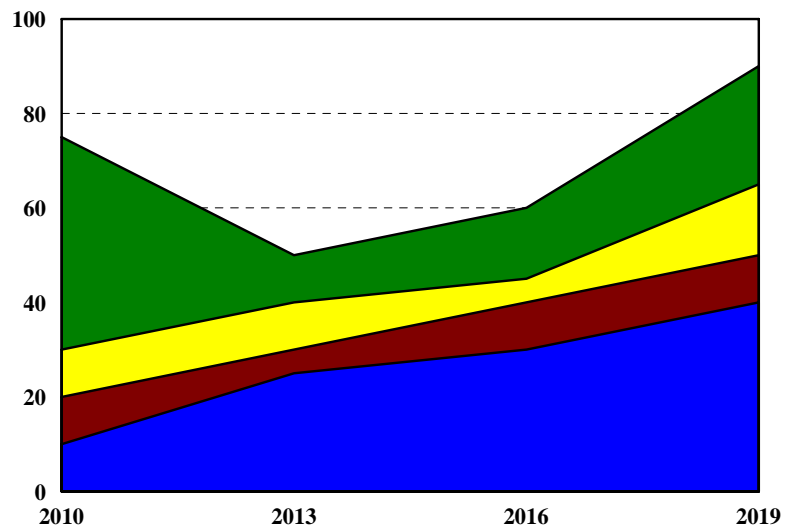


# KANSAS SENTENCING COMMISSION

## Fiscal Year 2010 Adult Inmate Prison Population Projections

Prison Population Projections



August 2009

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## **OVERVIEW OF FY 2010 PRISON POPULATION PROJECTIONS**

Same as previous models, the FY 2010 prison population projection model contains a combination of intended and unintended impacts of various sentencing policies enacted by the legislature during the past several years. The continuous impacts of the policies in this model include the Senate Substitute for House Bill 2576 (Jessica's Law) enacted on July 1, 2006; the House Substitute for Senate Bill 14 enacted on July 1, 2007 and House Bill 2707 enacted on July 1, 2008. House Bill 2060 passed in 2009 legislation is not included in this model because of the insufficient information.

Overall, prison admissions decreased, releases increased and the number of condition violators revoked to prison was reduced. The most significant change in this model is the increase of offgrid prison population. Over the ten-year forecast period, offgrid prison population will increase by 784 inmates or 88%. The increase is primarily due to Jessica's Law. The impact of this law resulted in 56 offgrid offenders in FY 2009. This impact will continue to increase the offgrid prison population in the future.

The second observable trend is the probation condition violators entering into the state prisons. Probation condition violators admitted to prison decreased by 28.3% in FY 2009 when compared with that of FY 2006. The number of probation condition violators decreased from 2,038 in FY 2006 to 1,462 in FY 2009, a drop of 576 violators. The decrease of probation condition violators reflected the impact of House Substitute for Senate Bill 14, which requires at least a 20% reduction from that of FY 2006.

The third notable trend during FY 2009 was that prison releases exceeded prison admissions. This is a fifth consecutive year that releases exceeded admissions. Analyses of FY 2009 prison admissions and releases revealed that the largest releases in number over admissions were found on all drug severity levels, especially drug severity level I, followed by drug severity levels IV and III. Releases over admissions during FY 2009 were also found in nondrug severity levels II, III, VII, VIII and parole/postrelease condition violators.

The FY 2010 projections indicate an increase trend during the forecast period. The largest increase in number falls on offgrid inmates followed by nondrug severity levels I and V. Jessica's Law has a significant impact on the offgrid prison inmate population. Some child sex offenses categorized on nondrug severity levels I, II and III in the past are reclassified as offgrid offense. The projection of nondrug severity level V shows a mixed picture. Jessica's Law, on the one hand, reduces the population by moving the child sex offenders to the offgrid but, on the other hand, increases the population by increasing the offender registration violators from nondrug severity level X to nondrug severity level V. During FY 2009, 38 offenders who violated Kansas Offender Registration Act were admitted to prison.

Prison population projections primarily involve the use of two major data variables: the number of offenders admitted to prison and the corresponding length of the sentence imposed. Although various secondary data elements, such as good time earnings, revocation rates, and jail time credits are utilized in projections, they directly impact either admission rates or length of

stay (LOS). Any time a sentencing policy change or a court's decision is enacted, which either targets the admission rates or sentence lengths there will be a corresponding increase or decrease in prison population levels. Identifying the specific impact of policy change involves the simultaneous incorporation of valid data, accurate assumptions and a realistic implementation.

## **Admissions**

Offenders primarily are admitted to prison as either a new commitment or as a parole/postrelease condition violator. New commitments include offenders who are sentenced directly by the court, probation condition violators whose revocation results in the imposition of their underlying prison sentence and probation violators who receive a new sentence. Parole/postrelease condition violators are those offenders who have been released from prison or county jails (4<sup>th</sup> or subsequent DUI offenders) to serve a term of community supervision and are returned to prison as the result of a violation of the terms of their supervision.

During FY 2010, the total new commitments indicate a slight decrease of 0.1% or 3 admissions when compared with that in FY 2009. New commitments account for 71.8% of all FY 2009 prison admissions, which include 37.8% direct new court commitments, 32.1% probation condition violators and 2% probation violators with new sentence. When specific types or levels of admissions are examined, the data shows that admissions of drug severity levels II and III increased; drug severity level IV decreased and drug severity level I remained unchanged when compared with that of FY 2008. Nondrug severity levels II, III, IV, V and VIII also indicated an increase in admissions while nondrug severity levels I, VI, VII, XI and X displayed a decrease. The largest increase in number of prison admissions was found on nondrug level V (48 admissions). The largest decrease in number of prison admissions was found on drug severity level IV (68 admissions).

Parole/postrelease supervision condition violators (including conditional release violators) accounted for 1,154 admissions during FY 2009 with an average of 96 returns per month, which indicated a total decrease of 114 returns as compared to FY 2008. Of the 1,154 returns, postrelease supervision condition violators accounted for 89.3% (1,031 returns); parole condition violators made up of 10.5% (121 returns) and conditional release violators consisted of 0.2% (2 returns). The number of parole/postrelease supervision condition violators had dropped significantly from 3,188 returns in FY 2000 to 1,154 returns in FY 2009, a drop of 64%, since Senate Bill 323 was enacted into law in 2000, which eliminated the postrelease supervision for probation condition violators upon the completion of their underlying imprisonment imposed pursuant to either the sentencing guideline grid for nondrug or drug crimes (K.S.A. 22-3716(e)).

## **Length of Sentence**

The average length of sentence (LOS) of each severity level in FY 2009 varied. For nondrug offenses, the average length of sentence of nondrug severity level II indicated an increase of 59.3 months when compared with FY 2008 and 32.9 months when compared with FY 2005, representing the largest increase in the past five years. The average LOS of nondrug severity level I in FY 2009 demonstrated the second largest increase when compared with FY

2008 and the third largest increase when compared with FY 2005. The average LOS of nondrug severity level IV displayed a decrease of 6.5 months when compared with FY 2008 and a decrease of 4.9 months when compared with FY 2005. The average LOS of nondrug severity levels III also indicated a decrease of 1.1 and 8.6 months respectively, when compared with FY 2008 and FY 2005. Nondrug severity levels V to X in FY 2009 remained fairly consistent as compared with FY 2008, except nondrug severity level VII which indicated an increase of 1.8 months when compared with FY 2008.

The average LOS of drug severity level I in FY 2008 indicated an increase of 6.2 and 38.6 months respectively as compared with FY 2008 and FY 2005. The average LOS of drug severity level II demonstrated a decrease of 11.3 when compared with FY 2008 but an increase of 2.2 months when compared with FY 2005. The average LOS of drug severity level III in FY 2009 indicated an increase of 3.3 and 2.2 months when compared with FY 2008 and FY 2005. The average LOS of drug severity level IV also indicated an increase in sentencing length but less than two months during the last five years.

## **Forecast**

In examining the estimated prison bed needs by individual severity levels, the most significant increase in number and percentage is found on offgrid over the ten-year forecast period. As mentioned above, the increase of offgrid prison population is due to Jessica's Law (Senate Substitute for House Bill 2567) which was passed during the 2006 legislature. According to Jessica's Law, some child sex offenses previously classified in nondrug severity levels I, II, III and V will be reclassified as offgrid offenses with a minimum sentence of not less than 300 months (Hard 25). This reclassification will increase the offgrid admissions to prison.

The second largest increase of prison population for the ten-year forecast period is fallen on nondrug severity level I with an increase of 228 beds. The increase in required prison beds for nondrug severity level I is twofold, the "stacking effect" of the longer pronounced sentence and the impact of House Bill 2707 which enacted into law on July 1, 2008. The mandatory sentence requirement of this bill for an extreme sexual offender is not less than 50% of the center of the grid range of the sentence.

Nondrug severity level V represents the third largest increase of prison population during the ten-year forecast period. Nondrug severity levels II to IV also indicate an increase during the ten-year forecast period. Nondrug severity levels VI to X remain relatively stable during the ten-year forecast period.

Drug severity levels I and II during the forecast period demonstrate an increase as compared with FY 2009 numbers (the current number), with drug severity level II representing the largest and drug severity level I the second. Drug severity levels III and IV display a relative stability during the forecast period.

Overall, the FY 2010 projections indicate that the state's prison population will increase by 1,367 inmates or 15.9% in FY 2019 over the current prison population. The total prison population is expected to reach 9,969 inmates by the end of FY 2019. Offgrid, nondrug severity levels I, II and III will account for 46.2% of the projected prison population in FY 2019. Nondrug severity levels IV, V and VI will make up 18% and nonviolent inmates will consist of 12.3% of the projected prison population in FY 2019. The projected drug inmate prison population will represent 15.9% while parole/post-release supervision condition violators will make up 7.6% of the forecasted prison population in FY 2019.

## **METHODS AND ASSUMPTIONS**

### **Source of Data Used for the Projections**

Data utilized for the fiscal year 2010 prison population projections are based upon the most recent felony sentencing information and current prison information as occurred during FY 2009. These data include the automated and non-automated data files collected from the Kansas Department of Corrections (KDOC) and the FY 2009 felony journal entry sentencing information collected by the Kansas Sentencing Commission (KSC). Data provided by KDOC include:

1. Prison admissions
2. Prison populations
3. Prison releases
4. Parole/post-release supervision populations
5. Parole/post release supervision discharges
6. Parole hearing decisions
7. DOC monthly offender population reports

Data collected by the Kansas Sentencing Commission include:

1. Prison sentences
2. Probation sentences
3. Probation revocations

The above data sources combined provide the information for the prison projection consensus group to make their final decisions regarding assumptions that must be built into the model. The sentencing journal entry databases from the Kansas Sentencing Commission provide sentencing trends that impact policy changes. The prison admission file contains each individual admission event with the type of admission, the length of sentence, jail credit, special sentencing rule applied, departure information, and concurrent or consecutive sentences applied, etc. The prison population stock file provides additional information that the projection consensus group needs and characteristics of the June 30<sup>th</sup> incarceration population. The prison release file informs the consensus group of the type of release and the actual length of stay for each individual prisoner. Parole/postrelease supervision file and parole hearing file provide information regarding parole

population, parole discharges, parole hearing decisions, and waiting time between each parole hearing. KDOC monthly offender population reports are utilized for the monitoring aspect of monthly population.

### **Consensus Group**

In an attempt to formulate the most accurate assumptions, the Sentencing Commission utilizes a Prison Population Consensus Group to review and establish the final set of assumptions that are utilized in building the simulation model. Members of the Consensus Group represent various criminal justice agencies which play a role in processing an individual through the criminal justice system. Members contribute their agencies' expertise regarding formal and informal procedures and provide relevant information and data on specific issues or practices which may affect prison population.

### **Members of the FY 2010 Prison Population Projection Consensus Group:**

|                            |   |
|----------------------------|---|
| Bartee, Tom                | District of KS Federal Public Defender Office |
| Biggs, Patricia            | Kansas Parole Board                           |
| Bowman, Scott              | Kansas Department of Corrections              |
| Brancart, Ed               | Unified Government DA's Office                |
| Chang, Kunlun              | Kansas Sentencing Commission                  |
| George, Michael            | Shawnee County Sheriff's Office               |
| Gillespie, Betsy           | Johnson County Community Corrections          |
| Graves, Kathleen           | Kansas Department of Corrections              |
| Henderson, Patricia        | Unified Government Court Services             |
| Haneberg, Risë             | Criminal Justice Coordinator, Johnson County  |
| Lu, Fengfang               | Kansas Sentencing Commission                  |
| Mechler, Chris             | Office of Judicial Administration             |
| Moison, Lora               | Kansas Sentencing Commission                  |
| Patton, Hon. James         | Twenty-second Judicial District               |
| Pedigo, Helen              | Kansas Sentencing Commission                  |
| Pellant, Keven             | Kansas Department of Corrections              |
| Riggin, Dave               | Kansas Department of Corrections              |
| Smith, Hon. Richard        | Sixth Judicial District                       |
| Swegle, Ann                | Sedgwick Co DA's Office                       |
| Trembley, John             | NW Kansas Community Corrections               |
| Werholtz , Secretary Roger | Kansas Department of Corrections              |

The Consensus Group held two meetings to review sentencing trends, identify policy changes that may affect future prison bed needs and identify assumptions to be incorporated into the forecast model.

## **FY 2010 PRISON POPULATION PROJECTION ASSUMPTIONS**

1. The model begins on July 1, 2009.
2. The model is based on FY 2009 data (July 1, 2008 - June 30, 2009).
3. This prison population projection is for a ten-year forecasting period (FY 2010 to FY 2019).
4. The projection model is designed to simulate all new commitments to prison, from FY 2010 forward, under sentencing guidelines, with a determinate sentence length.
5. Admission Trends
  - a) Direct New Court Commitments. Direct new court commitments to prison in FY 2009 (offenders not on any type of supervision at the time of conviction and subsequent admission to prison) indicated an increase of 15.1% or 226 admissions when compared to FY 2008. Compared with FY 2005, the admissions to prison indicate an increase of 15.8% or 235 admissions. FY 2005 data indicated a total of 1,489 admissions; FY 2006 demonstrated a total of 1,610 admissions; FY 2007 showed a total of 1,605 admissions; FY 2008 data revealed a total of 1,498 admissions and FY 2009 indicated a total of 1,724 admissions, the highest number during the past five years.
  - b) Probation Condition Violators. In FY 2009, 1,462 probation condition violators were admitted to prison, indicating a decrease of 10% or 162 admissions from FY 2008 and a decrease of 18% from FY 2005. In FY 2005, 1,783 probation condition violators were admitted to prison. In FY 2006, 2,038 probation condition violators were admitted to prison. In FY 2007, 1,750 probation condition violators were admitted to prison. In FY 2008, 1,624 probation condition violators were admitted to prison. As compared with FY 2006 number, the number from which SB 14 requires to reduce at least 20%, the FY 2009 data indicated a decrease of 28%.
  - c) Probation Violators with New Sentence. Probation violators with a new sentence in FY 2009 indicated a decrease of 42.9% (67 admissions) from FY 2008 and a decrease of 29.4% from FY 2005. During FY 2005, 126 probation violators with new sentences were admitted to prison. FY 2006 displayed 142 probation violators with a new sentence were admitted to prison. FY 2007 indicated 99 probation violators with a new sentence were admitted to prison. FY 2008 showed 156 admissions while FY 2009 displayed 89 admissions for this group.
  - d) Total New Commitments: Rate of Growth. Historic growth rates for new commitments (which, for projection purposes, include direct new court admissions, probation condition violators, and probation violators with new sentences) are as follows:

|  |             |
|--|-------------|
| FY 1989 to FY 1990                               | 5.8%        |
| FY 1990 to FY 1991                               | -8.9%       |
| FY 1991 to FY 1992                               | 3.1%        |
| FY 1992 to FY 1993                               | -0.2%       |
| FY 1993 to FY 1994                               | -11.4%      |
| FY 1994 to FY 1995                               | 15.1%       |
| FY 1995 to FY 1996                               | 19.0%       |
| FY 1996 to FY 1997                               | -1.0%       |
| FY 1997 to FY 1998                               | 2.1%        |
| FY 1998 to FY 1999                               | 6.0%        |
| FY 1999 to FY 2000                               | -5.2%       |
| FY 2000 to FY 2001                               | 5.1%        |
| FY 2001 to FY 2002                               | 7.8%        |
| FY 2002 to FY 2003                               | -0.8%       |
| FY 2003 to FY 2004                               | 0.5%        |
| FY 2004 to FY 2005                               | 0.9%        |
| FY 2005 to FY 2006                               | 11.5%       |
| FY 2006 to FY 2007                               | -8.9%       |
| FY 2007 to FY 2008                               | -5.1%       |
| FY 2008 to FY 2009                               | -0.1%       |
| <i>Average yearly growth rate (since FY1989)</i> | <b>1.8%</b> |
| <i>Average yearly growth rate (since FY1993)</i> | <b>2.2%</b> |

The new commitment growth rate assumption utilized in last year's model was half percent annually through the year 2018. The consensus group agreed that a 2% growth rate should be used over the ten-year forecast period beginning in FY 2010.

6. Guideline post-incarceration supervision condition violators may serve up to 180 days. The average length of stay in FY 2005 model was 110 days. The average of 110 days used for this group remained unchanged in the FY 2006 model. The average of 120 days was used for this group in the FY 2007 model. The average length of stay in FY 2008 model was 130 days. The consensus group agreed to use the same length of stay (130 days) for this group in the FY 2009 model. The actual average length of stay for this group in FY 2009 was 140 days. The consensus group agreed to use an average stay of 145 days for this group in the FY 2010 model.
  
7. In FY 2009, a total of 1,154 parole/postrelease and conditional release condition violators were returned to prison. Of this number, 115 were 4<sup>th</sup> or subsequent DUI offenders, indicating an increase of 12 offenders when compared to last year (103 DUI violators in FY 2008). In FY 2009, the average rate of parole/postrelease and conditional release condition violators per month was 96 offenders, which was an average of 10 offenders per month below the projected 106 offenders per month in last year's projection model. The consensus group agreed that the return rate of 106 offenders per month will be used in the FY 2010 model.

8. In FY 2009, a total of 109 admissions of parole/post-release violators and conditional release violators were returned to prison with a new sentence, which was below the assumption by 61 admissions used in last year's forecast model (170 returns). In review of the past five years' data, parole and postrelease violators with new sentences in FY 2009 represented the lowest number of admissions (FY 2005-166; FY 2006-168; FY 2007-190; FY 2008-156 and FY 2009-109). The consensus group agreed to use 135 returns with new sentences for the FY 2010 model.

9. 2006 Senate Substitute for HB 2576-Jessica's Law.

(1) During FY 2009, 56 offenders were admitted to prison under Jessica's Law, an increase of eight offenders or 17% when compared with the number of FY 2008. Of this number, 55 were direct new court commitments and one was parole/postrelease violator with new sentence. Forty-six offenders were sentenced as offgrid; eight were sentenced as N1; one was sentenced as N3 and one was sentenced as N5. Of the offgrid, 33% offenders received a sentence length less than 150 months (50% of H25), indicating a decrease of 2% when compared with FY 2008. Overall, 59% of the child sex offenders admitted to prison received a sentence less than 300 months (the lowest length of sentence was 32 months).

(2) During FY 2009, the Commission received 59 Jessica Law sentences (including one concurrent sentence), indicating an increase of 10 sentences or 20%. Of this number, 2 offenders were sentenced to probation with an underlying prison sentence of 72 and 155 months respectively, representing 3% of the total sentence. The downward dispositional departure reasons for the 2 offenders were "no prior criminal history" and "the defendant physical or mental impairment." Last year, the consensus group agreed to use a 50% downward durational departure rate but no downward dispositional departure rate for this group. The consensus group agreed to use the same assumption in the FY 2010 model.

10. 2007 House Substitute for Senate Bill 14. This bill: (1) enacts, on July 1, 2007, a new grant program to encourage community corrections programs to reduce revocation rates by at least 20% from the FY 2006 revocation rate; (2) increases good time from 15% to 20% for those offenders who commit a drug severity level 3 or 4, or a nondrug severity level 7 through 10 felony on or after January 1, 2008 and (3) provides not more than 60 days good time credit for inmates who successfully complete certain programs.

During FY 2009, 1,462 probation condition violators were admitted to prison, indicating a decrease of 10% or 162 admissions from FY 2008. When compared with the FY 2006 number, probation condition violators admitted to DOC decreased by 28%. Last year, the consensus group agreed that an additional 5%, 2% and 1% deduction from FY 2008 probation revocation rate shall be used in FY 2009, FY 2010 and FY 2011 respectively for this group in the FY 2009 model. The consensus group agreed that the deductions for FY 2011 and FY 2012 will be zero for the FY 2010 model.

DOC's prison admission data indicated that in FY 2009, 622 offenders were eligible for SB 14 program credit. However, only 41 earned it, which accounted for 6.1% of the eligible

offenders. During FY 2009, 921 offenders admitted to DOC earned 20% good time and 22 offenders earned both 15% and 20% good time. The consensus group believed that there is still not enough information available to formulate an assumption at this time.

11. 2008 House Bill 2707.

(1) Third or subsequent criminal deprivation of a motor vehicle. In FY 2009, no offender was convicted of the crime of a third or subsequent criminal deprivation of a motor vehicle. However, in FY 1999, 99 offenders were convicted of criminal deprivation of property - motor vehicle and 93% was then classified as nongrid felony. One of them was sentenced to prison. The consensus group anticipated no impact for this group in the FY 2010 model.

(2) Felony theft offenders with 3 or more prior felony theft, burglary, or aggravated burglary convictions; burglary offenders with 2 or more prior felony theft, burglary, or aggravated burglary convictions, or any combination of the three; and offenders convicted of a third drug possession. During FY 2009, 20 offenders were convicted of a felony theft with 3 or more prior felony theft, burglary, or aggravated burglary convictions. Of this number, 15 were sentenced to prison and 5 were sentenced to probation. DOC's admission data indicated that 6 such offenders were admitted in FY 2009.

During FY 2009, 58 offenders were convicted of a burglary crime with 2 or more prior felony theft, burglary, or aggravated burglary convictions. Of this number, half were sentenced to prison and half were sentenced to probation. DOC's admission data indicated that 16 such offenders were admitted in FY 2009.

During FY 2009, 27 offenders were convicted of a third or subsequent drug possession, representing 1.5 % of the 1,844 drug possession convictions. Of the 27 offenders, 9 were sentenced to prison; 13 were sentenced to probation and 5 were sentenced to SB 123 treatment programs. DOC's admission data indicated that 9 such offenders were admitted in FY 2009.

Last year, the consensus group, based on the information that 23 offenders were convicted of a third felony drug possession in FY 2003 (prior to SB123) that accounted for 1.3% of the total drug possessions in that year, agreed that a rate of 1.3% of the drug possessions were used for the third drug possession offenders in FY 2009 model. The consensus group agreed that a rate of 1.5% of the drug possessions shall be used for the third drug possession offenders in FY 2010 model.

(3) Limitations on departures for crimes of extreme sexual violence. This group includes 1) Jessica's law offenders; 2) offenders convicted of non-consensual rape or sodomy; and 3) offenders convicted of specific sex crimes where the victim is at least 14, but less than 16 years of age. A downward durational departure is allowed for any crime of extreme sexual violence to not less than 50% of the center of the grid range of the sentence for such crime.

According to FY 2009 sentencing journal entry data, 130 offenders convicted of such crimes ranked from N1 to N10, including 37 Jessica's law offenders received downward departure sentences. Of this number, 97 (74.6%) received downward durational departures and 33 (25.4 %) received downward dispositional departures. Of the durational departures, 11 offenders' length of sentence was below the 50% of the center point of the grids and 21 Jessica's law offenders' length of sentence was less than 50% of the hard 25. In the FY 2009 model, no downward dispositional departure or downward durational departure outside the reductions allowed by law was allowed for this group in the FY 2009 model. The consensus group agreed that the assumptions will stay the same in the FY 2010 model.

## 12. 2009 House Bill 2060.

(1) Special rule regarding prison for battery on a law enforcement officer resulting in bodily injury. In FY 2009 (as of June 30, 2009), 9 offenders were convicted of crime of battery against a law enforcement officer under K.S.A. 21-3413 (a) (2). Of this number, 4 (44%) were sentenced to prison and 5 (56%) were sentenced to probation. The average length of sentence was 27 months.

(2) Sentence enhancements for drug felonies committed while in possession of a firearm or with discharge of a firearm. No information is available for this offense in the Commission databases.

(3) Cockfighting. No information is available for this offense in the Commission databases.

The consensus group made no assumptions for this group for the FY 2010 model due to the insufficient information.

## **Forecast Technique**

The forecast technique used in the projection is the PROPHET Model developed by NCCD. The PROPHET Model utilizes a modeling technique that is a combination of stochastic entity simulation and a Monte Carlo simulation. The stochastic or probabilistic technique utilizes a random number process to simulate the movement of offenders through the correctional system. The Monte Carlo technique converts the random numbers chosen into individual cases (offenders admitted to prison) and places the inmate in one of the possible statuses available, such as prison, parole, post-release, or discharge. The PROPHET simulates and generates prison bed needs for a ten-year forecast period based upon the sentencing trends, the number of admissions, the length of stay, jail credits and good time lost or earned, etc., as well as the assumptions provided by the Consensus Group and changes of policies.

## KEY FINDINGS OF FISCAL YEAR 2009 DATA

1. During FY 2009, 4,561 offenders were admitted to KDOC representing the lowest number of prison admissions in the last ten years. Of those 4,561 offenders, new commitments accounted for 71.8% (3,275 admissions). This group of offenders included 37.8% direct new court commitments, 32.1% probation condition violators and 2% probation violators with new sentence. The other large group of offenders was parole/postrelease/CR condition violators representing 25.3%. Parole/post-release/CR violators with new sentence made up 2.4% of all prison admissions.
2. Compared with FY 2008, the total number of new commitments sentenced to prison during FY 2009 slightly decreased by 0.1% or 3 admissions. Among the total of new commitments to prison (3,275 admissions), direct new court commitments represented 1,724 admissions, demonstrating an increase of 15.1% (226 admissions) over that of FY 2008. This indicates the highest number of admissions from direct new court commitments in the last ten years.
3. Condition violators, including probation condition violators, parole/post-release condition violators and conditional release violators, made up 57.4% (2,616 admissions) of the total admissions to KDOC in FY 2009. The percentage of condition violators decreased by 3.9% from that of FY 2008 (61.3%) and by 10.9% from that of FY 2005 (68.3%).
4. The average length of stay in prison of the probation condition violators admitted in FY 2009 was 11.2 months, which increased by 0.3 month (9 days) over that of FY 2008 and by 1.6 months (49 days) over the 9.6 months stay in FY 2005.
5. The average length of stay in prison for pre-guideline parole condition violators in FY 2009 is calculated to be 22.5 months, indicating a decrease of 0.8 months from the length of stay observed during FY 2008 (23.3 months). The average length of stay for the guideline postrelease supervision condition violators in FY 2009 was 4.6 months (140 days), 12 days longer than the average length of stay in FY 2008 (4.2 months or 128 days). The average length of stay for aggregate (combination of pre-guideline and guideline sentences) parole/postrelease condition violators increased from 16.6 months in FY 2008 to 24.5 months in FY 2009, representing an increase of 7.9 months (240 days) on average.
6. The comparative analyses on sentence lengths observed in FY 2009 and FY 2008 disclose that the average lengths of sentence of the guideline nondrug sentences in FY 2009 increased by 32.3 months at Severity Level I, 59.3 months at Severity Level II and 1.8 months at Severity Level VII; while the average sentence lengths decreased by 1.1 months at Severity Level III, 6.5 months at Severity Level IV and 1.5 months at Severity Level VI. As for Severity Level V and the lower Severity Levels at VIII, IX and X, the average sentence lengths have remained comparatively stable since FY 2005.
7. In FY 2009, the average sentence length of Drug Severity Level I guideline sentences increased by 6.2 months and 38.6 months, respectively, over those of FY 2008 and FY 2005. However, the number of admissions to this level in FY 2009 remained the same compared

with that of FY 2008 but decreased by 84 offenders when compared with those admitted in FY 2005. The decrease of admissions from FY 2005 reflects continuous impact from the implementation of Senate Bill 123 effective on November 1, 2003, under which drug possession offenders convicted of K.S.A. 65-4160 or K.S.A. 65-4162 are sentenced at Drug Severity Level IV with non-prison option of drug treatment programs in community corrections, if the offense is a first or second felony possession conviction. Additionally, the crime of possession of precursor drugs was amended from Drug Severity Level I to Drug Severity Level II during the 2006 Legislation Session. Currently, the admissions at this level are stable.

8. The average sentence length of Drug Severity Level II in FY 2009 decreased by 11.3 months when compared with the sentences at that severity level observed in FY 2008 but increased by 2.2 months when compared with that of FY 2005. The admissions to Drug Severity Level II increased by 14 and 5 offenders, respectively, compared to those in FY 2008 and FY 2005.
9. The average guideline sentence length of Drug Severity Level III did not fluctuate much compared with those of FY 2008 and FY 2005. The average sentence length observed in FY 2009 increased by 3.3 months and 2.2 months, respectively, compared with those of FY 2008 and FY 2005. Offenders admitted to prison at this level in FY 2009 increased by 13 compared with those admitted in FY 2008 but decreased by 27 compared with those of FY 2005.
10. The average length of sentence of Drug Severity Level IV in FY 2009 did not fluctuate much either, increasing by 1.9 months compared with that of FY 2008 and by 1.7 months compared with that observed in FY 2005. The number of offenders admitted to KDOC at Drug Severity Level IV decreased by 68 compared with that of FY 2008. This declining tendency may have resulted from the implementation of Senate Bill 123.

More specifically, condition violators under SB 123 programs have reduced from FY 2008 to FY 2009. In FY 2009, 115 probation condition violators under SB 123 drug treatment programs were revoked to prison, representing 20.8% of total 553 admissions of guideline new commitments at Drug Severity Level IV. While in FY 2008, 153 probation condition violators under SB 123 drug treatment programs were revoked to prison, representing 24.6% of total 621 admissions of guideline new commitments at Drug Severity Level IV. The percentage of probation condition violators admitted to prison under SB 123 drug treatment programs decreased by 3.8% or 38 admissions in FY 2009 compared with FY 2008.

11. Parole/postrelease condition violator returns (including conditional release violators) accounted for 1,154 admissions of FY 2009, representing an average of 96 per month, which indicates a decrease of 10 returns per month compared to that of FY 2008 (106 admissions per month) and a decrease of 82 returns per month compared with the data of FY 2005 (178 admissions per month). Among the total 1,154 parole/postrelease condition violators, 115 (10%) were the 4<sup>th</sup> and subsequent DUI violators who are classified as non-grid offenders. This mirrors the sentencing policy change on felony DUI under K.S.A. 8-1567 amended in the 2001 Legislative Session.

12. During FY 2009, the admissions of parole/postrelease condition violators with new felony sentences (including conditional release violators with new felony sentences) represented 109 admissions, indicating an annual decrease of 47 admissions compared with the returns in FY 2008 and an annual decrease of 57 compared with those of FY 2005.
  
13. In FY 2009, 56 sex offenders under Jessica's Law were admitted to prison, an increase of 8 admissions compared with FY 2008. Of the 56 offenders, 98.2% (55 offenders) were new court commitments and only one offender (1.8%) was a parole violator with new sentence. Of the 56 offenders, 20 were sentenced at Hard 25 or more; 3 were sentenced at 300 months, 586 months and 600 months respectively; 33 were sentenced below 300 months. The analysis of the sentence length demonstrates that 59% of the sentences were downward durational departure to guidelines, with an average sentence length of 130.7 months. The percentage of downward durational departures increased by 9% compared with that of FY 2008 (50%). The average sentence length of the downward durational departures increased from 95.5 months in FY 2008 to 130.7 months in FY 2009, an increase of 35.2 months.

**GUIDELINE ADMISSION CHARACTERISTICS  
FISCAL YEAR 2009**

| <b>Severity Level</b> | <b>Number Admitted</b> | <b>Percent Admitted</b> | <b>Average Sentence (Months)</b> | <b>Jail Credit (Days)</b> | <b>Condition Probation Violators (%)</b> | <b>Probation Violators w/New Sentence (%)</b> |
|-----------------------|------------------------|-------------------------|----------------------------------|---------------------------|--|---|
| D1                    | 56                     | 1.7%                    | 92.0                             | 200.8                     | 12.7                                     | 1.8   |
| D2                    | 46                     | 1.4%                    | 56.0                             | 154.9                     | 19.6                                     | 4.3   |
| D3                    | 236                    | 7.2%                    | 30.7                             | 171.7                     | 37.3                                     | 3.0   |
| D4                    | 554                    | 16.9%                   | 22.8                             | 151.2                     | 65.5                                     | 2.5   |
| N1                    | 73                     | 2.2%                    | 249.8                            | 461.0                     | 5.5                                      | N/A   |
| N2                    | 24                     | 0.7%                    | 203.6                            | 335.0                     | 4.2                                      | N/A   |
| N3                    | 195                    | 6.0%                    | 90.9                             | 226.3                     | 10.3                                     | 1.0   |
| N4                    | 79                     | 2.4%                    | 63.8                             | 189.1                     | 13.9                                     | 2.5   |
| N5                    | 360                    | 11.0%                   | 54.9                             | 222.0                     | 24.0                                     | 0.8   |
| N6                    | 63                     | 1.9%                    | 36.8                             | 212.9                     | 38.1                                     | 3.2   |
| N7                    | 514                    | 15.7%                   | 27.8                             | 198.7                     | 55.1                                     | 4.7   |
| N8                    | 299                    | 9.1%                    | 16.7                             | 148.2                     | 54.5                                     | 5.7   |
| N9                    | 511                    | 15.6%                   | 12.2                             | 137.3                     | 60.4                                     | 2.2   |
| N10                   | 162                    | 4.9%                    | 8.6                              | 110.8                     | 53.1                                     | 1.2   |
| Offgrid               | 93                     | 2.8%                    | -                                | -                         | N/A                                      | N/A   |
| Nongrid               | 6                      | 0.2%                    |                                  |                           |  |   |
| Missing               | 4                      | 0.1%                    |                                  |                           |  |   |
| <b>Total Admits</b>   | <b>3275</b>            | <b>100.0%</b>           |                                  |                           |  |   |

Source: DOC admission file.

**PRISON POPULATION CHARACTERISTICS  
JUNE 30, 2009**

| Severity Level               | Pre-Guideline |              | Guideline   |              | Total       |               |
|------------------------------|---------------|--------------|-------------|--------------|-------------|---------------|
|                              | Number        | Percent      | Number      | Percent      | Number      | Percent       |
| D1                           | 0             | 0.0%         | 321         | 3.7%         | 321         | 3.7%          |
| D2                           | 0             | 0.0%         | 149         | 1.7%         | 149         | 1.7%          |
| D3                           | 0             | 0.0%         | 415         | 4.8%         | 415         | 4.8%          |
| D4                           | 0             | 0.0%         | 626         | 7.3%         | 626         | 7.3%          |
| N1                           | 139           | 1.6%         | 772         | 9.0%         | 911         | 10.6%         |
| N2                           | 88            | 1.0%         | 310         | 3.6%         | 398         | 4.6%          |
| N3                           | 62            | 0.7%         | 1224        | 14.2%        | 1286        | 15.0%         |
| N4                           | 6             | 0.1%         | 281         | 3.3%         | 287         | 3.3%          |
| N5                           | 9             | 0.1%         | 1096        | 12.7%        | 1105        | 12.8%         |
| N6                           | 0             | 0.0%         | 153         | 1.8%         | 153         | 1.8%          |
| N7                           | 2             | 0.0%         | 740         | 8.6%         | 742         | 8.6%          |
| N8                           | 0             | 0.0%         | 197         | 2.3%         | 197         | 2.3%          |
| N9                           | 0             | 0.0%         | 233         | 2.7%         | 233         | 2.7%          |
| N10                          | 0             | 0.0%         | 35          | 0.4%         | 35          | 0.4%          |
| Offgrid                      | 244           | 2.8%         | 395         | 4.6%         | 639         | 7.4%          |
| Parole Conditional Violators | 317           | 3.7%         | 409         | 4.8%         | 726         | 8.4%          |
| Aggregate Sentence           | 375           | 4.4%         | 0           | 0.0%         | 375         | 4.4%          |
| <b>Subtotal</b>              | <b>1242</b>   | <b>14.4%</b> | <b>7356</b> | <b>85.5%</b> | <b>8598</b> | <b>100.0%</b> |
| Nongrid/Missing              |               |              |             |              | 4           | 0.0%          |
| <b>Total</b>                 |               |              |             |              | <b>8602</b> | <b>100.0%</b> |

Source: DOC prison population file.

**COMPARISON OF GUIDELINE NEW COMMITMENTS  
ADMISSIONS TO PRISON BY SEVERITY LEVEL  
FY 2005, FY 2008 AND FY 2009**

| <b>Severity Level</b> | <b>FY 2005</b> | <b>FY 2008</b> | <b>FY 2009</b> | <b>Difference<br/>Between<br/>2005 &amp; 2009</b> | <b>Difference<br/>Between<br/>2008 &amp; 2009</b> |
|-----------------------|----------------|----------------|----------------|---|---|
| D1                    | 140            | 56             | 56             | -84   | 0   |
| D2                    | 41             | 32             | 46             | 5   | 14  |
| D3                    | 263            | 223            | 236            | -27   | 13  |
| D4                    | 579            | 622            | 554            | -25   | -68   |
| N1                    | 57             | 79             | 73             | 16  | -6  |
| N2                    | 27             | 22             | 24             | -3  | 2   |
| N3                    | 210            | 189            | 195            | -15   | 6   |
| N4                    | 58             | 60             | 79             | 21  | 19  |
| N5                    | 256            | 312            | 360            | 104   | 48  |
| N6                    | 62             | 72             | 63             | 1   | -9  |
| N7                    | 584            | 537            | 514            | -70   | -23   |
| N8                    | 332            | 283            | 299            | -33   | 16  |
| N9                    | 548            | 527            | 511            | -37   | -16   |
| N10                   | 190            | 190            | 162            | -28   | -28   |
| <b>Total</b>          | <b>3347</b>    | <b>3204</b>    | <b>3172</b>    | <b>-175</b>                                       | <b>-32</b>  |

Source: DOC admission file.

Note: New commitments include new direct court admissions, condition probation violators, and probation violators with new sentences.

**COMPARISON OF GUIDELINE NEW COMMITMENTS  
AVERAGE LENGTH OF SENTENCE BY SEVERITY LEVEL  
FY 2005, FY 2008 AND FY 2009**

| <b>Severity Level</b> | <b>FY2005</b> | <b>FY 2008</b> | <b>FY 2009</b> | <b>Difference Between 2005 &amp; 2009 (Month)</b> | <b>Difference Between 2008 &amp; 2009 (Month)</b> |
|-----------------------|---------------|----------------|----------------|---|---|
| D1                    | 53.4          | 85.8           | 92.0           | 38.6  | 6.2   |
| D2                    | 53.8          | 67.3           | 56.0           | 2.2   | -11.3   |
| D3                    | 28.5          | 27.4           | 30.7           | 2.2   | 3.3   |
| D4                    | 21.1          | 20.9           | 22.8           | 1.7   | 1.9   |
| N1                    | 226.5         | 217.5          | 249.8          | 23.3  | 32.3  |
| N2                    | 170.7         | 144.3          | 203.6          | 32.9  | 59.3  |
| N3                    | 99.5          | 92.0           | 90.9           | -8.6  | -1.1  |
| N4                    | 68.7          | 70.3           | 63.8           | -4.9  | -6.5  |
| N5                    | 54.4          | 54.4           | 54.9           | 0.5   | 0.5   |
| N6                    | 33.7          | 38.3           | 36.8           | 3.1   | -1.5  |
| N7                    | 27.3          | 26.0           | 27.8           | 0.5   | 1.8   |
| N8                    | 16.1          | 16.8           | 16.7           | 0.6   | -0.1  |
| N9                    | 11.7          | 12.1           | 12.2           | 0.5   | 0.1   |
| N10                   | 7.9           | 8.5            | 8.6            | 0.7   | 0.1   |

Source: DOC admission file.

**COMPARATIVE ANALYSIS OF  
CONDITION PAROLE/POST RELEASE SUPERVISION VIOLATORS  
BETWEEN FY 2008 AND FY 2009**

| Law           | Admission Number |             |             |              | Average Length of Stay in Month |         |          |          |
|---------------|------------------|-------------|-------------|--------------|---------------------------------|---------|----------|----------|
|               | FY 2008          | FY 2009     | # Change    | % Change     | FY 2008                         | FY 2009 | # Change | % Change |
| Guideline     | 1101             | 1031        | -70         | -6.4%        | 4.4                             | 4.7     | 0.3      | 6.8%     |
| Pre-guideline | 167              | 123         | -44         | -26.3%       | 23.3                            | 22.7    | -0.6     | -2.6%    |
| <b>Total</b>  | <b>1268</b>      | <b>1154</b> | <b>-114</b> | <b>-9.0%</b> |                                 |         |          |          |

Source: KDOC admission and release files.

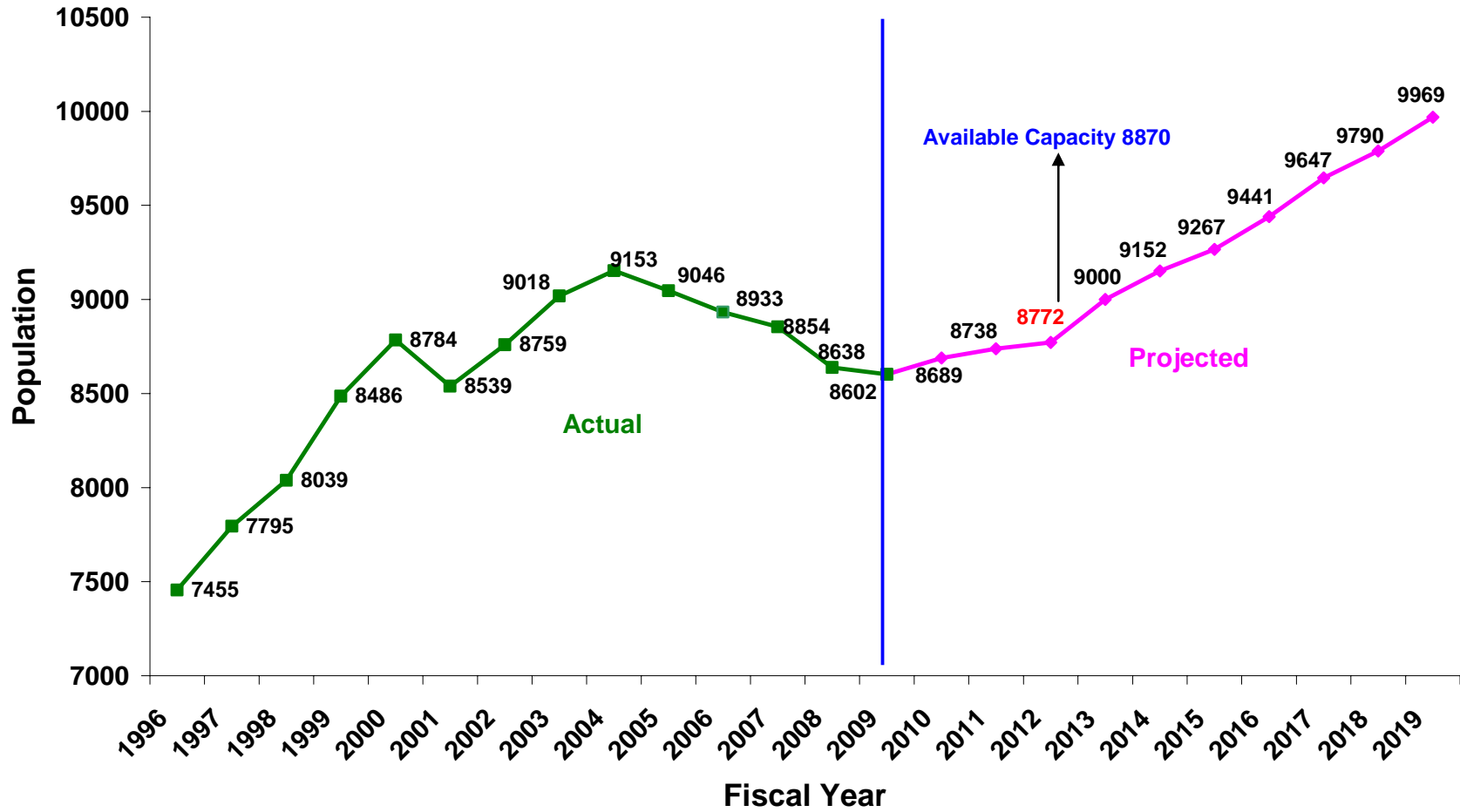
**FY 2010 PRISON POPULATION PROJECTIONS**

**KANSAS SENTENCING COMMISSION  
FY 2010 ADULT INMATE PRISON POPULATION PROJECTIONS**

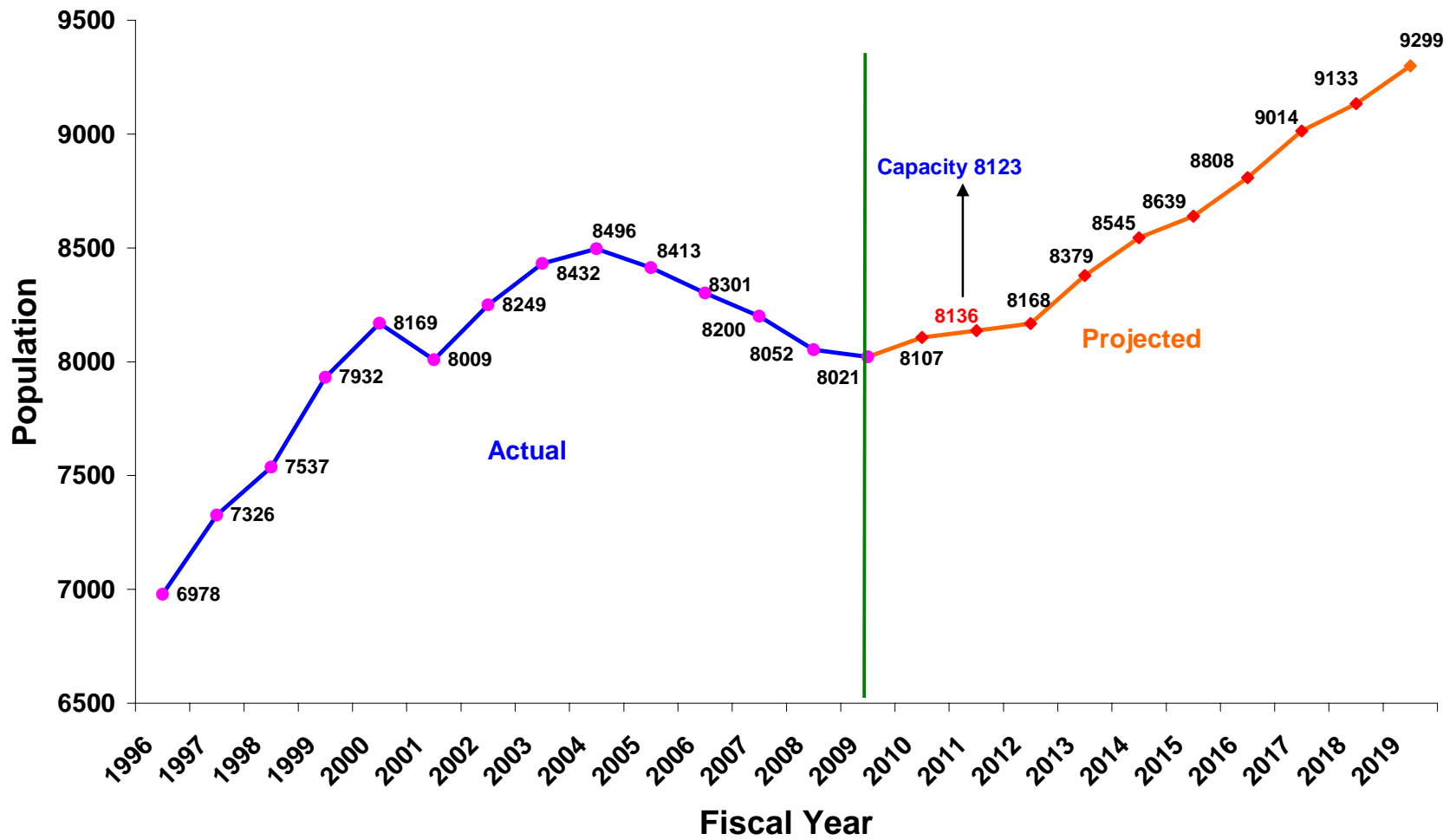
| Severity Level                 | June 30 2009* | June 30 2010 | June 30 2011 | June 30 2012 | June 30 2013 | June 30 2014 | June 30 2015 | June 30 2016 | June 30 2017 | June 30 2018 | June 30 2019 | Total # Increase | Total % Increase |
|--------------------------------|---------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|------------------|------------------|
| D1                             | 321           | 318          | 312          | 305          | 316          | 318          | 314          | 320          | 340          | 344          | 348          | 27               | 8.4%             |
| D2                             | 150           | 136          | 151          | 151          | 161          | 167          | 166          | 179          | 192          | 182          | 188          | 38               | 25.3%            |
| D3                             | 415           | 418          | 422          | 418          | 419          | 390          | 407          | 410          | 409          | 426          | 422          | 7                | 1.7%             |
| D4                             | 630           | 621          | 597          | 578          | 589          | 583          | 558          | 585          | 597          | 591          | 632          | 2                | 0.3%             |
| N1                             | 930           | 961          | 991          | 1017         | 1047         | 1066         | 1085         | 1097         | 1122         | 1155         | 1158         | 228              | 24.5%            |
| N2                             | 415           | 420          | 420          | 424          | 427          | 429          | 441          | 438          | 433          | 436          | 428          | 13               | 3.1%             |
| N3                             | 1314          | 1276         | 1280         | 1287         | 1313         | 1301         | 1309         | 1320         | 1344         | 1359         | 1346         | 32               | 2.4%             |
| N4                             | 288           | 309          | 332          | 339          | 335          | 339          | 337          | 341          | 326          | 330          | 348          | 60               | 20.8%            |
| N5                             | 1120          | 1149         | 1164         | 1185         | 1212         | 1242         | 1269         | 1254         | 1262         | 1272         | 1295         | 175              | 15.6%            |
| N6                             | 153           | 153          | 154          | 145          | 134          | 145          | 147          | 143          | 146          | 144          | 153          | 0                | 0.0%             |
| N7                             | 746           | 772          | 767          | 762          | 746          | 747          | 732          | 715          | 748          | 774          | 751          | 5                | 0.7%             |
| N8                             | 197           | 191          | 176          | 169          | 166          | 181          | 190          | 199          | 201          | 189          | 200          | 3                | 1.5%             |
| N9                             | 233           | 209          | 192          | 195          | 204          | 193          | 207          | 202          | 204          | 212          | 230          | -3               | -1.3%            |
| N10                            | 35            | 43           | 39           | 42           | 41           | 57           | 50           | 47           | 48           | 49           | 45           | 10               | 28.6%            |
| OFF GRID                       | 891           | 958          | 1033         | 1096         | 1177         | 1262         | 1346         | 1429         | 1509         | 1586         | 1675         | 784              | 88.0%            |
| Condition Parole/PIS Violators | 760           | 755          | 708          | 659          | 713          | 732          | 709          | 762          | 766          | 741          | 750          | -10              | -1.3%            |
| <b>Total</b>                   | <b>8602</b>   | <b>8689</b>  | <b>8738</b>  | <b>8772</b>  | <b>9000</b>  | <b>9152</b>  | <b>9267</b>  | <b>9441</b>  | <b>9647</b>  | <b>9790</b>  | <b>9969</b>  | <b>1367</b>      | <b>15.9%</b>     |

\* The numbers on June 30, 2009 are the actual prison population on that date. Total numbers include one non-grid and three missing.

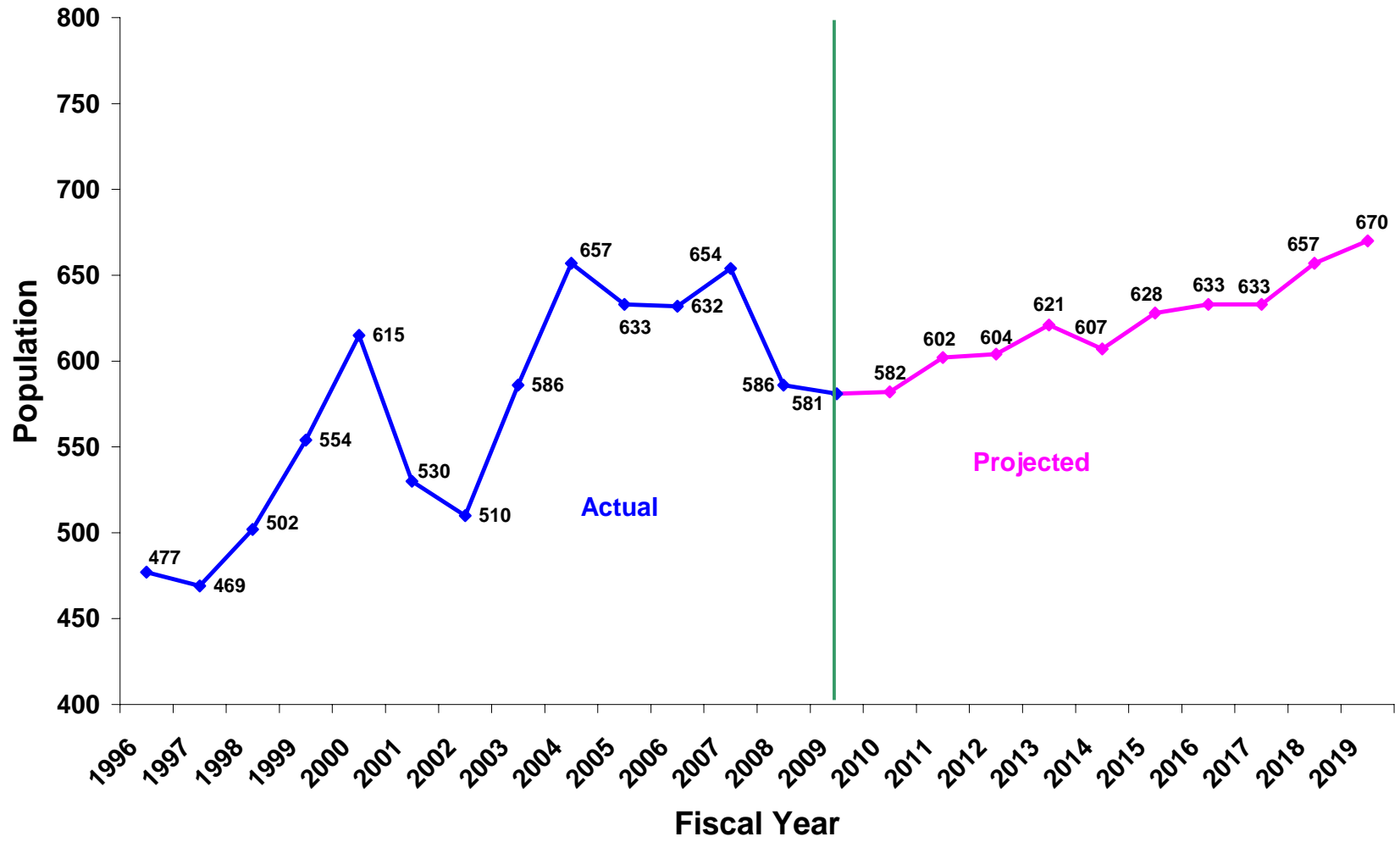
## Kansas Prison Population Trend - Actual and Projected



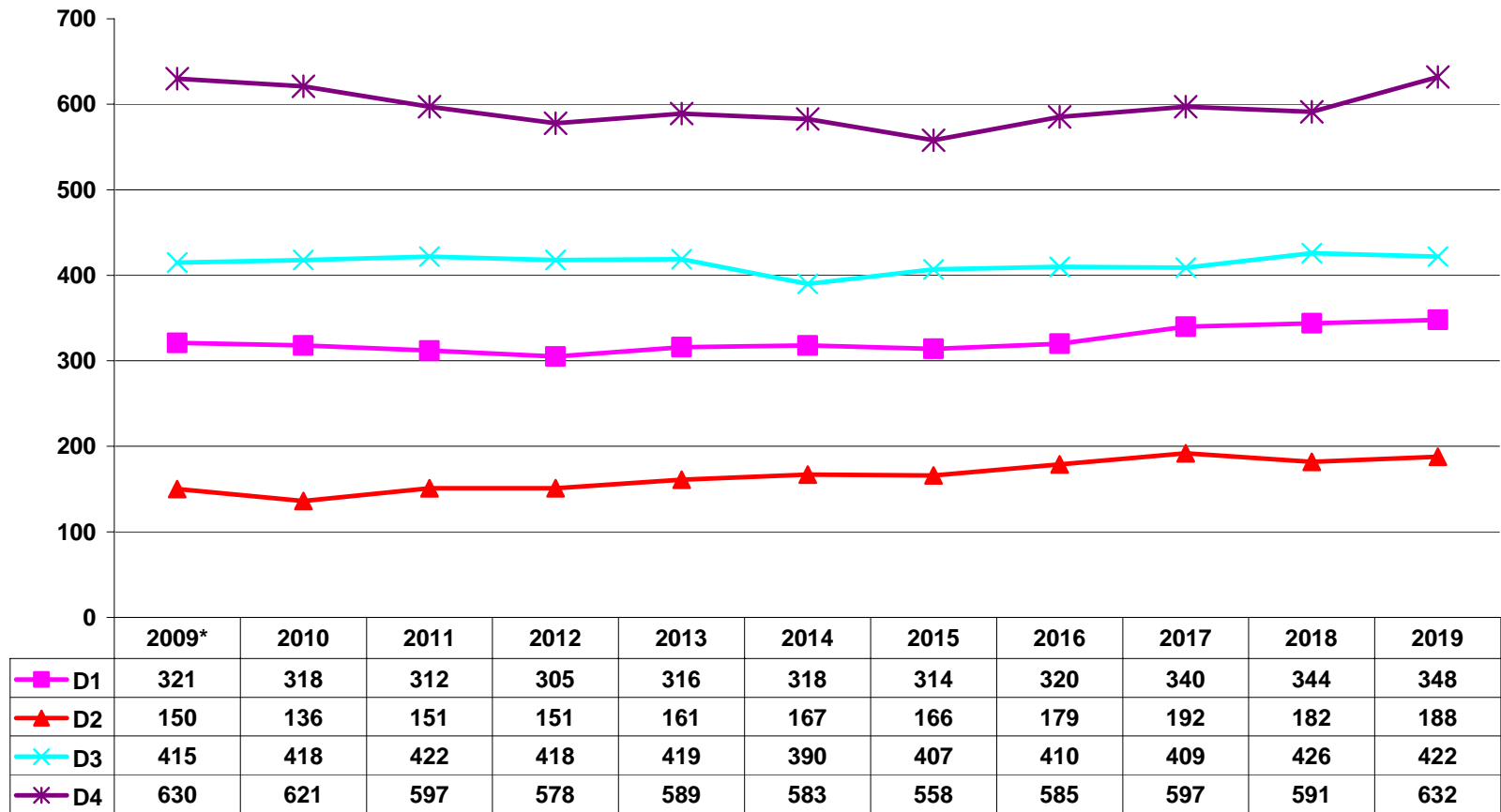
# Male Prison Population Trend - Actual and Projected



## Female Prison Population Trend - Actual and Projected



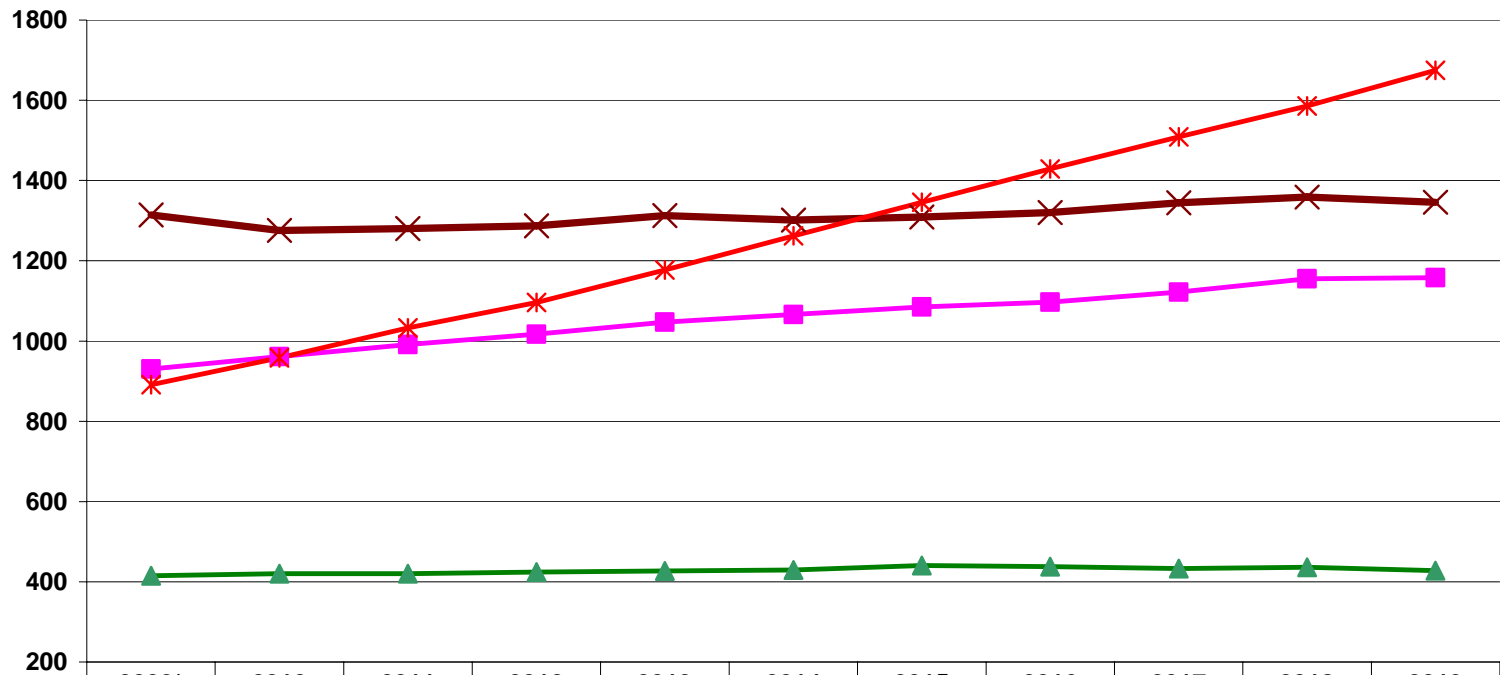
## Projected Drug Inmate Prison Population



**Fiscal Year**

\* Actual prison population on June 30, 2009.  
 This group accounts for 15.9% of the total projected prison population in FY 2019.

## Projected Violent Inmate Prison Population

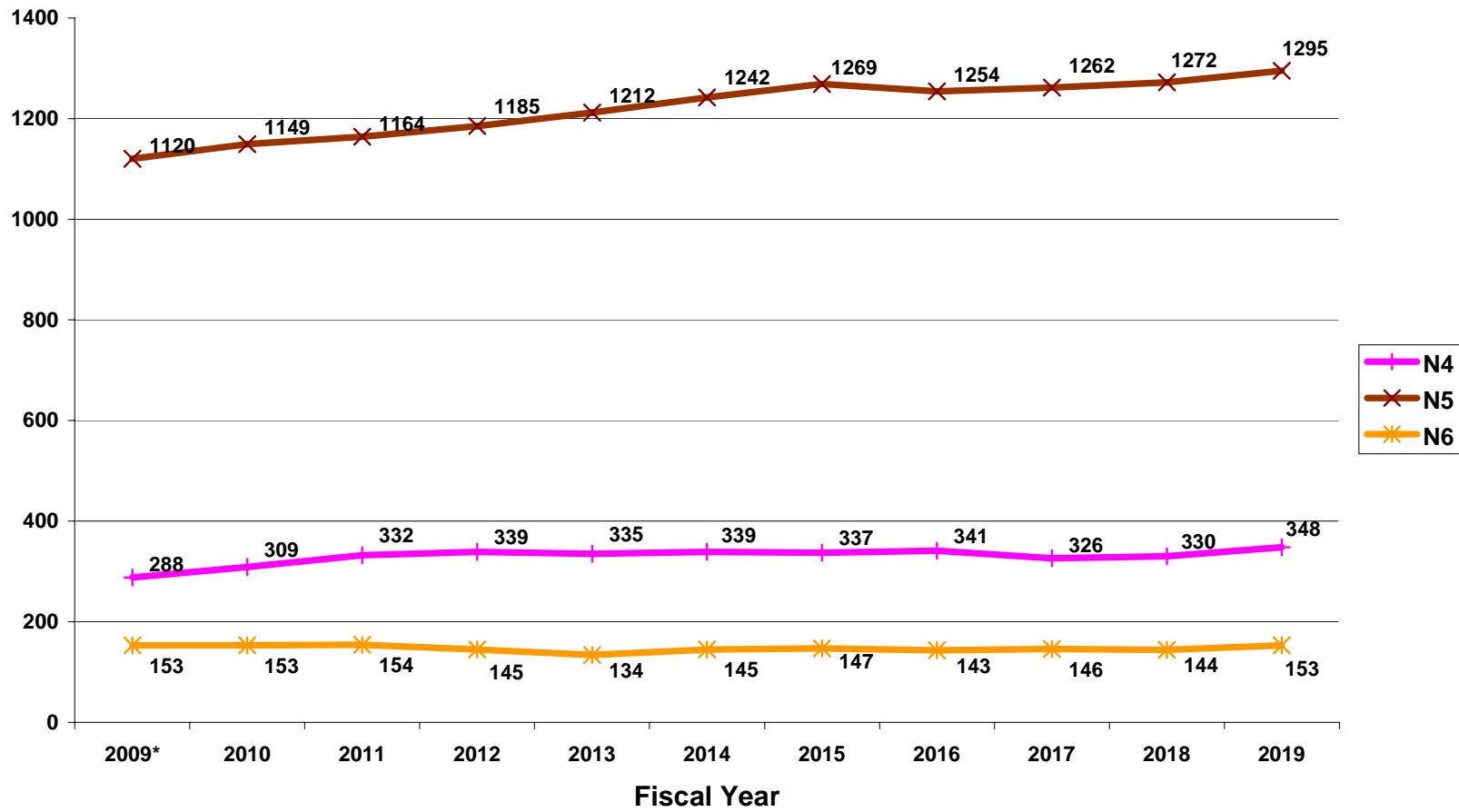


|           | 2009* | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 |
|-----------|-------|------|------|------|------|------|------|------|------|------|------|
| ■ N1      | 930   | 961  | 991  | 1017 | 1047 | 1066 | 1085 | 1097 | 1122 | 1155 | 1158 |
| ▲ N2      | 415   | 420  | 420  | 424  | 427  | 429  | 441  | 438  | 433  | 436  | 428  |
| ✕ N3      | 1314  | 1276 | 1280 | 1287 | 1313 | 1301 | 1309 | 1320 | 1344 | 1359 | 1346 |
| * OFFGRID | 891   | 958  | 1033 | 1096 | 1177 | 1262 | 1346 | 1429 | 1509 | 1586 | 1675 |

Fiscal Year

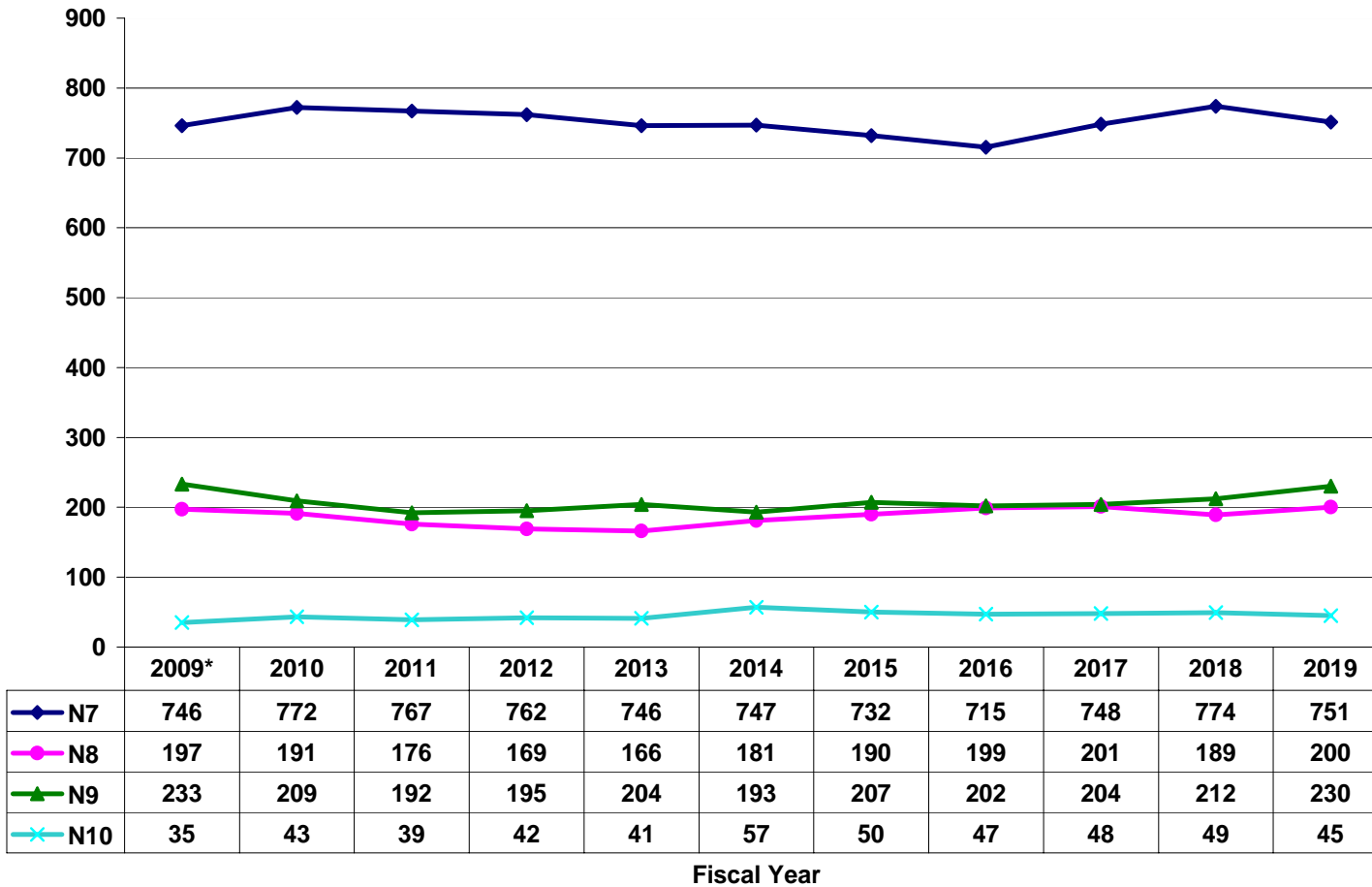
\* Actual prison population on June 30, 2009.  
 This group accounts for 46.2% of the total projected prison population in FY 2019.

## Projected N4-N6 Inmate Prison Population



\* Actual prison population on June 30, 2009.  
 This group accounts for 18% of the total projected prison population in FY 2019.

## Projected Nonviolent Inmate Prison Population

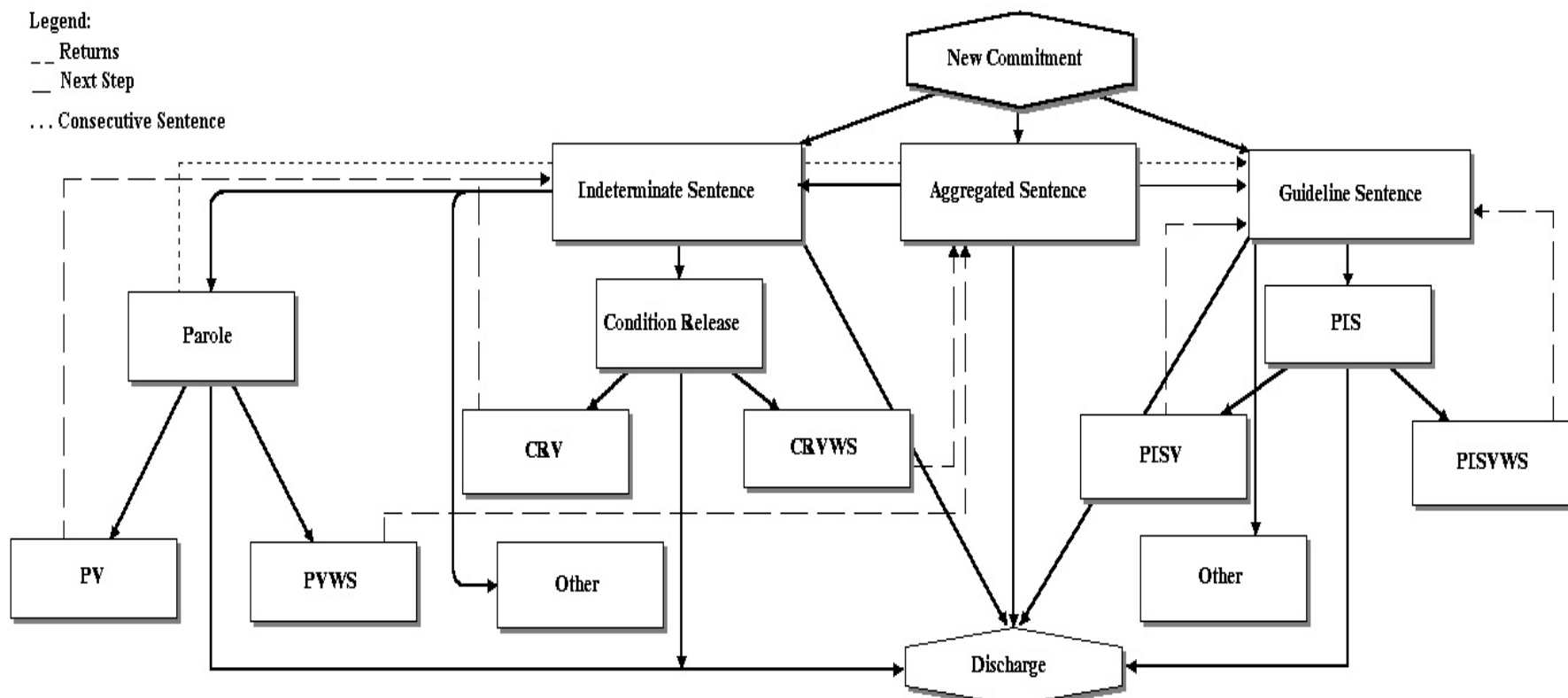


\* Actual prison population on June 30, 2009.  
 This group accounts for 12.3% of the total projected prison population in FY 2019.

## **ATTACHMENT A**

### **Kansas Prisoner Movement Simulation Model**

# Kansas Prison Inmate Movement Simulation Model



Note: PV=condition parole violator; PVWS=parole violator with new sentence; CRV=condition release violator; CRVWS=condition release violator with new sentence; PIS=post incarceration supervision; PISV=post incarceration supervision violator; PISVWS=post incarceration supervision violator with new sentence.

## **ATTACHMENT B**

### **Prison Population Projection Monitoring Report**

**PRISON POPULATION MONTHLY MONITORING REPORT  
FY 2009 OFFICIAL MODEL**

| <b>Month/Year</b> | <b>Projected</b> | <b>Actual</b> | <b>Difference</b> | <b>Percent Error</b> |
|-------------------|------------------|---------------|-------------------|----------------------|
| July 2008         | 8719             | 8688          | 31                | 0.36%                |
| August 2008       | 8728             | 8604          | 124               | 1.44%                |
| September 2008    | 8723             | 8620          | 103               | 1.19%                |
| October 2008      | 8713             | 8566          | 147               | 1.72%                |
| November 2008     | 8716             | 8553          | 163               | 1.91%                |
| December 2008     | 8709             | 8541          | 168               | 1.97%                |
| January 2009      | 8699             | 8500          | 199               | 2.34%                |
| February 2009     | 8718             | 8501          | 217               | 2.55%                |
| March 2009        | 8711             | 8601          | 110               | 1.28%                |
| April 2009        | 8731             | 8611          | 120               | 1.39%                |
| May 2009          | 8751             | 8552          | 199               | 2.33%                |
| June 2009         | 8743             | 8602          | 141               | 1.64%                |

Note: The projected population is from FY 2009 prison population projections and the actual population is from DOC monthly offender population reports. Federal female inmates housed at Topeka Correctional Facility are excluded.

## **ATTACHMENT C**

### **Trend Analyses – Tables**

**HISTORIC GROWTH RATES FOR NEW COMMITMENTS  
FY 1989 THROUGH FY 2009**

| <b>Fiscal Year (From)</b>                                    | <b>Fiscal Year (To)</b> | <b>*Growth Rate (%)</b> |
|--|-------------------------|-------------------------|
| FY 1989  | FY 1990                 | 5.8                     |
| FY 1990  | FY 1991                 | -8.9                    |
| FY 1991  | FY 1992                 | 3.1                     |
| FY 1992  | FY 1993                 | -0.2                    |
| FY 1993  | FY 1994                 | -11.4                   |
| FY 1994  | FY 1995                 | 15.1                    |
| FY 1995  | FY 1996                 | 19.0                    |
| FY 1996  | FY 1997                 | -1.0                    |
| FY 1997  | FY 1998                 | 2.1                     |
| FY 1998  | FY 1999                 | 6.0                     |
| FY 1999  | FY 2000                 | -5.2                    |
| FY 2000  | FY2001                  | 5.1                     |
| FY 2001  | FY 2002                 | 7.8                     |
| FY 2002  | FY 2003                 | -0.8                    |
| FY 2003  | FY 2004                 | 0.5                     |
| FY 2004  | FY 2005                 | 0.9                     |
| FY 2005  | FY 2006                 | 11.5                    |
| FY 2006  | FY 2007                 | -8.9                    |
| FY 2007  | FY 2008                 | -5.1                    |
| FY 2008  | FY 2009                 | -0.1                    |
| <b>Guideline Average Growth Rate (Since FY 1993) Change%</b> |                         | <b>1.8</b>              |
| <b>Total Average Growth Rate (Since FY 1989) Change %</b>    |                         | <b>2.2</b>              |

Note: New commitments include new direct court admissions, condition probation violators, and probation violators with new sentences.

\* Based on DOC Admission Files.

**COMPARATIVE ANALYSIS ON ADMISSION TYPE  
FY 2005 THROUGH FY 2009**

| Admission Type                                    | FY2005      |              | FY2006      |              | FY 2007     |              | FY 2008     |              | FY 2009     |              |
|---|-------------|--------------|-------------|--------------|-------------|--------------|-------------|--------------|-------------|--------------|
|   | N           | %            | N           | %            | N           | %            | N           | %            | N           | %            |
| New Court Commitment                              | 1489        | 25.9         | 1610        | 28.7         | 1605        | 32.8         | 1498        | 31.7         | 1724        | 37.8         |
| Probation Condition Violator                      | 1783        | 31.1         | 2038        | 36.3         | 1750        | 35.7         | 1624        | 34.4         | 1462        | 32.1         |
| Probation Violator With New Sentence              | 126         | 2.2          | 142         | 2.5          | 99          | 2.0          | 156         | 3.3          | 89          | 2.0          |
| Inmate Received on Interstate Compact             | 6           | 0.1          | 4           | 0.1          | 5           | 0.1          | 4           | 0.1          | 11          | 0.2          |
| Parole/Post-release/CR Condition Violator         | 2138        | 37.2         | 1641        | 29.3         | 1239        | 25.3         | 1268        | 26.9         | 1154        | 25.3         |
| Parole/Post-release/CR Violator With New Sentence | 166         | 2.9          | 168         | 3.0          | 190         | 3.9          | 156         | 3.3          | 109         | 2.4          |
| Paroled to Detainer Returned With New Sentence    | 33          | 0.6          | 6           | 0.1          | 11          | 0.2          | 15          | 0.3          | 12          | 0.2          |
| <b>Total</b>                                      | <b>5741</b> | <b>100.0</b> | <b>5609</b> | <b>100.0</b> | <b>4899</b> | <b>100.0</b> | <b>4721</b> | <b>100.0</b> | <b>4561</b> | <b>100.0</b> |

Source: DOC admission file.

Note: Federal female admissions are excluded.

**COMPARISON OF GUIDELINE NEW COMMITMENTS BY SEVERITY LEVEL  
ADMISSIONS AND AVERAGE LENGTH OF SENTENCE (LOS)  
FY 2005 THROUGH FY 2009**

| Severity Level | FY 2005          |              | FY 2006          |              | FY2007           |              | FY 2008          |              | FY 2009          |              |
|----------------|------------------|--------------|------------------|--------------|------------------|--------------|------------------|--------------|------------------|--------------|
|                | 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             | 140              | 53.4         | 145              | 69.0         | 89               | 71.9         | 56               | 85.8         | 56               | 92.0         |
| D2             | 41               | 53.8         | 50               | 61.8         | 26               | 50.6         | 32               | 67.3         | 46               | 56.0         |
| D3             | 263              | 28.5         | 310              | 29.3         | 284              | 30.0         | 223              | 27.4         | 236              | 30.7         |
| D4             | 579              | 21.1         | 657              | 19.8         | 741              | 20.5         | 622              | 20.9         | 554              | 22.8         |
| N1             | 57               | 226.5        | 76               | 245.6        | 67               | 263.8        | 79               | 217.5        | 73               | 249.8        |
| N2             | 27               | 170.7        | 36               | 186.5        | 29               | 158.4        | 22               | 144.3        | 24               | 203.6        |
| N3             | 210              | 99.5         | 227              | 90.1         | 187              | 89.5         | 189              | 92.0         | 195              | 90.9         |
| N4             | 58               | 68.7         | 64               | 65.4         | 54               | 71.8         | 60               | 70.3         | 79               | 63.8         |
| N5             | 256              | 54.4         | 309              | 50.6         | 293              | 51.9         | 312              | 54.4         | 360              | 54.9         |
| N6             | 62               | 33.7         | 77               | 36.5         | 66               | 33.1         | 72               | 38.3         | 63               | 36.8         |
| N7             | 584              | 27.3         | 611              | 26.2         | 525              | 26.3         | 537              | 26.0         | 514              | 27.8         |
| N8             | 332              | 16.1         | 345              | 17.0         | 322              | 16.2         | 283              | 16.8         | 299              | 16.7         |
| N9             | 548              | 11.7         | 650              | 11.6         | 549              | 11.5         | 527              | 12.1         | 511              | 12.2         |
| N10            | 190              | 7.9          | 184              | 8.3          | 183              | 8.3          | 190              | 8.5          | 162              | 8.6          |
| <b>Total</b>   | <b>3347</b>      |              | <b>3741</b>      |              | <b>3415</b>      |              | <b>3204</b>      |              | <b>3172</b>      |              |

Source: DOC admission file.

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

**PRISON POPULATION CHARACTERISTICS  
JUNE 30, 2009**

| Severity Level               | Pre-Guideline |              | Guideline   |              | Total       |               |
|------------------------------|---------------|--------------|-------------|--------------|-------------|---------------|
|                              | Number        | Percent      | Number      | Percent      | Number      | Percent       |
| D1                           | 0             | 0.0%         | 321         | 3.7%         | 321         | 3.7%          |
| D2                           | 0             | 0.0%         | 149         | 1.7%         | 149         | 1.7%          |
| D3                           | 0             | 0.0%         | 415         | 4.8%         | 415         | 4.8%          |
| D4                           | 0             | 0.0%         | 626         | 7.3%         | 626         | 7.3%          |
| N1                           | 139           | 1.6%         | 772         | 9.0%         | 911         | 10.6%         |
| N2                           | 88            | 1.0%         | 310         | 3.6%         | 398         | 4.6%          |
| N3                           | 62            | 0.7%         | 1224        | 14.2%        | 1286        | 15.0%         |
| N4                           | 6             | 0.1%         | 281         | 3.3%         | 287         | 3.3%          |
| N5                           | 9             | 0.1%         | 1096        | 12.7%        | 1105        | 12.8%         |
| N6                           | 0             | 0.0%         | 153         | 1.8%         | 153         | 1.8%          |
| N7                           | 2             | 0.0%         | 740         | 8.6%         | 742         | 8.6%          |
| N8                           | 0             | 0.0%         | 197         | 2.3%         | 197         | 2.3%          |
| N9                           | 0             | 0.0%         | 233         | 2.7%         | 233         | 2.7%          |
| N10                          | 0             | 0.0%         | 35          | 0.4%         | 35          | 0.4%          |
| Offgrid                      | 244           | 2.8%         | 395         | 4.6%         | 639         | 7.4%          |
| Parole Conditional Violators | 317           | 3.7%         | 409         | 4.8%         | 726         | 8.4%          |
| Aggregate Sentence           | 375           | 4.4%         | 0           | 0.0%         | 375         | 4.4%          |
| <b>Subtotal</b>              | <b>1242</b>   | <b>14.4%</b> | <b>7356</b> | <b>85.5%</b> | <b>8598</b> | <b>100.0%</b> |
| Nongrid/Missing              |               |              |             |              | 4           | 0.0%          |
| <b>Total</b>                 |               |              |             |              | <b>8602</b> | <b>100.0%</b> |

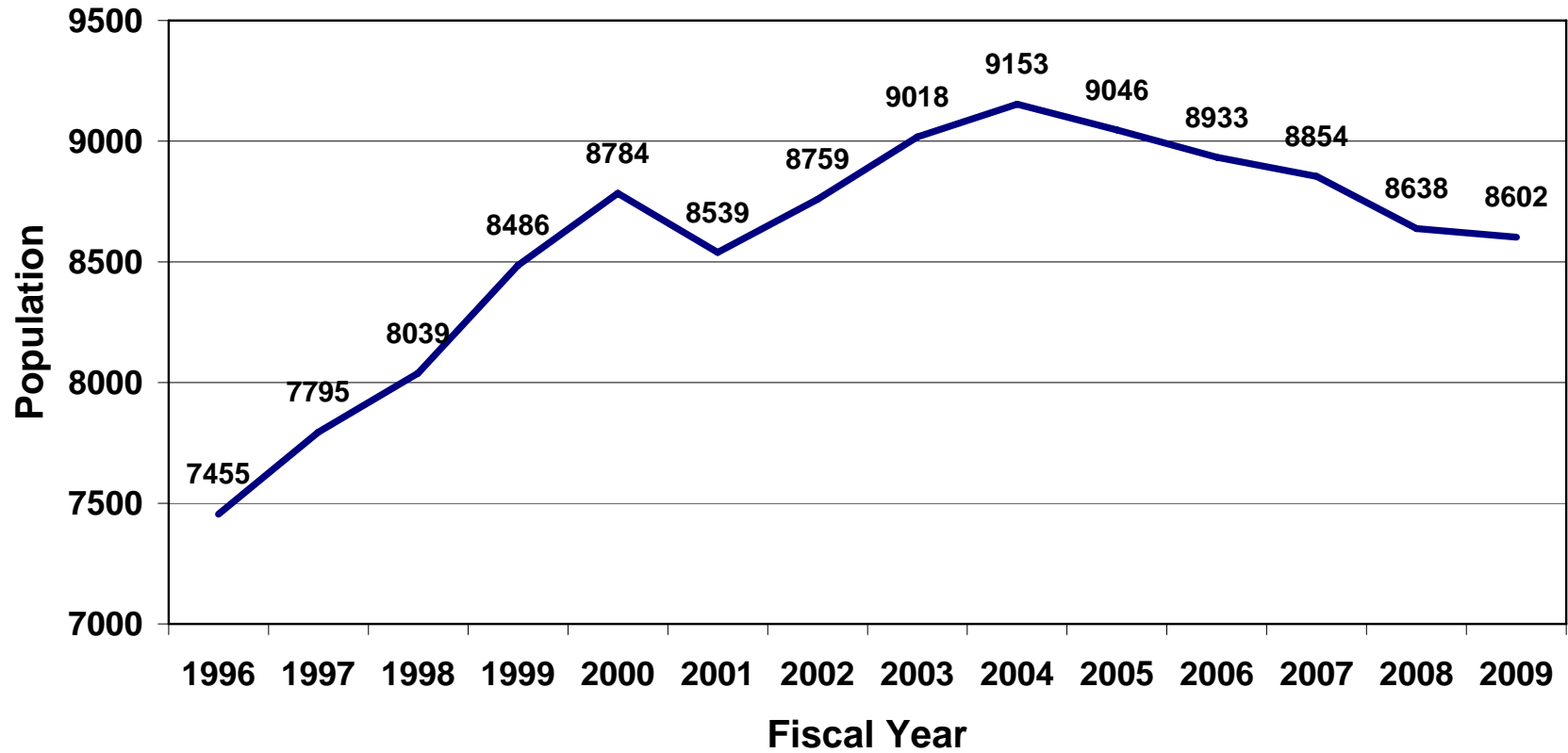
Source: DOC prison population file.

## **ATTACHMENT D**

### **Trend Analyses -Figures**

# KANSAS PRISON POPULATION TRENDS

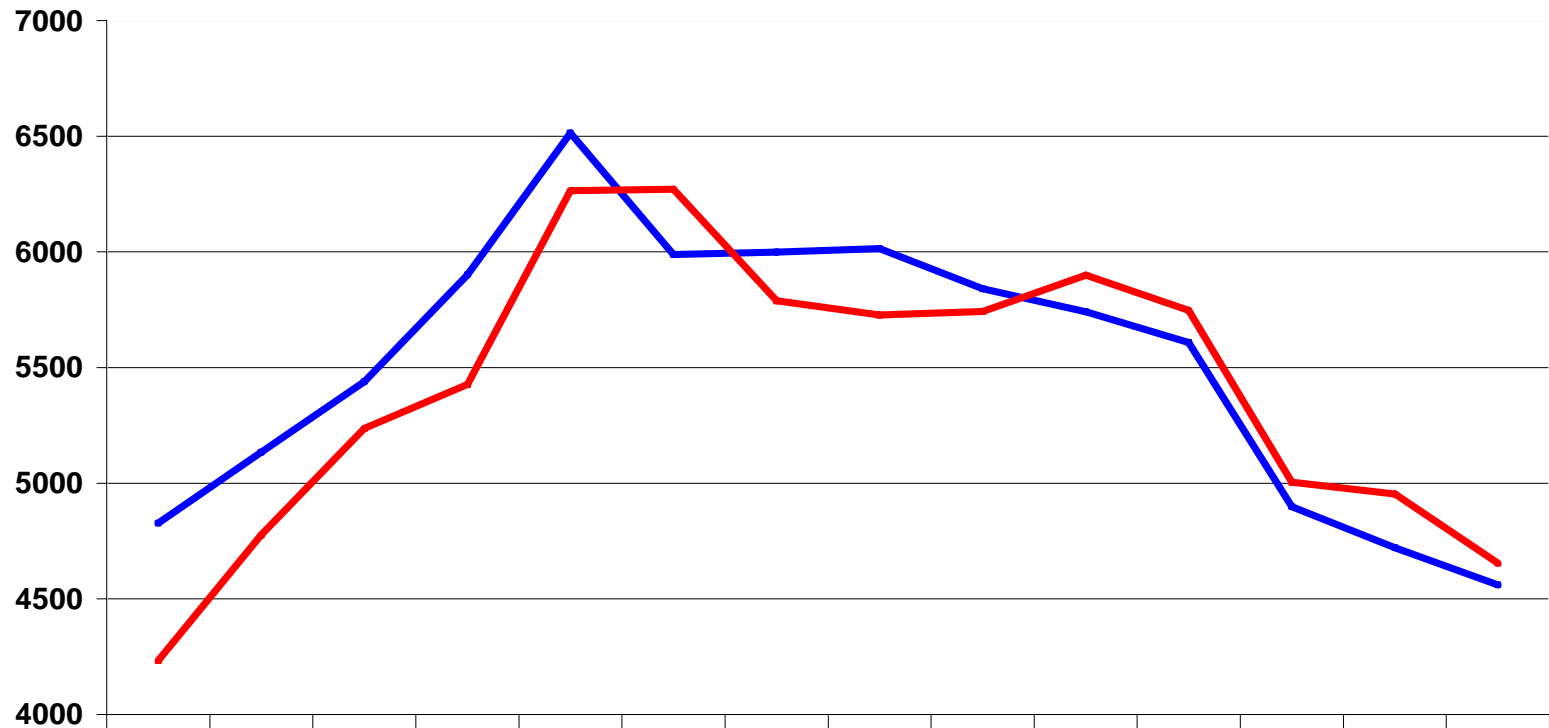
## Total Prison Population



Source: KDOC prison population files

Note: Federal female inmates housed in KDOC are excluded

## Kansas Prison Admissions vs Releases



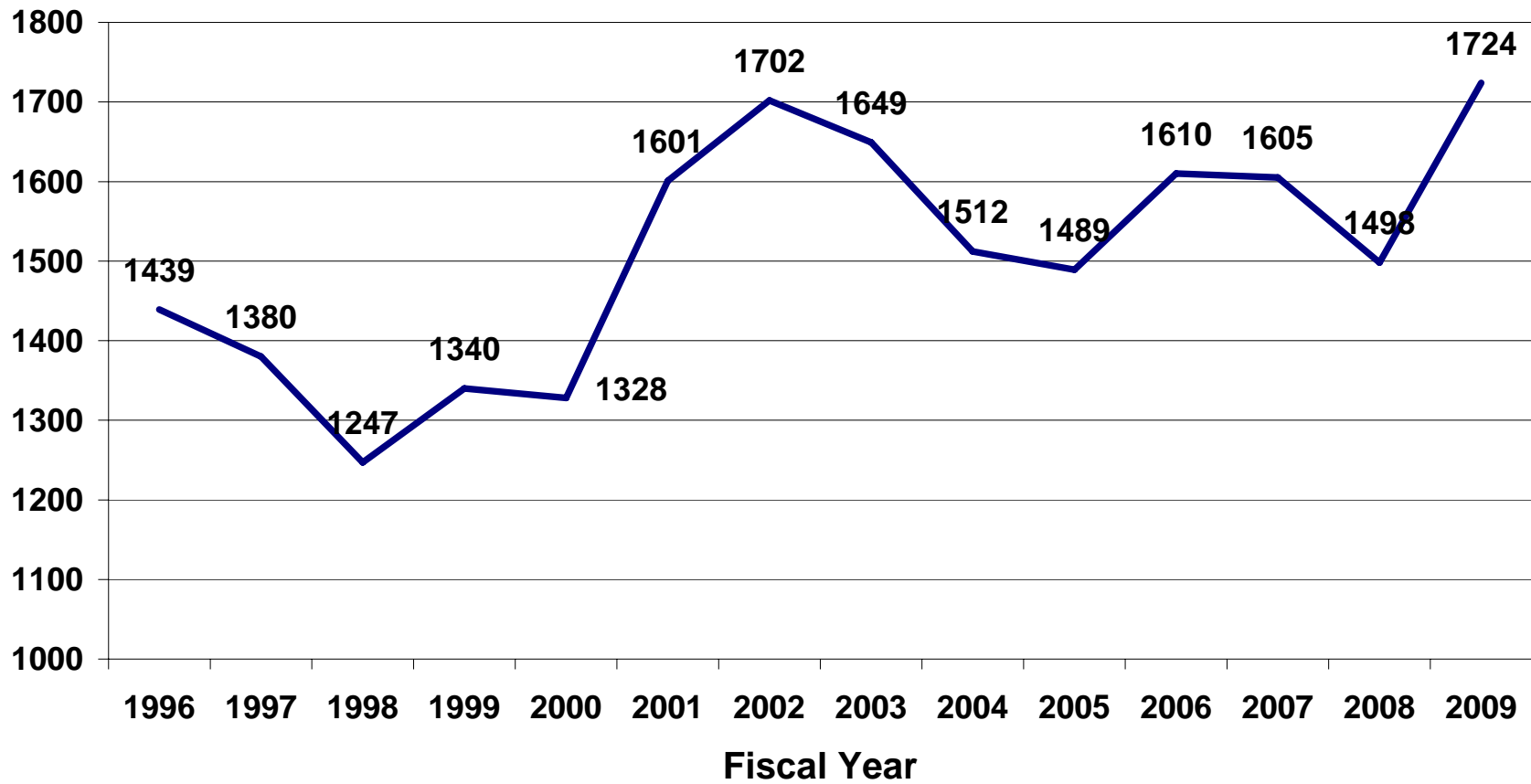
|   | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
|---|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| <span style="color: blue;">—</span> Admission | 4827 | 5134 | 5439 | 5901 | 6513 | 5989 | 5999 | 6014 | 5841 | 5741 | 5609 | 4899 | 4721 | 4561 |
| <span style="color: red;">—</span> Release    | 4233 | 4776 | 5237 | 5427 | 6265 | 6271 | 5789 | 5727 | 5742 | 5900 | 5748 | 5005 | 4953 | 4655 |

**Fiscal Year**

Source: KDOC admission and release files

## KANSAS PRISON ADMISSION TRENDS

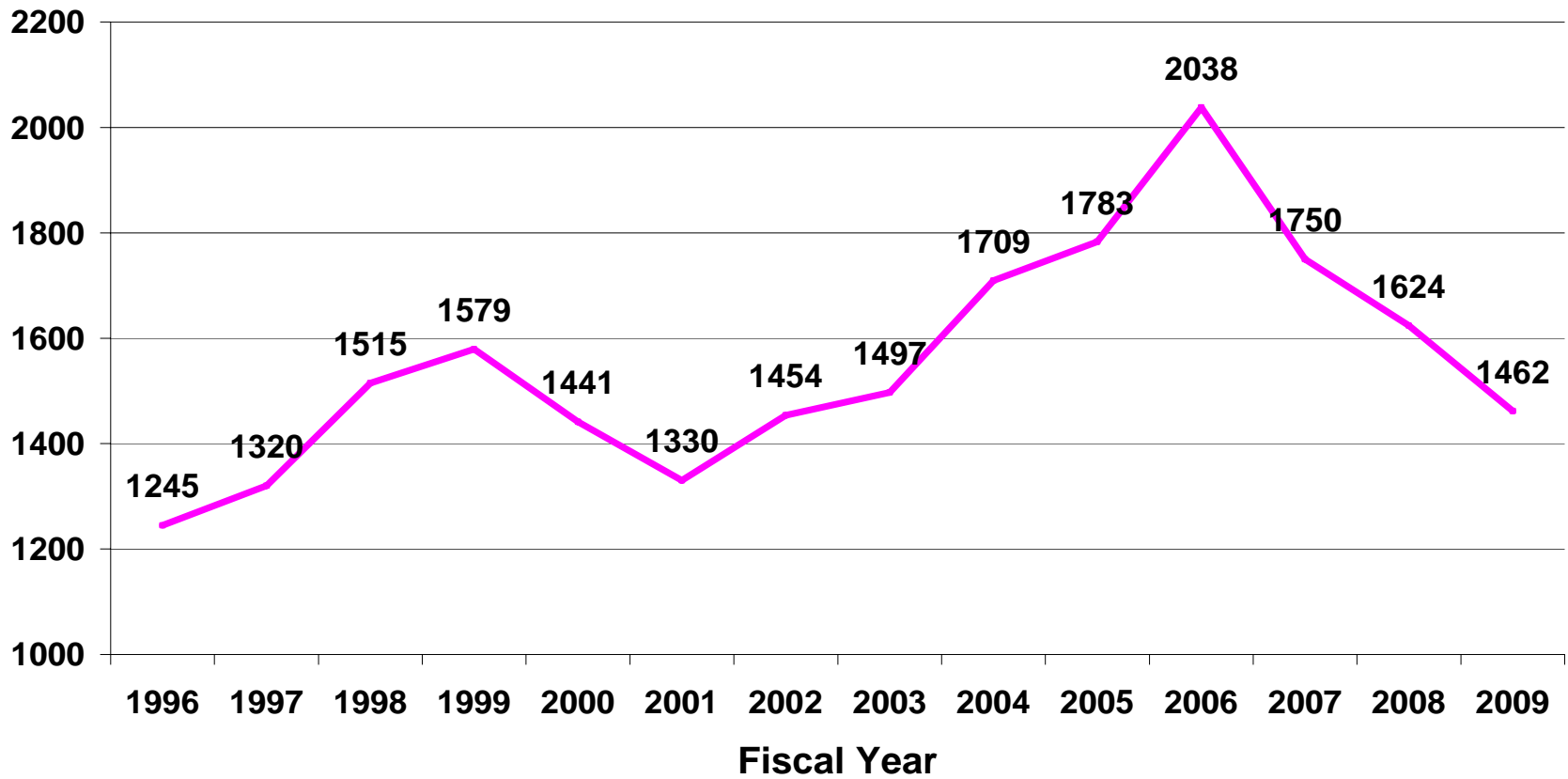
### Direct New Court Commitments



Source: KDOC admission files

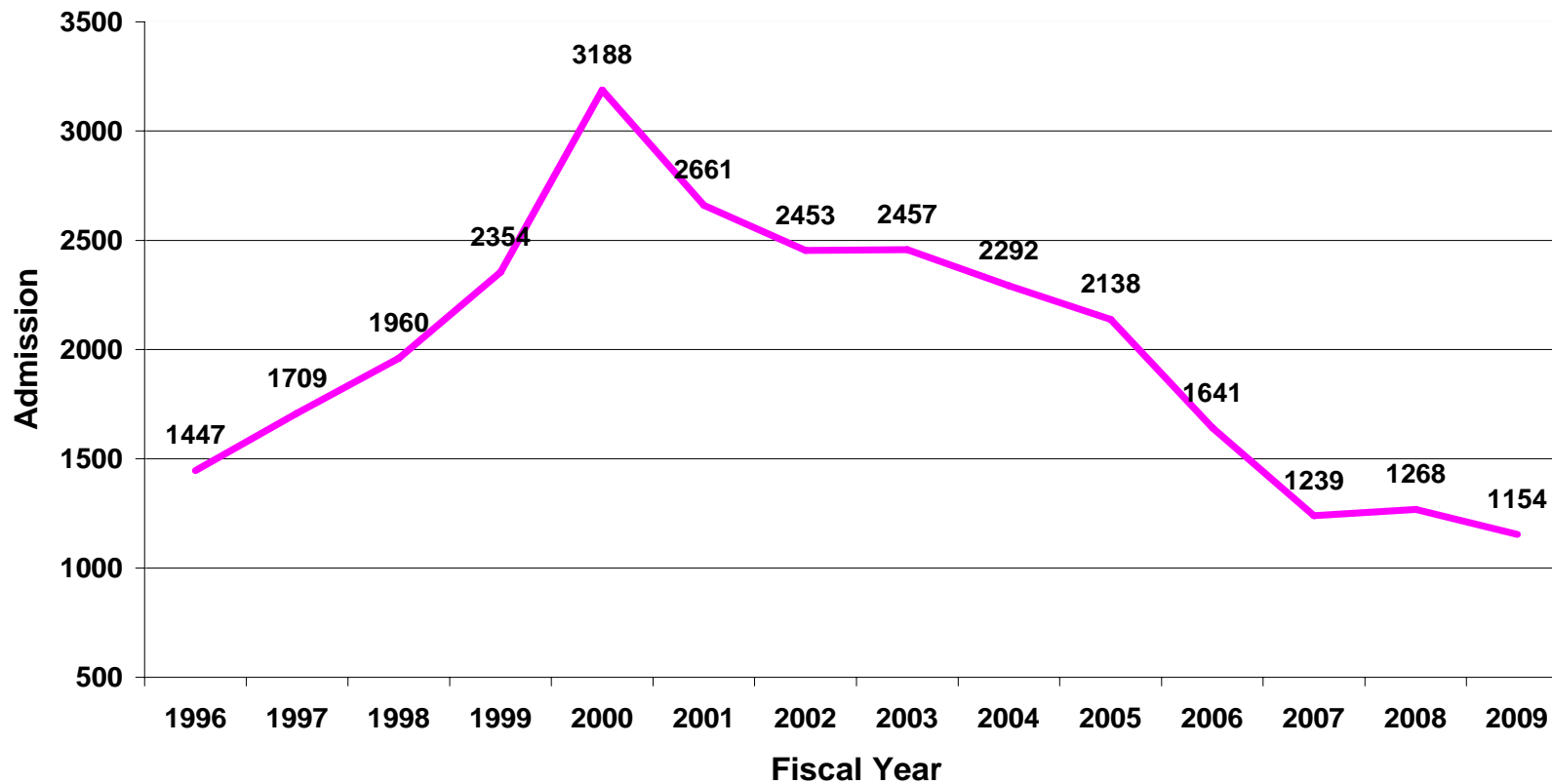
# KANSAS PRISON ADMISSION TRENDS

## Probation Condition Violators



Source: KDOC admission files

## KANSAS PRISON ADMISSION TRENDS Parole/Postrelease Condition Violators

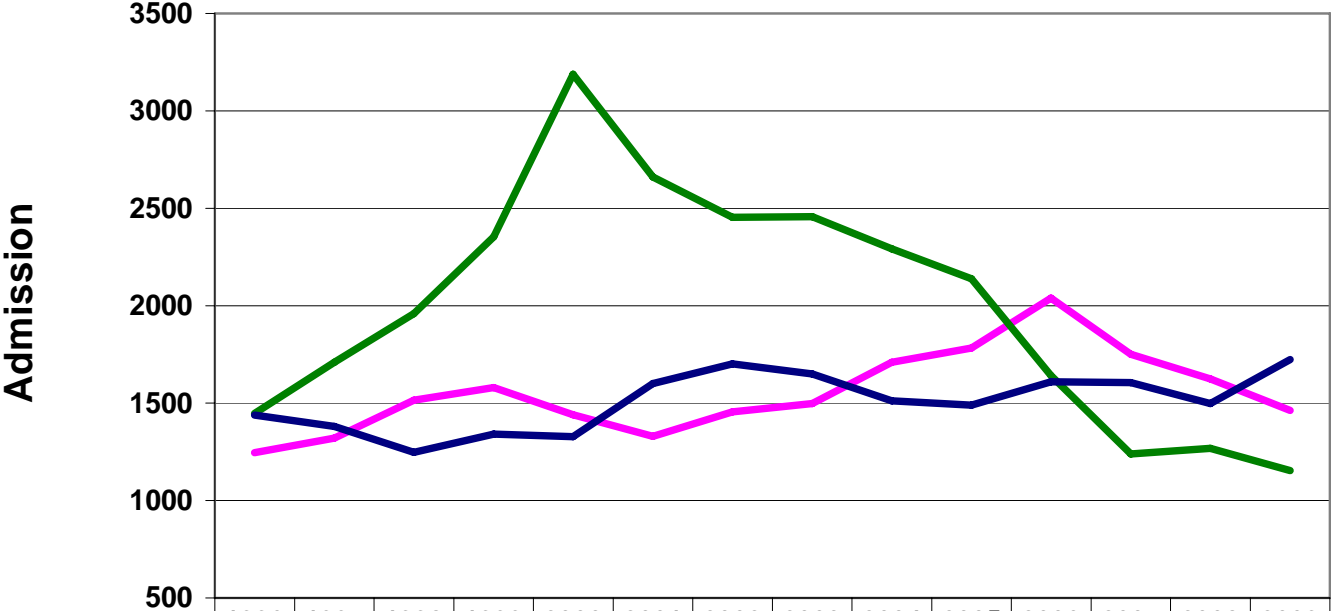


Source: KDOC admission files

Note: Including condition conditional-release violators

# KANSAS PRISON ADMISSION TRENDS

## Admissions by Type



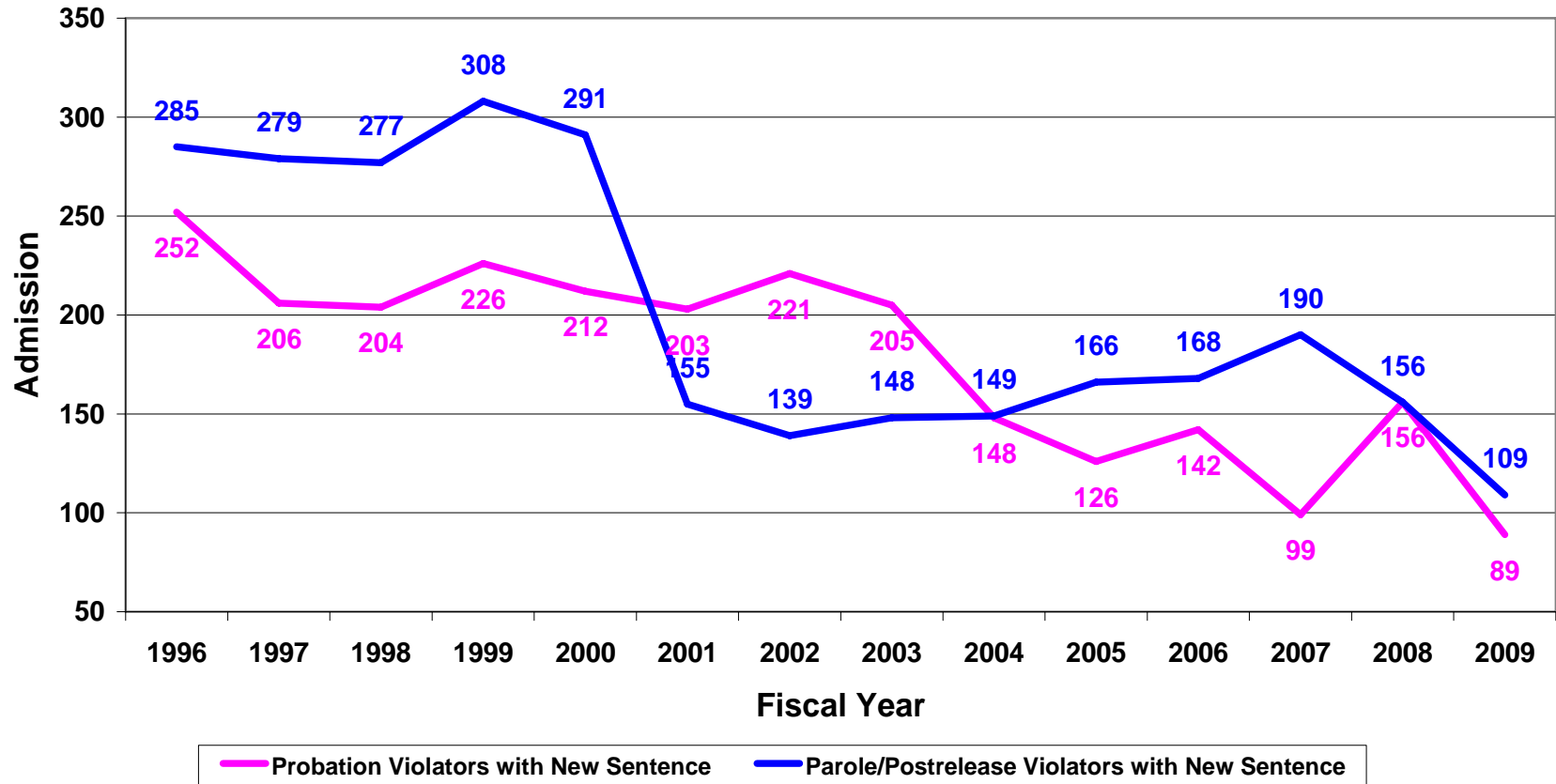
|   | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
|---|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| <span style="color: magenta;">—</span> Probation Condition Violators        | 1245 | 1320 | 1515 | 1579 | 1441 | 1330 | 1454 | 1497 | 1709 | 1783 | 2038 | 1750 | 1624 | 1462 |
| <span style="color: green;">—</span> Parole/Postrelease Condition Violators | 1447 | 1709 | 1960 | 2354 | 3188 | 2661 | 2453 | 2457 | 2292 | 2138 | 1641 | 1239 | 1268 | 1154 |
| <span style="color: darkblue;">—</span> Direct New Court Commitments        | 1439 | 1380 | 1247 | 1340 | 1328 | 1601 | 1702 | 1649 | 1512 | 1489 | 1610 | 1605 | 1498 | 1724 |

**Fiscal Year**

Source: KDOC admission files

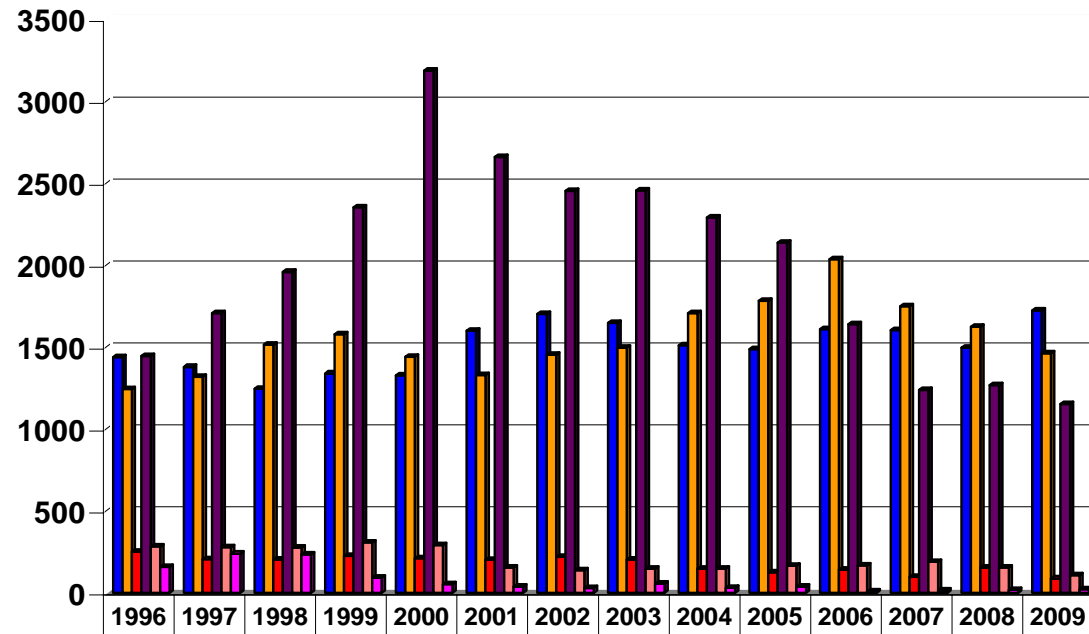
## KANSAS PRISON ADMISSION TRENDS

### Comparison between Probation and Parole/Postrelease Violators with New Sentence



Source: KDOC admission files

## KANSAS PRISON ADMISSION TRENDS BY TYPE FY 1996 Through FY 2009



|  | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
|--|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| <b>Direct New Court Commitment</b>     | 1439 | 1380 | 1247 | 1340 | 1328 | 1601 | 1702 | 1649 | 1512 | 1489 | 1610 | 1605 | 1498 | 1724 |
| <b>Probation Condition Violators</b>   | 1245 | 1320 | 1515 | 1579 | 1441 | 1330 | 1454 | 1497 | 1709 | 1783 | 2038 | 1750 | 1624 | 1462 |
| <b>Probation Violators w/New Sent</b>  | 252  | 206  | 204  | 226  | 212  | 203  | 221  | 205  | 148  | 126  | 142  | 99   | 156  | 89   |
| <b>Parole/PIS Condition Violators</b>  | 1447 | 1709 | 1960 | 2354 | 3188 | 2661 | 2453 | 2457 | 2292 | 2138 | 1641 | 1239 | 1268 | 1154 |
| <b>Parole/PIS Violators w/New Sent</b> | 285  | 279  | 277  | 308  | 291  | 155  | 139  | 148  | 149  | 166  | 168  | 190  | 156  | 109  |
| <b>Other</b>                           | 159  | 240  | 236  | 94   | 53   | 39   | 30   | 58   | 31   | 39   | 10   | 16   | 19   | 23   |

Fiscal Year

Source: KDOC admission files

# **ATTACHMENT E**

## **Guideline Sentencing Grids**

## SENTENCING RANGE - NONDRUG OFFENSES

| Category →       | A                        | B                       | C                                     | D                     | E                           | F                          | G                        | H                 | I                             |
|------------------|--------------------------|-------------------------|---------------------------------------|-----------------------|-----------------------------|----------------------------|--------------------------|-------------------|-------------------------------|
| Severity Level ↓ | 3+<br>Person<br>Felonies | 2<br>Person<br>Felonies | 1 Person &<br>1 Nonperson<br>Felonies | 1<br>Person<br>Felony | 3+<br>Nonperson<br>Felonies | 2<br>Nonperson<br>Felonies | 1<br>Nonperson<br>Felony | 2+<br>Misdemeanor | 1<br>Misdemeanor<br>No Record |
| <b>I</b>         | 653<br>620<br>592        | 618<br>586<br>554       | 285<br>272<br>258                     | 267<br>253<br>240     | 246<br>234<br>221           | 226<br>214<br>203          | 203<br>195<br>184        | 186<br>176<br>166 | 165<br>155<br>147             |
| <b>II</b>        | 493<br>467<br>442        | 460<br>438<br>416       | 216<br>205<br>194                     | 200<br>190<br>181     | 184<br>174<br>165           | 168<br>160<br>152          | 154<br>146<br>138        | 138<br>131<br>123 | 123<br>117<br>109             |
| <b>III</b>       | 247<br>233<br>221        | 228<br>216<br>206       | 107<br>102<br>96                      | 100<br>94<br>89       | 92<br>88<br>82              | 83<br>79<br>74             | 77<br>72<br>68           | 71<br>66<br>61    | 61<br>59<br>55                |
| <b>IV</b>        | 172<br>162<br>154        | 162<br>154<br>144       | 75<br>71<br>68                        | 69<br>66<br>62        | 64<br>60<br>57              | 59<br>56<br>52             | 52<br>50<br>47           | 48<br>45<br>42    | 43<br>41<br>38                |
| <b>V</b>         | 136<br>130<br>122        | 128<br>120<br>114       | 60<br>57<br>53                        | 55<br>52<br>50        | 51<br>49<br>46              | 47<br>44<br>41             | 43<br>41<br>38           | 38<br>36<br>34    | 34<br>32<br>31                |
| <b>VI</b>        | 46<br>43<br>40           | 41<br>39<br>37          | 38<br>36<br>34                        | 36<br>34<br>32        | 32<br>30<br>28              | 29<br>27<br>25             | 26<br>24<br>22           | 21<br>20<br>19    | 19<br>18<br>17                |
| <b>VII</b>       | 34<br>32<br>30           | 31<br>29<br>27          | 29<br>27<br>25                        | 26<br>24<br>22        | 23<br>21<br>19              | 19<br>18<br>17             | 17<br>16<br>15           | 14<br>13<br>12    | 13<br>12<br>11                |
| <b>VIII</b>      | 23<br>21<br>19           | 20<br>19<br>18          | 19<br>18<br>17                        | 17<br>16<br>15        | 15<br>14<br>13              | 13<br>12<br>11             | 11<br>10<br>9            | 11<br>10<br>9     | 9<br>8<br>7                   |
| <b>IX</b>        | 17<br>16<br>15           | 15<br>14<br>13          | 13<br>12<br>11                        | 13<br>12<br>11        | 11<br>10<br>9               | 10<br>9<br>8               | 9<br>8<br>7              | 8<br>7<br>6       | 7<br>6<br>5                   |
| <b>X</b>         | 13<br>12<br>11           | 12<br>11<br>10          | 11<br>10<br>9                         | 10<br>9<br>8          | 9<br>8<br>7                 | 8<br>7<br>6                | 7<br>6<br>5              | 7<br>6<br>5       | 7<br>6<br>5                   |

**Probation Terms are:**

36 months recommended for felonies classified in Severity Levels 1-5

24 months recommended for felonies classified in Severity Levels 6-7

18 months (up to) for felonies classified in Severity Level 8

12 months (up to) for felonies classified in Severity Levels 9-10

**Postrelease Supervision Terms are:**

36 months for felonies classified in Severity Levels 1-4

24 months for felonies classified in Severity Level 5-6

12 months for felonies classified in Severity Levels 7-10

**Postrelease for felonies committed before 4/20/95 are:**

24 months for felonies classified in Severity Levels 1-6

12 months for felonies classified in Severity Level 7-10

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

## SENTENCING RANGE – DRUG OFFENSES

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

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

**Probation Terms are:**

36 months recommended for felonies classified in Severity Levels 1-2

18 months (up to) for felonies classified in Severity Level 3

12 months (up to) for felonies classified in Severity Level 4

**Postrelease Supervision Terms are:**

36 months for felonies classified in Severity Levels 1-2

24 months for felonies classified in Severity Level 3

12 months for felonies classified in Severity Level 4 except for some  
K.S.A. 65-4160 and 65-4162 offenses on and after 11/01/03.

**Postrelease for felonies committed before 4/20/95 are:**

24 months for felonies classified in Severity Levels 1-3

12 months for felonies classified in Severity Level 4