

MINUTES OF THE HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE.

The meeting was called to order by Chairperson Ward Loyd at 1:30 p.m. on March 10, 2003, in Room 526-S of the Capitol.

All members were present except:

Representative Dale Swenson - excused

Committee staff present:

Jill Wolters - Revisor of Statutes
Mitch Rice - Revisor of Statutes
Jerry Ann Donaldson - Legislative Research Department
Martha Dorsey - Legislative Research Department
Nicoletta Buonasera - Legislative Research Department
Bev Renner - Committee Secretary

Conferees appearing before the committee:

Professor Bill Rich—Washburn University School of Law
Secretary Roger Werholtz—Department of Corrections (DOC)
Barbara Tombs—Executive Director, Kansas Sentencing Commission

Professor Bill Rich, Washburn Law School was introduced to speak on Prison capacities and overcrowding. Professor Rich's involvement with these issues span a twenty-five year time frame, dating to the time that Judge Richard Rogers asked if he would represent a group of inmates who complained about conditions at the Kansas State Penitentiary. He agreed to accept that duty involving students from the Washburn Law Clinic. The resolution was accomplished by basically renovating the old penitentiary into the Lansing Correctional Institution.

Professor Rich stressed five points that retain importance and insure that we create a system where we will not have future unconstitutional conditions or climate for Kansas inmates.

- 1) The state should maintain a population management system that would assure that we would be able to stay within the capacity of our prisons. This is represented by the Kansas Sentencing Commission and the report given to the legislature. It becomes a predictable issue.
- 2) How capacity is defined in Kansas. Issues related to capacity include the problems of moving inmates from one facility to another in order to resolve problems as populations interact with each other and to secure a good system of moving inmates through the facilities.
- 3) Underlying constitutional law of overcrowding prison systems. With a full, well-trained staff you can handle two inmates to each cell because you can provide jobs, programs, out-of-cell time in a variety of ways that minimize the effect of overcrowding. With a varied and complete staff and new facilities, you can maintain cleanliness, hygiene standards, and you can handle problems with mental illness when they arise. The reality is, with a system that is overcrowded there are problems in other areas; the need to cut back on programs, staff and the deterioration of aging facilities.
- 4) Unpredictability of future litigation. The needs for mental health facilities continue to change. Larned was considered to be adequate for a prison population of 5,500. Since then, the prison population has gone up to almost 9,000. Space in that facility has been reduced because of the need to house sexually violent predators. Programs in other facilities that should reduce the need for a special mental health facility have been cut back or cut off. The wide range of needs of the Kansas inmate population adds to unpredictably.
- 5) Alternatives are available through the Kansas Sentencing Commission and the talented staff are able to give well-researched policy options that insure that future constitutional violations will not occur.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE at 1:30 p.m. on March 10, 2003, in Room 526-S of the Capitol.

As Professor Rich's litigation was concluding, Congress enacted the Prison Litigation Reform Act which imposes some limits on what federal judges are permitted to do and the period of time that they are permitted to do it. It is difficult to anticipate the exact way the confines of this act would apply to the specific terms of the orders that came from Judge Rogers. There would be no automatic release of inmates without a federal judge saying that the case is reopened and it is his order that will have to be followed at this stage. This decision should come about in the event there is proven litigation with inmates represented by counsel in a class action suit. The consent decree entered into in 1980 was built upon by litigation in 1988 and extended until 1997. There is an extensive record and it should be considered by the judge in taking even firmer action now if it turns out that the action he took 10 years ago is not manageable. The State of Kansas would no longer be a first-time offender but a repeat offender and the penalty would no doubt be more severe. The Federal Judge would probably defer to the Secretary of Corrections and the Governor for the decision of who would be released.

Professor Rich described some alternatives that could free up bed space or relieve some of the pressure in the system at this point: 1) take a month, or more, off across the board on all sentences covered by the grid, or at certain points on the grid; 2) in concurrently served sentences, presumption should be a single prior conviction to change the criminal history of who deserves to have increased sentences and who doesn't (especially in juvenile adjudications); and, 3) are we sending the right people to prison for the right time? For instance, a person incarcerated for drug possession, a nonperson felony offender, under current policy would in no way be turned into a better person, a person less likely to be drug dependent or engage in other criminal acts and recidivism. Whereas, that person receiving treatment, can both be counseled at much lower cost and with much less likelihood of recidivism of further criminal acts. This is what we should be considering and recognizing the need for change. (Attachment 1)

Secretary Roger Werholtz, DOC appeared to give information about capacity and population at the time of the 4/13/89 order and now (Attachment 2). Capacities have been increased when renovations and new construction has resulted in additional bed space consistent with the standard of the American Correctional Association. There has been a 47% reduction in the budget for programs from 2000-2004. A strategy has been developed to get more and more private industry to come in to create jobs for inmates to occupy their time. Sexual predators are no longer housed at the Larned State Hospital facility but at a dormitory across the road. The Federal Crime Initiative, Violent Offender Incarceration/Truth In Sentencing has given the State of Kansas over \$27M. The driving policy is that the offender serve at least 85% of the sentence they received. The department is concerned that if we reduce sentences beyond the 85% requirement, will the State be required to pay back the funds received? This legislative session needs to address capacity issues.

Representative Dillmore asked about the constraints put on the system because of mental health concerns. Secretary Werholtz explained that the number of mentally ill, in terms of raw numbers and as a portion of population in Kansas and nationally, are increasing. As community mental health services are taxed, and as people are forced into homelessness and minimal services, they run into problems with the law and eventually so many times they work their way into the prison system. There is a lack of early intervention in the jails. DOC has a good mental health system in place but by the time these individuals come into the system, its too late.

Barbara Tombs, Executive Director-Kansas Sentencing Commission was introduced to speak on prison population models and projections (Attachment 3). Since July 1, 1993 sentencing grids were put in place and some of those sentences have doubled several times. Occurrences of crime has decreased and prison population is increasing. Decreasing crime rates can be attributed to three items in the present situation; 1) punishment, 2) demographics, and, 3) economics. The guidelines are set up for retribution and incapacitation, not rehabilitation. Ideally, incarceration could aid in rehabilitation but that is not a principal goal. Adding new crimes, elevating severity levels and creating more new sentencing rules will increase the need for new prison space exponentially.

The meeting was adjourned at 3:28 p.m. The next scheduled meeting in on May 11, 2003.

HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE GUEST LIST

DATE March 10, 2003

NAME	REPRESENTING
<i>Paul Johnson</i>	<i>PACK</i>

**Impact of Prison Over-Crowding
Testimony to the Kansas House of Representatives
Committee on Corrections and Juvenile Justice**

March 10, 2003

**Bill Rich
Professor of Law
Washburn University School of Law**

Background

Twenty-five years ago, law clerks for Judge Richard Rogers asked if I would represent a group of inmates who complained about conditions at the Kansas State Penitentiary (now known as the Lansing Correctional Institution). I agreed to take on that role in my capacity as a professor at Washburn Law School, working with students from the Washburn Law Clinic. I also worked with lawyers from the Kansas Legal Services for Prisoners Program. We investigated conditions at Lansing, met repeatedly with inmates and with lawyers from the Department of Corrections and the Attorney General's Office, and in 1980 we agreed to a settlement of the inmates' claims.

Two factors drove the litigation in its earliest stages: First, a concern about over-crowding, and second, a concern with idleness. Those problems were compounded by the fact that inmates were living in a facility built at the time of President Abraham Lincoln. The state promised renovation of the antiquated facility, jobs and activities for all inmates, single celling of inmates, and eventual certification by the American Correctional Association. Unfortunately, within three years of that settlement the prison population had grown to a point that promises made by Governor Bennett on behalf of the State of Kansas could not be met. As inmates were packed into the prison, problems relating to over-crowding became more and more intense. Those problems included increased idleness, severe health care concerns, violence affecting both inmates and correctional officers, fire safety problems, a rise in numbers of inmates needing protective custody, and a rise in problems of mental health care.

In 1985, the United States Department of Justice intervened. Their experts found "flagrant and egregious constitutional violations." Their lawyers provided us with evidence from their investigations, and asked that we reopen our litigation challenging conditions at Lansing. The case was reopened in January of 1988. Judicial relief from over-crowding at Lansing came quickly when Judge Rogers ordered immediate reductions in the Lansing inmate population. In response, the state moved Lansing inmates to other institutions which became even more severely over-crowded. Lawyers representing inmates at those institutions intervened, and the litigation quickly expanded to address conditions in additional prisons. Intense litigation led to another order from Judge Rogers providing state-wide relief.

H. Corr & J.J.
3-10-03
Attachment 1

Judge Rogers' order from April 13, 1989, established a two year time line for bringing the state into compliance with minimal recognized standards for prison management and capacity. In particular, he ordered the state to develop a "population management system which assures that the Kansas inmate population remains within the operating capacity of the state's correctional institutions [to] be in effective operation no later than July 1, 1991." The Kansas legislature met that requirement by establishing the Kansas Sentencing Commission.

Between 1989 and 1997 the Court targeted numerous additional issues. Challenges to mental health care led eventually to development of the Larned Mental Health facility. Judge Rogers also ordered relief for protective custody inmates who had been segregated from the general inmate population because of legitimate health and safety fears. They became entitled to work and program alternatives along with living standards comparable to those provided to the general population of inmates.

One issue that is critical to our understanding of contemporary concerns involved a dispute in which state arguments prevailed. Plaintiffs argued intensely over changes that were made in the meaning of "prison capacity." The state persuaded Judge Rogers that cells in the Lansing medium security prison designed for a single inmate could be occupied by two inmates without violating minimal acceptable standards. Based upon that ruling and others, Secretary Simmons managed to squeeze additional inmates into existing prisons without violating prison capacity standards. By my definition, Kansas prisons are already over-crowded even though not unlawful. As a result of those decisions, however, when those prisons reach their capacity, no reasonable additional space exists for housing inmates.

In 1997, Judge Rogers closed the class action suit challenging Kansas prison conditions. He provided, however, that the case remains subject to being reopened in the event that the state prisons lose their accreditation or the inmate population grows beyond maximum prescribed capacity.

Effects of Over-Crowding

Everyone wants to be "tough on crime." Prison over-crowding, however, brings about problems that exceed any reasonable definition of "toughness." While the Supreme Court has ruled that over-crowding *per se* is not unconstitutional, over-crowding causes other conditions to deteriorate which, in combination, violate the Constitution. Members of the legislature, of course, have a sworn obligation to avoid that outcome.

Thus, crowding may not be deemed unconstitutional in an otherwise well financed prison system in which inmates have jobs and program activities, well supervised recreation opportunities, modern and easily maintained facilities, health care protection, good nutrition, adequate screening and treatment of mental illness, full compliance with fire safety codes, and a complete and well trained staff.

Unfortunately, other problems almost always accompany overcrowding. Too many inmates for available exits create fire safety risks. Over-crowded, old facilities become dirty and

vermin infested and inmate hygiene declines. Lack of jobs and programs results from a lack of adequate funding and staff supervision. It causes idleness, which in turn becomes the root cause of violence – both among inmates and between inmates and staff.

In an over-crowded, under-financed prison it often becomes necessary to confine inmates to their cells in order to “successfully” manage the population. Two persons confined to a cell built more than a century ago for one person causes friction and hostility which boils over in unpredictable ways. Imagine spending more than 20 hours per day in a 6 by 10 foot space with bunk-beds, sink, toilet, and a fellow inmate with bad hygiene who may be mentally ill. If you add to this scenario high staff turnover and inadequate recruitment of well educated correctional officers, you end up with an incendiary mix that spells dangers for all involved.

I assume that all of us share a fundamental concern about public safety. If we include correctional officers in our definition of the public, then prison over-crowding must be avoided at all costs. In the mid 1980's, it only took a few years to go from having adequate space for all inmates to a volatile situation in which both inmates and guards lost their life. Part of my role in appearing today is to remind you of that history so that it will not be repeated.

The Impact of Litigation

Between 1978 and 1997, I represented inmates in a single piece of litigation defended by every governor from Robert Bennett to Bill Graves. During that time I dealt with at least seven different corrections secretaries. The history of that litigation should also be a reminder of lessons that have been learned and should not be repeated.

No one can predict the course of future litigation. We know that Judge Rogers' order permanently bars the state from exceeding prison capacities. That order might be enforced in a variety of ways, including direct and immediate application of detailed requirements governing the treatment and management of all inmates. The Court might then determine whether all inmates receive the jobs, programs and activities that were promised by the state and incorporated into prior court orders. I assume plaintiffs would seek compliance with those orders or, in the alternative, immediate release from over-crowded prisons.

The costs that might be incurred in such litigation would also be difficult to predict. Let me offer just one example of potential problems. The Larned Mental Health facility was constructed to meet the needs of a significantly smaller inmate population at a time when there was less crowding within each prison and when the individual prisons maintained programs that helped to relieve the need for separate mental health treatment. In the 10 years since that facility was designed and approved, the total inmate population has increased from about 5,500 to almost 9,000. In the same period, space deemed essential for mental health treatment 10 years ago has been converted to house sexual predators, and alternative programs have been reduced or eliminated. I haven't heard discussion of whether the state is now prepared for the multi-million dollar cost of additional mental health facilities and treatment, but I can assure you that such issues would arise if litigating conditions of confinement again became necessary.

Finally, it is important to note that the history of inmate treatment in this state would become an important backdrop to any renewed litigation. No Kansas official could claim to have made an innocent mistake or seek the lenience traditionally offered to "first offenders." If you can imagine a grid for constitutional violations comparable to the grid that Kansas statutes provide as sentencing guidelines, Kansas would now be viewed as a repeat offender. Judge Rogers' order, and the case that has been contingently closed, might be viewed as a counterpart of probation or parole. Deliberate, repeat offenses coming so soon after the Department of Justice found flagrant and egregious constitutional violations should lead to a proportionate response.

Alternatives

The Kansas Sentencing Commission and a system of sentencing guidelines all came about to ensure that future constitutional violations would not occur. It is the task of the Sentencing Commission to recommend policies that will protect the state's interests. The composition of that commission should provide the legislature with a measure of confidence that policies have been well conceived to protect the public as a whole. Thus, when the commission notes the lack of adequate drug treatment programs in prison and the sensible alternative of providing that treatment in the community for some offenders, acceptance of that advice should become a high priority of the legislature.

In addition to the specific recommendations of the Sentencing Commission, there are also numerous ways in which the commission staff allows the legislature to understand the consequences of its actions and to anticipate rather than just react to problems in prisons. Weak and irresponsible legislatures show their toughness by enacting laws that increase future sentences while avoiding the costs of such actions. Because of the information provided by the Sentencing Commission, however, they cannot plead ignorance of such costs.

The Sentencing Commission is also capable of providing the legislature with a full range of options to modify sentencing guidelines so as to ensure that the state will live within its resources. Relatively minor changes in sentences can make the difference in whether or not to build a new prison. Furthermore, some changes in application of the sentencing guidelines could make for good public policy while also decreasing terms of imprisonment. For example, changing the way juvenile adjudication or concurrent sentences are treated as a matter of criminal history would both make sense and also solve problems in prison over-crowding.

Of course, it is also always possible to build more prisons. The current system allows you to anticipate problems and to make those judgments. To avoid over-crowding, however, the legislature must make those decisions long before prison populations reach capacity.

When the sentencing guidelines system was first proposed, there was a clause in the proposal providing for automatic adjustments in guidelines unless vetoed by the legislature. The legislature rejected that proposal because of a legitimate sense that future legislators should have full responsibility for making the basic policy judgments that underlie our criminal justice system. You now face that responsibility.

KANSAS

KANSAS DEPARTMENT OF CORRECTIONS
 ROGER WERHOLTZ, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

Kansas Department of Corrections Capacity and Population

The following is a chart reflecting the facility population limits established in the April 13, 1989 order of the United States District Court in the case of Porter et al., v. Graves et. al. 77-3045. The capacities have been increased when renovations and new construction has resulted in additional bed space consistent with the standards of the American Correctional Association.

The capacity of correctional facilities does not reflect housing that is reserved for the transitional or auxiliary needs of the facility or inmate and which are left vacant until needed. Infirmary beds and most special management beds are reserved and are not included in the facility capacity. The Department has 248 beds system wide that are not included in the capacity ratings.

	4/13/89 Order Capacity	Current Capacity	Population 3/7/03
Lansing Correctional Facility			
KSP (now LCF Central)	1,262	1,781	1,764
KCIL (now LCF East)	240	628	606
LCF-Osawatomie	80	80	77
Total	1,582	2,489	2,447
Hutchinson Correctional Facility			
KSIR (now HCF Central)	847	1,000	1,054 ⁱ
HCF Work Release	20	48	46
HCF Work Facility (now East)	400	480	479
HCF South Unit		240	232
Total	1,267	1,768	1,811

ⁱ 79 multiperson cells at HCF have had a fifth bunk installed that is not included in that facility's capacity rating. Not all of the 54 inmates at HCF over that facility's rated capacity are housed in a fifth bunk since some of those inmates are placed in other beds that are not included in the capacity rating such as infirmary or special management beds.

H. Corr & J. J.
 3.10.03
 Attachment 2

Topeka Correctional Facility			
KCVTC (now TCF)	180	610	547
SRDC Work Resource Center	90	--	--
Total	270	610	547
El Dorado Correctional Facility			
EDCF	610	866	890 ⁱⁱ
El Dorado Honor Camp (Now North)	102	102	101
Toronto Honor Camp (Now East)	70	70	70
EDCF RDU	--	320	344
Total	782	1,358	1,405
Wichita Work Release Facility			
WWRF	100	250	250
Total	100	250	250
Winfield Correctional Facility			
WCF	290	522	478
Total	290	522	478
Norton Correctional Facility			
NCF	500	707	686
NCF-Stockton	94	112	100
Total	594	819	786
Larned Correctional Mental Health Facility			
LCMHF (Central Unit)	--	150	139
Jenkins (Now LCMHF West)	--	218	186
Total	--	368	325
Department Total		9,016	8,866
Closed Facilities			
Forbes Correctional Facility	(80)		
TCF (South)	(111)		

ⁱⁱ Maximum security cells at EDCF, for purposes of establishing the facility capacity, are designated as housing a single inmate. A portion of the cell houses at EDCF not needed to house maximum custody inmates are used to house medium custody inmates with two medium custody inmates per cell. This is consistent with ACA standards.

PRISON POPULATION MONTHLY MONITORING REPORT
FY 2003 OFFICIAL MODEL

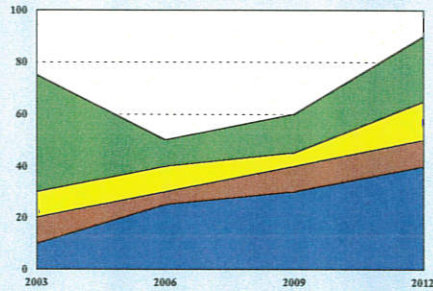
Month/Year	Projected	Actual	Difference	Percent Error
July 2002	8797	8765	32	0.37%
August 2002	8837	8828	9	0.10%
September 2002	8841	8856	-15	-0.17%
October 2002	8861	8911	-50	-0.56%
November 2002	8885	8936	-51	-0.57%
December 2002	8870	8945	-75	-0.84%
January 2003	8859	8916	-57	-0.64%
February 2003	8846	8893	-47	-0.53%
March 2003	8871			
April 2003	8933			
May 2003	8978			
June 2003	9044			

Note: Federal inmates housed in KDOC's facility are excluded.

KANSAS SENTENCING COMMISSION

Fiscal Year 2003 Adult Inmate Prison Population Projections

House Committee on Corrections and
Juvenile Justice



March 10, 2003

GUIDELINE (NEW LAW) ADMISSION CHARACTERISTICS-FISCAL YEAR 2002

ID GROUP	NUMBER ADMITTED	PERCENT ADMITTED	AVERAGE SENTENCE (MONTHS)	JAIL CREDIT (DAYS)	CONDITION PROBATION VIOLATORS (%)	PROBATION VIOLATORS W/NEW SENT (%)
D1	209	6.2%	91.1	148.0	2.4	4.8
D2	110	3.3%	53.1	139.1	12.7	6.4
D3	265	7.8%	26.8	128.1	36.2	7.2
D4	451	13.4%	20.0	121.0	58.1	4.7
N1	61	1.8%	245.7	202.7	4.9	3.3
N2	37	1.1%	178.8	306.5	N/A	N/A
N3	239	7.1%	91.2	179.8	8.8	3.8
N4	74	2.2%	66.5	190.0	12.2	N/A
N5	287	8.5%	51.6	187.5	24.0	6.3
N6	69	2.0%	35.0	167.2	31.9	10.1
N7	550	16.3%	24.0	156.3	60.5	10.2
N8	261	7.7%	16.0	129.5	59.0	11.9
N9	547	16.2%	11.1	110.4	63.4	6.0
N10	166	4.9%	7.4	89.5	63.3	3.0
OFF GRID	28	0.8%	-	-	N/A	N/A
TOTAL NEW LAW	3354	99.3%	65.0	142.8	43.1	6.6
TOTAL OLD LAW	19	0.6%				
MISSING/ NONGRID	4	0.1%				
TOTAL ADMITS	3377	100.0%				

Source: DOC admission file

H. Corr & J.J.
3-10-03
Attachment 3 1

PRISON POPULATION CHARACTERISTICS JUNE 30, 2002

ID GROUP	OLD LAW		NEW LAW		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
D1	3	0.0%	358	4.1%	361	4.1%
D2	6	0.1%	325	3.7%	331	3.8%
D3	15	0.2%	398	4.5%	413	4.7%
D4	1	0.0%	457	5.2%	458	5.2%
N1	242	2.8%	371	4.2%	613	7.0%
N2	199	2.3%	289	3.3%	488	5.6%
N3	199	2.3%	984	11.2%	1183	13.5%
N4	26	0.3%	238	2.7%	264	3.0%
N5	46	0.5%	819	9.4%	865	9.9%
N6	12	0.1%	140	1.6%	152	1.7%
N7	7	0.1%	719	8.2%	726	8.3%
N8	1	0.0%	191	2.2%	192	2.2%
N9	1	0.0%	256	2.9%	257	2.9%
N10	1	0.0%	44	0.5%	45	0.5%
OFF GRID	351	4.0%	164	1.9%	515	5.9%
Parole Conditional Violators	832	9.5%	505	5.8%	1337	15.3%
Aggregate Sentence	534	6.1%	0	0.0%	534	6.1%
SUBTOTAL	2476	28.3%	6258	71.4%	8734	99.7%
MISSING/NONGRID					25	0.3%
TOTAL					8759	100.0%

Source: DOC prison population file.

**COMPARATIVE ANALYSIS ON ADMISSION TYPE
FY 1998 THROUGH FY 2002**

Admission Type	FY 1998		FY 1999		FY 2000		FY 2001		FY 2002	
	N	%	N	%	N	%	N	%	N	%
New Court Commitment	1247	22.9	1340	22.7	1328	20.4	1601	26.7	1702	28.4
Probation Condition Violator	1515	27.9	1579	26.8	1441	22.1	1330	22.2	1454	24.2
Probation Violator With New Sentence	204	3.8	226	3.8	212	3.3	203	3.4	221	3.7
Inmate Received on Interstate Compact	11	0.2	10	0.2	16	0.2	8	0.1	9	0.2
Parole/Post-release Condition Violator	1847	34.0	2236	37.9	3084	47.4	2552	42.6	2396	39.9
Parole/Post-release Violator With New Sentence	262	4.8	295	5.0	284	4.4	145	2.4	136	2.3
Paroled to Detainer Returned With New Sentence	19	0.3	28	0.5	32	0.5	30	0.5	19	0.3
Conditional Release Violator	113	2.1	118	2.0	104	1.6	109	1.8	57	1.0
Conditional Release Violator With New Sentence	15	0.3	13	0.2	7	0.1	10	0.2	3	0.1
Offender Returned to Prison in Lieu of Revocation	206	3.8	56	0.9	5	0.1	1	0.0	2	0.0
Total	5439	100.0	5901	100.0	6513	100.0	5989	100.0	5999	100.0

Source: DOC admission file.

**COMPARISON OF GUIDELINE NEW COMMITMENTS BY SEVERITY LEVEL
ADMISSIONS AND AVERAGE LENGTH OF SENTENCE (LOS)
FY 1998 THROUGH FY 2002**

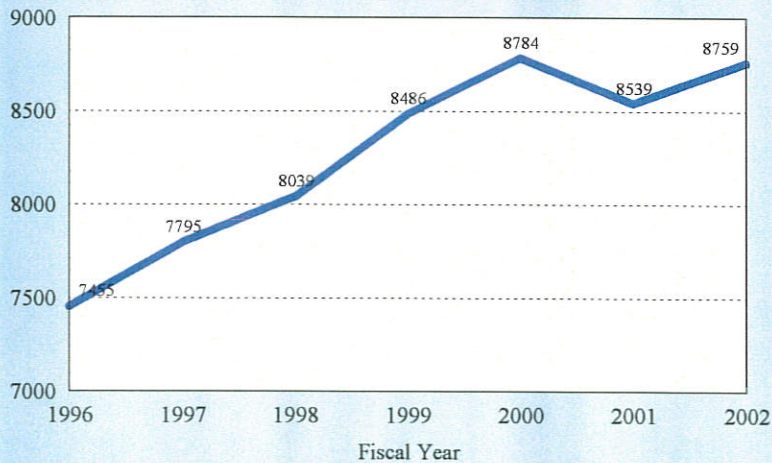
Severity Level	FY 1998		FY 1999		FY 2000		FY 2001		FY 2002	
	Admission Number	LOS in Month	Admission Number	LOS in Month	Admission Number	LOS in Month	Admission Number	LOS in Month	Admission Number	LOS in Month
D1	5	124.2	10	104.9	26	95.8	101	91.6	209	91.1
D2	67	53.3	84	53.8	97	52.3	83	56.2	110	53.1
D3	263	25.0	277	25.7	255	27.1	258	28.1	265	26.8
D4	366	16.6	397	21.0	398	17.8	440	19.5	451	20.0
N1	17	308.5	48	391.1	52	299.0	77	335.0	61	245.7
N2	65	268.1	42	186.8	48	193.4	37	180.1	37	178.8
N3	187	90.2	190	78.8	204	89.8	211	99.4	239	91.2
N4	64	69.1	56	70.0	55	68.0	57	67.8	74	66.5
N5	224	50.1	236	53.6	226	54.0	276	55.7	287	51.6
N6	62	34.6	72	32.9	71	29.9	61	31.2	69	35.0
N7	427	23.7	448	27.5	439	26.4	515	25.5	550	24.0
N8	269	15.7	289	16.5	295	15.5	261	16.3	261	16.0
N9	576	11.5	623	12.2	568	10.5	553	11.2	547	11.1
N10	129	7.7	141	9.1	125	7.0	135	7.8	166	7.4
Total	2721		2913		2859		3065		3326	

Source: DOC admission files.

Note: Guideline new commitment admissions include new court commitments, probation condition violators and probation violators with new sentence.

KANSAS PRISON POPULATION TRENDS

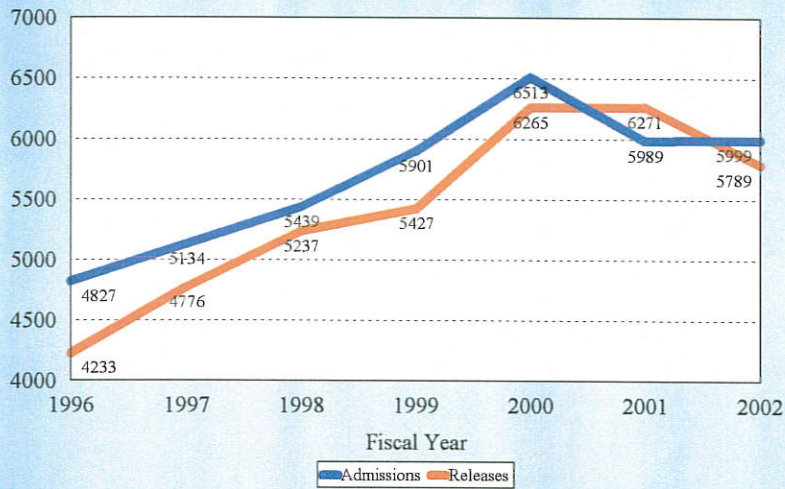
Total Prison Population



Source: DOC prison population files

KANSAS PRISON POPULATION TRENDS

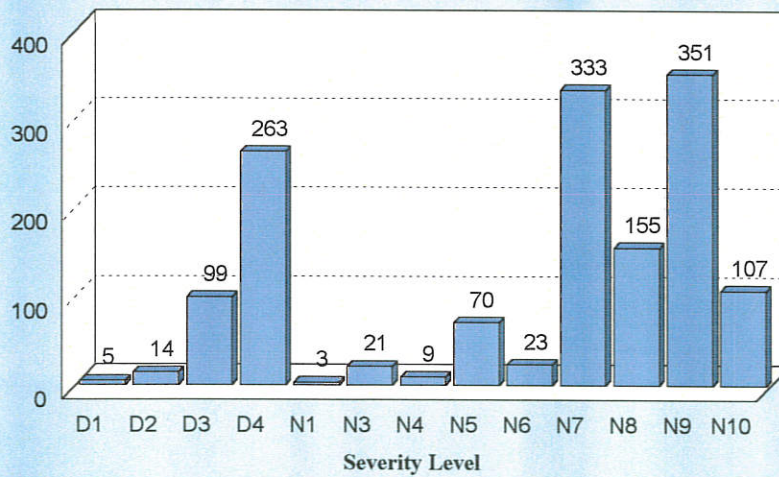
Admissions and Releases



Source: DOC admission and release files

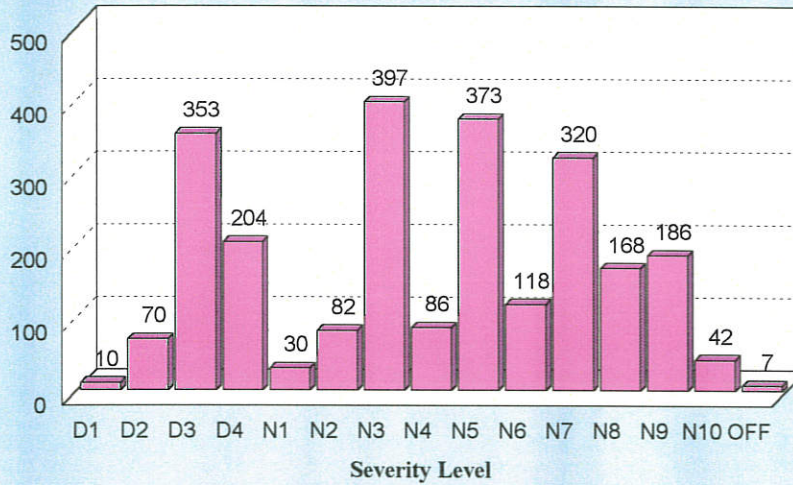
KANSAS PRISON ADMISSION TRENDS

Condition Probation Violators by Severity Level FY 2002



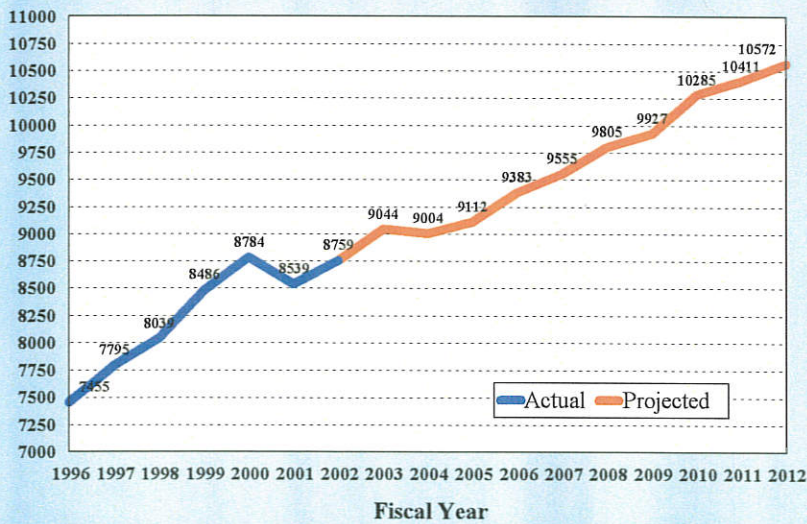
KANSAS PRISON ADMISSION TRENDS

Parole/Postrelease Condition Violators by Severity Level FY 2002



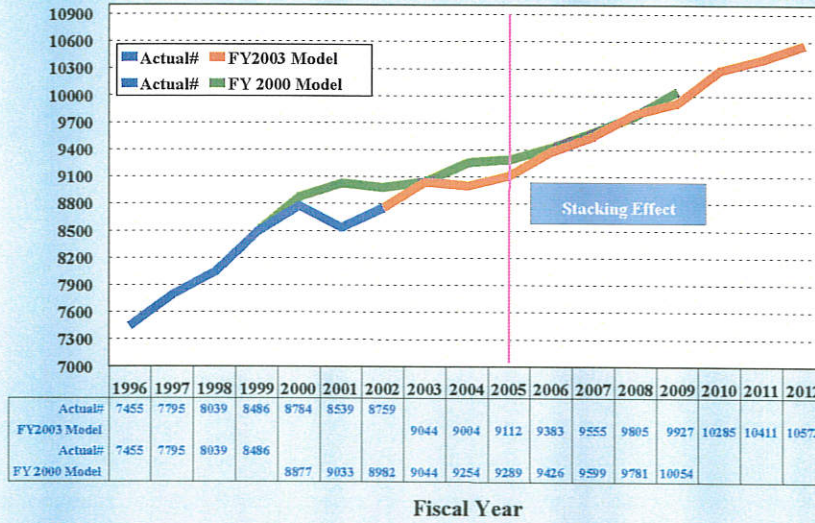
KANSAS PRISON POPULATION TRENDS

Actual and Projected Population

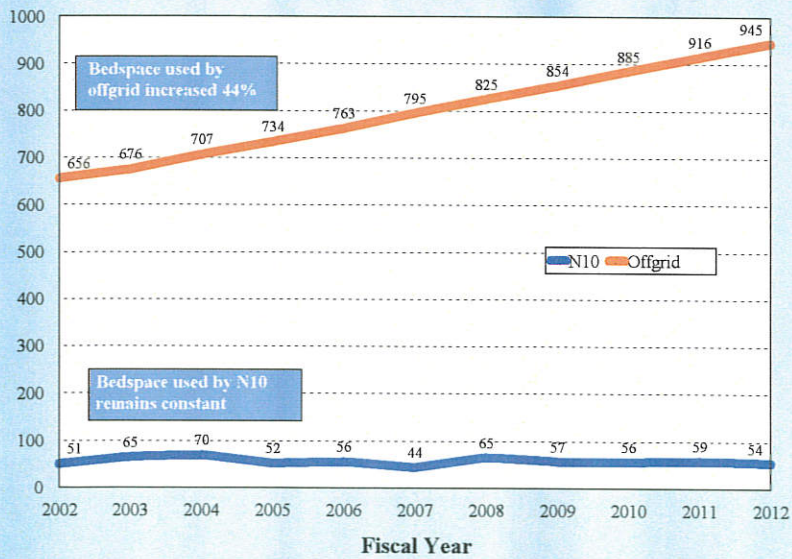


KANSAS PRISON POPULATION TRENDS

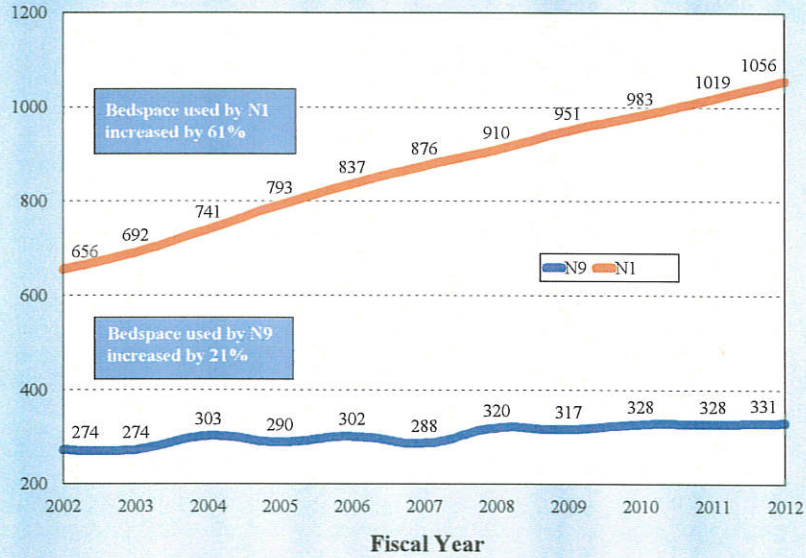
Actual and Projected Population
FY 2000 and FY 2003 Models



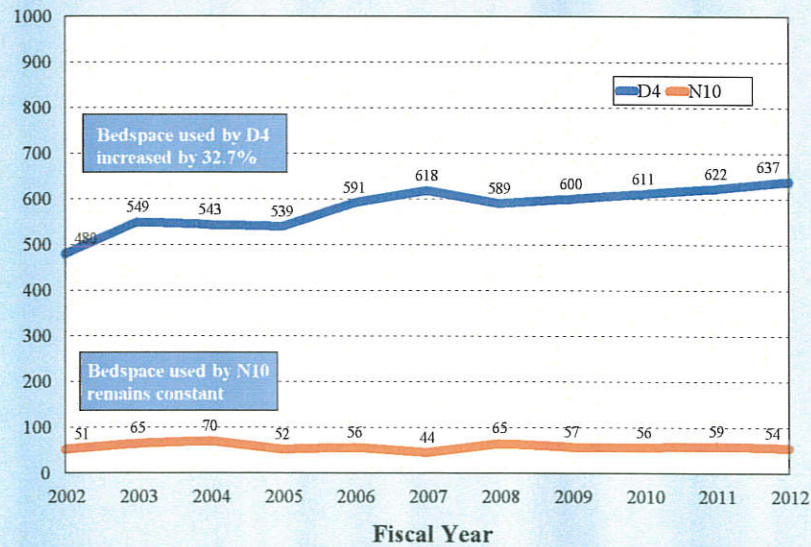
PROJECTED BEDSPACE FOR OFFGRID AND NONDRUG LEVEL 10 OFFENDERS



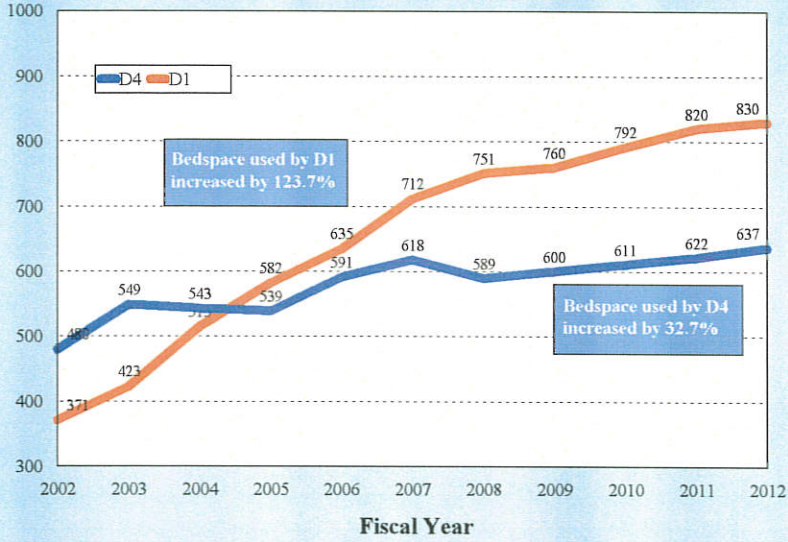
PROJECTED BEDSPACE FOR NONDRUG LEVEL 1 AND NONDRUG LEVEL 9 OFFENDERS



PROJECTED BEDSPACE FOR DRUG LEVEL 4 AND NONDRUG LEVEL 10 OFFENDERS



PROJECTED BEDSPACE FOR DRUG LEVEL 1 AND DRUG LEVEL 4 OFFENDERS



NEW

KANSAS SENTENCING COMMISSION FY 2003 OFFICIAL ADULT INMATE PRISON POPULATION PROJECTIONS One Point Five Percent Admission Growth Rate

ID Group	June 30 2002*	June 30 2003	June 30 2004	June 30 2005	June 30 2006	June 30 2007	June 30 2008	June 30 2009	June 30 2010	June 30 2011	June 30 2012	TOTAL# INCREASE	PERCENT INCREASE
D1**	371	423	515	582	635	712	751	760	792	820	830	459	123.7%
D2	340	337	345	367	374	405	442	445	460	439	435	95	27.9%
D3	427	433	445	450	464	475	485	458	481	478	488	61	14.3%
D4**	480	549	543	539	591	618	589	600	611	622	637	157	32.7%
N1	656	692	741	793	837	876	910	951	983	1019	1056	400	61.0%
N2	509	511	520	532	548	562	576	596	594	608	612	103	20.2%
N3	1246	1323	1380	1431	1487	1514	1529	1592	1638	1651	1689	443	35.6%
N4	276	278	295	305	323	319	339	331	345	356	358	82	29.7%
N5	921	946	907	900	896	912	925	937	982	994	998	77	8.4%
N6	160	165	170	177	183	182	189	171	189	186	198	38	23.8%
N7	758	758	778	808	829	835	841	828	843	864	852	94	12.4%
N8	212	213	207	205	195	190	193	210	222	214	211	-1	-0.5%
N9	274	274	303	290	302	288	320	317	328	328	331	57	20.8%
N10	51	65	70	52	56	44	65	57	56	59	54	3	5.9%
OFF GRID	656	676	707	734	763	795	825	854	885	916	945	289	44.1%
Condition Parole PIS Violators	1422	1401	1077	947	900	828	826	820	876	857	878	-544	-38.3%
Total	8759	9044	9003	9112	9383	9555	9805	9927	10285	10411	10572	1813	20.7%

* Based on the actual prison population on that date (for the purpose of forecasting, transfer and admissions are analyzed and assigned to each level).

**Kansas Sentencing Commission
Ten-Year Custody Classification Projections
FY 2003 Through FY 2012**

June 30, Each Year	Unclassified	Minimum	Medium	Maximum	Special	Total
2003	148	2966	3921	1405	604	9044
2004	134	2975	3910	1355	629	9003
2005	145	2977	3932	1418	640	9112
2006	145	3071	4044	1446	677	9383
2007	139	3150	4153	1449	664	9555
2008	139	3247	4298	1466	655	9805
2009	139	3267	4380	1509	632	9927
2010	160	3439	4510	1500	676	10285
2011	149	3437	4560	1572	693	10411
2012	156	3447	4687	1578	704	10572

**KANSAS PRISON POPULATION PROJECTIONS
Comparison between Current Sentencing Policy and Drug Policy
with No Retroactivity**

