

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS.

The meeting was called to order by Chairperson David Adkins at 9:05 a.m. on January 18, 2000 in Room 514-S of the Capitol.

All members were present except: Rep. Allen - excused
 Rep. Dean - excused
 Rep. Hermes - excused

Committee staff present: Alan Conroy, Kansas Legislative Research Department
 Stuart Little, Kansas Legislative Research Department
 Robert Waller, Kansas Legislative Research Department
 Jim Wilson, Revisor of Statutes
 Mike Corrigan, Revisor of Statutes Office
 David Stallings, Assistant to the Chairman
 Mary Shaw, Committee Secretary

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

Others attending: See attached list.

Chairman Adkins mentioned that the Committee will hear a briefing from Secretary Connie Hubbell, Department on Aging, getting an update on the department. Also there will be a hearing on **HB 2385**, and it is not the intention to focus on the substantive provisions of **HB 2385**, but instead to use that bill as a vehicle for considering whether or not the Committee would like to recommend to the full House a bill that might include the concept of a regional primary as an alternative to the presidential preference primary in 2004 because it appears the presidential preference primary will be not be held this year.

Chairman Adkins turned the Committee's attention to inmate population and inmate capacity issues. The Chairman welcomed Charles Simmons, Secretary, Kansas Department of Corrections. Secretary Simmons explained a handout KDOC Status Report: Population and Capacity (Attachment 1) and noted that on December 31, 1999 inmate population was 8,569 which was a 39 percent increase in the last ten years. Secretary Simmons also noted that the post-release supervision population was 5,549 which is a 52 percent increase in the last ten years. He also mentioned that the female population at that time was 573 and in 1990 the female population was 293 so there is very significant growth in the number of female inmates in the custody of the Department of Corrections. Secretary Simmons called attention to Chart 17 in his testimony regarding the Governor's FY 2001 Capacity-Related Recommendations.

Secretary Simmons noted that there is a project identified at Ellsworth which is a medium security facility where they can add a new cell house capacity by 200 medium security inmates. They also have a similar project at Hutchinson Correctional Facility East Unit which would also raise the capacity by 200 medium security beds. So there are 400 beds existing facilities and the cost of each is about \$6.5 million dollars construction cost. Beyond that they felt they could add some minimum custody beds at existing facilities to the extent that they would need to do so. For additional maximum or medium custody facilities or capacity they feel he did not feel they have any viable options identified at existing facilities at this time so they would be looking for a potential for a new facility to add any additional medium or maximum custody beds beyond the two cell houses they have identified at El Dorado are in the budget, one additional at Ellsworth and one additional at Hutchinson East Unit.

Committee questions and discussion followed. Chairman Adkins thanked Secretary Simmons for appearing before the Committee.

A copy of the Prison Population Monthly Monitoring Report, FY 2000 Official Model was distributed (Attachment 2)

CONTINUATION SHEET

Chairman Adkins welcomed Barbara Tombs, Executive Director, Kansas Sentencing Commission. Ms. Tombs briefed the Committee regarding the impact of sentencing guidelines on prison population, FY 2000 prison population projections, increasing lengths of stay, prison admissions, crime rates and prison population levels (Attachment 3). Ms. Tombs called attention to and explained the grids found on the last pages of her testimony regarding sentencing range. She also explained the Kansas Sentencing Commission FY 2000 Official Adult Inmate Prison Population Projections found on Appendix A of her testimony.

Ms. Tombs also noted that there a lot of hard policy decisions to make as far as how many beds to build and who you want to put in them. She also hoped that the information provided from her and the Secretary of Corrections would be a guide in making those decisions because there are no quick fixes and there are some very dangerous long-term problems the state should not ignore.

Chairman Adkins thanked both Ms. Tombs and Secretary Simmons for appearing before the Committee. Questions and discussion followed.

Copies of a comparison sheet of various Senate and House positions regarding the budget bill that both Houses have passed and is the subject of a conference committee meeting at 1:30 p.m. this afternoon in Room 123-S (Attachment 4).

The meeting was adjourned at 10:45 a.m. The next meeting is scheduled for January 19, 2000.

KDOC STATUS REPORT: Population and Capacity

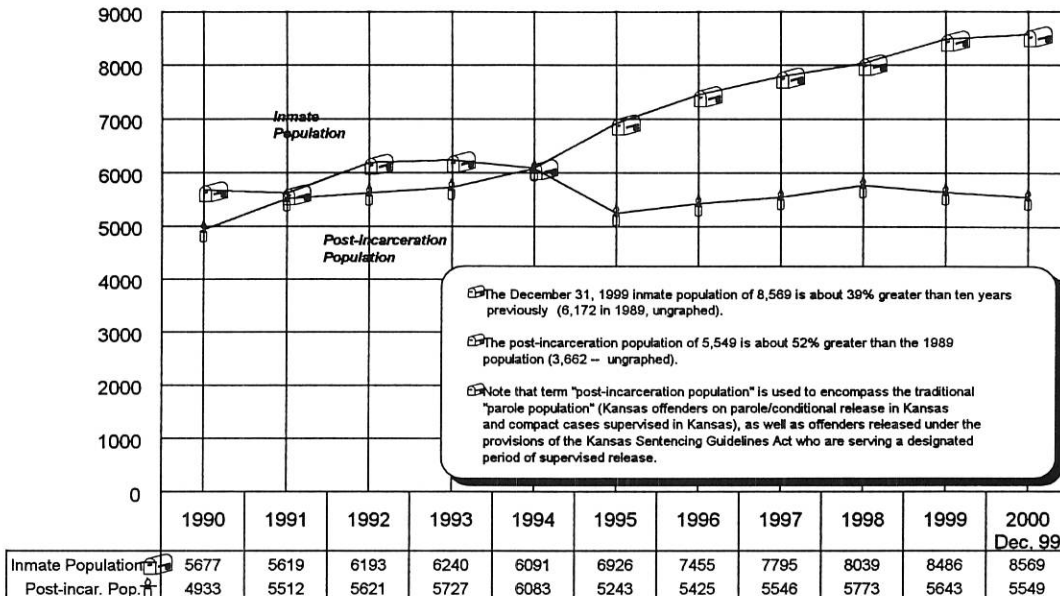
***Presented to the House Appropriations Committee
By Charles E. Simmons, Secretary of Corrections
January 18, 2000***

- Chart 1. Inmate Population and Post-incarceration Population Under In-State Supervision: Fiscal Years 1990 – FY 2000 to Date
- Chart 2. Total Inmate Population: FY 1990 – FY 2000 to Date
- Chart 3. Change in Month-end Inmate Population During 18-month Period: July 1998 Through December 1999.
- Chart 4. Female Inmate Population and Average Daily Population: Fiscal Years 1990 -1999 and FY 2000 to Date (Through December, 1999)*
- Chart 5. Inmate Population by Gender and Type of Crime (Most Serious Offense) December 31, 1999 Compared to June 30, 1993
- Chart 6. Average Number of Admissions and Releases Per Month by Major Category: Comparison of FY 1994 – FY 1999, and FY 2000 to Date
- Chart 7. Facility Capacities: Capacity by Facility, Security Designation of Bedspace, and Gender, December 31, 1999
- Chart 8. KDOC Population vs. Capacity
- Chart 9. KDOC and Non-KDOC Bedspace Adjustments: July 1, 1993 – January 1, 2000.
- Chart 10. Net Capacity Changes Since 7-1-94
- Chart 11. Kansas Sentencing Commission – Ten Year Adult Inmate Population Projections
- Chart 12. Kansas Sentencing Commission –FY 2000 Official Adult Inmate Classification Projections
- Chart 13. Inmate Population Projections: Monthly Monitoring Numbers FY 2000
- Chart 14. Condition Violators
- Chart 15. Number of Return Admissions for Condition Violations by Month: FY 1996 – FY 2000 to Date
- Chart 16. Proportion of Total Inmate Population Whose Latest Admission Was as a Parole, CR, or Postrelease Condition Violator: Selected Dates
- Chart 17. Governor's FY 2001 Budget Recommendations Related to Capacity
- Chart 18. Status of Violent Offender Incarceration/Truth-in-Sentencing (VOI/TIS) Federal Grant Funds.

*HOUSE APPROPRIATIONS
1-18-00
ATTACHMENT 1*

Chart 1:

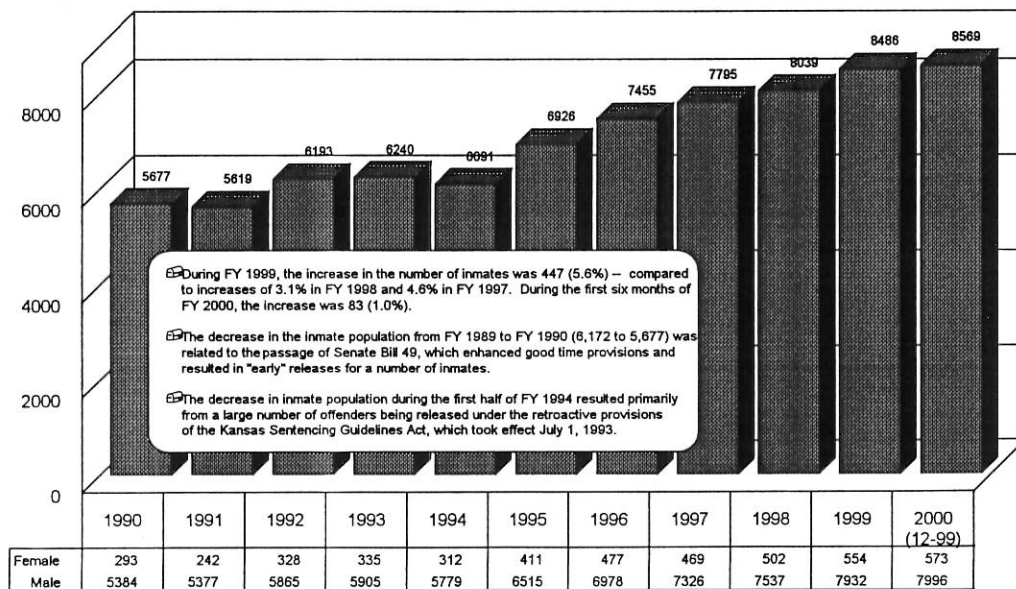
Inmate Population and Post-incarceration Population Under In-state Supervision: Fiscal Years 1990 - 1999 and FY 2000 to Date*



*As of the end of the fiscal year (June 30) except FY 2000. HGW Chart bf2ab.pr4

Chart 2:

Total Inmate Population: FY 1990 - 1999 and FY 2000 to Date*

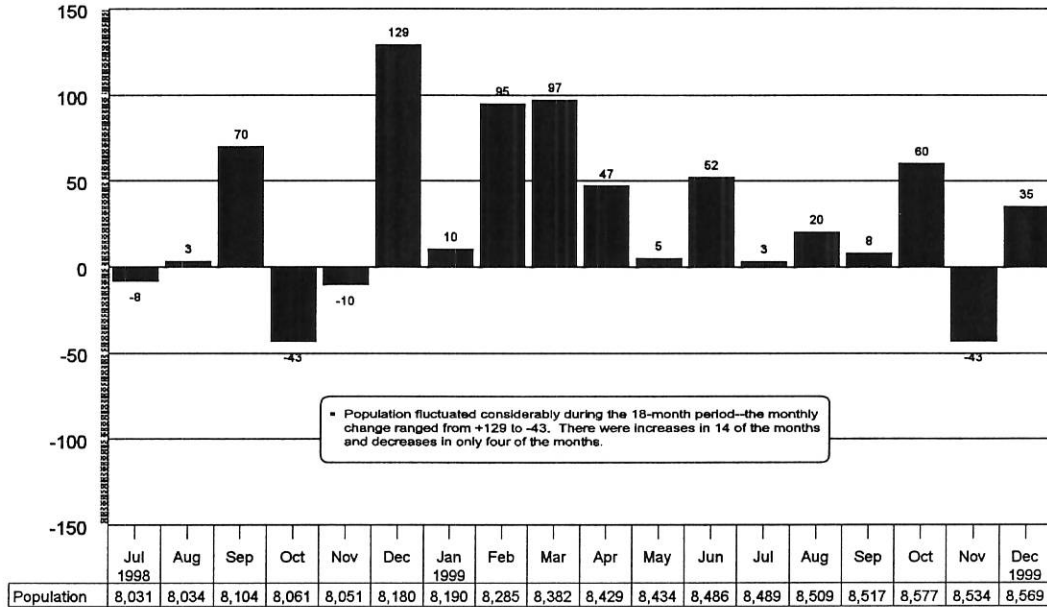


*As of June 30 each year except FY 2000, which is as of 12-31-1999.

HGW Chart bf2ab.pr4

Chart 3:

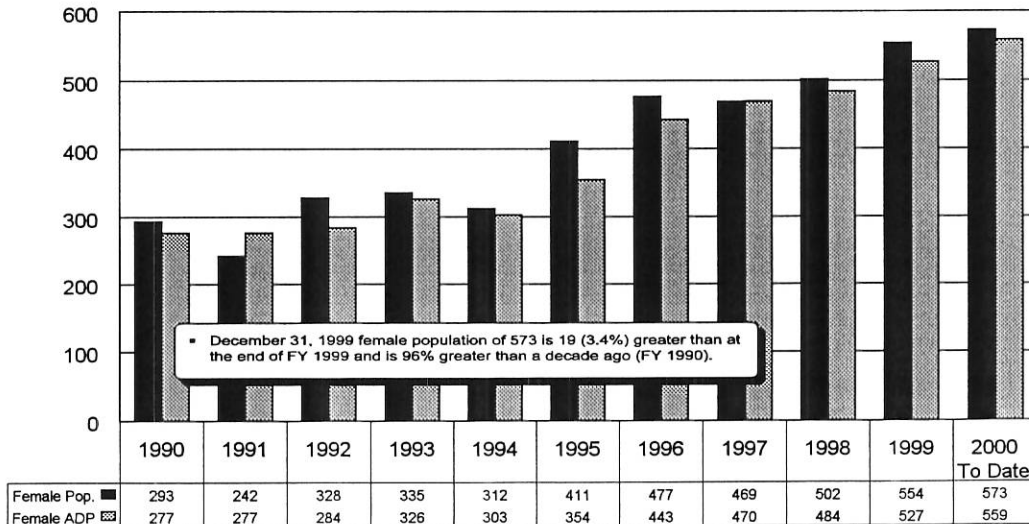
Change in Month-end Inmate Population During 18-Month Period: July 1998 Through December 1999



HGW Chart bf20ab.pr4

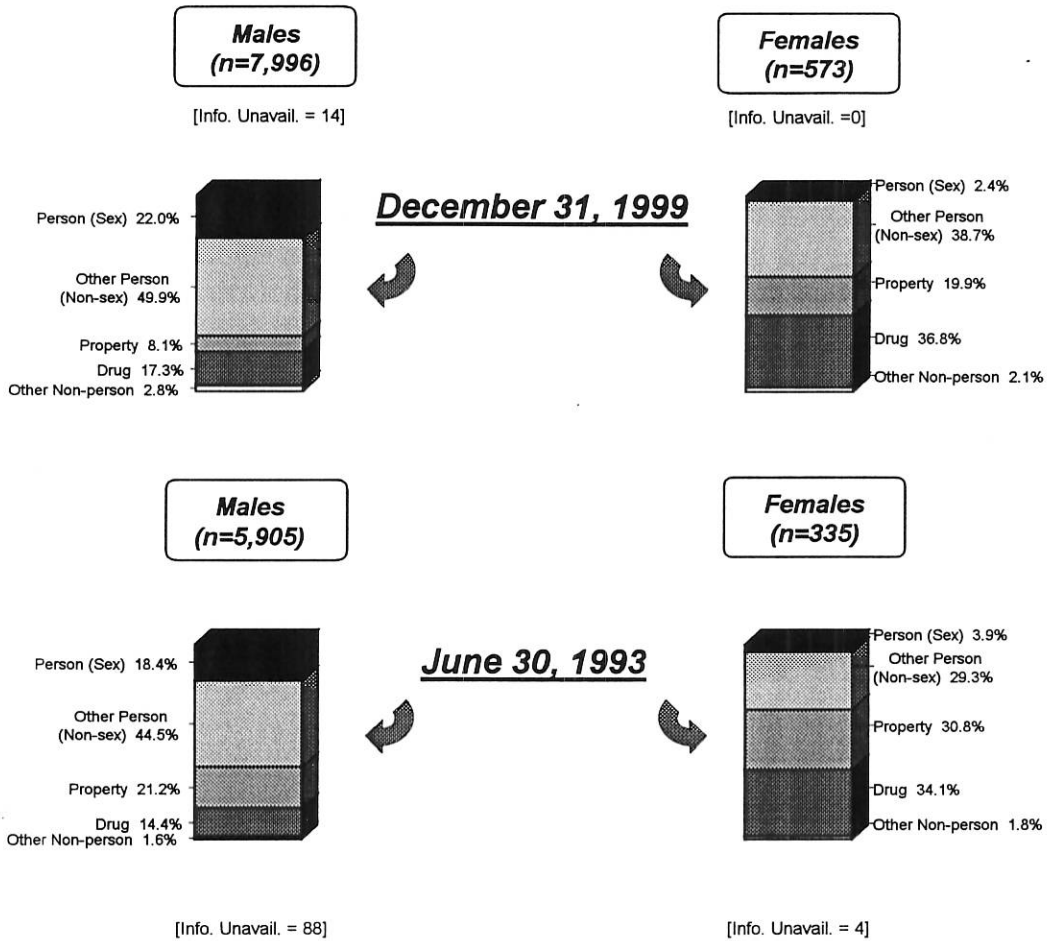
Chart 4:

Female Inmate Population and Average Daily Population: Fiscal Years 1990 - 1999 and FY 2000 to Date (Through December, 1999)*



*The population figures reflect the number of women as of June 30 each year except FY 2000. The average daily population (ADP) is the average daily count for the fiscal year (except for 2000, which is for the first six months of the year). HGW Chart bfpopfem.pr4

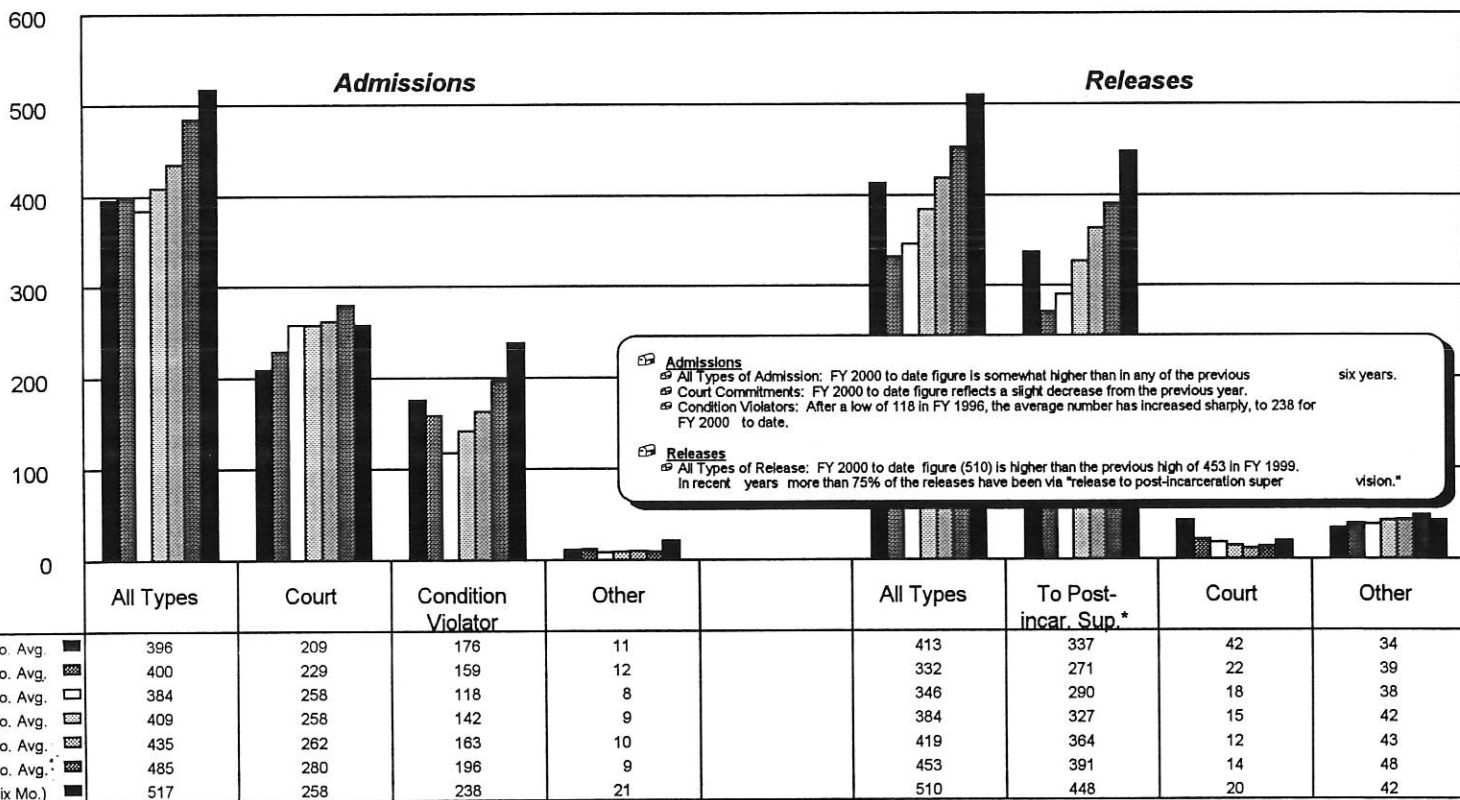
Chart 5:
 Inmate Population by Gender and Type of Crime (Most Serious
 Offense): 12-31-1999 Compared to 6-30-1993*



*Information pertains to the overall most serious active offense for each offender and includes attempt, conspiracy, and solicitation to commit the offense.

Chart 6:

Average Number of Admissions and Releases Per Month by Major Category:
Comparison of FY 1994 - FY 1999, and FY 2000 to Date (Jul.-Dec. 1999)



Admissions

- All Types of Admission: FY 2000 to date figure is somewhat higher than in any of the previous six years.
- Court Commitments: FY 2000 to date figure reflects a slight decrease from the previous year.
- Condition Violators: After a low of 118 in FY 1996, the average number has increased sharply, to 238 for FY 2000 to date.

Releases

- All Types of Release: FY 2000 to date figure (510) is higher than the previous high of 453 in FY 1999. In recent years more than 75% of the releases have been via "release to post-incarceration supervision."

*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 bfydrdl.pr4

Chart 7:

FACILITY CAPACITIES

Capacity by Facility, Security Designation of Bedspace, and Gender*
December 31, 1999

| Location of Beds | Security Designation by Gender | | | | | | | | |
|---|--------------------------------|-----------|-------------|------------|-------------|-----------|-------------|------------|-------------|
| | Maximum | | Medium | | Minimum | | All Levels | | |
| | Male | Female | Male | Female | Male | Female | Male | Female | Total |
| KDOC Facilities | | | | | | | | | |
| Lansing Correctional Facility ¹ | 838 | | 943 | | 708 | | 2489 | | 2489 |
| Hutchinson Correctional Facility | 548 | | 932 | | 288 | | 1768 | | 1768 |
| El Dorado Correctional Facility ² | 445 | | 483 | | 172 | | 1100 | | 1100 |
| Norton Correctional Facility ³ | | | 539 | | 280 | | 819 | | 819 |
| Ellsworth Correctional Facility | | | 488 | | 144 | | 632 | | 632 |
| Topeka Correctional Facility | 220 | 78 | | 460 | | 80 | 220 | 618 | 838 |
| Winfield Correctional Facility ⁴ | | | | | 710 | 10 | 710 | 10 | 720 |
| Larned Correctional Mental Health Facility ⁵ | 120 | | | | 218 | | 338 | | 338 |
| Subtotal: KDOC Facilities | 2171 | 78 | 3385 | 460 | 2520 | 90 | 8076 | 628 | 8704 |
| Non-KDOC Facilities/Placements | | | | | | | | | |
| Larned State Security Hospital | 42 | 5 | | | 43 | | 85 | 5 | 90 |
| Labette Correctional Conservation Camp | | | | | 50 | | 50 | | 50 |
| Contract Jail Placements | | | 7 | | 9 | | 16 | | 16 |
| Subtotal: Non-KDOC | 42 | 5 | 7 | | 102 | | 151 | 5 | 156 |
| Total | 2213 | 83 | 3392 | 460 | 2622 | 90 | 8227 | 633 | 8860 |

*Includes all beds counted in the capacity as of December 31, 1999. The table does not include the 17 minimum security KDOC beds for females which will be added when the female conservation camp becomes operational in January 2000. Nor does the table include 246 special use beds, which are primarily infirmary and certain types of segregation beds.

1. LCF includes 80 minimum security beds at Osawatomie Correctional Facility.
2. EDCF includes 70 minimum security beds at Toronto Correctional Facility.
3. NCF includes 112 minimum security beds at Stockton Correctional Facility.
4. WCF includes 198 minimum security beds at Wichita Work Release Facility, including 188 for males and 10 for females.
5. Capacity for LCMHF excludes 30 maximum security beds currently being used to house sexually violent predators under the jurisdiction of SRS.

Chart 8:

KDOC Population versus Capacity

| | <u>12-31-99 Population</u> | <u>12-31-99 Capacity</u> |
|---|----------------------------|--------------------------|
| MALES | | |
| Lansing Correctional Facility ¹ | 2357 | 2489 |
| Hutchinson Correctional Facility | 1829 | 1768 |
| El Dorado Correctional Facility ² | 1087 | 1100 |
| Norton Correctional Facility ³ | 813 | 819 |
| Ellsworth Correctional Facility | 626 | 632 |
| Topeka Correctional Facility | 203 | 220 |
| Winfield Correctional Facility ⁴ | 677 | 710 |
| Larned Correctional Mental Health Facility ⁵ | 321 | 338 |
| Non-KDOC Facilities | 83 | 151 |
| TOTAL | 7996 | 8227 |

| | | |
|---|------------|------------|
| FEMALES | | |
| Topeka Correctional Facility | 561 | 618 |
| Winfield Correctional Facility (Wichita Work Release) | 10 | 10 |
| Non-KDOC Facilities | 2 | 5 |
| TOTAL | 573 | 633 |

MALES AND FEMALES

| | | |
|--------------------|-------------|-------------|
| GRAND TOTAL | 8569 | 8860 |
|--------------------|-------------|-------------|

Notes:

1. LCF includes 80 beds and 74 inmates at Osawatomie Correctional Facility.
2. EDCF includes 70 beds and 70 inmates at Toronto Correctional Facility.
3. NCF includes 112 beds and 104 inmates at Stockton Correctional Facility.
4. WCF includes 188 beds for males and 184 male inmates at Wichita Work Release Facility.
5. Capacity for Larned Correctional Mental Health Facility excludes 30 beds currently being used to house sexually violent predators under the jurisdiction of SRS.
6. Capacity does not include the 17 minimum security KDOC beds for females which will be added when the female conservation camp becomes operational in January 2000.

Chart 9:
KDOC and Non-KDOC Bedspace Adjustments
July 1, 1993-January 1, 2000

| Bedspace Adjustments | Male | Female | Total | Date |
|--|-------------|------------|-------------|---------------------|
| Total Bedspace | 6235 | 376 | 6611 | July 1, 1993 |
| TCF-CU (I Dorm closed) | -90 | | -90 | July 1993 |
| TCF-RDU (9-bed expansion) | +9 | | +9 | July 15, 1993 |
| HCF-CU (79-bed D Cellhouse expansion) | +79 | | +79 | October 1993 |
| Total Bedspace | 6233 | 376 | 6609 | July 1, 1994 |
| HCF-CU (E Dorm expansion) | +10 | | +10 | July 1994 |
| EDCF-CU (15 special use beds converted to gen. pop.) | +15 | | +15 | July 1994 |
| LCF-CU (32 three-men cells converted to four-men cells in C Cellhouse) | +32 | | +32 | August 1994 |
| TCF-SU (closed) | -107 | | -107 | August 1994 |
| LCF-EU (R Dorm opened) | +48 | | +48 | October 1994 |
| LCF-EU (first half of S Dorm opened) | +48 | | +48 | December 1994 |
| LCF-EU (second half of S Dorm opened) | +48 | | +48 | January 18, 1995 |
| TCF-CU (24-bed D Dorm expansion) | | +24 | +24 | February 13, 1995 |
| NCF-EU (18-bed expansion) | +18 | | +18 | February 15, 1995 |
| LCF-CU (D Cellhouse renovation) | +16 | | +16 | March 15, 1995 |
| LCF-CU (H Unit) | +48 | | +48 | April 1, 1995 |
| EDCF-CU (U Unit) | +20 | | +20 | April 21, 1995 |
| TCF-CU (I Cellhouse opened) | | +75 | +75 | May 1, 1995 |
| LCF-EU (56 female beds converted to male) | +56 | -56 | 0 | May 1, 1995 |
| TCF (16 female evaluation beds taken off-line) | | -16 | -16 | May 1, 1995 |
| Contract Jail Bed Reduction | -14 | | -14 | May 1, 1995 |
| TCF-CU (24-bed A Dorm expansion) | | +24 | +24 | May 15, 1995 |
| LCCC (10 non-KDOC beds) | +10 | | +10 | June 1, 1995 |
| EDCF-CU (U Unit) | +20 | | +20 | June 15, 1995 |
| EDCF-CU (doublecelling in D Cellhouse) | +64 | | +64 | June 15, 1995 |
| EDCF-CU (U Unit) | +75 | | +75 | July 1, 1995 |
| EDCF-CU (doublecelling in E Cellhouse) | +128 | | +128 | July 1, 1995 |
| TCF-CU (16-bed expansion) | | +16 | +16 | July 1, 1995 |
| HCF-CU (D Cellhouse) | +100 | | +100 | July 1, 1995 |
| Total Bedspace | 6868 | 443 | 7311 | July 1, 1995 |
| Topeka Halfway House (terminated) | | -4 | -4 | July 25, 1995 |
| TCF-CU (16-bed C Dorm expansion) | | +16 | +16 | September 1, 1995 |
| LCF-EU (56-bed W Unit expansion) | +56 | | +56 | October 2, 1995 |
| LSSH (37 non-KDOC bed reduction) | -32 | -5 | -37 | October 2, 1995 |
| LCF-EU (18-bed expansion) | +16 | | +16 | November 17, 1995 |
| LCMHF (16-bed reduction)** | -16 | | -16 | November 17, 1995 |
| EDCF-CU (doublecelling) | +60 | | +60 | December 18, 1995 |
| TCF-CU (26-beds; I Cellhouse doublecelling) | | +26 | +26 | December 18, 1995 |
| ECF (48-bed minimum unit expansion) | +48 | | +48 | December 18, 1995 |
| HCF (24-bed reduction; D Cellhouse) | -24 | | -24 | January 12, 1996 |
| WCF (96-bed expansion) | +100 | | +100 | April 15, 1996 |
| TCF-CU (8-bed G Dorm) | | +8 | +8 | May 6, 1996 |
| LCMHF (18-bed minimum unit expansion) | +18 | | +18 | May 6, 1996 |
| LCMHF (22-bed minimum unit expansion) | +22 | | +22 | May 29, 1996 |
| LCF-CU (M Unit doublecelling) | +96 | | +96 | July 1, 1996 |
| Total Bedspace | 7212 | 484 | 7696 | July 1, 1996 |

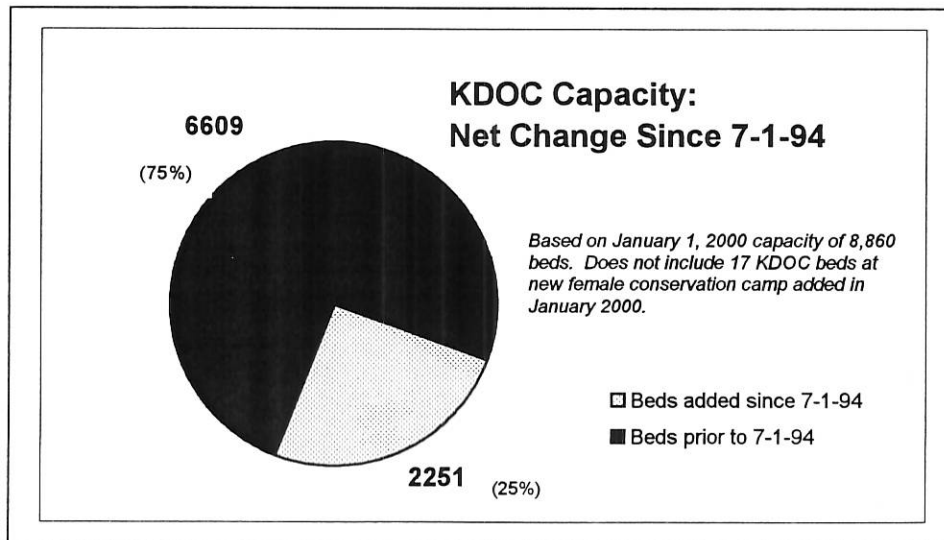
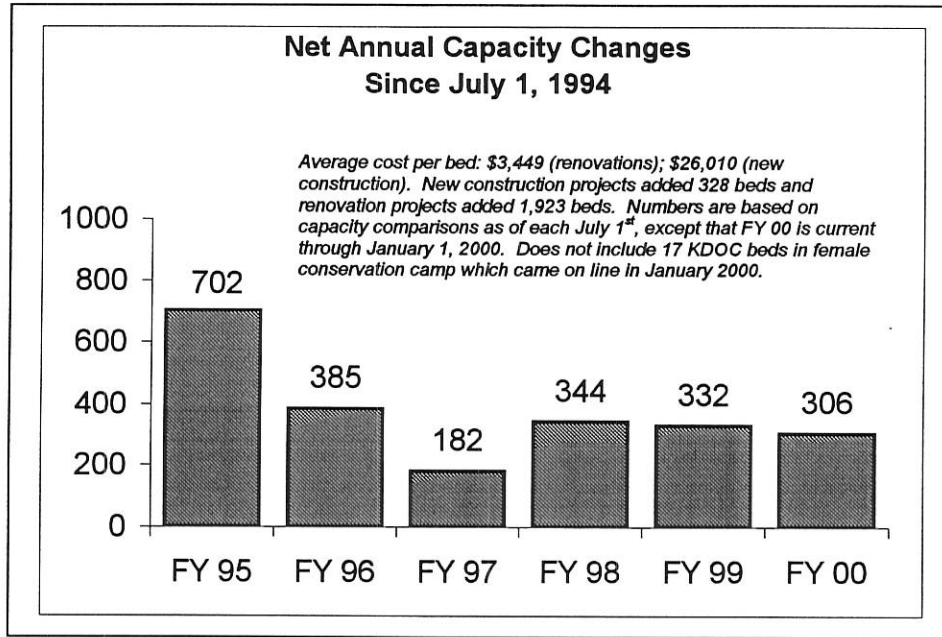
| Bedspace Adjustments | Male | Female | Total | Date |
|---|-------------|------------|-------------|------------------------|
| LCF-CU (40 beds; L Unit doublecelling) | +40 | | +40 | August 22, 1996 |
| LCF-CU (56 beds; L Unit doublecelling) | +56 | | +56 | October 1, 1996 |
| HCF-EU (Create handicapped space) | -2 | | -2 | October 1, 1996 |
| WCF (5 sleepout beds) | +5 | | +5 | November 1, 1996 |
| LCF-CU (18 beds; K Unit doublecelling) | +18 | | +18 | November 1, 1996 |
| LCF-CU (30 beds; K Unit doublecelling) | +30 | | +30 | November 15, 1996 |
| LCF-CU (40 beds; K Unit doublecelling) | +40 | | +40 | December 23, 1996 |
| TCF-WU (Temporary closing of L Dormitory) | -30 | | -30 | April 2, 1997 |
| TCF-RDU (Addition of 16 evaluation beds at J Cellhouse) | | +16 | +16 | April 2, 1997 |
| TCF-CU (Conversion of 9 segregation beds to general population use) | | +9 | +9 | April 2, 1997 |
| Total Bedspace | 7465 | 509 | 7878 | July 1, 1997 |
| LCF-CU (Opening of E Cellhouse) | +120 | | +120 | July 14, 1997 |
| LCMHF (54-bed expansion at Jenkins Building) | +54 | | +54 | August 18, 1997 |
| TCF-WU (Reopening of L Dormitory) | +30 | | +30 | August 18, 1997 |
| WCF (Reopening A Dormitory-Phase I) | +44 | | +44 | October 27, 1997 |
| WCF (Reopening A Dormitory-Phase II) | +42 | | +42 | December 1, 1997 |
| HCF-WR (Expansion - Phase I) | +5 | | +5 | January 5, 1998 |
| WCF (Reopening A Dormitory-Phase III) | +41 | | +41 | January 22, 1998 |
| HCF-WR (Expansion - Phase II) | +8 | | +8 | June 3, 1998 |
| Total Bedspace | 7809 | 509 | 8222 | July 1, 1998 |
| LCMHF (51-bed expansion at Jenkins Building) | +51 | | +51 | July 20, 1998 |
| TCF-CU (16-bed female expansion) | | +16 | +16 | July 31, 1998 |
| TCF-CU (16-bed female expansion) | | +16 | +16 | February 7, 1999 |
| NCF-CU (5-bed renovation increase) | +5 | | +5 | February 7, 1999 |
| LCCC (40 non-KDOC beds) | +40 | | +40 | February 7, 1999 |
| TCF-CU (16-bed female expansion) | | +16 | +16 | March 15, 1999 |
| NCF-CF (Opening of 200-bed cellhouse) | +200 | | +200 | March 15, 1999 |
| EDCF-CU (Return half of D Cellhouse to single-cell) | -64 | | -64 | April 12, 1999 |
| LCMHF-WU (34-bed expansion at Jenkins Building) | +34 | | +34 | June 16, 1999 |
| TCF-WU (L Unit Closed) | -30 | | -30 | June 16, 1999 |
| HCF-SU and WR 48-Bed Expansion (40 and 8 respectively) | +48 | | +48 | July 1, 1999 |
| Total Bedspace | 8093 | 557 | 8554 | July 1, 1999 |
| LCF-EU (Opening of 100-bed Therapeutic Community) | +100 | | +100 | Sept. 13, 1999 |
| LCF-CU (Conversion of TC to MH Reintegration Unit) | -2 | | -2 | Sept. 13, 1999 |
| NCF-CU (2-bed renovation increase) | +2 | | +2 | Sept. 13, 1999 |
| TCF-CU (4-bed renovation increase) | | +4 | +4 | Sept. 27, 1999 |
| HCF SU/EU (70-bed expansion—40 SU beds and 30 EU beds) | +70 | | +70 | Sept. 27, 1999 |
| HCF-EU (Remaining 50 beds of an 80-bed expansion) | +50 | | +50 | October 18, 1999 |
| TCF - WU (Conversion of 81-bed male unit to 80-bed female housing) | -81 | +80 | -1 | October 18, 1999 |
| HCF-WR (8-bed expansion) | +8 | | +8 | November 15, 1999 |
| LCMHF-WU (25-bed minimum unit expansion) | +25 | | +25 | November 29, 1999 |
| TCF-CU (close 8-bed sleep out in G Dorm) | | -8 | -8 | November 29, 1999 |
| HCF-EU (2-bed increase) | +2 | | +2 | November 29, 1999 |
| LCF-EU (56-bed minimum unit expansion) | +56 | | +56 | December 31, 1999 |
| Total Bedspace | 8323 | 633 | 8860 | January 1, 2000 |

** Net capacity adjustment when beds were made available to SRS for housing sexually violent predators. The 30 beds at LCMHF which are currently unavailable to house KDOC inmates will be added back to KDOC capacity once provision is made for permanent housing for sexual predators.

The net increase in capacity between July 1, 1993 and January 1, 2000 was 2,249. New construction accounted for 328 new beds, including: 200 at NCF; 75 at TCF; 40 at Labette; and a net of 13 at HCF-South. The balance of the net capacity addition was achieved through doublecelling and/or renovation projects in existing structures. During the July 1, 1993 - January 1, 2000 timeframe, the department expended \$15,156,884 for capacity expansion projects. The net average cost per bed added was \$6,739—including an average cost of \$26,010 per bed for new construction projects and \$3,449 per bed for renovation projects.

Chart 10:

Capacity Changes Since July 1, 1994



**Chart 11:
Kansas Sentencing Commission
Ten Year Adult Inmate Prison Population Projections
September 1999**

| ID Group | Jun-99 | Jun-00 | Jun-01 | Jun-02 | Jun-03 | Jun-04 | Jun-05 | Jun-06 | Jun-07 | Jun-08 | Jun-09 | Total Increase | % Increase |
|-----------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|----------------|--------------|
| Non-Drug | | | | | | | | | | | | | |
| Level 1 | 519 | 550 | 577 | 602 | 636 | 669 | 701 | 734 | 768 | 803 | 837 | 318 | 61.3% |
| Level 2 | 563 | 572 | 594 | 602 | 607 | 617 | 625 | 631 | 642 | 649 | 650 | 87 | 15.5% |
| Level 3 | 1222 | 1238 | 1281 | 1321 | 1358 | 1412 | 1453 | 1492 | 1487 | 1525 | 1565 | 343 | 28.1% |
| Level 4 | 274 | 252 | 255 | 249 | 246 | 243 | 248 | 249 | 266 | 274 | 290 | 16 | 5.8% |
| Level 5 | 845 | 740 | 764 | 808 | 879 | 918 | 949 | 989 | 1017 | 1045 | 1049 | 204 | 24.1% |
| Level 6 | 153 | 159 | 156 | 156 | 160 | 151 | 147 | 136 | 134 | 126 | 123 | -30 | -19.6% |
| Level 7 | 726 | 752 | 834 | 878 | 962 | 1023 | 996 | 967 | 1041 | 1045 | 1082 | 356 | 49.0% |
| Level 8 | 285 | 431 | 493 | 498 | 488 | 480 | 439 | 429 | 424 | 450 | 449 | 164 | 57.5% |
| Level 9 | 430 | 637 | 600 | 596 | 520 | 524 | 479 | 485 | 462 | 462 | 442 | 12 | 2.8% |
| Level 10 | 76 | 102 | 91 | 86 | 79 | 81 | 74 | 76 | 93 | 97 | 84 | 8 | 10.5% |
| Drug | | | | | | | | | | | | | |
| Level D1 | 41 | 41 | 51 | 60 | 65 | 73 | 78 | 84 | 88 | 86 | 86 | 45 | 109.8% |
| Level D2 | 225 | 249 | 253 | 255 | 267 | 285 | 290 | 285 | 300 | 313 | 330 | 105 | 46.7% |
| Level D3 | 530 | 463 | 467 | 472 | 474 | 493 | 509 | 522 | 541 | 556 | 547 | 17 | 3.2% |
| Level D4 | 405 | 480 | 511 | 532 | 520 | 573 | 566 | 595 | 560 | 556 | 583 | 178 | 44.0% |
| Off Grid | 561 | 615 | 655 | 699 | 742 | 785 | 836 | 888 | 940 | 993 | 1047 | 486 | 86.6% |
| Parole Condition Violators | 1631 | 1596 | 1451 | 1168 | 1041 | 927 | 899 | 864 | 836 | 801 | 890 | -741 | -45.4% |
| Total | 8486 | 8877 | 9033 | 8982 | 9044 | 9254 | 9289 | 9426 | 9599 | 9781 | 10054 | 1568 | 18.5% |

Chart 12:

**Kansas Sentencing Commission
FY 2000 Official Adult Inmate Classification Projections**

| June 30 each year | Minimum | Medium | Maximum/Unclassified/ Spec. Management | Total |
|----------------------|---------|--------|---|--------|
| 2000 | 2,821 | 3,563 | 2,493 | 8,877 |
| 2001 | 2,860 | 3,573 | 2,600 | 9,033 |
| 2002 | 2,845 | 3,528 | 2,609 | 8,982 |
| 2003 | 2,961 | 3,460 | 2,623 | 9,044 |
| 2004 | 3,005 | 3,590 | 2,659 | 9,254 |
| 2005 | 3,016 | 3,629 | 2,644 | 9,289 |
| 2006 | 3,080 | 3,699 | 2,647 | 9,426 |
| 2007 | 3,061 | 3,785 | 2,753 | 9,599 |
| 2008 | 3,186 | 3,790 | 2,805 | 9,781 |
| 2009 | 3,245 | 3,926 | 2,883 | 10,054 |
| Net Increase | | | | |
| FY 09 - FY 99 actual | 355 | 500 | 713 | 1,568 |

Chart 13:
**Inmate Population Projections:
Monthly Monitoring Numbers
FY 2000**

| Month/Year | Monthly Monitoring Number | Actual Population | Population - Monitoring Number |
|--------------|------------------------------|----------------------|--------------------------------------|
| July 1999 | 8500 | 8489 | -11 |
| August | 8502 | 8509 | 7 |
| September | 8517 | 8517 | 0 |
| October | 8555 | 8577 | 22 |
| November | 8595 | 8534 | -61 |
| December | 8608 | 8569 | -39 |
| January 2000 | 8707 | | |
| February | 8754 | | |
| March | 8782 | | |
| April | 8802 | | |
| May | 8849 | | |
| June | 8877 | | |

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.

Chart 14:

Post-Incarceration Condition Violators

- Post-incarceration condition violator (CV) admissions totaled 2,354 in FY 1999—an increase of 394 from the FY 1998 level of 1,960. (Includes offenders on parole, postrelease supervision or conditional release who were revoked and returned to prison for violation of supervision conditions, but who did not have a new felony conviction at the time of re-admission.)
- Condition violators in the inmate population increased by 250 during FY 1999 (1,601 on June 30, 1999 compared to 1,351 on June 30, 1998)—representing 55.9% of the overall increase of 447 in the inmate population during the fiscal year.
- Condition violator admissions during the first six months of FY 2000 totaled 1,428. As of December 31, 1999, the number of condition violators in the prison population was 1,632.
- Despite the recent increase in condition violator admissions, CVs do not appear to have a significant, long-term bearing on the projected growth in the inmate population over the next 10 years, as indicated in the following breakdown of the FY 2000 projections prepared by the Kansas Sentencing Commission:

FY 2000 Projections:

CV and Non-CV Components of the Inmate Population and Change from FY 1999 Base

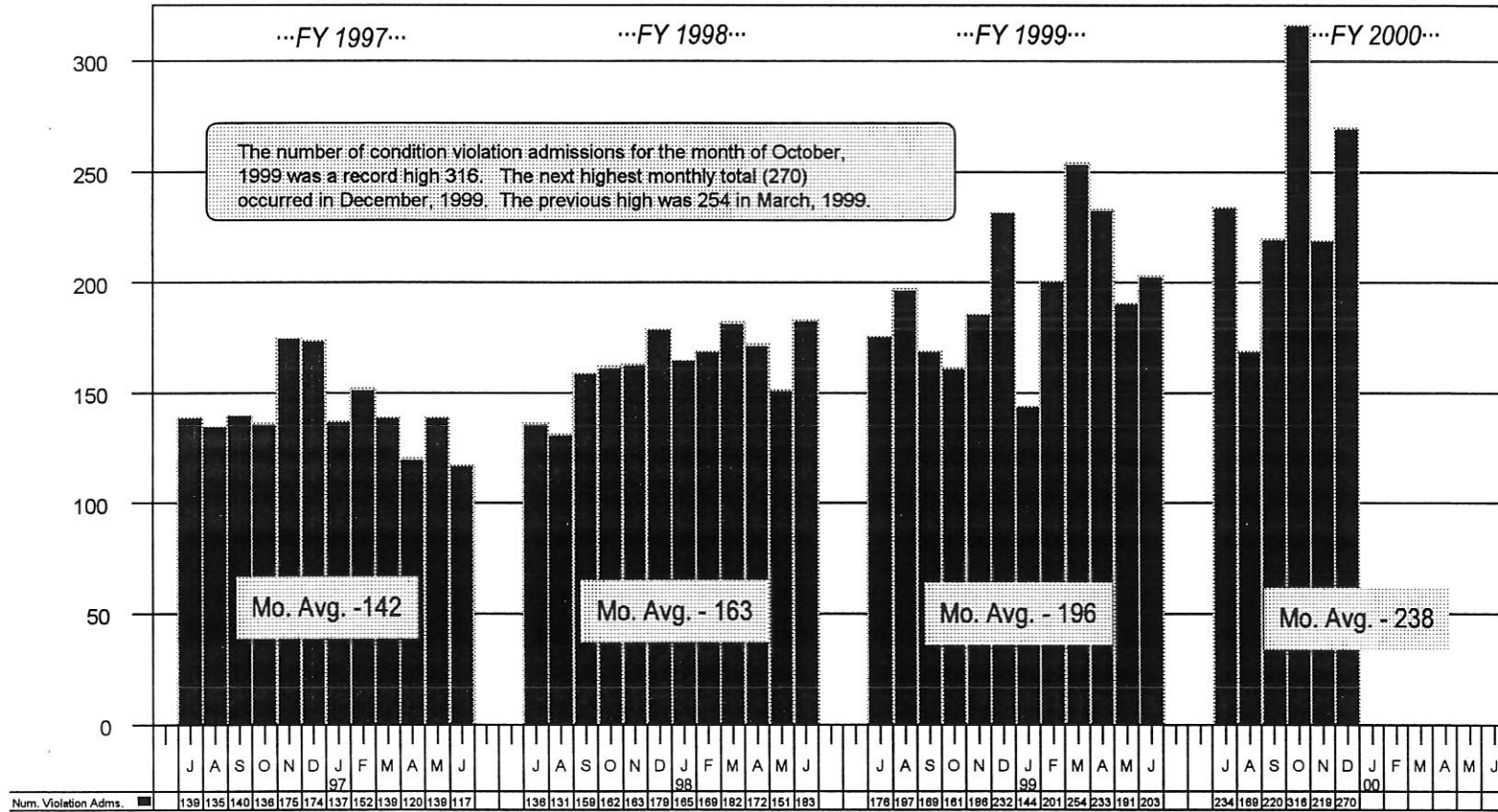
| Year (June 30) | Total | % of 99 Base | CV ID Group | % of 99 Base | Non-CV ID Groups | % of 99 Base |
|-------------------|--------|-----------------|----------------|-----------------|---------------------|-----------------|
| 1999 | 8,486 | | 1,631 | | 6,855 | |
| 2000 | 8,877 | 104.6% | 1,596 | 97.9% | 7,281 | 106.2% |
| 2001 | 9,033 | 106.4% | 1,451 | 89.0% | 7,582 | 110.6% |
| 2002 | 8,982 | 105.8% | 1,168 | 71.6% | 7,814 | 114.0% |
| 2003 | 9,044 | 106.6% | 1,041 | 63.8% | 8,003 | 116.7% |
| 2004 | 9,254 | 109.1% | 927 | 56.8% | 8,327 | 121.5% |
| 2005 | 9,289 | 109.5% | 899 | 55.1% | 8,390 | 122.4% |
| 2006 | 9,426 | 111.1% | 864 | 53.0% | 8,562 | 124.9% |
| 2007 | 9,599 | 113.1% | 836 | 51.3% | 8,763 | 127.8% |
| 2008 | 9,781 | 115.3% | 801 | 49.1% | 8,980 | 131.0% |
| 2009 | 10,054 | 118.5% | 890 | 54.6% | 9,164 | 133.7% |

Data Source: Kansas Sentencing Commission Projection Table

- CVs in the inmate population decrease every year in the projection period except FY 2009—reflecting the declining average length of stay projected for this portion of the population.
- Over the course of the projection period, the condition violator ID group declines dramatically—by 741, or 45.4%. In contrast, the rest of the population (total minus CVs) increases substantially—by 2,309, or 33.7%.
- If condition violators disappeared altogether by June 30, 2009—an unlikely scenario—the FY 2000 projections still indicate that the inmate population would grow by a net of 678 between June 30, 1999 and June 30, 2009. In other words, the 9,164 inmates in the non-CV portion of the projected June 30, 2009 population is 678 greater than the entire inmate population of 8,486 on June 30, 1999.

Chart 15:

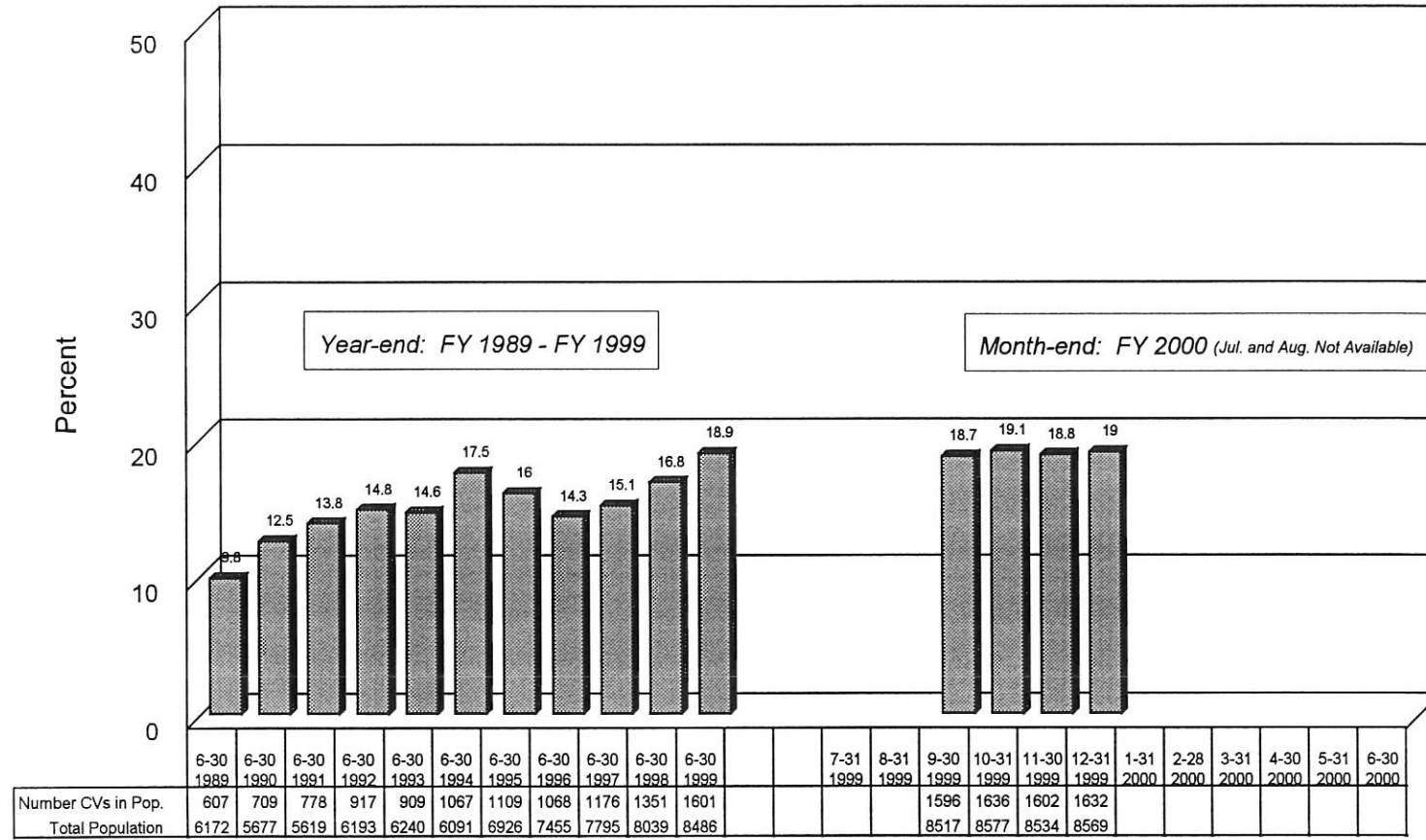
Number of Return Admissions for Condition Violations by Month:
FY 1997 - FY 2000 to Date*



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

Chart 16:

Proportion of Total Inmate Population Whose Latest Admission Was as a Parole/CR/Post-release Condition Violator: Selected Dates*



*Each bar of the graph reflects the proportion of the total inmate population most recently admitted as a result of violation of the conditions of release (no new felony sentence involved). HG98 bfcvpop.pr4

Chart 17:

Governor's FY 2001 Capacity-Related Recommendations**EDCF Expansion**

- Two new 128-cell living units are proposed for El Dorado Correctional Facility.
- As with other living units at EDCF-Central, the cellhouses will be built to maximum security specifications and be suitable for housing either maximum or medium security inmates.
- The capacity to be gained from the living units will depend upon the custody mix of the inmates to be housed in them. Medium security inmates are doublecelled, while maximum security inmates are single-celled. Therefore, the capacity addition represented by this project is a range of 256-512 beds, depending on the composition of the inmate population at that time.
- If approved this session, the project would be completed and the beds available in FY 2002.
- Total construction project costs are estimated at \$14,032,358.
- Proposed financing is: \$7,323,133 from federal grant funds (Violent Offender Incarceration/Truth-in-Sentencing Incentive grant program); and the remainder, from bond sale proceeds.

TCF Projects

- Topeka Correctional Facility's West Unit is located on the grounds of the former Topeka State Hospital. The West Unit also is the location of TCF's staff development function and laundry facility. *(In addition to TCF, the laundry also provides services to KNI, Topeka Juvenile Correctional Facility, Department of Agriculture laboratory, Department of Administration-Facilities Management, and a division of Emporia State University.)* If the department is to meet the state's goal of vacating this property by March 2002, other accommodations must be provided for these functions.
- The Governor's budget includes a \$2.1 million project to renovate J Cellhouse at Topeka Correctional Facility and related support space in the existing MBA building. These buildings are currently part of the RDU complex at TCF and will be available for other uses once the RDU function is transferred to El Dorado Correctional Facility in February of 2001.
- Renovation of J Cellhouse will provide sufficient space for approximately 176 inmates, but the net increase in capacity for females will be approximately 96 beds since the existing West Unit has a capacity of 80 beds for females.
- If the percentage of female inmates remains the same over the next 10 years, and using the Sentencing Commission's latest projections, the project would result in sufficient capacity for housing the female inmate population throughout the 10-year population projection period.
- The budget also provides for construction of a new laundry (\$764,600) and a new staff development building (\$386,175) at TCF-Central.
- Total cost for the three TCF projects is \$3.3 million—all of which would be financed through the sale of bonds.

Chart 18:

VOI/TIS Federal Grant Funds
Status as of January 2000

Total Amount Awarded to Date: **\$18,978,324**
(Federal FY 1996-99)

Amounts Committed to Date:

| | | |
|------------------------------|----|-----------|
| NCF expansion | \$ | 4,200,000 |
| Labette expansion | | 718,889 |
| Female conservation camp | | 675,743 |
| LCF-East 100-bed expansion | | 352,322 |
| Programming for drug testing | | 135,000 |
| | \$ | 6,081,954 |

Governor's Budget Recommendations

| | | |
|------------------------------------|--|-----------|
| EDCF (2 new housing units) | | 7,323,133 |
| Maximum security juvenile facility | | 5,500,000 |

Total Award to Date Minus Specific Projects **\$73,237**

Notes

1. *The Norton and Lansing expansion projects are completed, but final payments have not been fully processed. Final project costs will vary slightly from the amounts given.*

2. *Female conservation camp funding includes: FY 2000 amounts of \$97,330 for one-time start-up costs and \$189,798 for partial year per diem payments; and FY 2001 amount of \$388,615 for per diem payments.*

3. *The expenditure of \$135,000 in VOI/TIS funds for computer programming is for implementation of a drug test tracking system related to VOI/TIS guidelines for state substance abuse programs. This is a one-time cost.*

**PRISON POPULATION MONTHLY MONITORING REPORT
FY 2000 OFFICIAL MODEL**

| Month/Year | Projected | Actual | Difference | Percent Error |
|-------------------|------------------|---------------|-------------------|----------------------|
| July 1999 | 8500 | 8489 | 11 | 0.13% |
| August 1999 | 8502 | 8509 | -7 | -0.08% |
| September 1999 | 8517 | 8517 | 0 | 0.00% |
| October 1999 | 8555 | 8577 | -22 | -0.26% |
| November 1999 | 8595 | 8534 | 61 | 0.71% |
| December 1999 | 8608 | 8569 | 39 | 0.46% |
| January 2000 | 8707 | | | |
| February 2000 | 8754 | | | |
| March 2000 | 8782 | | | |
| April 2000 | 8802 | | | |
| May 2000 | 8849 | | | |
| June 2000 | 8877 | | | |

*HOUSE APPROPRIATIONS
1-18-00
ATTACHMENT 2*



State of Kansas
KANSAS SENTENCING COMMISSION

Honorable Richard B. Walker, Chair
District Attorney Paul Morrison, Vice Chair
Barbara S. Tombs, Executive Director

**House Appropriations Committee
Testimony
January 18, 2000**

Impact of Sentencing Guidelines on Prison Population

Sentencing Guidelines were developed and implemented based upon the premise that incarceration should be reserved for the most serious offenders and offenders convicted of the same offense should receive like sentences. To ensure certainty and consistency in sentencing, the guidelines utilize sentencing grids by which a statutorily defined severity level and the criminal history of the offender determine an offender's sentence. Sentences are determinate in lengths and parole is replaced with a determinate period of postrelease supervision. The Sentencing Guidelines Act was amended in 1994 to comply with the federal Truth in Sentencing provision, which requires the offender to serve 85% of the total sentence imposed.

Both the Nondrug and Drug Grids contain an "incarceration line," which indicates that any sentence above the incarceration line is presumed imprisonment and below the incarceration line the sentence is presumed nonimprisonment. Given one of the goals of sentencing guidelines is to incarcerate serious violent offenders, sentence lengths for serious person crimes such as murder, rape, kidnapping etc., were increased significantly. These offenders pose the greatest risk to public safety and lengthy prison sentences are appropriate. For offenders whose offenses fell below the incarceration line, the majority of which are nonperson property crimes, the sentence was designated nonprison, meaning probation and/or placement in community corrections.

The distinction between prison and nonprison sentences is critical to the overall effectiveness of the sentencing guidelines. In order to increase sentence lengths for serious violent offenders and limit state prison resource needs, nonviolent property offenders would need to be supervised and punished at the local level. By reallocating prison beds to the violent offenders, increased sentences could be imposed and public safety increased.

Several things occurred simultaneously that impacted the effectiveness of Sentencing Guidelines. First, starting in 1994, the first year following the enactment of Sentencing Guidelines and every year thereafter, legislation has been enacted that increased penalties elevated severity levels and reclassified offenses from misdemeanors to felonies. Many of the changes enacted prior to 1997

did not have analysis completed on the impact the change would have on future prison bed needs. Sentence lengths for entire severity levels were doubled not only once, but twice for some criminal history categories. Numerous offenses that had originally been designated below the incarceration line were elevated to severity levels above the incarceration line. The majority of these changes were imposed during a time period in which a large portion of offenders admitted to prison were still being admitted under the old indeterminate sentencing system.

The second situation that occurred was that offenders, whose sentences fell below the incarceration line, were unsuccessful with their nonprison sentences and were being admitted to prison. Although much planning and effort was spent determining the appropriate sentence length for offenders above the incarceration line and the impact on correctional resources, limited attention was directed towards offenders beneath the incarceration line. Inadequate resources and an insufficient number of programs were developed to deal with the needs and supervision requirements necessary for this population. It was basically believed that they would follow the rules, behave themselves and successfully complete their nonprison sentences. However, this did not turn out to be a reality. Presumptive nonprison conditional probation violators accounted for 26.8% of prison admissions during FY 1999. Even though sentence lengths for these severity levels are not extremely long, the volume of offenders admitted has required prison beds, which were initially designated for serious violent offenders.

FY 2000 Prison Population Projections

The Kansas Sentencing Commission, under statutory mandate, produces annual prison population projections for the state of Kansas at the end of each fiscal year. The Commission utilizes projection software known as Prophet, which combines stochastic entity simulation with a Monte Carlo simulation. The stochastic or probabilistic technique utilizes a random number process to simulate the movement of offenders through the state's correctional system. The Monte Carlo technique converts the random numbers chosen into individual cases (offenders admitted to prison) and places the offender in the possible statuses available, such as prison, parole, postrelease or discharge. The status placement of offenders is based upon transition probabilities derived from the previous year's data and a set of assumptions provided by a Population Consensus Group, which are incorporated into the model. Simply stated, the Prophet Model brings offenders into the prison system, holds them in a specific status for a period of time, moves them among statuses and finally exits them from the system.

The FY 2000 ten year baseline projections indicating the number of prison beds that will be required are presented in Appendix A. The baseline projections are presented by individual severity levels for both the Nondrug and Drug Grids and also project the number of beds that will be required for conditional parole/postrelease violators that will re-enter the state's correctional system over the same time period. Baseline projections are developed for individual severity levels to reflect the impact of various sentence lengths on both sentencing grids.

The Conditional parole/postrelease violators group indicated in the baseline projections show a reduction in the number of prison beds required over the ten-year projection period. It should be noted that projections forecast the number of beds required, not the number of parole/postrelease violators returned. The reduction indicated is the result of an increasing number of conditional

postrelease violators being re-admitted to prison and a declining number of conditional parole violators. Under Sentencing Guidelines, a conditional postrelease violator may be returned to prison for a maximum of 180 days, with the opportunity to earn back to 90 days through goodtime credits. The data indicates that, on average, conditional postrelease violators are incarcerated for 121 days. This period of incarceration is significantly less than the time conditional parole violators are incarcerated. Conditional parole violators are incarcerated 14 months on average and can remain in prison until the end of their indeterminate sentence. Thus, the increase in the number of postrelease violators admitted to prison is offset, to some extent, by their shorter lengths of stay. One bed can be used to house four conditional postrelease violators in a year versus one bed for one conditional parole violator in that same year.

In reviewing the prison population projections for FY 2000, there are several notable changes from projections released in previous years. Even more significant are the trends that are evolving and their potential impact on the state's prison population in future years. Although the state's prison population has continually shown a slow but steady growth yearly, more important to understand are the reasons or factors contributing to this growth. This brief analysis will attempt to outline the factors, both anticipated and unanticipated, that are contributing to growth in the state's prison population.

Increasing Lengths of Stay

In its most simplistic form, projecting the number of prison beds required to accommodate offenders incarcerated in state correctional institutions requires the use of only two variables: the number of offenders admitted to prison and their length of stay within a correctional facility. If either one of those variables change, there will be a corresponding increase or decrease in a state's prison population. The more difficult task is anticipating if and when the changes in admissions and lengths of stay (LOS) will occur. Projections released in FY 1999 indicated a decrease in the state's prison population for three years, then a slowly increasing population over the remaining years of the forecast period, with a projected need of 8,328 prison beds by the year 2008. In contrast, the projections developed for FY 2000 show a marked growth over the first few years of the forecast period. In addition there is a continual slower growth in the later years of the projection period, culminating the need for 10,054 prison beds by the year 2009 or an 18.5% increase. The difference in growth between these two "ten year projection periods" is attributable to simultaneous changes in both admissions and LOS.

When Sentencing Guidelines were enacted in 1993, sentence lengths for serious violent offenses were increased significantly with the implementation of determinate sentencing. Under current law, the minimum sentence for Offgrid, Nondrug Severity Level I and II and Drug Severity Level I offenses range from 9 years to 20 years with maximum sentences ranging from 17 years to in excess of 50 years. During the past fiscal year, the mean sentence for Nondrug Severity Level I was 32.6 years and 15.6 years for severity level II. Given that good time earnings are limited to either 15% or 20% by statute and Offgrid offenses are entitled to no good time earnings, offenders sentenced on these severity levels will occupy a prison bed for a considerable period of time. The number of prison beds required for these specific offense levels continues to grow, not due to a noticeable increase in the number of offenders admitted each year, but rather due to the length of sentence designed by these severity levels. It should be noted that the length

of sentences on severity levels I thru III were doubled in 1994 and severity levels I and II were doubled once again in 1996. Even with the 20% proportional adjustment in sentence lengths to Severity Levels I and II last year, sentence lengths are still considerably long. The number of offenders sentenced annually for offenses on these severity levels has shown limited growth over the past years. What the state is beginning to fully realize is the "stacking effect" that occurs with very long sentences.

A "stacking effect" occurs when the current sentence for an offense is significantly longer than the previous sentence for the same offense. The portion of the current sentence that is in excess of the length of the previous sentence extends the period of release from prison, thus requiring the use of a single prison bed for a longer period of time. This need multiplies with every offender sentenced on these levels, thus the situation eventually develops where the same number of offenders or even fewer offenders can enter prison, but if a lesser number of offenders exit prison you will require more prison beds. Given the length of sentences on these severity levels is beginning to exceed previous sentence lengths for the same offenses, the impact on prison bed needs is more pronounced. Since the enactment of sentencing guidelines seven years ago, the stacking effect is beginning to emerge as a predominate factor with this specific population and will continue to significantly impact prison bed needs in the future. The extremely long sentences require the use of a prison bed by a single offender for a long period of time. By contrast, Severity Level 8 and 9 of the Nondrug grid have a considerably larger number of offenders admitted yearly, but due to the short sentences (5 to 23 months) a single bed may be used by two or three different offenders in the course of a single year.

Another factor directly impacting changes in LOS is increases in criminal history of offenders admitted to state correctional facilities. Under sentencing guidelines, sentence length is determined by a combination of the severity level and the criminal history of the offender. A review of sentencing data for the past five years indicates an increase in the average sentence length for most severity levels on the sentencing grids. The lower severity levels on the Nondrug Grid, Levels VII thru X all indicate increases in the average length of sentence of approximately two months or more since FY 1995. This is particularly important given the large number of annual prison admissions attributed to these severity levels. In addition, the average sentence lengths on Nondrug Severity Level I of the nondrug grid show increases of in excess of 201 months and for Nondrug Severity Level III the average sentence length has increased almost nine months. Levels III and IV of the Drug grid also indicate increased lengths of stay of one to two months. The movement of offenders sentenced in criminal history categories I and H to criminal history categories to E, D and above has a direct impact on the number of prison beds required to accommodate offender population. Since the enactment of Sentencing Guidelines, improved data collection and record keeping has also contributed to more complete and accurate criminal history scores.

Prison Admissions

The second variable impacting prison population is admissions. Offenders can be admitted to prison in several ways: as a new court commitment, as a conditional probation violator, as a probation violator with a new sentence, as a parole/postrelease conditional violator or as a parole/postrelease violator with a new sentence.

Prison admissions, in Kansas over the past five years have shown a steady increase. Since FY 1995, the number of old law admissions has continually declined, while simultaneously the number of offenders admitted under sentencing guidelines has increased. Old law admissions to prison are currently limited to probation and parole violators. As would be expected, the composition of the stock prison population has also changed over this time period. At the end of FY 1999, 3,217 offenders were incarcerated under old law sentences and 5,113 offenders under guideline sentences.

The annual percentage of new court commitments entering prison has declined slightly each year since FY 1995 and accounted for only 22.7% (1,340 offenders) of the total admissions in FY 1999. New court commitments are defined as offenders sentenced to prison who are under no type of supervision at the time of their conviction (first time offenders). Conditional probation violators have shown a modest increase during the past five years, increasing from 20.5% to 26.8% of total prison admissions. Conditional parole/postrelease violators have shown a notable increase over the past three years, accounting for 37.9% of admissions in FY1999. Both parole and probation violators with new sentences have remained fairly stable over the past five years.

The increase in the number of conditional parole/postrelease violators has had a direct impact on the state's short-term increase in prison population. During FY 1996, conditional parole/postrelease violators were projected to return to prison at a monthly rate of 110/mo and 426 beds were required to accommodate this population, which totaled 1,411 offenders. In FY 2000, that same offender group projected to return to prison at a rate of 220 per month and will require 880 beds to accommodate this offender group, which is projected to total 2,640 offenders.

Although the period of incarceration for conditional violators is limited, the increasing volume of these offenders entering prison has required an increasing number of beds. In reviewing the FY 1999 data, the length of time for incarceration for both conditional parole and postrelease violators has increased over the previous year. Old law conditional parole violators show an increase from 10.7 months to 13.9 months and guideline conditional postrelease violators also indicate an increase from 4.0 months to 4.4 months. It should be noted that the new revocation hearing waiver option is anticipated to reduce the incarceration time for the postrelease violators in the future. Some of the increase in the old law condition violators is related to required program participation or completion. For example, both the Sex Offender Treatment Program and the Therapeutic Community Drug Treatment Program are one year in length and account for some of the increased lengths of stay. Thus, the combination of both an increase in admissions for this group plus an increase in lengths of stay results in additional prison bed needs.

When penalties are enhanced or a new criminal offense is created, there is also a direct impact on admissions. The enactment of new legislation, such as HB 2469, enhances penalties by elevating the severity level and correspondingly increases sentences lengths. The prison bed needs for Severity Level I of the Drug Grid doubles from 40 to 86 over the ten-year projection period. Non-drug Severity Level V also shows an increase in required prison beds due to enhanced penalties for the offenses of Aggravated Escape from Custody and Battery on a Law Enforcement Officer, in addition to the new offense of Unlawful Endangerment with Serious

Bodily Injury. The new sentencing rule for second residential burglary convictions that prescribes a presumptive prison sentence increases the admissions for Nondrug Severity Level VII but is primarily offset by the decrease in admissions on Nondrug Severity Level IX due to reclassification of Driving on Suspended License and Habitual Violator to misdemeanor offenses.

When examining prison population it is important to identify what percentage of admissions is attributable to offenses and criminal histories that are below the incarceration line of the sentencing grids. Grid boxes below the incarceration line are designated presumptive nonprison sentences with the underlying philosophy that these specific offenses and/or offenders did not pose a significant threat to public safety and could be dealt with appropriately in the community. Although it is reasonable to believe that a certain percentage of this group of offenders would eventually become a significant threat to public safety and incarceration would follow, that number would be limited. In reviewing the number of offenders admitted to prison under guideline sentences (either as conditional probation or postrelease violators) over the past five years that fall beneath the incarceration line, the number is substantial. A review of the data indicates that the number of conditional probation and postrelease violators whose offenses are beneath the incarceration line that have been admitted to prison has increased from 281 violators in FY1995 (5.8% of admissions) to 1,795 violators in FY 1999 (30.4% of admissions). Of the 1,795 violators, 1,119 admissions represent conditional probation violators and 676 admissions are conditional postrelease violators. These figures do not include offenders sentenced directly to prison as the result of a dispositional departure or violators admitted with a new sentence.

The situation that commonly occurs is one where a conditional probation violator has his/her probation revoked and is incarcerated to serve the underlying prison sentence. The offender is then released from prison to serve a period of postrelease supervision and violates the conditions of the supervision, resulting in revocation and incarceration for 90 to 180 days. It is not uncommon to have multiple postrelease revocations and subsequent incarcerations for this offender group. Ultimately the scenario develops where there are multiple incarcerations for an offender whose sentence fell within the presumptive nonprison portion of the sentencing grid. This results in the competing need for a prison bed with violent offenders sentenced to long periods of incarceration.

In summarizing the FY 2000 population projections, the increased prison bed needs result from multiple sources that are all occurring simultaneously. The short term increase in prison population indicated by this year's projections is primarily due to an increase in the number of conditional parole and postrelease violators from a previous FY 1999 projected monthly average return rate of 161 per month to 220-235 per month during the current forecast period. This negates the anticipated short-term decline in prison population that was previously projected in the FY 1999 projections. The need for over 1,500 new prison beds over the next ten years is attributable to the pronounced stacking effect that is developing, a growing number of offenders with increasingly serious criminal histories and increased admissions due to conditional violators.

In order for state to address its growing prison population, either the lengths of sentences must be adjusted, admissions need to be restricted or a new facility must be constructed. Given that the

state has adopted a determinate sentencing model, sentences lengths are established by a combination of statutory designation and an offender's criminal history. However, evaluating what types of offenders are being admitted to prison may be warranted. It would appear that if approximately a third of our admissions to prison are for offenses that fall beneath the incarceration line, developing alternative methods of dealing with these offenders may be both appropriate and fiscally necessary for the state.

Crime Rates and Prison Population Levels

Much discussion and debate has occurred over the past few years regarding the relationship between falling crime rates and increasing prison populations. The most simplistic response would be to accept that increased incarceration has resulted in fewer criminals on the street to commit criminal offenses. It is true that more criminals are in prison. However, that response ignores the fact that a large number of criminal offenses (excluding murder) are never reported to the police. Of the number of crimes reported to the police, only a declining percentage results in apprehension, prosecution, conviction and ultimately incarceration. This phenomenon is often referred to as the "funnel effect of crime." The criminal justice system has not been very effective at identifying high-risk career offenders in the early stages of their careers. Since a large portion of crime is committed by a limited number of criminals, early identification of career offenders would have a significant impact reducing crime, as well as prison population.

The deterrence effect of increased incarceration has also been offered as an explanation for decreasing crime rates. Although incarceration does provide a specific deterrence effect, since the offender is incapable of committing additional criminal offenses while in prison, a general deterrence effect is unsupported. Most crimes are committed in a highly emotional irrational state of mind or under the influence of drugs and/or alcohol. In very few incidents will an offender consider the punishment for the offense prior to the commission of a crime. In order for the severity of the punishment to play a critical role in an offender's decision to commit a crime, the offender must accept that there is a highly probable chance that he or she will be detected. The vast majority of criminals do not believe they will be caught. In reality it is the certainty of detection that will influence an offender more than the severity of the punishment.

A combination of changing demographics, a strong economic environment and decreasing unemployment rates have had an impact on declining crime rates. In recent years, the population of 18 to 24 years old, the primary age group for criminal activity has declined. However, some research has indicated that declining unemployment rates may be misleading since the number of offenders incarcerated have been removed from the population of unemployable individuals, thus understating the nation's real unemployment rate. This raises the concern of what will happen with this large number of offenders who are eventually released from prison.

If one factor could be isolated as the contributing factor to increasing prison population while crime rates decline, it would have to be sentence lengths. Starting in the mid-eighties and continuing throughout the 1990's, the get tough on crime philosophy has resulted in longer prison sentences for practically all offenses, especially drug offenses. Even though fewer criminals are being convicted and sent to prison, the length of sentences are considerably longer resulting in increasing prison population levels, since fewer offenders are being released.

The second significant factor contributing to the relationship between falling crime rates and increasing prison population is the re-cycling of offenders within the system. Condition violator returns are contributing to increased prison populations nationwide. The lack of resources and appropriate transition programs has contributed to an increase in the number of violator returns. These offenders have not committed new criminal offenses but rather have failed to comply with the terms of their release supervision. This specific population has the potential to pose significant problems in the future since longer periods of incarceration will make transitions back to the community more and more difficult. The needs and problems associated with offenders released after ten, fifteen or twenty years of incarceration are not something most communities are adequately prepared to address.

As indicated above, there is no simple explanation for the decline in crime rates and the corresponding rise in prison population levels. Rather, the answer is complex and comprised of several variables interacting with each other. Rational sentencing policy has the potential to impact prison population as much, if not more, than crime rates. As policy makers, the challenge of balancing the need for public safety with allocation of limited state resources is at best very difficult. However, reviewing trends and understanding their impact should assist in the difficult task before you.

For more information contact:

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Kansas Sentencing Commission

APPENDIX A

**KANSAS SENTENCING COMMISSION
 FY 2000 OFFICIAL ADULT INMATE PRISON POPULATION PROJECTIONS
 1.5% Admission Growth Rate**

| ID Group | 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 | June 30 2008 | June 30 2009 | TOTAL # INCREASE | PERCENT INCREASE |
|---------------------------------|------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|---------------------|---------------------|
| D1 | 41 | 41 | 51 | 60 | 65 | 73 | 78 | 84 | 88 | 86 | 86 | 64 | 156.1% |
| D2 | 225 | 249 | 253 | 255 | 267 | 285 | 290 | 285 | 300 | 313 | 330 | 105 | 46.7% |
| D3 | 530 | 463 | 467 | 472 | 474 | 493 | 509 | 522 | 541 | 556 | 547 | 17 | 3.2% |
| D4 | 405 | 480 | 511 | 532 | 520 | 573 | 566 | 595 | 560 | 556 | 583 | 178 | 44.0% |
| N1 | 519 | 550 | 577 | 602 | 636 | 669 | 701 | 734 | 768 | 803 | 837 | 318 | 61.3% |
| N2 | 563 | 572 | 594 | 602 | 607 | 617 | 625 | 631 | 642 | 649 | 650 | 87 | 15.5% |
| N3 | 1222 | 1238 | 1281 | 1321 | 1358 | 1412 | 1453 | 1492 | 1487 | 1525 | 1565 | 343 | 28.1% |
| N4 | 274 | 252 | 255 | 249 | 246 | 243 | 248 | 249 | 266 | 274 | 290 | 16 | 5.8% |
| N5 | 845 | 740 | 764 | 808 | 879 | 918 | 949 | 989 | 1017 | 1045 | 1049 | 204 | 24.1% |
| N6 | 153 | 159 | 156 | 156 | 160 | 151 | 147 | 136 | 134 | 126 | 123 | -30 | -19.6% |
| N7 | 726 | 752 | 834 | 878 | 962 | 1023 | 996 | 967 | 1041 | 1045 | 1082 | 356 | 49.0% |
| N8 | 285 | 431 | 493 | 498 | 488 | 480 | 439 | 429 | 424 | 450 | 449 | 164 | 57.5% |
| N9 | 430 | 637 | 600 | 596 | 520 | 524 | 479 | 485 | 462 | 462 | 442 | 12 | 2.8% |
| N10 | 76 | 102 | 91 | 86 | 79 | 81 | 74 | 76 | 93 | 97 | 84 | 8 | 10.5% |
| OFF GRID | 561 | 615 | 655 | 699 | 742 | 785 | 836 | 888 | 940 | 993 | 1047 | 486 | 86.6% |
| Conditional Parole Violators | 1631 | 1596 | 1451 | 1168 | 1041 | 927 | 899 | 864 | 836 | 801 | 890 | -741 | -45.4% |
| Total | 8486 | 8877 | 9033 | 8982 | 9044 | 9254 | 9289 | 9426 | 9599 | 9781 | 10054 | 1568 | 18.5% |

* Based on the actual prison population on that date.

SENTENCING RANGE - NONDRUG 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+ Misdemeanor | | | 1 Misdemeanor No Record | | |
| I | 653 | 620 | 592 | 618 | 586 | 554 | 285 | 272 | 258 | 267 | 253 | 240 | 246 | 234 | 221 | 226 | 214 | 203 | 203 | 195 | 184 | 186 | 176 | 166 | 165 | 155 | 147 |
| II | 493 | 467 | 442 | 460 | 438 | 416 | 216 | 205 | 194 | 200 | 190 | 181 | 184 | 174 | 165 | 168 | 160 | 152 | 154 | 146 | 138 | 138 | 131 | 123 | 123 | 117 | 109 |
| III | 247 | 233 | 221 | 228 | 216 | 206 | 107 | 102 | 96 | 100 | 94 | 89 | 92 | 88 | 82 | 83 | 79 | 74 | 77 | 72 | 68 | 71 | 66 | 61 | 61 | 59 | 55 |
| IV | 172 | 162 | 154 | 162 | 154 | 144 | 75 | 71 | 68 | 69 | 66 | 62 | 64 | 60 | 57 | 59 | 56 | 52 | 52 | 50 | 47 | 48 | 45 | 42 | 43 | 41 | 38 |
| V | 136 | 130 | 122 | 128 | 120 | 114 | 60 | 57 | 53 | 55 | 52 | 50 | 51 | 49 | 46 | 47 | 44 | 41 | 43 | 41 | 38 | 38 | 36 | 34 | 34 | 32 | 31 |
| VI | 46 | 43 | 40 | 41 | 39 | 37 | 38 | 36 | 34 | 36 | 34 | 32 | 32 | 30 | 28 | 29 | 27 | 25 | 26 | 24 | 22 | 21 | 20 | 19 | 19 | 18 | 17 |
| VII | 34 | 32 | 30 | 31 | 29 | 27 | 29 | 27 | 25 | 26 | 24 | 22 | 23 | 21 | 19 | 19 | 18 | 17 | 17 | 16 | 15 | 14 | 13 | 12 | 13 | 12 | 11 |
| VIII | 23 | 21 | 19 | 20 | 19 | 18 | 19 | 18 | 17 | 17 | 16 | 15 | 15 | 14 | 13 | 13 | 12 | 11 | 11 | 10 | 9 | 11 | 10 | 9 | 9 | 8 | 7 |
| IX | 17 | 16 | 15 | 15 | 14 | 13 | 13 | 12 | 11 | 13 | 12 | 11 | 11 | 10 | 9 | 10 | 9 | 8 | 9 | 8 | 7 | 8 | 7 | 6 | 7 | 6 | 5 |
| X | 13 | 12 | 11 | 12 | 11 | 10 | 11 | 10 | 9 | 10 | 9 | 8 | 9 | 8 | 7 | 8 | 7 | 6 | 7 | 6 | 5 | 7 | 6 | 5 | 7 | 6 | 5 |

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|--------------------------|
| LEGEND |
| Presumptive Probation |
| Border Box |
| Presumptive Imprisonment |

Recommended probation terms are:

- 36 months for felonies classified in Severity Levels 1 - 5
- 24 months for felonies classified in Severity Levels 6 - 10

Postrelease terms are:

For felonies committed before 4/20/95

- 24 months for felonies classified in Severity Levels 1 - 6
- 12 months for felonies classified in Severity Level 7 - 10

For felonies committed on or after 4/20/95

- 36 months for felonies classified in Severity Levels 1 - 6
- 24 months for felonies classified in Severity Level 7 - 10

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 |

| |
|--------------------------|
| LEGEND |
| 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

**DIFFERENCES BETWEEN HOUSE AND SENATE CHANGES MADE TO THE
GOVERNOR'S RECOMMENDED CURRENT YEAR ADJUSTMENTS**

| Agency | House Adjustments House Bill No. 2607 | Senate Adjustments Senate Bill No. 403 | Conference Committee Adjustments Senate Bill No. 39 |
|--|--|--|---|
| Secretary of State <i>House Sec. 11</i> <i>Senate Sec. 11, 71</i> | The House did not consider this item. | Direct the Secretary of State to work with other midwestern states to develop a regional Presidential Preference Primary. | |
| Department of Revenue <i>House and Senate Sec. 24</i> | The House did not consider this item. | Add a proviso which requires the agency, for the remainder of FY 2000, to conduct at least the same number of corporate tax audits as the comparable monthly average of corporate tax audits for the same period of FY 1996 through FY 1998. | |
| Department of Health and Environment <i>House and Senate Sec. 32</i> | Delete \$500,000 recommended for smoking prevention grants from the Children's Health Care Programs Fund (now Kansas Endowment for Youth Fund) and transfer \$500,000 from the Children's Health Care Programs Fund to the State General Fund. | The Senate did not consider this item. | |
| Department of Education <i>House and Senate Sec. 36</i> | The House did not consider this item. | Delete provisions lapsing \$43,491 from the State General Fund in the Juvenile Detention Facilities and Flint Hills Job Corps Center Grants account, part of which is related to the restoration of the full \$50 per pupil increase. | |
| Board of Regents <i>House and Senate Sec. 51</i> | Delete a lapse of \$52,500 from the State General Fund for the Comprehensive Grant Program. | The Senate did not consider this item. | |

House Appropriations
 1-18-00
 Attachment 4

H-2

| Agency | House Adjustments House Bill No. 2607 | Senate Adjustments Senate Bill No. 403 |
|--|--|--|
| State Fire Marshal <i>House and Senate Sec. 55</i> | As a technical adjustment, add \$144,000 to the appropriation limit reflected in the bill. | The Senate did not consider this item. |
| Kansas Bureau of Investigation <i>House and Senate Sec. 58</i> | The House did not consider this item. | Add funding of \$406,221 from the State General Fund to restore a portion of the salaries and wages reduction recommended by the Governor. |
| | The House did not consider this item. | Add a proviso authorizing expenditures from the agency's State General Fund operating expenditures account to fund renovation and operations at the Kansas City Kansas laboratory. |
| Department of Wildlife and Parks <i>House and Senate Sec. 68</i> | The House did not delete this item. | Delete a reduction of \$647,566 to the expenditure limitation on the Wildlife Fee Fund. |
| Selected State Agencies <i>House and Senate Sec. 72</i> | Add a proviso which requires that: all FTE positions which were vacant as of January 1, 2000, and which have been vacant for 36 months, be abolished; that no expenditures be made for such positions; and that the position limitations of the affected agencies be reduced accordingly. The positions to be abolished are to be determined by the Director of the Budget in consultation with the Director of Personnel Services. | Add a proviso which requires that: all FTE positions which were vacant as of January 1, 2000, and which have been vacant for 60 months, be abolished; that no expenditures be made for such positions; and that the position limitations of the affected agencies be reduced accordingly. The positions to be abolished are to be determined by the Director of the Budget in consultation with the Director of Personnel Services. |
| Dollar Change From Governor's Recommended FY 2000 Budget: | Increase of \$1,227,500 SGF and \$727,500 all funds; SGF revenue increase of \$500,000 | Increase of \$1,624,712 SGF and \$ 2,272,278 all funds |