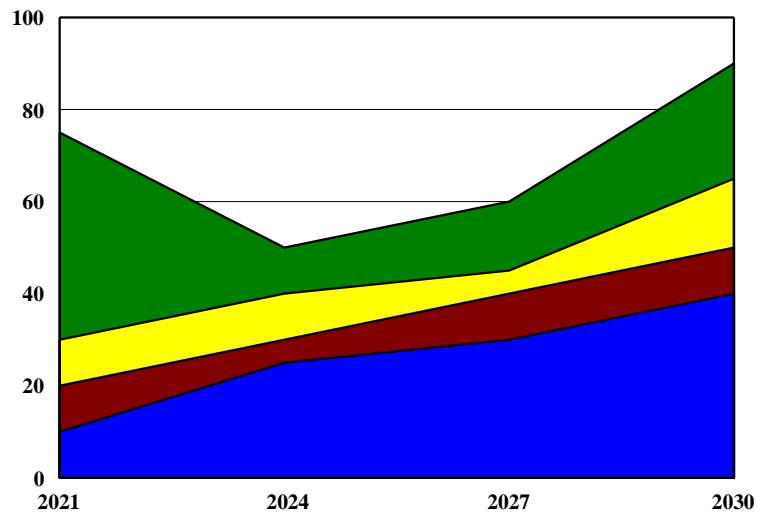


KANSAS SENTENCING COMMISSION

Fiscal Year 2021 Adult Inmate Prison Population Projections

Prison Population Projections



August 2020

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OVERVIEW OF FY 2021 PRISON POPULATION PROJECTIONS

Prison Population and Admission

The Kansas prison population in FY 2020 indicated a decrease of 855 inmates or 8.5% when compared with that in FY 2019. In review of Kansas ten-year prison population trend, the FY 2020 prison population represented a decrease in the rate of growth compared to the previous year. In FY 2020, 9,189 inmates were incarcerated in state prison, indicating an increase of nine inmates from FY 2011 prison population¹.

When comparing the offender groups incarcerated in prison between FY 2019 and FY 2020, the largest percentage decrease occurred in the prison sanction group, showing a 99.3% decrease or 902 inmates, leaving only one offender incarcerated for a prison sanction. While offgrid offenders and nondrug severity levels 1 to 3 increased by 3 and 24 offenders respectively, the remaining offender groups decreased. Nonviolent offenders (N4 to N6) decreased by 139, property crime offenders (N7 to N10) decreased by 131, and drug offenders decreased by 99 inmates. Pre-guideline (old law) inmates indicated a decrease of 50 inmates. Parole/postrelease condition violators also indicated a decrease of 205 inmates.

In FY 2020, the total prison admissions indicated a decrease of 1,915 admissions or 30.0% from last year, as well as an overall decrease of 1,691 admissions or 27.4% when compared to FY 2016.^[2] The decrease in admissions was due to the decrease in every offender category other than violent offenders (N1-N3). This decrease can be attributed to the COVID-19 pandemic. The overall admission of prison sanctions from probation in FY 2020 decreased by 661 for males and decreased by 241 for females compared to FY 2019. These represent a decrease of just over 75% for both the male and female populations. This is the result of legislative measures enacted to abolish the use of prison sanctions for crimes committed after July 1, 2019.

When compared with FY 2019, direct new court commitments in FY 2020 displayed a decrease of 395 admissions or 19.9%, as well as a decrease of 399 or 20.1% from five years ago. In FY 2020, probation violators with new sentences decreased by 20.0% and 14.2% since 2016. Probation violators with new convictions decreased by 10.3% between FY 2019 and FY 2020 and decreased by 60.1% since FY 2016.

Further examining the admission types, in FY 2020 the number of parole/postrelease condition violators admitted to prison decreased by 299 offenders or 27.4%, as well as a decrease of 445 admissions or 36.0% from 2016. Parole/postrelease violators with new sentences admitted to prison in FY 2020 demonstrated a decrease of 48 admissions or 26.4% from FY2019 and a decrease of 12 or 8.2% since 2016.

¹ See Figure 12, Page 38.

² See Table 13, Page 36.

Length of Sentence and Stay

The average of length of sentence and stay of each severity level in FY 2020 varied. When compared with FY 2019, the average length of sentence of drug offenders indicated a decrease of 0.4 months. Compared to five years ago, however, there was an increase of 2.2 months. The largest increase occurred in the severity level 2 nondrug crimes. There, the average length of sentence increased by 142.1 months when compared with FY 2019. However, since FY 2016, the average length of sentence for this group has increased only 66.6 months. The average sentence length for nondrug severity level 1 represented the largest decrease (73.5 months) from FY 2019, but the average length of sentence decreased 28.5 months when compared with FY 2016. The average length of sentences of other nondrug severity levels stayed relatively stable during the last five years.³

When compared with FY 2019 inmate prison length of stay, the average length of stay in prison in FY 2020 for drug offenders increased by 2.8 months (24.8), the average length of stay of nonviolent offenders (N7 to N10) increased from 11.1 to 11.2 months, the average length of stay for violent crime offenders (N1 to N3) was 114.4 months, decreasing by over 2.5 months (116.9 v. 114.4); the average length of stay of less violent offenders (N4 to N6) displayed an increase of just over one month (37.6 v. 36.4); the average length of stay for guideline postrelease supervision condition violators indicated an increase of over one month (5.7 v. 6.4); and the average length of stay for pre-guideline parole condition violators was 29.6 months, indicating a decrease of 10.4 months (40 v. 29.6)⁴. Probation condition violators stayed in prison for an average 10.3 months, an increase of almost one month when compared with that in FY 2019 (9.4 v. 10.3).

Based on the 5,346 inmates released from prison in FY 2020, 54.3% of them (2,902 inmates) were eligible for program credits and 87.1% of those eligible inmates earned program credits. The average program credit earned was 112 days, which reduced the length of sentence by 3.7 months on average.

Forecast

In examining the estimated prison bed needs by offender group, probation condition violators account for the largest increase of 357 inmates over the ten-year forecast period. This is due to high number of revocations as well as the abolition of prison sanctions. The second largest increase of prison population is the violent offender group (N1 to N3) over the ten-year forecast period with an increase of 187 inmates. This increase is due to the long length of sentence these offenders receive; thus, admissions outpace releases. The third largest increase is the non-violent offender group (N7 to N10) with an increase of 135 admissions. The increase of this group is due to the special sentencing rules that have played an important role in this group.

The fourth largest increase in the prison population for the ten-year forecast period is the off-grid offenders with an increase of 44 inmates⁵. The increase of the offgrid prison population

³ See Table 5, Page 14.

⁴ See Table 8, Page 16.

⁵ See Table 9, Page 18.

is the continuous impact of Jessica's Law (2006 Senate Substitute for House Bill 2567). According to Jessica's Law, some child sex offenses previously classified in nondrug severity levels 1, 2, 3 and 5 are reclassified as offgrid offenses with a minimum sentence of not less than 300 months (Hard 25). This reclassification also increases the offgrid admissions to prison. The prison population of drug offenders is forecasted to see the fifth largest increase, but of only 4 inmates over the ten-year forecast period. The less violent offenders (N4 to N6), however, will see a decrease of 81 inmates over the ten-year forecast period.

Parole/postrelease condition violators indicate the largest decrease, with 159 less inmates projected over the ten-year forecast period, while prison sanctions are expected to decrease to zero inmates due to the passage of 2019 SB 18, which abolished the use of prison sanctions for offenses that occur after June 30, 2019. Pre-guideline (old law) offenders will decrease by 91 inmates in FY 2030.⁶

A significant change is noted for probation condition violators over the ten-year forecast period. Previously, probation condition violators admitted to prison were required to serve their underlying prison sentence. HB 2170 enacted on July 1, 2013 requires probation condition violators to serve graduated sanctions instead of the underlying prison sentence, which includes: the intermediate sanction of confinement in jail for 2-3 days at a time and up to a total of 18 days. Previously, if the violator already has at least one intermediate sanction of confinement in jail, the court could remand the defendant to the custody of the Kansas Department of Corrections (KDOC) for a period of 120 days or 180 days, which the Secretary could reduce by up to 60 days or 90 days. However, due to 2019 SB 18, the prison sanction is no longer available for offenses committed after June 30, 2019. Now, if the violator already has served a 2- or 3-day jail sanction (up to 18 total days), the court may revoke probation, assignment to community corrections, suspend the sentence, or require the defendant to serve the sentence imposed or any lesser sentence. Removing the graduated prison sanctions will reduce the sanction population completely but may increase for probation condition violators group may require more beds. Thus, it is estimated that during the ten-year forecast period, the prison population of sanction from probation will decrease to zero, while the probation condition violators will increase by 357 additional inmates in FY 2030.

Overall, the FY 2020 prison population projections indicate that prison population will increase during the forecast period. In FY 2030, the total prison population will reach 9,584 inmates, an increase of 395 inmates or 4.3% over the current population level.⁷ Offgrid and nondrug severity levels 1, 2 and 3 inmates will account for 38.5% of the projected prison population in FY 2030. Nondrug severity levels 4, 5 and 6 inmates will make up 14.1% and nonviolent inmates (N7 to N10) will consist of 8.3% of the projected prison population in FY 2030. The projected drug inmate prison population will represent 13.7% while parole/postrelease supervision condition violators will make up 0.9% of the forecasted prison population in FY 2030. Pre-guideline (old law) population, not including old law offgrid offenders, will account for 0.1% in FY 2030. Probation condition violators will make up 13.0% while prison sanction from probation offenders will account for 0.0 % of the projected population in FY 2030.

⁶ See Table 9, Page 18.

⁷ See Table 9, Page 18.

In FY 2030, male prison population will increase to 8,807 inmates, an increase of 403 inmates from the FY 2020 population. Female prison population will decrease to 777 inmates, a decrease of 6 inmates in FY 2030. Male inmates will account for 92% while female inmates will consist of 8% of the forecasted prison population in FY 2030.⁸

METHODS AND ASSUMPTIONS

Source of Data Used for the Projections

Data utilized for the FY 2021 prison population projections are based on the most recent felony sentencing information and current prison information from FY 2020. This data includes the automated and non-automated data files collected from the Kansas Department of Corrections (KDOC) and the FY 2020 felony journal entry sentencing information collected by the Kansas Sentencing Commission (KSSC). Data provided by KDOC includes:

1. Prison admissions
2. Prison populations
3. Prison releases
4. Parole/postrelease supervision populations
5. Parole/postrelease supervision discharges
6. Parole hearing decisions
7. KDOC monthly offender population reports
8. Prison and jail sanctions from probation

Data collected by the KSSC includes:

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

The above combined data sources provide the information for the Prison Projection Consensus Group to make the final decisions regarding assumptions that must be built into the model. The sentencing journal entry databases from the KSSC 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. The prison population stock file provides additional information which is used by the Prison Projection Consensus Group as well as characteristics of the June 30 incarceration population. The prison release file informs the Consensus Group of the type of release and the actual length of stay for each individual inmate. Parole/postrelease supervision and parole hearing files provide information regarding parole population, parole discharges, parole hearing decisions, and waiting time between each parole hearing. KDOC Monthly Offender Population Reports are utilized to monitor actual prison monthly population compared to the projections.

⁸ See Figures 2 & 3, Pages 20 & 21.

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 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 2021 Prison Population Projection Consensus Group:

Bowman, Randall	Kansas Department of Corrections
Chang, Kunlun	Kansas Sentencing Commission
Christie, Sean	Kansas Department of Corrections
Cooper, Hope	Kansas Department of Corrections
Grube, John	Kansas Sentencing Commission
Ogletree, Jonathan	Kansas Department of Corrections
Schultz, Scott	Kansas Sentencing Commission
Sexton, Honorable Benjamin	8 th Judicial Court services
Waldock, Melissa	Kansas Department of Corrections
Zmuda, Secretary Jeff	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 2021 Prison Population Projection Assumptions

1. The model begins on July 1, 2020.
2. The model is based on FY 2020 data (July 1, 2019 - June 30, 2020).
3. This prison population projection is for a ten-year forecasting period (FY 2021 to FY 2030).
4. The projection model is designed to simulate all new commitments to prison, from FY 2021 and forward, under sentencing guidelines, with a determinate sentence length.
5. Admission Trends:
 - a) New Court Commitments. Direct new court commitments to prison in FY 2020 (offenders not on any type of supervision at the time of conviction and subsequent admission to prison) indicated a decrease of 19.9% or 395 admissions less when compared to FY 2019. Compared with FY 2016, the admissions to prison indicate a decrease of 20.1% or 399 admissions. FY 2016 indicated 1,986 admissions; FY 2017 demonstrated a total of 2,071 admissions; FY 2018 displayed a total of 2,019 admissions; FY 2019 showed a total of 1,982 admissions; and FY 2020 showed a total of 1,587 admissions.
 - b) Probation Condition Violators. In FY 2020, 1,226 probation condition violators were admitted to prison, indicating a decrease of 12.6% or 176 admissions from FY 2019 but an increase of 3.9% or 46 admissions from FY 2016. Probation condition violators admitted to prison during the five years were: 1,180 in FY 2016; 1,229 in FY 2017; 1,458 in FY 2018; 1,402 in FY 2019; and 1,226 in FY 2020. Of the 1,226 probation condition violators, 18 or 1.5% offenders received prison sanctions before full revocation at the same year. Thirteen of them received 120-day and 5 received 180-day sanctions.
 - c) Prison Sanctions for Probation Condition Violators. In FY 2020, 278 probation condition violators (75 females and 203 males) received 284 prison sanctions. Six of the 278 offenders received two prison sanctions, including four females and two males. Two of them received a second 120-day and four received a second 180-day sanction. Of the 284 prison sanctions, 173 were 120 days; 110 were 180 days; one was 360 days. The average length of stay in prison was 34 days for the 120-day sanctions and 58 days for the 180-day sanctions. The number of prison sanctions in FY 2020 indicated a decrease of 902 sanctions or 71.7% when compared with last year (1,186 sanctions).
 - d) Probation Violators with New Sentence. Probation violators with a new sentence in FY 2020 indicated a decrease of 71 violators or 20.0% from last year. When compared with FY 2016 number, it indicated a decrease of 14.2% or 47 admissions. The number of probation violators with new sentence in the past five years were: 331 in FY 2016, 340 in FY 2017, 302 in FY 2018, 355 in FY 2019, and 284 in FY 2020.
 - e) Probation Violators with New Conviction. In FY 2020, probation violators with new conviction increased by 10.3% or 7 admissions when compared with that of FY 2019. Over

the five-year period, probation violators with new conviction indicated a decrease of 60.1% or 113 violators.

- f) Total New Commitments: Rate of Growth⁹. The total new commitments of the above groups in FY 2020 decreased by 30.8% or 1537 admissions when compared with that of 2019. The growth rates for new commitments in the past ten years are as follows:

FY 2010 to FY 2011	0.1%
FY 2011 to FY 2012	3.4%
FY 2012 to FY 2013	-3.0%
FY 2013 to FY 2014	5.5%
FY 2014 to FY 2015	3.9%
FY 2015 to FY 2016	5.8%
FY 2016 to FY 2017	7.0%
FY 2017 to FY 2018	2.2%
FY 2018 to FY 2019	-2.6%
FY 2019 to FY 2020*	-30.8%
<i>Average yearly growth rate (FY 2011 to FY 2020)</i>	<i>-0.9%</i>

*Due to the COVID-19 pandemic

Last year, the consensus group agreed to use 1.0% annual growth for male and 1.5% for female in FY 2020 model. The consensus group agreed to a decrease in the growth rate for first six months of FY 2021 of five percent. The second six months of FY 2021 would be a flat (0%) rate of growth. In FY 2022, the consensus group agreed to a growth rate of one-half (0.5%) percent. From FY 2023 forward, the growth rate will be one percent (1%). The listed growth rates apply to both the male and female populations.

6. Guideline postrelease supervision condition violators may serve up to 180 days. The average length of stay for this group was 128 days in FY 2016; 132 in FY 2017, 135 days in FY 2018, and 129 days in FY 2019. The consensus group agreed to use 126 days for this group in FY 2020 model. The actual average length of stay in FY 2020 was 129 days. The consensus group agreed to use a 40-day average length of stay for this group.
7. In FY 2020, a total of 792 parole/postrelease and conditional release condition violators were returned to prison, indicating a decrease of 209 offenders when compared with last year. The consensus group agreed to use the return rate of 95 offenders per month for this group last year. The actual average rate of parole/postrelease and conditional release condition violators was 66 offenders per month, indicating a decrease of 29 admissions per month. The consensus group agreed to 15 admissions per month for the first six months of FY 2021, and 30 admissions per month for the second six months of FY 2021. In FY 2022 and forward, the average admission number for this group will be 50 per month.
8. In FY 2020, a total of 134 parole/postrelease violators with new sentences were admitted to prison, representing a decrease of 26.4% or 48 admissions when compared with the

⁹ Growth rate includes prison sanctions.

admissions of FY 2019. In review of the past five years' data, parole/postrelease violators with new sentence in FY 2018 indicated the highest in numbers. (FY 2016-146, FY 2017-196, FY 2018-213, FY 2019-182, and FY 2020-134). Last year, the consensus group agreed to use 195 returns for this group in FY 2020 model.

9. 2019 SB 18 – Prison sanctions for probation condition violators - Removing the 120-day or 180-day prison sanctions for probation condition violators.

In FY 2020, 278 probation condition violators (75 females and 203 males) received 284 prison sanctions. The consensus group agreed in FY 2020 model to a 50 percent reduction from the previous year. In FY 2020, the sanction population was only 24 percent of the number from FY 2019, representing a 309 admission overestimation of the sanction population. The consensus group agreed to 50 sanction admissions for FY 2021, and zero sanction admissions from FY 2022 forward.

KEY FINDINGS OF FISCAL YEAR 2020 DATA

1. A total number of 9,189 offenders were incarcerated in KDOC on June 30, 2020, representing a decrease of 855 offenders when compared with that of FY 2019. Of the total number, 8,844 were guideline offenders, 345 were pre-guideline offenders. Nearly all the pre-guideline offenders were offgrid, nondrug severity levels 1 to 3 offenders and parole condition violators, representing 98.2% of this group.
2. In FY 2020, 4,473 offenders were admitted to prison, representing the lowest number in over five years. Of those 4,473 offenders, new commitments (including prison sanction from probation) accounted for 78.2% or 4,993 admissions, which included 35.5% direct new court commitments, 27.4% probation condition violators, 6.3% prison sanctions, 6.3% probation violators with new sentence and 1.7% new conviction.
3. Compared with FY 2019, the total number of new commitments sentenced to prison in FY 2020 decreased by 30.8% or 1,537 admissions. Among the total of new commitments to prison, direct new court commitments accounted for 1,587 admissions, demonstrating a decrease of 19.9% or 395 admissions. Probation condition violators indicated a decrease of 12.6% or 176 admissions. Prison sanctions from probation decreased by 76.1% or 902 sanctions. Probation violators with new sentence showed a decrease of 20.0% or 71 offenders. Probation violators with new conviction, however, displayed an increase 10.3% or 7 admissions.
4. In FY 2020, 278 probation condition violators (75 females and 203 males) received a total of 284 prison sanctions. Of the 284 sanctions, 173 were 120 days; 110 were 180 days and one for 360 days. Six offenders received two prison sanctions, including four females and two males. The average length of stay in prison was 34 days for the 120 days; 58 days for the 180 days.
5. Parole/post-release condition violators and conditional release violators made up 17.7% or 792 admissions of the total admissions in FY 2020, indicating a decrease of 27.4% or 299 admissions from that of FY 2019.
6. The average length of sentence of probation condition violators in FY 2020 was 24.8 months. The average jail credit was 200.4 days or 6.6 months and the average length of stay in prison was 10.4 months. These numbers were slightly higher than what was reported last year. Further examination of this group displayed that 96% of them were offenders ranging from Drug severity levels 3 to 5 and nondrug severity levels 5 to 10. This trend has not been changed from previous years.
7. The average length of stay in prison for pre-guideline parole condition violators in FY 2020 was calculated to be 29.6 months, indicating a decrease of 10.4 months from the length of stay observed during FY 2019 (40.0 months). The average length of stay for the guideline postrelease supervision condition violators in FY 2020 was 5.3 months (161 days), 33.5 days more than the average length of stay in FY 2019 (4.2 months or 128 days).

8. Compared with FY 2019, the average lengths of sentence of the guideline nondrug sentences in FY 2020 changed as such:
 - Severity level one – 73.5-month decrease
 - Severity level two – 144.1-month increase
 - Severity level three – 0.3-month increase
 - Severity level four – 5.4-month increase
 - Severity level five – 0.1-month increase
 - Severity level six – 3.7-month increase
 - Severity level seven – 2.5-month decrease
 - Severity level eight – 1.4-month increase
 - Severity level nine – 0.5-month decrease
 - Severity level ten – 0.9-month decrease
 - The number of admissions of nondrug severity level one increased by 10. The number of admissions for nondrug severity level 2-10 decreased as follows: SLV 2 - (5), SLV 3 – (4), SLV 4 – (13), SLV 5 – (80), SLV 6 – (18), SLV 7 – (62), SLV 8 – (79), SLV 9 – (106), and SLV 10 – (18).
9. During FY 2020, the admissions of parole/postrelease violators with new sentences (including conditional release violators with new felony sentences) indicated a decrease of 48 admissions or 26.4% when compared with the returns in FY 2019 (134 v. 182).
10. In FY 2020, 1,045 drug offenders were admitted to prison, indicating a decrease of 216 admissions when compared with that of FY 2019. Of this number, 403 were new court commitments, 501 probation condition violators, 107 probation violators with new sentence and 34 probation violators with new conviction. The average length of the drug sentences was 36.8 months, indicating an increase of 0.4 months when compared to that of 2019 (36.8 v. 37.2).

**Table 1: Prison Population Characteristics
6/30/2020**

Severity Level	Pre-Guideline		Guideline		Total	
	Number	Percent	Number	Percent	Number	Percent
D1	0	0.0%	175	1.9%	175	1.9%
D2	0	0.0%	345	3.8%	345	3.8%
D3	0	0.0%	410	4.5%	410	4.5%
D4	0	0.0%	97	1.1%	97	1.1%
D5	0	0.0%	448	4.9%	448	4.9%
N1	55	0.6%	1117	12.2%	1172	12.8%
N2	45	0.5%	203	2.2%	248	2.7%
N3	31	0.3%	1144	12.4%	1175	12.8%
N4	3	0.0%	339	3.7%	342	3.7%
N5	1	0.0%	934	10.2%	935	10.2%
N6	0	0.0%	335	3.6%	335	3.6%
N7	2	0.0%	517	5.6%	519	5.6%
N8	0	0.0%	95	1.0%	95	1.0%
N9	0	0.0%	143	1.6%	143	1.6%
N10	0	0.0%	4	0.0%	4	0.0%
Offgrid	147	1.6%	1293	14.1%	1440	15.7%
Probation Condition Violators		0.0%	1045	11.4%	1045	11.4%
Sanction from Probation	0	0.0%	1	0.0%	1	0.0%
Parole/Postrelease Condition Violators	61	0.7%	197	2.1%	258	2.8%
Subtotal	345	3.8%	8842	96.2%	9187	100.0%
Nongrid/Unknown					2	0.0%
Total					9189	100.0%

Source: DOC prison population file.

Table 2: Comparison between Actual Prison Population - FY 2019 & FY 2020

Offender Group	2019	2020	Difference	% Increase/ Decrease
Drug	1574	1475	-99	-6.3%
N1 to N3	2470	2494	24	1.0%
N4 to N6	1748	1609	-139	-8.0%
N7 to N10	892	761	-131	-14.7%
Sanction from Probation	137	1	-136	-99.3%
Probation Condition Violators	1167	1045	-122	-10.5%
Offgrid Including Old Law Lifer	1437	1440	3	0.2%
Parole/Post Release Violators	463	258	-205	-44.3%
Old Law Inmates*	156	106	-50	-32.1%
Total	10044	9189	-855	-8.5%

Source: DOC prison population files.

Table 3: Guideline Admission Characteristics - FY 2020

Severity Level	Number Admitted	Percent Admitted	Average Sentence (Months)	Jail Credit (Days)	Probation Condition Violators (%)	Probation Violators w/New Sentence (%)	Probation Violators w/New Conviction (%)
D1	24	0.7%	104.0	315.5	0.0	12.5	0.0
D2	86	2.5%	83.1	193.2	26.7	9.3	1.2
D3	132	3.8%	60.1	194.8	29.5	7.6	0.8
D4	83	2.4%	30.7	171.1	30.1	9.6	4.8
D5	720	20.8%	25.5	194.8	57.5	10.8	3.9
N1	78	2.3%	246.8	516.5	1.3	1.3	0.0
N2	10	0.3%	286.2	528.9	0.0	0.0	0.0
N3	156	4.5%	109.1	385.2	6.4	7.1	0.0
N4	79	2.3%	68.2	339.5	13.9	2.5	1.3
N5	234	6.8%	58.7	281.2	20.1	9.0	0.4
N6	193	5.6%	39.7	232.6	27.5	18.7	1.6
N7	521	15.1%	29.4	209.8	43.2	12.3	2.7
N8	257	7.4%	18.9	192.4	46.7	8.6	3.1
N9	515	14.9%	13.4	160.0	47.6	3.7	2.3
N10	26	0.8%	9.2	134.4	46.2	0.0	7.7
UKN/Non		0.1%	-	-	N/A	N/A	N/A
Offgrid	53	1.5%	-	-	N/A	N/A	N/A
Sanction	284	8.2%	-	-	N/A	N/A	N/A
Total	3456	100.0%					

Source: DOC admission file.

**Table 4: Comparison of Guideline New Commitments
Admissions to Prison by Severity Level and Drug Offense
FY 2016, FY 2019 and FY 2020**

Severity Level & Offense	FY 2016	FY 2019	FY 2020	Difference Between 2016 & 2020	Difference Between 2019 & 2020
N1	74	68	78	4	10
N2	18	15	10	-8	-5
N3	173	160	156	-17	-4
N4	86	92	79	-7	-13
N5	375	314	234	-141	-80
N6	147	211	193	46	-18
N7	557	583	521	-36	-62
N8	320	336	257	-63	-79
N9	666	631	515	-151	-116
N10	75	44	26	-49	-18
Drug	1098	1261	1045	-53	-216
Total	3589	3715	3114	-475	-601

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

**Table 5: Comparison of Guideline New Commitments
Average Length of Sentence by Severity Level Offense
FY 2016, FY 2019 And FY 2020**

Severity Level & Offense	FY 2016	FY 2019	FY 2020	Difference Between 2016 & 2020 (Month)	Difference Between 2019 & 2020 (Month)
N1	275.3	320.3	246.8	-28.5	-73.5
N2	219.6	144.1	286.2	66.6	142.1
N3	103.6	108.8	109.1	5.5	0.3
N4	76.8	62.8	68.2	-8.6	5.4
N5	59.4	58.6	58.7	-0.7	0.1
N6	40.5	36.0	39.7	-0.8	3.7
N7	29.9	31.9	29.4	-0.5	-2.5
N8	18.4	17.5	18.9	0.5	1.4
N9	13.0	13.9	13.4	0.4	-0.5
N10	9.5	10.1	9.2	-0.3	-0.9
Drug	34.6	37.2	36.8	2.2	-0.4

Source: DOC admission file.

Table 6: Comparison between FY 2019 and FY 2020 Prison Admission Types by Male

Admission Type	2019	2020	Number Change	Percent Change
New Court Commitment	1746	1422	-324	-18.6%
Probation Condition Violator	1065	933	-132	-12.4%
Prison Sanction	866	205	-661	-76.3%
Probation Violator with New Sentence	313	234	-79	-25.2%
Probation Violator with New Conviction	56	49	-7	-12.5%
Parole/Post-release Condition Violator	956	731	-225	-23.5%
Parole/Post-release Violator with New Sentence	171	119	-52	-30.4%
Other	104	77	-27	-26.0%
Total Admission	5277	3770	-1507	-28.6%
End of Year Population	9123	8406	-717	-7.9%

Table 7: Comparison between FY 2019 and FY 2020 Prison Admission Types by Female

Admission Type	2019	2020	Number Change	Percent Change
New Court Commitment	236	165	-71	-30.1%
Probation Condition Violator	337	293	-44	-13.1%
Prison Sanction	320	79	-241	-75.3%
Probation Violator with New Sentence	42	50	8	19.0%
Probation Violator with New Conviction	12	26	14	116.7%
Parole/Post-release Condition Violator	135	61	-74	-54.8%
Parole/Post-release Violator with New Sentence	11	12	1	9.1%
Other	18	17	-1	-5.6%
Total Admission	1111	703	-408	-36.7%
End of Year Population	921	783	-138	-15.0%

Note: FY 2019 parole/postrelease condition violator included one conditional release condition violator.

Table 8: Comparative Analysis of Condition Parole/Post Release Supervision Violators Between FY 2019 and FY 2020

Law	Number of Admission				Average Length of Stay in Month			
	FY 2019	FY 2020	Change #	Change %	FY 2019	FY 2020	Change #	Change %
Guideline	1052	951	-101	-9.6%	4.2	5.3	1.1	26.2%
Pre-guideline	39	48	9	23.1%	40.0	29.6	-10.4	-26.0%
Total	1091	999	-92	-8.4%				

FY 2021 PRISON POPULATION PROJECTIONS

Table 9: FY 2021 Prison Population Projection by Offender Group

Offender Group	2020*	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	# Change	% Change
Drug	1475	1396	1395	1429	1428	1449	1452	1472	1479	1465	1479	4	0.3%
N1 to N3	2494	2532	2526	2560	2556	2594	2623	2644	2665	2663	2681	187	7.5%
N4 to N6	1609	1666	1592	1553	1490	1490	1505	1512	1490	1488	1528	-81	-5.0%
N7 to N10	761	758	754	806	820	847	867	866	888	862	896	135	17.7%
Sanction	1	11	0	0	0	0	0	0	0	0	0	-1	-100.0%
Probation Condition Violators	1045	891	1031	1140	1243	1328	1355	1366	1369	1402	1402	357	34.2%
Offgrid Including Old Law Lifer	1440	1446	1452	1463	1472	1469	1461	1487	1484	1494	1484	44	3.1%
Parole/Post Release Violators	258	88	92	85	89	94	90	88	81	95	99	-159	-61.6%
Old Law Inmates	106	92	78	65	57	46	36	29	23	19	15	-91	-85.8%
Total	9189	8880	8920	9101	9155	9317	9389	9464	9479	9488	9584	395	4.3%

* Actual prison population on June 30, 2020.

Figure 1: Kansas Prison Population - Actual and Projected

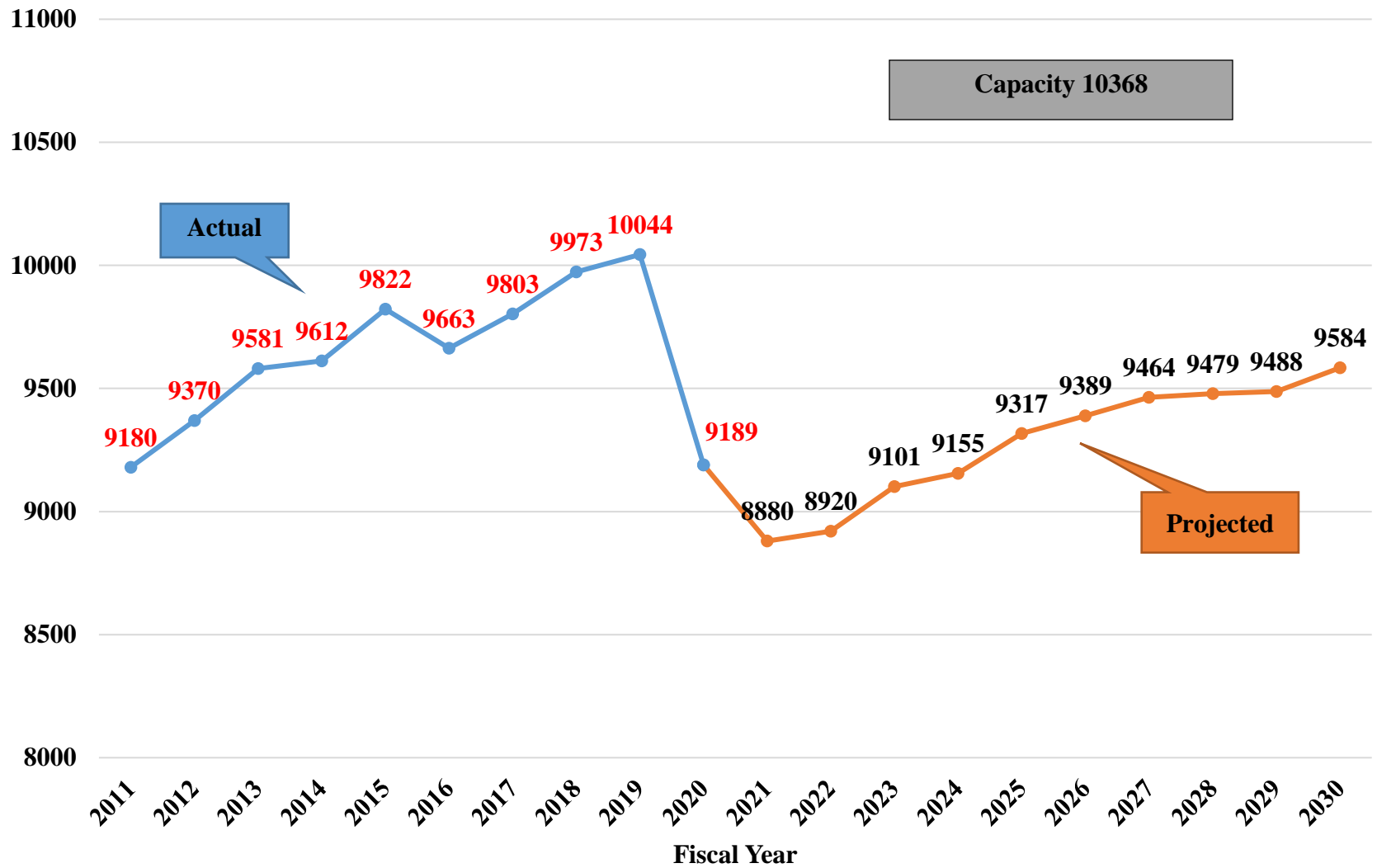


Figure 2: Male Prison Population - Actual and Projected

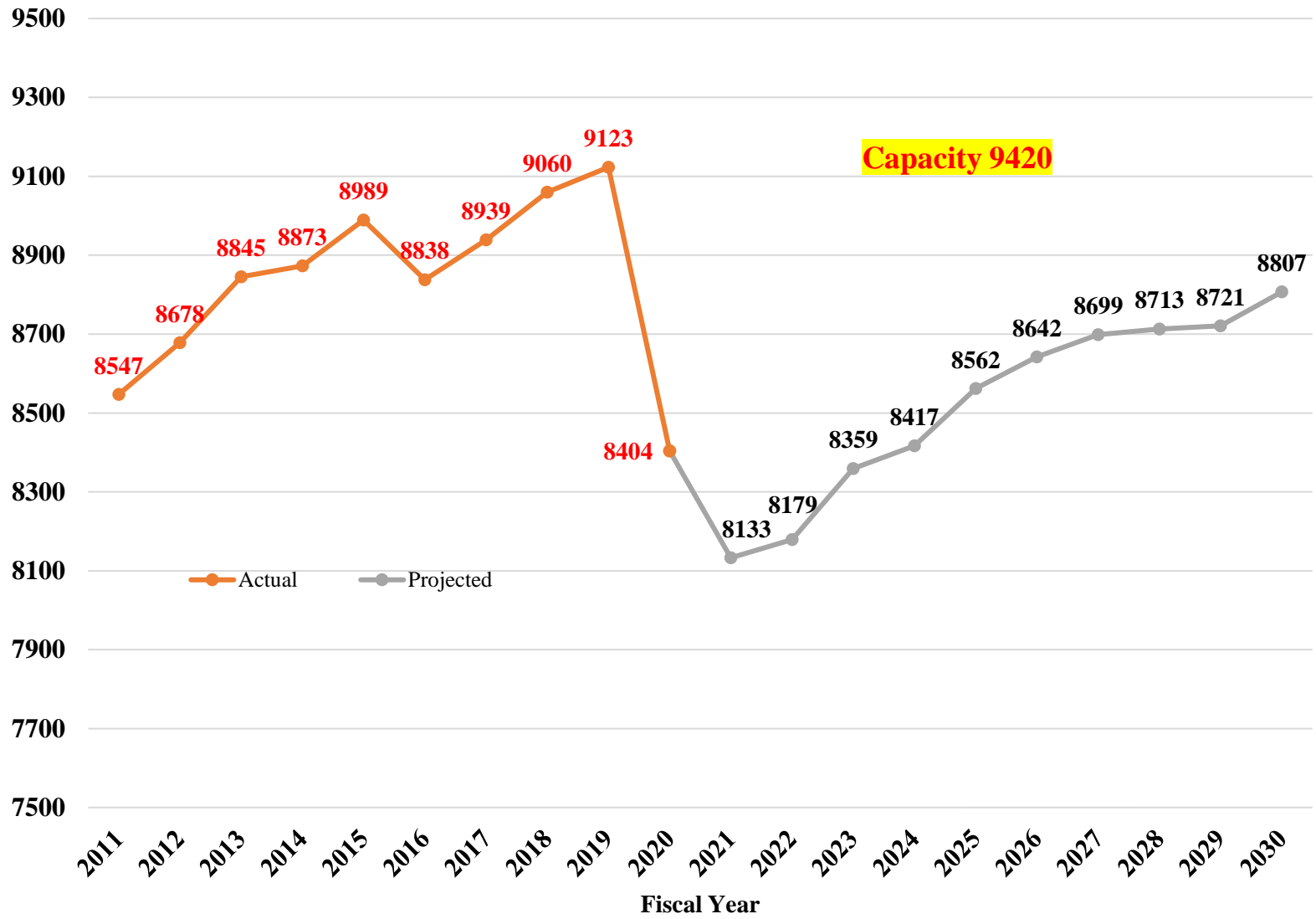


Figure 3: Female Prison Population - Actual and Projected

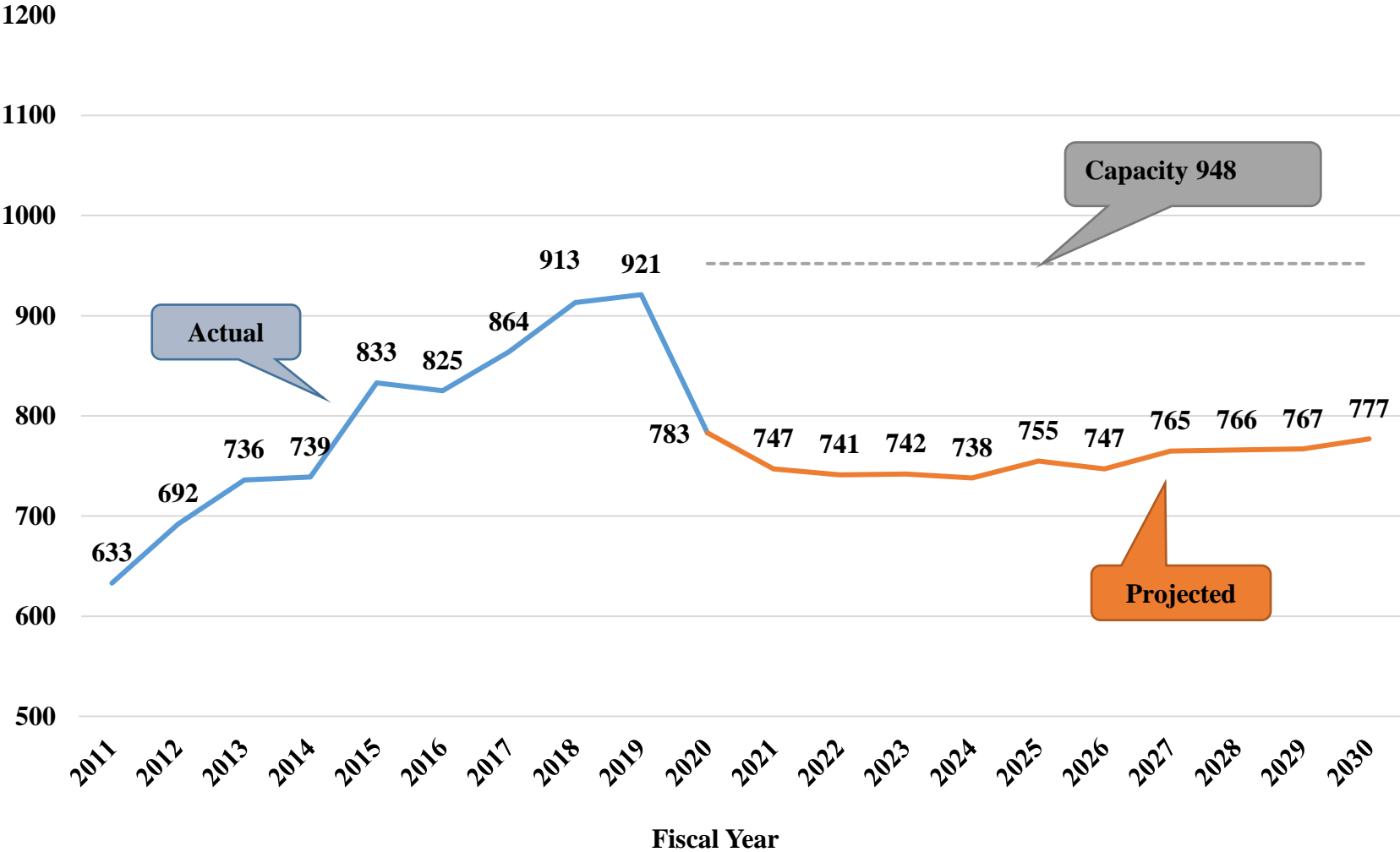
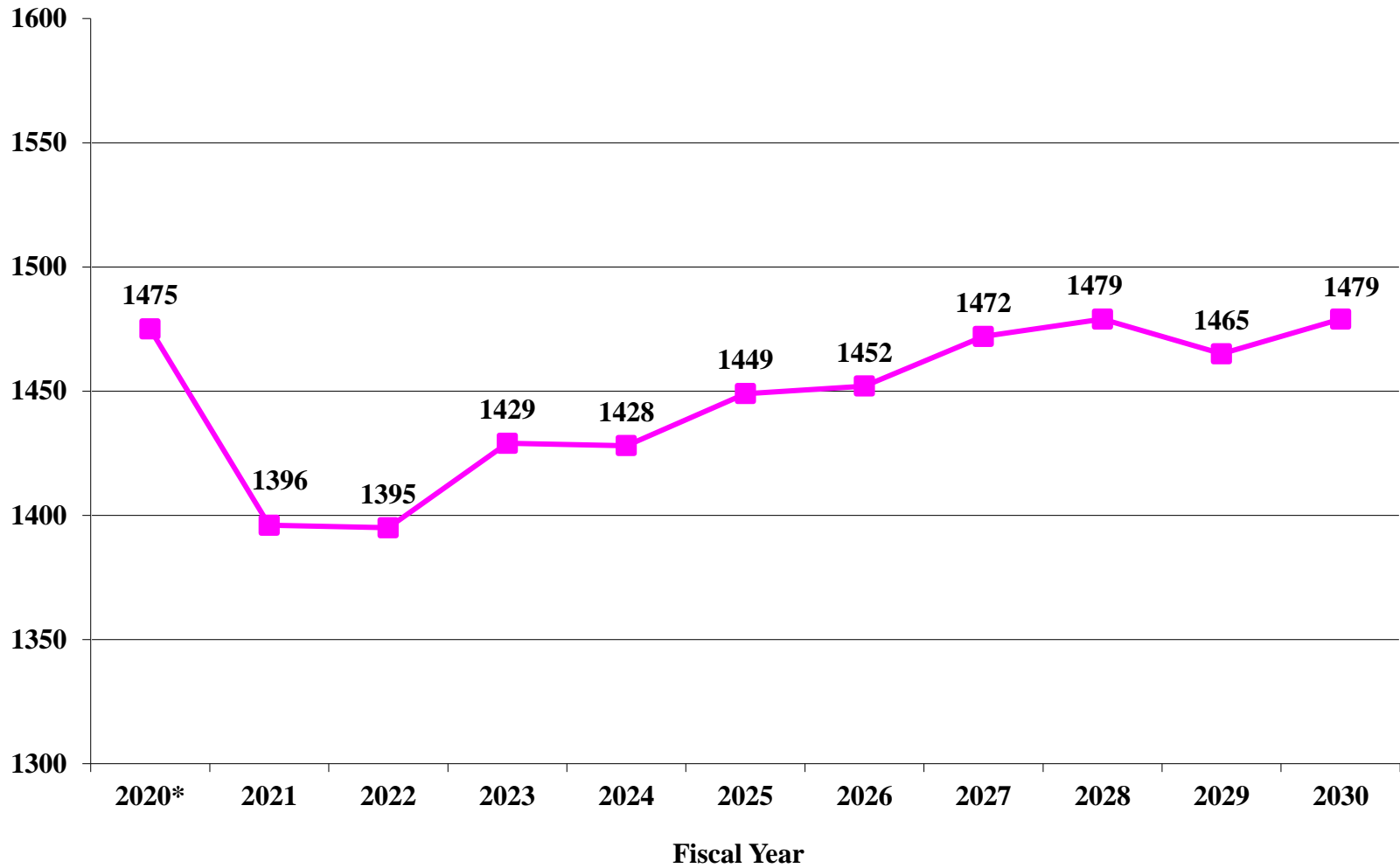
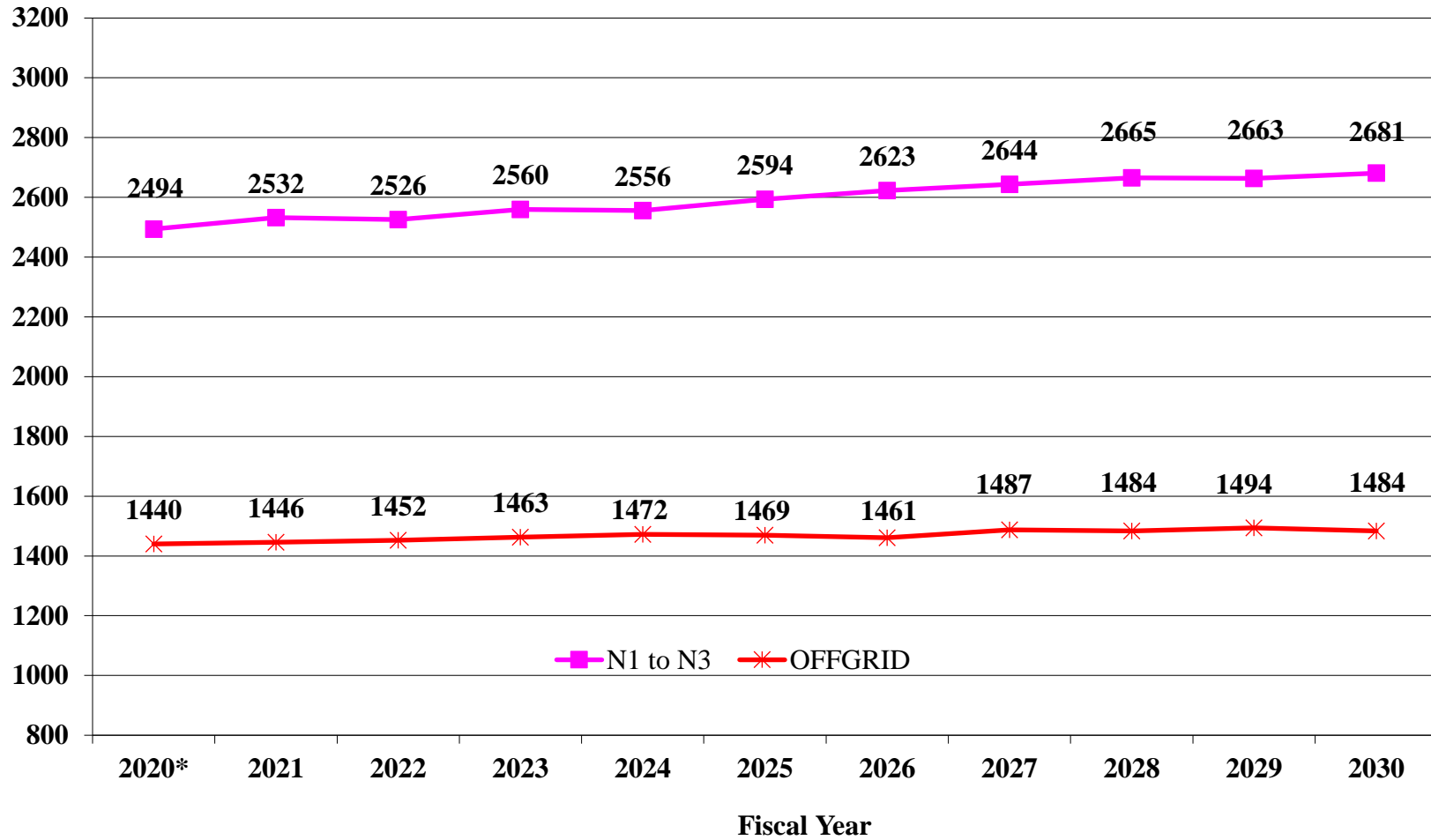


Figure 4: Projected Drug Inmate Prison Population



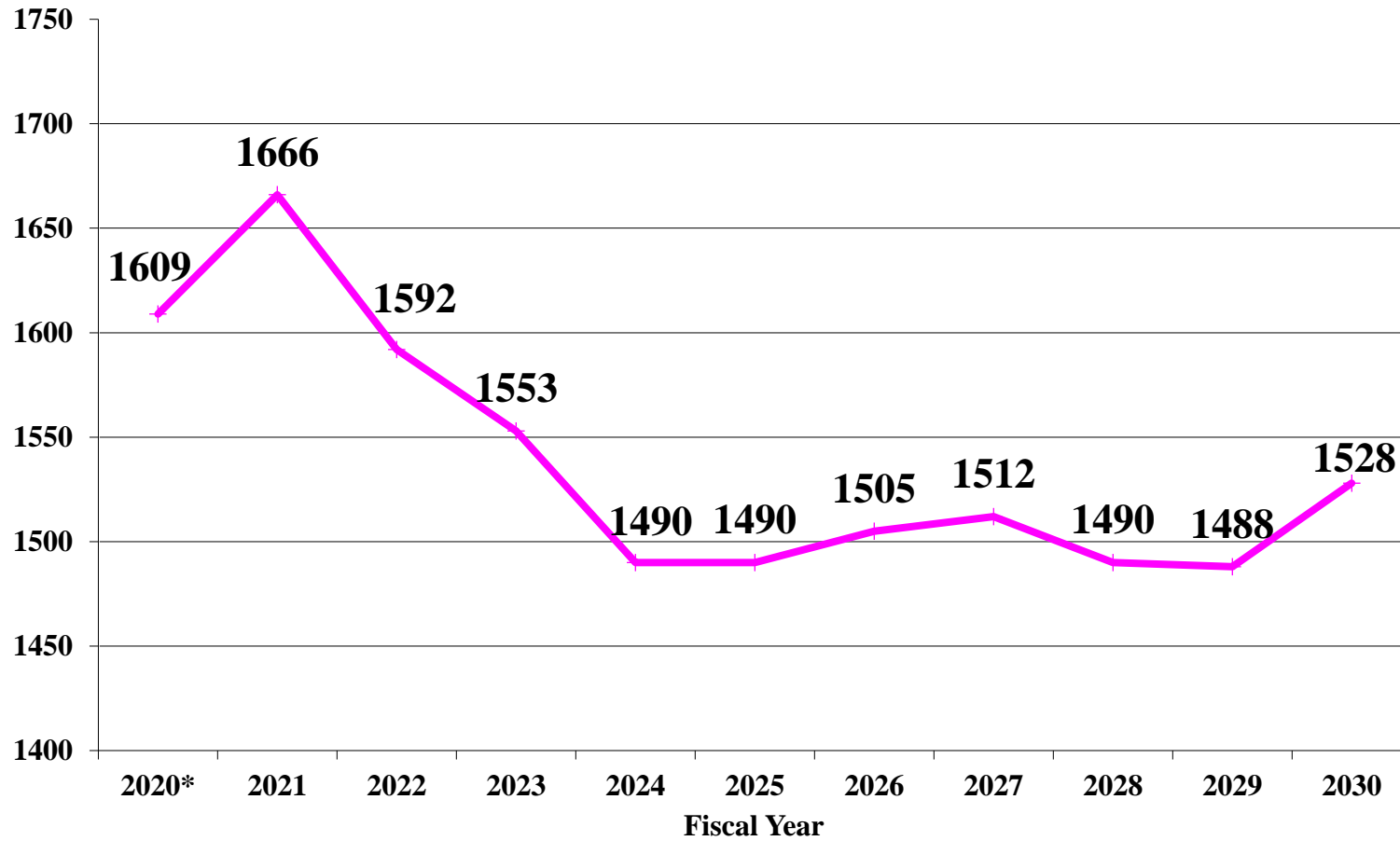
* Actual prison population on June 30, 2020.
This group accounts for 13.7% of the total projected prison population in FY 2030.

Figure 5: Projected Violent Inmate Prison Population



* Actual prison population on June 30, 2020.
 This group accounts for 38.5% of the total projected prison population in FY 2030.

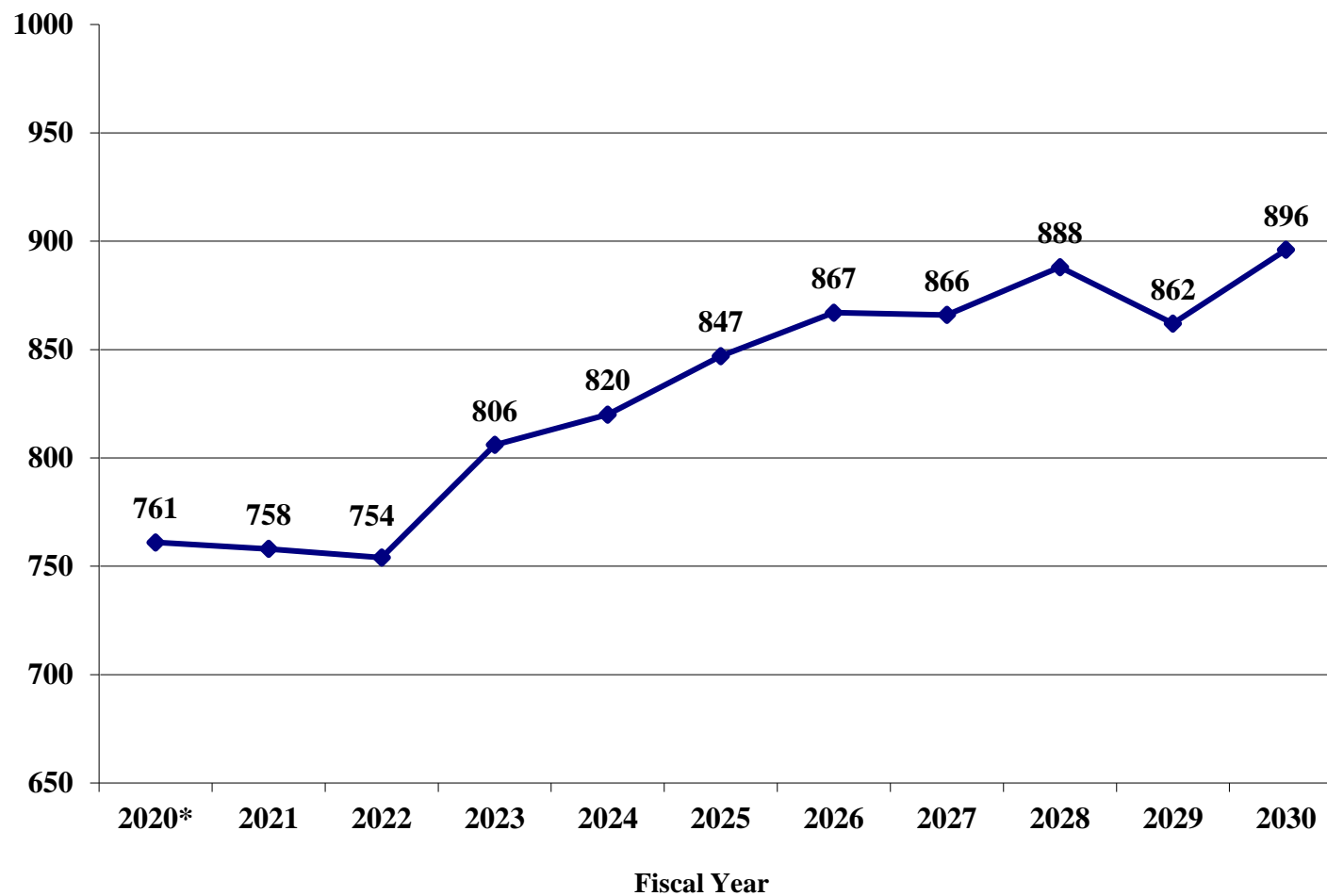
Figure 6: Projected N4-N6 Inmate Prison Population



* Actual prison population on June 30, 2020.

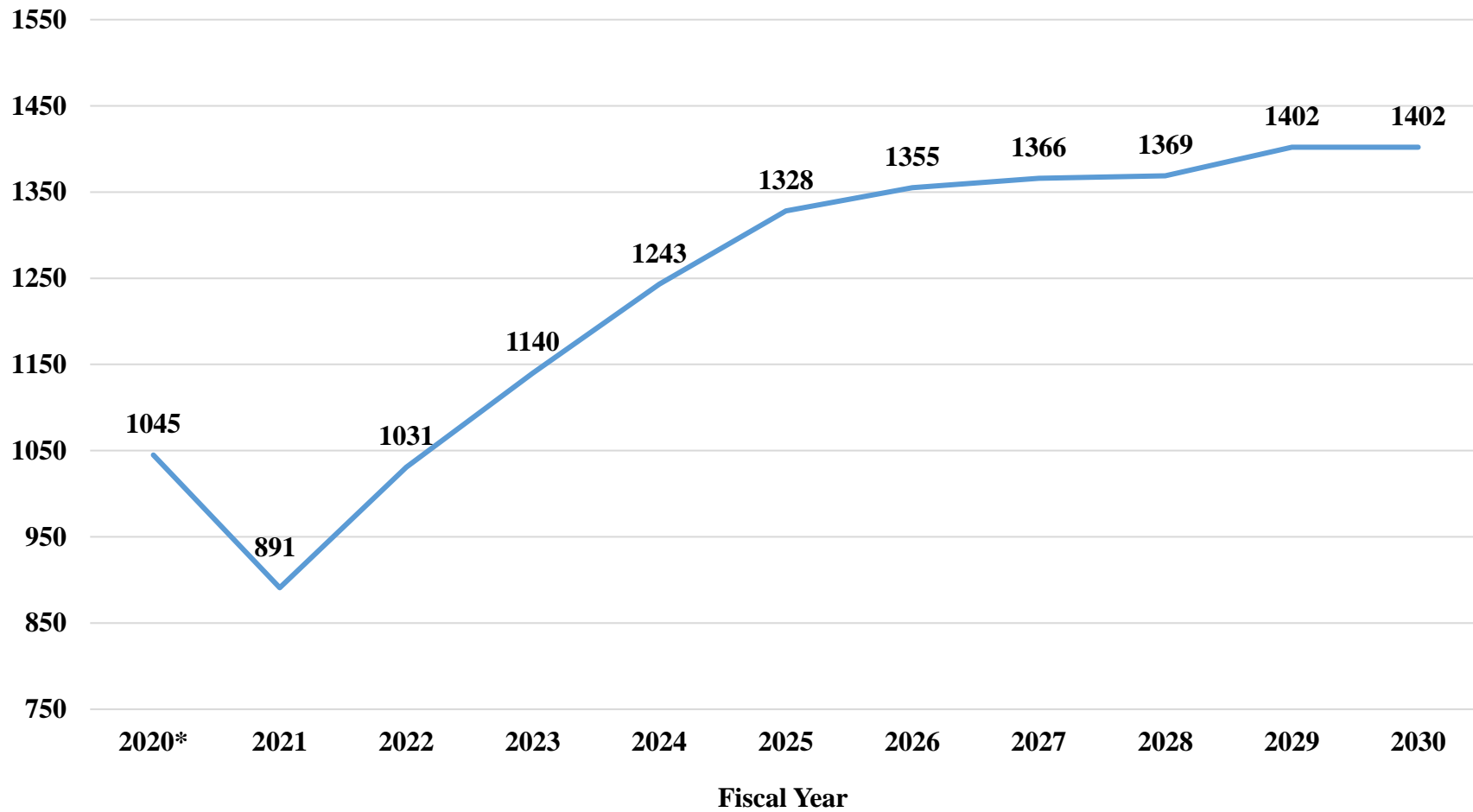
This group accounts for 14.1% of the total projected prison population in FY 2030.

Figure 7: Projected Nonviolent Inmate Prison Population



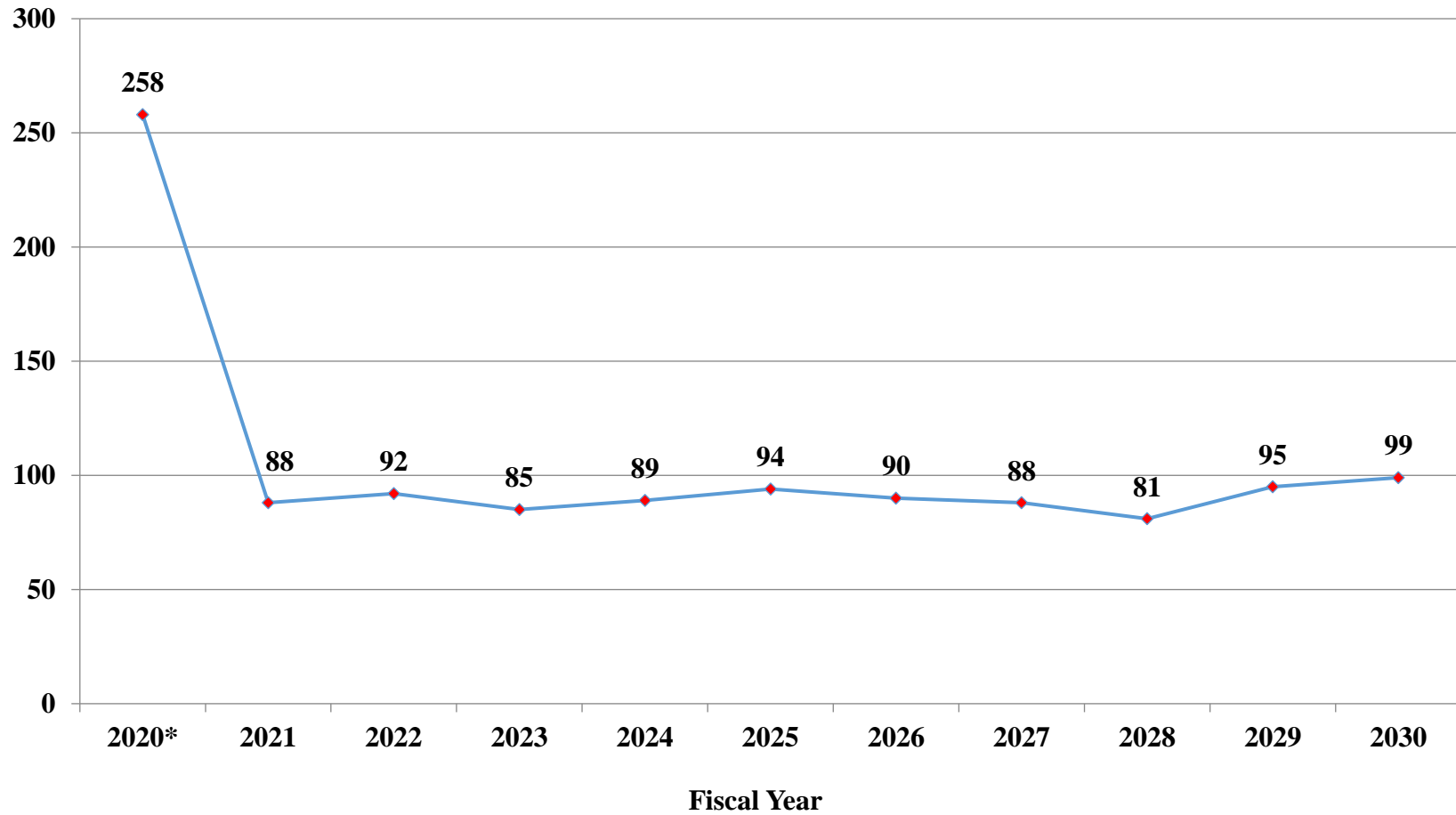
* Actual prison population on June 30, 2020.
This group accounts for 8.3% of the total projected prison population in FY 2030.

Figure 8: Projected Probation Condition Violator Inmate Population



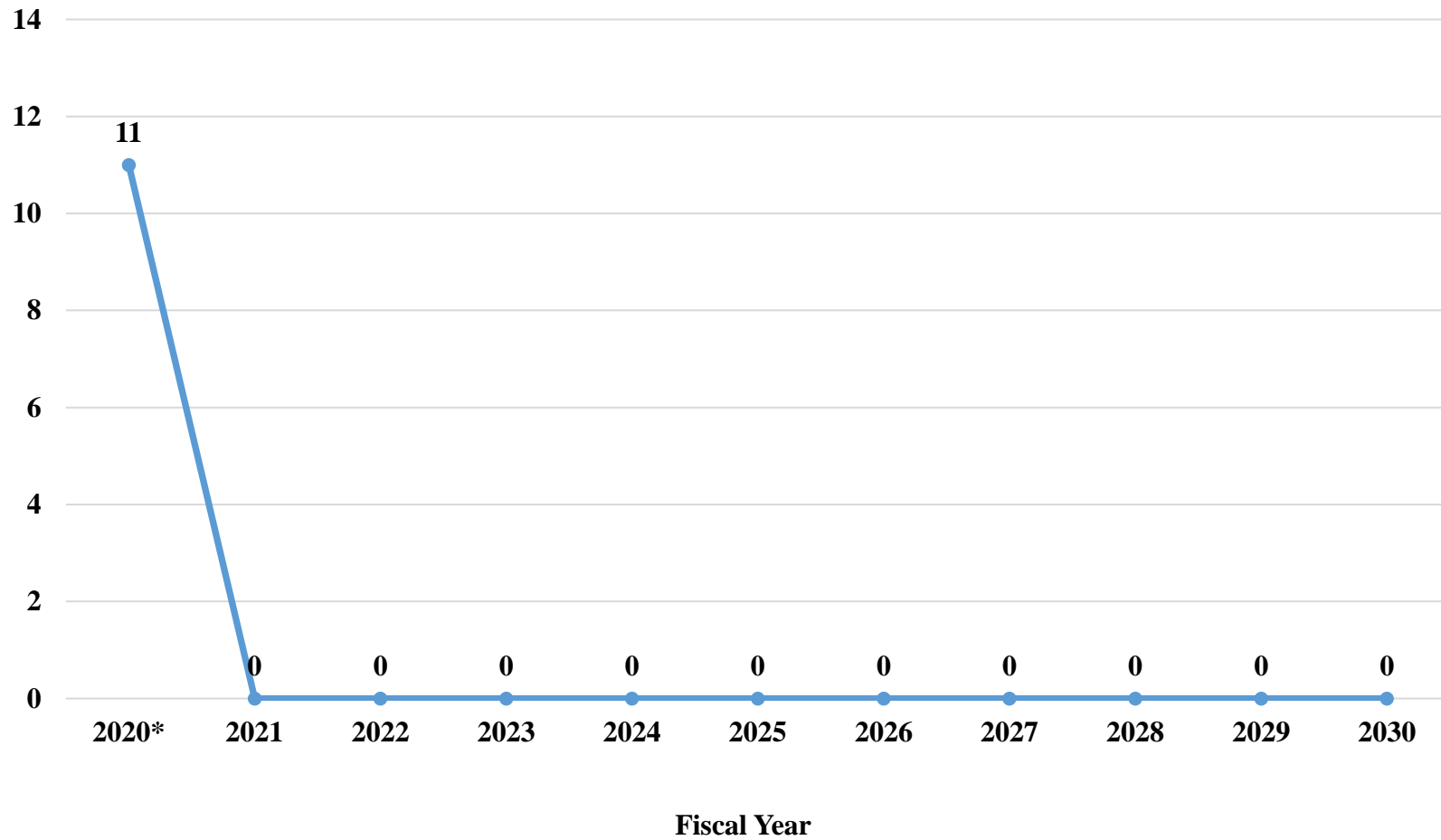
* Actual prison population on June 30, 2020.
This group accounts for 13.0% of the total projected prison population in FY 2030.

Figure 9: Projected Parole/Postrelease Condition Violator Inmate Population



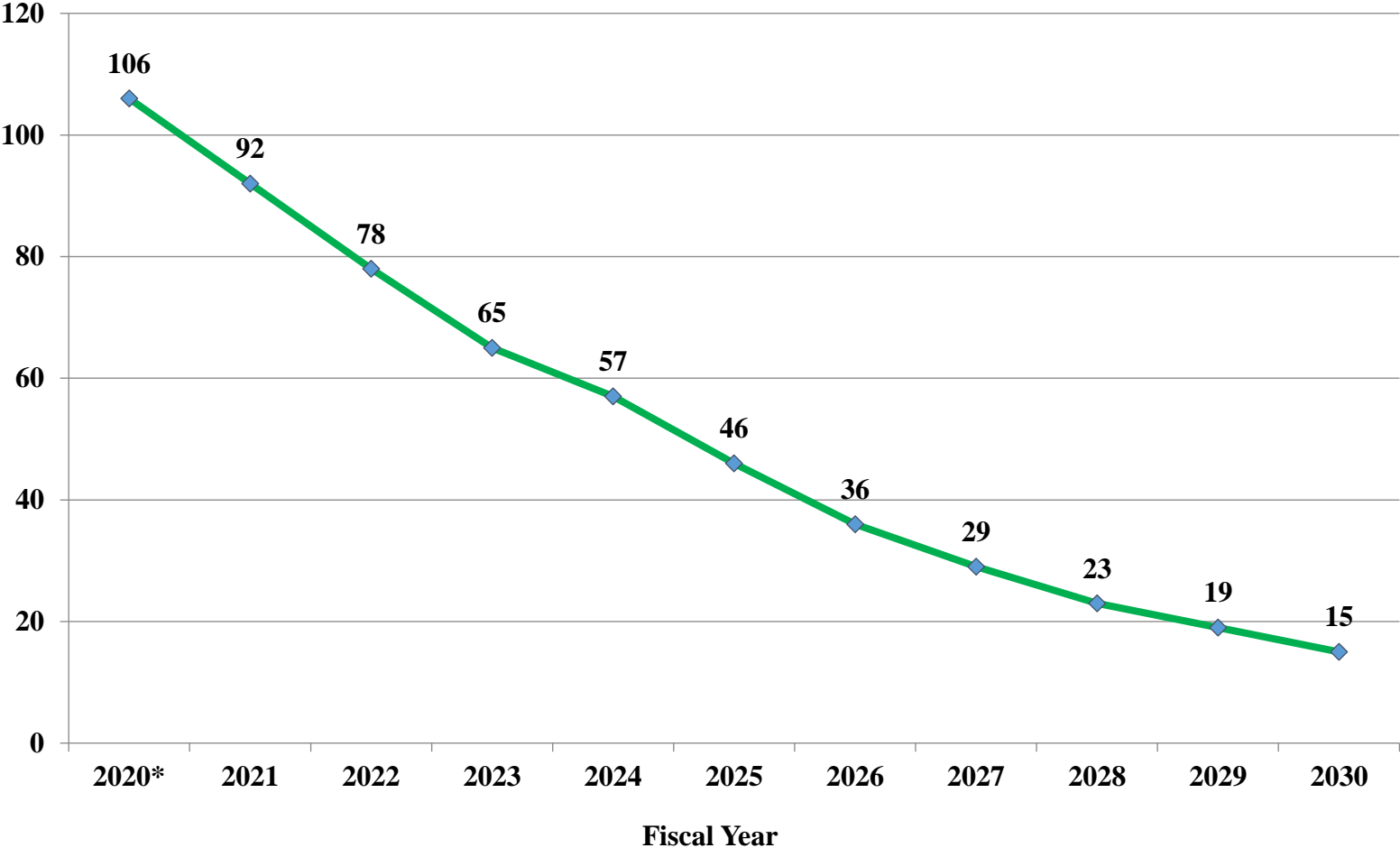
* Actual prison population on June 30, 2020.
This group accounts for 0.9% of the total projected prison population in FY 2030.

Figure 10: Projected Prison Sanction Inmate Population



* Actual prison population on June 30, 2020.
This group accounts for 0.0% of the total projected prison population in FY 2030.

Figure 11: Projected Old Law (Exclude Offgrid) Inmate Population



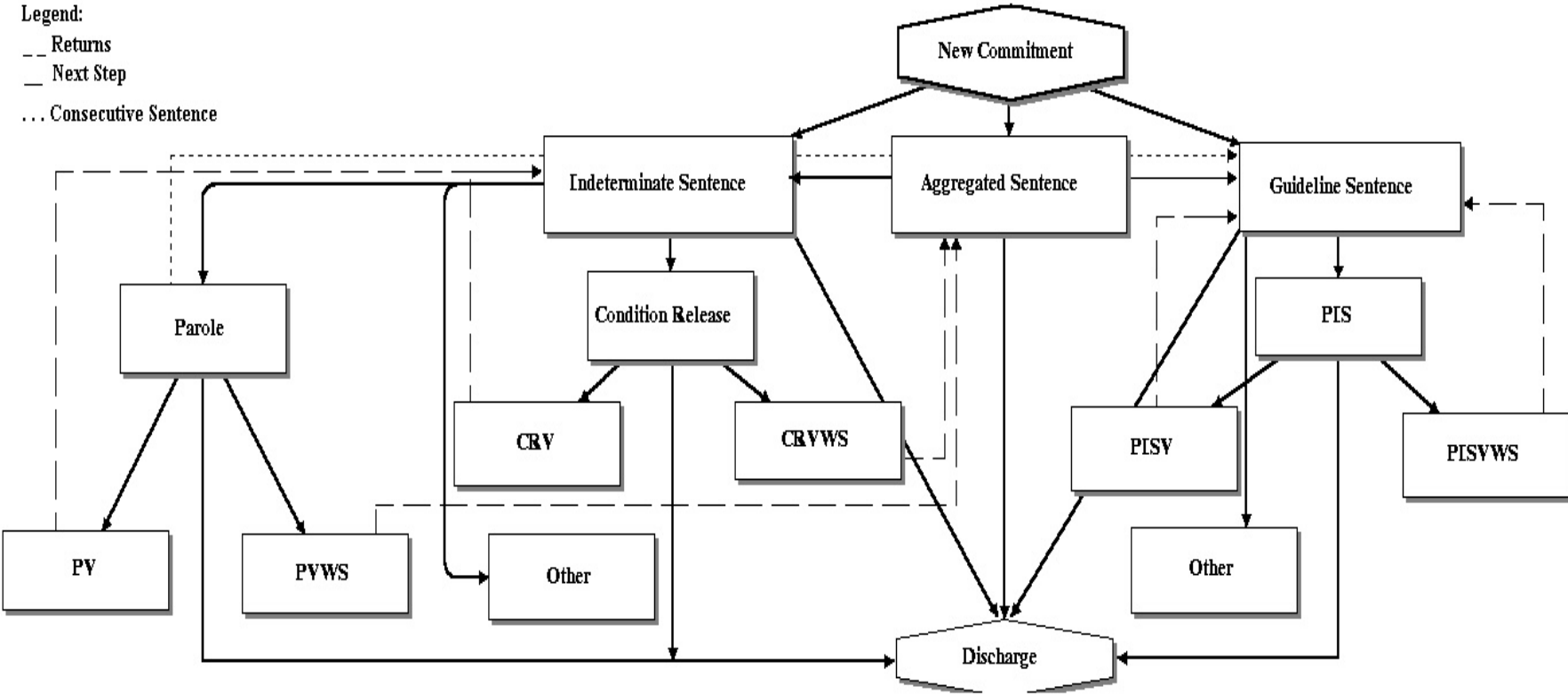
* Actual prison population on June 30, 2020.
This group accounts for 0.1% of the total projected prison population in FY 2030.

ATTACHMENT A - KANSAS PRISONER MOVEMENT SIMULATION MODEL

Kansas Prison Inmate Movement Simulation Model

Legend:

- Returns
- Next Step
- ... Consecutive Sentence



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

**Table 10: Prison Population Monthly Monitoring Report
FY 2020 Model**

Month/Year	Projected	Actual	Difference	Percent Error
July 2019	10048	10036	12	0.12%
August 2019	10035	9986	49	0.49%
September 2019	10010	10000	10	0.10%
October 2019	10033	10054	-21	-0.21%
November 2019	10053	9989	64	0.64%
December 2019	10030	9997	33	0.33%
January 2020	10048	10003	45	0.45%
February 2020	10071	10009	62	0.62%
March 2020	10130	10031	99	0.99%
April 2020*	10135	9758	377	3.86%
May 2020*	10167	9449	718	7.60%
June 2020*	10174	9189	985	10.72%

* Due to COVID-19.

**Table 11: Male Prison Population Monthly Monitoring Report
FY 20 Model**

Month/Year	Projected	Actual	Difference	Percent Error
July 2019	9127	9123	4	0.04%
August 2019	9114	9084	30	0.33%
September 2019	9119	9089	30	0.33%
October 2019	9118	9130	-12	-0.13%
November 2019	9137	9084	53	0.58%
December 2019	9111	9099	12	0.13%
January 2020	9127	9115	12	0.13%
February 2020	9145	9096	49	0.54%
March 2020	9181	9115	66	0.72%
April 2020*	9187	8876	311	3.50%
May 2020*	9210	8615	595	6.91%
June 2020*	9227	8406	821	9.77%

* Due to COVID-19.

**Table 12: Female Prison Population Monthly Monitoring REPORT
FY 2020 Model**

Month/Year	Projected	Actual	Difference	Percent Error
July 2019	921	913	8	0.88%
August 2019	921	902	19	2.11%
September 2019	891	911	-20	-2.20%
October 2019	915	924	-9	-0.97%
November 2019	916	905	11	1.22%
December 2019	919	898	21	2.34%
January 2020	921	888	33	3.72%
February 2020	926	913	13	1.42%
March 2020	949	916	33	3.60%
April 2020*	948	882	66	7.48%
May 2020*	957	834	123	14.75%
June 2020*	947	783	164	20.95%

* Due to COVID-19.

ATTACHMENT C - TREND ANALYSES

**Table 13: Five Year Prison Admission Trend by Admission Type
FY 2016 Through FY 2020**

Admission Type	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	% Change FY 2016-FY 2020	% Change FY 2019-FY 2020
New Court Commitment	1986	2071	2019	1982	1587	-20.1%	-19.9%
Probation Condition Violator	1180	1229	1458	1402	1226	3.9%	-12.6%
Probation Prison Sanction	1003	1192	1197	1186	284	-71.7%	-76.1%
Probation Violator with New Sentence	331	340	302	355	284	-14.2%	-20.0%
Probation Violator with New Conviction	188	182	149	68	75	-60.1%	10.3%
Inmate Received on Interstate Compact	15	6	6	4	4	-73.3%	0.0%
Parole/Post-release/CR Condition Violator	1237	1201	1082	1091	792	-36.0%	-27.4%
Parole/Post-release/CR Violator with New Sentence*	146	196	213	182	134	-8.2%	-26.4%
Paroled to Detainer Returned with New Sentence	29	28	33	19	36	24.1%	89.5%
Non-Violator Return- New Sentence	49	48	73	83	50	2.0%	-39.8%
Non-Violator Return- No New Sentence	0	4	10	16	1	0.0%	-93.8%
Total	6164	6497	6542	6388	4473	-27.4%	-30.0%

Source: DOC admission files.

* Parole/postrelease/CR violator with new sentence in FY 2019 included one CR violator pending new sentence.

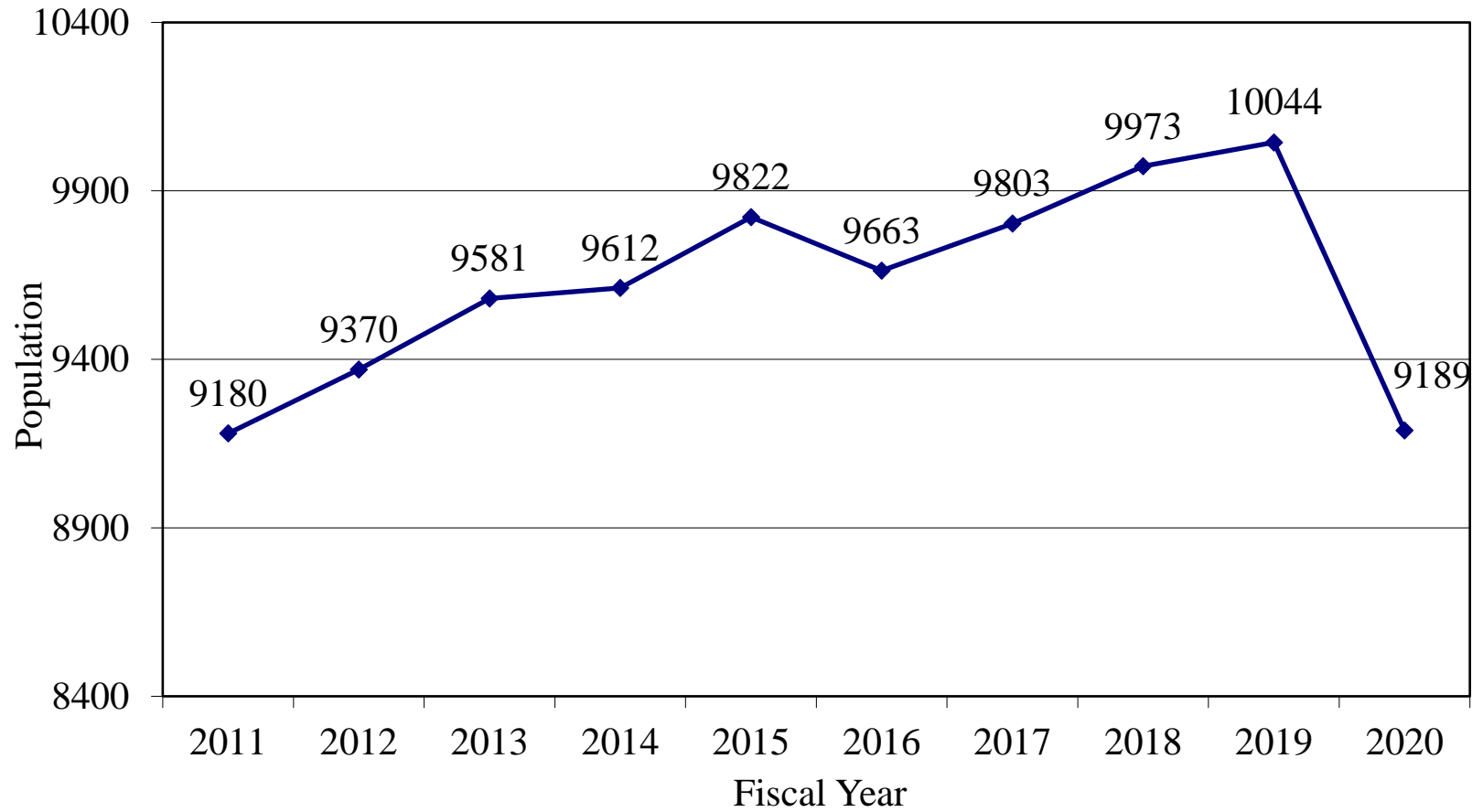
**Table 14: Comparative Analysis on Admission Type by Percentage Distribution
FY 2016 Through FY 2020**

Admission Type	FY 2016		FY 2017		FY 2018		FY 2019		FY 2020	
	N	%	N	%	N	%	N	%	N	%
New Court Commitment	1986	32.2	2071	31.9	2019	30.9	1982	31.0	1587	35.5
Probation Condition Violator	1180	19.1	1229	18.9	1458	22.3	1402	21.9	1226	27.4
Sanction from Probation	1003	16.3	1192	18.3	1197	18.3	1186	18.6	284	6.3
Probation Violator with New Sentence	331	5.4	340	5.2	302	4.6	355	5.6	284	6.3
Probation Violator with New Conviction	188	3.0	182	2.8	149	2.3	68	1.1	75	1.7
Inmate Received on Interstate Compact	15	0.2	6	0.1	6	0.1	4	0.1	4	0.1
Parole/Post-release/CR Condition Violator	1237	20.1	1201	18.5	1082	16.5	1091	17.1	792	17.7
Parole/Post-release/CR Violator with New Sentence*	146	2.4	196	3.0	213	3.2	182	2.8	134	3.0
Paroled to Detainer Returned with New Sentence	29	0.5	28	0.4	33	0.5	19	0.3	36	0.8
Non-Violator Return- New Sentence	49	0.8	48	0.7	73	1.0	83	1.3	50	1.1
Non-Violator Return- No New Sentence	0	0.0	4	0.1	10	0.2	16	0.2	1	0.0
Total	6164	100	6497	100	6542	100	6388	100	4473	100

Source: DOC admission files.

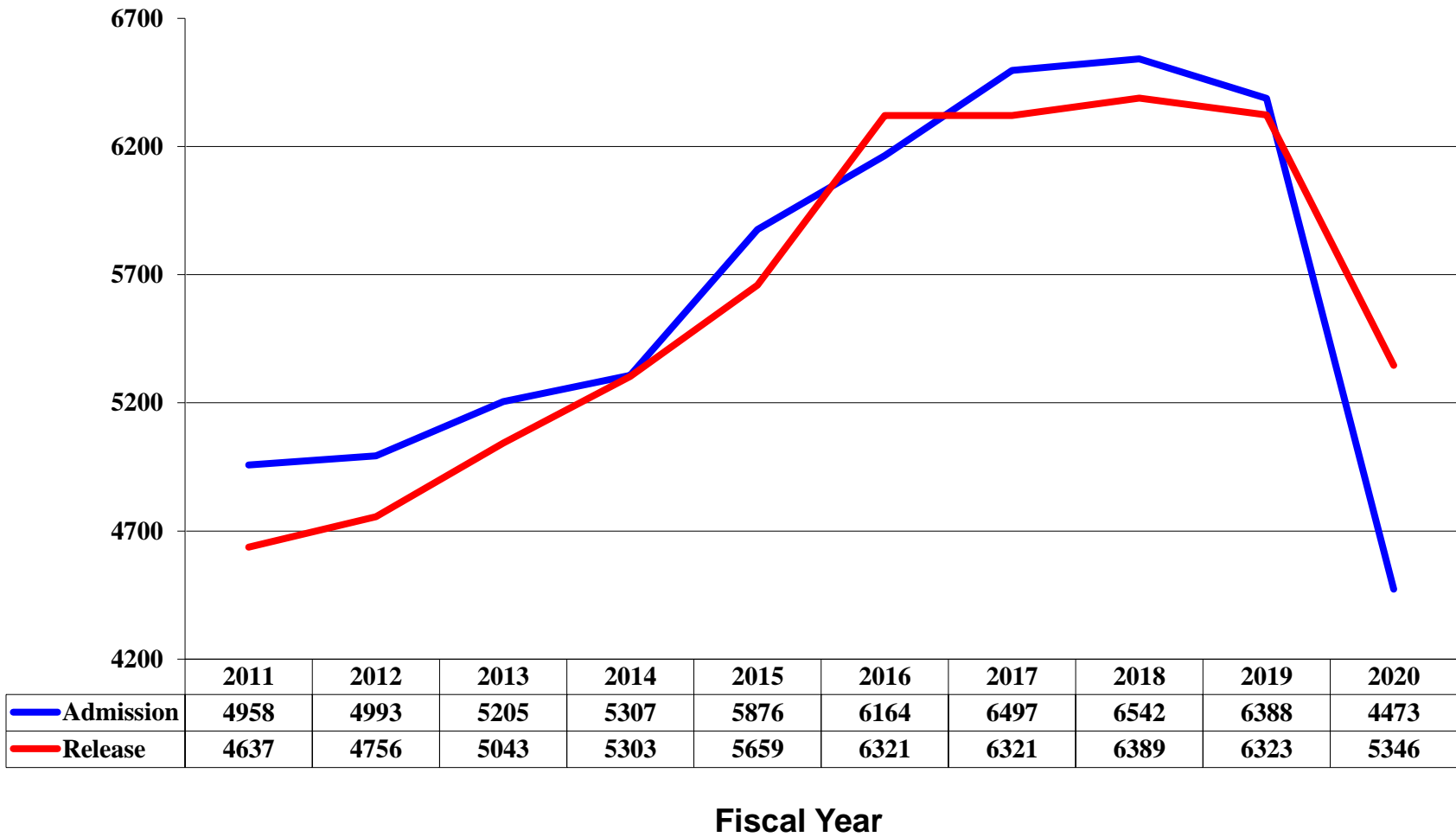
* Parole/postrelease/CR violator with new sentence in FY 2018 included one CR violator pending new sentence.

Figure 12: Prison Population Trends



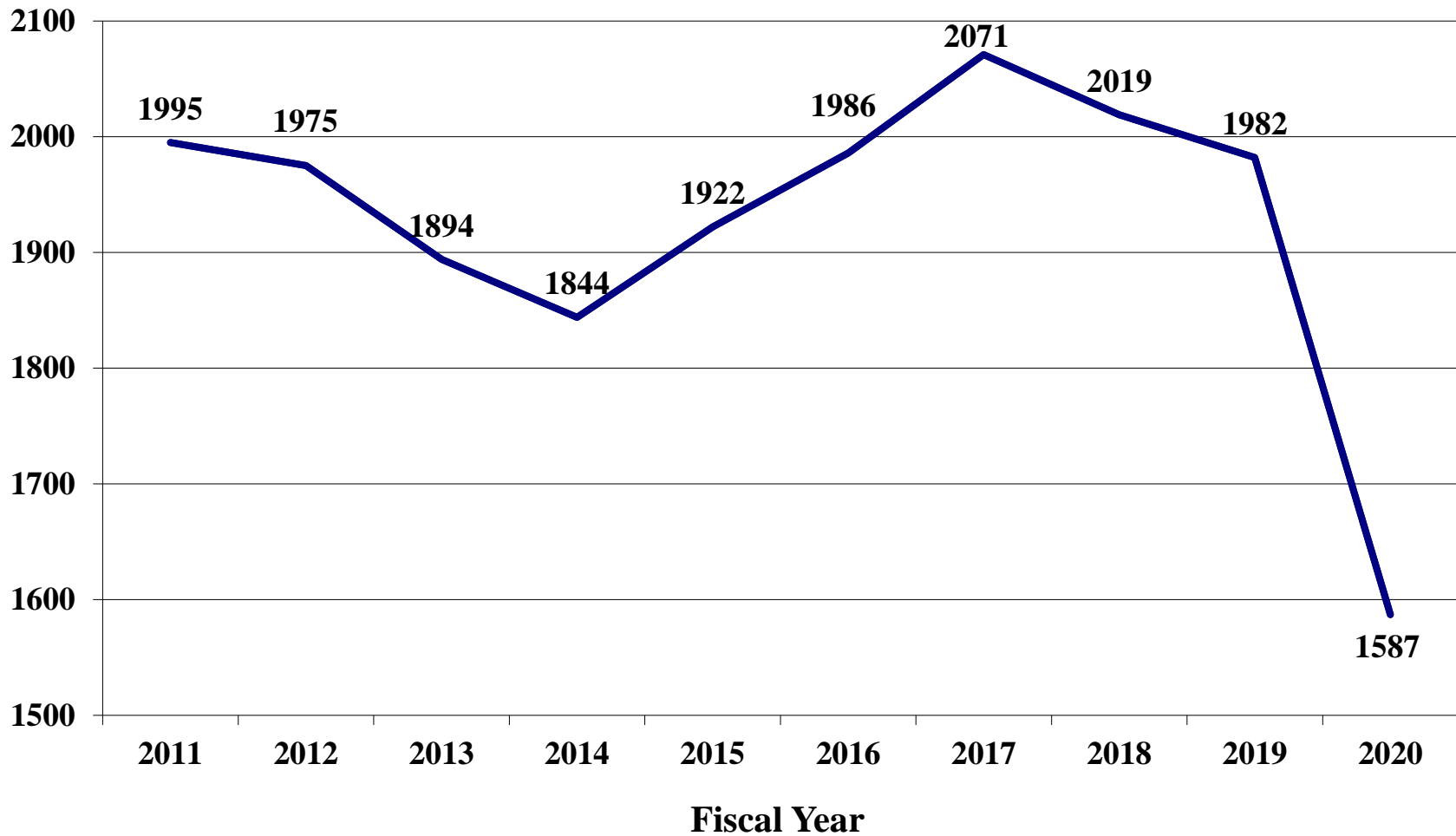
Note: The large decrease in FY 2020 was due to the COVID-19.

Figure 13: Prison Admissions and Releases



Source: KDOC admission and release files

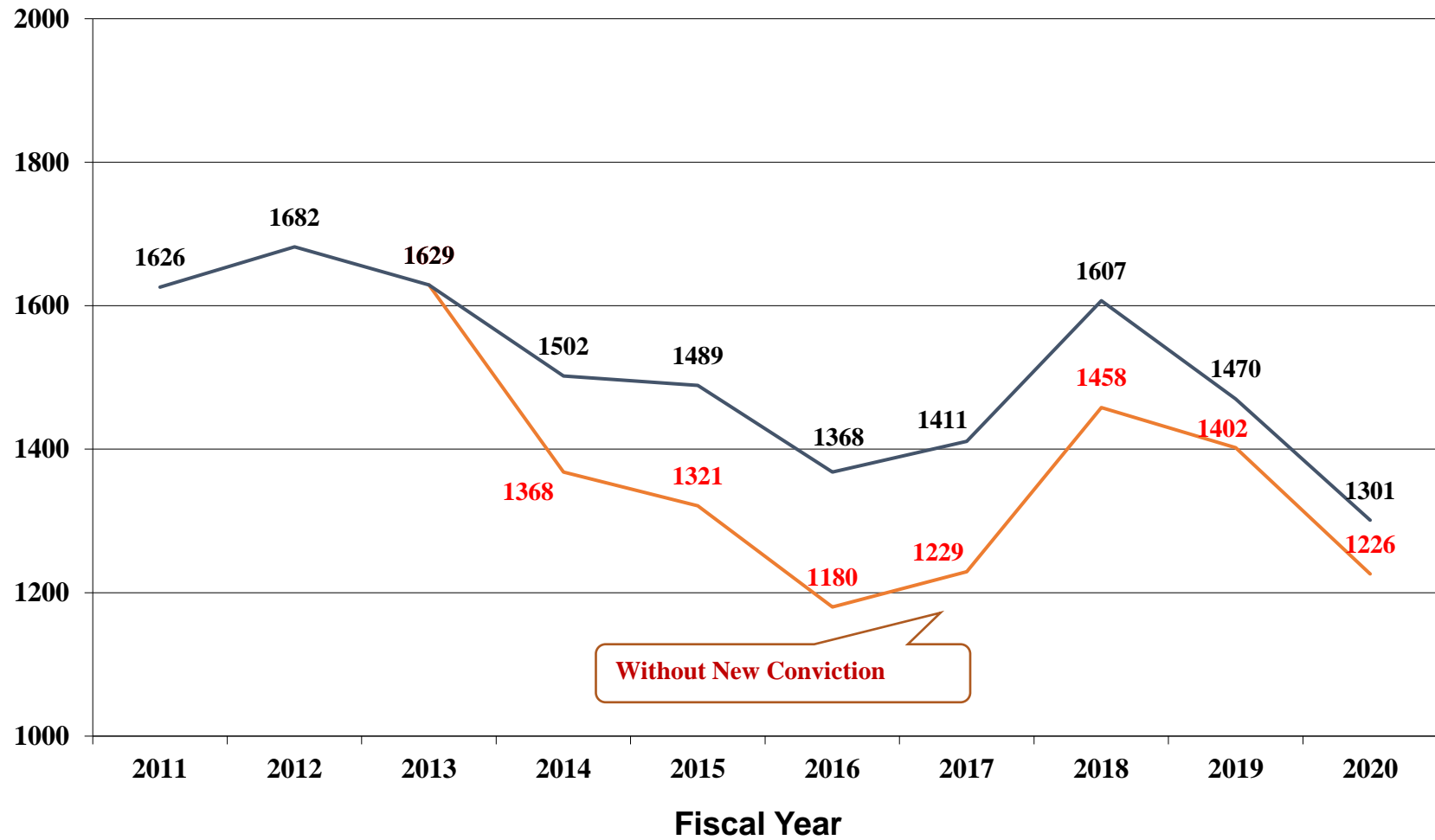
Figure 14: Direct New Court Commitments



Source: KDOC admission files

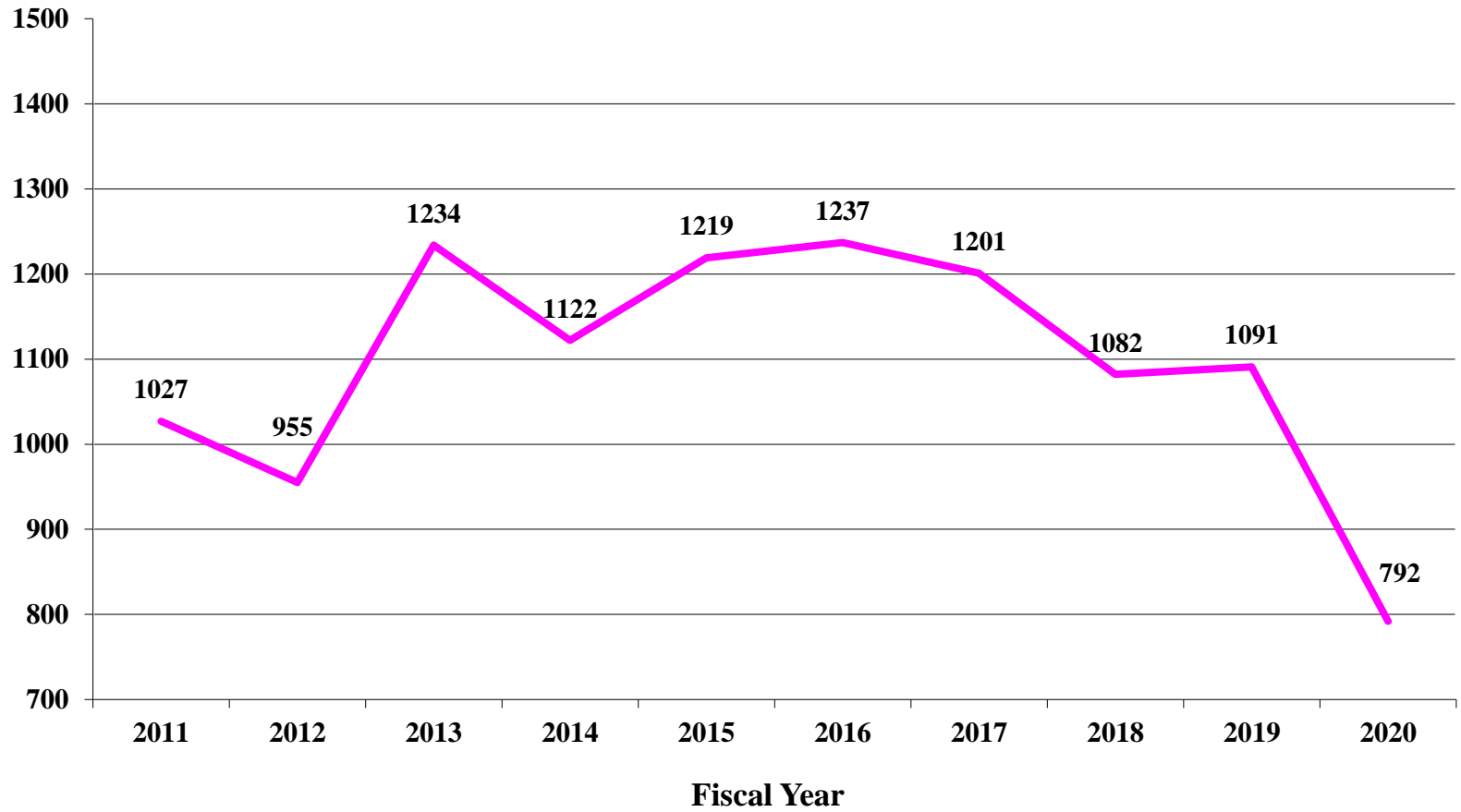
Note: FY 2020 Numbers low due to Covid-19 pandemic

Figure 15: Probation Condition Violators



Note: New conviction has been separated from probation condition violators since FY 2014.

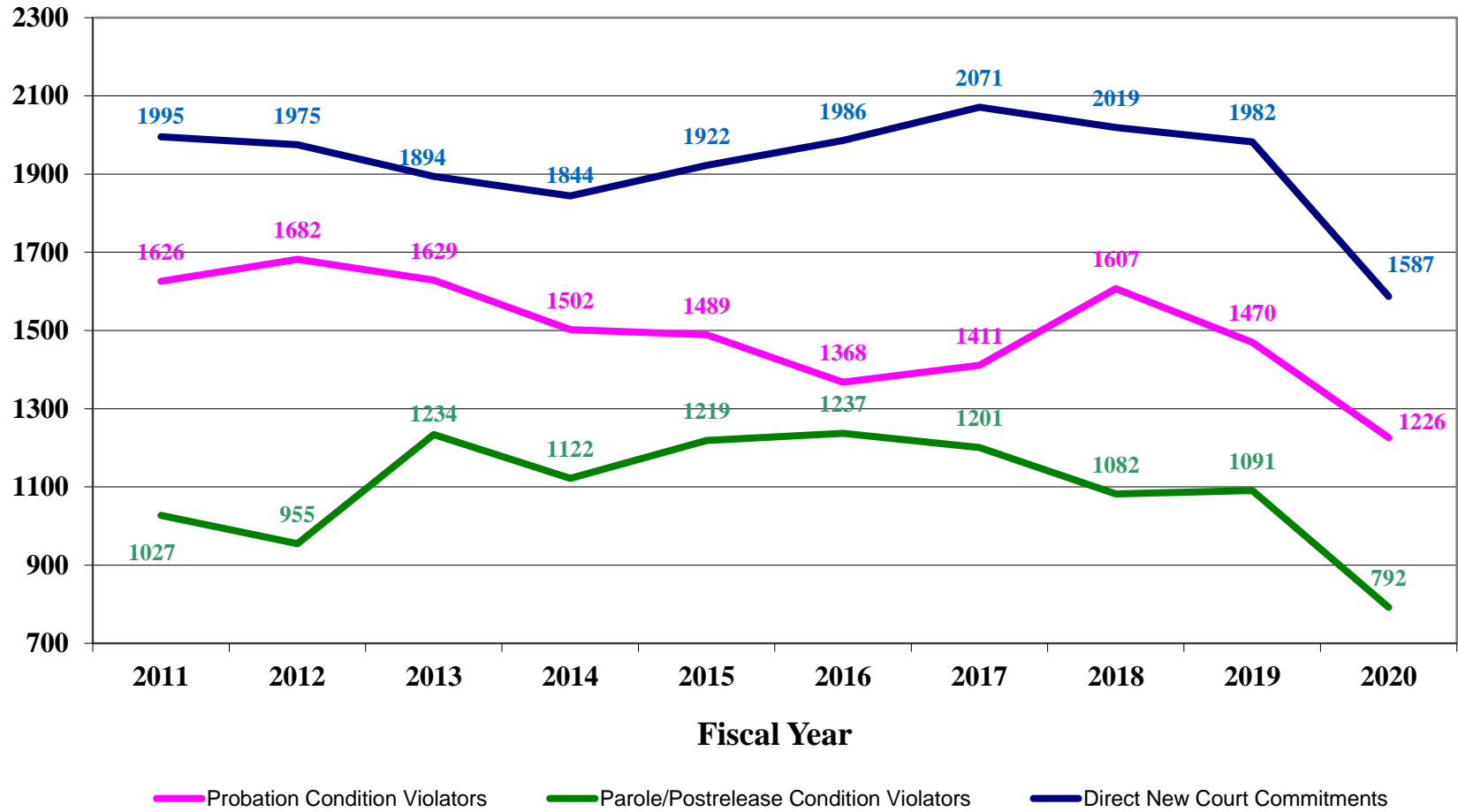
Figure 16: Parole/Postrelease Condition Violators



Source: KDOC admission files

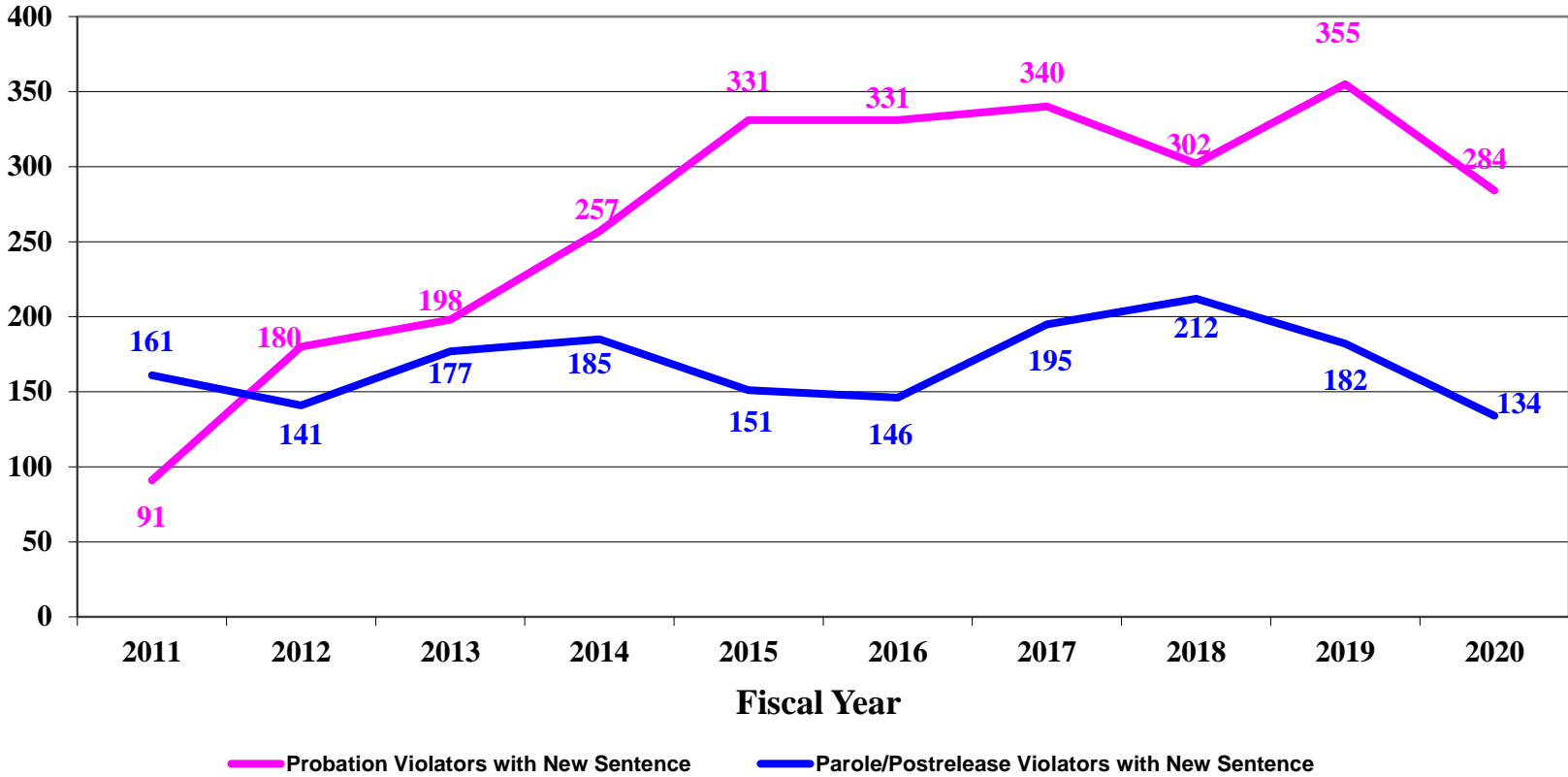
Note: Including condition conditional-release violators

Figure 17: Admissions by Three Major Types



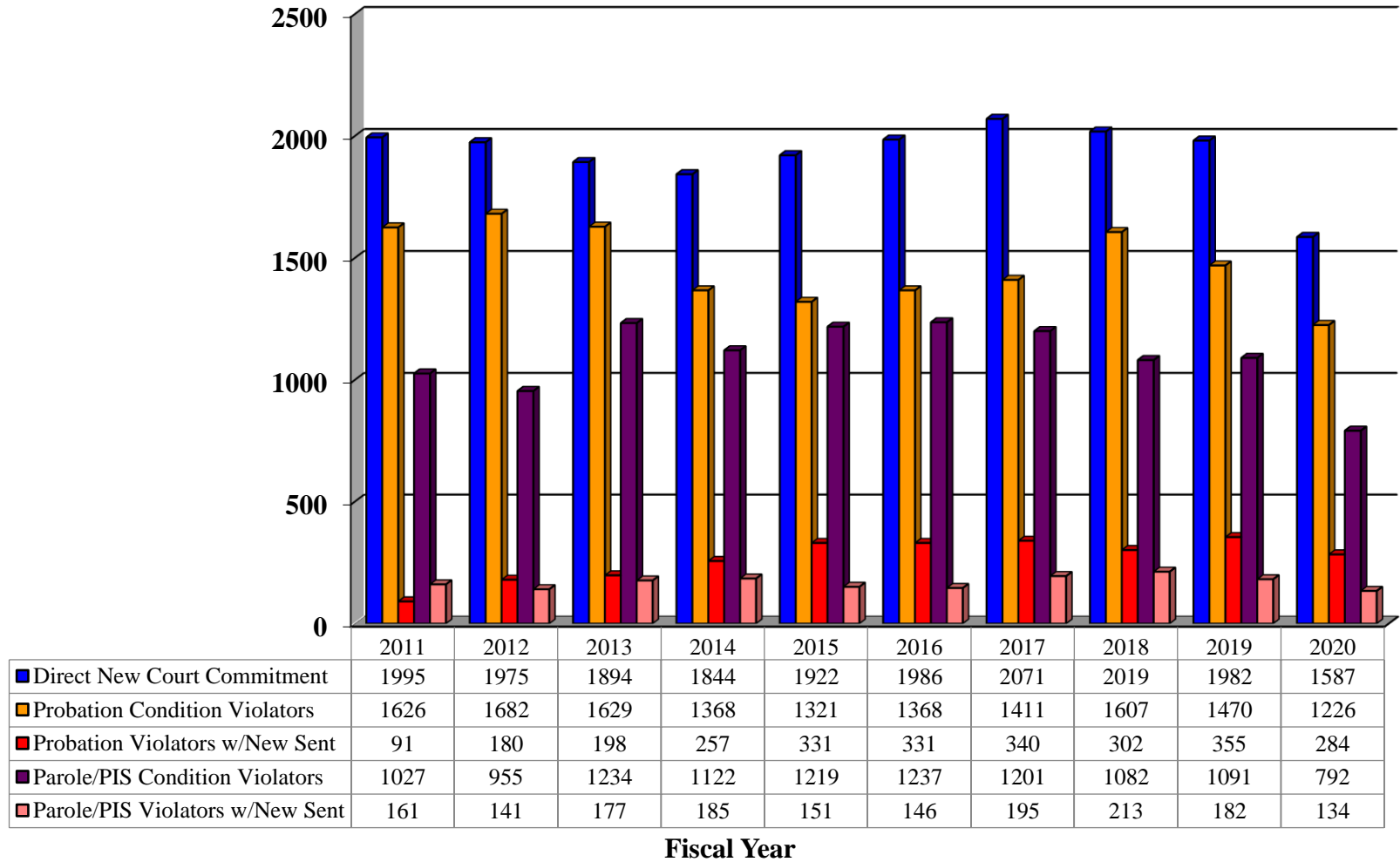
Note: FY 2014 through FY 2020 probation condition violators include probation violators with new conviction.

Figure 18: Probation and Parole/Postrelease Violators with New Sentence



Source: KDOC admission files.
 Note: KDOC has changed probation violator with new sentence coding policy since FY 2011.

Figure 19: Ten Year Prison Admission Trends by Admission Types



Source: KDOC admission files

ATTACHMENT D - GUIDELINE SENTENCING GRIDS

Table 15: Sentencing Range - Nondrug Offenses

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

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

LEGEND
Presumptive Probation
Border Box
Presumptive Imprisonment

Table 16: Sentencing Range - Drug Offenses

Categories→	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felony	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor 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	144 136 130	137 130 122	130 123 117	124 117 111	116 111 105	113 108 101	110 104 99	108 100 96	103 98 92
III	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
IV	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
V	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

Presumptive Probation
Border Box
Presumptive Imprisonment

•Fines not to exceed \$500,000 (SL1-SL2), \$300,000 (SL3-SL4), \$100,000 (SL5)

•Severity level of offense increases one level if controlled substance or analog is distributed or possessed w/ intent to distribute on or w/in 1000 ft of any school property.

Levels	Distribute or Possess w/ intent to Distribute				Cultivate	Dosage Units	Postrelease	Probation	Good Time
	Cocaine	Meth & Heroin	Marijuana	Manufacture (all)					
I	≥ 1 kg	≥ 100 g	≥ 30 kg	2nd or Meth	>100 plants	>1000	36	36	15%
II	100 g - 1 kg	3.5 g - 100 g	450 g - 30 kg	1st	50-99 plants	100-999	36	36	15%
III	3.5 g - 100 g	1 g - 3.5 g	25 g - 450 g		5-49 plants	10-99	36	36	**20%
IV	< 3.5 g	< 1 g	< 25 g			<10	24	≤ 18	20%
V	Possession		Possession-2nd offense				12	*≤12	20%

* ≤ 18 months for 2003 SB123 offenders

** Effective on July 1, 2015 - retroactive