

MEMORANDUM

To: Commission Members
From: Scott M. Schultz, Executive Director
Date: September 17, 2020
Re: Prison Bed Impact Assessment, **Early release for drug grid crimes - Judge Fowler's proposal - UPDATE**

IMPACT ASSESSMENT

- **Without retroactivity**, this proposal will **save 61** prison beds in FY 2021 and **370** beds in 2030.
- **Retroactively**, this proposal will **save 291** beds in FY 2021 and **402** beds in FY 2030.

KEY ASSUMPTIONS

- The target inmates as defined in this proposal include offenders who are convicted of drug crimes and directly sentenced to KDOC.
- Projected admission to prison for the target offenders is assumed to increase by an annual average of 1%, which is the same percentage used in relation to the baseline prison population forecast produced in August 2019 by the Kansas Sentencing Commission.
- It is assumed that these offenders will be released to probation after serving 50% of their prison sentence less jail credit.
- The revocation rate is assumed to be 30%, which was the actual revocation rate found in FY 2019.
- It is assumed that these offenders will revoke their probation in 14 months, which was the actual average found in FY 2019.
- Such offenders who violate their probation will serve the remaining of their prison sentence minus good time and program credit.
- It is assumed that the new policy effective date starts on July 1, 2021.
- It is assumed that the new policy will be retroactive.

FINDINGS

- In FY 2019, there were **538 drug offenders** directly sentenced to KDOC. The severity levels and the average length of prison sentence were:
 - 24 D1 – 103 months,
 - 85 D2 – 80 months,
 - 123 D3 – 59 months,
 - 70 D4 – 31 months, and
 - 236 D5 – 27 months.

- In FY 2019, there were **1,161 drug offenders** incarcerated in KDOC. Their severity levels and average sentences remaining to serve were:
 - 160 D1 – 65 months,
 - 266 D2 – 50 months,
 - 352 D3 – 28 months,
 - 102 D4 – 15 months, and
 - 281 D5 – 20 months

- The revocation rate for probation offenders was found to be 30% in FY 2019.
- In FY 2019, most of probation offenders revoke their probation in 6 months and were ordered to serve their prison sentences. The average revocation period was found in 14 months.

IMPACT ASSESSMENT

- **Without retroactivity**, this proposal will save **61** prison beds in FY 2021 and **370** beds in 2030.
- **Retroactively**, this proposal will save **291** beds in FY 2021 and **402** beds in FY 2030.

Prison Bed Space Impact Assessment without Retroactivity

Fiscal Year	Current Policy Unchanged Beds Needed	Serve 50% of Sentence Beds Needed	Beds Saved	30% Revocation in 14 Months Beds Needed	Total Beds Saved
2021	543	482	61	0	61
2022	871	727	144	120	24
2023	1115	844	271	187	84
2024	1281	869	412	214	198
2025	1401	874	527	215	312
2026	1438	893	545	219	326
2027	1455	893	562	222	340
2027	1480	912	568	220	348
2029	1500	923	577	228	349
2030	1520	927	593	223	370

Prison Bed Space Impact with Retroactivity

Fiscal Year	Current Policy Unchanged Beds Needed	Serve 50% of Sentence Beds Needed	Beds Saved	30% Revocation in 14 months Beds Needed	Total Beds Saved
2021	1328	1037	291	0	291
2022	1426	1010	416	341	75
2023	1506	990	516	291	225
2024	1564	947	617	273	344
2025	1597	920	677	249	428
2026	1584	921	663	236	427
2027	1566	915	651	236	415
2027	1558	927	631	229	402
2029	1562	936	626	234	392
2030	1566	938	628	226	402