

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Ward Loyd at 1:30 p.m. on January 21, 2004 in Room 241-N of the Capitol.

All members were present except:
Rep. Dale Swenson - Absent

Committee staff present:
Jill Wolters, Revisor of Statutes Office
Jerry Ann Donaldson, Legislative Research Department
Becky Krahl, Legislative Research Department
Connie Burns, Committee Secretary

Conferees appearing before the committee:
Mike Jennings, Kansas County & District Attorneys Association
Patricia Biggs, Executive Director Kansas Sentencing Commission

Others attending:
See Attached List.

Staff provided an explanation of the hand out from the questions asked of Secretary Werholtz.
(Attachment 1 and 2)

Mike Jennings, Kansas County & District Attorneys Association appeared before the committee to request the introduction of bills.

1. KSA 21-471 (c) (2) the crime of conviction is for involuntary manslaughter where the underlying DUI was for alcohol and drugs. The KS County and District Attorney's Association is requesting that the "and" be deleted and the phrase "and/or" be added. (Attachment 3)
2. KSA 38-1635 (b)2) be amended to allow diversion for person felonies and for offenses involving firearms unless the offense constitutes "a violation which constitutes an off-grid crime, a severity level 1, 2, or 3 felony for nondrug crimes or severity level 1 or 2 for drug crimes. (Attachment 4)

Representative Jeff Goering made the motion that this request should be introduced as a committee bill. Vice-Chairperson Owens seconded the motion. The motion carried.

Patricia Biggs, Executive Director, provided an overview of the Kansas Sentencing Commission. The Kansas Sentencing Commission was statutory established under KSA 74-9101. The guidelines set out for the commission by the statute. KSA 74-9102 states the Kansas sentencing commission shall consist of 17 members. Executive Director Patricia Biggs went over the functional areas of routine work of Kansas Sentencing Commission staff. The KSC Staff produces adult prison population projections annually. This is population projection is performed using a statistically based model of prisoner movement. The model (Prophet) uses a combination of probabilistic method and Monte Carlo simulation to move prisoners through the Kansas prison system based on each offender's imposed sentence. (Attachment 5)

In addition to the production of total adult prison population forecasts, the staff also produces projections by gender, by custody level, and by gender and custody. Production of these forecasts assist the Department of Corrections in understanding the anticipated composition of correctional population and in formulating policies and plans based on this information.

The data recorded via our receipt of Journal Entries is used in conjunction with the adult prison population projections to estimate the impact in terms of prison beds needed or saved for proposed legislation. The staff of the Commission produced 150-impact statements in FY 2003 and we estimated

KSC will produce 165 in the current fiscal year.

Since the statistical methodology used for the JJA projections is similar to that used for the adult incarcerated population, KSC has the ability to produce bed-space impact statement for proposed legislation concerning the JJA population.

JJA's projections are developed for the entire juvenile incarcerated system, and are broken down by facility as well. The facility-level breakdown includes consideration of gender.

The department also has the ability to respond to data request received from other criminal justice researchers and scholars.

These types of data requests are not covered under 74-9101 but are covered under the Kansas Open Records Act.

KSC also responds to Sentencing questions, conducts training, publishes Kansas Desk Reference Manual, and publishes case law updates.

Four major functions fall under this area of focus as well. These are:

1. Devise and implementation Plan for **SB 123**
2. Train the Implementation Plan
3. Monitor and Recommend Updates and Modification to the Implementation of **SB 123**
4. Monitor **SB 123** Data Tracking and Issue Payments for SB 123 Services.

KSC serves as the State's SAC (Statistical Analysis Center). SACs collect, analyze, and disseminate justice data.

Due to the recommended application of the language contained in **SB 123**, the adult inmate prison population projections released this fall must be revised. The initial projections were built using the assumption that the provision of **SB 123** would be applied to any non-violent drug possession conviction (per the requirements of the legislation) that was sentenced on or after November 1, 2003. The provision of **SB 123** are to be applied to the target group of offenders whose offense date is on or after July 1, 2003 and who are sentenced on or after November 1, 2003.

The 2004 revised projected population stands at 9134 up 88 from the initial projection of 9046. The 2005 revised projected population stands at 9111, an increase of 62 from the initial projection of 9049.

The committee meeting adjourned at 2:43 p.m. The next meeting is a tour of the Topeka Correctional Facility on January 22, 2004.

Per Capita Operating Costs: KDOC Facilities (based on Governor's budget recommendations)

FY 2004	Facility	ADP	Total Expenditures	Annual Per Capita	Daily Per Capita
	Lansing Correctional Facility	2,463	\$31,862,253	\$12,936	\$35.34
	Hutchinson Correctional Facility	1,800	24,116,669	13,398	36.61
	El Dorado Correctional Facility	1,434	20,506,995	14,301	39.07
	Topeka Correctional Facility	611	11,329,049	18,542	50.66
	Norton Correctional Facility	797	12,240,397	15,358	41.96
	Ellsworth Correctional Facility	820	10,420,328	12,708	34.72
	Winfield Correctional Facility	745	9,961,801	13,372	36.54
	Larned Correctional Mental Health Facility	340	7,913,608	23,275	63.59
	Subtotal	9,010	\$128,351,100	\$14,245	\$38.92
	Inmate Medical and Mental Health Care	9,010	26,113,007	2,898	7.92
	Inmate Programs	9,010	5,268,065	585	1.60
	Food Service	9,010	12,304,146	1,366	3.73
	Total Expenditures	9,010	\$172,036,318	\$19,094	\$52.17

FY 2005	Facility	ADP	Total Expenditures	Annual Per Capita	Daily Per Capita
	Lansing Correctional Facility	2,464	\$33,034,706	\$13,407	\$36.73
	Hutchinson Correctional Facility	1,800	25,085,661	13,936	38.18
	El Dorado Correctional Facility	1,453	21,300,282	14,660	40.16
	Topeka Correctional Facility	620	11,774,313	18,991	52.03
	Norton Correctional Facility	790	12,676,676	16,046	43.96
	Ellsworth Correctional Facility	825	10,845,707	13,146	36.02
	Winfield Correctional Facility	740	10,274,243	13,884	38.04
	Larned Correctional Mental Health Facility	333	8,312,635	24,963	68.39
	Subtotal	9,025	\$133,304,223	\$14,771	\$40.47
	Inmate Medical and Mental Health Care	9,025	26,934,607	2,984	8.18
	Inmate Programs	9,025	5,295,760*	587	1.61
	Food Service	9,025	12,929,540	1,433	3.93
	Total Expenditures	9,025	\$178,464,130	\$19,775	\$54.19

Systemwide annual per capita operating costs were computed by dividing the recommended expenditures for facility operations, health care, inmate programs, and food service by the systemwide average daily population (ADP) housed in KDOC facilities. Daily per capita operating costs were computed by dividing the annual cost by 366 days in FY 04 and 365 days in FY 05. Per capita costs do not include costs associated with central office administration, correctional industries, debt service, and capital improvements.

*Inmate Programs amount in FY 05 is based upon preliminary breakdown of recommended amount for offender programs.

Salary Comparisons—Fall 2003

The ability to recruit and retain qualified staff continues to be a concern for the department. Because salary levels are critical in recruitment and retention of staff, the department periodically surveys other corrections and law enforcement agencies to compare our salaries with those offered by agencies performing similar functions. The most recent survey was conducted in the fall of 2003. We surveyed corrections departments in five nearby states (Missouri, Oklahoma, Colorado, Nebraska, and Iowa), as well as several corrections and law enforcement agencies in Kansas, particularly those located near the larger KDOC facilities. Salary information was collected for starting, mid-point, and maximum salaries for several position classes (or their equivalent in other agencies), including: Corrections Officers I's and II's, Corrections Specialists I's, II's and III's, Corrections Counselors I's and II's, and Unit Team Managers. Survey results for three of those position classes—two uniformed and one non-uniformed—are presented here.

Despite salary increases approved for uniformed staff during the 1999 and 2001 legislative sessions, KDOC uniformed staff salaries still rank low when compared to many of the other jurisdictions surveyed. Uniformed positions represent nearly two-thirds of the department's authorized staffing.

Corrections Officer I's and Equivalent Positions

State DOCs	Minimum	Mid-Point	Maximum
Colorado	\$ 34,452	\$ 41,382	\$ 48,312
Iowa	31,054	37,544	44,033
Nebraska	24,586	28,850	33,114
Kansas	22,942	26,478	30,014
Oklahoma	21,804	24,196	30,244
Missouri	21,720	25,962	30,204
<i>Average</i>	\$ 26,093	\$ 30,735	\$ 35,987
<i>Median</i>	\$ 23,764	\$ 27,664	\$ 31,679
<i>KDOC Rank (of 6)</i>	4th	4th	6th

When compared to other state corrections departments in this region, KDOC ranks fourth out of six states in the starting salary and mid-point salary, and ranks sixth out of six in maximum salary paid to Corrections Officer I's.

Other Agencies in KS	Minimum	Mid-Point	Maximum
Johnson Co. (CO)	\$ 34,008	\$ 42,224	\$ 50,170
City of Olathe	33,750	39,483	46,188
SG Co. Sheriff (Ptrl Ofr)	32,968	39,978	46,987
Corr. Corp. of America	32,697	N/A	N/A
US Penitentiary	31,875	N/A	N/A
Sedgwick Co. (CO)	28,517	34,590	40,664
RL Co. Sheriff (Ptrl Ofr)	27,622	35,027	42,432
Reno Co. Sheriff (Ptrl Ofr)	24,835	29,952	35,069
Wyandotte Co. (CO)	24,720	33,444	42,648
Riley Co. Jail (CO)	24,565	28,787	32,989
City of Atchison (Pol Ofr)	24,175	28,441	32,707
Reno Co. (CO)	22,942	27,664	32,386
KDOC	22,942	26,478	30,014
Atchison Co. (CO)	21,923	22,797	23,670
US Army Pvt. E1	12,272	N/A	N/A
<i>Average</i>	\$ 26,654	\$ 32,405	\$ 37,994
<i>Median</i>	\$ 24,835	\$ 31,698	\$ 37,867
<i>KDOC Rank</i>	12th of 15	11th of 12	11th of 12

KDOC also ranks low when compared to other corrections and law enforcement agencies located near some of our larger facilities. These are some of the agencies with whom we compete directly in the recruitment and retention of uniformed line staff.

KDOC ranked near the bottom in each of the three salary comparisons made for COI and equivalent positions.

Salary Comparisons—Fall 2002 (cont)

Corrections Specialists I's (Sergeants) and Equivalent Positions

State DOCs	Minimum	Mid-Point	Maximum
Nebraska	\$ 29,370	\$ 33,634	\$ 37,898
Kansas	29,266	33,748	38,230
Oklahoma	25,249	29,494	33,268
Missouri	23,268	28,272	33,276
Iowa	N/A	N/A	N/A
Colorado	N/A	N/A	N/A
<i>Average</i>	\$ 26,788	\$ 31,287	\$ 35,668
<i>Median</i>	\$ 27,258	\$ 31,564	\$ 35,587
<i>KDOC Rank (of 4)</i>	<i>2rd</i>	<i>1st</i>	<i>1st</i>

CSI's have a rank of sergeant, and are first line supervisors within correctional facilities. Of the four reporting DOCs in the comparison group, KDOC ranked second in starting salary and first in both the mid-point and maximum salaries.

Other Agencies in KS	Minimum	Mid-Point	Maximum
City of Olathe (Sr Offr)	\$62,846	\$65,360	\$67,974
Wyandotte Co. (Pol Sgt)	55,004	56,379	57,512
Johnson Co. (Shft Sgt)	48,506	57,616	66,726
Riley Co Sheriff (Pol Sgt)	42,432	45,552	48,672
Sedg. Co. Sheriff (Sgt)	40,955	49,670	58,365
Sedgwick Co. (CO)	38,085	46,197	54,309
US Penitentiary	37,282	42,549	48,459
City of Atchison (Det)	34,016	40,019	46,022
Riley Co. Jail	31,075	36,400	41,725
KDOC	29,266	33,748	38,230
Reno Co. Jail (Sgt)	29,099	35,090	41,080
Reno Co. Sheriff (Ptrl Sgt)	29,099	35,090	41,080
US Army Sgt. E5	22,841	25,120	27,398

As with the COI rankings, KDOC salaries for CSI's ranked low when compared to equivalent positions in other corrections and law enforcement agencies with which we are in direct competition with respect to recruitment of staff.

The department ranked 10th of 13 in minimum salary for CSI's, and second to last in both the mid-point and maximum salaries.

<i>Average</i>	\$38,500	\$43,753	\$49,042
<i>Median</i>	\$37,282	\$42,549	\$48,459
<i>KDOC Rank</i>	<i>10th of 13</i>	<i>12th of 13</i>	<i>12th of 13</i>

Corrections Counselors I's

State DOCs	Minimum	Mid-Point	Maximum
Colorado	\$41,856	\$50,304	\$58,752
Iowa	30,742	39,010	47,278
Kansas	29,266	33,748	38,230
Nebraska	27,685	32,792	37,898
Missouri	27,444	33,660	39,876
Oklahoma	26,221	29,474	36,843
<i>Average</i>	\$30,536	\$36,498	\$43,146
<i>Median</i>	\$28,476	\$33,704	\$39,053
<i>KDOC Rank (of 6)</i>	<i>3rd</i>	<i>3rd</i>	<i>4th</i>

When compared to other state corrections departments in nearby states, KDOC ranked third of six in starting and mid-point salaries for corrections counselors, and fourth in maximum salaries.

Gerald W. Woolwine, President
Christine Kenney, Vice-President
Thomas J. Drees, Secretary/Treasurer
Steve Kearney, Executive Director
John M. Settle, Past President

Edmond D. Brancart
Douglas Witteman
Thomas Stanton
David Debenham



Kansas County & District Attorneys Association

1200 S.W. 10th Street
Topeka, KS 66604
(785) 232-5822 • FAX (785) 234-2433
www.kcdaa.org

TO: Chairman Ward Loyd and the Members of the House Corrections and Juvenile Justice Committee

SUBJECT: Correction of K.S.A. 21-4711(c)(2) to reflect legislative intent for Involuntary Manslaughter based on a DUI

DATE: January 21, 2004

Mr. Chairman, thank you for the opportunity to request the Committee to introduce a bill to correct K.S.A. 21-4711(c)(2). At present, K.S.A. 21-4711(c)(2) provides that prior DUI convictions will count as person felonies for criminal history purposes only if the crime of conviction is for involuntary manslaughter where the underlying DUI was for alcohol and drugs. The Kansas County and District Attorney's Association is requesting that the "and" be deleted and the phrase "and/or" be added.

We believe this correction accurately reflects the legislative intent that any violation of the DUI statute be converted to a person felony when someone with prior DUI's kills another person while committing yet another DUI.

House Corr + JJ
Attachment 3
1-21-04

Gerald W. Woolwine, President
Christine Kenney, Vice-President
Thomas J. Drees, Secretary/Treasurer
Steve Kearney, Executive Director
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TO: Chairman Loyd and the Members of the House Committee on Corrections and Juvenile Justice

SUBJECT: Amending Juvenile Code to permit diversion of certain juvenile offenders

DATE: January 21, 2004

Thank you for the opportunity to request the Committee to introduce a bill amending K.S.A. 38-1635(b). At the present time K.S.A. 38-1635(b) does not allow diversion for juveniles committing what would be person felonies if committed by an adult, nor for crimes (both misdemeanor and felony) committed with a firearm or committed while illegally possessing a firearm. These restrictions are narrower than restrictions for adults. The Kansas County and District Attorney's Association is requesting that K.S.A. 38-1635(b)(2) be amended to allow diversion for person felonies and for offenses involving firearms unless the offense constitutes "a violation which constitutes an off-grid crime, a severity level 1, 2, or 3 felony for nondrug crimes or severity level 1 or 2 for drug crimes.

The Association believes the present scope of diversion-eligible offenses is too narrow to achieve the rehabilitative goals of the Juvenile Code. Please see the attached submission from Finney County Attorney John Wheeler.

House Corr + JJ
Attachment 4
1-21-04

**KCDAA 2004 LEGISLATIVE PROPOSAL
(ONE PROPOSAL PER PAGE, PLEASE – USE ADDITIONAL PAGES IF NEEDED)**

1. Need for legislation (especially include frequency, number of cases, etc.)

I would like to see K.S.A. 38-1635 (Immediate Intervention Programs) amended to limit to the proscriptions to those set forth in K.S.A. 22-2908(b). Prior to the 1997 amendments, 38-1635 concerned juvenile diversion programs. After the amendment, prosecutors were highly restricted what could be considered for “diversion” or now “intervention programs”. Most particularly, we can no longer consider such programs when the juvenile is charged with a person felony. That is just far too restrictive and otherwise limits the effective exercise of prosecutorial discretion. We have an excellent program through Finney County Youth Services where we could “divert” Romeo and Juliet offenders (21-3522) but cannot do so because of the statutory restriction. Unlawful Voluntary Sexual Relations is a Level 8 Person Felony.

The following are Finney County Juvenile Person Felony cases filed from 2001 to present. I am confident that even though other counties numbers may vary, there are many cases excluded from alternative dispositions by the prosecutor.

2001 -- Person Felony Cases Filed

Rape	3
Agg. Indecent Liberties with Child	1
Unlawful Voluntary Sexual Relations	5
Indecent Solicitation of a Child	1
Agg. Indecent Solicitation of Child	1
Aggravated Battery	3
Aggravated Assault	8
Aggravated Burglary	2
Criminal Threat	1
Residential Burglary	30
Attempted Agg. Burglary	4
Agg. Indimidation of Witness	2
Conspiracy to Commit Agg. Battery	3
TOTAL	64
Total Number Juv. Offender cases	535
Percentage Person Felony Cases	11.9

2002 -- Person Felony Cases Filed

Rape	5
Agg. Indecent Liberties with Child	5
Unlawful Voluntary Sexual Relations	2
Agg. Indecent Solicitation of Child	1
Aggravated Battery	8
Kidnapping	1
Aggravated Assault	6
Aggravated Burglary	4
Aggravated Arson	2
Aggravated Robbery	5
Criminal Threat	6
Residential Burglary	20
TOTAL	65
Total Number Juv. Offender cases	412
Percentage Person Felony Cases	15.7

2003, as of 7/11/2003 -- Person Felony Cases Filed

Rape	5
Agg. Indecent Liberties with Child	7
Attempted Rape	1
Unlawful Voluntary Sexual Relations	2
Aggravated Battery	7
Aggravated Assault	3
Aggravated Burglary	3
Agg. Intimidation of Witness	3
Aggravated Robbery	1
Criminal Threat	4
Residential Burglary	5
TOTAL	41
Total Number Juv. Offender cases	247
Percentage Person Felony Cases	16.6

K.S.A. 38-1635(b) presently reads as follows:

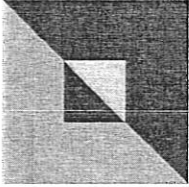
- (b) An immediate intervention program shall provide that a respondent is ineligible for such program if the respondent has been previously adjudicated to be a juvenile offender, or faces pending charges as a juvenile offender, for committing acts which, if committed by an adult, would constitute:
- (1) [Prior DUI convictions and diversions]
 - (2) a violation of an off-grid crime, a person felony, or a felony or misdemeanor when the respondent was illegally possessing a firearm or using a deadly weapon in the commission of such crime.

K.S.A. 22-2908 (b) reads as follows:

- (b) A county or district attorney shall not enter into a diversion agreement in lieu of further criminal proceedings on a complaint if:
- (1) [prior DUI diversions are convictions]
 - (2) The complaint alleges that the defendant committed a class A or B felony or for crimes committed on or after July 1, 1993, an off-grid crime, a severity level 1, 2 or 3 felony for nondrug crimes or a drug severity level 1 or 2 for drug crimes.

2. Draft language (if change to existing statute, attach copy of statute with change noted.)
Amend K.S.A. 38-1635(b) to read as follows:

- (b) An immediate intervention program shall provide that a respondent is ineligible for such program if the respondent faces pending charges as a juvenile offender, for committing acts which, if committed by an adult, would constitute:
- (1) [Prior DUI convictions and diversions]
 - (2) a violation which constitutes an off-grid crime, a severity level 1, 2 or 3 felonies for nondrug crimes or drug severity level 1 or 2 felony for drug crimes.”



Overview of the Kansas Sentencing Commission

Testimony before House Corrections and Juvenile Justice Committee

January 21, 2004

Patricia Biggs, Executive Director

House Corr + JJ
Attachment 5
1-21-04



I. Establishment and Duties of the Kansas Sentencing Commission

Chapter 74.--STATE BOARDS, COMMISSIONS AND AUTHORITIES Article 91.--SENTENCING COMMISSION

74-9101. Kansas sentencing commission; establishment; duties. (a) There is hereby established the Kansas sentencing commission.

(b) The commission shall:

(1) Develop a sentencing guideline model or grid based on fairness and equity and shall provide a mechanism for linking justice and corrections policies. The sentencing guideline model or grid shall establish rational and consistent sentencing standards which reduce sentence disparity, to include, but not be limited to, racial and regional biases which may exist under current sentencing practices. The guidelines shall specify the circumstances under which imprisonment of an offender is appropriate and a presumed sentence for offenders for whom imprisonment is appropriate, based on each appropriate combination of reasonable offense and offender characteristics. In developing its recommended sentencing guidelines, the commission shall take into substantial consideration current sentencing and release practices and correctional resources, including but not limited to the capacities of local and state correctional facilities. In its report, the commission shall make recommendations regarding whether there is a continued need for and what is the projected role of, if any, the Kansas parole board and whether the policy of allocating good time credits for the purpose of determining an inmate's eligibility for parole or conditional release should be continued;

(2) consult with and advise the legislature with reference to the implementation, management, monitoring, maintenance and operations of the sentencing guidelines system;

(3) direct implementation of the sentencing guidelines system;

(4) assist in the process of training judges, county and district attorneys, court services officers, state parole officers, correctional officers, law enforcement officials and other criminal justice groups. For these purposes, the sentencing commission shall develop an implementation policy and shall construct an implementation manual for use in its training activities;

(5) receive presentence reports and journal entries for all persons who are sentenced for crimes committed on or after July 1, 1993, to develop post-implementation monitoring procedures and reporting methods to evaluate guideline sentences. In developing the evaluative criteria, the commission shall take into consideration rational and consistent sentencing standards which reduce sentence disparity to include, but not be limited to, racial and regional biases;



(6) advise and consult with the secretary of corrections and members of the legislature in developing a mechanism to link guidelines sentence practices with correctional resources and policies, including but not limited to the capacities of local and state correctional facilities. Such linkage shall include a review and determination of the impact of the sentencing guidelines on the state's prison population, review of corrections programs and a study of ways to more effectively utilize correction dollars and to reduce prison population;

(7) make recommendations relating to modification to the sentencing guidelines as provided in K.S.A. 21-4725 and amendments thereto;

(8) prepare and submit fiscal impact and correctional resource statement as provided in K.S.A. 74-9106 and amendments thereto;

(9) make recommendations to those responsible for developing a working philosophy of sentencing guideline consistency and rationality;

(10) develop prosecuting standards and guidelines to govern the conduct of prosecutors when charging persons with crimes and when engaging in plea bargaining;

(11) analyze problems in criminal justice, identify alternative solutions and make recommendations for improvements in criminal law, prosecution, community and correctional placement, programs, release procedures and related matters including study and recommendations concerning the statutory definition of crimes and criminal penalties and review of proposed criminal law changes;

(12) perform such other criminal justice studies or tasks as may be assigned by the governor or specifically requested by the legislature, department of corrections, the chief justice or the attorney general;

(13) develop a program plan which includes involvement of business and industry in the public or other social or fraternal organizations for admitting back into the mainstream those offenders who demonstrate both the desire and ability to reconstruct their lives during their incarceration or during conditional release;

(14) appoint a task force to make recommendations concerning the consolidation of probation, parole and community corrections services;

(15) produce official inmate population projections annually on or before six weeks following the date of receipt of the data from the department of corrections. When the commission's projections indicate that the inmate population will exceed available prison capacity within two years of the date of the projection, the commission shall identify and analyze the impact of specific options for (A) reducing the number of prison admissions; or (B) adjusting sentence lengths for specific groups of offenders. Options for reducing the number of prison admissions shall include, but not be limited



to, possible modification of both sentencing grids to include presumptive intermediate dispositions for certain categories of offenders. Intermediate sanction dispositions shall include, but not be limited to: intensive supervision; short-term jail sentences; halfway houses; community-based work release; electronic monitoring and house arrest; substance abuse treatment; and pre-revocation incarceration. Intermediate sanction options shall include, but not be limited to, mechanisms to explicitly target offenders that would otherwise be placed in prison. Analysis of each option shall include an assessment of such options impact on the overall size of the prison population, the effect on public safety and costs. In preparing the assessment, the commission shall review the experience of other states and shall review available research regarding the effectiveness of such option. The commission's findings relative to each sentencing policy option shall be presented to the governor and the joint committee on corrections and juvenile justice oversight no later than November 1; and

(16) at the request of the governor or the joint committee on corrections and juvenile justice oversight, initiate and complete an analysis of other sentencing policy adjustments not otherwise evaluated by the commission.

History: L. 1989, ch. 225, § 1; L. 1992, ch. 239, § 284; L. 1993, ch. 291, § 246; L. 1997, ch. 179, § 4; July 1.



II. MEMBERSHIP OF THE KANSAS SENTENCING COMMISSION

74-9102

Chapter 74.--STATE BOARDS, COMMISSIONS AND AUTHORITIES

Article 91.--SENTENCING COMMISSION

74-9102. Same; composition; chairperson; terms; compensation. (a) The Kansas sentencing commission shall consist of 17 members, as follows:

- (1) The chief justice of the supreme court or the chief justice's designee;
- (2) two district court judges appointed by the chief justice of the supreme court;
- (3) the attorney general or the attorney general's designee;
- (4) one public defender appointed by the governor;
- (5) one private defense counsel appointed by the governor;
- (6) one county attorney or district attorney appointed by the governor;
- (7) the secretary of corrections or the secretary's designee;
- (8) the chairperson of the Kansas parole board or such chairperson's designee;
- (9) two members of the general public, at least one of whom shall be a member of a racial minority group, appointed by the governor;
- (10) a director of a community corrections program appointed by the governor; and
- (11) a court services officer appointed by the chief justice of the supreme court. Not more than three members of the commission appointed by the governor shall be of the same political party.

(b) In addition to the members appointed pursuant to subsection (a), four members of the legislature shall serve as voting members of the commission. Such members shall be appointed as follows: One shall be appointed by the president of the senate, one shall be appointed by the minority leader of the senate, one shall be appointed by the speaker of the house of representatives and one shall be appointed by the minority leader of the house of representatives.

(c) The governor shall appoint a chairperson from the two district court judges appointed by the chief justice of the supreme court or the chief justice of the supreme court. The members of the commission appointed pursuant to subsection (a) shall elect any additional officers from among its members necessary to discharge its duties.



(d) The commission shall meet upon call of its chairperson as necessary to carry out its duties under this act.

(e) Each appointed member of the commission shall be appointed for a term of two years and shall continue to serve during that time as long as the member occupies the position which made the member eligible for the appointment. Each member shall continue in office until a successor is appointed and qualifies. Members shall be eligible for reappointment, and appointment may be made to fill an unexpired term.

(f) Each member of the commission shall receive compensation, subsistence allowances, mileage and other expenses as provided for in K.S.A. 75-3223 and amendments thereto, except that the public members of the commission shall receive compensation in the amount provided for legislators pursuant to K.S.A. 75-3212 and amendments thereto, for each day or part thereof actually spent on commission activities.

History: L. 1989, ch. 225, § 2; L. 1997, ch. 179, § 5; L. 1998, ch. 32, § 1; July 1.

II. B Kansas Sentencing Commission: Present Membership

Requirement per 74-9102	Commission Member
The chief justice of the supreme court or the chief justice's designee	Hon. Robert J. Lewis, Jr. (KS Court of Appeals)
Two district court judges appointed by the chief justice of the supreme court	Hon. Ernest L. Johnson, Chair Hon. Eric S. Rosen
The attorney general or the attorney general's designee	Eric K. Rucker (Deputy Attorney General)
One public defender appointed by the governor	Rick Kittel
One private defense counsel appointed by the governor	Kathleen M. Lynch
One county attorney or district attorney appointed by the governor	Paul J. Morrison, Vice Chair
The secretary of corrections or the secretary's designee	Sec. Roger Werholtz
The chairperson of the Kansas parole board or such chairperson's designee	Marilyn Scafe
Two members of the general public, at least one of whom shall be a member of a racial minority group, appointed by the governor	Dr. Donald E. Jackson Jamie D. Richardson
A director of a community corrections program appointed by the governor	Annie E. Grevas
A court services officer appointed by the chief justice of the supreme court	Chris A. Mechler
Four members of the legislature	Rep. Jeff Goering Senator Greta H. Goodwin Rep. Janice L. Pauls Senator John L. Vratil



II. C MEETING DESCRIPTION

Meetings are published in the Kansas Register and often are held in the Senate Room of the Jayhawk Towers, 700 SW Jackson Street, Topeka. In CY 2003, the Commission held ten meetings on the following dates:

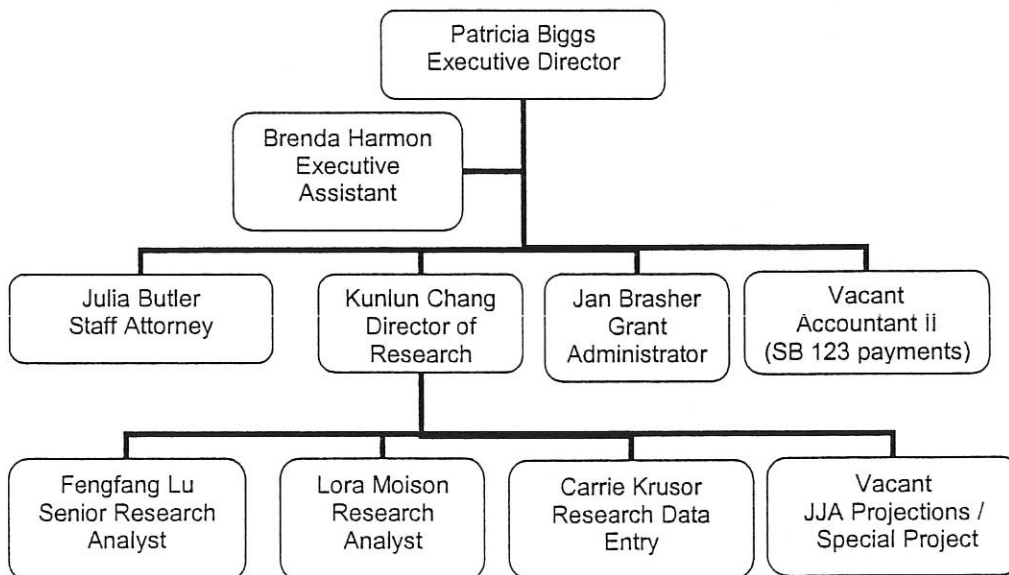
- January 9, 2003
- January 28, 2003
- April 16, 2003
- May 22, 2003
- June 4, 2003
- June 24, 2003
- July 16, 2003
- August 20, 2003
- September 24, 2003
- November 13, 2003

There were six meetings of the Commission held in calendar year 2002, and eight held in 2001.

One meeting has been held thus far in 2004 (January 8, 2004) and the next meeting is scheduled for February 13, 2004. Typically, these meetings begin at 1:30 and conclude between 3:30 and 5:00 depending on the agenda. The meetings are open.

The Commission members set direction for the work of the staff of the Sentencing Commission.

III. PRESENT SENTENCING COMMISSION STAFF





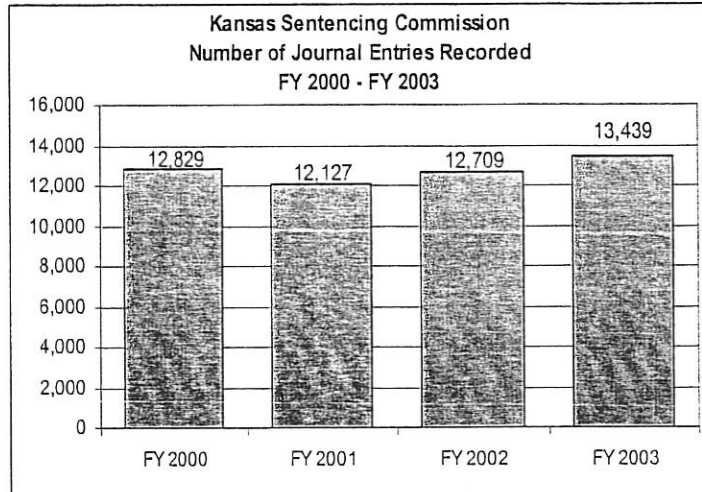
IV. FUNCTIONAL AREAS OF ROUTINE WORK: KANSAS SENTENCING COMMISSION STAFF

Function 1: Research

The routine duties included in the Research function assigned to the KSC staff include four primary domains: (1) Journal Entry and PSI recording; (2) Production of Adult Prison Population Projections; (3) Production of Juvenile Population Projections; (4) Production of Data Files in response to requests. Each is briefly described below.

A. Journal Entry and PSI Recording

The staff records all journal entries (probation, prison, probation revocations) and all presentence investigation reports (74-9101 b 5). These data are maintained in a statistical database (SPSS software) and are available for use in analysis of sentencing trends across the state and in the preparation of the prison population impact statements (74-9101 b 5) for legislation that is under consideration (74-9101 b 8).



Over the past four fiscal years, the number of journal entries recorded and maintained by Commission Staff has increased by 610 or 4.75%.

Additionally, our recording of journal entries and PSI's enables us to identify problems and issues that require training attention (74-9101 b 4) and to inform us as to problems that may be due to the construction of these forms. In turn, this information then suggests changes necessary in future generations of the Journal Entries and of the PSI's.

B. Production of Adult Prison Population Projections

The KSC Staff produces adult prison population projections annually (74-9101 b 15). The population projection is performed using a statistically-based model of prisoner movement. The model ("Prophet") uses a combination of probabilistic method and Monte Carlo simulation to move prisoners through the Kansas prison system based on each offender's imposed sentence.

In general, we strive to operate this model within a 2% margin of error. Within the industry, a 5% margin of error is viewed very favorably. The table below demonstrates the achieved accuracy rate of the adult prison population projections over the last three and a half fiscal years.



**Kansas Sentencing Commission
 Adult Prison Population Projection Performance
 FY 2001 - Dec. 2003 (mid-point FY 2004)**

	Projected Population (end of FY)	Actual Population (end of FY)	% Error	% Accuracy
FY 2001 Model	8026	8540	-6.02%	93.98%
FY 2002 Model	8663	8759	-1.10%	98.90%
FY 2003 Model	9044	9018	0.29%	99.71%
FY 2004 Model (through Dec.2003)	9060	9138	-0.85%	99.15%

In addition to the production of total adult prison population forecasts, the staff also produces projections by gender, by custody level, and by gender and custody. Production of these forecasts assist the Department of Corrections in understanding the anticipated composition of correctional population and in formulating policies and plans based on this information (74-9101 b 6).

As mentioned above, the data recorded via our receipt of Journal Entries is used in conjunction with the adult prison population projections to estimate the impact in terms of prison beds needed or saved for proposed legislation (74-9101 b 8). The staff of the Commission produced 150 impact statements in FY 2003 and we estimate we will produce 165 in the current fiscal year.

The FY 2004 Revised Adult Prison Population Projections are contained in Section V of this report.

C. Production of Juvenile Prison Population Projections

The staff of the KSC has produced incarcerated youth projections for the Juvenile Justice Authority this month marking resumption of our production of this report since December 1999. The model used to forecast the juvenile incarcerated population is similar to the model used for the adult population in terms of its statistical composition (probabilistic methods and Monte Carlo simulation) but differs in terms of groups used to define the juvenile population and in assumptions that drive the input into the model.

Since the statistical methodology used for the JJA projections is similar to that used for the adult incarcerated population, we have the ability to produce bed-space impact statements for proposed legislation concerning the JJA population, similar to those produced for proposed legislation concerning the KDOC population. Since this year marks the first year KSC staff have produced JJA projections since the full implementation of the placement matrix (i.e., the juvenile "equivalent" of sentencing guidelines where the categorization of crime-type is associated with a particular sentence), we do not have estimates of the number of impact statements we expect to produce.

JJA's projections are developed for the entire juvenile incarcerated system, and are broken down by facility as well. The facility-level breakdown includes consideration of gender.



We hope to achieve a 5% margin of error with these projections. Since the number of juveniles incarcerated is small (460 on June 30, 2003), the error generated by each additional offender not anticipated in the projected number is 0.20% (1 out of 460) whereas, by contrast, the error generated by each unanticipated adult offender is 0.01% (1 out of 9000).

Production of JJA population projections is not included in 74-9101.

Portions of the FY 2004 Juvenile Justice Authority Population Projections are contained in Section VI of this report.

D. Preparation of Data Files in Response to Data Requests

Given the wealth of information contained in the maintenance of our databases on journal entries, PSIs and Prison admissions, releases, and stock populations (Prison admission files, release files, and stock population files are generated by KDOC), we have the ability to respond to data requests received from other criminal justice researchers and scholars. Two recent examples of data requests of this office include an inquiry by the Kansas Attorney General's office regarding the number of sentences for each offense for each of the previous three years. The second example of a recent request comes from New York University professor Stanford Gordon who, along with a co-author from Yale University, is interested in examining the effect of appointed versus elected judges on criminal sentencing.

These types of data requests are not covered under 74-9101 but are covered under the Kansas Open Records Act (45-215 through 45-223).

Function 2: Attorney Assistance and Public Information

The routine duties included in the Attorney Assistance function include four primary domains: (1) Respond to sentencing questions; (2) Conduct Training; (3) Publish Desk Reference Manual; (4) Publish Case Law Updates. Each is described briefly below.

A. Respond to Sentencing Questions

The staff of the Commission serves as a resource in answering or guiding the answer to several types of questions involving sentencing. On average, we receive and respond to six to eight questions daily and the inquiries come into the office via telephone, fax, email, or letter. The types of questions received vary and the parties making inquiry vary as well. Listed below are some examples of the types of inquiries and inquirers.

Inquiries received include those related to:

- Sentences to be imposed
- Completion of Journal Entry and/or Presentence Investigation Report
- Sentences imposed previously
- Application of sentencing guidelines
- Application of sentencing guidelines' retroactivity provision
- Terms of Probation
- Terms of Parole
- General questions from the media
- Media questions related to specific cases



- Questions related to sentence(s) imposed, sentence computation, jail credits awarded /not awarded, credit for residential time while under Community Corrections supervision
- Application of SB 123, interpretation of SB 123, implementation of SB 123

Inquirers include:

- Members of the Kansas Legislature and their staff
- Members of other states' Legislature and their staff
- Other states' Sentencing Commission (or equivalent)
- Court Service Officers
- Community Corrections Officers
- Treatment Providers (specific to SB 123)
- Inmates
- Inmate Family members
- Print and Broadcast media
- Other State Agency personnel

B. Conduct Training

The staff of the Commission serves as a resource in formulating and delivering training to criminal justice stakeholders across the state regarding the application of guidelines (74-9101 b 4). Recently, KSC staff also delivered training across the state for the implementation of SB 123 – Alternative Sentencing Policy for Drug Offenders – which was a Commission recommended modification to the sentencing guidelines (74-9101 b 7). Most of these types of training sessions are organized so as to provide Continuing Legal Education Credits (CLE) for participants.

C. Publish Kansas Desk Reference Manual

Annually, the Sentencing Commission staff make available an updated Desk Reference Manual containing notable changes to criminal law during the most recent legislative session, a summary of changes to Kansas Sentencing Guidelines, an overview of the the guidelines, a description of processes related to sentence computations and special rules, as well as the forms and instructions for the presentence investigation reports, the criminal history worksheet and the journal entries. Felony and Misdemeanor crimes are sorted and listed in the back of this manual along with the most recent Nondrug and Drug Sentencing Grids.

In FY 2003, the number of Desk Reference Manuals reproduced by the Sentencing Commissions was reduced dramatically due to budgetary constraints. As an alternative method of obtaining the information contained in this publication, it is also available on the KSC web site (<http://www.accesskansas.org/ksc/SiteMap.htm>).

D. Pubish Case Law Updates

Quarterly, changes in case law are reviewed for applicability to felony sentencings and are compiled by commission staff. The case law updates since enactment of the Kansas Sentencing Guidelines were contained in the Desk Reference Manual until 2002. At that time, the volume of case law was too great to warrant continuous inclusion in the Desk Reference Manual. Additionally, as budgets became tighter, cost cutting measures were sought. A decision was then made to publish the case law updates at the KSC web site.



A positive benefit of moving to web-based publishing of Case Law Updates is that they now are available on a quarterly basis rather than only a fiscal year basis.

Decisions by the Kansas Supreme Court, Kansas Court of Appeals, and Kansas Attorney General Opinions are contained in Case Law Updates.

Function 3: Senate Bill 123 – Alternative Sentencing Policy for Drug Offenders

Four major functions fall under this area of focus as well. These are (1) Devise an Implementation Plan for SB 123, (2) Train the Implementation Plan, (3) Monitor and Recommend Updates and Modifications to the Implementation of SB 123, and (4) Monitor SB 123 Data Tracking and Issue Payments for SB 123 Services.

A. Devise Implementation Plan

The Kansas Sentencing Commission, working in conjunction with the Kansas Department of Corrections, Substance Abuse Treatment Providers, Mental Health Treatment Providers, and Community Corrections Agencies from across the state, compiled an Implementation plan for SB 123. This plan has been made available to stakeholders and interested parties in paper document form and via our web site (<http://www.accesskansas.org/ksc/SB%20123%20version%201.pdf>)

B. Train Implementation Plan

Trainings were conducted across the state with various stakeholder groups and in seminar format during the early fall of 2003. In total, approximately 750 persons attended one or more of these trainings.

C. Monitor and Recommend Updates/Modification to Implementation

As offenders are sentenced under the provisions of SB 123, as individual cases come into questions, and as invoices are received from treatment providers, process enhancements or improvements are noted and will be contained in future updates to the SB 123 Implementation plan.

D. Monitor Data and Issue Payments for Services Rendered under SB 123

The staff of the Sentencing Commission took on the role of centralized payment center for invoices related to substance abuse assessment and treatment services provided under the provisions of SB 123. This is a new area of responsibility for sentencing commission staff but was a role assumed so that each individual community corrections agency did not have to staff this function.

Centralization of the payment function also allows us to be able to track and report the dollars spent for treatment under SB 123 by type of treatment provided, by individual treatment agency, by supervising community corrections agency, and by offender within given timeframes. We also have the capability to track actual expenditures against estimated expenditures by community corrections agency and the ability to know total balances in the treatment account.

Additionally, by centralizing this function, KSC staff are able to verify and request correction of data entry issues related to tracking treatment of offenders sentenced under



SB 123. This "data cleaning" function is critical in the future evaluation of the impact of SB 123.

Function 4: General Office Procedures

In addition to the specialized duties outlined above, staff of the commission also contribute to the functioning of the Sentencing Commission office. Duties included in this functional area include:

- Human Resource Management
- Fiscal and Budgetary Management
- Maintenance and Updating of the Commission web site
- Maintaining and Posting Commission Meeting Minutes
- Legislative Monitoring, tracking, and testimony

Additional Research Forthcoming

The Kansas Sentencing Commission is engaged in discussions presently to have an outside entity conduct a 10-year review of Kansas Sentencing Guidelines.

Kansas Sentencing Commission serves as the State's SAC (Statistical Analysis Center)

In brief, the SAC function for Kansas is assigned to the Kansas Sentencing Commission. Statistical Analysis Centers (SACs) are state agencies designated by Bureau of Justice Statistics (BJS) and associated with the Justice Research Statistics Association (JRSA). SACs are found in 53 states and territories.

SACs collect, analyze, and disseminate justice data. They are state agencies that conduct objective analyses to meet critical planning needs and address statewide and system wide criminal justice policy issues. Some activities in which SACs are involved are research, program evaluation, developing and maintaining information systems, crime mapping, population forecasting, data collection and analysis, legislative tracking, and policy analysis. They contribute to effective state policies through statistical services, research, evaluation, and policy analysis.

JRSA surveys the SACs annually to determine the types of research and analytical activities in which they are involved, and the types of publications they produce. Survey results are entered into the InfoBase of State Activities and Research (ISAR). ISAR is Justice Research & Statistics Association's online searchable clearinghouse of information on the activities and publications of the state Statistical Analysis Centers (SACs). ISAR is web accessible at <http://www.jrsa.org/database/> and can be searched by keyword.

A Brief Summary of Kansas Sentencing Commission Publications

1. Adult Population Projections
-- 10 year forecast of adult prison bed usage
2. Juvenile Population Projections
-- 10 year forecast of juvenile incarceration bed usage
3. Adult Projects by Custody & Gender
--Further analysis of KDOC prison bed usage described in terms of custody make up, gender make up and make up by custody and gender.
4. Annual Kansas Desk Reference Manual
--Describes sentencing in Kansas; provides forms and instructions
5. Case Law Updates (quarterly)
--Published on web site; includes decisions by The Kansas Supreme Court, Kansas Court of Appeals, and Kansas Attorney General Opinions
6. Criminal Justice System Resource Directory (biennial)



- Contains names, addresses, and phone numbers for criminal justice related entities across the state
- 7. Sentencing Commission's Annual Report
 - Overview and Analysis of Sentences Imposed across the state
- 8. Annual Report to the Legislature
 - Summary of activities and consideration by the Commission
- 9. Minutes of Commission Meetings
 - Summary of meetings of The Sentencing Commission



V. Revision of the Adult Inmate Population Projections

Due to the recommended application of the language contained in Senate Bill 123, the adult inmate prison population projections released this fall must be revised. The initial projections were built using the assumption that the provisions of SB 123 would be applied to any non-violent drug possession conviction (per the requirements of the legislation) that was sentenced on or after November 1, 2003. After further examination of the language contained in the legislation, a recommendation was made that the provisions of SB 123 are to be applied to the target group of offenders whose offense date is on or after July 1, 2003 and who are sentenced on or after November 1, 2003.

For these offenders, there is, on average, an approximately 9 month delay between date of offense and date of sentencing. This leads to a decrease in the initial estimate of impact of SB 123 in the first and second years (i.e., 2004 and 2005). The 2004 revised projected population stands at 9134, up 88 from the initial projection of 9046. The 2005 revised projected population stands at 9111, an increase of 62 from the initial projection of 9049.

The following tables and graphics present the revised prison population projections, the revised projected custody breakdown, and the revised projected breakdown by both custody and gender.

5-16

**KANSAS SENTENCING COMMISSION
 FY 2004 ADULT INMATE PRISON POPULATION PROJECTIONS
 REVISED ON NOVEMBER 10, 2003**

ID Group	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	June 30 2013	Total # Increase	Percent Increase
D1	489	564	576	617	645	660	676	692	697	727	733	244	49.9%
D2	367	296	270	247	241	243	256	242	237	247	236	-131	-35.7%
D3	426	425	439	430	474	476	467	485	495	511	508	82	19.2%
D4**	564	672	696	652	654	626	660	638	637	639	639	75	13.3%
N1	702	751	799	848	899	948	992	1030	1071	1111	1138	436	62.1%
N2	501	508	510	512	504	504	505	503	502	506	510	9	1.8%
N3	1308	1298	1292	1280	1292	1290	1294	1297	1298	1304	1315	7	0.5%
N4	279	277	278	295	301	295	291	290	286	298	300	21	7.5%
N5	1024	1070	1067	1051	1034	1044	1090	1055	1090	1116	1122	98	9.6%
N6	158	165	175	162	167	165	162	166	162	178	164	6	3.8%
N7	708	701	683	696	692	683	684	674	697	708	704	-4	-0.6%
N8	203	238	221	208	194	193	204	204	205	228	207	4	2.0%
N9	227	202	175	177	195	182	195	176	176	196	211	-16	-7.0%
N10	41	42	41	34	39	34	42	41	42	42	41	0	0.0%
OFF GRID	690	716	756	801	842	889	928	980	1029	1073	1117	427	61.9%
Condition Parole/PIS Violators	1331	1209	1133	1084	1068	1110	1080	1118	1136	1170	1186	-145	-10.9%
Total	9018	9134	9111	9094	9241	9342	9526	9591	9760	10054	10131	1113	12.3%

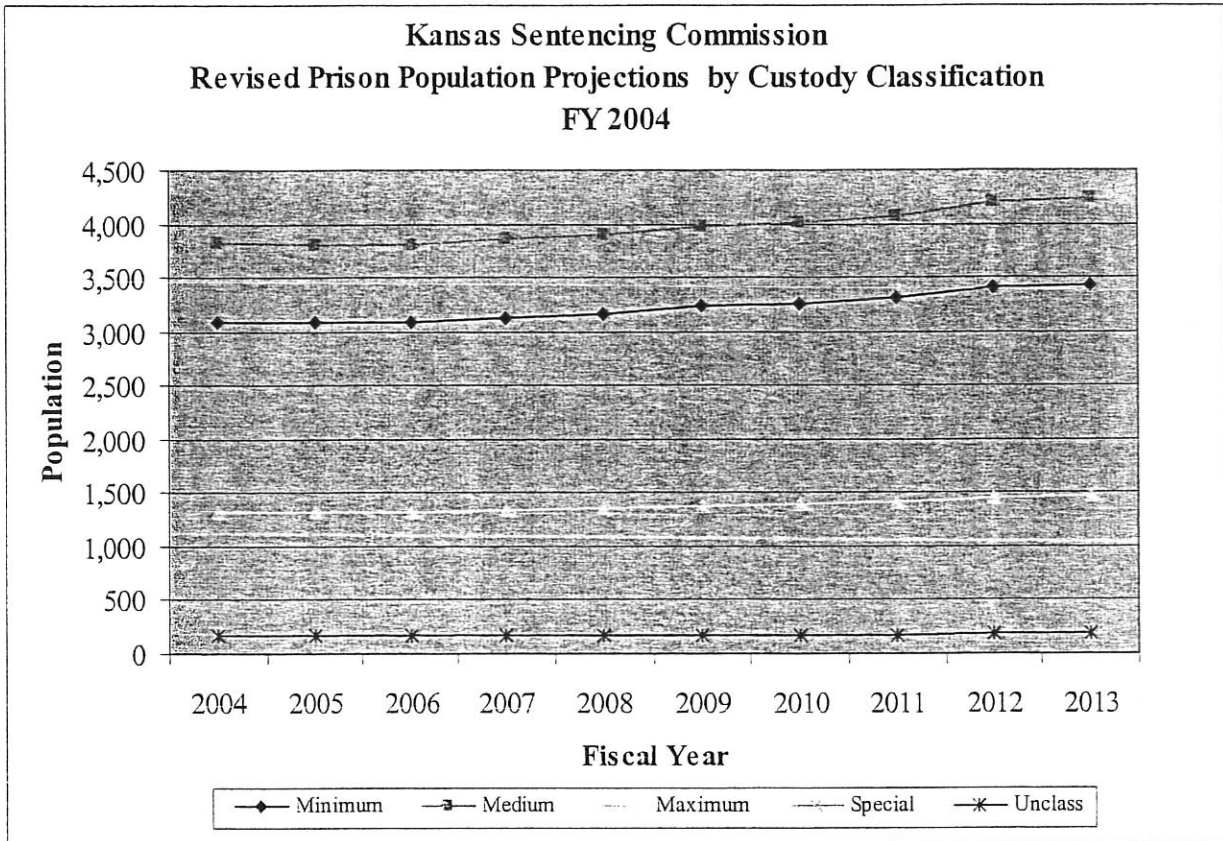
*. Based on the actual prison population on that date (for the purpose of forecasting, non-grid and missing are analyzed and assigned to each level).
 **. D4 includes KSA 65-4160 D.1 and D.2 offenders whose severity levels will be modified as D4 by Senate Bill 123 on or after November 1, 2003 and drug treatment violators.
 Note: The shaded cells indicate the changes of prison population based on the assumption that the offense date of the drug possession offenders is on or after July 1, 2003 and the sentence date is on or after November 1, 2003.



TEN YEAR ADULT INMATE PRISON POPULATION PROJECTIONS Revised on November 10, 2003

June of Each Year	FY 04 Official Projection (Sentence Date on or after November 1, 2003)	Offense Date on or after July 1, 2003 and Sentence Date on or after November 1, 2003	Population Difference
2004	9046	9134	88
2005	9049	9111	62
2006	9094	9094	0
2007	9241	9241	0
2008	9342	9342	0
2009	9526	9526	0
2010	9591	9591	0
2011	9760	9760	0
2012	10054	10054	0
2013	10131	10131	0

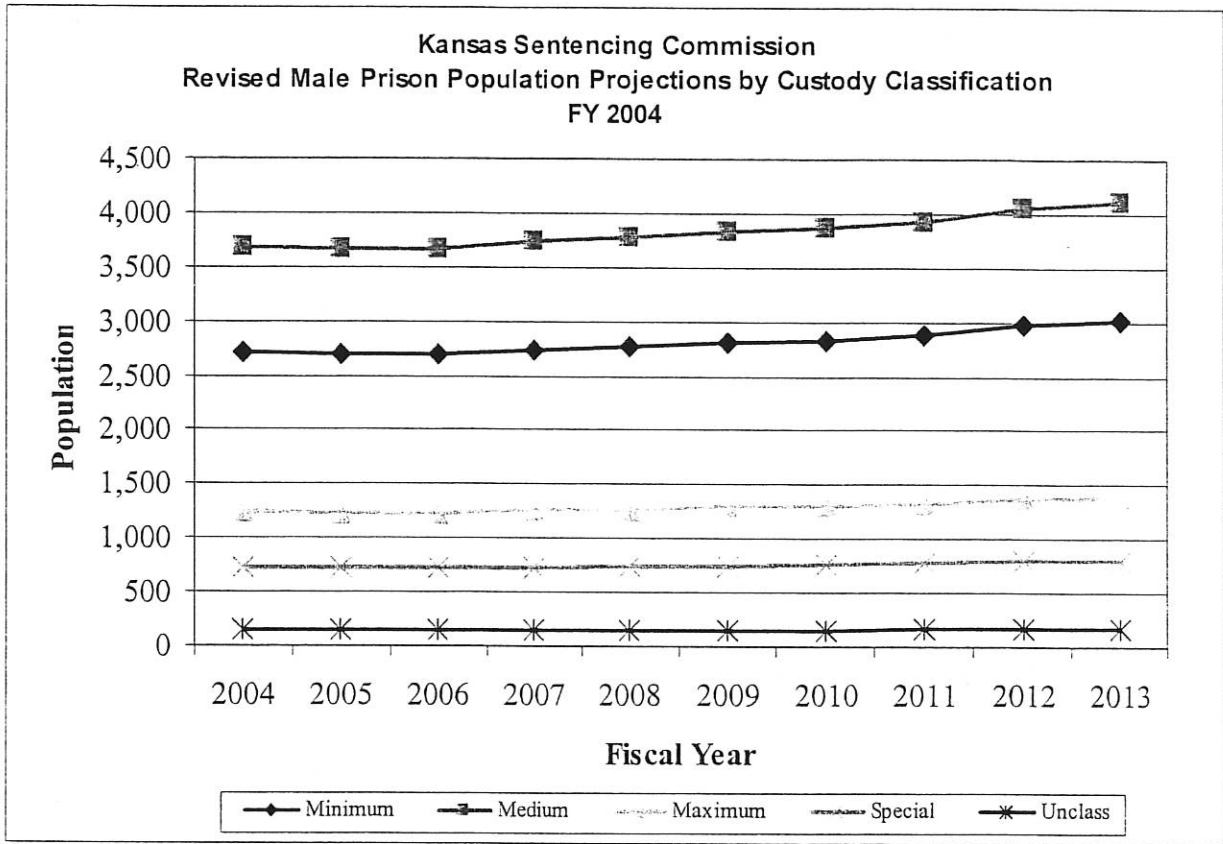
Note: The revised projection is based on the assumption that the offense date of the drug possession offenders is on or after July 1, 2003 and the sentence date is on or after November 1, 2003. The change of the assumption results in 88 additional prison admissions as well as 88 additional beds during the first projection year and additional 62 beds in the second year. This assumption reduces the bed savings from 196 to 108 in the first year and 286 to 224 beds in the second year.



Total Adult Population by Custody Level

Fiscal Year	Minimum	Medium	Maximum	Special	Unclass	Total
2004	3,091	3,815	1,319	740	169	9,134
2005	3,092	3,799	1,315	736	169	9,111
2006	3,084	3,795	1,314	735	166	9,094
2007	3,128	3,861	1,336	748	168	9,241
2008	3,163	3,902	1,350	756	171	9,342
2009	3,234	3,973	1,376	769	174	9,526
2010	3,254	4,002	1,385	775	175	9,591
2011	3,310	4,073	1,411	788	178	9,760
2012	3,405	4,199	1,453	814	183	10,054
2013	3,422	4,239	1,465	821	184	10,131

NOTE: The data presented which separates the forecast prison population by custody level is based on the assumption that the method by which the Kansas Department of Corrections classifies inmates is equivalent to the system employed presently. We have become aware that the Department of Corrections is considering a reevaluation of their custody classification process and, should this review result in a change, it would have the potential to require the custody projections to be recompiled.

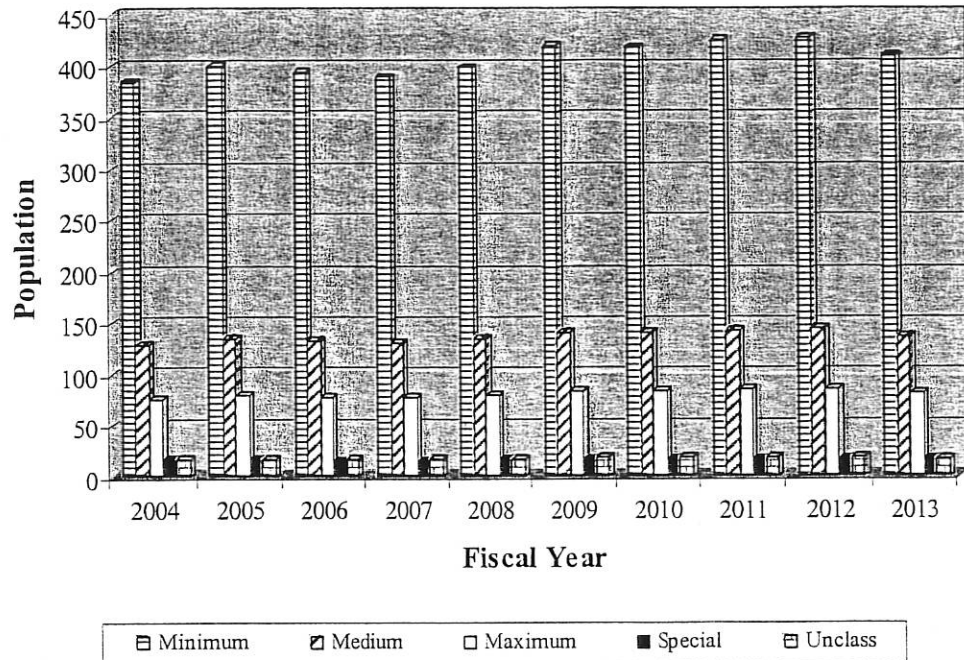


Male

Fiscal Year	Minimum	Medium	Maximum	Special	Unclass	Subtotal
2004	2,707	3,686	1,243	724	153	8,513
2005	2,692	3,665	1,236	720	152	8,465
2006	2,690	3,663	1,236	720	149	8,458
2007	2,739	3,731	1,259	733	152	8,614
2008	2,764	3,767	1,270	740	154	8,695
2009	2,814	3,832	1,293	753	156	8,848
2010	2,835	3,861	1,302	759	157	8,914
2011	2,885	3,930	1,326	772	160	9,073
2012	2,977	4,055	1,368	797	165	9,362
2013	3,012	4,102	1,384	805	167	9,470



Kansas Sentencing Commission
Revised Female Prison Population Projections by Custody Classification
FY 2004



Female

Fiscal Year	Minimum	Medium	Maximum	Special	Unclass	Subtotal
2004	384	129	76	16	16	621
2005	400	134	79	16	17	646
2006	394	132	78	15	17	636
2007	389	130	77	15	16	627
2008	399	135	80	16	17	647
2009	420	141	83	16	18	678
2010	419	141	83	16	18	677
2011	425	143	85	16	18	687
2012	428	144	85	17	18	692
2013	410	137	81	16	17	661



VI. Juvenile Justice Authority Projections

The following is extracted from the full JJA Population Projection Report. A copy of this report is available at <http://www.accesskansas.org/ksc/JJA%20FY04%20Projection%20Report.pdf> or may be obtained by contacting the Sentencing Commission Office.

Figure 9 and Table 6 display the projected juvenile correctional facility population over the ten-year forecast period. The overall juvenile correctional facility population is forecasted to increase by 19%, or 97 youths, during the next ten years growing from 507 juveniles at the end of FY 2004 to 604 youths at the end of FY 2013. However, the projected male populations over the ten-year forecast period is expected to increase by 20%, or 95 boys, while the female population is projected to remain relatively constant over the next ten years.

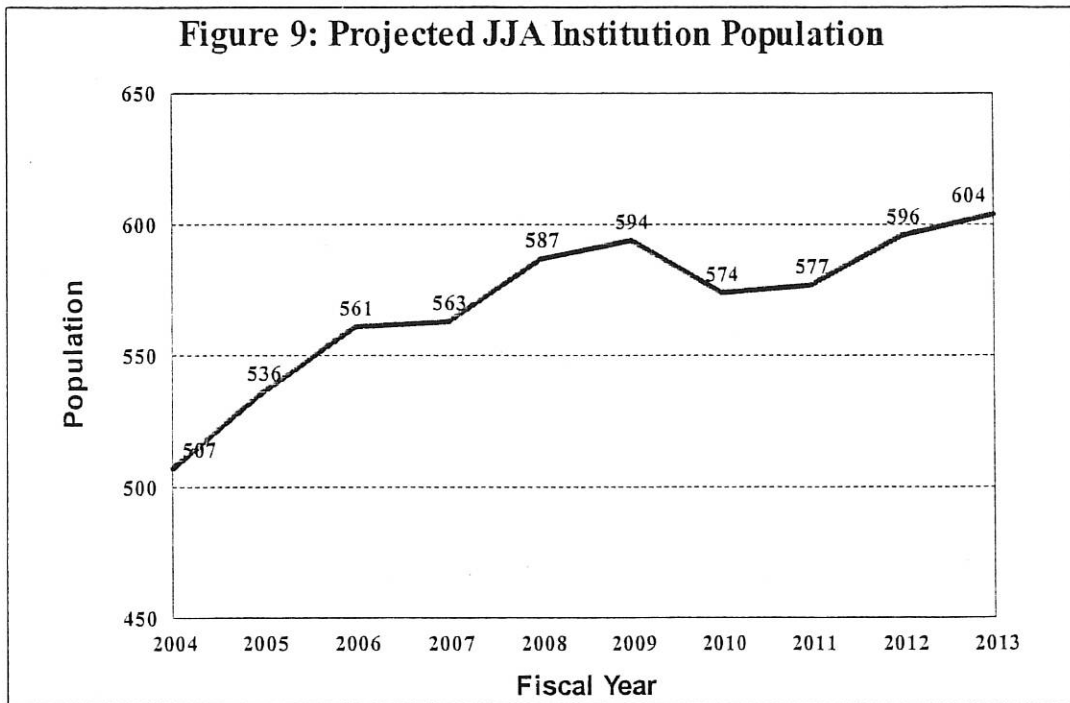


Table 6: Projected JJA Institution Population by Gender

June 30 Each Year	Male	Female	Total
2004	469	38	507
2005	500	36	536
2006	525	36	561
2007	519	44	563
2008	543	44	587
2009	546	48	594
2010	535	39	574
2011	533	44	577
2012	552	44	596
2013	564	40	604



Figure 10 illustrates the projected correctional youth population by facility. As shown in this figure, the largest increase in population during the next ten years is at Topeka facility, which indicates an increase of 73 youths or 26.4%. Juvenile correctional populations at Atchison and Larned facilities will both increase by 11 juveniles. The population at Beloit facility, which houses female juveniles, will remain constant. Implicit in the facility projections is the assumption that current operating practices with respect to facility placements and transfers will be maintained into the future.

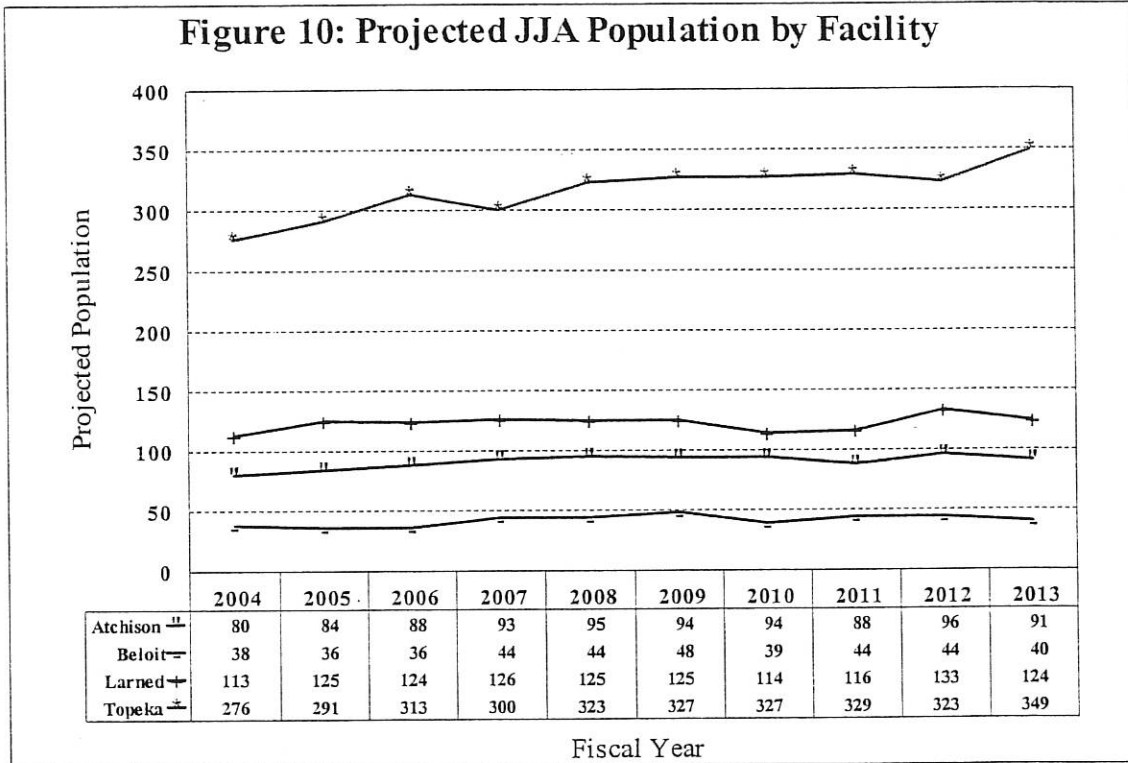


Table 7 represents the projected populations by placement matrix or offender types. Violent offenders (VO), who are convicted of off-grid, nondrug severity levels 1-3 offenses, are projected to experience the largest increase in numbers over the next ten years. Chronic II escalating felons (CII) represent the second largest increase over the next ten years followed by Serious I (SI) offenders, who are convicted of the crimes under nondrug severity levels 4-6 person felonies or drug severity levels 1 and 2 felonies. The population of Serious II (SII) felons stays fairly stable over the ten-year forecast period. Non-matrix or pre-matrix offenders phase out by fiscal year 2006.



Table 7: Projected Population by Placement Matrix Category

June 30 Each Year	VO	SI	SII	GI	GII	CIII	CRV	Non Matrix	Total
2004	150	90	43	41	92	23	52	16	507
2005	160	95	49	37	116	29	45	5	536
2006	164	97	52	45	120	23	60	0	561
2007	173	108	45	48	106	28	55	0	563
2008	194	115	44	42	111	27	54	0	587
2009	198	107	51	45	108	27	58	0	594
2010	187	104	46	44	109	26	58	0	574
2011	184	105	42	52	104	31	59	0	577
2012	188	110	44	49	110	29	66	0	596
2013	200	109	42	49	113	27	64	0	604
# Change	50	19	-1	8	21	4	12	-16	97

Note: VO includes VI (off-grid) and VII (non-drug levels 1-3).