KANSAS SENTENCING COMMISSION

FY 2022 ANNUAL REPORT

June 13, 2023

KANSAS SENTENCING COMMISSION

ANNUAL REPORT
FY 2022

Analysis Of Sentencing Guidelines In Kansas

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EXECUTIVE SUMMARY

Fiscal Year (FY) 2022 Annual Report is the twenty-eighth report released by the Kansas Sentencing Commission. It provides a descriptive analysis of felony sentencing patterns under the sentencing guidelines during FY 2022, 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 2022 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 grants in the area of increasing access to statistical 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 2022 Annual Report is based on the sentencing data reported from 101 of the 105 counties of the state and the adult prison data contributed by the Kansas Department of Correction (KDOC) in FY 2022. Only Gove, Kearny, Scott and Sheridan Counties reported no felony cases in FY 2022, all in western Kansas. A total number of 10,813 felony sentences were reported to the Commission during FY 2022, indicating an increase of 4.8% from that of FY 2021, but an 8.5% decrease from FY 2020. Of the total number of sentences, 3,853 (35.6%) were prison sentences, 6,529 (60.4%) were probation sentences and 431 (4.0%) were DUI post-imprisonment supervision and

county jail sentences. Nondrug sentences accounted for 60.3% or 6,525 sentences and drug sentences accounted for 39.7% or 4,288 sentences (page 1).

INCARCERATION SENTENCES

In FY 2022, the total number of admissions to KDOC increased to 3,853 up 10.4% or 362 offenders when compared with FY 2021 (3,491 admissions). Male offenders made up 85.7% of the total admissions, a slight increase from that of FY 2021 (85.6%). 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 84.4% of the crime of drug distribution, 88.9% of possession of paraphernalia, and all the cases of unlawful manufacture of a controlled substance, while most female offenders were convicted of drug possession (page 25).

White offenders represented 71.0% of the admissions to state prisons in FY 2022, indicating a 3.2% decrease compared to that of FY 2021 (74.2%). The offenders with non-Hispanic origin made up 85.9%, a decrease of 1.3% from that of FY 2021 (87.2%). The highest incarceration rates for white offenders (over 70%) were discovered in the crime areas of abuse of a child, aggravated arson, aggravated assault on a law enforcement officer, arrange the sale or purchase of drugs, auto failure to remain, burglary, criminal damage to property,

criminal use of a financial card, failure to register, false writing, fleeing or eluding a law enforcement officer, forgery, mistreatment of a dependent adult, tampering with an electronic monitor, theft, trafficking contraband, weapons violations, voluntary manslaughter, and most sex offenses. (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 (36.8%) and the second largest number of offenders was identified in the group from 25 to 30 years old (21.9%) at the time of admission to prison in FY 2022. This age distribution is consistent with the age data observed in the past five years, with a slight shift to the older groups compared to FY 2021. As for the educational background of the offenders admitted in FY 2022, approximately 50.6% of the offenders had attained either a high school diploma or GED equivalent, which is down 0.5% from FY 2021 (51.1%).

The analysis of admission types demonstrates that the three largest groups of admissions are new court commitments, probation condition violators (excluding 4.1% of sanctions from probation violation) and parole/postrelease condition violators. These three groups represent 42.4%, 26.5% and 16.5% respectively, of the total prison admissions in FY 2022. Most of the drug offenders admitted to KDOC in FY 2022 were at drug severity level 5 (789 sentences or 68.0%) and drug severity level 3 (165 or 14.2%), while the largest numbers of nondrug offenders were identified at nondrug severity levels 5, 7 and 9 with admissions of 385, 609 and 580, respectively, in FY 2022 (pages 27 & 28).

In FY 2022, a total number of 45 offenders were sentenced and admitted to prison under Jessica's Law. Of this number, 31 (68.9%) were new court commitments, 11 (24.4%) were parole condition violators, 1 (2.2%) was a parole violator with a new sentence, 1 (2.2%) was a probation condition violator, and 1 (2.2%) was a probation violator with a new sentence. While jurisdictions identify the severity of these crimes as off-grid, 35 offenders received a downward departure. Of the 45 total offenders, 33 offenders (73.3%) were sentenced at off-grid, 1 offender (2.2%) was sentenced at nondrug severity level 1, 2 offenders (4.4 %) were sentenced at nondrug severity level 3, 6 offenders (13.3%) at nondrug severity level 5, 2 offenders (4.4%) at nondrug severity level 8, and 1 offender (2.2%) at nondrug severity level 9. The analysis of the sentence length demonstrates that 77.8% of the sentences were downward departure to guidelines, a decrease of 4.0% compared with that of FY 2021 (81.8%) The average sentence length of the durational departures was 116.0 months, an increase of 14.1 months from that observed in FY 2021 (101.9 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 (page 32).

PROBATION SENTENCES

The number of probation sentences reported to the Commission during FY 2022 was 6,529, an increase of 1.9% compared with that of FY 2021 (6,409). The analysis of the probation sentences demonstrates that theft (12.8%), burglary (11.8%) and aggravated battery (8.7%) were the top three offenses committed by nondrug probation offenders, representing 33.3% of the total nondrug

crimes (page 37). The probation sentences for the crime of drug possession accounted for 78.6% of all drug probation sentences, a slight increase from that (78.4%) of FY 2021 (pages 38 & 40).

The analysis of the criminal history categories of the offenders sentenced to probation in FY 2022 indicates that offenders with criminal history category I accounted for 24.3% of offenders on the nondrug grid and 20.2% of offenders on the drug grid. The nondrug offenders within the presumptive probation boxes made up 73.8%, a decrease of 1.3% compared with that of FY 2021 (75.1%). The examination of the border box sentences shows that 5.7% of probation nondrug sentences were found to be within the designated border boxes (pages 44 & 45). The study on drug sentences by presumptive probation and border box continues in FY 2022. The drug offenders within presumptive probation sentences accounted for 55.3% and the drug offenders within the border box represented 22.7% of the probationers sentenced during FY 2022.

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 2022, a total number of 2,591 probation violators received a jail sanction based on the probation revocation

disposition data collected by the Commission. This is an increase of 73 or 2.9% from that of FY 2021 (2,518 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 2021 (3.1 days), 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 (pages 63 & 64). When reviewing the KDOC's admission data, the Commission noticed that 159 probation condition violators in FY 2022 were admitted to prison as HB 2170 sanction from probation, a decrease of 53 violators (25.0%) compared with FY 2021 (212 violators). Of those 159 violators, 95 offenders (59.7%) were remanded for 120 sanction days, 64 offenders (40.3%) were remanded for 180 sanction days and no offenders 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 2022 (page 15). The Commission received 431 DUI post-imprisonment supervision (PIS) and county jail sentences in FY 2022. Of this number, DUI PIS accounted for 92.1% (397 sentences) and county jail sentences accounted for 7.9% (34 sentences).

The analysis of this group of offenders by gender specifies that male offenders accounted for 82.1% and female offenders accounted for 17.9% of the 431 sentences. The gender distribution shifted back to the males by 4.0% when compared with that of FY 2021. White offenders represented 80.3%, black offenders represented 18.1% and other races represented 1.6% of the DUI PIS and county jail sentences imposed in FY 2022. Their average age at sentencing is 42.2 years old, down slightly from FY 2021 (pages 46 & 47).

The study of the crimes committed by the offenders displays that 97.4% of the offenders were convicted of felony DUI (412 sentences), and 1.4% (6 sentences) were convicted of the crime of domestic battery. Johnson County imposed the most sentences of this group (130) representing 30.2%, followed by Sedgwick (37) and Shawnee (33 sentences) Counties representing, respectively, 8.6% and 7.7% of the total DUI PIS and county jail sentences imposed in FY 2022.

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 85 & 87.

1,160 drug offenders were admitted to prison in FY 2022, an 11.0% increase from

that of FY 2021 (1,045), but a 48.3% decrease from FY 2018 (2,151 offenders). Comparing statistics between FY 2022 and FY 2018, the admissions decreased by 34.2% at drug severity level 1, by 16.2% at drug severity level 2, by 27.6% at drug severity level 3, by 62.5% at drug severity level 4, and by 48.3% at drug severity level 5 (page 85).

The analysis of drug offenses demonstrates that 67.2% of the incarceration drug sentences were convictions of drug possession, a decrease of 3.2% compared with that of FY 2021 (70.4%). Only 0.1% of the drug possession sentences were found at drug severity level 4. Offenders at drug severity level 5 accounted for 99.9% of the drug possession group, similar to FY 2021 (99.2%) after several years of larger increases, which reflects the implementation of the current drug sentencing grid (page 24 & 25).

The research of drug probation sentences indicates that the number of drug probation sentences in FY 2022 (3,128) increased by 10.5% compared with that of FY 2021 (2,831) but decreased by 13.6% compared with that of FY 2018 (3,620). Comparing probation drug sentences between FY 2022 and 2018, statistics displays that the number of drug probation sentences increased by 171.4% at drug severity level 1 and 34.3% at drug severity level 2, while probation sentences decreased in the less severe levels, by 40.2% at drug severity level 3, down 32.3% at drug severity level 4, and down 10.4% at drug severity level 5. (page 87).

Further study of drug offenders on probation reveals that during FY 2022, a total number of 1,117 sentences were ordered to

2003 Senate Bill 123 (SB 123) drug treatment programs, representing 35.7% of the total drug probation sentences (3,128) a decrease of 1.7% compared with that of FY 2021 (37.4%). 1,067 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 35.6 years old, less than a year older than that of FY 2021. The distribution of SB 123 drug treatment sentences imposed by county displays that Sedgwick County imposed the most SB 123 sentences (80) followed by Reno (78), Shawnee (75), and Johnson (73) counties (pages 41 & 43).

In addition, 1,103 SB 123 drug treatment sentences were violated as probation condition violators during FY 2022. Of this number, 297 sentences were revoked to prison, representing 26.9% of SB 123 sentences imposed in FY 2022, an increase of 4.6% from that of FY 2021 (22.3%). The average period between original sentence and the first revocation hearing was 19.7 months, 1.9 months more than that of FY 2021 (17.8 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 1,656 condition violators were admitted to prison in FY 2022, accounting for 43.0% of the total prison admission events of the fiscal year. Of this number, 1,022 were probation condition violators and 634 were parole/postrelease violators. The total percentage of condition violators, unchanged from FY 2021 (page 49).

The number of probation condition violators admitted to prison in FY 2022 decreased by 29.9% when compared with FY 2018 and decreased by 3.2% from that of FY 2021. The number of parole/postrelease condition violators admitted to prison in FY 2022 dropped by 41.4%, from FY 2018, but jumped up 44.7% from FY 2021 (page 84). 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 2021. The largest number of offenses on the nondrug grid was at the severity level 9 for female condition violators, but severity level 7 for male condition violators in FY 2022 (page 52).

Based on the probation revocation disposition data collected by the Commission, 516 probation condition violators and 65 probation violators with new convictions who were continued or extended on probation, representing 11.1% of the total number of 5,455 condition probation violators during FY 2022 (pages 60 & 61).

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 8,860 guideline sentences reported in FY 2022. Of this number, 2,354 were incarceration guideline sentences and 6,506 were probation sentences. Seventy-seven-point eight percent of the guideline sentences imposed fell within the designated guideline sentence range. Dispositional departures accounted for 16.1% of sentences and durational departures were found in 6.1% of sentences (page 65). 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, 20.1% percent were within the aggravated range, and 27.7% were within the mitigated range. 6.9% of the total incarceration sentences were located within designated border boxes (page 66).

The review of the durational departures of the incarceration guideline sentences shows that 98.2% of the durational departures were downward durational departures, while 1.8% indicated upward durational departures (page 66). The comparative study of durational departures between drug and nondrug incarceration sentences indicates that 98.8% of drug durational departure sentences were downward compared to 97.4% for nondrug downward durational departure sentences (page 68). Downward durational departures were most frequently identified at severity level 5 of the drug grid. Upward durational departures were sporadically assigned across numerous severity levels on the nondrug grid but were zero on the drug grid (page 69). Dispositional departures are identified when the sentence imposed, prison or nonprison, is different from the sentence disposition designated under the sentencing guidelines. Upward dispositional departures are only applicable when prison sentences are imposed. When drug and nondrug sentences were compared, nondrug sentences indicated a 3.4% upward dispositional departure rate and drug sentences represented a 1.1% upward dispositional departure rate (page 67). In FY 2021, 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 (78.5%) of probation guideline sentences fell beneath the incarceration line, among which 90.1% were within presumptive probation grids and 9.9% were within border boxes. Downward dispositional departures were identified in 21.5% of the probation guideline sentences imposed in FY 2022 (page 67). Further research of downward dispositional departures of probation sentences discloses that drug sentences represented a higher percentage of downward dispositional departures than nondrug sentences (34.5% vs 20.5%). Substantially more drug probation sentences resulted from border boxes than did nondrug probation sentences (78.5% vs. 21.5%), which is consistent with the data observed in FY 2021 (page 70).

SPECIAL SENTENCING RULES

Special sentencing rules provide special treatment of certain crimes and sanctions. There was a small number of special sentencing rules in the beginning years of implementation of the guidelines. Only five special rules existed in 1994 and 1995. With the modification of sentencing guidelines and amendments of sentencing policies in each legislative year, the number of special sentencing rules has increased. As of the 2022 Legislative Session, forty-nine 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 2022, a total number of 1,178 pure guideline prison sentences and 1,761 pure guideline probation sentences were imposed with special sentencing rules, which accounted for 66.9% of prison pure guideline admissions (1,762 admissions) and 34.3% of pure guideline probation sentences (5,127) imposed in FY 2022. The percentage

of offenders admitted to prison with special sentencing rules increased from 44.5% in FY 2018 to 66.9% in FY 2022. The percentage of probation sentences imposed with special sentencing rules accounted for 15.1% in FY 2018 and increased to 34.3% in FY 2022. The total percentage of both prison and probation sentences applied with special rules increased from 21.1% in FY 2018 to 42.7% in FY 2022 (page 80). 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 2022. 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 2032, a total of 9,353 prison beds will be needed. This represents a total increase of 10.7% or 904 beds above the actual prison population as of June 30, 2022. 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 89 & 90).

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 1 to 3 group in the ten-year forecast period, indicating an increase of 477 offenders or 19.1% and the number at nondrug severity levels 4 to 6 will increase by 207 offenders or 15.5% in the next ten years. This is due to the "stacking effect" of the long sentence length of the most serious offenses even though the trend of violent crimes in Kansas declined in the past five years. The projected population of probation condition violators is expected to increase at the highest rate, up 36.5%, or 343 sentences, during the ten-year forecast period. The incarcerated population parole/post release violators in the next ten years is expected to decrease by 74 offenders or 20.4%.

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 74 or 20.4% 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 2013 through FY 2032 (page 89).

The custodial classification projection predicts the types of prison beds needed for custody over the next ten years. By the end of FY 2023, KDOC will need

2,499 minimum beds, 2,466 medium low beds, 1,346 medium high beds, 1,247 regular maximum beds, 244 unclassified beds and 895 for special management. By the end of FY 2032, the custodial beds in demand will include 2,680 minimum, 2,652 medium low, 1,450 medium high, 1,344 maximum, 262 unclassified and 965 special management beds (page 91). 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 2022.

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 2022

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 2022. 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 2022, a total number of 10,813 felony sentences were reported to the Commission, an increase of 492 sentences or up 5% from that of FY 2021. This is the second 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 10,813 sentences, 3,853 were prison sentences, 6,529 were probation sentences and 431 were DUI post imprisonment supervision and county jail sentences (County jail sentences made up 34). In terms of drug or nondrug crimes, this total included 6,525 nondrug sentences and 4,288 drug sentences. Nonperson offenses accounted for 65.5% and person offenses accounted for 34.5% (Figure 1), which does not fluctuate much from those of FY 2021.

FY 2022 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 76.5% (887 sentences) of the total drug incarceration sentences. The largest number of nondrug incarceration offenders was identified at severity level 7 (609 sentences or 22.6%) followed by severity level 9 (580 sentences or 21.5%) and severity level 5 (385 sentences or 14.3%), which is similar with the pattern of FY 2021. The examination of probation sentences in FY 2022 indicates that 2,537 probation sentences fell at drug severity level 5, representing 81.1% of the total drug probation sentences and 262 probation sentences were at drug severity level 4 representing 8.4%. The current 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 2,799. Of this number, 87.9% or 2,460 sentences were convicted of the crimes of drug possession. Of the 2,460 drug possession sentences, 43.4% or 1,067 sentences were ordered to SB 123 drug treatment programs, which was down just slightly (2.0 %) compared with the percentage (45.4%) of FY 2021. The highest rates of nondrug probation offenders were found at nondrug severity level 9 (38.5% or 1,309 sentences) and nondrug severity level 7 (26.3% or 894 sentences). The analysis of DUI post imprisonment supervision and county jail sentences discloses that 99.3% of the 431 offenders were convicted of nongrid crimes.

The review of sentences by county indicates that 101 of the 105 counties reported felony sentences to the Commission in FY 2022. Most of the counties reported 1 to 100 sentences. Ten counties reported 101 to 200 sentences. They are Butler (175), Cowley (112), Crawford (199), Ellis (144), Jackson (187), Lyon (150), McPherson (132), Montgomery (101), Riley (132) and Seward (135) counties. Nine counties reported 201 to 500 sentences. They are Barton (206), Douglas (213), Finney (216), Ford (220), Geary (223), Harvey (213), Leavenworth (310), Reno (482) and Saline (451) counties. Sedgwick (1796), Johnson (1373), Wyandotte (607), and Shawnee (842) counties remained the top four committing counties, accounting for 42.7% of all sentences imposed in FY 2022, a decrease of 3.6% compared with that (46.3%) of FY 2021 (Figure 3).

The top five offenses committed in FY 2022 are crimes of drugs (39.7% or 4,288 sentences), burglary (6.7% or 724 sentences including aggravated burglary), theft (5.5% or 597 sentences), aggravated battery (5.3% or 571 sentences) and felony DUI (3.9% or 423 sentences). The top five offenses, including prison, probation, and county jail sentences, accounted for 61.0% of the total 10,321 sentences in FY 2022 (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 (271 sentences) followed by Wyandotte County (114 sentences), and Shawnee County (103 sentences) and Johnson County (63 sentences). Figure 5 exhibits the distribution of the violent crimes committed in the top four counties during FY 2022. The characteristics of offenders by individual counties are presented in Table 1.

Figure 1: Sentences Reported in FY 2022
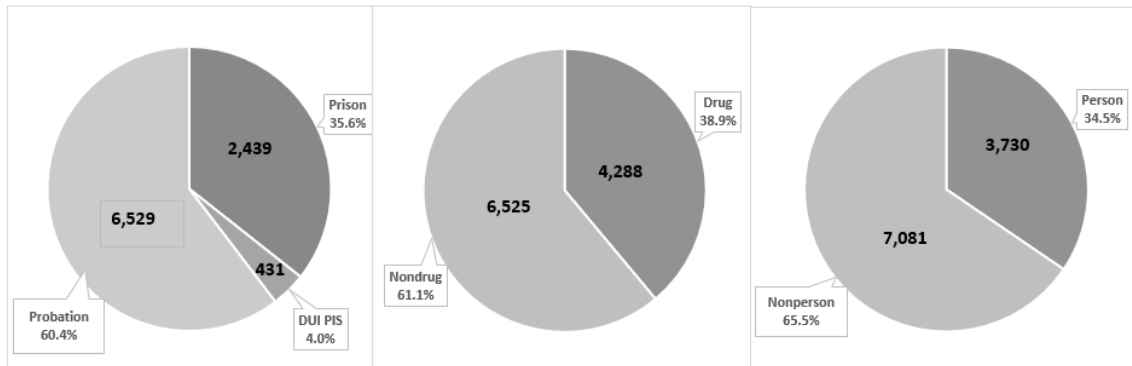
Based on 10,813 felony sentences reported in FY 2022. DUI post-imprisonment supervision accounted for 397 and jail accounted for 34 sentences. Two records not distinguished as person/nonperson.

Figure 2: FY 2022 Sentencing Distribution

Total Sentences
10,813

| Incarceration 3,853 | Probation 6,529 | DUI, PIS & Jail 431 |

| Drug 1,160 | Nondrug 2,693 | Drug 3,128 | Nondrug 3,401 | Nondrug 431 |

Drug 1,160:
- D1=25
- D2=83
- D3=165
- D4=98
- D5=789

Nondrug 2,693:
- N1=116
- N2=32
- N3=261
- N4=120
- N5=385
- N6=214
- N7=609
- N8=263
- N9=580
- N10=30
- Nongrid=4
- Offgrid=79

Drug 3,128:
- D1=19
- D2=133
- D3=177
- D4=262
- D5=2,537

Nondrug 3,401:
- N1=4
- N2=0
- N3=33
- N4=53
- N5=236
- N6=213
- N7=894
- N8=558
- N9=1,309
- N10=74
- Nongrid=27
- Offgrid=0

Nondrug 431:
- N8=1
- N9=2
- Nongrid=428

Figure 3: Sentences Reported by County FY 2022

County		
Cheyenne 8	Rawlins 5	Decatur 11

(Map of Kansas counties with sentence counts)

Cheyenne 8, Rawlins 5, Decatur 11, Norton 17, Phillips 20, Smith 2, Jewell 4, Republic 7, Washington 7, Marshall 31, Nemaha 30, Brown 40, Doniphan 18

Sherman 52, Thomas 22, Graham 11, Rooks 15, Osborne 8, Mitchell 37, Cloud 46, Clay 28, Riley 132, Pottawatomie 81, Jackson 187, Atchison 76, Jefferson 49, Leave... 310, 607

Wallace 5, Logan 7, Trego 22, Ellis 144, Russell 22, Lincoln 1, Ottawa 3, Geary 223, Wabaunsee 24, Shawnee 842, Douglas 213, Johnson 1373

Dickinson 68, Saline 451, Ellsworth 19, Morris 44, Osage 49, Franklin 75, Miami 63

Greeley 6, Wichita 10, Lane 16, Ness 6, Rush 4, Barton 206, Rice 38, McPherson 132, Marion 38, Chase 8, Lyon 150, Coffey 29, Anderson 64, Linn 50

Hamilton 10, Finney 216, Hodgeman 4, Pawnee 68, Stafford 4, Reno 482, Harvey 213, Greenwood 75, Woodson 12, Allen 75, Bourbon 89

Edwards 7, Gray 15, Ford 220, Pratt 33, Sedgwick 1796, Butler 175, Elk 3, Wilson 45, Neosho 47, Crawford 199

Stanton 3, Grant 19, Haskell 33, Kiowa 14, Kingman 36

Morton 7, Stevens 7, Seward 135, Meade 17, Clark 4, Comanche 4, Barber 6, Harper 34, Sumner 89, Cowley 112, Chautauqua 21, Montgomery 101, Labette 66, Cherokee 51

Please see the KSSC website for more updated county dashboard maps:

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

**Figure 4: FY 2022 Top 5 Offenses of
Prison, Probation, and Jail Sentences**

Offense		Percentage
Drugs		39.7%
Burglary		6.6%
Theft		5.5%
Agg Battery		5.3%
DUI		3.9%
Other		39.0%
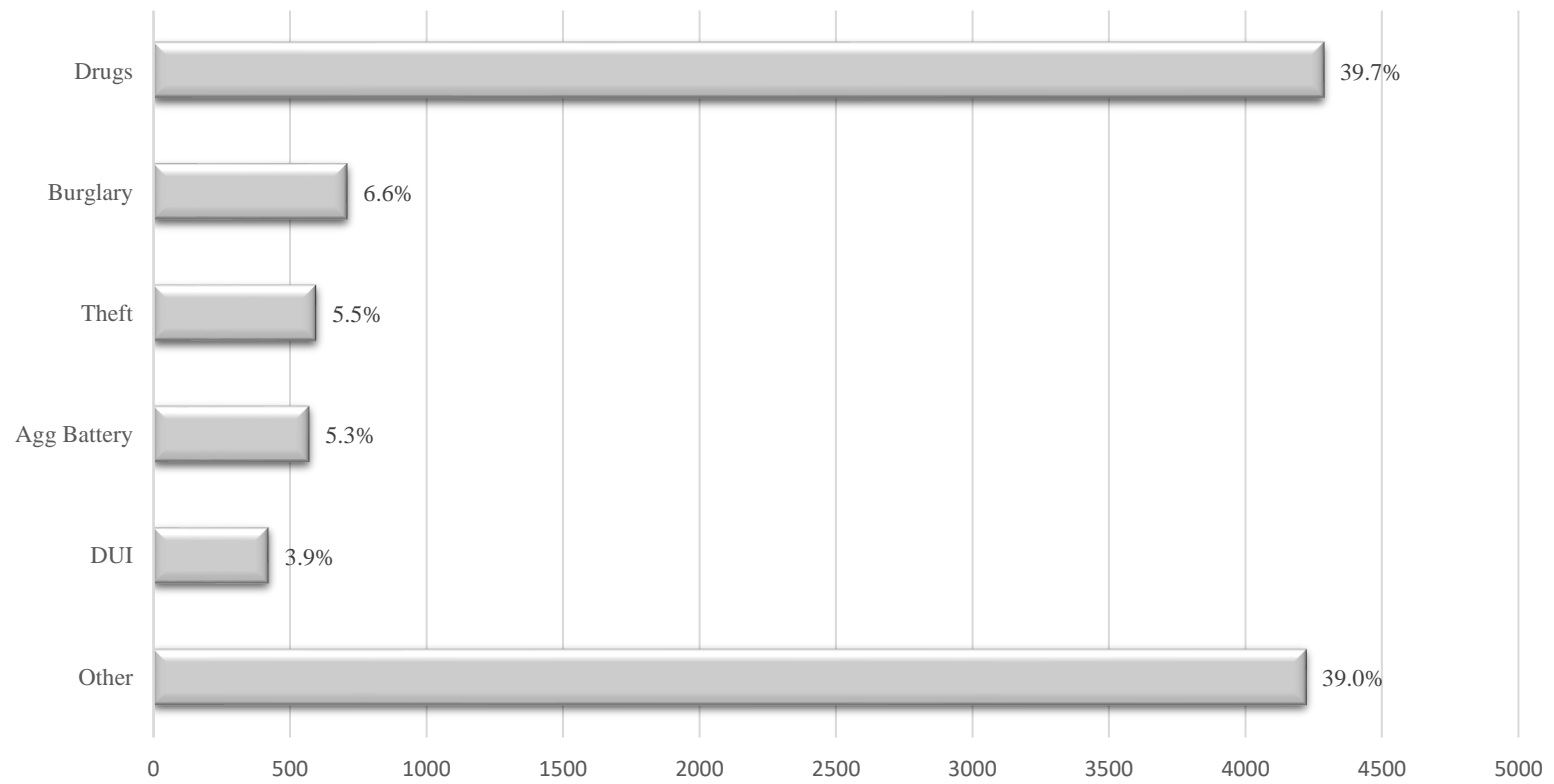
Based upon 10,813 prison, probation, DUI/PIS, and County Jail Sentences

Figure 5: FY 2022 UCR Offenses by Top Four Counties
Violent Crime Convictions

Sedgwick — Murder 37, Rape 19, Robbery 94, Agg Assault 121
Wyandotte — Murder 32, Rape 12, Robbery 51, Agg Assault 19
Shawnee — Murder 28, Rape 6, Robbery 30, Agg Assault 39
Johnson — Murder 10, Rape 2, Robbery 20, Agg Assault 31

■ Murder ■ Rape ■ Robbery ■ Agg Assault
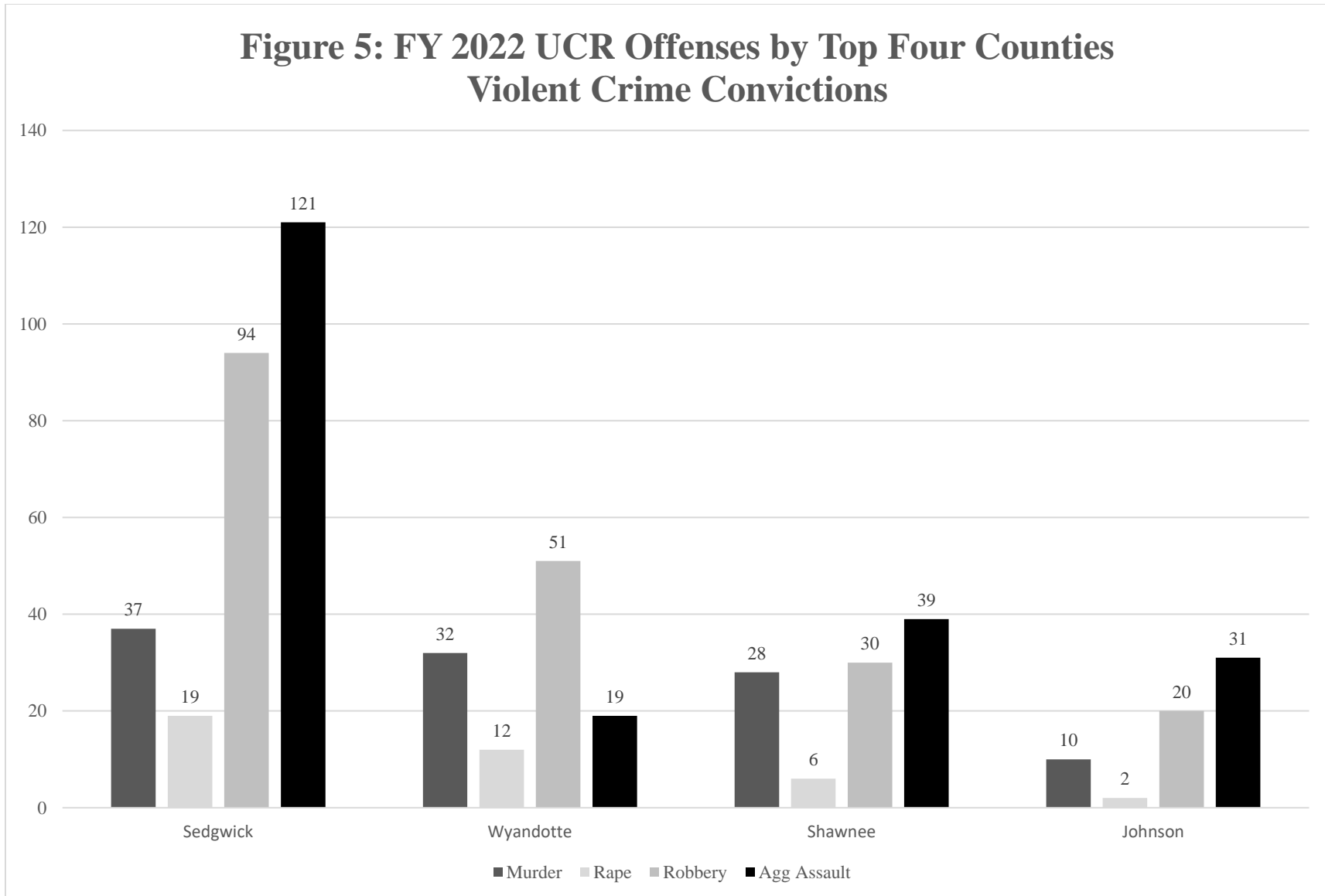
Table 1: FY 2022 Offender Characteristics by County – 1

County	Number Of Sentences	Gender		Race			Sentence Type			Offense Type		Mean Age
		Male	Female	White	Black	Other	Prison	Probation	Jail	Nondrug	Drug	
Allen	75	55	20	68	6	1	14	58	3	41	34	39.1
Anderson	64	48	16	59	2	3	19	44	1	26	38	37.1
Atchison	76	60	16	64	9	3	40	36	0	38	38	34.2
Barber	6	6	0	6	0	0	3	2	1	5	1	37.9
Barton	206	177	29	189	12	5	55	141	10	104	102	33.6
Bourbon	89	58	31	81	7	1	31	58	0	28	61	35.4
Brown	40	35	5	32	2	6	14	26	0	20	20	34.4
Butler	175	137	38	155	8	12	51	121	3	100	75	33.6
Chase	8	6	2	8	0	0	2	6	0	7	1	40.6
Chautauqua	21	18	3	21	0	0	7	14	0	15	6	41.0
Cherokee	51	41	10	50	0	1	22	29	0	30	21	37.3
Cheyenne	8	6	2	8	0	0	4	4	0	6	2	31.2
Clark	4	3	1	4	0	0	2	2	0	1	3	32.7
Clay	28	20	8	26	2	0	8	19	1	16	12	37.7
Cloud	46	38	8	42	1	3	14	31	1	14	32	36.7
Coffey	29	21	8	28	0	1	6	22	1	10	19	34.6
Comanche	4	4	0	4	0	0	2	2	0	3	1	38.8
Cowley	112	90	22	76	19	17	40	66	6	72	40	35.4
Crawford	199	152	47	165	26	8	50	148	1	126	73	34.4
Decatur	11	8	3	11	0	0	3	8	0	3	8	40.0
Dickinson	68	57	11	63	3	2	27	37	4	31	37	37.0
Doniphan	18	15	3	17	1	0	4	13	1	8	10	36.2
Douglas	213	178	35	152	47	14	79	133	1	156	57	33.9
Edwards	7	6	1	7	0	0	1	5	1	5	2	39.9
Elk	3	2	1	3	0	0	3	0	0	3	0	35.5
Ellis	144	115	29	133	6	5	46	95	3	78	66	31.8
Ellsworth	19	16	3	16	3	0	3	16	0	9	10	35.5
Finney	216	168	48	200	9	7	62	148	6	99	117	31.4
Ford	220	174	46	205	11	4	69	139	12	102	118	33.8

Table 1: FY 2022 Offender Characteristics by County – 2

County	Number Of Sentences	Gender		Race			Sentence Type			Offense Type		Mean Age
		Male	Female	White	Black	Other	Prison	Probation	Jail	Nondrug	Drug	
Franklin	75	66	9	71	4	0	50	23	2	39	36	35.2
Geary	223	174	49	139	70	14	48	171	4	90	133	35.0
Graham	11	7	4	11	0	0	4	7	0	9	2	33.2
Grant	19	14	5	19	0	0	6	11	2	13	6	32.7
Gray	15	14	1	15	0	0	4	10	1	4	11	33.2
Greeley	6	4	2	6	0	0	2	4	0	4	2	30.3
Greenwood	75	43	32	69	4	2	15	59	1	26	49	38.6
Hamilton	10	9	1	9	0	1	3	6	1	5	5	34.5
Harper	34	24	10	31	2	1	6	28	0	15	19	37.7
Harvey	213	165	48	193	16	4	57	147	9	91	122	35.9
Haskell	33	24	9	33	0	0	11	22	0	6	27	31.4
Hodgeman	4	4	0	3	0	1	0	4	0	1	3	37.1
Jackson	187	114	73	133	26	28	53	120	14	61	126	38.1
Jefferson	49	40	9	48	0	1	22	27	0	37	12	34.9
Jewell	4	3	1	4	0	0	3	1	0	3	1	39.9
Johnson	1,373	1,076	297	943	404	23	361	882	130	870	503	34.4
Kingman	36	29	7	33	2	1	10	24	2	22	14	33.2
Kiowa	14	11	3	12	2	0	0	13	1	8	6	38.5
Labette	66	51	15	55	9	2	25	41	0	33	33	34.7
Lane	16	12	4	16	0	0	4	12	0	4	12	32.5
Leavenworth	310	248	62	228	72	10	155	147	8	189	121	38.0
Lincoln	1	1	0	1	0	0	1	0	0	1	0	23.1
Linn	50	38	12	46	3	0	14	36	0	31	19	38.7
Logan	7	5	2	7	0	0	1	6	0	2	5	38.5
Lyon	150	112	38	122	23	5	69	71	10	97	53	33.8
Marion	38	26	12	35	3	0	10	28	0	20	18	38.5
Marshall	31	26	5	28	1	2	6	23	2	17	14	38.0

Table 1: FY 2022 Offender Characteristics by County – 3

County	Number Of Sentences	Gender		Race			Sentence Type			Offense Type		Mean Age
		Male	Female	White	Black	Other	Prison	Probation	Jail	Nondrug	Drug	
McPherson	132	104	28	116	14	2	25	96	11	64	68	36.4
Meade	17	13	4	16	0	1	8	9	0	5	12	35.2
Miami	63	54	9	56	7	0	16	45	2	40	23	39.6
Mitchell	37	27	10	36	1	0	4	31	2	13	24	39.3
Montgomery	101	72	29	71	23	7	47	54	0	51	50	34.7
Morris	44	27	17	42	0	2	6	37	1	19	25	34.9
Morton	7	7	0	7	0	0	1	6	0	4	3	41.1
Nemaha	30	27	3	29	1	0	11	15	4	22	8	38.2
Neosho	47	36	11	46	1	0	25	22	0	16	31	35.6
Ness	6	4	2	6	0	0	1	4	1	3	3	40.5
Norton	17	14	3	17	0	0	7	10	0	12	5	36.1
Osage	49	37	12	47	0	2	14	32	3	26	23	40.5
Osborne	8	6	2	8	0	0	2	6	0	4	4	36.2
Ottawa	3	3	0	2	0	1	3	0	0	3	0	26.7
Pawnee	68	54	14	55	11	2	16	49	3	41	27	36.6
Phillips	20	14	6	18	2	0	2	18	0	10	10	39.3
Pottawatomie	81	60	21	72	6	3	33	47	1	58	23	37.4
Pratt	33	29	4	33	0	0	13	18	2	18	15	32.8
Rawlins	5	5	0	5	0	0	1	4	0	3	2	39.1
Reno	482	373	109	419	56	7	153	304	25	205	277	36.6
Republic	7	5	2	7	0	0	2	5	0	4	3	36.5
Rice	38	28	10	36	0	2	12	25	1	20	18	39.3
Riley	132	102	30	80	46	6	56	72	4	94	38	31.9
Rooks	15	13	2	13	2	0	5	10	0	7	8	39.0
Rush	4	2	2	4	0	0	0	3	1	3	1	32.2
Russell	22	19	3	19	3	0	8	12	2	8	14	32.5
Saline	451	358	93	355	89	7	145	281	25	251	200	36.1

Table 1: FY 2022 Offender Characteristics by County – 4

County	Number Of Sentences	Gender		Race			Sentence Type			Offense Type		Mean Age
		Male	Female	White	Black	Other	Prison	Probation	Jail	Nondrug	Drug	
Sedgwick	1,796	1,489	307	1,144	572	79	910	849	37	1,394	402	34.5
Seward	135	112	23	115	15	5	43	86	6	60	75	35.5
Shawnee	842	685	157	565	239	37	286	523	33	609	233	36.4
Sherman	52	42	10	46	5	1	11	41	0	15	37	32.5
Smith	2	2	0	2	0	0	1	1	0	1	1	35.2
Stafford	4	2	2	4	0	0	2	1	1	1	3	24.9
Stanton	3	3	0	3	0	0	2	1	0	1	2	35.7
Stevens	7	7	0	6	0	1	3	3	1	4	3	34.9
Sumner	89	64	25	83	4	2	39	46	4	73	16	33.7
Thomas	22	16	6	20	0	2	8	13	1	9	13	37.3
Trego	22	17	5	18	4	0	5	17	0	3	19	42.2
Wabaunsee	24	21	3	22	2	0	12	12	0	15	9	34.6
Wallace	5	2	3	5	0	0	5	0	0	1	4	40.1
Washington	7	4	3	6	1	0	1	5	1	3	4	36.9
Wichita	10	10	0	9	0	1	4	6	0	6	4	39.2
Wilson	45	30	15	40	4	1	10	34	1	23	22	34.7
Woodson	12	11	1	10	1	1	5	7	0	9	3	35.6
Wyandotte	607	507	100	341	249	15	269	323	15	440	167	35.9
TOTAL	**10,813**	**8,571**	**2,242**	**8,257**	**2,173**	**375**	**3,853**	**6,529**	**431**	**6,525**	**4,288**	**35.3**

Note   Prison sentences are based on KDOC admissions in FY 2022. Probation, DUI PIS and jail sentences are based on the sentencing journal entries reported to KSC during FY 2022.
Note   DUI post-imprisonment supervision sentences accounted for 397 and county jail accounted for 34 sentences.
Note   Offenders with unknown race excluded from race counts.

CHARACTERISTICS OF OFFENDERS AND OFFENSES

This section presents the characteristics of the offenders who were sentenced during FY 2022. 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 2022, male offenders represented 79.3% 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 20.7% of the sentences in FY 2022, indicating a decrease of 1.1% compared with that of FY 2021. The most frequently committed crimes by female offenders compared to their male counterparts (over 40%) was trafficking contraband, aiding a felon, aggravated endangering a child, identity theft, false writings, and mistreatment of dependent adults.

Figure 6: Distribution of FY 2022 Sentences by Gender of Offenders

Male 79.3%

Female 20.7%
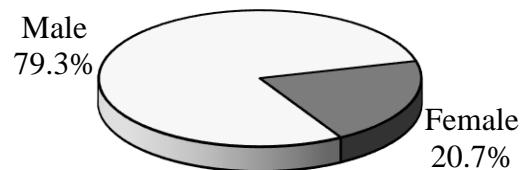
Based on 10,813 sentences reporting gender of offenders

Figure 7: Distribution of FY 2022 Sentences by Race of Offenders

White 76.4%

Black 20.1%

Other 3.5%
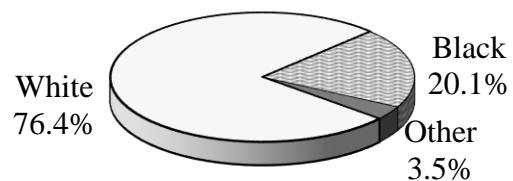
Based on 10,813 sentences reporting race of offenders

The racial distribution of offenders in FY 2022 does not fluctuate much from that of FY 2021. White offenders made up 76.4% of the sentences and 20.9% of the sentences were committed by black offenders (Figure 7).

The analysis of the ethnicity of offenders discloses that 87.1% of the offenders in FY 2022 were non-Hispanic, down 1.2% when compared with the percentage rate of FY 2021 (88.3%) (Figure 8). This distribution of ethnicity of offenders has been comparatively constant in the past five years.

Figure 8: Distribution of FY 2022 Sentences by Ethnicity of Offenders

Hispanic
12.9%

Non-Hispanic
87.1%

Based on 10,810 sentences reporting ethnicity of offenders
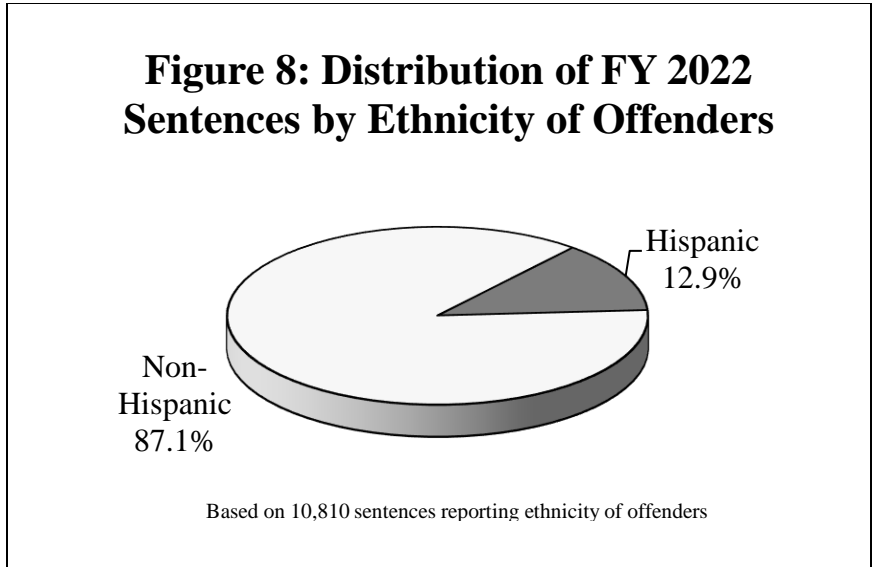
The review of offenders' age reveals that the largest group of offenders was found in the age group ranging from 31 to 40 years old at the time of committing the offense, which represented 32.5% of all offenders in FY 2022. The second largest offender population was identified in the age group ranging from 25 to 30 (Figure 9). This finding is consistent with those in the past five years.
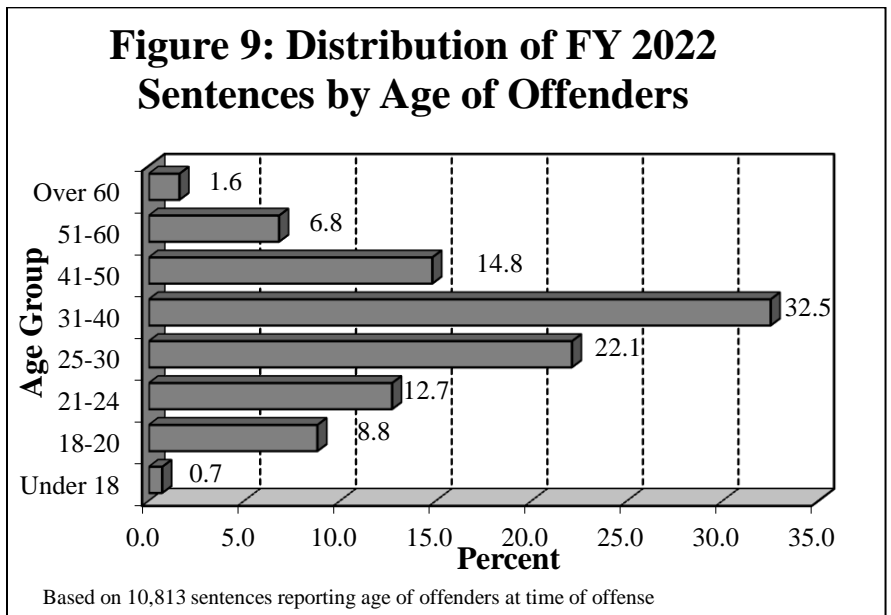
Figure 9: Distribution of FY 2022 Sentences by Age of Offenders

Age Group	Percent
Over 60	1.6
51-60	6.8
41-50	14.8
31-40	32.5
25-30	22.1
21-24	12.7
18-20	8.8
Under 18	0.7

Based on 10,813 sentences reporting age of offenders at time of offense

Table 2: FY 2022 Offender Characteristics by Type of Offense – 1

Offense Type	Number Of Cases	Gender (%)		Race (%)			Mean Age
		Male	Female	White	Black	Other	
Abuse of Child	19	78.9	21.1	84.2	10.5	5.3	28.8
Agg. Arson	22	81.8	18.2	77.3	22.7	0.0	35.6
Agg. Assault	311	90.0	10.0	70.1	25.1	4.8	34.0
Agg. Assault on LEO	54	90.7	9.3	72.2	24.1	3.7	30.9
Agg. Battery	571	87.7	12.3	67.6	28.0	4.4	31.2
Agg. Battery on LEO	12	83.3	16.7	58.4	33.3	8.3	25.4
Agg. Burglary	13	92.3	7.7	53.8	46.2	0.0	28.6
Agg. Criminal Sodomy w/Child	25	100.0	0.0	64.0	28.0	8.0	33.4
Agg. Endangering a Child	54	55.6	44.4	72.2	27.8	0.0	34.3
Agg. Escape from Custody	43	69.8	30.2	69.8	23.2	7.0	34.2
Agg. Failure to Appear	10	70.0	30.0	70.0	20.0	10.0	37.0
Agg. False Impersonation	3	66.7	33.3	66.7	33.3	0.0	29.7
Agg. Robbery	114	92.1	7.9	52.6	41.2	6.2	25.4
Agg. Incest	6	100.0	0.0	100.0	0.0	0.0	38.7
Agg. Indecent Liberties w/Child	112	96.4	3.6	79.3	13.5	7.2	31.8
Agg. Indecent Solicit w/Child	40	95.0	5.0	90.0	7.5	2.5	32.5
Agg. Interference w/Parent Custody	12	66.7	33.3	83.3	16.7	0.0	33.2
Agg. Intimidation of a Victim	24	87.5	12.5	62.5	37.5	0.0	34.6
Agg. Kidnapping	14	100.0	0.0	64.3	28.6	7.1	25.6
Agg. Sexual Battery	46	100.0	0.0	71.7	26.1	2.2	31.0
Agg. Weapon Violation	4	75.0	25.0	100.0	0.0	0.0	39.1
Aid Felon	10	50.0	50.0	100.0	0.0	0.0	47.5
Animal Cruelty	7	85.7	14.3	71.4	28.6	0.0	31.7
Arrange Sale/Purchase Drug	14	78.6	21.4	92.9	7.1	0.0	30.0
Arson	24	87.5	12.5	58.3	41.7	0.0	35.2
Auto Failure to Remain	7	71.4	28.6	71.4	28.6	0.0	36.0
Battery on LEO	86	69.8	30.2	68.6	26.7	4.7	31.3
Blackmail	5	100.0	0.0	80.0	20.0	0.0	33.8
Breach of Privacy	12	83.3	16.7	91.7	8.3	0.0	36.3
Burglary	711	85.5	14.5	80.5	14.9	4.6	32.1
Contribute Child's Misconduct	11	81.8	18.2	81.8	18.2	0.0	33.8
Computer Crime	11	63.6	36.4	90.9	9.1	0.0	28.8
Criminal Damage to Property	106	85.8	14.2	78.3	18.9	2.8	33.8
Criminal Discharge of Firearm	30	100.0	0.0	50.0	46.7	3.3	28.2
Crim Deprivation of Property	1	0.0	100.0	100.0	0.0	0.0	24.8
Criminal Sodomy w/Child	11	100.0	0.0	63.6	18.2	18.2	23.0
Criminal Threat	362	93.6	6.4	71.6	25.4	3.0	35.4
Criminal Use of Explosives	6	100.0	0.0	66.7	33.3	0.0	34.1
Criminal Use of Financial Card	15	33.3	66.7	93.3	6.7	0.0	36.0
Domestic Battery	292	97.6	2.4	61.3	35.6	3.1	31.6

Table 2: FY 2022 Offender Characteristics by Type of Offense – 2

Offense Type	Number Of Cases	Gender (%)		Race (%)			Mean Age
		Male	**Female**	**White**	**Black**	**Other**	
Drugs	4,288	71.6	28.4	82.8	14.1	3.1	35.3
Drug without Tax Stamps	11	81.8	18.2	54.5	45.5	0.0	32.8
DUI	423	82.0	18.0	81.1	17.3	1.6	41.0
Electronic Solicitation of Child	19	100.0	0.0	94.7	5.3	0.0	37.3
Failure to Register	303	88.8	11.2	69.3	23.4	7.3	37.8
Fleeing or Eluding LEO	332	85.2	14.8	75.6	22.3	2.1	31.4
Forgery	130	63.1	36.9	76.9	17.7	5.4	35.3
False Writing	38	60.5	39.5	89.5	10.5	0.0	33.8
Giving Worthless Checks	3	66.7	33.3	66.7	33.3	0.0	34.1
Identity Theft	137	55.5	44.5	75.0	21.3	3.7	34.5
Indecent Liberties w/Child	38	97.4	2.6	79.0	18.4	2.6	25.6
Indecent Solicitation of Child	13	92.3	7.7	61.5	23.1	15.4	30.9
Involuntary Manslaughter	36	77.8	22.2	69.5	22.2	8.3	33.1
Kidnapping	28	100.0	0.0	60.7	32.2	7.1	30.1
Lewd and Lascivious Behavior	5	100.0	0.0	80.0	20.0	0.0	39.2
Medicaid Fraud	4	25.0	75.0	100.0	0.0	0.0	33.2
Mistreat Dependent Adult	16	37.5	62.5	87.5	12.5	0.0	41.2
Murder in the First Degree	49	91.8	8.2	59.2	38.8	2.0	30.0
Murder in the Second Degree	77	90.9	9.1	54.5	40.3	5.2	28.9
Nonsupport of Child or Spouse	3	66.7	33.3	66.7	33.3	0.0	34.5
Obstructing Legal Process	232	78.0	22.0	74.6	22.0	3.4	32.5
Possession of Weapons	236	96.2	3.8	53.8	44.1	2.1	30.6
Rape	80	97.5	2.5	75.0	18.7	6.3	33.1
Robbery	146	83.6	16.4	47.2	51.4	1.4	27.2
Sex Exploitation of a Child	74	100.0	0.0	91.8	4.1	4.1	34.7
Stalking	39	100.0	0.0	74.4	25.6	0.0	39.0
Tamper w/Electronic Monitor Equip.	51	68.6	31.4	70.6	25.5	3.9	33.1
Theft	597	71.2	28.8	76.0	20.5	3.5	34.3
Trafficking Contraband	50	58.0	42.0	78.0	14.0	8.0	33.0
Unlawful Sexual Relations	7	71.4	28.6	85.7	14.3	0.0	32.0
Unlawful Voluntary Sex Relations	15	100.0	0.0	86.7	13.3	0.0	19.2
Voluntary Manslaughter	19	84.2	15.8	73.7	21.0	5.3	37.0
Weapons	29	93.1	6.9	79.3	20.7	0.0	31.7
Other	55	78.2	21.8	70.9	29.1	0.0	34.0
TOTAL	**10,813**	**79.3**	**20.7**	**76.4**	**20.1**	**3.5**	**34.0**

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

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 amended 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 required all imprisonment for DUI is to be served in jail regardless of the number of priors. There were no provisions for postrelease-supervision by KDOC parole officers. The 2022 legislature passed HB 2377 to increase the penalty for a third conviction if the offender has a prior conviction within the preceding ten years (not including any period of incarceration) or a fourth or subsequent conviction of DUI from a non-grid, nonperson felony to a severity level 6, nonperson felony. These DUI crimes may now be served in prison and may be 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 2022, a total number of 423 sentences were convicted under this crime with none sentenced to prison, 3 (0.7%) sentenced to probation and 420 (99.3%) sentenced to county jail/post-imprisonment supervision. The total number of sentences for those convicted under the crime of felony DUI in FY 2022 increased by 2.4% from that of FY 2021 but decreased by 31.1% from FY 2001. When compared to FY 2018, the number decreased by 17.5%. Johnson and Shawnee counties were the top two counties imposing 129 (30.5%) and 33 (7.8%) sentences respectively for third and fourth or subsequent violations under K.S.A. 8-1567 in FY 2022.

Figure 10: DUI Sentences
FY 2001, FY 2018 through FY 2022

	2001	2018	2019	2020	2021	2022
Prison	12	2	1	1	0	0
Probation	434	18	3	3	1	3
Jail/PIS 1/	168	493	500	385	412	420
Total	614	513	504	389	413	423

Fiscal Year
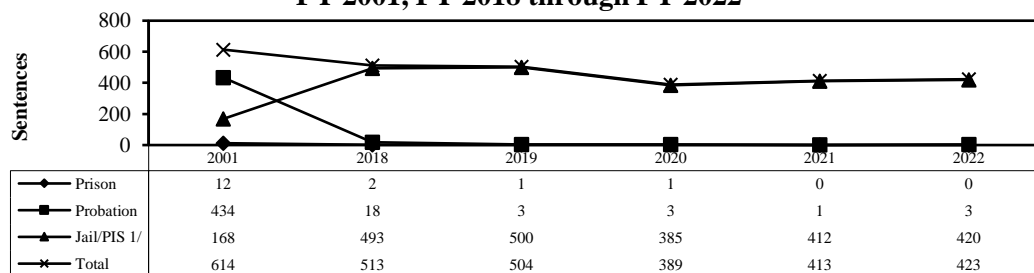
1/ FY 2022 Jail/PIS sentences include 23 county jail and 397 DUI or Test Refusal post-imprisonment supervission sentences.

Figure 11: FY 2022 Felony DUI Offenses by County

Please see the KSSC website for more updated county dashboard maps:

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 2022, 249 sentences were reported under this crime, a decrease of 11.9% when compared with FY 2021 and down 44.0% when compared with FY 2018. Of those 249 convictions, 90 were sentenced to prison and 159 were sentenced to probation. The findings indicate a decrease in the trend seen in the past several years (Figure 12).

Figure 12: Failure to Register Sentences
By Sentence Imposed - FY 2018 through FY 2022

	2018	2019	2020	2021	2022
Prison	234	250	202	92	90
Probation	211	204	177	188	159
Total	445	454	379	280	249

Fiscal Year
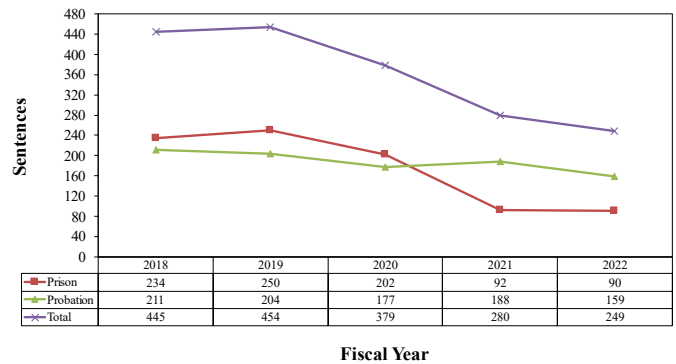
The distribution of the severity levels of the crime committed in FY 2022 is presented in Figure 13. 27 (8.9%) convictions under this crime were sentenced at nondrug severity level 3, 35 (11.6%) were sentenced at nondrug severity level 5 and 215 (69.0%) were sentenced at nondrug severity level 6. Sentences at nondrug severity levels 7, 8, and 9 were attempt convictions of the crime, representing 1 (0.3%), 23 (7.6%), and 2 (0.7%) convictions, respectively.

Figure 13: Failure to Register Sentences
By Severity Level- FY 2022
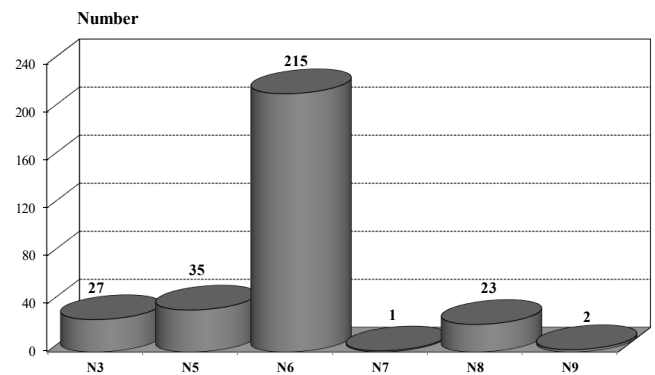
Burglary and Aggravated Burglary

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: 127 in FY 2022, 96 in FY 2021, 88 in FY 2020, 159 in 2019, and 180 in FY 2018.

Figure 14 exhibits a downward trend of the burglary sentences in the past five years. The total number of burglary sentences in FY 2022 decreased by 18 from those of FY 2021 and by 555 from that of FY 2018. The number of prison sentences in FY 2022 increased by 9 sentences compared with FY 2021 but decreased by 267 sentences compared with FY 2018. The number of probation sentences decreased by 27 compared with FY 2021 and decreased by 288 compared with FY 2018.

Figure 14: Burglary Sentences
By Sentence Imposed - FY 2018 through FY 2022

	2018	2019	2020	2021	2022
Prison	588	619	418	312	321
Probation	691	613	418	430	403
Total	1279	1232	836	742	724
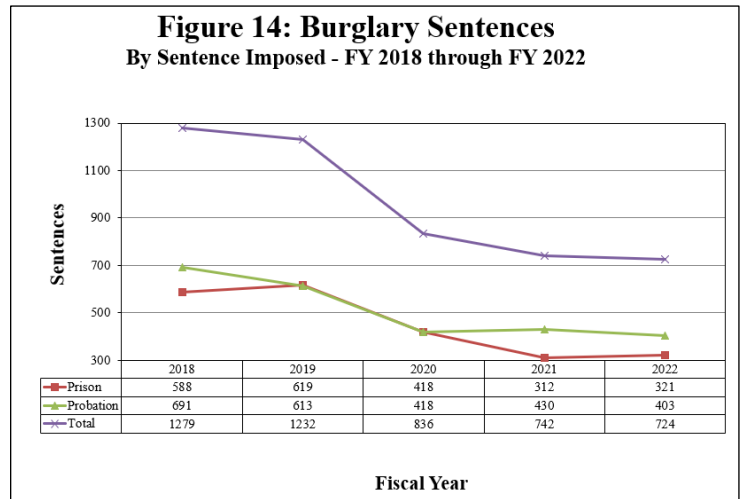
Figure 15 demonstrates the distribution of burglary sentences by severity level in the past five years. The majority of the convictions were sentenced at nondrug severity level 7, representing 60.5% of burglary sentences imposed in FY 2022, 58.6% FY 2021, 62.7% FY 2020, 60.8% FY 2019, and 59.9% in FY 2018.

Figure 15: Burglary Sentences
By Severity Level - FY 2018 through FY 2022

	2018	2019	2020	2021	2022
N5	133	94	52	48	41
N7	766	749	524	440	438
N9	308	307	197	214	198
N10	23	17	8	7	3

In addition, FY 2022 includes 31 sentences at N4 and 13 sentences at N6.
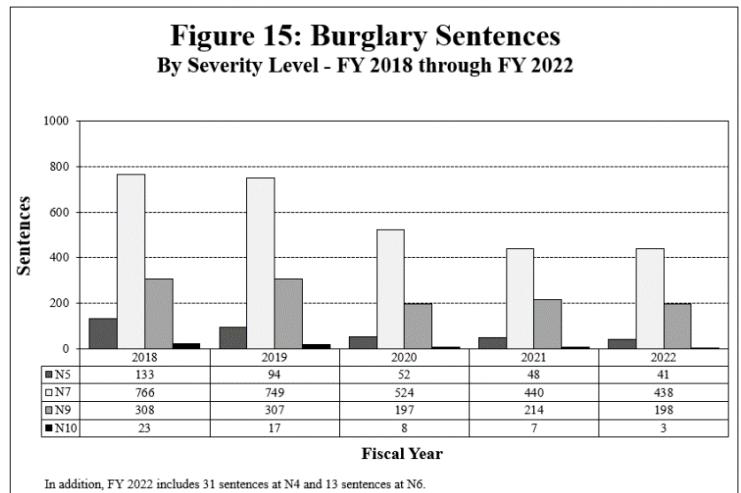
Domestic Violence Cases

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

In FY 2022, a total number of 467 sentences were designated by the court as domestic violence cases. This was a decrease of 24 sentences or 4.9% compared with FY 2021 (491 sentences). Of the 467 sentences, 146 (31.3%) were sentenced to prison, 315 (67.4%) were sentenced to probation and 6 (1.3%) were sentenced to county jail. 94.6% of the offenders were male. White offenders accounted for 60.0%, black offenders accounted for 38.1% and offenders of other races represented 1.9%. Their average age at sentencing was 34.3 years old, which is about a half year younger than in FY 2021. Domestic battery (39.0%), aggravated battery (17.4%), criminal threat (14.8%), and aggravated assault (7.3%) were still the top four offenses committed by this group of offenders when compared with FY 2021.

Table 3: FY 2022 Most Serious Offenses Convicted by Designated Domestic Violent Offenders

Offense	Number	Percent
Aggravated Assault	34	7.3%
Aggravated Battery	81	17.4%
Aggravated Kidnapping/Kidnapping	10	2.1%
Aggravated Burglary/Burglary	16	3.4%
Aggravated Sexual Battery of a Child	4	0.9%
Aggravated Criminal Sodomy with a Child	2	0.4%
Aggravated Intimidation of Witness/Victim	7	1.5%
Arson/Agg. Arson	5	1.1%
Breach of Privacy	3	0.6%
Criminal Damage to Property	12	2.6%
Criminal Threat	69	14.8%
Domestic Battery	182	39.0%
Murder in the First Degree	4	0.9%
Murder in the Second Degree	5	1.1%
Obstructing Legal Process	3	0.6%
Rape	1	0.2%
Robbery	4	0.9%
Stalking	14	3.0%
Theft	3	0.6%
Weapons	2	0.4%
Voluntary Manslaughter	2	0.4%
Other	4	0.8%
Total	**467**	100.0%

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

INCARCERATION SENTENCES

Characteristics of Offenders

During FY 2022, a total number of 3,853 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 85.7% of the offenders admitted to prison in FY 2022 (Figure 16).

Figure 16: FY 2022 Incarceration Sentences by Gender of Offenders

Male
85.7%

Female
14.3%
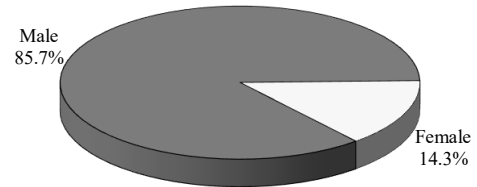
Based on 3,853 incarceration sentences reporting gender of offenders

The analysis discloses that the racial distribution of offenders in FY 2022 does not fluctuate much when compared with FY 2021, though there is a slight shift to non-white. White offenders accounted for 71.0%, black offenders accounted for 23.0% and other races represented 6.0% of the total admissions of FY 2022 (Figure 17).

Figure 17: FY 2022 Incarceration Sentences by Race of Offenders

Black
23.0%

White
71.0%

Other
6.0%
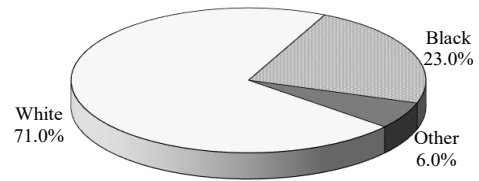
Based on 3,847 incarceration sentences reporting race of offenders

Figure 18 displays that non-Hispanic offenders accounted for 85.9% of the offenders sentenced to prison, a decrease of 1.3% compared with FY 2021. The overall distributions of the offenders by gender, race and ethnicity are comparatively constant compared with those of the past five years.

Figure 18: FY 2022 Incarceration Sentences by Ethnicity of Offenders

Hispanic
14.1%

Non-Hispanic
85.9%

Based on 3,853 incarceration sentences reporting ethnicity of offenders
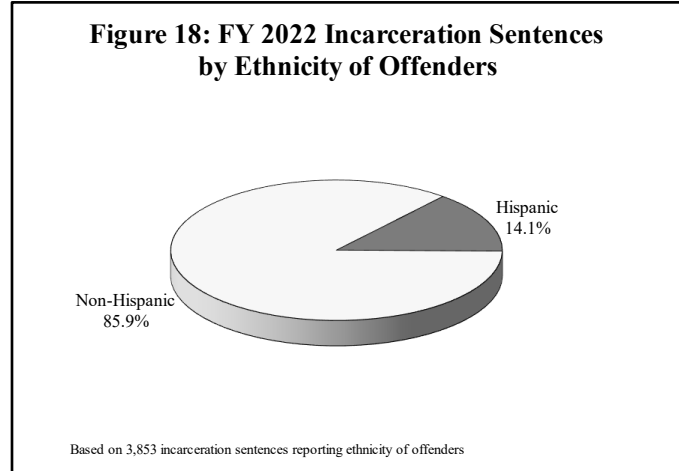
Figure 19 demonstrates the distribution of offenders' age at admission in FY 2022. The largest number of incarcerated offenders were found in their thirties (36.8%) at the time of admission to prison. The second largest number of offenders were in the age group ranging from 25 to 30 years old representing 21.9% of the total admission in FY 2022. This age distribution pattern is consistent with the age data observed over the last few years, with a slight shift to the older groups, as the four older groups increased in percent from FY 2021.

Figure 19: FY 2022 Incarceration Sentences by Age of Offenders at Admission

Age Group	Percent
Over 60	2.6
51-60	7.9
41-50	17.4
31-40	36.8
25-30	21.9
21-24	10.1
18-20	3.2
Under 18	0.1

Based on 3,853 incarceration sentences reporting age of offenders
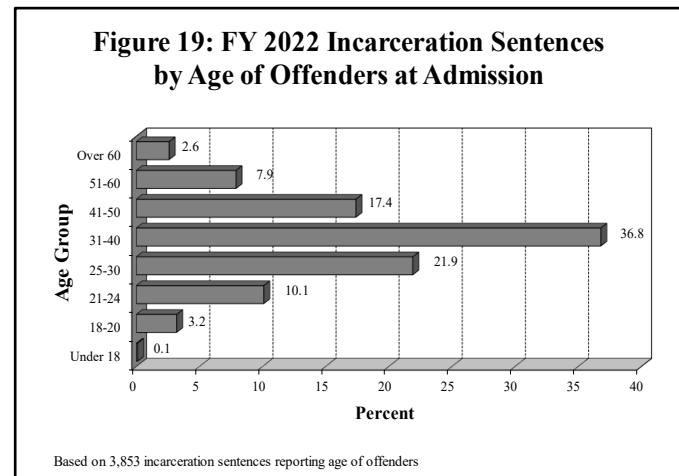
Figure 20 presents the education levels of the offenders admitted to prison during FY 2022. The analysis indicates that 50.6% of the offenders had obtained a high school diploma or GED equivalent as their maximum education, indicating little change in percentage rate when compared with the same group observed in FY 2021.

Figure 20: FY 2022 Incarceration Sentences by Education Level of Offenders

Based on 1,924 incarceration sentences due to missing educational data
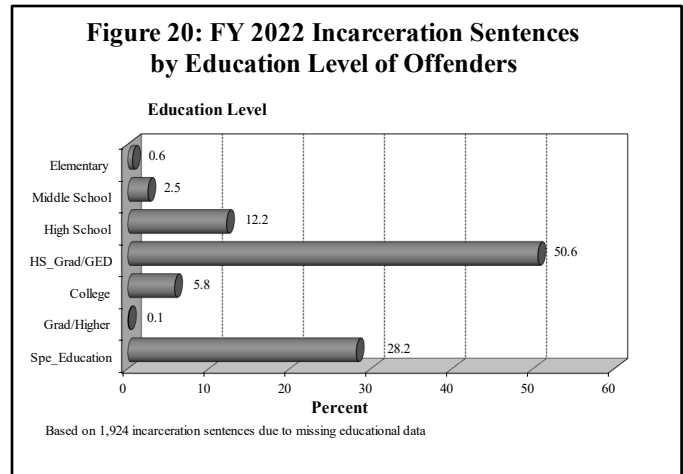
Incarceration Nondrug Offenses

In FY 2022, nondrug offenders admitted to prison represented 69.9% (2,693 offenders) of the total incarceration sentences (3,853) of the fiscal year. The top ten nondrug offenses were burglary (309), aggravated battery (274), theft (162), failure to register (144), aggravated assault (140), criminal threat (129), fleeing and eluding (113), domestic battery (108), aggravated indecent liberties with a child (105), and possession of weapons (103). These top ten crimes accounted for 58.9% of the total nondrug crimes committed by the offenders admitted to prison in FY 2022 (Table 4).

When reviewing the offenders by gender, the data shows that male offenders committed more than 88% of the top ten crime categories, except for theft (75.3%). 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 identity theft, 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, aggravated arson, aggravated assault on a law enforcement officer, arrange the sale or purchase of drugs, auto failure to remain, burglary, criminal damage to property, criminal use of a financial card, failure to register, false writing, fleeing or eluding a law enforcement officer, forgery, mistreatment of a dependent adult, tampering with an electronic monitor, theft, trafficking contraband, weapons violations, voluntary manslaughter, and most sex offenses. Nevertheless, black offenders were incarcerated more often (over 40%) for the crimes of aggravated burglary, aggravated robbery, robbery, arson, aggravated intimidation of a victim, robbery, contribute to a child's misconduct, discharge of a firearm, possession of a firearm, stalking, and second-degree murder.

The average age of the nondrug offenders was 35.7 years old at the time of admission to prison in FY 2022, which is very consistent with those of the past few fiscal years (Table 4).

Table 4: FY 2022 Incarceration Nondrug Offender Characteristics by Type of Offense – 1

Offense Type	Number Of Cases	Gender (%)		Race (%)			Mean Age
		Male	Female	White	Black	Other	
Abuse of Child	7	71.4	28.6	71.4	14.3	14.3	30.0
Agg. Arson	15	73.3	26.7	80.0	20.0	0.0	38.4
Agg. Assault	140	92.9	7.1	65.8	27.1	7.1	36.1
Agg. Assault on LEO	31	93.5	6.5	71.0	22.6	6.4	31.5
Agg. Battery	274	92.3	7.7	63.1	30.6	6.3	34.2
Agg. Battery on LEO	10	90.0	10.0	60.0	30.0	10.0	31.2
Agg. Burglary	12	91.7	8.3	58.3	41.7	0.0	35.3
Agg. Criminal Sodomy w/Child	24	100.0	0.0	62.5	29.2	8.3	40.7
Agg. Endangering a Child	9	44.4	55.6	66.7	33.3	0.0	35.3
Agg. Escape from Custody	17	70.6	29.4	52.9	29.4	17.7	35.0
Agg. Incest	3	100.0	0.0	100.0	0.0	0.0	52.8
Agg. Indecent Liberties w/Child	105	97.1	2.9	78.8	13.5	7.7	37.3
Agg. Indecent Solicit w/Child	33	93.9	6.1	87.9	9.1	3.0	38.0
Agg. Interf. w/Parent Custody	3	66.7	33.3	100.0	0.0	0.0	49.9
Agg. Intimidation of a Victim	8	87.5	12.5	50.0	50.0	0.0	37.4
Agg. Kidnapping	13	100.0	0.0	69.2	23.1	7.7	39.3
Agg. Robbery	92	92.4	7.6	48.9	43.5	7.6	32.5
Agg. Sexual Battery	29	100.0	0.0	65.5	34.5	0.0	36.6
Arrange Sale/Purchase Drug	4	50.0	50.0	75.0	25.0	0.0	32.1
Arson	5	100.0	0.0	40.0	60.0	0.0	37.9
Auto Failure to Remain	3	100.0	0.0	100.0	0.0	0.0	46.0
Battery on LEO	43	83.7	16.3	53.5	37.2	9.3	32.5
Burglary	309	90.6	9.4	75.4	17.2	7.4	35.3
Contribute Child's Misconduct	4	75.0	25.0	50.0	50.0	0.0	46.2
Criminal Damage to Property	19	89.5	10.5	73.7	21.0	5.3	38.9
Criminal Discharge of Firearm	13	100.0	0.0	30.8	61.5	7.7	33.2
Criminal Sodomy w/Child	9	100.0	0.0	66.7	11.1	22.2	29.2
Criminal Threat	129	96.1	3.9	64.4	30.2	5.4	38.4
Criminal Use of Financial Card	3	0.0	100.0	100.0	0.0	0.0	39.1
Domestic Battery	108	100.0	0.0	60.2	34.3	5.5	32.8
Electronic Solicitation of Child	14	100.0	0.0	92.9	7.1	0.0	38.7
Failure to Register	144	91.7	8.3	71.5	18.1	10.4	39.1
Fleeing or Eluding LEO	113	88.5	11.5	72.6	24.8	2.6	34.8
Forgery	37	64.9	35.1	70.3	24.3	5.4	37.4
False Writing	11	63.6	36.4	72.7	27.3	0.0	37.6
Identity Theft	33	51.5	48.5	68.7	21.9	9.4	35.5
Indecent Liberties w/Child	23	95.7	4.3	78.3	17.4	4.3	32.6
Indecent Solicitation of Child	9	88.9	11.1	44.5	33.3	22.2	39.5
Involuntary Manslaughter	29	86.2	13.8	69.0	24.1	6.9	36.8
Kidnapping	27	100.0	0.0	59.3	33.3	7.4	36.7
Mistreat Dependent Adult	3	66.7	33.3	100.0	0.0	0.0	40.1
Murder in the First Degree	48	91.7	8.3	58.3	39.6	2.1	36.9
Murder in the Second Degree	77	90.9	9.1	54.5	40.3	5.2	32.6

Table 4: FY 2022 Incarceration Nondrug Offender Characteristics by Type of Offense – 2

Offense Type	Number Of Cases	Gender (%)		Race (%)			Mean Age
		Male	Female	White	Black	Other	
Nonsupport of Child/Spouse	3	66.7	33.3	66.7	33.3	0.0	50.7
Obstructing Legal Process	56	87.5	12.5	66.1	23.2	10.7	35.9
Possession of Firearm	103	99.0	1.0	56.3	41.8	1.9	33.8
Rape	79	97.5	2.5	74.7	19.0	6.3	40.1
Robbery	90	86.7	13.3	47.8	50.0	2.2	30.1
Sex Exploitation of a Child	35	100.0	0.0	85.7	8.6	5.7	38.2
Tamper w/Electronic Monitor	28	64.3	35.7	75.0	21.4	3.6	33.7
Stalking	12	100.0	0.0	41.7	58.3	0.0	39.7
Theft	162	75.3	24.7	73.9	19.3	6.8	37.2
Trafficking Contraband	18	50.0	50.0	83.3	5.6	11.1	37.5
Unlawful Sexual Relations	4	75.0	25.0	100.0	0.0	0.0	38.8
Unlawful Voluntary Sex Relation	5	100.0	0.0	100.0	0.0	0.0	20.8
Voluntary Manslaughter	18	83.3	16.7	72.2	22.2	5.6	39.3
Weapons/Agg. Weapon Violation	9	88.9	11.1	100.0	0.0	0.0	36.7
Other	29	79.3	20.7	75.9	24.1	0.0	40.0
TOTAL	**2,693**	**2,410**	**283**	**1,807**	**716**	**164**	**35.7**

Note: Offenses with number of cases smaller than 3 are included in the offense type of "Other".

Incarceration Drug Offenses

A new drug sentencing grid with five severity levels has been adopted since July 1, 2012. The crimes of drug possession convicted under K.S.A. 21-5706 are reclassified to drug severity level 5. The felony crimes of drug distribution or possession with intent to distribute the drugs convicted under K.S.A. 21-5705 are reclassified to drug severity levels 1 to 4 based on drug type and quantity. Violations occurring within 1,000 feet of any school property increase the severity level by one level. FY 2022 is the tenth year of implementing the new drug sentencing grid. The majority of drug sentences are imposed under the new drug sentencing grid.

During FY 2022, a total number of 1,160 drug offenders were admitted to prison, representing 30.1% of the total admissions to the state correctional facilities.

Of this total number, 67.2% were incarcerated for convictions of drug possession offenses, indicating an increase of 3.2% compared with that of FY 2021 (70.4%). Only 0.1% of the drug possession offenders were found at drug severity level 4. Offenders at drug severity level 5 accounted for 99.9% of the drug possession group. The percentage of offenders admitted at drug severity level 5 increased by 0.7% over that of FY 2021 (99.2%), reflecting the implementation of the 2012 drug sentencing grid (Figure 21).

In FY 2022, male offenders represented 77.0% 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 unlawfully manufacturing controlled substance. Black offenders were incarcerated more frequently for convictions of drug crimes of drug distribution and possession of drug paraphernalia. The average age of drug offenders was 37.2 years old at admission to prison, about a half year older to that observed in FY 2021 (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).

Figure 21: FY 2022 Incaceration Drug Sentences by Offense and Level

Offense Type

Other, 32.8% Possession, 67.2%

Severity Level

D5, 99.9%

D4, 0.1%
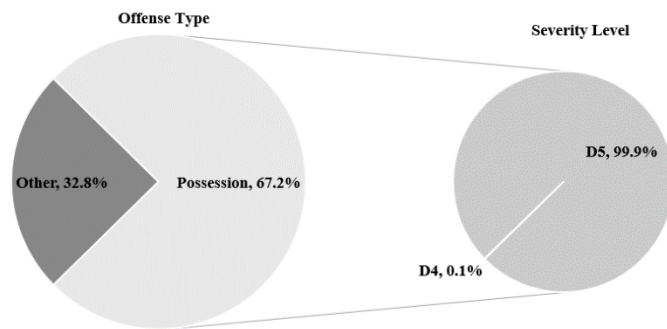
Based on 1,160 Incaceration Drug Sentences

Table 5: FY 2022 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	780	73.1	26.9	79.5	14.6	5.9	37.6
Drugs; Distribution/Sale	360	84.4	15.6	79.7	14.7	5.6	36.2
Unlawful Manufacture Controlled Substance	9	100.0	0.0	88.9	0.0	11.1	44.2
Possession of Paraphernalia	9	88.9	11.1	77.8	22.2	0.0	41.1
Other	2	100.0	0.0	50.0	50.0	0.0	37.0
TOTAL	**1,160**	**77.0**	**23.0**	**79.6**	**14.6**	**5.8**	**37.2**

360 offenders (31.0%) were admitted to prison for the crimes of drug distribution or possession with intent to distribute in FY 2022. Of this number, 14 or 3.9% occurred within 1,000 feet of school property. The largest number of the offenders was at drug severity level 3, accounting for 164 or 45.6% of the offenders convicted of drug distribution or possession with intent to distribute (Figure 22).

Figure 22: FY 2022 Incarceration Drug Distribution Sentences By Offense and Severity Level

Other Distribution
346
96.1%

W/in 1000 ft. of School
14
3.9%

D3
164
45.6%

D4
97
26.9%

D2
83
23.1%

D1
16
4.4%

Based on 360 incarcerated offenders convicted of drug distribution or possession with intent to distribute.
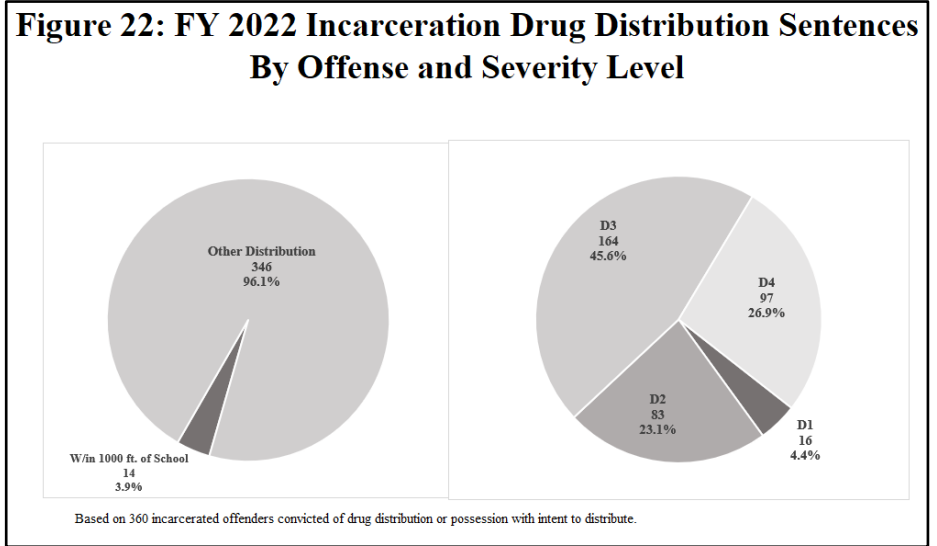
Types of Admission and Severity Levels

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 2022, representing 42.4% of the total admissions. The percentage of this group increased by 4.9% compared with that of FY 2021 (37.5%).

43.0 percent of all offenders admitted to state correctional facilities in FY 2022 were condition violators, including probation condition violators and parole/postrelease condition violators. The group of condition violators decreased by 0.1% when compared

with that of FY 2021 (43.1%). Sanctions from probation violation accounted for 4.1%, which is a decrease of 2.0% when compared with that of FY 2021 (6.1%). 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 2022.

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 8.8%, a decrease of 2.3% from the percentage of this group of violators (11.1%) in FY 2021.

Table 6: Distribution of FY 2022 Incarceration Sentences by Admission Type

Admission Type	Number of Cases	Percent
New Court Commitment	1,635	42.4%
Sanction from Probation	159	4.1%
Probation Condition Violator	1,022	26.5%
Probation Violator with New Sentence/New Conviction	239	6.2%
Inmate Received on Interstate Compact	0	0.0%
Parole/Postrelease/CR Condition Violator	634	16.5%
Parole/Postrelease Violator with New Sentence	100	2.6%
Paroled to Detainer Returned with New Sentence	27	0.7%
Other	37	1.0%
TOTAL	**3,853**	100.0%

Table 7 displays the distribution of all incarcerated offenders admitted in FY 2022 by offense severity level and gender. The highest percentages (14.3% 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 8.4% of all drug offenders fell at drug severity level 4 and 68.0% 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 (23.0% vs. 10.5%). The highest percentages of female offenders were found at drug severity level 5 (26.7%) and nondrug severity level 10 (26.7%). The highest percentage rates of male offenders were identified at drug severity level 4 (89.8%) and nondrug severity level 1 (94.8%).

Table 7: Distribution of FY 2022 Incarceration Sentences
By Severity Level and Gender

Severity Level	Number	Percent	Gender (%) Male	Female
Drug				
D1	25	2.2	80.0	20.0
D2	83	7.2	84.3	15.7
D3	165	14.2	83.0	17.0
D4	98	8.4	89.8	10.2
D5	789	68.0	73.3	26.7
Subtotal	**1,160**	**100**	**77.0**	**23.0**
Nondrug				
N1	116	4.3	94.8	5.2
N2	32	1.2	90.6	9.4
N3	261	9.7	94.3	5.7
N4	120	4.5	90.0	10.0
N5	385	14.3	90.4	9.6
N6	214	7.9	86.4	13.6
N7	609	22.6	92.8	7.2
N8	263	9.8	82.5	17.5
N9	580	21.5	86.2	13.8
N10	30	1.1	73.3	26.7
Nongrid	4	0.1	100.0	0.0
Offgrid	79	2.9	96.2	3.8
Subtotal	**2,693**	**100**	**89.5**	**10.5**
TOTAL	**3,853**	**100**	**85.7**	**14.3**

Note: Based on 1,160 drug offenders and 2,693 nondrug offenders.

Figure 23: FY 2022 Incarceration Sentences Nondrug Offenders by Severity Level
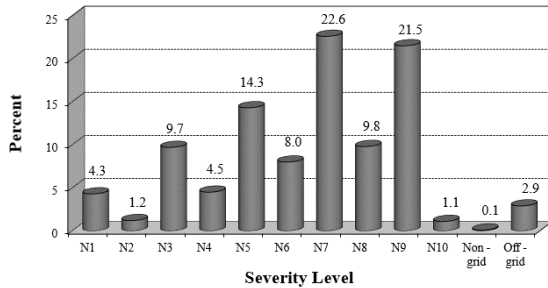
Based on 2,693 nondrug offenders

Figure 24: FY 2022 Incarceration Sentences Drug Offenders by Severity Level
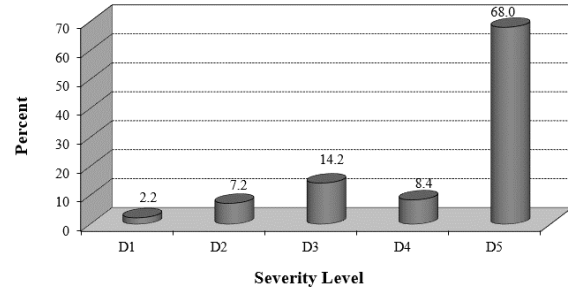
Based on 1,160 drug offenders

Table 8 presents the admission numbers and average length of sentences (LOS) of the guidelines new commitment offenders admitted to prison in FY 2021 and FY 2022. 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 increased by 96 (26.3%) compared with FY 2021. The admissions at drug severity level 1 increased by 3 (20.0%), by 16 (47.1%) at drug severity level 2, by 25 (33.3%) at severity level 3, by 17 (48.6%) at drug severity level 4, and by 35 (17.0%) at severity level 5 compared with FY 2021. The average LOS decreased by 8.5 months at drug severity level 1, but increased by 17.6 months at severity level 2, by 0.9 month at severity level 3, 4.3 months at severity level 4, and by 2.7 months at severity level 5 compared with FY 2021.

The analysis of nondrug new commitments indicates that the total number in FY 2022 increased by 168 (14.3%) when compared with FY 2021. The admissions increased by 39 at severity level 1, by 19 at severity level 2, by 50 at severity level 3, by 14 at severity level 4, by 47 at severity level 5, by 26 at severity level 7, and 2 at severity level 10. It decreased by 17 at severity level 6, by 8 at severity level 8, and by 4 at nondrug severity level 9.

The average LOS in FY 2022 was reduced by 25.3 months at severity level 1, by 97.8 months at nondrug severity level 2, by 54.5 months at severity level 5, and by 3.4 months at severity level 10. The average LOS increased by 15.5 months at severity level 3, by 13.4 months at severity level 4, by 2.9 months at severity level 6, by 0.2 month at severity level 7, by 1.3 months at severity level 8, and by 1.9 months at severity level 9 when compared with FY 2021.

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

Severity Level	FY 2021		FY 2022	
	Admission #	Average LOS	Admission #	Average LOS
D1	15	94.3	18	85.8
D2	34	77.5	50	95.1
D3	75	57.8	100	58.7
D4	35	31.3	52	35.6
D5	206	31.2	241	33.9
N1	43	287.0	82	261.7
N2	7	283.4	26	185.6
N3	110	101.7	160	117.2
N4	55	57.9	69	71.3
N5	169	119.0	216	64.5
N6	113	39.4	96	42.3
N7	274	36.8	300	37.0
N8	115	21.3	107	22.6
N9	274	15.6	270	17.5
N10	13	13.5	15	10.1
TOTAL	**1,538**	**N/A**	**1,802**	**N/A**

*sanction probation violators are excluded from this table's analysis

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 159 probation condition violators were ordered to prison as a sanction from probation during FY 2022, a decrease of 53 violators (25.0%) compared with FY 2021 (284 violators). Of those 159 violators, 95 offenders (59.7%) were remanded for 120 sanction days, 64 offenders (40.3%) were remanded for 180 sanction days and no offenders were remanded for 360 days in KDOC. The top five offenses convicted by this group were drug crimes (68.6%), burglary (8.8%), aggravated battery (3.1%), failure to register (3.1%) and aggravated assault (2.5%). The majority of the group were males, accounting for 68.6%, while female offenders comprised 31.4% of the group. White offenders represented 80.5%, black offenders consisted of 15.1% and other races consisted of 4.4%. The average age of the offenders was 37.4.

The admission of the offenders of sanction from probation by county is presented in Table 9. Sedgwick County imposed the largest number of sanctions from probation (40 or 25.1%), followed by Leavenworth (17 or 10.7%), Saline (14 or 8.8%), and Reno (13 or 8.2%) counties.

Figure 25: FY 2022 Sanction from Probation Incarceration Sentences

Based on 159 sanction from probation sentences.
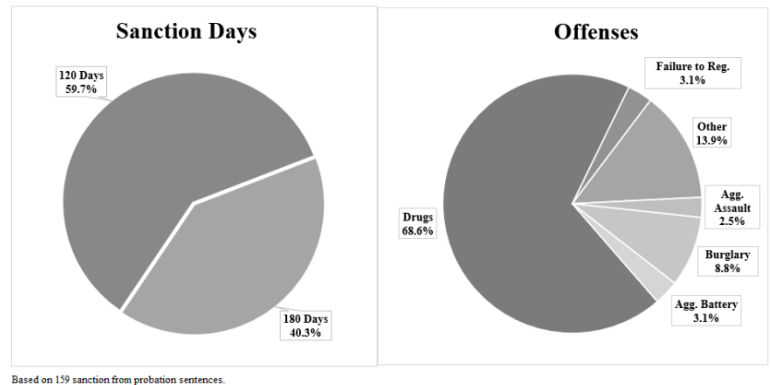
Table 9: FY 2022 Sanction from Probation Incarceration Sentences Imposed by County

County	Number	Percent	County	Number	Percent
Atchison	3	1.9	Lyon	3	1.9
Barton	9	5.7	Meade	1	0.6
Bourbon	9	5.7	McPherson	1	0.6
Cherokee	4	2.5	Osage	4	2.5
Cloud	2	1.3	Reno	13	8.2
Coffey	1	0.6	Rice	3	1.9
Crawford	1	0.6	Riley	1	0.6
Douglas	3	1.9	Russell	2	1.3
Ellis	2	1.3	Saline	14	8.8
Finney	1	0.6	Sedgwick	40	25.1
Ford	3	1.9	Shawnee	2	1.3
Franklin	3	1.9	Sherman	1	0.6
Haskell	1	0.6	Stafford	1	0.6
Harvey	1	0.6	Wallace	2	1.3
Johnson	2	1.3	Washington	1	0.6
Leavenworth	17	10.7	Wyandotte	8	5.0
			TOTAL	**159**	**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 2022, a total number of 45 offenders were sentenced and admitted to prison under Jessica's Law. Of this number, 31 (68.9%) were new court commitments, 11 (24.4%) were parole condition violators, 1 (2.2%) was a parole violator with a new sentence, 1 (2.2%) was a probation condition violator, and 1 (2.2%) was a probation violator with a new sentence. While jurisdictions identify the severity of these crimes as off-grid, 35 offenders received a downward departure. Of the 45 total offenders,

33 offenders (73.3%) were sentenced at off-grid, 1 offender (2.2%) was sentenced at nondrug severity level 1, 2 offenders (4.4 %) were sentenced at nondrug severity level 3, 6 offenders (13.3%) at nondrug severity level 5, 2 offenders (4.4%) at nondrug severity level 8, and 1 offender (2.2%) at nondrug severity level 9. The analysis of the sentence length demonstrates that 77.8% of the sentences were downward departure to guidelines, a decrease of 4.0% compared with that of FY 2021 (81.8%) The average sentence length of the durational departures was 116.0 months, an increase of 14.1 months from that observed in FY 2021 (101.9 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. Sedgwick county imposed the most Jessica's Law prison sentences with 18, followed by Franklin and Wyandotte with 3.

Figure 26: FY 2022 Jessica's Law Incarceration Sentences
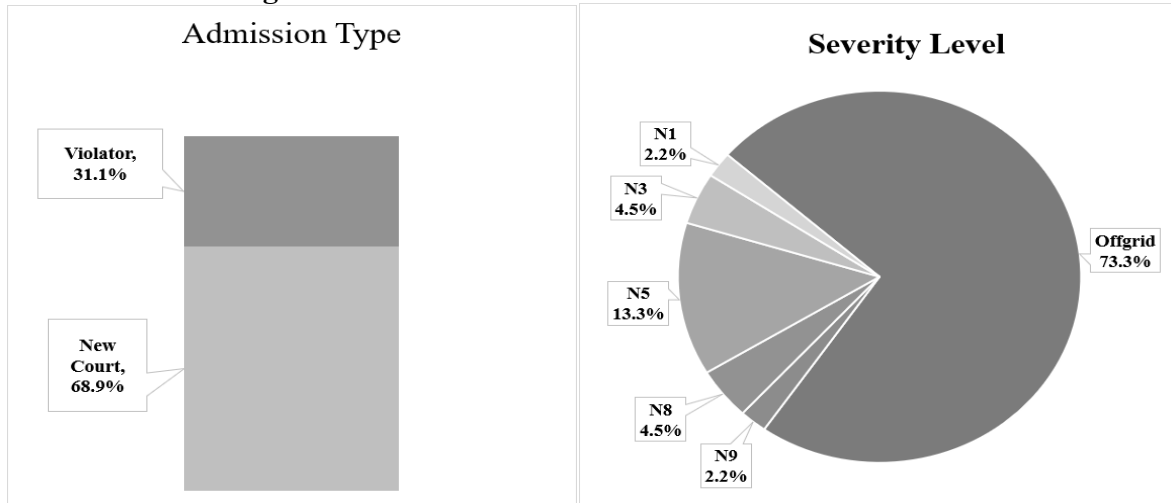
Table 10: FY 2022 Jessica's Law Incarceration Sentences Imposed by County

County	Number	County	Number
Allen	2	Leavenworth	2
Anderson	1	Miami	1
Brown	1	Marion	1
Butler	1	McPherson	1
Cowley	1	Osage	5
Finney	2	Riley	2
Ford	1	Saline	1
Franklin	3	Sedgwick	18
Harvey	1	Shawnee	1
Jefferson	1	Wyandotte	3
TOTAL	**45**		

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 2022 was 50, an increase of 28 sentences compared with FY 2021 (22 sentences), and a decrease of 174 sentences compared with FY 2010 (67 sentences).

Figure 27: Jessica's Law Sentences Imposed
FY 2010 through FY 2022
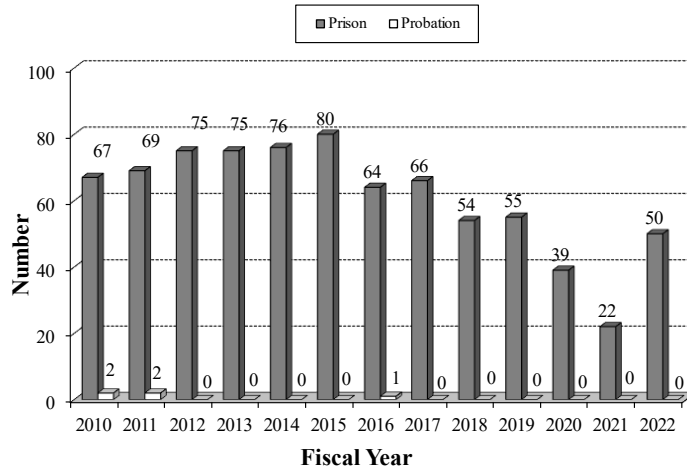
PROBATION SENTENCES

During FY 2022, a total number of 6,529 probation sentences were reported to the Kansas Sentencing Commission, an increase of 120 sentences or 1.9% compared with FY 2021 (6,409 sentences). Of this number, 3,401 were nondrug sentences and 3,128 were drug sentences; nonperson offenses made up 72.3% and person offenses made up 27.7% (Figure 28). Figures 29 - 31 describe the demographic information of this offender group.

Figure 28: Distribution of FY 2022 Probation Sentences

Drug 47.9% — 3,128
Nondrug 52.1% — 3,401
Person 27.7% — 1,809
Nonperson 72.3% — 4,720
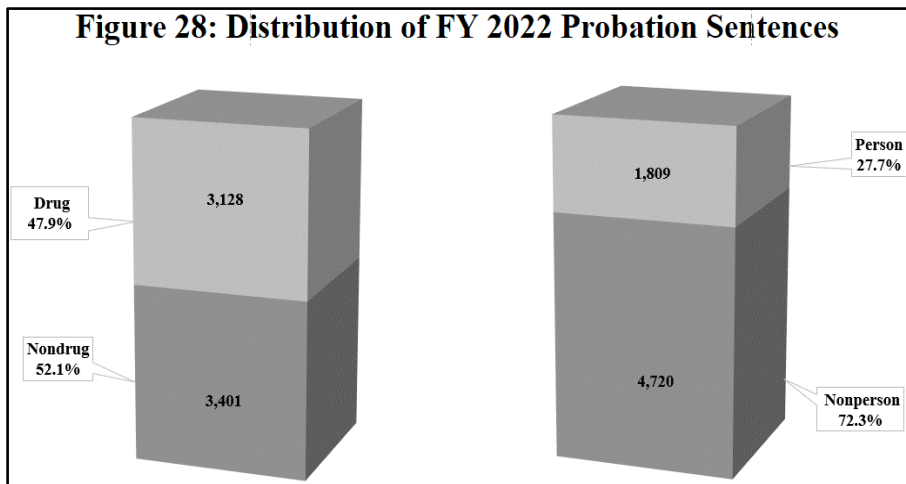
The gender analysis indicates that the distribution of FY 2022 probationers by gender does not fluctuate much from that of FY 2021. Male offenders accounted for 75.3% of all probation sentences imposed in FY 2022, an increase of 1.1% compared with that observed (74.2%) in FY 2021 (Figure 29).

Figure 29: Distribution of FY 2022 Probation Sentences by Gender

Female 24.7%
Male 75.3%

Based on 6,529 sentences reporting gender of offenders
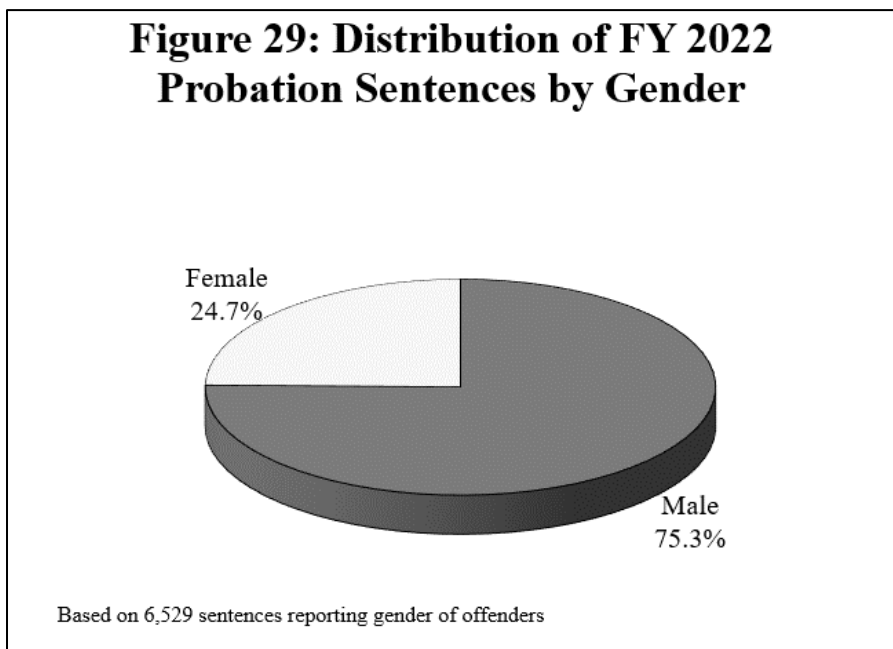
Figure 30 demonstrates that white offenders made up 79.4% of the probation sentences imposed in FY 2022, a decrease of 0.5% compared with that of FY 2021 (79.9%). The percentage of black offenders accounted for 18.5%, an increase of 0.4% compared with that of FY 2021 (18.1%). The percentage of offenders in other races represented 2.1%, an increase of 0.1% compared with FY 2021 (2.0%).

Figure 30: Distribution of FY 2022 Probation Sentences by Race

Black 18.5%

White 79.4%

Other 2.1%

Based on 6,527 sentences reporting race of offenders
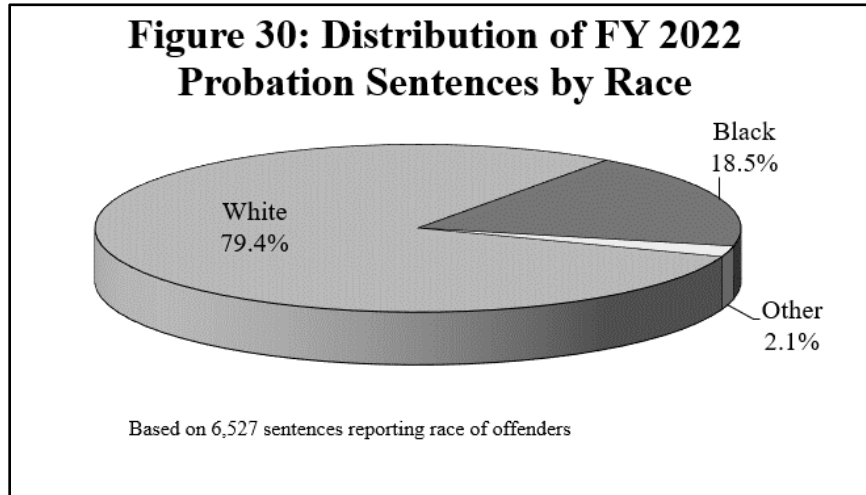
The examination of offenders by age indicates that the largest population of probation offenders was found in the age group ranging from 31 to 40 years old at the time of sentencing (34.3%) and the second largest group was identified in the age group ranging from 25 to 30 (21.2%). This distribution indicated only a slight change from FY 2021 (Figure 31).

Figure 31: Distribution of FY 2022 Probation Sentences by Age

Age Group	Percent
Over 60	2.4
51-60	7.4
41-50	17.0
31-40	34.3
25-30	21.2
21-24	12.1
18-20	5.5
Under 18	0.1

Based on 6,529 sentences reporting age of offenders at time of sentencing
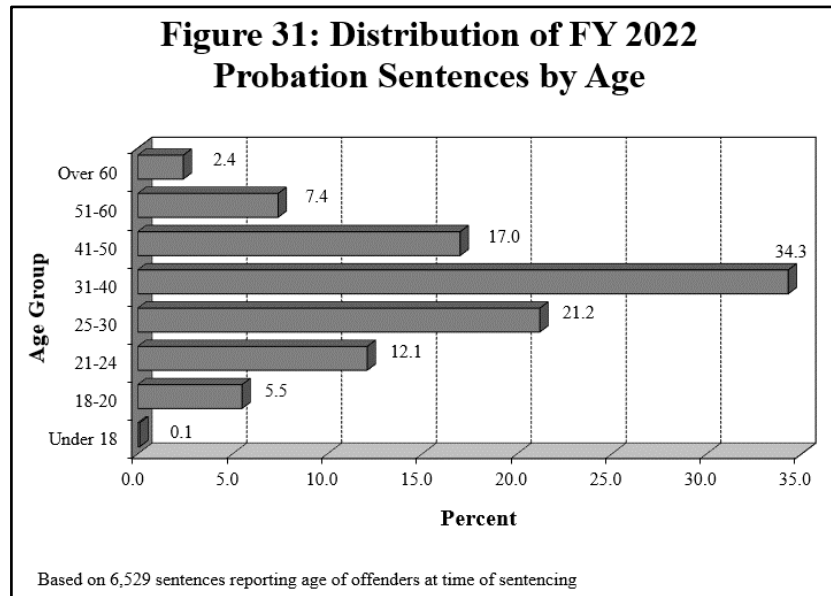
Type of Offense and Severity Level

In FY 2022, 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 70.6% of the total nondrug probation sentences in FY 2022 (Figure 32), a decrease of 0.5% from the previous year's top ten (71.1%). In reviewing drug offenders on probation, the largest number of sentences was possession of drugs, representing 78.6% of all probation drug offenses (Figure 33), an increase of 0.2% from FY 2021 (78.4%). Tables 11 and 12 present the characteristics of offenders sentenced to probation during FY 2022. Male offenders were convicted of over 95% of the sex offenses and over 80% of violent crimes of probation sentences imposed in FY 2022 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 aiding a felon,

Medicaid fraud, involuntary manslaughter, mistreatment of a dependent adult, criminal use of a financial card, and auto failure to remain.

White offenders represented 75.1% of all nondrug probation sentences and 84.0% of all drug offenders on probation in FY 2022. Black offenders on probation had a higher conviction rate for nondrug offenses than drug crimes (22.8% versus 13.9%). The average age at the time of committing an offense was 33.0 years old for nondrug offenders and 35.6 years old for drug offenders, which are very close to those observed in FY 2021 (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 (1,309 sentences or 38.5%). The majority of probation drug sentences were identified at drug grid severity level 5 (2,537 sentences or 81.8%). This distribution reflects the impact of the July 1, 2012 drug sentencing grid as previously discussed.

Figure 32: FY 2022 Top Ten Offenses for Probation Nondrug Sentences

Offenses

Offense	Percent
Agg. Assault	5.0
Agg. Battery	8.7
Burglary	11.8
Criminal Threat	6.9
Dom. Battery	5.2
Failure to Register	4.7
Flee LEO	6.4
Obstruct Legal Process	5.2
Possession of Weapons	3.9
Theft	12.8
Other	29.4

Percent
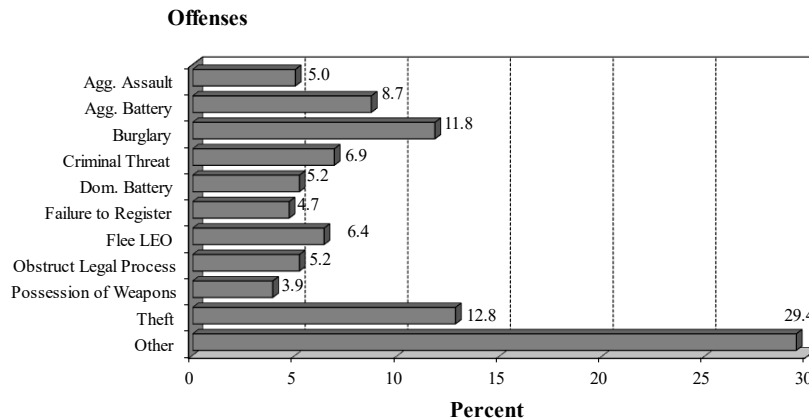
Based on 3,401 probation nondrug sentences

The analysis of the drug probation sentences shows that the felony crimes of drug possession accounted for 78.6% of the total probation drug sentences imposed in FY 2022, a slight increase of 0.2% compared with that of FY 2021 (78.4%). These crimes included the offenses of possession of opiates or narcotics and possession of depressants, stimulants, hallucinogens, etc. for the second and subsequent offenses.
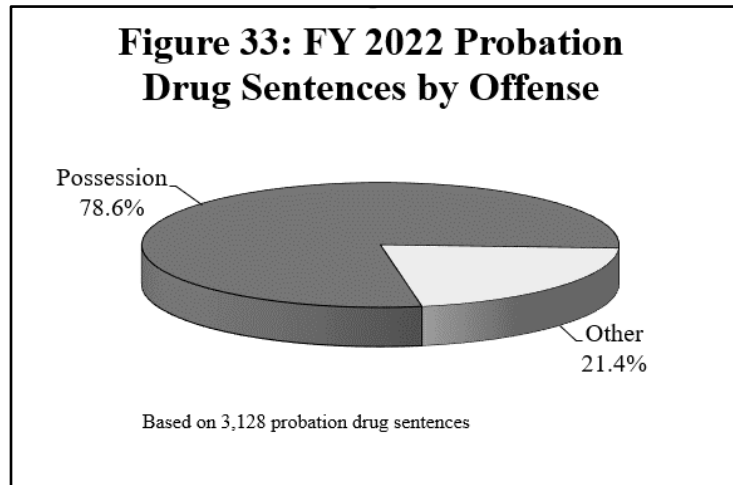
Figure 33: FY 2022 Probation Drug Sentences by Offense

Possession 78.6%

Other 21.4%

Based on 3,128 probation drug sentences

Table 11: Characteristics of FY 2022 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	0.4	83.3	16.7	91.7	8.3	0.0	29.8
Agg Arson	7	0.2	100.0	0.0	71.4	28.6	0.0	34.8
Agg Assault	171	5.0	87.7	12.3	73.7	23.4	2.9	34.1
Agg Assault on LEO	23	0.7	87.0	13.0	73.9	26.1	0.0	32.9
Agg Battery	297	8.7	83.5	16.5	71.7	25.6	2.7	31.4
Agg Endangering a Child	45	1.3	57.8	42.2	73.3	26.7	0.0	34.6
Agg Escape from Custody	26	0.8	69.2	30.8	80.8	19.2	0.0	35.0
Agg Failure to Appear	9	0.3	66.7	33.3	66.7	22.2	11.1	34.5
Agg Ind Lib with a Child	7	0.2	85.7	14.3	85.7	14.3	0.0	29.7
Agg Ind Solicit with a Child	7	0.2	100.0	0.0	100.0	0.0	0.0	37.9
Agg. Interf. w/Parent Custody	9	0.3	66.7	33.3	77.8	22.2	0.0	28.6
Agg Intimidation of a Victim	16	0.5	87.5	12.5	68.8	31.3	0.0	34.4
Agg Robbery	22	0.6	90.9	9.1	68.2	31.8	0.0	26.7
Agg Sex Battery with Child	17	0.5	100.0	0.0	82.4	11.8	5.9	32.4
Aid Felon	9	0.3	44.4	55.6	100.0	0.0	0.0	48.2
Animal Cruelty	5	0.1	80.0	20.0	60.0	40.0	0.0	33.2
Arrange Sale/Purchase Drug	10	0.3	90.0	10.0	100.0	0.0	0.0	30.4
Arson	19	0.6	84.2	15.8	63.2	36.8	0.0	34.9

Table 11: Characteristics of FY 2022 Probation Nondrug Offenders by Type of Offense – 2

Offense Type	N	%	Gender (%)		Race (%)			Offense Age
			Male	Female	White	Black	Other	Mean
Auto Failure to Remain	4	0.1	50.0	50.0	50.0	50.0	0.0	29.9
Battery on LEO	43	1.3	55.8	44.2	83.7	16.3	0.0	32.5
Blackmail	5	0.1	100.0	0.0	80.0	20.0	0.0	33.8
Breach of Privacy	12	0.4	83.3	16.7	91.7	8.3	0.0	36.3
Burglary	402	11.8	81.6	18.4	84.3	13.2	2.5	31.5
Computer Crime	9	0.3	66.7	33.3	88.9	11.1	0.0	28.0
Contribute Child Misconduct	7	0.2	85.7	14.3	100.0	0.0	0.0	29.5
Criminal Damage of Property	86	2.5	84.9	15.1	79.1	18.6	2.3	33.2
Criminal Discharge of Firearm	17	0.5	100.0	0.0	64.7	35.3	0.0	27.5
Criminal Threat	233	6.9	92.3	7.7	75.5	22.7	1.7	34.6
Criminal Use of Explosives	5	0.1	100.0	0.0	60.0	40.0	0.0	34.6
Criminal Use of Financial Card	12	0.4	41.7	58.3	91.7	8.3	0.0	36.1
Domestic Battery	178	5.2	96.1	3.9	62.9	35.4	1.7	31.9
Drug without Tax Stamps	11	0.3	81.8	18.2	54.5	45.5	0.0	32.8
Failure to Register	159	4.7	86.2	13.8	67.3	28.3	4.4	39.4
False Writing	27	0.8	59.3	40.7	96.3	3.7	0.0	33.9
Fleeing/Eluding LEO	218	6.4	83.9	16.1	77.5	20.6	1.8	30.8
Forgery	94	2.8	61.7	38.3	79.8	14.9	5.3	35.5
Electronic Solicitation of a Child	5	0.1	100.0	0.0	100.0	0.0	0.0	42.9
Identity Theft	104	3.1	56.7	43.3	76.9	21.2	1.9	35.1
Ind. Liberties with a Child	15	0.4	100.0	0.0	80.0	20.0	0.0	26.0
Indecent Solicitation of Child	4	0.1	100.0	0.0	100.0	0.0	0.0	29.0
Involuntary Manslaughter	7	0.2	42.9	57.1	71.4	14.3	14.3	31.6
Medicaid Fraud	4	0.1	25.0	75.0	100.0	0.0	0.0	33.2
Mistreatment of Dependent Adult	13	0.4	30.8	69.2	84.6	15.4	0.0	41.7
Obstruct Legal Process	176	5.2	75.0	25.0	77.3	21.6	1.1	32.2
Possession of Weapons	133	3.9	94.0	6.0	51.9	45.9	2.3	29.8
Robbery	56	1.6	78.6	21.4	46.4	53.6	0.0	27.3
Sex Exploitation of a Child	39	1.1	100.0	0.0	97.4	0.0	2.6	35.0
Stalking	27	0.8	100.0	0.0	88.9	11.1	0.0	39.6
Tamper w/Electronic Monitor Equipment	23	0.7	73.9	26.1	65.2	30.4	4.3	35.3
Theft	435	12.8	69.7	30.3	76.8	20.9	2.3	34.1
Trafficking Contraband	32	0.9	62.5	37.5	75.0	18.8	6.3	32.1
Unlawful Voluntary Sex Relation	10	0.3	100.0	0.0	80.0	20.0	0.0	19.6
Weapons/Agg Weapons Violations	24	0.7	91.7	8.3	75.0	25.0	0.0	32.0
Other	61	1.8	82.0	18.0	72.1	27.9	0.0	33.3
TOTAL	**3,401**	**100**	**80.5**	**19.5**	**75.1**	**22.8**	**2.1**	**33.0**

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

Table 12: Characteristics of FY 2022 Probation Drug Offenders by Type of Offense

Offense Type	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	Mean
Drugs; Possession	2,460	78.6	68.2	31.8	86.3	11.7	2.0	36.2
Drugs; Distribution/Sale	589	18.8	74.9	25.1	74.8	23.0	2.2	33.2
Possession of Paraphernalia	65	2.1	69.2	30.8	83.1	15.4	1.5	34.7
Distribution of Paraphernalia	6	0.2	83.3	16.7	83.3	0.0	16.7	29.8
Receiving Drug Proceeds	8	0.3	100.0	0.0	87.5	12.5	0.0	35.8
TOTAL	**3,128**	**100**	**69.6**	**30.4**	**84.0**	**13.9**	**2.1**	**35.6**

Table 13: Characteristics of FY 2022 Probation Nondrug Offenders by Severity Level

Severity Level	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	Mean
N1	4	0.1	100.0	0.0	75.0	25.0	0.0	51.2
N2	0	0.0	0.0	0.0	0.0	0.0	0.0	N/A
N3	33	1.0	90.9	9.1	63.6	36.4	0.0	31.6
N4	53	1.5	83.0	17.0	71.7	26.4	1.9	29.4
N5	236	6.9	85.6	14.4	74.6	22.5	3.0	31.1
N6	213	6.3	82.2	17.8	71.4	25.4	3.3	36.3
N7	894	26.3	85.1	14.9	74.3	23.5	2.2	32.7
N8	558	16.4	75.1	24.9	73.7	24.0	2.3	33.4
N9	1,309	38.5	78.4	21.6	77.8	20.6	1.5	32.9
N10	74	2.2	73.0	27.0	71.6	23.0	5.4	34.4
Nongrid	27	0.8	85.2	14.8	63.0	37.0	0.0	34.4
TOTAL	**3,401**	**100**	**80.5**	**19.5**	**75.1**	**22.8**	**2.1**	**33.0**

Table 14: Characteristics of FY 2022 Probation Drug Offenders by Severity Level

Severity Level	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	Mean
D1	19	0.6	73.7	26.3	89.5	10.5	0.0	32.7
D2	133	4.2	74.4	25.6	79.7	15.8	4.5	36.2
D3	177	5.7	80.2	19.8	70.6	28.3	1.1	32.0
D4	262	8.4	71.8	28.2	74.3	23.8	1.9	32.7
D5	2537	81.1	68.3	31.7	86.2	11.8	2.0	36.1
TOTAL	**3,128**	**100.0**	**69.6**	**30.4**	**84.0**	**13.9**	**2.1**	**35.6**

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 2022, Kansas courts ordered offenders in 1,117 sentences to SB 123 drug abuse treatment programs, representing 35.7% of the total drug probation sentences (3,128), a decrease of 1.7% compared with that of FY 2021 (37.4%). 95.5% (1,067 cases) were for drug possession under K.S.A. 21-5706 (formerly 21-36a06 or 65-4160 or 65-4162) and 4.5% (50 cases) were for distribution. Senate Bill 18 passed, following the 2019 legislative session, which 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 72.4% of offenders were in the criminal history categories E through I, a decrease of 2.5% when compared with that of FY 2021 (74.9%). This data implies that the policy of SB 123 was implemented very consistently during FY 2022.

A summary of the offenders sentenced to SB 123 treatment programs in FY 2022 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 (88.3%). The average age of the drug treatment offenders was 35.6 years old at sentencing, less than a year older than that of FY 2021 (35.2). Figure 35 demonstrates the distribution of SB 123 drug treatment sentences imposed in FY 202 by county. Sedgwick County imposed the most SB 123 sentences (80), followed by Reno (78), Shawnee (75), Johnson (73), Saline (63) and Jackson (63) counties. No SB 123 sentences were reported from 21 counties. The average number of SB 123 sentences imposed by the 84 counties is 13, which is consistent with FY 2021 (13 sentences).

In addition, 1,103 SB 123 drug treatment sentences were violated as probation condition violators in FY 2022. Of this number, 297 sentences were revoked to prison, representing 26.9% of SB 123 sentences imposed (1,103 sentences) in FY 2022, an increase of 4.6% from that of FY 2021 (22.3%). The average period between original sentence and revocation hearing was 19.7 months, 1.9 months more than that of FY 2021 (17.8 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. Data will be made available for
analysis via 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 2022 Senate Bill 123
Drug Treatment Sentences**

Distribution D4
4.5%

Possession D5
95.5%

Female
34.6%

Male
65.4%

White
88.3%

Black
9.7%

Other
2.1%
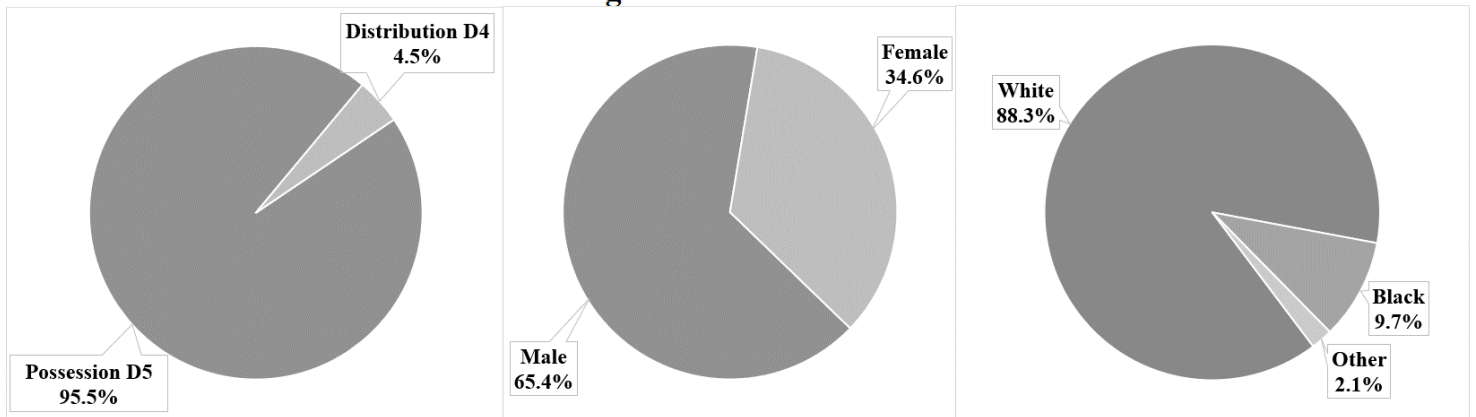
Based on 1,117 SB 123 sentences.

Figure 35: Distribution of Senate Bill 123 Drug Treatment Sentences Imposed by County FY 2022

Please see the KSSC website for more updated county dashboard maps:

https://www.sentencing.ks.gov/statistical-analysis/dashboards/annual-report-analysis
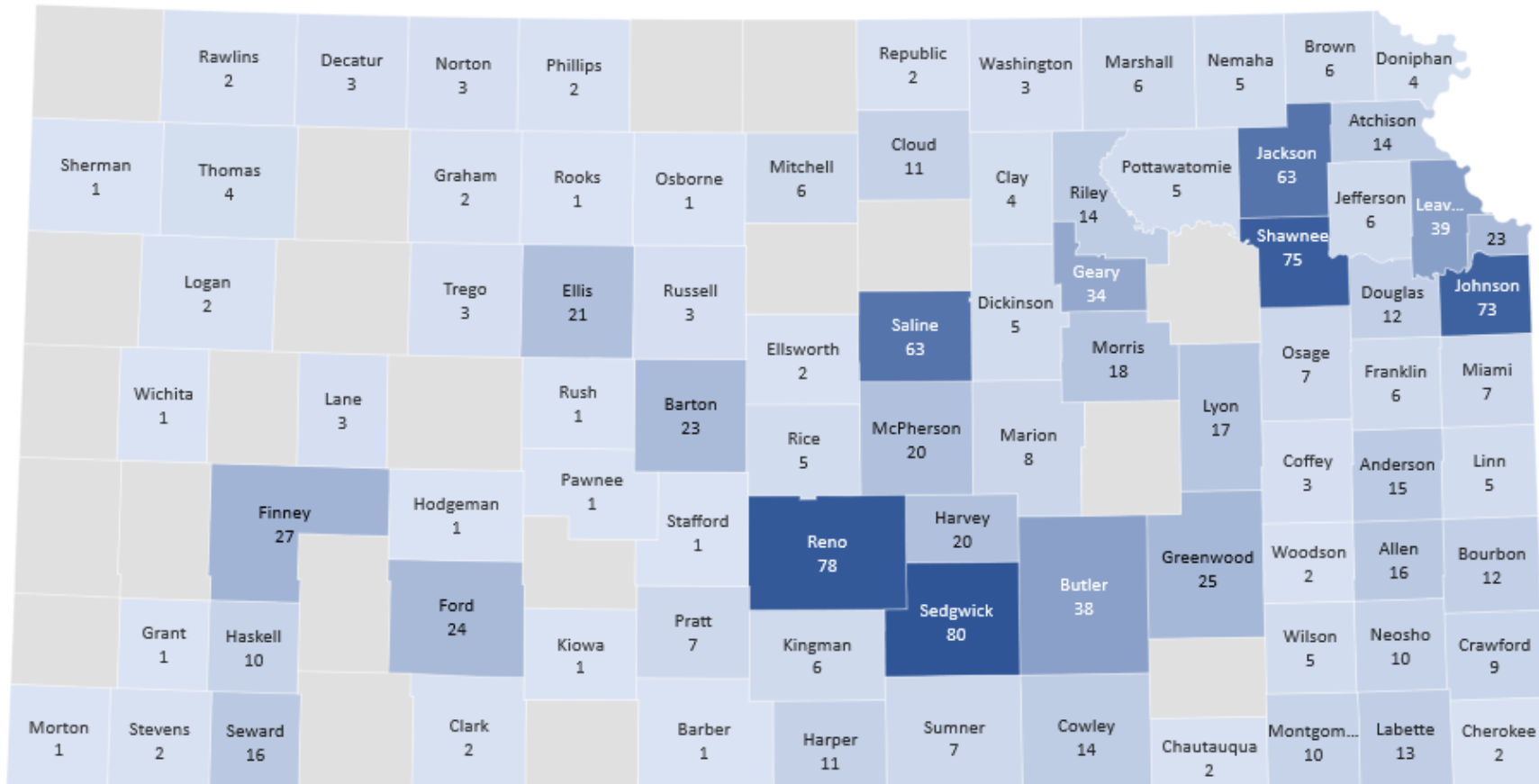
Criminal History and Length of Probation

When examining offenders' criminal history, the Commission noticed that offenders sentenced to probation with assigned criminal history categories accounted for 99.7% (6,510) of all the probation sentences reported to the Commission in FY 2022, which is 0.1% higher than the rate of FY 2021 (99.6%). The largest number of this group fell within criminal history category I (22.4% or 1,459 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 24.3% of offenders on the nondrug grid and 20.2% of offenders on the drug grid.

The review of the presumptive probation boxes discloses that nondrug offenders within the presumptive probation boxes made up 73.8% (Table 15), down 1.3% from that of FY 2021 (75.1%). The analysis of the border box sentences reveals that

5.7% 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 2022 increased by 1.5% when compared with that of FY 2021 (4.2%).

The drug offenders within presumptive probation sentences accounted for 55.3% and the drug offenders within the border box represented 22.7% of the probationers sentenced during FY 2022.

Tables 15 and 16 present the probation terms of probation sentences by severity level. The average length of probation for nondrug offenders was 19.1 months, which is 3 days longer than that of FY 2021 (19.0 months). The average length of probation for drug offenders was 17.3 months, which is 6 days shorter than that of FY 2021 (17.5 months).

Figure 36: Distribution of FY 2022 Probation Sentences by Criminal History
Nondrug and Drug Sentences
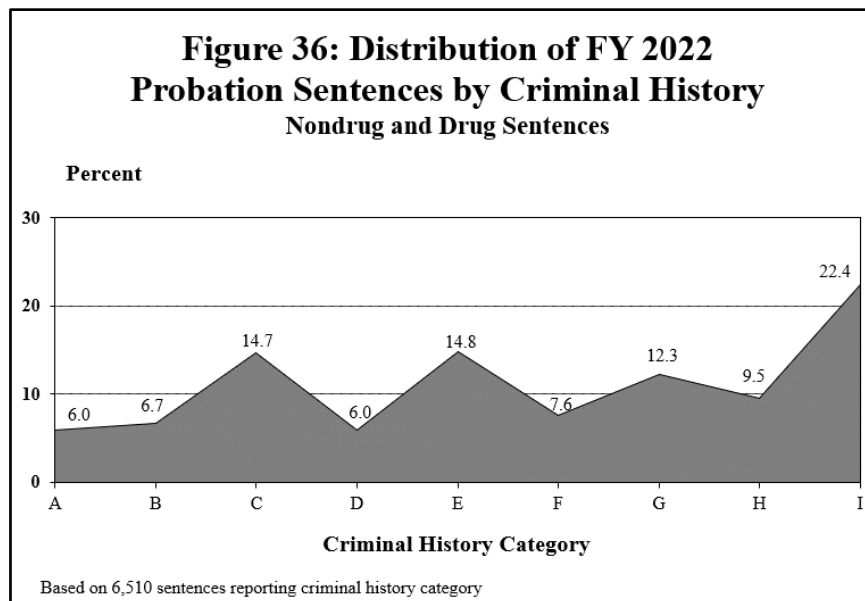
Table 15: Criminal History and Probation Length by Severity Level
FY 2022 Nondrug Offenders

Severity Level	N	Criminal History Class									Average Probation Length in Months
		A	B	C	D	E	F	G	H	I	
N1	4	0	0	0	1	0	0	1	1	1	42.0
N2	-	0	0	0	0	0	0	0	0	0	N/A
N3	33	1	3	3	2	3	1	3	1	16	36.0
N4	53	5	6	4	4	2	1	5	5	21	36.7
N5	236	10	6	16	17	8	4	10	20	145	35.4
N6	213	22	18	26	16	27	11	29	18	46	23.9
N7	894	42	55	117	84	101	53	109	92	241	23.4
N8	558	28	40	108	40	97	41	50	56	98	17.7
N9	1,309	95	123	234	97	178	108	132	103	239	12.4
N10	74	4	3	12	3	13	3	12	5	19	12.2
Nongrid	27	1	0	1	1	0	2	0	2	1	12.4
TOTAL	**3,401**	**208**	**254**	**521**	**265**	**429**	**224**	**351**	**303**	**827**	**19.1**

Note: Criminal history classes are based on 3,382 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation

Table 16: Criminal History and Probation Length by Severity Level
FY 2022 Drug Offenders

Severity Level	N	Criminal History Class									Average Probation Length in Months
		A	B	C	D	E	F	G	H	I	
D1	19	0	0	5	1	2	2	3	0	6	37.3
D2	133	8	11	22	4	19	9	12	9	39	36.0
D3	177	6	6	11	5	29	7	26	19	68	35.4
D4	262	10	7	16	7	40	20	31	30	101	18.0
D5	2,537	156	162	383	106	447	232	376	257	418	14.7
TOTAL	**3,128**	**180**	**186**	**437**	**123**	**537**	**270**	**448**	**315**	**632**	**17.3**

Note: Criminal history classes are based on 3,128 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation

DUI POST-IMPRISONMENT SUPERVISION AND COUNTY JAIL SENTENCES

In FY 2022, a total number of 431 DUI PIS and county jail sentences were reported to the Commission. Of this number, DUI PIS accounted for 92.1% (397 sentences) and county jail accounted for 7.9% (34 sentences). Female offenders made up 17.9% and male offenders accounted for 82.1%. The gender distribution shifted toward the females by 4.4% from FY 2020 to FY 2021, but back toward the males by 4.0% from FY 2021 to FY 2022 (Figure 37).

Figure 37: Distribution of FY 2022 DUI PIS and Jail Sentences by Gender

Male 82.1%

Female 17.9%

Based on 34 county jail and 397 DUI PIS sentences reporting gender of offenders
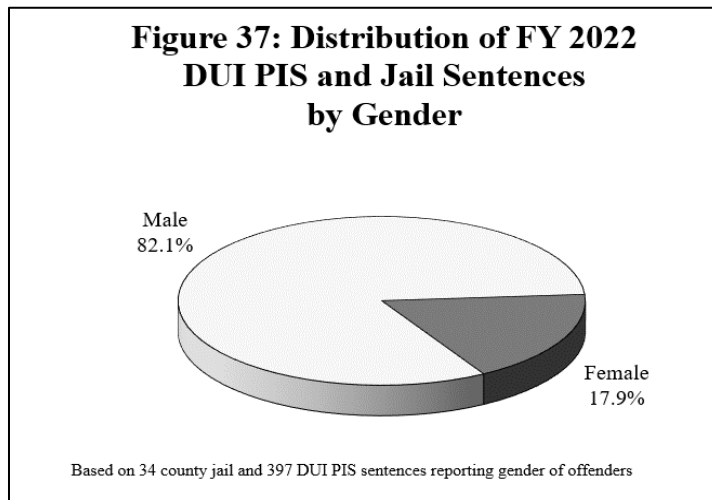
White offenders accounted for 80.3%, black offenders represented 18.1% and other races represented 1.6% of the total DUI PIS and county jail sentences imposed in FY 2022 (Figure 38).

Figure 38: Distribution of FY 2022 DUI PIS and Jail Sentences by Race

White 80.3%

Black 18.1%

Other 1.6%

Based on 34 county jail and 397 DUI PIS sentences reporting race of offenders
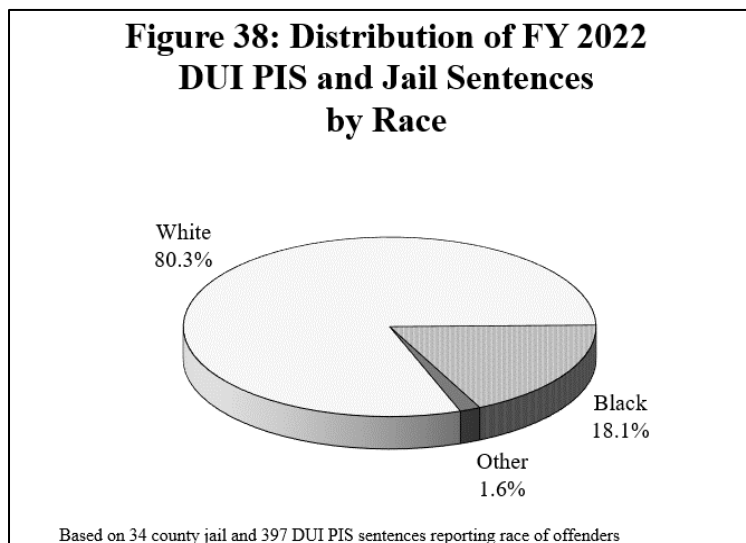
Figure 39 discloses that most offenders were in the age group ranging from 31 to 40 years old (36.7%), a decrease of 1.7% from the data observed in FY 2021 (38.4%). Their average age at sentencing is 42.2 years old, down slightly from FY 2021 (42.4).

Figure 39: Distribution of FY 2022 DUI PIS and Jail Sentences by Age of Offenders

Age Group	Percent
Over 60	4.9
51-60	17.4
41-50	27.6
31-40	36.7
25-30	10.4
21-24	2.8
Under 21	0.2

Based on 34 county jail and 397 DUI PIS sentences reporting age of offenders at time of sentencing.
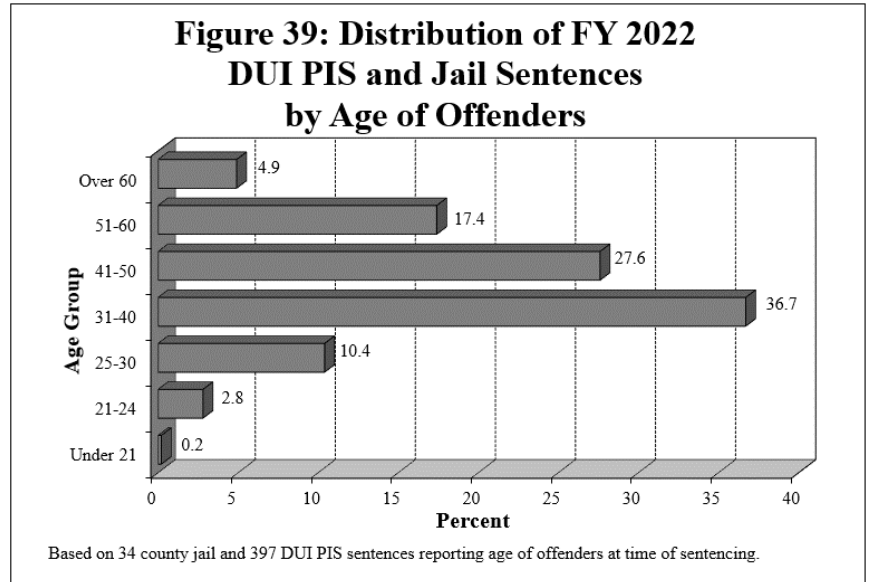
Figure 40 presents the crimes committed by the offenders sentenced to DUI PIS and county jails. In FY 2022, 97.4% (412 sentences) of the sentences were convicted of the crime of felony DUI, and 1.4% (6 sentences) were convicted of the crime of domestic battery. A detailed analysis of the crime of DUI is provided on page 15 of this report.

Figure 40: Distribution of FY 2022 DUI PIS and Jail Sentences by Offense Type

	Percent
DUI	97.4%
Dom. Battery	1.4%
Other	1.2%

Based on 34 county jail and 397 DUI post imprisonment supervison sentences.
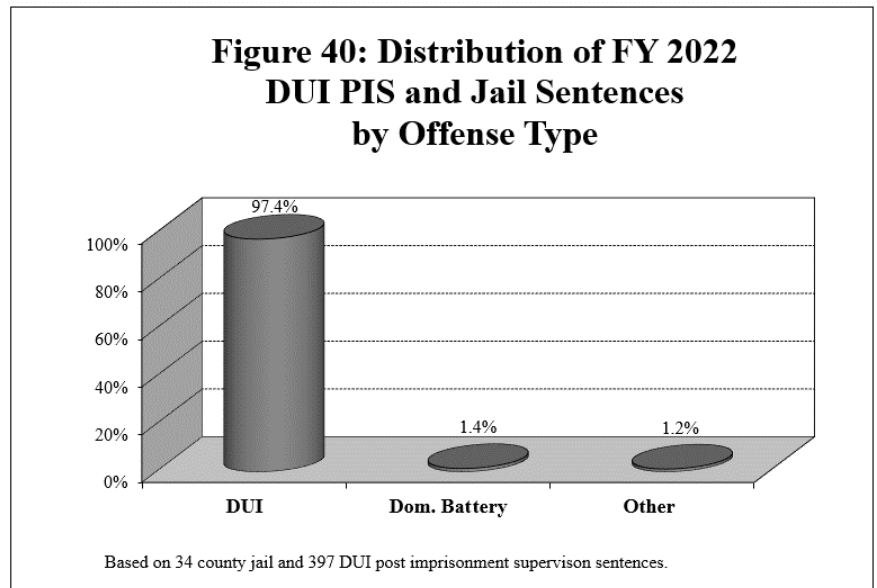
Figure 41 exhibits the distribution of FY 2022 DUI PIS and county jail sentences by county. Johnson County imposed the most sentences of this group (130) representing 30.2%, followed by Sedgwick (37) and Shawnee Counties (33) representing, respectively, 8.6% and 7.7% of the total DUI PIS and county jail sentences imposed during FY 2022.

Figure 41: County Jail Sentences by County FY 2022

Please see the KSSC website for more updated county dashboard maps:

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 1,656 condition violators were admitted to prison for their violation of conditions in FY 2022, representing 1,022 probation violators and 634 parole/postrelease supervision violators. In the following analysis, conditional release violators are merged with the group of parole/postrelease condition violators.

In FY 2022, condition violators accounted for 43.0% of all admissions to prison, unchanged from FY 2021 (43.0%). The majority of condition violators were male offenders, accounting for 75.5% of probation violators and 91.8% of parole/postrelease condition violators admitted to prison in FY 2022 (Figure 42).

Figure 42: Distribution of FY 2022 Condition Violators by Gender

Based on 1,022 probation condition violators and 634 parole/postrelease condition violators
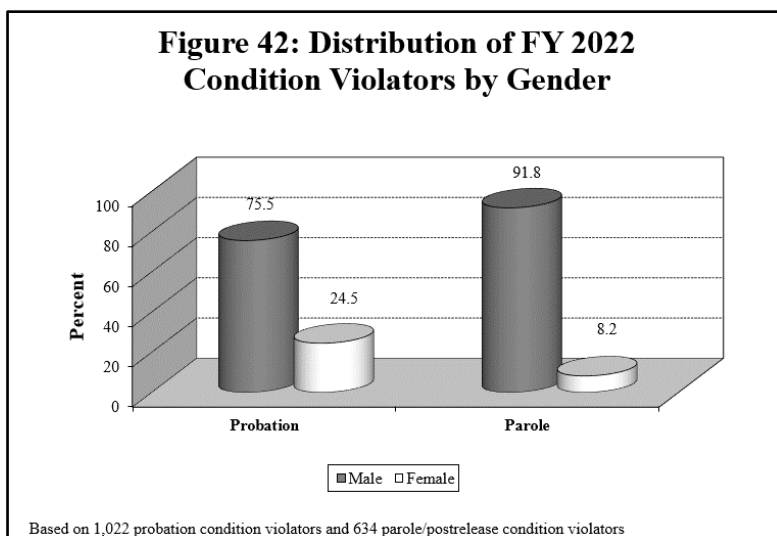
White offenders represented the highest rate (74.7%) in the group of probation violators, while the highest percentage of black offenders (27.8%) was identified in the group of parole/postrelease condition violators (Figure 43).

Figure 43: Distribution of FY 2022 Condition Violators by Race

Based on 1,019 probation condition violators and 634 parole/postrelease condition violators
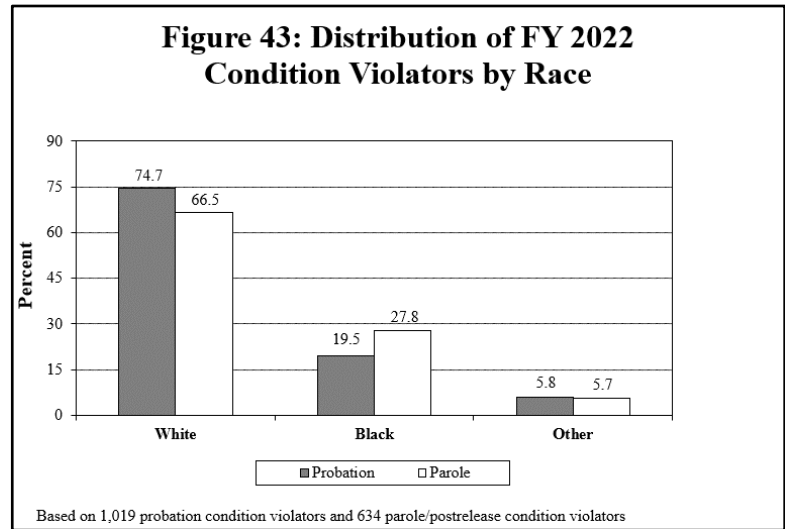
Most probation violators were in the age group ranging from 31 to 40 (35.8%). The largest number of parole/postrelease condition violators was also found in the age group ranging from 31 to 40 (39.7%) at the time of admission to prison (Figure 44).

Figure 44: Distribution of FY 2022 Condition Violators by Age Group

	Under 21	21-24	25-30	31-40	41-50	51-60	Over 60
Probation	2.7	12.2	24.8	35.8	15.9	7.0	1.6
Parole	0.8	8.0	24.3	39.7	16.7	8.4	2.1

Age Group

Based on 1,022 probation condition violators and 634 parole/postrelease condition violators

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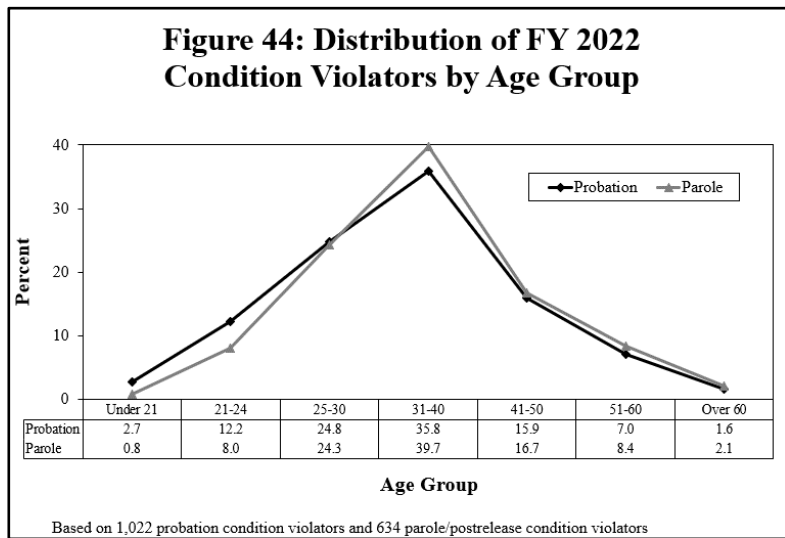
The largest number of drug probation violators was identified at drug severity level 5, representing 86.1% or 360 offenders. The highest percentage of drug parole/postrelease condition violators were found at drug severity level 5, as well, accounting for 52.0% or 66 offenders. The severity level distribution of drug condition violators on probation stayed fairly consistent with the data observed in FY 2021, while there was a 10% shift from low severity (D5) to the middle levels (D2 to D4) from FY 2021 to FY 2022 (Figure 45).

Figure 45: Distribution of FY 2022 Condition Violators by Severity Level
Drug Offenders

Based on 418 drug probation condition violators and 127 drug parole/postrelease condition violators
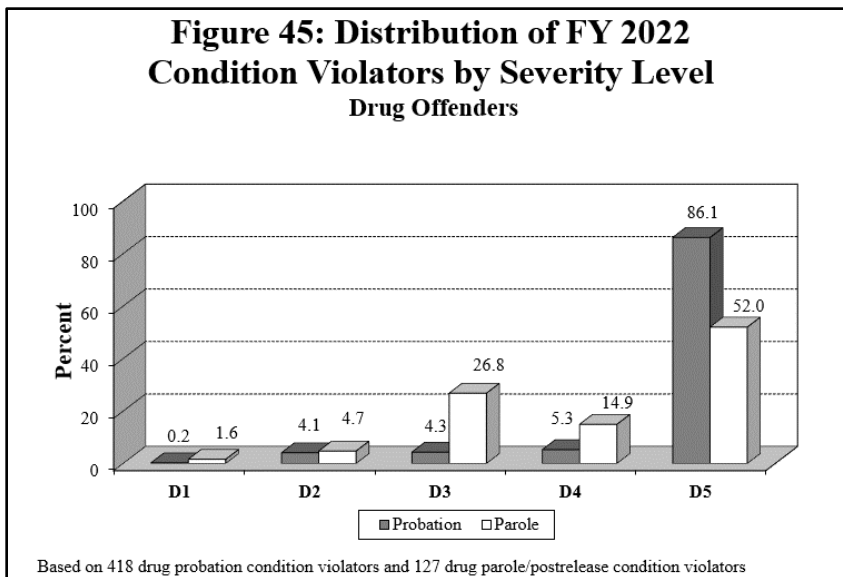
The highest percentage of nondrug probation condition violators was identified at nondrug severity level 9, which represents 32.8% or 198 offenders of nondrug probation condition violators. The highest rate of parole/postrelease condition violators was found at nondrug severity level 5, representing 19.9% or 101 offenders of this group of violators. This distribution of severity levels had slight shifts from N7 to N9 in probation violators and from N6 to N7 in parole/post release violators compared to that of FY 2021 (Figure 46).

Figure 46: Distribution of FY 2022 Condition Violators by Severity Level
Nondrug Offenders

Based on 604 probation condition violators and 507 parole/postrelease condition violators
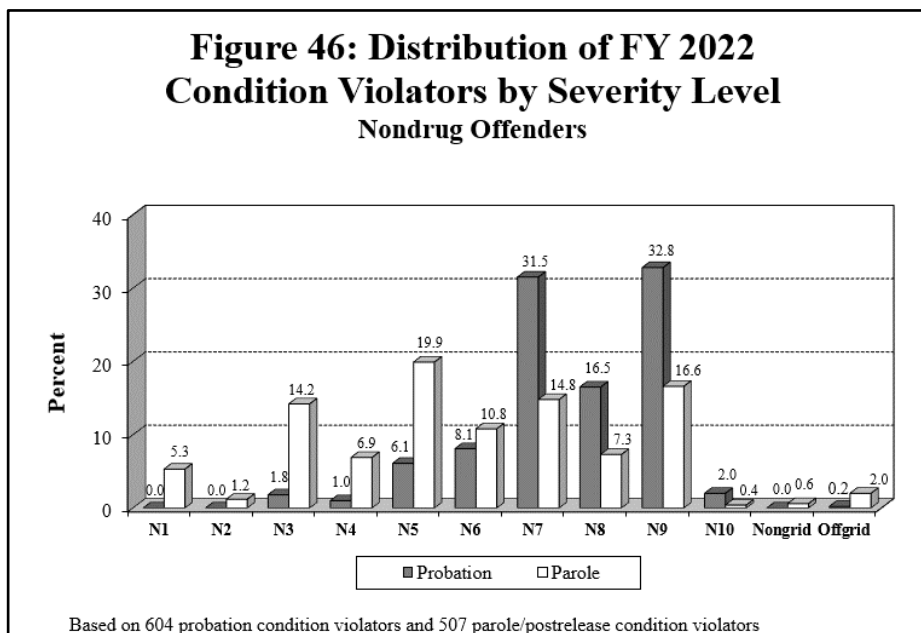
Table 17 presents the characteristics of all types of condition violators. The largest numbers of males were found at nondrug severity level 7 (241 sentences) and drug severity level 5 (296 sentences). The highest frequencies of females were at nondrug severity level 9 (56 sentences) and drug severity level 5 (130 sentences). Racial analysis of the condition violators demonstrates that drug severity level 5 represented the largest number of white violators (342) and black violators (62) for drug offenses. As for nondrug sentences, most violators were found at nondrug severity level 9, at which white offenders accounted for 199 sentences and black offenders accounted for 67 sentences. The average age of the violators was 35.7 years old at the time of admission, 0.2 year older than the average age of FY 2021 violators.

**Table 17: Characteristics of FY 2022 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	3	2	1	3	0	0	43.8
D2	23	19	4	20	1	2	32.8
D3	52	46	6	42	8	2	34.0
D4	41	36	5	34	6	1	33.3
D5	426	296	130	342	62	22	37.2
N1	27	25	2	20	5	2	46.4
N2	6	6	0	5	1	0	57.7
N3	83	79	4	49	28	5	36.6
N4	41	40	1	27	12	2	33.8
N5	138	120	18	92	38	8	34.1
N6	104	88	16	69	25	10	36.3
N7	265	241	24	171	77	16	34.1
N8	137	107	30	89	40	8	34.3
N9	282	226	56	199	67	15	34.7
N10	14	9	5	10	2	2	43.3
Off-grid	11	11	0	9	2	0	45.2
Nongrid	3	3	0	2	1	0	32.8
TOTAL	**1,656**	**1,354**	**302**	**1,183**	**375**	**95**	**35.7**

Note: the distribution of race is based on 1,653 sentences reporting race information

Probation Condition Violators

A total number of 1,022 probation condition violators were admitted to prison during FY 2022. Of this number, 59.1% (604) were nondrug offenders and 40.9% (418) were drug offenders. Compared with FY 2021, the admissions of probation condition violators demonstrated a decrease of 3.2% or 34 violators. Tables 18 and 19 present the characteristics of probation condition violators.

In FY 2022, the top ten offenses committed by nondrug probation condition violators were aggravated assault, aggravated battery, burglary, criminal threat, domestic battery, failure to register, fleeing/eluding LEO, obstructing the legal process, possession of weapons, robbery, and theft. These ten offenses represent 76.2% of all nondrug convictions by probation violators.

Burglary and theft 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 84.9% of all drug offenses committed by the probation condition violators admitted to prison in FY 2022. The crime of drug distribution or possession with intent to distribute represents 13.9% of this group of violators admitted to prison in FY 2022 (Table 19).

The average length of time from the age of offense to the age of admission to prison was 2.9 years for nondrug probation condition violators and also 2.9 years for drug probation condition violators. This remains consistent with those of FY 2021 through FY 2018. The distribution of probation violators by severity level and criminal history is presented in Table 20.

Table 18: FY 2022 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	82.5	17.5	60.0	35.0	5.0	31.3	33.8
Aggravated Battery	55	90.9	9.1	61.1	29.6	9.3	30.3	33.3
Burglary	97	86.6	13.4	70.1	19.6	10.3	31.5	34.3
Criminal Threat	35	88.6	11.4	62.9	31.4	5.7	32.7	34.8
Domestic Battery	41	100.0	0.0	70.7	24.4	4.9	28.7	30.8
Failure to Register	37	86.5	13.5	73.0	13.5	13.5	35.1	38.2
Forgery	31	80.6	19.4	64.5	29.0	6.5	30.6	33.2
Possession of Weapons	21	66.7	33.3	71.4	23.8	4.8	31.1	33.8
Robbery	30	96.7	3.3	66.7	33.3	0.0	31.2	33.6
Theft	73	68.5	31.5	79.1	16.7	4.2	32.7	35.8
Subtotal	**460**	**84.6**	**15.4**	**68.8**	**24.2**	**7.0**	**31.6**	**34.3**
Other	144	68.1	31.9	74.1	23.1	2.8	31.4	34.8
TOTAL	**604**	**80.6**	**19.4**	**70.0**	**24.0**	**6.0**	**31.5**	**34.4**

1/   Average age at time of offense.
2/   Average age at time admitted to prison.

**Table 19: Characteristics of FY 2022 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	355	65.9	34.1	81.4	13.2	5.4	34.2	37.1
Drugs; Distribution/Sale	58	81	19	82.8	10.3	6.9	28.9	31.9
Possession of Paraphernalia	5	80	20	60	40	0	37.3	39.8
TOTAL	**418**	**68.2**	**31.8**	**81.3**	**13.2**	**5.5**	**33.5**	**36.4**

1/ Average age at time of offense.
2/ Average age at time admitted to prison.

**Table 20: Distribution of FY 2022 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	1	0	0	0	0	0	0	0	1
D2	2	0	3	0	4	2	1	1	4	17
D3	1	0	5	0	5	1	1	2	3	18
D4	2	2	2	1	4	1	4	4	2	22
D5	22	17	58	21	50	43	55	38	56	360
N1	0	0	0	0	0	0	0	0	0	0
N2	0	0	0	0	0	0	0	0	0	0
N3	2	2	1	0	0	0	1	0	5	11
N4	0	2	1	0	0	0	1	1	1	6
N5	6	4	3	1	5	2	0	3	13	37
N6	5	5	9	6	10	2	5	3	4	49
N7	19	18	28	17	16	10	23	26	33	190
N8	5	2	17	5	11	9	16	17	18	100
N9	12	13	27	18	25	11	28	36	28	198
N10	2	1	2	2	2	2	1	0	0	12
Nongrid	0	0	0	0	0	0	0	0	0	0
Off-grid	0	1	0	0	0	0	0	0	0	1
TOTAL	**78**	**68**	**156**	**71**	**132**	**83**	**136**	**131**	**167**	**1,022**

Legend:
Presumptive Prison | Border Box | Presumptive Probation

Parole/Postrelease Condition Violators

In FY 2022, 634 parole/postrelease condition violators were admitted to prison, indicating an increase of 188 violators or 42.2% when compared with the data observed in FY 2021.
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, possession of weapons, rape, robbery and theft, accounting for 60.2% of the total nondrug offenses in FY 2022. Male offenders represented 94.1% of this group. White offenders committed 80% or more of aggravated indecent liberties with a child and burglary. Black offenders indicated the

highest representation in robbery and weapon possession (Table 21).
Table 22 demonstrates that drug offenders of this group of violators were convicted primarily of the crimes of possession of drugs (52.8%), a decrease of 9.2% from FY 2021 (62.0%); and drug distribution or sale (44.9%), an increase of 10.9% over that of FY 2021 (34.0%).

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 2021, in FY 2022, 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 (66 offenders) and severity level 5 of the nondrug grid (99 offenders).

Table 21: FY 2022 Top 10 Offenses Committed 1/ **by Parole/Postrelease Condition Nondrug Violators**

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean2/	Admit Age Mean3/
		Male	Female	White	Black	Other		
Agg Assault/Agg Assault on LEO	26	96.2	3.8	65.4	30.8	3.8	31.2	34.8
Aggravated Battery	56	91.1	8.9	64.3	30.3	5.4	27.4	33.7
Aggravated Robbery	34	97.1	2.9	47.1	47.1	5.8	22.2	35.9
Agg Indecent Liberties w/Child	23	95.7	4.3	82.6	13.0	4.4	26.5	36.4
Burglary	40	90.0	10.0	80.0	17.5	2.5	30.2	33.7
Criminal Threat	24	100.0	0.0	54.1	41.7	4.2	35.7	37.9
Failure to Register	27	96.3	3.7	63.0	18.5	18.5	31.4	36.6
Possession of Weapons 1/	17	100.0	0.0	29.4	64.7	5.9	28.1	31.3
Rape 1/	17	94.1	5.9	76.5	23.5	0.0	26.1	46.3
Robbery	21	100.0	0.0	38.1	61.9	0.0	25.5	30.1
Theft	20	80.0	20.0	75.0	10.0	15.0	34.0	36.9
Other	202	89.6	10.4	64.4	28.7	6.9	29.0	38.0
TOTAL	**507**	**92.3**	**7.7**	**63.3**	**30.4**	**6.3**	**28.8**	**36.4**

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 2022 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	67	88.1	11.9	76.1	19.4	4.5	33.7	37.2
Drugs; Distribution/Sale	57	91.2	8.8	82.4	15.8	1.8	28.8	34.8
Unlawful Manufacture Controlled Substance	3	100.0	0.0	100.0	0.0	0.0	30.0	50.6
TOTAL	**127**	**89.8**	**10.2**	**79.5**	**17.3**	**3.1**	**31.4**	**36.5**

1/ Average age at time of offense.
2/ Average age at time admitted to prison.

**Table 23: Distribution of FY 2022 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	0	0	1	0	0	2
D2	0	1	2	0	0	1	2	0	0	6
D3	5	4	4	1	2	1	6	6	4	33
D4	1	6	2	1	2	3	1	2	1	19
D5	11	8	18	3	8	4	6	4	4	66
N1	1	1	1	2	4	0	0	6	5	20
N2	0	0	1	0	0	0	1	0	1	3
N3	7	4	14	8	1	3	2	11	16	66
N4	4	4	1	3	4	1	1	9	8	35
N5	16	9	10	5	7	6	10	17	19	99
N6	16	8	10	3	1	4	5	1	7	55
N7	19	13	11	6	6	2	3	7	8	75
N8	6	2	7	5	3	2	4	3	5	37
N9	32	11	9	6	6	6	4	7	3	84
N10	1	0	0	1	0	0	0	0	0	2
Nongrid	1	0	0	2	0	0	0	0	0	3
Off-grid	1	0	0	1	0	0	0	1	6	9
TOTAL	**121**	**71**	**91**	**47**	**44**	**33**	**46**	**74**	**87**	**614**

Note: Criminal history classes are based on 614 cases reporting criminal history category. Legend:

Presumptive Prison	Border Box	Presumptive Probation

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 2022, indicating an increase of 0.6% when compared with the percentage of the same group in FY 2021 (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 9 and 7 (22 and 53 violators) and drug severity level 5 (46 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 distribution of severity levels of drug crimes is very similar to that of FY 2021, while the data for nondrug crimes shows a shift to higher severity, from N6 to the N3 level.

Male offenders made up 93.0% of the parole/postrelease and conditional release violators with new sentences admitted to prison in FY 2022, while female offenders accounted for 13.3% of probation violators with new sentences admitted to prison. (Figure 47).

Figure 47: Distribution of FY 2022 Violators with New Sentences by Gender
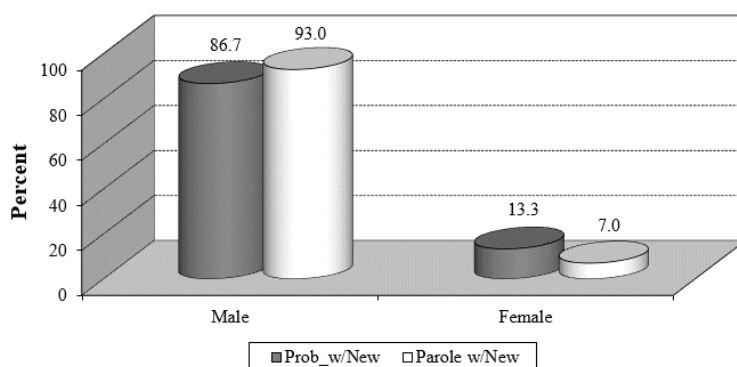
Note: Probation violators w/new sentence=203; parole/postrelease condition violators w/new sentence=100

White offenders were identified as the largest group of violators with new sentences, representing 70.4% of probation violators with new sentences and 69.0% of parole/postrelease violators with new sentences. The black violators with new sentences accounted for 21.7% of probation violators and 24.0% of parole/postrelease violators (Figure 48).

Figure 48: Distribution of FY 2022 Violators with New Sentences by Race

Note: Probation violators w/new sentence=203; parole/postrelease condition violators w/new sentence=100
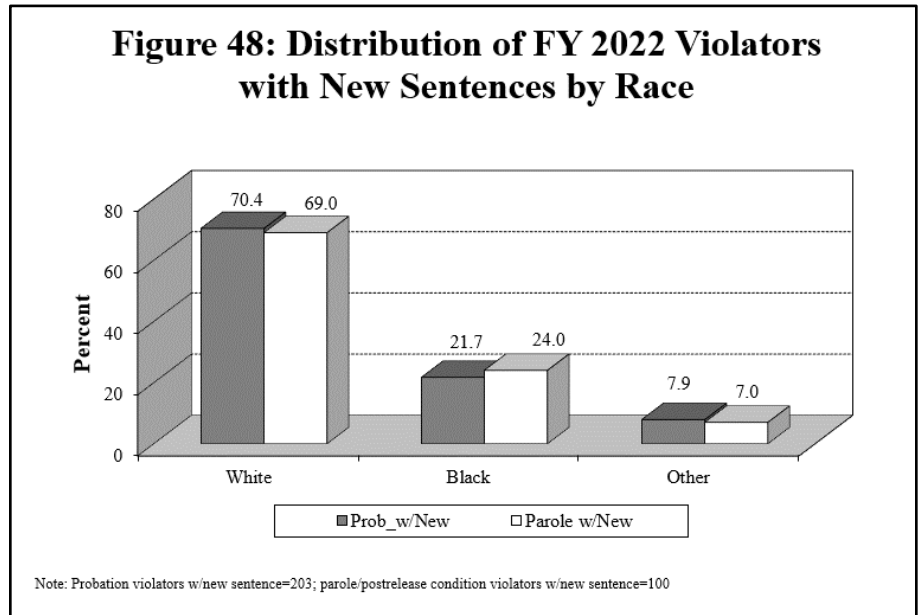
The analysis of the age of the violators at admission indicates that the highest percentage of probation violators with new sentences were in the age group from 31 to 40 (36.5%), indicating an increase of 3.2% compared with that of FY 2021 (33.3%). The largest proportion of parole/postrelease violators with new sentences were identified in the age group of 31 to 40 as well, accounting for 43.0%, indicating an increase of 9.3% compared with that of FY 2021 (33.7%) (Figure 49).

Figure 49: Distribution of FY 2022 Violators with New Sentences by Age Group

Note: Probation violators w/new sentence=203; parole/postrelease condition violators w/new sentence=100
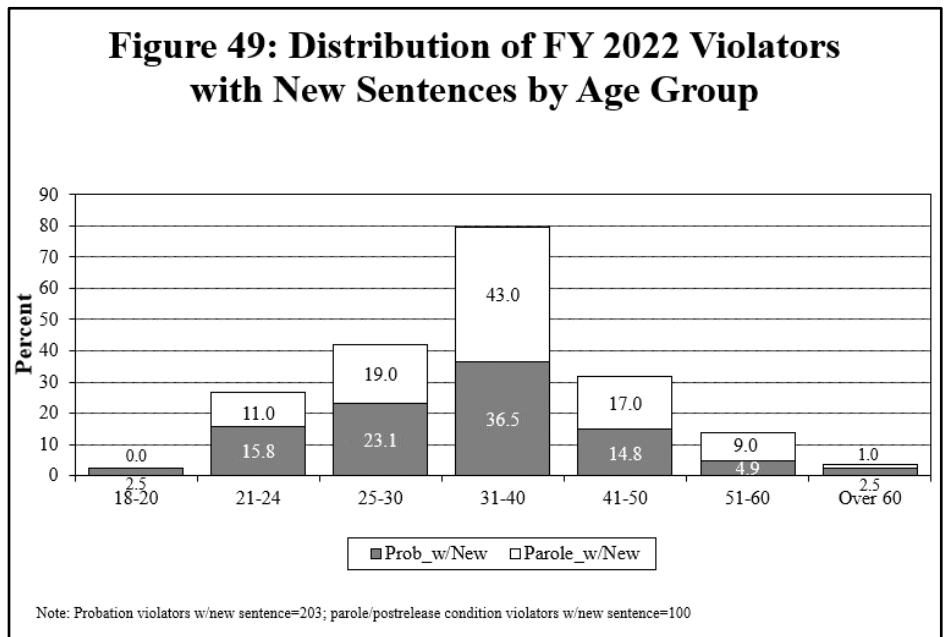
**Table 24: Distribution of FY 2022 Violators with New Sentences
by Severity Level**

Severity Level	Probation		Parole/Postrelease/Conditional Release	
	Number	**Percent**	**Number**	**Percent**
D1	2	1.0	3	3.0
D2	3	1.5	3	3.0
D3	9	4.4	6	6.0
D4	7	3.4	0	0.0
D5	46	22.7	9	9.0
N1	3	1.5	5	5.0
N2	1	0.5	0	0.0
N3	12	5.9	16	16.0
N4	6	3.0	8	8.0
N5	10	4.9	23	23.0
N6	16	7.9	8	8.0
N7	53	26.1	9	9.0
N8	12	5.9	3	3.0
N9	22	10.8	5	5.0
N10	0	0.0	1	1.0
Offgrid	1	0.5	1	1.0
Nongrid	0	0.0	0	0.0
TOTAL	**203**	**100**	**100**	**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 2022, there were 516 probation condition violators and 65 probation violators with new convictions who were continued or extended on probation, representing 11.1% of the total number of 5,455 condition probation violators. Drugs (45.8%), theft (9.2%), burglary (6.2%), identity theft (3.4%) and

DUI (6.2%) were the top five offenses committed by the group of condition probation violators. Drugs (48.5%), theft (14.7%), and domestic/aggravated battery (8.8%) were the top three 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 five 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 2022 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	**0**	0	0	0	0	0	0	0	0	0
D2	**5**	0	1	0	0	2	0	0	2	0
D3	**9**	0	0	0	0	0	1	2	4	2
D4	**11**	2	0	1	0	0	1	3	1	3
D5	**220**	9	12	30	9	26	26	42	27	39
N1	**1**	0	0	0	0	0	0	0	1	0
N2	**0**	0	0	0	0	0	0	0	0	0
N3	**6**	0	0	0	0	2	0	0	0	4
N4	**3**	0	0	0	1	0	0	0	2	0
N5	**8**	0	1	3	0	0	0	1	0	3
N6	**17**	0	2	3	0	3	0	5	0	4
N7	**68**	2	4	10	4	6	7	10	9	16
N8	**53**	2	3	7	4	6	9	8	4	10
N9	**108**	8	3	17	5	18	14	13	12	18
N10	**7**	0	0	2	1	0	0	1	1	2
TOTAL	**516**	**23**	**26**	**73**	**24**	**63**	**58**	**85**	**63**	**101**

Note: Criminal history classes are based on 516 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Box	Presumptive Probation

**Table 26: Distribution of FY 2022 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	**1**	1	0	0	0	0	0	0	0	0
D3	**0**	0	0	0	0	0	0	0	0	0
D4	**1**	0	0	0	1	0	0	0	0	0
D5	**31**	1	1	3	1	7	4	8	4	2
N1	**0**	0	0	0	0	0	0	0	0	0
N2	**0**	0	0	0	0	0	0	0	0	0
N3	**0**	0	0	0	0	0	0	0	0	0
N4	**0**	0	0	0	0	0	0	0	0	0
N5	**1**	0	0	0	0	0	0	0	1	0
N6	**2**	0	0	0	0	1	0	1	0	0
N7	**6**	2	1	1	0	0	2	0	0	0
N8	**5**	1	0	0	0	2	0	0	1	1
N9	**14**	1	2	4	2	2	0	2	1	0
N10	**4**	0	1	0	1	0	2	0	0	0
TOTAL	**65**	**6**	**5**	**8**	**5**	**12**	**8**	**11**	**7**	**3**

Note: Criminal history classes are based on 65 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Box	Presumptive Probation

**JAIL SANCTION FROM PROBATION
VIOLATION**

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

A total number of 2,591 probation violators
in FY 2022 were recipients of a jail
sanction, an increase of 73 or 2.9% from that
of FY 2021 (2,518 jail sanctions). Of the
2,591 jail sanctions, two served more than
30 days in county jail and the average jail
days served was 3.1 days, which is
consistent with the sentencing policy of the
bill compared with FY 2021 (3.1 days),
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 74.1% (1,921)
have no sanction history and 25.9% (670)
have sanction history of one to nine county
jail sanctions. Table 27 presents the sanction
history of the 925 jail sanction sentences. Of
the 666 sentences with one prior jail
sanction, 48.5% were imposed by the court
and 50.2% were imposed by the supervising
officers. A number of 169 sentences have
two prior jail sanctions with 29.6% imposed
by the court and 70.4% imposed by the
supervising officer. Offenders with three
prior jail sanctions accounted for
53 sentences, with 35.8% imposed by the
court and 64.2% imposed by the supervising
officer. Nineteen sentences have four prior
jail sanctions, 10 sentences have five prior
jail sanctions, 5 sentences have six prior jail
sanctions, and 3 have seven prior jail
sanctions.

Table 27: FY 2022 Violation Sanction History - County Jail Sanction

Prior Sanction	Number	Jail Sanction Imposed by (%)	
		Supervising Officer	Court
First	666	50.2	48.5
Second	169	70.4	29.6
Third	53	64.2	35.8
Fourth	19	73.7	26.3
Fifth	10	70.0	30.0
Sixth	5	60.0	40.0
Seventh	3	100.0	0.0
Eighth	0	0.0	0.0
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 (1,237 sentences or 47.7%), theft (197 sentences or 7.6%), burglary (172 sentences or 6.6%), aggravated battery (97 sentences or 3.7%) and failure to register (89 sentences or 3.4%), which is fairly consistent with the data observed in the previous four years. The jail sanction events imposed by county in FY 2022 are presented in Table 28. Sedgwick County imposed the most jail sanctions accounting for 27.2% (or 705 sanctions) of the 2,591 jail sanctions in FY 2022. Reno County imposed the second largest number of jail sanctions (254 sanctions or 9.8%) followed by Johnson County (235 sanctions or 9.1%) and Shawnee County (205 sanctions or 7.9%).

Table 28: FY 2022 Jail Sanctions from Probation Imposed by County

County	Number	Percent	County	Number	Percent
Allen	3	0.1	Marion	6	0.2
Anderson	12	0.5	Marshall	6	0.2
Barber	1	0.0	McPherson	28	1.1
Barton	129	5.0	Meade	1	0.0
Bourbon	22	0.8	Miami	25	1.0
Brown	12	0.5	Mitchell	4	0.2
Butler	61	2.4	Montgomery	3	0.1
Chautauqua	1	0.0	Morris	7	0.3
Cherokee	14	0.5	Nemaha	5	0.2
Clay	1	0.0	Neosho	1	0.0
Cloud	4	0.2	Ness	1	0.0
Coffey	11	0.4	Norton	3	0.1
Cowley	24	0.9	Osage	13	0.5
Crawford	74	2.9	Pawnee	1	0.0
Decatur	1	0.0	Pottawatomie	11	0.4
Dickinson	18	0.7	Pratt	1	0.0
Douglas	19	0.7	Reno	254	9.8
Edwards	1	0.0	Rice	14	0.5
Ellis	11	0.4	Riley	9	0.3
Ellsworth	5	0.2	Rooks	1	0.0
Finney	39	1.5	Rush	1	0.0
Ford	14	0.5	Russell	12	0.5
Franklin	11	0.4	Saline	150	5.8
Geary	40	1.5	Sedgwick	705	27.2
Gray	1	0.0	Shawnee	205	7.9
Greenwood	9	0.3	Sherman	1	0.0
Harper	8	0.3	Stafford	2	0.1
Harvey	44	1.7	Sumner	21	0.8
Jackson	18	0.7	Thomas	1	0.0
Johnson	235	9.1	Trego	1	0.0
Kingman	9	0.3	Washington	3	0.1
Kiowa	5	0.2	Wichita	3	0.1
Labette	3	0.1	Wilson	4	0.2
Leavenworth	77	3.0	Woodson	2	0.1
Linn	9	0.3	Wyandotte	124	4.8
Lyon	16	0.6	**TOTAL**	**2,591**	

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 2022, the Commission received a total of 9,399 felony journal entries of sentencing. Of those sentences, 8,860 fell upon the either the drug or nondrug sentencing grids. Of the 8,860 drug and nondrug sentences, 1,971 were sentencing departures. Thus, 6,889 (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, 6.1% indicated downward durational departures, 15.0% were downward dispositional departures, 0.7% were upward departures, with the remaining 0.3% being both up/both down and up & down. Of all the sentences within the presumptive guideline grids, 7,804 sentences (88.1%) fell within either the presumptive prison boxes or presumptive probation boxes, while 1,056 sentences (11.9%) were located on designated border boxes. Figure 51 demonstrates that 95.9% (1,290 sentences) of the 1,401 dispositional departures were downward departures and 4.1% (58 sentences) were upward dispositional departures. 84.6% of the 1,056 border box sentences resulted in probation sentences with 15.4% of this group sentenced to prison. The ratios stay consistent with those of FY 2021.

Figure 50: Distribution of FY 2022 Overall Guideline Sentences

Total Sentences

Within Guidelines

Durational Dept, 6.1%

Dispositional Departure 16.1%

Within Guidelines 77.8%

Presumptive Boxes 88.1%

Border Boxes 11.9%

Based on 2,354 prison and 6,506 probation sentences

Figure 51: Distribution of FY 2022 Dispositional Departure and Border Box Sentences

Dispositional Departure

Upward 4.1%

Downward 95.9%

Based on 1,401 sentences

Border Box

Prison 15.4%

Probation 84.6%

Based on 1,056 sentences

CONFORMITY OF PRESUMPTIVE PRISON GUIDELINE SENTENCES

Presumptive prison guideline sentences refer to those that are designated above the incarceration line of the sentencing grids.

Revocations of probation conditions, either with or without new sentences, which result in prison sentences were excluded from this analysis. A total of 3,086 presumptive prison sentences of FY 2022 were analyzed for this purpose.

Sentences within the presumptive prison range accounted for 73.3% of the total incarceration sentences (2,356). Border box sentences accounted for 6.9% of total incarceration sentences and presumptive probation sentences accounted for 19.8% of incarceration sentences. Of the incarceration sentences within guidelines, the standard sentences accounted for 52.2%, the aggravated sentences accounted for 20.1%, the mitigated sentences accounted for 27.7%. The remaining presumptive prison sentences were upward dispositional/durational or downward durational departures (Figure 52).

Figure 52: Distribution of FY 2022 Incarceration Guideline Sentences

Total Incarceration Sentences

- Border Box 6.9%
- Within Guidelines 73.3%
- Presumptive Probation 19.8%

Incarceration Sentences Within Guidelines

- Aggravated 20.1%
- Mitigated 27.7%
- Standard 52.2%
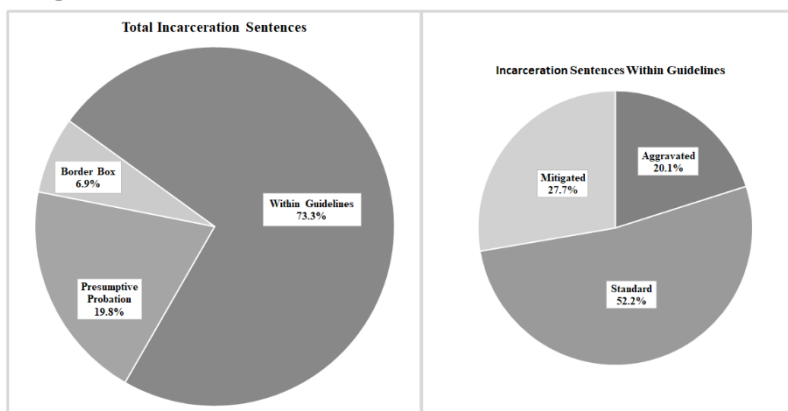
Based on 2,356 incarceration sentences

Figure 53 shows that 98.2% of the durational departure sentences departed downward from the sentence lengths indicated on the presumptive range, while 1.8% departed upward from the presumptive guideline ranges.

Figure 53: FY 2022 Incarceration Durational Departure Sentences

- Upward 1.8%
- Downward 98.2%
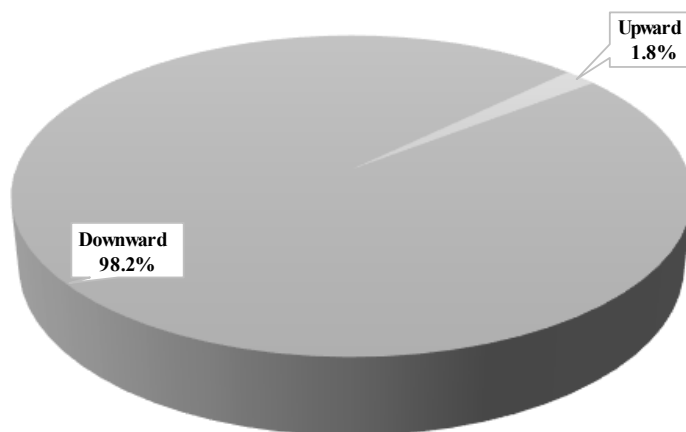
Based on 495 durational departure sentences

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 2022 (90.1% or 4,248 cases) fell within the presumptive sentencing ranges, 9.9% were within border boxes (Figure 54). Further analysis of guideline departure sentences indicate that downward dispositional departures comprise 21.5% of the total probation sentences in FY 2022 (Figure 54). Upward dispositional departure sentences were reflected in presumptive incarceration sentences (Refer to Figure 52).

Figure 54: FY 2022 Probation Sentences

Total Probation Sentences

Within Guidelines

Border Boxes 9.9%

Downward Dispositional 21.5%

Within Guidlines 78.5%

Presumptive Probation 90.1%

Based on 6,529 probation sentences
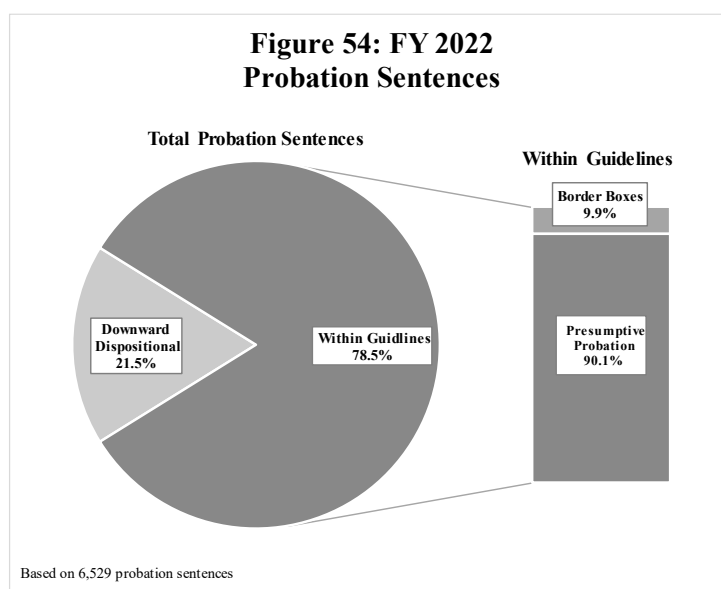
CONFORMITY OF NONDRUG AND DRUG DEPARTURE SENTENCES

The comparison between nondrug and drug departure incarceration sentences discloses that 12.6% of nondrug departures and 3.5% of drug departures showed upward dispositional departures. Additionally, incarcerated nondrug durational departures comprised 82.4% and incarcerated drug durational departures showed 94.8% (Figure 55).

Figure 55: FY 2022 Nondrug and Drug Guideline Sentences - Incarceration

Nondrug: 18.8%, 3.4%, 77.7%
Drug: 31.2%, 1.1%, 67.7%

Durational Departure
Upward Dispositional Departure
Within Guidelines

Based on 1,811 nondrug and 523 drug sentences
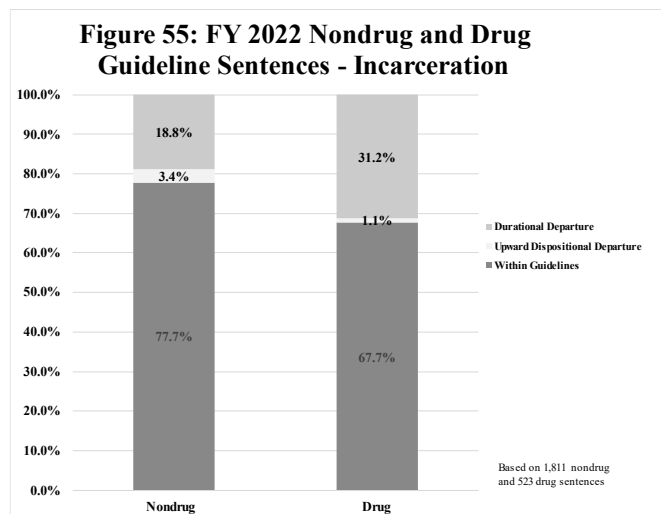
The analysis of durational departures indicates that downward departures represented 98.8% of the total durational departures on the drug grid. Similarly, on the nondrug grid, 97.4% of durational departures were downward (Figure 56). The majority of the upward departures were found at lower severity levels which is likely due to offenders having large amounts of jail credit and choosing to finish their sentence in prison as opposed to a longer period of probation (Table 29).

Figure 56: Comparison of Durational Departures Between Nondrug and Drug Incarceration Sentences FY 2022

Based on 414 nondrug and 172 drug sentences
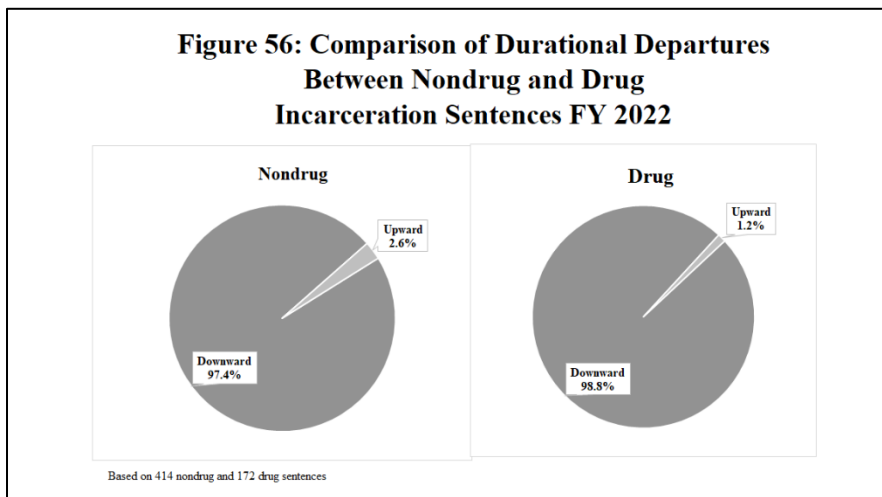
Figure 57 presents the sentencing disparities between nondrug and drug offenders on probation. Nondrug sentences represented a lower percentage of downward dispositional departures than drug sentences (95.1% vs. 97.6%). Consistent with FY 2021, the rate of drug probation sentences resulting from border boxes was much higher than that of nondrug probation sentences (22.4% vs. 5.7%).

Figure 57: FY 2021 Nondrug and Drug Guideline Sentences-Probation

Based on 3,538 nondrug and 2,831 drug sentences
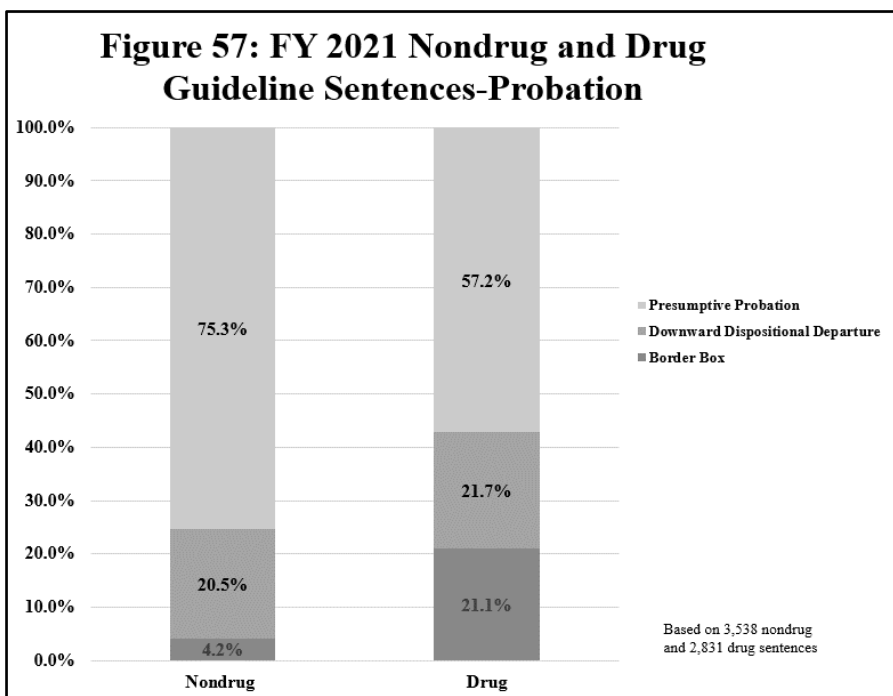
The sentencing trend in Kansas had indicated that there was a tendency to depart downward more often with drug sentences than with nondrug sentences, until FY 2021. However, this past year that shifted back to traditional trends. Drug offenders, however, tend to be sentenced to probation sentences more 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 39.3% standard, 6.6% aggravated, 21.0 % mitigated, while 33.1% departed from the guidelines via a durational departure. Nondrug sentences revealed a 39.0% standard, 17.5% aggravated, 20.7% mitigated, while 22.8% departed from the guidelines. The review of the departure sentences reveals that drug sentences indicated 0.0% upward durational departures and 94.8% downward durational departures, whereas nondrug sentences showed a2.2% upward durational departure

rate and an 80.2% downward durational departure rate. The highest rate of downward durational departures was identified at drug severity level 5 (48.5%) for drug incarceration sentences and nondrug severity level 5 (22.0%) for nondrug incarceration sentences. When examining dispositional departures, 3.4% of nondrug incarceration sentences were upward dispositional departures and 3.3% of drug incarceration sentences were upward dispositional departures. This is the seventh 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				N	Departures		
							Durational		Dispositional
		Agg.	Standard	Mit.	Border Box*		Upward	Downward	Upward
D1	8		7	1		10		10	
D2	22	2	8	12		25		25	
D3	66	8	39	19		34		34	
D4	56	6	34	16	28	15		15	
D5	202	19	120	63	59	85		79	6
Subtotal	**354**	**35**	**208**	**111**	**57**	**169**	**0**	**163**	**6**
N1	75	40	26	9		23	2	21	
N2	15	5	9	1		10	1	9	
N3	126	49	54	23		48	3	43	2
N4	55	14	28	13		23		23	
N5	171	40	86	45	73	77	3	73	1
N6	88	15	49	24	3	35		34	1
N7	286	58	151	77		52		37	15
N8	148	30	67	51		42		33	9
N9	412	63	225	124		87		55	32
N10	32	5	17	10		6		4	2
Subtotal	**1,408**	**319**	**712**	**377**	**76**	**403**	**9**	**332**	**62**
TOTAL	**1,762**	**354**	**920**	**488**	**133**	**572**	**9**	**495**	**68**

*Border Box not included in total N box.

Table 30 demonstrates the conformity rates of probation sentences to the guidelines by severity level. Probation drug sentences indicated 34.5% downward dispositional departures, which should have been presumptive incarceration, while 20.5% 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 (34.1% vs. 5.7%). 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-five years.

Table 30: Conformity Rates by Severity Level - Probation Sentences

Severity Level	N	Within Guidelines				Downward Dispositional
		Agg.	Standard	Mit.	Border Box*	
D1						19
D2						133
D3						177
D4	168	21	132	15	217	43
D5	1,179	91	914	174	484	337
Subtotal	**1,347**	**112**	**1,046**	**189**	**701**	**709**
N1						4
N2						
N3						32
N4						53
N5	165	40	111	14	165	71
N6	93	18	65	10	27	120
N7	787	111	576	100		107
N8	487	74	326	87		71
N9	1,082	118	801	163		226
N10	67	9	56	2		7
Subtotal	**2,681**	**370**	**1,935**	**376**	**192**	**691**
TOTAL	**4,028**	**482**	**2,981**	**565**	**893**	**1,400**

*Border Box totals not included in the N.

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 2022. The analysis of drug incarceration sentences demonstrates that whites received more border box sentences than blacks (79.2% vs. 20.8%). However, black offenders represented a higher percentage than white offenders at aggravated sentences (15.4% vs. 9.2%). The analysis of departures demonstrates that white offenders received more total downward durational and upward dispositional departures than black offenders (129 vs. 30; 5 vs. 0).

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

Severity Level	Race	N	Within Guidelines				N	Departures		Dispositional
								Durational		
			Agg.	Standard	Mit.	Box*		Upward	Downward	Upward
D1	White	7		6	1		10		10	
	Black									
	Other	1		1						
D2	White	19	2	7	10		20		20	
	Black	3		1	2		5		5	
	Other									
D3	White	49	6	32	11		28		27	1
	Black	16	2	7	7		5		5	
	Other	1			1		2		2	
D4	White	47	5	27	15	21	14		14	
	Black	22	1	7	14	7	2		2	
	Other									
D5	White	173	14	107	52	59	62		58	4
	Black	25	5	10	10	14	18		18	
	Other	4		3	1		3		3	
TOTAL	**White**	**295**	**27**	**179**	**89**	**80**	**134**	**0**	**129**	**5**
	Black	**66**	**8**	**25**	**33**	**21**	**30**	**0**	**30**	**0**
	Other	**6**	**0**	**4**	**2**	**0**	**7**	**0**	**7**	**0**

Note: Based on 367 drug incarceration guideline sentences reporting race of offenders.
*Border box sentences are not included in the total N.

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

Severity Level	Race	N	Within Guidelines				N	Departures		Dispositional
								Durational		
			Agg.	Standard	Mit.	Box*		Upward	Downward	Upward
N1	White	49	27	16	6		16	1	15	
	Black	26	13	10	3		7	1	6	
	Other									
N2	White	11	3	8			3		3	
	Black	3	1	1	1		6	1	5	
	Other	1	1				1		1	
N3	White	91	32	41	18		31	2	28	1
	Black	31	15	11	5		15	1	14	
	Other	4	2	2			1		1	
N4	White	40	12	21	7		21		21	
	Black	15	2	7	6		2		2	
	Other									
N5	White	121	29	65	27	59	51	3	47	1
	Black	45	9	21	15	14	24		24	
	Other	5	2		3		2		2	
N6	White	64	9	33	22	3	24		23	1
	Black	21	4	16	1		10		10	
	Other	3	2		1		1		1	
N7	White	197	36	110	51		29		24	5
	Black	85	21	38	26		18		12	6
	Other	4	1	3			1		1	
N8	White	102	20	48	34		32		26	6
	Black	43	10	18	15		8		7	1
	Other	3		1	2					
N9	White	313	45	181	87		55		32	23
	Black	90	15	40	35		29		22	7
	Other	9	3	4	2		1		1	
N10	White	23	2	15	6		4		4	
	Black	6	2	1	3		1			1
	Other	3	1	1	1					
TOTAL	**White**	**1011**	**215**	**538**	**258**	**62**	**266**	**6**	**223**	**37**
	Black	**365**	**92**	**163**	**110**	**14**	**120**	**3**	**102**	**15**
	Other	**32**	**12**	**11**	**9**	**0**	**7**	**0**	**7**	**0**

Note: Based on 1,408 nondrug incarceration guideline sentences and 393 departure sentences reporting race of offenders.
*Border Box sentences are not included in the total N.

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

Severity Level	Race	N	Presumptive Probation	Border Boxes	Downward Disposition
D1	White	17			17
	Black	2			2
	Other				
D2	White	103			103
	Black	19			19
	Other	6			6
D3	White	120			120
	Black	47			47
	Other	2			2
D4	White	190		161	29
	Black	60		51	9
	Other	11		10	1
D5	White	2,186	1,523	418	245
	Black	298	176	57	65
	Other	56	36	12	8
TOTAL	**White**	**2,616**	**1,523**	**579**	**514**
	Black	**426**	**176**	**108**	**142**
	Other	**77**	**36**	**22**	**19**

Note: Based on 3,119 drug probation sentences reporting race of offenders.

Tables 33 and 34 present the conformity rates by race for offenders sentenced to probation during FY 2022. On average, white offenders received more presumptive probation sentences for drug offenses than black offenders (58.2% vs. 41.3%) but black drug offenders had a higher rate of border box sentences (25.4% vs. 22.1%) and downward dispositional departures (33.3% vs. 19.7%) than white drug offenders (Table 33). This racial conformity rate pattern is consistent with those of the past ten 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 (75.9% vs. 70.8%), while black offenders represented a higher percentage of downward dispositional departures (24.2% vs. 18.2%) than white offenders for nondrug offenses. The rates of border box sentences were 5.9% for white offenders and 5.0% 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	3			3
	Black	1			1
	Other				
N3	White	21			21
	Black	12			12
	Other				
N4	White	38			38
	Black	14			14
	Other	1			1
N5	White	174		127	47
	Black	51		32	19
	Other	7		6	1
N6	White	150	49	21	80
	Black	54	18	6	30
	Other	7	2		5
N7	White	660	585		75
	Black	208	187		21
	Other	18	16		2
N8	White	406	367		39
	Black	129	107		22
	Other	13	11		2
N9	White	1011	859		152
	Black	270	208		62
	Other	20	18		2
N10	White	52	49		3
	Black	17	15		2
	Other	4	3		1
TOTAL	**White**	**2,515**	**1,909**	**148**	**458**
	Black	**756**	**535**	**38**	**183**
	Other	**70**	**50**	**6**	**14**

Note: Based on 3,341 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 2022. Male drug offenders had a higher rate than female drug offenders in aggravated and mitigated sentences (10.6% vs. 6.7%; 32.0% v. 31.1%). However, females received more standard sentences than males (57.4% v. 62.2%). Male border box offenders included 70 offenders, while females only accounted for 17 incarceration drug sentences. The examination of departure sentences reveals that male and female drug offenders received the same number of upward dispositional departures, while females had a higher overall percentage of downward durational departures (129 vs. 34) (Table 35).

The exploration of nondrug incarceration sentences indicates that within guidelines, females represented a higher percentage than males of aggravated sentences (34.3% vs. 22.3%) for nondrug crimes, while male offenders received more standard and mitigated sentences (50.7% vs. 44.1%; 27.0% vs. 21.5%). The analysis of departure sentences reveals that male nondrug offenders represented a higher percentage of upward durational departures than female offenders (2.5% vs. 0.0%) but had a lower rate of downward durational departures (84.9% vs. 85.3%). However, female offenders received a higher rate of upward dispositional departures (14.7% vs. 12.6%), (Table 36).

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

| Severity Level | Gender | N | Within Guidelines | | | | Departures | | | |
| | | | | | | | N | Durational | | Dispositional |
			Agg.	Standard	Mit.	Box*		Upward	Downward	Upward
D1	Male	7		6	1		8		8	
	Female	1		1			2		2	
D2	Male	20	2	7	11		21		21	
	Female	2		1	1		4		4	
D3	Male	55	7	31	17		26		26	
	Female	11	1	8	2		8		8	
D4	Male	44	5	25	14	23	14		14	
	Female	6	1	3	2	5	1		1	
D5	Male	177	18	105	54	47	63		60	3
	Female	25	1	15	9	12	22		19	3
TOTAL	**Male**	**303**	**32**	**174**	**97**	**70**	**132**	**0**	**129**	**3**
	Female	**45**	**3**	**28**	**14**	**17**	**37**	**0**	**34**	**3**

Note: Based on 348 drug incarceration guideline sentences and 169 departure sentences.
*Border Box sentences are not included in the N.

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

Severity Level	Gender	N	Within Guidelines				N	Departures		
								Durational		Dispositional
			Agg.	Standard	Mit.	Box*		Upward	Downward	Upward
N1	Male	71	39	24	8		23	2	21	
	Female	4	1	2	1					
N2	Male	12	4	7	1		9	1	8	
	Female	3	1	2			1		1	
N3	Male	119	44	53	22		43	3	40	
	Female	7	5	1	1		3		3	
N4	Male	50	12	25	13		18		18	
	Female	5	2	3			5		5	
N5	Male	164	40	80	44	70	72	3	69	
	Female	7		6	1	3	4		4	
N6	Male	83	13	47	23	3	31		30	1
	Female	15	12	2	1		4		4	
N7	Male	272	54	142	76		47		36	11
	Female	14	4	9	1		1		1	
N8	Male	132	26	59	47		32		27	5
	Female	16	4	8	4		8		6	2
N9	Male	384	59	214	111		78		51	27
	Female	28	4	11	13		7		4	3
N10	Male	29	3	16	10		4		3	1
	Female	3	2	1			1		1	
TOTAL	**Male**	**1,316**	**294**	**667**	**355**	**73**	**357**	**9**	**303**	**45**
	Female	**102**	**35**	**45**	**22**	**3**	**34**	**0**	**29**	**5**

Note: Based on 1,418 nondrug incarceration guideline sentences and 391 departure sentences.
*Border Box sentences are not included in the N.

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 (25.7% vs. 12.2 %, Table 37; and 21.3% vs. 11.1%, 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-six years (Annual Reports of FY 1996 - FY 2022).

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

Severity Level	Gender	N	Presumptive Probation	Border Boxes	Downward Disposition
D1	Male	14			14
	Female	5			5
D2	Male	95			95
	Female	33			33
D3	Male	134			134
	Female	34			34
D4	Male	183		150	33
	Female	72		67	5
D5	Male	1,730	1,063	388	279
	Female	773	638	96	39
TOTAL	**Male**	**2,156**	**1,063**	**538**	**555**
	Female	**947**	**668**	**163**	**116**

Note: Based on 3,103 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	3			3
	Female				
N2	Male				
	Female				
N3	Male	29			29
	Female	2			2
N4	Male	43			43
	Female	9			9
N5	Male	197		138	59
	Female	34		27	7
N6	Male	172	52	22	98
	Female	38	17	5	16
N7	Male	755	666		89
	Female	134	127		7
N8	Male	414	359		55
	Female	139	131		8
N9	Male	1026	834		192
	Female	283	259		24
N10	Male	53	47		6
	Female	20	20		
TOTAL	**Male**	**2,692**	**1,958**	**160**	**574**
	Female	**659**	**554**	**32**	**73**

Note: Based on 3,351 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 2022 Legislative Session, forty-nine 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 44.5% in FY 2018 to 66.9% in FY 2022. FY 2022 represented the highest number (1178 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 34.3% in FY 2022, an increase of 8.4% from that of FY 2021, but an increase of 19.2% when compared with that of FY 2018 (Table 39). The total percentage of both prison and probation sentences applied with special rules increased from 21.1% in FY 2018 to 42.7% in FY 2022 (Table 40).

In FY 2022, a number of 1,178 pure guideline prison sentences and 1,761 pure guideline probation sentences were imposed with special sentencing rules, which accounted for 66.9% of prison pure guideline admissions (1,762 admissions) and 34.3% of pure guideline probation sentences (5,127) imposed in FY 2022 (Table 39).

In FY 2022, the top three special sentencing rules applied to prison sentences in sentencing practice were: crime committed while incarcerated or on probation, parole, etc. (796 sentences) representing 52.7% of 1,653 prison sentences applied with special sentencing rules; crime committed while on felony bond (255 sentences) representing 16.9% and person felony committed with a firearm (158 sentences) making up 10.5% of prison admissions with special sentencing rules during FY 2022 (Table 41).

The top three special sentencing rules applied most frequently to probation sentences in FY 2022 included crime committed while incarcerated or on probation, parole, etc. (1,117 sentences) accounted for 47.0%; crime committed while on felony bond (646 sentences) accounted for 27.1%; and third or subsequent drug possession (230 sentences) accounted for 9.7% of the total 2,382 probation sentences applied with special sentencing rules (Table 42).

**Table 39: Pure Guideline Sentences Applied with Special Sentencing Rules
by Prison and Probation
FY 2018 through FY 2022**

Fiscal Year	Prison Admissions			Probation Sentences		
	Guideline	with Special Rules		Guideline	with Special Rules	
		Number	Percent		Number	Percent
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
2022	1762	1178	66.9	5127	1761	34.3

**Table 40: Pure Guideline Sentences Applied with Special Sentencing Rules
by Total Sentences
FY 2018 through FY 2022**

Fiscal Year	Guideline	with Special Rules	
		Number	Percent
2018	7405	1654	21.1%
2019	7466	1758	23.5%
2020	7284	2823	38.8%
2021	7854	2644	33.7%
2022	6889	2939	42.7%

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

**Table 41: Distribution of Special Sentencing Rules Applied
To Prison Sentences – FY 2022**

Special Rules Applied to Sentences	Number	Percent
Crime Committed While Incarcerated, Probation, Parole, etc.	796	52.7
Crime Committed While on Felony Bond	255	16.9
Person Felony Committed with a Firearm	158	10.5
Third or Sub. Drug Possession	62	4.1
Burglary With =>2 Prior Felony Theft, Burglary/Agg Burglary-Presumed Prison	56	3.7
Felony Theft With =>3 Prior Felony Theft, Burglary/Agg Burglary-Presumed Prison	38	2.5
Offender Registration Act Violation	34	2.3
Persistent Sex Offender	24	1.6
Residential Burglary with a Prior Burglary	14	0.9
3rd or Subsequent Flee/Elude, Presumed Prison	13	0.9
Battery on a LEO Resulting in Bodily Harm	11	0.7
Aggravated Assault on a LEO	6	0.4
Drug Felony with a Firearm	6	0.4
Leaving Scene of Accident, Person Felony	6	0.4
Involuntary Manslaughter by DUI, Person Felony	5	0.3
Second or Sub. Identity Theft or Identity Fraud	5	0.3
Aggravated Endangering a Child	5	0.3
Unlawful Sexual Relations	3	0.3
Agg Battery By DUI, 1st Prior Shall Count as Nonperson, 2nd and Subs Prior Shall Count as Person	3	0.3
Third or Sub. Forgery; I-C Nongrid	3	0.3
Second/subsequent Manufacture of Controlled Substance	2	0.1
Resident Burglary W/Criminal History 7c,7d or 7e	2	0.1
Kansas Securities Act	1	0.1
Second Forgery; I-C Nongrid	1	0.1
Crime Committed While Incarcerated in a Juvenile Correctional Facility	1	0.1
Crime Committed for the Benefit of Criminal Street Gang	1	0.1
TOTAL	**1,511**	**100.0**

Note: The number and percentage are mutually exclusive.

**Table 42: Distribution of Special Sentencing Rules Applied
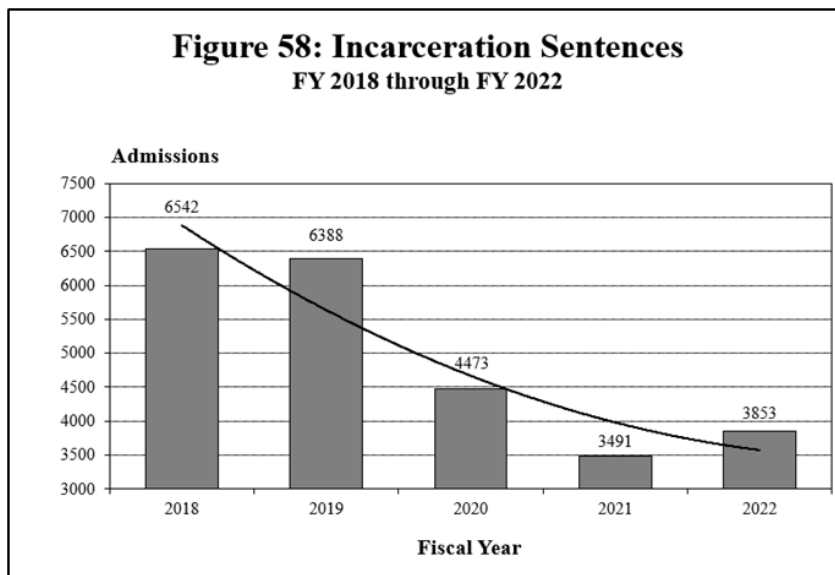To Probation Sentences – FY 2022**

Special Rules Applied to Sentences	Number	Percent
Crime Committed While Incarcerated, Probation, Parole, etc.	1,117	47.0
Crime Committed While on Felony Bond	646	27.1
Third or Sub. Drug Possession	230	9.7
Offender Registration Act Violation	69	2.9
Burglary With =>2 Prior Felony Theft, Burglary/Agg Burglary-Presumed Prison	67	2.8
Person Felony Committed with a Firearm	64	2.7
Felony Theft With =>3 Prior Felony Theft, Burglary/Agg Burglary-Presumed Prison	40	1.7
Aggravated Endangering a Child	31	1.3
Battery on a LEO Resulting in Bodily Harm	16	0.7
Agg Battery by DUI	15	0.6
Resident Burglary with Criminal History 7c,7d or 7e	12	0.5
Residential Burglary with a Prior Burglary	12	0.5
Third or Sub. Forgery; I-C Nongrid	11	0.5
Drug Felony with a Firearm	10	0.4
Second or Sub. Identity Theft or Identity Fraud	9	0.4
Aggravated Assault LEO	9	0.4
Second Forgery; I-C Nongrid	5	0.2
Leaving the Scene of an Accident, Person Felony	3	0.1
Involuntary Manslaughter, DUI	3	0.1
3rd or Subsequent Flee/Elude, Presumed Prison	3	0.1
Unlawful Sexual Relations	3	0.1
Felony Domestic Battery	2	0.1
Persistent Sex Offender	2	0.1
Fraudulent Insurance Act	1	0.0
Kansas Securities Act	1	0.0
Crime Committed While Incarcerated in a Juvenile Correctional Facility	1	0.0
Extended Juvenile Jurisdiction	1	0.0
TOTAL	**2,382**	**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 increased recently, after three years of declines. The number of offenders admitted to prison in FY 2022 reached 3,853, which increased by 362 offenders or 8.1% when compared with FY 2021 but is a decrease of 2,689 offenders or 69.8% when compared with FY 2018. (Figure 58). Table 43 presents the prison admission pattern by month for the past five years.

Figure 58: Incarceration Sentences
FY 2018 through FY 2022

Admissions

2018	6542
2019	6388
2020	4473
2021	3491
2022	3853

Fiscal Year

Table 43: Prison Admissions by Month

Month by Fiscal Year	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
July	542	598	532	376	283
August	636	588	473	317	294
September	493	480	442	363	370
October	596	569	498	322	318
November	456	472	371	273	365
December	470	505	436	278	407
January	531	578	441	147	314
February	478	486	449	172	254
March	626	545	414	235	340
April	565	572	149	317	294
May	654	520	110	283	299
June	495	475	158	407	315
TOTAL	**6,542**	**6,388**	**4,473**	**3,490**	**3,853**

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 2022 decreased by 19.0% over that of FY 2018 but increased 25.0% over that of FY 2021. HB 2170 120/180-day prison sanctions were first implemented in FY 2014 and since FY 2018 admissions have significantly decreased (86.7%) when compared to the total of FY 2022. However, examining differences from FY 2018 to FY 2022, 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 2022 decreased by 29.9% when compared with FY 2018 and by 3.2% compared with FY 2021. Probation violators with new sentence/new conviction admitted to prison in FY 2022 decreased by 47.0% compared with FY 2018 and by 14.6% when compared with that of FY 2021. The number of parole/postrelease and conditional release violators admitted to prison in FY 2022 decreased by 41.4% from FY 2018 but increased by 44.7% from FY 2021. Parole/postrelease and condition release violators with new sentences admitted in FY 2022 decreased by 53.1% when compared with FY 2018 and decreased by 17.9% over that of FY 2021.

Table 44: Comparison of Prison Admissions by Type

Admission Type	FY2018	FY2019	FY2020	FY2021	FY2022	FY 2022-2018 % Difference
New Court Commitment	2,019	1,982	1,586	1,308	1,635	-19.0%
Sanction from Probation	1,197	1,186	284	212	159	-86.7%
Probation Condition Violator	1,458	1,402	1,226	1,056	1,022	-29.9%
Probation Violator With New Sentence/New Conviction	451	423	359	280	239	-47.0%
Parole/Post-release/CR Condition Violator	1,082	1,091	784	438	634	-41.4%
Parole/Post-release/CR Violator With New Sentence	213	182	134	115	100	-53.1%
Other Types*	122	122	100	78	64	-47.5%
TOTAL	**6,542**	**6,388**	**4,473**	**3,490**	**3,853**	**-41.1%**

* Other admissions include: parole to detainer w/new sentence, parole violator pending new sentence, non-violator return with no new sentence, and non-violator return with a new sentence.

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 2022 increased by 11.0% (115 offenders) compared to FY 2021, and cut nearly in half, decreased by 46.1%, when compared with FY 2018. Comparing statistics between FY 2022 and FY 2018, the admissions decreased by 34.2% at drug severity level 1, by 16.2% at drug severity level 2, and by 27.6% at drug severity level 3. The most significant drug decrease over the five-year period was found at the D4 level with a decrease of 62.5%. while the D5 level was nearly cut in half since FY 2018, dropping 48.3%. When comparing statistics between FY 2022 and FY 2021, the admissions increased by 19.0% at drug severity level 1, by 36.1% at severity drug

severity level 2, by 32.0% at drug severity level 3, by 8.9% at drug severity level 4, and by 5.5% at drug level 5 (Table 45). The modest increase of admissions at all drug severity levels reflects the slow return from the impacts of the COVID-19 pandemic on sentencing in Kansas in FY 2020 and 2021.

The total number of nondrug admissions increased by 10.1% from that of FY 2021 but decreased by 38.7% from that of FY 2018. Similar to drug admissions, the admissions at every nondrug severity level dropped since FY 2018, except for level N2, mostly due to a slow return to pre-pandemic levels. The number of off-grid offenders admitted to prison in FY 2022 decreased by 9.2% when compared with FY 2018. The admissions at nondrug severity levels 1-5, 7 and 9 increased, respectively, by 70.6%, 128.6%, 37.4%, 20.0%, 18.1%, 4.1%, and 6.8% between that of FY 2022 and FY 2021. Comparing to FY 2018, level N8 had the largest nondrug percent drop at 53.8%, and level N9 fell 46.3%, from 1,080 in FY 2018 to only 580 in FY 2022. (Table 46).

**Table 45: Comparison of Drug Prison Admissions by Severity Level**

Severity Level	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2022-2021 % Difference	FY 2022-2018 % Difference
D1	38	50	34	21	25	19.0%	-34.2%
D2	99	134	98	61	83	36.1%	-16.2%
D3	228	245	164	125	165	32.0%	-27.6%
D4	261	185	112	90	98	8.9%	-62.5%
D5	1,525	1,537	1,043	748	789	5.5%	-48.3%
TOTAL	**2,151**	**2,151**	**1,451**	**1,045**	**1,160**	**11.0%**	**-46.1%**

Table 46: Comparison of Nondrug Prison Admissions by Severity Level

Severity Level	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2022-2021 % Difference	FY 2022-2018 % Difference
N1	152	115	112	68	116	70.6%	-23.7%
N2	29	29	19	14	32	128.6%	10.3%
N3	343	299	249	190	261	37.4%	-23.9%
N4	152	145	107	100	120	20.0%	-21.1%
N5	575	550	389	326	385	18.1%	-33.0%
N6	330	364	288	227	214	-5.7%	-35.2%
N7	1002	974	696	585	609	4.1%	-39.2%
N8	569	555	354	302	263	-12.9%	-53.8%
N9	1,080	1,037	698	543	580	6.8%	-46.3%
N10	60	60	39	30	30	0.0%	-50.0%
Offgrid	87	109	66	52	79	51.9%	-9.2%
Nongrid	9	0	3	7	4	-42.9%	-55.6%
Unknown	3	0	2	2	0	-100.0%	-100.0%
TOTAL	**4,391**	**4,237**	**3,022**	**2,446**	**2,693**	**10.1%**	**-38.7%**

PROBATION SENTENCES

The number of probation sentences imposed has fluctuated in the past five years. The total number of probation sentences in FY 2022 (6,529) increased by 1.9% or 120 sentences compared with that of FY 2021 and decreased 19.8% or 1,613 sentences compared with that of FY 2018. The largest number of probation sentences imposed in the past five years is identified in FY 2019 (Figure 59).

Figure 59: Probation Sentences
FY 2018 through FY 2022
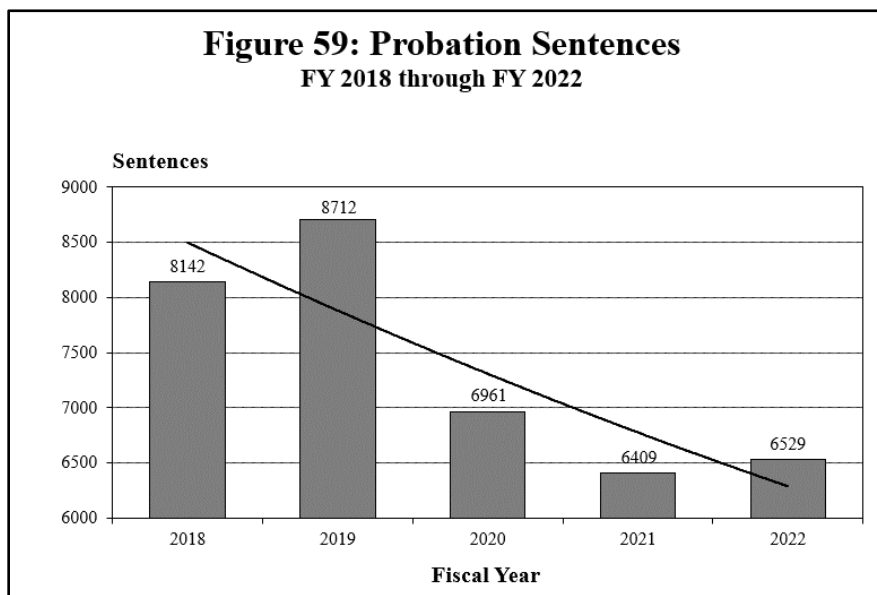
In FY 2022, the total drug probation sentences increased by 10.5% or 297 sentences from that of FY 2021 but decreased by 13.6% or 492 sentences over that of FY 2018. Comparing drug sentences to probation between FY 2022 and 2018, statistics demonstrate that the number of drug probation sentences decreased at the less severe levels, by 40.2% at drug severity level 3, 32.3% at drug severity level 4, and 10.4% at drug severity level 5. However, probation sentences increased by 171.4% at drug severity level 1 and 34.3% at drug severity level 2 from FY 2018 to FY 2022.

Moreover, in comparing data from FY 2022 and FY 2021, the number of drug probation sentences increased because of the COVID-19 pandemic recovery at drug severity levels D1, D2, D4 and D5, respectively, by 18.8%, 35.7%, 6.5% and

10.6% (Table 47). Severity level D3 showed a slight decrease from FY 2018, down one probation sentence.

Table 48 displays the sentencing trend of nondrug probation sentences in the past five years. The total number of nondrug probation sentences in FY 2022 increased by 4.9% from that of FY 2021 but decreased by 24.8% from that of FY 2018. The largest significant decline of nondrug probation sentences in the past five years was found with the nongrid crimes (57.1%), followed by nondrug severity level 10 (51.6%) and severity level 8 (38.1%). The only increase of nondrug probation sentences in the past five years was identified at nondrug severity level 1, up from one offender to four when compared with FY 2018.

**Table 47: Comparison of Probation Drug Sentences by Severity Level
FY 2018 through FY 2022**

Severity Level	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2022-2021 % Difference	FY 2022-2018 % Difference
D1	7	12	9	16	19	18.8%	171.4%
D2	99	138	101	98	133	35.7%	34.3%
D3	296	235	176	178	177	-0.6%	-40.2%
D4	387	372	265	246	262	6.5%	-32.3%
D5	2,831	3,182	2,668	2,293	2,537	10.6%	-10.4%
TOTAL	**3,620**	**3,939**	**3,219**	**2,831**	**3,128**	**10.5%**	**-13.6%**

**Table 48: Comparison of Probation Nondrug Sentences by Severity Level
FY 2018 through FY 2022**

| Severity Level	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2022-2021 % Difference	FY 2022-2018 % Difference
N1	1	4	5	2	4	100.0%	300.0%
N2	1	1	0	0	0	N/A	-100.0%
N3	44	44	39	36	33	-8.3%	-25.0%
N4	66	65	37	43	53	23.3%	-19.7%
N5	243	262	190	214	236	10.3%	-2.9%
N6	285	292	219	236	213	-9.7%	-25.3%
N7	990	1,142	818	935	894	-4.4%	-9.7%
N8	901	986	748	663	558	-15.8%	-38.1%
N9	1,775	1,775	1,525	1,304	1,309	0.4%	-26.3%
N10	153	150	115	106	74	-30.2%	-51.6%
Off-grid	0	0	0	3	0	-100.0%	N/A
Nongrid	63	52	38	36	27	-25.0%	-57.1%
TOTAL	**4,522**	**4,773**	**3,734**	**3,578**	**3,401**	**-4.9%**	**-24.8%**

PRISON POPULATION FORECASTS

The prison population projection is based on FY 2022 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 8,697 by June 30, 2023, an increase of 248 inmates or 2.9% over the actual prison population on the same date in 2022. The total admission until FY 2019 had exhibited an increasing tendency, however, due to the COVID-19 pandemic, FY 2020 and F021 saw pronounced decreases in admissions which will impact the total population for the next decade. (Figure 58).

Table 49 presents FY 2023 prison population projection by offender group. In the ten-year forecast period, the largest increase in number is for nondrug severity levels N1-N3, which is expected to increase by 477 or 19.1%, while the probation condition violator group is expected to have largest increase by percentage, up 36.5% (343 offenders). The next highest group is the N4-N6 group, expected up by 207 offenders or 15.5%. The prison population of parole/post release violators will decrease by 74 offenders or 20.4%, while the off-grid incarceration group in the next ten years will decrease just slightly, down by 32 offenders or 2.3%.

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 phases 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 207 or 15.5%, but the parole/postrelease condition violators will decrease by 74 or 20.4% 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 2013 through FY 2032 is presented in Figure 60.

Figure 60: Kansas Prison Population-Actual and Projected
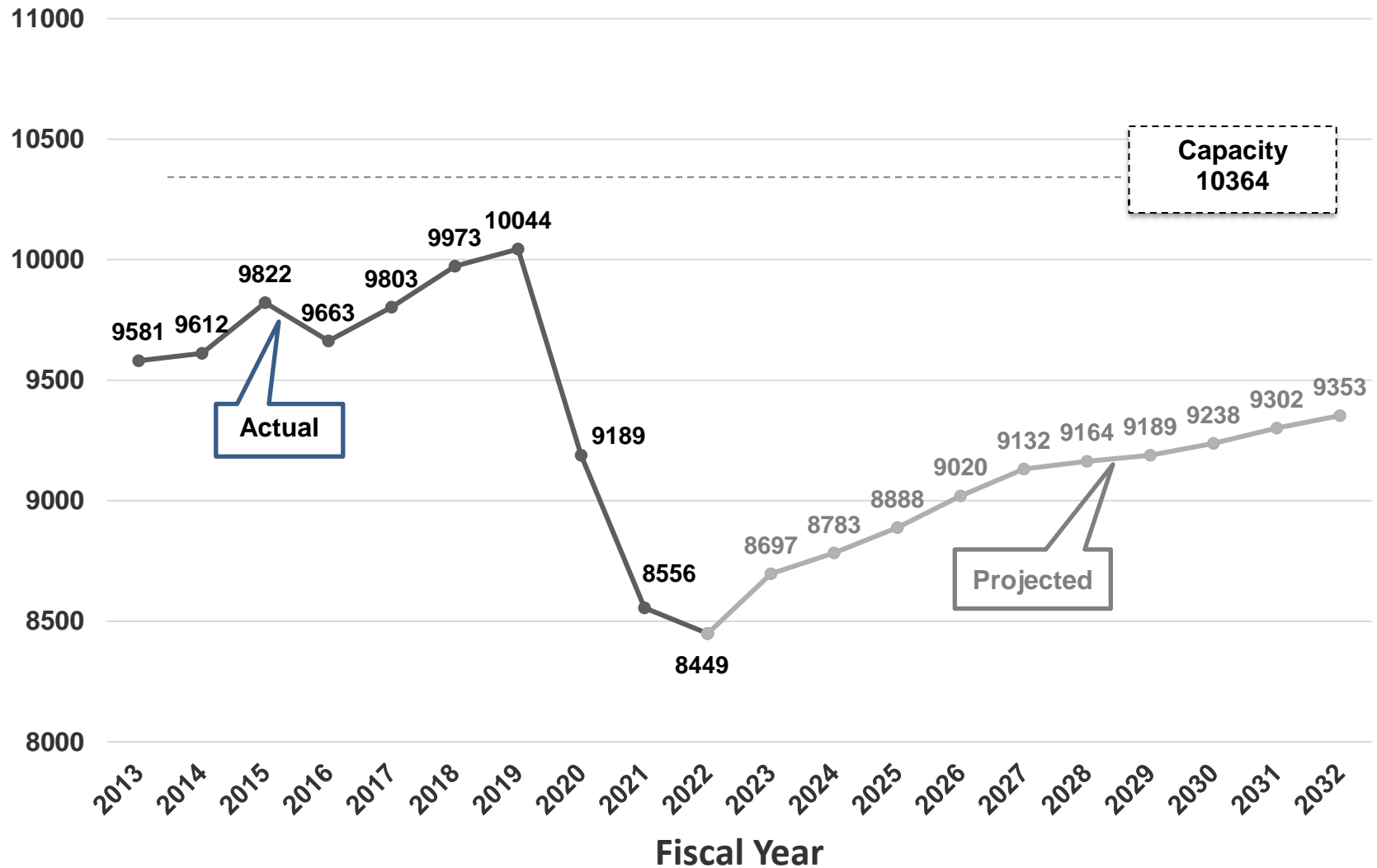
Table 49: FY 2023 Adult Inmate Prison Population Projections

Offender Group	2022*	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	# Change	% Change
Drug	1,169	1,214	1,189	1,202	1,233	1,234	1,230	1,198	1,158	1,168	1,196	**27**	**2.3%**
N1 to N3	2,501	2,478	2,530	2,591	2,667	2,729	2,798	2,825	2,884	2,956	2,978	**477**	**19.1%**
N4 to N6	1,336	1,435	1,460	1,493	1,501	1,516	1,506	1,523	1,506	1,494	1,543	**207**	**15.5%**
N7 to N10	679	739	749	722	711	724	718	732	740	747	712	**33**	**4.9%**
Sanction	12	8	8	0	0	0	0	0	0	0	0	**-12**	**-100.0%**
Probation Condition Violators	941	1,073	1,131	1,178	1,190	1,213	1,230	1,229	1,268	1,262	1,284	**343**	**36.5%**
Offgrid Including Old Law Lifer	1,369	1,387	1,372	1,377	1,376	1,376	1,375	1,360	1,349	1,348	1,337	**-32**	**-2.3%**
Parole/Post Release Violators	362	293	280	275	297	306	278	296	315	312	288	**-74**	**-20.4%**
Old Law Inmates	80	70	64	50	45	34	29	26	18	15	15	**-65**	**-81.3%**
TOTAL	**8,449**	**8,697**	**8,783**	**8,888**	**9,020**	**9,132**	**9,164**	**9,189**	**9,238**	**9,302**	**9,353**	**904**	**10.7%**

*Actual prison population on June 30, 2022.

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 2023, 244 unclassified beds, 2,499 minimum beds, 2,466 medium low beds, 1,346 medium high beds, 1,247 maximum beds and 895 special management beds will be needed. The total projected prison beds, by the end of FY 2032 will include 262 unclassified beds, 2,680 minimum beds, 2,652 medium low beds, 1,450 medium high beds, 1,344 maximum beds and 965 special management beds (Table 50).
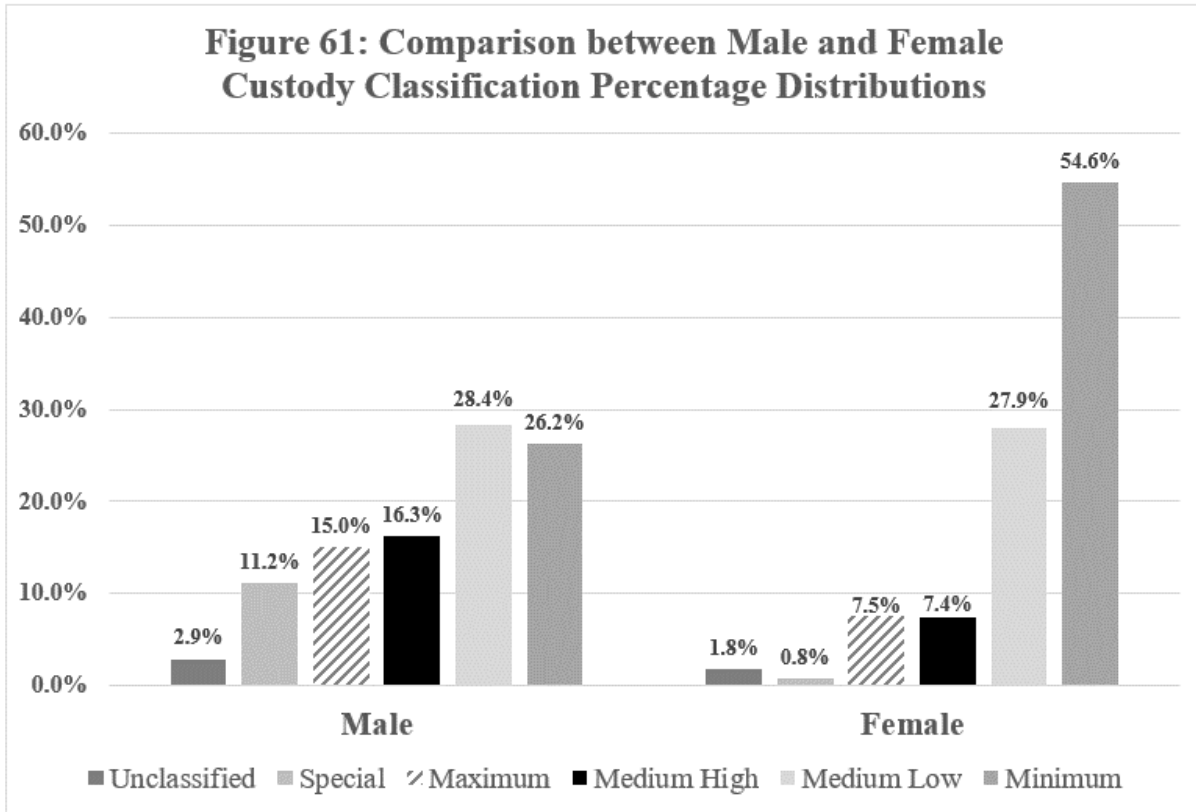
Figure 61 exhibits the projected percentage distribution of custodial classifications by gender. The distribution demonstrates a significant difference between male and female offenders. Females will need the following beds: 1.8% unclassified, 54.6% minimum, 27.9% medium low, 7.4% medium high, 7.5% maximum custody and 0.8% special management beds by the end of FY 2023. Males will need 2.9% unclassified, 26.2% minimum, 28.4% medium low, 16.3% medium high, 15.0% maximum custody and 11.2% special management beds by the end of FY 2023. These classification percentages of male and female offenders remain fairly constant during the ten-year forecast period.

In the ten-year forecast period, the need for male beds increases at all custody types. The minimum beds, medium low beds, medium high beds, maximum custody beds, special management beds and unclassified beds show an increase of 166, 179, 103, 95, 70 and 18, 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
2023	244	895	1,247	1,346	2,466	2,499	8,697
2024	246	907	1,262	1,362	2,491	2,515	8,783
2025	249	918	1,278	1,379	2,520	2,544	8,888
2026	253	934	1,298	1,401	2,558	2,576	9,020
2027	256	945	1,314	1,418	2,590	2,609	9,132
2028	257	948	1,318	1,423	2,599	2,619	9,164
2029	258	950	1,322	1,426	2,606	2,627	9,189
2030	259	954	1,327	1,432	2,620	2,646	9,238
2031	261	957	1,335	1,441	2,638	2,670	9,302
2032	262	965	1,344	1,450	2,652	2,680	9,353

Figure 61: Comparison between Male and Female Custody Classification Percentage Distributions

Based on projected prison populations on June 30, 2023 (male = 7,933 and female = 764)

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 2022. The analysis of the sentences indicates that Sedgwick County, Johnson County, Shawnee County and Wyandotte County remained the top four counties, whose sentences imposed accounted for 42.7% of the total state sentences, a decrease of 3.5% compared with that of FY 2021 (46.2%). 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 2021, the percentages of sentences from these four counties in FY 2022 showed more than a 5% shift down from the top two counties. Sentences from Sedgwick and Johnson Counties decreased by 4.0% and 1.6%, respectively, while the percentage of sentences from Shawnee and Wyandotte Counties increased by 1.3% and 0.7%, respectively. The characteristics of offenses and offenders from the four counties in FY 2022 are presented in the following figures and tables.
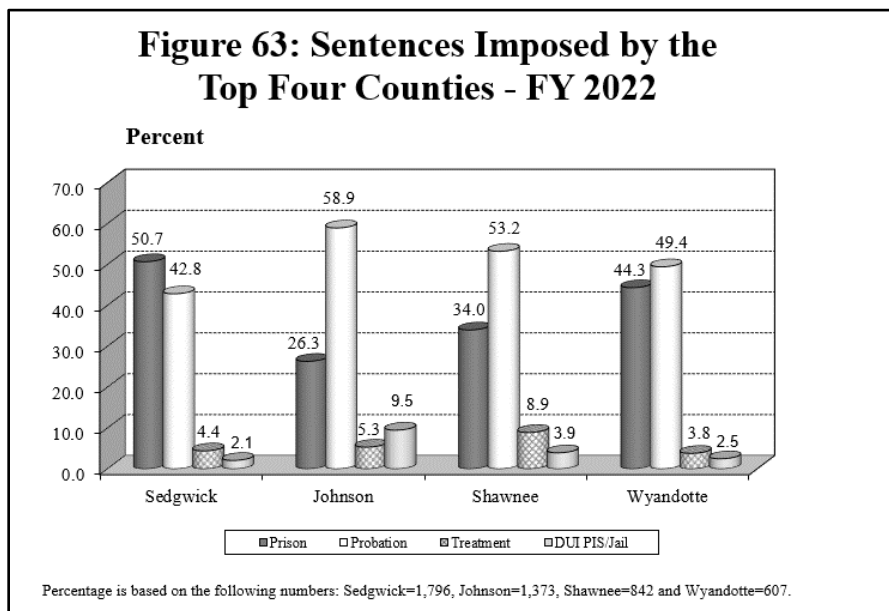
Sedgwick, Johnson, Shawnee and Wyandotte counties were the top four counties reporting the greatest overall felony sentencing events. Sedgwick County imposed 16.6% of the total state sentence events in FY 2021, followed by Johnson County (12.7%), Shawnee County (7.8%) and Wyandotte County (5.6%).

Figure 62: Overall Sentences by the Top Four Counties-Prison, Probation & Jail FY 2022
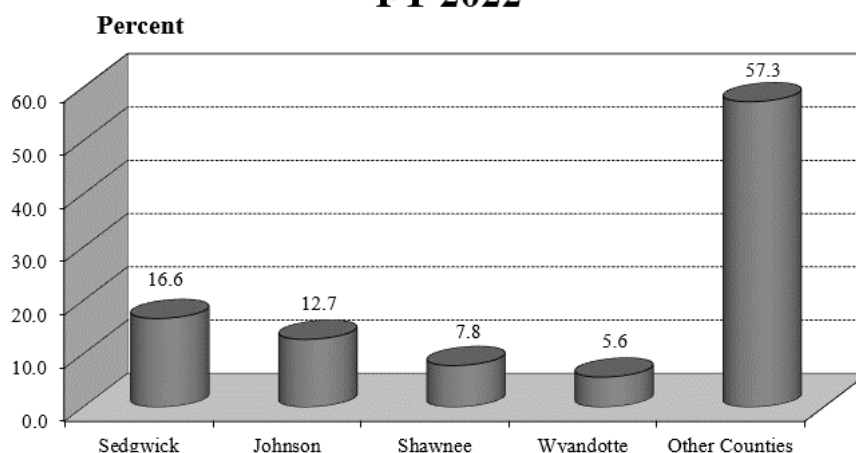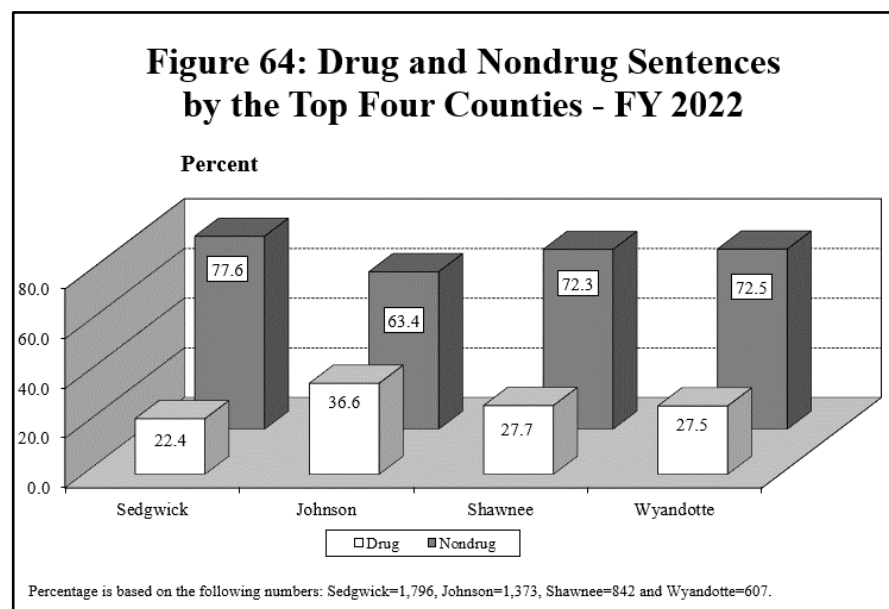
Based on 10,813 sentences

The highest percentage of prison sentences in FY 2022 was found in Sedgwick County (50.7%), while Johnson County imposed a higher rate of probation sentences than the other three counties (58.9%). Shawnee County imposed the highest rate of Senate Bill 123 drug treatment sentences (8.9%) among the four counties. The highest percentage of DUI PIS/county jail sentences was identified in Johnson County (5.3%).

Figure 63: Sentences Imposed by the Top Four Counties - FY 2022

Percentage is based on the following numbers: Sedgwick=1,796, Johnson=1,373, Shawnee=842 and Wyandotte=607.
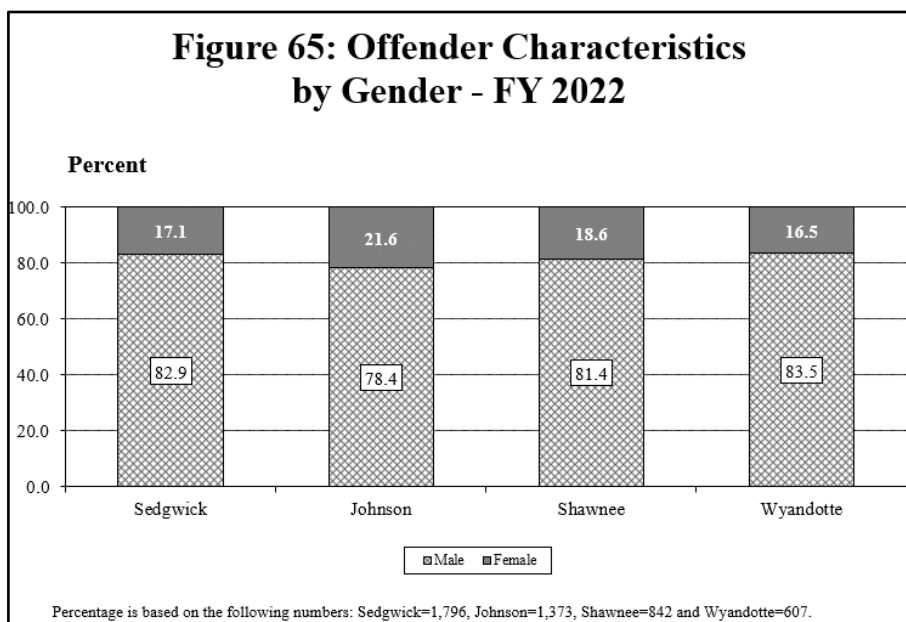
In terms of drug and nondrug crimes, the analysis reveals that in FY 2022, Sedgwick County imposed the largest proportion of nondrug sentences (77.6%), while Johnson County represented the highest percentage of drug sentences (36.6%) among the four counties.

Figure 64: Drug and Nondrug Sentences by the Top Four Counties - FY 2022

Percentage is based on the following numbers: Sedgwick=1,796, Johnson=1,373, Shawnee=842 and Wyandotte=607.
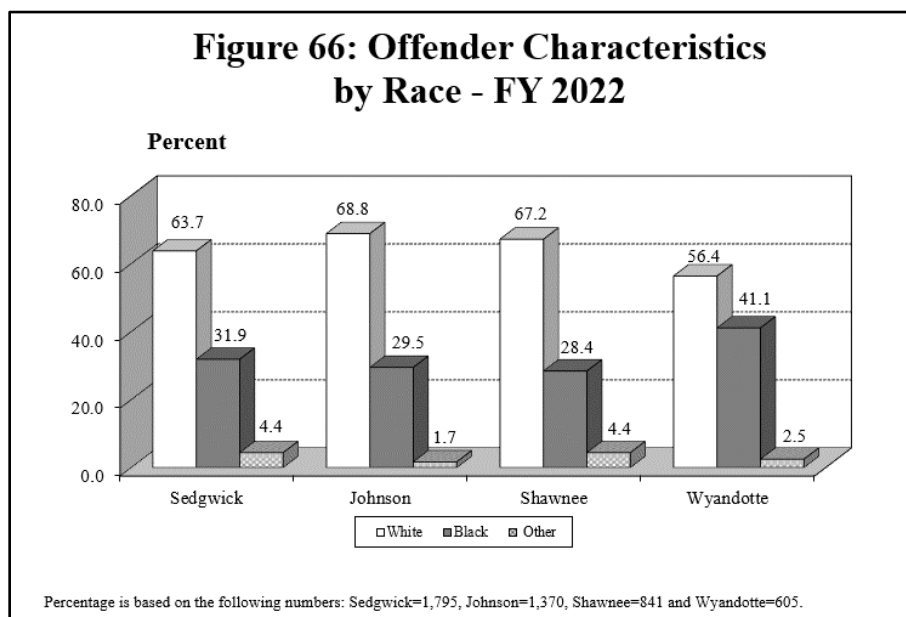
The analysis of offenders by gender shows that Wyandotte County has the highest percentage of male offenders (83.5%), while Johnson County reported the highest rate of female offenders (21.6%) among the four counties during FY 2022.

Figure 65: Offender Characteristics by Gender - FY 2022

Percentage is based on the following numbers: Sedgwick=1,796, Johnson=1,373, Shawnee=842 and Wyandotte=607.

The review of offenders by race reveals that in FY 2022, Johnson County reported more white offenders (68.8%), while Wyandotte County reported more black offenders (41.1%) than the other three counties, respectively. This racial distribution has remained constant in the past nine years, though all four counties showed a shift from white to non-white offenders between FY 2021 and FY 2022.

Figure 66: Offender Characteristics by Race - FY 2022

Percentage is based on the following numbers: Sedgwick=1,795, Johnson=1,370, Shawnee=841 and Wyandotte=605.

**Table 51: FY 2022 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	1	0.1	2	0.2	0	0.0	0	0.0
D2	17	0.9	18	1.3	13	2.1	7	0.8
D3	31	1.7	47	3.4	12	2.0	11	1.3
D4	18	1.0	43	3.1	8	1.3	28	3.3
D5	335	18.6	393	28.6	134	22.1	187	22.2
N1	21	1.2	10	0.7	20	3.3	18	2.1
N2	5	0.3	0	0.0	8	1.3	1	0.1
N3	69	3.8	25	1.8	50	8.2	27	3.2
N4	46	2.6	19	1.4	13	2.1	11	1.3
N5	165	9.2	51	3.7	50	8.2	57	6.8
N6	100	5.6	47	3.4	26	4.3	38	4.5
N7	417	23.2	158	11.5	85	14.0	138	16.4
N8	190	10.6	155	11.3	46	7.6	83	9.9
N9	311	17.3	264	19.2	116	19.1	177	21.0
N10	0	0.0	6	0.5	5	0.8	10	1.2
Nongrid	47	2.6	134	9.8	14	2.3	35	4.2
Off-grid	23	1.3	1	0.1	7	1.2	14	1.7
TOTAL	**1,796**	**100**	**1,373**	**100**	**607**	**100**	**842**	**100**

Table 52: FY 2022 Top Ten Offenses Committed by Offenders in the Four Counties – 1

Offense Type	Sedgwick County		Offense Type	Johnson County	
	N	%		N	%
Drugs	402	22.4	Drugs	503	36.6
Aggravated Battery	154	8.6	DUI	129	9.4
Burglary	129	7.2	Theft	111	8.1
Aggravated Assault	115	6.4	Burglary	82	6.0
Possession of Firearm	112	6.2	Identity Theft	63	4.6
Domestic Battery	95	5.3	Aggravated Battery	55	4.0
Failure to Register	94	5.2	Domestic Battery	49	3.6
Criminal Threat	92	5.1	Criminal Threat	48	3.5
Theft	81	4.5	Electronic Monitoring	39	2.8
Fleeing or Eluding LEO	66	3.7	Fleeing or Eluding LEO	31	2.2
TOTAL	**1,340**	**74.6**	**TOTAL**	**1,110**	**80.8**

Table 52: FY 2022 Top Ten Offenses Committed by Offenders in the Four Counties – 2

Offense Type	Wyandotte County		Offense Type	Shawnee County	
	N	%		N	%
Drugs	167	27.5	Drugs	233	27.7
Fleeing or Eluding LEO	44	7.3	Burglary	67	7.9
Theft	37	6.1	Aggravated Battery	52	6.2
Burglary	35	5.8	Theft	50	5.9
Aggravated Battery	31	5.1	Aggravated Assault	36	4.3
Aggravated Robbery	28	4.6	Failure to Register	36	4.3
Robbery	23	3.8	Possession of Firearm	35	4.1
Failure to Register	22	3.6	DUI	33	3.9
Possession of Firearm	17	2.8	Fleeing or Eluding LEO	30	3.6
Murder in the 2nd Degree	16	2.6	Obstructing Legal Process	30	3.6
TOTAL	**420**	**69.2**	**TOTAL**	**602**	**71.5**

APPENDIX II
TRENDS OF SELECTED OFFENSES

TOP FIVE MOST FREQUENT OFFENSES

The top five most frequently convicted offenses in the past five years included the crimes of drugs, burglary, theft, aggravated battery, and DUI. Of the total offenses, including incarceration, probation, DUI PIS and county jail sentences, these top five offenses represented, 62.2% in 2018, 62.6% in 2019, 61.9% in FY 2020, 60.8% in FY 2021, and 61.2% in FY 2022. The following figures and table present the sentencing trends of the top five offenses from FY 2018 to FY 2022. The sentence number of the top five offenses are down due to the COVID-19 pandemic but are starting to increase again.

Figure 67: Total Sentences

Figure 68: Top Five Most Frequent Offenses
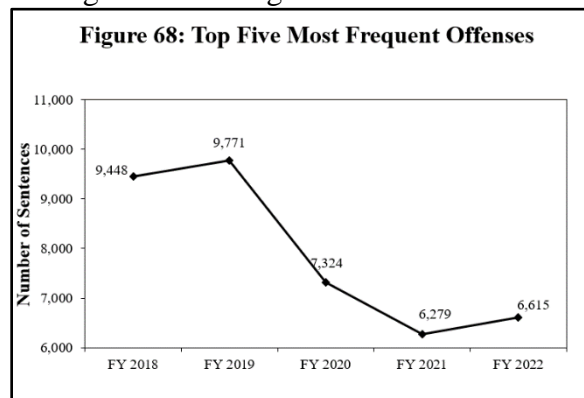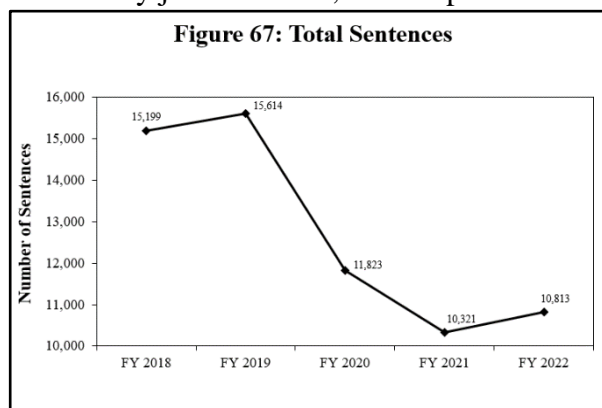
Table 53: Top Five Most Frequent Offenses
Incarceration, Probation, DUI PIS and County Jail Sentences

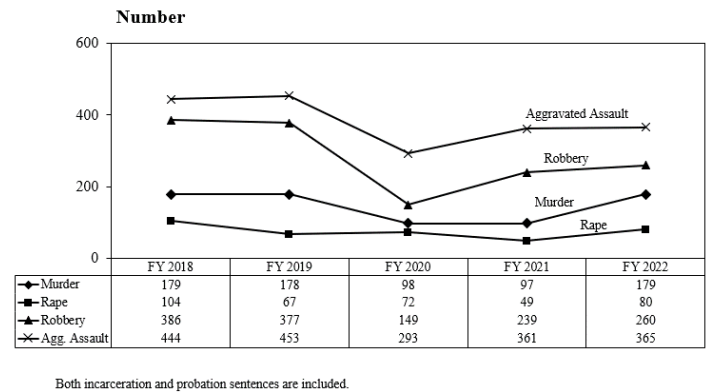| Top Five Offenses	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Drugs	5,771	6,090	4,663	3,875	4,288
Theft	1,128	1,138	887	654	597
Burglary	1,162	1,156	795	742	724
Aggravated Battery	874	883	604	595	583
DUI	513	504	375	413	423
Subtotal	**9,448**	**9,771**	**7,324**	**6,279**	**6,615**
Total Offenses	**15,199**	**15,614**	**11,823**	**10,321**	**10,813**

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 2018 to FY 2022, 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

Figure 69: UCR Offenses: Violent Crime
FY 2018 through FY 2022

	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Murder	179	178	98	97	179
Rape	104	67	72	49	80
Robbery	386	377	149	239	260
Agg. Assault	444	453	293	361	365

Both incarceration and probation sentences are included.

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 skyrocketed in FY 2022, increasing by 84.5% compared with FY 2021, equal to FY 2018, reaching back up to the pre-pandemic level. The number of rape crimes jumped up by 63.3% compared with FY 2021, also up to the pre-pandemic level but still 23.1% down compared with FY 2018. Robbery convictions increased by 8.8% compared with FY 2021 but decreased by 32.6% when compared with FY 2018. The number of aggravated assaults increased by 1.1% from FY 2021 but decreased by 17.8% when compared with FY 2018.

Figure 70: UCR Offenses: Property Crime
FY 2018 through FY 2022

	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Burglary	1,279	1,232	795	742	724
Theft	1,228	1,138	887	654	597
Arson	77	71	33	51	46

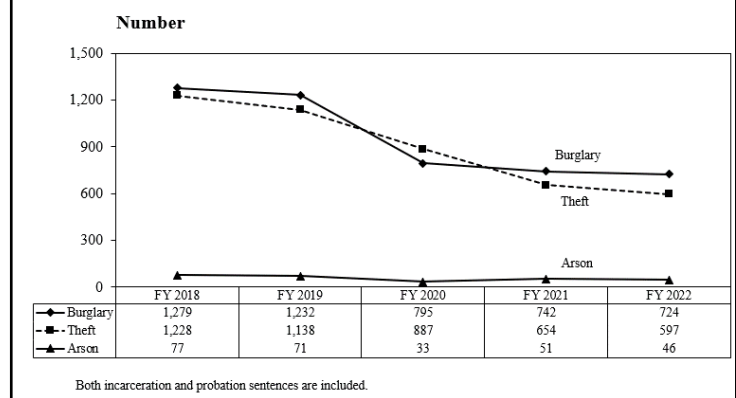Both incarceration and probation sentences are included.

In FY 2022, burglary crimes decreased by 2.4% compared with FY 2021 and by 43.4% compared with FY 2018. The number of theft crimes decreased by 8.7% from

FY 2021 and by 51.4% compared with that of FY 2018. The crime of arson decreased by 9.8% from FY 2021 and decreased by 40.3% when compared with FY 2018.

OFF-GRID AND NONGRID CRIMES

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

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

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

In FY 2022, the number of off-grid crimes increased by 24 (30.4%) from FY 2021, but decreased by 8 (9.2%) from FY 2018. 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 2022, including incarceration, probation and county jail sentences, decreased by 1.1% compared with FY 2021 and decreased by 21.5% from that of FY 2018.

Figure 71: Off-grid and Nongrid Sentences Incarceration, Probation and County Jail FY 2018 through FY 2022
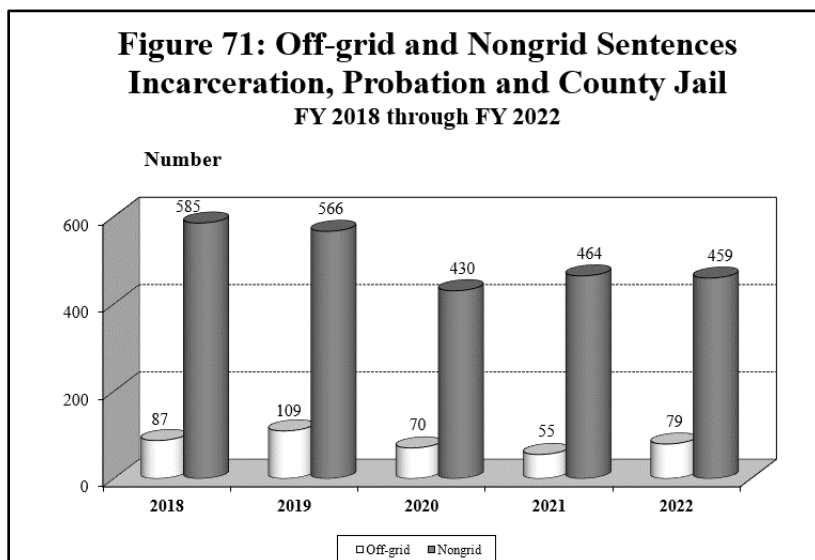
FEMALE OFFENDERS

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 2022 increased by 9.1% compared with that of FY 2021 but decreased by 51.2% compared with that of FY 2018. The average growth rate in the past five years is -14.3% which is due to the significant drop since FY 2020. The number of female offenders on probation had grown year to year since FY 2016, except for in FY 2017, until FY 2020. In FY 2022, female offenders on probation decreased by 2.4% from that of FY 2021 and by 25.7% compared to that of FY 2018. The average growth rate is -6.6% over the past five years.

Figure 72: Female Offenders Incarceration Sentences FY 2018 through FY 2022
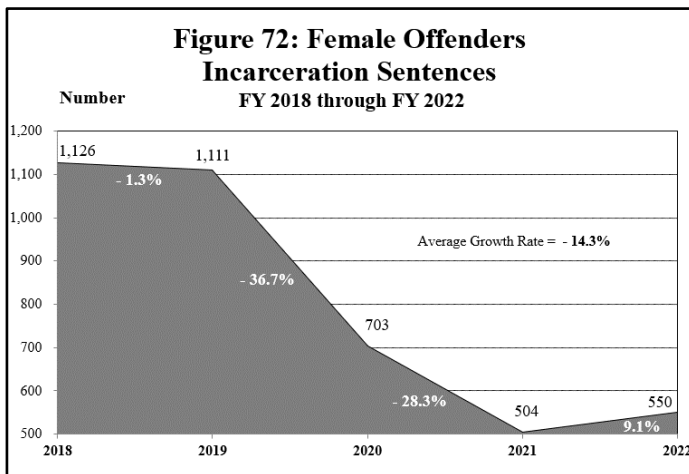
Females were sentenced to prison or probation most frequently for the crimes of drugs, forgery and theft, which is consistent with the data observed in previous years.

The female offenders incarcerated in prison decreased by 1.3% in FY 2019, 36.7% in FY 2020, and 36.7% in FY 2021, but increased 9.1% in FY 2022. 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 7.5% in FY 2019. However, females on probation in FY 2020 decreased by 16.0% from FY 2019, by 15.6% from FY 2020 to FY 2021, and down another 2.4% from FY 2021 to FY 2022. At 1,615, female probation sentences in FY 2022 are the lowest number since FY 2004 (1,504).

Figure 73: Female Offenders Probation Sentences FY 2018 through FY 2022