

Approved: Jan. 21, 1998 Date

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Chairperson Dave Kerr at 11:00 a.m. on January 14, 1998 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Alan Conroy, Legislative Research Department  
Russell Mills, Legislative Research Department  
Stuart Little, Legislative Research Department  
April Holman, Legislative Research Department  
Michael Corrigan, Revisor of Statutes  
Judy Bromich, Administrative Assistant  
Ann Deitcher, Committee Secretary

Conferees appearing before the committee: Charles E. Simmons, Secretary Department of Corrections  
Barbara Tombs, Exec. Director Kansas Sentencing Commission

Others attending: See attached list

Chairman Kerr called the meeting to order and advised the members there would be a two guests speaking on related subjects. The first would be dealing with correction issues. The second would be dealing with inmate population trends and projected correctional capacity; the Winfield Correctional Facility expansion project status and the Labette Correctional Conservation Camp expansion.

Secretary Charles Simmons, Department of Corrections, provided everyone with a handout and explained that he planned to cover prison population trends, corrections capacity and the status of the Norton expansion project and the Labette correctional conservation camp expansion. (See attachment 1).

Secretary Simmons said that the prison population continues to grow and they are at approximately 97% of capacity for both males and females. They did have a slight decrease during the month of December but over the last three years the prison population is up by 1,545 which is a 25% increase. There have been 1,500 beds added during that time, most of those through renovation projects and with double-celling projects. They are now at the point, as indicated during the last legislative session, where any additional capacity expansion will be through new construction, such as the Norton and Labette projects, because they have exhausted their opportunities for renovation.

Senator Kerr asked the Secretary to explain what the population monitoring numbers are .

Secretary Simmons said that they were tracking numbers to see where they are in terms of annual projection, then broken down by a monthly basis. The projections themselves are issued on an annual basis, not by month. This is a method the sentencing commission staff uses to track throughout the year to see where the prison population actually is in comparison to the projections. If there are any great deviations then they go in to check to see where those deviations are coming from at that time instead of waiting for the end of the fiscal year.

Senator Ranson said that she was told by the Sedgwick County Sheriff that part of the problem with prisoner overcrowding in local facilities was because there were so many state prisoners being held in those facilities.

Secretary Simmons' answer was that according to his information, they were being moved out within the required time limit. He said that a new admission must be accepted after a third working day and this is being done. There is no backlog of new admissions because they have to pay

for those individuals after the third working day and there have been no billings received for that. The backlog is in parole violators. They are held in local jails during judicial procedures. The county jail receives payment from the state for holding them. There is a budget of about \$1,000,100 for that. This year the cost was \$700,000 more than budget.

Senator Ranson questioned the Secretary in regard to bids for the private prison. She reminded him that last year it was directed toward 400 beds and she wanted to know what the status was on this.

Secretary Simmons said that not many bids had been received but they were evaluated. One bid for each of three different types. One bid for a 200-bed minimum security; one bid for the combined minimum/medium facility and one bid from a particular community that did not meet specifications. The technical part has been evaluated but not the fiscal part. The contractors don't want them made public.

Senator Ranson asked if they would have any impact on the 200 that are to be split up in 1999.

Secretary Simmons said they would rebid it at that time because the bids that were submitted last summer would be out of date because they received revised population numbers from the sentencing commission in August that were substantial. This caused a delay in additional projects.

Senator Ranson asked if it was still an option to take private bids.

Secretary Simmons said it certainly was.

Senator Kerr said that the bill would be introduced to return bids to private firms if the project isn't done.

Senator Petty asked if we still have people under the old system.

Secretary Simmons said yes. Probably half or more are parolees - probably 60%. 40% would be inmates.

Senator Petty wanted to know if in the original projections on the 200 bed minimum it was taken into consideration the review of the Reception and Diagnostic Center being moved.

Secretary Simmons said the the 5-year capital-improvement plan proposes an alternative use for the old Reception and Diagnostic Center if a new one is constructed as a minimum security facility for male or female.

Senator Kerr said that he was hearing concerns about education contracts in some facilities have gotten away from accredited education providers and wanted to know if the educational component was being eroded.

Secretary Simmons said they did rebid their education contract a year ago. One of the intended purposes was to lower the cost, which they did. The provider now utilizes most of the same teachers which were utilized before and they are certified. They are in the process of reissuing an updated program evaluation report which should be out next week.

Senator Kerr said that he'd heard that teachers were looking for other jobs because they thought they would be in KPERS and that isn't possible.

Secretary Simmons said the KPERS issue was not one that he was aware of until recently. His understanding is they were not given a commitment by the Department that they could be members of KPERS. He didn't know if the contractors said this was possible or not. He knows this did not come from the Department but does not know where it did come from.

Barbara Tombs, Executive Director of the Kansas Sentencing Commission spoke on the number of people coming into prison facilities and how long they stay. Level 1 is the most serious - up to 680 months, down to level 10 which could be 6 months. She said that even though the admission numbers may be lower, this may be due to the prisoners staying longer. This, then is why the numbers of those incarcerated remains high and even grows higher. She said the projection was growing at a lower rate due to a reduction in admissions rate. (Attachment 2).

Director Tombs wanted to point out that the projections were based on current policies. If laws are changed then policy projections will also be changed. (Attachment 3).

Senator Ranson asked that if, when they took their capacity projections into account were they accounting for parole violators.

Director Tombs said that they were and in fact they even track that through convicted parole violators.

Senator Ranson asked if there were actually beds available for parole violators.

Director Tombs said that by June 30, 1998 they were going to need 986 beds for that population. It appears that number goes down. She said what is happening is that you have less paroled people and more post-release violators. Post-release violators only stay 90 to 180 days where parole violators can stay for long periods of time. So when you lose those people out of the system you can accommodate the same number but staying less time.

A one-page summary on the recommendations of the Joint Committee was handed out by Stuart Little of the Legislative Research Department. (Attachment 4).

April Holman of the Legislative Research Department passed out copies of an executive summary in regard to HB2900, known as the Juvenile Justice Reform Act. (Attachment 5 and 6).

Senator Kerr asked Commissioner Albert Murray of the Juvenile Justice Authority, who was attending the meeting, that since this study was available to him when he undertook the new study what was not in this study that they needed in the new study?

Commissioner Murray said that the study was conducted in 1996. They felt they needed more current information. He said there was some concern as to the reliability of the earlier study. The new study will cost \$99,000.

Senator Kerr adjourned the meeting at 12:00 p.m.

The next meeting is scheduled for January 15, 1998.

# SENATE WAYS AND MEANS COMMITTEE GUEST LIST

DATE: 1-14-98

NAME	REPRESENTING
John Hanna	Associated Press
Ken Balw	KS. Governmental Consulting
Ann Durkes	DOB
Cindy Denton	DOF
DENISE MUSSER	JJA
Albert Munnay	JJA
Greg Tugman	DOB
KEVIN GRAHAM	Kan. SENT. Comm.
Mary Luna	Ks Sent Comm
Barbara Lomb	KSC
Natalie Haag	Governor's Office
LINDA MCGILL	PMA



# SENATE WAYS AND MEANS COMMITTEE GUEST LIST

DATE: 1/14/98

NAME	REPRESENTING
Tim Madden	KDOC
Emmalee Conover	KDOC
Jan Johnson	KDOC
Ken Bahr	Ks. Governmental Consulting
LINDA MCGILL	PMA
Erik Sartorius	PMA
Joseph Krown	KATL
Bill Hedley	Printer
STAN REED	Ks Commission on Vet. Affairs
Randy Scott	KCVA
Don Myer	KCVA
Ralph Snyder	Ks. American Legion
Don Chobotay	DOB
Curt Doughton	DOB
Joe Hunt	Rep. #79

# ***Presentation to the Senate Ways and Means Committee***

by  
Charles E. Simmons, Secretary  
Kansas Department of Corrections  
January 14, 1998

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- PRISON POPULATION TRENDS AND CORRECTIONAL CAPACITY
- NORTON CORRECTIONAL FACILITY EXPANSION PROJECT STATUS
- LABETTE CORRECTIONAL CONSERVATION CAMP EXPANSION

## *Charts*

- 1. Total Inmate Population: FY 1988 through FY 1998 to date*
- 2. End of Month Inmate Population: FY 1997 and FY 1998 to date*
- 3. Average Number of Admissions and Releases Per Month*
- 4. Inmate Population Projections: Monthly Monitoring Numbers Compared to Population*
- 5. Correctional Facility Capacities*
- 6. Bed Utilization – Males*
- 7. Bed Utilization – Females*
- 8. Components of the End-of-year Offender Population Under Post-Incarceration Management: Fiscal Years 1988-1997*
- 9. Components of the End-of-year Offender Population Under Post-Incarceration Management: FY 1997 and FY 1998 to Date, by Month.*

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Attach. 1-1

# Prison Population Trends, Projections and Capacity

## ***Current Status***

- The Kansas correctional system continues to operate at near-capacity levels. The number of inmates incarcerated as of December 31, 1997 represented 96.9% of the overall system capacity. On that date, 7,914 inmates were housed in facilities with a total capacity of 8,168 beds—including 8,052 beds in KDOC facilities and 116 placements available to the department in facilities operated by other agencies. Considering KDOC facilities only, the 7,839 inmates housed in them on December 31, 1997 represented 97.4% of the capacity of those facilities.
- Of the total inmate population on December 31<sup>st</sup>, 7,435 inmates were male and 479 were female. Total correctional system capacity for housing males is 7,659; for females, the capacity is 509. The December 31 inmate population represented 97.1% of capacity for males and 94.1% for females.
- During the past three years, the inmate population has increased significantly. The December 31, 1997 population was 1,545 greater than the December 31, 1994 population of 6,369—an increase of nearly 25%.
- To keep pace with the increasing population, the department has been faced with challenges in providing sufficient bedspace. Since December 31, 1994, over 1,500 beds have been added to correctional capacity, primarily through doublecelling, and other internal building conversions or renovations.

## ***Inmate Population Projections***

- The inmate population is forecast to increase significantly over the next 10 years. Projections released in August 1997 by the Kansas Sentencing Commission indicate that the population will reach 9,124 by the end of FY 2007, an increase of 1,210 from the December 31, 1997 level.
- Much of the increase in the inmate population will be accounted for by offenders convicted of serious crimes, reflecting legislative changes in recent years to increase sentences in the higher severity levels of the nondrug sentencing grid. Over the 10-year projection period, the number of inmates convicted of off-grid, severity level 1 and severity level 2 crimes is expected to increase by more than 800.

## ***Capacity***

- The 1997 Legislature approved the following capacity additions which are not yet reflected in KDOC capacity numbers:
  1. A new 200-bed, medium security housing unit at Norton Correctional Facility, scheduled for completion in March 1999;

2. A 32-bed minimum security expansion at Hutchinson Correctional Facility's South Unit. When completed in July 1998, this project will result in a net increase of 13 beds, since the facility's work release inmates will be relocated to the South Unit at that time and the existing work release unit will be renovated for use as office space;
  3. Re-opening of the A-Dorm at Winfield Correctional Facility. Forty-one beds of the 127-bed expansion are not yet included in capacity, but are scheduled to be available early in 1998; and
  4. A net increase of 55 beds at Labette Correctional Conservation Camp reserved for KDOC use. The increase results from the 100-bed expansion project approved for the camp. The project is scheduled for completion in late 1998.
- These projects represent an additional 309 beds. Upon their completion, KDOC capacity will increase to 8,477 beds.
  - In assessing the most recent inmate population projections in light of existing capacity and approved bedspace adjustments, the department estimates that approximately 800 beds will be required by the end of FY 2007—nearly all of which would be required to house male inmates. Included in this estimate is the return of one-half of "D" cellhouse at El Dorado Correctional Facility back to single celled maximum custody housing. This results in an increase of 64 maximum security beds and a decrease of 128 medium security beds. If the remainder of "D" cellhouse and all of "E" cellhouse are returned to single celling, there will be a need for an additional 192 beds or a total of 977 additional beds by the end of FY 2007. Otherwise, this estimate assumes continuation of existing practices and policies, and does not reflect any policy changes which might be made regarding the mix of offenders who are supervised in the community as opposed to those who are committed to prison.
  - The department is not requesting additional capacity expansion projects for consideration in the 1998 legislative session. In the intermediate term—given current projections and policies—we believe it will be necessary to propose a 200-bed minimum security unit in the 1999 session (to allow for a project completion date in FY 2001) and further, to propose a 200-bed medium security unit in the 2000 session (to allow for a project completion date in FY 2003).



## Norton Correctional Facility Expansion Project Status

### The expansion project includes:

- A new 100-cell medium security housing unit which will be doublecelled, for a total housing unit capacity of 200 beds. This will bring the total capacity of Norton's Central Unit to 700 beds.
- A new 20,000 square foot building for Kansas Correctional Industries, to provide industry space (for either a traditional prison industry or a private industry) for creation of jobs for as many of the 200 additional inmates as possible.
- Construction of both new buildings within the existing fenced perimeter of the Norton Correctional Facility – Central Unit.
- Use of inmate labor to the extent possible, including all of the cellhouse painting, all of the interior work in the industries building, and installation of pavement and construction of sidewalks.

### The total approved project cost is \$6,202,450, which is being financed as follows:

- \$5,057,152 from federal Violent Offender Incarceration/Truth-in-Sentencing grant funds.
- \$780,712 from the Correctional Institutions Building Fund.
- \$364,586 from the State General Fund.

### Current project status and timeline:

- Architectural plans have been completed.
- As required by law, project plans were reviewed by the Joint Committee on Corrections and Juvenile Justice Oversight (on November 25, 1997) prior to release of project construction funds by the State Finance Council.
- Project plans and status were reviewed by the Joint Committee on State Building Construction on December 11, 1997.
- The State Finance Council approved release of the project construction funds on December 17, 1997.
- The project construction contract has been opened for bid. A pre-bid conference was held in Norton on January 13, 1998.
- Bids for the project are due on January 27, 1998. The department anticipates making a contract award in early February.
- Scheduled completion date for the project is March 1999.

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Attach. 1-4

## Labette Correctional Conservation Camp Expansion

As approved during the 1997 legislative session, the Labette expansion project:

- Provides for a 100-bed expansion of the existing facility, the current capacity of which is 104 beds.
- Of the 100-bed expansion—
  - 70 beds are for males and 30 beds for females.
  - 55 beds are reserved for KDOC placements, including 40 for males and 15 for females. This is in addition to the 10 beds currently available for KDOC use. Of the KDOC beds, 10 may be used for permanent party inmates assigned to work details, rather than program participants.
- Is estimated to cost \$907,039. Of the total, \$816,335 is being financed with federal Violent Offender Incarceration/Truth-in-Sentencing grant funds, and the remainder, with a local match. To meet part of this match requirement, Labette County has obtained a \$68,000 forgivable loan from the Department of Commerce and Housing.
- Is scheduled for completion in the fall of 1998.

Since the project was first authorized:

- The Department of Corrections and Labette County entered into an interagency agreement on October 9, 1997 regarding the expansion project and the KDOC placements to be made at the facility.
- A firm has been selected by the county to prepare architectural plans for the project, the design of which is currently underway.
- Legislative concerns have been voiced regarding placement of males and females in the same facility.

In response to concerns regarding placement of females at Labette, the Department of Corrections is evaluating two options:

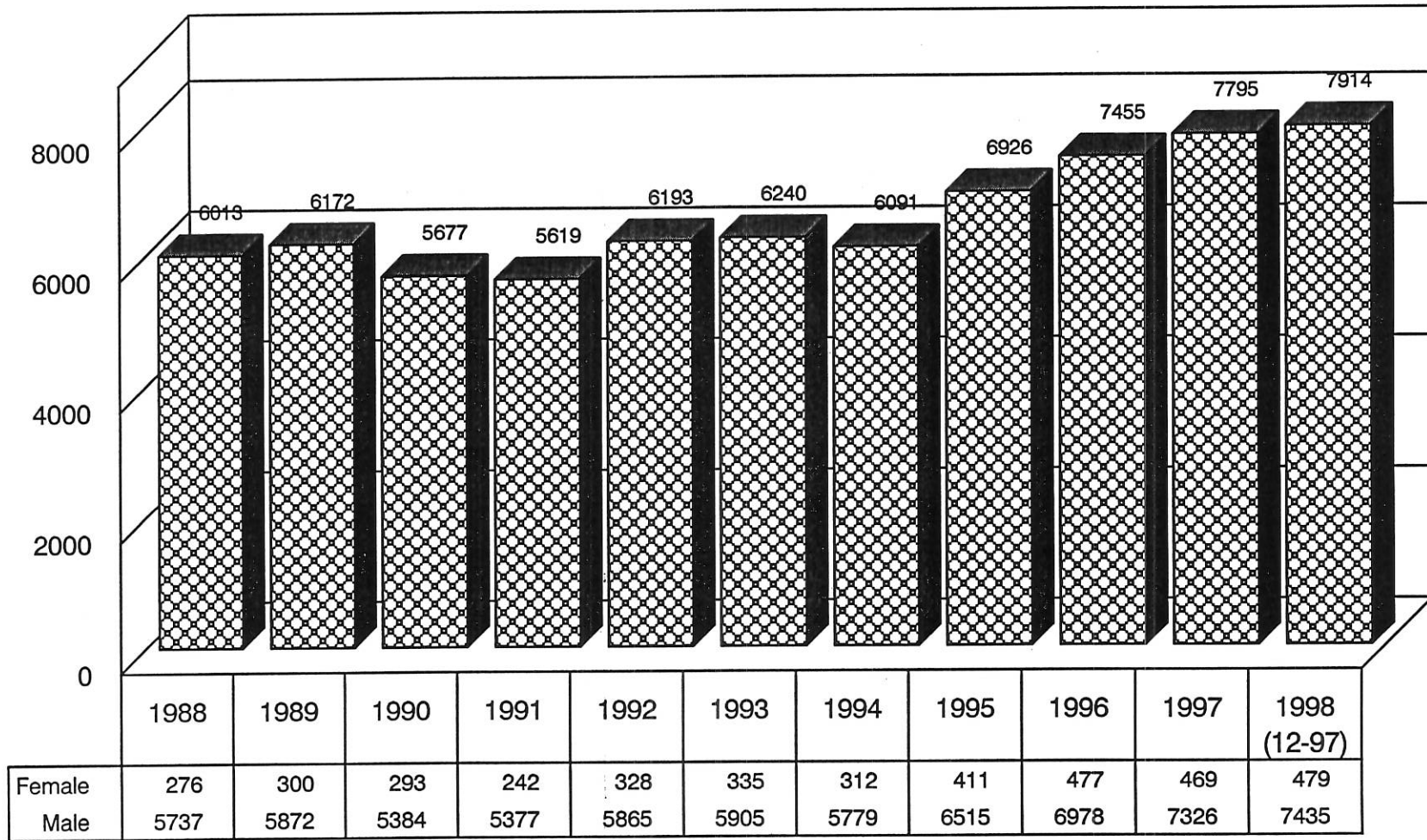
- Relocation of the female component of the project to Topeka Correctional Facility—the facility where most KDOC female inmates are housed. This would involve new construction, now estimated at over \$650,000, plus operating expenses, estimated at approximately \$656,000.
- Privatization of a facility for females. The department is preparing a Request for Proposals in order to solicit bids for a 30-bed female boot camp facility. We expect to issue the RFP by the first of February 1998.
- In the event the female component is removed from the Labette facility, a decision must be made whether to leave the LCCC expansion project at 100 (all male), or reduce it to 70. Reducing it to 70 is estimated to lower construction costs by approximately \$43,000 and operating costs by approximately \$105,000.

**CHARTS**

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Attach. 1-6

Total Inmate Population: FY 1988 - 1997 and FY 1998 to Date\*



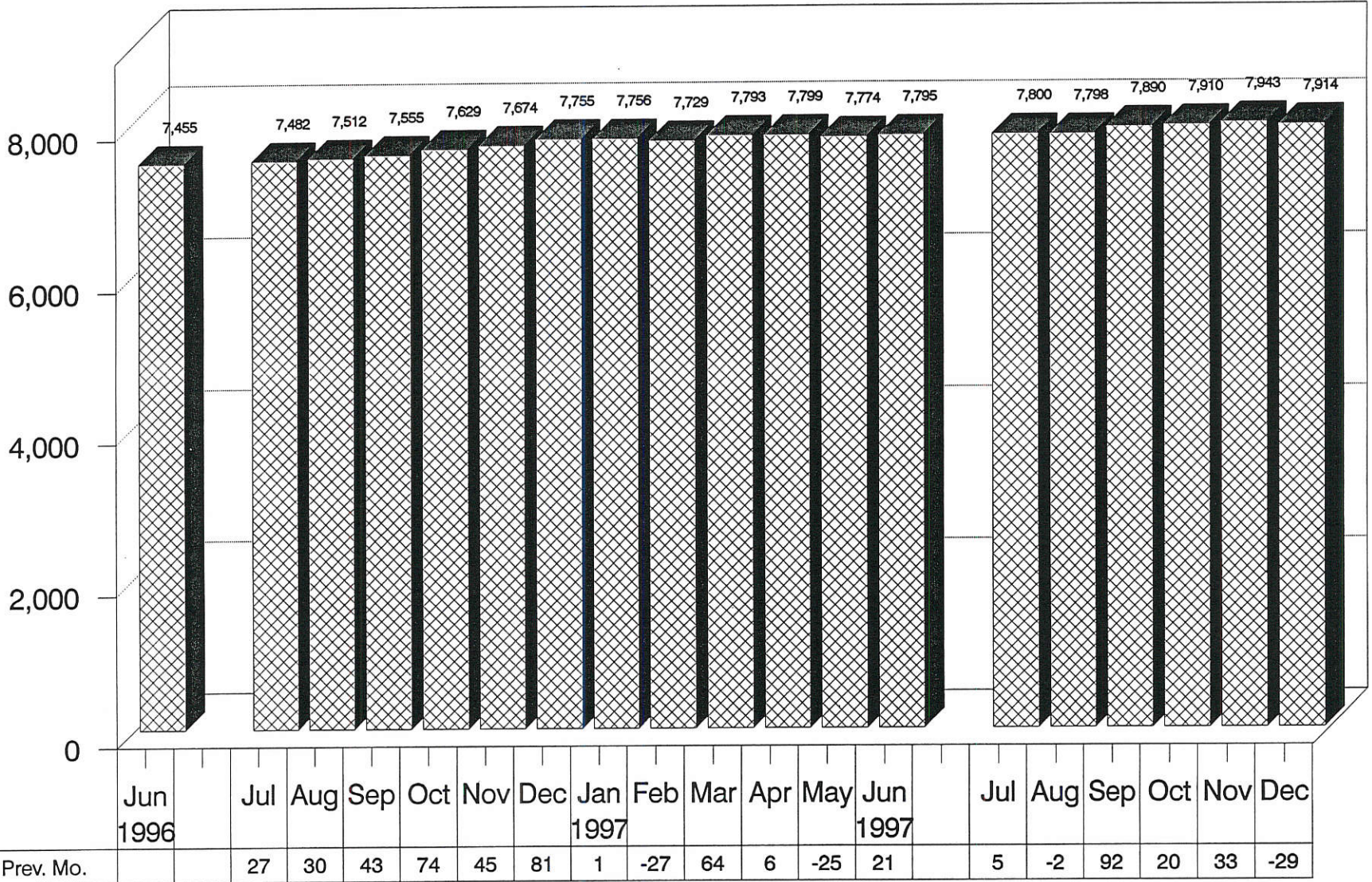
\*As of June 30 each year except FY 1998, which is as of 12-31-1997.

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End-of-month Inmate Population: FY 1997 and FY 1998 to Date, by Month\*

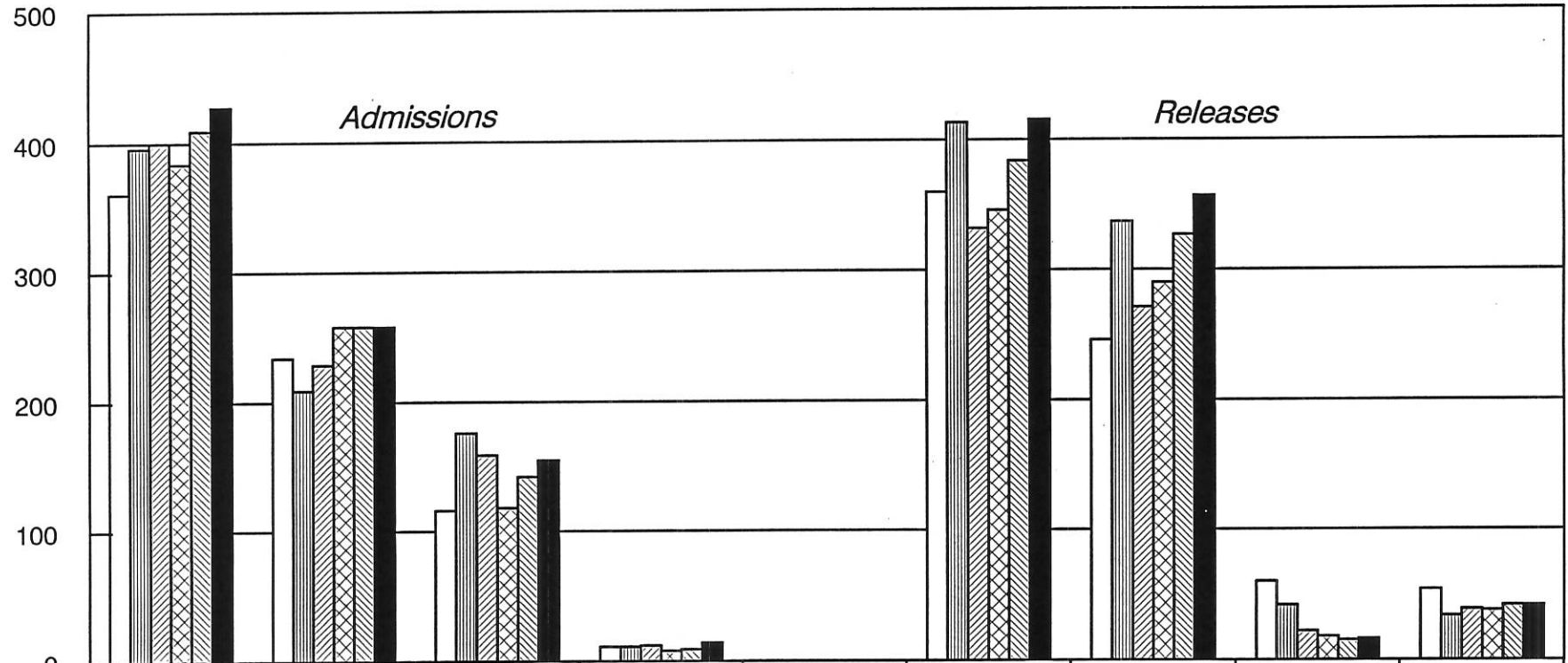


\*Figures reflect the total inmate population (combined DOC and Non-DOC facility populations).  
 HGW Pres. cespop1.prs

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Average Number of Admissions and Releases Per Month by Major Category:  
Comparison of FY 1993 - FY 1997, and FY 1998 to Date (Through Dec. 1997)



	All Types	Court	Condition Violator	Other		All Types	To Post-incar. Sup.*	Court	Other
FY 93 Mo. Avg. □	361	234	116	11		360	246	60	54
FY 94 Mo. Avg. ▨	396	209	176	11		413	337	42	34
FY 95 Mo. Avg. ▩	400	229	159	12		332	271	22	39
FY 96 Mo. Avg. ▤	384	258	118	8		346	290	18	38
FY 97 Mo. Avg. ▥	409	258	142	9		384	327	15	42
FY 98 (Six Mo.) ■	427	258	155	14		415	357	16	42

\*Includes parole releases by action of the Kansas Parole Board as well as releases to supervision via the provisions of the Kansas Sentencing Guidelines Act of 1993. HGW Chart cesadr12.prs

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*Chart 4*  
**Inmate Population Projections:**  
**Monthly Monitoring Numbers**  
**FY 1998**

Month/Year	Monthly Monitoring Number	Actual Population	Population - Monitoring Number
July-97	7804	7800	-4
August	7840	7798	-42
September	7865	7890	25
October	7931	7910	-21
November	7937	7943	6
December	7948	7914	-34
January-98	7977		
February	8002		
March	8041		
April	8045		
May	8049		
June	8046		

*Source of Monthly Monitoring Numbers: Kansas Sentencing Commission*

Note: Population projections developed by the Kansas Sentencing Commission are produced in annual increments. Commission staff use the monthly monitoring numbers for tracking purposes, but the monthly numbers are not official projections. All numbers are end-of-month.

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 Attach. 1-10*



Chart 5

## KDOC FACILITY CAPACITIES

**Capacity by Facility, Security Designation of Bedspace, and Gender**  
*(Existing as of December 31, 1997 and Approved Additions)*

Location of Beds	Security Designation by Gender								
	Maximum		Medium		Minimum		All Levels		
	Male	Female	Male	Female	Male	Female	Male	Female	Total
<b>KDOC Facilities</b>									
Lansing Corr. Facility <i>[including Osawatomie Correctional Facility]</i>	840		913		582		2335		2335
					<i>[80]</i>		<i>[80]</i>		<i>[80]</i>
Hutchinson Corr. Facility	548		850		179		1577		1577
El Dorado Corr. Facility	383		609		172		1164		1164
Norton Corr. Facility <i>[including Stockton Correctional Facility]</i>			332		280		612		612
					<i>[112]</i>		<i>[112]</i>		<i>[112]</i>
Ellsworth Corr. Facility			488		144		632		632
Topeka Corr. Facility	220	78		408	111	8	331	494	825
Winfield Corr. Facility <i>[including Wichita Work Release Facility]</i>					669	10	669	10	679
					<i>[188]</i>	<i>[10]</i>	<i>[188]</i>	<i>[10]</i>	<i>[198]</i>
Larned Corr. Mental Health Facility	120				108		228		228
<b>Subtotal: KDOC Facilities/Placements</b>	<b>2111</b>	<b>78</b>	<b>3192</b>	<b>408</b>	<b>2245</b>	<b>18</b>	<b>7548</b>	<b>504</b>	<b>8052</b>
<b>Non-KDOC Facilities/Placements</b>									
Larned State Security Hospital	42	5			43		85	5	90
Labette Corr. Conservation Camp					10		10		10
Contract Jail Placements			7		9		16		16
<b>Subtotal: Non-KDOC Facilities/Placements</b>	<b>42</b>	<b>5</b>	<b>7</b>		<b>62</b>		<b>111</b>	<b>5</b>	<b>116</b>
<b>Total Existing Capacity</b>	<b><u>2153</u></b>	<b><u>83</u></b>	<b><u>3199</u></b>	<b><u>408</u></b>	<b><u>2307</u></b>	<b><u>18</u></b>	<b><u>7659</u></b>	<b><u>509</u></b>	<b><u>8168</u></b>
<b>Approved Additions:</b>									
Winfield Corr. Facility: Spring 1998					41		41		41
Hutchinson Corr. Facility: July 1998					13 (net)		13 (net)		13
Norton Corr. Facility: March 1999			200				200		200
Labette Corr. Conservation Camp: Fall 1998 <i>(KDOC placements only)</i>					40	15	40	15	55
<b>Total Approved Additions</b>			<b>200</b>		<b>94</b>	<b>15</b>	<b>294</b>	<b>15</b>	<b>309</b>
<b>Grand Total: Existing &amp; Approved</b>	<b><u>2153</u></b>	<b><u>83</u></b>	<b><u>3399</u></b>	<b><u>408</u></b>	<b><u>2401</u></b>	<b><u>33</u></b>	<b><u>7953</u></b>	<b><u>524</u></b>	<b><u>8477</u></b>

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*Attach. 1-11*



**CHART 6**  
**BED UTILIZATION - MALES ONLY**  
**(Increases Computed at 24-46-30% Custody Distribution)**

<u>BEDSPACE/ADJUSTMENT</u>	<u>CUSTODY LEVEL</u>			<u>POPULATION</u>	<u>AVAILABLE BED SPACE</u>
	<u>MAXIMUM</u>	<u>MEDIUM</u>	<u>MINIMUM</u>		
Bedspace - 08-18-97	2151	3201	2221	-	7573
Population - 08-18-97	<u>1854</u>	<u>2963</u>	<u>2490</u>	<u>7307</u>	<u>7307</u>
<b><u>AVAILABLE BEDSPACE</u></b>	<b>+297</b>	<b>+238</b>	<b>-269</b>	<b>-</b>	<b>+266</b>
<b>PLANNED BEDSPACE INCREASE (FY 98)</b>					
●A-Dorm @ WCF(remaining 127 beds)	-	-	<u>+127</u>	-	<u>+127</u>
<b><u>AVAILABLE BED SPACE</u></b>	<b>+297</b>	<b>+238</b>	<b>-142</b>	<b>-</b>	<b>+393</b>
<b>BED UTILIZATION ADJUSTMENT</b>					
●RDU - ADP	-20	-	-	-	-20
●RDU - Med./Min.	-50	+25	+25	-	0
●Releases @ 16/Day @ 2.5 Days to Fill Bed	-4	-8	-28	-	-40
●Open Non-KDOC Beds	-8	-4	-21	-	-33
●Med./Min. - Out of Bed for Cause (Prog, MH, Trans, Release)	-90	+20	+70	-	0
●Spec. Ed. Placements - LCF	-	-30	+30	-	0
●Therapeutic Community Program @ LCF	<u>-40</u>	<u>+10</u>	<u>+30</u>	<u>-</u>	<u>0</u>
<b>ADJUSTED BEDSPACE</b>	<b>+85</b>	<b>+251</b>	<b>-36</b>	<b>-</b>	<b>+300</b>
<b>PROJECTED POPULATION INCREASE (08-18-97 through 6-30-98)</b>	<b><u>-63 (24%)</u></b>	<b><u>-120 (46%)</u></b>	<b><u>-80 (30%)</u></b>	<b><u>+263</u></b>	<b><u>-263</u></b>
<b><u>AVAILABLE BEDSPACE - 6-30-98</u></b>	<b>+22</b>	<b>+131</b>	<b>-116</b>	<b>7570</b>	<b>+37</b>
<b>PLANNED BEDSPACE INCREASE (FY 99)</b>					
●Add 200 - Bed Medium Unit @ NCF	-	+200	-	-	+200
●South Unit Expansion @ HCF	-	-	+13	-	+13
●LCCC Expansion	-	-	+40	-	+40
●Convert 1/2 "D" Cellhouse @ EDCF to Max. Custody	+64	-128	-	-	-64
<b>PROJECTED POPULATION INCREASE (FY 99)</b>	<b><u>-33</u></b>	<b><u>-63</u></b>	<b><u>-39</u></b>	<b><u>+135</u></b>	<b><u>-135</u></b>
<b><u>AVAILABLE BEDSPACE - 6-30-99</u></b>	<b>+53</b>	<b>+140</b>	<b>-102</b>	<b>7705</b>	<b>+91</b>
<b>PROJECTED POPULATION INCREASE (FY 00)</b>	<b><u>-13</u></b>	<b><u>-24</u></b>	<b><u>-16</u></b>	<b><u>+53</u></b>	<b><u>-53</u></b>
<b><u>AVAILABLE BEDSPACE - 6-30-00</u></b>	<b>+40</b>	<b>+116</b>	<b>-118</b>	<b>7758</b>	<b>+38</b>
<b>PLANNED BEDSPACE INCREASE (FY 01)</b>					
●Add 200 - Bed Minimum Unit (Undetermined)	-	-	+200	-	+200
<b>PROJECTED POPULATION INCREASE (FY 01)</b>	<b><u>-21</u></b>	<b><u>-40</u></b>	<b><u>-25</u></b>	<b><u>+86</u></b>	<b><u>-86</u></b>
<b><u>AVAILABLE BEDSPACE - 6-30-01</u></b>	<b>+19</b>	<b>+76</b>	<b>+57</b>	<b>7844</b>	<b>+152</b>
<b>PROJECTED POPULATION INCREASE (FY 02)</b>	<b><u>-11</u></b>	<b><u>-22</u></b>	<b><u>-13</u></b>	<b><u>+46</u></b>	<b><u>-46</u></b>

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**BEDSPACE/ADJUSTMENT**

**CUSTODY LEVEL**

	<u>MAXIMUM</u>	<u>MEDIUM</u>	<u>MINIMUM</u>	<u>POPULATION</u>	<u>AVAILABLE BED SPACE</u>
<b><u>AVAILABLE BEDSPACE - 6-30-02</u></b>	+8	+54	+44	7890	+106
<b>PLANNED BEDSPACE INCREASE (FY 03)</b>					
• Add 200 - Bed Medium Unit at HCF		+200			+200
• Convert Second 1/2 "D" Cellhouse @ EDCF to Max. Custody	+64	-128			-64
<b>PROJECTED POPULATION INCREASE (FY 03)</b>	-28	-54	-36	+118	-118
<b><u>AVAILABLE BEDSPACE - 6-30-03</u></b>	+44	+72	+8	8008	+124
<b>PROJECTED POPULATION INCREASE (FY 04)</b>	-36	-62	-45	+150	-150
<b><u>AVAILABLE BEDSPACE - 6-30-04</u></b>	+8	+3	-37	8158	-26
<b>PLANNED BEDSPACE INCREASE (FY 05)</b>					
• Convert 1/2 "E" Cellhouse @ EDCF to Max. Custody	+64	-128	-		-64
<b>PROJECTED POPULATION INCREASE (FY 05)</b>	-7	-14	-8	+29	-29
<b><u>AVAILABLE BEDSPACE - 6-30-05</u></b>	+65	-139	-45	8187	-119
<b>PROJECTED POPULATION INCREASE (FY 06)</b>	-30	-58	-38	+126	-126
<b><u>AVAILABLE BEDSPACE - 6-30-06</u></b>	+35	-197	-83	8313	-245
<b>PLANNED BEDSPACE INCREASE (FY 07)</b>					
• Convert Second 1/2 "E" Cellhouse to Max. Custody	+64	-128	-		-64
<b>PROJECTED POPULATION INCREASE (FY 07)</b>	-65	-125	-78	+268	-268
<b><u>AVAILABLE BEDSPACE - 6-30-07</u></b>	+34	-450	-161	8581	-577

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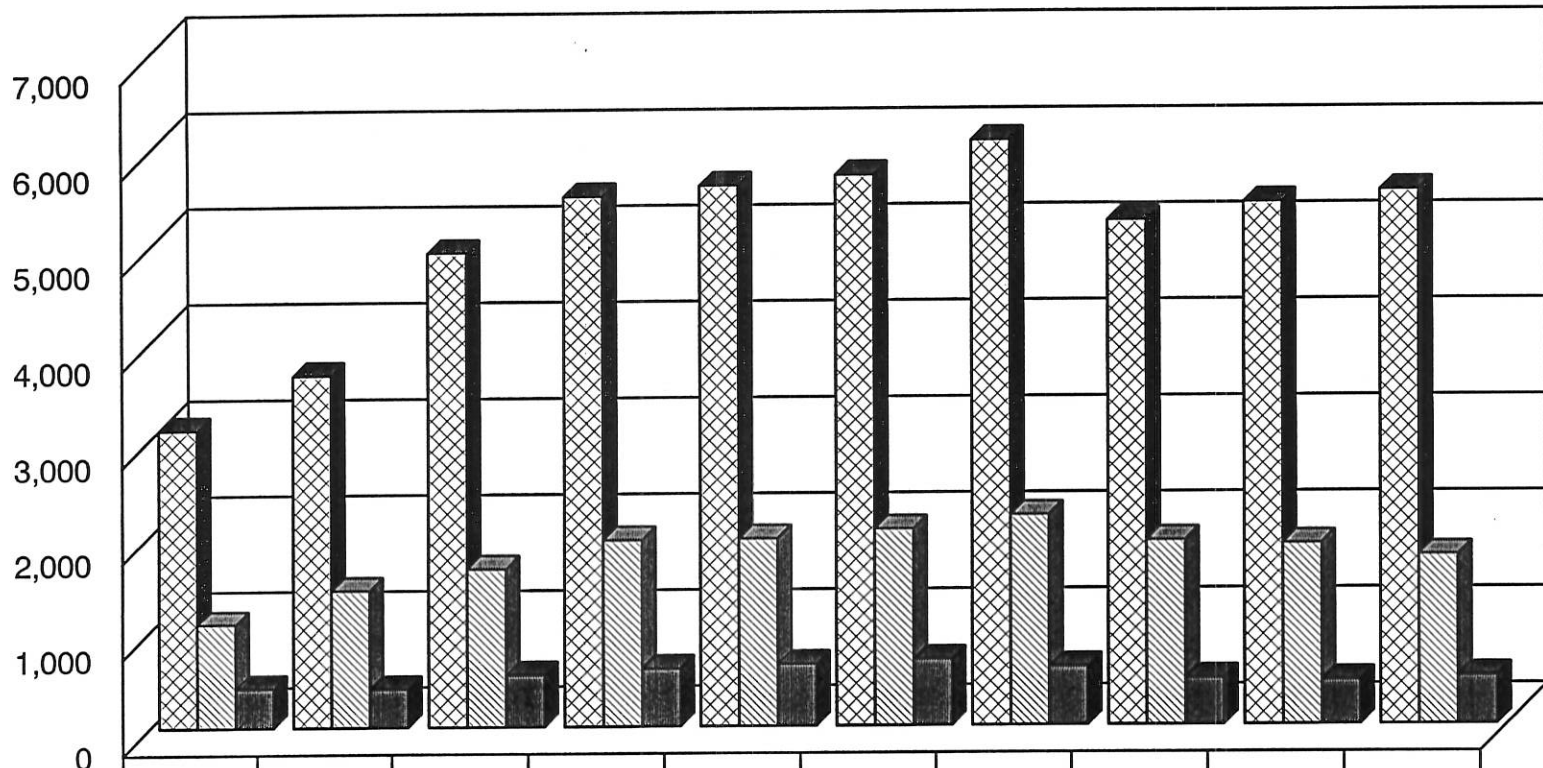
# CHART 7

## BED UTILIZATION - FEMALES ONLY (Population Increases Computed at 24-28-48% Custody Distribution)

<u>BEDSPACE/ADJUSTMENT</u>	<u>CUSTODY LEVEL</u>			<u>POPULATION</u>	<u>AVAILABLE BED SPACE</u>
	<u>MAXIMUM</u>	<u>MEDIUM</u>	<u>MINIMUM</u>		
<u>CAPACITY - 08-18-97</u>	83	408	18	-	509
Inmate Population 08-18-97	<u>37</u>	<u>125</u>	<u>297</u>	<u>459</u>	<u>459</u>
<u>AVAILABLE BEDSPACE 08-18-97</u>	+46	+283	-279	-	+50
PROJECTED POPULATION INCREASE (FY 98)	-4	-4	-9	+17	-17
PLANNED BEDSPACE INCREASE (FY 98)					
•LCCC Expansion	-	-	+15	-	+15
<u>AVAILABLE BEDSPACE - 6-30-98</u>	+42	+279	-273	476	+48
PROJECTED POPULATION INCREASE (FY 99)	<u>-2</u>	<u>-2</u>	<u>-4</u>	<u>+8</u>	<u>-8</u>
<u>AVAILABLE BEDSPACE - 6-30-99</u>	+40	+277	-277	484	+40
PROJECTED POPULATION INCREASE (FY 00)	-1	-1	-2	+4	-4
<u>AVAILABLE BEDSPACE - 6-30-00</u>	+39	+276	-279	488	+36
PROJECTED POPULATION INCREASE (FY 01)	<u>-1</u>	<u>-2</u>	<u>-3</u>	<u>+6</u>	<u>-6</u>
<u>AVAILABLE BEDSPACE - 6-30-01</u>	+38	+274	-282	494	+30
PROJECTED POPULATION INCREASE (FY 02)	<u>-1</u>	<u>-1</u>	<u>-2</u>	<u>+4</u>	<u>-4</u>
<u>AVAILABLE BEDSPACE - 6-30-02</u>	+37	+273	-284	498	+26
PROJECTED POPULATION INCREASE (FY 03)	<u>-2</u>	<u>-3</u>	<u>-3</u>	<u>+8</u>	<u>-8</u>
<u>AVAILABLE BEDSPACE - 6-30-03</u>	+35	+270	-287	506	+18
PROJECTED POPULATION INCREASE (FY 04)	<u>-2</u>	<u>-3</u>	<u>-4</u>	<u>+9</u>	<u>-9</u>
<u>AVAILABLE BEDSPACE - 6-30-04</u>	+33	+267	-291	515	+9
PROJECTED POPULATION INCREASE (FY 05)	<u>-1</u>	<u>-1</u>	<u>-</u>	<u>+2</u>	<u>-2</u>
<u>AVAILABLE BEDSPACE - 6-30-05</u>	+32	+266	-291	517	+7
PROJECTED POPULATION INCREASE (FY 06)	<u>-2</u>	<u>-2</u>	<u>-3</u>	<u>+7</u>	<u>-7</u>
<u>AVAILABLE BEDSPACE - 6-30-06</u>	+30	+264	-294	524	0
PROJECTED POPULATION INCREASE (FY 07)	<u>-4</u>	<u>-5</u>	<u>-10</u>	<u>+19</u>	<u>-19</u>
<u>AVAILABLE BEDSPACE - 6-30-07</u>	+21	+259	-304	543	-19

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# Components of the End-of-year Offender Population Under Post-incarceration Management: Fiscal Years 1988 - 1997\*



	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997
In-State	3,104	3,662	4,933	5,512	5,621	5,727	6,083	5,243	5,425	5,546
Out-of-State	1,076	1,423	1,644	1,940	1,950	2,044	2,187	1,920	1,880	1,758
Abscond Status	409	396	539	599	642	686	607	481	459	503

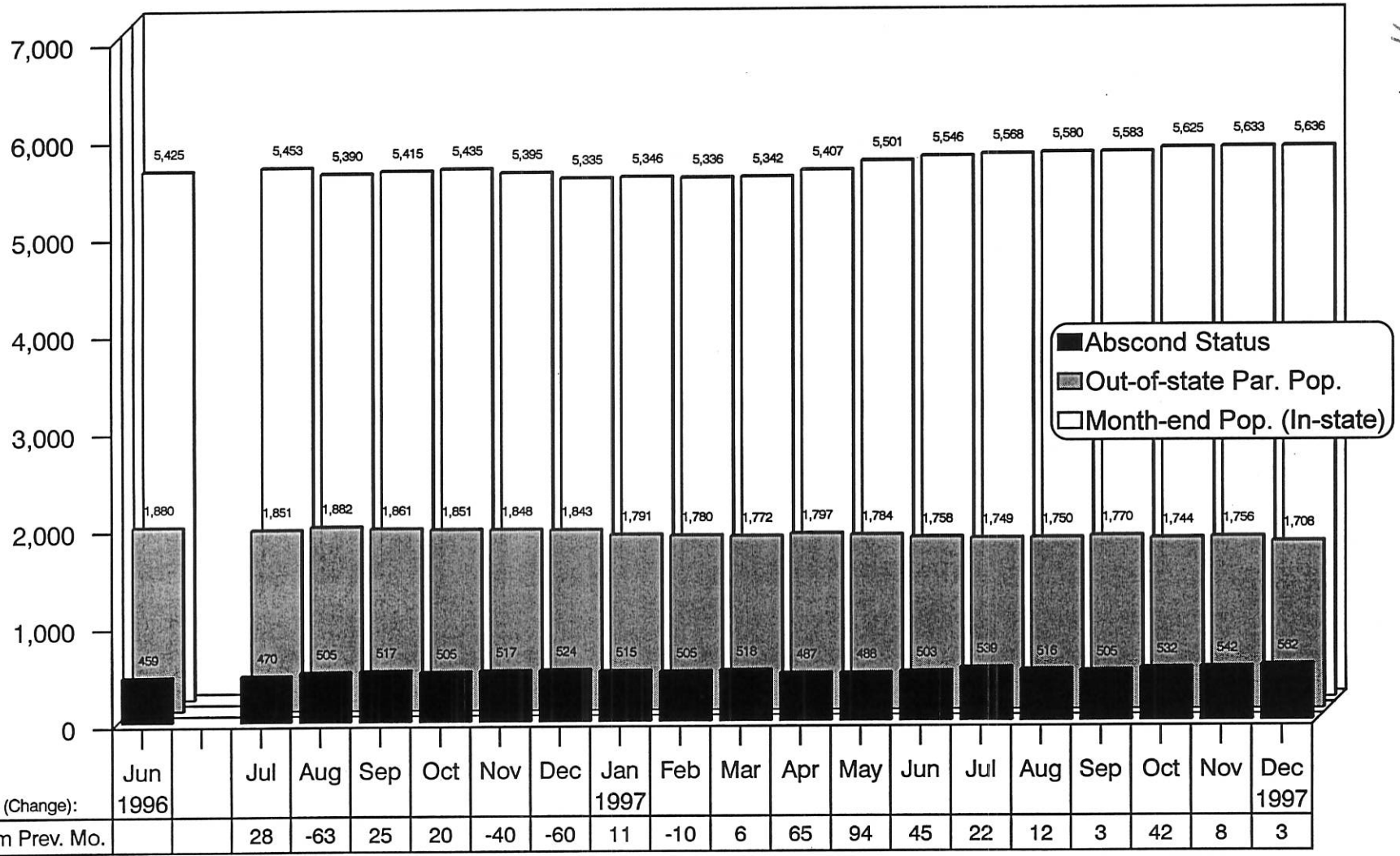
\*In-state population is comprised of Kansas offenders supervised in Kansas and out-of-state offenders supervised in Kansas. Out-of-state population is comprised of Kansas offenders supervised out-of-state. Those on abscond status have active warrants (whereabouts unknown).

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### Components of the End-of-month Population Under Post-incarceration Management: FY 1997 and FY 1998 to Date, by Month\*



\*In-state population is comprised of Kansas offenders supervised in Kansas and out-of-state offenders supervised in Kansas. Out-of-state population is comprised of Kansas offenders supervised out-of-state. Those on abscond status have active warrants (whereabouts unknown).

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State of Kansas  
KANSAS SENTENCING COMMISSION

SENATE WAYS AND MEANS COMMITTEE  
TESTIMONY  
JANUARY 14, 1998

During the 1995 Legislative session, the Kansas Sentencing Commission was appropriated \$25,000 of State General Funds to initiate a contract with the National Council on Crime and Delinquency to develop a computer based simulation prison population projection model known as Prophet. The Prophet model enables the simulation of offenders admitted to prison a certain assignment to various statuses, movement between statuses, and finally discharge from the prison system. In addition, the model permits the projection of the prison population by individual severity levels, as indicated on the guideline sentencing grids. The initial set of prison population projections was released by the Sentencing Commission in November of 1995, and projections are updated annually, each fall, to reflect any legislative changes to criminal statutes or sentencing policies in the state.

Prophet utilizes two major components to formulate projections. First, is data pertaining to the type and length of sentences imposed for both offenders admitted to prison and the stock prison population. This data is provided through a cooperative effort with the Department of Corrections and from sentencing journal entries submitted to the Commission. The second component involves a set of assumptions that are built into the projection model. Assumptions are formulated and reviewed by a ten member Consensus Group of professionals representing various Criminal Justice agencies in the state. Assumptions pertain to policy issues that deal with offenders incarcerated or under some form of supervision, such as probation, parole or postrelease supervision. Each member of the consensus group contributes their agency's expertise regarding formal and informal procedures and provide information on specific issues or practices that may affect prison population.

From the data and assumptions provided, a trend analysis is completed for the current year, which allows for adjustments to any previous lengths of stay, distributions of admissions by severity levels and various other data elements that are necessary to operate the Prophet Model. An initial ten year baseline prison population forecast is then developed which indicates the number of prison beds required by severity level, the number of prison beds needed for conditional parole/postrelease violators returned to prison, and the number of beds saved by the implementation of the border boxes on the drug grid. Baseline projections are presented by severity level to reflect the impact of various sentence lengths imposed. Sentence length is a very critical issue in projecting prison bedspace

needs. Even if admission rates remain constant or indicate a decrease, a shortage of prison beds can occur over time simply due to the fact that offenders are incarcerated for longer periods of time. This situation is commonly known as the "stacking effect". The same number of offenders can enter a prison system annually, but if lesser number of offenders exit that system, you will have a shortage of prison beds. Thus it is not merely the number of offenders entering state prisons but the length of their sentences that become a crucial factor.

In reviewing FY 1997 data, several key data findings were identified. Sentence lengths on nondrug Levels I and II indicate significant increases of 35 and 22 months respectively. Analysis indicates that these increases are representative of the 1994 doubling of sentencing ranges for these severity levels. Old law or pre-guideline conditional parole violators length of stay is indicated to be 13 months. This length of stay is an increase from the 10 month stay observed in FY 1996 and could result in the need for an additional 60-100 beds through the end of FY 2000. Nondrug Levels VII to X guideline admissions increased 4.0% over FY 1996 admissions, demonstrating a shift in the severity levels of offenders being admitted to prison. Conditional parole and postrelease violators returned to prison totaled 1,703 offenders, an average of 142 per month. These conditional violator returns in FY 1997 have increased by 292 over returns in FY 1996. Finally, nondrug levels I, II, and III admissions account for only 9.4% of total FY 1997 guideline admissions, compared to nondrug levels VII, VIII, IX, and X which represent 43.8% of the total guideline admissions.

In preparing the ten year baseline prison population projections (Attachment A) several modifications were incorporated. The annual prison admission rate was adjusted to 2.1%, reflecting a decrease from the 4.3% rate used in last year's projections. This adjustment represented the eight year admission rate average from 1989 to 1997. The reduction in the prison admission rate contributed to the slower growth projected for future prison population.

Conditional probation violators were sentenced to prison in FY 1997 at a rate of 110 per month, an increase from the average of 103 per month during the previous year. Adjustments were made to the model to reflect the increase. The Consensus Group did reduce the number of conditional probation violators entering prison from 110 to 100 for the time period from January 1, 1998 to July 1, 1998 to reflect the \$700,000 legislative allocation to Community Corrections to develop programs to divert this specific population. Absent any certainty that funding would be continue beyond the current fiscal year, the number of violators was returned to 110 per month for the remainder of the forecast period.

During the 1996 legislative session, legislation was passed into law that placed seven new border boxes on the drug grid. The previous forecast incorporated a six month lag time for implementation and a 50% diversion of potential offenders, with a 50% failure rate resulting in admission to prison. A review of the data indicates that the current diversion rate for the past year was 76.6%, however there is not sufficient data available at this time to analyze the failure rate. The diversion rate was adjusted from 50/50 to 70/30 to more accurately reflect current practice. A failure rate of 50% was retained, in the model, since the data did not support any change at this time.

Finally, conditional parole and postrelease violators were programmed in the model to return at a rate of 130 per month. The monthly average in FY 1997 indicated an average return rate of 142

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Attach. 2-2

offenders per month. Modifications to the model were made to return this population at a rate of 150 per month, a 20 offender per month increase from the pervious year. This change was incorporated due the increase in the number of parole officers and the lack of increases in additional programs available to this population.

Capacity figures provided by the Department of Corrections indicate that at the end of FY 98, there will be at 8,209 prison beds available and by the end of FY 99, the state prison capacity will reach 8,477 beds. Given the current prison population projections released in August, it appears that the state's need for prison bedspace will not exceed capacity until sometime during FY 2003, in which prison population is forecasted to reach 8,514 inmates by the end of the fiscal year.

It should be noted, however, that the current prison population projections are based on current policy and procedures. Introduction of new legislation that creates new offenses or increases penalties or sentence lengths for any offense would impact these projections. In addition, policy changes relating to good time allocations, postrelease supervision periods, parole practices or revocation procedures all have a direct impact on prison population projections.

The Prophet Model contains a monitoring component that permits an ongoing review of the model's accuracy. When the monthly error rate exceeds 2% for two consecutive months, there is an indication of potential problems within the model design. There are three types of problem that commonly arise with simulation models. First, one of the assumptions programmed into the model is inaccurate; second there has been a policy change (either formal or informal) that was not included in the design of the model; and finally the data utilized in the model construction was either invalid or unreliable. Although accuracy of the projections is very critical, just as important is the reason why the model is accurate, or in some cases inaccurate. Staff of the Sentencing Commission, on a monthly basis, reviews and analyzes projected admissions against actual admissions to identify discrepancies or error trends. Included (Attachment B) are the monthly monitoring reports since the creation of the Kansas Prophet Model in July of 1995. From the information presented, the model has been fairly accurate, having never once exceeded the 2% error threshold.

It should be noted that projections should not be viewed as derived from a "crystal ball", that is predicting the future. Rather projections are the outcome of a combination of current criminal justice trends and the implementation of policy choices by decision makers. The current prison population projections presented are based on current legislation and practices and any changes to either of these factors would have an direct impact on the forecasted prison bedspace needs. Projections need to be viewed as a planning tool, not a solution to prison overcrowding. Projections should serve as a decision making tool that permits rational and informed policy changes to address the state's current problem. 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

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Attach 2-3



KANSAS SENTENCING COMMISSION  
TEN YEAR ADULT INMATE PRISON POPULATION PROJECTIONS  
2.1% GROWTH IN ADMISSION RATE

ID GROUP	July 30 1997	June 30 1998	June 30 1999	June 30 2000	June 30 2001	June 30 2002	June 30 2003	June 30 2004	June 30 2005	June 30 2006	June 30 2007	TOTAL INCREASE	PERCENT INCREASE
LEVEL 1	335	340	348	353	370	372	376	390	396	401	415	80	23.9%
LEVEL 2	617	638	685	690	737	769	781	806	810	804	833	216	35.0%
LEVEL 3	1296	1329	1318	1319	1322	1318	1319	1325	1329	1322	1348	52	4.0%
LEVEL 4	299	293	297	303	304	316	325	330	333	344	355	56	18.7%
LEVEL 5	906	907	955	992	1004	1007	1022	1026	1016	1033	1063	157	17.3%
LEVEL 6	157	172	178	184	192	193	199	193	198	197	203	46	29.3%
LEVEL 7	711	780	832	846	810	806	836	871	881	891	906	195	27.4%
LEVEL 8	231	325	316	315	306	296	295	299	296	300	317	86	37.2%
LEVEL 9	285	324	332	351	363	350	372	390	395	398	413	128	44.9%
LEVEL 10	45	44	46	49	45	57	50	56	50	55	69	24	53.3%
LEVEL D1	30	32	41	47	53	59	65	69	68	72	79	49	163.3%
LEVEL D2	188	199	215	226	230	241	243	243	242	249	258	70	37.2%
LEVEL D3	643	556	552	555	558	549	578	605	607	611	636	-7	-1.1%
LEVEL D4	360	407	408	409	399	403	413	422	428	433	456	96	26.7%
OFF GRID	670	714	763	822	890	927	965	1019	1062	1144	1208	538	80.3%
CONDITIONAL PAROLE VIOLATORS	1048	986	903	785	755	725	675	629	593	583	565	-483	-46.1%
TOTAL	7821	8046	8189	8246	8338	8388	8514	8673	8704	8837	9124	1303	16.7%
DRUG BORDER BOX BED SAVINGS	-78	-225	-280	-349	-345	-358	-387	-401	-412	-423	-420		

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Attach. 2-4

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COMPARISON BETWEEN FISCAL YEAR 1996 THROUGH FISCAL YEAR 1998  
ACTUAL AND PROJECTED PRISON POPULATION

Month	Fiscal Year 1996				Fiscal Year 1997				Fiscal Year 1998*			
	Projected	Actual	Number Difference	% Error	Projected	Actual	Number Difference	% Error	Projected	Actual	Number Difference	% Error
July	7001	6980	+21	+0.30	7463	7482	-19	-0.25	7804	7800	+4	+0.05
August	7051	7078	-27	-0.38	7533	7512	+21	+0.28	7840	7798	+42	+0.54
September	7056	7124	-68	-0.95	7634	7555	+79	+1.04	7865	7890	-25	-0.32
October	7063	7147	-61	-0.85	7693	7629	+64	+0.84	7931	7910	+21	+0.26
November	7107	7111	-4	-0.05	7736	7674	+62	+0.81	7937	7943	-6	-0.08
December	7170	7055	+115	+1.63	7764	7755	+9	+0.12	7948	7914	+34	+0.43
January	7238	7122	+116	+1.62	7759	7756	+3	+0.04				
February	7297	7180	+117	+1.63	7783	7729	+54	+0.70				
March	7295	7289	+6	+0.08	7791	7793	-2	-0.02				
April	7317	7348	-31	-0.42	7811	7799	+12	+0.15				
May	7319	7417	-98	-1.32	7846	7774	+72	+0.93				
June	7331	7455	-124	-1.66	7841	7795	+46	+0.59				
<b>Total Average</b>	<b>7187</b>	<b>7192</b>	<b>-5</b>	<b>-0.07</b>	<b>7721</b>	<b>7688</b>	<b>+33</b>	<b>+0.43</b>	<b>7888</b>	<b>7876</b>	<b>+12</b>	<b>+0.15</b>

\* Fiscal year 1998 is based on 6 month figures from July 1997 through December 1997.





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### SENTENCING RANGE - DRUG OFFENSES

Category ⇒	A	B	C	D	E	F	G	H	I
Severity Level ↓	3+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misd.	1 Misd. No Record
I	204 194 185	196 186 176	187 178 169	179 170 161	170 162 154	167 158 150	162 154 146	161 150 142	154 146 138
II	83 78 74	77 73 68	72 68 65	68 64 60	62 59 55	59 56 52	57 54 51	54 51 49	51 49 46
III	51 49 46	47 44 41	42 40 37	36 34 32	32 30 28	26 24 23	23 22 20	19 18 17	16 15 14
IV	42 40 37	36 34 32	32 30 28	26 24 23	22 20 18	18 17 16	16 15 14	14 13 12	12 11 10

<b>LEGEND</b>
Presumptive Probation
Border Box
Presumptive Imprisonment

Recommended probation terms are:

36 months for felonies classified in Severity Levels 1 - 3  
24 months for felonies classified in Severity Level 4

Postrelease supervision terms are:

For felonies committed before 4/20/95

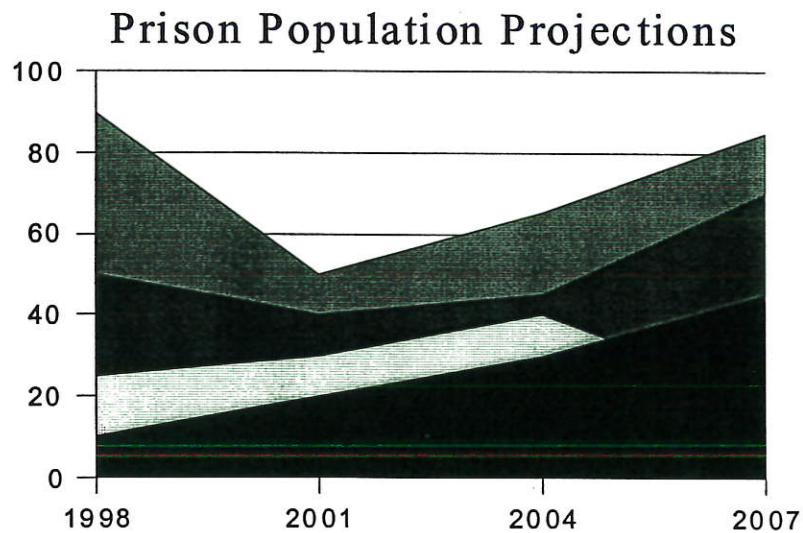
24 months for felonies classified in Severity Levels 1 - 3  
12 months for felonies classified in Severity Level 4

For felonies committed on or after 4/20/95

36 months for felonies classified in Severity Levels 1 - 3  
24 months for felonies classified in Severity Level 4

# KANSAS SENTENCING COMMISSION

## Ten Year Adult Inmate Prison Population Projections



August 14, 1997

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Attach 3-1

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*Attach. 3-2*

## I. PROPHET SIMULATION MODEL

### A. HISTORY OF THE PROPHET SIMULATION MODEL

During the 1995 Legislative session the Kansas Sentencing Commission requested state general funds in the amount of \$25,000 to purchase the PROPHET Simulation Prison Population Projection Model developed by the National Council on Crime and Delinquency (NCCD) in Washington DC. The PROPHET Simulation model is utilized in approximately 22 states for projecting prison population, including such states as Arkansas, Nevada, Oklahoma, Massachusetts, Michigan, and Utah. The model has a proven record of reliability and adaptability to various sentencing structures.

The state general funds were allocated to the Commission and in July of 1995, the Sentencing Commission entered into a contract with NCCD to develop the model. Prior to that time, prison population projections were performed by the Department of Corrections. The task of performing population projections was assigned to the Commission since the agency is responsible for processing all felony journal entries submitted under the Sentencing Guidelines Act. Through a cooperative data sharing effort with the Department of Corrections, the model was designed and the first annual baseline prison population projections were released in November of 1995. The model design was updated after the 1996 and 1997 legislative sessions to incorporate any new changes to criminal statutes and sentencing guidelines. Official state prison population projections are released annually by the Commission in the fall of each year.

In January, 1996, the Sentencing Commission extended its contract with NCCD, through a grant from SRS, to allow for the development of a juvenile detention model for PROPHET. Sedgwick County Juvenile Detention Center served as the pilot site for the development of an urban detention projection model. During 1997, a second detention model was developed for the Northeast Regional Detention Center located in Douglas County. Since a regional detention center's population mix is much different than that of an urban county, this model will serve as prototype for regional and rural detention centers. The juvenile detention projection model will enable staff researchers to analyze juvenile offenders housed in detention facilities with regard to their committing offense, length of stay and release type. Once a model is developed, it can be adapted to detention centers with similar populations throughout the state to project and monitor detention center populations in a similar manner as the state prison population.

In May of 1996, the NCCD PROPHET contract was extended again to complete the Phase I Needs Assessment Study requested by the Youth Authority. The study required the development of a statewide Youth Center database. Staff of the Commission manually gathered an entire year of admission data for all state youth centers. The data was then entered into a database from which a simulation projection model was developed. Similar to the adult prison projection model, the PROPHET model permitted the projection of admissions, lengths of stay, movement between youth centers and release types. In addition to the baseline projections, various scenarios were produced which assisted in the development of the Placement Matrix adopted by the Youth Authority. Staff



of the Sentencing Commission are currently working with the state Youth Centers to develop a means to computerize the data which was previously manually collected, thus allowing for timely release of annual projections.

## **B. OPERATION OF THE PROPHET SIMULATION MODEL**

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 offenders through the correctional system. The Monte Carlo technique converts the random numbers chosen into individual cases (offenders admitted to prison) and places the inmate in one of the possible statuses available, such as prison, parole, post-release, or discharge. The status placement of offenders is based upon transition probabilities which are formulated through a combination of historical data and assumptions provided by the Consensus Group. The simulation model adjusts length of stay to incorporate such variables as jail credits and good time lost or earned. Simply stated the PROPHET model brings offenders into the prison system, holds them in a specific status, moves them among statuses and finally exits them from the prison system.

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 three basic identification groups, an inmate is then assigned to one of the fifteen sentencing guidelines groups based on the most serious offense. This assignment process was used for stock prison population, as well as new admissions during a given fiscal year. A specific identification group's distribution of future admissions to prison is assumed to be the same as inmates admitted to prison during the previous fiscal year unless there is data or information provided to indicate otherwise.

A trend analysis is then completed on the current year's data, which allows for adjustments to any previous lengths of stays, distributions of admissions by severity levels and various other data elements that are necessary to operate the PROPHET Model. In addition to the data collected, the PROPHET Model incorporates a series of assumptions in developing the population projections. Assumptions play a crucial role in the accuracy of the projections and are based on both past and anticipated future practices in law enforcement, correctional policies, and parole board practices and are provided by leading officials in a specific area. A Consensus Group was formed to generate and review the assumptions used in the PROPHET. Information on the Consensus Group and a list of assumptions utilized are presented in Section II. Based on the expertise and discussion among this group, the assumptions formulated represent what members anticipate, to the best of their

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Attach. 3-4



knowledge, will be future practices in their specific fields.

It should be noted that the projections should not be viewed as derived from a "crystal ball," that is predicting the future. Rather projections are the outcome of a combination of current criminal justice trends and the implementation of policy choices by decision makers. The current prison population projections presented are based on current legislation and any changes in legislation would have an impact on the estimated prison bedspace needs. In addition, the information provided by the Consensus Group is critical in developing the assumptions programmed into the model. If any of the assumptions provided prove to be inaccurate or do not reflect current practice, the accuracy of the projections will be impacted.

The initial ten year baseline forecast was developed and released in November of 1995 and is updated annually. The baseline projections are presented by individual severity levels for a ten year period. The baseline projections also include the projected number of prison beds needed for conditional parole/post-release violators that will enter correctional facilities in that same ten year period. In addition, projected bedspace savings from the implementation of border boxes on the drug grid are indicated.

The baseline projections are presented by severity level to reflect the impact of various sentence lengths. Sentence lengths become an important issue in projecting prison bedspace needs. Even if admission rates remain constant or demonstrate a decrease, a shortage of beds will occur over time simply because offenders are incarcerated for longer periods of time. This situation is commonly known as a "Stacking Effect". The same number of offenders or even fewer offenders can enter a prison system annually but if less offenders exit that same system, you will have a shortage of prison beds. Thus, it is not just the number of offenders incarcerated but the length of incarceration that becomes a critical factor. For example, from the projections presented, it would appear that conditional violators are decreasing. However, since post-release violators are only incarcerated for an average of 90 to 180 days, you can allocate one bed for two to four violators during the course of one year. In contrast, the percentage increase indicated on the baseline projections for the Severity Levels I and II do not represent large increases in admissions for those levels, but rather reflect the fact that due to sentence lengths on those specific levels; offenders serve significantly longer sentences thus requiring a considerable amount of prison beds.

The PROPHET Model also contains a monitoring component that permits an ongoing review of the model's accuracy. When the monthly error rate exceeds 2% for two consecutive months, there is an indication of possible problems within the model design. There are three types of problems that can commonly arise. First, one of the assumptions programmed into the model is inaccurate; second there has been a policy change (either formal or informal) that was not include in the design of the model; and finally the data utilized in the model construction was either invalid or unreliable. Although accuracy of the projections is very critical, just as important is the reason why the model is accurate or in some cases inaccurate. Staff of the Sentencing Commission, on a monthly basis, reviews and analyzes projected admissions against actual admissions to identify discrepancies or error trends. Included (Attachment B) please find the monthly monitoring reports since the

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inception of the PROPHET Model in July of 1995. From the information presented, the model has been fairly accurate, having never exceeded the 2% error threshold

The PROPHET model is also utilized to project additional bedspace needs that would result from new legislation that is brought before various committees. If a proposed bill enhances penalties or creates a new offense category, then historical data and the appropriate assumptions are programmed into the model to project the number of beds that would be needed to accommodate that specific piece of legislation. The Sentencing Commission provides numerous individual legislative impacts during a legislative session.

As stated earlier, projections should be viewed as a planning tool and not a crystal ball. Projections alone will not provide a solution to the state's current prison overcrowding problem. What projections are intended to do are serve as a decision making tool that permits rational and informed policy changes that address the current problem.

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## II. PRISON POPULATION PROJECTION CONSENSUS GROUP

As previously stated, the PROPHET Simulation Model is based on a combination of data analysis and key operational assumptions. In order to formulate the most accurate assumptions, the Sentencing Commission utilizes a Prison Population Consensus Group to review and establish the final assumptions that are used in building the simulation model. Members of the Consensus Group represent individuals from various criminal justice agencies that play a role in the processing of an individual throughout the criminal justice system. Members contribute their agencies' expertise regarding formal and informal procedures and provide information on specific issues or practices that may affect prison population.

Current members of the Prison Population Consensus Group include:

Secretary Charles Simmons	Department of Corrections
Patricia Biggs	Research Analyst, Department of Corrections
Marilyn Scafe	Chairperson of the Kansas Parole Board
Director Larry Welch	Kansas Bureau of Investigation
Judge James Buchele	Third Judicial District
Ken Hales	Sedgwick County Community Corrections
Doug Irvin	Office of Judicial Administration
Stuart Little	Legislative Research Department
Barbara Tombs	Director of the Kansas Sentencing Commission
Kunlun Chang	Research Director, Kansas Sentencing Commission

The Consensus Group met twice to review, discuss and make modifications to the assumptions to be incorporated in the PROPHET Simulation Model. The assumptions adopted by the group are as follows:

### FY 1998 PROPHET PRISON POPULATION PROJECTIONS ASSUMPTIONS

1. Model begins on July 1, 1997.
2. Model is based on FY 1997 data (July 1996 - June 1997).
3. The prison population projection is for a ten year period - FY 1998 to FY 2007.
4. Phase-In for new law (guideline admissions) is anticipated to be complete by October 1, 1997. The projection model assumes that all new admissions to prison after that date will be guideline sentences.
5. New Law or Guideline sentenced offenders will lose an average of 25% of eligible good time credits. This rate is consistent with good time credit loss observed in the FY 1997 data.

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6. Old Law or Pre-Guideline offenders are assumed to earn approximately 24.5 days per month of good time credit. This is an unchanged assumption from both the original and current population projections.
7. Arrest rates factored into the projection model are based on historical increases over the previous ten years.
8. New law conditional violators of post-release supervision serve a period not to exceed 90 days for offenses committed before 4/20/95.
9. New law conditional violators of post-release supervision for offenses committed after 4/20/95 may serve up to 180 days. It is assumed that 75% of this group of offenders will earn back to 90 days of incarceration through good time earnings; 25% will serve between 90 and 180 days. Based on this assumption, an average of 135 days was incorporated into the model for this group of offenders.
10. Conditional Parole and Post-release violators were projected to return to prison at a rate of 130 per month. Analysis of FY 1997 data indicates that the monthly average of returns was 142. On the advice of the Secretary Simmons, the number of conditional parole and post-release violators returned to prison was increased to 150 per month. The Secretary felt that with additional parole officers he has added, there would be a corresponding increase in the number of revocations. He also added that there have been no additional programs created for this population.
11. Parole and post-release violators returned to prison with a new sentence at a rate of 284 annually during the past fiscal year. This annual rate is projected to remain constant throughout the forecast period.
12. From information provided by the Parole Board, parole rates were calculated at 25% for all pre-guideline cases.
13. Technical conditional-release violators are treated the same as conditional post-release and parole violators in the projection model.
14. Old law inmates serving aggregate sentences serve their old law sentences until their designated parole eligibility date and then begin to serve their new law sentence.
15. Post-release violators with a new sentence will serve the remaining 15/20% of their old sentence (from good time earnings) and then start serving their new charge sentence.
16. The data indicates that conditional probation violators were sentenced to prison at a rate of 110 per month, an increase from the average of 103 per month in the previous year. Adjustments were made to the model to reflect the increase to 110 per month. The Consensus Group did reduce the number of conditional probation violators entering prison from 110 to 100 from January 1, 1998 to

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July 1, 1998 to reflect the \$700,000 legislative allocation to Community Corrections to develop programs to divert this population. Absent any certainty that funding would continue beyond the current fiscal year, the number of violators was returned to the 110 per month for the remaining of the forecast period.

17. During the 1996 legislative session, legislation was passed into law that placed seven new border boxes on the drug grid. The previous Consensus Group adopted the six month lag time for implementation and 50% diversion of potential offenders. In addition, the assumption incorporated a 50% failure rate and subsequent admission to prison for those offenders who initially received a nonprison sentence. A review of the data indicates that the current diversion rate for the past year was 76.6%, however there is not sufficient data available at this time to analyze the failure rate. The Consensus Group decided to adjust the diversion rate from 50/50 to 70/30 to more accurately reflect current practice. The failure rate will remain at 50% since there is insufficient data at this time to support any change.

18. The legislative creation of the crime of "aggravated criminal threat" is not projected to cause a noticeable impact on future prison population projections and is not factored in the baseline projections.

19. Increasing the penalty for trafficking in contraband in a correctional facility from a level 6 nonperson felony to a level 5 nonperson felony is projected to have marginal impact on future prison population. It is projected this change in severity level will require an additional 50 to 75 beds by the end of the forecast period.

20. Admission rate: historic growth rate in admissions for new court commitments (which include new court admissions, conditional probation violators and probation violators with new sentences) are as follows:

FY 1989 to FY 1990	+05.8%
FY 1990 to FY 1991	-08.9%
FY 1991 to FY 1992	+03.1%
FY 1992 to FY 1993	-00.22%
FY 1993 to FY 1994	-11.4%
FY 1994 to FY 1995	+11.8%
FY 1995 to FY 1996	+17.4%
FY 1996 to FY 1997	+06.98%

The eight year (FY 1989 to FY 1997) new court commitments indicate an average annual percent change of 2.1%. This is a decrease from the 4.3% utilized in last year's model. The Consensus Group could not come to agreement on whether to use the average 2.1% or a lower rate of 1.5%. It was decided by the Consensus Group to produce two sets of projections and defer to the Sentencing Commission to decide on the appropriate rate. During the next Sentencing Commission meeting the new court commitment rate was discussed and by voice vote the Commission adopted the 2.1% admission rate to incorporate into the official projections.



### III. KEY FY 1997 DATA FINDINGS

- Old law technical parole violator length of stay is observed to be 13 months. This is an increase from the 10 month length of stay observed during FY 1996. This change could result in an additional 100-60 beds per year through the end of FY 2000. This is second consecutive year that old law technical parole violators have indicated an increase in lengths of stay.
- Nondrug level 1 guideline inmate sentences increased by 35 months over sentence length observed in FY 1996 data. It is assumed that sentence length increases reflect the 1994 legislative impact of doubling of the sentencing ranges for severity level 1, criminal history category A and B offenses. The data indicates that 33% of the offenders in this severity level fell in criminal history categories A to E.
- Nondrug level 2 guideline inmate sentences increased by 22 months over sentence lengths observed in the FY 1996 data. It is assumed that sentence length increase is the result of the 1994 legislative changes doubling the sentences for level 2, criminal history category A and B offenses, since almost 23% of offenders sentenced on this level have criminal histories of A to D.
- The average sentence length for nondrug level 6 guideline sentences decreased by 5.5 months from the FY 1996 data. There is no apparent explanation for this decrease in sentence lengths at this time.
- Nondrug level 7 - 10 guideline admissions increased by 4.0% over FY 1996 admissions. It would appear from the data there is a shift in the severity levels of offenders being admitted to prison.
- Corresponding with the implementation of the border boxes, drug level 3 admissions decreased by 4.1% compared with FY 1996 admissions. Uncharacteristically, drug level 4 admissions have increased by 1.8%.
- Conditional parole and post-release violator returns totaled 1,703 readmissions during FY 1997, an average of 142 per month. Conditional parole and post-release violator returns in FY 1997 have increased by 292 readmissions over FY 1996.
- The percentage of "old law" inmates admitted as a new court commitment decreased to 4.6% of the total new commitments in FY 1997.
- Nondrug level 1, 2, and 3 admissions account for only 9.4% of the total FY 1997 guideline admissions, compared to nondrug levels 7, 8, 9, and 10 which represent 43.8% of total guideline admissions for FY 1997.

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Attach 3-10

**KANSAS SENTENCING COMMISSION  
STOCK POPULATION CHARACTERISTICS  
JUNE 30, 1997**

ID GROUP	OLD LAW		NEW LAW		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
D1	0	0.0	23	0.6	23	0.3
D2	35	0.9	134	3.4	169	2.2
D3	207	5.4	373	9.6	580	7.4
D4	8	0.2	313	8.0	321	4.1
N1	226	5.9	94	2.4	320	4.1
N2	402	10.5	192	4.9	594	7.6
N3	708	18.5	505	12.9	1,213	15.6
N4	127	3.3	156	4.0	283	3.6
N5	317	8.3	509	13.0	826	10.6
N6	43	1.1	92	2.4	135	1.7
N7	70	1.8	573	14.7	643	8.2
N8	11	0.3	182	4.7	193	2.5
N9	15	0.4	254	6.5	269	3.5
N10	2	0.1	40	1.0	42	0.5
TECHNICAL PAROLE VIOLATORS	632	16.5	393	10.0	1,025	13.3
LIFE SENTENCE	592	15.5	68	1.7	660	8.5
AGGREGATE SENTENCES	431	11.3	0	0.0	431	5.5
SUBTOTAL	3,826	49.5	3,901	50.5	7,727	99.2
MISSING					68	0.8
TOTAL					7,795	100.0

Data supplied by the Kansas Department of Corrections.

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Attach 3-11

**OLD LAW ADMISSION CHARACTERISTICS  
FISCAL YEAR 1997**

ID GROUP	NUMBER ADMITTED	PERCENT ADMITTED	MINIMUM SENTENCE (MONTHS)	MAXIMUM SENTENCE (MONTHS)	JAIL CREDITS (DAYS)	PROBATION VIOLATORS (% OF TOTAL)
D1	0	0.0	N/A	N/A	N/A	N/A
D2	2	1.5	60.0	240.0	382.0	N/A
D3	31	23.3	33.0	116.1	173.0	87.1
D4	2	1.5	16.0	72.0	N/A	50.0
N1	0	0.0	N/A	N/A	N/A	N/A
N2	1	0.8	104.0	240.0	180.8	0.0
N3	10	7.5	49.2	180.0	198.0	70.0
N4	1	0.8	45.0	120.0	N/A	0.0
N5	22	16.5	30.3	98.7	94.4	59.1
N6	4	3.0	12.0	42.0	128.5	75.0
N7	16	12.0	18.8	70.5	309.3	93.8
N8	1	0.8	32.7	48.0	N/A	0.0
N9	7	5.3	10.3	37.7	114.8	71.4
N10	3	2.3	8.0	32.0	59.0	33.3
AG1	1	0.8	N/A	N/A	--	0.0
AG2	0	0.0	N/A	N/A	--	N/A
AG3	0	0.0	N/A	N/A	--	N/A
AG4	1	0.8	N/A	N/A	--	0.0
AG5	1	0.8	36.0	120.0	--	100.0
AG6	0	0.0	N/A	N/A	--	N/A
AG7	5	3.6	12.0	60.0	--	80.0
AG8	0	0.0	N/A	N/A	--	N/A
AG9	0	0.0	N/A	N/A	--	N/A
AG-D2	1	0.6	N/A	N/A	--	100.0
AG-D3	9	6.8	31.5	115.5	--	88.9
AG-D4	2	1.5	12.0	60.0	--	50.0
LIFERS	13	9.8	N/A	N/A	--	N/A
TOTAL OLD LAW	133	100.0				

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**NEW LAW ADMISSIONS CHARACTERISTICS  
FISCAL YEAR 1997**

ID GROUP	NUMBER ADMITTED	PERCENT ADMITTED	AVERAGE SENTENCE (MONTHS)	JAIL CREDITS (DAYS)	GOOD TIME POSSIBLE (MONTHS)	% TECH PROBATION VIOLATORS	% PROBAT. VIOLATOR WITH NEW SENT.
N1	24	0.8	239.8	177.4	36.0	0.0	0.0
N2	65	2.3	139.7	167.7	21.0	1.5	3.1
N3	181	6.3	77.3	153.9	11.6	8.3	3.9
N4	60	2.1	64.0	157.5	9.6	13.3	3.3
N5	217	7.5	51.8	147.8	7.8	23.0	10.1
N6	69	2.4	29.3	127.5	4.4	46.4	15.9
N7	439	15.2	25.2	122.5	3.8	57.4	10.5
N8	256	8.9	15.3	103.1	2.3	59.8	10.2
N9	476	16.5	11.1	79.8	1.7	63.0	4.6
N10	90	3.2	8.8	76.1	1.3	50.0	4.4
D1	4	0.1	237.0	164.8	35.6	25.0	0.0
D2	56	1.9	48.7	101.6	7.3	12.5	10.7
D3	318	11.0	23.6	78.3	3.5	32.1	3.1
D4	348	12.1	17.0	89.5	2.6	55.5	7.2
LIFER	29	1.0	--	--	--	N/A	N/A
TOTAL NEW LAW	2,632	91.3	70.6	124.8	10.6	44.5	7.1
TOTAL OLD LAW	133	4.6					
MISSING	119	4.1					
TOTAL ADMITS	2,884	100.0					

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ANALYSIS OF NEW COURT COMMITMENTS													
FISCAL YEAR	TYPE OF ADMISSION									TOTAL PROPHET NEW COMMITMENTS			
	NEW COMMITS*	# DIFF	% DIFF	TECHNICAL PROBATION VIOLATOR**		PROBATION VIOLATOR/NEW SENT.			# DIFF	% DIFF			
				# DIFF.	% DIFF.	# DIFF.	% DIFF.						
1989	2113			264				65			2442		
1990	2295	182	8.61%	207	-57	-21.59%		81	16	24.62%	2583	141	5.77%
1991	2077	-218	-9.50%	227	20	9.66%		49	-32	-39.51%	2353	-230	-8.90%
1992	2192	115	5.54%	188	-39	-17.18%		45	-4	-8.16%	2425	72	3.06%
1993	2192	0	0.00%	179	-9	-4.79%		48	3	6.67%	2419	-6	-0.25%
1994	1893	-299	-13.64%	210	31	17.32%		41	-7	-14.58%	2144	-275	-11.37%
1995	1252	-641	-33.86%	979	769	366.19%		166	125	304.88%	2397	253	11.80%
1996	1351	99	7.91%	1217	238	24.31%		246	80	48.19%	2814	417	17.40%
1997	1301	-50	-3.70%	1301	84	6.90%		202	-44	-17.89%	2804	-10	-0.36%
<b>TOTAL</b>	<b>16,666</b>	<b>-812</b>	<b>-38.64%</b>	<b>4,772</b>	<b>1037</b>	<b>380.82%</b>		<b>943</b>	<b>137</b>	<b>304.21%</b>	<b>22,381</b>	<b>362</b>	<b>17.16%</b>
<b>AVERAGE</b>	<b>1,852</b>	<b>-102</b>	<b>-4.83%</b>	<b>530</b>	<b>130</b>	<b>47.60%</b>		<b>105</b>	<b>17</b>	<b>38.03%</b>	<b>2,487</b>	<b>45</b>	<b>2.14%</b>

Data supplied by the Department of Corrections.

\* New commitments are defined as offenders entering the system for the first time or for an offense and subsequent conviction that occurred when the offender was not any form of supervision.

\*\* Definitions of new commitments, technical probation violators, and probation violators with new charges were changed by DOC in 1995, which accounts for the noticeable increases and decreases within these groups between 1994 and 1995.



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ANALYSIS OF PAROLE/POST RELEASE VIOLATORS									
FISCAL YEAR	TYPE OF VIOLATOR						TOTAL		
	TECHNICAL PAROLE/POST-RELEASE VIOLATORS			VIOLATORS RETURNED WITH NEW SENT.			TOTAL VIOLATORS USED IN PROPHET MODEL		
	# DIFF.	% DIFF.		# DIFF.	%DIFF.		# DIFF.	% DIFF.	
1989	715			238			953		
1990	954	239	33.43%	254	16	6.72%	1208	255	26.76%
1991	982	28	2.94%	325	71	27.95%	1307	99	8.20%
1992	1130	148	15.07%	286	-39	-12.00%	1416	109	8.34%
1993	1397	267	23.63%	280	-6	-2.10%	1677	261	18.43%
1994	2112	715	51.18%	264	-16	-5.71%	2376	699	41.68%
1995	1900	-212	-10.04%	353	89	33.71%	2253	-123	-5.18%
1996	1411	-489	-25.74%	280	-73	-20.68%	1691	-562	-24.94%
1997	1703	292	20.69%	284	4	1.43%	1987	296	17.50%
<b>TOTAL</b>	<b>12,304</b>	<b>988</b>	<b>111.16%</b>	<b>2564</b>	<b>46</b>	<b>29.32%</b>	<b>14,868</b>	<b>1,034</b>	<b>90.79%</b>
<b>AVERAGE</b>	<b>1,367</b>	<b>124</b>	<b>13.90%</b>	<b>285</b>	<b>6</b>	<b>3.67%</b>	<b>1,652</b>	<b>129</b>	<b>11.35%</b>

Data supplied by the Department of Corrections

NOTE 1: In FY 1997, the Prophet model projected 1,567 technical parole/post-release violators returned to prison. The projection under projected the total technical parole/post-release violators by 136 or 8.0%.

NOTE 2: In FY 1997, the projections indicated that 312 parole/post-release violators with new sentences would be returned to prison. The projections over projected parole/post-release violators with new sentences by 28 or 9.9%.

**TEN YEAR ADULT PRISON POPULATION PROJECTIONS**

**FY 1998**

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**KANSAS SENTENCING COMMISSION**  
**TEN YEAR ADULT INMATE PRISON POPULATION PROJECTIONS**  
**2.1% GROWTH IN ADMISSION RATE**

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ID GROUP	July 30 1997	June 30 1998	June 30 1999	June 30 2000	June 30 2001	June 30 2002	June 30 2003	June 30 2004	June 30 2005	June 30 2006	June 30 2007	TOTAL INCREASE	PERCENT INCREASE
LEVEL 1	335	340	348	353	370	372	376	390	396	401	415	80	23.9%
LEVEL 2	617	638	685	690	737	769	781	806	810	804	833	216	35.0%
LEVEL 3	1296	1329	1318	1319	1322	1318	1319	1325	1329	1322	1348	52	4.0%
LEVEL 4	299	293	297	303	304	316	325	330	333	344	355	56	18.7%
LEVEL 5	906	907	955	992	1004	1007	1022	1026	1016	1033	1063	157	17.3%
LEVEL 6	157	172	178	184	192	193	199	193	198	197	203	46	29.3%
LEVEL 7	711	780	832	846	810	806	836	871	881	891	906	195	27.4%
LEVEL 8	231	325	316	315	306	296	295	299	296	300	317	86	37.2%
LEVEL 9	285	324	332	351	363	350	372	390	395	398	413	128	44.9%
LEVEL 10	45	44	46	49	45	57	50	56	50	55	69	24	53.3%
LEVEL D1	30	32	41	47	53	59	65	69	68	72	79	49	163.3%
LEVEL D2	188	199	215	226	230	241	243	243	242	249	258	70	37.2%
LEVEL D3	643	556	552	555	558	549	578	605	607	611	636	-7	-1.1%
LEVEL D4	360	407	408	409	399	403	413	422	428	433	456	96	26.7%
OFF GRID	670	714	763	822	890	927	965	1019	1062	1144	1208	538	80.3%
CONDITIONAL PAROLE VIOLATORS	1048	986	903	785	755	725	675	629	593	583	565	-483	-46.1%
TOTAL	7821	8046	8189	8246	8338	8388	8514	8673	8704	8837	9124	1303	16.7%
DRUG BORDER BOX BED SAVINGS	-78	-225	-280	-349	-345	-358	-387	-401	-412	-423	-420		

KANSAS SENTENCING COMMISSION  
ADULT PRISON PROJECTIONS - FY 1997

**OLD**

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Attach. 3-18

ID GROUP	JULY 30 1996	JUNE 30 1997	JUNE 30 1998	June 30 1999	June 30 2000	June 30 2001	June 30 2002	June 30 2003	June 30 2004	June 30 2005	June 30 2006	TOTAL INCREASE	PERCENT INCREASE
LEVEL 1	448	468	506	537	570	603	629	652	682	700	728	280	62.5%
LEVEL 2	560	583	616	659	680	719	753	767	785	791	805	245	43.7%
LEVEL 3	1246	1258	1259	1325	1343	1361	1355	1377	1382	1370	1427	181	14.5%
LEVEL 4	289	306	325	340	362	381	388	396	390	396	408	119	41.3%
LEVEL 5	867	974	1021	1030	1068	1118	1142	1117	1182	1182	1230	363	41.8%
LEVEL 6	158	161	160	151	142	156	178	159	156	154	171	13	8.5%
LEVEL 7	650	710	736	740	777	799	829	829	839	896	894	244	37.5%
LEVEL 8	211	300	330	307	226	234	248	235	223	234	250	39	18.5%
LEVEL 9	302	311	329	340	334	321	346	352	348	352	360	58	19.2%
LEVEL 10	33	38	41	42	36	40	49	56	46	54	52	19	58.9%
LEVEL D1	19	26	34	39	49	59	60	64	65	69	70	51	266.3%
LEVEL D2	164	184	196	206	202	220	214	224	227	234	237	73	44.5%
LEVEL D3	746	801	706	716	744	733	759	754	765	765	788	42	5.6%
LEVEL D4	326	349	370	381	384	413	431	419	407	410	417	91	27.8%
OFF GRID	442	480	527	576	621	672	718	762	829	880	940	498	112.7%
CONDITIONAL PAROLE VIOLATORS	1002	892	787	704	596	532	508	530	470	467	469	-533	-53.2%
<b>TOTAL</b>	<b>7463</b>	<b>7841</b>	<b>8033</b>	<b>8093</b>	<b>8134</b>	<b>8360</b>	<b>8607</b>	<b>8694</b>	<b>8798</b>	<b>8954</b>	<b>9246</b>	<b>1,783</b>	<b>23.9%</b>
<b>DRUG BORDER BOX BED SAVINGS</b>	<b>0</b>	<b>-78</b>	<b>-163</b>	<b>-198</b>	<b>-256</b>	<b>-242</b>	<b>-260</b>	<b>-280</b>	<b>-293</b>	<b>-296</b>	<b>-300</b>		





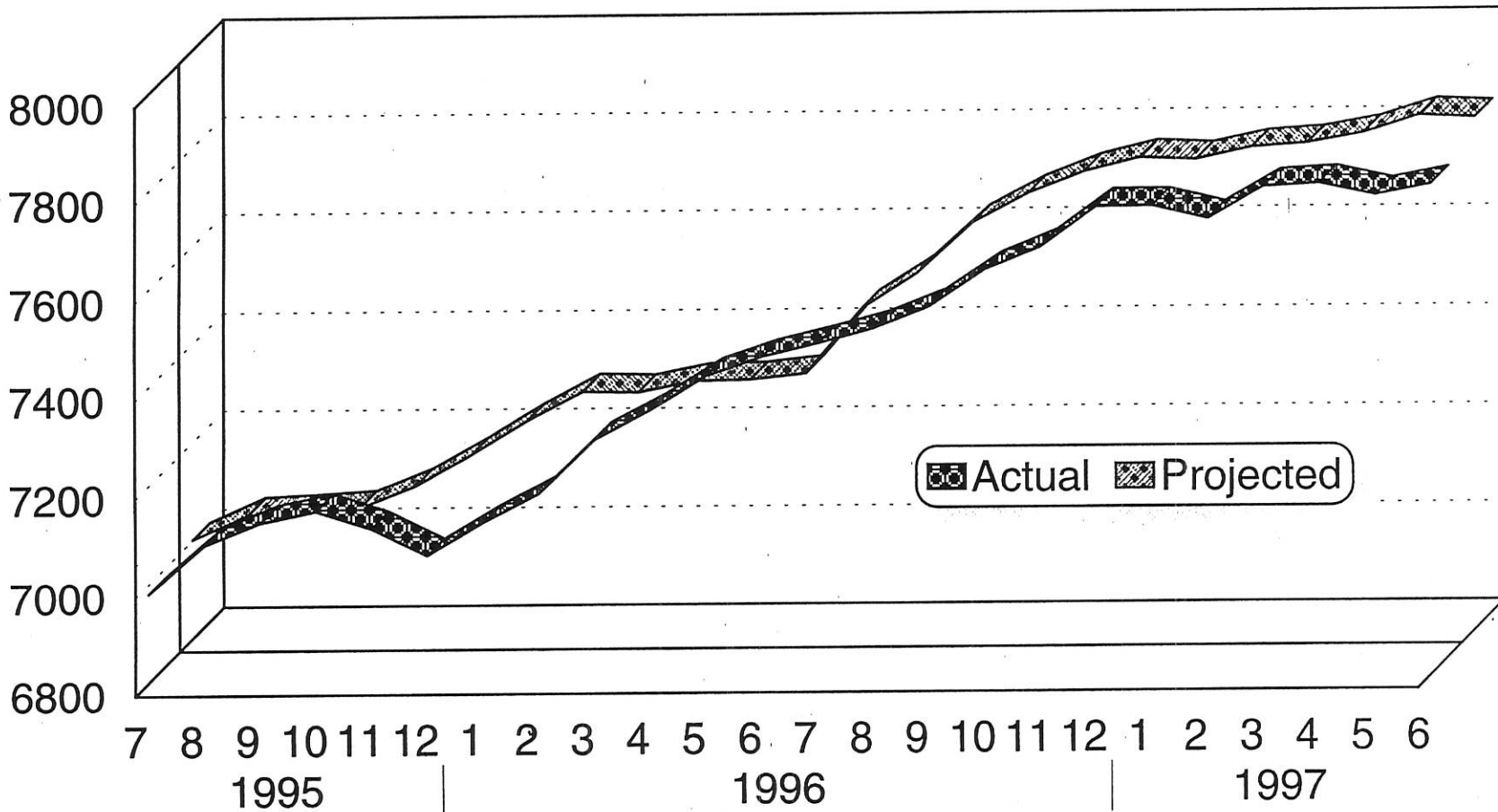
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Attach. 3-20

**COMPARISON OF FISCAL YEAR 1996 AND FISCAL YEAR 1997  
ACTUAL AND PROJECTED PRISON POPULATION**

Month	Fiscal Year 1996				Fiscal Year 1997			
	Projected	Actual	# Difference	% Error	Projected	Actual	# Difference	% Error
July	7001	6980	+21	+0.30	7463	7482	-19	-0.25
August	7051	7078	-27	-0.38	7533	7512	+21	+0.28
September	7056	7124	-68	-0.95	7634	7555	+79	+1.04
October	7063	7147	-61	0.85	7693	7629	+64	+0.84
November	7107	7111	-4	0.05	7736	7674	+62	+0.81
December	7170	7055	+115	+1.63	7764	7755	+9	+0.12
January	7238	7122	+116	+1.62	7759	7756	+3	+0.04
February	7297	7180	+117	+1.63	7783	7729	+54	+0.70
March	7295	7289	+6	+0.08	7791	7793	-2	-0.02
April	7317	7348	-31	-0.42	7811	7799	+12	+0.15
May	7319	7417	-98	-1.32	7846	7774	+72	+0.93
June	7331	7455	-124	-1.66	7841	7795	+46	+0.59
<b>Total Average</b>	<b>7187</b>	<b>7192</b>	<b>-5</b>	<b>-0.07</b>	<b>7721</b>	<b>7688</b>	<b>+33</b>	<b>+0.43</b>

# Comparison of FY 1996 and FY 1997 Actual and Projected Prison Population

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Attach. 3-21



**ATTACHMENT C**

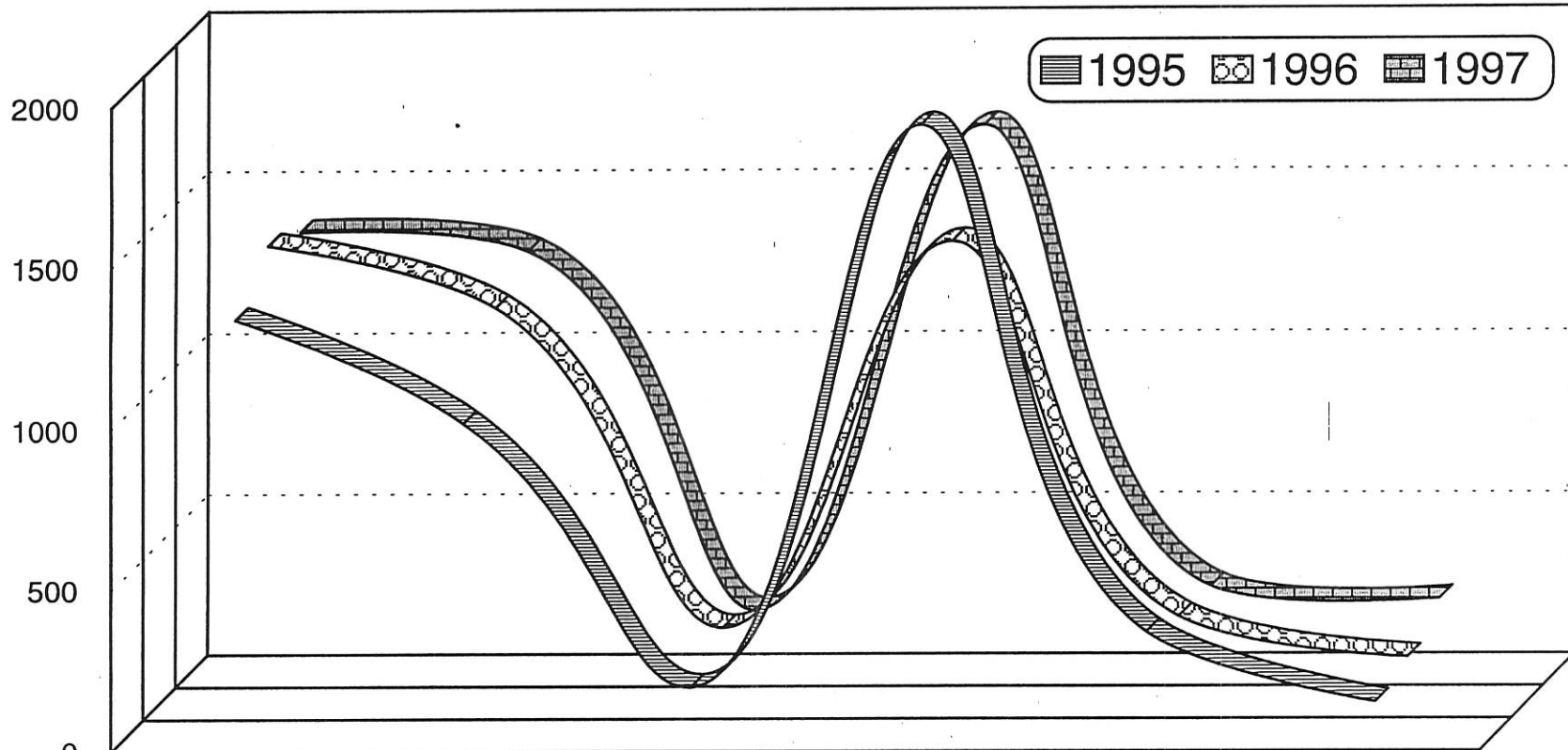
**FY 1995 - FY 1997 DATA COMPARISONS**

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Attach. 3-22

# Type of Admission

Fiscal Year 1995 to 1997

5 WYM  
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Attach. 3-23



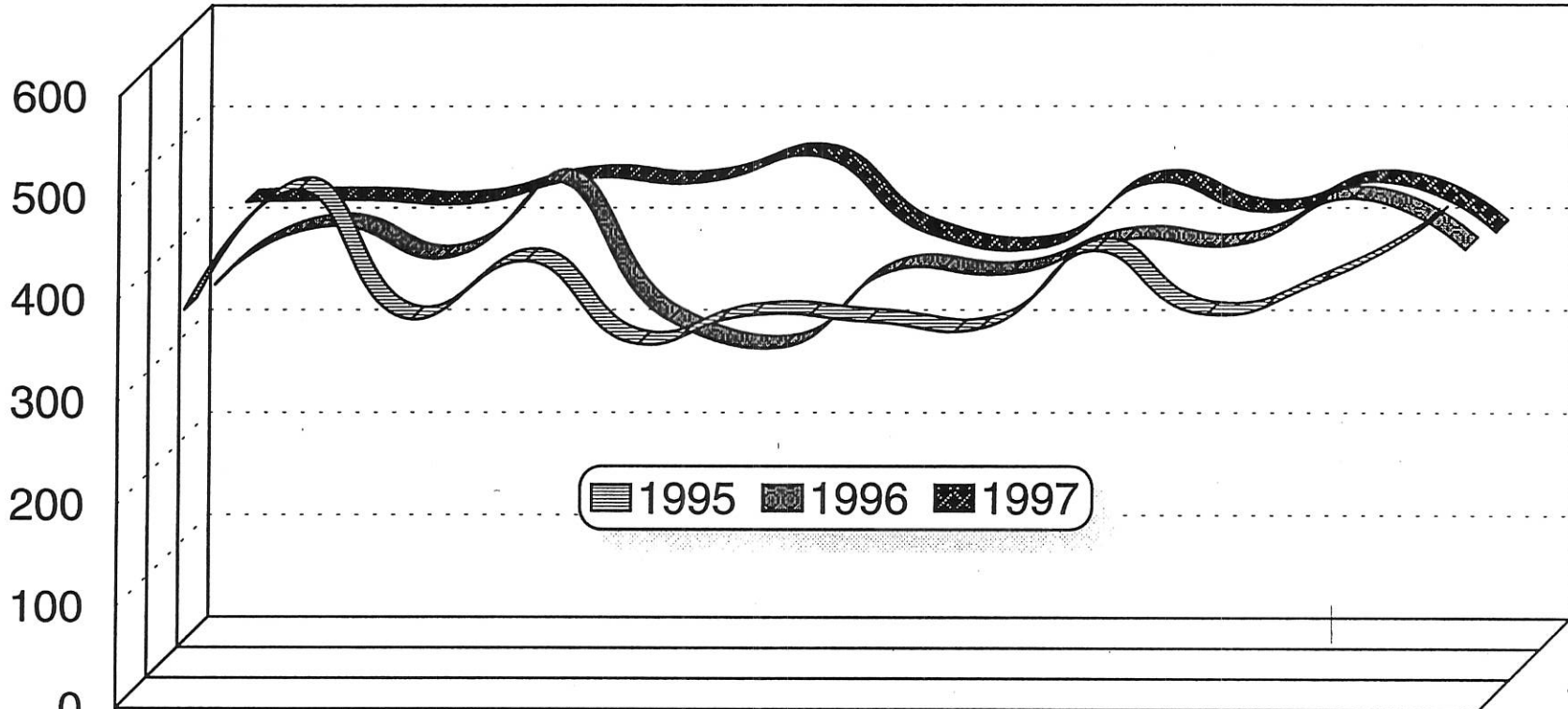
	New Court	PBV	PBVW	PRV	PRVW	Other
1995	1310	989	168	1909	337	120
1996	1439	1245	252	1447	285	159
1997	1380	1320	206	1709	279	240

PBV = conditional probation violators; PBVW = conditional probation violators with new sentence; PRV includes conditional parole violators and conditional release violators; PRVW includes parole violators with new sentence and conditional release violators with new sentence.

# Prison Monthly Admission

Fiscal Year 1995 to 1997

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Attach. 3-24



22

	7	8	9	10	11	12	1	2	3	4	5	6
1995	381	499	372	429	348	376	370	363	439	377	409	470
1996	376	433	402	477	341	315	391	387	420	415	460	410
1997	427	429	426	450	446	472	396	382	446	417	446	397

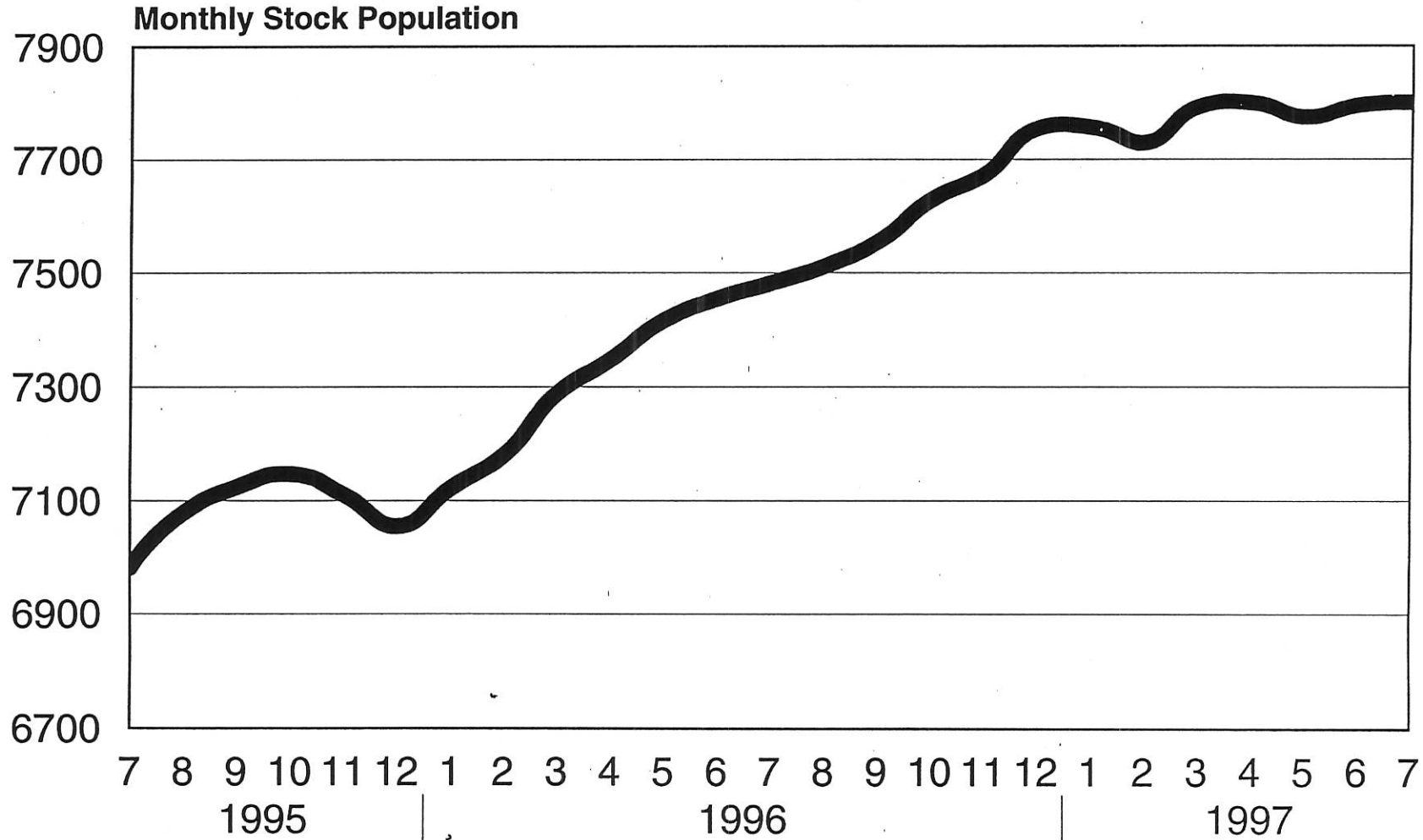
Based on DOC's data



# Prison Stock Population

Fiscal Year 1996 and 1997

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Attach. 3-25



Based on DOC's data.

## CONCLUSIONS AND RECOMMENDATION

Throughout the interim, the Joint Committee has examined and debated a great number of policy issues in the adult and juvenile criminal justice systems with a paramount focus on public safety. The Legislature and this Committee are concerned about maintaining vigilant oversight of each dollar expended by the state. Fiscal responsibility in the criminal justice system, however, must also be measured by the physical removal (often at great cost), of violent adult criminals and violent juvenile offenders from our environment to correctional facilities.

The work of the Joint Committee on Corrections and Juvenile Justice Oversight is not complete. A number of projects are underway currently which may provide important insight to future plans for the adult and juvenile criminal justice system. A ten-year master plan for the adult correctional system, including a number of possible punishment options, should be reviewed by the Committee early in the spring. A number of initiatives undertaken by the Juvenile Justice Authority (JJA), including a financial viability study and facility review, will also become available during the session. These ongoing projects may produce additional recommendations to be acted on during the 1998 Session, or taken up for review by the Joint Committee in the 1998 interim.

The Committee has focused a great deal of time on the criminal justice system. In addition to facility studies and review of current Kansas laws, information was gathered to address issues of prevention, rehabilitation, community punishment, and diversion, particularly for juvenile offenders. A number of examples warrant special comment. The newly created JJA is charged with establishing community sanctions programs for nonviolent offenders. The Committee reviewed the preliminary progress and will continue to oversee implementation during the coming year. The study of juvenile offenders also has illuminated for the Committee the clear connection to early childhood issues. Alternative, or intermediate punishment for adult offenders, have been examined as an option for nonviolent offenders. The exploration of these options for nonviolent offenders may be more economical and efficient than expensive incarceration. Even more clear and disconcerting to the Committee is the overwhelming and crucial role alcohol and drug abuse play in both juvenile and adult criminal behavior. The current failure to successfully address alcohol and drug abuse also appears to be the central cause for high recidivism rates among both adults and juveniles. No other issue was raised more often to the Committee as a contributing factor to criminal behavior and the Committee heard repeatedly that 60-70 percent of those incarcerated had substance abuse problems.

1. The Committee strongly supports work in correctional facilities, particularly the efforts of private sector businesses who are willing to confront the numerous challenges and make the commitment to provide work opportunities for inmates. Work provides meaningful activity for inmates, job training for life after prison, and a productive contribution to rehabilitation. The Committee recognizes that most inmates at correctional facilities work, but the Committee wants to single out inmates who work in correctional industry programs. Inmates who work in private sector industries, a total of 276 in the 1998 fiscal year, receive the minimum wage and are required to fulfill a number of important financial obligations. In the current fiscal year, the privately employed inmates will pay \$597,816 in room and board payments to Kansas Correctional Industries, they will pay \$387,396 in taxes, and they will pay \$122,259 to the victims compensation fund.

The Committee will introduce a bill allowing the Department of Corrections (KDOC) to respond quickly to business opportunities which may arise and require a timely response to retain private sector employers. The legislation would allow the Kansas Correctional Industries, a subprogram of KDOC, to use its account for construction planning funds for the expansion of industries, including new construction or retrofitting of existing facilities when the Legislature is not in session provided that the projects are reviewed by the Joint Committee on State Building Construction and funds are subsequently obtained through an increase in the Kansas Correctional Industry Fund expenditure limitation by the State Finance Council. Kansas Correctional Industries often does not have adequate funds to construct an entire building during one fiscal year, but significant ending balances can be applied toward preliminary planning funds, or carried forward over multiple years for the possible construction of a building.

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Attach. 4-1



2. The Committee encourages KDOC to expand electronic monitoring where appropriate as an intermediate sanction option for offenders on parole or postrelease supervision.
3. The Committee recognizes the hard work of the staff at the Larned Juvenile Correctional Facility who work in outdated buildings that were not designed as correctional facilities. Nonetheless, the Committee must express concern regarding the public safety, the safety of staff, and the safety of juvenile offenders at the Larned facility. The Committee toured all of the juvenile correctional facilities, and concluded that the JJA and the state must reevaluate the benefits of maintaining operations at the Larned Juvenile Correctional Facility.
4. The Committee notes the problems for juvenile offenders at the state juvenile correctional facilities as a result of limited bed space. The Committee heard testimony that juvenile offenders are remaining at juvenile correctional facilities for ever-diminishing lengths of time because new admissions push offenders out before any significant rehabilitation advancements can be gained. Offenders do not remain in the facilities long enough to receive meaningful programming, particularly educational programming. Substance abuse and vocational, as well as life-skills training, all suffer when the bed space demands for new offenders drive offenders out of facilities, and the programs, before the programs may have had a chance to make a difference in the child's life.
5. The Committee recommends introduction of a bill that would make bids submitted in requests for proposal for state projects held confidential if no contract is awarded. The Committee heard testimony from parties who participated in KDOC's request for proposal for prison construction. When no contract was awarded due to a lack of need for additional beds at the present time, the participating parties expressed the desire to maintain proprietary control over information in their bids. The Committee concurs with the concerns of participants in the request for proposal and will introduce a bill making all materials submitted in a request for proposal the property of the bidder if no contract is awarded.
6. The Committee recommends that the 1998 Legislature approved the final \$1.9 million funding from the State General Fund for completion of the Criminal Justice Information System. The Committee recognizes that those who work in the criminal justice system cannot perform their jobs without a fully functioning information system which is accessible anywhere in the state. The Committee recommends that the key stakeholders in the criminal justice information system make every effort to ensure balanced funding and access to the system are available to each region of the state, including southwest and northwest Kansas.
7. The Committee has examined KDOC's plans to include 30 females in the 100-bed expansion which has been approved for the Labette Correctional Conservation Camp. Additionally, several members of the Committee toured the camp during the interim and observed the area proposed for expansion to include female inmates. The Committee does not support co-correctional facilities in the Department of Corrections and it does not support a camp that would place males and females at the same facility. The Committee supports the creation of a boot camp option for female offenders, with full recognition that providing this option will cost more money than the plan to include females at the Labette camp.
8. The Committee recommends that the House and Senate Judiciary committees, along with the Joint Committee on Corrections and Juvenile Justice Oversight, review the juvenile offender placement matrix which will take effect on July 1, 1999. Many issues affecting the JJA, including projections for future juvenile correctional facility bed space needs, determination of the scale of community programs required, and the possibility of constructing a new maximum custody unit are all predicated on the matrix and projections of juvenile offender populations that will result. The aforementioned committees are requested to review the matrix early in the 1998 Session and make adjustments if deemed necessary.

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Attach. 4-2

**EXECUTIVE SUMMARY****“Balanced And Restorative Justice: The Guiding Principle”**

In Kansas, as is the case across the nation, there is a growing concern over increasing violent juvenile crime and the juvenile justice systems' response. The general belief is that the present juvenile justice system has not been responsive to a changing population of juvenile offenders and has not held them accountable for their behavior. In 1996, the Kansas Legislature responded by passing House Bill 2900, known as the Juvenile Justice Reform Act. The Act directs that major changes be made in the delivery of juvenile justice services in Kansas. The goal of the Act is stated as follows:

“The primary goal of the juvenile justice code is to promote public safety, hold juvenile offenders accountable for such juvenile's behavior and improve the ability of juveniles to live more productively and responsibly in the community.”

The Act also states:

“To accomplish this goal, juvenile justice policies developed pursuant to the Kansas juvenile justice code shall be designed to: (a) Protect public safety; (b) 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; (c) be community based to the greatest extent possible; (d) be family centered when appropriate; (e) facilitate efficient and effective cooperation, coordination and collaboration among agencies of the local, state and federal government; (f) be outcome based, allowing for the effective and accurate assessment of program performance; (g) be cost-effectively implemented and administered to utilize resources wisely; (h) encourage the recruitment and retention of well-qualified, highly trained professionals to staff all components of the system; (i) appropriately reflect community norms and public priorities; and (j) encourage public and private partnerships to address community risk factors.”

The Guiding Principle of House Bill 2900, is “Balanced and Restorative Justice.” The Balanced and Restorative Justice Model was adopted because it:

- Promotes the maximum involvement of the victim, the offender, and the community in the juvenile justice process.
- Presents a clear alternative to sanctions that focus on the retribution or treatment.
- Involves new performance objectives that stress:
  - Accountability
  - Community Protection

**EXECUTIVE SUMMARY** (continued)

- Competency Development
- Balance
- Establishes performance measures for gauging the success of the juvenile justice system, service providers and interventions.
- Depends heavily on local support and community-based services to meet the performance-based objectives.

The Balanced and Restorative Justice approach enables communities to develop programs that will provide services to youth in the community who do not represent a serious risk to the public safety. The Juvenile Justice Reform Act of 1996 places emphasis on community based services for youth who can benefit from these programs. It also acknowledges that violent, chronic, and serious juvenile offenders need to be in secure care for a lengthy period.

**Needs Assessment**

Officials in the Department of Social and Rehabilitation Services, Department of Corrections, and members of the Kansas Youth Authority determined that to fully understand the fiscal and programmatic impact of H.B. 2900, a comprehensive assessment was needed. A strategy was developed for a three phase needs assessment to be conducted by agencies outside of the Department.

Throughout the Needs Assessment, the Balanced and Restorative Model was used as the benchmark against which policies and procedures were judged and recommended. For example, the Placement Matrix Committee and the Classification Committee, took into consideration the crime a juvenile committed, the risk the juvenile is to the public safety, and the harm to the victim and the community, when determining the time a juvenile offender would spend in a juvenile correctional facility and the classification level needed to manage that juvenile.

Phase I was conducted by the Kansas Sentencing Commission, in cooperation with the National Council on Crime and Delinquency. The first phase profiled the types of juveniles that were admitted in the juvenile correctional centers during 1996. The study sampled 903 juvenile files and focused on the characteristics of the youth and trends in commitments. The National Council on Crime and Delinquency then applied the Prophet Simulation Model to develop two separate population projections. The first projection was developed using the current practices only. The second projection used placement matrix criteria, developed by the Kansas Youth Authority, to determine eligibility for confinement and length of stay. Using the projections, the baseline forecast estimates that by the year 2000, 629-655 youth are projected to be held in Kansas juvenile correctional facilities. By 2005, the population will increase to 751-774.



EXECUTIVE SUMMARY (continued)

If the placement matrix is implemented, the juvenile correctional facilities population by 2000 is estimated between 547-575 youth. By the year 2005, the projections estimate between 681 and 704 youth in the facilities each month.

The placement matrix could result in 85-110 fewer beds over the next ten years.

The implementation of the placement matrix, however, depends on other factors. The Phase I Report states:

“Of even more importance, is the assumption that there will be sufficient community based programs to adequately handle the less violent and serious juvenile offenders. If the resources and development of the community based programs do not materialize, then the entire juvenile justice system could find itself in a crisis.”

The second phase of the Needs Assessment developed an inventory of formal programs and community-based services for adjudicated juvenile offenders in Kansas. Phase II was conducted by the Koch Crime Commission.

The Koch Crime Commission reported that there are 606 “Formal and Community-Based Programs” operating in Kansas. Formal programs were those operated by the government or authorized by the government. Community-based programs are independent, private, non-profit organizations offering services and/or treatment.

Over half of the 606 programs are funded entirely by the State. The Koch Crime Commission found the agencies had dedicated, caring people involved in the juvenile justice system, that there was a strong desire to improve the juvenile justice system, and that these agencies are ready to help and improve the system.

Among the shortfalls that were identified, funding was ranked first, followed by adequate programs and services, technical assistance and training, programs and services specifically for juvenile offenders, standardized record keeping and data collection, collaboration of state, local, and private agencies, programs and services tailored to judicial district needs and travel costs.

The conclusions of Phase II:

- There is a glaring lack of any standard method of reporting basic information related to juvenile offender programs.
- Intake and assessment procedures should be standardized across the State.
- Adequate funding is the most significant need throughout almost every district.
- Seventy-five percent of the formal programs and community-based services do not report a method of measuring the success of a program.

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**EXECUTIVE SUMMARY** (continued)

- Substance abuse programs/services were listed as the most needed community service. The greatest need is in rural counties and districts.
- Day Reporting programs are the second most needed community program.
- Formal programs staffed by volunteers from the communities are under-utilized.
- Court services and community corrections are reported at or close to capacity across the State.
- Residential and out-of-home placements for juvenile offenders are a common need.
- There is a lack of aftercare services, for mental health, alternative education programs, and residential categories of community based service.

Phase III was a Secure Facilities Needs Assessment and was completed by Hayes, Seay, Mattern & Mattern, Inc. Phase III included site visits to the existing Youth Centers in Kansas and a determination of the need for additional beds in the future, based on information provided in Phases I and II.

In addition, a Mission Statement was drafted for the juvenile correctional facilities. The proposed mission of the Kansas Juvenile Correctional Facilities is to provide juvenile correctional programs that ensure public safety, accountability, competency development, and community reintegration. The mission will be realized by:

- Identifying facilities by security levels.
- Providing a classification system that will identify the levels of custodial supervision juvenile offenders need in juvenile correctional facilities.
- Dealing effectively with violent, chronic, and serious juvenile offenders.
- Creating an awareness in juvenile offenders of the harmful consequences of their actions on victims and requiring juvenile offenders to make amends to victims and the community, whenever possible.
- Providing for individualized care, accountability, and treatment of juvenile offenders.
- Working with families to strengthen their effectiveness.
- Providing education, active learning, work experience and services that will enable juvenile offenders to develop work skills that will demonstrate that they are capable of productive, competent, and law abiding behavior.
- Effectively cooperating and coordinating services with other agencies and service providers.
- Providing leadership in the development of a balanced and restorative justice system.

As part of Phase III, juvenile correctional facilities were defined by security levels (maximum, medium, and minimum). A system was also developed that will classify juvenile offenders according to institutional security levels and supervision needed. A juvenile's classification will be based on ten (10) criteria including past and present criminal activity, prior placements, escape history, special negative skills and associations, institutional adjustments, behavioral characteristics,

EXECUTIVE SUMMARY (continued)

special management needs and outstanding detainers. Phase III also included a review of the present plans for the implementation of risk/needs assessments instruments.

In determining the secure facilities needs for Kansas through the year 2005 several factors were considered including information gathered in Phases I and II, the recommendations of the Placement Matrix Committee, data gathered at several meetings with representatives of the Kansas Youth Centers, the Department of Corrections, the Department of Social and Rehabilitation Services, and inspections of existing youth centers.

Based on the information gathered, the following programs and beds are proposed by classification:

• Reception/Diagnostic Unit	Year 2000 - 60 beds	Year 2005 - 78 beds
▪ Central Infirmary	Year 2000 - 10 beds	Year 2005 - 10 beds
▪ Mental Health Unit	Year 2000 - 65 beds	Year 2005 - 65 beds
• Medium Security Males	Year 2000 - 270 beds	Year 2005 - 300 beds
• Medium Security Females	Year 2000 - 48 beds	Year 2005 - 48 beds
• Maximum Security Males	Year 2000 - 150 beds	Year 2005 - 250 beds
• Maximum Security Females	Year 2000 - 24 beds	Year 2005 - 36 beds
• Total Beds Proposed	Year 2000 - 627 beds	Year 2005 - 787 beds

These totals include the beds at existing youth centers as well as proposed additional beds.

The cost of upgrading Youth Centers to medium security, is estimated to be \$17,592,000.

The cost estimates for the Maximum Security Unit for Males, and the Reception/Diagnostic Unit, a separate Mental Health Unit, and a separate Maximum Security Unit for Females, would be \$49,023,000.

The Operating budget for the Maximum Security Unit for 150 Males is estimated at \$8,322,000 in FY 2001 and \$10,124,985 in FY2006. If 100 additional beds were added, the operating cost would increase \$6,750,000.

The Reception/Diagnostic Unit and Mental Health Units (143 beds total) would require an estimated operating budget of \$8,768,760 in FY 2001 and \$10, 699,975 in FY 2006.

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Attach. 5-5

**CONTRACT AGREEMENT  
FOR  
SECURE FACILITIES NEEDS ASSESSMENT**

This agreement is made this 22nd day of August, 1996, by and between the Secretary of Social and Rehabilitation Services, 915 SW Harrison, Topeka, KS. 66612 ("Secretary") and Hayes, Seay, Mattern & Mattern, Inc., 1355 Piccard Drive-Suite 350, Rockville, MD 20850 ("Contractor")

The Secretary, authorized by K.S.A. 39-708c to enter into a contract pursuant to Request for Proposal Number 31923, desires to obtain Phase III Needs Assessment of analytical and technical services for promoting improvements in the Kansas Juvenile system and facilities that house and serve the Kansas juvenile offenders; and

The Contractor is a recognized vendor and provider of said services and agrees to provide those services for the Secretary.

A Procurement Negotiating Committee, convened pursuant to K.S.A. 75-37, 102, has conducted extensive negotiations for acquisition of said services.

The Procurement Negotiating Committee has determined that the best interests of the Secretary will be served by awarding a contract to the Contractor to provide said services.

In consideration of the mutual agreements contained herein, Secretary and Contractor mutually agree as follows:

**ARTICLE I  
CONTRACT DOCUMENTS**

Section 1. The contract between Secretary and Contractor shall consist of: 1) the RFP; and any amendments to the RFP; 2) Contractor's proposal submitted in response to the RFP and amendments and clarifications to the response; 3) this Agreement and any amendments including Form DA-146a which is attached hereto.

Section 2. In the case of ambiguity or conflict between any details, rates, schedules, or other means of recording requirements in the contract documents, this agreement shall govern, including Form DA-146a and all attachments to this agreement. Thereafter, conflicts will be resolved by the following priority: 1) Contractor's response to the Request for Proposal; and 2) in all other matters not affected by written agreement between the parties, the RFP shall govern.

**ARTICLE II  
PERFORMANCE OF WORK**

Section 1. Services shall be performed in accordance with Request for Proposal 31923, any amendments and vendor responses thereto.

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Attachment 61



Section 2. The contract is from Date of Award through June 30, 1997 under prices, terms and conditions mutually agreeable to the parties.

Section 3. The cost for the initial contract period shall be \$55,000. This cost is inclusive of all listed services except post-justification of Phase III needs assessment proposal(s) that the Kansas Juvenile Specialist may request of approximately 60 to 100 hours at an hourly rate of \$80.

Section 4. All materials developed under the terms of this Contract shall become the sole property of the Secretary. All data formats shall be consistent and compatible with software currently owned by the Secretary. Nothing produced, in whole or in part, by Hayes, Seay Mattern and Mattern, Inc. under this Contract shall be subject of an application for copywrite by or on behalf of Hayes, Seay, Mattern and Mattern, Inc.

Section 5. This Contract may be canceled by either party by providing written notice thereof at least thirty (30) days in advance of the effective date of the termination.

Section 6. The parties agree that any amendments to this Contract shall be by mutual agreement and shall be in writing.

**ARTICLE III**  
**DA-146A AND AUDIT CLAUSE**

Section 1. The provisions found in Contractual Provisions Attachment Form DA-146a which is attached hereto and executed by the parties of this agreement, are hereby incorporated by reference and made a part of this agreement.

Section 2. Neither party to the contract shall prohibit or prevent the Legislative Division of Post Audit or SRS Division of Audit Services from having access to any records, documents, or other information--confidential or otherwise--regarding or relating to the execution and/or performance of this agreement. (See K.S.A. 46-1101 et seq.)

**ARTICLE IV**  
**BILLING AND PAYMENT**

Section 1. Hayes, Seay, Mattern and Mattern, Inc. agrees to bill the Secretary for one payment upon successful completion of the project. Said billing shall be mailed to :

Department of Social and Rehabilitation Services  
Children and Family Services  
300 SW Oakley, West Hall  
Topeka, KS 66606

S W + M  
1/14/98  
Attachment 6-2



Section 2. The Secretary agrees that payment shall be made to Hayes, Seay, Mattern and Mattern, Inc. This will be paid by the Office of Juvenile Justice and Delinquency Prevention Challenge allocations to Kansas (64321). Said payment shall be mailed to:

Hayes, Seay Mattern, and Mattern, Inc.  
1355 Piccard Drive-Suite 350  
Rockville, MD 20850

Section 3. Hayes, Seay, Mattern and Mattern, Inc. Shall maintain records verifying all fiscal transactions related to the program and shall make such records available for audit or inspection by the Secretary and/or the Secretary's duly authorized representatives.

**ARTICLE V**  
**DESCRIPTIVE HEADINGS**

The descriptive headings for the provisions of this agreement are formulated and used for convenience only and shall not be deemed to affect the meaning or construction of any such provision.

IN WITNESS WHEREOF, we have hereunto set our hands below on the date specified.

9/11/96

Date



Charles H. Porter, P.E.  
Principal Associate and Project Manager  
Hayes, Seay, Mattern & Mattern, Inc.

12/12/96

Date



Janet Schalansky  
Deputy Secretary  
Dept. of Social and Rehabilitation Services

S W+M  
1/14/98  
Attachment 6-3

State of Kansas  
Department of Administration  
DA-146a (Rev. 9-96)

### CONTRACTUAL PROVISIONS ATTACHMENT

**Important:** This form contains mandatory contract provisions and must be attached to or incorporated in all copies of any contractual agreement. If it is attached to the vendor/contractor's standard contract form, then that form must be altered to contain the following provision:

The Provisions found in Contractual Provisions Attachment (Form DA-146a, Rev. 9-96), which is attached hereto, are hereby incorporated in this contract and made a part thereof.

The parties agree that the following provisions are hereby incorporated into the contract to which it is attached and made a part thereof, said contract being the 22 day of August 19 96

1. TERMS HEREIN CONTROLLING PROVISIONS

It is expressly agreed that the terms of each and every provision in this attachment shall prevail and control over the terms of any other conflicting provision in any other document relating to and a part of the contract in which this attachment is incorporated.

2. AGREEMENT WITH KANSAS LAW

All contractual agreements shall be subject to, governed by, and construed according to the laws of the State of Kansas.

3. TERMINATION DUE TO LACK OF FUNDING APPROPRIATION

If in the judgment of the Director of Accounts and Reports, Department of Administration, sufficient funds are not appropriated to continue the function performed in this agreement and for the payment of the charges hereunder, State may terminate this agreement at the end of its current fiscal year. State agrees to give written notice of termination to contractor at least 30 days prior to the end of its current fiscal year, and shall give such notice for a greater period prior to the end of such fiscal year as may be provided in this contract, except that such notice shall not be required prior to 90 days before the end of such fiscal year. Contractor shall have the right, at the end of such fiscal year, to take possession of any equipment provided State under the contract. State will pay to the contractor all regular contractual payments incurred through the end of such fiscal year, plus contractual charges incidental to the return of any such equipment. Upon termination of the agreement by State, title to any such equipment shall revert to contractor at the end of State's current fiscal year. The termination of the contract pursuant to this paragraph shall not cause any penalty to be charged to the agency or the contractor.

4. DISCLAIMER OF LIABILITY

Neither the State of Kansas nor any agency thereof shall hold harmless or indemnify any contractor beyond that liability incurred under the Kansas Tort Claims Act (K.S.A. 75-6101 et seq.).

5. ANTI-DISCRIMINATION CLAUSE

The contractor agrees: (a) to comply with the Kansas Act Against Discrimination (K.S.A. 44-1001 et seq.) and the Kansas Age Discrimination in Employment Act (K.S.A. 44-111 et seq.) and the applicable provisions of the Americans With Disabilities Act (42 U.S.C. 12101 et seq.) (ADA) and to not discriminate against any person because of race, religion, color, sex, disability, national origin or ancestry, or age in the admission or access to, or treatment or employment in, its programs or activities; (b) to include in all solicitations or advertisements for employees, the phrase "equal opportunity employer"; (c) to comply with the reporting requirements set out at K.S.A. 44-1031 and K.S.A. 44-1116; (d) to include these provisions in every subcontract or purchase order so that they are binding upon such subcontractor or vendor; (e) that a failure to comply with the reporting requirements of (c) above or if the contractor is found guilty of any violation of such acts by the Kansas Human Rights Commission, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration; (f) if it is determined that the contractor has violated applicable provisions of ADA, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration.

Parties to this contract understand that the provisions of this paragraph number 5 (with the exception of those provisions relating to the ADA) are not applicable to a contractor who employs fewer than four employees during the term of such contract or whose contracts with the contracting state agency cumulatively total \$5,000 or less during the fiscal year of such agency.

6. ACCEPTANCE OF CONTRACT

This contract shall not be considered accepted, approved or otherwise effective until the statutorily required approvals and certifications have been given.

7. ARBITRATION, DAMAGES, WARRANTIES

Notwithstanding any language to the contrary, no interpretation shall be allowed to find the State or any agency thereof has agreed to binding arbitration, or the payment of damages or penalties upon the occurrence of a contingency. Further, the State of Kansas shall not agree to pay attorney fees and late payment charges beyond those available under the Kansas Prompt Payment Act (K.S.A. 75-2403), and no provision will be given effect which attempts to exclude, modify, disclaim or otherwise attempt to limit implied warranties of merchantability and fitness for a particular purpose.

8. REPRESENTATIVE'S AUTHORITY TO CONTRACT

By signing this contract, the representative of the contractor thereby represents that such person is duly authorized by the contractor to execute this contract on behalf of the contractor and that the contract agrees to be bound by the provisions thereof.

9. RESPONSIBILITY FOR TAXES

The State of Kansas shall not be responsible for, nor indemnify a contractor for, any federal, state or local taxes which may be imposed or levied upon the subject matter of this contract.

10. INSURANCE

The State of Kansas shall not be required to purchase, any insurance against loss or damage to any personal property to which this contract relates, nor shall this contract require the State to establish a "self-insurance" fund to protect against any such loss of damage. Subject to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6101 et seq.), the vendor or lessor shall bear the risk of any loss or damage to any personal property in which vendor or lessor holds title.

11. INFORMATION

No provision of this contract shall be construed as limiting the Legislative Division of Post Audit from having access to information pursuant to K.S.A. 46-1101 et seq.

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1/14/98  
Attachment 6-4