

KANSAS SENTENCING COMMISSION

FY 2020 ANNUAL REPORT



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KANSAS SENTENCING COMMISSION

**ANNUAL REPORT
FY 2020**

Analysis Of Sentencing Guidelines In Kansas

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TABLE OF CONTENTS

EXECUTIVE SUMMARY	v
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CHAPTER ONE: SENTENCING IN KANSAS

Sentences Reported in Fiscal Year 2020	1
Characteristics of Offenders and Offenses	11
Incarceration Sentences	20
Probation Sentences	34
DUI PIS and County Jail Sentences.....	45

CHAPTER TWO: VIOLATORS..... 48

Violations Resulting in Incarceration	48
Violators Continuing or Extending on Probation	59

CHAPTER THREE: CONFORMITY TO THE SENTENCING GUIDELINES 64

Overall Conformity Rates	64
Conformity of Presumptive Prison Guideline Sentences	66
Conformity of Presumptive Probation Guideline Sentences	67
Conformity of Nondrug and Drug Guideline Sentences	68
Conformity Rates to the Guidelines by Severity Level	69
Conformity Rates to the Guidelines by Race	72
Conformity Rates to the Guidelines by Gender	76
Special Sentencing Rules.....	80

CHAPTER FOUR: SENTENCING TRENDS AND FORECAST 84

Incarceration Sentences	84
Probation Sentences	87
Prison Population Forecasts.....	89
Custody Classification Projection.....	92

APPENDIX I: SENTENCES FROM THE TOP FOUR COUNTIES 94

APPENDIX II: TRENDS OF SELECTED OFFENSES..... 99

LIST OF TABLES

Table 1	FY 2020 Offender Characteristics by County	7
Table 2	FY 2020 Offender Characteristics by Type of Offense	13
Table 3	FY 2020 Most Serious Offenses Convicted by Designated Violent Offenders.....	19
Table 4	FY 2020 Incarceration Nondrug Offender Characteristics by Type of Offense	23
Table 5	FY 2020 Incarceration Drug Offender Characteristics by Type of Offense	26

Table 6	Distribution of FY 2020 Incarceration Sentences by Admission Type	27
Table 7	Distribution of FY 2020 Incarceration Sentences by Severity Level and Gender.....	28
Table 8	Guideline New Commitment Admissions Average Length of Sentence (LOS) Imposed by Severity Level	30
Table 9	FY 2020 Sanction from Probation Incarceration Sentences Imposed by County	31
Table 10	FY 2020 Jessica’s Law Incarceration Sentences Imposed by County.....	33
Table 11	Characteristics of Probation Nondrug Offenders by Type of Offense	37
Table 12	Characteristics of Probation Drug Offenders by Type of Offense	39
Table 13	Characteristics of Probation Nondrug Offenders by Severity Level	39
Table 14	Characteristics of Probation Drug Offenders by Severity Level	39
Table 15	Criminal History and Probation Length by Severity Level: Nondrug Offenders	44
Table 16	Criminal History and Probation Length by Severity Level: Drug Offenders	44
Table 17	Characteristics of Overall Violators by Severity Level, Race and Gender	51
Table 18	Top 10 Offenses Committed by Nondrug Probation Violators	52
Table 19	Characteristics of Drug Probation Violators by Type of Offense.....	53
Table 20	Distribution of Probation Violators by Severity Level and Criminal History	53
Table 21	Top 10 Offenses Committed by Parole/Postrelease/Conditional Release Nondrug Violators	54
Table 22	Characteristics of Parole/Postrelease/Conditional Release Drug Violators by Type of Offense	55
Table 23	Distribution of Parole/Postrelease/Conditional Release Violators By Severity Level and Criminal History	55
Table 24	Distribution of FY 2020 Violators with New Sentences by Severity Level	58
Table 25	Criminal History by Severity Levels of Condition Probation Violators Continued or Extended on Probation	59
Table 26	Criminal History by Severity Levels of Probation Violators with New Convictions Continuing and Extending on Probation	60
Table 27	FY 2020 Violation Sanction History – County Jail Sanction.....	61
Table 28	FY 2020 Jail Sanctions from Probation Imposed by County	62
Table 29	Conformity Rates by Severity Level - Incarceration Sentences	70
Table 30	Conformity Rates by Severity Level - Probation Sentences.....	71
Table 31	Conformity Rates by Race - Incarceration Sentences: Drug Offenders	72
Table 32	Conformity Rates by Race - Incarceration Sentences: Nondrug Offenders	73
Table 33	Conformity Rates by Race - Probation Sentences: Drug Offenders	74
Table 34	Conformity Rates by Race - Probation Sentences: Nondrug Offenders	75
Table 35	Conformity Rates by Gender - Incarceration Sentences: Drug Offenders	76
Table 36	Conformity Rates by Gender - Incarceration Sentences: Nondrug Offenders ...	77
Table 37	Conformity Rates by Gender - Probation Sentences: Drug Offenders	78

LIST OF TABLES (CONTINUED)

Table 38	Conformity Rates by Gender - Probation Sentences: Nondrug Offenders	79
Table 39	Pure Guideline Sentences Applied with Special Sentencing Rules By Prison and Probation: FY 2015 through FY 2020.....	81
Table 40	Pure Guideline Sentences Applied with Special Sentencing Rules By Total Sentences: FY 2015 through FY 2020.....	81
Table 41	Distribution of Special Sentencing Rules Applied To Prison Sentences - FY 2020	82
Table 42	Distribution of Special Sentencing Rules Applied To Probation Sentences - FY 2020	83
Table 43	Prison Admissions by Month	84
Table 44	Comparison of Prison Admissions by Type	85
Table 45	Comparison of Drug Prison Admissions by Severity Level.....	86
Table 46	Comparison of Nondrug Prison Admissions by Severity Level.....	86
Table 47	Comparison of Probation Drug Sentences by Severity Level FY 2015 through FY 2020	88
Table 48	Comparison of Probation Nondrug Sentences by Severity Level FY 2015 through FY 2020.....	88
Table 49	FY 2020 Adult Inmate Prison Population Projections.....	91
Table 50	Ten-Year Custody Classification Projection	92

LIST OF FIGURES

Figure 1	Sentences Reported in FY 2020	2
Figure 2	FY 2020 Sentencing Distribution	3
Figure 3	Sentences Reported in FY 2020 by County	4
Figure 4	FY 2020 Top Five Offenses of Prison, Probation and Jail Sentences	5
Figure 5	FY 2020 UCR Offenses by Top Four County: Violent Crime Convictions.....	6
Figure 6	Distribution of FY 2020 Sentences by Gender of Offenders	11
Figure 7	Distribution of FY 2020 Sentences by Race of Offenders	11
Figure 8	Distribution of FY 2020 Sentences by Ethnicity of Offenders	12
Figure 9	Distribution of FY 2020 Sentences by Age of Offenders	12
Figure 10	DUI Sentences: FY 2001, FY 2015 through FY 2020.....	15
Figure 11	FY 2020 DUI Offense by County	16
Figure 12	Failure to Register Sentences by Sentence Imposed	17
Figure 13	Failure to Register Sentences by Severity Level	17
Figure 14	Burglary Sentences by Sentence Imposed	18
Figure 15	Burglary Sentences by Severity Level.....	18
Figure 16	FY 2020 Incarceration Sentences by Gender of Offenders	20
Figure 17	FY 2020 Incarceration Sentences by Race of Offenders	20
Figure 18	FY 2020 Incarceration Sentences by Ethnicity of Offenders	21
Figure 19	FY 2020 Incarceration Sentences by Age of Offenders at Admission	21
Figure 20	FY 2020 Incarceration Sentences by Education Level of Offenders	22
Figure 21	FY 2020 Incarceration Drug Sentences by Offense and Level.....	25
Figure 22	FY 2020 Incarceration Drug Sentences: Distribution Offenses	26
Figure 23	FY 2020 Incarceration Sentences: Nondrug Offenders by Severity Level	29

LIST OF FIGURES (CONTINUED)

Figure 24	FY 2020 Incarceration Sentences: Drug Offenders by Severity Level	29
Figure 25	FY 2020 Sanction from Probation Incarceration Sentences	31
Figure 26	FY 2020 Jessica’s Law Incarceration Sentences	32
Figure 27	Jessica’s Law Sentences Imposed: FY 2007 through FY 2020.....	33
Figure 28	Distribution of FY 2020 Probation Sentences	34
Figure 29	Distribution of FY 2020 Probation Sentences by Gender	34
Figure 30	Distribution of FY 2020 Probation Sentences by Race	35
Figure 31	Distribution of FY 2020 Probation Sentences by Age	35
Figure 32	FY 2020 Top Ten Offenses for Probation Nondrug Sentences	36
Figure 33	FY 2020 Probation Drug Sentences by Offense	37
Figure 34	Distribution of FY 2020 Senate Bill 123 Drug Treatment Sentences	41
Figure 35	Distribution of Senate Bill 123 Drug Treatment Sentences Imposed by County - FY 2020.....	42
Figure 36	Distribution of FY 2020 Probation Sentences by Criminal History	43
Figure 37	Distribution of FY 2020 DUI PIS and Jail Sentences by Gender.....	45
Figure 38	Distribution of FY 2020 DUI PIS and Jail Sentences by Race.....	45
Figure 39	Distribution of FY 2020 Jail Sentences by Age of Offenders	46
Figure 40	FY 2020 County Jail Sentences by Offense Type	46
Figure 41	FY 2020 County Jail Sentences by County	47
Figure 42	Distribution of FY 2020 Condition Violators by Gender	48
Figure 43	Distribution of FY 2020 Condition Violators by Race	49
Figure 44	Distribution of FY 2020 Condition Violators by Age Group.....	49
Figure 45	Distribution of FY 2020 Condition Violators by Severity Level: Drug Offenders	50
Figure 46	Distribution of FY 2020 Condition Violators by Severity Level: Nondrug Offenders	50
Figure 47	Distribution of FY 2020 Violators with New Sentences by Gender	56
Figure 48	Distribution of FY 2020 Violators with New Sentences by Race	57
Figure 49	Distribution of FY 2020 Violators with New Sentences by Age Group	57
Figure 50	Distribution of FY 2020 Overall Guideline Sentences	65
Figure 51	Distribution of FY 2020 Dispositional Departure and Border Box Sentences.....	65
Figure 52	FY 2020 Incarceration Guideline Sentences	66
Figure 53	FY 2020 Incarceration Durational Departure Sentences	66
Figure 54	FY 2020 Probation Guideline Sentences	67
Figure 55	FY 2020 Nondrug and Drug Guideline Sentences - Incarceration	68
Figure 56	Comparison of Durational Departures between Nondrug and Drug Incarceration Sentences	68
Figure 57	FY 2020 Nondrug and Drug Guideline Sentences - Probation	69
Figure 58	Incarceration Sentences: FY 2015 through FY 2020	84
Figure 59	Probation Sentences: FY 2015 through FY 2020	87
Figure 60	Prison Population: Actual and Projected	90
Figure 61	Projected Percentage Distribution of Custody Classification by Gender	93

EXECUTIVE SUMMARY

Fiscal Year (FY) 2020 Annual Report is the twenty-sixth report released by the Kansas Sentencing Commission. It provides a descriptive analysis of felony sentencing patterns under the sentencing guidelines during FY 2020, which includes a summary of sentences reported to the Commission, analysis of sentence conformity to the guidelines, sentencing trends and prison population projections. The following presents the major activities performed by the Commission and the key sentencing issues discussed in this year's report.

MAJOR ACTIVITIES PERFORMED

To accomplish its statutory obligations assigned to the Kansas Sentencing Commission under K.S.A. 74-9101, during FY 2020 the Commission continued its efforts in performing the following activities: a) developing and maintaining the post-implementation monitoring system that allows for a comprehensive evaluation of the sentencing guidelines through constructing and maintaining sentencing databases, which collects statewide sentencing and revocation hearing disposition information for this goal; b) processing statewide felony sentencing and probation revocation journal entries including both prison and non-prison guideline sentences; c) making recommendations to the state legislature relating to modification and improvement of current sentencing guidelines and providing the legislature and state agencies with prison bed space impact assessments under any policy change related to the sentencing guidelines; d) updating the Kansas Sentencing Guidelines Desk Reference Manual according to sentencing policy changes passed in the 2020 Legislative

Session; e) producing annual prison population projections and custody classification forecasts for the Kansas Adult Correctional Facilities; f) publishing an annual report statistically presenting sentencing practice and policies under Kansas Sentencing Guidelines; g) tracking the impact of 2013 House Bill 2170 as a result of the Kansas Justice Reinvestment Initiative; h) monitoring and evaluating the implementation of 2003 Senate Bill 123 drug treatment programs and processing statewide transactions of the programs; i) performing criminal justice research projects funded through federal grant in the area of increasing access to statistic data and measuring criminal justice system performance; j) serving as an information resource to respond to national, state and county requests regarding sentencing data; k) conducting training sessions on sentencing guidelines and various sentencing issues; and l) introducing legislation to more effectively monitor and maintain the sentencing guidelines.

FY 2020 Annual Report is based on the sentencing data reported from 105 counties of the state and the adult prison data contributed by the Kansas Department of Correction (KDOC) in FY 2020. A total number of 11,823 felony sentences were reported to the Commission during FY 2020, indicating an decrease of 24.3% from that of FY 2019. Of the total number of sentences, 4,473 (37.8%) were prison sentences, 6,961 (58.9%) were probation sentences and 389 (3.3%) were DUI post-imprisonment supervision and county jail sentences. Nondrug sentences accounted for 60.4% or 7,344 sentences and drug

sentences accounted for 39.6% or 4,679 sentences (page 1).

INCARCERATION SENTENCES

In FY 2020, the total number of admissions to KDOC reached 6,388, a decrease of 30.0% or 1,915 offenders when compared with FY 2019 (6,388 admissions). Male offenders made up 84.3% of the total admissions, a percentage increase of 2.7% from that of FY 2019 (82.6%). More than 85% of the violent and sex offenses were committed by male offenders, such as aggravated assault, aggravated battery, aggravated robbery, burglary, criminal threat, fleeing or eluding LEO, 1st degree murder, aggravated indecent liberties with a child and rape. However, female offenders were incarcerated more frequently for the crimes of forgery, identity theft, false writing and theft (pages 23 & 24). The analysis of drug crimes indicates that male offenders were convicted of 78.5% of the crimes of drug distribution and 85.0% of unlawful manufacture of a controlled substance, while most female offenders committed drug crimes of drug possessions, drug distribution and possession of paraphernalia (page 26).

White offenders represented 73.4% of the admissions to state prisons in FY 2020, indicating a 0.2% increase compared to that of FY 2019 (73.2%). The offenders with non-Hispanic origin made up 89.0%, a decrease of 0.5% over that of FY 2019 (89.5%). The highest incarceration rates for white offenders (over 70%) were discovered in the crime areas of burglary, forgery, theft, aggravated assault on LEO, fleeing or eluding LEO, aggravated escape from custody, criminal damage to property, trafficking contraband and most sex offenses. Nevertheless, black offenders were

incarcerated more often (over 40%) for the crimes of second degree murder, aggravated robbery, robbery, aggravated burglary, voluntary manslaughter, and unlawful voluntary sexual relations (pages 23 & 24).

When examining the age of offenders, the data discloses that the largest population of incarcerated offenders was identified in the age group ranging from 31 to 40 years old (33.0%) and the second largest number of offenders was identified in the group from 25 to 30 years old (23.4%) at the time of admission to prison in FY 2020. This age distribution is consistent with the age data observed in the past five years. As for the educational background of the offenders admitted in FY 2020, approximately 50.8% of the offenders had attained either a high school diploma or GED equivalent, which is the same percentage observed in FY 2019 (50.8%).

The analysis of admission types demonstrates that the three largest groups of admissions are new court commitments, probation condition violators (excluding 6.3% of sanctions from probation violation) and parole/postrelease condition violators. These three groups represent 35.5%, 27.4% and 17.5%, respectively, of the total prison admissions in FY 2020. Most of the drug offenders admitted to KDOC in FY 2020 were at drug severity level 5 (1,043 sentences or 71.9%) and drug severity level 3 (164 sentences or 11.3%), while the largest numbers of nondrug offenders were identified at nondrug severity levels 5, 7 and 9 with admissions of 389, 696 and 705 respectively, in FY 2020 (pages 27 & 28).

The tracking study of Jessica's Law reveals that 39 sex offenders were convicted under this law and admitted to prison during FY 2020. Of this number, 29 (74.4%) were new

court commitments, 10 (25.6%) were parole/postrelease condition violators. While most jurisdictions identify the severity of these crimes as off-grid (84.6%), a few (13) sentenced offenders at the severity level for a downward departure on the nondrug grid. The analysis of sentence length demonstrates that 15.6% of the sentences were downward departures to the guidelines, a decrease of 29.6% compared with that of FY 2019 (45.2%). The average sentence length of the durational departures was 110.3 months, an increase of 13.9 months from that observed in FY 2019 (96.4 months). The major departure reasons were a plea agreement between parties, the defendant had no prior criminal history and the defendant accepted responsibility (page 33).

PROBATION SENTENCES

The number of probation sentences reported to the Commission during FY 2020 was 6,961, a decrease of 20.1% compared with that of FY 2019 (8,712). The analysis of the probation sentences demonstrates that theft (17.1%), burglary (11.1%) and aggravated battery (7.4%) were the top three offenses committed by nondrug probation offenders, representing 35.6% of the total nondrug crimes (page 37). The probation sentences for the crime of drug possession accounted for 79.8% of all drug probation sentences, an increase of 2.0% from that (77.8%) of FY 2019 (pages 38 & 40).

The analysis of the criminal history categories of the offenders sentenced to probation in FY 2020 indicates that offenders with criminal history category I accounted for 22.5% of offenders on the nondrug grid and 23.4% of offenders on the drug grid. The nondrug offenders within the presumptive probation boxes made up

78.4%, a decrease of 0.4% compared with that of FY 2019 (78.8%). The examination of the border box sentences shows that 3.8% of probation nondrug sentences were found to be within the designated border boxes (page 45). The study on drug sentences by presumptive probation and border box continues in FY 2020. The drug offenders within presumptive probation sentences accounted for 60.8% and the drug offenders within the border box represented 21.2% of the probationers sentenced during FY 2020.

HB 2170 GRADUATED SANCTIONS

HB 2170 was passed in the 2013 Legislative Session, which allows the court to impose a series of graduated intermediate sanctions for probation condition violators. The sanctions, codified in K.S.A. 22-3716, include the confinement in jail for 2-3 days, not to exceed 18 days during the entire probation supervision period or remanding the defendant to the custody of KDOC for a period of 120 days or 180 days if the violator already has at least one jail sanction.

In FY 2020, a total number of 2,941 probation violators received a jail sanction based on the probation revocation disposition data collected by the Commission. This is a decrease of 545 or 15.6% over that of FY 2019 (3,486 jail sanctions). Of the 2,941 jail sanctions, 64.2% served from 1 to 3 days in county jails and the average jail days served was 2.9 days, which is very consistent with the sentencing policy of the bill compared with FY 2019 (3.1 days), FY 2018 (3.0 days), FY 2017 (3.0 days), FY 2016 (2.9 days), FY 2015 (3.7 days) and FY 2014 (2.7 days). FY 2014 is the initial year of implementation of HB 2170. Therefore, there appears to be some diversion of days served in county jails in sentencing practice (pages 62 & 63).

When reviewing the KDOC's admission data, the Commission noticed that 284 probation condition violators in FY 2020 were admitted to prison as HB 2170 sanction from probation, a decrease of 902 violators (76.1%) compared with FY 2019 (1,186 violators). Of those 284 violators, 173 offenders (60.9%) were remanded for 120 sanction days, 110 offenders (38.7%) were remanded for 180 sanction days and 1 offender (0.1%) was remanded for 360 days in KDOC. Senate Bill 18, passed in 2019, omitted use of sanctions for probation violations. Thus, it is anticipated that there will be no more prison sanction admissions into KDOC within the next five years. Nonetheless, the Commission will continue monitoring the impact of the bill on sentencing practice and recidivism rate (pages 31 & 32).

DUI PIS and COUNTY JAIL SENTENCES

House Substitute for 2011 Senate Bill 6, which amends a third DUI conviction to a class A nonperson misdemeanor, continued impacting felony jail sentences in FY 2019 (page 15). The Commission received 389 DUI post-imprisonment supervision (PIS) and county jail sentences in FY 2020. Of this number, DUI PIS accounted for 88.4% (344 sentences) and county jail sentences accounted for 11.6% (45 sentences).

The analysis of this group of offenders by gender specifies that male offenders accounted for 88.4% and female offenders accounted for 11.6% of the 389 sentences. The gender distribution does not change much when compared with that of FY 2019. White offenders represented 86.4%, black offenders represented 12.3% and other races represented 1.3% of the DUI PIS and county

jail sentences imposed in FY 2020. Their average age at sentencing is 42 years old, the same as FY 2019 (page 46).

The study of the crimes committed by the offenders displays that 95.4% of the offenders were convicted of felony DUI (371 sentences), 0.3% (1 sentence) were convicted of the crime of animal cruelty and 3.5% (12 sentences) were convicted of the crime of domestic battery. Johnson County imposed the most sentences of this group (115) representing 29.6%, followed by Sedgwick County with 48 sentences representing 12.3% of the total DUI and county jail sentences imposed in FY 2020 (page 47).

DRUG SENTENCES

A new drug sentencing grid with 5 drug severity levels was passed into law on July 1, 2012. The admissions and sentences include offenders sentenced under both old and new drug sentencing grids. Therefore, the comparison of drug offenders by severity level is only applied to the recent two years when the majority of drug offenders were sentenced under the new sentencing grid (pages 86 & 88).

1,451 drug offenders were admitted to prison in FY 2020, a 32.5% decrease over that of FY 2019 (2,151), and a 22.9% decrease over FY 2016 (1,883 offenders). Comparing statistics between FY 2020 and FY 2016, the admissions decreased by 37.0% at drug severity level 1, by 44.8% at drug severity level 3, by 67.2% at drug severity level 4, and by 4.7% at drug severity level 5. However, the number of admissions decreased by 1.0% at drug severity level 2. The decrease of admissions at drug level 4 in FY 2020 continuously

reflects the implementation of the new drug sentencing grid (page 86).

The analysis of drug offenses demonstrates that 71.9% of the incarceration drug sentences were convictions of drug possession, an increase of 0.8% compared with that of FY 2019 (71.1%). Approximately 0.4% of the drug possession sentences were found at drug severity level 4. Offenders at drug severity level 5 accounted for 99.4% of the drug possession group, a continuous increase of 0.5% over that of FY 2019 (98.9%) after higher increases of the years before, which reflects the implementation of the new drug sentencing grid (page 25).

The research of drug probation sentences indicates that the number of drug probation sentences in FY 2020 (3,219) decreased by 18.3% compared with that of FY 2019 (3,939) and decreased by 3.4% compared with that of FY 2016 (3,333). Comparing drug sentences to probation between FY 2020 and 2016, statistics displays that the number of drug probation sentences decreased by 10.0% at drug severity level 1, 23.8% at drug severity level 3, 23.4% at drug severity level 4, and 0.4% at drug severity level 5. However, probation sentences increased by 14.8% at drug severity level 2. (page 88).

Further study of drug offenders on probation reveals that during FY 2020, a total number of 1,231 sentences were ordered to 2003 Senate Bill 123 (SB 123) drug treatment programs, representing 38.2% of the total drug probation sentences (3,219), an increase of 0.7% compared with that of FY 2019 (37.5%). Thirty-two of these sentences were convicted of the crime of drug possession under K.S.A. 21-5706 (formerly K.S.A. 21-36a06 or 65-4160 or 65-4162).

White male offenders are still the majority of the treatment sentences. The average age of the drug treatment offenders was 34.4 years old, very close to that of FY 2019. The distribution of SB 123 drug treatment sentences imposed by county displays that Sedgwick County imposed the most SB 123 sentences (131) followed by Shawnee (122), Johnson (93), Reno (80) and Saline (70) counties (pages 42 & 43).

In addition, 1,176 SB 123 drug treatment sentences were violated as probation condition violators during FY 2020. Of this number, 344 sentences were revoked to prison, representing 27.9% of SB 123 sentences imposed (1,231 sentences) in FY 2020, the same percentage as that of FY 2019. The average period between original sentence and the first revocation hearing was 14.9 months, 3 days more than that of FY 2020 (14.8 months).

VIOLATORS

Violators, discussed in this report, refer to condition violators, which includes probation condition violators, parole/postrelease violators and conditional release violators. Prison sanctions from probation violations are excluded from this analysis. A total number of 1,884 condition violators were admitted to prison in FY 2020, accounting for 53.9% of the total prison admission events of the fiscal year. Of this number, 1,336 were probation condition violators, 548 were parole/postrelease violators. The total percentage of condition violators increased by 14.9% compared with that of FY 2019 (page 49).

The number of probation condition violators admitted to prison in FY 2020 increased by

3.9% when compared with FY 2016 but decreased by 12.7% over that of FY 2019. The number of parole/postrelease condition violators admitted to prison in FY 2020 decreased by 28.1% and 36.6%, respectively, from those of FY 2016 and FY 2019 (page 85). When examining the gender of violators, the data discloses that both male and female condition violators sentenced to prison represented the largest number of offenses at severity level 9 of the nondrug grid and severity level 5 of the drug grid, which is consistent with the data observed in FY 2019 (page 52).

Based on the probation revocation disposition data collected by the Commission, 527 probation condition violators and 62 probation violators with new convictions were sentenced to either continued or extended probation for a violation in FY 2020. This represents 9.5% of the total number of 6,218 condition probation violators and 47.3% of the total number of 131 probation violators with new offenses revoked during FY 2020 (page 60).

CONFORMITY TO SENTENCING GUIDELINES

The comparison of the actual sentence imposed to the sentence identified under the Sentencing Guidelines Act provides a measure of whether the designated sentence is viewed as appropriate. Under sentencing guidelines, departures may be ordered to sentence an offender to a sentence length or type that differs from the sentence set forth under the guidelines. Therefore departures, whether durational or dispositional, serve as a measure of conformity. Only new court commitments of guideline sentences were utilized for this specific analysis.

The study of the conformity rates to the sentencing guidelines is based on the 9,273 guideline sentences reported in FY 2020. Of this number, 2,338 were incarceration guideline sentences and 6,935 were probation sentences. Seventy-nine-point one percent of the guideline sentences imposed fell within the designated guideline sentence range. Dispositional departures accounted for 12.9% of sentences and durational departures were found in 8.0% of sentences (page 65). The sentence distribution is very consistent with those of FY 2018 and FY 2019.

The analysis of incarceration sentences within guidelines displays that 36.8% of the sentences imposed fell within the standard range of the grid cell, an increase of 1.4% when compared with that of FY 2019 (35.4%). 14.8% percent of all sentences were within the aggravated range, 19.9% were within the mitigated range and 10.3% were located within designated border boxes (page 66).

The review of the durational departures of the incarceration guideline sentences shows that 96.6% of the durational departures were downward durational departures, while 3.4% indicated upward durational departures (page 66). The comparative study of durational departures between drug and nondrug incarceration sentences indicates that 99.5% of drug durational departure sentences were downward compared to 97.3% for nondrug downward durational departure sentences (page 68). Downward durational departures were most frequently identified at severity level 5 of the drug grid. Upward durational departures were sporadically assigned across numerous severity levels on the drug and nondrug grids (page 70).

Dispositional departures are identified when the sentence imposed, prison or nonprison, is different from the sentence disposition designated under the sentencing guidelines. Upward dispositional departures are only applicable when prison sentences are imposed. When drug and nondrug sentences were compared, nondrug sentences indicated a 3.3% upward dispositional departure rate and drug sentences represented a 1.8% upward dispositional departure rate (page 67). This number is less than in previous fiscal years, as the KSSC changed the definition of conformity slightly to better explain the data. Previous years' data included rates of upward departures that were much higher due to a slightly different definition. This new definition of conformity better represents departure practices in Kansas courts.

The examination of the probation guideline sentences reveals that as expected, the majority (82.3%) of probation guideline sentences fell beneath the incarceration line, among which 85.8% were within presumptive probation grids and 14.2% were within border boxes. Downward dispositional departures were identified in 17.1% of the probation guideline sentences imposed in FY 2020 (page 67). Further research of downward dispositional departures of probation sentences discloses that drug sentences represented a higher percentage of downward dispositional departures than nondrug sentences (18.4% vs 16.8%). Substantially more drug probation sentences resulted from border boxes than did nondrug probation sentences (20.7% vs. 3.8%), which is consistent with the data observed in FY 2019 (page 70).

SPECIAL SENTENCING RULES

Special sentencing rules provide special treatment of certain crimes and sanctions. There was a small number of special sentencing rules in the beginning years of implementation of the guidelines. Only five special rules existed in 1994 and 1995. With the modification of sentencing guidelines and amendments of sentencing policies in each legislative year, the number of special sentencing rules has increased. As of the 2020 Legislative Session, forty-eight special sentencing rules have been established or amended. The most frequently applied special sentencing rules in the past five years were: crime committed while incarcerated or on probation, parole, etc.; crime committed while on felony bond; person felony committed with a firearm and third or subsequent drug possession.

In FY 2020, a total number of 1,675 pure guideline prison sentences and 1,750 pure guideline probation sentences were imposed with special sentencing rules, which accounted for 64.1% of prison pure guideline admissions (1,073 admissions) and 19.1% of pure guideline probation sentences (5,609) imposed in FY 2020. The percentage of offenders admitted to prison with special sentencing rules increased from 42.9% in FY 2016 to 64.1% in FY 2020. The percentage of probation sentences imposed with special sentencing rules accounted for 13.3% in FY 2016 and increased to 31.2% in FY 2020. The total percentage of both prison and probation sentences applied with special rules increased from 20.2% in FY 2016 to 38.8% in FY 2020 (page 81). These increases are due to the slightly broader definition of guideline sentences used for the FY 2020 Annual Report.

PRISON POPULATION FORECAST

The Commission conducts the prison population forecast according to the data of prison admission, inmate stock population and release from KDOC, and felony sentencing data from KSSC in FY 2020. It mirrors continuously the sentencing policy changes in previous years, such as 2006 House Bill 2567 (Jessica’s Law), 2007 Senate Bill 14 and 2013 House Bill 2170, a justice reinvestment bill, which seeks to reduce the probation condition violator population in Kansas prisons. The prison population projection estimates that by the end of FY 2030, a total of 9,584 prison beds will be needed. This represents a total increase of 4.1% or 395 beds over the actual prison population as of June 30, 2020. The total admission in the past five years was increasing until FY 2020, which saw a drastic decrease due to the COVID-19 pandemic that resulted in increased releases and decreasing admissions (pages 90 & 91).

The analysis of the projected population at individual severity levels and groups exhibits that the largest increase in number is identified at the probation condition violator group in the ten-year forecast period, indicating an increase of 357 offenders or 34.2%. The number at nondrug severity levels 1 to 3 will increase by 187 offenders or 7.5% in the next ten years. This is due to the “stacking effect” of the long sentence length of the most serious offenses even though the trend of violent crimes in Kansas declined in the past five years. The projected population at nondrug severity levels 4 to 6 will decrease by 81 offenders or 5.0% during the ten-year forecast period. The incarcerated population at off-grid in the next ten years will increase by 44 offenders or 3.1%. This growth reflects the continuous impact of Jessica’s Law (House

Bill 2567) passed in the 2006 Legislative Session.

Before 2013, probation condition violators admitted to prison were required to serve their underlying prison sentence, but House Bill 2170 required probation condition violators to serve graduated sanctions instead, which includes custody in KDOC for a period of 120 days or 180 days. However, 2019 Senate Bill 18 included language that will phase out the use of prison sanctions. Thus, in the next ten years, the number of prison sanctions from probation will decrease to 0. The number of parole or postrelease condition violators will decrease by 159 or 61.6% in the next ten years. This is due to a change in supervision policy at the Kansas Department of Corrections that focuses on revoking parole and postrelease violators who pose the greatest risk to the community. Figure 60 (page 90) illustrates the trend of the actual and projected prison population from FY 2011 through FY 2030.

The custodial classification projection predicts the types of prison beds needed for custody over the next ten years. By the end of FY 2021, KDOC will need 2,755 minimum beds, 2,544 medium low beds, 1,282 medium high beds, 1,180 regular maximum beds, 123 unclassified beds and 995 beds for special management. By the end of FY 2030, the custodial beds in demand will include 2,965 minimum, 2,748 medium low, 1,385 medium high, 1,276 regular maximum, 132 unclassified and 1,077 special management beds (page 92). These projections assume no substantial change in the method or practice of custody decision-making.

REPORT CONTENTS

The Annual Report is presented in four chapters. Chapter One provides a descriptive statistical summary of statewide guideline sentencing practices in FY 2020. Chapter Two describes the types and characteristics of violators incarcerated in the state correctional facilities. In Chapter Three, the pure prison and probation sentences imposed under the sentencing guidelines are examined to evaluate the conformity to the

sentencing guidelines. Chapter Four contains analyses on sentencing trends and prison population projections. Appendix I analyzes sentences of felony convictions from the top four contributing counties of the State of Kansas. Appendix II tracks the trends of the top five felonies; Uniform Crime Reporting (UCR) offenses; and off-grid and nongrid crimes in the past five years. Admissions and population of female offenders are also discussed in this section.

CHAPTER ONE

SENTENCING IN KANSAS

SENTENCES REPORTED IN FISCAL YEAR 2020

This Annual Report includes statistical analysis, evaluation and research findings on prison sentences, nonprison or probation sentences, county jail and DUI post-imprisonment supervision sentences reported to the Kansas Sentencing Commission during FY 2020. The Senate Bill 123 drug treatment sentences are included in the type of probation sentences. Sentences utilized for analyses on sentencing practice and sentencing tendency are based upon the most serious felony offense of a single sentencing event of an offender.

In FY 2020, a total number of 11,823 felony sentences were reported to the Commission, a decrease of 3,791 sentences or 24% from that of FY 2019. Of that total number of sentences, 4,473 were prison sentences, 6,961 were probation sentences and 389 were DUI post imprisonment supervision and county jail sentences (County jail sentences made up 45). In terms of drug or nondrug crimes, this total included 7,144 nondrug sentences and 4,679 drug sentences. Nonperson offenses accounted for 68.5% and person offenses accounted for 31.5% (Figure 1), which does not fluctuate much from those of FY 2019.

FY 2020 sentencing distribution by sentence type, offense type and severity level is demonstrated in Figure 2. Incarceration sentences at drug severity levels 4 and 5 represented 79.6% (1,155 sentences) of the

total drug incarceration sentences. The largest number of nondrug incarceration offenders was identified at severity level 9 (698 sentences or 23.1%) followed by severity level 7 (696 sentences or 23.0%) and severity level 5 (389 sentences or 12.9%), which is similar with the pattern of FY 2019. The examination of probation sentences in FY 2020 indicates that 2,658 probation sentences fell at drug severity level 5, representing 82.4% of the total drug probation sentences and 265 probation sentences were at drug severity level 4 representing 8.2%. The new drug sentencing grid with five severity levels became effective on July 1, 2012. Pure drug possession crimes convicted under K.S.A. 21-5706 are sentenced at drug severity level 5. The total number of drug probation sentences at drug severity levels 4 and 5 is 2,923. Of this number, 90.9% or 2,658 sentences were convicted of the crimes of drug possession. Of the 2,658 drug possession sentences, 45.1% or 1,198 sentences were ordered to SB 123 drug treatment programs, which decreased by 3.0% compared with the percentage (48.1%) of FY 2019. The highest rates of nondrug probation offenders were found at nondrug severity level 9 (40.8% or 1,524 sentences) and nondrug severity level 7 (21.9% or 818 sentences). The analysis of DUI post imprisonment supervision and county jail sentences discloses that 100% of the offenders were convicted of nongrid crimes.

The review of sentences by county indicates that 105 counties reported felony sentences to the Commission in FY 2020. Most of the counties reported 1 to 100 sentences. Fourteen counties reported 101 to 200 sentences. They are Barton (181), Butler (144), Cherokee (122), Cowley (134), Crawford (173), Finney (190), Franklin (109), Geary (159), Jackson (115), Lyon (165), McPherson (107), Montgomery (182), Riley (111), and Seward (125) counties. Seven counties reported 201 to 700 sentences. They are Douglas (262), Ellis (202), Ford (304), Harvey (211), Leavenworth (254), Reno (441) and Saline (487) counties. Sedgwick, Johnson, Wyandotte and Shawnee counties remained the top four committing counties, accounting for 47.3% of all sentences imposed in FY 2020, an increase of 0.4% compared with that (46.9%) of FY 2019 (Figure 3).

The top five offenses committed in FY 2020 are crimes of drugs (39.6% or 4,679 sentences), theft (7.5% or 887 sentences), burglary (7.0% or 836 sentences including aggravated burglary), aggravated battery (5.1% or 604 sentences) and criminal threat

(3.5% or 419 sentences). The top five offenses, including prison, probation, and county jail sentences, accounted for 62.7% of the total 11,823 sentences in FY 2020 (Figure 4).

According to the definition of the Uniform Crime Reporting (UCR) Handbook, the violent crimes in the report refer to murder (including all types of murder and manslaughter), rape, robbery (including aggravated robbery) and aggravated assault (including aggravated assault on LEO). The study of the violent crimes indicates that most of the violent crimes were found to be committed in the top four counties. Sedgwick County reported the largest number of violent crimes (207 sentences) followed by Wyandotte County (97 sentences), Johnson County (92 sentences) and Shawnee County (69 sentences). Figure 5 exhibits the distribution of the violent crimes committed in the top four counties during FY 2020. The characteristics of offenders by individual counties are presented in Table 1.

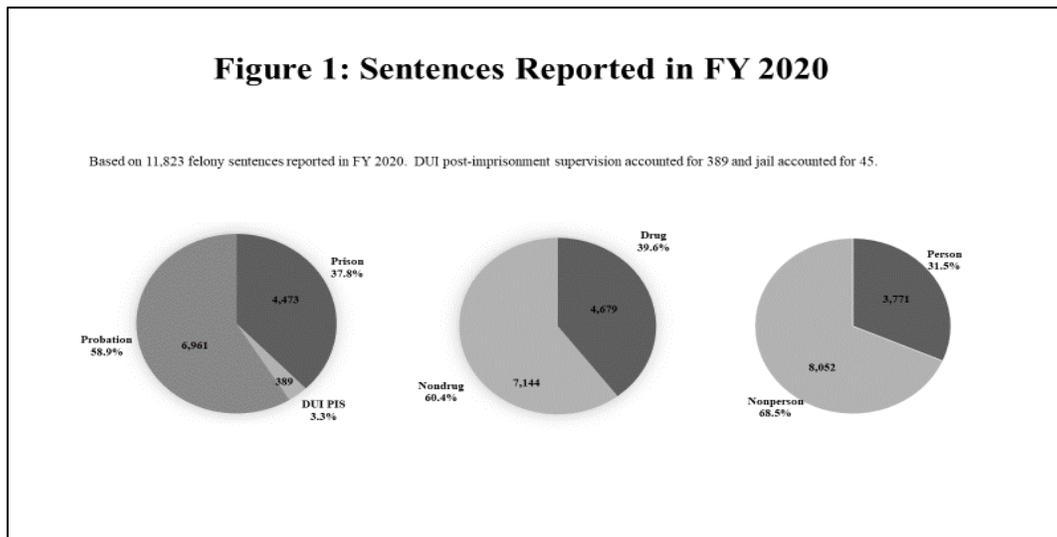


Figure 2: FY 2020 Sentencing Distribution

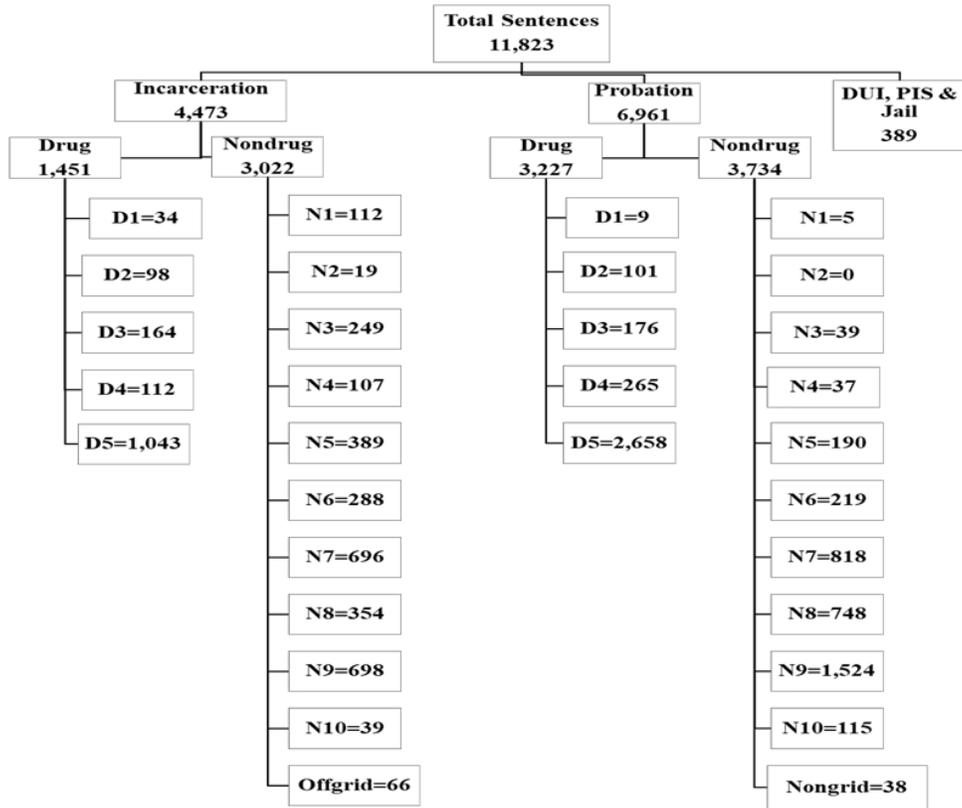
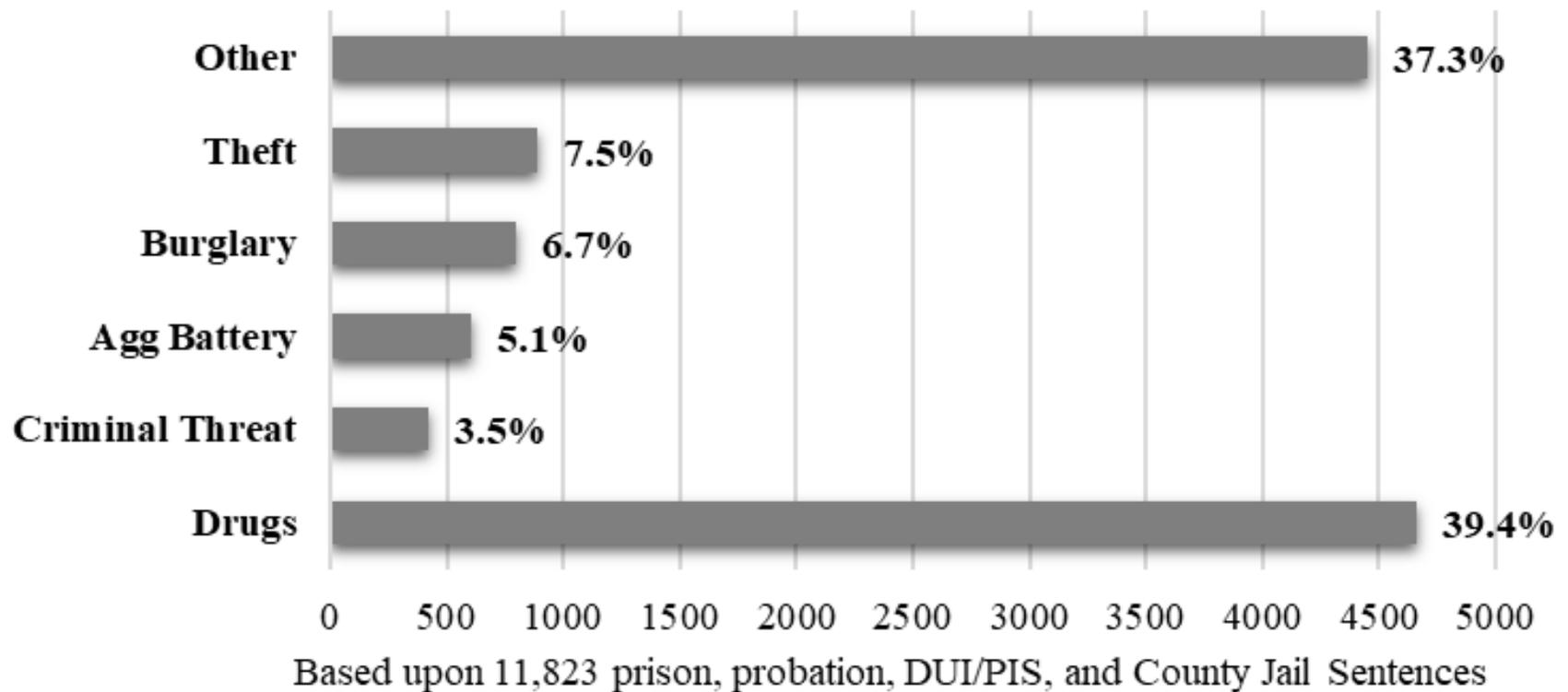


Figure 3: Sentences Reported by County FY 2020

Please See KSSC website for updated county dashboard map:

<https://www.sentencing.ks.gov/statistical-analysis/dashboards/annual-report-analysis>

Figure 4: FY 2020 Top 5 Offenses of Prison, Probation, and Jail Sentences



FY 2020 UCR Offenses by Top Four Counties – Violent Crime Convictions

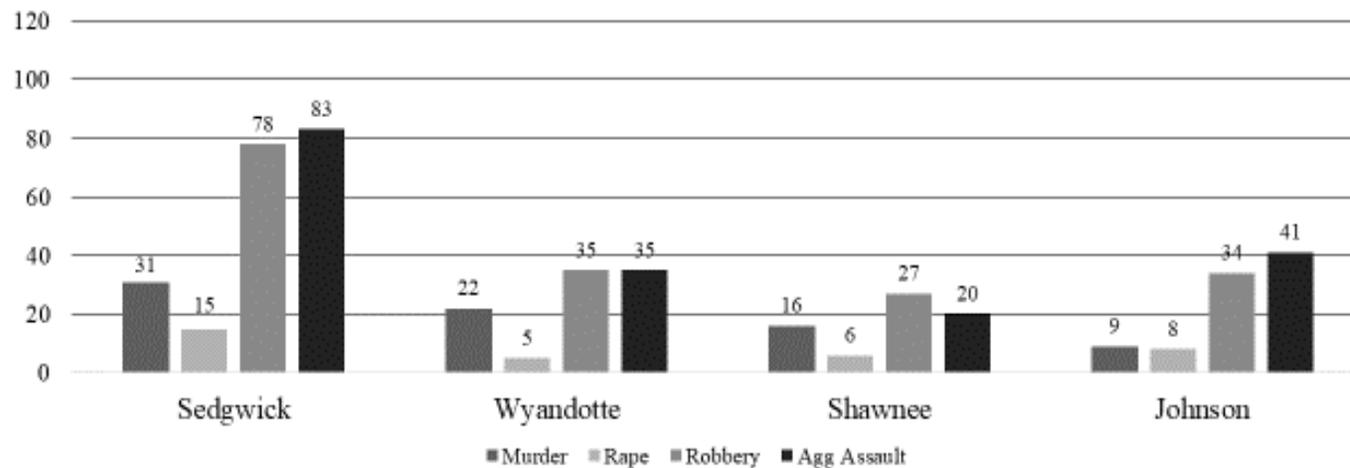


Table 1: FY 2020 Offender Characteristics by County – 1

County	Number Of Sentences	Gender		Race			Sentence Type			Offense Type		Mean Age*
		Male	Female	White	Black	Other	Prison	Probation	Jail	Nondrug	Drug	
Allen	33	28	5	30	2	1	9	20	4	23	10	35.0
Anderson	28	21	7	27	1	0	13	13	2	15	13	35.6
Atchison	97	80	17	81	15	1	52	43	2	54	43	34.4
Barber	14	13	1	14	0	0	5	7	2	10	4	33.1
Barton	181	134	47	167	9	5	50	125	6	80	101	34.5
Bourbon	86	64	22	80	6	0	36	48	2	43	43	36.0
Brown	37	27	10	31	1	5	11	25	1	18	19	38.6
Butler	144	112	32	124	19	1	57	81	6	97	47	33.0
Chase	8	6	2	8	0	0	4	4	0	7	1	36.0
Chautauqua	18	17	1	16	1	1	11	7	0	12	6	35.7
Cherokee	122	93	29	118	1	3	40	80	2	72	50	36.6
Cheyenne	6	6	0	5	1	0	1	5	0	3	3	45.6
Clark	12	8	4	11	1	0	7	5	0	5	7	37.1
Clay	34	25	9	32	2	0	16	18	0	14	20	39.8
Cloud	62	40	22	55	5	2	9	53	0	16	46	35.0
Coffey	30	23	7	29	1	0	15	13	2	18	12	37.7
Comanche	3	1	2	2	1	0	0	3	0	3	0	38.8
Cowley	134	106	28	112	16	6	44	84	6	78	56	33.7
Crawford	173	134	39	141	26	6	53	119	1	101	72	33.8
Decatur	11	9	2	11	0	0	3	8	0	2	9	38.6
Dickinson	68	57	11	61	6	1	19	45	4	37	31	35.0
Doniphan	7	5	2	6	1	0	2	5	0	5	2	28.3
Douglas	262	213	49	176	61	25	116	145	1	180	82	32.9
Edwards	7	6	1	6	1	0	3	4	0	5	2	30.2
Elk	6	4	2	6	0	0	0	5	1	3	3	48.6
Ellis	202	159	43	171	27	4	71	126	5	81	121	31.3
Ellsworth	23	17	6	13	9	1	2	19	2	10	13	30.4
Finney	190	158	32	166	20	3	71	106	13	95	95	32.1
Ford	304	232	72	269	25	10	133	155	16	156	146	34.0

Table 1: FY 2020 Offender Characteristics by County – 2

County	Number Of Sentences	Gender		Race			Sentence Type			Offense Type		Mean Age*
		Male	Female	White	Black	Other	Prison	Probation	Jail	Nondrug	Drug	
Franklin	109	86	23	101	7	1	38	64	7	54	55	34.0
Geary	159	114	45	92	60	7	45	113	1	70	89	34.0
Gove	3	3	0	2	1	0	0	1	2	2	1	30.5
Graham	7	6	1	7	0	0	3	4	0	5	2	29.8
Grant	13	12	1	13	0	0	6	5	2	9	4	38.8
Gray	20	15	5	17	3	0	2	15	3	6	14	34.3
Greeley	4	3	1	4	0	0	1	3	0	1	3	40.1
Greenwood	57	42	15	56	1	0	7	48	2	23	34	40.5
Hamilton	24	18	6	23	1	0	5	18	1	5	19	32.3
Harper	28	22	6	28	0	0	5	20	3	12	16	34.3
Harvey	211	148	63	178	30	3	72	139	0	82	129	36.2
Haskell	7	5	2	7	0	0	4	2	1	4	3	34.5
Hodgeman	4	3	1	4	0	0	1	3	0	1	3	39.7
Jackson	115	68	47	79	16	20	43	68	4	49	66	36.6
Jefferson	50	34	16	49	1	0	16	33	1	34	16	34.8
Jewell	9	5	4	9	0	0	1	7	1	7	2	37.8
Johnson	1,696	1,282	414	1,238	434	24	597	984	115	1,125	571	34.7
Kearny	27	23	4	22	3	2	14	13	0	15	12	34.3
Kingman	22	17	5	20	0	0	7	12	3	12	10	34.4
Kiowa	13	6	7	12	1	0	2	11	0	4	9	43.6
Labette	94	83	11	76	16	2	38	55	1	59	35	34.5
Lane	2	2	0	2	0	0	0	2	0	1	1	22.8
Leavenworth	254	191	63	179	70	5	86	162	6	166	88	36.6
Lincoln	6	4	2	5	1	0	3	3	0	4	2	35.5
Linn	37	29	8	37	0	0	11	23	3	16	21	39.3
Lyon	165	123	42	135	26	4	86	75	4	87	78	33.8
Marion	24	16	8	23	1	0	6	18	0	12	12	31.6
Marshall	33	22	11	32	1	0	9	24	0	13	20	36.0

Table 1: FY 2020 Offender Characteristics by County – 3

County	Number Of Sentences	Gender		Race			Sentence Type			Offense Type		Mean Age*
		Male	Female	White	Black	Other	Prison	Probation	Jail	Nondrug	Drug	
McPherson	107	76	31	93	12	2	29	74	4	47	60	35.2
Meade	2	1	1	2	0	0	2	0	0	1	1	48.7
Miami	68	57	11	62	5	1	23	39	6	45	23	33.8
Mitchell	31	22	9	29	2	0	9	22	0	13	18	36.3
Montgomery	182	142	40	147	30	5	82	97	3	94	88	35.8
Morris	19	15	4	19	0	0	9	10	0	14	5	32.9
Morton	9	7	2	9	0	0	3	6	0	6	3	34.3
Nemaha	29	18	11	25	1	3	4	23	2	17	12	40.1
Neosho	69	55	14	66	3	0	22	44	3	41	28	33.6
Ness	13	11	2	13	0	0	1	12	0	4	9	40.8
Norton	19	13	6	17	1	1	6	13	0	12	7	35.5
Osage	44	34	10	42	1	1	18	25	1	33	11	33.8
Osborne	10	6	4	10	0	0	1	9	0	5	5	36.9
Ottawa	4	4	0	3	1	0	2	2	0	4	0	40.3
Pawnee	35	29	6	25	10	0	9	26	0	24	11	33.1
Phillips	11	8	3	11	1	0	3	8	0	2	9	34.5
Pottawatomie	66	44	22	53	11	2	17	46	3	45	21	36.5
Pratt	50	35	15	47	1	2	21	28	1	22	28	34.6
Rawlins	5	4	1	5	0	0	4	1	0	2	3	32.7
Reno	441	329	112	393	41	7	160	270	11	200	241	33.7
Republic	8	7	1	8	0	0	4	3	1	7	1	30.9
Rice	41	32	9	40	1	0	13	28	0	18	23	39.0
Riley	111	82	29	60	48	3	42	66	3	73	38	34.6
Rooks	22	19	3	22	0	0	10	12	0	8	14	39.4
Rush	18	9	9	17	1	0	2	16	0	16	2	29.5
Russell	48	36	12	44	3	1	14	33	1	19	29	33.7
Saline	487	369	118	401	76	10	140	338	9	255	232	34.7
Scott	13	11	2	12	1	0	1	12	0	4	9	40.1

Table 1: FY 2020 Offender Characteristics by County – 4

County	Number Of Sentences	Gender		Race			Sentence Type			Offense Type		Mean Age*
		Male	Female	White	Black	Other	Prison	Probation	Jail	Nondrug	Drug	
Sedgwick	2,312	1,831	481	1,555	682	75	1,073	1,191	48	1,706	606	35.2
Seward	125	91	34	103	16	6	56	63	6	64	61	32.9
Shawnee	808	619	188	553	219	35	262	528	18	523	285	35.8
Sheridan	4	2	2	4	0	0	1	3	0	2	2	36.6
Sherman	61	47	14	48	11	1	19	40	2	21	40	34.0
Smith	4	3	1	4	0	0	3	1	0	4	0	42.7
Stafford	14	11	3	14	0	0	2	11	1	6	8	37.8
Stanton	7	5	2	7	0	0	4	3	0	2	5	31.8
Stevens	11	9	2	11	0	0	4	7	0	5	6	35.7
Sumner	88	70	18	82	4	2	43	41	4	65	23	35.8
Thomas	30	23	7	27	1	2	11	19	0	20	10	31.4
Trego	40	30	10	38	2	0	12	24	4	14	26	36.1
Wabaunsee	20	14	6	17	2	1	2	13	2	11	9	35.1
Wallace	6	5	1	6	0	0	2	3	1	1	5	35.8
Washington	7	5	2	7	0	0	3	3	1	4	3	39.2
Wichita	2	2	0	2	0	0	1	1	0	1	1	37.7
Wilson	36	23	13	36	0	0	11	25	0	21	15	34.9
Woodson	7	5	2	6	0	1	1	6	0	6	1	30.9
Wyandotte	778	634	144	471	295	12	342	420	16	508	270	34.6
Unknown	6	6	0	2	4	0	6	0	0	6	0	32.8
TOTAL	11,823	9,090	2,732	9,092	2,412	319	4,473	6,691	389	7,144	4,679	36.6

* Prison sentences are based on KDOC admissions in FY 2020. Probation, DUI PIS and jail sentences are based on the sentencing journal entries reported to KSC during FY 2020.

** DUI post-imprisonment supervision sentences accounted for 344 and county jail accounted for 45 sentences.

*** Average age at time of sentencing.

CHARACTERISTICS OF OFFENDERS AND OFFENSES

This section presents the characteristics of the offenders who were sentenced during FY 2020. The crime categories committed by the offenders are analyzed descriptively.

In FY 2020, male offenders represented 76.9% of the total sentences (Figure 6) and committed more than 80% of most aggravated and violent crimes such as aggravated assault, aggravated battery, aggravated robbery, rape, burglary, criminal threat, murders and kidnapping.

Female offenders made up 23.1% of the sentences in FY 2020, indicating an increase of 0.4% compared with that of FY 2019. The most frequently committed crimes by female offenders (over 40%) was forgery, identity theft, mistreatment of dependent adults and trafficking contraband in a correctional facility.

The racial distribution of offenders in FY 2020 does not fluctuate much from that of FY 2019. White offenders made up 76.9% of the sentences and 20.4% of the sentences were committed by black offenders (Figure 7).

The distributions of offenders by gender, race and age are demonstrated respectively in Figures 6 - 9. The demographic information of offenders by offense types is presented in Table 2.

Figure 6: Distribution of FY 2020 Sentences by Gender of Offenders

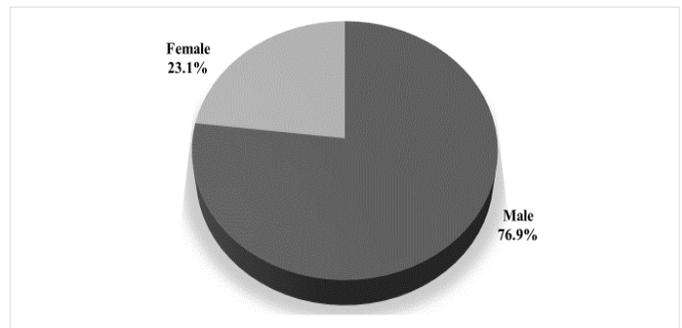
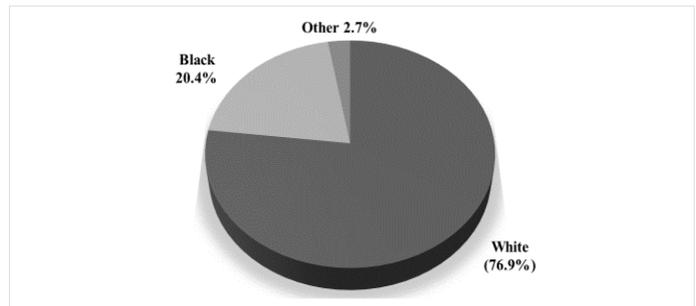
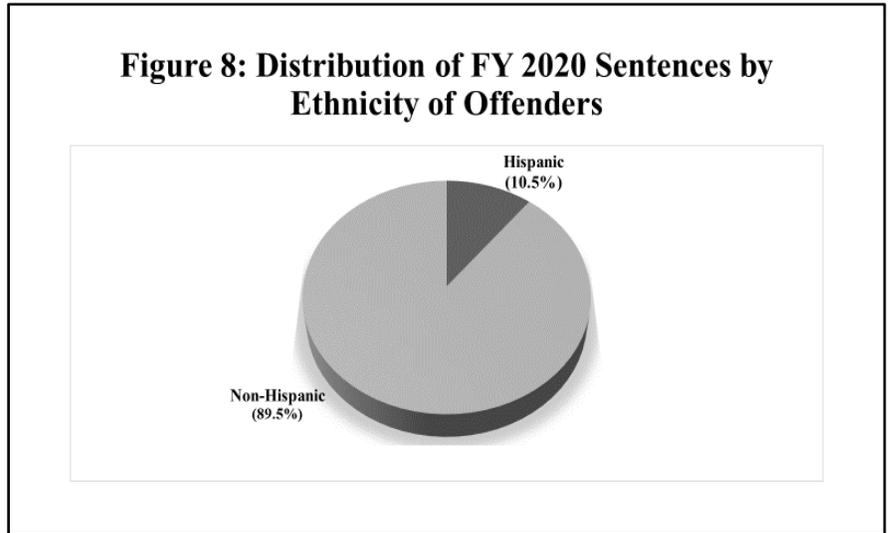


Figure 7: Distribution of FY 2020 Sentences by Race of Offenders



The analysis of the ethnicity of offenders discloses that 89.5% of the offenders in FY 2020 were of Non-Hispanic origin, indicating an increase of 0.3% when compared with the percentage rate of FY 2019 (89.2%). This distribution of ethnicity of offenders has been comparatively constant in the past five years (Figure 8).



The review of offenders' age reveals that the largest group of offenders was found in the age group ranging from 31 to 40 years old at the time of committing the offense, which represented 31.5% of all offenders in FY 2020. The second largest offender population was identified in the age group ranging from 25 to 30 years old (Figure 9). This finding is consistent with those in the past five years.

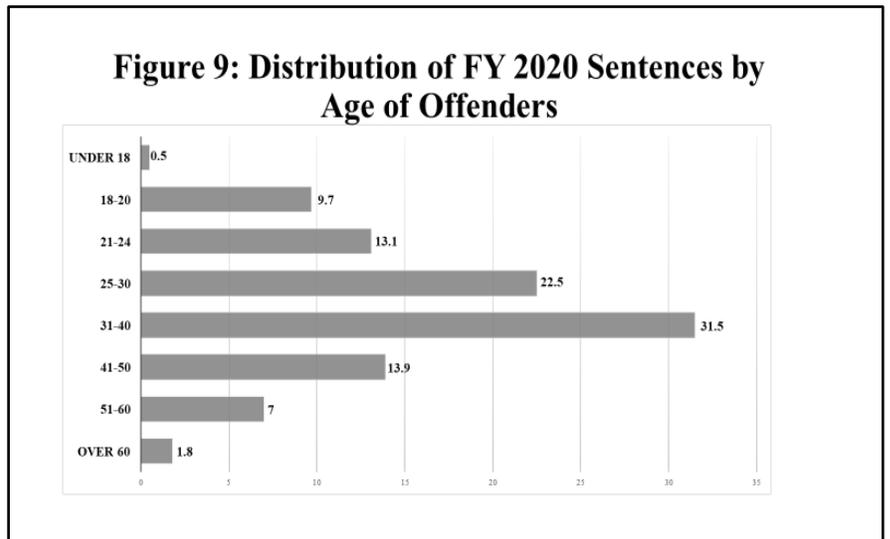


Table 2: FY 2020 Offender Characteristics by Type of Offense – 1

Offense Type	Number Of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Abuse of Child	14	64.3	35.7	64.3	28.6	7.1	30.1
Agg. Arson	19	78.9	21.1	68.4	21.1	10.5	41.1
Agg. Assault	248	88.7	11.3	73.8	22.6	3.6	33.2
Agg. Assault on LEO	45	80.0	20.	82.8	13.3	4.4	32.4
Agg. Battery	604	86.9	13.1	68.7	28.0	3.3	32.4
Agg. Battery on LEO	22	86.4	13.6	81.8	13.6	4.5	29.7
Agg. Burglary	41	87.8	12.2	53.7	46.3	0.0	28.3
Agg. Criminal Sodomy w/Child	20	90.0	10.0	80.0	10.0	10.0	27.6
Agg. Endangering a Child	52	57.7	42.3	73.1	26.9	0.0	30.0
Agg. Escape from Custody	75	78.7	21.3	77.3	18.7	4.0	34.6
Agg. Failure to Appear	24	62.5	37.5	79.2	20.8	0.0	30.3
Agg. False Impersonation	1	100.00	0.0	100.0	0.0	0.0	30.4
Agg. Robbery	133	89.5	10.5	45.9	52.6	1.5	26.0
Agg. Indecent Liberties w/Child	95	98.9	1.1	82.1	14.7	3.2	30.4
Agg. Indecent Solicit w/Child	26	100.0	0.0	84.6	11.5	3.8	39.2
Agg. Interference w/Parent Custody	4	50.0	50.0	75.0	25.0	0.0	33.2
Agg. Intimidation of a Victim	20	80.0	20.0	75.0	20.0	5.0	31.9
Agg. Kidnapping	15	93.3	6.7	60.0	33.3	6.7	32.1
Agg. Sexual Battery	35	100.0	0.0	68.6	28.6	2.9	35.4
Agg. Weapon Violation	13	84.6	15.4	84.6	15.4	0.0	35.8
Aid Felon	11	27.3	72.7	90.9	9.1	0.0	31.0
Arrange Sale/Purchase Drug	19	52.6	47.4	89.5	10.5	0.0	29.2
Arson	33	78.8	21.2	84.8	15.2	0.0	35.1
Auto Failure to Remain	5	100.0	0.0	100.0	0.0	0.0	34.2
Battery on LEO	82	73.2	26.8	58.5	37.8	3.7	31.5
Breach of Privacy	13	92.3	7.7	76.9	23.1	0.0	42.4
Burglary	795	83.4	16.6	83.1	14.3	2.5	31.3
Contribute Child's Misconduct	11	100.0	0.0	100.0	0.0	0.0	26.0
Computer Crime	14	57.1	42.9	78.6	14.3	7.1	37.2
Criminal Damage to Property	108	88.0	12.0	71.3	27.8	0.9	31.3
Criminal Discharge of Firearm	30	100.0	0.0	76.7	23.3	0.0	26.8
Crim Deprivation of Property	1	0.0	100.0	100.0	0.0	0.0	26.2
Criminal Sodomy w/Child	3	100.0	0.0	66.7	33.3	0.0	25.2
Criminal Threat	419	89.7	10.3	69.5	27.7	2.9	35.5
Criminal Use of Explosives	4	75.0	25.0	100.0	0.0	0.0	39.5
Criminal Use of Financial Card	9	55.6	44.4	77.8	22.2	0.0	34.4
Domestic Battery	269	95.9	4.1	70.6	27.5	1.9	32.6

Table 2: FY 2020 Offender Characteristics by Type of Offense – 2

Offense Type	Number Of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Drugs	4,662	70.9	29.1	82.0	15.3	2.3	34.8
Drug without Tax Stamps	8	87.5	12.5	87.5	12.5	0.0	30.0
DUI	375	82.4	17.6	87.2	11.5	1.3	41.0
Electronic Solicitation of Child	14	100.0	0.0	92.9	7.1	0.0	34.1
Failure to Register	379	85.2	14.8	73.9	23.0	3.2	36.5
Fleeing or Eluding LEO	332	84.9	15.1	72.0	26.8	1.2	31.1
Forgery	262	51.9	48.1	80.9	17.2	1.2	35.2
False Writing	65	52.3	47.7	69.2	24.6	6.2	36.2
Giving Worthless Checks	13	38.5	61.5	85.6	15.4	0.0	40.5
Identity Theft	210	53.3	46.7	65.2	31.4	3.3	32.8
Indecent Liberties w/Child	28	100.0	0.0	89.3	10.7	0.0	29.8
Indecent Solicitation of Child	23	95.7	4.3	78.3	21.7	0.0	29.1
Involuntary Manslaughter	15	86.7	13.3	73.3	26.7	0.0	35.8
Kidnapping	35	97.1	2.9	65.7	25.7	8.6	28.5
Lewd and Lascivious Behavior	6	100.0	0.0	100.0	0.0	0.0	54.7
Mistreat Dependent Adult	23	30.4	60.6	82.6	8.7	8.7	39.5
Murder in the First Degree	35	97.1	2.9	62.9	37.1	0.0	24.8
Murder in the Second Degree	63	88.9	11.1	55.6	39.7	4.8	27.9
Nonsupport of Child or Spouse	5	20.0	80.0	100.0	0.0	0.0	36.6
Obstructing Legal Process	215	78.1	21.9	75.3	21.4	3.3	32.9
Possession of Weapons	242	93.8	6.2	60.3	34.7	5.0	32.5
Rape	72	98.6	1.4	75.0	18.1	6.9	32.8
Robbery	149	84.6	15.4	53.7	43.6	2.7	27.7
Sex Exploitation of a Child	46	97.8	2.2	84.8	13.0	2.2	36.9
Stalking	36	97.2	2.8	80.6	19.4	0.0	40.0
Tamper w/Electronic Monitor Equip.	64	67.2	32.8	78.1	20.3	1.6	31.6
Theft	887	68.1	31.9	74.5	23.1	2.4	34.5
Trafficking Contraband	70	55.7	44.3	78.6	18.6	2.9	34.1
Unlawful Sexual Relations	2	100.0	0.0	100.0	0.0	0.0	37.7
Unlawful Voluntary Sex Relations	12	100.0	0.0	83.3	16.7	0.0	19.2
Voluntary Manslaughter	24	87.5	12.5	58.3	41.7	0.0	32.9
Weapons	21	100.0	0.0	47.6	47.6	4.8	30.3
Other	34	76.5	23.5	73.9	22.7	3.4	34.7
Total	11,823	76.9	23.1	76.9	20.4	2.7	33.9

Note: Offenses with number of cases smaller than 4 not listed in the previous year are included in the offense type of "Other".

* Average age at time of offense.

Felony DUI under K.S.A. 8-1567

The felony crime of driving under the influence of alcohol or drugs for the third or subsequent conviction (DUI) under K.S.A. 8-1567(f) was classified as a severity level 9, nonperson felony offense in 1993 when the Sentencing Guidelines were established. During the 1994 Legislative Session, the crime was amended as a nongrid crime and subjected to the specific sentencing provisions of K.S.A. 8-1567. Additionally, the offender cannot be ordered to a state correctional facility to serve the sentence imposed as set forth in K.S.A. 21-6804(i). The crime was further amended by Senate Bill 67 in 2001. As a result, it was possible for an offender convicted of a fourth or subsequent DUI to serve time in prison in the event he/she violated conditions of postrelease supervision (K.S.A. 2001 Supp. 8-1567(g)). However, 2011 House Substitute for Senate Bill 6 amends a third DUI conviction to a class A nonperson misdemeanor, unless the offender has a prior conviction which occurred within the preceding 10 years. The bill further amends that all imprisonment for DUI is to be served in jail regardless of the number of priors. There are no provisions for postrelease

supervision by KDOC parole officers. Current felony crimes for DUI are found in K.S.A. 8-1567(b)(1)(D) and (E).

Figure 10 demonstrates the sentencing trends of felony DUI under K.S.A. 8-1567 in FY 2001 and the past five fiscal years. In FY 2001, 614 offenders were convicted of felony DUI. Of this number, 12 (2%) were sentenced to prison as condition violators, 434 (70.7%) were sentenced to probation and 168 (27.4%) were sentenced to county jail. During FY 2020, a total number of 389 sentences were convicted under this crime with 1 (0.3%) sentenced to prison, 3 (0.8%) sentenced to probation and 385 (98.9%) sentenced to county jail/post-imprisonment supervision. The total number of sentences for those convicted under the crime of felony DUI in FY 2020 decreased by 22.8% from that of FY 2019 and decreased by 36.7% over that of FY 2001. When compared to FY 2016, the number significantly decreased by 42.2%. Figure 11 displays the distribution of felony DUI convictions in FY 2020 by county. Johnson and Sedgwick counties were the top two counties imposing 110 (29.3%) and 43 (11.5%) sentences respectively under K.S.A. 8-1567(b)(1)(D) and (E) in FY 2020.

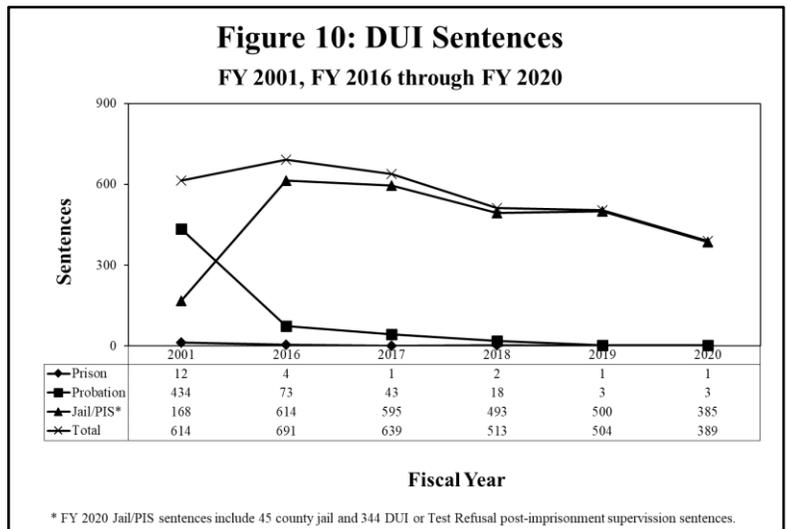


Figure 11: FY 2020 DUI Offense by County

Please see KSSC website for updated county dashboard map:

<https://www.sentencing.ks.gov/statistical-analysis/dashboards/annual-report-analysis>

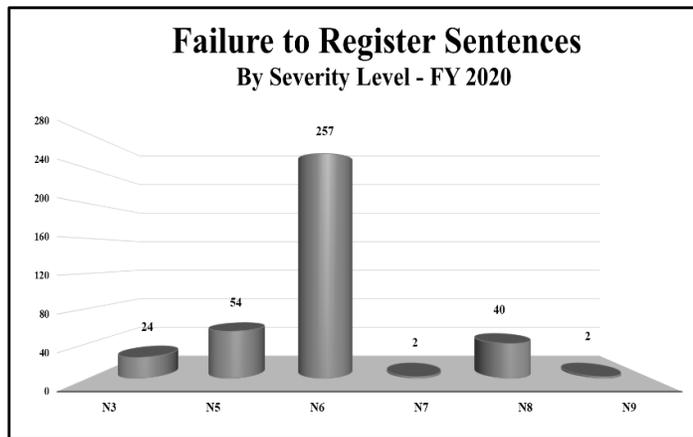
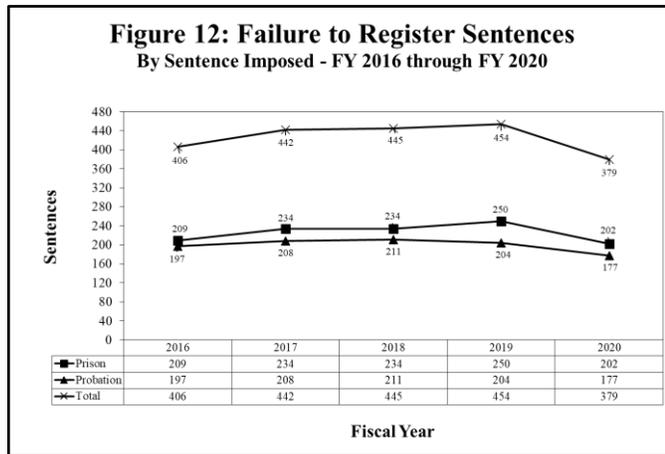
Sentences for Failure to Register under the Kansas Offender Registration Act

K.S.A. 22-4903 lists the penalty for a failure to register under the Kansas Offender Registration Act (KORA). The statute was amended to increase the penalty from a class A, nonperson misdemeanor to a severity level 10, nonperson felony during the 1999 Legislative Session. The penalty for the crime was amended again in the 2006 Legislative Session, which increased the

penalty to a severity level 5, person felony. The 2011 Legislation further amended the penalties for violations of KORA as a severity level 6, person felony for the first violation; a severity level 5, person felony for the second violation and a severity level 3, person felony for the third or subsequent violation or aggravated failure to register as requested. The 2013 Legislation created a level 9, person felony for the conviction of failure to remit two or more full payments as required by K.S.A. 22-4905(k).

During FY 2020, 379 sentences were reported under this crime, a decrease of 16.5% when compared with FY 2019 and of 6.6% when compared with FY 2016. Of those 379 convictions, 202 were sentenced to prison and 177 were sentenced to probation. The findings indicates a decrease in the trend seen in the past five years (Figure 12).

The distribution of the severity levels of the crime committed in FY 2020 is presented in Figure 13. 24 (6.3%) convictions under this crime were sentenced at nondrug severity level 3, 54 (14.3%) were sentenced at nondrug severity level 5 and 257 (67.8%) were sentenced at nondrug severity level 6. Sentences at nondrug severity levels 7, 8, 9 and 10 were attempt convictions of the crime, representing 2 (0.5%), 40 (10.6%), and 2 (0.5 %) convictions respectively.



Burglary and Aggravated Burglary

Burglary, including aggravated burglary, is one of the top five offenses committed in the past five years. The penalty for the crime is nondrug severity level 5 for aggravated burglary; nondrug severity level 7 for residential and nonresidential burglary; and nondrug severity level 9 for motor vehicle burglary. In the 2016 legislative session, HB 2462 amended the definition and penalties for burglary and aggravated burglary. A

burglary with intent to commit the theft of a firearm is a severity level 5, person felony and an aggravated burglary committed by entering into or remaining in a dwelling where there is a human being, with the required intent, is a severity level 4, person felony. Three special sentencing rules related to burglary make a conviction of the crime a presumptive prison sentence. The numbers of burglary offenders sentenced to prison with the three special sentencing rules in the past five years are as follows: 88 in FY 2020, 159 in 2019, 180 in FY 2018, 137 in FY 2017, and 130 in FY 2016.

Figure 14 exhibits a downward trend of the burglary sentences in the past five years. The total number of burglary sentences in FY 2020 decreased by 396 from those of FY 2019 and by 651 from that of FY 2016. The number of prison sentences in FY 2020 decreased by 201 sentences compared with FY 2019 and decreased by 304 sentences compared with FY 2016. The number of probation sentences decreased by 195 compared with FY 2019 and by 347 compared with FY 2016.

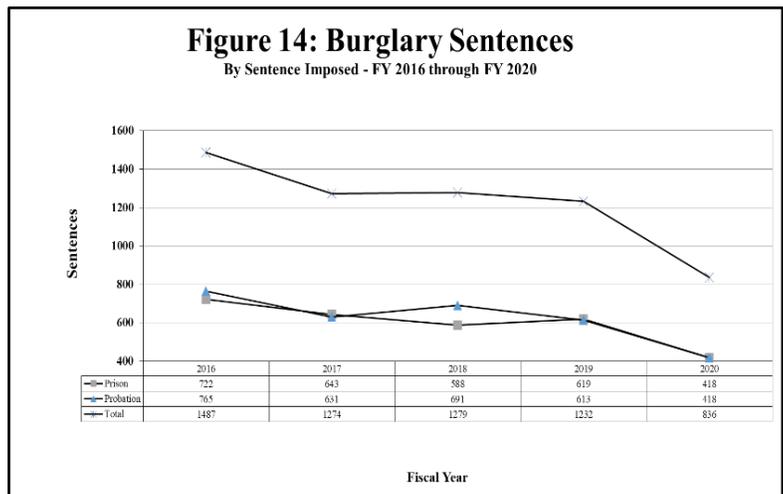
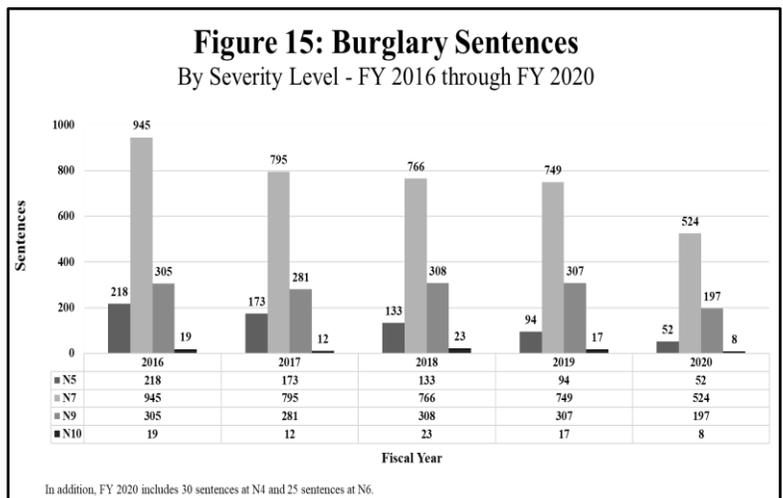


Figure 15 demonstrates the distribution of burglary sentences by severity level in the past five years. The majority of the convictions were sentenced at nondrug severity level 7, representing 62.7% of burglary sentences imposed in FY 2020, 60.8% FY 2019, 59.9% in FY 2018, 62.4% in FY 2017, and 63.6% in FY 2016.



Domestic Violence Cases

The domestic violence cases discussed in the section refer to the convictions designated by the court as domestic violence cases based upon a special finding. Under these convictions, the trier of fact determined that the offender committed a domestic violence offense; the court found that the offender had prior domestic violence conviction(s) or diversion(s); and the offender used the present domestic violence offense to coerce, control or punish the victim (K.S.A. 22-4616).

In FY 2020, a total number of 454 sentences were designated by the court as domestic

violence cases. This was a decrease of 31 sentences or 6.4% compared with FY 2019 (485 sentences). Of the 454 sentences, 112 (24.7%) were sentenced to prison, 331 (72.9%) were sentenced to probation and 11 (2.4%) were sentenced to county jail. 92.5% of the offenders were male. White offenders accounted for 68.3%, black offenders accounted for 29.7% and offenders of other races represented 2.0%. Their average age at sentencing was 34.4 years old, which is the same as FY 2019. Domestic battery (36.8%), aggravated battery (18.0%), criminal threat (18.9%), and aggravated assault (9.7%) were still the top four offenses committed by this group of offenders when compared with FY 2019.

Table 3: FY 2020 Most Serious Offenses Committed by Designated Domestic Violent Offenders

Offense	Number	Percent
Aggravated Assault	44	9.7%
Aggravated Battery	82	18.0%
Aggravated Kidnapping/Kidnapping	10	2.2%
Aggravated Burglary/Burglary	12	2.7%
Aggravated Sexual Battery of a Child	3	0.7%
Aggravated Intimidation of Witness/Victim	3	0.7%
Arson/Agg. Arson	3	0.6%
Criminal Damage to Property	11	2.4%
Criminal Threat	86	18.9%
Domestic Battery/Aggravated Domestic Battery	167	36.8%
Murder in the First Degree	2	0.4%
Voluntary Manslaughter	1	0.2%
Interference with Law Enforcement	2	0.4%
Robbery	5	1.1%
Stalking	14	3.1%
Theft	2	0.4%
Other	7	1.0%
Total	454	100.0%

Note: Based on Kansas Sentencing Commission's sentencing data.

INCARCERATION SENTENCES

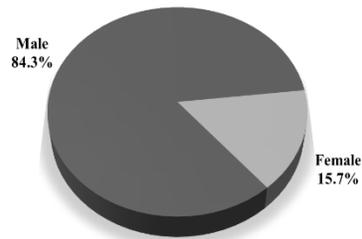
Characteristics of Offenders

During FY 2020, a total number of 4,473 offenders were admitted to the state correctional facilities. Figures 16 - 20 present the characteristics of the offenders. Males continue to be the predominant offender group making up 84.3% of the offenders admitted to prison in FY 2020 (Figure 16).

The analysis discloses that the racial distribution of offenders in FY 2020 does not fluctuate much when compared with FY 2019. White offenders accounted for 73.4%, black offenders accounted for 23.0% and other races represented 3.6% of the total admissions of FY 2020 (Figure 17).

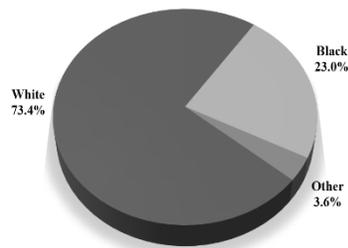
Figure 18 displays that non-Hispanic offenders accounted for 89.0% of the offenders sentenced to prison, a decrease of 0.5% compared with FY 2019. The overall distributions of the offenders by gender, race and ethnicity are comparatively constant compared with those of the past five years.

Figure 16: FY 2020 Incarceration Sentences by Gender of Offenders



Based on 4,473 incarceration sentences reporting gender of offenders

Figure 17: FY 2020 Incarceration Sentences by Race of Offenders



Based on 4,473 incarceration sentences reporting race of offenders

Figure 19 demonstrates the distribution of offenders' age at admission in FY 2020. The largest number of incarcerated offenders were found in their thirties (35.0%) at the time of admission to prison. The second largest number of offenders were in the age group ranging from 25 to 30 years old representing 23.5% of the total admission in FY 2020. This age distribution pattern is consistent with the age data observed in FY 2019.

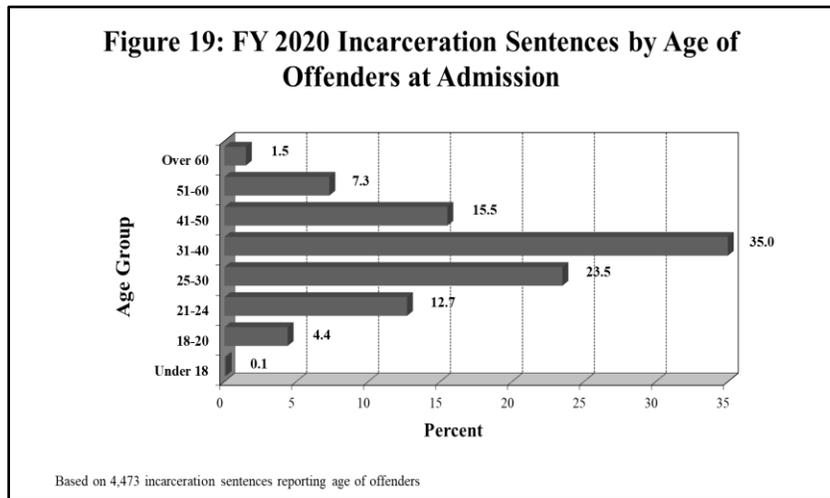
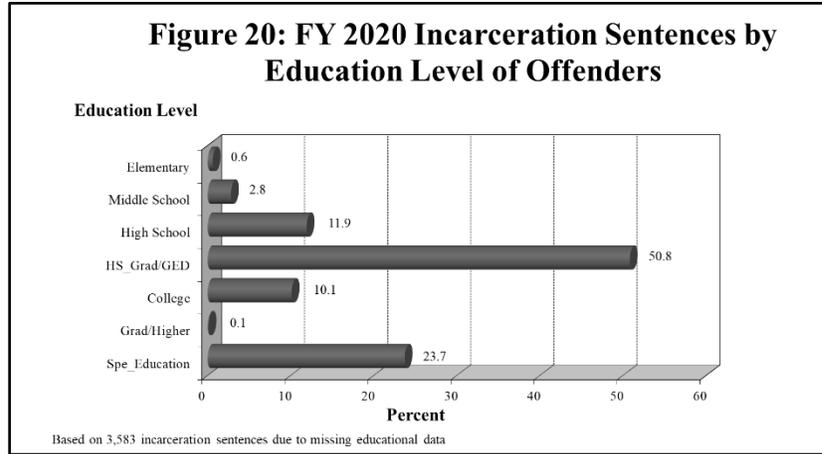


Figure 20 presents the education levels of the offenders admitted to prison during FY 2020. The analysis indicates that 50.8% of the offenders had obtained a high school diploma or GED equivalent indicating little change in percentage rate when compared with the same group observed in FY 2019.



Incarceration Nondrug Offenses

In FY 2020, nondrug offenders admitted to prison represented 67.5% (3,021 offenders) of the total incarceration sentences (4,473) of the fiscal year. The top ten nondrug offenses were burglary (379), aggravated battery (346), theft (248), failure to register (202), aggravated assault (147), criminal threat (142), fleeing and eluding (129), aggravated robbery (114), possession of a firearm (104), and robbery (91). These top ten crimes accounted for 63.0% of the total nondrug crimes committed by the offenders admitted to prison in FY 2020 (Table 4).

When reviewing the offenders by gender, the data shows that male offenders committed more than 85% of the top ten crime categories, except for theft. Most sex offenders were males, indicating no change from the previous year. However, the most frequently committed offenses by female offenders were found in the offense

categories of forgery, identity theft, false writing and theft (Table 4).

The racial analysis on nondrug offenders indicates that the highest incarceration rates for white offenders (over 70%) were discovered in the crime areas of arson, aggravated intimidation of a witness, burglary, forgery, theft, identity theft, aggravated assault on LEO, fleeing or eluding LEO, aggravated escape from custody, criminal damage to property, trafficking contraband and most sex offenses. Nevertheless, black offenders were incarcerated more often (over 40%) for the crimes of aggravated burglary, aggravated robbery, robbery, indecent solicitation of a child, second degree murder, unlawful sexual relations, and voluntary manslaughter. The average age of the nondrug offenders was 35.2 years old at the time of admission to prison in FY 2020, which is very consistent with those of the past three fiscal years (Table 4).

Table 4: FY 2020 Incarceration Nondrug Offender Characteristics by Type of Offense – 1

Offense Type	Number Of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Abuse of Child	8	62.5	37.5	62.5	25.0	12.5	30.6
Agg. Arson	10	90.0	10.0	70.0	20.0	10.0	41.4
Agg. Assault	113	91.2	8.8	71.7	23.0	5.3	34.5
Agg. Assault on LEO	34	85.3	14.7	88.2	5.9	5.9	33.4
Agg. Battery	328	91.2	8.8	69.2	27.7	3.0	34.7
Agg. Battery on LEO	18	94.4	5.6	88.2	11.1	0.0	34.1
Agg. Burglary	39	87.2	12.8	51.3	48.7	0.0	34.2
Agg. Criminal Sodomy w/Child	20	90.0	10.0	80.0	10.0	10.0	33.9
Agg. Endangering a Child	6	66.7	33.3	66.7	33.3	0.0	29.1
Agg. Escape from Custody	41	85.4	14.6	73.2	26.8	0.0	36.5
Agg. Indecent Liberties w/Child	88	98.9	1.1	83.0	13.6	3.4	36.1
Agg. Indecent Solicit w/Child	19	100.0	0.0	84.2	10.5	5.3	34.1
Agg. Intimidation of a Victim	14	85.7	14.3	85.7	7.1	7.1	34.9
Agg. Kidnapping	13	100.0	0.0	61.5	30.8	7.7	35.9
Agg. Robbery	114	93.0	7.0	43.0	55.3	1.8	30.6
Agg. Sexual Battery	30	100.0	0.0	63.3	33.3	3.3	38.9
Aid Felon	3	33.0	66.7	100.0	0.0	0.0	28.0
Arson	8	100.0	0.0	87.5	12.5	0.0	41.2
Battery on LEO	43	83.7	16.3	62.8	30.2	7.0	33.6
Burglary	379	88.1	11.9	79.7	17.2	3.2	33.6
Criminal Damage to Property	24	87.5	12.5	70.8	29.2	0.0	35.3
Criminal Discharge of Firearm	19	100.0	0.0	68.4	31.6	0.0	24.9
Criminal Sodomy w/Child	3	100.0	0.0	66.7	33.3	0.0	29.0
Criminal Threat	142	92.3	7.7	68.3	31.0	0.7	37.3
Criminal Use of Financial Card	2	50.0	50.0	100.0	0.0	0.0	36.1
Domestic Battery	84	98.8	1.2	63.1	32.1	4.8	33.2
Electronic Solicitation of Child	13	100.0	0.0	92.3	0.0	7.7	36.3
Failure to Register	202	87.1	12.9	72.8	23.8	3.5	38.0
Fleeing or Eluding LEO	129	93.0	7.0	73.6	25.6	0.8	34.6
Forgery	74	67.6	32.4	73.0	24.3	2.7	38.5
False Writing	20	65.0	35.0	70.0	25.0	5.0	39.8
Giving Worthless Checks	2	50.0	50.0	100.0	0.0	0.0	47.5
Identity Theft	48	58.3	41.7	79.2	14.6	6.3	35.9

Table 4: FY 2020 Incarceration Nondrug Offender Characteristics by Type of Offense – 2

Offense Type	Number Of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Indecent Liberties w/Child	21	100.0	0.0	85.7	14.3	0.0	37.4
Indecent Solicitation of Child	11	100.0	0.0	63.6	36.4	0.0	28.2
Involuntary Manslaughter	14	85.7	14.3	78.6	21.4	0.0	38.1
Kidnapping	28	100.0	0.0	67.9	25.0	7.1	35.6
Murder in the First Degree	35	97.1	2.9	62.9	37.1	0.0	35.0
Murder in the Second Degree	62	88.7	11.3	54.8	40.3	4.8	35.0
Obstructing Legal Process	50	84.0	16.0	68.0	22.0	10.0	37.7
Possession of Firearm	104	95.2	4.8	56.7	32.7	10.6	33.8
Rape	70	98.6	1.4	74.3	18.6	7.1	40.5
Robbery	91	93.4	6.6	57.1	40.7	2.2	31.5
Sex Exploitation of a Child	24	95.8	4.2	79.2	20.8	0.0	35.9
Tamper w/Electronic Monitor	33	66.7	33.3	72.7	24.2	3.0	31.9
Stalking	18	94.4	5.6	83.3	16.7	0.0	42.2
Theft	248	77.4	22.6	72.2	25.4	2.4	37.5
Trafficking Contraband	36	55.6	44.4	80.6	13.9	5.6	35.5
Unlawful Voluntary Sex Relation	3	100.0	0.0	33.3	66.7	0.0	24.7
Voluntary Manslaughter	24	87.5	12.5	58.3	41.7	0.0	35.4
Weapons/Agg. Weapon Violation	13	92.3	7.7	61.5	30.8	7.7	34.2
Other	46	84.8	15.2	67.6	27.0	5.4	38.0
TOTAL	3,021	2,661	361	2128	786	107	35.2

Note: Offenses with number of cases smaller than 2 are included in the offense type of “Other”.

Incarceration Drug Offenses

A new drug sentencing grid with five severity levels has been adopted since July 1, 2012. The crimes of drug possession convicted under K.S.A. 21-5706 are reclassified to drug severity level 5. The felony crimes of drug distribution or possession with intent to distribute the drugs convicted under K.S.A. 21-5705 are reclassified to drug severity levels 1 to 4 based on drug type and quantity. Violations occurring within 1,000 feet of any school property increase the severity level by one level. FY 2020 is the eighth year of implementing the new drug sentencing grid. The majority of drug sentences are imposed under the new drug sentencing grid.

During FY 2020, a total number of 1,451 drug offenders were admitted to prison, representing 32.4% of the total admissions to the state correctional facilities. Of this total number, 71.1% were incarcerated for convictions of drug possession offenses, indicating a decrease of 0.1% compared with that of FY 2019 (71.2%). Approximately 0.4% of the drug possession

The drug possession sentences at drug severity levels 4 and 5 included drug crimes under K.S.A. 21-5706, or K.S.A. 21-36a06, K.S.A. 65-4160 and K.S.A. 65-4162. Drug possession offenses at drug severity level 2 reflected the drug crimes committed before November 1, 2003 (before the implementation of Senate Bill 123).

offenders were found at drug severity level 4. Offenders at drug severity level 5 accounted for 99.6% of the drug possession group. The percentage of offenders admitted at drug severity level 5 increased by 0.7% over that of FY 2019 (98.9%) after higher increases of the years before, which reflects the implementation of the new drug sentencing grid (Figure 21).

In FY 2020, male offenders represented 75.2% of the drug offenders admitted to prison. Most female offenders were convicted of drug crimes for drug possession and drug distribution or sale. White offenders were convicted of over 80% of incarceration drug sentences in the drug crime areas of possession of drugs, including precursor drugs, and unlawfully manufacturing controlled substance. Black offenders were incarcerated more frequently for convictions of drug crimes of drug distribution. The average age of drug offenders was 36.3 years old at admission to prison, very close to that observed in FY 2019 (Table 5).

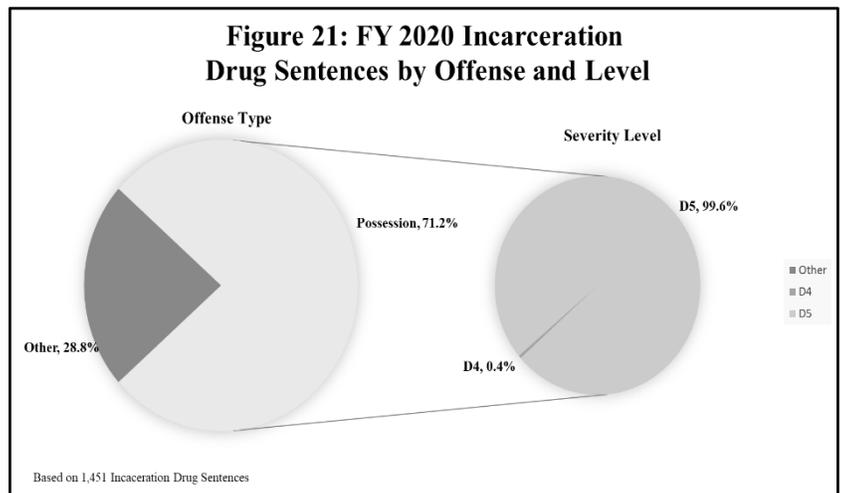
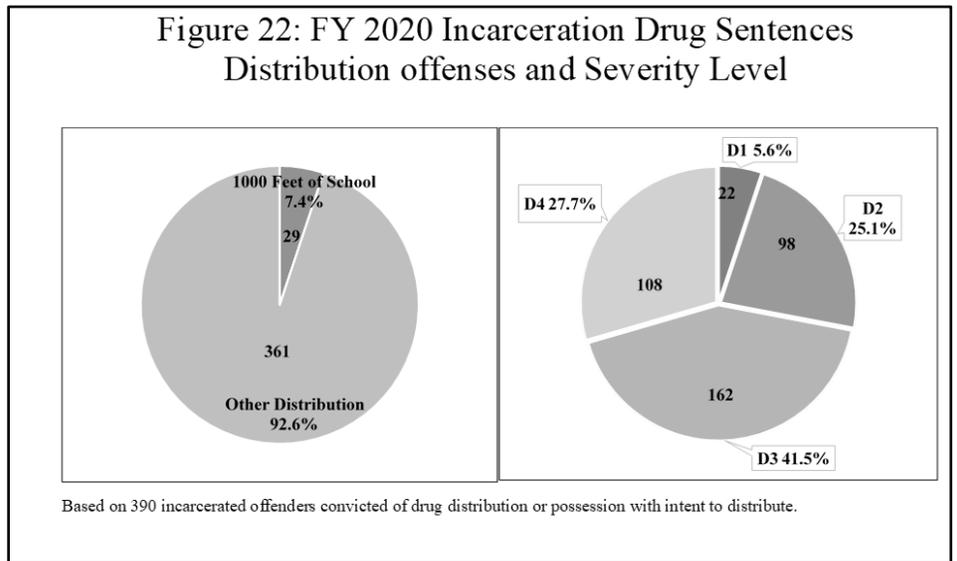


Table 5: FY 2020 Incarceration Drug Offender Characteristics by Type of Offense

Offense Type	Number Of Cases	Gender (%)		Race (%)			Average Age at Admission
		Male	Female	White	Black	Other	
Drugs; Possession	1,033	73.9	26.1	82.8	14.1	3.1	36.5
Drugs; Distribution/Sale	390	78.5	21.5	78.7	18.9	2.5	35.8
Unlawful Manufacture Controlled Substance	11	85.0	15.0	100.0	0.0	0.0	43.3
Possession of Paraphernalia	15	68.0	32.0	88.0	8.0	4.0	34.1
Possession of Precursor Drugs	2	85.7	14.3	100.0	0.0	0.0	25.3
TOTAL	1,451	75.2	24.8	81.9	15.2	2.9	36.3

390 offenders (26.9%) were admitted to prison for the crimes of drug distribution or possession with intent to distribute in FY 2020. Of this number, 29 or 7.4% occurred within 1,000 feet of school property. The largest number of the offenders was at drug severity level 3, accounting for 162 or 41.5% of the offenders convicted of drug distribution or possession with intent to distribute (Figure 22).



Types of Admission and Severity Levels

The distribution of offenders by types of admission to the Kansas Department of Corrections is presented in Table 6. New court commitments made up a large proportion of prison admissions in FY 2020, representing 35.5% of the total admissions. The percentage of this group increased by 4.5% compared with that of FY 2019 (31.0%).

44.9 percent of all offenders admitted to state correctional facilities in FY 2020 were condition violators, including probation condition violators and parole/postrelease condition violators. The group of condition violators increased by 5.9% when compared

with that of FY 2019 (39.0%). Sanctions from probation violation accounted for 6.3%, which is a decrease of 12.3% when compared with that of FY 2019 (18.6%). This group of offenders will be discussed in further detail below. As in past years, condition violators admitted to prison had a significant impact on the total admissions to the Department of Corrections in FY 2020.

Violators with new sentences, including probation violators with new sentences, parole/postrelease violators with new sentences and conditional release violators with new sentences, accounted for 11.7%, an increase of 2.3% from the percentage of this group of violators (9.4%) in FY 2019.

Table 6: Distribution of FY 2020 Incarceration Sentences by Admission Type

Admission Type	Number of Cases	Percent
New Court Commitment	1,586	35.5%
Sanction from Probation	284	6.3%
Probation Condition Violator	1,226	27.4%
Probation Violator With New Sentence/New Conviction	359	8.0%
Inmate Received on Interstate Compact	4	0.1%
Parole/Postrelease/CR Condition Violator	784	17.5%
Parole/Postrelease Violator With New Sentence	131	2.9%
Paroled to Detainer Returned With New Sentence	36	0.8%
Other	63	1.4%
TOTAL	4,473	100.0%

Table 7 displays the distribution of all incarcerated offenders admitted in FY 2020 by offense severity level and gender. The highest percentages (12.9% or higher) of all nondrug offenders are found at severity levels 5, 7, and 9 (Figure 23). This severity level distribution of nondrug incarcerated offenders has remained constant in the past

five years. The examination of drug offenders indicates that 7.7% of all drug offenders fell at drug severity level 4 and 71.9% of the offenders were identified at drug severity level 5 (Figure 24). Female offenders were convicted more often of drug offenses than of nondrug offenses (23.6% vs. 11.9%). The highest percentages of

female offenders were found at drug severity level 5 (25.8%) and nondrug severity level 10 (23.1%). The highest percentage rates of

male offenders were identified at drug severity level 3 (87.2%) and nondrug severity level 3 (95.6%).

**Table 7: Distribution of FY 2020 Incarceration Sentences
By Severity Level and Gender***

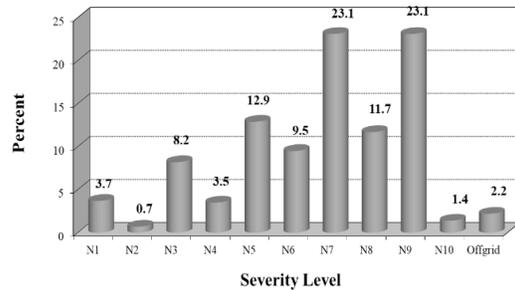
Severity Level	Number	Percent	Gender (%)	
			Male	Female
Drug				
D1	34	2.3	82.4	17.6
D2	98	6.8	77.6	22.4
D3	164	11.3	87.2	12.8
D4	112	7.7	78.6	21.4
D5	1,043	71.9	74.2	25.8
Subtotal	1,451	100	76.4	23.6
Nondrug				
N1	112	3.7	95.5	4.5
N2	19	0.6	84.2	15.8
N3	249	8.2	95.6	4.4
N4	107	3.5	94.4	5.6
N5	389	12.9	89.5	10.5
N6	288	9.5	84.7	15.3
N7	696	23.0	90.5	9.5
N8	354	11.7	79.4	20.6
N9	705	23.4	85.8	14.2
N10	39	1.3	76.9	23.1
Off-grid	66	2.2	93.9	6.1
Subtotal	3,022	100	88.1	11.9
TOTAL**	4,473	100	84.3	15.7

* Based on 1,451 drug offenders and 3,022 nondrug offenders.

Table 8 presents the admission numbers and average length of sentences (LOS) of the guidelines new commitment offenders admitted to prison in FY 2019 and FY 2020. This group of offenders includes direct new court commitments, probation condition violators and probation violators with new sentences or conviction. Violators of sanction from probation and pre-guideline offenders are excluded from this analysis.

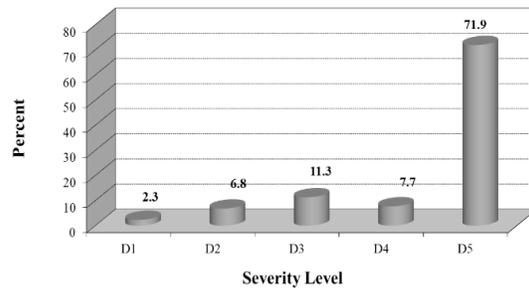
The total admission of drug new commitments decreased by 145 (21.1%) compared with FY 2019. The admissions at drug severity levels 1 decreased by 3 (11.2%), by 30 (32.3%) at drug severity level 2, by 38 (29.1%) at severity level 3, by 26 (29.9%) at drug severity level 4, and by 48 (13.7%) at severity level 5 compared with FY 2019. The average LOS decreased by 2.9 months a drug severity level 1, by 5.5 months at severity level 2, by 0.1 months at severity level 3, and 0.2 months at severity level 5, but increased by 0.7 months at severity level 4 compared with FY 2019. The analysis of nondrug new commitments indicates that the total number in FY 2020 decreased by 285 (17.5%) when compared with FY 2019. The admissions increased by 5 at nondrug severity level 1 but decreased at all other levels. It decreased by 4 at severity level 2, by 7 at severity level 3, by 15 at severity level 4, by 70 at severity level 5, by 14 at severity level 6, by 46 at severity level 7, by 41 at severity level 8, by 75 at severity level 9, and 18 at severity level 10. The average LOS in FY 2020 was

Figure 23: FY 2020 Incarceration Sentences Nondrug Offenders by Severity Level



Based on 3,022 nondrug offenders

Figure 24: FY 2020 Incarceration Sentences Drug Offenders by Severity Level



Based on 1,451 drug offenders

reduced by 92.0 months at nondrug severity level 1, by 0.3 months at severity level 3, by 0.7 months at severity level 5, by 4.3 months at severity level 7, by 0.9 months at severity level 9, and 0.7 months at severity level 10. The average LOS increased by 181.1 months at severity level 4, by 4.8 months at severity level 6, and by 0.9 months at severity level 8 when compared with FY 2019.

**Table 8: Guideline New Commitment Admissions
Average Length of Sentence (LOS) Imposed by Severity Level**

Severity Level	FY 2019*		FY 2020*	
	Admission #	Average LOS	Admission #	Average LOS
D1	27	106.9	24	104.0
D2	93	84.2	63	78.7
D3	131	60.7	93	60.6
D4	84	33.6	58	34.3
D5	352	30.1	304	29.9
N1	69	345.3	74	253.3
N2	14	105.1	10	286.2
N3	152	110	145	109.7
N4	83	62.9	68	66.8
N5	255	61.1	185	60.4
N6	154	38.6	140	43.4
N7	342	37.9	296	33.6
N8	178	20.5	137	21.4
N9	345	16.1	270	15.2
N10	32	11.1	14	10.4
Total	2,311	N/A	1,922	N/A

*Sanction probation violators are excluded.

Prison Admissions of Sanction from Probation

House Bill 2170 was passed in the 2013 Legislative Session, which was introduced as a result of the Kansas Justice Reinvestment Working Group. The bill's purpose was to increase public safety, reduce recidivism and curb spending. The bill made numerous changes to sentencing, probation and postrelease supervision statutes, which presented comprehensive changes in the criminal justice system as it relates to sentencing procedure and practice. Graduated sanctions for probation condition violators was one of the changes.

If the original crime of conviction is a felony and a violation is established, the bill allows the court to impose a series of increasing or graduated intermediate violation sanctions

including: confinement in jail for 2-3 days, not to exceed 18 days of jail sanctions during the entire probation supervision period; if the violator already had at least one intermediate sanction of confinement in jail, the bill allowed the court to remand the defendant to the custody of KDOC for a period of 120 or 180 days. The bill also provided that the time spent in jail or in the custody of KDOC shall not exceed the time remaining on the person's underlying prison sentence.

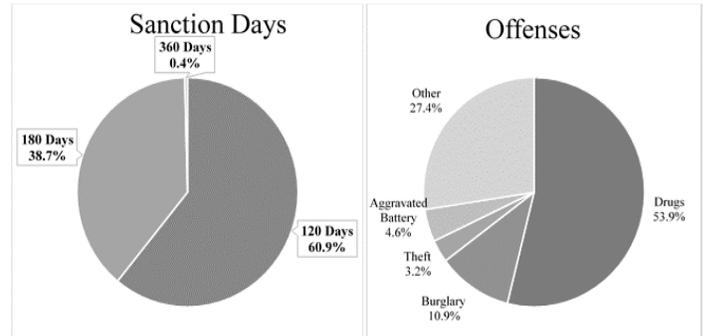
A total number of 284 probation condition violators were ordered to prison as a sanction from probation during FY 2020, a decrease of 902 violators (76.1%) compared with FY 2019 (1,186 violators). Of those 284 violators, 173 offenders (60.9%) were remanded for 120 sanction days, 110 offenders (38.7%) were remanded for 180

sanction days and 1 offender (0.4%) was remanded for 360 days in KDOC. The top five offenses convicted by this group were drug crimes (53.9%), burglary (10.9%), aggravated battery (4.6%), and forgery and theft (3.2% each). The majority of the group were males accounting for 72.2% and female offenders comprising 27.8% of the group. White offenders represented 84.5%, black offenders consisted of 11.6% and other races consisted of 3.9%. The average age of the offenders was 34.1.

The admission of the offenders of sanction from probation by county is presented in Table 9. Shawnee County imposed the largest number of sanctions from probation (42 or 14.8%), followed by Reno (31 or

10.9%), Lyon (24 or 8.5%), Johnson (18 or 6.3%), and Finney (15 or 5.3%) counties.

Figure 25: FY 2020 Sanction from Probation Incarceration Sentences



Based on 284 sanction from probation sentences.

Table 9: FY 2020 Sanction from Probation Incarceration Sentences Imposed by County

County	Number	Percent	County	Number	Percent
Anderson	2	0.7	Linn	2	0.7
Atchison	1	0.4	Lyon	24	8.5
Barton	12	4.2	Marion	2	0.7
Bourbon	6	2.1	McPherson	3	1.1
Butler	3	1.1	Miami	1	0.4
Cherokee	13	4.6	Montgomery	1	0.4
Coffey	3	1.1	Morris	1	0.4
Cowley	7	2.5	Neosho	1	0.4
Dickinson	2	0.7	Osage	7	2.5
Douglas	3	1.1	Pawnee	1	0.4
Ellis	3	1.1	Pottawatomie	2	0.7
Finney	15	5.3	Pratt	2	0.7
Ford	10	3.5	Reno	31	10.9
Franklin	5	1.8	Rice	4	1.4
Geary	7	2.5	Riley	4	1.4
Grant	1	0.4	Rooks	1	0.4
Greenwood	1	0.4	Russell	2	0.7
Hamilton	1	0.4	Saline	6	2.1
Harvey	4	1.4	Sedgwick	7	2.5
Hodgeman	1	0.4	Scott	1	0.4
Jackson	3	1.1	Seward	1	0.4
Jefferson	1	0.4	Shawnee	42	14.8
Johnson	18	6.3	Sherman	3	1.1
Kearny	2	0.7	Trego	1	0.4
Labette	2	0.7	Wyandotte	6	2.1
Leavenworth	1	0.4			
			Total	284	100.0

Jessica’s Law Sentences

House Bill 2576, known as Jessica’s Law, was enacted in the 2006 Legislative Session. According to this law, aggravated habitual sex offenders shall be sentenced to life imprisonment without the possibility of parole (K.S.A. 21-4642); child sex offenses, where the offender is 18 years of age or older and the victim is less than 14 years of age, shall be sentenced to a mandatory minimum of a Hard 25 years for the first offense, a mandatory minimum of a Hard 40 years for the second offense and life imprisonment without parole for the third offense (K.S.A. 21-6626).

In FY 2020, a total number of 39 offenders were sentenced and admitted to prison under Jessica’s Law. Of this number, 29 (74.4%) were new court commitments and 10 (25.6%) were parole condition violator. While most jurisdictions identify the severity of these crimes as off-grid, 13 offenders received a downward departure on

the nondrug grid. Of these 39 offenders, 33 offenders (84.6%) were sentenced at off-grid, 2 offenders (5.1%) were sentenced at nondrug severity level 3, 3 offenders (7.7%) were sentenced at nondrug severity level 5, and 1 offender was sentenced at nondrug severity level 9. The analysis of the sentence length demonstrates that 48.1% of the sentences were downward departure to guidelines, an increase of 2.9% compared with that of FY 2019 (45.2%). The average sentence length of the durational departures was 110.3 months, an increase of 13.9 months from that observed in FY 2019 (96.4 months). The major departure reasons were: a plea agreement between parties, the defendant had no prior criminal history and the defendant accepted responsibility.

The distribution of the incarcerated offenders under Jessica’s Law by county is provided in Table 10. Sedgwick county imposed the most Jessica’s Law prison sentences (14) followed by Harvey (4), and Ford (4) counties.

Figure 26: FY 2020 Jessica’s Law Incarceration Sentences

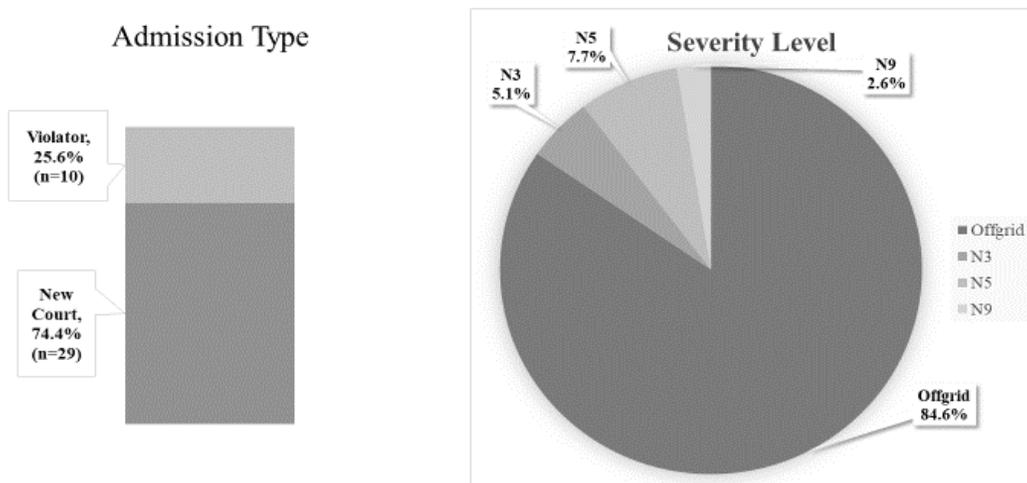
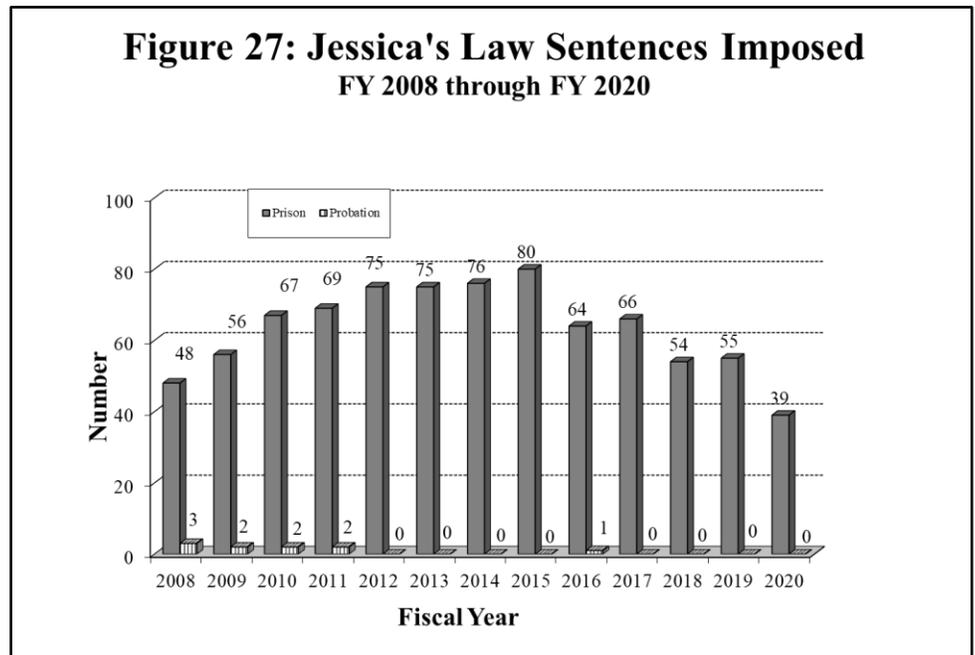


Table 10: FY 2020 Jessica’s Law Incarceration Sentences Imposed by County

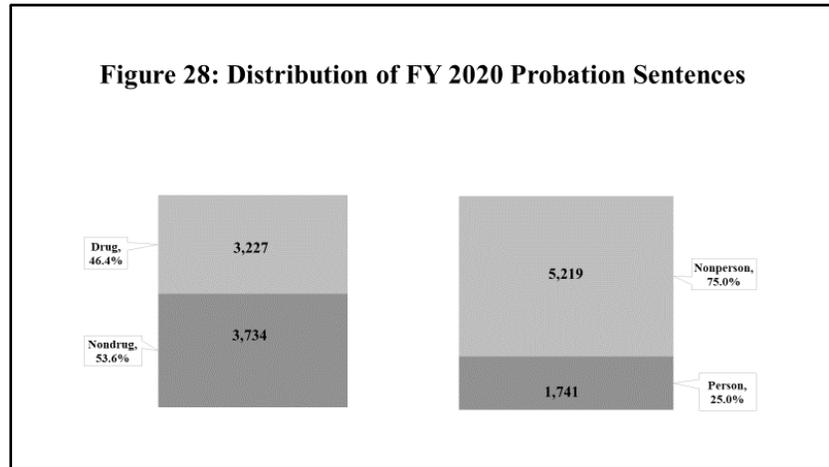
County	Number	County	Number
Barber	1	Lyon	1
Brown	1	Montgomery	1
Crawford	1	Miami	1
Finney	1	Nemaha	1
Ford	4	Pratt	1
Harvey	4	Sedgwick	14
Jefferson	1	Shawnee	2
Johnson	1	Reno	2
Kiowa	1	Washington	1
Lincoln	1	Wyandotte	3
Total		39	

Figure 27 presents the sentencing trend of Jessica’s Law sentences in the past twelve years. The total number of Jessica’s Law sentences imposed in FY 2019 was 39, a decrease of 16 sentences compared with FY 2019 (55 sentences), and a decrease of 9 sentences compared with FY 2008 (48 sentences).



PROBATION SENTENCES

During FY 2020, a total number of 6,961 probation sentences were reported to the Kansas Sentencing Commission, an decrease of 1,751 sentences or 20.1% compared with FY 2019 (8,712 sentences). Of this number, 3,734 were nondrug sentences and 3,227 were drug sentences; nonperson offenses made up 75.0% and person offenses made up 25.0% (Figure 28). Figures 29 - 31 describe the demographic information of this offender group.



The gender analysis indicates that the distribution of FY 2020 probationers by gender does not fluctuate much from that of FY 2019. Male offenders accounted for 71.8% of all probation sentences imposed in FY 2020, a decrease of 1.4% compared with that observed (73.2%) in FY 2019 (Figure 29).

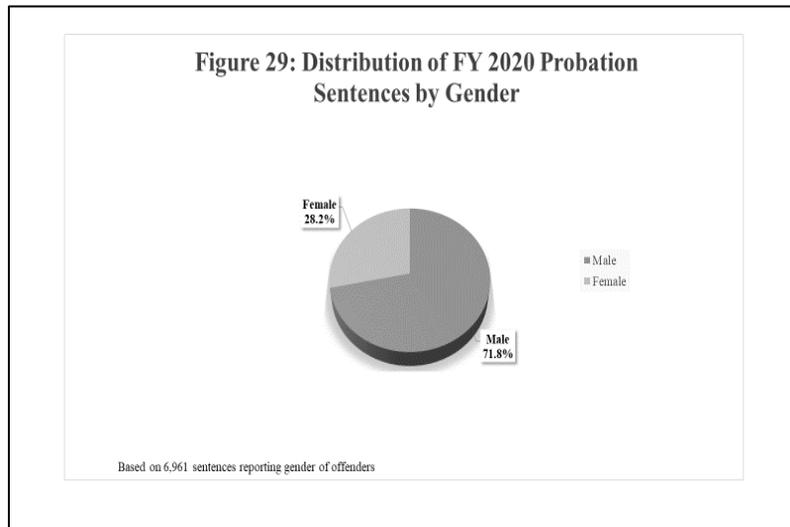
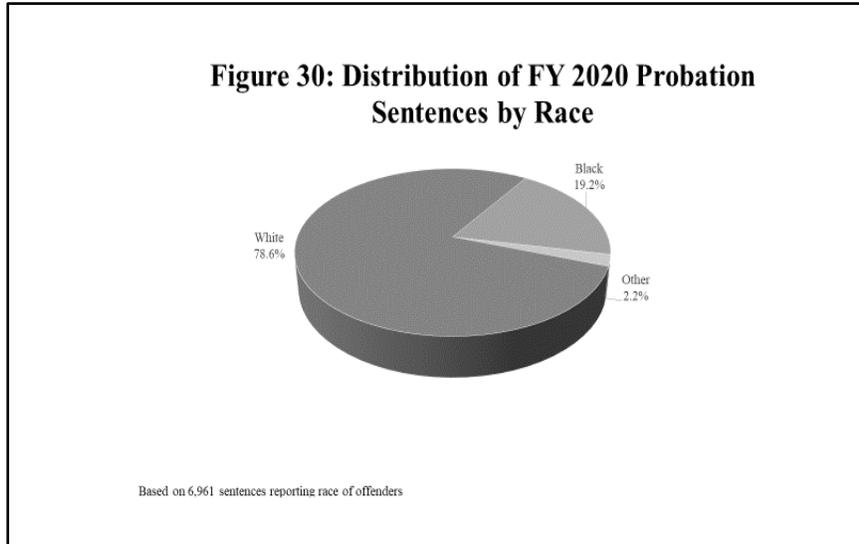
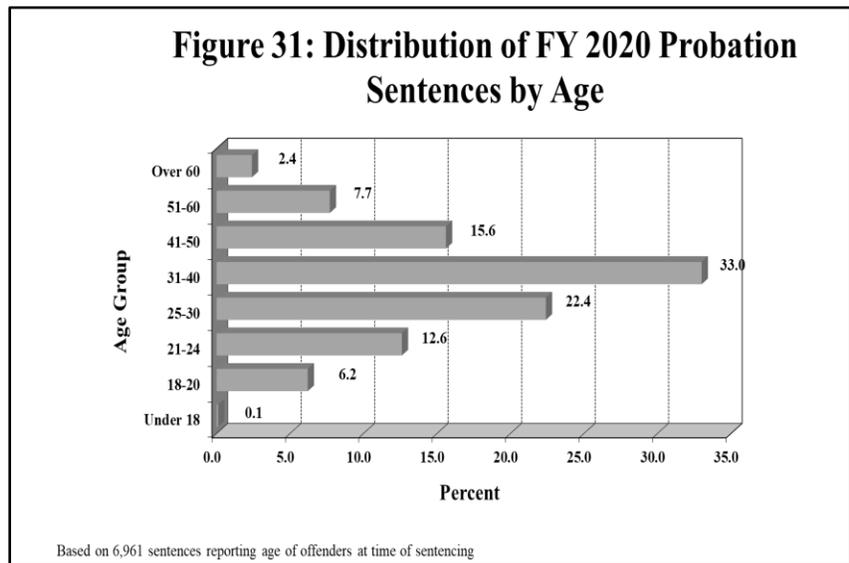


Figure 30 demonstrates that white offenders made up 78.6% of the probation sentences imposed in FY 2020, a decrease of 0.5% compared with that of FY 2019 (79.1%). The percentage of black offenders accounted for 19.2%, an increase of 0.3% compared with that of FY 2019 (18.9%). The percentage of offenders in other races represented 2.2%, an increase of 0.2% compared with FY 2019 (2.2%).



The examination of offenders by age indicates that the largest population of probation offenders was found in the age group ranging from 31 to 40 years old at the time of sentencing (33.0 %) and the second largest group was identified in the age group ranging from 25 to 30 (22.4%). This distribution indicated only a slight change from FY 2019 (Figure 31).



Type of Offense and Severity Level

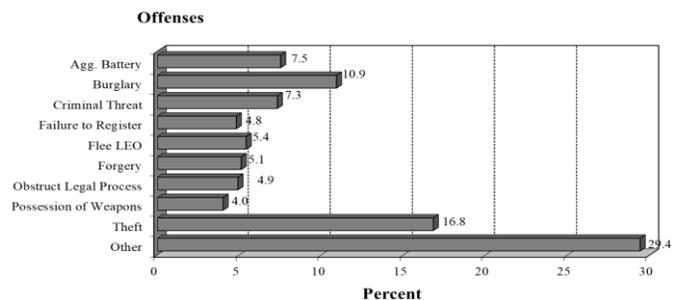
In FY 2020, the top ten offenses committed by nondrug probation offenders include aggravated assault, aggravated battery, burglary, criminal threat, failure to register, fleeing or eluding LEO, forgery, obstructing legal process, possession of weapons and theft. These ten offenses accounted for 71.6% of the total nondrug probation sentences in FY 2020 (Figure 32), a decrease of 0.5% from the previous year (72.1%). In reviewing drug offenders on probation, the largest number of sentences was possession of drugs, representing 79.8% of all probation drug offenses (Figure 33), an increase of 2.0% from FY 2019 (77.8%). Tables 11 and 12 present the characteristics of offenders sentenced to probation during FY 2020. Male offenders were convicted of over 90% of the sex offenses and nearly 85% of violent crimes of probation sentences imposed in FY 2020 such as: aggravated assault, aggravated battery, burglary, criminal threat, domestic battery, fleeing or eluding LEO and possession of weapons and robbery. The highest percentages of female probation nondrug offenses (over 40%) included arranging the

sale/purchase of drugs, forgery, identity theft, mistreatment of dependent adult, criminal use of a financial card, computer crime, and aggravated endangering a child.

White offenders represented 74.6% of all nondrug probation sentences and 83.1% of all drug offenders on probation in FY 2020. Black offenders on probation had a higher conviction rate for nondrug offenses than drug crimes (23.2% versus 14.6%). The average age at the time of committing an offense was 33.3 years old for nondrug offenders and 35.0 years old for drug offenders, which are very close to those observed in FY 2019 (Tables 11 & 12).

Table 13 and Table 14 demonstrate the characteristics of probation offenders by severity level. The largest number of probation nondrug sentences were found at nondrug grid severity level 9 (1,594 sentences or 40.8%). The majority of probation drug sentences were identified at drug grid severity level 5 (2,658 sentences or 82.4%). This distribution reflects the impact of the new drug sentencing grid as previously discussed.

Figure 32: FY 2020 Top Ten Offenses for Probation Nondrug Sentences



Based on 3,732 probation nondrug sentences

The analysis of the drug probation sentences shows that the felony crimes of drug possession accounted for 79.8% of the total probation drug sentences imposed in FY 2020, an increase of 2.0% compared with that of FY 2019 (77.8%). These crimes included the offenses of possession of opiates or narcotics and possession of depressants, stimulants, hallucinogens, etc. for the second and subsequent offenses.

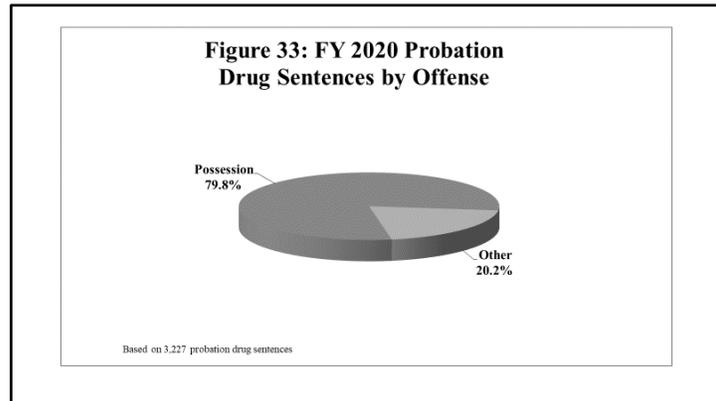


Table 11: Characteristics of Probation Nondrug Offenders by Type of Offense –1

Offense Type	N	%	Gender (%)		Race (%)			Offense Age
			Male	Female	White	Black	Other	Mean
Abuse of Child	6	0.2	66.7	33.3	66.7	33.3	0.0	33.6
Agg Arson	9	0.2	66.7	33.3	66.7	22.2	11.1	43.1
Agg Assault	135	3.6	86.7	13.3	75.6	22.2	2.2	33.7
Agg Assault on LEO	11	0.3	63.6	36.4	63.6	36.4	0.0	34.5
Agg Battery	275	7.4	81.8	18.2	68.0	28.4	3.6	33.1
Agg Battery on LEO	4	0.1	50.0	50.0	75.0	25.0	0.0	28.1
Agg Endangering a Child	45	1.2	55.6	44.4	73.3	26.7	0.0	30.3
Agg Escape from Custody	34	0.9	70.6	29.4	82.4	8.8	8.8	34.9
Agg Failure to Appear	22	0.6	68.2	31.8	77.3	22.7	0.0	29.2
Agg Ind Lib with a Child	7	0.2	100.0	0.0	71.4	28.6	0.0	24.9
Agg Ind Solicit with a Child	7	0.2	100.0	0.0	85.7	14.3	0.0	35.4
Agg Intimidation of a Victim	6	0.2	66.7	33.3	50.0	50.0	0.0	31.8
Agg Robbery	19	0.5	68.4	31.6	63.2	36.8	0.0	29.3
Agg Sex Battery with Child	5	0.1	100.0	0.0	100.0	0.0	0.0	42.0
Agg Weapons Violation	5	0.1	80.0	20.0	100.0	0.0	0.0	37.6
Aiding Felon	8	0.2	25.0	75.0	87.5	12.5	0.0	33.0
Animal Cruelty	4	0.1	100.0	0.0	100.0	0.0	0.0	25.5
Arrange Sale/Purchase Drug	14	0.4	35.7	64.3	100.0	0.0	0.0	31.3
Arson	24	0.6	70.8	29.2	83.3	16.7	0.0	34.1
Auto Failure to Remain	4	0.1	100.0	0.0	100.0	0.0	0.0	28.8
Battery on LEO	39	1.0	61.5	38.5	53.8	46.2	0.0	32.0

Table 11: Characteristics of Probation Nondrug Offenders by Type of Offense – 2

Offense Type	N	%	Gender (%)		Race (%)			Offense Age
			Male	Female	White	Black	Other	Mean
Breach of Privacy	13	0.3	92.3	7.7	76.9	23.1	0.0	42.4
Burglary	411	11.1	79.1	20.9	86.1	11.9	2.0	31.3
Computer Crime	11	0.3	54.5	45.5	81.8	9.1	9.1	35.8
Contribute Child Misconduct	9	0.2	100.0	0.0	100.0	0.0	0.0	26.8
Criminal Damage of Property	84	2.3	88.1	11.9	71.4	27.4	1.2	30.8
Criminal Discharge of Firearm	11	0.3	100.0	0.0	90.9	9.1	0.0	32.6
Criminal Threat	276	7.4	88.4	11.8	69.9	26.1	4.0	35.4
Criminal Use of Financial Card	7	0.2	57.1	42.9	71.4	28.6	0.0	34.7
Domestic Battery	172	4.6	94.2	5.8	73.8	25.6	0.6	32.4
Drug without Tax Stamps	8	0.2	87.5	12.5	87.5	12.5	0.0	30.0
Failure to Register	173	4.7	83.2	16.8	75.1	22.0	2.9	37.4
False Writing	44	1.2	45.5	54.5	70.5	22.7	6.8	35.9
Fleeing/Eluding LEO	201	5.4	79.6	20.4	71.1	27.4	1.5	29.9
Forgery	189	5.1	46.0	54.0	83.6	14.3	2.1	35.0
Giving Worthless Check	11	0.3	36.4	63.6	81.8	18.2	0.0	40.1
Identity Theft	162	4.4	51.9	48.1	61.1	36.4	2.5	32.7
Ind. Liberties with a Child	7	0.2	100.0	0.0	100.0	0.0	0.0	31.6
Ind. Solicitation with a Child	12	0.3	91.7	8.3	91.7	8.3	0.0	35.5
Kidnapping	7	0.2	85.7	14.3	57.1	28.6	14.3	26.6
Lewd and Lascivious Behavior	6	0.2	100.0	0.0	100.0	0.0	0.0	34.7
Medicaid Fraud	4	0.1	75.0	25.0	25.0	75.0	0.0	38.1
Mistreatment of Dependent Adult	18	0.5	27.8	72.2	83.3	5.6	11.1	39.7
Obstruct Legal Process	164	4.4	76.2	23.8	77.4	21.4	1.2	32.0
Possession of Weapons	135	3.6	93.3	6.7	62.2	37.0	0.8	32.8
Robbery	58	1.6	70.7	29.3	48.3	48.3	3.4	26.8
Sex Exploitation of a Child	21	0.6	100.0	0.0	90.4	4.8	4.8	40.9
Stalking	18	0.5	100.0	0.0	77.8	22.2	0.0	39.4
Tamper w/Electronic Monitor Equipment	31	0.8	67.7	32.3	83.9	16.1	0.0	32.9
Theft	634	17.1	64.5	35.5	75.4	22.2	2.4	34.2
Trafficking Contraband	28	0.8	67.9	32.1	78.6	21.4	0.0	34.7
Unlawful Voluntary Sex Relation	9	0.2	100.0	0.0	100.0	0.0	0.0	18.9
Weapons Violations	16	0.4	100.0	0.0	50.0	50.0	0.0	30.7
Other	101	2.3	77.6	22.4	78.8	20.0	1.2	34.7
TOTAL	3,734	100	74.8	25.2	74.6	23.2	2.2	33.3

Note: Offenses with number of cases smaller than four are included in the offense type of “Other”.

Table 12: Characteristics of Probation Drug Offenders by Type of Offense

Offense Type	N	%	Gender (%)		Race (%)			Offense Age
			Male	Female	White	Black	Other	Mean
Drugs; Possession	2,571	79.8	66.5	33.5	84.7	13.1	2.2	35.7
Drugs; Distribution/Sale	548	17.0	75.6	24.4	72.4	24.7	2.9	31.9
Possession of Paraphernalia	68	2.1	79.4	20.6	76.5	19.1	4.4	34.4
Distribution of Paraphernalia	3	0.1	100.0	0.0	100.0	0.0	0.0	29.4
Receiving Drug Proceeds	2	0.1	100.0	0.0	50.0	0.0	50.0	27.4
Other	31	1.0	64.5	35.5	87.1	12.9	0.0	35.4
TOTAL	3,223	100	68.5	31.4	82.0	15.8	2.2	34.0

Table 13: Characteristics of Probation Nondrug Offenders by Severity Level

Severity Level	N	%	Gender (%)		Race (%)			Offense Age
			Male	Female	White	Black	Other	Mean
N1	5	0.1	40.0	60.0	60.0	40.0	0.0	28.6
N2	0	0.0	0.0	0.0	0.0	0.0	0.0	N/A
N3	39	1.0	84.6	15.4	66.7	30.8	2.6	30.5
N4	37	1.0	73.0	27.0	75.7	24.3	0.0	31.5
N5	190	5.1	80.5	19.5	71.1	27.4	1.6	32.6
N6	219	5.9	77.6	22.4	75.3	23.3	1.4	35.4
N7	818	21.9	83.4	16.6	76.7	21.0	2.3	32.9
N8	748	20.0	64.2	35.8	72.5	24.7	2.8	34.0
N9	1,524	40.8	74.5	25.5	74.9	23.0	2.2	33.1
N10	115	3.1	65.2	34.8	74.8	22.6	2.6	32.5
Nongrid	38	1.0	89.5	10.5	78.9	21.1	0.0	37.4
TOTAL	3,734	100.0	74.8	25.2	74.6	23.2	2.2	33.3

Table 14: Characteristics of Probation Drug Offenders by Severity Level

Severity Level	N	%	Gender (%)		Race (%)			Offense Age
			Male	Female	White	Black	Other	Mean
D1	9	0.3	66.7	33.3	100.0	0.0	0.0	34.8
D2	101	3.1	71.3	28.7	83.2	14.9	2.0	32.8
D3	176	5.5	71.0	29.0	71.6	26.7	1.7	32.3
D4	265	8.2	80.0	20.0	76.6	20.8	2.6	31.4
D5	2676	82.9	66.8	33.2	84.5	13.2	2.3	35.8
TOTAL	3,227	100.0	68.4	31.6	83.1	14.6	2.2	35.1

SB 123 Drug Treatment Offenders

Senate Bill 123, which became law in 2003, establishes a nonprison sanction of certified drug abuse treatment programs for a defined target population of nonviolent adult drug offenders who are sentenced on or after November 1, 2003 with the convictions of drug crimes under K.S.A. 21-5706, or 21-36a06 or 65-4160 or 65-4162. The program has been expanded to include those convicted under K.S.A. 21-5705 who meet eligibility requirements.

During FY 2020, Kansas courts ordered offenders in 1,231 sentences to SB 123 drug abuse treatment programs, representing 38.2% of the total drug probation sentences (3,227), an increase of 0.7% compared with that of FY 2019 (37.5%). 97.4% (1,199 cases) were for drug possession under K.S.A. 21-5706 (formerly 21-36a06 or 65-4160 or 65-4162) and 2.6% (32 cases) were for distribution. Senate Bill 18 passed, following the 2019 legislative session, made offenders convicted of small sales (SL 4) eligible for SB 123 if they meet program criteria. Thus, the number of offenders on SB 123 convicted of drug distribution will likely increase in the upcoming years.

The evaluation of the criminal history of the offenders demonstrates that 77.5% of offenders were in the criminal history categories E through I, a decrease of 0.2% when compared with that of FY 2019 (77.7%). This data implies that the policy of SB 123 was implemented very consistently during FY 2020.

A summary of the offenders sentenced to SB 123 treatment programs in FY 2020 is provided in Figure 34. The offenders convicted of the crime of drug possession at

drug severity level 5 represented all of this population, which reflects the implementation of the five-level drug sentencing grid effective July 1, 2012. White defendants are still the majority of the treatment offenders (86.2%). The average age of the drug treatment offenders was 34.4 years old at sentencing, very close to that of FY 2019 (33.8). Figure 35 demonstrates the distribution of SB 123 drug treatment sentences imposed in FY 2020 by county. Sedgwick County imposed the most SB 123 sentences (131) followed by Shawnee (122), Johnson (93), Reno (80) and Saline (70) counties. No SB 123 sentences were reported from 19 counties. The average number of SB 123 sentences imposed by the 86 counties is 14, an decrease of 4 sentences compared with that of FY 2018 (18 sentences).

In addition, 1,176 SB 123 drug treatment sentences were violated as probation condition violators in FY 2020. Of this number, 344 sentences were revoked to prison, representing 27.5% of SB 123 sentences imposed (1,176 sentences) in FY 2019, an increase of 2.7% from that of FY 2019 (27.9%). The average period between original sentence and revocation hearing was 14.9 months, 3 days more than that of FY 2019 (14.8 months).

Figure 34: Distribution of FY 2020 Senate Bill 123 Drug Treatment Sentences

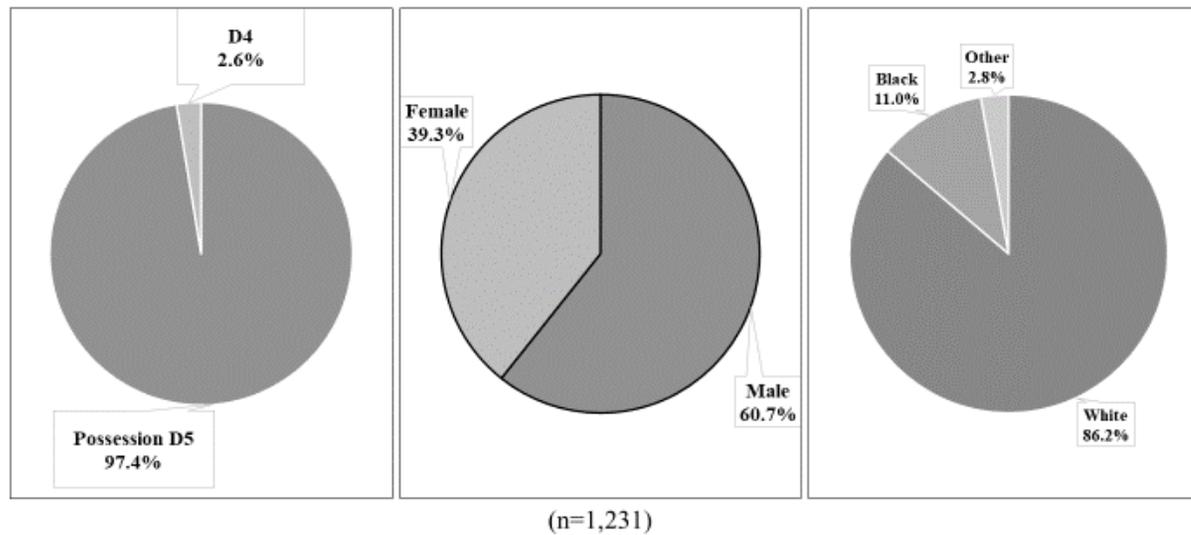


Figure 35: Distribution of Senate Bill 123 Drug Treatment Sentences Imposed by County FY 2020

Please see KSSC website for updated SB 123 sentences by county dashboard map:

<https://www.sentencing.ks.gov/statistical-analysis/dashboards/annual-report-analysis>

Criminal History and Length of Probation

When examining offenders’ criminal history, the Commission noticed that offenders sentenced to probation with assigned criminal history categories accounted for 99.9% of all the probation sentences (6,939) reported to the Commission in FY 2020, which is 0.4% higher than the rate of FY 2018 (99.5%). The largest number of this group fell within criminal history category I (22.9% or 1,591 sentences), representing having no previous criminal history or one misdemeanor conviction (Figure 36). Further analysis of the offenders with criminal history category I reveals that they accounted for 22.5% of offenders on the nondrug grid and 23.4% of offenders on the drug grid.

The review of the presumptive probation boxes discloses that nondrug offenders within the presumptive probation boxes made up 78.4% (Table 15), very close to that of FY 2019 (78.8%). The analysis of the border box sentences reveals that 3.8% of nondrug offenders were found to be at

severity level 5 with criminal history categories H and I and severity level 6 with criminal history category G, which are designated as border boxes (Table 15). The percentage of border box in FY 2019 decreased by 0.8% when compared with that of FY 2019 (4.6%).

The study on drug sentences by presumptive probation and border box resumes in FY 2020. The drug offenders within presumptive probation sentences accounted for 60.8% and the drug offenders within the border box represented 21.2% of the probationers sentenced during FY 2020.

Tables 15 and 16 present the probation terms of probation sentences by severity level. The average length of probation for nondrug offenders was 18.3 months, which is nine days shorter than that of FY 2019 (18.6 months). The average length of probation for drug offenders was 17.3 months, which is 6 days less than that of FY 2019 (17.5 months).

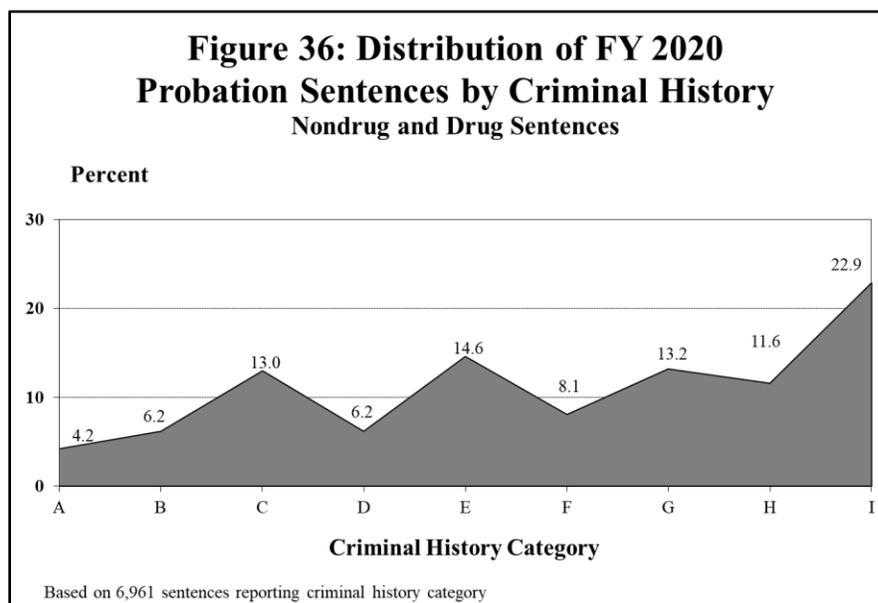


Table 15: Criminal History and Probation Length by Severity Level – Nondrug Offenders

Severity Level	N	Criminal History Class									Average Probation Length in Months
		A	B	C	D	E	F	G	H	I	
N1	5	0	0	2	0	0	1	0	0	2	36.0
N2	0	0	0	0	0	0	0	0	0	0	N/A
N3	39	2	3	5	1	1	5	2	6	14	36.0
N4	37	1	3	2	5	6	0	1	10	9	36.0
N5	190	6	10	12	18	4	7	15	20	98	34.4
N6	219	12	26	28	13	36	16	22	18	48	24.4
N7	818	35	53	90	73	84	50	98	108	227	23.5
N8	748	35	32	120	43	151	61	88	76	142	17.8
N9	1,525	74	118	259	115	228	102	191	159	277	12.3
N10	115	6	5	21	5	12	13	18	21	17	12.3
Nongrid	38	2	5	4	4	0	0	1	2	1	14.4
TOTAL	3,734	173	255	543	277	522	255	432	420	836	18.3

Note: Criminal history classes are based on 4,732 cases reporting criminal history category.
Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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Table 16: Criminal History and Probation Length by Severity Level – Drug Offenders

Severity Level	N	Criminal History Class									Average Probation Length in Months
		A	B	C	D	E	F	G	H	I	
D1	9	0	1	0	0	2	1	2	1	2	36.0
D2	101	3	7	13	4	15	4	14	5	36	36.2
D3	176	7	3	12	6	15	18	24	16	75	35.6
D4	265	7	110	11	10	33	23	30	34	107	18.6
D5	2,676	105	152	323	133	425	259	415	327	537	15.0
TOTAL	3,227	122	173	359	153	490	305	485	383	757	17.3

Note: Criminal history classes are based on 3,937 cases reporting criminal history category.
Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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DUI POST-IMPRISONMENT SUPERVISION AND COUNTY JAIL SENTENCES

In FY 2020, a total number of 389 DUI PIS and county jail sentences were reported to the Commission. Of this number, DUI PIS accounted for 88.4% (344 sentences) and county jail accounted for 11.6% (45 sentences). Female offenders made up 17.5% and male offenders accounted for 82.5%. The gender distribution remains consistent when compared with FY 2019 (Figure 37).

White offenders accounted for 86.4%, black offenders represented 12.3% and other races represented 1.3% of the total DUI PIS and county jail sentences imposed in FY 2020 (Figure 38).

Figure 39 discloses that most offenders were in the age group ranging from 31 to 40 years old (35.5%), a decrease of 0.1% from the data observed in FY 2019 (35.6%). Their average age at sentencing is 42 years old, the same as FY 2019 (42).

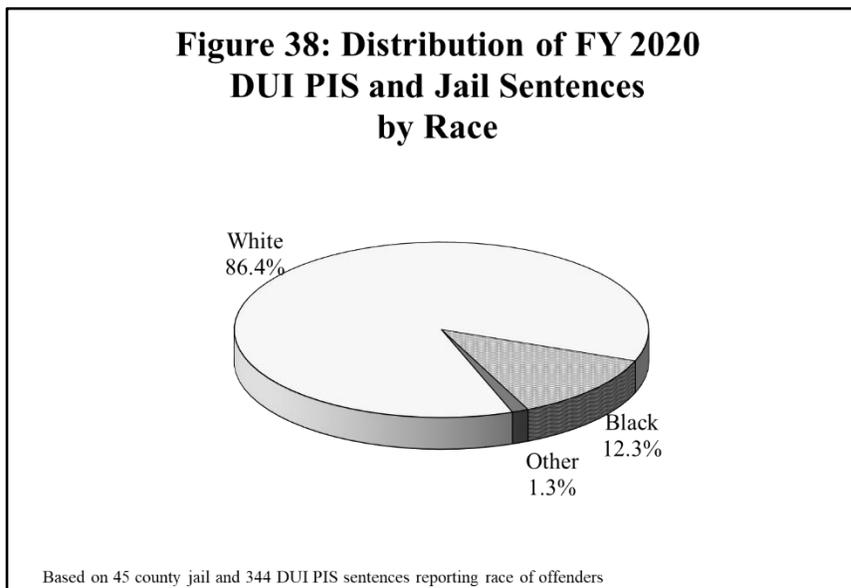
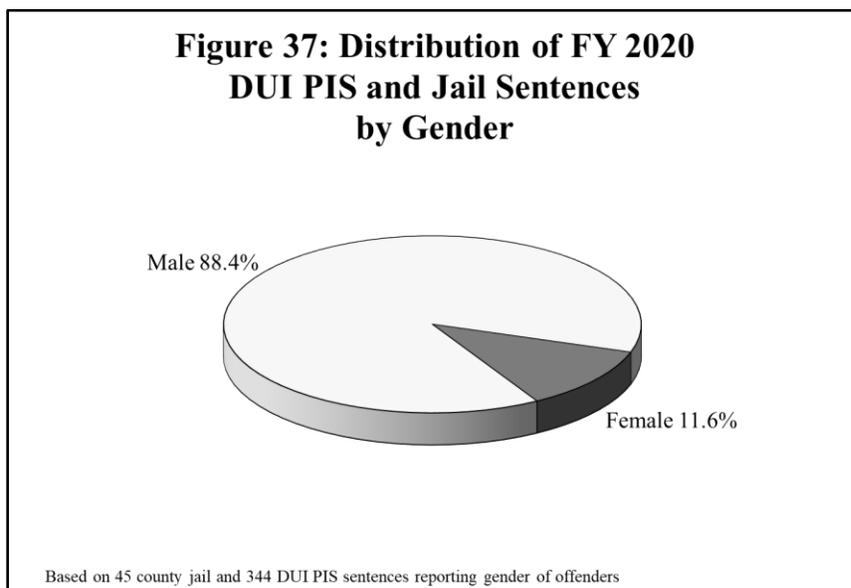


Figure 40 presents the crimes committed by the offenders sentenced to DUI PIS and county jails. In FY 2020, 95.4% (371 sentences) of the sentences were convicted of the crime of felony DUI, 0.3% (1 sentence) was convicted of the crime of animal cruelty and 3.5% (12 sentences) were convicted of the crime of domestic battery. A detailed analysis of the crime of DUI is provided on page 15 of this report.

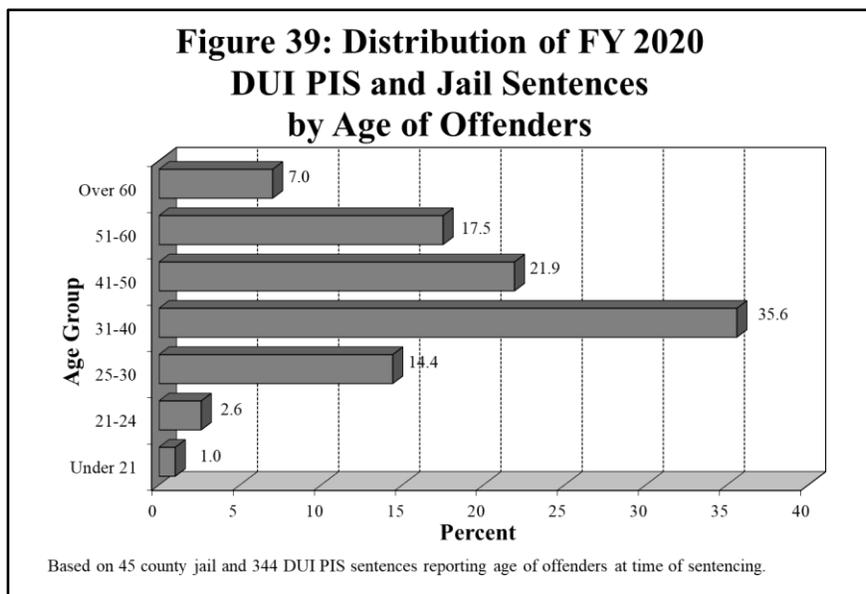


Figure 41 exhibits the distribution of FY 2020 DUI PIS and county jail sentences by county. Johnson County imposed the most sentences of this group (115) representing 29.6%, followed by Sedgwick County with 48 sentences representing 12.3% of the total DUI PIS and county jail sentences imposed during FY 2020.

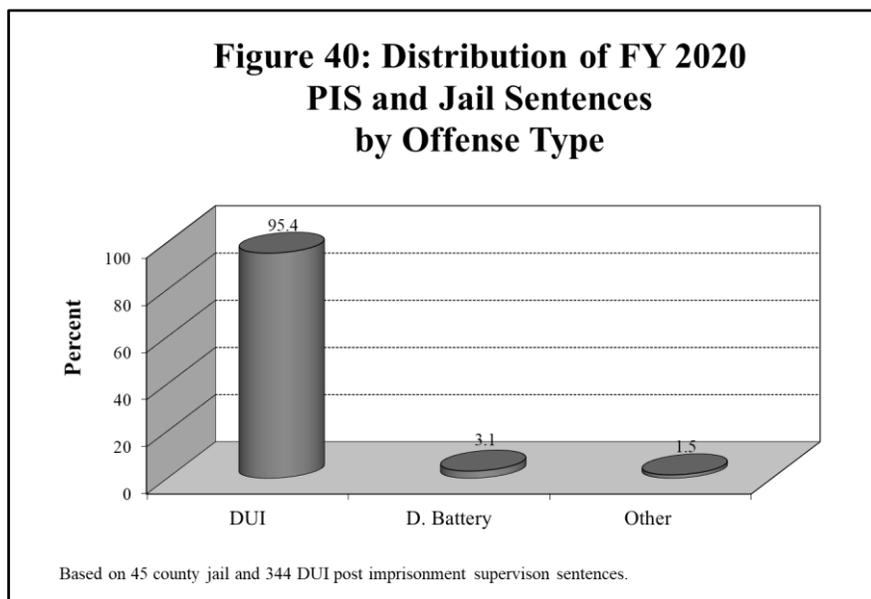


Figure 41: County Jail Sentences by County FY 2020

Please see KSSC website for updated county jail sentence dashboard map:

<https://www.sentencing.ks.gov/statistical-analysis/dashboards/annual-report-analysis>

CHAPTER TWO VIOLATORS

VIOLATIONS RESULTING IN INCARCERATION

Violators are classified into two groups. Offenders who are placed on probation, parole/postrelease supervision and violate the conditions of their supervision but do not receive a new sentence are defined as "condition violators". Offenders on some form of supervision who commit an offense for which they receive a new sentence are defined as "violators with new sentences". Both types of violations can result in revocation and subsequent incarceration. This section presents an overview of both types of violators whose revocations resulted in incarceration.

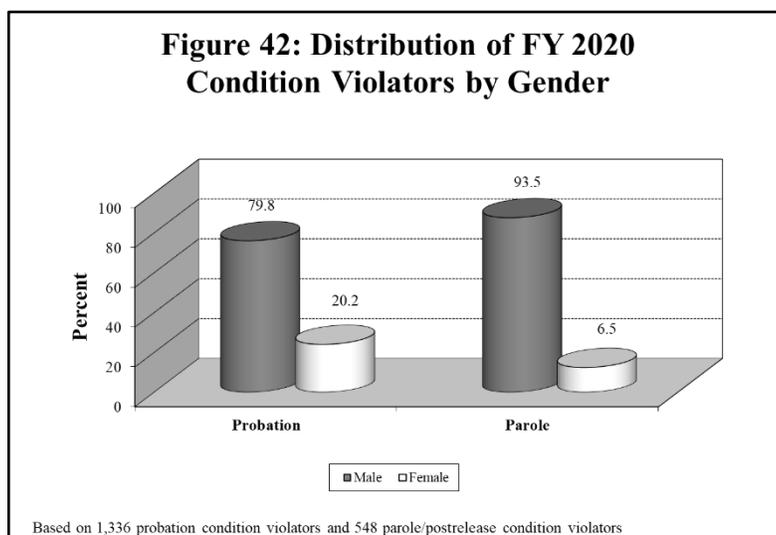
Overview of Condition Violators

"Condition violator" is defined as an offender who violates the conditions of probation, parole, postrelease or conditional release that does not result in a conviction for a new criminal offense but results in a revocation and subsequent placement of the offender in a state correctional facility. In this section, violators include offenders classified as probation, parole/postrelease and conditional release condition violators. HB 2170 prison sanctions from probation

violations are excluded from the analysis (page 31).

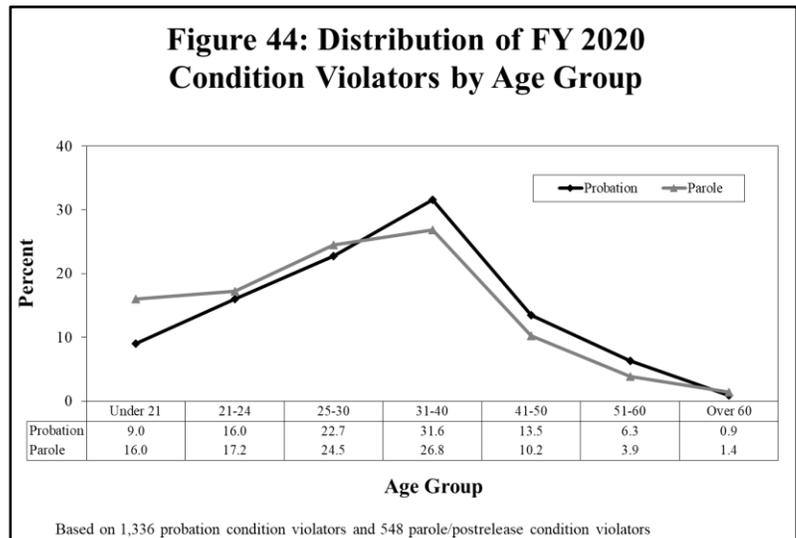
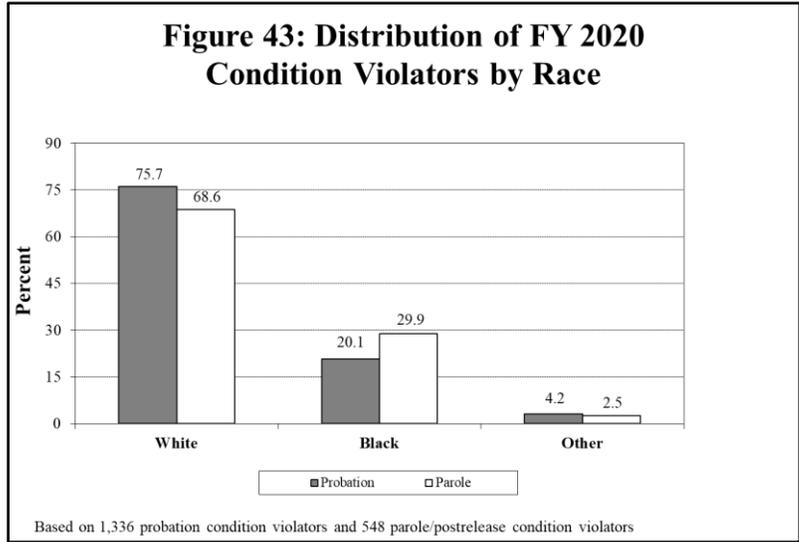
A total number of 1,884 condition violators were admitted to prison for their violation of conditions in FY 2020, representing 1,336 probation violators and 548 parole/postrelease supervision violators. In the following analysis, conditional release violators are merged with the group of parole/postrelease condition violators

In FY 2020, condition violators accounted for 53.9% of all admissions to prison, an increase of 14.9% from FY 2019 (39.0%). The majority of condition violators were male offenders, accounting for 79.8% of probation violators and 93.5% of parole/postrelease condition violators admitted to prison in FY 2020 (Figure 42).

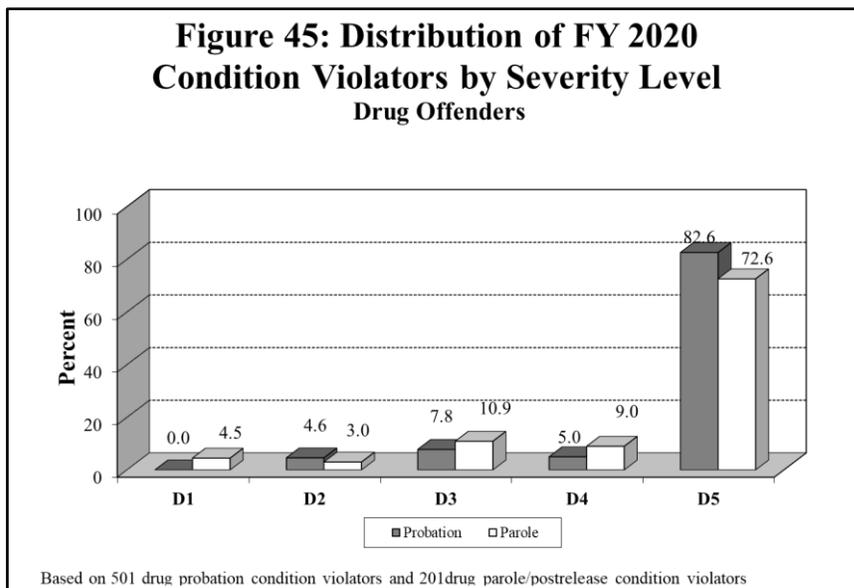


White offenders represented the highest rate (75.7%) in the group of probation violators, while the highest percentage of black offenders (29.9%) was identified in the group of parole/postrelease condition violators (Figure 43).

Most probation violators were in the age group ranging from 31 to 40 (31.6%). The largest number of parole/postrelease condition violators was also found in the age group ranging from 31 to 40 (26.8%) at the time of admission to prison. The age patterns of FY 2020 are the same as those of FY 2019 (Figure 44).



The largest number of drug probation violators was identified at drug severity level 5, representing 79.8% or 560 offenders. The highest percentage of drug parole/postrelease condition violators was found at drug severity level 5, as well, accounting for 72.6% or 146 offenders. The severity level distributions of drug condition violators remained constant with the data observed in FY 2019 (Figure 45).



The highest percentage of nondrug probation condition violators was identified at nondrug severity level 9, which represents 33.8% or 245 offenders of nondrug probation condition violators. The highest rate of parole/postrelease condition violators was also found at nondrug severity level 5, representing 18.8% or 110 of this group of violators. This distribution of severity levels is the same as that of FY 2019 (Figure 46).

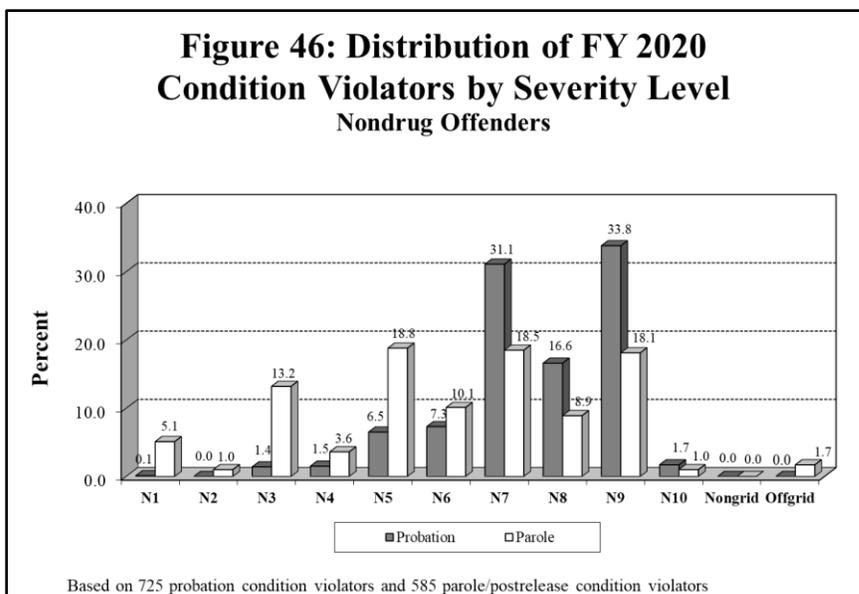


Table 17 presents the characteristics of all types of condition violators. The largest numbers of males were found at nondrug severity level 9 (294 sentences) and drug severity level 5 (405 sentences). The highest frequencies of females were at nondrug severity level 9 (57 sentences) and drug severity level 5 (155 sentences), as well. Racial analysis of the condition violators demonstrates that drug severity level 5

represented the largest number of white violators (460) and black violators (81). As for nondrug sentences, most violators were found at nondrug severity level 9, at which white offenders accounted for 245 sentences and black offenders accounted for 97 sentences. The average age of the violators was 35.5 years old at the time of admission, which is 0.5 years older than FY 2019.

Table 17: Characteristics of Overall Violators by Severity Level, Race and Gender

Severity Level	Number of Cases	Gender		Race			Average Age at Admission
		Male	Female	White	Black	Other	
D1	9	9	0	9	0	0	45.4
D2	29	19	10	23	4	0	36.6
D3	61	56	5	46	14	1	34.2
D4	43	31	12	35	5	3	32.2
D5	560	405	155	460	81	19	35.9
N1	31	31	0	19	12	0	48.4
N2	6	6	0	4	2	0	47.2
N3	87	85	2	57	26	4	36.4
N4	32	30	2	13	17	1	32.7
N5	157	146	11	103	48	6	34.0
N6	112	101	11	79	31	2	36.1
N7	333	293	40	242	81	10	34.0
N8	172	127	45	120	43	9	36.1
N9	351	294	57	245	97	9	35.4
N10	18	14	4	18	0	0	34.3
Off-grid	10	10	0	9	0	1	33.1
Nongrid	0	0	0	0	0	0	0.0
Total	2,012	1,658	354	1,482	461	65	35.5

* Because of data missing, the distribution of race is based on 2,008 sentences reporting race information

Probation Condition Violators

A total number of 1,226 probation condition violators were admitted to prison during FY 2020. Of this number, 59.1% (725) were nondrug offenders and 40.9% (501) were drug offenders. Compared with FY 2019, the admissions of probation condition violators demonstrated a decrease of 12.6% or 176 violators. Tables 18 and 19 present the characteristics of probation condition violators.

In FY 2020, the top ten offenses committed by nondrug probation condition violators were aggravated assault, aggravated battery, aggravated burglary, burglary, criminal threat, failure to register, fleeing or eluding LEO, forgery, identity theft and theft. These ten offenses represent 74.8% of all nondrug convictions by probation violators. As in previous years, burglary and theft were still

the top two offenses committed by probation condition violators (Table 18). The analysis of drug probation condition violators indicates that possession of drugs was the most frequently convicted drug crime, accounting for 82.0% of all drug offenses committed by the probation condition violators admitted to prison in FY 2020. The crime of drug distribution or possession with intent to distribute represents 17.0% of this group of violators admitted to prison in FY 2020 (Table 19).

The average length of time from the age of offense to the age of admission to prison was 2.5 years for nondrug probation condition violators and 2.6 years for drug probation condition violators. This remains consistent with those of FY 2019 and FY 2018. The distribution of probation violators by severity level and criminal history is presented in Table 20.

Table 18: Top 10 Offenses Committed by Nondrug Probation Condition Violators

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean*	Admit Age Mean**
		Male	Female	White	Black	Other		
Aggravated Assault	28	87.5	12.5	82.1	14.3	3.6	32.7	35.0
Aggravated Battery	80	83.8	16.2	65.0	35.0	0.0	32.1	34.8
Possession of a Firearm	38	92.1	7.9	50.0	34.2	15.8	34.2	36.5
Burglary	133	85.7	14.3	78.9	16.5	4.5	30.4	32.9
Criminal Threat	56	89.3	10.7	64.3	33.9	1.8	34.1	36.0
Failure to Register	38	86.8	13.2	73.7	26.3	0.0	36.2	38.9
Fleeing or Eluding LEO	30	86.7	13.3	70.0	26.7	3.3	30.8	32.7
Forgery	23	45.0	55.0	73.9	26.1	0.0	33.9	37.2
Identity Theft	20	63.0	37.0	85.0	10.0	5.0	32.9	35.7
Theft	96	67.7	32.3	77.1	20.8	2.1	33.4	36.1
Subtotal	542	80.3	19.7	72.0	24.4	3.6	33.1	35.6
Other	183	80.3	19.7	68.9	28.4	1.9	31.0	33.8
TOTAL	725	80.3	19.7	71.4	25.4	3.2	32.2	34.8

* Average age at time of offense.

** Average age at time admitted to prison

Table 19: Characteristics of Drug Probation Condition Violators by Type of Offense

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean*	Admit Age Mean**
		Male	Female	White	Black	Other		
Drugs; Possession	411	69.4	20.6	81.8	15.1	3.2	33.6	36.0
Drugs; Distribution/Sale	85	75.7	24.3	80.0	16.5	3.5	29.8	33.2
Possession of Paraphernalia	5	55.6	44.4	60.0	20.0	20.0	26.0	28.9
TOTAL	501	70.1	29.9	81.2	15.4	3.4	32.9	35.5

* Average age at time of offense.

** Average age at time admitted to prison.

Table 20: Distribution of Probation Condition Violators by Severity Level and Criminal History

Severity Level	Criminal History Category									Subtotal
	A	B	C	D	E	F	G	H	I	
D1	0	0	0	0	0	0	0	0	0	0
D2	2	1	2	0	6	5	2	4	1	23
D3	2	4	4	3	6	3	4	7	6	39
D4	0	1	2	2	2	4	0	5	9	25
D5	20	36	56	18	56	39	68	71	50	414
N1	0	0	0	0	0	0	0	1	0	1
N2	0	0	0	1	0	0	0	0	0	1
N3	2	2	1	0	0	0	2	1	2	10
N4	1	2	3	0	0	0	0	1	4	11
N5	5	2	4	6	2	0	7	12	9	47
N6	5	6	9	3	6	3	4	9	8	53
N7	7	19	29	22	31	9	29	46	33	225
N8	10	6	21	8	26	10	5	15	19	120
N9	11	15	36	20	44	15	32	40	32	245
N10	0	2	2	1	2	0	1	1	3	12
Nongrid	0	0	0	0	0	0	0	0	0	0
Off-grid	0	0	0	0	0	0	0	0	0	0
TOTAL	66	96	169	83	181	88	154	213	176	1226

Parole/Postrelease Condition Violators

In FY 2020, 786 parole/postrelease condition violators were admitted to prison, indicating a decrease of 305 violators or 28.0% when compared with the data observed in FY 2019. Tables 21 and 22 present the characteristics of this offender group.

The top ten nondrug offenses most frequently committed by parole/postrelease condition violators were aggravated assault, aggravated battery, aggravated burglary, aggravated robbery, aggravated indecent liberties with a child, burglary, criminal threat, failure to register, robbery and theft, accounting for 60.0% of the total nondrug offenses in FY 2020. Male offenders represented 95.0% of this group. White offenders committed more than 80% of aggravated indecent liberties with a child, burglary, and aggravated battery. Blacks indicated the highest representation in aggravated robbery, aggravated burglary,

and robbery (Table 21). Table 22 demonstrates that drug offenders of this group of violators were convicted primarily of the crimes of possession of drugs (72.1%), an increase of 4.8% over that of FY 2019 (67.3%); and drug distribution or sale (21.4%), a decrease of 3.7% from that of FY 2019 (25.1%).

Postrelease supervision violators for the crime of DUI are subject to state imprisonment if the offenders committed the crime on or after July 1, 2001 and before July 1, 2011. Similar to FY 2019, in FY 2020, no DUI violators were admitted to prison. The observed data mirrors the implementation of the policy. Table 23 demonstrates the distribution of parole/postrelease condition violators by severity level and criminal history. The largest numbers of this group of violators were found at severity level 5 of the drug grid (146 offenders) and severity level 5 of the nondrug grid (110 offenders).

Table 21: Top 10 Offenses Committed by Parole/Postrelease Condition Nondrug Violators

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean	Admit Age Mean
		Male	Female	White	Black	Other		
Aggravated Assault	23	100.0	0.0	60.9	30.4	8.7	28.7	31.6
Aggravated Battery	68	95.6	4.4	70.6	25.0	4.4	30.2	35.1
Aggravated Burglary	21	90.5	9.5	52.4	47.6	0.0	32.1	38.5
Aggravated Robbery	40	97.5	2.5	42.5	57.5	0.0	25.5	34.7
Agg Indecent Liberties w/Child	30	100.0	0.0	86.7	3.3	10.0	24.1	33.7
Burglary	44	97.7	2.3	81.8	15.9	2.3	25.5	28.7
Criminal Threat	22	90.9	9.1	68.2	31.8	0.0	35.5	38.1
Failure to Register	34	94.1	5.9	67.6	26.5	5.9	30.3	34.6
Robbery	25	100.0	0.0	48.0	48.0	4.0	27.5	34.1
Theft	43	83.7	16.3	58.1	41.9	0.0	36.5	39.3
Other	235	95.3	4.7	68.9	26.8	3.0	29.6	38.0
TOTAL	585	95.0	5.0	66.8	29.7	3.2	29.6	36.1

Table 22: Characteristics of Parole/Postrelease Condition Drug Violators by Type of Offense

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean	Admit Age Mean
		Male	Female	White	Black	Other		
Drugs; Possession	145	80.7	19.3	83.4	13.1	3.4	32.4	36.1
Drugs; Distribution/Sale	43	90.7	9.3	76.7	18.6	4.7	30.2	35.9
Possession of Paraphernalia	3	100.0	0.0	66.7	33.3	0.0	36.7	40.0
Possession of Precursor Drugs	2	100.0	0.0	100.0	0.0	0.0	20.4	25.3
Unlawful Manufacture Controlled Substance	8	100.0	100.0	100.0	0.0	0.0	35.4	44.0
TOTAL	201	82.6	13.4	82.6	13.4	4.0	32.0	36.3

Table 23: Distribution of Parole/Postrelease Condition Violators By Severity Level and Criminal History*

Severity Level	Criminal History Category									Subtotal
	A	B	C	D	E	F	G	H	I	
D1	0	1	1	0	3	1	1	1	1	9
D2	1	1	0	0	2	0	0	1	1	6
D3	4	1	2	1	3	3	2	3	3	22
D4	1	3	2	2	3	2	2	1	2	18
D5	21	15	22	6	22	14	13	18	15	146
N1	2	0	2	4	1	3	0	2	4	18
N2	0	0	1	0	0	0	1	0	4	6
N3	2	10	14	9	5	1	7	9	13	70
N4	3	5	2	2	0	0	1	7	1	21
N5	14	16	15	16	9	3	10	16	11	110
N6	23	6	7	5	2	4	5	4	3	59
N7	21	18	20	6	10	3	11	8	11	108
N8	13	9	7	2	6	4	4	2	5	52
N9	18	26	18	6	9	3	7	13	6	106
N10	4	0	1	0	0	0	0	1	0	6
Off-grid	0	0	0	0	1	0	3	3	3	10
Nongrid	0	0	0	0	0	0	0	0	0	0
TOTAL	127	111	114	59	76	41	67	89	83	767

* Due to missing data, criminal history categories are based on 767 violators reporting criminal history.

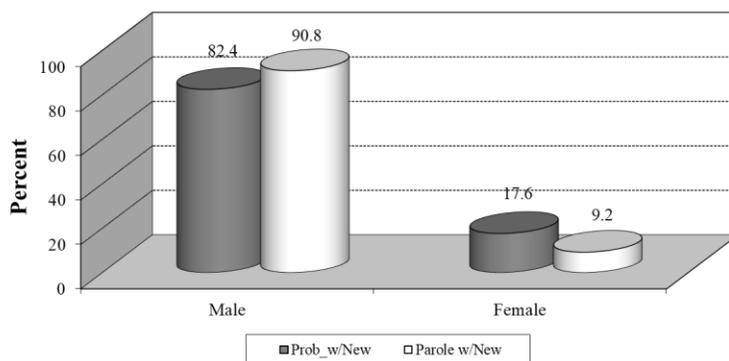
Violators with New Sentences

In this section, violators with new sentences include probation, parole or postrelease and conditional release violators convicted of an offense for which they received a new sentence. This group of violators represented 9.3% (415 violators) of the total prison admissions in FY 2020, indicating an increase of 0.9% when compared with the percentage of the same group in FY 2019 (8.4%). Characteristics of this group are illustrated in Figures 47 - 49. Drugs (37.7%), burglary/aggravated burglary (13.7%), failure to register (8.8%), aggravated battery/battery of LEO (7.4%), and aggravated assault (4.9%) were the major offense categories committed by probation violators with new sentences.

Male offenders made up 90.8% of the parole/postrelease and conditional release violators with new sentences admitted to prison in FY 2020, while female offenders accounted for 17.6% of probation violators with new sentences admitted to prison. This gender distribution is consistent with findings from the past three fiscal years (Figure 47).

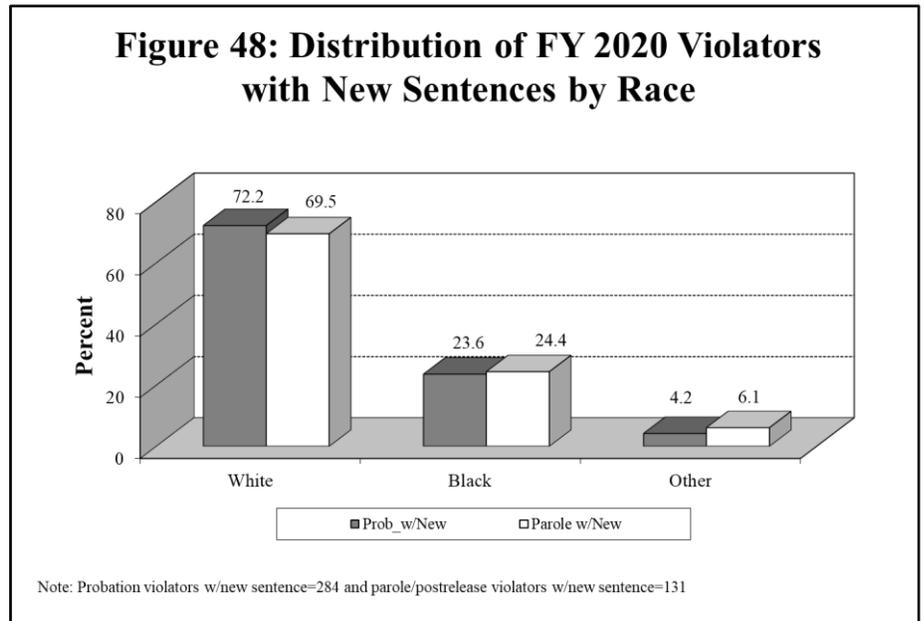
Drugs (23.7%), burglary/aggravated burglary (6.1%), aggravated battery/battery of LEO (6.1%), robbery/aggravated robbery (9.1%), and failure to register (16.0%) were the top five offenses committed by parole/postrelease violators with new sentences. Table 24 presents the distribution of the above offenders by severity level. The largest numbers of probation violators with new sentences were identified at nondrug severity levels 5, 6, 7, and 8 (36, 64, 22 and 34 violators) and drug severity level 5 (78 violators). The highest percentages of parole/postrelease violators with new sentences were found at nondrug severity levels 5, 6, 7 and 9 (20.6%, 14.5%, 9.9% and 9.9%) and drug severity level 5 (16.0%). The distributions of severity levels of both drug and nondrug crimes are very similar to those of FY 2019.

Figure 47: Distribution of FY 2020 Violators with New Sentences by Gender

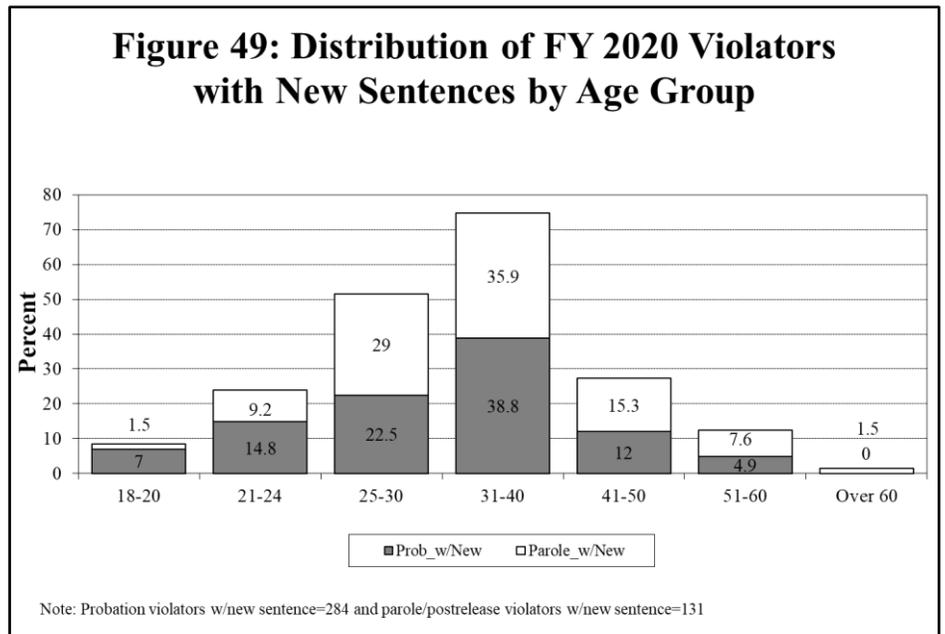


Note: Probation violators w/new sentence=284; parole/postrelease condition violators w/new sentence=131

White offenders were identified as the largest group of violators with new sentences, representing 72.2% of probation violators with new sentences and 69.5% of parole/postrelease violators with new sentences. The black violators with new sentences accounted for 23.6% of probation violators and 24.4% of parole/postrelease violators (Figure 48).



The analysis of the age of the violators at admission indicates that the highest percentage of probation violators with new sentences were in the age group from 31 to 40 (38.8%), indicating an increase of 3.5% compared with that of FY 2019 (35.2%). The largest proportion of parole/postrelease violators with new sentences were identified in the age groups of 31 to 40, as well, accounting for 35.9%, indicating an increase of 1.8% compared with that of FY 2019 (34.1%) (Figure 49).



**Table 24: Distribution of FY 2020 Violators with New Sentences
By Severity Level**

Severity Level	Probation		Parole/Postrelease/Conditional Release	
	Number	Percent	Number	Percent
D1	2	0.6	4	2.2
D2	8	2.3	0	0.0
D3	9	2.5	5	2.7
D4	11	3.1	1	0.5
D5	89	25.1	25	13.7
N1	0	0.0	7	3.8
N2	0	0.0	1	0.5
N3	14	3.9	13	7.1
N4	6	1.7	8	4.4
N5	39	11.0	34	18.7
N6	22	6.2	22	12.1
N7	87	24.5	32	17.6
N8	31	8.7	9	4.9
N9	34	9.6	17	9.3
N10	2	0.6	1	0.5
Offgrid	1	0.3	3	1.6
Nongrid	0	0.0	0	0.0
TOTAL	355	100	182	100

VIOLATORS CONTINUED OR EXTENDED ON PROBATION

The violators continued or extended on probation, in this section, refer to probation violators with or without new convictions, whose violations did not result in incarceration but rather a continuation or an extension of the probation. In FY 2020, there were 527 probation condition violators and 62 probation violators with new convictions who were continued or extended on probation, representing 9.5% of the total number of 6,218 condition probation violators. Drugs (45.7%), theft (11.2%),

burglary (8.7%), forgery (4.0%) and fleeing and alluding (3.6%) were the top five offenses committed by the group of condition probation violators. Drugs (53.1%), theft (7.8%), burglary (6.3%), ID theft (6.3%) forgery (4.7%), and criminal threat (4.7%) were the top five offenses committed by probation violators with new convictions. Most top offenses committed by both groups were the same when compared with those of the past three years. Tables 25 and 26 present the criminal history categories by severity level for the two types of violators who were sentenced to continued or extended probation.

Table 25: Criminal History by Severity Levels of Condition Probation Violators Continued or Extended on Probation

Severity Level	Number of Cases	Criminal History Class								
		A	B	C	D	E	F	G	H	I
D1	2	0	0	0	0	0	1	0	0	1
D2	4	0	0	0	0	1	0	1	0	2
D3	3	0	0	0	1	0	0	0	1	1
D4	28	1	1	1	1	2	4	4	2	12
D5	204	9	5	20	9	43	19	28	33	38
N1	0	0	0	0	0	0	0	0	0	0
N2	0	0	0	0	0	0	0	0	0	0
N3	0	0	0	0	0	0	0	0	0	0
N4	4	0	1	1	0	0	0	0	0	2
N5	7	1	0	0	1	1	0	2	0	2
N6	16	0	1	3	0	1	1	5	4	1
N7	61	3	1	9	5	11	3	7	9	13
N8	58	4	3	10	4	9	4	5	10	9
N9	116	4	6	21	8	17	11	16	15	18
N10	8	0	0	1	1	2	4	0	0	0
TOTAL	511	22	18	66	30	87	47	68	74	99

Note: Criminal history classes are based on 511 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
--------------------	--------------	-----------------------

Table 26: Criminal History by Severity Levels of Probation Violators with New Convictions Continued or Extended on Probation

Severity Level	Number of Cases	Criminal History Class								
		A	B	C	D	E	F	G	H	I
D1	1	0	0	0	0	0	0	0	1	0
D2	0	0	0	0	0	0	0	0	0	0
D3	1	0	0	0	0	0	1	0	0	0
D4	3	0	0	0	0	0	1	0	1	1
D5	29	2	4	2	2	0	3	6	5	5
N1	0	0	0	0	0	0	0	0	0	0
N2	0	0	0	0	0	0	0	0	0	0
N3	0	0	0	0	0	0	0	0	0	0
N4	0	0	0	0	0	0	0	0	0	0
N5	0	0	0	0	0	0	0	0	0	0
N6	2	0	0	0	0	1	0	1	0	0
N7	3	0	0	0	0	0	0	1	1	1
N8	8	0	0	1	0	2	2	2	0	1
N9	12	1	3	1	1	3	0	3	0	0
N10	3	0	1	0	0	1	1	0	0	0
TOTAL	62	3	8	4	3	7	8	13	8	8

Note: Criminal history classes are based on 62 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
--------------------	--------------	-----------------------

JAIL SANCTION FROM PROBATION VIOLATION

From 2013 House Bill 2170, one of the graduated intermediate violation sanctions for probation condition violators is a jail sanction. The bill allows the court to impose an intermediate sanction of confinement in jail for 2-3 days, not to exceed 18 days of jail sanctions during the entire probation supervision period. Prison sanctions resulted from probation violations were discussed on page 31.

A total number of 2,941 probation violators in FY 2020 were recipients of a jail sanction, a decrease of 545 or 15.6% over that of FY 2019 (3,486 jail sanctions). Of the 2,941 jail sanctions, none served more than 30 days in county jail and the average jail days served is 2.9 days, which is very consistent with the sentencing policy of the bill compared with FY 2019 (3.1 days), FY 2018 (3.0 days), FY 2017 (3.0 days), 2016 (2.9 days), FY 2015 (3.7 days), and FY 2014

(2.7 days). FY 2014 is the initial year of implementation of House Bill 2170.

The examination of offenders' violation sanction history reveals that 64.2% (1,887) have no sanction history and 35.8% (1,054) have sanction history of one to nine county jail sanctions. Table 27 presents the sanction history of the 1,705 jail sanction sentences. Of the 1,054 sentences with one prior jail sanction, 54.9% were imposed by the court and 43.8% were imposed by the supervising officers. A number of 375 sentences have two prior jail sanctions with 68.5% imposed by the court and 30.9% imposed by the supervising officer. Offenders with three prior jail sanctions accounted for 172 sentences, with 36.6% imposed by the court and 62.2% imposed by the supervising officer. Sixty-eight sentences have four prior jail sanctions, 26 sentences have five prior jail sanctions, 10 sentences have six prior jail sanctions, 8 have seven prior jail sanctions, 2 had eight prior jail sanctions, and 1 sentence had nine prior jail sanctions.

Table 27: FY 2020 Violation Sanction History - County Jail Sanction

Prior Sanction	Number	Jail Sanction Imposed by (%)	
		Supervising Officer	Court
First	1,054	54.9	43.8
Second	375	68.5	30.9
Third	172	62.2	36.6
Fourth	68	55.9	44.1
Fifth	26	53.8	42.3
Sixth	10	40.0	50.0
Seventh	8	25.0	62.5
Eighth	2	0.0	100.0
Ninth	0	0.0	0.0

Note: Based on Kansas Sentencing Commission's revocation disposition database

The jail sanction events imposed by county. The top five offenses committed by this group of offenders include crimes of drugs (1,263 sentences or 42.9%), theft (291 sentences or 9.9%), burglary (259 sentences or 8.8%), aggravated battery (137 sentences or 4.7% and forgery (110 sentences or 3.7%), which is consistent with the data observed in the previous three years. in FY 2020 are presented in Table 28. Sedgwick County imposed the most jail sanctions accounting for 29.2% (or 860 sanctions) of the 2,941 jail sanctions of FY 2020. Johnson County imposed the second

largest number of jail sanctions (315 sanctions or 10.7%) followed by Shawnee County (304 sanctions or 10.3%) and Reno County (215 sanctions or 7.3%).

Table 28: FY 2020 Jail Sanction by County

County	Number	Percent	County	Number	Percent
Allen	1	.0	Marshall	4	.1
Anderson	6	.2	Mcpherson	11	.4
Barber	3	.1	Miami	20	.7
Barton	99	3.4	Mitchell	2	.1
Bourbon	16	.5	Montgomery	6	.2
Brown	8	.3	Morton	1	.0
Butler	47	1.6	Nemaha	2	.1
Chautauqua	2	.1	Neosho	6	.2
Cherokee	23	.8	Ness	1	.0
Clay	7	.2	Osage	26	.9
Cloud	11	.4	Pawnee	1	.0
Coffey	6	.2	Phillips	1	.0
Comanche	1	.0	Pottawatomie	20	.7
Cowley	33	1.1	Pratt	17	.6
Crawford	75	2.6	Rawlins	1	.0
Decatur	1	.0	Reno	215	7.3
Dickinson	18	.6	Rice	18	.6
Doniphan	1	.0	Riley	23	.8
Douglas	44	1.5	Rooks	2	.1
Ellis	10	.3	Rush	2	.1
Ellsworth	5	.2	Russell	14	.5
Finney	43	1.5	Saline	138	4.7
Ford	36	1.2	Scott	4	.1
Franklin	27	.9	Sedgwick	860	29.2
Geary	32	1.1	Seward	3	.1
Gray	2	.1	Shawnee	304	10.3
Greenwood	3	.1	Sheridan	1	.0
Hamilton	1	.0	Sherman	4	.1
Harper	5	.2	Stafford	6	.2
Harvey	28	1.0	Stanton	1	.0
Jackson	8	.3	Sumner	13	.4
Jefferson	1	.0	Thomas	4	.1
Johnson	315	10.7	Trego	3	.1
Kingman	11	.4	Wabaunsee	6	.2
Kiowa	1	.0	Wichita	1	.0
Labette	2	.1	Wilson	9	.3
Leavenworth	42	1.4	Woodson	1	.0
Lyon	9	.3	Wyandotte	192	6.5
Marion	7	.2			
Total			2,941		

CHAPTER THREE

CONFORMITY TO THE SENTENCING GUIDELINES

The analysis of conformity to the Sentencing Guidelines involves the comparison of the actual sentence imposed to the sentence identified under the Revised Sentencing Guidelines Act. A sentence is considered to conform to the guidelines if it falls within the range of sentence lengths for a guideline grid box at a specific designated severity level and criminal history category. A sentence that falls at the mid-point of a relative grid box is regarded as standard. A sentence that falls at either the upper end or lower end of the relative grid box is considered as an aggravated or mitigated sentence, respectively. All other sentence lengths imposed are considered to be a departure from the guidelines unless the grid box is a designated border box. A sentence length above the aggravated level is defined as an "upward departure" and a sentence length less than the mitigated level is defined as a "downward departure."

Departures from the designated guideline sentence can be further categorized into two types: dispositional and durational. A dispositional departure occurs when the guidelines recommend a period of incarceration or probation but the reverse type of sentence is imposed. For example, the grid box indicates a period of incarceration, but a probation sentence is imposed. Sentences imposed in "border boxes" or violations resulting from a probation sentence are not considered departures. A durational departure occurs when a sentence is pronounced but the imposed length of incarceration is either

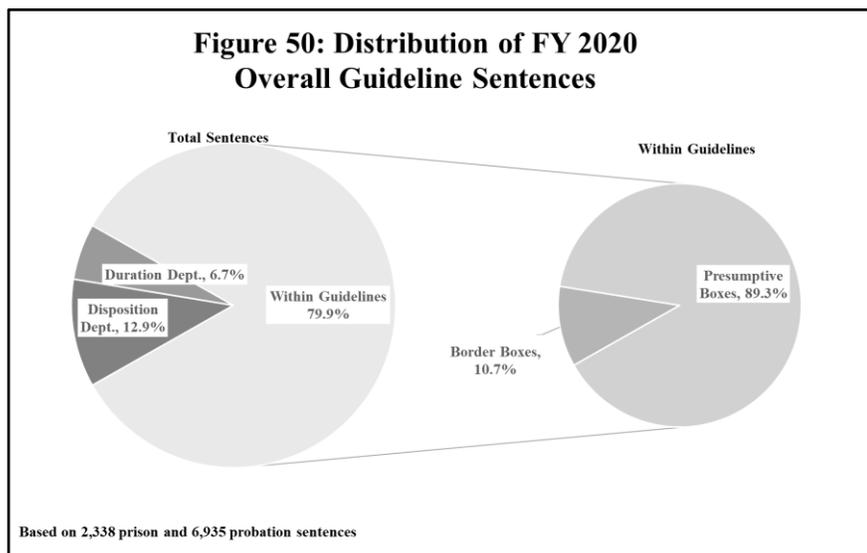
greater or less than the number of months designated by the guidelines.

Only pure guideline sentences were utilized for this specific analysis. A pure guideline sentence is defined as a sentence that falls within the appropriate box on the sentencing grid according to the offender's criminal history and the severity level of the offense, as represented by either a standard, mitigated, or aggravated grid sentence. Sentences that include either a durational or dispositional departure are excluded from the definition of a guideline sentence. Sentences applied with special sentencing rules related to sentence disposition are included in this analysis, as those special rules are encompassed into the sentencing grid and do not represent a departure from the guidelines. Analysis specific to sentences applied with special sentencing rules is provided at the end of this chapter.

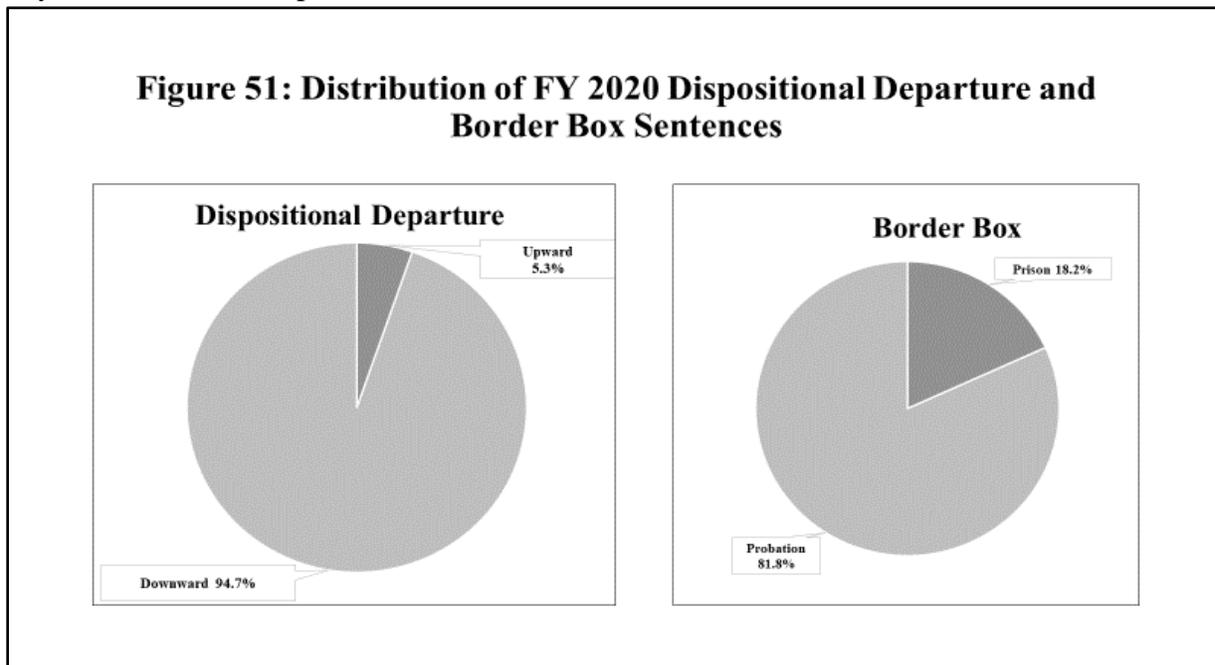
OVERALL CONFORMITY RATES

In FY 2020, the Commission received a total of 9,747 felony journal entries of sentencing. Of those sentences, 9,261 fell upon the either the drug or nondrug sentencing grids. Of the 9,273 drug and nondrug sentences, 1,939 were sentencing departures. Thus, 7,334 (79.1%) of sentences fell within the standard, mitigated, or aggravated numbers within the appropriate grid box according to the offender's criminal history and crime severity, including border boxes, which do not represent a departure under the

guidelines. Figure 50 demonstrates that 79.1% of the guideline sentences were within the presumptive guideline grids, 6.7% indicated durational departures, 12.9% were dispositional departures, 0.8% were upward departures, with the remaining 0.5% being both up/both down. Of all the sentences within the presumptive guideline grids, 8,278 sentences (89.3%) fell within either the presumptive prison boxes or presumptive probation boxes, while 993 sentences (10.7%) were located on designated border boxes. Figure 51 demonstrates that 94.7% (1,192 sentences) of the 1,259 dispositional departures were downward departures and 5.3% (67 sentences) were upward dispositional departures. 81.8% of the 99 border box sentences resulted in probation sentences with 18.2% of this group sentenced to prison. The ratios remain consistent with those of FY 2019. The analysis of durational departure sentences is

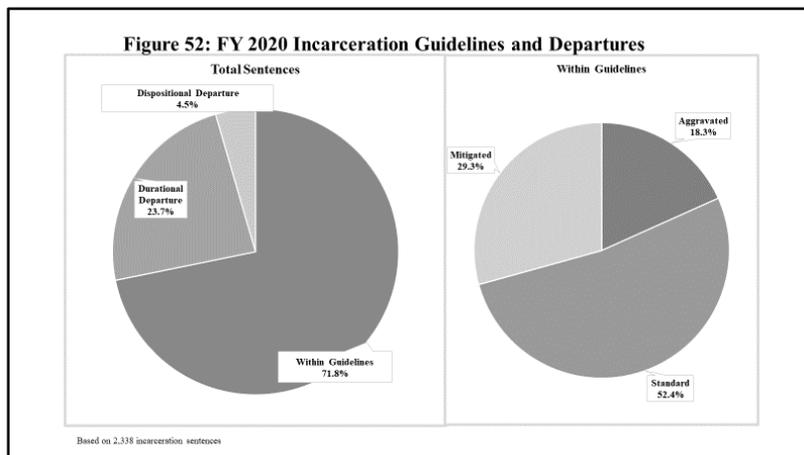


only applicable to presumptive prison sentences.



CONFORMITY OF PRESUMPTIVE PRISON GUIDELINE SENTENCES

Presumptive prison guideline sentences refer to those that are designated above the incarceration line of the sentencing grids. Revocations of probation conditions, either with or without new sentences, which result in prison sentences were excluded from this analysis. A total of 2,338 presumptive prison guideline sentences of FY 2020 were analyzed for this purpose.



Sentences within the presumptive prison range accounted for 89.7% of the total incarceration guideline sentences in FY 2020. Border box sentences accounted for 10.3% of total incarceration sentences in FY 2020. Of these sentences within the guidelines, the standard sentences accounted for 36.8%, the aggravated sentences accounted for 14.8%, the mitigated sentences accounted for 19.9%, the remaining presumptive prison sentences were durational departures (Figure 52).

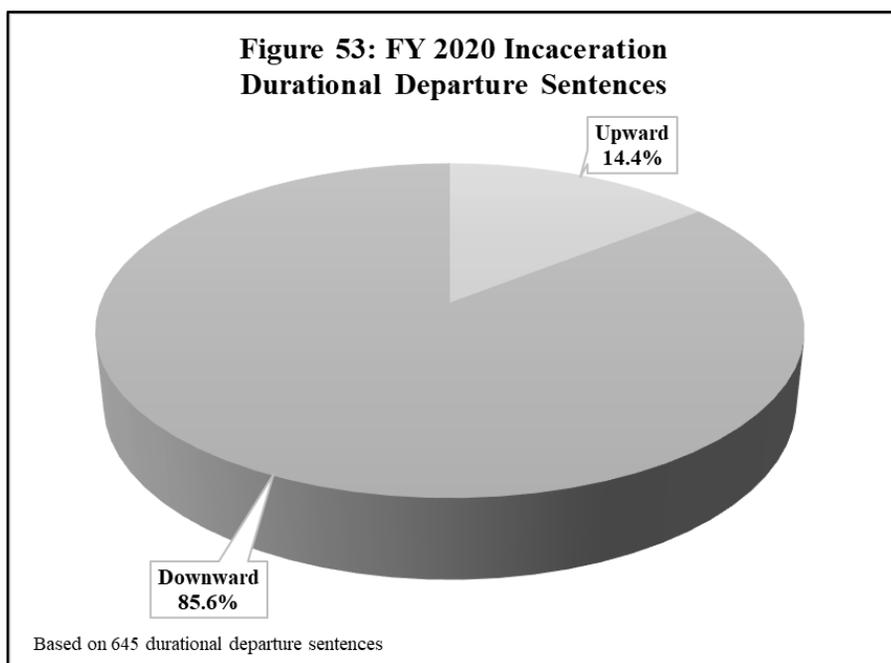
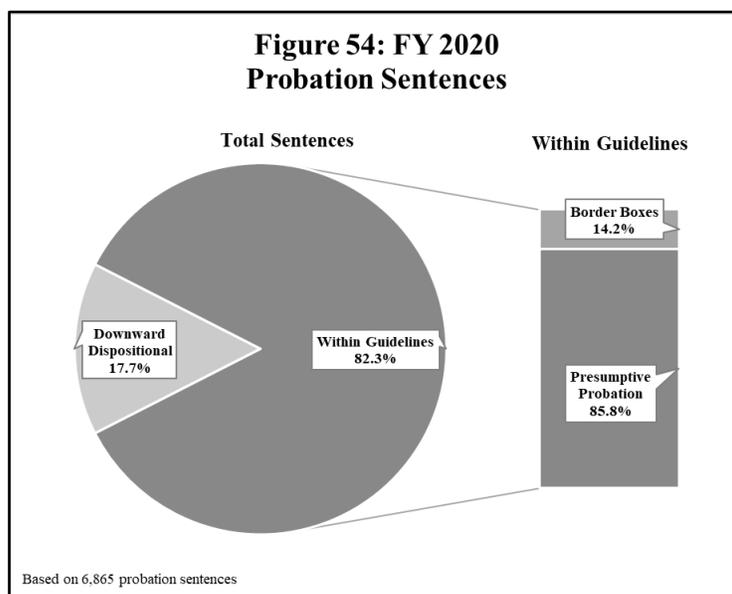


Figure 53 shows that 96.6% of the durational departure sentences departed downward from the sentence lengths indicated on the presumptive range, while 3.4% departed upward from the presumptive guideline ranges.

CONFORMITY OF PRESUMPTIVE PROBATION GUIDELINE SENTENCES

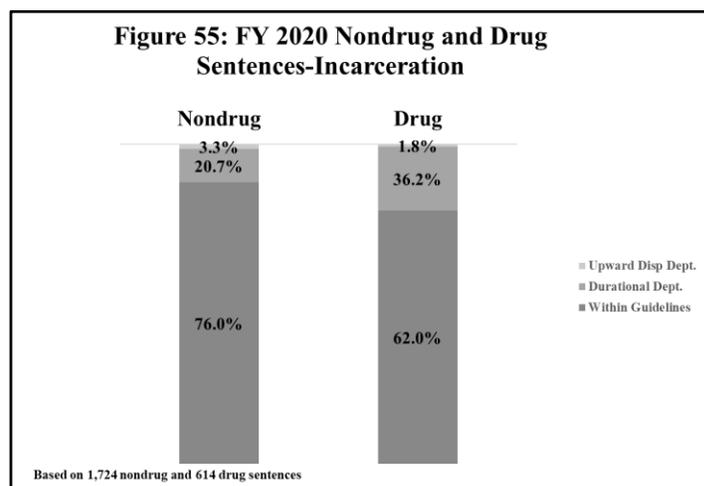
Sentences that are designated below the incarceration line of the sentencing grids are presumptive probation guideline sentences. The analysis of probation guideline sentences indicates that, as expected, the majority of probation guideline sentences in

FY 2020 (85.8% or 4,858 cases) fell within the presumptive sentencing ranges, while 14.2% were within border boxes (Figure 54). Further analysis of guideline departure sentences indicate that downward dispositional departures comprise 17.1% of the total probation sentences in FY 2020 (Figure 54). Upward dispositional departure sentences were reflected in presumptive incarceration sentences (Refer to Figure 52).



CONFORMITY OF NONDRUG AND DRUG GUIDELINE SENTENCES

The comparison between nondrug and drug guideline incarceration sentences discloses that 3.3% of nondrug offenders and 1.8% of drug offenders showed upward dispositional departures. Additionally, nondrug offenders represented 20.7% durational departures and drug offenders showed 36.2% durational departures (Figure 55).



than that of nondrug probation sentences (20.7% vs. 3.8%), which remains consistent when compared with FY 2019.

The analysis of durational departures indicates that downward departures represented 99.5% of the total durational departures on the drug grid. Similarly, on the nondrug grid, 97.3% of durational departures were downward (Figure 56). The majority of the upward departures were found at lower severity levels which is likely due to offenders having large amounts of jail credit and choosing to finish their sentence in prison as opposed to a longer period of probation (Table 29).

Figure 56: Comparison of Durational Departures Between Nondrug and Drug Incarceration Sentences

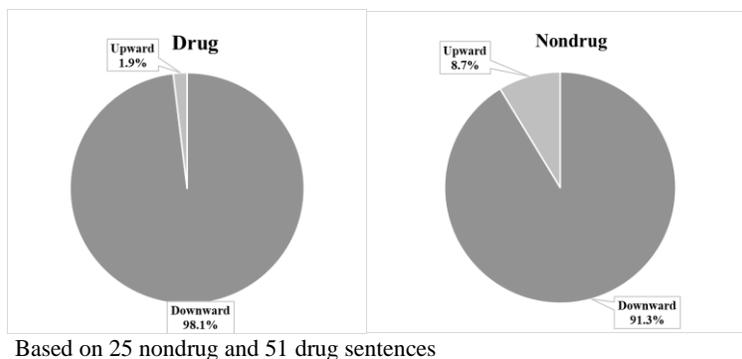
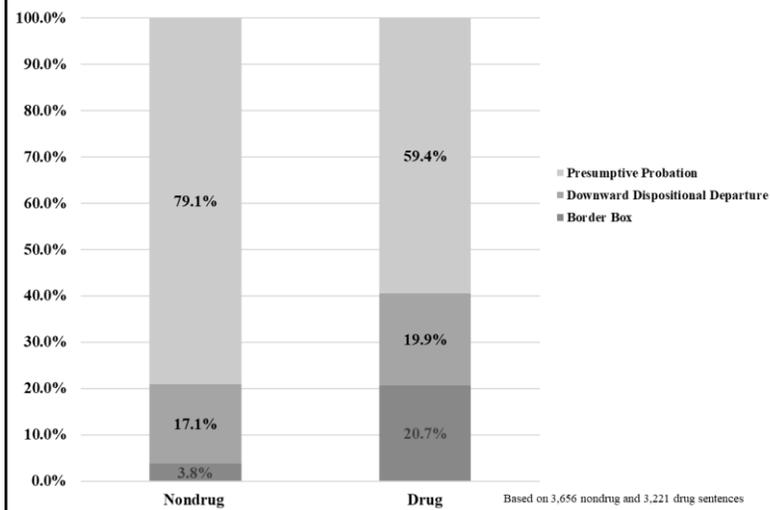


Figure 57 presents the sentencing disparities between nondrug and drug offenders on probation. Drug sentences represented a higher percentage of downward dispositional departures than nondrug sentences (19.9% vs. 17.1%). The rate of drug probation sentences resulting from border boxes was much higher

Figure 57: FY 2020 Nondrug and Drug Guideline Sentences-Probation



The sentencing trend in Kansas seems to indicate that there is a tendency to depart downward more often with drug sentences than with nondrug sentences. It further indicates that drug offenders tend to be sentenced to probation sentences more

frequently than do nondrug offenders when their offense types and criminal history categories are within the border boxes (Figure 57).

**CONFORMITY RATES TO THE GUIDELINES
BY SEVERITY LEVEL**

The conformity rates of incarceration sentences to the guidelines by severity level are presented in Table 29. Drug incarceration sentences, as a whole, indicated a 36.2% standard, 6.5% aggravated, 38.4% mitigated, while 18.9% departed from the guidelines. Nondrug sentences revealed an 38.2% standard, 15.5% aggravated, 21.7% mitigated, while 24.6% departed from the guidelines. The review of the departure sentences reveals that drug sentences indicated 0.4% upward durational departures and 91.3% downward durational departures, whereas nondrug sentences showed a 2.2% upward durational departure rate and an 80.8% downward

durational departure rate. The highest rate of downward durational departures was identified at drug severity level 5 (46.2%) for drug incarceration sentences and nondrug severity level 9 (17.6%) for nondrug incarceration sentences. When examining dispositional departures, 13.5% of nondrug incarceration sentences were upward dispositional departures and 4.8% of drug incarceration sentences were upward dispositional departures. This is the fifth year in a row that shows data different from sentencing practices observed in the past twenty years when judges were more likely to impose fewer upward dispositional sentences for drug offenders than for nondrug offenders.

Table 29: Conformity Rates by Severity Level - Incarceration Sentences

Severity Level	N	Within Guidelines			Border Box Totals	Departures		
		Agg.	Standard	Mit.		Durational Upward	Durational Downward	Dispositional Upward
D1	4	1	3			17		
D2	18	1	14	3		45		
D3	81	9	51	21		1	31	
D4	61	8	40	13	7		19	1
D5	214	21	114	79	19		98	18
Subtotal	378	40	222	116	26	1	210	19
N1	60	24	30	6		2	14	
N2	7	1	4	2			5	
N3	111	44	44	23		2	31	
N4	54	10	26	18		1	27	
N5	135	32	74	29	7	1	51	
N6	121	19	61	41	3	1	44	2
N7	243	49	122	72		1	45	14
N8	167	23	77	67		2	58	16
N9	363	59	202	102		0	59	30
N10	36	6	17	13		0	6	
Subtotal	1,297	267	657	373	10	10	340	62
TOTAL	1,675	307	879	489	36	11	550	81

Table 30 demonstrates the conformity rates of probation sentences to the guidelines by severity level. Probation drug sentences indicated 18.4% downward dispositional departures, which should have been presumptive incarceration, while 16.8% of probation nondrug sentences experienced downward dispositional departures. A significant difference also occurred within the border boxes of the grids. Drug offenders received more probation sentences

than nondrug offenders did when their severity levels and criminal history categories fell within the border boxes (85.9% vs. 64.0%). This sentencing pattern of border boxes between drug and nondrug probation sentences reveals the same trend as indicated with incarceration sentences: the tendency is to impose more nonprison sentences for drug offenders than for nondrug offenders. This trend has been consistent in the past twenty-three years.

Table 30: Conformity Rates by Severity Level - Probation Sentences

Severity Level	N	Presumptive Probation	Border Boxes	Downward Disposition
D1	10			10
D2	100			100
D3	181			181
D4	264	1	225	38
D5	2,651	1,955	443	261
Subtotal	3,214	1,956	668	590
N1	4			4
N2				
N3	34			34
N4	37			37
N5	183		116	67
N6	218	72	22	124
N7	813	722		91
N8	747	679		68
N9	1,500	1,310		190
N10	115	104		11
Subtotal	3,651	2,889	138	626
TOTAL	6,865	4,845	806	1,216

**CONFORMITY RATES TO THE GUIDELINES
BY RACE**

Tables 31 and 32 present the conformity rates to the sentencing guidelines by race for the drug and nondrug offenders admitted to prison in FY 2020. The analysis of drug incarceration sentences demonstrates that whites received more border box sentences than blacks (80.0% vs. 15.2%). However,

black offenders represented a higher percentage than white offenders at aggravated sentences (18.4% vs. 9.4%). The analysis of departures demonstrates that white offenders received more total downward durational and upward dispositional departures than black offenders (151 vs. 54; 17 vs. 3).

Table 31: Conformity Rates by Race - Incarceration Sentences Drug Offenders

Severity Level	Race	N	Within Guidelines			Departures			
			Agg.	Standard	Mit.	Box	Durational Upward Downward	Dispositional Upward	
D1	White	1	1	1			14		
	Black	2	2				3		
D2	White	15	1	12	2		39		
	Black	3		2	1		6		
D3	White	63	6	44	13		19		
	Black	16	3	7	6		11	1	
	Other	2			2		1		
D4	White	44	7	30	7	26	13		
	Black	15	1	8	6	8	5	1	
	Other	2		2		2	1		
D5	White	172	13	95	64	58	66	17	
	Black	40	8	18	14	8	29	1	
	Other	2		1	1	3	2		
Total	White	295	28	182	86	84	0	151	17
	Black	76	14	35	27	16	0	54	3
	Other	6	0	3	3	5	0	4	0

Note: Based on 377 drug incarceration guideline sentences reporting race of offenders.

**Table 32: Conformity Rates by Race - Incarceration Sentences
Nondrug Offenders**

Severity Level	Race	N	Within Guidelines				Departures		
			Agg.	Standard	Mit.	Box	Durational		Dispositional
							Upward	Downward	Upward
N1	White	40	16	19	5		1	9	
	Black	10	8	10	1		1	4	
	Other	1		1				1	
N2	White	5	1	3	1			3	
	Black	2		1	1			1	
	Other							1	
N3	White	74	31	27	16		1	25	
	Black	36	12	17	7		1	5	
	Other	1	1						
N4	White	42	7	21	14		1	20	
	Black	11	3	5	3			7	
	Other	1			1				
N5	White	93	25	49	19	36	1	27	
	Black	40	7	24	9	20		23	
	Other	2		1	1	1		1	
N6	White	93	15	46	32	7	1	31	1
	Black	27	3	15	9	1		8	1
	Other	1	1					4	
N7	White	190	43	93	54		1	29	11
	Black	52	6	28	18			15	3
	Other	1		1				1	
N8	White	115	18	58	39		1	45	11
	Black	48	5	17	26		1	12	2
	Other	4		2	2			3	
N9	White	287	44	173	70			32	25
	Black	72	15	28	29			26	5
	Other	4		1	3				
N10	White	31	4	16	11			6	
	Black	5	2	1	2				
Total	White	970	204	505	261	43	7	227	48
	Black	312	61	146	105	21	3	101	11
	Other	15	2	6	7	1	0	11	0

Note: Based on 1,297 nondrug incarceration guideline sentences reporting race of offenders.

Tables 33 and 34 present the conformity rates by race for offenders sentenced to probation during FY 2020. On average, white offenders received more presumptive probation sentences for drug offenses than black offenders (69.6% vs. 40.5%) but black drug offenders had a higher rate of border box sentences (29.2% vs. 20.7%) and downward dispositional departures (29.9% vs. 17.9%) than white drug offenders (Table 33). This racial conformity rate pattern is consistent with those of the past eight years.

The analysis on conformity rates of the probation sentences of the nondrug offenders indicates that white nondrug offenders received more presumptive probation sentences than black nondrug offenders (80.8% vs. 73.0%), while black offenders represented a higher percentage of downward dispositional departures (23.2% vs. 15.4%) than white offenders for nondrug offenses. The rates of border box sentences were 3.7% for white offenders and 3.8% for black offenders (Table 34).

**Table 33: Conformity Rates by Race - Probation Sentences
Drug Offenders**

	Race	N	Presumptive Probation	Border Boxes	Downward Disposition
D1	White	10			10
D2	White	84			84
	Black	14			14
	Other	2			2
D3	White	129			129
	Black	50			50
	Other	3			3
D4	White	203		168	35
	Black	55		52	3
	Other	6		5	1
D5	White	2,239	1,713	341	182
	Black	353	191	86	74
	Other	60	41	16	3
Total	White	2,462	1,713	509	440
	Black	472	191	138	141
	Other	71	41	21	9

Note: Based on 3,005 drug probation sentences reporting race of offenders.

**Table 34: Conformity Rates by Race - Probation Sentences
Nondrug Offenders**

Severity Level	Race	N	Presumptive Probation	Border Boxes	Downward Disposition
N1	White	2			2
	Black	2			2
N3	White	23			23
	Black	10			10
	Other	1			1
N4	White	28			28
	Black	9			9
N5	White	131		86	45
	Black	49		28	21
	Other	3		2	1
N6	White	164	60	16	88
	Black	51	12	5	34
	Other	3		1	2
N7	White	623	560		63
	Black	171	145		26
	Other	19	17		2
N8	White	540	494		46
	Black	185	165		20
	Other	21	19		2
N9	White	1124	1006		118
	Black	343	275		68
	Other	33	30		3
N10	White	86	81		5
	Black	26	20		6
	Other	3	3		0
Total	White	2,722	2,202	102	418
	Black	846	618	32	196
	Other	83	69	3	11

Note: Based on 3,651 nondrug probation sentences reporting race of offenders.

**CONFORMITY RATES TO THE GUIDELINES
BY GENDER**

This section discusses the conformity rates to the sentencing guidelines between male and female offenders admitted to prison in FY 2020. Female drug offenders had a higher rate than male drug offenders in aggravated and standard sentences (11.1% vs. 10.5%; 63.5% vs. 57.8%). However, males received more mitigated sentences than females (31.7% v. 25.4%). Female border box offenders represented 20.6% of the drug incarceration population, while males represented 20.9% of the incarcerated population. The examination of departure sentences reveals that female drug offenders received more than male drug offenders in upward dispositional departures (1.9% vs. 1.8%), while males had a higher rate of upward and downward durational departures (0.8 vs. 0.0%; 56.2% vs. 52.4%), (Table 35).

The exploration of nondrug incarceration sentences indicates that within guidelines, females represented a higher percentage than males in aggravated sentences (20.8% vs. 18.8%) and mitigated sentences (28.2% vs. 28.2%) for nondrug crimes, while female offenders received more standard (53.0% vs. 50.4%) and border box sentences (11.1% vs. 5.3%) than male offenders. The analysis of departure sentences reveals that male nondrug offenders represented a higher percentage of upward durational departures than female offenders (4.5% vs. 0.0%; and 25.0% vs. 21.1%), but had a lower rate of downward durational departures (78.3% vs. 83.9%). However, female offenders received more sentences than male offenders in upward dispositional departures (14.3% vs. 12.7%), (Table 36).

**Table 35: Conformity Rates by Gender - Incarceration Sentences
Drug Offenders**

Severity Level	Gender	N	Within Guidelines				Departures		
							Durational		Dispositional
			Agg.	Standard	Mit.	Box	Upward	Downward	Upward
D1	Male	3	1	2			14		
	Female	1		1			3		
D2	Male	12		9	3		36		
	Female	6	1	5			9		
D3	Male	68	9	40	19	1	27		
	Female	13		11	2		4		
D4	Male	55	7	35	13	24	15		
	Female	6	1	5		5	5		
D5	Male	177	16	96	65	42	85	12	
	Female	37	5	18	14	8	12	6	
Total	Male	315	5.7	15.7	12.7	66	1	177	12
	Female	63	1.3	14.3	14.3	13	0	33	6

Note: Based on 378 drug incarceration guideline sentences.

**Table 36: Conformity Rates by Gender - Incarceration Sentences
Nondrug Offenders**

Severity Level	Gender	N	Within Guidelines			Departures			
			Agg.	Standard	Mit.	Box	Durational		Dispositional
							Upward	Downward	Upward
N1	Male	53	20	28	5		2	14	
	Female	7	4	2	1				
N2	Male	5		3	2				4
	Female	2	1	1					1
N3	Male	106	42	41	23		2	24	
	Female	5	2	3				6	
N4	Male	52	10	26	16		1	26	
	Female	2			2			1	
N5	Male	117	32	61	24	47	1	44	
	Female	18		13	5	10		7	
N6	Male	101	16	54	31	6	1	38	2
	Female	20	3	7	10	1		6	
N7	Male	230	45	115	70		1	44	12
	Female	13	4	7	2			1	2
N8	Male	153	21	68	64		2	41	15
	Female	14	2	9	3			17	1
N9	Male	335	53	186	96			51	24
	Female	28	6	16	6			8	6
N10	Male	28	6	13	9			6	
	Female	8		4	4				
Total	Male	1,180	245	595	340	53	10	292	53
	Female	117	22	62	33	11	0	47	9

Note: Based on 1,297 nondrug incarceration guideline sentences.

Tables 37 and 38 provide the conformity rates of the probation sentences by gender. The analysis of the offenders on probation shows that females on both drug and nondrug grids received fewer downward dispositional departures than males (12.3% vs. 21.1%, Table 37; and 5.0% vs. 12.0%, Table 38), which is consistent with those in the past five years. This finding indicates that females were more likely to be

incarcerated than males when both upward and downward dispositional departures were compared for incarceration and probation sentences. Females were less likely to receive a downward dispositional departure to probation if their sentences fell within a presumptive prison box (Tables 37 & 38). The above findings continue the trend that has been present in the past twenty-four years (Annual Reports of FY 1996 - FY 2019).

**Table 37: Conformity Rates by Gender - Probation Sentences
Drug Offenders**

Severity Level	Gender	N	Presumptive Probation	Border Boxes	Downward Disposition
D1	Male	6			6
	Female	4			4
D2	Male	71			71
	Female	29			29
D3	Male	128			128
	Female	53			53
D4	Male	211		179	32
	Female	53		47	6
D5	Male	1,766	1180	362	224
	Female	882	766	81	35
Total	Male	2,189	1,186	540	461
	Female	1,024	769	129	126

Note: Based on 3,213 drug probation sentences reporting gender of offenders.

**Table 38: Conformity Rates by Gender - Probation Sentences
Nondrug Offenders**

Severity Level	Gender	N	Presumptive Probation	Border Boxes	Downward Disposition
N1	Male	2			2
	Female	2			2
N2	Male	0			
	Female	0			
N3	Male	30			30
	Female	4			4
N4	Male	27			27
	Female	10			10
N5	Male	148		100	48
	Female	35		16	19
N6	Male	170	52	15	103
	Female	48	20	7	21
N7	Male	677	593		84
	Female	136	129		7
N8	Male	480	420		60
	Female	266	258		8
N9	Male	1122	957		164
	Female	378	353		25
N10	Male	75	66		9
	Female	40	38		2
Total	Male	2,731	2,090	114	527
	Female	920	799	23	98

Note: Based on 3,651 nondrug probation sentences reporting gender of offenders.

SPECIAL SENTENCING RULES

Special sentencing rules provide special treatment of certain crimes and sanctions. These special rules establish policies for the determination of criminal history and the imposition and computation of sentences in atypical situations that are not otherwise addressed by the sentencing guidelines. In addition, these special rules serve to assign appropriate severity rankings to crimes that are in some significant respect unusual and therefore not readily amenable to the standardized treatment afforded by the grids.

There was a small number of special sentencing rules in the initial years of implementing the guidelines. In 1994 and 1995, only five special sentencing rules existed. With the modification of sentencing guidelines and amendments of sentencing policies in each legislative year, the number of special sentencing rules has increased. As of the 2020 Legislative Session, forty-eight special sentencing rules have been established or amended. The most frequently applied special sentencing rules in the past five years have been: crime committed while incarcerated or on probation, parole, etc.; crime committed while on felony bond; person felony committed with a firearm and third or subsequent drug possession.

Tables 39 and 40 present the numbers and percentages of sentencing practice with special sentencing rules in the past five years. The percentage of offenders admitted to prison with special sentencing rules increased from 42.9% in FY 2016 to 61.6% in FY 2020. FY 2020 represented the highest number (1441 admissions) of special sentencing rules applied to prison sentences in the past five years. The percentage of probation sentences imposed with special

sentencing rules accounted for 32.8% in FY 2020, an increase of 16.8% over that of FY 2019 and an increase of 19.5% when compared with that of FY 2016 (Table 39). The total percentage of both prison and probation sentences applied with special rules increased from 20.2% in FY 2016 to 40.2% in FY 2020 (Table 40).

In FY 2020, a number of 1,675 pure guideline prison sentences and 1,750 pure guideline probation sentences were imposed with special sentencing rules, which accounted for 64.1% of prison pure guideline admissions (1,073 admissions) and 19.1% of pure guideline probation sentences (5,609) imposed in FY 2020 (Table 39).

In FY 2020, the top three special sentencing rules applied to prison sentences in sentencing practice were: crime committed while incarcerated or on probation, parole, etc. (793 sentences) representing 55.0% of 1,440 prison sentences applied with special sentencing rules; crime committed while on felony bond (208 sentences) representing 14.4% and person felony committed with a firearm (136 sentences) making up 9.4% of prison admissions with special sentencing rules during FY 2020 (Table 41).

The top three special sentencing rules applied most frequently to probation sentences in FY 2020 included crime committed while incarcerated or on probation, parole, etc. (1,164 sentences) accounted for 51.6%; crime committed while on felony bond (526 sentences) accounted for 23.3%; and third or subsequent drug possession (181 sentences) accounted for 8.0% of the total 2,256 probation sentences applied with special sentencing rules (Table 42).

**Table 39: Pure Guideline Sentences Applied with Special Sentencing Rules
By Prison and Probation
FY 2016 through FY 2020**

Fiscal Year	Prison Admissions			Probation Sentences		
	Guideline	with Special Rules		Guideline	with Special Rules	
		Number	Percent		Number	Percent
2016	1729	742	42.9	5705	757	13.3
2017	1780	812	45.6	5324	756	14.2
2018	1829	814	44.5	5576	840	15.1
2019	1716	840	49.0	5750	918	16.0
2020	1675	1073	64.1	5609	1750	31.2

**Table 40: Pure Guideline Sentences Applied with Special Sentencing Rules
By Total Sentences
FY 2016 through FY 2020**

Fiscal Year	Guideline	with Special Rules	
		Number	Percent
2016	7434	1499	20.2%
2017	7104	1568	22.1%
2018	7405	1654	21.1%
2019	7466	1758	23.5%
2020	7284	2823	38.8%

Note: The total number and percentage include both prison and probation sentences.

Table 41: Distribution of Special Sentencing Rules Applied To Prison Sentences – FY 2020

Special Rules Applied to Sentences	Number	Percent
Crime Committed While Incarcerated, Probation, Parole, Etc.	793	55.0
Crime Committed While on Felony Bond	208	14.4
Person Felony Committed with A Firearm	136	9.4
Third or Sub. Drug Possession	64	4.4
Burglary With =>2 Prior Felony Theft, Burglary/Agg Burglary-Presumed Prison	46	3.2
Offender Registration Act Violation	45	3.1
Felony Theft With =>3 Prior Felony Theft, Burglary/Agg Burglary-Presumed Prison	43	3.0
Residential Burglary with a Prior Burglary	21	1.5
Third or Sub. Forgery; I-C Nongrid	12	.8
Drug Felony with A Firearm	9	.6
Battery on A LEO Resulting in Bodily Harm	8	.6
Second or Sub. Identity Theft or Identity Fraud	7	.5
3rd Or Subsequent Flee/Elude, Presumed Prison	7	.5
Resident Burglary W/Criminal History 7c,7d or 7e	7	.5
Aggravated Assault LEO	6	.4
Persistent Sex Offender	6	.4
Second Forgery; I-C Nongrid	5	.3
Agg Battery By Dui, 1rst Prior Shall Count as Nonperson, 2nd And Subs Prior Shall Count as Person	4	.3
Involuntary Manslaughter by Dui, Person Felony	3	.2
Felony Committed After Early Discharge Where Offender Would Been on Prob Or Postrelease Supervision	2	.1
Extended Juvenile Jurisdiction Imposed	2	.1
Crime Committed While Incarcerated in a Juvenile Correctional Facility	2	.1
Kansas Securities Act	1	.1
Felony DUI	1	.1
Felony Domestic Battery	1	.1
Aggravated Endangering a Child	1	.1
Total	1,140	100.0

Note: The number and percentage are mutually exclusive.

**Table 42: Distribution of Special Sentencing Rules Applied
To Probation Sentences – FY 2020**

Special Rules Applied to Sentences	Number	Percent
Crime Committed While Incarcerated, Probation, Parole, Etc.	1164	51.6
Crime Committed While on Felony Bond	526	23.3
Third or Sub. Drug Possession	181	8.0
Offender Registration Act Violation	72	3.2
Person Felony Committed with A Firearm	53	2.3
Felony Theft With =>3 Prior Felony Theft, Burglary/Agg Burglary-Presumed Prison	51	2.3
Burglary With =>2 Prior Felony Theft, Burglary/Agg Burglary-Presumed Prison	36	1.6
Aggravated Endangering a Child	32	1.4
Third or Sub. Forgery; I-C Nongrid	20	.9
Second or Sub. Identity Theft or Identity Fraud	19	.8
Agg Battery By Dui	18	.8
Resident Burglary W/Criminal History 7c,7d or 7e	15	.7
Drug Felony with A Firearm	14	.6
Second Forgery; I-C Nongrid	13	.6
Residential Burglary with A Prior Burglary	12	.5
Battery on A LEO Resulting in Bodily Harm	8	.4
Aggravated Assault LEO	7	.3
Felony Committed After Early Discharge Where Offender Would Been on Prob or Postrelease Supervision	4	.2
Aggravated Battery LEO	2	.1
Law Enforcement Act - Enhanced Sentence	2	.1
Leaving the Scene Of An Accident, Person Felony	2	.1
3rd Or Subsequent Flee/Elude, Presumed Prison	2	.1
Persistent Sex Offender	1	.0
Felony Domestic Battery	1	.0
Fraudulent Insurance Act	1	.0
Total	2256	100.0

Note: The number and percentage are mutually exclusive.

CHAPTER FOUR SENTENCING TRENDS AND FORECAST

INCARCERATION SENTENCES

The total number of admissions to KDOC has decreased in the past five years. The number of offenders admitted to prison in FY 2020 reached 4,473, which decreased by 1,915 offenders or 30.0% when compared with FY 2019 as well as decreasing 1,691 offenders or 27.4% when compared with FY 2016. (Figure 58). Table 43 presents the prison admission pattern by month for the past five years.

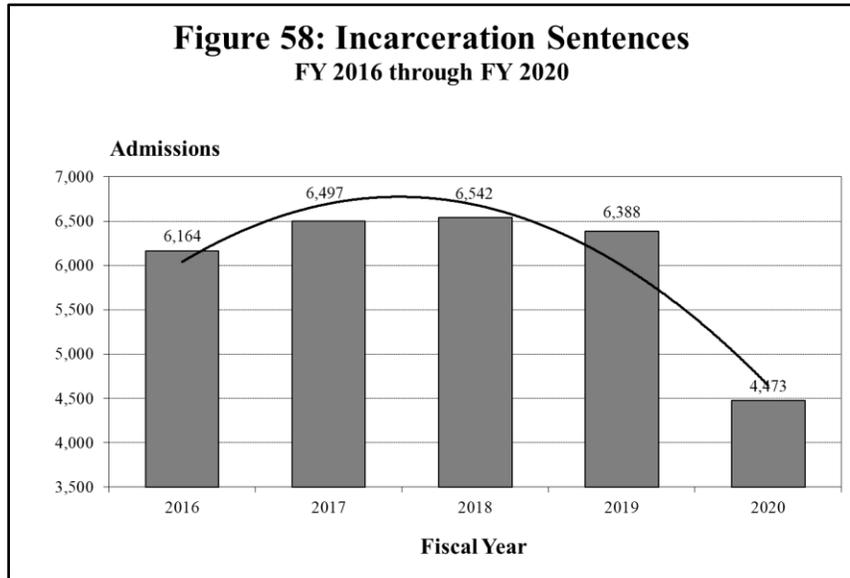


Table 43: Prison Admissions by Month

Month by Fiscal Year	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
July	538	470	542	598	532
August	459	542	636	588	473
September	495	532	493	480	442
October	499	600	596	569	498
November	440	576	456	472	371
December	553	537	470	505	436
January	478	535	531	578	441
February	540	505	478	486	449
March	640	573	626	545	414
April	472	483	565	572	149
May	527	609	654	520	110
June	523	535	495	475	158
Total	6,164	6,497	6,542	6,388	4,473

Table 44 demonstrates the trend of prison admissions by type in the past five years. The number of admissions of new court commitments in FY 2020 decreased by 20.1% over that of FY 2016 and decreased 20.0% over that of FY 2019. HB 2170 120/180-day prison sanctions were first implemented in FY 2014 and since 2016 admissions have significantly decreased (71.7%) when compared to the total of 2020. However, examining differences from FY 2018 to FY 2019 display that sanctions from probation actually decreased by 76.1%. It is important to note that 2018 SB 18 removed the use of prison sanctions. As anticipated, the use of prison sanctions will continue to phase out over the next few years. Probation

condition violators admitted to prison in FY 2020 increased by 3.9% when compared with FY 2016 but decreased by 12.6% compared with FY 2019. Probation violators with new sentence/new conviction admitted to prison in FY 2020 decreased by 30.8% compared with FY 2016 and by 15.1% when compared with that of FY 2019. The number of parole/postrelease and conditional release violators admitted to prison in FY 2020 decreased by 28.1% from FY 2019, but decreased by 36.6% from FY 2016. Parole/postrelease and condition release violators with new sentences admitted in FY 2020 decreased by 8.2% when compared with FY 2016, but decreased by 26.4% over that of FY 2019.

Table 44: Comparison of Prison Admissions by Type

Admission Type	FY2016	FY2017	FY2018	FY2019	FY2020	FY 2020-2016 % Difference
New Court Commitment	1,986	2,071	2,019	1,982	1,586	-20.1%
Sanction from Probation	1,003	1,192	1,197	1,186	284	-71.7%
Probation Condition Violator	1,180	1,229	1,458	1,402	1,226	3.9%
Probation Violator With New Sentence/New Conviction	519	522	451	423	359	-30.8%
Parole/Post-release/CR Condition Violator	1,237	1,201	1,082	1,091	784	-36.6%
Parole/Post-release/CR Violator With New Sentence	146	196	213	182	134	-8.2%
Other Types*	93	86	122	122	100	7.5%
Total	6,164	6,497	6,542	6,388	4,473	-27.4%

* Other admissions include: compact inmate, parole detainer w/new sentence, non-violator return no new sentence, and admit in lieu of revocation of parole/cr.

The admission trends of incarceration sentences by severity level in the past five years are presented in Table 45 and Table 46. The total admissions of drug offenders in FY 2020 decreased by 32.5% (700 offenders) compared to FY 2019, but decreased by 22.9% when compared with FY 2016. Comparing statistics between FY 2020 and FY 2016, the admissions decreased by 37.0% at drug severity level 1, by 44.8% at drug severity level 3, by 67.2% at drug severity level 4, and by 4.7% at drug severity level 5. However, admissions

increased by 1.0% at drug severity level 2. It is important to keep in mind that a new drug sentencing grid was implemented on July 1, 2012, thus 2016 statistics reflect earlier years of the new grid compared to full implementation by FY 2020. When comparing statistics between FY 2020 and FY 2019, the admissions decreased by 32.0% at drug severity level 1, by 26.9% at severity drug severity level 2, by 33.1% at severity level 3, by 39.5% at drug severity level 5, and by 32.1% at drug level 5 (Table 45). The decrease of admissions at all drug

severity levels reflects the impact of the COVID-19 pandemic on sentencing in Kansas.

The total number of nondrug admissions decreased by 28.7% over that of FY 2019 and decreased by 29.4% over that of FY 2016. In the past five years, the most significant increase of nondrug admissions was found at nondrug severity level 6, an increase of 6.3%. The admissions at every other level decreased over the five-year period. The most significant decrease in the past five years was found at the nongrid level with a decrease of 70.0%. The number

of off-grid offenders admitted to prison in FY 2020 decreased by 37.7% when compared with FY 2015. Due to the pandemic, there were no increases in admissions at any nondrug severity level on the grid when compared with FY 2019. The admissions at nondrug severity levels 1-10 decreased, respectively, by 2.6%, 34.5%, 16.7%, 26.2%, 29.3%, 20.9%, 28.5%, 36.2%, 32.7%, and 35% between that of FY 2020 and FY 2019. Additionally, nongrid and “unknown” levels increased by 300% and 200%, respectively, as there were no admissions in FY 2019 for these groups (Table 46).

Table 45: Comparison of Drug Prison Admissions by Severity Level

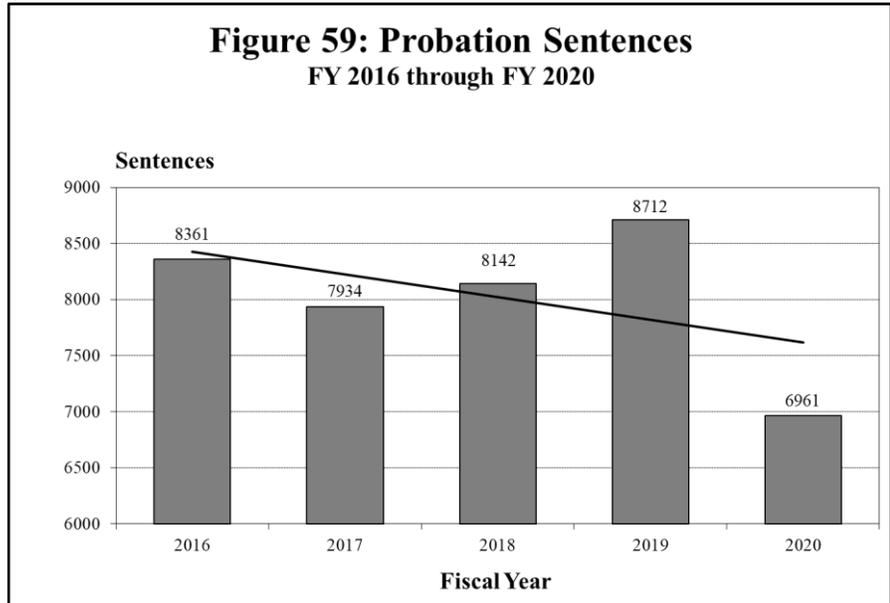
Severity Level	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2020-2019% Difference	FY 2020-2016% Difference
D1	54	35	38	50	34	-32.0%	-37.0%
D2	97	100	99	134	98	-26.9%	1.0%
D3	297	268	228	245	164	-33.1%	-44.8%
D4	341	298	261	185	112	-39.5%	-67.2%
D5	1,094	1,348	1,525	1,537	1,043	-32.1%	-4.7%
Total	1,883	2,049	2,151	2,151	1,451	-32.5%	-22.9%

Table 46: Comparison of Nondrug Prison Admissions by Severity Level

Severity Level	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2020-2019% Difference	FY 2020-2016% Difference
N1	109	129	152	115	112	-2.6%	2.8%
N2	38	37	29	29	19	-34.5%	-50.0%
N3	347	310	343	299	249	-16.7%	-28.2%
N4	129	140	152	145	107	-26.2%	-17.1%
N5	654	615	575	550	389	-29.3%	-40.5%
N6	271	352	330	364	288	-20.9%	6.3%
N7	951	945	1002	974	696	-28.5%	-26.8%
N8	514	534	569	555	354	-36.2%	-31.1%
N9	1048	1,171	1,080	1,037	698	-32.7%	-33.4%
N10	103	91	60	60	39	-35.0%	-62.1%
Off-grid	106	111	87	109	66	-39.4%	-37.7%
Nongrid	10	7	9	0	3	300.0%	-70.0%
Unknown	1	6	3	0	2	200.0%	100.0%
Total	4,281	4,448	4,391	4,237	3,022	-28.7%	-29.4%

PROBATION SENTENCES

The number of probation sentences imposed has fluctuated in the past five years. The total number of probation sentences in FY 2020 decreased by 20.1% or 1,751 sentences compared with that of FY 2019 and decreased 16.7% or 1,400 sentences compared with that of FY 2016. The largest number of probation sentences imposed in the past five years is identified in FY 2019 (Figure 59).



In FY 2020, the total drug probation sentences decreased by 18.3% or 720 sentences over that of FY 2019 and decreased by 3.4% or 114 sentences over that of FY 2016. Comparing drug sentences to probation between FY 2020 and 2016, statistics demonstrate that the number of drug probation sentences decreased by 10.0% at drug severity level 1, 23.8% at drug severity level 3, 23.4% at drug severity level 4, and 0.4% at drug severity level 5. However, probation sentenced increased by 14.8% at drug severity level 2.

Moreover, in comparing data from FY 2020 and FY 2019, the number of drug probation sentences decreased at drug severity levels 1-5, respectively, by 25.0%, 26.8%, 25.1%, 28.8%, and 16.2% (Table 47). This decrease was due to the COVID-19 pandemic.

Table 48 displays the sentencing trend of nondrug probation sentences in the past five years. The total number of nondrug probation sentences in FY 2020 decreased by 21.6% from that of FY 2019 but decreased by 25.6% from that of FY 2016. The largest decline of nondrug probation sentences in the past five years was found with the nongrid crimes (67.2%), followed by nondrug severity level 10 (39.2%) and severity level 5 (36.0%). The largest increase of nondrug probation sentences in the past five years was identified at nondrug severity level 1 (150.0%), followed by nondrug severity level 3 (18.2%) and nondrug severity level 4 (5.7%), when compared with the data observed in FY 2016.

**Table 47: Comparison of Probation Drug Sentences by Severity Level
FY 2016 through FY 2020**

Severity Level	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2019-2020 % Difference	FY 2020-2016 % Difference
D1	10	10	7	12	9	-25.0%	-10.0%
D2	88	82	99	138	101	-26.8%	14.8%
D3	231	240	296	235	176	-25.1%	-23.8%
D4	346	393	387	372	265	-28.8%	-23.4%
D5	2,658	2,694	2,831	3,182	2,668	-16.2%	0.4%
Total	3,333	3,419	3,620	3,939	3,219	-18.3%	-3.4%

**Table 48: Comparison of Probation Nondrug Sentences by Severity Level
FY 2016 through FY 2020**

Severity Level	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2020-2019 % Difference	FY 2020-2016 % Difference
N1	2	1	1	4	5	25.0%	150.0%
N2	0	1	1	1	0	-100.0%	N/A
N3	33	36	44	44	39	-11.4%	18.2%
N4	35	49	66	65	37	-43.1%	5.7%
N5	297	250	243	262	190	-27.5%	-36.0%
N6	208	212	285	292	219	-25.0%	5.3%
N7	1,042	988	990	1,142	818	-28.4%	-21.5%
N8	926	885	901	986	748	-24.1%	-19.2%
N9	2,166	1,850	1,775	1,775	1,525	-14.1%	-29.6%
N10	189	153	153	150	115	-23.3%	-39.2%
Off-grid	2	0	0	0	4	N/A	N/A
Nongrid	128	90	63	52	42	-19.2%	-67.2%
Total	5,028	4,515	4,522	4,773	3,742	-21.6%	-25.6%

PRISON POPULATION FORECAST

The prison population projection is based on FY 2020 data of prison admission, inmate stock population and release from KDOC, and felony sentencing data from KSSC. It mirrors continuously the changes of sentencing policy in previous years, such as 2006 House Bill 2567 (Jessica's Law), 2007 Senate Bill 14 and 2013 House Bill 2170, a justice reinvestment bill, which seeks to reduce the probation condition violator population in Kansas prisons.

The prison population projection predicts that offenders incarcerated in state prisons will reach 9,584 by June 30, 2020, a decrease of 460 inmates or 4.6% over the actual prison population on the same date in 2020. The total admission in the past five years had exhibited an increasing tendency, however, due to the COVID-19 pandemic, the previous fiscal year saw a pronounced decrease in admissions which will impact the total population for the next decade. (Figure 58).

Table 49 presents FY 2020 prison population projection by offender group. In the ten-year forecast period, the largest increase in number is for probation condition violators, which is expected to increase by 357 offenders or 34.2%. The next highest group are nondrug severity levels 1-3, who are expected to increase by 187 offenders or 7.5%. The projected population at nondrug severity levels 7-10 will increase by 135 offenders or 17.7% during the ten-year forecast period. The prison population at nondrug severity levels 4 to 6 will decrease by 81 offenders or 5.0%. The off-grid incarceration group in the next ten years will increase by 44 offenders or 3.1%. This growth reflects the continued

impact of Jessica's Law (House Bill 2567) passed in 2006.

Probation condition violators admitted to prison were required to serve their underlying prison sentence before 2013, but 2013 House Bill 2170 required probation condition violators to serve graduated sanctions instead, which included custody in KDOC for 120 days or 180 days. However, 2019 Senate Bill 18 included language that will phase out the use of prison sanctions. Thus, in the next ten years, the number of prison sanctions from probation will decrease to 0. As stated previously, the probation condition violators admitted to prison will increase by 357 or 34.2%, but the parole/postrelease condition violators will decrease by 159 or 61.6% in the next ten years. This is the impact of House Bill 2170 as well, which requires that probation condition violators who are released from prison after July 1, 2013 will serve a postrelease supervision term. Pre-guideline (old law) inmate population, excluding old law off-grid, will gradually decrease over the ten-year forecast period. The trend of the actual and projected prison population from FY 2011 through FY 2030 is presented in Figure 60.

Figure 60: Kansas Prison Population - Actual and Projected

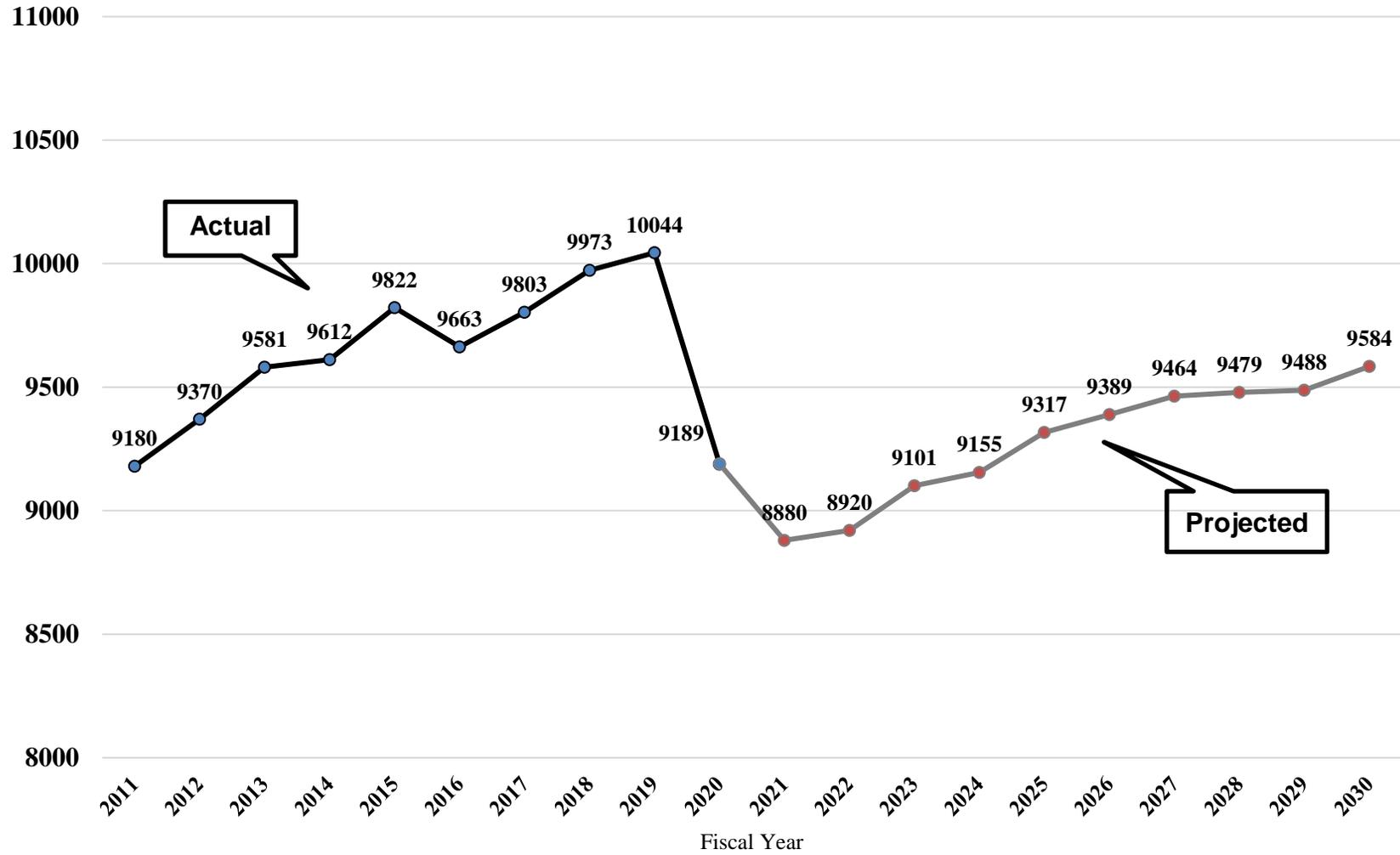


Table 49: FY 2021 Adult Inmate Prison Population Projections

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%

* The numbers of 2020 are the actual prison population on June 30, 2020.

CUSTODY CLASSIFICATION PROJECTION

The prison population projections forecast the total beds needed over the ten-year forecast period, while custody classification projections predict the types of beds needed for custody in the next ten years. The overall custodial classification projections reveal that by the end of FY 2021, 123 unclassified beds, 1,180 minimum beds, 2,544 medium low beds, 1,282 medium high beds, 1,180 maximum beds and 995 special management beds will be needed. The total projected prison beds, by the end of FY 2030 will include 132 unclassified beds, 2,965 minimum beds, 2,748 medium low beds, 1,385 medium high beds, 1,276 maximum beds and 1,077 special management beds (Table 50).

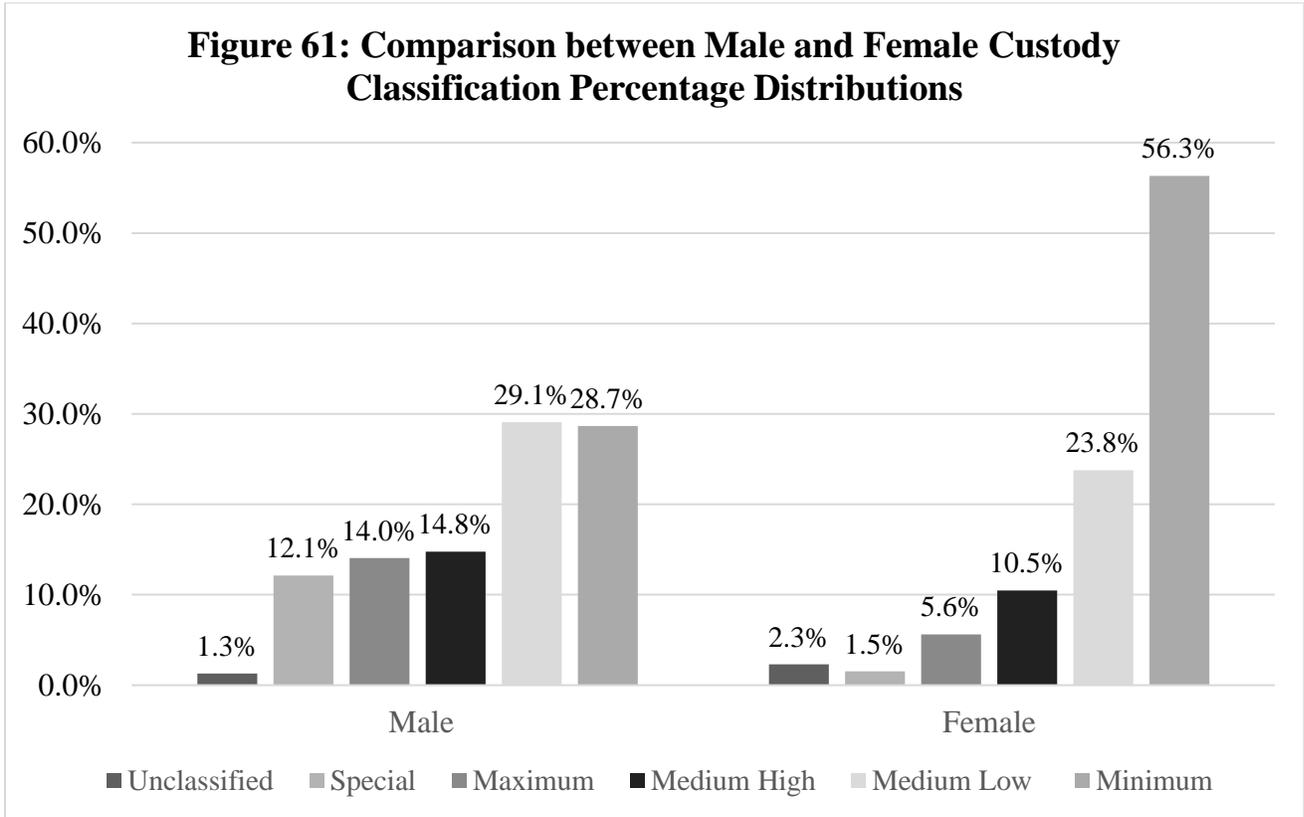
Figure 61 exhibits the projected percentage distribution of custodial classifications by gender. The distribution demonstrates a significant difference between male and female offenders. Females will need the following beds: 2.3% unclassified, 56.3%

minimum, 23.8% medium low, 10.5% medium high, 5.6% maximum custody and 1.5% special management beds by the end of FY 2021. Males will need 1.3% unclassified, 28.7% minimum, 29.1% medium low, 14.8% medium high, 14.0% maximum custody and 12.1% special management beds by the end of FY 2021. These classification percentages of male and female offenders remain fairly constant during the ten-year forecast period.

In the ten-year forecast period, the need for male beds increases at all custody types. The largest increase is found for medium low beds with an increase of 196. The second largest increase is for minimum beds with an increase of 194 beds. The medium high beds, maximum custody beds, special management beds and unclassified beds show an increase of 99, 94, 82 and 8, respectively, over the ten-year forecast period. Beds for females, in terms of custody types, only fluctuate slightly in the next ten years except for minimum beds with an increase of 16 and medium low beds with an increase of 7. This forecast assumes no changes in custody practice over the ten-year forecast period.

Table 50: Ten-Year Custody Classification Projection

Fiscal Year	Unclassified	Special	Maximum	Medium High	Medium Low	Minimum	Total
2021	123	995	1,180	1,282	2,544	2,755	8,880
2022	123	1,001	1,187	1,288	2,556	2,765	8,920
2023	126	1,023	1,212	1,315	2,609	2,817	9,101
2024	126	1,030	1,220	1,323	2,625	2,831	9,155
2025	129	1,047	1,241	1,346	2,671	2,882	9,317
2026	130	1,057	1,252	1,357	2,693	2,901	9,389
2027	131	1,064	1,261	1,368	2,713	2,927	9,464
2028	131	1,066	1,263	1,370	2,718	2,932	9,479
2029	131	1,067	1,264	1,371	2,720	2,935	9,488
2030	132	1,077	1,276	1,385	2,748	2,965	9,584



Based on projected prison population on June 30, 2021 (male=8,133 and female=747).

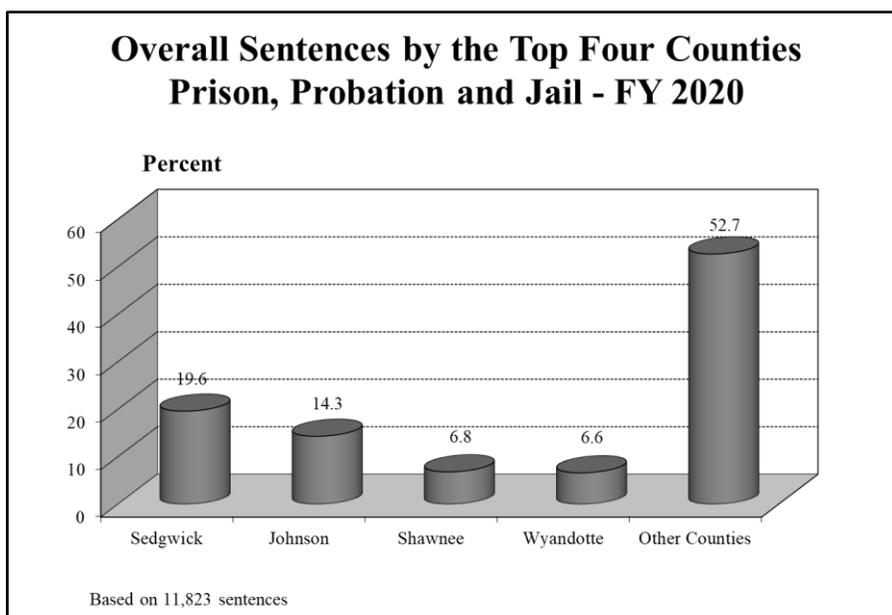
APPENDIX I

SENTENCES FROM THE TOP FOUR COUNTIES

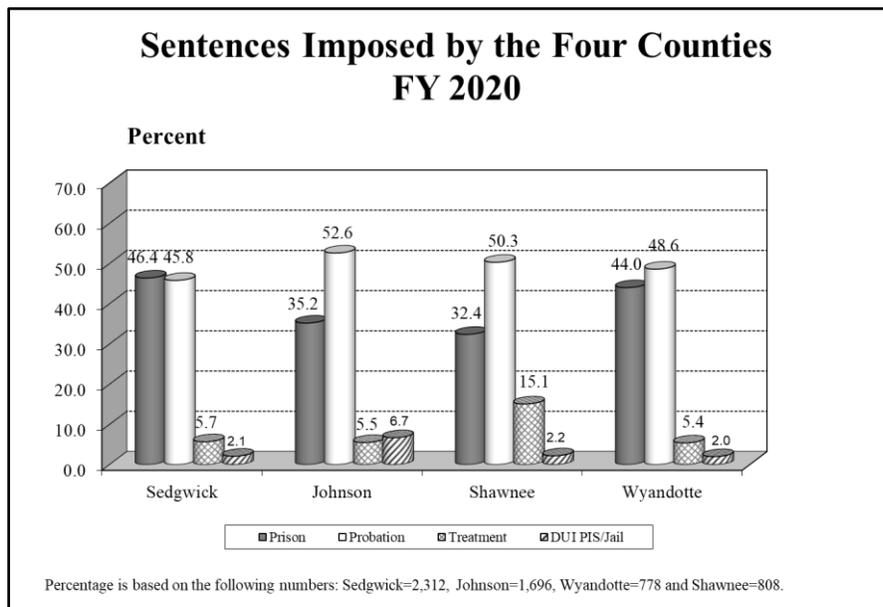
Sentences utilized for analyses in this section include incarceration, probation, DUI PIS and county jail sentences submitted to the Commission during FY 2020. The analysis of the sentences indicates that Sedgwick County, Johnson County, Wyandotte County and Shawnee County remained the top four counties, whose sentences imposed accounted for 47.3% of the total state sentences, an increase of 0.4% compared with that of FY 2019 (46.9%). Sedgwick County continued to have the highest number of overall felony sentences, followed by Johnson County, Shawnee County and Wyandotte County. This

distribution is comparatively consistent with those of previous years, with Shawnee County surpassing Wyandotte County in FY 2020. When compared with the sentencing data of FY 2019, the percentages of sentences from these four counties in FY 2020 do not fluctuate much. Sentences from Sedgwick County decreased by 1.4% and for Wyandotte County by 0.5%, but the percentage of sentences from Johnson and Shawnee Counties increased both by 1.8% and 0.2% respectively. The characteristics of offenses and offenders from the four counties in FY 2020 are presented in the following figures and tables.

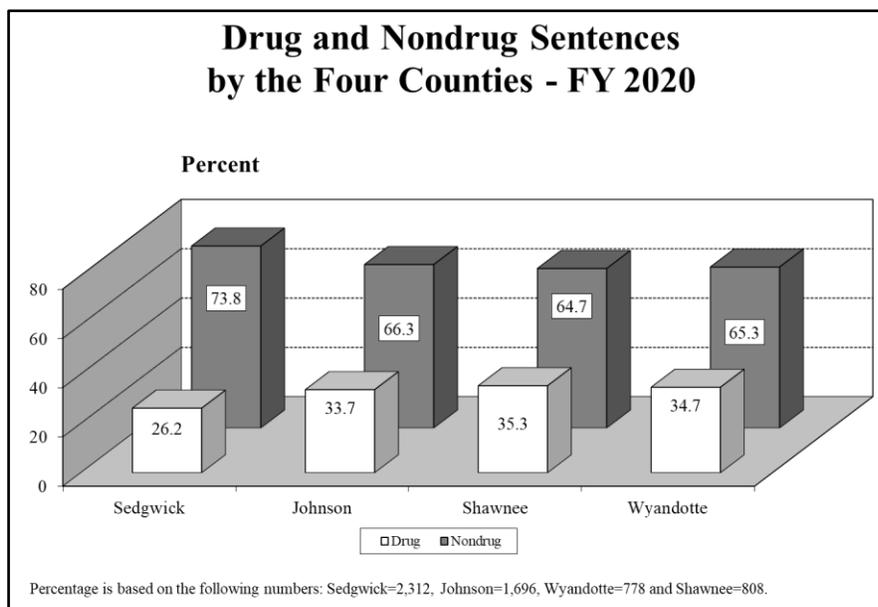
The Sedgwick, Johnson, Wyandotte and Shawnee counties were the top four counties reporting the greatest overall felony sentencing events. Sedgwick County imposed 19.6% of the total state sentence events in FY 2019, followed by Johnson County (14.3%), Shawnee County (6.8%) and Wyandotte County (6.6%).



The highest percentage of prison sentences in FY 2020 was found in Sedgwick County (46.4%), while Johnson County imposed a higher rate of probation sentences than the other three counties (52.6%). Shawnee County imposed the highest rate of Senate Bill 123 drug treatment sentences (15.1%) among the four counties. The highest percentage of DUI PIS and county jail sentences was identified in Johnson County (5.8%).

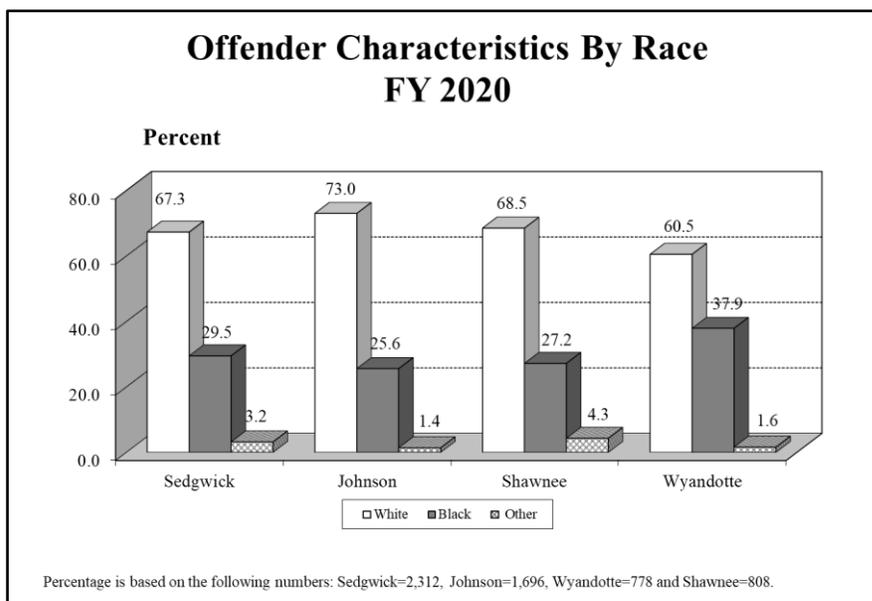
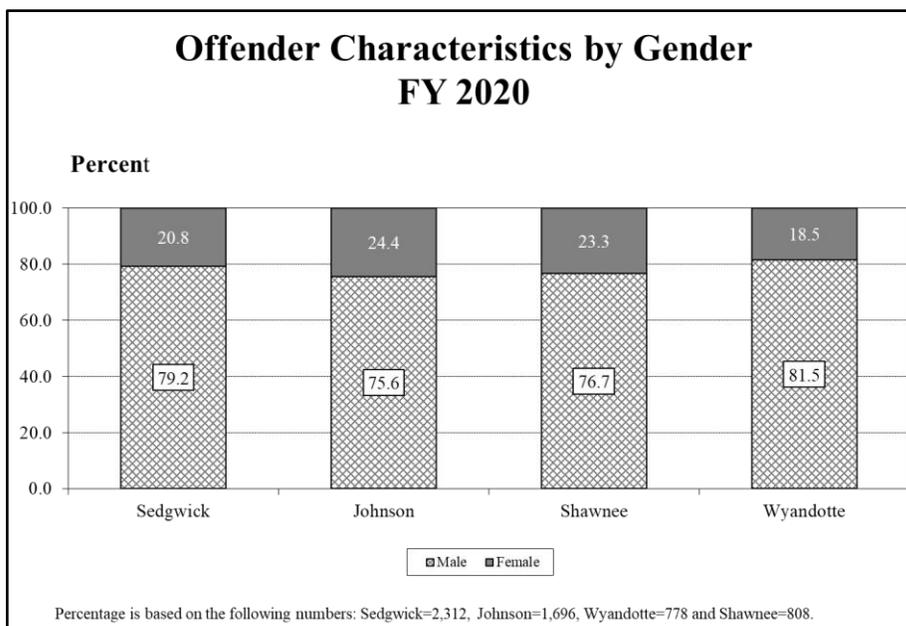


In terms of drug and nondrug crimes, the analysis reveals that in FY 2020, Sedgwick County imposed the largest proportion of nondrug sentences (73.8%), while Shawnee County represented the highest percentage of drug sentences (35.3%) among the four counties.



The analysis of offenders by gender shows that Wyandotte County represented the highest percentage of male offenders (81.5%), while Johnson County reported the highest rate of female offenders (24.4%) among the four counties during FY 2020. This is similar to the data observed in the past three years.

The review of offenders by race reveals that in FY 2020, Johnson County reported more white offenders (73.0%), while Wyandotte County reported more black offenders (37.9%) than the other three counties respectively. This racial distribution has remained constant in the past seven years.



**FY 2020 Sentences from the Four Counties by Severity Level
Prison, Probation, DUI PIS and County Jail Sentences**

Severity Level	Sedgwick		Johnson		Wyandotte		Shawnee	
	N	%	N	%	N	%	N	%
D1	4	0.2	3	0.2	1	0.1	0	0.0
D2	31	1.3	13	0.8	8	1.0	6	0.7
D3	44	1.9	47	2.8	26	3.3	4	0.5
D4	24	1.0	70	2.1	10	1.3	26	3.2
D5	500	21.6	470	27.7	223	28.7	249	30.8
N1	26	1.1	12	0.7	13	1.7	14	1.7
N2	2	0.1	0	0.0	5	0.6	4	0.5
N3	85	3.7	25	1.5	42	5.4	21	2.6
N4	34	1.5	21	1.2	18	2.3	13	1.6
N5	151	6.5	70	4.1	48	6.2	36	4.5
N6	133	5.8	73	4.3	34	4.4	26	3.2
N7	426	18.4	154	9.1	102	13.1	101	12.5
N8	260	11.2	241	14.2	73	9.4	98	12.1
N9	503	21.8	389	22.9	139	17.9	168	20.8
N10	10	0.4	17	1.0	8	1.0	15	1.7
Nongrid	60	2.6	118	7.0	18	2.3	22	2.7
Off-grid	17	0.7	7	0.4	9	1.2	5	0.6
Total	2,312	100	1,696	100	778	100	808	100

FY 2020 Top Ten Offenses Committed by Offenders in the Four Counties – 1

Offense Type	Sedgwick County		Offense Type	Johnson County	
	N	%		N	%
Drugs	596	25.8	Drugs	570	33.6
Theft	204	8.8	Theft	209	12.3
Burglary	175	7.6	Identity Theft	118	7.0
Aggravated Battery	157	6.8	DUI	110	6.5
Failure to Register	143	6.2	Burglary	82	4.8
Criminal Threat	135	5.8	Criminal Threat	71	4.2
Possession of Firearm	124	5.4	Criminal Threat	77	3.9
Domestic Battery	90	3.9	Aggravated Battery	63	3.7
Aggravated Assault	75	3.2	Electronic Monitoring	51	3.0
Domestic Battery	73	3.2	Fleeing and Eluding	44	2.6
Total	1,772	76.7	Total	1,395	81.6

FY 2020 Top Ten Offenses Committed by Offenders in the Four Counties – 2

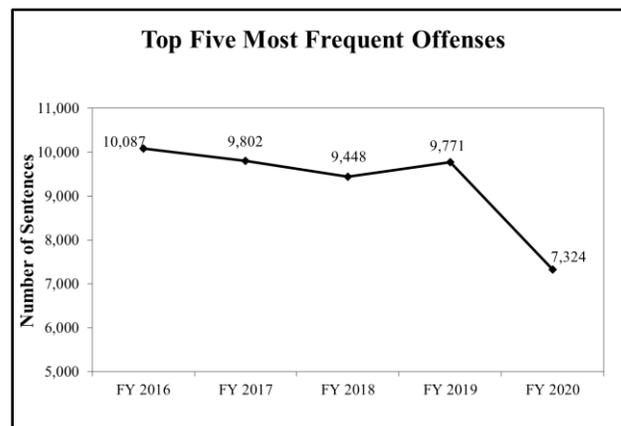
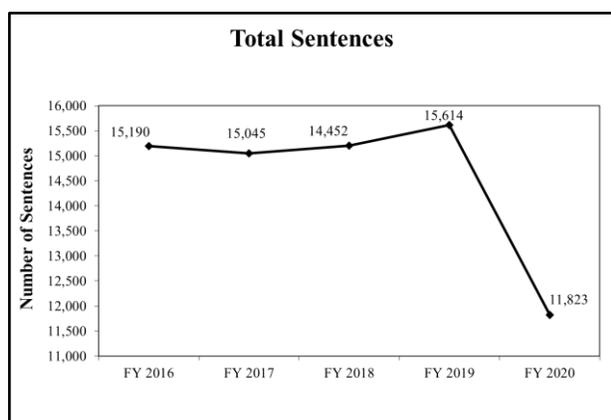
Offense Type	Wyandotte County		Offense Type	Shawnee County	
	N	%		N	%
Drugs	267	34.3	Drugs	284	35.1
Fleeing or Eluding LEO	63	8.1	Theft	75	9.3
Aggravated Battery	53	6.8	Aggravated Battery	56	6.9
Burglary	49	6.3	Burglary	41	5.1
Theft	41	5.3	Forgery	33	4.1
Aggravated Assault	30	3.9	Obstructing Legal Process	25	3.1
Possession of Firearm	28	3.6	Criminal Threat	24	3.0
Failure to Register	22	2.8	Failure to Register	22	2.7
Forgery	22	2.8	Fleeing or Eluding LEO	17	2.1
Aggravated Robbery	18	2.3	DUI	17	2.1
Total	593	76.2	Total	594	73.5

APPENDIX II TRENDS OF SELECTED OFFENSES

TOP FIVE MOST FREQUENT OFFENSES

The top five most frequently convicted offenses in the past five years included the crimes of drugs, DUI, burglary, theft and aggravated battery. Of the total offenses, including incarceration, probation, DUI PIS and county jail sentences, these top five offenses represented 66.4% in FY 2016,

65.2% in FY 2017, 62.2% in 2018, 62.6% in 2019, and 61.9% in FY 2020. The following figures and table present the sentencing trends of the top five offenses from FY 2016 to FY 2020. The sentence number of the top five offenses correspond generally to the pattern of total incarceration, probation, DUI PIS and county jail sentences in the past five years.



Top Five Most Frequent Offenses Incarceration, Probation, DUI PIS and County Jail Sentences

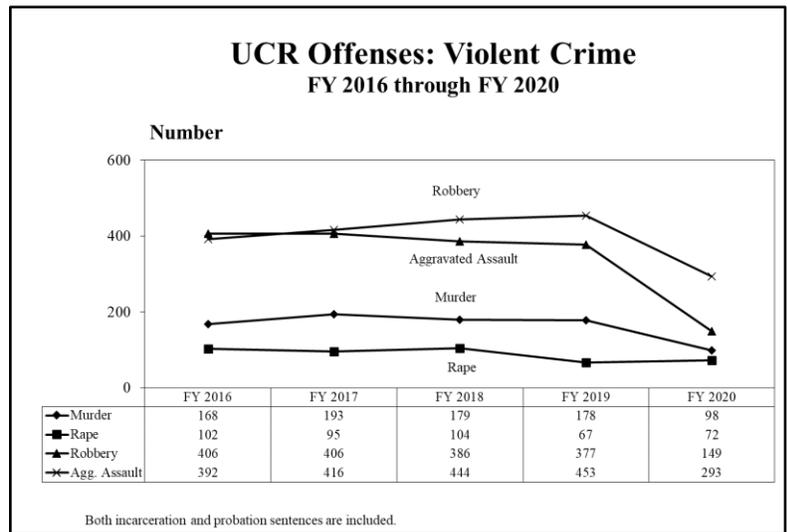
Top Five Offenses	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Drugs	5,220	5,468	5,771	6,090	4,663
Theft	1,742	1,493	1,128	1,138	887
Burglary	1,487	1,274	1,162	1,156	795
Aggravated Battery	913	925	874	883	604
DUI	725	642	513	504	375
Subtotal	10,087	9,802	9,448	9,771	7,324
Total Offenses	15,190	15,045	15,199	15,614	11,823

UNIFORM CRIME REPORTING (UCR) OFFENSES FOR KANSAS

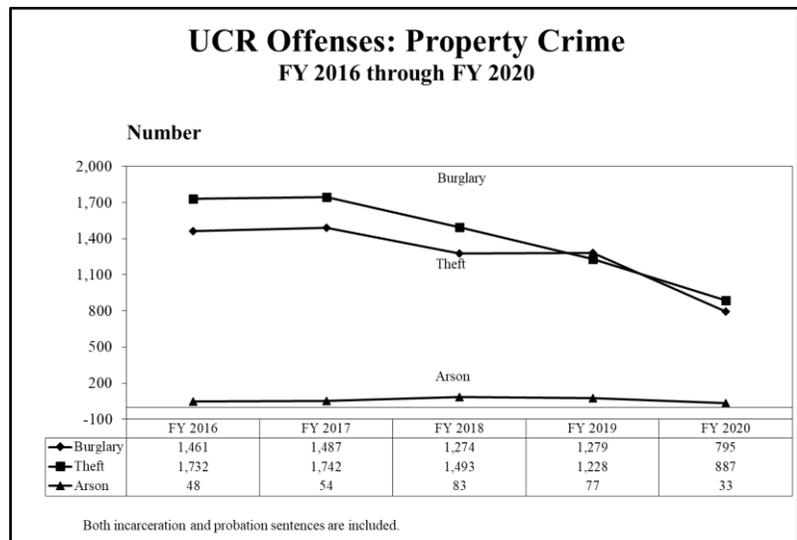
The UCR offenses include murder, rape, robbery, aggravated assault, burglary, larceny-theft/motor vehicle theft and arson. These are serious crimes by nature and/or volume, which are most likely to be reported and most likely to occur with sufficient frequency to provide an adequate basis for comparison. Murder, rape, robbery and aggravated assault are classified as violent crimes, while burglary, theft and arson are classified as property crimes. In the following trend analyses on the UCR offenses from FY 2016 to FY 2020, murder includes capital murder, murder in the first degree, murder in the second degree, voluntary manslaughter and involuntary manslaughter. Robbery includes aggravated robbery. Aggravated assault includes aggravated assault on LEO. Burglary

The conviction of murder crimes in FY 2019 decreased by 44.9% compared with FY 2016 and decreased by 41.7% compared with FY 2019. The number of rape crimes increased by 6.9% compared with FY 2019 but decreased by 29.4% compared with FY 2016. Robbery convictions decreased by 60.5% compared with FY 2019 and by 63.3% when compared with FY 2016. The number of aggravated assaults decreased by 35.3% and 25.3% respectively over those of FY 2019 and FY 2016.

In FY 2020, burglary crimes decreased by 37.8% compared with FY 2019 and by 45.6% compared with FY 2016. The number of theft crimes decreased by 27.8% from FY



includes aggravated burglary, residential, non-residential and motor vehicle burglaries. Theft includes motor vehicle theft and arson includes aggravated arson.



2019 and by 48.8% compared with that of FY 2016. The crime of arson decreased by 57.1% and 31.3% respectively compared to FY 2019 and FY 2016.

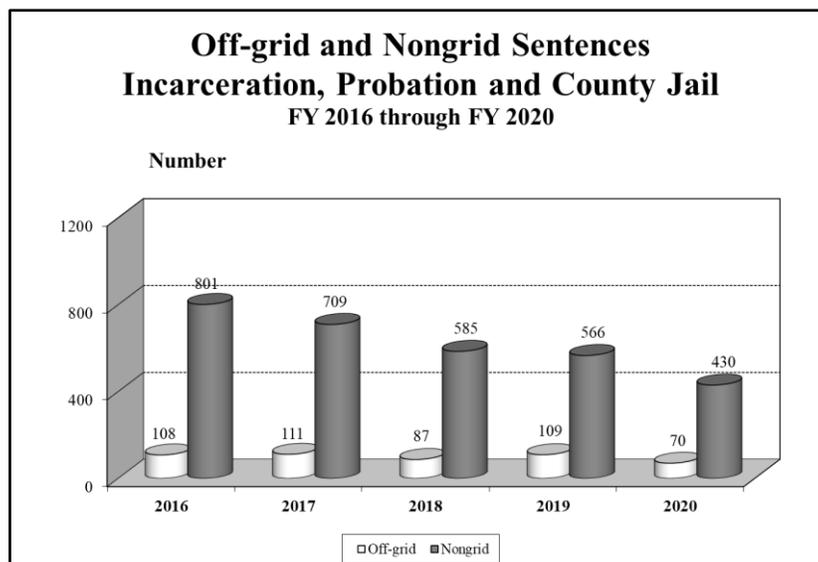
OFF-GRID AND NONGRID CRIMES

Off-grid crimes are the most serious of crimes that carry “life” sentences, meaning the length of imprisonment is life. The crimes of capital murder (K.S.A. 21-5401 or 21-3439), murder in the first degree (K.S.A. 21-5402 or 21-3401), treason (K.S.A. 21-5901 or 21-3801) and certain sex offenses under Jessica’s Law (2006 Senate Substitute for House Bill 2576) are designated as off-grid crimes. Persons convicted of off-grid crimes will be eligible for parole after serving 50 years in confinement for premeditated first-degree murder, or 25 years in certain premeditated first-degree murder cases in which mitigating circumstances are found by the sentencing court. The Kansas law also provides for the imposition of a death penalty, under specified circumstances, for a conviction of capital murder. Felony murder and treason carry a term of life imprisonment with a 15-year parole eligibility date for crimes committed after July 1, 1993 but prior to July 1, 1999, and a 20-year parole eligibility date for crimes committed on or after July 1,

1999 but prior to July 1, 2014. Felony murder crimes committed on or after July 1, 2014, carry a life sentence with parole eligibility after serving a mandatory 25-year sentence.

Nongrid crimes are not assigned severity levels on either sentencing guidelines grids under the revised Kansas Sentencing Guidelines Act (K.S.A. 21-4701, *et seq.*). The crimes of felony driving under the influence of alcohol or drugs (K.S.A. 8-1567), felony domestic battery (K.S.A. 21-5414) and felony cruelty to animals (K.S.A. 21-6412 and 21-6416) are categorized as nongrid crimes. The applicable sentence of each of the nongrid crimes is specified within the individual criminal statute defining the crime. For example, the sentence for the crime of felony domestic battery specifies that the offender “shall be sentenced to not less than 90 days or more than one year’s imprisonment.” Further, a felony domestic battery offender must serve at least 48 consecutive hours imprisonment before being eligible for any type of release program.

In FY 2020, the number of off-grid crimes decreased by 39 (35.8%) over that of FY 2019 and by 9 (35.2%) over that of FY 2016. The majority of the Off-grid sentences were convicted under Jessica’s Law, which implies that the policy was implemented consistently in the past five years. Nongrid sentences in FY 2020, including incarceration, probation and county jail sentences, decreased by 24.0% compared with FY 2019 and by 45.8% from that of FY 2016, which mirrors the 2011 policy changes on felony DUI (page 15).

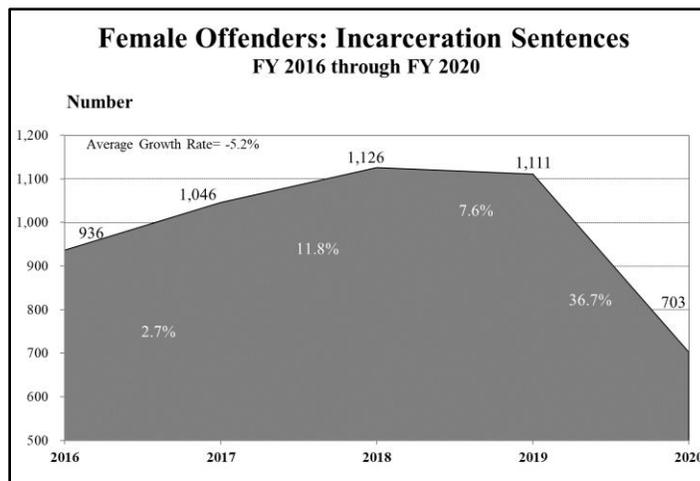


FEMALE OFFENDERS

Up until last year, which was drastically impacted by the COVID-19 pandemic, the admission of female offenders showed an increasing tendency. The number of female admissions in FY 2020 decreased by 36.7% compared with that of FY 2019 and decreased by 22.8% compared with that of FY 2016. The average growth rate in the past five years is -5.0%, but this is due to the significant drop in FY 2020. The number of female offenders on probation had grown from year to year since FY 2016, except for in FY 2017, up until this last year. In FY 2020, female offenders on probation decreased by 16.0% from that of 2019 and by 13.5% compared to that of 2016. The average growth rate is -3.1% over the past

The female offenders incarcerated in prison increased by 11.8% in FY 2017, by 7.6% in FY 2018, but decreased by 1.3% in FY 2019 and 36.7% in FY 2020. Female prison admissions reached the highest number in FY 2018 (1,126) in the past five years.

The female population sentenced to probation decreased by 6.2% in FY 2017 but increased by 2.1% in FY 2018 and by 7.5% in 2019. However, females on probation in FY 2020 decreased by 16.0% from FY 2019.



five years. Females were sentenced to prison or probation most frequently for the crimes of drugs, forgery and theft, which is consistent with the data observed in previous years.

