

MINUTES OF THE SENATE WAYS & MEANS.

The meeting was called to order by Chairperson Dave Kerr at 11:00 a.m. on January 18, ²⁰⁰⁰1999 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Alan Conroy, Chief Fiscal Analyst, KLRD
Norman Furse, Revisor of Statutes
Michael Corrigan, Revisor of Statutes
Rae Anne Davis, KS Legislative Research Department
Debra Hollon, KS Legislative Research Department
Judy Bromich, Administrative Assistant

Conferees appearing before the committee:

Secretary Charles E. Simmons, Department of Corrections
Barbara Tombs, Executive Director, KS Sentencing Commission

Others attending: See Attached List

Chairman Kerr introduced the Secretary of Corrections, Charles Simmons, who appeared before the Committee to brief members on the inmate population increase and the proposed inmate capacity expansion. He reviewed the charts contained in his written testimony. (Attachment 1) In discussing Chart 7, he noted that 26% of the inmates are maximum security, 40% are medium security and the balance is minimum security. In answer to a question regarding the information in this chart, he stated that the 43 minimum security beds at Larned State Security Hospital are for substance abuse inmates and the 47 beds in maximum security are in the mental illness section.

In discussing Chart 8, (KDOC Population versus Capacity), the Secretary noted that Hutchinson Correctional Facility is running above capacity. He stated that Hutchinson has multi-purpose cells which are housing 5 medium security inmates though they are designed to house 3. The Court capped the number at 3 in 1989 and the order is now closed. He noted that plaintiffs would have to show constitutional violation before the caps can be revisited.

The Secretary told Committee members that the number of return admissions for condition violations has increased partly because the Department is doing more drug testing. There was Committee discussion regarding the number of community residential and substance abuse beds. In answer to a question, Secretary Simmons stated that a great portion of the money appropriated by the Legislature for community substance abuse and work release programs has not been expended (because no one bid on the community project, and the work release program on TSH grounds wasn't done because of neighborhood objections) and is in the balance of the Federal Crime Bill Fund. He informed members that the Federal Crime Bill Fund could be used for community transitional programs only if the programs would free up beds. Secretary Simmons stated that he would make the substance abuse program evaluation document available to members.

Reviewing the Governor's FY 2001 capacity-related recommendations, Secretary Simmons noted that the Department expects an additional federal grant award this year, but the amount is unknown. He said that they're writing the grants so that the Dept. can use the monies at El Dorado or for maximum security juvenile unit programs without getting into a supplanting issue. In response to requests, the Secretary stated that he would provide the following information:

- the annual operating costs and debt service at TCF and El Dorado
- current debt service on existing bonds
- comparison of available beds, capacity expansion costs, and operational costs of the proposed expansion at the Hutchinson Correctional Facility and the El Dorado Correctional Facility

CONTINUATION SHEET

Senator Kerr told the Secretary that some legislators may say that no more prison beds should be provided and other ways should be found to deal with the problem. He asked the Secretary to provide a response as to what his recommendation would be if that were to be the new policy of the Legislature.

Ms. Barbara Tombs, Executive Director of the Kansas Sentencing Commission, presented an overview of the impact of Sentencing Guidelines on prison population. (Attachment 2) She cited particularly admission rates and length of stay as primary factors that alter prison population. She explained how legislative mandates had affected those two factors and the "stacking effect" that has increased prison population as a result.

A document outlining the violations which lead to the incarceration of conditional parole/postrelease violators was requested.

The Chairman apologized for not having time to adequately review the Director's written testimony in Committee. He asked that members read the testimony as the Committee might want to consider addressing issues that would impact prison population.

The meeting was adjourned at 12:10 p.m. The next meeting will be January 19, 2000.

SENATE WAYS AND MEANS COMMITTEE GUEST LIST

DATE: Jan 18

NAME	REPRESENTING
Bill Brady	Kansas Gov't Consulting
Bill Lemy	KS Gov't Consulting
Nora Smith	Intern
Jeff Bottenberg	KS Peace Officers Ass'n
Jim Frazier	JJA
Scott Brunner	DOB
Mike Hultles	KS Gov't Consulting
Jan Brasher	KSC
Charles Simmons	Dept. of Corrections

KDOC STATUS REPORT: Population and Capacity

***Presented to the Senate Ways and Means 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.

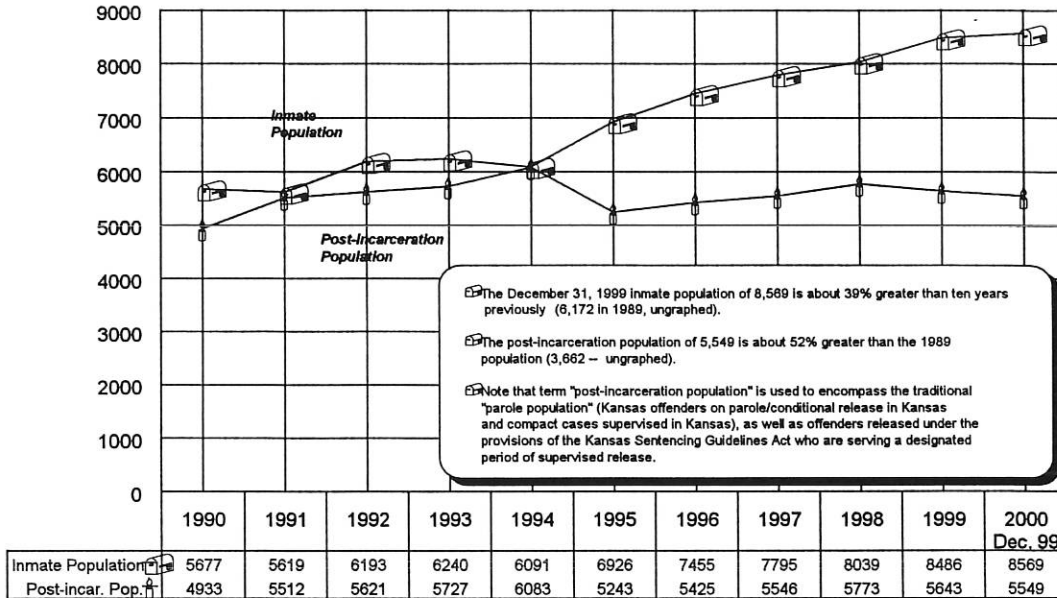
Senate Ways and Means Committee

Date *January 18, 2000*

Attachment # *1*

Chart 1:

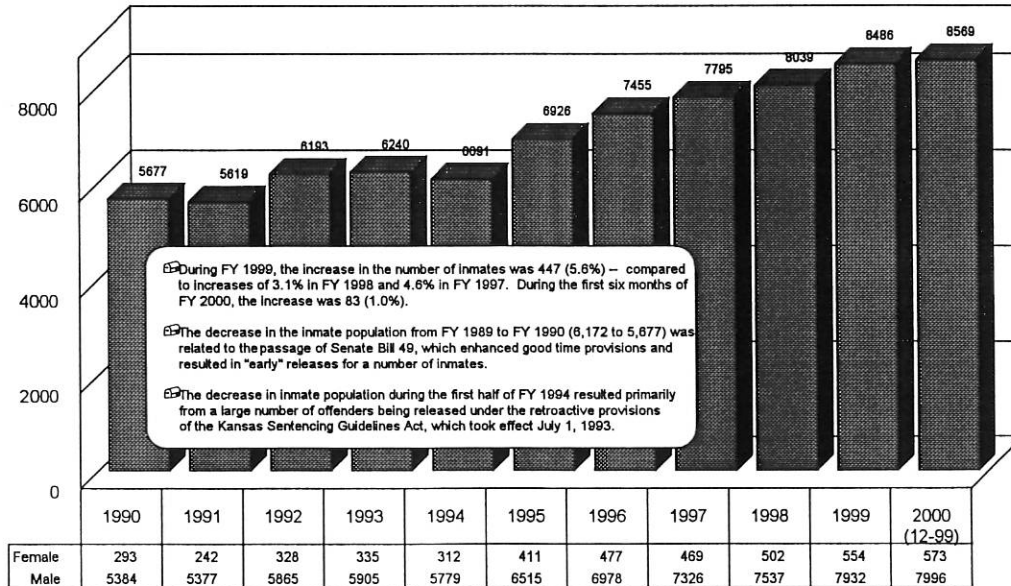
Inmate Population and Post-incarceration Population Under In-state Supervision: Fiscal Years 1990 - 1999 and FY 2000 to Date*



*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*

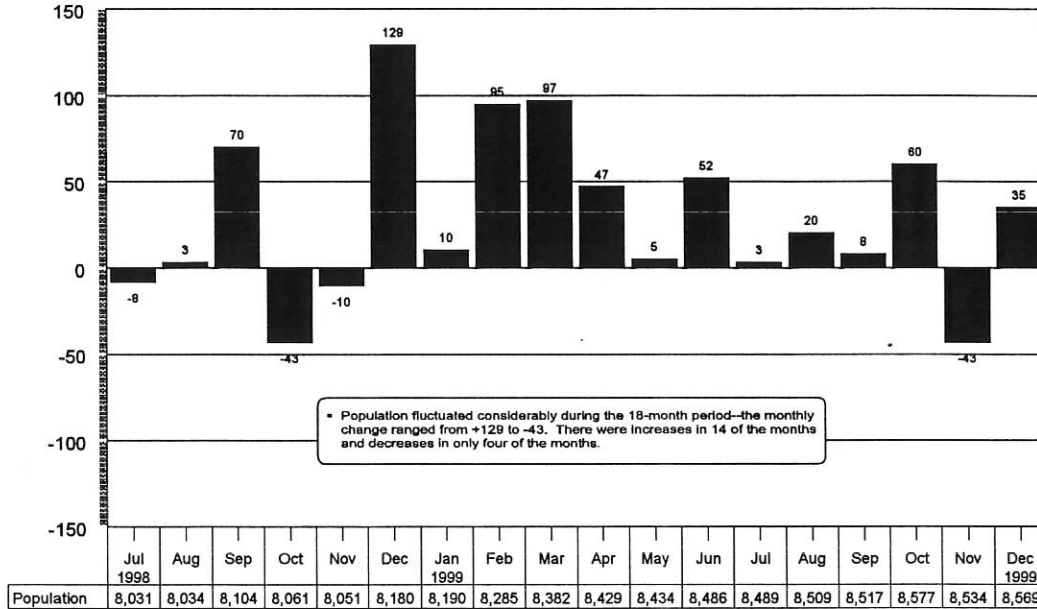


*As of June 30 each year except FY 2000, which is as of 12-31-1999.

HGW Chart bf2ab.pr4

Chart 3:

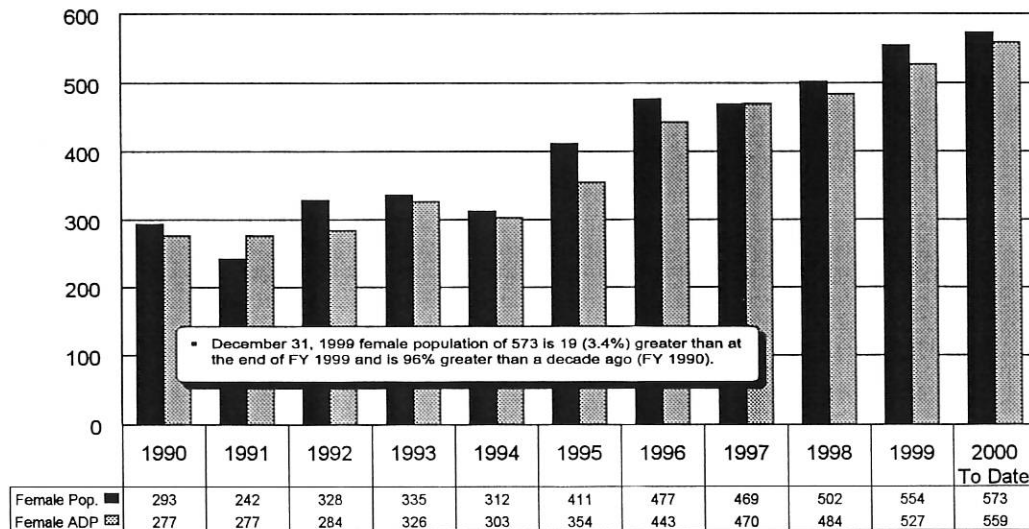
Change in Month-end Inmate Population During 18-Month Period: July 1998 Through December 1999



HGW Chart bf20ab.pr4

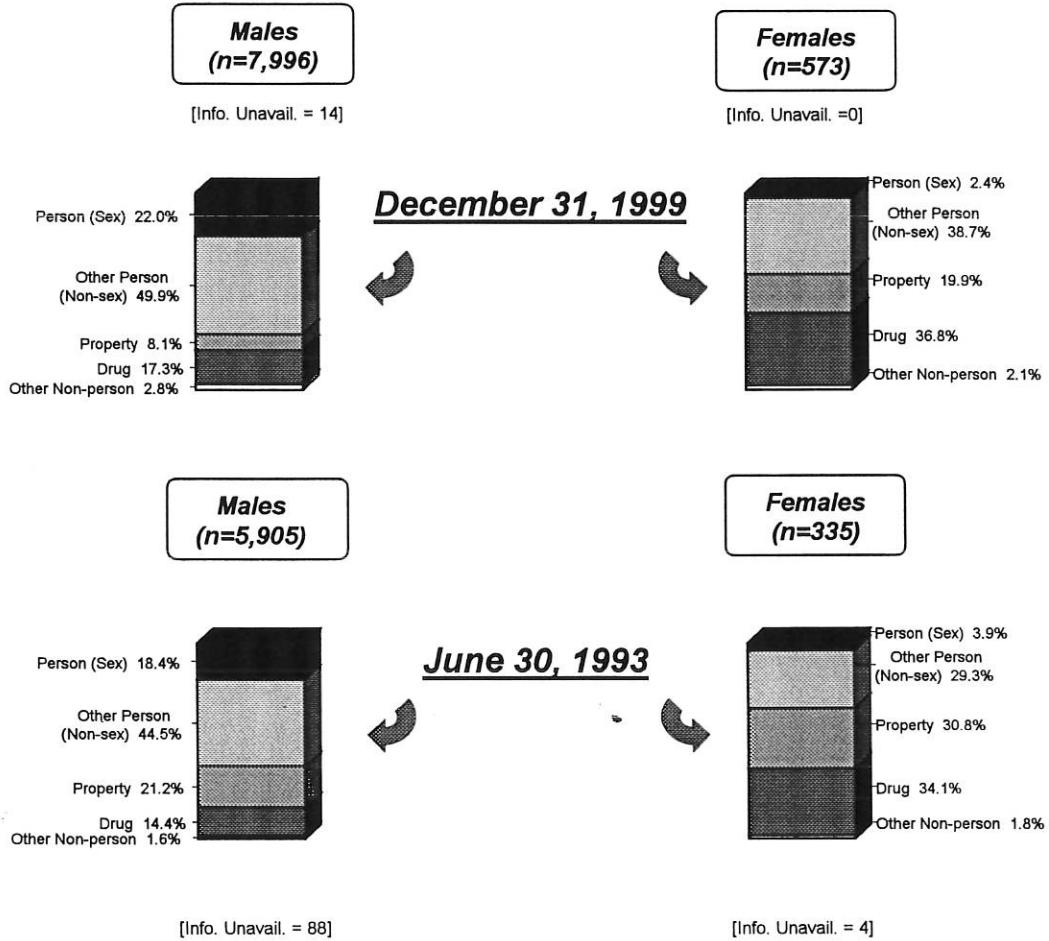
Chart 4:

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 bfpopfm.pr4

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

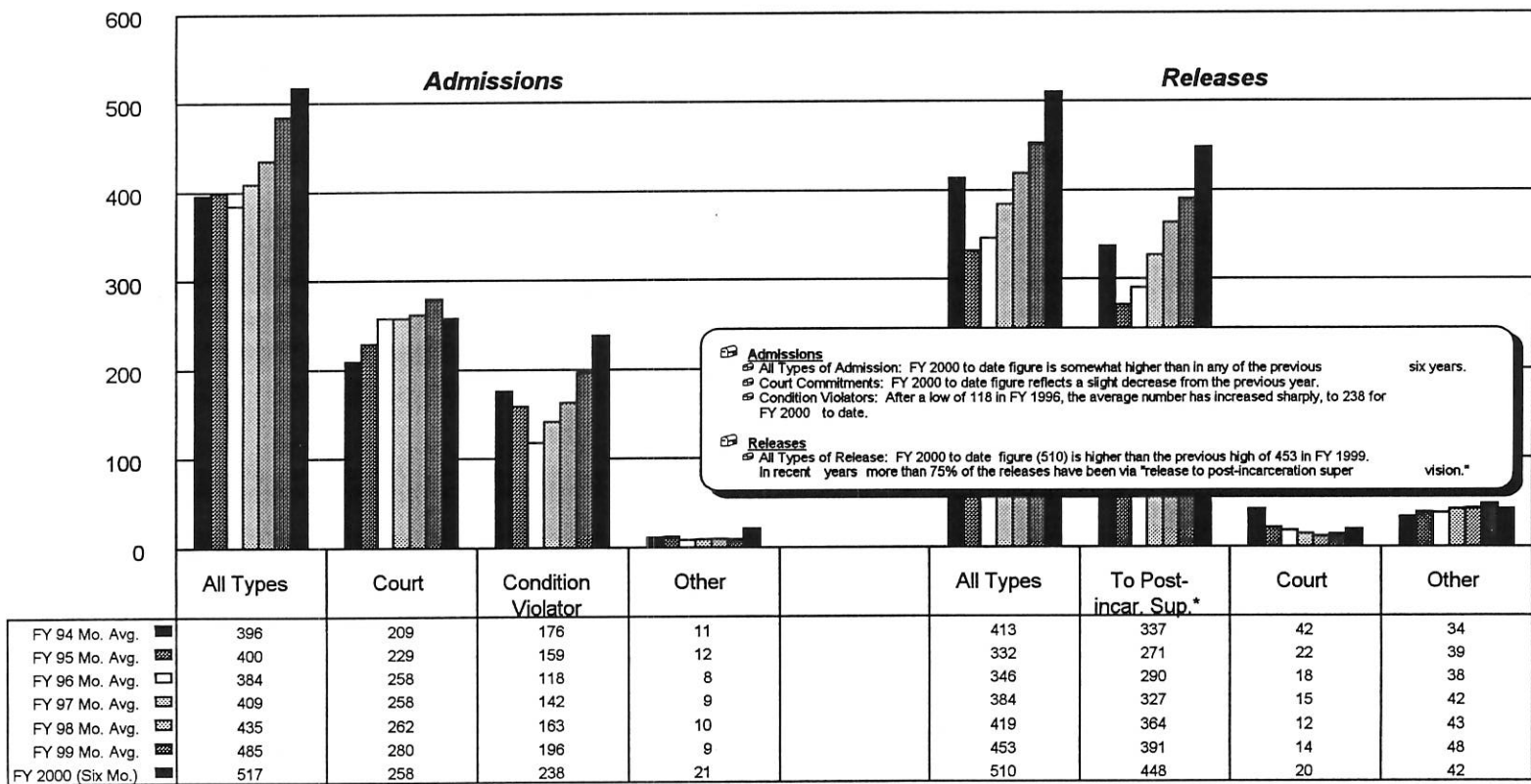


*Information pertains to the overall most serious active offense for each offender and includes attempt, conspiracy, and solicitation to commit the offense.

HGW Chart b1com97p.pr4

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 bfyrdrl.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	6866	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	7455	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

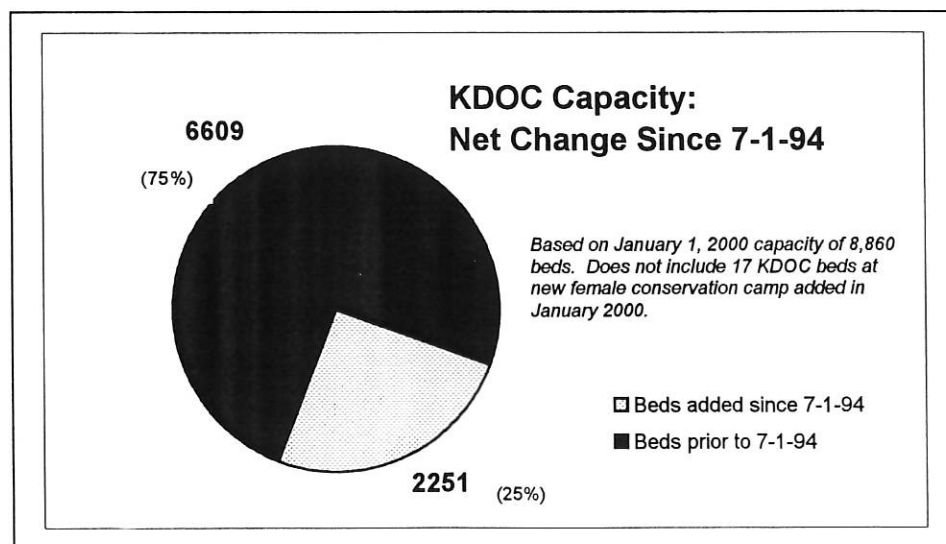
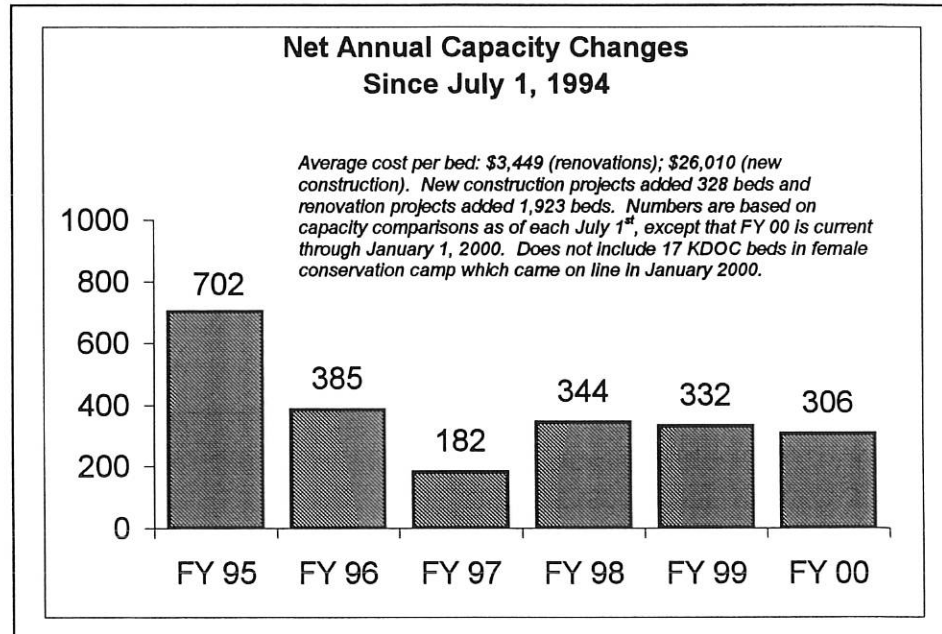


Chart 11:
Kansas Sentencing Commission
Ten Year Adult Inmate Prison Population Projections
September 1999

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

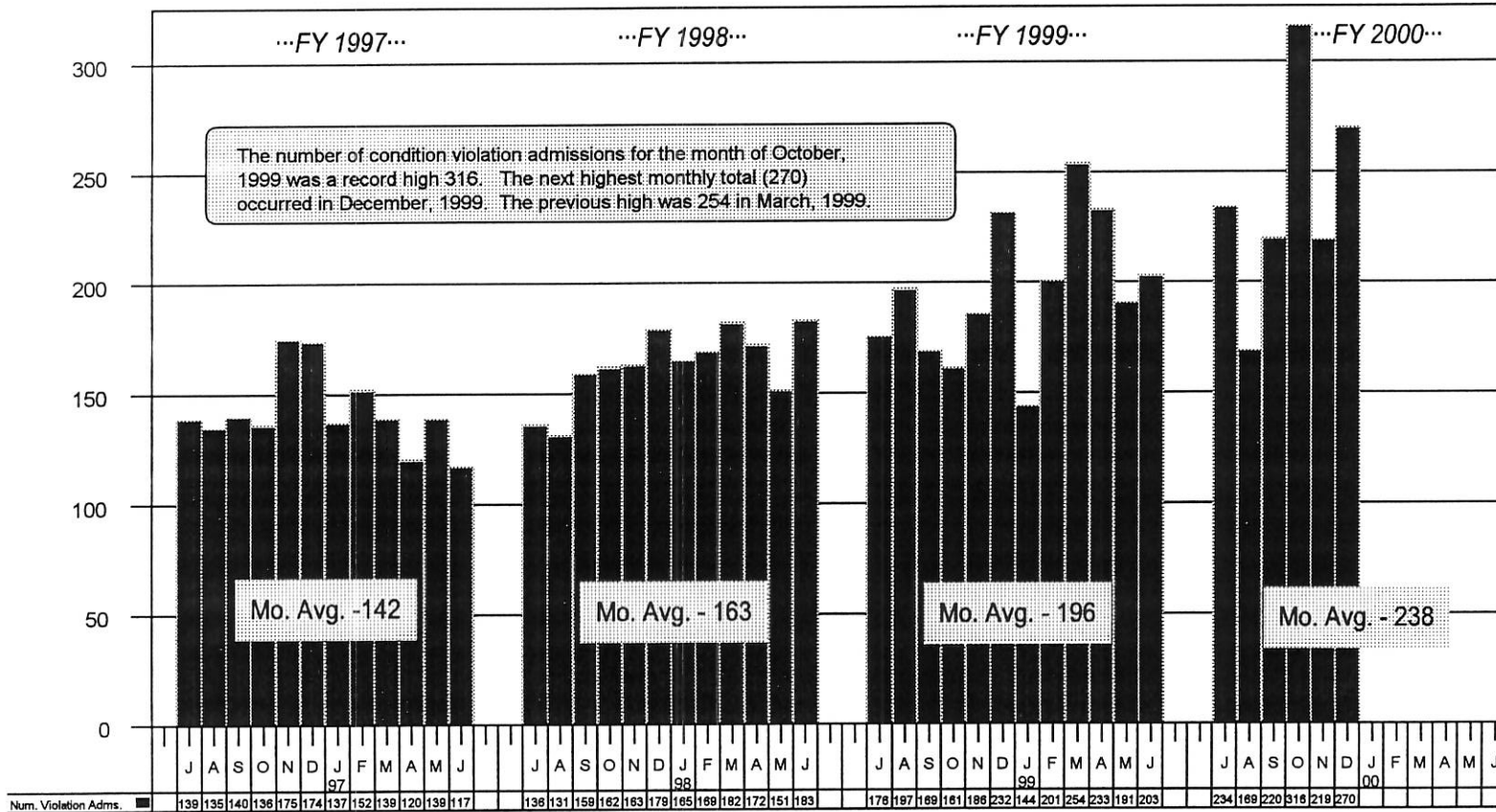
Year (June 30)	Total	% of 99 Base	CV ID Group	% of 99 Base	Non-CV ID Groups	% of 99 Base
1999	8,486		1,631		6,855	
2000	8,877	104.6%	1,596	97.9%	7,281	106.2%
2001	9,033	106.4%	1,451	89.0%	7,582	110.6%
2002	8,982	105.8%	1,168	71.6%	7,814	114.0%
2003	9,044	106.6%	1,041	63.8%	8,003	116.7%
2004	9,254	109.1%	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*



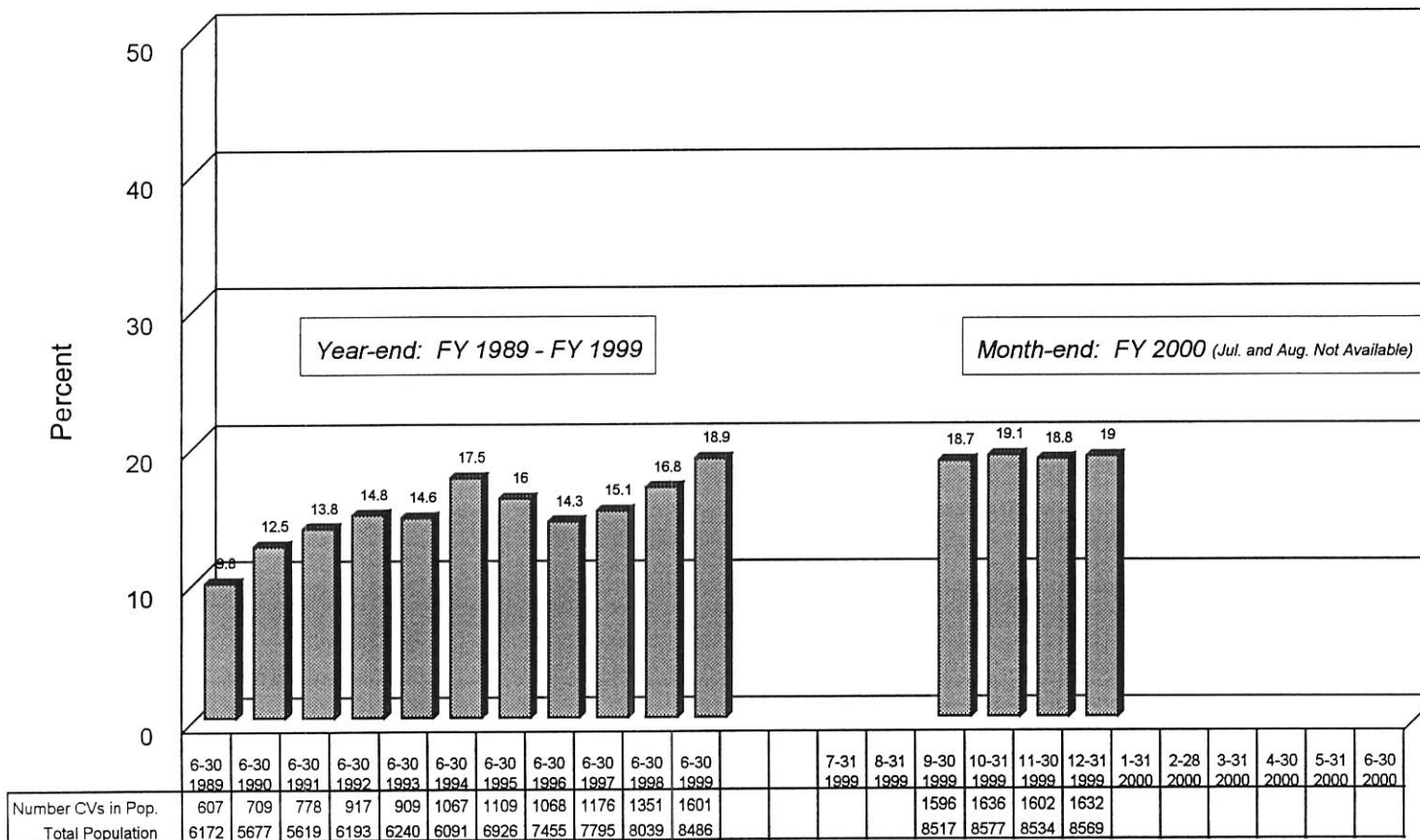
*Total number of admissions for violation of the conditions of release (no new sentence).

1-14

13

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 RecommendationsEDCF 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	<u>135,000</u>
	\$ 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.*



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 there after, 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. Nondrug 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

2-9

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

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	31 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