

KANSAS SENTENCING COMMISSION

FY 2021 ANNUAL REPORT



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KANSAS SENTENCING COMMISSION

**ANNUAL REPORT
FY 2021**

Analysis Of Sentencing Guidelines In Kansas

**Honorable W. Lee Fowler
Chair**

**Honorable Benjamin J. Sexton
Vice Chair**

**Scott M. Schultz
Executive Director**

**John Grube
Director of Research**

**Jason Lamprecht
Research Analyst**

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Community Corrections

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Executive Director

John Grube
Director of Research

Brenda Harmon
Administrative Services Manager

Jason Lamprecht
Research Analyst

Melissa Zoesch
Finance Manager

Carrie Krusor
Data Entry Specialist

Kira Johnson
SB 123 Program Director

Chris Chavez
Data Entry Specialist

Trish Beck
Program Auditor

Rachel Cole
Data Entry Specialist

Christopher Lyon
Staff Attorney

Grazielle Gifford
Administrative Specialist

Francis Givens
Special Projects Manager

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EXECUTIVE SUMMARY

Fiscal Year (FY) 2021 Annual Report is the twenty-seventh report released by the Kansas Sentencing Commission. It provides a descriptive analysis of felony sentencing patterns under the sentencing guidelines during FY 2021, 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 2021 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 nonprison 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 2021 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 2021 Annual Report is based on the sentencing data reported from 104 of the 105 counties of the state and the adult prison data contributed by the Kansas Department of Correction (KDOC) in FY 2021. Only Rawlins County reported no felony cases in FY 2021. A total number of 10,321 felony sentences were reported to the Commission during FY 2021, indicating a decrease of 12.7% from that of FY 2020. Of the total number of sentences, 3,491 (33.8%) were prison sentences, 6,409 (62.1%) were probation sentences and 421 (4.1%) were DUI post-imprisonment supervision and county jail sentences. Nondrug sentences accounted for 62.4% or 6,444 sentences and

drug sentences accounted for 37.6% or 3,877 sentences (page 1).

INCARCERATION SENTENCES

In FY 2021, the total number of admissions to KDOC dropped to 3,490, a decrease of 22.0% or 983 offenders when compared with FY 2020 (4,473 admissions). Male offenders made up 85.6% of the total admissions, a percentage increase of 1.3% from that of FY 2020 (84.3%). More than 80.0% 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, first and second degree murder, aggravated indecent liberties with a child and rape. However, female offenders were incarcerated more frequently for the crimes of forgery, identity theft, and trafficking contraband. The analysis of drug crimes indicates that male offenders were convicted of 82.1% of the crimes of drug distribution and over 90.0% of unlawful manufacture of a controlled substance and possession of paraphernalia, while most female offenders were convicted of drug possession (page 25).

White offenders represented 74.2% of the admissions to state prisons in FY 2021, indicating a 0.8% increase compared to that of FY 2020 (73.4%). The offenders with non-Hispanic origin made up 87.2%, a decrease of 1.8% from that of FY 2020 (89.0%). The highest incarceration rates for white offenders (over 80%) were discovered in the crime areas of child abuse, aggravated arson, aggravated battery of a LEO, aggravated endangering of a child, aggravated intimidation of a victim, , identity theft, obstructing, criminal damage to property, trafficking contraband and most sex offenses. Nevertheless, black offenders

were incarcerated more often (over 40%) for the crimes of first degree murder, aggravated robbery, robbery, aggravated burglary, discharge of a firearm, and stalking. (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 (36.1%) and the second largest number of offenders was identified in the group from 25 to 30 years old (23.1%) at the time of admission to prison in FY 2021. 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 2021, approximately 51.1% of the offenders had attained either a high school diploma or GED equivalent, which is up 0.3% from FY 2020 (50.8%).

The analysis of admission types demonstrates that the three largest groups of admissions are new court commitments, probation condition violators (excluding 6.1% of sanctions from probation violation) and parole/postrelease condition violators. These three groups represent 37.5%, 30.3% and 12.8%, respectively, of the total prison admissions in FY 2021. Most of the drug offenders admitted to KDOC in FY 2021 were at drug severity level 5 (748 sentences or 71.6%) and drug severity level 3 (125 or 12.0%), while the largest numbers of nondrug offenders were identified at nondrug severity levels 5, 7 and 9 with admissions of 326, 585 and 543, respectively, in FY 2021 (pages 27 & 28).

The tracking study of Jessica's Law reveals that 22 sex offenders were convicted under this law and admitted to prison during FY 2021. Of this number, 21 (95.5%) were new court commitments and only 1 (4.5%)

was a parole/postrelease condition violator. While most jurisdictions identify the severity of these crimes as off-grid (86.4%) 16 sentenced offenders received a downward departure on the nondrug grid. The analysis of sentence length demonstrates that 81.8% of the sentences were downward departures to the guidelines, an increase of 33.7% compared with that of FY 2020 (48.1%). The average sentence length of the durational departures was 101.9 months, a decrease of 8.4 months from that observed in FY 2020 (110.3 months). The major departure reason was that a plea agreement was reached between the parties. Other minor reasons included family support, age of offender, and the wishes of the victim. (page 32).

PROBATION SENTENCES

The number of probation sentences reported to the Commission during FY 2021 was 6,409, a decrease of 7.9% compared with that of FY 2020 (6,961). The analysis of the probation sentences demonstrates that theft (13.8%), burglary (12.0%) and aggravated battery (8.4%) were the top three offenses committed by nondrug probation offenders, representing 34.2% of the total nondrug crimes (page 36). The probation sentences for the crime of drug possession accounted for 78.4% of all drug probation sentences, a decrease of 1.4% from that (79.8%) of FY 2020 (pages 37 & 39).

The analysis of the criminal history categories of the offenders sentenced to probation in FY 2021 indicates that offenders with criminal history category I accounted for 21.6% of offenders on the nondrug grid and 22.0% of offenders on the drug grid. The nondrug offenders within the presumptive probation boxes made up 75.1%, a decrease of 3.3% compared with

that of FY 2020 (78.4%). The examination of the border box sentences shows that 4.2% of probation nondrug sentences were found to be within the designated border boxes (pages 43 & 44). The study on drug sentences by presumptive probation and border box continues in FY 2021. The drug offenders within presumptive probation sentences accounted for 57.0% and the drug offenders within the border box represented 21.3% of the probationers sentenced during FY 2021.

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 2021, a total number of 2,518 probation violators received a jail sanction based on the probation revocation disposition data collected by the Commission. This is a decrease of 423 or 22.4% from that of FY 2020 (2,941 jail sanctions). Of the 2,518 jail sanctions, 46.2% served from 1 to 3 days in county jails and the average jail days served was 3.1 days, which is very consistent with the sentencing policy of the bill compared with FY 2020 (2.9 days), 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 61 & 62). When reviewing the KDOC's admission data, the Commission noticed that 212 probation condition violators in FY 2021 were admitted to prison as HB 2170 sanction from probation, a decrease of 72 violators (25.4%) compared with FY 2020 (284 violators). Of those 212 violators, 119 offenders (56.1%) were remanded for 120 sanction days, 91 offenders (42.9%) were remanded for 180 sanction days and 2 offenders (1.0%) were 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 32 & 33).

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 2021 (page 15). The Commission received 421 DUI post-imprisonment supervision (PIS) and county jail sentences in FY 2021. Of this number, DUI PIS accounted for 91.0% (384 sentences) and county jail sentences accounted for 9.0% (38 sentences).

The analysis of this group of offenders by gender specifies that male offenders accounted for 78.1% and female offenders accounted for 21.9% of the 421 sentences. The gender distribution shifted toward the females by 4.4% when compared with that of FY 2020. White offenders represented 83.1%, black offenders represented 14.5%

and other races represented 2.4% of the DUI PIS and county jail sentences imposed in FY 2021. Their average age at sentencing is 42.4 years old, up slightly from FY 2020 (pages 45 & 46).

The study of the crimes committed by the offenders displays that 97.6% of the offenders were convicted of felony DUI (412 sentences), 0.2% (1 sentence) were convicted of the crime of obstructing the legal process and 2.1% (9 sentences) were convicted of the crime of domestic battery. Johnson County imposed the most sentences of this group (128) representing 30.3%, followed by Shawnee County with 37 sentences representing 8.3% of the total DUI and county jail sentences imposed in FY 2021.

DRUG SENTENCES

The current drug sentencing grid with 5 drug severity levels was passed into law on July 1, 2012. The admissions and sentences comparison of drug offenders by severity level is found on pages 84 & 86.

1,045 drug offenders were admitted to prison in FY 2021, a 28.0% decrease from that of FY 2020 (1,451), and a 49.0% decrease from FY 2017 (2,049 offenders). Comparing statistics between FY 2021 and FY 2017, the admissions decreased by 40.0% at drug severity level 1, by 39.0% at drug severity level 2, by 53.4% at drug severity level 3, by 69.8% at drug severity level 4, and by 44.5% at drug severity level 5. The decrease of admissions at drug level 4 in FY 2021 continuously reflects the implementation of the new drug sentencing grid (page 84).

The analysis of drug offenses demonstrates that 70.4% of the incarceration drug

sentences were convictions of drug possession, a decrease of 0.7% compared with that of FY 2020 (71.1%). Approximately 0.8% of the drug possession sentences were found at drug severity level 4. Offenders at drug severity level 5 accounted for 99.2% of the drug possession group, similar to FY 2020 (99.4%) after several years of larger increases, which reflects the implementation of the new drug sentencing grid (page 24 & 25).

The research of drug probation sentences indicates that the number of drug probation sentences in FY 2021 (2,829) decreased by 12.1% compared with that of FY 2020 (3,219) and decreased by 17.3% compared with that of FY 2017 (3,419). Comparing drug sentences to probation between FY 2021 and 2017, statistics displays that the number of drug probation sentences increased by 60.0% at drug severity level 1 and 19.5% at drug severity level 2, while probation sentences decreased in the less severe levels, by 26.3% at drug severity level 3, down 37.4% at drug severity level 4, and down 14.9% at drug severity level 5. (page 86).

Further study of drug offenders on probation reveals that during FY 2021, a total number of 1,058 sentences were ordered to 2003 Senate Bill 123 (SB 123) drug treatment programs, representing 37.4% of the total drug probation sentences (2,832) a decrease of 0.8% compared with that of FY 2020 (38.2%). 1,008 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 35.2 years old, less than a year older than that of FY 2020. The distribution of

SB 123 drug treatment sentences imposed by county displays that Sedgwick County imposed the most SB 123 sentences (113) followed by Johnson (85), Shawnee (77), Reno (73) and Saline (55) counties. (pages 40 & 42).

In addition, 1,127 SB 123 drug treatment sentences were violated as probation condition violators during FY 2021. Of this number, 251 sentences were revoked to prison, representing 22.3% of SB 123 sentences imposed in FY 2021, a decrease of 5.2% from that of FY 2020 (27.5%). The average period between original sentence and the first revocation hearing was 17.8 months, 88 days more than that of FY 2020 (14.9 months).

On July 1, 2021, the LSI-R risk/needs assessment tool that has been used in the Kansas Corrections system for drug offender evaluation was replaced by the LS/CMI tool for male offenders and the WRNA tool for female offenders. Future studies and data analysis on how the change in assessment tools has affected how offenders are being placed under supervision (community corrections/court services), both on the male and the female populations can be expected in future Annual Reports.

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 1,502 condition violators were admitted to prison in FY 2021, accounting for 43.0% of the total prison admission events of the fiscal year. Of this number, 1,056 were probation

condition violators and 438 were parole/postrelease violators. The total percentage of condition violators decrease by 10.9% compared with that of FY 2020 (page 48).

The number of probation condition violators admitted to prison in FY 2021 decreased by 14.1% when compared with FY 2017 and decreased by 13.9% from that of FY 2020. The number of parole/postrelease condition violators admitted to prison in FY 2021 dropped by 63.5% and 44.1%, respectively, from those of FY 2017 and FY 2020 (page 83). 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 5 of the drug grid, which is consistent with the data observed in FY 2020. The largest number of offenses on the nondrug grid was at the severity level 9 for female condition violators, but switched from severity level 9 in FY 2020 to severity level 7 for male condition violators in FY 2021 (page 51).

Based on the probation revocation disposition data collected by the Commission, 640 probation condition violators and 88 probation violators with new convictions who were sentenced to either continued or extended probation for a violation in FY 2021. This represents 12.9% of the total number of 5,656 condition probation violators and 37.1% of the total number of 325 probation violators with new offenses revoked during FY 2021 (pages 59 & 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 8,361 guideline sentences reported in FY 2021. Of this number 1,987 were incarceration guideline sentences and 6,369 were probation sentences. Seventy-seven-point eight percent of the guideline sentences imposed fell within the designated guideline sentence range. Dispositional departures accounted for 15.4% of sentences and durational departures were found in 6.8% of sentences (page 64). The sentence distribution is very consistent with those since of FY 2018.

The analysis of incarceration sentences within guidelines displays that 52.2% of the sentences imposed fell within the standard range of the grid cell, 18.1% percent were within the aggravated range, and 29.7% were within the mitigated range. 6.2% of the total incarceration sentences were located within designated border boxes (page 65).

The review of the durational departures of the incarceration guideline sentences shows that 94.5% of the durational departures were downward durational departures, while 5.5% indicated upward durational departures (page 65). The comparative study of durational departures between drug and nondrug incarceration sentences indicates

that 99.3% of drug durational departure sentences were downward compared to 96.0% for nondrug downward durational departure sentences (page 67). 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 68). 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 1.1% upward dispositional departure rate and drug sentences represented a 0.2% upward dispositional departure rate (page 66). This 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 (79.3%) of probation guideline sentences fell beneath the incarceration line, among which 85.2% were within presumptive probation grids and 14.8% were within border boxes. Downward dispositional departures were identified in 20.7% of the probation guideline sentences imposed in FY 2021 (page 66). Further research of downward dispositional departures of probation sentences discloses that drug sentences represented a higher percentage of downward dispositional departures than nondrug sentences

(22.7% vs 20.8%). Substantially more drug probation sentences resulted from border boxes than did nondrug probation sentences (21.1% vs. 4.2%), which is consistent with the data observed in FY 2020 (page 69).

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 2021 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 2021, a total number of 994 pure guideline prison sentences and 1,650 pure guideline probation sentences were imposed with special sentencing rules, which accounted for 67.0% of prison pure guideline admissions (1,483 admissions) and 25.9% of pure guideline probation sentences (6,371) imposed in FY 2021. The percentage of offenders admitted to prison with special sentencing rules increased from 45.6% in FY 2017 to 67.0% in FY 2021. The percentage of probation sentences imposed with special sentencing rules accounted for 14.2% in FY 2017 and increased to 25.9% in FY 2021. The total percentage of both prison and probation sentences applied with special rules increased from 22.1% in

FY 2017 to 33.7% in FY 2021 (page 79). These increases are due to the slightly broader definition of guideline sentences used for the Annual Report since FY 2020.

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 2021. 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 2031, a total of 8,172 prison beds will be needed. This represents a total decrease of 4.5% or 384 beds below the actual prison population as of June 30, 2021. The total admission was increasing until FY 2020, which saw a drastic decrease due to the COVID-19 pandemic that resulted in increased releases and decreasing admissions that continued into FY 2021, and will impact the total prison population for the next decade (pages 88 & 89).

The analysis of the projected population at individual severity levels and groups exhibits that the largest increase in number is identified at the nondrug severity levels 7 to 10 group in the ten-year forecast period, indicating an increase of 212 offenders or 31.2%. The number at nondrug severity levels 1 to 3 will decrease by 242 offenders or 9.8% 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 89 offenders or 6.0% during the ten-year forecast period. The incarcerated population at off-grid in the next ten years is expected to decrease by 224 offenders or 16.6%.

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 38 or 13.5% 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 illustrates the trend of the actual and projected prison population from FY 2012 through FY 2031 (page 88).

The custodial classification projection predicts the types of prison beds needed for custody over the next ten years. By the end of FY 2022, KDOC will need 2,614 minimum beds, 2,391 medium low beds, 1,258 medium high beds, 1,137 regular maximum beds, 179 unclassified beds and 958 for special management. By the end of FY 2031, the custodial beds in demand will include 2,518 minimum, 2,293 medium low, 1,206 medium high, 1,090 maximum, 172 unclassified and 916 special management beds (page 90). 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 2021. 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 2021

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 2021. 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 2021, a total number of 10,321 felony sentences were reported to the Commission, a decrease of 1,502 sentences or nearly 13% from that of FY 2020. This is the lowest number of felony sentences reported to the Kansas Sentencing Commission in any fiscal year since FY 1995 (6,165). Of that total number of 10,321 sentences, 3,491 were prison sentences, 6,409 were probation sentences and 421 were DUI post imprisonment supervision and county jail sentences (County jail sentences made up 37). In terms of drug or nondrug crimes, this total included 6,444 nondrug sentences and 3,877 drug sentences. Nonperson offenses accounted for 66.4% and person offenses accounted for 33.6% (Figure 1), which does not fluctuate much from those of FY 2020.

FY 2021 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 80.2% (838 sentences) of the total drug incarceration sentences. The largest number of nondrug incarceration offenders was identified at severity level 7 (585 sentences or 23.9%) followed by severity level 9 (543 sentences or 22.2%) and severity level 5 (326 sentences or 13.3%), slightly different than the FY 2020 pattern that showed level 9 just two sentences higher than level 7, at 698 and 696, respectively. The examination of probation sentences in FY 2021 indicates that 2,293 probation sentences fell at drug severity level 5, representing 81.0% of the total drug probation sentences and 246 probation sentences were at drug severity level 4 representing 8.7%. 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 2,538. Of this number, 87.4% or 2,217 sentences were convicted of the crimes of drug possession. Of the 2,217 drug possession sentences, 45.4% or 1,008 sentences were ordered to SB 123 drug treatment programs, which was up just slightly (0.3%) compared with the percentage (45.1%) of FY 2020. The highest rates of nondrug probation offenders were found at nondrug severity level 9 (36.5% or 1,304 sentences) and nondrug severity level 7 (26.2% or 935 sentences). The analysis of DUI post imprisonment supervision and

county jail sentences discloses that all 421 offenders were convicted of nongrid crimes.

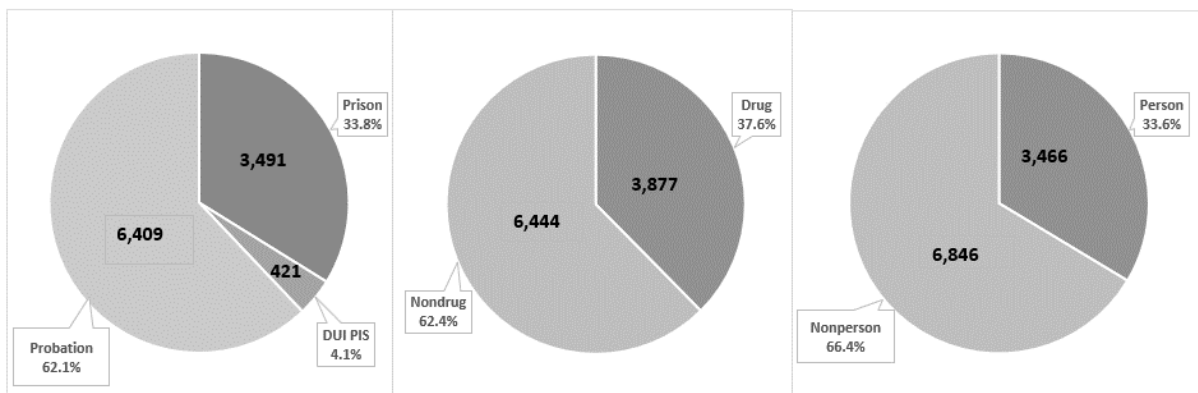
The review of sentences by county indicates that 104 of the 105 counties reported felony sentences to the Commission in FY 2021. Most of the counties reported 1 to 100 sentences. Fourteen counties reported 101 to 200 sentences. They are Barton (196), Bourbon (123), Butler (141), Cowley (125), Crawford (116), Ellis (151), Finney (170), Geary (181), Harvey (166), Jackson (135), Lyon (145), McPherson (110), Seward (117) and Sumner (107) counties. Five counties reported 201 to 500 sentences. They are Douglas (229), Ford (287), Leavenworth (220), Reno (417) and Saline (413) counties. Sedgwick (2126), Johnson (1470), Wyandotte (508), and Shawnee (672) counties remained the top four committing counties, accounting for 46.3% of all sentences imposed in FY 2021, a decrease of 1.0% compared with that (47.3%) of FY 2020 (Figure 3).

The top five offenses committed in FY 2021 are crimes of drugs (37.5% or 3,875 sentences), burglary (7.2% or

742 sentences including aggravated burglary), theft (6.3% or 654 sentences), aggravated battery (5.6% or 580 sentences) and criminal threat (3.3% or 338 sentences). The top five offenses, including prison, probation, and county jail sentences, accounted for 60.0% of the total 10,321 sentences in FY 2021 (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 (246 sentences) followed by Johnson County (81 sentences), Wyandotte County (75 sentences), and Shawnee County (53 sentences). Figure 5 exhibits the distribution of the violent crimes committed in the top four counties during FY 2021. The characteristics of offenders by individual counties are presented in Table 1.

Figure 1: Sentences Reported in FY 2021



Based on 10,321 felony sentences reported in FY 2021. DUI post-imprisonment supervision accounted for 384 and jail accounted for 37 sentences. Nine records not distinguished as person/nonperson.

Figure 2: FY 2021 Sentencing Distribution

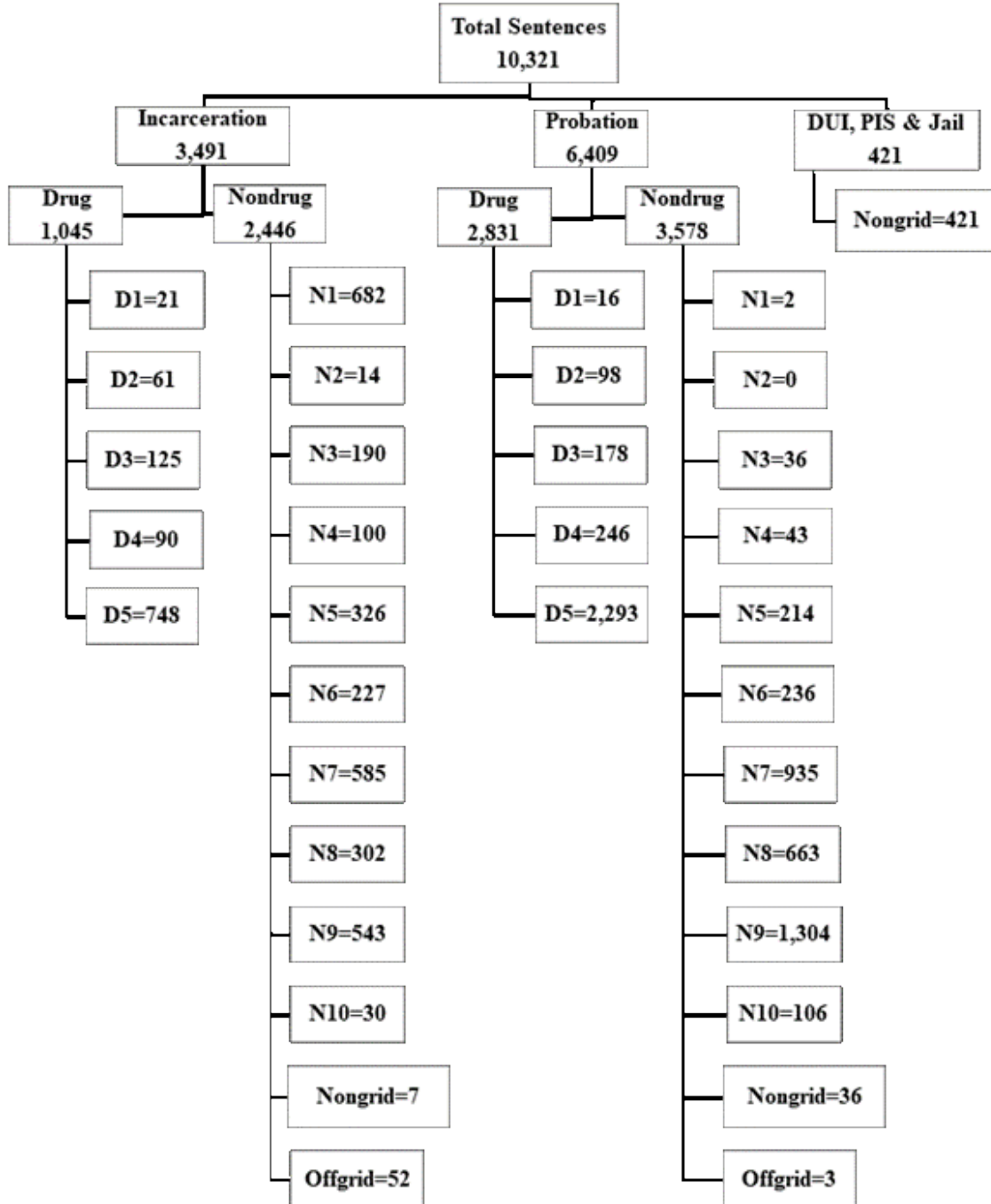
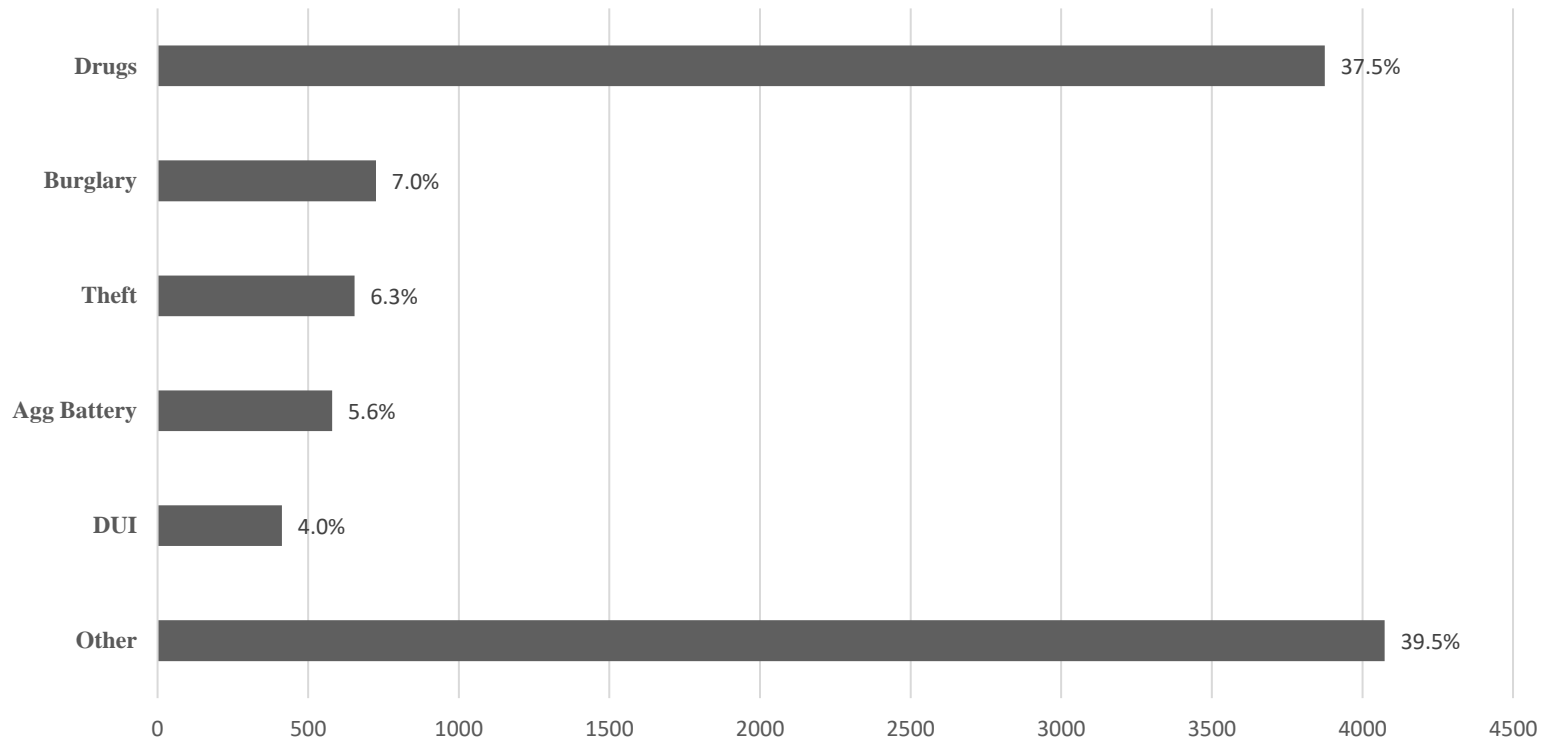


Figure 3: Sentences Reported by County FY 2021

Please See KSSC website for updated county dashboard map:

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

Figure 4: FY 2021 Top 5 Offenses of Prison, Probation, and Jail Sentences



Based upon 10,321 prison, probation, DUI/PIS, and County Jail Sentences

**Figure 5: FY 2021 UCR Offenses by Top Four Counties
Violent Crime Convictions**

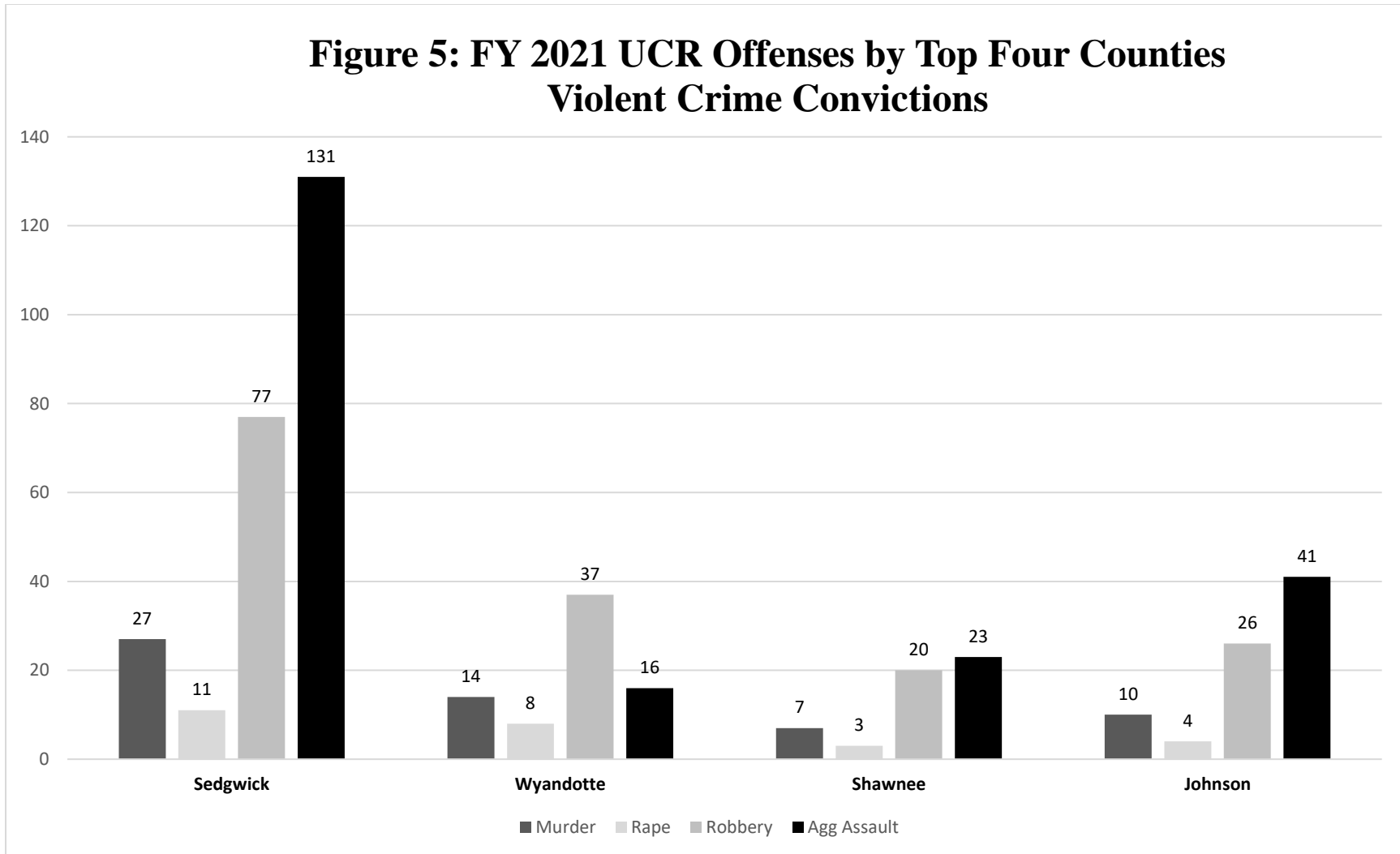


Table 1: FY 2021 Offender Characteristics by County – 1

County	Number Of Sentences	Gender		Race			Sentence Type 1/			Offense Type		Mean Age 3/
		Male	Female	White	Black	Other	Prison	Probation	Jail 2/	Nondrug	Drug	
Allen	55	44	11	53	2	0	18	33	4	27	28	36.7
Anderson	32	23	9	32	0	0	10	18	4	16	16	35.8
Atchison	86	66	20	70	14	2	45	39	2	48	38	33.1
Barber	12	12	0	12	0	0	7	5	0	10	2	31.5
Barton	196	158	38	179	12	3	58	136	2	92	104	34.2
Bourbon	123	71	52	117	5	1	29	94	0	47	76	34.1
Brown	45	36	9	34	2	9	14	30	1	27	18	35.6
Butler	141	108	33	126	11	4	47	89	5	100	41	33.4
Chase	3	3	0	3	0	0	2	1	0	1	2	30.8
Chautauqua	11	11	0	10	1	0	5	6	0	6	5	30.6
Cherokee	57	44	13	54	0	3	16	40	1	32	25	35.0
Cheyenne	9	7	2	9	0	0	2	6	1	6	3	37.9
Clark	5	4	1	5	0	0	1	4	0	2	3	34.0
Clay	18	15	3	18	0	0	3	15	0	10	8	37.8
Cloud	37	30	7	33	2	2	5	32	0	13	24	35.5
Coffey	37	25	12	36	1	0	10	23	4	23	14	35.2
Comanche	5	5	0	4	1	0	2	3	0	4	1	39.1
Cowley	125	106	19	108	11	6	48	64	13	77	48	35.5
Crawford	116	93	23	101	14	1	27	88	1	67	49	33.8
Decatur	10	10	0	10	0	0	2	7	1	3	7	37.1
Dickinson	57	48	9	52	5	0	10	45	2	34	23	39.4
Doniphan	7	5	2	7	0	0	0	6	1	4	3	35.5
Douglas	229	203	26	163	46	20	99	123	7	177	52	35.2
Edwards	7	5	2	6	0	1	1	4	2	6	1	37.6
Elk	1	1	0	1	0	0	1	0	0	1	0	23.6
Ellis	151	112	39	138	13	0	49	98	4	49	102	33.5
Ellsworth	24	18	6	19	4	1	8	15	1	11	13	34.9
Finney	170	135	35	154	15	1	56	112	2	85	85	32.2
Ford	287	218	69	263	16	7	83	196	8	131	156	34.9

Table 1: FY 2021 Offender Characteristics by County – 2

County	Number Of Sentences	Gender		Race			Sentence Type 1/			Offense Type		Mean Age 3/
		Male	Female	White	Black	Other	Prison	Probation	Jail 2/	Nondrug	Drug	
Franklin	96	83	13	86	4	5	47	45	4	54	42	34.7
Geary	181	129	52	114	59	7	56	121	4	82	99	33.6
Gove	1	1	0	1	0	0	1	0	0	0	1	37.8
Graham	6	5	1	6	0	0	1	4	1	5	1	33.9
Grant	18	15	3	17	0	1	5	13	0	8	10	34.7
Gray	7	5	2	5	1	1	4	2	1	4	3	31.8
Greeley	2	0	2	2	0	0	1	1	0	2	0	26.6
Greenwood	75	41	34	71	2	2	7	63	5	23	52	38.7
Hamilton	9	7	2	8	1	0	2	7	0	5	4	32.6
Harper	23	19	4	21	1	1	7	15	1	12	11	33.1
Harvey	166	126	40	148	14	4	45	116	5	56	110	36.3
Haskell	7	6	1	7	0	0	6	1	0	4	3	32.8
Hodgeman	6	5	1	5	1	0	3	2	1	5	1	34.1
Jackson	135	86	49	102	17	16	53	78	4	64	71	36.1
Jefferson	34	28	6	33	1	0	17	15	2	22	12	39.1
Jewell	8	6	2	8	0	0	2	6	0	8	0	36.2
Johnson	1,470	1,132	338	1,107	355	8	361	981	128	971	499	34.4
Kearny	15	13	2	14	1	0	5	10	0	8	7	35.0
Kingman	22	15	7	22	0	0	6	12	4	15	7	38.1
Kiowa	22	17	5	19	3	0	4	15	3	9	13	38.0
Labette	58	45	13	41	15	2	23	34	1	46	12	33.4
Lane	11	9	2	10	0	1	3	8	0	6	5	37.0
Leavenworth	220	165	55	175	40	5	83	131	6	145	75	38.0
Lincoln	2	2	0	1	1	0	1	1	0	1	1	34.2
Linn	20	15	5	18	1	1	6	14	0	10	10	35.2
Lyon	145	110	35	126	15	4	72	69	4	86	59	31.9
Marion	43	33	10	42	1	0	11	30	2	28	15	34.0
Marshall	43	27	16	43	0	0	9	33	1	27	16	34.7

Table 1: FY 2021 Offender Characteristics by County – 3

County	Number Of Sentences	Gender		Race			Sentence Type 1/			Offense Type		Mean Age 3/
		Male	Female	White	Black	Other	Prison	Probation	Jail 2/	Nondrug	Drug	
McPherson	110	78	32	94	15	1	27	72	11	58	52	37.0
Meade	15	11	4	15	0	0	8	7	0	7	8	30.3
Miami	52	49	3	46	6	0	11	38	3	43	9	34.5
Mitchell	33	20	13	30	2	1	5	27	1	10	23	36.1
Montgomery	77	60	17	58	17	2	36	40	1	44	33	36.3
Morris	37	26	11	36	1	0	3	33	1	17	20	35.6
Morton	4	4	0	4	0	0	2	2	0	2	2	41.2
Nemaha	39	32	7	32	5	2	11	26	2	24	15	35.3
Neosho	47	32	15	43	3	1	21	26	0	25	22	35.4
Ness	12	10	2	12	0	0	3	9	0	5	7	39.3
Norton	21	17	4	20	1	0	11	10	0	16	5	28.5
Osage	43	34	9	39	2	2	5	36	2	34	9	33.7
Osborne	6	6	0	6	0	0	4	2	0	4	2	35.4
Ottawa	2	2	0	2	0	0	1	1	0	2	0	24.2
Pawnee	46	40	6	37	8	1	9	36	1	41	5	32.3
Phillips	13	8	5	13	0	0	3	10	0	3	10	34.8
Pottawatomie	60	43	17	53	5	2	9	45	6	37	23	34.8
Pratt	28	22	6	25	2	1	14	12	2	16	12	32.3
Reno	417	340	77	354	59	4	140	266	11	197	220	36.6
Republic	12	11	1	11	1	0	3	9	0	8	4	29.8
Rice	34	25	9	31	3	0	10	24	0	21	13	32.8
Riley	92	71	21	51	39	2	20	68	4	62	30	32.4
Rooks	10	6	4	10	0	0	3	6	1	4	6	33.0
Rush	8	7	1	8	0	0	3	5	0	4	4	36.4
Russell	43	37	6	34	7	2	10	33	0	19	24	37.6
Saline	413	299	114	330	68	15	116	269	28	234	179	34.6
Scott	6	4	2	6	0	0	3	3	0	4	2	35.3

Table 1: FY 2021 Offender Characteristics by County – 4

County	Number Of Sentences	Gender		Race			Sentence Type 1/			Offense Type		Mean Age 3/
		Male	Female	White	Black	Other	Prison	Probation	Jail 2/	Nondrug	Drug	
Sedgwick	2,126	1,741	385	1,405	641	77	942	1,149	35	1,610	516	34.7
Seward	117	90	27	101	11	3	39	71	7	65	52	32.8
Shawnee	672	515	157	494	158	20	171	464	37	472	200	36.2
Sheridan	2	2	0	2	0	0	2	0	0	1	1	37.9
Sherman	63	53	10	53	6	4	18	44	1	18	45	33.9
Smith	4	2	2	4	0	0	3	1	0	3	1	49.3
Stafford	5	5	0	5	0	0	1	4	0	3	2	41.2
Stanton	3	2	1	3	0	0	0	3	0	2	1	31.3
Stevens	14	12	2	14	0	0	7	7	0	11	3	35.3
Sumner	107	89	18	94	10	2	42	61	4	89	18	34.9
Thomas	17	9	8	17	0	0	10	7	0	8	9	33.9
Trego	25	21	4	21	4	0	9	16	0	11	14	33.5
Wabaunsee	18	12	6	16	2	0	6	11	1	12	6	38.1
Wallace	7	5	2	7	0	0	2	5	0	0	7	34.3
Washington	5	4	1	5	0	0	0	5	0	1	4	41.9
Wichita	3	3	0	3	0	0	0	3	0	2	1	31.9
Wilson	34	27	7	32	2	0	13	18	3	17	17	35.9
Woodson	5	1	4	5	0	0	1	4	0	2	3	34.3
Wyandotte	508	416	92	308	185	14	230	262	16	356	152	35.0
Unknown	5	5	0	5	0	0	5	0	0	5	0	48.6
TOTAL	10,321	8,069	2,252	8,063	1,971	275	3,491	6,409	421	6,444	3,877	34.9

1/ Prison sentences are based on KDOC admissions in FY 2021. Probation, DUI PIS and jail sentences are based on the sentencing journal entries reported to KSC during FY 2021.

2/ DUI post-imprisonment supervision sentences accounted for 384 and county jail accounted for 37 sentences.

3/ Average age at time of sentencing.

CHARACTERISTICS OF OFFENDERS AND OFFENSES

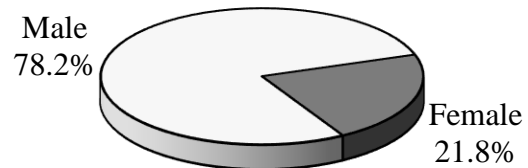
This section presents the characteristics of the offenders who were sentenced during FY 2021. The crime categories committed by the offenders are analyzed descriptively.

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

In FY 2021, male offenders represented 78.2% 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.

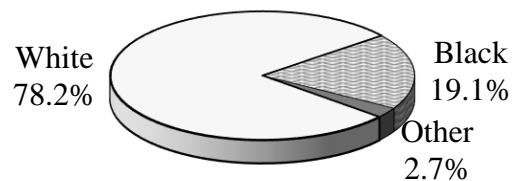
Female offenders made up 21.8% of the sentences in FY 2021, indicating a decrease of 1.3% compared with that of FY 2020. The most frequently committed crimes by female offenders (over 40%) was forgery, identity theft, false writings, mistreatment of dependent adults and aggravated failure to appear

Figure 6: Distribution of FY 2021 Sentences by Gender of Offenders



Based on 10,321 sentences reporting gender of offenders

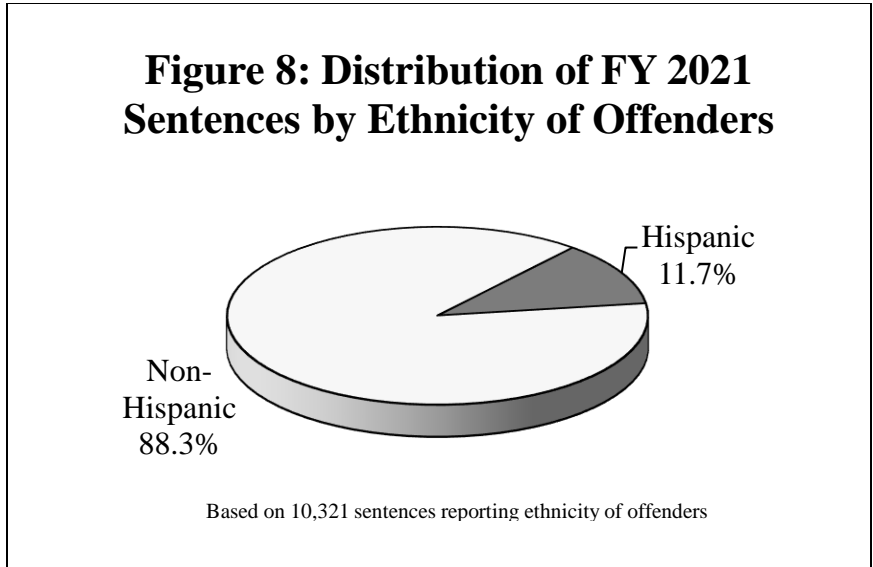
Figure 7: Distribution of FY 2021 Sentences by Race of Offenders



Based on 10,321 sentences reporting race of offenders

The racial distribution of offenders in FY 2021 does not fluctuate much from that of FY 2020. White offenders made up 78.2% of the sentences and 19.1% of the sentences were committed by black offenders (Figure 7).

The analysis of the ethnicity of offenders discloses that 88.3% of the offenders in FY 2021, down 1.2% when compared with the percentage rate of FY 2020 (89.5%). 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 31.6% of all offenders in FY 2021. The second largest offender population was identified in the age group ranging from 25 to 30 (Figure 9). This finding is consistent with those in the past five years.

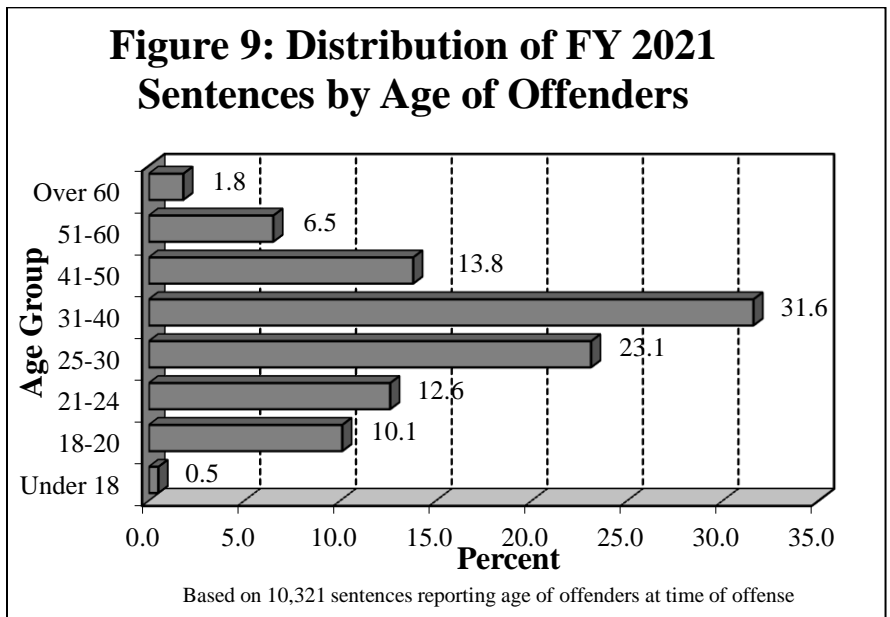


Table 2: FY 2021 Offender Characteristics by Type of Offense – 1

Offense Type	Number Of Cases	Gender (%)		Race (%)			Mean Age 1/
		Male	Female	White	Black	Other	
Abuse of Child	19	84.2	15.8	84.2	15.8	0.0	31.4
Agg. Arson	19	78.9	21.1	94.7	5.3	0.0	31.0
Agg. Assault	320	88.4	11.6	70.6	26.9	2.5	32.1
Agg. Assault on LEO	41	82.9	17.1	78.1	19.5	2.4	32.0
Agg. Battery	580	87.6	12.4	71.2	25.2	3.6	32.1
Agg. Battery on LEO	15	86.7	13.3	80.0	13.3	6.7	28.7
Agg. Burglary	17	82.4	17.6	52.9	41.2	5.9	29.4
Agg. Criminal Sodomy w/Child	7	100.0	0.0	85.7	0.0	14.3	33.3
Agg. Endangering a Child	52	65.4	34.6	84.6	13.5	1.9	34.1
Agg. Escape from Custody	63	76.2	23.8	63.5	34.9	1.6	30.0
Agg. Failure to Appear	17	47.1	52.9	76.4	11.8	11.8	37.2
Agg. False Impersonation	3	100.0	0.0	66.7	33.3	0.0	27.5
Agg. Robbery	94	93.6	6.4	55.9	44.1	0.0	25.1
Agg. Incest	4	75.0	25.0	100.0	0.0	0.0	43.5
Agg. Indecent Liberties w/Child	90	97.8	2.2	88.9	6.7	4.4	31.0
Agg. Indecent Solicit w/Child	18	100.0	0.0	88.9	11.1	0.0	39.7
Agg. Interference w/Parent Custody	2	100.0	0.0	100.0	0.0	0.0	39.6
Agg. Intimidation of a Victim	24	95.8	4.2	75.0	25.0	0.0	31.5
Agg. Kidnapping	4	100.0	0.0	75.0	25.0	0.0	21.7
Agg. Sexual Battery	33	100.0	0.0	72.7	21.2	6.1	29.5
Agg. Weapon Violation	6	83.3	16.7	50.0	16.7	33.3	40.6
Aid Felon	6	33.3	66.7	66.7	33.3	0.0	27.5
Animal Cruelty	6	83.3	16.7	83.3	0.0	16.7	36.5
Arrange Sale/Purchase Drug	10	60.0	40.0	80.0	10.0	10.0	22.0
Arson	32	90.6	9.4	84.4	12.5	3.1	33.3
Auto Failure to Remain	5	40.0	60.0	80.0	20.0	0.0	42.5
Battery on LEO	75	64.0	36.0	68.0	29.3	2.7	30.7
Breach of Privacy	11	100.0	0.0	72.7	27.3	0.0	35.6
Burglary	725	86.6	13.4	81.4	16.3	2.3	31.4
Contribute Child's Misconduct	16	50.0	50.0	93.7	0.0	6.3	27.7
Computer Crime	16	56.3	43.8	87.4	6.3	6.3	42.0
Criminal Damage to Property	86	91.9	8.1	83.7	11.6	4.7	34.1
Criminal Discharge of Firearm	23	91.3	8.7	47.8	52.2	0.0	24.8
Crim Deprivation of Property	1	100.0	0.0	100.0	0.0	0.0	32.8
Criminal Sodomy w/Child	7	85.7	14.3	85.7	14.3	0.0	33.2
Criminal Threat	338	89.6	10.4	72.4	23.4	4.2	34.8
Criminal Use of Financial Card	15	46.7	53.3	86.7	13.3	0.0	32.8
Domestic Battery	301	96.7	3.3	70.8	26.9	2.3	32.5

Table 2: FY 2021 Offender Characteristics by Type of Offense – 2

Offense Type	Number Of Cases	Gender (%)		Race (%)			Mean Age ^{1/}
		Male	Female	White	Black	Other	
Drugs	3,875	71.1	28.9	83.1	14.4	2.5	34.8
Drug without Tax Stamps	10	90.0	10.0	60.0	40.0	0.0	27.8
DUI	413	77.2	22.8	83.5	14.1	2.4	41.2
Electronic Solicitation of Child	22	90.9	9.1	90.9	9.1	0.0	29.5
Failure to Register	345	84.6	15.4	74.8	20.9	4.3	36.0
Fleeing or Eluding LEO	306	90.5	9.5	78.1	21.2	0.7	31.5
Forgery	214	54.7	45.3	83.6	13.6	2.8	34.0
False Writing	60	58.3	41.7	76.7	20.0	3.3	35.4
Giving Worthless Checks	15	66.7	33.3	93.3	6.7	0.0	36.7
Identity Theft	157	54.1	45.9	75.8	22.3	1.9	33.9
Indecent Liberties w/Child	30	96.7	3.3	83.3	10.0	6.7	25.9
Indecent Solicitation of Child	16	93.8	6.3	62.5	25.0	12.5	32.1
Involuntary Manslaughter	18	94.4	5.6	72.2	22.2	5.6	30.1
Kidnapping	30	93.3	6.7	63.3	20.0	16.7	32.7
Lewd and Lascivious Behavior	5	100.0	0.0	80.0	20.0	0.0	29.0
Mistreat Dependent Adult	13	38.5	61.5	84.6	15.4	0.0	42.9
Murder in the First Degree	31	83.9	16.1	58.1	38.7	3.2	30.5
Murder in the Second Degree	40	97.5	2.5	55.0	37.5	7.5	27.6
Nonsupport of Child or Spouse	2	100.0	0.0	100.0	0.0	0.0	28.3
Obstructing Legal Process	185	77.3	22.7	80.0	18.9	1.1	32.3
Possession of Weapons	263	93.9	6.1	62.4	34.2	3.4	30.7
Rape	49	98.0	2.0	72.9	22.9	4.2	34.5
Robbery	145	82.8	17.2	44.1	53.1	2.8	28.2
Sex Exploitation of a Child	59	98.3	1.7	93.2	6.8	0.0	31.6
Stalking	36	94.4	5.6	69.4	30.6	0.0	35.2
Tamper w/Electronic Monitor Equip.	57	77.2	22.8	71.9	28.1	0.0	33.3
Theft	654	71.1	28.9	79.0	19.6	1.4	34.4
Trafficking Contraband	63	63.5	36.5	83.9	9.7	6.4	34.9
Unlawful Sexual Relations	1	100.0	0.0	0.0	100.0	0.0	22.4
Unlawful Voluntary Sex Relations	12	91.7	8.3	100.0	0.0	0.0	18.6
Voluntary Manslaughter	9	100.0	0.0	66.7	22.2	11.1	23.2
Weapons	20	100.0	0.0	65.0	30.0	5.0	30.6
Other	65	61.5	38.5	73.8	26.2	0.0	37.0
TOTAL	10,321	77.3	22.7	76.9	20.5	2.6	33.7

Note: Offenses with positive number of cases smaller than 4 not listed in the previous year are included in the offense type of "Other".
^{1/} Average age at time of offense.

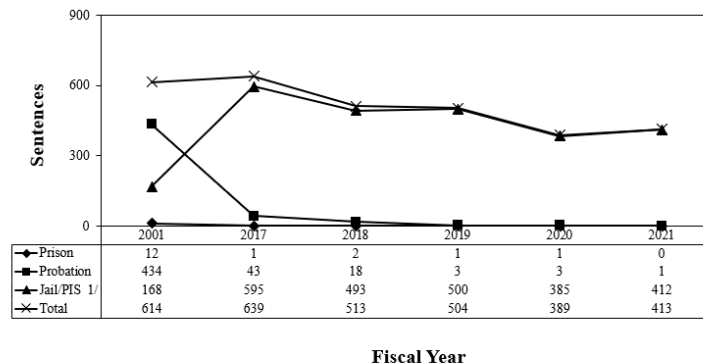
Felony DUI under K.S.A. 8-1567

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 2021, a total number of 413 sentences were convicted under this crime with none sentenced to prison, 1 (0.2%) sentenced to probation and 412 (99.8%) sentenced to county jail/post-imprisonment supervision. The total number of sentences for those convicted under the crime of felony DUI in FY 2021 increased by 6.2% from that of FY 2020 but decreased by 32.7% from FY 2001. When compared to FY 2017, the number decreased by 35.4%. Johnson and Shawnee counties were the top two counties imposing 127 (30.8%) and 36 (8.7%) sentences respectively for third and fourth or subsequent violations under K.S.A. 8-1567 in FY 2021.

Figure 10: DUI Sentences
FY 2001, FY 2017 through FY 2021



1/ FY 2021 Jail/PIS sentences include 28 county jail and 384 DUI or Test Refusal post-imprisonment supervision sentences.

Figure 11: FY 2021 DUI Offenses by County

Please see KSSC website for updated county dashboard map:

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

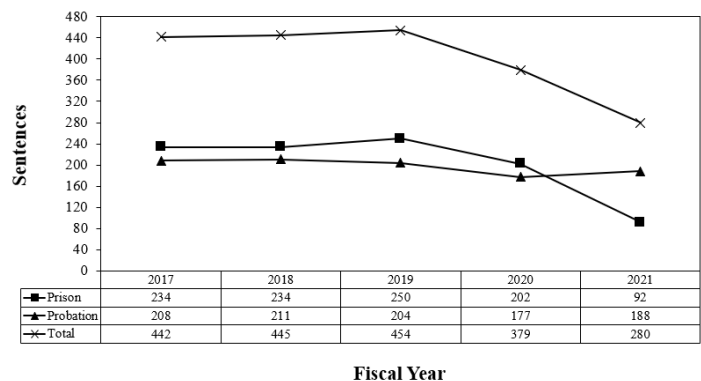
Sentences for Failure to Register under the Kansas Offender Registration Act

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 2021, 281 sentences were reported under this crime, a decrease of 25.9% when compared with FY 2020 and down 36.4% when compared with FY 2017. Of those 281 convictions, 92 were sentenced to prison and 188 were sentenced to probation. The findings indicate a decrease in the trend seen in the past five years (Figure 12).

Figure 12: Failure to Register Sentences
By Sentence Imposed - FY 2017 through FY 2021



The distribution of the severity levels of the crime committed in FY 2021 is presented in Figure 13. 14 (5.0%) convictions under this crime were sentenced at nondrug severity level 3, 41 (14.6%) were sentenced at nondrug severity level 5 and 194 (69.0%) were sentenced at nondrug severity level 6. Sentences at nondrug severity levels 7, 8, and 9 were attempt convictions of the crime, representing 3 (1.1%), 25 (8.9%), and 2 (0.7%) 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: 96 in FY 2021, 88 in FY 2020, 159 in 2019, 180 in FY 2018, and 137 in FY 2017.

Figure 13: Failure to Register Sentences
By Severity Level - FY 2021

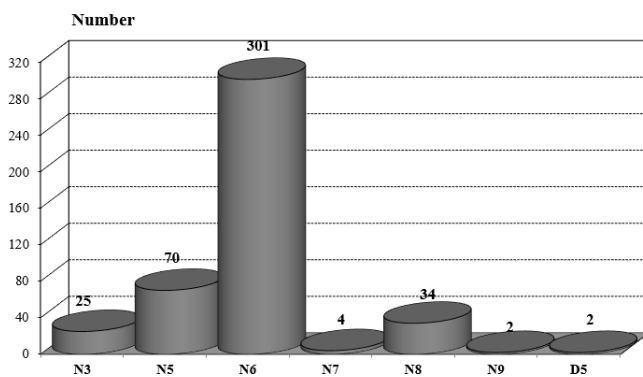


Figure 14 exhibits a downward trend of the burglary sentences in the past five years. The total number of burglary sentences in FY 2021 decreased by 94 from those of FY 2020 and by 532 from that of FY 2017. The number of prison sentences in FY 2021 decreased by 106 sentences compared with FY 2020 and decreased by 331 sentences compared with FY 2017. The number of probation sentences increased by 12 compared with FY 2020 but decreased by 106 compared with FY 2017.

Figure 15: Burglary Sentences
By Severity Level - FY 2017 through FY 2021

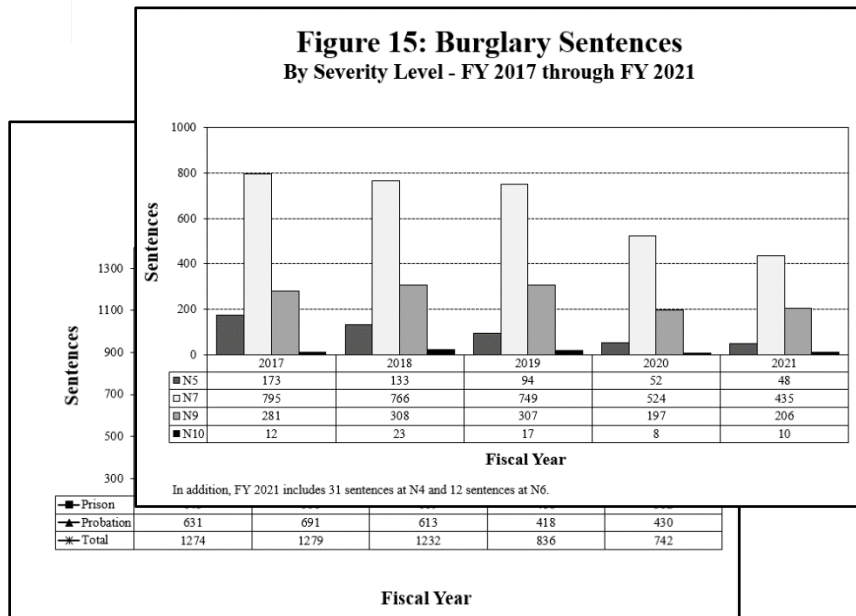


Figure 15 demonstrates the distribution of burglary sentences by severity level in the past five years. The majority of the convictions were sentenced at nondrug severity level 7, representing 58.6% of

burglary sentences imposed in FY 2021, 62.7% FY 2020, 60.8% FY 2019, 59.9% in FY 2018, and 62.4% in FY 2017.

present domestic violence offense to coerce, control or punish the victim (K.S.A. 22-4616).

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

In FY 2021, a total number of 491 sentences were designated by the court as domestic violence cases. This was an increase of 37 sentences or 8.1% compared with FY 2020 (454 sentences). Of the 491 sentences, 107 (21.9%) were sentenced to prison, 375 (76.4%) were sentenced to probation and 8 (1.6%) were sentenced to county jail. 92.9% of the offenders were male. White offenders accounted for 67.6% black offenders accounted for 29.5% and offenders of other races represented 2.9%. Their average age at sentencing was 34.9 years old, which is a half year older than in FY 2020. Domestic battery (44.0%), aggravated battery (14.5%), criminal threat (16.9%), and aggravated assault (9.8%) were still the top four offenses committed by this group of offenders when compared with FY 2020.

Table 3: FY 2021 Most Serious Offenses Convicted by Designated Domestic Violent Offenders

Offense	Number	Percent
Aggravated Assault	48	9.8%
Aggravated Battery	71	14.5%
Aggravated Kidnapping/Kidnapping	3	0.6%
Aggravated Burglary/Burglary	2	0.4%
Aggravated Sexual Battery of a Child	14	2.9%
Aggravated Intimidation of Witness/Victim	3	0.6%
Arson/Agg. Arson	6	1.2%
Breach of Privacy	5	1.0%
Criminal Damage to Property	8	1.6%
Criminal Threat	83	16.9%
Domestic Battery	216	44.0%
Murder in the First Degree	1	0.2%
Murder in the Second Degree	2	0.4%
Robbery	4	0.8%

Stalking	18	3.7%
Weapons	4	0.8%
Other	3	0.6%
Total	491	100.0%

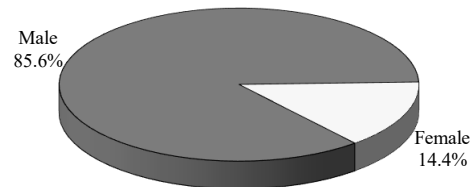
Note: Based on Kansas Sentencing Commission’s sentencing data.

INCARCERATION SENTENCES

Characteristics of Offenders

During FY 2021, a total number of 3,490 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 85.6% of the offenders admitted to prison in FY 2021 (Figure 16).

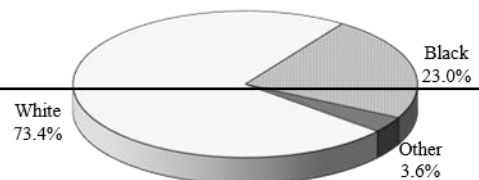
Figure 16: FY 2021 Incarceration Sentences by Gender of Offenders



Based on 3,491 incarceration sentences reporting gender of offenders

The analysis discloses that the racial distribution of offenders in FY 2021 does not fluctuate much when compared with FY 2020. White offenders accounted for 74.2%, black offenders accounted for 21.6% and other races represented 3.9% of the total admissions of FY 2021 (Figure 17).

Figure 17: FY 2021 Incarceration Sentences by Race of Offenders



Based on 3,491 incarceration sentences reporting race of offenders

Figure 18 displays that non-Hispanic offenders accounted for 87.2% of the offenders sentenced to prison, a decrease of 1.8% compared with FY 2020. The overall distributions of the offenders by gender, race and ethnicity are comparatively constant compared with those of the past five years.

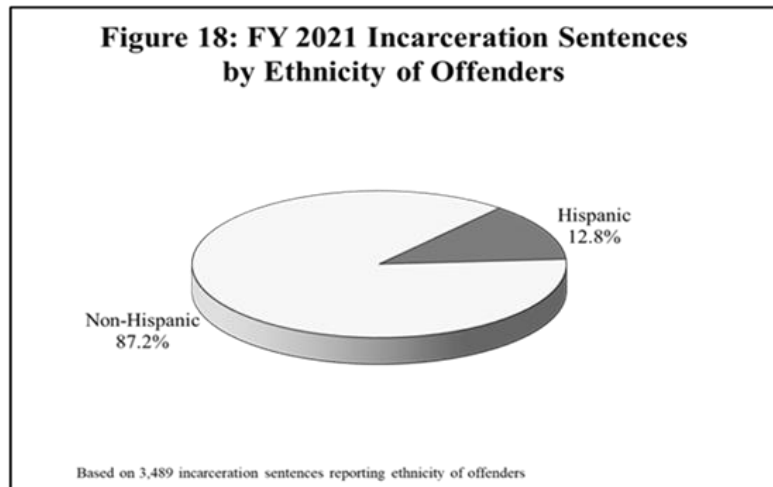


Figure 19 demonstrates the distribution of offenders' age at admission in FY 2021. The largest number of incarcerated offenders were found in their thirties (36.1%) at the time of admission to prison. The second largest number of offenders were in the age group ranging from 25 to 30 years old representing 23.1% of the total admission in FY 2021. This age distribution pattern is consistent with the age data observed in FY 2020.

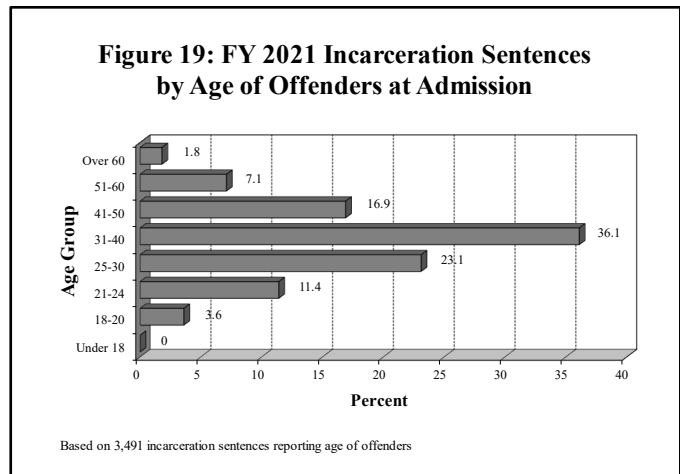
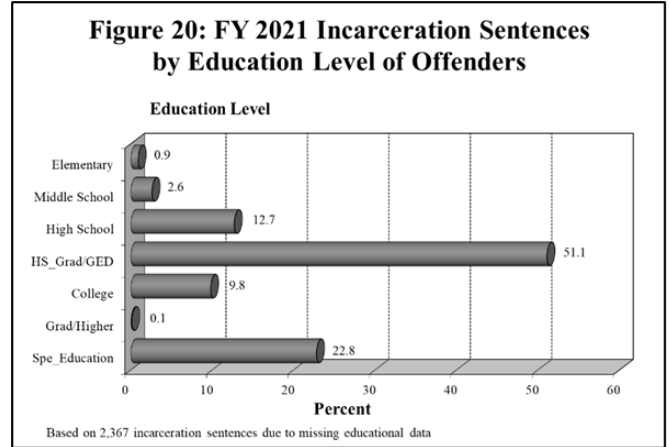


Figure 20 presents the education levels of the offenders admitted to prison during FY 2021. The analysis indicates that 51.1% of the offenders had obtained a high school diploma or GED equivalent indicating little change in percentage rate when compared with the same group observed in FY 2020.



Incarceration Nondrug Offenses

In FY 2021, nondrug offenders admitted to prison represented 70.1% (2,446 offenders) of the total incarceration sentences (3,491) of the fiscal year. The top ten nondrug offenses were burglary (296), aggravated battery (281), theft (159), failure to register (157), aggravated assault (122), criminal threat (114), fleeing and eluding (107), possession of weapons (106), robbery (87), and aggravated indecent liberties with a child (83). These top ten crimes accounted for 61.9% of the total nondrug crimes committed by the offenders admitted to prison in FY 2021 (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 (82.4%). 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, criminal use of a financial card, 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 abuse of a child, arson, aggravated arson, aggravated battery of a law enforcement officer, aggravated endangering a child, aggravated assault on a law enforcement officer, aggravated intimidation of a witness, burglary, forgery, false writing, theft, identity theft, aggravated assault on LEO, fleeing or eluding LEO, aggravated escape from custody, criminal damage to property, trafficking contraband, failure to register, obstruction, and most sex offenses. Nevertheless, black offenders were incarcerated more often (over 40%) for the crimes of aggravated burglary, aggravated robbery, robbery, discharge of a firearm, stalking, and first-degree murder. The average age of the nondrug offenders was 35.1 years old at the time of admission to prison in FY 2021, which is very consistent with those of the past three fiscal years (Table 4).

Table 4: FY 2021 Incarceration Nondrug Offender Characteristics by Type of Offense – 1

Offense Type	Number Of Cases	Gender (%)		Race (%)			Mean Age 1/
		Male	Female	White	Black	Other	
Abuse of Child	7	85.7	14.3	85.7	14.3	0.0	34.5
Agg. Arson	11	72.7	27.3	90.9	9.1	0.0	32.9
Agg. Assault	122	92.6	7.4	69.7	28.7	1.6	33.0
Agg. Assault on LEO	23	91.3	8.7	73.9	26.1	0.0	34.8
Agg. Battery	281	89.3	10.7	69.3	26.7	4.0	34.1
Agg. Battery on LEO	13	84.6	15.4	84.6	7.7	7.7	32.1
Agg. Burglary	16	87.5	12.5	50.0	43.7	6.3	36.0
Agg. Criminal Sodomy w/Child	7	100.0	0.0	85.7	0.0	14.3	43.4
Agg. Endangering a Child	11	81.8	18.2	81.8	18.2	0.0	36.8
Agg. Escape from Custody	28	85.7	14.3	64.3	32.1	3.6	34.2
Agg. Indecent Liberties w/Child	83	98.8	1.2	89.2	6.0	4.8	36.9
Agg. Indecent Solicit w/Child	11	100.0	0.0	81.8	18.2	0.0	37.8
Agg. Intimidation of a Victim	17	100.0	0.0	82.4	17.6	0.0	35.0
Agg. Kidnapping	4	100.0	0.0	75.0	25.0	0.0	26.9
Agg. Robbery	73	93.2	6.8	52.8	47.2	0.0	32.3
Agg. Sexual Battery	20	100.0	0.0	65.0	30.0	5.0	33.2
Aid Felon	3	100.0	0.0	66.7	33.3	0.0	28.3
Arson	13	92.3	7.7	76.9	15.4	7.7	35.3
Battery on LEO	42	69.0	31.0	64.3	31.0	4.7	34.1
Burglary	296	90.9	9.1	79.7	17.3	3.0	33.9
Contribute Child's Misconduct	4	50.0	50.0	75.0	0.0	25.0	33.6
Criminal Damage to Property	17	100.0	0.0	82.3	5.9	11.8	34.1
Criminal Discharge of Firearm	15	93.3	6.7	53.3	46.7	0.0	27.8
Criminal Sodomy w/Child	6	83.3	16.7	83.3	16.7	0.0	36.5
Criminal Threat	114	93.9	6.1	67.3	28.3	4.4	36.0
Criminal Use of Financial Card	3	66.7	33.3	66.7	33.3	0.0	37.4
Domestic Battery	92	95.7	4.3	70.7	26.1	3.2	33.8
Electronic Solicitation of Child	14	100.0	0.0	92.9	7.1	0.0	30.3
Failure to Register	157	91.1	8.9	70.0	23.6	6.4	38.0
Fleeing or Eluding LEO	107	92.5	7.5	76.6	21.5	1.9	35.6
Forgery	59	59.3	40.7	79.7	16.9	3.4	39.2
False Writing	17	88.2	11.8	82.3	11.8	5.9	36.8
Identity Theft	32	68.7	31.3	84.4	12.5	3.1	34.9
Indecent Liberties w/Child	24	100.0	0.0	87.5	8.3	4.2	35.1
Indecent Solicitation of Child	14	92.9	7.1	57.1	28.6	14.3	34.5
Involuntary Manslaughter	16	93.7	6.3	68.7	25.0	6.3	33.1
Kidnapping	25	96.0	4.0	60.0	20.0	20.0	38.7
Murder in the First Degree	30	83.3	16.7	56.7	40.0	3.3	40.2
Murder in the Second Degree	38	97.4	2.6	55.3	36.8	7.9	35.7
Obstructing Legal Process	35	82.9	17.1	91.4	5.7	2.9	35.4
Possession of Firearm	106	95.3	4.7	58.5	34.0	7.5	32.5
Rape	48	97.9	2.1	72.3	23.4	4.3	43.3
Robbery	87	95.4	4.6	41.4	55.2	3.4	31.0

Table 4: FY 2021 Incarceration Nondrug Offender Characteristics by Type of Offense – 2

Offense Type	Number Of Cases	Gender (%)		Race (%)			Mean Age 1/
		Male	Female	White	Black	Other	
Sex Exploitation of a Child	26	100.0	0.0	88.5	11.5	0.0	34.5
Tamper w/Electronic Monitor	28	82.1	17.9	67.9	32.1	0.0	37.9
Stalking	14	100.0	0.0	57.1	42.9	0.0	36.1
Theft	159	82.4	17.6	73.0	23.9	3.1	37.1
Trafficking Contraband	27	63.0	37.0	84.6	7.7	7.7	34.4
Unlawful Voluntary Sex Relation	3	100.0	0.0	100.0	0.0	0.0	20.5
Voluntary Manslaughter	8	100.0	0.0	62.5	25.0	12.5	31.8
Weapons/Agg. Weapon Violation	8	100.0	0.0	75.0	25.0	0.0	36.8
Other	27	74.1	25.9	81.5	18.5	0.0	37.5
TOTAL	2,446	2,190	255	1,738	602	96	35.1

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

1/ Average age at time admitted to prison

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 2021 is the ninth year of implementing the new drug sentencing grid. The majority of drug sentences are imposed under the new drug sentencing grid.

During FY 2021, a total number of 1,045 drug offenders were admitted to prison, representing 30.0% of the total admissions to the state correctional facilities. Of this total number, 70.4% were incarcerated for convictions of drug possession offenses, indicating a decrease of 0.7% compared with that of FY 2020 (71.1%). Approximately 0.8% of the drug possession offenders were found at drug

severity level 4. Offenders at drug severity level 5 accounted for 99.2% of the drug possession group. The percentage of offenders admitted at drug severity level 5 decreased by 0.4% over that of FY 2020 (99.6%), however after higher increases of the years before, this trend reflects the implementation of the new drug sentencing grid (Figure 21).

In FY 2021, male offenders represented 76.2% 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 36.6 years old at admission to prison, very close to that observed in FY 2020 (Table 5).

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).

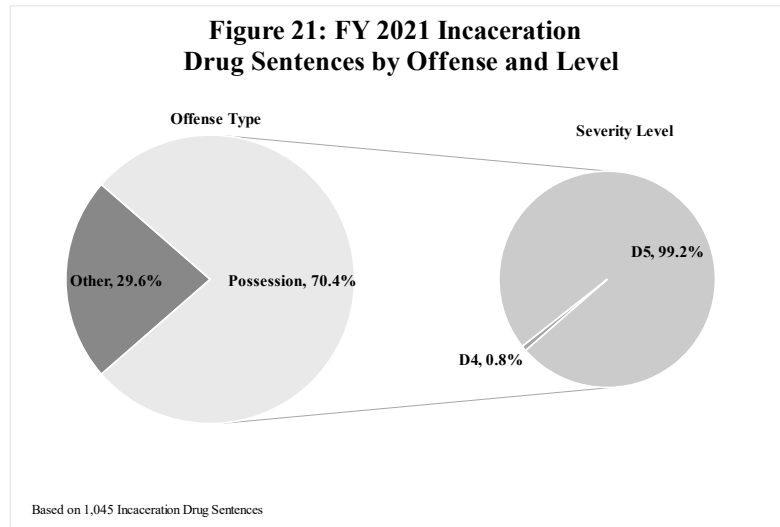
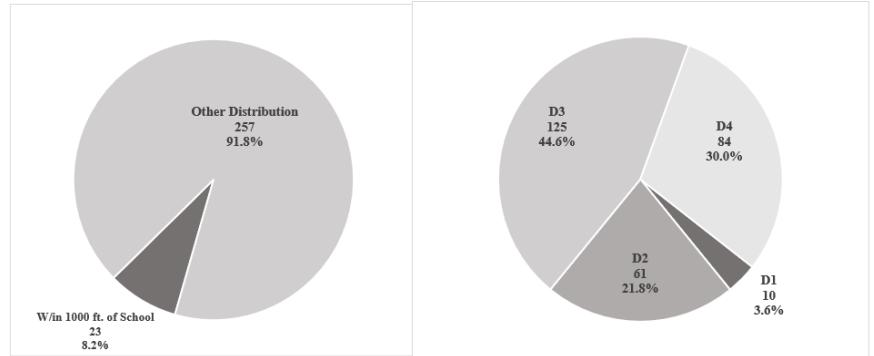


Table 5: FY 2021 Incarceration Drug Offender Characteristics by Type of Offense

Offense Type	Number Of Cases	Gender (%)		Race (%)			Average Age at Admission
		Male	Female	White	Black	Other	
Drugs; Possession	736	73.9	26.1	80.4	16.1	3.5	36.5
Drugs; Distribution/Sale	280	82.1	17.9	76.7	19.7	3.6	35.9
Unlawful Manufacture Controlled Substance	11	90.9	9.1	100.0	0.0	0.0	43.3
Possession of Paraphernalia	18	93.3	6.7	80.0	6.7	13.3	34.1
TOTAL	1,045	76.2	23.8	81.7	14.5	3.8	36.6

280 offenders (26.8%) were admitted to prison for the crimes of drug distribution or possession with intent to distribute in FY 2021. Of this number, 23 or 8.2% occurred within 1,000 feet of school property. The largest number of the offenders was at drug severity level 3, accounting for 125 or 44.6% of the offenders convicted of drug distribution or possession with intent to distribute (Figure 22).

Figure 22: FY 2021 Incarceration Drug Distribution Sentences By Offense and Severity Level



Based on 280 incarcerated offenders convicted of drug distribution or possession with intent to distribute.

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 2021, representing 37.5% of the total admissions. The percentage of this group increased by 2.0% compared with that of FY 2020 (35.5%).

43.1 percent of all offenders admitted to state correctional facilities in FY 2021 were condition violators, including probation condition violators and parole/postrelease condition violators. The group of condition violators decreased by 1.8% when compared

with that of FY 2020 (44.9%). Sanctions from probation violation accounted for 6.1%, which is a decrease of 0.2% when compared with that of FY 2020 (6.3%). This group of offenders will be discussed in further detail later in this chapter. As in past years, condition violators admitted to prison had a significant impact on the total admissions to the Department of Corrections in FY 2021.

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 11.1%, a decrease of 0.2% from the percentage of this group of violators (11.3%) in FY 2020.

Table 6: Distribution of FY 2021 Incarceration Sentences by Admission Type

Admission Type	Number of Cases	Percent
New Court Commitment	1,309	37.5%
Sanction from Probation	212	6.1%
Probation Condition Violator	1,056	30.3%
Probation Violator with New Sentence/New Conviction	280	8.0%
Inmate Received on Interstate Compact	3	0.1%
Parole/Postrelease/CR Condition Violator	446	12.8%
Parole/Postrelease Violator with New Sentence	110	3.1%
Paroled to Detainer Returned with New Sentence	20	0.6%
Other	55	1.5%
TOTAL	3,491	100.0%

Table 7 displays the distribution of all incarcerated offenders admitted in FY 2021 by offense severity level and gender. The highest percentages (13.3% 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 8.6% of all drug offenders fell at drug severity level 4 and

71.6% 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 (23.8% vs. 10.4%). The highest percentages of female offenders were found at drug severity level 5 (25.3%) and nondrug severity level 8 (18.5%). The highest percentage rates of male offenders were identified at drug severity level 4 (86.7%) and nondrug severity level 1 (97.1%).

**Table 7: Distribution of FY 2021 Incarceration Sentences
By Severity Level and Gender**

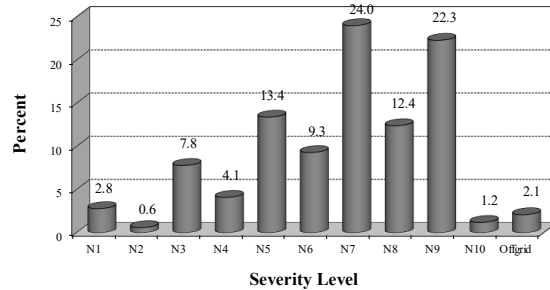
Severity Level	Number	Percent	Gender (%)	
			Male	Female
D1	21	2.0	76.2	23.8
D2	61	5.8	70.5	29.5
D3	125	12.0	80.0	20.0
D4	90	8.6	86.7	13.3
D5	748	71.6	74.7	25.3
Subtotal	1,045	100	76.2	23.8
Nondrug				
N1	68	2.8	97.1	2.9
N2	14	0.6	92.9	7.1
N3	190	7.8	95.3	4.7
N4	100	4.1	87.0	13.0
N5	326	13.3	89.9	10.1
N6	227	9.3	89.9	10.1
N7	585	23.9	92.5	7.5
N8	302	12.4	81.5	18.5
N9	543	22.2	87.8	12.2
N10	30	1.2	86.7	13.3
Nongrid	7	0.3	100.0	0.0
Offgrid	52	2.1	92.3	7.7
Subtotal	2,446	100	89.6	10.4
TOTAL	3,491	100	85.6	14.4

Note: Based on 1,045 drug offenders and 2,446 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 2020 and FY 2021. 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.

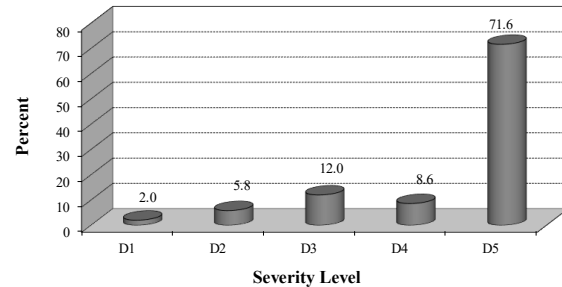
The total admission of drug new commitments decreased by 177 (32.7%) compared with FY 2020. The admissions at drug severity level 1 decreased by 9 (37.5%), by 29 (46.0%) at drug severity level 2, by 18 (19.4%) at severity level 3, by 23 (40.0%) at drug severity level 4, and by 98 (32.2%) at severity level 5 compared with FY 2020. The average LOS decreased by 9.7 months at drug severity level 1, by 1.2 months at severity level 2, by 2.8 months at severity level 3, and 3.0 months at severity level 4, but increased by 1.3 months at severity level 5 compared with FY 2020. The analysis of nondrug new commitments indicates that the total number in FY 2021 decreased by 343 (18.2%) when compared with FY 2020. The admissions increased by 4 at nondrug severity level 9 but decreased at all other levels. It decreased by 31 at severity level 1, by 3 at severity level 2, by 35 at severity level 3, by 13 at severity level 4, by 16 at severity level 5, by 27 at severity level 6, by 22 at severity levels 7 and 8, and 1 at severity level 10. The average LOS in

Figure 23: FY 2021 Incarceration Sentences Nondrug Offenders by Severity Level



Based on 2,445 nondrug offenders

Figure 24: FY 2021 Incarceration Sentences Drug Offenders by Severity Level



Based on 1,045 drug offenders

FY 2021 was reduced by 2.8 months at nondrug severity level 2, by 8.0 months at severity level 3, by 8.9 months at severity level 4, by 4.0 months at severity level 6, and 0.1 month at severity level 10. The average LOS increased by 33.7 months at severity level 1, by 58.6 months at severity level 5, by 3.2 months at severity level 7, by 0.4 months at severity level 9 and by 3.1 months at severity level 10 when compared with FY 2020.

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

Severity Level	FY 2020 1/		FY 2021 1/	
	Admission #	Average LOS	Admission #	Average LOS
D1	24	104.0	15	94.3
D2	63	78.7	34	77.5
D3	93	60.6	75	57.8
D4	58	34.3	35	31.3
D5	304	29.9	206	31.2
N1	74	253.3	43	287.0
N2	10	286.2	7	283.4
N3	145	109.7	110	101.7
N4	68	66.8	55	57.9
N5	185	60.4	169	119.0
N6	140	43.4	113	39.4
N7	296	33.6	274	36.8
N8	137	21.4	115	21.3
N9	270	15.2	274	15.6
N10	14	10.4	13	13.5
TOTAL	1,881	N/A	1,538	N/A

1/ 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 212 probation condition violators were ordered to prison as a sanction from probation during FY 2021, a decrease of 72 violators (25.4%) compared with FY 2020 (284 violators). Of those 212 violators, 119 offenders (56.1%) were remanded for 120 sanction days, 91 offenders (42.9%) were remanded for 180 sanction days and 2 offenders (0.9%) was remanded for 360 days in KDOC. The

top five offenses convicted by this group were drug crimes (54.7%), burglary (7.1%), aggravated battery (5.7%), aggravated assault (4.7%) and forgery (2.8%). The majority of the group were males accounting for 76.4% and female offenders comprising 23.6% of the group. White offenders represented 86.3%, black offenders consisted of 11.8% and other races consisted of 1.9%. The average age of the offenders was 34.9.

The admission of the offenders of sanction from probation by county is presented in Table 9. Reno County imposed the largest number of sanctions from probation (38 or 17.9%), followed by Sedgwick

(36 or 16.9%), Lyon (21 or 9.9%), Saline (21 or 9.9%), and Barton (18 or 8.5%) counties.

Figure 25: FY 2021 Sanction from Probation Incarceration Sentences

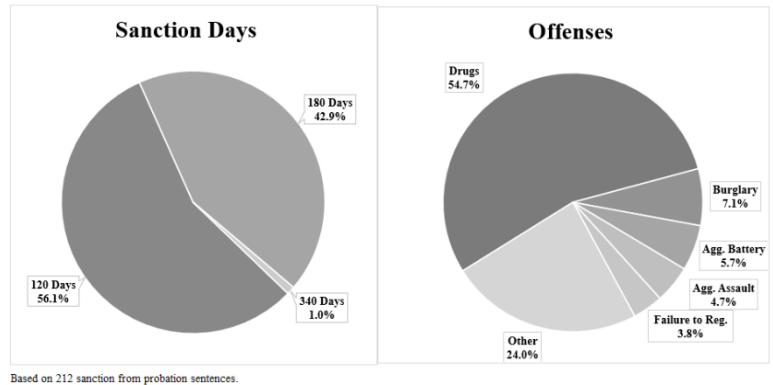


Table 9: FY 2021 Sanction from Probation Incarceration Sentences Imposed by County

County	Number	Percent	County	Number	Percent
Anderson	1	0.5	Lyon	21	9.9
Atchison	2	0.9	Meade	2	0.9
Barton	18	8.5	Neosho	1	0.5
Bourbon	3	1.4	Norton	1	0.5
Cherokee	5	2.4	Reno	38	17.9
Cowley	3	1.4	Rice	4	1.9
Dickinson	3	1.4	Russell	1	0.5
Douglas	7	3.3	Saline	21	9.9
Ellis	2	0.9	Scott	1	0.5
Ellsworth	3	1.4	Sedgwick	36	16.9
Finney	8	3.8	Shawnee	7	3.3
Ford	3	1.4	Sherman	1	0.5
Franklin	6	2.8	Smith	1	0.5
Geary	3	1.4	Stafford	1	0.5
Jackson	1	0.5	Thomas	1	0.5
Johnson	3	1.4	Wallace	1	0.5
Leavenworth	2	0.9	Wyandotte	1	0.5
			TOTAL	212	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 2021, a total number of 22 offenders were sentenced and admitted to prison under Jessica’s Law. Of this number, 21 (95.5%) were new court commitments and only 1 (4.5%) was a parole condition violator with a new sentence. While jurisdictions identify the severity of these crimes as off-grid, 16 offenders received a downward departure Of these 22, 19 offenders (86.4%)

were sentenced at off-grid, 1 offender (4.5%) was sentenced at nondrug severity level 3, and 2 offenders (9.1 %) were sentenced at nondrug severity level 5 The analysis of the sentence length demonstrates that 81.8% of the sentences were downward departure to guidelines, an increase of 33.7% compared with that of FY 2020 (48.1%) The average sentence length of the durational departures was 101.9 months, a decrease of 8.4 months from that observed in FY 2020 (110.3 months). The major reason for departure was that a plea agreement was reached between the parties. Other minor reasons included family support, age of offender, and the wishes of the victim.

The distribution of the incarcerated offenders under Jessica’s Law by county is provided in Table 10. Ford county imposed the most Jessica’s Law prison sentences with 6, followed by Sedgwick county with 5.

Figure 26: FY 2021 Jessica's Law Incarceration Sentences

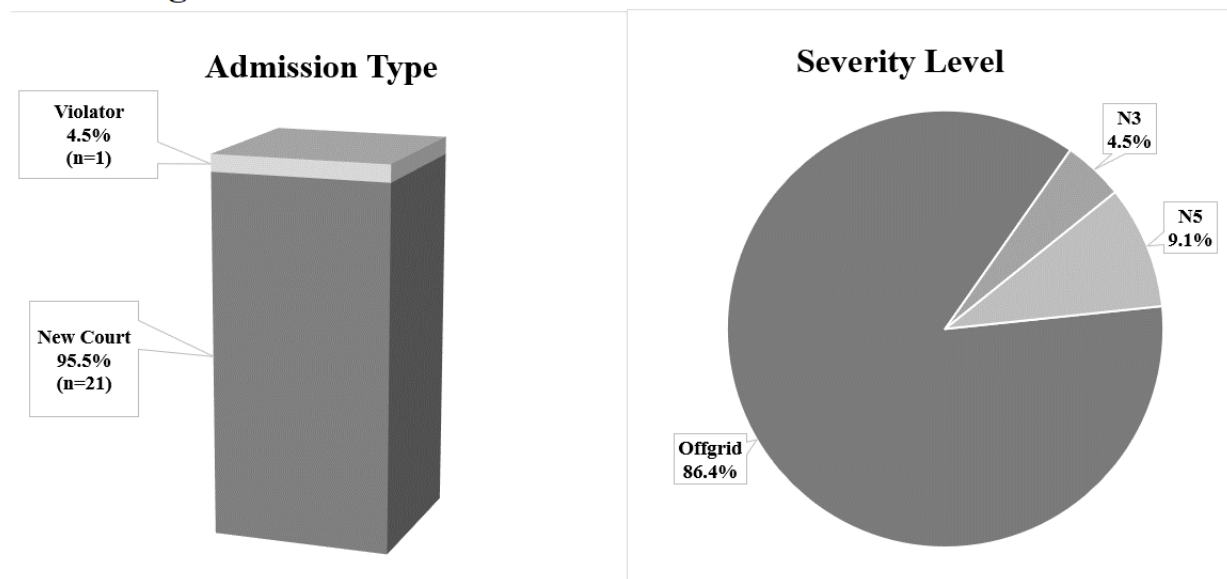
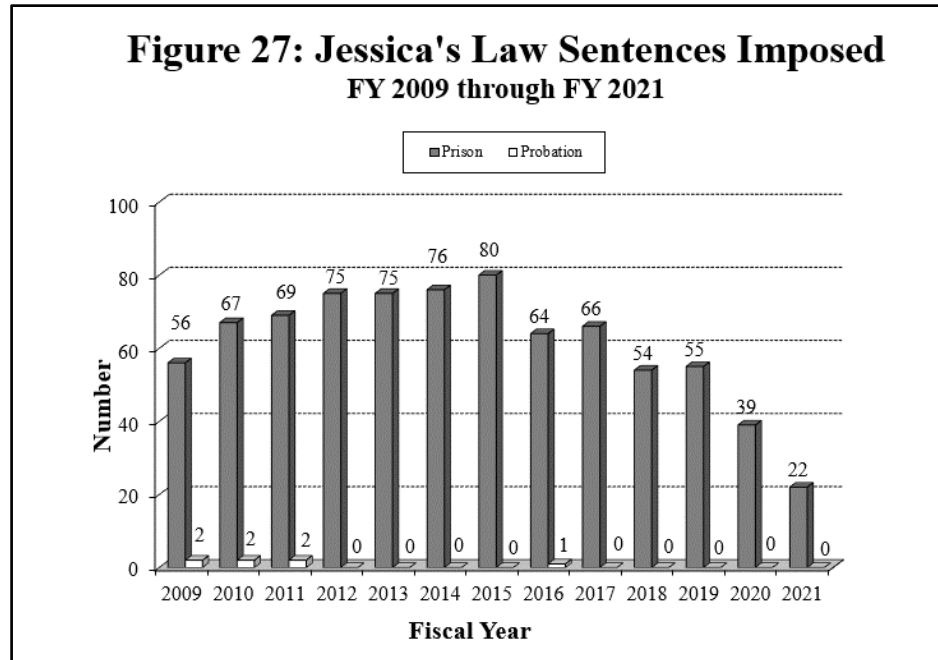


Table 10: FY 2021 Jessica’s Law Incarceration Sentences Imposed by County

County	Number	County	Number
Barber	1	Hamilton	1
Barton	1	Harvey	1
Butler	1	Nemaha	1
Coffey	1	Norton	1
Douglas	1	Sedgwick	5
Ford	6	Shawnee	1
Geary	1		
TOTAL		22	

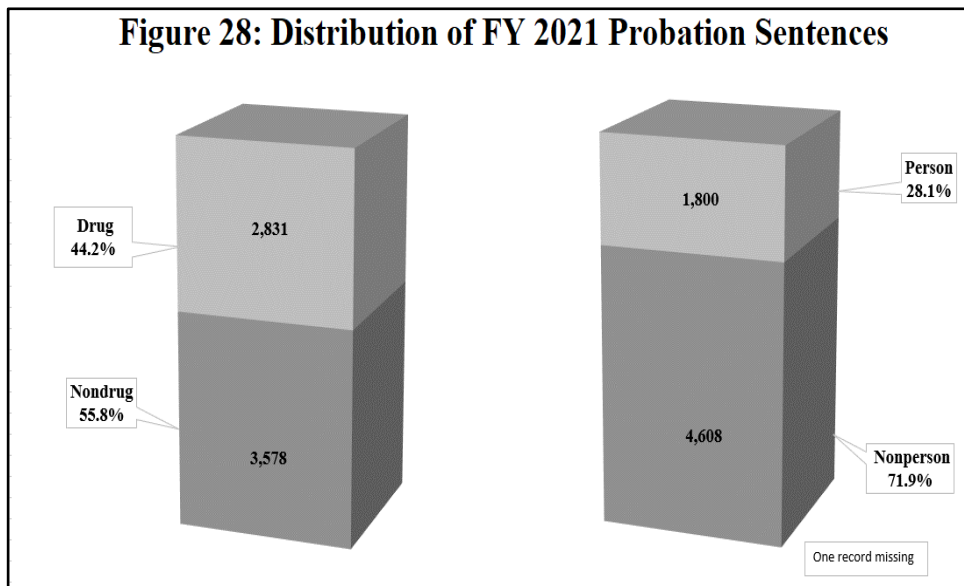
Figure 27 presents the sentencing trend of Jessica’s Law sentences in the past thirteen years. The total number of Jessica’s Law sentences imposed in FY 2021 was 22, a decrease of 17 sentences compared with FY 2020 (39 sentences), and a decrease of 34 sentences compared with FY 2009 (56 sentences).



PROBATION SENTENCES

During FY 2021, a total number of 6,409 probation sentences were reported to the Kansas Sentencing Commission, a decrease of 552 sentences or 7.9% compared with FY 2020 (6,961 sentences). Of this number, 3,578 were nondrug sentences and 2,831 were drug sentences; nonperson offenses made up 71.9% and person offenses made up 28.1% (Figure 28).

Figures 29 - 31 describe the demographic information of this offender group.



The gender analysis indicates that the distribution of FY 2021 probationers by gender does not fluctuate much from that of FY 2020. Male offenders accounted for 74.2% of all probation sentences imposed in FY 2021, an increase of 2.4% compared with that observed (71.8%) in FY 2020 (Figure 29).

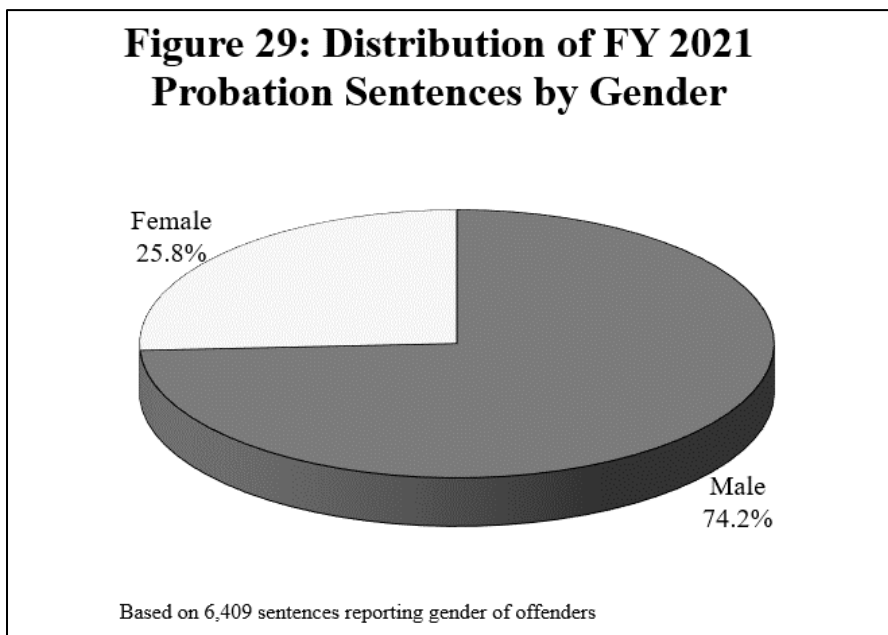
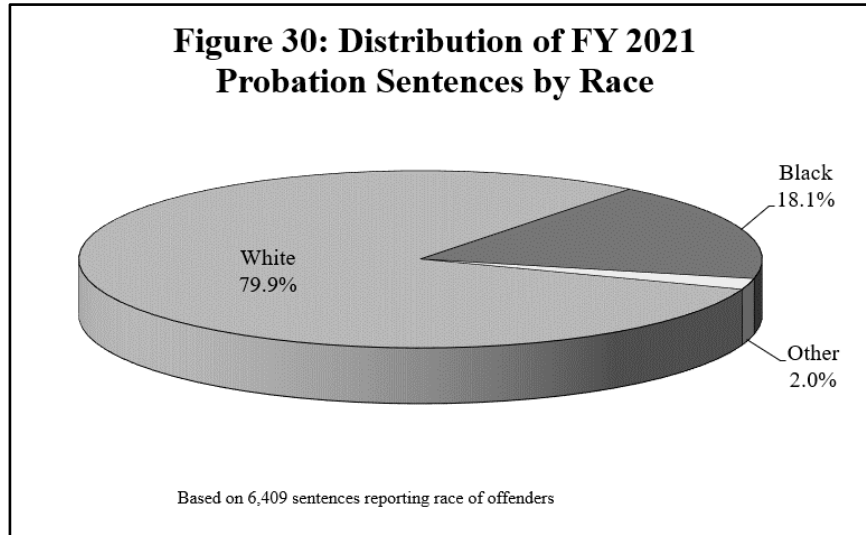
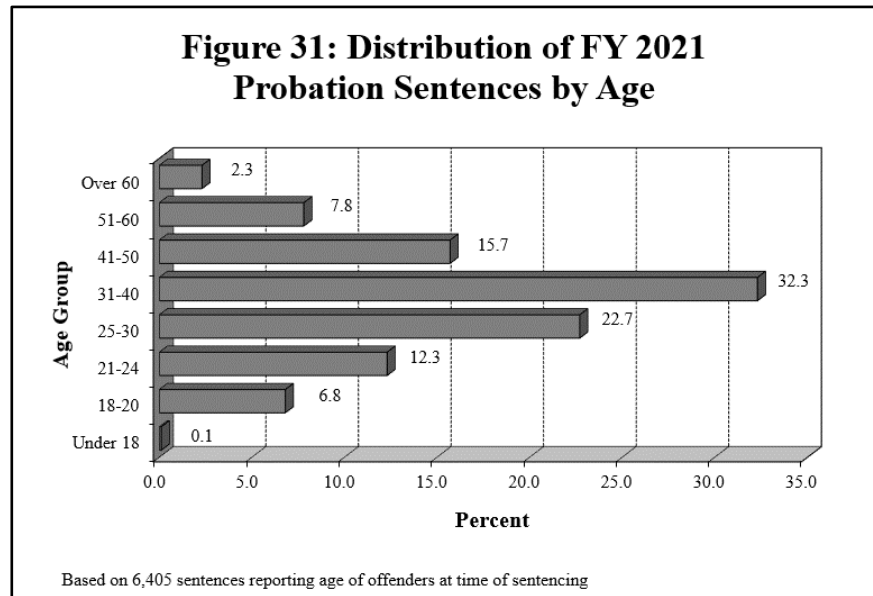


Figure 30 demonstrates that white offenders made up 79.9% of the probation sentences imposed in FY 2021, an increase of 1.3% compared with that of FY 2020 (78.6%). The percentage of black offenders accounted for 18.1%, a decrease of 1.1% compared with that of FY 2020 (19.2%). The percentage of offenders in other races represented 2.0%, a decrease of 0.2% compared with FY 2020 (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 (32.3%) and the second largest group was identified in the age group ranging from 25 to 30 (22.7%). This distribution indicated only a slight change from FY 2020 (Figure 31).



Type of Offense and Severity Level

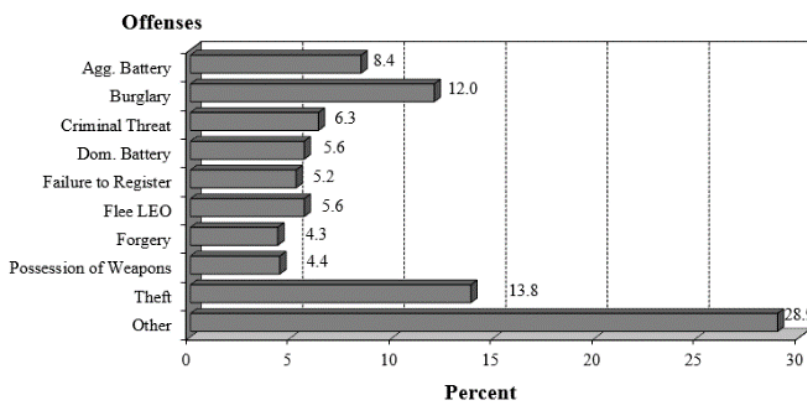
In FY 2021, the top ten offenses committed by nondrug probation offenders include aggravated assault, aggravated battery, burglary, criminal threat, domestic battery, failure to register, fleeing or eluding LEO, forgery, possession of weapons and theft. These ten offenses accounted for 71.1% of the total nondrug probation sentences in FY 2021 (Figure 32), a decrease of 0.5% from the previous year’s top ten (71.6%). In reviewing drug offenders on probation, the largest number of sentences was possession of drugs, representing 78.4% of all probation drug offenses (Figure 33), a decrease of 1.4% from FY 2020 (79.8%). Tables 11 and 12 present the characteristics of offenders sentenced to probation during FY 2021. Male offenders were convicted of over 90% of the sex offenses and nearly 85% of violent crimes of probation sentences imposed in FY 2021 such as: aggravated assault, aggravated battery, burglary, criminal threat, domestic battery, fleeing or eluding LEO and possession of weapons. The highest percentages of female probation nondrug offenses (over 45%) included false writing, forgery, identity theft, mistreatment

of an dependent adult, contributing to child misconduct, criminal use of a financial card, computer crime, and aggravated failure to appear.

White offenders represented 77.0% of all nondrug probation sentences and 83.7% of all drug offenders on probation in FY 2021. Black offenders on probation had a higher conviction rate for nondrug offenses than drug crimes (21.0% versus 14.3%). The average age at the time of committing an offense was 32.9 years old for nondrug offenders and 35.2 years old for drug offenders, which are very close to those observed in FY 2020 (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 (1,304 sentences or 36.5%). The majority of probation drug sentences were identified at drug grid severity level 5 (2,293 sentences or 81.0%). This distribution reflects the impact of the new drug sentencing grid as previously discussed.

Figure 32: FY 2021 Top Ten Offenses for Probation Nondrug Sentences



Based on 3,577 probation nondrug sentences

The analysis of the drug probation sentences shows that the felony crimes of drug possession accounted for 78.4% of the total probation drug sentences imposed in FY 2021, decrease of 1.4% compared with that of FY 2020 (79.8%). These crimes included the offenses of possession of opiates or narcotics and possession of depressants, stimulants, hallucinogens, etc. for the second and subsequent offenses.

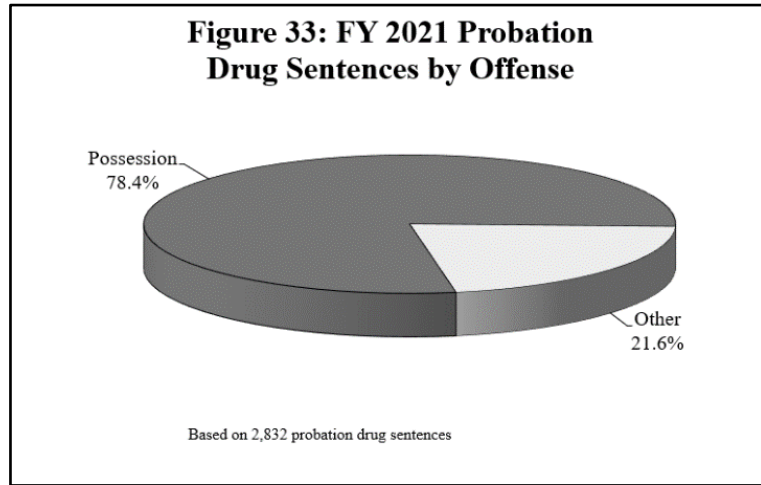


Table 11: Characteristics of FY 2021 Probation Nondrug Offenders by Type of Offense – 1

Offense Type	N	%	Gender (%)		Race (%)			Offense Age
			Male	Female	White	Black	Other	Mean
Abuse of Child	12	0.3	83.3	16.7	83.3	16.7	0.0	31.2
Agg Arson	8	0.2	87.5	12.5	100.0	0.0	0.0	31.0
Agg Assault	198	5.5	85.9	14.1	71.2	25.8	3.0	33.0
Agg Assault on LEO	18	0.5	72.2	27.8	83.3	11.1	5.6	31.7
Agg Battery	299	8.4	86.0	14.0	72.9	23.8	3.3	33.1
Agg Endangering a Child	41	1.1	61.0	39.0	85.4	12.2	2.4	34.2
Agg Escape from Custody	35	1.0	68.6	31.4	62.9	37.1	0.0	28.3
Agg Failure to Appear	17	0.5	47.1	52.9	76.4	11.8	11.8	37.2
Agg Ind Lib with a Child	7	0.2	85.7	14.3	85.7	14.3	0.0	31.3
Agg Ind Solicit with a Child	7	0.2	100.0	0.0	100.0	0.0	0.0	51.2
Agg Intimidation of a Victim	7	0.2	85.7	14.3	57.1	42.9	0.0	31.4
Agg Robbery	21	0.6	95.2	4.8	66.7	33.3	0.0	27.4
Agg Sex Battery with Child	13	0.4	100.0	0.0	84.6	7.7	7.7	31.5
Agg. Weapons Violation	4	0.1	75.0	25.0	50.0	0.0	50.0	39.8
Animal Cruelty	6	0.2	83.3	16.7	83.3	0.0	16.7	36.5
Arrange Sale/Purchase Drug	8	0.2	62.5	37.5	75.0	12.5	12.5	22.0
Arson	19	0.5	89.5	10.5	89.5	10.5	0.0	33.3
Battery on LEO	33	0.9	57.6	42.4	72.7	27.3	0.0	29.5

Table 11: Characteristics of FY 2021 Probation Nondrug Offenders by Type of Offense – 2

Offense Type	N	%	Gender (%)		Race (%)			Offense Age
			Male	Female	White	Black	Other	Mean
Breach of Privacy	11	0.3	100.0	0.0	72.7	27.3	0.0	35.6
Burglary	429	12.0	83.7	16.3	82.5	15.6	1.9	31.1
Computer Crime	15	0.4	53.3	46.7	86.6	6.7	6.7	41.2
Contribute Child Misconduct	12	0.3	50.0	50.0	100.0	0.0	0.0	26.5
Criminal Damage of Property	69	1.9	89.9	10.1	84.1	13.0	2.9	34.5
Criminal Discharge of Firearm	8	0.2	87.5	12.5	37.5	62.5	0.0	25.6
Criminal Threat	224	6.3	87.5	12.5	75.0	21.0	4.0	34.9
Criminal Use of Financial Card	12	0.3	41.7	58.3	91.7	8.3	0.0	32.4
Domestic Battery	200	5.6	97.0	3.0	71.0	27.0	2.0	32.4
Drug without Tax Stamps	10	0.3	90.0	10.0	60.0	40.0	0.0	27.8
Failure to Register	187	5.2	79.7	20.3	78.6	18.7	2.7	36.3
False Writing	43	1.2	46.5	53.5	74.4	23.3	2.3	36.0
Fleeing/Eluding LEO	199	5.6	89.4	10.6	78.9	21.1	0.0	30.2
Forgery	155	4.3	52.9	47.1	85.2	12.2	2.6	33.2
Electronic Solicitation of a Child	8	0.2	75.0	25.0	87.5	12.5	0.0	34.3
Giving Worthless Check	15	0.4	66.7	33.3	93.3	6.7	0.0	36.7
Identity Theft	125	3.5	50.4	49.6	73.6	24.8	1.6	34.3
Ind. Liberties with a Child	6	0.2	83.3	16.7	66.6	16.7	16.7	21.3
Kidnapping	5	0.1	80.0	20.0	80.0	20.0	0.0	31.5
Mistreatment of Dependent Adult	13	0.4	38.5	61.5	84.6	15.4	0.0	42.9
Obstruct Legal Process	149	4.2	75.8	24.2	77.2	22.1	0.7	32.0
Possession of Weapons	157	4.4	93.0	7.0	65.0	34.4	0.6	30.9
Robbery	58	1.6	63.8	36.2	48.3	50.0	1.7	28.1
Sex Exploitation of a Child	33	0.9	97.0	3.0	97.0	3.0	0.0	29.9
Stalking	22	0.6	90.9	9.1	77.3	22.7	0.0	35.5
Tamper w/Electronic Monitor Equipment	29	0.8	72.4	27.6	75.9	24.1	0.0	30.6
Theft	495	13.8	67.5	32.5	81.0	18.2	0.8	34.2
Trafficking Contraband	35	1.0	62.9	37.1	82.9	11.4	5.7	36.9
Unlawful Voluntary Sex Relation	9	0.3	88.9	11.1	100.0	0.0	0.0	18.4
Weapons Violations	14	0.4	100.0	0.0	57.2	35.7	7.1	29.8
Other	77	2.2	67.5	32.5	75.3	24.7	0.0	35.6
TOTAL	3,578	100	78.1	21.9	77.0	21.0	2.0	32.9

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

Table 12: Characteristics of FY 2021 Probation Drug Offenders by Type of Offense

Offense Type	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	
Drugs; Possession	2,218	78.4	66.9	33.1	85.3	12.9	1.8	35.8
Drugs; Distribution/Sale	534	18.9	77.9	22.1	77.0	20.4	2.6	33.0
Possession of Paraphernalia	69	2.4	76.8	23.2	82.6	14.5	2.9	33.4
Distribution of Paraphernalia	4	0.1	100.0	0.0	50.0	25.0	25.0	28.3
Receiving Drug Proceeds	3	0.1	100.0	0.0	66.7	0.0	33.3	36.6
Unlawful Manufacture Controlled Substance	1	0.0	0.0	100.0	100.0	0.0	0.0	39.4
Other	2	0.1	50.0	50.0	100.0	0.0	0.0	48.0
TOTAL	2,831	100	69.2	30.8	83.7	14.3	2.0	35.2

Table 13: Characteristics of FY 2021 Probation Nondrug Offenders by Severity Level

Severity Level	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	
N1	2	0.1	100.0	0.0	100.0	0.0	0.0	21.3
N2	0	0.0	0.0	0.0	0.0	0.0	0.0	N/A
N3	36	1.0	86.1	13.9	61.1	38.9	0.0	31.1
N4	43	1.2	97.7	2.3	79.1	20.9	0.0	32.0
N5	214	6.0	78.0	22.0	77.1	21.0	1.9	32.0
N6	236	6.6	77.1	22.9	81.8	16.1	2.1	35.3
N7	935	26.1	85.9	14.1	75.2	22.5	2.4	32.5
N8	663	18.5	67.0	33.0	73.5	24.3	2.3	32.9
N9	1,304	36.4	77.8	22.2	79.4	18.9	1.6	32.9
N10	106	3.0	68.9	31.1	82.1	14.2	3.8	33.1
Nongrid	36	1.0	88.9	11.1	66.7	30.6	2.8	35.1
Offgrid	2	0.1	100.0	0.0	50.0	50.0	0.0	32.0
TOTAL	3,578	100	78.1	21.9	77.0	21.0	2.0	32.9

Table 14: Characteristics of FY 2021 Probation Drug Offenders by Severity Level

Severity Level	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	
D1	16	0.6	81.2	18.8	93.7	6.3	0.0	37.6
D2	98	3.5	70.4	29.6	85.7	8.2	6.1	34.9
D3	178	6.3	79.1	20.9	74.0	23.7	2.3	33.2
D4	246	8.7	79.7	20.3	74.8	23.2	2.0	31.7
D5	2,293	80.9	67.2	32.8	85.3	12.9	1.8	35.7
TOTAL	2,831	100.0	69.2	30.8	83.7	14.3	2.0	35.2

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 2021, Kansas courts ordered offenders in 1,058 sentences to SB 123 drug abuse treatment programs, representing 37.4% of the total drug probation sentences (2,832), a decrease of 0.8% compared with that of FY 2020 (38.2%). 95.3% (1,008 cases) were for drug possession under K.S.A. 21-5706 (formerly 21-36a06 or 65-4160 or 65-4162) and 4.7% (50 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 74.9% of offenders were in the criminal history categories E through I, a decrease of 2.6% when compared with that of FY 2020 (77.5%). This data implies that the policy of SB 123 was implemented very consistently during FY 2021.

A summary of the offenders sentenced to SB 123 treatment programs in FY 2021 is provided in Figure 34. The offenders convicted of the crime of drug possession at

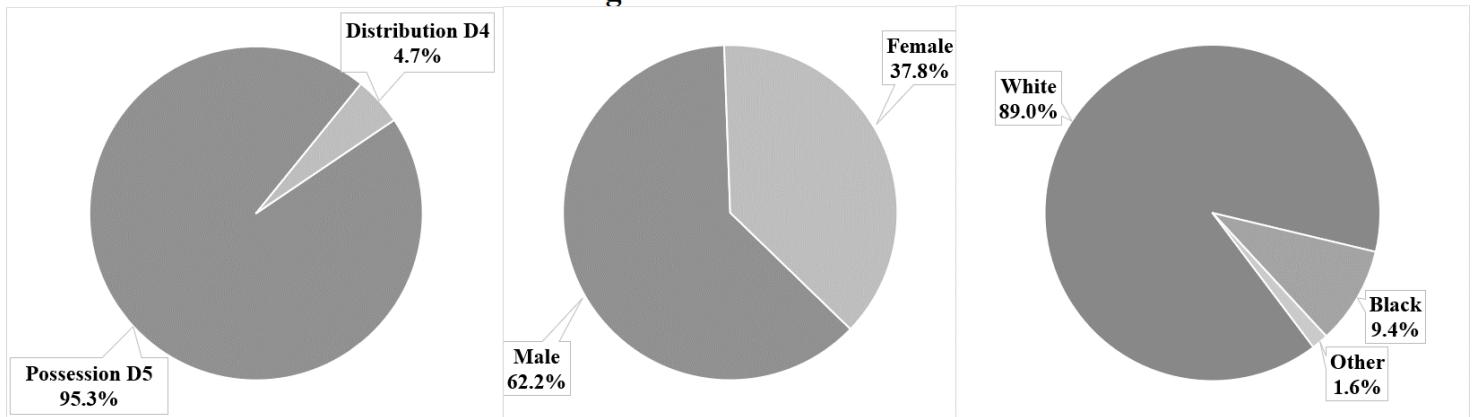
drug severity level 5 represented all of this population, which reflects the implementation of the five-level drug sentencing grid effective July 1, 2012. White defendants are still the majority of the treatment offenders (89.0%). The average age of the drug treatment offenders was 35.2 years old at sentencing, less than a year older than that of FY 2020 (34.4). Figure 35 demonstrates the distribution of SB 123 drug treatment sentences imposed in FY 2021 by county. Sedgwick County imposed the most SB 123 sentences (113), Johnson (85), Shawnee (77), Reno (73) and Saline (55) counties. No SB 123 sentences were reported from 24 counties. The average number of SB 123 sentences imposed by the 81 counties is 13, a decrease of one sentence compared with that of FY 2020 (14 sentences).

In addition, 1,127 SB 123 drug treatment sentences were violated as probation condition violators in FY 2021. Of this number, 251 sentences were revoked to prison, representing 22.3% of SB 123 sentences imposed (1,127 sentences) in FY 2021, a decrease of 5.2% from that of FY 2020 (27.5%). The average period between original sentence and revocation hearing was 17.8 months, 88 days more than that of FY 2020 (14.9 months).

Beginning on July 1, 2021, the Level of Service – Revised (LSI-R) risk/needs assessment tool that has been used in the Kansas Corrections system to evaluate drug offenders at sentencing to determine the level of supervision and treatment decisions, was replaced by more gender responsive assessment tools. The level of Service/Case Management Inventory (LS/CMI) tool is now used for the male offender population, and the new Women’s Risk Needs

Assessment (WRNA) tool is used to assess the needs of the female offender population. No data is available for analysis to include in the FY 2021 Annual Report, but readers can expect future studies on how the change in assessment tools has affected how offenders are being placed under supervision (court services/community corrections), both on the male and the female populations.

Figure 34: Distribution of FY 2021 Senate Bill 123 Drug Treatment Sentences



Based on 1,058 SB 123 sentences.

Figure 35: Distribution of Senate Bill 123 Drug Treatment Sentences Imposed by County FY 2021

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

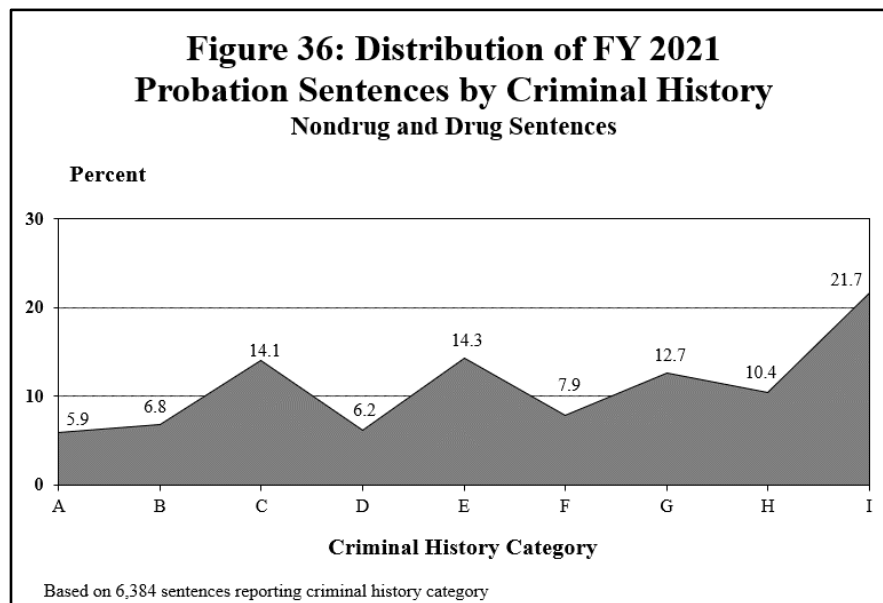
When examining offenders’ criminal history, the Commission noticed that offenders sentenced to probation with assigned criminal history categories accounted for 99.6% (6,384) of all the probation sentences reported to the Commission in FY 2021, which is 0.3% lower than the rate of FY 2020 (99.9%). The largest number of this group fell within criminal history category I (21.7% or 1,388 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 21.6% of offenders on the nondrug grid and 22.0% of offenders on the drug grid.

The review of the presumptive probation boxes discloses that nondrug offenders within the presumptive probation boxes made up 75.1% (Table 15), down 3.3% from that of FY 2020 (78.4%). The analysis of the border box sentences reveals that

4.2% 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 2021 increased by 0.4% when compared with that of FY 2020 (3.8%).

The drug offenders within presumptive probation sentences accounted for 57.0% and the drug offenders within the border box represented 21.3% of the probationers sentenced during FY 2021.

Tables 15 and 16 present the probation terms of probation sentences by severity level. The average length of probation for nondrug offenders was 19.0 months, which is 21 days longer than that of FY 2020 (18.3 months). The average length of probation for drug offenders was 17.5 months, which is 6 days longer than that of FY 2020 (17.3 months).



**Table 15: Criminal History and Probation Length by Severity Level
FY 2021 Nondrug Offenders**

Severity Level	N	Criminal History Class									Average Probation Length in Months
		A	B	C	D	E	F	G	H	I	
N1	2	0	0	0	0	1	0	0	0	1	48.0
N2	-	0	0	0	0	0	0	0	0	0	N/A
N3	36	2	1	4	4	2	1	4	2	16	35.6
N4	43	3	5	3	5	3	3	6	3	12	36.0
N5	214	12	10	17	18	12	5	17	34	89	35.1
N6	236	22	34	26	23	27	12	27	27	38	23.8
N7	935	54	67	127	96	87	61	93	102	248	23.8
N8	663	37	39	103	43	125	55	88	69	103	17.7
N9	1,304	94	103	240	93	200	84	140	124	226	12.4
N10	106	5	6	15	7	18	8	8	11	28	12.2
Nongrid	13	3	2	2	1	0	0	0	1	4	12.2
TOTAL	3,551	232	267	537	290	475	229	383	373	765	19.0

Note: Criminal history classes are based on 3,552 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
FY 2021 Drug Offenders**

Severity Level	N	Criminal History Class									Average Probation Length in Months
		A	B	C	D	E	F	G	H	I	
D1	16	1	2	0	0	4	1	2	2	4	36.0
D2	98	9	3	11	1	19	7	10	9	29	35.9
D3	178	6	4	14	7	25	16	21	15	70	35.6
D4	246	4	9	23	9	26	17	33	22	103	18.2
D5	2,293	128	149	314	88	361	233	359	243	418	14.8
TOTAL	2,831	148	167	362	105	435	274	425	291	624	17.5

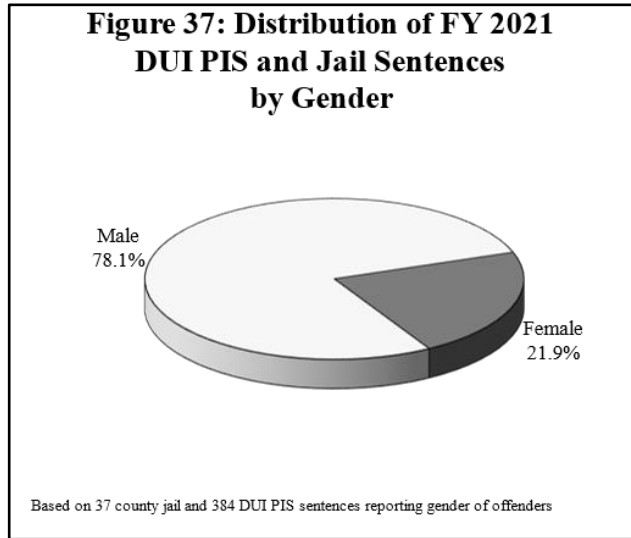
Note: Criminal history classes are based on 2,831 cases reporting criminal history category.

Legend:

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

In FY 2021, a total number of 421 DUI PIS and county jail sentences were reported to the Commission. Of this number, DUI PIS accounted for 91.2% (384 sentences) and county jail accounted for 8.8% (37 sentences). Female offenders made up 21.9% and male offenders accounted for 78.1%. The gender distribution shifted toward the females by 4.4% when compared with FY 2020 (Figure 37).



White offenders accounted for 83.1%, black offenders represented 14.5% and other races represented 2.4% of the total DUI PIS and county jail sentences imposed in FY 2021 (Figure 38).

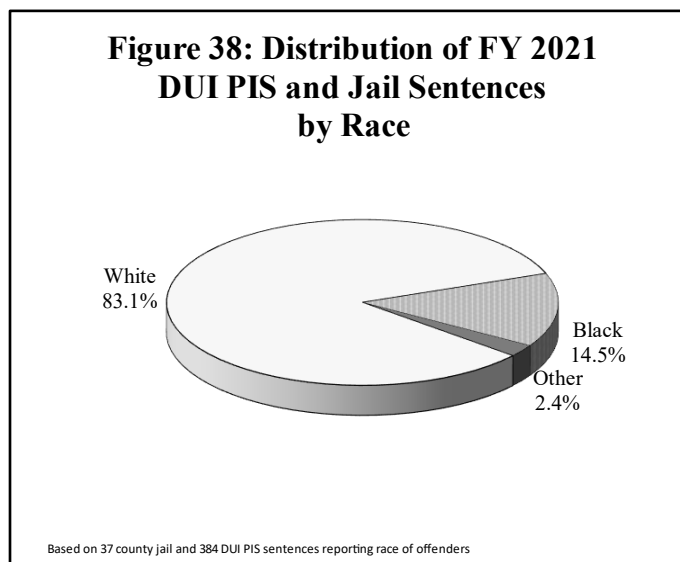


Figure 39 discloses that most offenders were in the age group ranging from 31 to 40 years old (38.4%), an increase of 2.9% from the data observed in FY 2020 (35.5%). Their average age at sentencing is 42.4 years old, up slightly from FY 2020 (42).

Figure 40 presents the crimes committed by the offenders sentenced to DUI PIS and county jails. In FY 2021, 97.9% (412 sentences) of the sentences were convicted of the crime of felony DUI, and 2.1% (9 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 2021 DUI PIS and county jail sentences by county. Johnson County imposed the most sentences of this group (128) representing 30.3%, followed by Shawnee (37) and Sedgwick Counties (35) representing, respectively, 8.8% and 8.3% of the total DUI PIS and county jail sentences imposed during FY 2021.

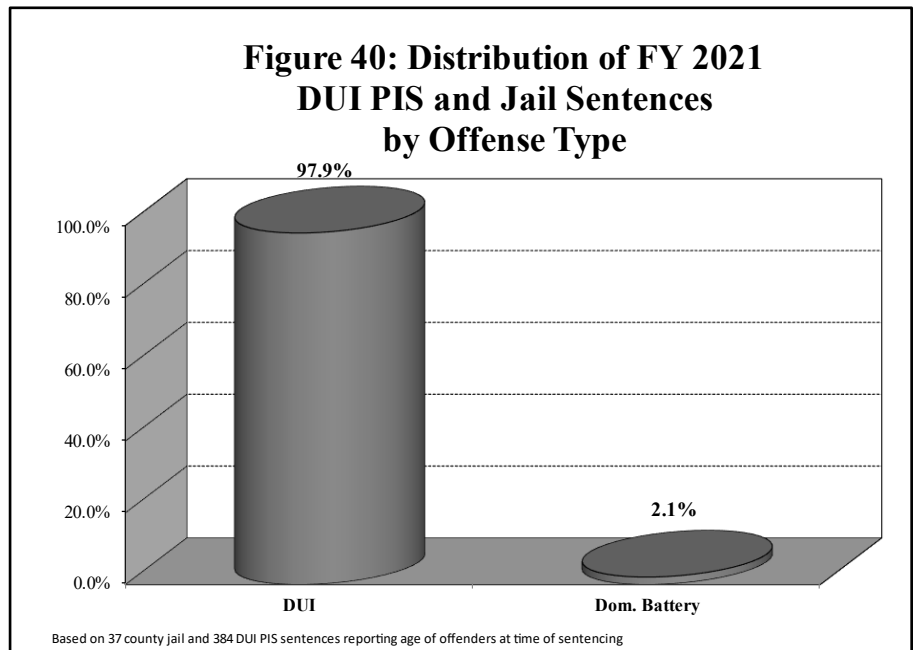
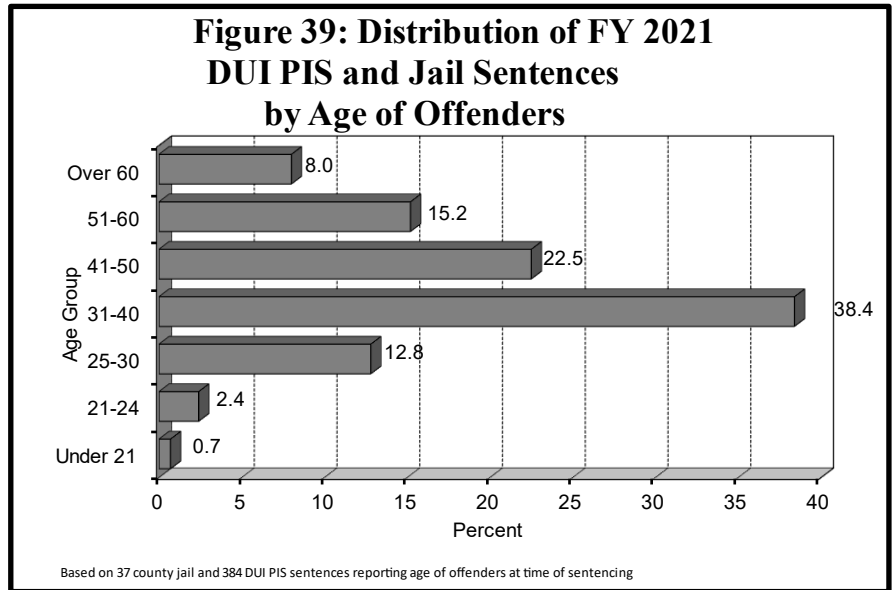


Figure 41: County Jail Sentences by County FY 2021

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

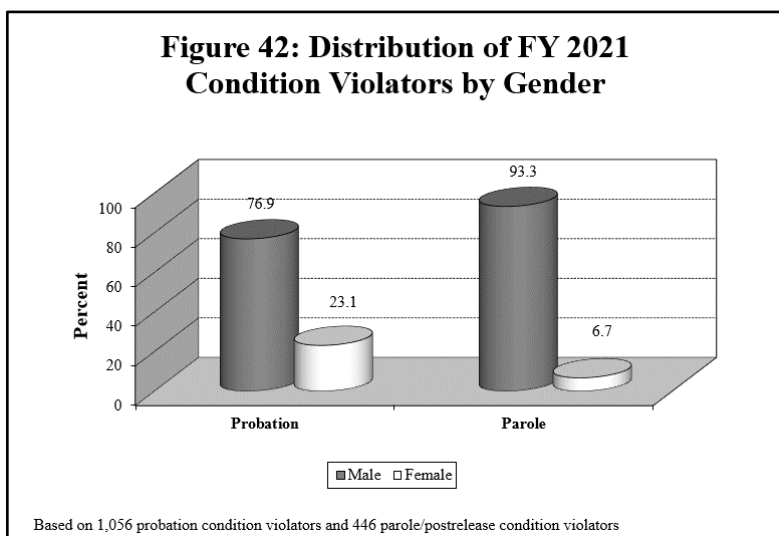
Violators are classified into two groups. Offenders who are placed on probation, parole/postrelease supervision and violate the conditions of their supervision but do not receive a new sentence are defined as "condition violators". Offenders on some form of supervision who commit an offense for which 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

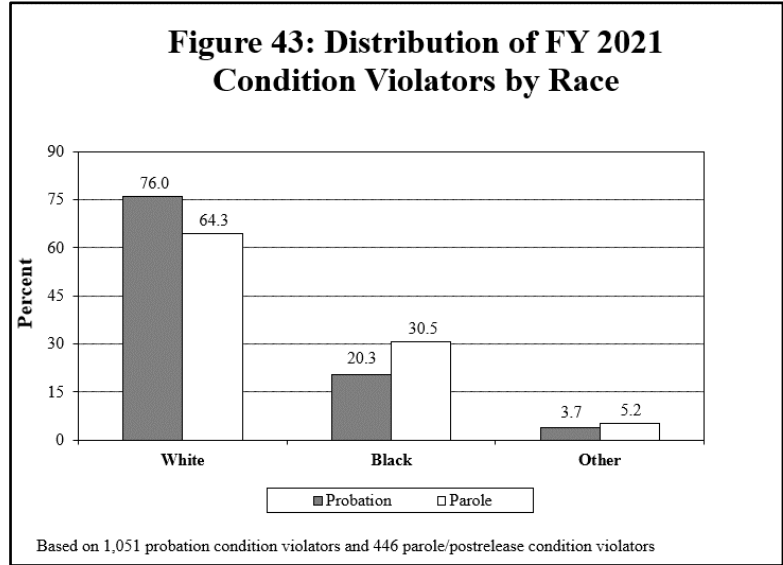
"Condition violator" is defined as an offender who violates the conditions of probation, parole, postrelease or conditional release that does not result in a conviction for a new criminal offense but results in a revocation and subsequent placement of the offender in a state correctional facility. In 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 30 & 31).

A total number of 1,502 condition violators were admitted to prison for their violation of conditions in FY 2021, representing 1,056 probation violators and 438 parole/postrelease supervision violators. In the following analysis, conditional release violators are merged with the group of parole/postrelease condition violators.

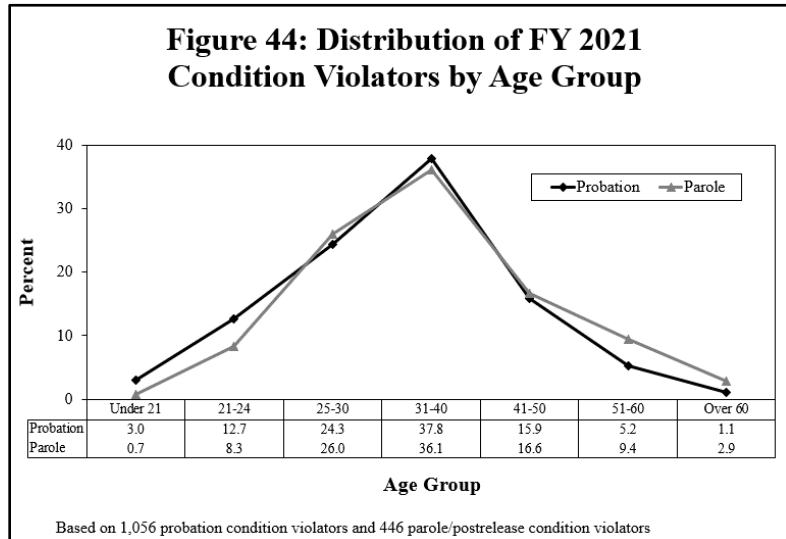
In FY 2021, condition violators accounted for 43.0% of all admissions to prison, a decrease of 10.9% from FY 2020 (53.9%). The majority of condition violators were male offenders, accounting for 76.9% of probation violators and 93.3% of parole/postrelease condition violators admitted to prison in FY 2021 (Figure 42).



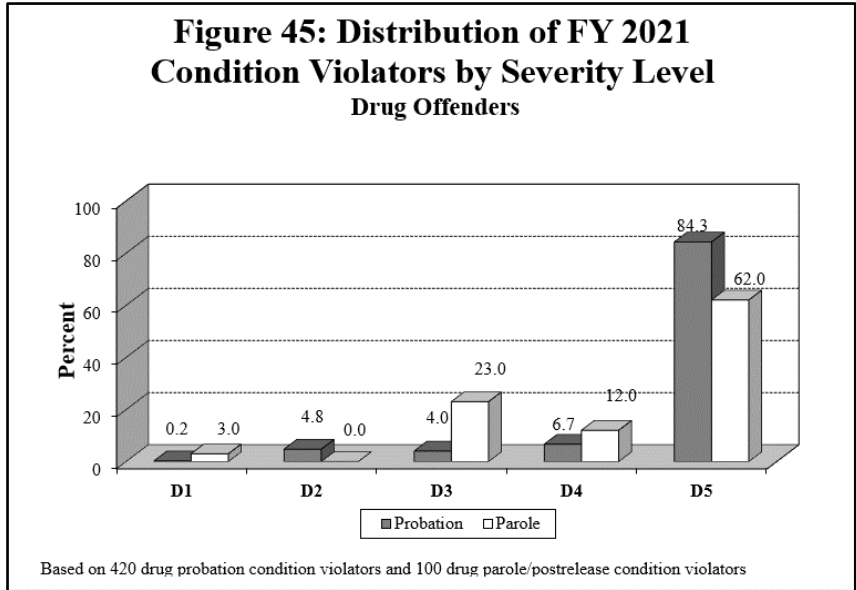
White offenders represented the highest rate (76.0%) in the group of probation violators, while the highest percentage of black offenders (30.5%) was identified in the group of parole/postrelease condition violators (Figure 43).



Most probation violators were in the age group ranging from 31 to 40 (37.8%). The largest number of parole/postrelease condition violators was also found in the age group ranging from 31 to 40 (36.1%) at the time of admission to prison. The age patterns of FY 2021 shifted to the older groups compared to those of FY 2020 (Figure 44).



The largest number of drug probation violators was identified at drug severity level 5, representing 84.3% or 354 offenders. The highest percentage of drug parole/postrelease condition violators was found at drug severity level 5, as well, accounting for 62.0% or 62 offenders. The severity level distributions of drug condition violators stayed fairly consistent with the data observed in FY 2020 (Figure 45).



The highest percentage of nondrug probation condition violators was identified at nondrug severity level 7, which represents 33.3% or 212 offenders of nondrug probation condition violators. The highest rate of parole/postrelease condition violators was found at nondrug severity level 5, representing 20.5% or 71 of this group of violators. This distribution of severity levels had slight shifts from N9 to N7 in probation violators and from N6 to N7 in parole/post release violators compared to that of FY 2020 (Figure 46).

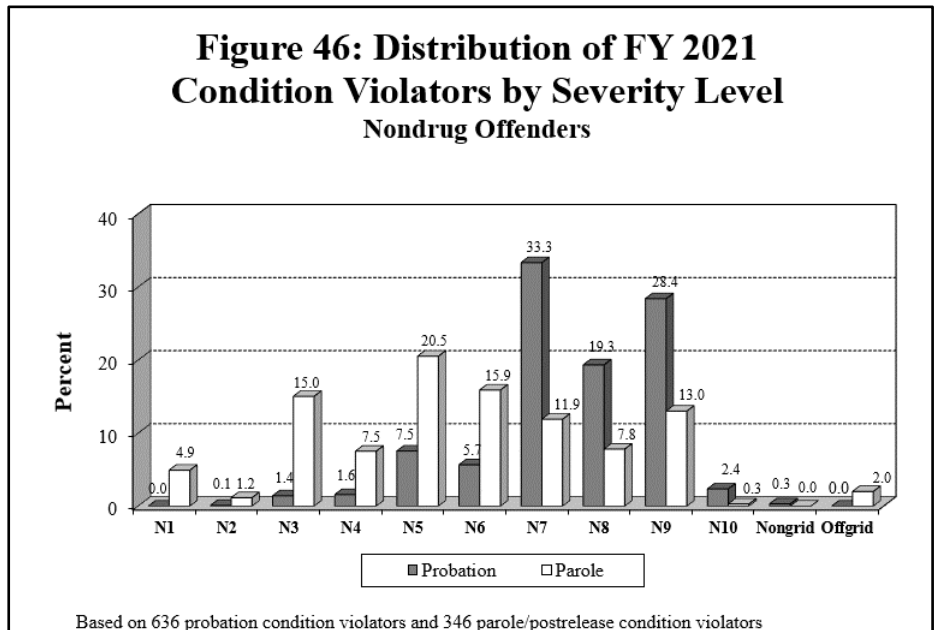


Table 17 presents the characteristics of all types of condition violators. The largest numbers of males were found at nondrug severity level 7 (223 sentences) and drug severity level 5 (290 sentences). The highest frequencies of females were at nondrug severity level 9 (36 sentences) and drug severity level 5 (126 sentences). Racial analysis of the condition violators demonstrates that drug severity level 5 represented the largest number of white

violators (335) and black violators (58). As for nondrug sentences, most violators were found at nondrug severity level 7, at which white offenders accounted for 165 sentences and black offenders accounted for 76 sentences. The average age of the violators was 35.5 years old at the time of admission, equal to the average age of FY 2020 violators.

Table 17: Characteristics of FY 2021 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	4	4	0	4	0	0	41.3
D2	20	14	6	18	2	0	32.1
D3	40	34	6	33	6	1	36.9
D4	40	34	6	35	4	1	34.8
D5	416	290	126	335	58	21	36.5
N1	17	17	0	9	7	1	52.2
N2	4	4	0	3	1	0	59.4
N3	61	58	3	35	25	1	37.8
N4	36	30	6	26	8	2	35.5
N5	119	106	13	79	36	4	34.3
N6	91	84	7	59	26	6	36.6
N7	253	223	30	165	76	10	33.2
N8	150	118	32	103	38	9	34.4
N9	226	190	36	163	56	6	34.7
N10	16	13	3	13	3	0	34.8
Off-grid	7	7	0	4	3	0	38.4
Nongrid	2	2	0	2	0	0	27.8
TOTAL	1,502	1,228	274	1,086	349	62	35.5

Note: the distribution of race is based on 1,497 sentences reporting race information

Probation Condition Violators

A total number of 1,056 probation condition violators were admitted to prison during FY 2021. Of this number, 60.2% (636) were nondrug offenders and 39.8% (420) were drug offenders. Compared with FY 2020, the admissions of probation condition violators demonstrated a decrease of 13.9% or 170 violators. Tables 18 and 19 present the characteristics of probation condition violators.

In FY 2021, the top ten offenses committed by nondrug probation condition violators were aggravated assault, aggravated battery, burglary, criminal threat, domestic battery, failure to register, forgery, possession of a firearm, robbery, and theft. These ten offenses represent 77.5% of all nondrug convictions by probation violators. Burglary and aggravated battery were the top two

offense 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 83.3% of all drug offenses committed by the probation condition violators admitted to prison in FY 2021. The crime of drug distribution or possession with intent to distribute represents 14.5% of this group of violators admitted to prison in FY 2021 (Table 19).

The average length of time from the age of offense to the age of admission to prison was 2.7 years for nondrug probation condition violators and 3.0 years for drug probation condition violators. This remains consistent with those of FY 2020 through FY 2018. The distribution of probation violators by severity level and criminal history is presented in Table 20.

Table 18: FY 2021 Top 10 Offenses Committed by Nondrug Probation Condition Violators

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean 1/	Admit Age Mean 2/
		Male	Female	White	Black	Other		
Aggravated Assault	40	87.5	12.5	65.0	32.5	2.5	29.2	31.9
Aggravated Battery	77	81.8	18.2	65.8	30.3	3.9	30.0	32.8
Burglary	99	84.8	15.2	83.7	11.2	5.1	29.5	32.3
Criminal Threat	41	92.7	7.3	62.5	32.5	5.0	32.4	34.3
Domestic Battery	31	90.3	9.7	71.0	22.6	6.4	31.5	33.4
Failure to Register	33	87.9	12.1	66.7	33.3	0.0	36.3	38.8
Forgery	26	50.0	50.0	76.9	19.2	3.9	34.6	38.0
Possession of Weapons	49	91.8	8.2	61.2	32.7	6.1	29.9	32.3
Robbery	23	95.7	4.3	30.4	69.6	0.0	26.3	29.4
Theft	75	74.7	25.3	72.0	25.3	2.7	33.7	36.5
Subtotal	494	83.6	16.4	68.8	27.3	3.9	31.2	33.8
Other	142	77.5	22.5	76.8	20.4	2.8	31.1	33.9
TOTAL	636	82.2	17.8	70.6	25.8	3.6	31.2	33.8

1/ Average age at time of offense.

2/ Average age at time admitted to prison.

**Table 19: Characteristics of FY 2021 Drug Probation Condition Violators
by Type of Offense**

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean 1/	Admit Age Mean 2/
		Male	Female	White	Black	Other		
Drugs; Possession	350	68.0	32.0	83.6	11.8	4.6	33.5	36.3
Drugs; Distribution/Sale	61	72.1	27.9	86.9	13.1	0.0	31.5	35.1
Possession of Paraphernalia	8	75.0	25.0	87.5	12.5	0.0	32.9	35.6
Unlawful or attempt to manufacture controlled substance	1	100.0	0.0	100.0	0.0	0.0	26.3	36.0
TOTAL	420	68.8	31.2	84.2	12.0	3.8	33.1	36.1

1/ Average age at time of offense.

2/ Average age at time admitted to prison.

**Table 20: Distribution of FY 2021 Probation Condition Violators
by Severity Level and Criminal History**

Severity Level	Criminal History Class									Number of Cases
	A	B	C	D	E	F	G	H	I	
D1	0	0	0	0	0	1	0	0	0	1
D2	3	0	2	1	2	0	3	4	5	20
D3	1	0	4	0	0	4	3	4	1	17
D4	1	1	1	2	6	3	4	4	6	28
D5	25	27	56	16	52	28	60	43	47	354
N1	0	0	0	0	0	0	0	0	0	0
N2	0	0	0	0	0	0	0	0	0	0
N3	0	1	2	1	0	1	0	2	2	9
N4	0	1	0	3	1	1	1	1	2	10
N5	5	5	2	7	3	3	8	6	9	48
N6	4	5	5	0	5	2	6	2	7	36
N7	11	14	31	22	23	17	29	27	38	212
N8	9	9	24	15	20	3	11	17	15	123
N9	10	16	38	10	21	16	26	24	20	181
N10	1	0	3	1	0	2	2	4	2	15
Nongrid	0	1	0	1	0	0	0	0	0	2
Off-grid	0	0	0	0	0	0	0	0	0	0
TOTAL	70	80	168	79	133	81	153	138	154	1,056

Legend:

Presumptive Prison	Border Box	Presumptive Probation
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Parole/Postrelease Condition Violators

In FY 2021, 446 parole/postrelease condition violators were admitted to prison, indicating a decrease of 340 violators or 43.3% when compared with the data observed in FY 2020. Tables 21 and 22 present the characteristics of this offender group.

The top eleven nondrug offenses most frequently committed by parole/postrelease condition violators were aggravated assault/ aggravated assault of LEO, aggravated battery, aggravated robbery, aggravated indecent liberties with a child, burglary, criminal threat, failure to register, indecent liberties with a child, possession of weapons, rape and theft, accounting for 61.3% of the total nondrug offenses in FY 2021. Male offenders represented 95.8% of this group. White offenders committed 90% or more of aggravated indecent liberties with a child and indecent liberties with a child. Black offenders

indicated the highest representation in aggravated robbery (Table 21). Table 22 demonstrates that drug offenders of this group of violators were convicted primarily of the crimes of possession of drugs (62.0%), a decrease of 10.1% from FY 2020 (72.1%); and drug distribution or sale (34.0%), an increase of 12.6% over that of FY 2020 (21.4%).

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 2020, in FY 2021, 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 (62 offenders) and severity level 5 of the nondrug grid (70 offenders).

Table 21: FY 2021 Top 10 Offenses Committed 1/ by Parole/Postrelease Condition Nondrug Violators

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean ^{2/}	Admit Age Mean ^{3/}
		Male	Female	White	Black	Other		
Agg Assault/Agg Assault on LEO	13	84.6	15.4	53.8	38.5	7.7	28.8	31.9
Aggravated Battery	43	90.7	9.3	60.5	34.9	4.6	30.4	36.6
Aggravated Robbery	26	96.2	3.8	34.6	65.4	0.0	24.2	38.8
Agg Indecent Liberties w/Child	24	100.0	0.0	91.6	4.2	4.2	26.9	36.9
Burglary	23	95.7	4.3	60.9	39.1	0.0	31.0	34.4
Criminal Threat	12	100.0	0.0	66.7	33.3	0.0	31.2	33.7
Failure to Register	26	100.0	0.0	65.4	19.2	15.4	33.3	37.9
Indecent Liberties w/Child 1/	10	100.0	0.0	90.0	10.0	0.0	23.7	35.6
Possession of Weapons	14	100.0	0.0	57.1	28.6	14.3	31.7	34.8
Rape 1/	10	100.0	0.0	50.0	50.0	0.0	31.2	54.5
Theft	11	90.9	9.1	72.7	18.2	9.1	31.8	34.4
Other	134	94.0	6.0	60.4	35.8	3.7	28.8	37.7
TOTAL	346	95.1	4.9	61.8	33.5	4.6	29.2	37.2

1/ Top 11 since the Number of Cases are equal for multiple crimes ranked 10th.

2/ Average age at time of offense.

3/ Average age at time admitted to prison.

Table 22: Characteristics of FY 2021 Parole/Postrelease Condition Drug Violators by Type of Offense

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean 1/	Admit Age Mean 2/
		Male	Female	White	Black	Other		
Drugs; Possession	62	80.6	19.4	64.5	25.8	9.7	34.1	37.6
Drugs; Distribution/Sale	34	97.1	2.9	85.3	11.8	2.9	28.6	34.3
Possession of Paraphernalia	1	100.0	0.0	100.0	0.0	0.0	50.8	54.6
Unlawful Manufacture Controlled Substance	3	100.0	0.0	100.0	0.0	0.0	34.9	43.0
TOTAL	100	87.0	13.0	73.0	20.0	7.0	32.4	36.8

1/ Average age at time of offense.

2/ Average age at time admitted to prison.

Table 23: Distribution of FY 2021 Parole/Postrelease Condition Violators by Severity Level and Criminal History

Severity Level	Criminal History Class									Number of Cases
	A	B	C	D	E	F	G	H	I	
D1	0	0	1	0	1	1	0	0	0	3
D2	0	0	0	0	0	0	0	0	0	0
D3	2	3	5	0	7	1	1	3	1	23
D4	1	4	4	1	0	1	1	0	0	12
D5	17	6	11	4	2	4	6	9	3	62
N1	0	0	1	0	2	1	2	2	0	8
N2	0	0	1	0	0	0	0	0	1	2
N3	2	3	8	4	1	4	3	11	11	47
N4	3	5	1	1	0	3	4	6	3	26
N5	14	7	9	5	2	3	5	7	18	70
N6	18	9	7	5	3	2	6	1	4	55
N7	15	5	2	4	3	4	3	3	2	41
N8	5	5	4	0	3	1	2	5	2	27
N9	11	10	6	3	4	2	2	2	5	45
N10	0	0	0	0	0	0	1	0	0	1
Off-grid	0	1	0	0	0	0	1	1	3	6
Nongrid	0	0	0	0	0	0	0	0	0	0
TOTAL	88	58	60	27	28	27	37	50	53	428

Note: Criminal history classes are based on 428 cases reporting criminal history category. Legend:

Presumptive Prison	Border Box	Presumptive Probation
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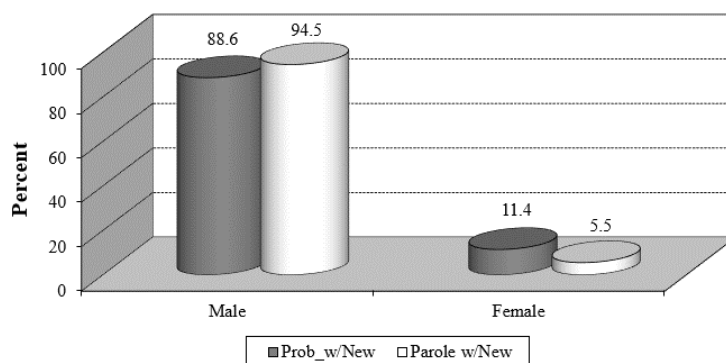
Violators with New Sentences

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 9.9% (347 violators) of the total prison admissions in FY 2021, indicating an increase of 0.6% when compared with the percentage of the same group in FY 2020 (9.3%). Characteristics of this group are illustrated in Figures 47 - 49. Drugs (31.6%), failure to register (11.8%), burglary/aggravated burglary (10.9%), aggravated battery/battery of LEO (7.6%), and aggravated assault/aggravated assault of LEO (7.2%) were the major offense categories committed by probation violators with new sentences. Drugs (17.3%), burglary/aggravated burglary (12.7%),

aggravated battery/battery of LEO (9.1%), robbery/aggravated robbery (10.9%), and failure to register (7.3%) 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 and 7 (33 and 53 violators) and drug severity level 5 (57 violators). The highest percentages of parole/postrelease violators with new sentences were found at nondrug severity levels 3, 5 and 7 (12.7%, 18.2% and 13.6%) and drug severity level 5 (10.9%). The distributions of severity levels of drug crimes is very similar to those that of FY 2020, while the data for nondrug crimes shows a shift to higher severity, from N6 to the N3 level.

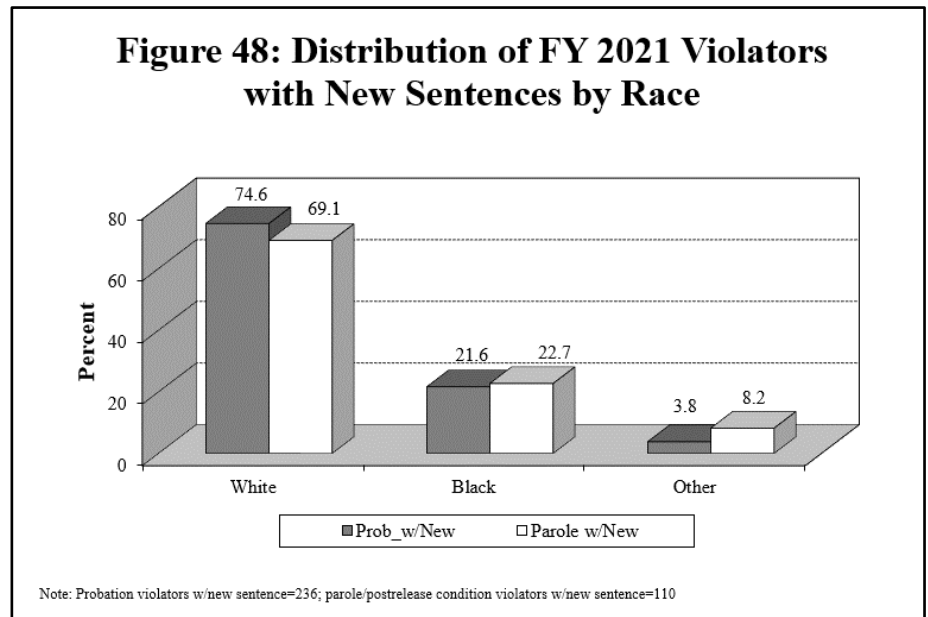
Male offenders made up 94.5% of the parole/postrelease and conditional release violators with new sentences admitted to prison in FY 2021, while female offenders accounted for 11.4% of probation violators with new sentences admitted to prison. This gender distribution is about a 4 to 5% shift from the female violators to the male compared to the last several fiscal years (Figure 47).

Figure 47: Distribution of FY 2021 Violators with New Sentences by Gender

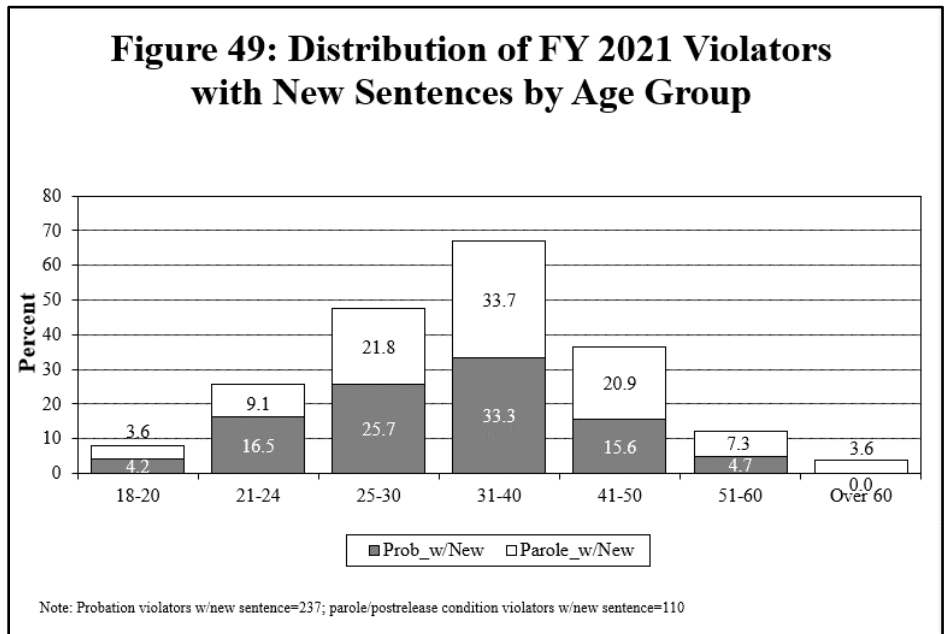


Note: Probation violators w/new sentence=237; parole/postrelease condition violators w/new sentence=110

White offenders were identified as the largest group of violators with new sentences, representing 74.6% of probation violators with new sentences and 69.1% of parole/postrelease violators with new sentences. The black violators with new sentences accounted for 21.6% of probation violators and 22.7% 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 (33.3%), indicating a decrease of 5.5% compared with that of FY 2020 (38.8%). The largest proportion of parole/postrelease violators with new sentences were identified in the age groups of 31 to 40, as well, accounting for 33.7%, indicating a decrease of 2.2% compared with that of FY 2020 (35.9%) (Figure 49).



**Table 24: Distribution of FY 2021 Violators with New Sentences
by Severity Level**

Severity Level	Probation		Parole/Postrelease/Conditional Release	
	Number	Percent	Number	Percent
D1	0	0.0	0	0.0
D2	4	1.7	1	0.9
D3	9	3.8	3	2.7
D4	5	2.1	3	2.7
D5	57	24.1	12	10.9
N1	0	0.0	8	7.3
N2	0	0.0	1	0.9
N3	5	2.1	14	12.7
N4	3	1.3	6	5.5
N5	33	13.9	20	18.2
N6	23	9.7	8	7.3
N7	53	22.4	15	13.6
N8	22	9.3	5	4.6
N9	20	8.4	10	9.1
N10	2	0.8	1	0.9
Offgrid	0	0.0	3	2.7
Nongrid	1	0.4	0	0.0
TOTAL	237	100	110	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 2021, there were 640 probation condition violators and 88 probation violators with new convictions who were continued or extended on probation, representing 12.9% of the total number of 5,656 condition probation violators. Drugs (45.0%), theft (10.9%), burglary (6.6%), identity theft (3.8%) and obstructing the legal process (2.7%) were

the top five offenses committed by the group of condition probation violators. Drugs (51.1%) burglary (9.1%) theft (9.1%), criminal threat (6.8%) (4.7%), and domestic/aggravated battery (6.8%) 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 four 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: Distribution of FY 2021 Probation Condition Violators Continued or Extended on Probation by Severity Level and Criminal History

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	6	1	1	1	0	0	1	1	0	1	
D3	14	0	1	1	1	2	1	0	2	6	
D4	12	1	0	1	1	3	0	1	1	4	
D5	255	11	5	36	11	42	23	35	33	59	
N1	1	0	0	0	0	0	0	0	0	1	
N2	0	0	0	0	0	0	0	0	0	0	
N3	3	0	0	1	0	0	1	0	1	0	
N4	5	0	0	0	0	0	1	0	3	1	
N5	18	0	3	1	1	0	1	3	3	6	
N6	14	0	1	2	0	2	2	2	4	1	
N7	78	1	2	6	2	15	10	14	15	13	
N8	69	3	3	10	6	8	9	13	7	10	
N9	137	5	11	19	4	24	21	18	15	20	
N10	8	0	0	1	0	2	0	2	1	2	
TOTAL	621	22	27	79	26	98	70	89	86	124	

Note: Criminal history classes are based on 621 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Box	Presumptive Probation
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Table 26: Distribution of FY 2021 Probation Violators with New Convictions Continued or Extended on Probation by Severity Level and Criminal History

Severity Level	Number of Cases	Criminal History Class								
		A	B	C	D	E	F	G	H	I
D1	0	0	0	0	0	0	0	0	0	0
D2	0	0	0	0	0	0	0	0	0	0
D3	2	0	0	0	0	0	1	1	0	0
D4	2	0	0	0	0	0	1	0	0	1
D5	41	2	3	7	0	8	2	6	4	9
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	1	0	0	0	1	0	0	0	0	0
N5	1	0	0	0	0	0	0	1	0	0
N6	3	0	0	0	0	1	1	1	0	0
N7	11	1	0	3	1	1	1	1	1	2
N8	8	0	1	1	0	3	0	1	1	1
N9	17	1	1	3	2	3	0	5	1	1
N10	1	0	0	0	0	0	0	1	0	0
TOTAL	87	4	5	14	4	16	6	17	7	14

Note: Criminal history classes are based on 87 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Box	Presumptive Probation
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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 2,518 probation violators in FY 2021 were recipients of a jail sanction, a decrease of 423 or 22.4% from that of FY 2020 (2,941 jail sanctions). Of the 2,518 jail sanctions, four served more than 30 days in county jail and the average jail days served was 3.1 days, which is very consistent with the sentencing policy of the bill compared with FY 2020 (2.9 days), 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 71.2% (1,793) have no sanction history and 28.8% (725) have sanction history of one to nine county jail sanctions. Table 27 presents the sanction history of the 1,096 jail sanction sentences. Of the 720 sentences with one prior jail sanction, 46.1% were imposed by the court and 52.4% were imposed by the supervising officers. A number of 229 sentences have two prior jail sanctions with 42.4% imposed by the court and 56.8% imposed by the supervising officer. Offenders with three prior jail sanctions accounted for 86 sentences, with 44.2% imposed by the court and 54.7% imposed by the supervising officer. Thirty-eight sentences have four prior jail sanctions, 13 sentences have five prior jail sanctions, 7 sentences have six prior jail sanctions, 2 have seven prior jail sanctions, and 1 had eight prior jail sanctions.

Table 27: FY 2021 Violation Sanction History - County Jail Sanction

Prior Sanction	Number	Jail Sanction Imposed by (%)	
		Supervising Officer	Court
First	720	52.4	46.1
Second	229	56.8	42.4
Third	86	54.7	44.2
Fourth	38	52.6	44.7
Fifth	13	46.2	53.8
Sixth	7	28.6	71.4
Seventh	2	0.0	100.0
Eighth	1	0.0	100.0
Ninth	0	0.0	0.0

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

The top five offenses committed by this group of offenders include crimes of drugs (1,218 sentences or 48.4%), theft (234 sentences or 9.3%), burglary (183 sentences or 7.3%), aggravated battery (90 sentences or 3.6% and forgery (84 sentences or 3.3%), which is consistent with the data observed in the previous four years. The jail sanction events imposed by county in FY 2021 are presented in

Table 28. Sedgwick County imposed the most jail sanctions accounting for 28.7% (or 72 sanctions) of the 2,518 jail sanctions of FY 2021. Reno County imposed the second largest number of jail sanctions (228 sanctions or 9.1%) followed by Shawnee County (223 sanctions or 8.9%) and Johnson County (210 sanctions or 8.3%)

Table 28: FY 2021 Jail Sanctions from Probation Imposed by County

County	Number	Percent	County	Number	Percent
Anderson	7	0.3	Leavenworth	82	3.3
Barber	2	0.1	Linn	6	0.2
Barton	106	4.2	Lyon	11	0.4
Bourbon	25	1.0	Marion	2	0.1
Brown	4	0.2	Marshall	4	0.2
Butler	56	2.2	Mcperson	17	0.7
Chautauqua	1	0.0	Miami	22	0.9
Cherokee	21	0.8	Mitchell	2	0.1
Clay	1	0.0	Montgomery	2	0.1
Cloud	9	0.4	Morris	2	0.1
Coffey	11	0.4	Nemaha	2	0.1
Comanche	1	0.0	Neosho	3	0.1
Cowley	29	1.2	Ness	1	0.0
Crawford	56	2.2	Norton	2	0.1
Decatur	2	0.1	Osage	15	0.6
Dickinson	16	0.6	Pawnee	2	0.1
Douglas	20	0.8	Phillips	2	0.1
Ellis	8	0.3	Pottawatomie	17	0.7
Ellsworth	8	0.3	Pratt	7	0.3
Finney	42	1.7	Reno	228	9.1
Ford	34	1.4	Rice	20	0.8
Franklin	13	0.5	Riley	14	0.6
Geary	41	1.6	Russell	5	0.2
Graham	2	0.1	Saline	126	5.0
Gray	1	0.0	Sedgwick	722	28.7
Greenwood	16	0.6	Shawnee	223	8.9
Hamilton	1	0.0	Sherman	5	0.2
Harper	8	0.3	Stafford	9	0.4
Harvey	33	1.3	Sumner	5	0.2
Jackson	11	0.4	Thomas	5	0.2
Jefferson	1	0.0	Trego	1	0.0
Johnson	210	8.3	Wabaunsee	1	0.0
Kingman	12	0.5	Wilson	8	0.3
Kiowa	5	0.2	Woodson	1	0.0
Labette	2	0.1	Wyandotte	129	5.1
			TOTAL	2,518	

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

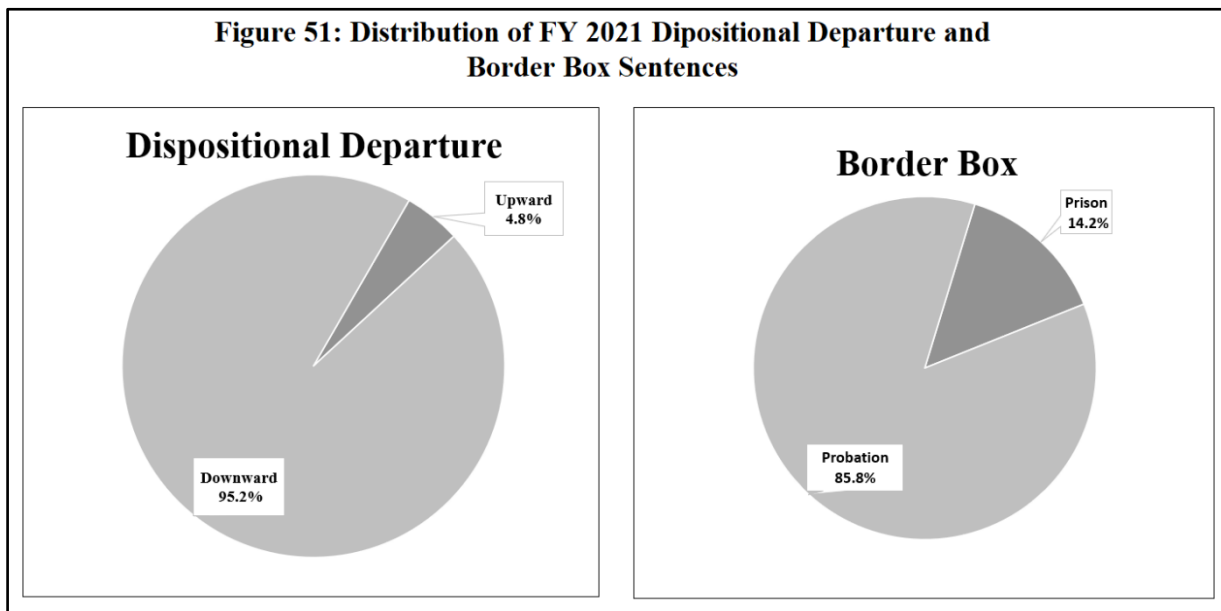
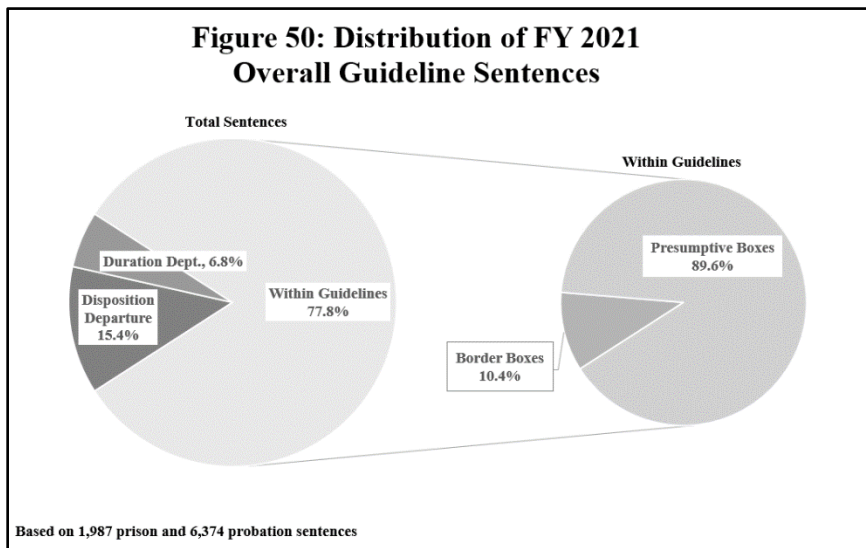
greater or less than the number of months designated by the guidelines.

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 2021, the Commission received a total of 8,870 felony journal entries of sentencing. Of those sentences, 8,361 fell upon the either the drug or nondrug sentencing grids. Of the 8,361 drug and nondrug sentences, 1,860 were sentencing departures. Thus, 6,501 (77.8%) 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

77.8% of sentences were within the presumptive guideline grids, 5.3% indicated downward durational departures, 15.4% were downward dispositional departures, 1.0% were upward departures, with the remaining 0.7% being both up/both down. Of all the sentences within the presumptive guideline grids, 7,493 sentences (89.6%) fell within either the presumptive prison boxes or presumptive probation boxes, while 868 sentences (10.4%) were located on designated border boxes. Figure 51 demonstrates that 95.2% (1,290 sentences) of the 1,355 dispositional departures were downward departures and 4.8% (65 sentences) were upward dispositional departures. 85.8% of the 868 border box sentences resulted in probation sentences with 14.2% of this group sentenced to prison. The ratios stay consistent with those of FY 2020.



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 2,727 presumptive prison sentences of FY 2021 were analyzed for this purpose.

Sentences within the presumptive prison range accounted for 69.8% of the total incarceration sentences (1,987). Border box sentences accounted for 6.2% of total incarceration sentences and presumptive probation sentences accounted for 24.1% of incarceration sentences. Of the incarceration sentences within guidelines, the standard sentences accounted for 52.2%, the aggravated sentences accounted for 18.1%, the mitigated sentences accounted for 29.7%. The remaining presumptive prison sentences were upward dispositional/durational or downward durational departures (Figure 52).

Figure 52: Distribution of FY 2021 Incarceration Guideline Sentences

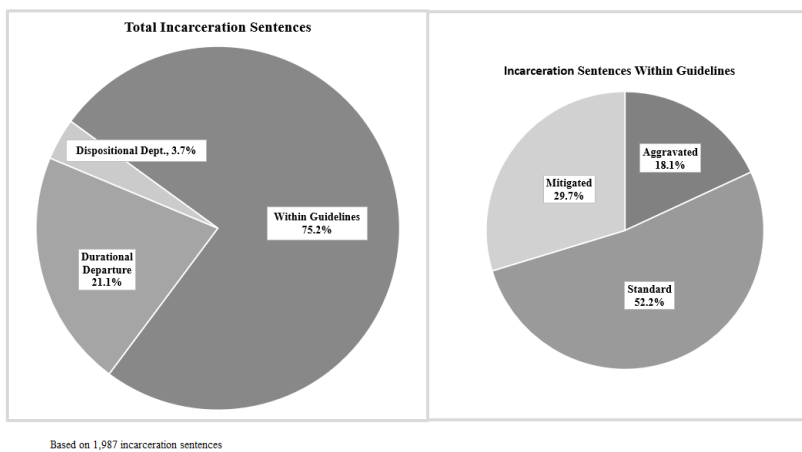


Figure 53: FY 2021 Incarceration Durational Departure Sentences

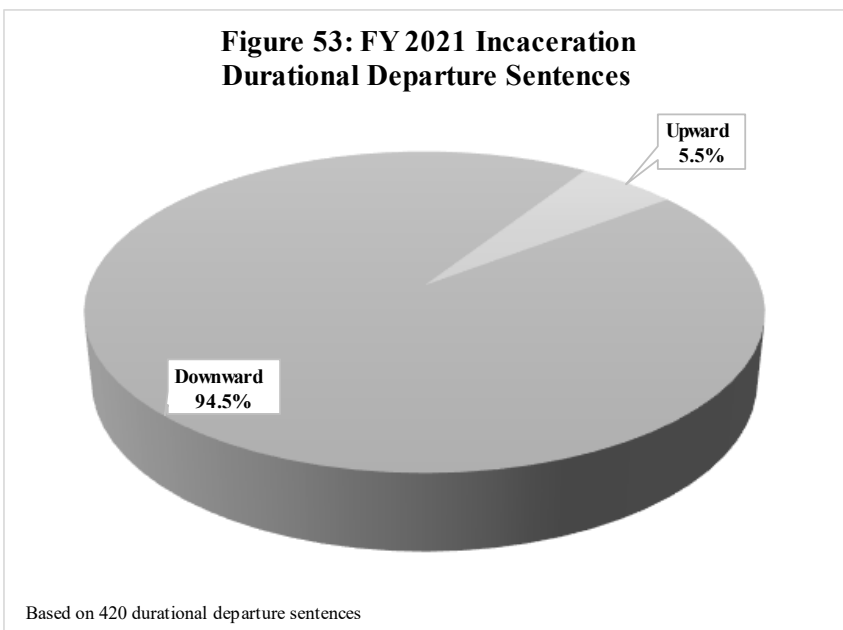
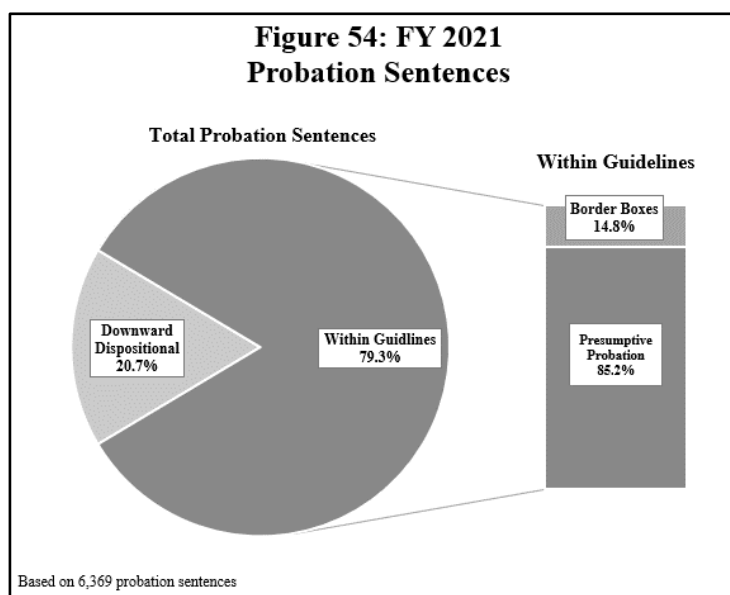


Figure 53 shows that 94.5% of the durational departure sentences departed downward from the sentence lengths indicated on the presumptive range, while 5.5% departed upward from the presumptive guideline ranges.

CONFORMITY OF PRESUMPTIVE PROBATION GUIDELINE SENTENCES

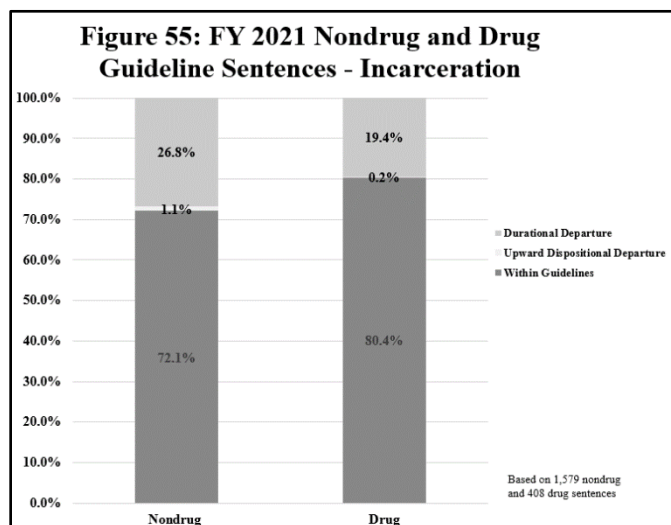
Sentences that are designated below the incarceration line of the sentencing grids are presumptive probation guideline sentences. The analysis of probation guideline sentences indicates that, as expected, the majority of probation guideline sentences in

FY 2021 (85.2% or 4,285 cases) fell within the presumptive sentencing ranges, 14.8% were within border boxes (Figure 54). Further analysis of guideline departure sentences indicate that downward dispositional departures comprise 20.7% of the total probation sentences in FY 2021 (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 1.1% of nondrug offenders and 0.2% of drug offenders showed upward dispositional departures. Additionally, nondrug offenders comprised 26.8% durational departures and drug offenders showed 19.4% durational departures (Figure 55).



The analysis of durational departures indicates that downward departures represented 99.3% of the total durational departures on the drug grid. Similarly, on the nondrug grid, 96.0% 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).

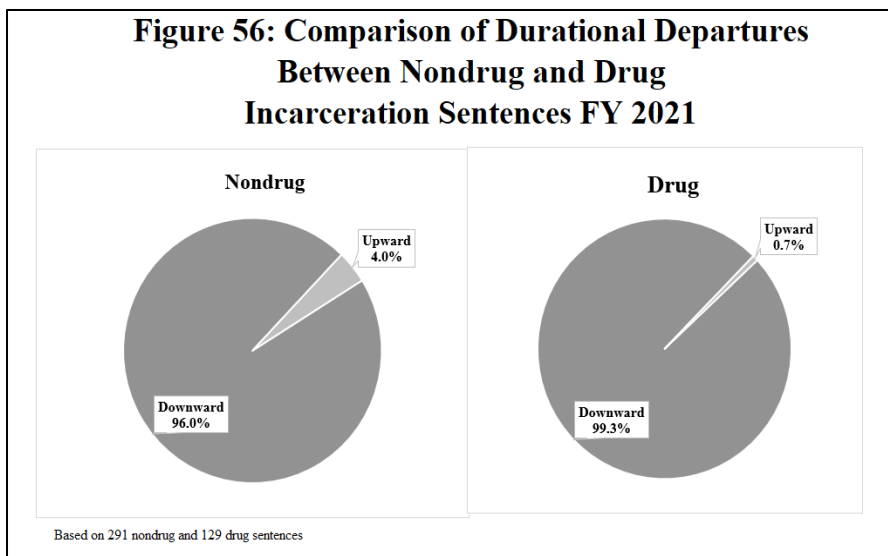
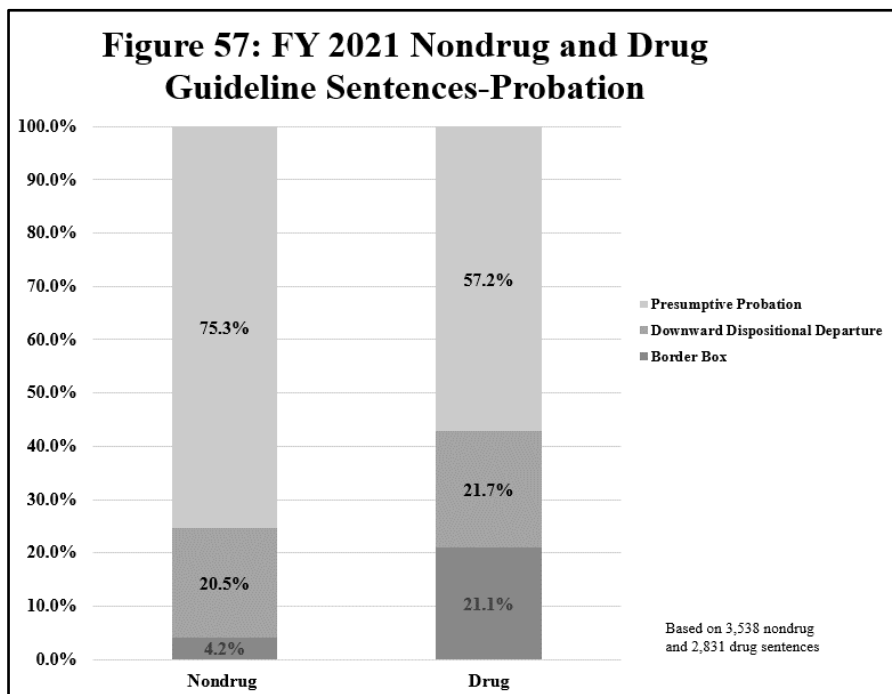


Figure 57 presents the sentencing disparities between nondrug and drug offenders on probation. Nondrug sentences represented a higher percentage of downward dispositional departures than drug sentences (95.4% vs. 97.4%). Consistent with FY 2020, the rate of drug probation sentences resulting from border boxes was much higher than that of nondrug probation sentences (21.1% vs. 4.2%).



The sentencing trend in Kansas had indicated that there was a tendency to depart downward more often with drug sentences than with nondrug sentences, but this past year that shifted where nondrug offenders received dispositional departures at a higher rate than drug offenders. Drug offenders,

however, 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 39.9% standard, 7.4% aggravated, 16.9% mitigated, while 35.8% departed from the guidelines via a durational departure. Nondrug sentences revealed an 38.4% standard, 15.2% aggravated, 23.7% mitigated, while 22.7% departed from the guidelines. The review of the departure sentences reveals that drug sentences indicated 0.7% upward durational departures and 87.1% downward durational departures, whereas nondrug sentences showed a

2.8% upward durational departure rate and an 77.6% downward durational departure rate. The highest rate of downward durational departures was identified at drug severity level 5 (47.5%) for drug incarceration sentences and nondrug severity level 5 (20.9%) for nondrug incarceration sentences. When examining dispositional departures, 3.9% of nondrug incarceration sentences were upward dispositional departures and 3.4% of drug incarceration sentences were upward dispositional departures. This is the sixth 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				Departures		
		Agg.	Standard	Mit.	Border Box Totals	Durational		Dispositional
						Upward	Downward	Upward
D1	15						13	
D2	37	1	4	1			27	
D3	74	6	33	4			20	
D4	48	7	29	11	20	1	4	1
D5	214	16	97	46	43		67	7
Subtotal	408	30	163	69	63	1	131	8
N1	43	15	17	4		1	7	
N2	11	5	4	2				
N3	126	38	45	16			26	
N4	59	9	15	11			22	
N5	181	22	72	24	52	3	57	1
N6	139	15	47	30	8		44	1
N7	301	51	126	71		3	37	11
N8	209	20	76	68			33	11
N9	486	63	195	142		2	46	34
N10	24	2	10	6		1	2	3
Subtotal	1,579	240	607	374	60	10	273	61
TOTAL	1,987	270	770	443	123	11	404	69

Table 30 demonstrates the conformity rates of probation sentences to the guidelines by severity level. Probation drug sentences indicated 22.7% downward dispositional departures, which should have been presumptive incarceration, while 20.8% of probation nondrug sentences experienced downward dispositional departures. A significant difference 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 (21.1% vs. 4.2%). 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-four years.

Table 30: Conformity Rates by Severity Level - Probation Sentences

Severity Level	N	Presumptive Probation	Border Boxes	Downward Disposition
D1	16			16
D2	98			98
D3	178			178
D4	246		198	43
D5	2,293	1,620	398	306
Subtotal	2,831	1,620	596	644
N1	2			2
N2				
N3	36			36
N4	43			43
N5	214		122	89
N6	236	66	26	144
N7	935	813		129
N8	663	586		81
N9	1,304	1,105		201
N10	106	95		12
Subtotal	3,539	2,665	148	735
TOTAL	6,370	4,285	744	1,379

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 2021. The analysis of drug incarceration sentences demonstrates that whites received more border box sentences than blacks (85.7% vs. 12.7%). However,

black offenders represented a higher percentage than white offenders at aggravated sentences (15.9% vs. 6.0%). The analysis of departures demonstrates that white offenders received more total downward durational and upward dispositional departures than black offenders (103 vs. 19; 15 vs. 0).

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

Severity Level	Race	N	Within Guidelines			Departures			
			Agg.	Standard	Mit.	Box	Upward	Downward	Upward
D1	White	12			1			10	
	Black	3						3	
D2	White		1	4	3			21	
	Black	7			1			6	
D3	White	60	5	26	9			16	1
	Black	13	1	6	2			4	
	Other	1		1					
D4	White	35	5	20	5	16	1	4	
	Black	13	2	9	2	4			1
	Other								
D5	White	198	9	88	33	38		52	13
	Black	33	7	9	10	4		6	
	Other	3			3	1			
TOTAL	White	335	20	138	51	54	1	103	15
	Black	69	11	24	15	8	0	19	0
	Other	4	0	1	3	1	0	4	0

Note: Based on 408 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	32	10	12	4		1	5	
	Black	11	5	5				2	
	Other								
N2	White	7	3	2	2				
	Black	4	2	2					
	Other								
N3	White	94	29	33	13			18	
	Black	32	9	12	3			8	
	Other								
N4	White	46	7	13	6			18	
	Black	12	1	2	5			4	
	Other	1	1						
N5	White	135	20	58	15	43	1	38	1
	Black	44	2	14	9	9	2	17	
	Other	2						2	
N6	White	101	11	34	19	7		33	1
	Black	33	4	12	10	1		8	
	Other	5		1	1			3	
N7	White	213	29	99	48		2	22	8
	Black	86	22	26	22		1	14	1
	Other	2		1	1				
N8	White	145	12	60	41			22	8
	Black	62	8	14	27			11	2
	Other	2		2					
N9	White	374	45	159	102		2	34	26
	Black	102	16	31	38			11	4
	Other	9	2	3	2			1	1
N10	White	21	2	8	6		1	1	3
	Black	3		8					
TOTAL	White	1168	168	478	256	50	7	191	47
	Black	389	69	120	114	10	3	76	7
	Other	21	3	7	4	0	0	6	1

Note: Based on 1,578 nondrug incarceration guideline sentences reporting race of offenders.

**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 2,830 drug probation sentences reporting race of offenders.

Tables 33 and 34 present the conformity rates by race for offenders sentenced to probation during FY 2021. On average, white offenders received more presumptive probation sentences for drug offenses than black offenders (59.5% vs. 44.0%) but black drug offenders had a higher rate of border box sentences (21.3% vs. 21.2%) and downward dispositional departures (35.4% vs. 20.2%) than white drug offenders (Table 33). This racial conformity rate pattern is consistent with those of the past nine 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 (76.2% vs. 71.7%), while black offenders represented a higher percentage of downward dispositional departures (25.6% vs. 19.6%) than white offenders for nondrug offenses. The rates of border box sentences were 4.5% for white offenders and 3.0% for black offenders (Table 34)

**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				
N3	White	22			22
	Black	14			14
	Other				
N4	White	34			34
	Black	9			9
N5	White	165		98	63
	Black	45		21	24
	Other	4		2	2
N6	White	193	55	24	114
	Black	38	11	1	26
	Other	5		1	4
N7	White	703	620		88
	Black	210	173		39
	Other	22	20		2
N8	White	487	436		53
	Black	161	136		27
	Other	15	14		1
N9	White	1036	891		149
	Black	247	196		49
	Other	21	18		3
N10	White	87	78		10
	Black	15	14		1
	Other	4	3		1
TOTAL	White	2,729	2,080	122	535
	Black	739	530	22	189
	Other	71	55	3	13

Note: Based on 3,539 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 2021. Male drug offenders had a higher rate than female drug offenders in aggravated and standard sentences (7.8% vs. 5.4%; 17.3% v. 15.1%). However, females received more mitigated sentences than males (39.1% v. 43.8%). Female border box offenders represented 21.9% of the drug incarceration population, while males represented 14.0% of the incarcerated population. The examination of departure sentences reveals that male drug offenders received more than female drug offenders in upward dispositional departures (2.1% vs. 1.4%), while females had a higher overall percentage of upward and downward

durational departures (32.9% vs. 30.5%) (Table 35).

The exploration of nondrug incarceration sentences indicates that within guidelines, females represented a higher percentage than males in mitigated and border box sentences (26.8% vs. 23.4%; 4.9% v 3.7%) for nondrug crimes, while male offenders received more standard and aggravated sentences (38.4% vs. 37.3%; 15.9% vs. 8.5%). The analysis of departure sentences reveals that male nondrug offenders represented a higher percentage of upward durational departures than female offenders (0.7% vs. 0.0%) but had a lower rate of downward durational departures (19.0% vs. 17.1%). However, female offenders received a higher rate of upward dispositional departures (8.5% vs. 3.0%), (Table 36).

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

Severity Level	Gender	N	Within Guidelines				Departures		
			Agg.	Standard	Mit.	Box	Durational		Dispositional
							Upward	Downward	Upward
D1	Male	11						10	
	Female	4			1			3	
D2	Male	27	1	3	4			18	
	Female	10		1				9	
D3	Male	57	6	23	9			16	1
	Female	17		10	2			5	
D4	Male	40	4	26	7	15	1	3	
	Female	8	3	3		5		1	
D5	Male	200	15	79	38	32		55	6
	Female	34	1	18	8	11		5	1
TOTAL	Male	335	26	131	58	47	0	102	7
	Female	73	4	32	11	16	1	23	1

Note: Based on 408 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	41	14	16	4		1	7	
	Female	2	1	1					
N2	Male	10	5	4	1				
	Female	1			1				
N3	Male	119	37	41	16			24	
	Female	7	1	4				2	
N4	Male	55	7	14	10			22	
	Female	4	2	1	1				
N5	Male	159	21	63	23	46	3	46	
	Female	22	1	9	1	6		11	
N6	Male	126	14	44	25	7		40	2
	Female	13	1	3	5	1		4	
N7	Male	285	49	118	67		3	36	8
	Female	16	2	8	4				1
N8	Male	182	19	69	56			29	7
	Female	27	1	7	12			4	3
N9	Male	436	60	174	128		2	40	26
	Female	49	3	19	14			6	5
N10	Male	23	6	9	6		1	2	
	Female	1		1					3
TOTAL	Male	1,436	228	552	336	53	10	246	43
	Female	142	12	53	38	7	0	27	12

Note: Based on 1,578 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 (25.6% vs. 11.7%, Table 37; and 22.3% vs. 10.9%, 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-five years (Annual Reports of FY 1996 - FY 2021).

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

Severity Level	Gender	N	Presumptive Probation	Border Boxes	Downward Disposition
D1	Male	13			13
	Female	3			3
D2	Male	69			69
	Female	29			29
D3	Male	140			140
	Female	37			37
D4	Male	196		153	35
	Female	50		45	4
D5	Male	1,541	981	312	242
	Female	751	638	86	29
TOTAL	Male	1,959	981	465	502
	Female	871	638	131	102

Note: Based on 2,830 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				
N2	Male				
	Female				
N3	Male	31			31
	Female	5			5
N4	Male	42			42
	Female	1			1
N5	Male	167		96	62
	Female	47		26	20
N6	Male	182	49	16	109
	Female	54	17	10	27
N7	Male	803	689		113
	Female	132	124		8
N8	Male	444	374		69
	Female	219	212		6
N9	Male	1015	833		176
	Female	289	272		17
N10	Male	73	63		11
	Female	33	32		1
TOTAL	Male	2,759	2,008	112	615
	Female	780	657	36	85

Note: Based on 3,539 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 2021 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 45.6% in FY 2017 to 67.0% in FY 2021. FY 2020 represented the highest number (1073 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 25.9% in FY 2021, a decrease of 7.4% from that of FY 2020, but an increase of 11.7% when compared with that of FY 2017 (Table 39). The total percentage of both prison and probation sentences applied with special rules increased from 22.1% in FY 2017 to 33.7% in FY 2021 (Table 40).

In FY 2021, a number of 994 pure guideline prison sentences and 1,650 pure guideline probation sentences were imposed with special sentencing rules, which accounted for 67.0% of prison pure guideline admissions (1,497 admissions) and 25.9% of pure guideline probation sentences (6,371) imposed in FY 2021 (Table 39).

In FY 2021, the top three special sentencing rules applied to prison sentences in sentencing practice were: crime committed while incarcerated or on probation, parole, etc. (848 sentences) representing 51.3% of 1,653 prison sentences applied with special sentencing rules; crime committed while on felony bond (291 sentences) representing 17.6% and person felony committed with a firearm (112 sentences) making up 6.8% of prison admissions with special sentencing rules during FY 2021 (Table 41).

The top three special sentencing rules applied most frequently to probation sentences in FY 2021 included crime committed while incarcerated or on probation, parole, etc. (1,237 sentences) accounted for 45.2%; crime committed while on felony bond (715 sentences) accounted for 26.1%; and third or subsequent drug possession (236 sentences) accounted for 8.6% of the total 2,736 probation sentences applied with special sentencing rules (Table 42).

**Table 39: Pure Guideline Sentences Applied with Special Sentencing Rules
by Prison and Probation
FY 2017 through FY 2021**

Fiscal Year	Prison Admissions			Probation Sentences		
	Guideline	with Special Rules		Guideline	with Special Rules	
		Number	Percent		Number	Percent
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
2021	1483	994	67.0	6371	1650	25.9

**Table 40: Pure Guideline Sentences Applied with Special Sentencing Rules
by Total Sentences
FY 2017 through FY 2021**

Fiscal Year	Guideline	with Special Rules	
		Number	Percent
2017	7104	1568	22.1%
2018	7405	1654	21.1%
2019	7466	1758	23.5%
2020	7284	2823	38.8%
2021	7854	2644	33.7%

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

Table 41: Distribution of Special Sentencing Rules Applied To Prison Sentences – FY 2021

Special Rules Applied to Sentences	Number	Percent
Crime Committed While Incarcerated, Probation, Parole, etc.	848	51.3
Crime Committed While on Felony Bond	291	17.6
Person Felony Committed with a Firearm	112	6.8
Offender Registration Act Violation	71	4.3
Burglary With =>2 Prior Felony Theft, Burglary/Agg Burglary-Presumed Prison	70	4.2
Third or Sub. Drug Possession	69	4.2
Felony Theft With =>3 Prior Felony Theft, Burglary/Agg Burglary-Presumed Prison	55	3.3
3rd or Subsequent Flee/Elude, Presumed Prison	27	1.6
Residential Burglary with a Prior Burglary	20	1.2
Resident Burglary W/Criminal History 7c,7d or 7e	16	1.0
Persistent Sex Offender	12	0.7
Agg Battery By DUI, 1st Prior Shall Count as Nonperson, 2nd and Subs Prior Shall Count as Person	9	0.5
Second or Sub. Identity Theft or Identity Fraud	9	0.5
Drug Felony with a Firearm	8	0.5
Aggravated Endangering a Child	6	0.4
Battery on a LEO Resulting in Bodily Harm	6	0.4
Involuntary Manslaughter by DUI, Person Felony	5	0.3
Third or Sub. Forgery; I-C Nongrid	5	0.3
Aggravated Battery on a LEO	4	0.2
Aggravated Assault on a LEO	3	0.2
Second Forgery; I-C Nongrid	2	0.1
Crime Committed While Incarcerated in a Juvenile Correctional Facility	2	0.1
Felony Committed After Early Discharge Where Offender Would Been on Prob or Postrelease Supervision	1	0.1
Kansas Securities Act	1	0.1
Crime Committed for the Benefit of Criminal Street Gang	1	0.1
TOTAL	1,653	100.0

Note: The number and percentage are mutually exclusive.

Table 42: Distribution of Special Sentencing Rules Applied To Probation Sentences – FY 2021

Special Rules Applied to Sentences	Number	Percent
Crime Committed While Incarcerated, Probation, Parole, etc.	1,237	45.2
Crime Committed While on Felony Bond	715	26.1
Third or Sub. Drug Possession	236	8.6
Offender Registration Act Violation	129	4.7
Burglary With =>2 Prior Felony Theft, Burglary/Agg Burglary-Presumed Prison	87	3.2
Person Felony Committed with a Firearm	74	2.7
Felony Theft With =>3 Prior Felony Theft, Burglary/Agg Burglary-Presumed Prison	63	2.3
Aggravated Endangering a Child	34	1.2
Resident Burglary with Criminal History 7c,7d or 7e	28	1.0
Drug Felony with a Firearm	21	0.8
Second or Sub. Identity Theft or Identity Fraud	19	0.7
Residential Burglary with a Prior Burglary	18	0.7
Third or Sub. Forgery; I-C Nongrid	17	0.6
Second Forgery; I-C Nongrid	12	0.4
Battery on a LEO Resulting in Bodily Harm	12	0.4
Agg Battery by DUI	11	0.4
3rd or Subsequent Flee/Elude, Presumed Prison	5	0.2
Aggravated Assault LEO	4	0.1
Felony Domestic Battery	3	0.1
Felony Committed After Early Discharge Where Offender Would Been on Prob or Postrelease Supervision	2	0.1
Leaving the Scene of an Accident, Person Felony	2	0.1
Persistent Sex Offender	1	0.0
Fraudulent Insurance Act	1	0.0
Kansas Securities Act	1	0.0
Felony Criminal Deprivation/Motor Vehicle (before July 1, 1999)	1	0.0
Extended Juvenile Jurisdiction Imposed	1	0.0
Unlawful Sexual Relations	1	0.0
Judicial Override on SB123	1	0.0
TOTAL	2,736	100.0

Note: The number and percentage are mutually exclusive.

CHAPTER FOUR SENTENCING TRENDS AND FORECASTS

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 2021 reached 3,490, which decreased by 983 offenders or 22.0% when compared with FY 2020 as well as decreasing 3,007 offenders or 46.3% when compared with FY 2017.

(Figure 58). Table 43 presents the prison admission pattern by month for the past five years.

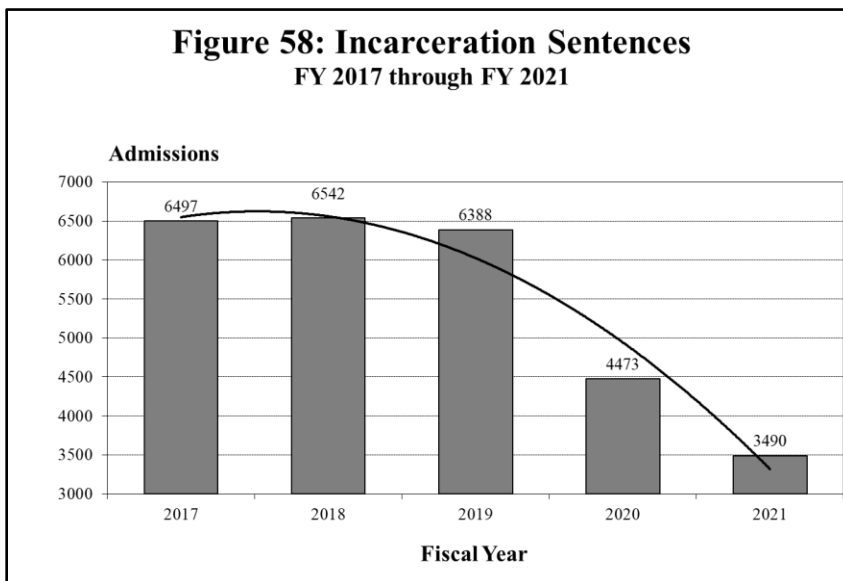


Table 43: Prison Admissions by Month

Month by Fiscal Year	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
July	470	542	598	532	376
August	542	636	588	473	317
September	532	493	480	442	363
October	600	596	569	498	322
November	576	456	472	371	273
December	537	470	505	436	278
January	535	531	578	441	147
February	505	478	486	449	172
March	573	626	545	414	235
April	483	565	572	149	317
May	609	654	520	110	283
June	535	495	475	158	407
TOTAL	6,497	6,542	6,388	4,473	3,490

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 2021 decreased by 36.8% over that of FY 2017 and decreased 17.5% over that of FY 2020. HB 2170 120/180-day prison sanctions were first implemented in FY 2014 and since 2017 admissions have significantly decreased (82.2%) when compared to the total of 2021. However, examining differences from FY 2017 to FY 2021, 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 2021 increased by 14.1% when compared with FY 2017 and by 13.9% compared with FY 2020. Probation violators with new sentence/new conviction admitted to prison in FY 2021 decreased by 46.4% compared with FY 2017 and by 22.0% when compared with that of FY 2020. The number of parole/postrelease and conditional release violators admitted to prison in FY 2021 decreased by 63.5% from FY 2017 and decreased by 44.1% from FY 2020. Parole/postrelease and condition release violators with new sentences admitted in FY 2021 decreased by 41.3% when compared with FY 2017 and decreased by 14.2% over that of FY 2020.

Table 44: Comparison of Prison Admissions by Type

Admission Type	FY2017	FY2018	FY2019	FY2020	FY2021	FY 2021-2017 % Difference
New Court Commitment	2,071	2,019	1,982	1,586	1,308	-36.8%
Sanction from Probation	1,192	1,197	1,186	284	212	-82.2%
Probation Condition Violator	1,229	1,458	1,402	1,226	1,056	-14.1%
Probation Violator With New Sentence/New Conviction	522	451	423	359	280	-46.4%
Parole/Post-release/CR Condition Violator	1,201	1,082	1,091	784	438	-63.5%
Parole/Post-release/CR Violator With New Sentence	196	213	182	134	115	-41.3%
Other Types*	86	122	122	100	78	-9.3%
TOTAL	6,497	6,542	6,388	4,473	3,490	-46.3%

* 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 2021 decreased by 28.0% (1,004 offenders) compared to FY 2020, and cut nearly in half, decreased by 49.0% when compared with FY 2017. Comparing statistics between FY 2021 and FY 2017, the admissions decreased by 40.0% at drug severity level 1, by 39.0% at drug severity

level 2, and by 44.5% at drug severity level 5. The most significant drug decrease over the five-year period was found at the D4 level with a decrease of 69.8%, while the D3 level was more than cut in half since 2017, dropping 53.4%. When comparing statistics between FY 2021 and FY 2020, the admissions decreased by 38.2% at drug severity level 1, by 37.8% at severity drug severity level 2, by 23.8% at drug severity level 3, by 19.6% at drug severity level 4,

and by 28.3% 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 19.1% from that of FY 2020 and decreased by 45.0% from that of FY 2017. Like drug admissions, the admissions at every nondrug severity level dropped since FY 2017, mostly due to the

pandemic. The number of off-grid offenders admitted to prison in FY 2021 decreased by 53.2% when compared with FY 2017. The admissions at nondrug severity levels 1-10 decreased, respectively, by 39.3%, 26.3%, 23.7%, 6.5%, 16.2%, 21.2%, 15.9%, 14.7%, 22.3%, and 23.1% between that of FY 2021 and FY 2020. Comparing to FY 2017, level N10 had the largest nondrug percent drop at 67.0%, and level N9 fell 53.6%, from 1,171 in FY 2017 to only 543 in FY 2021. (Table 46).

Table 45: Comparison of Drug Prison Admissions by Severity Level

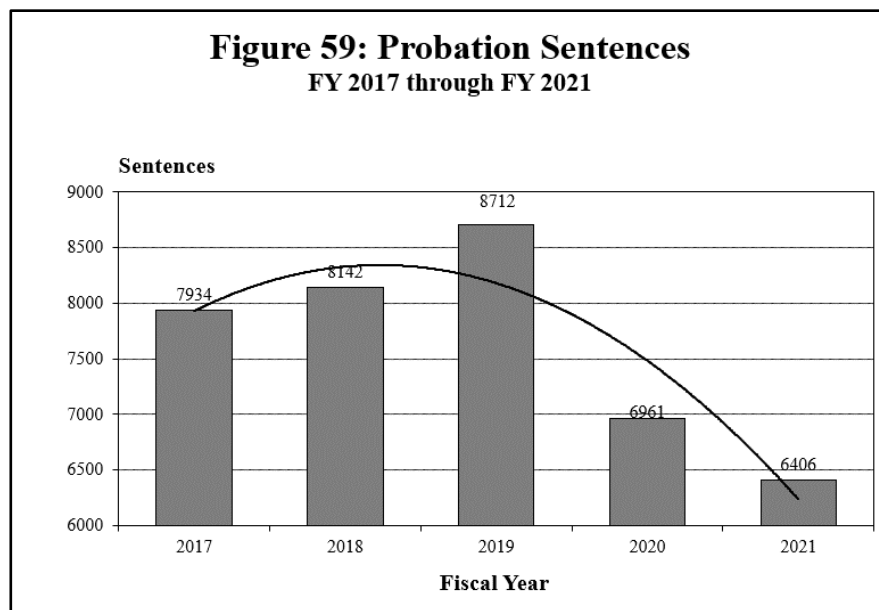
Severity Level	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2021-2020 % Difference	FY 2021-2017 % Difference
D1	35	38	50	34	21	-38.2%	-40.0%
D2	100	99	134	98	61	-37.8%	-39.0%
D3	268	228	245	164	125	-23.8%	-53.4%
D4	298	261	185	112	90	-19.6%	-69.8%
D5	1,348	1,525	1,537	1,043	748	-28.3%	-44.5%
TOTAL	2,049	2,151	2,151	1,451	1,045	-28.0%	-49.0%

Table 46: Comparison of Nondrug Prison Admissions by Severity Level

Severity Level	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2021-2020 % Difference	FY 2021-2017 % Difference
N1	129	152	115	112	68	-39.3%	-47.3%
N2	37	29	29	19	14	-26.3%	-62.2%
N3	310	343	299	249	190	-23.7%	-38.7%
N4	140	152	145	107	100	-6.5%	-28.6%
N5	615	575	550	389	326	-16.2%	-47.0%
N6	352	330	364	288	227	-21.2%	-35.5%
N7	945	1002	974	696	585	-15.9%	-38.1%
N8	534	569	555	354	302	-14.7%	-43.4%
N9	1,171	1,080	1,037	698	543	-22.2%	-53.6%
N10	91	60	60	39	30	-23.1%	-67.0%
Offgrid	111	87	109	66	52	-21.2%	-53.2%
Nongrid	7	9	0	3	7	133.3%	0.0%
Unknown	6	3	0	2	2	0.0%	-66.7%
TOTAL	4,448	4,391	4,237	3,022	2,446	-19.1%	-45.0%

PROBATION SENTENCES

The number of probation sentences imposed has fluctuated in the past five years. The total number of probation sentences in FY 2021 (6,406) decreased by 8.0% or 555 sentences compared with that of FY 2020 and decreased 19.3% or 1,528 sentences compared with that of FY 2017. The largest number of probation sentences imposed in the past five years is identified in FY 2019 (Figure 59).



In FY 2021, the total drug probation sentences decreased by 12.1% or 390 sentences from that of FY 2020 and decreased by 17.3% or 590 sentences over that of FY 2017. Comparing drug sentences to probation between FY 2021 and 2017, statistics demonstrate that the number of drug probation sentences decreased at the less severe levels, by 26.3% at drug severity level 3, 37.4% at drug severity level 4, and 14.9% at drug severity level 5. However, probation sentences increased by 60.0% at drug severity level 1 and 19.5% at drug severity level 2 from FY 2017 to FY 2021.

Moreover, in comparing data from FY 2021 and FY 2020, the number of drug probation sentences decreased because of the COVID-19 pandemic at drug severity levels D2, D4 and D5, respectively, by 3.0%, 7.2% and 14.1% (Table 47). Severity level D3 showed a slight increase from FY 2017, up

one probation sentence, while D1 probation sentences were up six. 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 2021 decreased by 4.2% from that of FY 2020 but decreased by 20.8% from that of FY 2017. The largest decline of nondrug probation sentences in the past five years was found with the nongrid crimes (60.0%), followed by nondrug severity level 10 (30.7%) and severity level 9 (36.0%). The only significant increase of nondrug probation sentences in the past five years was identified at nondrug severity level 6, (up 11.3%), when compared with the data observed in FY 2017.

**Table 47: Comparison of Probation Drug Sentences by Severity Level
FY 2017 through FY 2021**

Severity Level	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2021-2020 % Difference	FY 2021-2017 % Difference
D1	10	7	12	9	16	77.8%	60.0%
D2	82	99	138	101	98	-3.0%	19.5%
D3	240	296	235	176	178	0.6%	-26.3%
D4	393	387	372	265	246	-7.2%	-37.4%
D5	2,694	2,831	3,182	2,668	2,293	-14.1%	-14.9%
TOTAL	3,419	3,620	3,939	3,219	2,831	-12.1%	-17.3%

**Table 48: Comparison of Probation Nondrug Sentences by Severity Level
FY 2017 through FY 2021**

Severity Level	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2021-2020 % Difference	FY 2021-2017 % Difference
N1	1	1	4	5	2	-60.0%	100.0%
N2	1	1	1	0	0	0.0%	-100.0%
N3	36	44	44	39	36	-7.7%	0.0%
N4	49	66	65	37	43	16.2%	-12.2%
N5	250	243	262	190	214	12.6%	-14.4%
N6	212	285	292	219	236	7.8%	11.3%
N7	988	990	1,142	818	935	14.3%	-5.4%
N8	885	901	986	748	663	-11.4%	-25.1%
N9	1,850	1,775	1,775	1,525	1,304	-14.5%	-29.5%
N10	153	153	150	115	106	-7.8%	-30.7%
Off-grid	0	0	0	0	3	N/A	N/A
Nongrid	90	63	52	38	36	-5.3%	-60.0%
TOTAL	4,515	4,522	4,773	3,734	3,578	-4.2%	-20.8%

PRISON POPULATION FORECASTS

The prison population projection is based on FY 2021 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 8,538 by June 30, 2022, a decrease of 18 inmates or 0.2% over the actual prison population on the same date in 2021. 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 2021 prison population projection by offender group. In the ten-year forecast period, the largest increase in number is for nondrug severity levels 7-10, which is expected to increase by 212 or 31.2%, probation condition violators, which is expected to increase by 357 offenders or 34.2%. The next highest group are probation condition violators by 155 or 15.9%. The prison population at nondrug severity levels 4 to 6 will decrease by 89 offenders or 6.0%. The off-grid incarceration group in the next ten years will decrease by 224 offenders or 16.6%. This decrease is the result of slowed trial schedules and pleas that occurred during the COVID-19 pandemic.

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 155 or 15.9%, but the parole/postrelease condition violators will decrease by 38 or 13.5% 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 2012 through FY 2031 is presented in Figure 60.

Figure 60: Kansas Prison Population-Actual and Projected

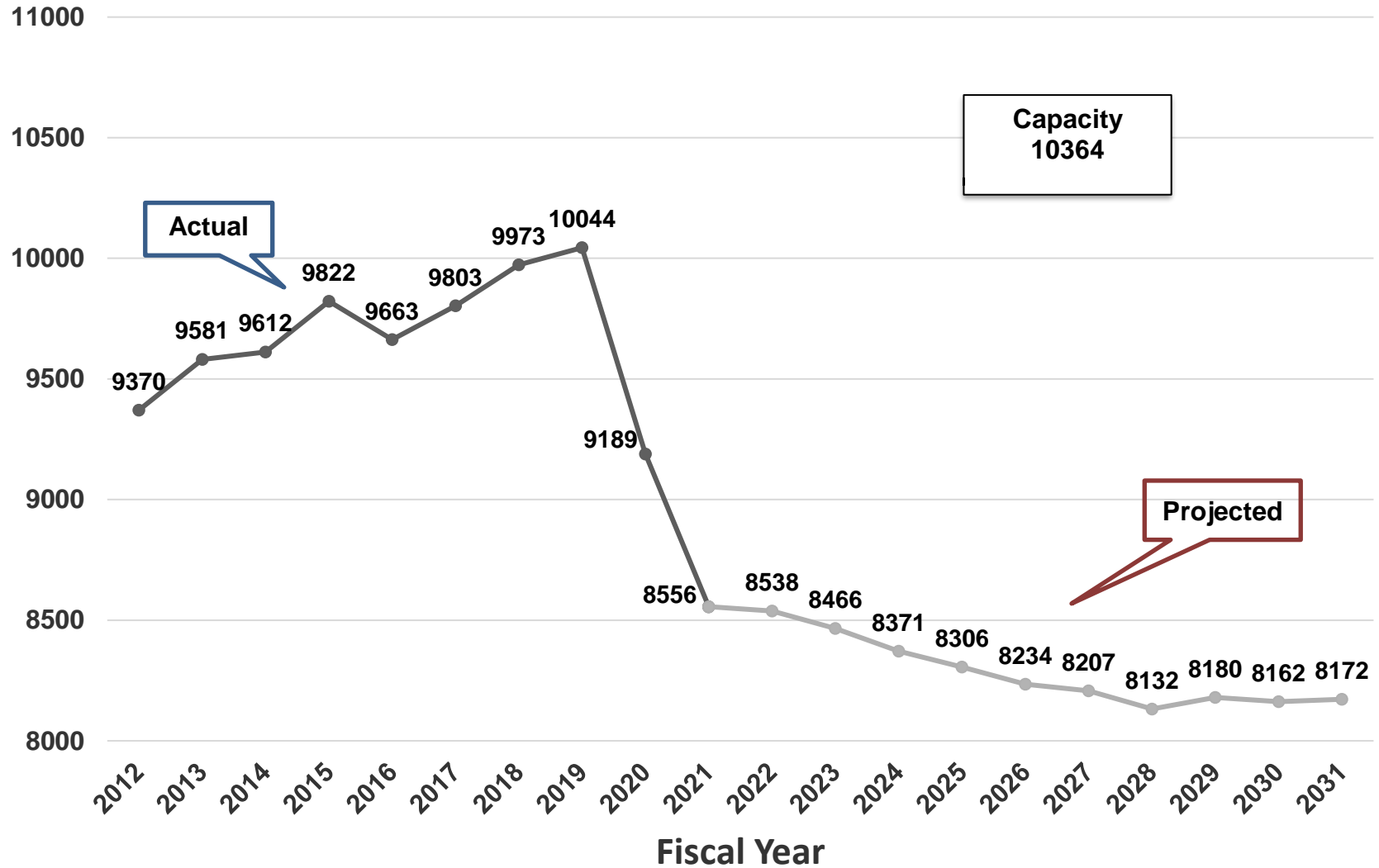


Table 49: FY 2022 Adult Inmate Prison Population Projections

Offender Group	2021*	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	# Change	% Change
Drug	1,214	1,169	1,169	1,165	1,136	1,135	1,110	1,105	1,103	1,117	1,149	-65	-5.4%
N1 to N3	2,480	2,337	2,295	2,258	2,260	2,241	2,238	2,226	2,227	2,240	2,238	-242	-9.8%
N4 to N6	1,472	1,458	1,433	1,406	1,380	1,378	1,396	1,377	1,470	1,402	1,383	-89	-6.0%
N7 to N10	680	767	813	804	821	828	842	844	868	893	892	212	31.2%
Sanction	20	19	12	6	0	0	0	0	0	0	0	-20	-100.0%
Probation Condition Violators	974	1,112	1,140	1,144	1,162	1,139	1,121	1,126	1,141	1,111	1,129	155	15.9%
Offgrid Including Old Law Lifer	1,349	1,375	1,339	1,301	1,255	1,238	1,210	1,174	1,115	1,147	1,125	-224	-16.6%
Parole/Post Release Violators	282	221	195	225	238	228	252	250	232	233	244	-38	-13.5%
Old Law Inmates	85	80	70	62	54	47	38	30	24	19	12	-73	-85.9%
TOTAL	8,556	8,538	8,466	8,371	8,306	8,234	8,207	8,132	8,180	8,162	8,172	-384	-4.5%

* The numbers of 2021 are the actual prison population on June 30, 2021.

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 2022, 179 unclassified beds, 2,614 minimum beds, 2,391 medium low beds, 1,258 medium high beds, 1,137 maximum beds and 958 special management beds will be needed. The total projected prison beds, by the end of FY 2031 will include 172 unclassified beds, 2,518 minimum beds, 2,293 medium low beds, 1,206 medium high beds, 1,090 maximum beds and 916 special management beds (Table 50).

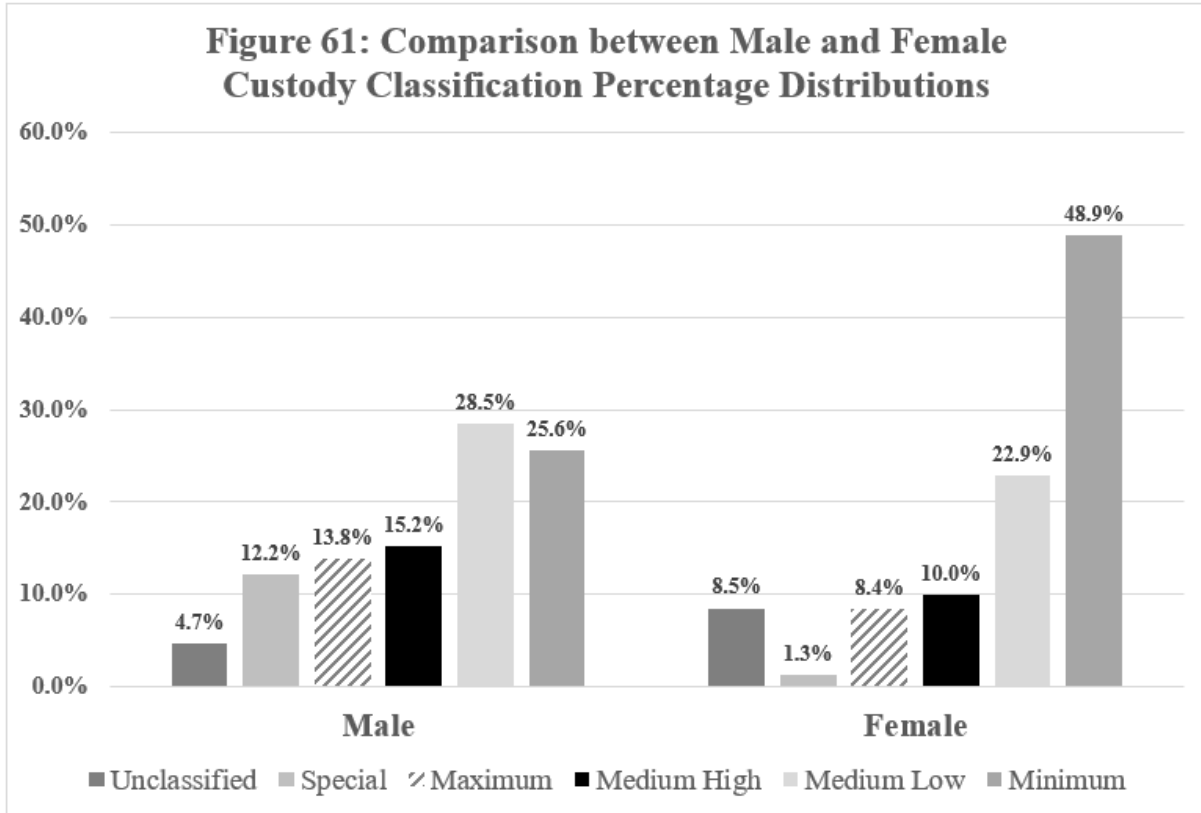
Figure 61 exhibits the projected percentage distribution of custodial classifications by gender. The distribution demonstrates a significant difference between male and female offenders. Females will need the

following beds: 8.5% unclassified, 48.9% minimum, 22.9% medium low, 10.0% medium high, 8.4% maximum custody and 1.3% special management beds by the end of FY 2022. Males will need 4.7% unclassified, 25.6% minimum, 28.5% medium low, 15.2% medium high, 13.8% maximum custody and 12.2% special management beds by the end of FY 2022. 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 decreases at all custody types except medium low beds which increases by 2. The minimum, medium high beds, maximum custody beds, special management beds and unclassified beds show a decrease of 96, 52, 47, 42 and 7, respectively, over the ten-year forecast period. Beds for females, in terms of custody types, only fluctuate slightly in the next ten years as the 10-year prison projection for the female population sees little population change. 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
2022	179	958	1,137	1,258	2,391	2,614	8,538
2023	177	953	1,129	1,249	2,372	2,587	8,466
2024	175	942	1,116	1,235	2,345	2,559	8,371
2025	174	931	1,107	1,225	2,328	2,554	8,318
2026	173	922	1,097	1,214	2,307	2,534	8,245
2027	172	920	1,093	1,210	2,300	2,523	8,218
2028	171	911	1,084	1,199	2,280	2,505	8,148
2029	172	916	1,090	1,206	2,293	2,521	8,197
2030	171	915	1,088	1,204	2,289	2,514	8,181
2031	172	916	1,090	1,206	2,293	2,518	8,195



Based on projected prison populations on June 30, 2022 (male = 7,803 and female = 735)

APPENDIX I

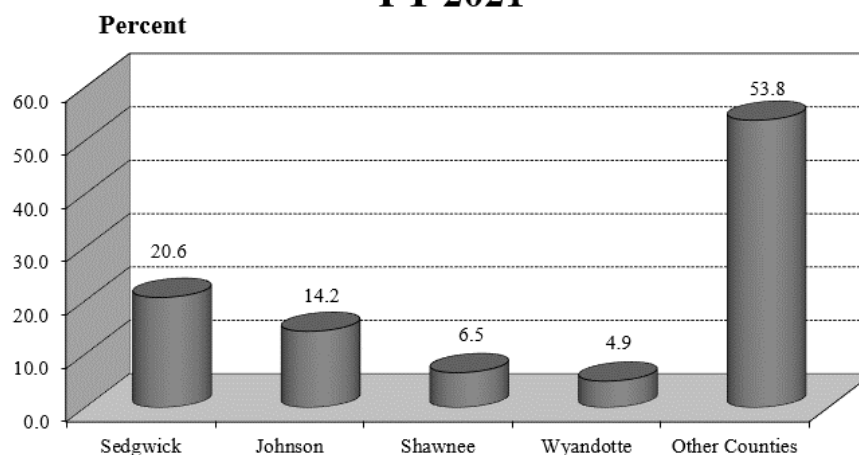
SENTENCES FROM THE TOP FOUR COUNTIES

Sentences utilized for analyses in this section include incarceration, probation, DUI PIS and county jail sentences submitted to the Commission during FY 2021. 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 46.2% of the total state sentences, a decrease of 1.1% compared with that of FY 2020 (47.3%). 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 2020, the percentages of sentences from these four counties in FY 2021 do not fluctuate much. Sentences from Sedgwick County increased by 1.0%, while the percentage of sentences from Johnson, Shawnee and Wyandotte Counties decreased by 0.1%, 0.3%, and 1.7% respectively. The characteristics of offenses and offenders from the four counties in FY 2021 are presented in the following figures and tables.

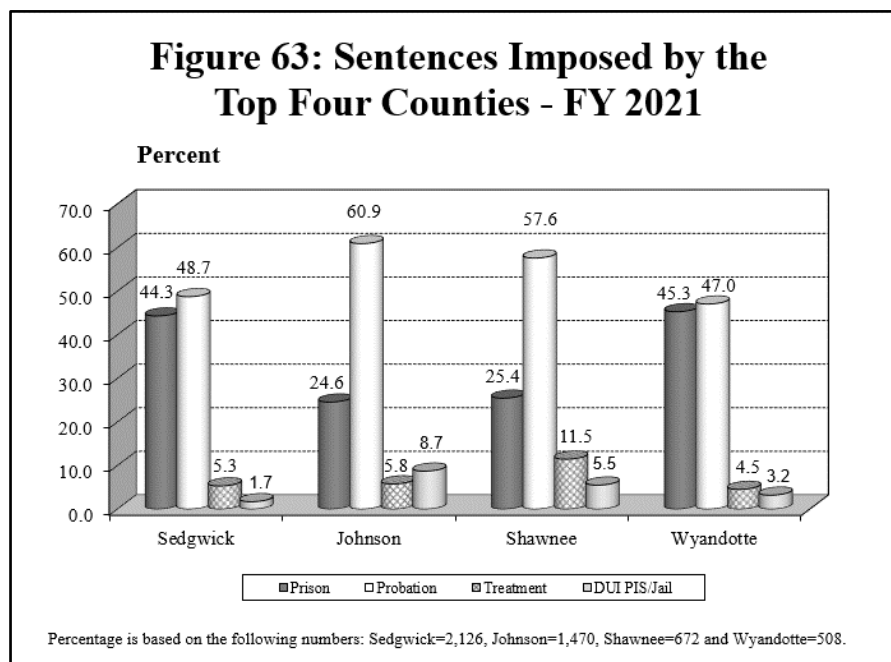
The Sedgwick, Johnson, Wyandotte and Shawnee counties were the top four counties reporting the greatest overall felony sentencing events. Sedgwick County imposed 20.6% of the total state sentence events in FY 2021, followed by Johnson County (14.2%), Shawnee County (6.5%) and Wyandotte County (4.9%).

Figure 62: Overall Sentences by the Top Four Counties-Prison, Probation & Jail FY 2021

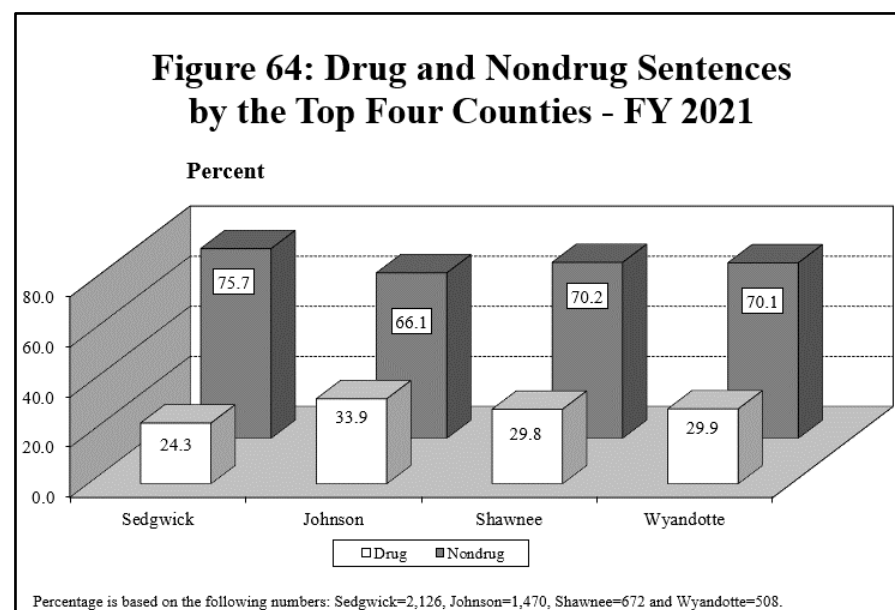


Based on 10,316 sentences

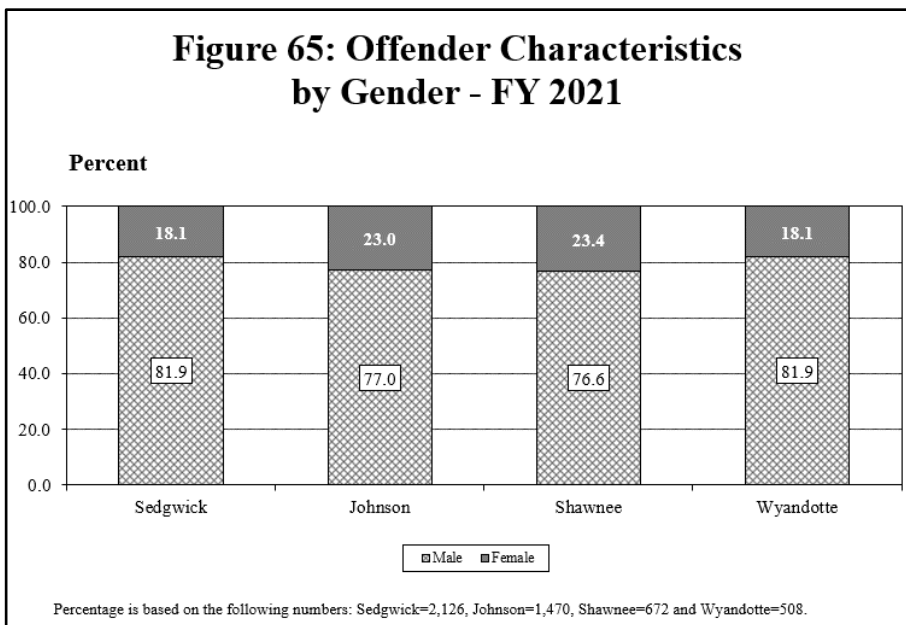
The highest percentage of prison sentences in FY 2021 was found in Wyandotte County (45.3%), while Johnson County imposed a higher rate of probation sentences than the other three counties (60.9%). Shawnee County imposed the highest rate of Senate Bill 123 drug treatment sentences (11.5%) among the four counties. The highest percentage of DUI PIS and county jail sentences was identified in Johnson County (8.7%).



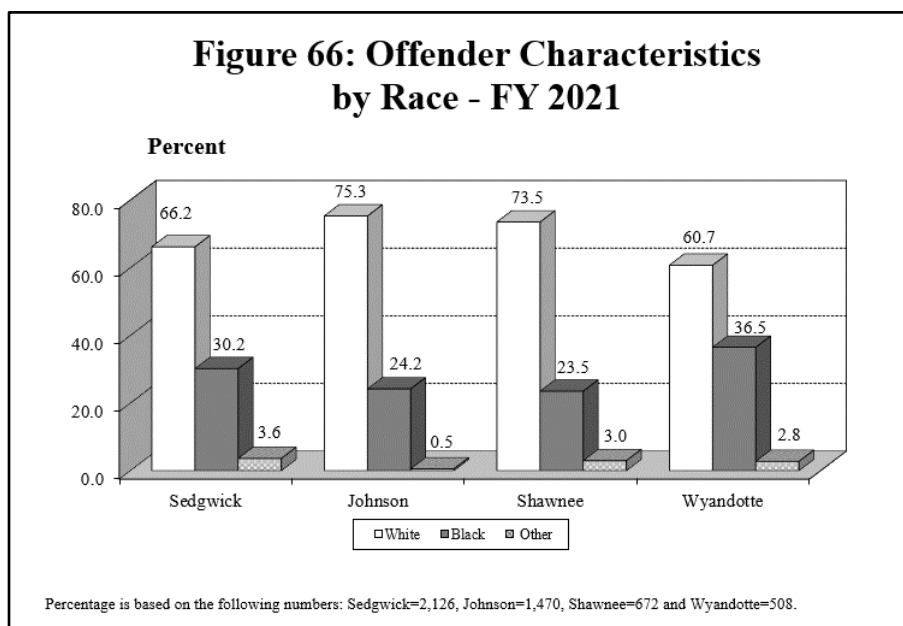
In terms of drug and nondrug crimes, the analysis reveals that in FY 2021, Sedgwick County imposed the largest proportion of nondrug sentences (75.7%), while Johnson County represented the highest percentage of drug sentences (33.9%) among the four counties.



The analysis of offenders by gender shows that Sedgwick and Wyandotte Counties were statistically tied for the highest percentage of male offenders (81.9%), while Shawnee County reported the highest rate of female offenders (23.4%) among the four counties during FY 2021.



The review of offenders by race reveals that in FY 2021, Johnson County reported more white offenders (75.3%), while Wyandotte County reported more black offenders (36.5%) than the other three counties, respectively. This racial distribution has remained constant in the past eight years.



**Table 51: FY 2021 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	0	0.0	2	0.1	2	0.4	0	0.0
D2	17	0.8	14	1.0	3	0.6	0	0.0
D3	29	1.4	53	3.6	16	3.2	9	1.3
D4	15	0.7	36	2.5	8	1.6	17	2.5
D5	455	21.4	394	26.8	123	24.2	174	25.9
N1	15	0.7	8	0.5	11	2.2	5	0.7
N2	1	0.1	0	0.0	3	0.6	1	0.2
N3	55	2.6	28	1.9	33	6.5	17	2.5
N4	32	1.5	21	1.4	16	3.2	7	1.0
N5	156	7.3	63	4.3	37	7.3	41	6.1
N6	126	5.9	60	4.1	20	4.0	28	4.2
N7	504	23.7	158	10.8	76	15.0	83	12.4
N8	233	11.0	208	14.2	48	9.5	85	12.7
N9	413	19.4	271	18.4	86	16.9	138	20.5
N10	7	0.3	17	1.2	5	1.0	22	3.3
Nongrid	54	2.5	135	9.2	17	3.4	42	6.3
Off-grid	14	0.7	2	0.1	4	0.8	3	0.4
TOTAL	2,126	100	1,470	100	508	100	672	100

Table 52: FY 2021 Top Ten Offenses Committed by Offenders in the Four Counties – 1

Offense Type	Sedgwick County		Offense Type	Johnson County	
	N	%		N	%
Drugs	516	24.3	Drugs	499	33.9
Aggravated Battery	169	7.9	Theft	135	9.2
Burglary	166	7.8	DUI	127	8.6
Theft	154	7.2	Identity Theft	91	6.2
Aggravated Assault	124	5.8	Burglary	73	5.0
Failure to Register	124	5.8	Domestic Battery	55	3.7
Domestic Battery	123	5.8	Aggravated Battery	50	3.4
Possession of Firearm	114	5.4	Criminal Threat	50	3.4
Criminal Threat	109	5.1	Electronic Monitoring	40	2.7
Fleeing or Eluding LEO	70	3.3	Aggravated Assault	35	2.4
TOTAL	1,669	78.4	TOTAL	1,155	78.5

Table 52: FY 2021 Top Ten Offenses Committed by Offenders in the Four Counties – 2

Offense Type	Wyandotte County		Offense Type	Shawnee County	
	N	%		N	%
Drugs	151	29.7	Drugs	200	29.8
Burglary	44	8.7	Theft	57	8.5
Aggravated Battery	37	7.3	Burglary	44	6.5
Fleeing or Eluding LEO	37	7.3	DUI	36	5.4
Failure to Register	22	4.3	Failure to Register	33	4.9
Aggravated Robbery	19	3.7	Fleeing or Eluding LEO	30	4.5
Possession of Firearm	18	3.5	Possession of Firearm	27	4.0
Robbery	18	3.5	Aggravated Battery	26	3.9
DUI	16	3.1	Identity Theft	21	3.1
Theft	15	3.0	(tie) Aggravated Assault	20	3.0
			(tie) Obstructing Legal Process	20	3.0
TOTAL	377	74.1	TOTAL	514	76.6

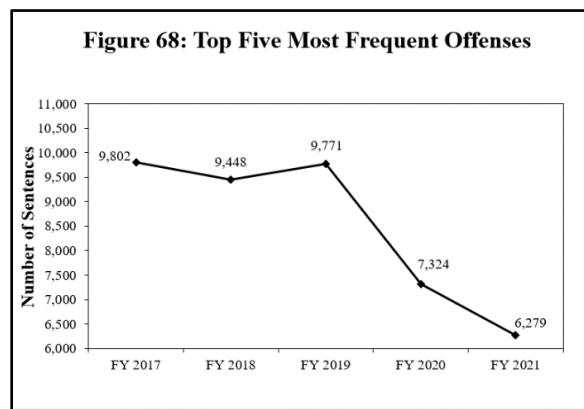
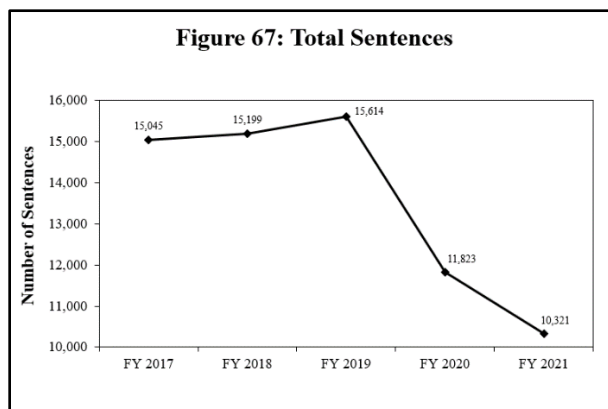
APPENDIX II

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, burglary, theft and aggravated battery and DUI. Of the total offenses, including incarceration, probation, DUI PIS and county jail sentences, these top

five offenses represented, 65.2% in FY 2017, 62.2% in 2018, 62.6% in 2019, and 61.9% in FY 2020, and 60.8% in FY 2021. The following figures and table present the sentencing trends of the top five offenses from FY 2017 to FY 2021. The sentence number of the top five offenses are down due to the COVID-19 pandemic.



**Table 53: Top Five Most Frequent Offenses
Incarceration, Probation, DUI PIS and County Jail Sentences**

Top Five Offenses	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Drugs	5,468	5,771	6,090	4,663	3,875
Theft	1,493	1,128	1,138	887	654
Burglary	1,274	1,162	1,156	795	742
Aggravated Battery	925	874	883	604	595
DUI	642	513	504	375	413
Subtotal	9,802	9,448	9,771	7,324	6,279
Total Offenses	15,045	15,199	15,614	11,823	10,321

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 2017 to FY 2021, 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

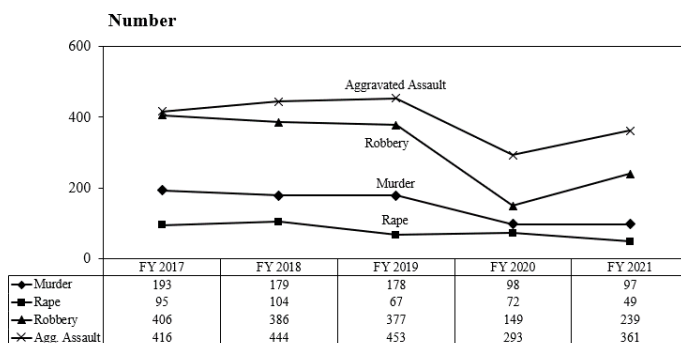
aggravated assault on LEO. Burglary includes aggravated burglary, residential, non-residential, and motor vehicle burglaries. Theft includes motor vehicle theft and arson includes aggravated arson.

The conviction of murder crimes in FY 2021 decreased by 1.0% compared with FY 2020 and decreased by 49.7% compared with FY 2017. The number of rape crimes decreased by 31.9% compared with FY 2020 and decreased by 48.4% compared with FY 2017. Robbery convictions increased by 60.4% compared with FY 2020 but decreased by 41.1% when compared with FY 2017. The number of aggravated assaults increased by 23.2% from FY 2020 but decreased by 13.2% when compared with FY 2017.

In FY 2021, burglary crimes decreased by 6.7% compared with FY 2020 and by 41.8% compared with FY 2017. The number of theft crimes decreased by 26.3% from

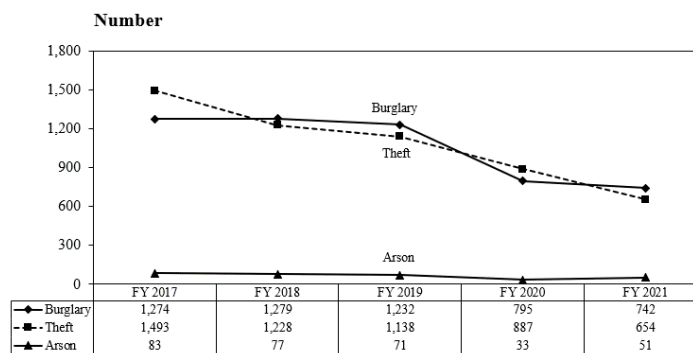
FY 2020 and by 46.2% compared with that of FY 2017. The crime of arson increased by 54.5% from FY 2020 but decreased by 38.6% when compared with FY 2017.

Figure 69: UCR Offenses: Violent Crime
FY 2017 through FY 2021



Both incarceration and probation sentences are included.

Figure 70: UCR Offenses: Property Crime
FY 2017 through FY 2021



Both incarceration and probation sentences are included.

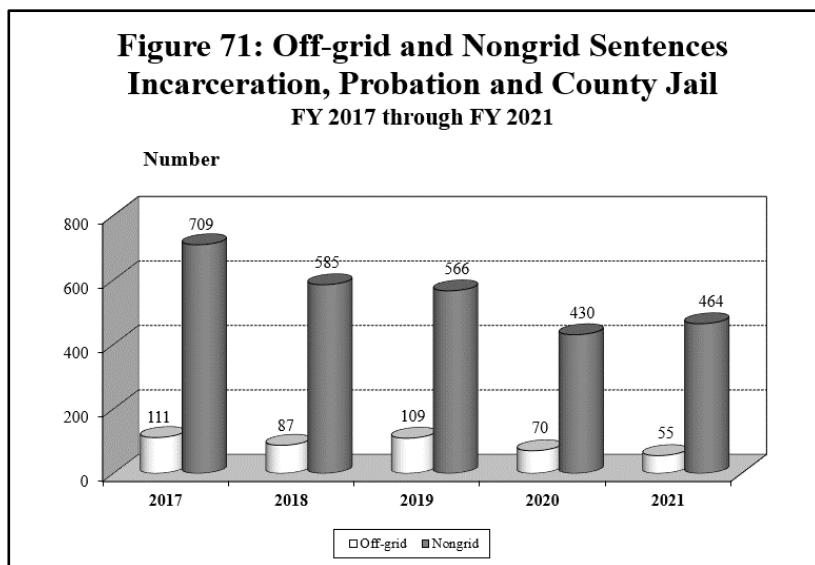
OFF-GRID AND NONGRID CRIMES

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

In FY 2021, the number of off-grid crimes decreased by 15 (27.3%) from FY 2020 and by 56 (50.5%) from FY 2017. 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 2021, including incarceration, probation and county jail sentences, increased by 7.9% compared with FY 2020, but decreased by 34.6% from that of FY 2017, which mirrors the 2011 policy changes on felony DUI (page 15).

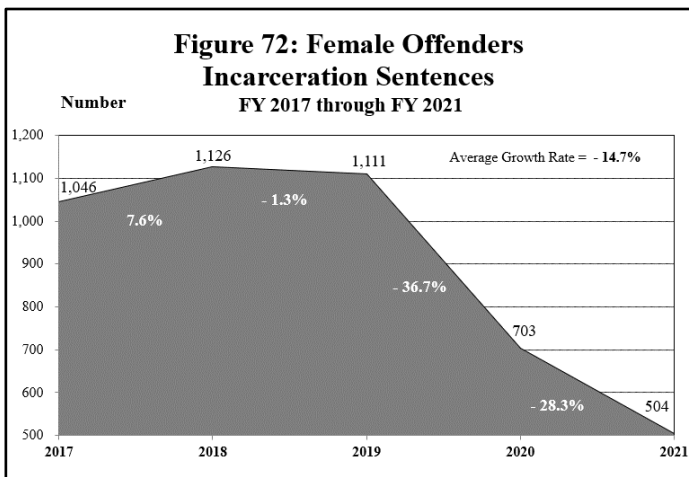
committed on or after July 1, 1999 but prior to July 1, 2014. Felony murder crimes committed on or after July 1, 2014, carry a life sentence with parole eligibility after serving a mandatory 25-year sentence.

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.



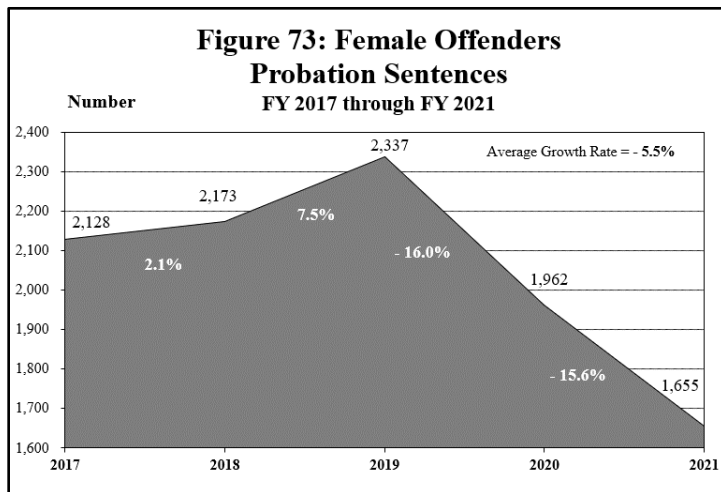
FEMALE OFFENDERS

Up until 2020, which began the drastic impact of the COVID-19 pandemic, the admission of female offenders showed an increasing tendency. The number of female admissions in FY 2021 decreased by 28.3% compared with that of FY 2020 and decreased by 51.8%, compared with that of FY 2017. The average growth rate in the past five years is -14.7% which is due to the significant drop since 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 FY 2020. In FY 2021, female offenders on probation decreased by 15.6% from that of 2020 and by 22.2% compared to that of 2017. The average growth rate is -5.5% over the past 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.

The female offenders incarcerated in prison increased, by 7.6% in FY 2018, but decreased by 1.3% in FY 2019, 36.7% in FY 2020 and 36.7% in FY 2021. Female prison admissions reached the highest number in FY 2018 (1,126) in the past five years.



The female population sentenced to probation increased by 2.1% in FY 2018 and by 7.5% in FY 2019. However, females on probation in FY 2020 decreased by 16.0% from FY 2019, and by 15.6% from FY 2020 to FY2021. At 1,655, female probation sentences in FY 2021 are the lowest number since FY 2004 (1,504).