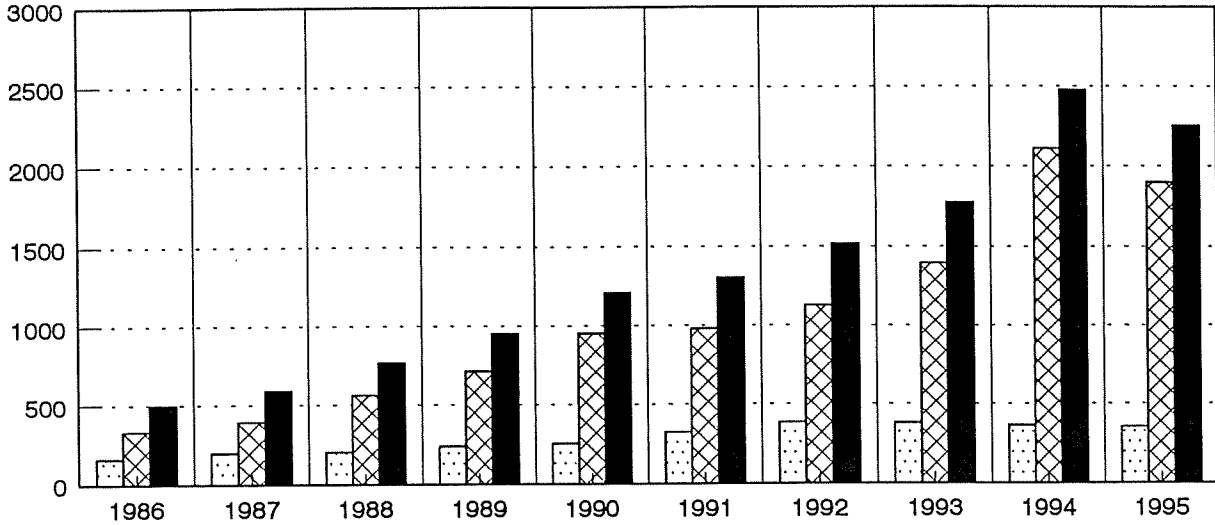
|                    |   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
|--------------------|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Monthly Admissions | ■ | 395 | 509 | 371 | 431 | 345 | 373 | 361 | 349 | 431 | 366 | 395 | 458 | 386 | 422 | 391 | 464 | 334 | 296 |
| Monthly Releases   | ▲ | 350 | 388 | 373 | 337 | 340 | 350 | 290 | 253 | 349 | 273 | 314 | 350 | 337 | 328 | 351 | 445 | 375 | 352 |

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- Monthly admissions have outnumbered monthly releases during every month since September, 1994, except for the months of November and December, 1995, in which there was a reversal--with the number of releases greater than the number of admissions.

# Yearly Return Admissions for Violation While on Post-incarceration Status: FY 1986 - 1995\*

Number of Returns



	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995
New Sentence	162	197	204	238	254	325	386	380	364	353
Condition Violation	334	393	564	715	954	982	1130	1397	2112	1900
Total	496	590	768	953	1208	1307	1516	1777	2476	2253

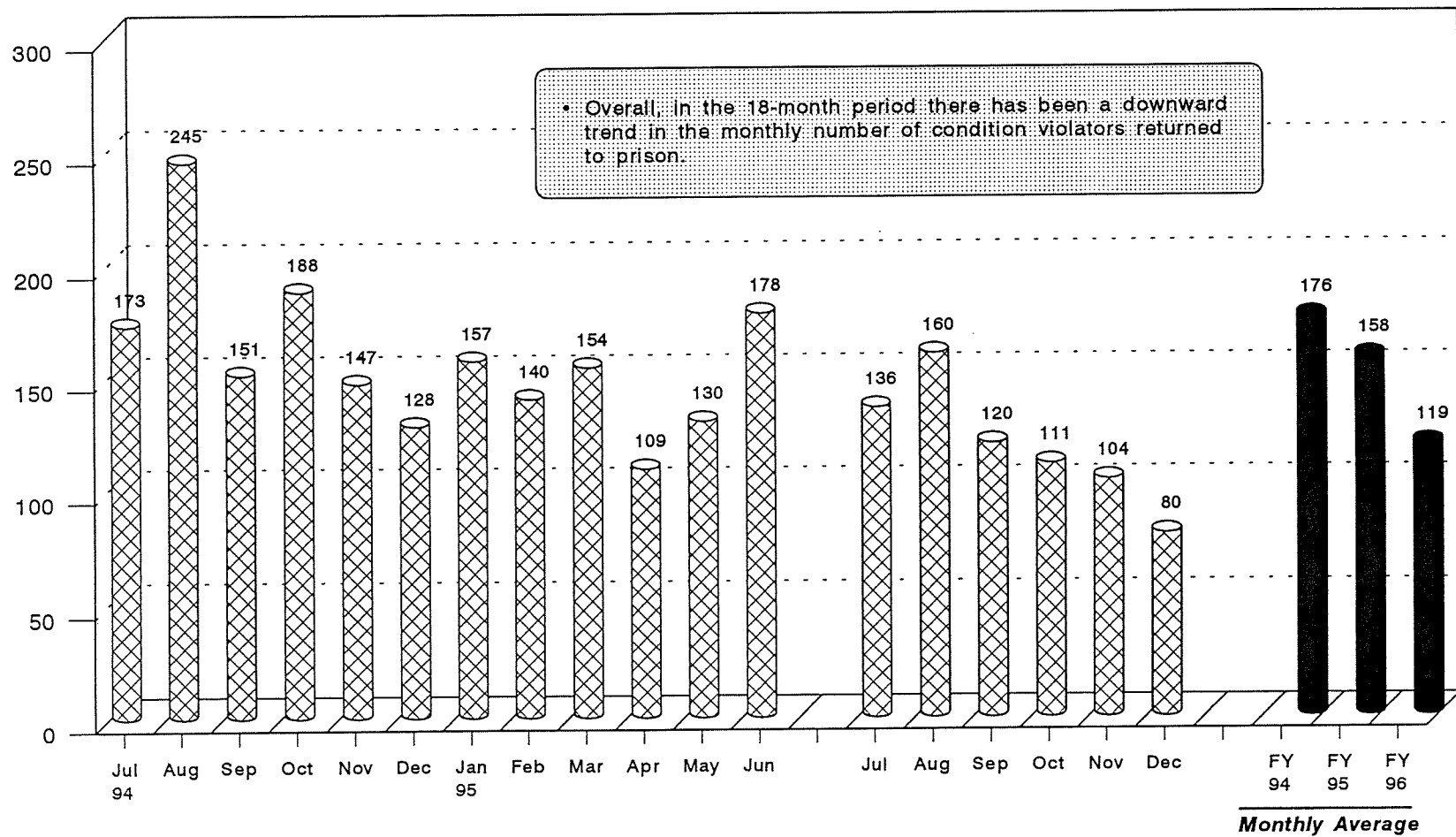
\*"Condition Violation" reflects the number of return admissions for violation of the conditions of release -- no new felony offense involved. "New Sentence" reflects the number of return admissions resulting from new felony convictions while on release status.

The two types of violation admission (new sentence and condition violation) together comprised nearly half (47%) of total admissions in FY 1995.

- **New sentence returns:** For FY 1995 the number was 353, little change (-3%) from 364 in FY 1994.
- **Condition violator returns:** During the period FY 1985 through FY 1994, the yearly number of returns for violation of the conditions of release increased steadily in both number and as a proportion of total admissions. However, in FY 1995 there was a moderate decrease (10%), to 1,900 from 2,112 in FY 1994.
  - In FY 1995 this type of return admission accounted for 40% of the total admissions, compared to 45% in FY 1994, 32% in FY 1993, and 28% in FY 1992.
  - The ratio of condition violation returns to the average daily population (ADP) of all Kansas offenders on supervised release has changed in recent years. In FY 1992 there was one condition violation return for every 5.5 ADP. In FY 1993 it was one violation return for every 4.5 ADP; in FY 1994 and again in FY 1995 it was one for every 3.3 ADP.

Chart 9

# Number of Return Admissions for Condition Violations by Month: FY 1995 and FY 1996 To-date (Through December, 1995)\*

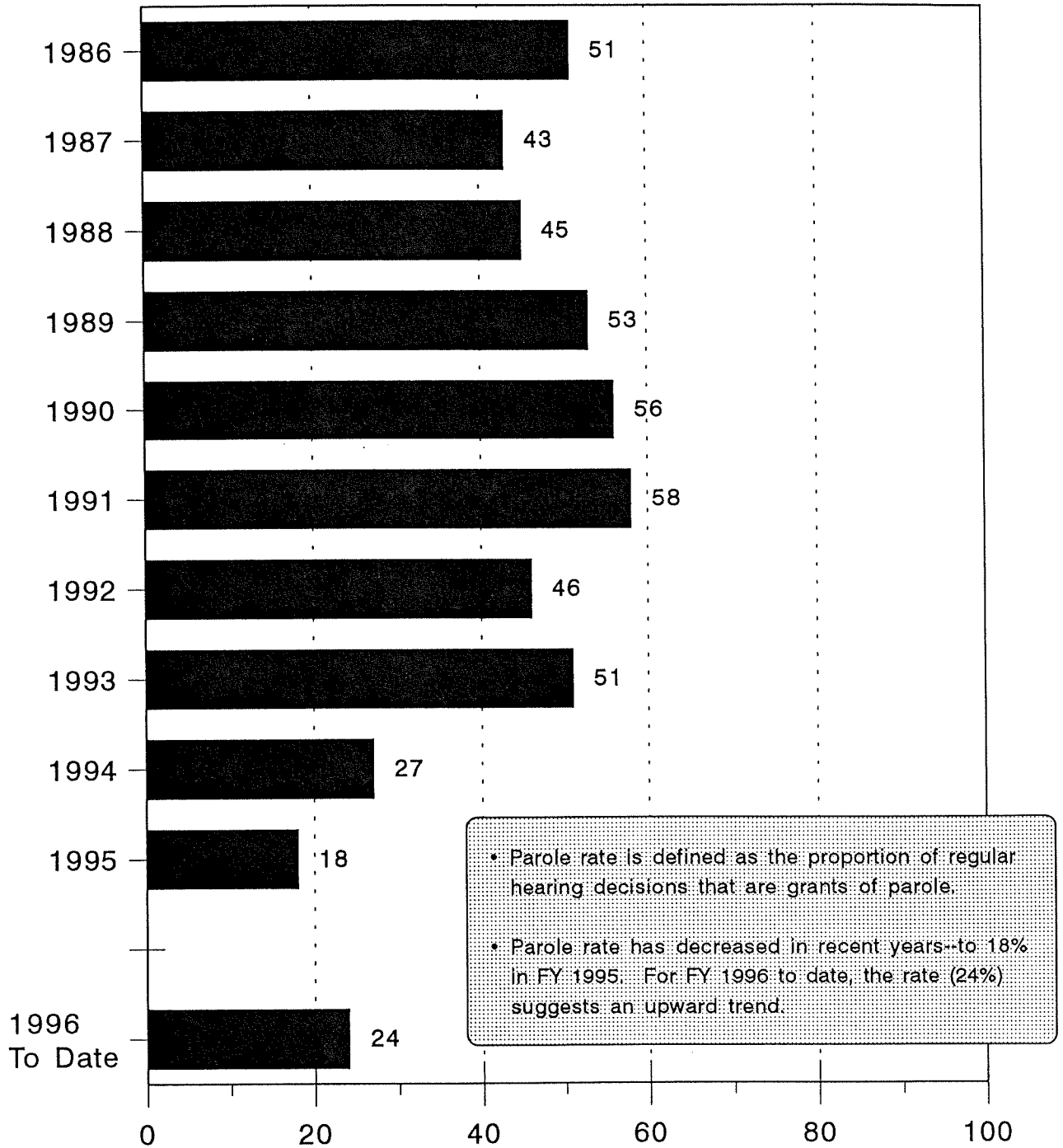


\*Total number of admissions for violation of the conditions of release (no new sentence).

Parole Rate: Kansas Parole Board Decisions to Parole as a Proport. of Total Decisions, FY 1986 - 1995 and FY 96 To-date (Jul. - Nov., 1995)\*

**Chart 10**

Percent



• Parole rate is defined as the proportion of regular hearing decisions that are grants of parole.

• Parole rate has decreased in recent years--to 18% in FY 1995. For FY 1996 to date, the rate (24%) suggests an upward trend.

	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1995 To-dt.
Decisions to Parole	1382	1327	1765	2381	2961	2684	2210	2634	1127	649	365
Total Decisions	2718	3072	3945	4457	5241	4635	4845	5139	4173	3521	1498

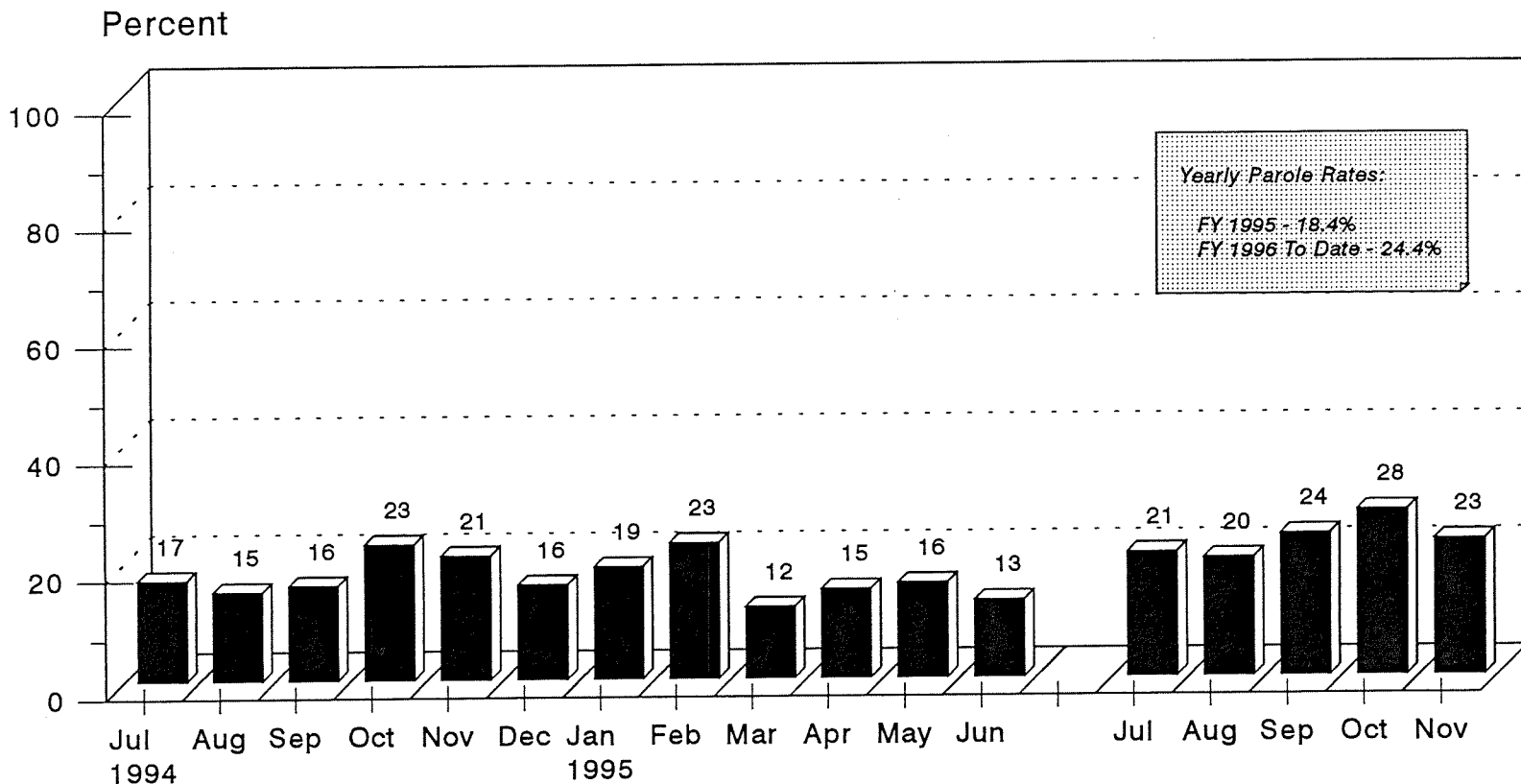
\*Information pertains to decisions resulting from regular parole hearings. Excluded are decisions from parole violation hearings, one outcome of which is the decision to "reparole," which was used more often beginning in FY 94 and in effect reduces the number of regular parole hearings.

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Chart 11

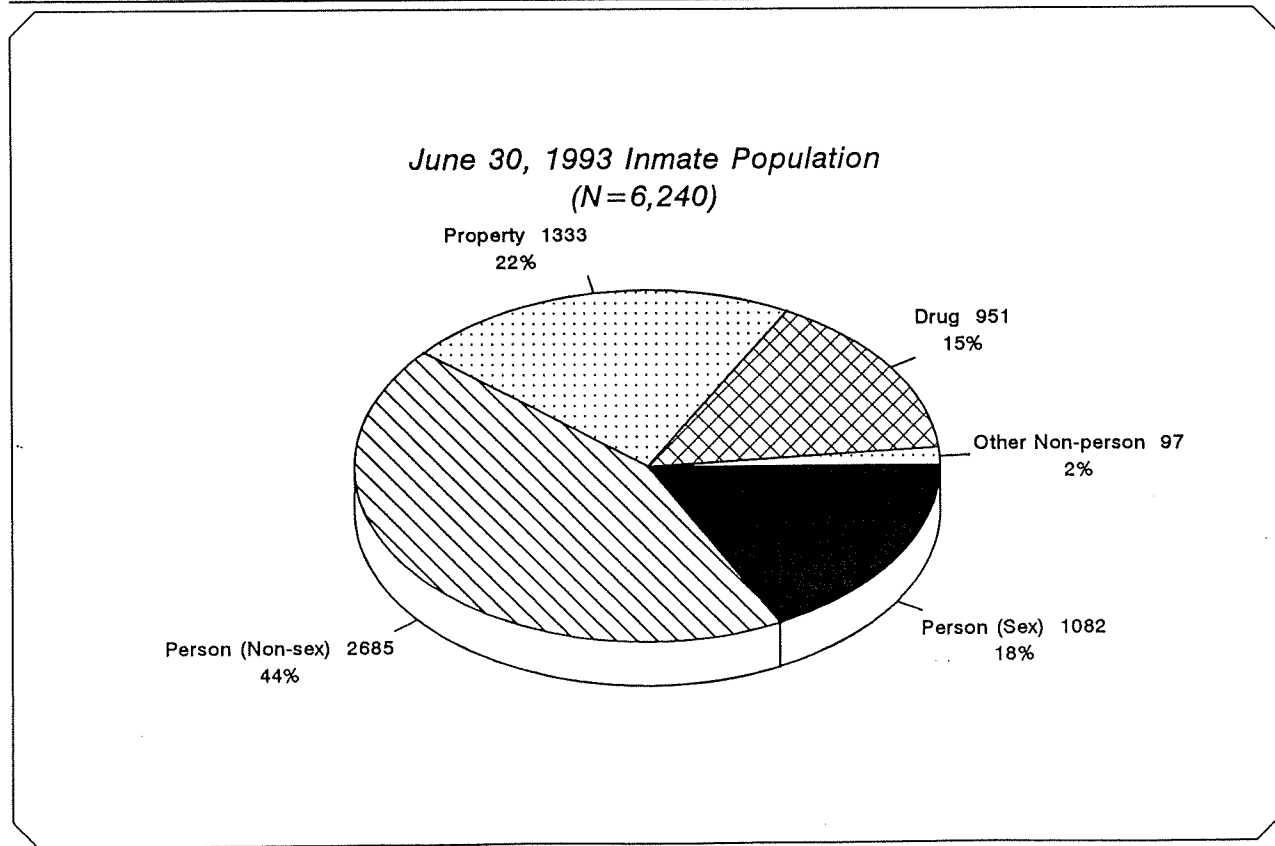
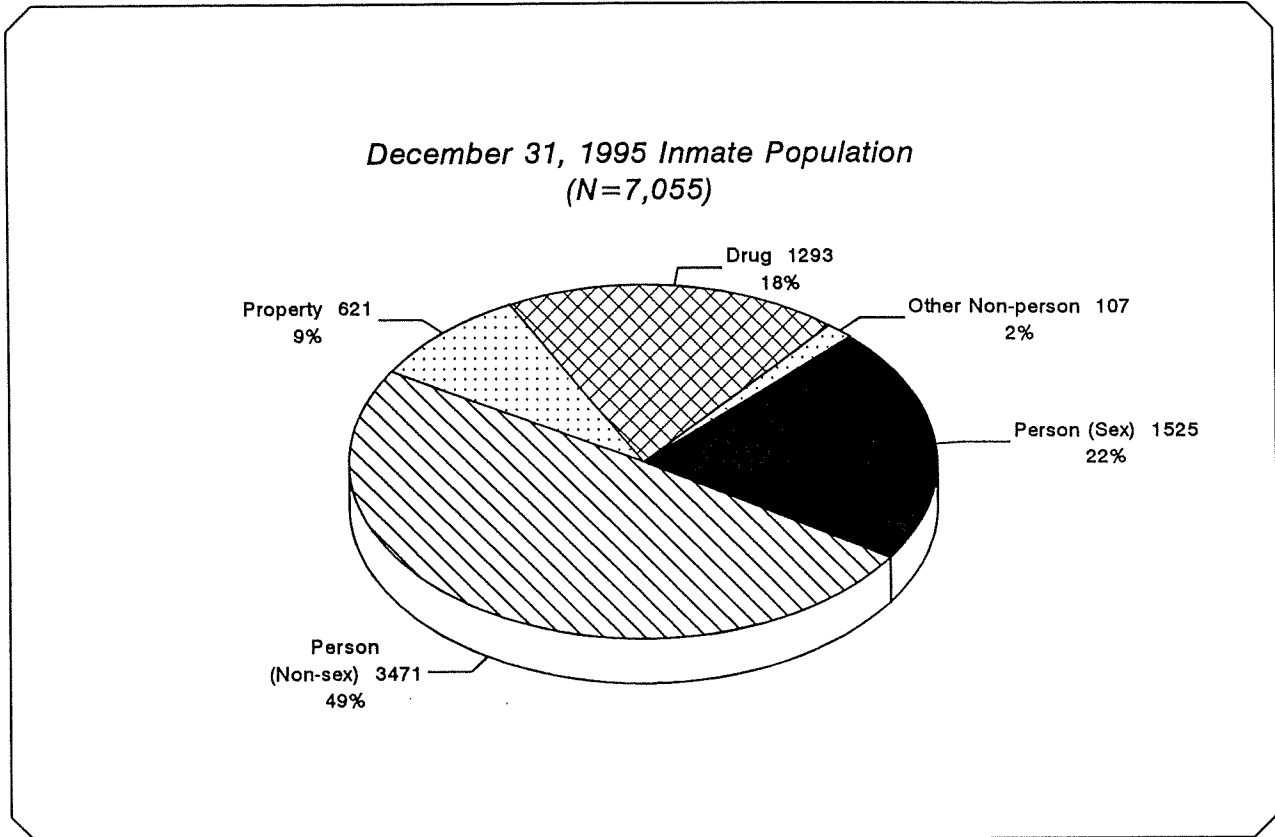
Monthly Parole Rate: Kansas Parole Board Decisions to Parole as a Proportion of Total Decisions, FY 1995 and FY 1996 To-date (Through November, 1995)\*



Decisions to Parole	51	52	53	82	78	39	56	77	35	45	40	34		65	66	84	82	67
Total Decisions	304	354	343	363	372	240	300	332	290	308	256	253		309	338	344	290	293

\*Information pertains to decisions resulting from regular parole hearings (the most recent board decision for each individual). The yearly parole rates are calculated from all regular hearing decisions, and do not necessarily reflect only the most recent decision for each offender.

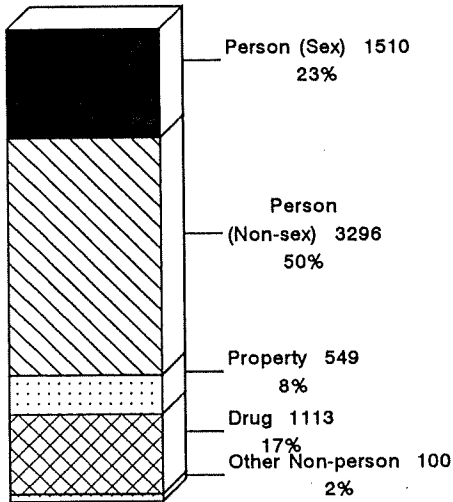
### Inmate Population by Type of Crime (Overall Most Serious Offense)\*



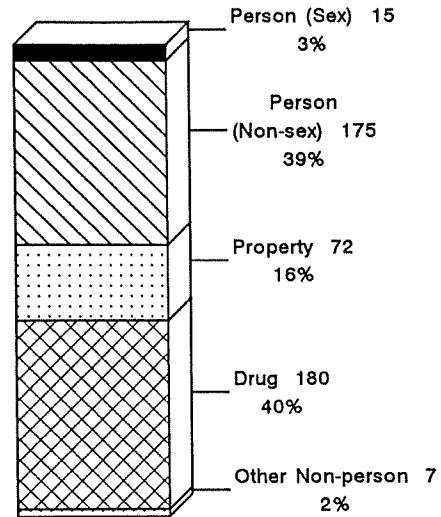
\*Overall most serious of all the active offenses for each inmate (offense information not available for 92 offenders in 1993 and for 38 offenders in 1995).

# Inmate Population by Type of Crime (Most Serious Offense): Comparison by Gender\*

**Males**  
(n=6,601)

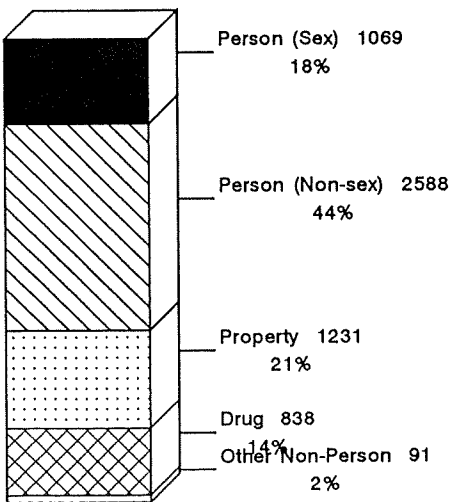


**Females**  
(n=454)

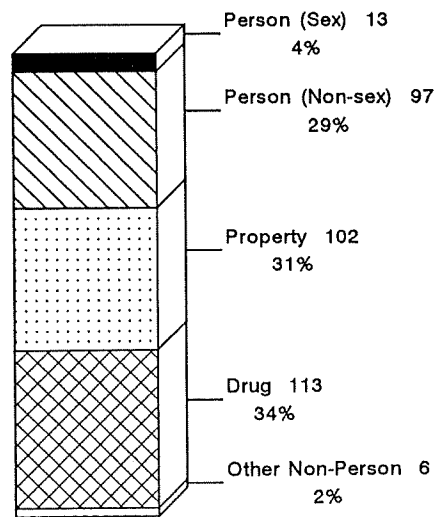


December 31, 1995 Inmate Population

**Males**  
(n=5,905)



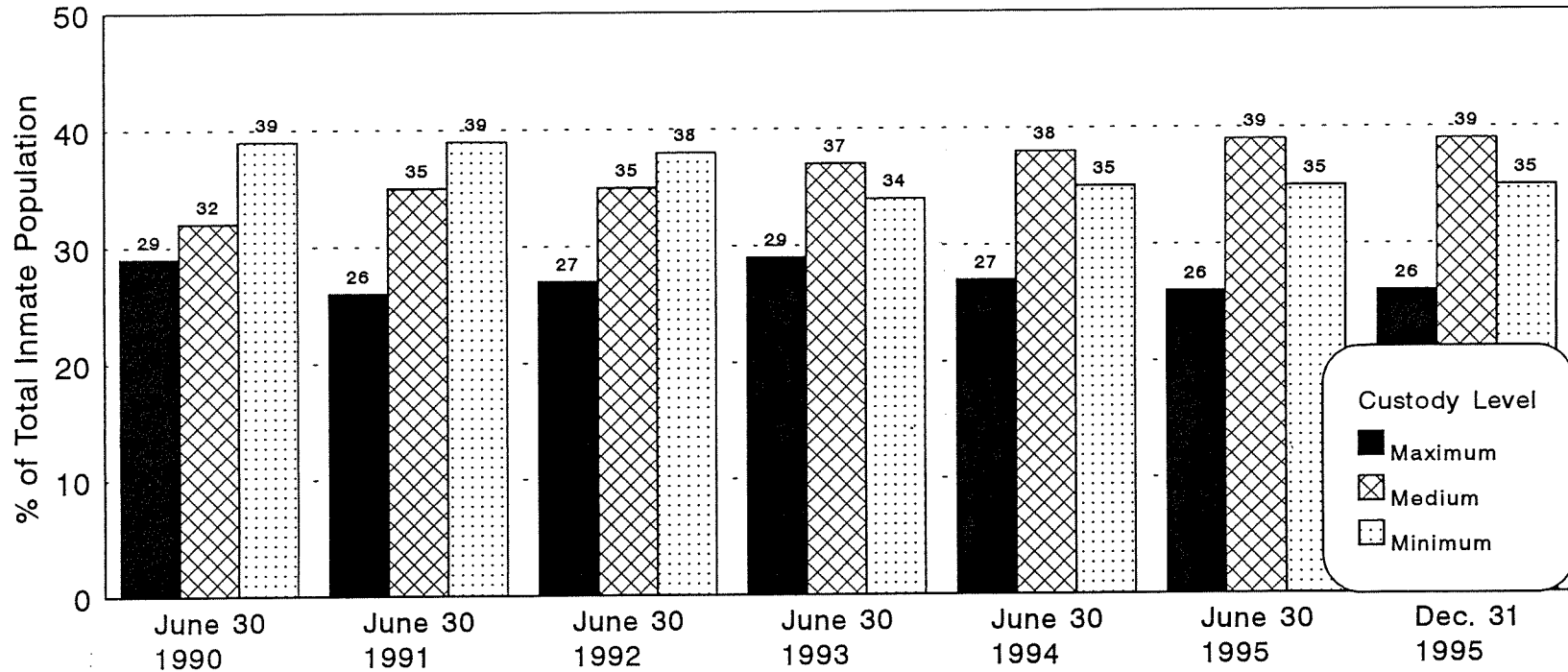
**Females**  
(n=335)



June 30, 1993 Inmate Population

\*Overall most serious offense for each inmate (offense information not available for 92 offenders in 1993 and 38 offenders in 1995).

## Year-end Inmate Population by Custody Level: FY 1990 Through FY 1996 To Date\*

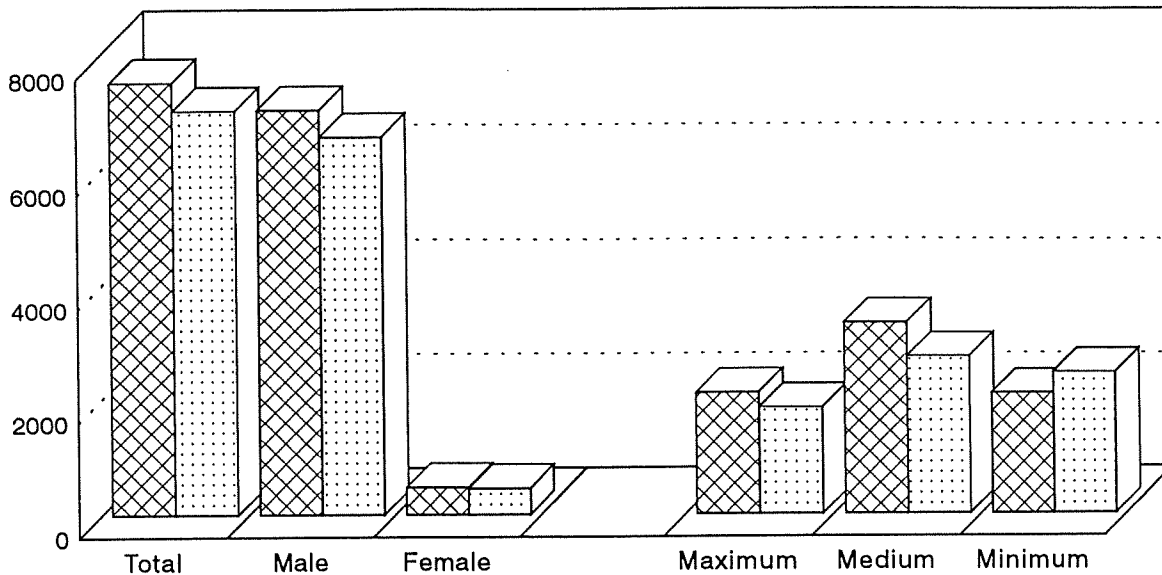


Maximum (No.)	1,648	1,439	1,654	1,813	1,650	1,845	1,848
Medium (No.)	1,789	1,966	2,175	2,283	2,341	2,689	2,743
Minimum (No.)	2,240	2,214	2,364	2,144	2,100	2,365	2,464
Total (No.)	5,677	5,619	6,193	6,240	6,091	6,926	7,055

\*Maximum custody totals include unclassified and special management inmates.  
 Figures reflect end-of-year distributions except FY 1996, which is as of December 30, 1995.



# Capacity vs. Inmate Population: By Gender and Security/Custody Designation\*



	Capacity*	Total	Male	Female	Maximum	Medium	Minimum
Capacity*	☒	7548	7072	476	2115	3335	2098
Population (12-31-95)	☐	7055	6601	454	1848	2743	2464

\*Capacity total includes 96 minimum security beds scheduled to become available at Winfield Correctional Facility on 3-15-96.

- Total inmate population is at 93% of capacity.
- The male population is at 93% of capacity designated for males and the female population is at 95% of capacity designated for females.

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Chart 16

Comparison of Prophet Model Projections  
to KDOC July 1995 Projections  
and KDOC Capacity

<u>Year (June 30)</u>	<u>KDOC Proj.</u>	<u>Prophet Model</u>	<u>KDOC Capacity</u>	<u>Capacity/Pop.</u>
<i>12-31-95 actual pop.</i>	7,055	7,055	7,548	493
1996	7,362	7,331	7,548	217
1997	7,661	7,707	7,548	-159
1998	7,883	7,812	7,548	-264
1999	7,953	7,967	7,548	-419
2000	7,841	7,985	7,548	-437
2001	—	8,017	7,548	-469
2002	—	8,135	7,548	-587
2003	—	8,195	7,548	-647
2004	—	8,336	7,548	-788
2005	—	8,421	7,548	-873

Note: KDOC capacity numbers include existing capacity, plus 96 beds at Winfield Correctional Facility scheduled to become available March 15, 1996. These capacity numbers include 467 beds which have been added through short-term housing projects considered by the department to be temporary rather than permanent capacity expansions. Not included are the 30 beds at LCMHF currently assigned to the sexual predator unit operated at the facility by SRS; these beds are not currently available to house KDOC inmates. Once provision is made for permanent housing for sexual predators, the 30 beds will be added back to KDOC capacity.

Kansas Department of Corrections  
 Comparison of Projected Inmate Population and Projected Capacity by Security/Custody Level:  
 End-of-year FY 1996 - FY 2005\*

Chart 17

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**Male Population & Capacity\*\***

Fiscal Year	Security/Custody Level ***											
	Maximum			Medium			Minimum			Total (All Levels)		
	Cap	Pop	Diff Cap/Pop	Cap	Pop	Diff Cap/Pop	Cap	Pop	Diff Cap/Pop	Cap	Pop	Diff Cap/Pop
Current****	2057	1776	281	2927	2642	285	2088	2183	-95	7072	6601	471
1996	2057	1851	206	2927	2752	175	2088	2291	-203	7072	6894	178
1997	2057	1946	111	2927	2893	34	2088	2409	-321	7072	7248	-176
1998	2057	1972	85	2927	2933	-6	2088	2441	-353	7072	7346	-274
1999	2057	2012	45	2927	2991	-64	2088	2490	-402	7072	7492	-420
2000	2057	2016	41	2927	2998	-71	2088	2495	-407	7072	7509	-437
2001	2057	2024	33	2927	3010	-83	2088	2505	-417	7072	7539	-467
2002	2057	2054	3	2927	3054	-127	2088	2542	-454	7072	7650	-578
2003	2057	2069	-12	2927	3077	-150	2088	2561	-473	7072	7707	-635
2004	2057	2105	-48	2927	3129	-202	2088	2605	-517	7072	7839	-767
2005	2057	2126	-69	2927	3161	-234	2088	2631	-543	7072	7919	-847

Note that due to rounding, the sum of the row entries might differ by one (1) from the "Total (All Levels)" entry.

\*Inmate population figures reflect the November 10, 1995 NCCD projections derived from the computerized projection model "PROPHET." Capacity figures reflect existing capacity plus currently authorized housing expansions. For males the distribution of the projected population by custody level for each year is proportionately the same as the actual October 31, 1995 male population distribution (26.85% maximum, 39.92% medium, and 33.23% minimum).

\*\*The inmate population projection was not done separately for each gender. Therefore, the projected total population for each year was split by gender based on the observed gender split in the average daily population (ADP) for the first four months of FY 1996 (94.04% male and 5.96% female).

\*\*\*Maximum custody includes special management and unclassified offenders. Maximum security housing includes that designated for special management and unclassified offenders.

\*\*\*\*"Current" figures reflect 12-31-95 actual population and capacity, plus 96 minimum beds at WCF scheduled to become available 3-15-96.

Kansas Department of Corrections  
 Comparison of Projected Inmate Population and Projected Capacity by Security/Custody Level:  
 End-of-year FY 1996 - FY 2005\*

Chart 18

6-2-4

**Female Population & Capacity\*\***

Fiscal Year	Security/Custody Level ***									Total (All Levels)		
	Maximum			Medium			Minimum			Cap	Pop	Diff
	Cap	Pop	Diff Cap/Pop	Cap	Pop	Diff Cap/Pop	Cap	Pop	Diff Cap/Pop			
Current****	58	72	-14	408	101	307	10	281	-271	476	454	22
1996	58	76	-18	408	97	311	10	264	-254	476	437	39
1997	58	80	-22	408	102	306	10	277	-267	476	459	17
1998	58	81	-23	408	103	305	10	281	-271	476	466	10
1999	58	83	-25	408	105	303	10	287	-277	476	475	1
2000	58	83	-25	408	105	303	10	287	-277	476	476	0
2001	58	84	-26	408	106	302	10	289	-279	476	478	-2
2002	58	85	-27	408	107	301	10	293	-283	476	485	-9
2003	58	85	-27	408	108	300	10	295	-285	476	488	-12
2004	58	87	-29	408	110	298	10	300	-290	476	497	-21
2005	58	88	-30	408	111	297	10	303	-293	476	502	-26

Note that due to rounding, the sum of the row entries might differ by one (1) from the "Total (All Levels)" entry.

\*Inmate population figures reflect the November 10, 1995 NCCD projections derived from the computerized projection model "PROPHET." Capacity figures reflect existing capacity plus currently authorized housing expansions. For females the distribution of the projected population by custody level for each year is proportionately the same as the actual October 31, 1995 female population distribution (17.48% maximum, 22.15% medium, and 60.37% minimum).

\*\*The inmate population projection was not done separately for each gender. Therefore, the projected total population for each year was split by gender based on the observed gender split in the average daily population (ADP) for the first four months of FY 1996 (94.04% male and 5.96% female).

\*\*\*Maximum custody includes special management and unclassified offenders. Maximum security housing includes that designated for special management and unclassified offenders.

\*\*\*\*"Current" figures reflect 12-31-95 population and capacity.