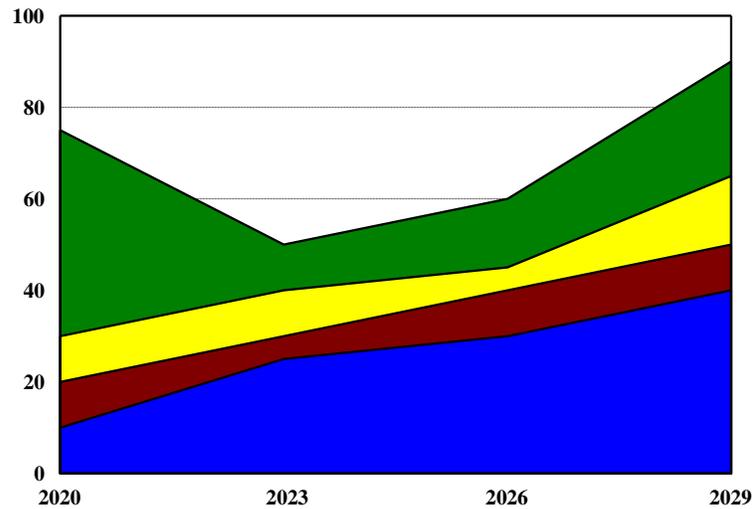# KANSAS SENTENCING COMMISSION

Fiscal Year 2020 Adult Inmate Prison Population Projections

Prison Population Projections

August 2019

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OVERVIEW OF FY 2020 PRISON POPULATION PROJECTIONS

Prison Population and Admission

The Kansas prison population in FY 2019 indicated an increase of 71 inmates or 0.7% when compared with that in FY 2018. In review of Kansas ten-year prison population trend, the FY 2019 prison population represented a decrease in the rate of growth compared to the previous year. In FY 2019, 10,044 inmates were incarcerated in state prison, indicating an increase of 1,180 inmates from FY 2010 prison population[1].

When comparing the offender groups incarcerated in prison between FY 2018 and FY 2019, the largest increase in FY 2019 was probation condition violators, showing a 5.5% increase or 61 inmates. While Offgrid offenders increased by 25 offenders, nondrug severity levels 1 to 3, and nonviolent offenders (N4 to N6) indicated a decrease by 7 and 5 respectively. Drug offenders increased by 55 inmates. Prison sanctions from probation offenders decreased by only one offender. Pre-guideline (old law) inmates indicated a decrease of 18 inmates. Parole/postrelease condition violators also indicated a decrease of 57 inmates.

In FY 2019, the total prison admissions indicated a decrease of 154 admissions from last year, but an overall increase and 512 admissions when compared with that in FY 2015.[1] The decrease in admissions was due to the decrease in every offender category besides drug offenders (3.6%), non-violent (2.1%), and probation condition violators (5.5%). The overall admission of prison sanctions from probation in FY 2019 remained nearly the same as that in FY 2018 with a decrease of 1 offender, but the male sanction admissions decreased by 29 offenders while the female sanction admissions increased by 18, representing disparate outcomes from males and females regarding sanctions.

When compared with FY 2018, direct new court commitments in FY 2019 displayed a decrease of 37 admissions or -1.8% but an increase of 3.1% from five years ago. In FY 2019, probation violators with new sentences increased by 17.5% and 7.3% since 2015. Probation violators with new convictions decreased by 54.5% between FY 2019 and FY 2018 and decreased by 59.5% since FY 2015.

Further examining the admission types, in FY 2019 the number of parole/postrelease condition violators admitted to prison increased by nine offenders or 0.8%. However, compared to 5 years ago, the number of parole/postrelease condition violators admitted to prison has decreased by 128 offenders or 10.5%.

Parole/postrelease violators with new sentences admitted to prison in FY 2019 demonstrated a decrease of 31 offenders last year, but still an overall increase of 31or 20.5% since 2015.

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[1] See Figure 12, Page 37.
[1] See Table 13, Page 35.

Length of Sentence and Stay

The average of length of sentence and stay of each severity level in FY 2019 varied. When compared with FY 2018, the average length of sentence of drug offenders indicated an increase in 2.2 months. Compared to five years ago, however, that increase jumped to 2.9 months. The largest increase occurred in the severity-level 1 non-drug crimes. There the average length of sentence increased 75.8 months when compared with FY 2018. However, since FY 2015, the average length of sentence for this group has increased only 33.5 months. The average sentence length for nondrug severity-level 2 represented the largest decrease (51.5 months) in FY 2018, but the average length of sentence increased 4.8 months when compared with FY 2015. The average length of sentences of other nondrug severity levels stayed relatively stable during the last five years.[2]

When compared with FY 2018 inmate prison length of stay, the average length of stay in prison in FY 2019 for drug offenders remained the same at 23 months (22.9); the average length of stay of nonviolent offenders (N7 to N10) increased by less than a half month (10.9 vs. 11.1 months); the average length of stay for violent crime offenders (N1 to N3) was 116.9 months, increasing by over 2 months (114.7 vs. 116.9); the average length of stay of less violent offenders (N4 to N6) displayed a decrease of one month (36.4 vs. 35.4); the average length of stay for guideline postrelease supervision condition violators indicated an increase of over one month (4.4 vs. 5.7); and the average length of stay for pre-guideline parole condition violators was 40 months, indicating no change (40 vs. 40)[3]. Probation condition violators stayed in prison for an average 9.4 months, a decrease of over half a month when compared with that in FY 2018 (10.2 vs. 9.4).

Based on the 6,332 inmates released from prison in FY 2018, 46% of them (2,899 inmates) were eligible for program credits and 87.7% of those eligible inmates earned program credits. The average program credit earned was 112 days, which reduced the length of sentence by 3.7 months on average.

Forecast

In examining the estimated prison bed needs by offender group, Drug offenders account for the largest increase of 384 inmates over the ten-year forecast period. This is due to both the high number of drug convictions and the longer length of sentence. The second largest increase of prison population is the nonviolent offender group (N7 to N10) over the ten-year forecast period with an increase of 369 inmates. The increase of this group is due to the special sentencing rules that have played an important role in this group. The third largest increase of prison population is found in the group of the probation condition violators with an increase of 297 inmates over the ten-year forecast period.

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[2] See Table 5, Page 13.
[3] See Table 8, Page 15.

The fourth largest increase in the prison population for the ten-year forecast period is the Off-grid offenders with an increase of 261 inmates[4]. The increase of the offgrid prison population is the continuous impact of Jessica's Law (2006 Senate Substitute for House Bill 2567). According to Jessica's Law, some child sex offenses previously classified in nondrug severity levels 1, 2, 3 and 5 are reclassified as offgrid offenses with a minimum sentence of not less than 300 months (Hard 25). This reclassification also increases the offgrid admissions to prison. The prison population of Violent offenders (N1 to N3) is forecasted to see the fifth largest increase with 134 inmates over the ten-year forecast period. The increase of prison population of the less violent offenders (N4 to N6) over the ten-year forecast period accounted for the sixth group with an increase of 128 inmates in FY 2029.

Parole/postrelease condition violators indicate the smallest increase over the ten-year forecast period with an increase of 48 inmates, while prison sanctions are expected to decrease by 131 inmates due to the passage of SB 18, which abolished the use of prison sanctions for offenses that occur after June 30, 2019. Pre-guideline (old law) offenders will decrease by 106 inmates in FY 2029.[5]

A significant change is noted for probation condition violators over the ten-year forecast period. Previously, probation condition violators admitted to prison were required to serve their underlying prison sentence. HB 2170 enacted on July 1, 2013 requires probation condition violators to serve graduated sanctions instead of the underlying prison sentence, which includes: the intermediate sanction of confinement in jail for 2-3 days at a time and up to a total of 18 days. Previously, if the violator already has at least one intermediate sanction of confinement in jail, the court could remand the defendant to the custody of the Kansas Department of Corrections (KDOC) for a period of 120 days or 180 days, which the Secretary could reduce by up to 60 days or 90 days. However, due to SB 18, the prison sanction is no longer available for offenses committed after June 30, 2019. Now, if the violator already has served a 2- or 3-day jail sanction (up to 18 total days), the court may revoke probation, assignment to community corrections, suspend the sentence, or require the defendant to serve the sentence imposed or any lesser sentence. Removing the graduated prison sanctions will reduce the sanction population completely but may increase for probation condition violators group may require more beds. Thus, it is estimated that during the ten-year forecast period, the prison population of sanction from probation will decrease to zero, while the probation condition violators will increase by 297 additional inmates in FY 2029.

HB 2170 also requires that probation condition violators who are released from prison after July 1, 2013, will receive postrelease supervision term. As a result, parole/postrelease condition violator population will slowly increase during the ten-year forecast period with an increase of 48 inmates in FY 2029.

Pre-guideline (old law) inmate population, excluding old law offgrid, will gradually decrease over the ten-year forecast period. It is estimated that the population of this group will be reduced by 106 inmates in FY 2029.

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[4] See table 9, Page 17.
[5] See Table 9, Page 17.

Overall, the FY 2020 prison population projections indicate that prison population will increase during the forecast period. In FY 2029, the total prison population will reach 11,428 inmates, an increase of 1.384 inmates or 13.8% over the current population level.[6] Offgrid and nondrug severity levels 1, 2 and 3 inmates will account for 40.8% of the projected prison population in FY 2029. Nondrug severity levels 4, 5 and 6 inmates will make up 16.4% and nonviolent inmates (N7 to N10) will consist of 9.3% of the projected prison population in FY 2029. The projected drug inmate prison population will represent 17.1% while parole/postrelease supervision condition violators will make up 4.5% of the forecasted prison population in FY 2029. Pre-guideline (old law) population, not including old law offgrid offenders, will account for 0.1% in FY 2029. Probation condition violators will make up 12.8% while prison sanction from probation offenders will account for 0.0 % of the projected population in FY 2029.

In FY 2029, male prison population will increase to 10,399 inmates, an increase of 14% or 1,276 inmates from the FY 2019 population. Female prison population will increase to 1,029 inmates, an increase of 108 inmates or 11.7% in FY 2029. Male inmates will account for 91% while female inmates will consist of 9% of the forecasted prison population in FY 2029.[7]

METHODS AND ASSUMPTIONS

Source of Data Used for the Projections

Data utilized for the FY 2020 prison population projections are based on the most recent felony sentencing information and current prison information from FY 2019. This data includes the automated and non-automated data files collected from the Kansas Department of Corrections (KDOC) and the FY 2019 felony journal entry sentencing information collected by the Kansas Sentencing Commission (KSSC). Data provided by KDOC includes:
1. Prison admissions
2. Prison populations
3. Prison releases
4. Parole/postrelease supervision populations
5. Parole/postrelease supervision discharges
6. Parole hearing decisions
7. KDOC monthly offender population reports
8. Prison and jail sanctions from probation

Data collected by the KSSC includes:
1. Prison sentences
2. Probation sentences
3. Probation revocations

The above combined data sources provide the information for the Prison Projection Consensus Group to make the final decisions regarding assumptions that must be built into the model. The sentencing journal entry databases from the KSSC provide sentencing trends that impact policy changes. The prison admission file contains each individual admission event with the type of admission, the length of sentence, jail credit, special sentencing rule applied,

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[6] See Table 9, Page 17.
[7] See Figures 2 & 3, Page 19 & 20.

departure information, and concurrent or consecutive sentences applied. The prison population stock file provides additional information which is used by the Prison Projection Consensus Group as well as characteristics of the June 30 incarceration population. The prison release file informs the Consensus Group of the type of release and the actual length of stay for each individual inmate. Parole/postrelease supervision and parole hearing files provide information regarding parole population, parole discharges, parole hearing decisions, and waiting time between each parole hearing. KDOC Monthly Offender Population Reports are utilized to monitor actual prison monthly population compared to the projections.

Consensus Group

In an attempt to formulate the most accurate assumptions, the Sentencing Commission utilizes a Prison Population Consensus Group to review and establish the final set of assumptions that are utilized in building the simulation model. Members of the Consensus Group represent criminal justice agencies which play a role in processing an individual through the criminal justice system. Members contribute their agencies' expertise regarding formal and informal procedures and provide relevant information and data on specific issues or practices which may affect prison population.

Members of the FY 2020 Prison Population Projection Consensus Group:

Bowman, Randall	Kansas Department of Corrections
Browne, Ebo	Kansas Sentencing Commission
Chang, Kunlun	Kansas Sentencing Commission
Cooper, Hope	Kansas Department of Corrections
Grube, John	Kansas Sentencing Commission
McNeal, Marie	Kansas Department of Corrections
Ogletree, Jonathan	Kansas Department of Corrections
Schultz, Scott	Kansas Sentencing Commission
Waldrock, Melissa	Kansas Department of Corrections
Zmuda, Secretary Jeff	Kansas Department of Corrections

The Consensus Group held two meetings to review sentencing trends, identify policy changes that may affect future prison bed needs and identify assumptions to be incorporated into the forecast model.

FY 2019 Prison Population Projection Assumptions

1. The model begins on July 1, 2019.

2. The model is based on FY 2019 data (July 1, 2018 - June 30, 2019).

3. This prison population projection is for a ten-year forecasting period (FY 2020 to FY 2029).

4. The projection model is designed to simulate all new commitments to prison, from FY 2020 and forward, under sentencing guidelines, with a determinate sentence length.

5. Admission Trends:

a) <u>New Court Commitments.</u> Direct new court commitments to prison in FY 2019 (offenders not on any type of supervision at the time of conviction and subsequent admission to prison) indicated a decrease of 1.8% or 37 admissions less when compared to FY 2018. Compared with FY 2015, the admissions to prison indicate an increase of 3.1% or 60 admissions. FY 2015 indicated 1,922 admissions; FY 2016 indicated a total of 1,986 admissions; FY 2017 demonstrated a total of 2,071 admissions; FY 2018 displayed a total of 2,019 admissions and FY showed a total of 1,982 admissions.

b) <u>Probation Condition Violators.</u> In FY 2019, 1,402 probation condition violators were admitted to prison, indicating a decrease of 3.8% or 56 admissions from FY 2018 and an increase of 6.1% or 81 admissions from FY 2015. Probation condition violators admitted to prison during the five years were: 1,321 in FY 2015; 1,180 in FY 2016; 1,229 in FY 2017; 1,458 in FY 2018 and 1,402 in FY 2019. Of the 1,402 probation condition violators, 145 or 10.4% offenders received prison sanctions before full revocation at the same year. One hundred and three of them received 120-day and 42 received 180-day sanctions.

c) <u>Prison Sanctions for Probation Condition Violators.</u> In FY 2019, 1,160 probation condition violators (320 females and 866 males) received 1,186 prison sanctions. Twenty-six of the 1,160 offenders received two prison sanctions, including seven females and 19 males. Twenty-three of them received one 120-day and one 180-day sanctions, two received two 120-day sanctions and one received two 180-day sanction. Of the 1,186 prison sanctions, 771 were 120 days; 413 were 180 days; two were 360 days. The average length of stay in prison was 34 days for the 120 days and 62 days for the 180 days. The number of prison sanctions in FY 2019 indicated a decrease of 11 sanctions or less than one percent when compared with last year (1,197 sanctions).

d) <u>Probation Violators with New Sentence.</u> Probation violators with a new sentence in FY 2019 indicated an increase of 43 violators or 17.5% from last year. When compared with FY 2015 number, it indicated an increase of 7.3% or 24 admissions. The number of probation violator with new sentence in the past five years were: 331 in FY 2015 and FY 2016, 340 in FY 2017, 302 in FY 2018 and 355 in FY 2019.

e) Probation Violators with New Conviction. In FY 2019, probation violators with new conviction decreased by 54.4% or 81 admissions when compared with that of FY 2018. Over the five-year period, probation violators with new conviction indicated a decrease of 59.5% or 100 violators. Probation violator with new conviction were separated from probation condition violators in FY 2014 due to KDOC's new computation rules.

f) Total New Commitments: Rate of Growth[8]. The total new commitments of the above groups in FY 2019 decreased by 2.6% or 132 admissions when compared with that of 2018. The growth rates for new commitments in the past ten years are as follows:

FY 2009 to FY 2010	13.3%
FY 2010 to FY 2011	0.1%
FY 2011 to FY 2012	3.4%
FY 2012 to FY 2013	-3.0%
FY 2013 to FY 2014	5.5%
FY 2014 to FY 2015	3.9%
FY 2015 to FY 2016	5.8%
FY 2016 to FY 2017	7.0%
FY 2017 to FY 2018	2.2%
FY 2018 to FY 2019	-2.6%
Average yearly growth rate (FY 2010 to FY 2019)	**3.6%**

Last year, the consensus group agreed to use 1.5% annual growth for male and 2.5% for female in FY 2019 model. **The consensus group agreed to use 1% annual growth rate for male and 1.5% for female in the FY 2020 model.**

6. Guideline postrelease supervision condition violators may serve up to 180 days. The average length of stay for this group was 123 days in FY 2015; 128 days in FY 2016; 132 in FY 2017 and 135 days in FY 2018. The consensus group agreed to use 132 days for this group in FY 2019 model. The actual average length of stay in FY 2019 was **129** days, which was 3 days short. **The consensus group agreed to use the 126 days average length of stay for this group in the FY 2020 model.**

7. In FY 2019, a total of 1,091 parole/postrelease and conditional release condition violators were returned to prison, indicating an increase of nine offenders when compared with last year. The consensus group agreed to use the return rate of 100 offenders per month for this group last year. The actual average rate of parole/postrelease and conditional release condition violators was 91 offenders per month, indicating a decrease of nine admissions per month. **The consensus group agreed to use the return rate of 95 offenders per month for this group in the FY 2020 Model.**

8. In FY 2019, a total of 182 parole/postrelease violators with new sentences were admitted to prison, representing a decrease of 14.6% or 31 admissions when compared with the admissions of FY 2018. In review of the past five years' data, parole/postrelease violators

with new sentence in FY 2018 indicated the highest in numbers. (FY 2015-151, FY 2016-146, FY 2017-196, FY 2018-213 and FY 2019-182). Last year, the consensus group agreed to use **195** returns for this group in FY 2019 model. **The consensus group agreed to use 195 returns with new sentence in the FY 2020 Model.**

9. **SB 18 – Expanding SB 123 drug treatment programs for drug offenders whose offenses are classified in grid blocks 4-E to 4-I.** In FY 2019**, 41 offenders** convicted of the drug crimes whose offenses was classified in grid blocks **4-E, 4-F, 4-G, 4-H or 4-I** of the sentencing guidelines grid were admitted in KDOC. During the legislative session, we assumed that **30%, 50% or 80%** of those offenders sentenced to prison will be sentenced to the SB 123 drug treatment program. **The consensus group agreed to use 30% of the offenders in the FY 2020 model.**

10. **SB 18 – Removing the 120-day or 180-day prison sanctions for probation condition violators**. In FY 2019, 1,167 probation condition violators (302 females and 895 males) received 1,197 prison sanctions. Since it is not retroactive, there are still some probation condition violators whose offense date was before July 1, 2019 will continue receiving prison sanctions. Based on the FY 2019 Commission probation revocation data, the average revocation time was 14 months. **The consensus group agreed in the FY 2020 model that half of the above violators will receive prison sanctions in the first year (FY 2020), 15% of them will receive prison sanctions in the second year (FY 2021) and no prison sanctions will be imposed beginning in FY 2022 going forward.**

KEY FINDINGS OF FISCAL YEAR 2019 DATA

1. A total number of 10,044 offenders were incarcerated in KDOC on June 30, 2019, representing an increase of 71 offenders when compared with that of FY 2018. Of the total number, 9,642 were guideline offenders, 402 were pre-guideline offenders. Nearly all the pre-guideline offenders were offgrid, nondrug severity levels 1 to 3 offenders and parole condition violators, representing 98.3% of this group.

2. In FY 2019, 6,388 offenders were admitted to prison, representing the lowest number in the past three years. Of those 6,388 offenders, new commitments (including prison sanction from probation) accounted for 78.2% or 4,993 admissions, which included 31.0% direct new court commitments, 21.9% probation condition violators, 18.6% prison sanctions, 5.6% probation violators with new sentence and 1.1% new conviction.

3. Compared with FY 2018, the total number of new commitments sentenced to prison in FY 2019 decreased by 2.6% or 132 admissions. Among the total of new commitments to prison, direct new court commitments accounted for 1,982 admissions, demonstrating a decrease of 1.8% or 37 admissions. Probation condition violators indicated a decrease of 3.8% or 56 admissions. Prison sanctions from probation decreased by 0.9% or 11 sanctions. Probation violators with new sentence showed an increase of 17.5% or 53 offenders. Probation violators with new conviction displayed a decrease of 54.4% or 81 admissions.

4. In FY 2019, 1,160 probation condition violators (313 females and 847 males) received a total of 1,186 prison sanctions. Of the 1,186 sanctions, 771 were 120 days; 413 were 180 days and two were 360 days. Twenty-six offenders received two prison sanctions, including seven females and nineteen males. The average length of stay in prison was 34 days for the 120 days; 63 days for the 180 days.

5. Parole/post-release condition violators and conditional release violators made up 17.1% or 1,091 admissions of the total admissions in FY 2019, indicating an increase of 0.9% or 9 admissions from that of FY 2018.

6. The average length of sentence of probation condition violators in FY 2019 was 22.5 months. The average jail credit was 187.2 days or 6.2 months and the average length of stay in prison was 9.3 months. These numbers were slightly less than what was reported last year. Further examination of this group displayed that 97% of them were offenders ranging from Drug severity levels 3 to 5 and nondrug severity levels 5 to 10. This trend has not been changed from previous years.

7. The average length of stay in prison for pre-guideline parole condition violators in FY 2019 was calculated to be 43.1 months, indicating an increase of 3.1 months from the length of stay observed during FY 2018 (40.0 months). The average length of stay for the guideline postrelease supervision condition violators in FY 2019 was 4.2 months (128 days), 7 day less than the average length of stay in FY 2018 (4.4 months or 135 days).

8. Compared with FY 2018, the average lengths of sentence of the guideline nondrug sentences in FY 2019 decreased by 2.4 months at severity level 4, 0.6 months at severity level 8 and 0.2 months at severity level 9. The average sentence lengths increased by 9.0 months for severity level 1, 18.0 months for severity level 2, 3.2 months for severity level 3, 1.1 months for severity level 5, and 1.1 months for severity level 10. The average lengths of severity levels 6 and 7 indicated an increase by less than one month. The number of admissions of nondrug severity levels 2, 4, 6 and 10 increased by 9, 28, 35 and 10 respectively. The number of admissions of severity levels 1, 3, 5, 7, and 9 decreased by 5, 7, 43, 27, 23 and 50 respectively.

9. During FY 2019, the admissions of parole/postrelease violators with new sentences (including conditional release violators with new felony sentences) indicated a decrease of 31 admissions or 14.6% when compared with the returns in FY 2018 (182 vs. 213).

10. In FY 2019, 1,261 drug offenders were admitted to prison, indicating an increase of 5 admissions when compared with that of FY 2018. Of this number, 538 were new court commitments, 573 probation condition violators, 119 probation violators with new sentence and 31 probation violators with new conviction. The average length of the drug sentences was 37.2 months, indicating an increase of 2.2 months when compared to that of 2018 (37.2 vs. 35.0).

Table 1: Prison Population Characteristics
6/30/2019

Severity Level	Pre-Guideline		Guideline		Total	
	Number	Percent	Number	Percent	Number	Percent
D1	0	0.0%	185	1.8%	185	1.8%
D2	0	0.0%	311	3.1%	311	3.1%
D3	0	0.0%	434	4.3%	434	4.3%
D4	0	0.0%	136	1.4%	136	1.4%
D5	0	0.0%	508	5.1%	508	5.1%
N1	64	0.6%	1101	11.0%	1165	11.6%
N2	47	0.5%	205	2.0%	252	2.5%
N3	38	0.4%	1164	11.6%	1202	12.0%
N4	3	0.0%	356	3.5%	359	3.6%
N5	2	0.0%	1061	10.6%	1063	10.6%
N6	0	0.0%	331	3.3%	331	3.3%
N7	2	0.0%	562	5.6%	564	5.6%
N8	0	0.0%	126	1.3%	126	1.3%
N9	0	0.0%	198	2.0%	198	2.0%
N10	0	0.0%	6	0.1%	6	0.1%
Offgrid	160	1.6%	1277	12.7%	1437	14.3%
Probation Condition Violators	0	0.0%	1167	11.6%	1167	11.6%
Sanction from Probation	0	0.0%	137	1.4%	137	1.4%
Parole/Postrelease Condition Violators	86	0.9%	377	3.8%	463	4.6%
Subtotal	**402**	4.0%	**9642**	96.0%	**10044**	100.0%
Nongrid/Unknown					0	0.0%
Total					**10044**	100.0%

Source: DOC prison population file.

Table 2: Comparison between Actual Prison Population - FY 2018 & FY 2019

Offender Group	2018	2019	Difference	% Increase/ Decrease
Drug	1519	1574	55	3.6%
N1 to N3	2477	2470	-7	-0.3%
N4 to N6	1753	1748	-5	-0.3%
N7 to N10	874	892	18	2.1%
Sanction from Probation	138	137	-1	-0.7%
Probation Condition Violators	1106	1167	61	5.5%
Offgrid Including Old Law Lifer	1412	1437	25	1.8%
Parole/Post Release Violators	520	463	-57	-11.0%
Old Law Inmates*	174	156	-18	-10.3%
Total	**9973**	**10044**	**71**	0.7%

Source: DOC prison population files.

Table 3: Guideline Admission Characteristics - FY 2019

Severity Level	Number Admitted	Percent Admitted	Average Sentence (Months)	Jail Credit (Days)	Probation Condition Violators (%)	Probation Violators w/New Sentence (%)	Probation Violators w/New Conviction (%)
D1	30	0.6%	118.9	238.6	10.0	6.7	3.3
D2	107	2.1%	84.6	204.1	13.1	7.5	0.0
D3	161	3.2%	60.2	182.7	18.0	5.6	0.0
D4	121	2.4%	31.0	184.0	30.6	9.1	2.5
D5	842	16.9%	24.7	177.0	58.2	10.6	3.2
N1	70	1.4%	483.2	446.2	0.0	0.0	0.0
N2	15	0.3%	144.1	358.7	6.7	0.0	0.0
N3	160	3.2%	108.8	382.5	5.0	8.8	0.0
N4	92	1.8%	62.8	255.6	9.8	6.5	1.1
N5	314	6.3%	58.6	269.6	18.2	12.4	0.6
N6	211	4.2%	36.0	211.3	27.0	10.4	2.8
N7	583	11.7%	31.9	225.9	41.3	14.9	9.2
N8	336	6.7%	17.5	178.4	47.0	9.2	2.4
N9	631	12.6%	13.8	143.4	45.2	5.4	2.1
N10	44	0.9%	10.1	147.0	27.3	4.5	2.3
Offgrid	90	1.8%	-	-	N/A	N/A	N/A
Sanction	1186	23.8%	-	-	N/A	N/A	N/A
Total	**4993**	**100.0%**					

Source: DOC admission file.

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Table 4: Comparison of Guideline New Commitments
Admissions to Prison by Severity Level and Drug Offense
FY 2015, FY 2018 and FY 2019

Severity Level & Offense	FY 2015	FY 2018	FY 2019	Difference Between 2015 & 2019	Difference Between 2018 & 2019
N1	62	100	68	6	-32
N2	18	19	15	-3	-4
N3	185	184	160	-25	-24
N4	73	95	92	19	-3
N5	350	332	314	-36	-18
N6	155	187	211	56	24
N7	598	604	583	-15	-21
N8	323	344	336	13	-8
N9	707	682	631	-76	-51
N10	79	39	44	-35	5
Drug	1081	1256	1261	180	5
Total	**3631**	**3842**	**3715**	**84**	**-127**

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

Table 5: Comparison of Guideline New Commitments
Average Length of Sentence by Severity Level Offense
FY 2015, F 2018 And FY 2019

Severity Level & Offense	FY 2015	FY 2018	FY 2019	Difference Between 2015 & 2019 (Month)	Difference Between 2018 & 2019 (Month)
N1	286.8	244.5	320.3	33.5	75.8
N2	139.3	195.6	144.1	4.8	-51.5
N3	104.3	111.0	108.8	4.5	-2.2
N4	75.1	63.0	62.8	-12.3	-0.2
N5	59.1	57.5	58.6	-0.5	1.1
N6	36.7	38.8	36.0	-0.7	-2.8
N7	28.1	30.4	31.9	3.8	1.5
N8	17.8	17.1	17.5	-0.3	0.4
N9	12.8	13.3	13.9	1.1	0.6
N10	8.5	9.4	10.1	1.6	0.7
Drug	34.3	35.0	37.2	2.9	2.2

Source: DOC admission file.

Table 6: Comparison between FY 2018 and FY 2019 Prison Admission Types by Male

Admission Type	2018	2019	Number Change	Percent Change
New Court Commitment	1787	1746	-41	-2.3%
Probation Condition Violator	1081	1065	-16	-1.5%
Prison Sanction	895	866	-29	-3.2%
Probation Violator with New Sentence	282	313	31	11.0%
Probation Violator with New Conviction	104	56	-48	-46.2%
Parole/Post-release Condition Violator	971	956	-15	-1.5%
Parole/Post-release Violator with New Sentence	197	171	-26	-13.2%
Other	99	104	5	5.1%
Total Admission	**5416**	**5277**	**-139**	**-2.6%**
End of Year Population	**9060**	**9123**	**63**	**0.7%**

Table 7: Comparison between FY 2018 and FY 2019 Prison Admission Types by Female

Admission Type	2018	2019	Number Change	Percent Change
New Court Commitment	232	236	4	1.7%
Probation Condition Violator	377	337	-40	-10.6%
Prison Sanction	302	320	18	6.0%
Probation Violator with New Sentence	20	42	22	110.0%
Probation Violator with New Conviction	45	12	-33	-73.3%
Parole/Post-release Condition Violator	111	135	24	21.6%
Parole/Post-release Violator with New Sentence	15	11	-4	-26.7%
Other	24	18	-6	-25.0%
Total Admission	**1126**	**1111**	**-15**	**-1.3%**
End of Year Population	**913**	**921**	**8**	**0.9%**

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

Table 8: Comparative Analysis of Condition Parole/Post Release Supervision Violators Between FY 2018 and FY 2019

Law	Number of Admission				Average Length of Stay in Month			
	FY 2018	FY 2019	Change #	Change %	FY 2018	FY 2019	Change #	Change %
Guideline	1047	1052	5	0.5%	4.4	4.2	-0.2	-4.5%
Pre-guideline	35	39	4	11.4%	40.0	40.0	0	0.0%
Total	**1082**	**1091**	9	0.8%				

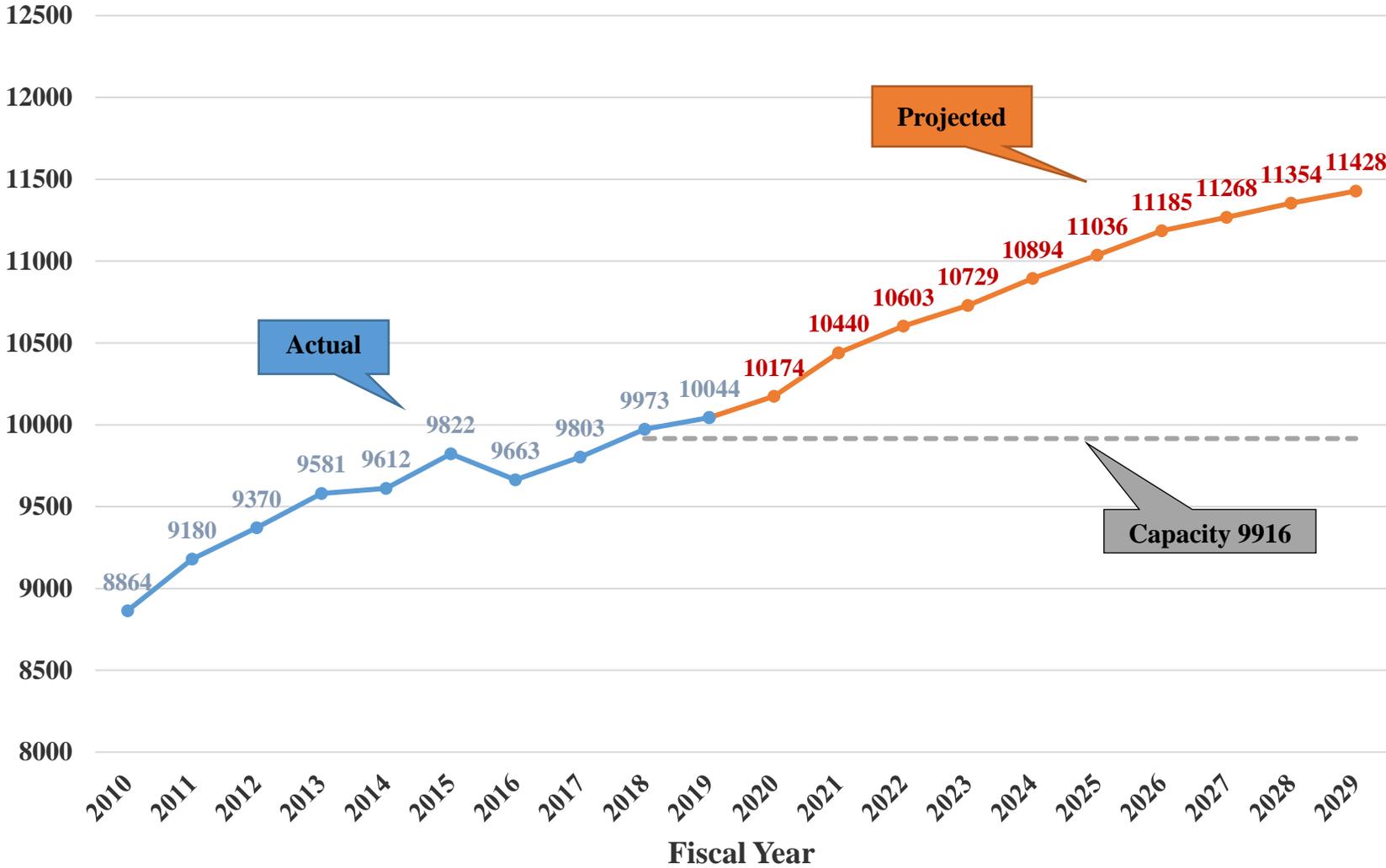# FY 2020 PRISON POPULATION PROJECTIONS

Table 9: FY 2019 Prison Population Projection by Offender Group

Offender Group	2019*	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	# Change	% Change
Drug	1574	1583	1663	1747	1780	1828	1849	1915	1948	1951	1958	384	24.4%
N1 to N3	2504	2504	2515	2537	2541	2557	2596	2591	2589	2629	2638	134	5.4%
N4 to N6	1749	1772	1790	1777	1810	1815	1826	1860	1892	1856	1877	128	7.3%
N7 to N10	892	966	1052	1097	1140	1173	1209	1194	1210	1246	1261	369	41.4%
Sanction	131	73	11	0	0	0	0	0	0	0	0	-131	-100.0%
Probation Condition Violators	1167	1276	1345	1402	1389	1432	1446	1463	1467	1477	1464	297	25.4%
Offgrid Including Old Law Lifer	1437	1442	1485	1520	1542	1565	1597	1629	1648	1661	1698	261	18.2%
Parole/Post Release Violators	469	466	501	463	474	481	477	504	487	514	517	48	10.2%
Old Law Inmates	121	92	78	60	53	43	36	29	27	20	15	-106	-87.6%
Total	10044	10174	10440	10603	10729	10894	11036	11185	11268	11354	11428	1384	13.8%

*. Actual prison population on June 30, 2019.

Figure 1: Kansas Prison Population - Actual and Projected

Figure 2: Male Prison Population - Actual and Projected

Actual | **Projected**

- 8269 (2010)
- 8547 (2011)
- 8678 (2012)
- 8845 (2013)
- 8873 (2014)
- 8989 (2015)
- 8838 (2016)
- 8939 (2017)
- 9060 (2018)
- 9123 (2019)
- 9227 (2020)
- 9460 (2021)
- 9603 (2022)
- 9726 (2023)
- 9882 (2024)
- 9961 (2025)
- 10123 (2026)
- 10192 (2027)
- 10317 (2028)
- 10399 (2029)

Capacity 9013

Fiscal Year
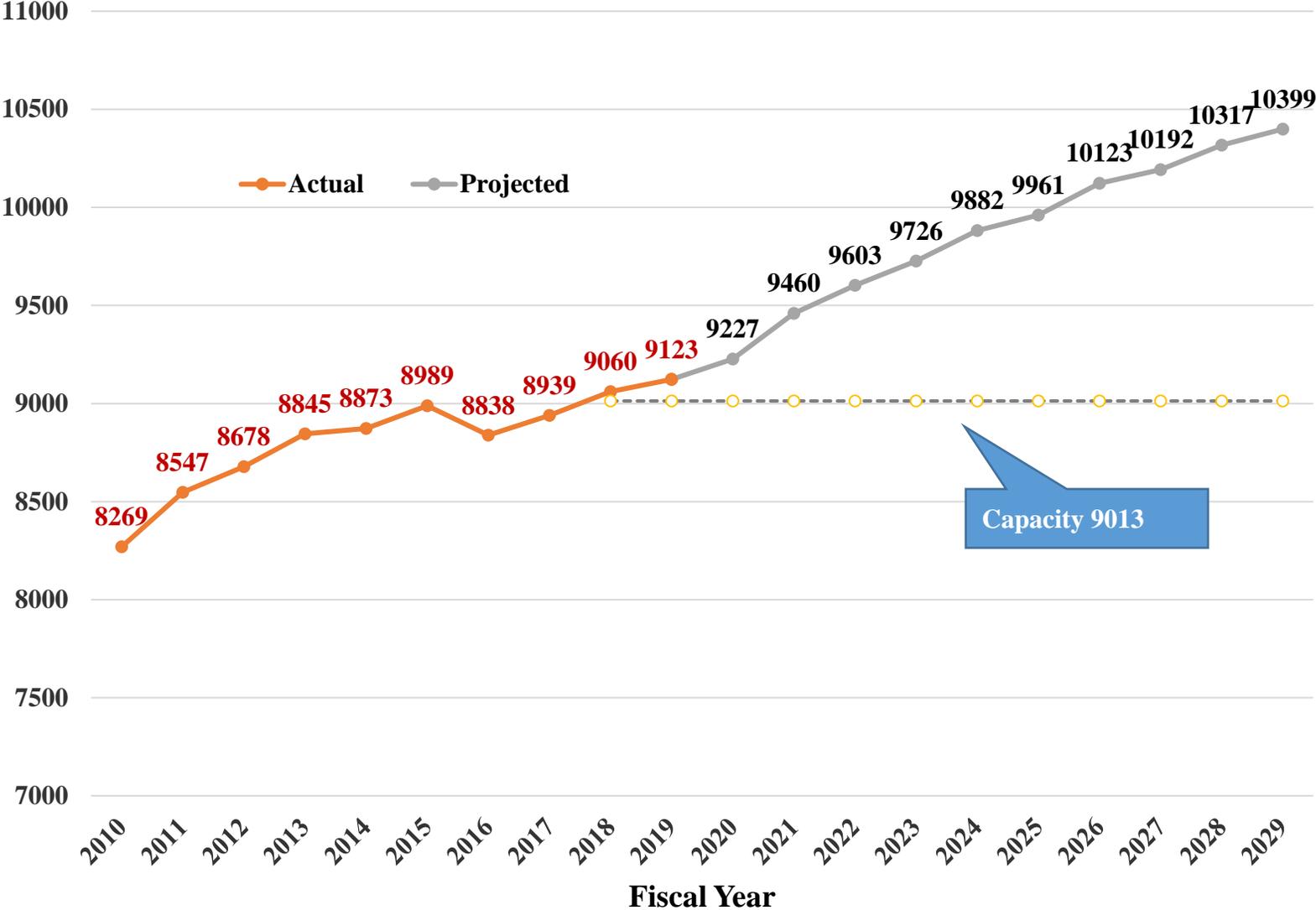
Figure 3: Female Prison Population - Actual and Projected
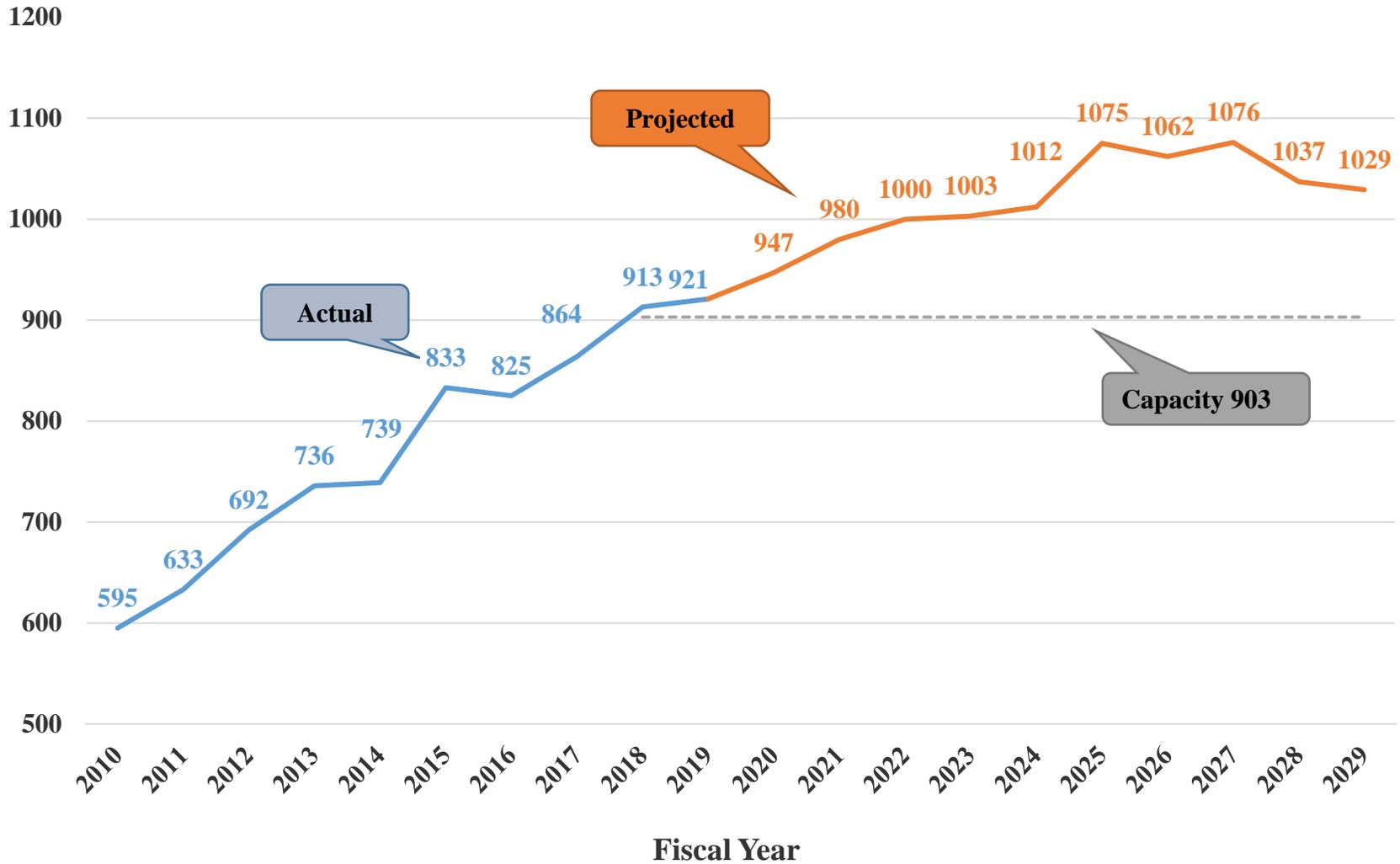
Figure 4: Projected Drug Inmate Prison Population
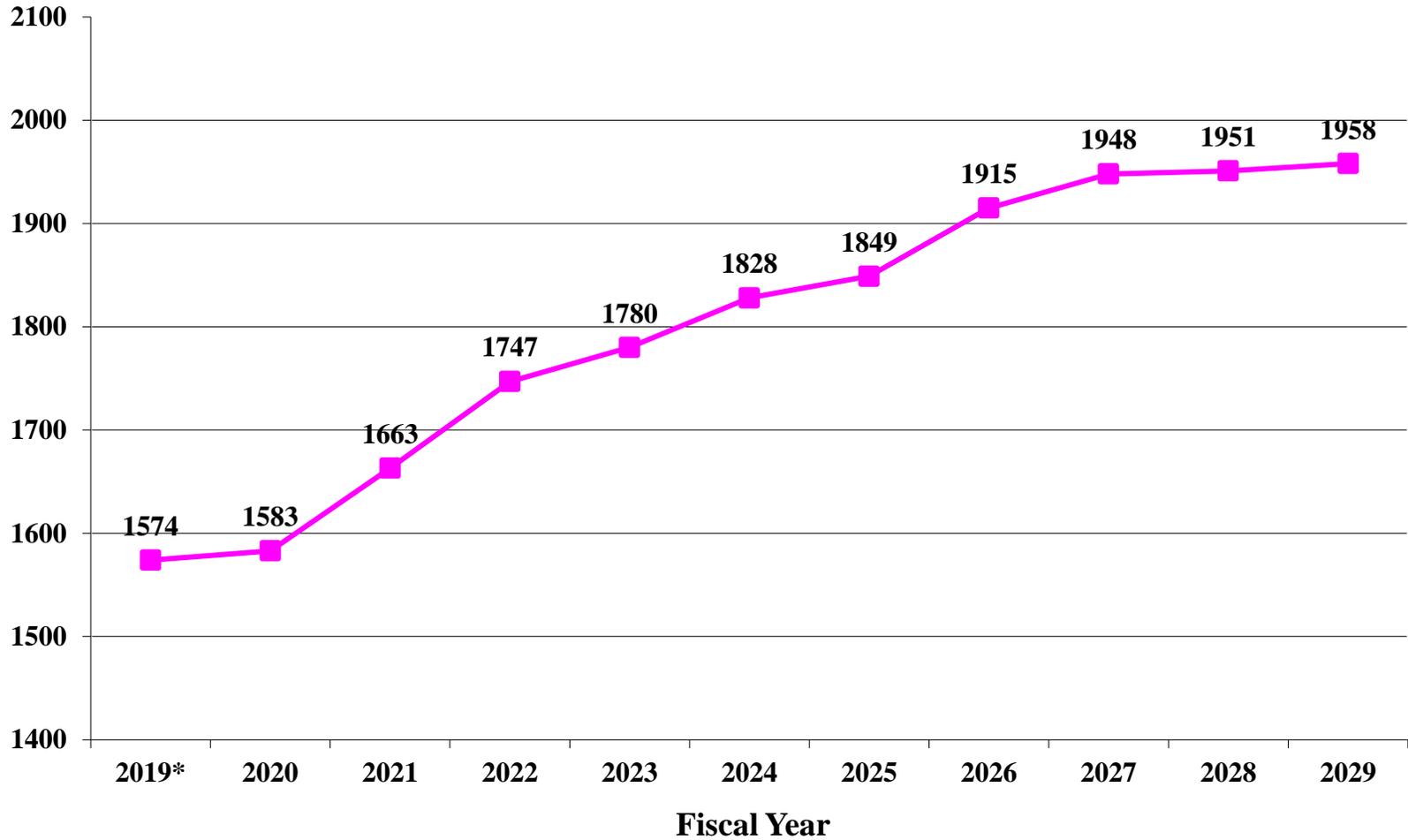
* Actual prison population on June 30, 2019.
This group accounts for 17.1% of the total projected prison population in FY 2029.

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Figure 5: Projected Violent Inmate Prison Population
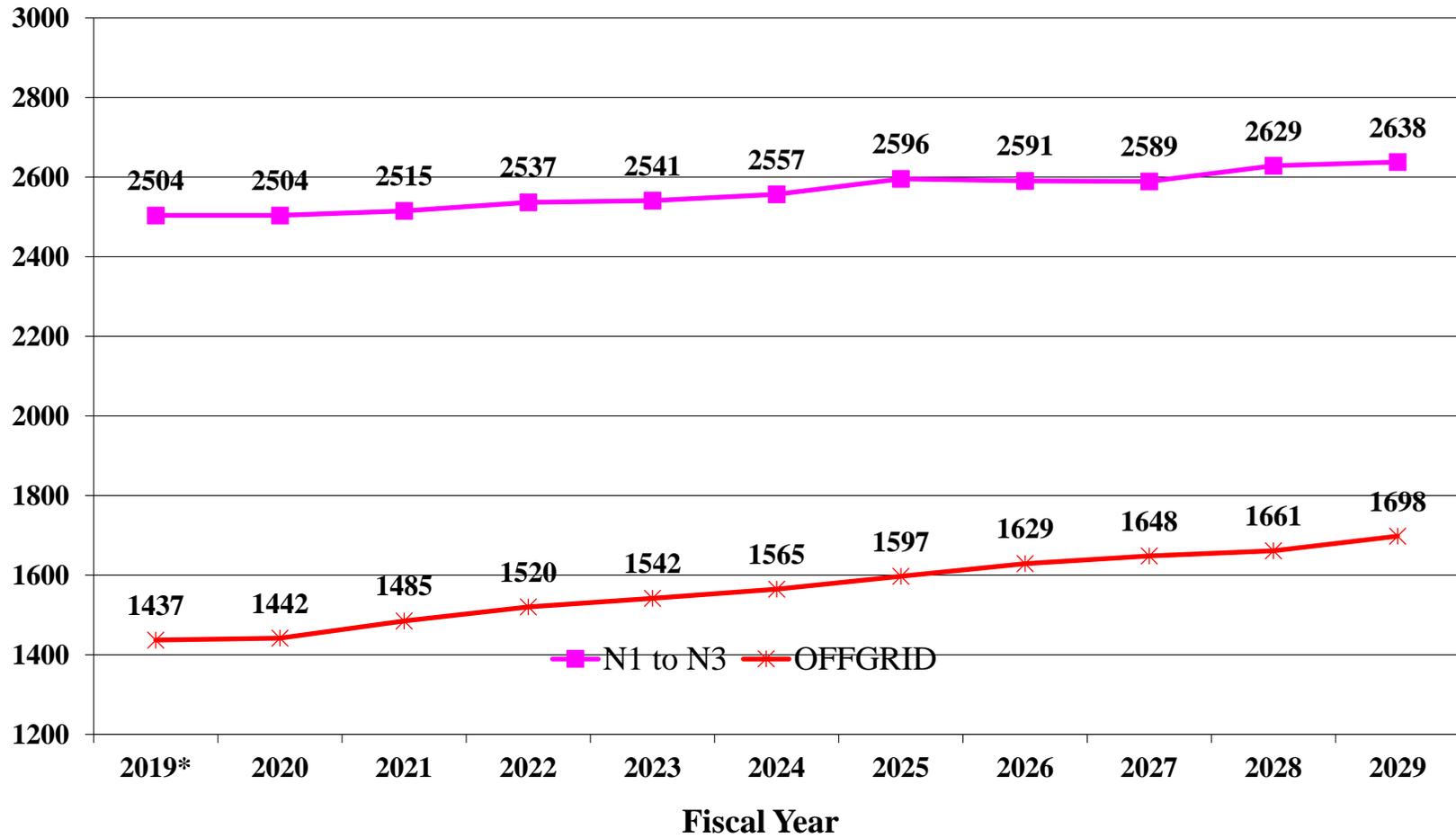
* Actual prison population on June 30, 2019.
This group accounts for 40.8% of the total projected prison population in FY 2029.

Figure 6: Projected N4-N6 Inmate Prison Population

Fiscal Year

* Actual prison population on June 30, 2019.
This group accounts for 16.4% of the total projected prison population in FY 2029.

Figure 7: Projected Nonviolent Inmate Prison Population

Fiscal Year

Figure 8: Projected Probation Condition Violator Inmate Population

* Actual prison population on June 30, 2019.
This group accounts for 12.8% of the total projected prison population in FY 2029.

Figure 9: Projected Parole/Postrelease Condition Violator Inmate Population

Fiscal Year
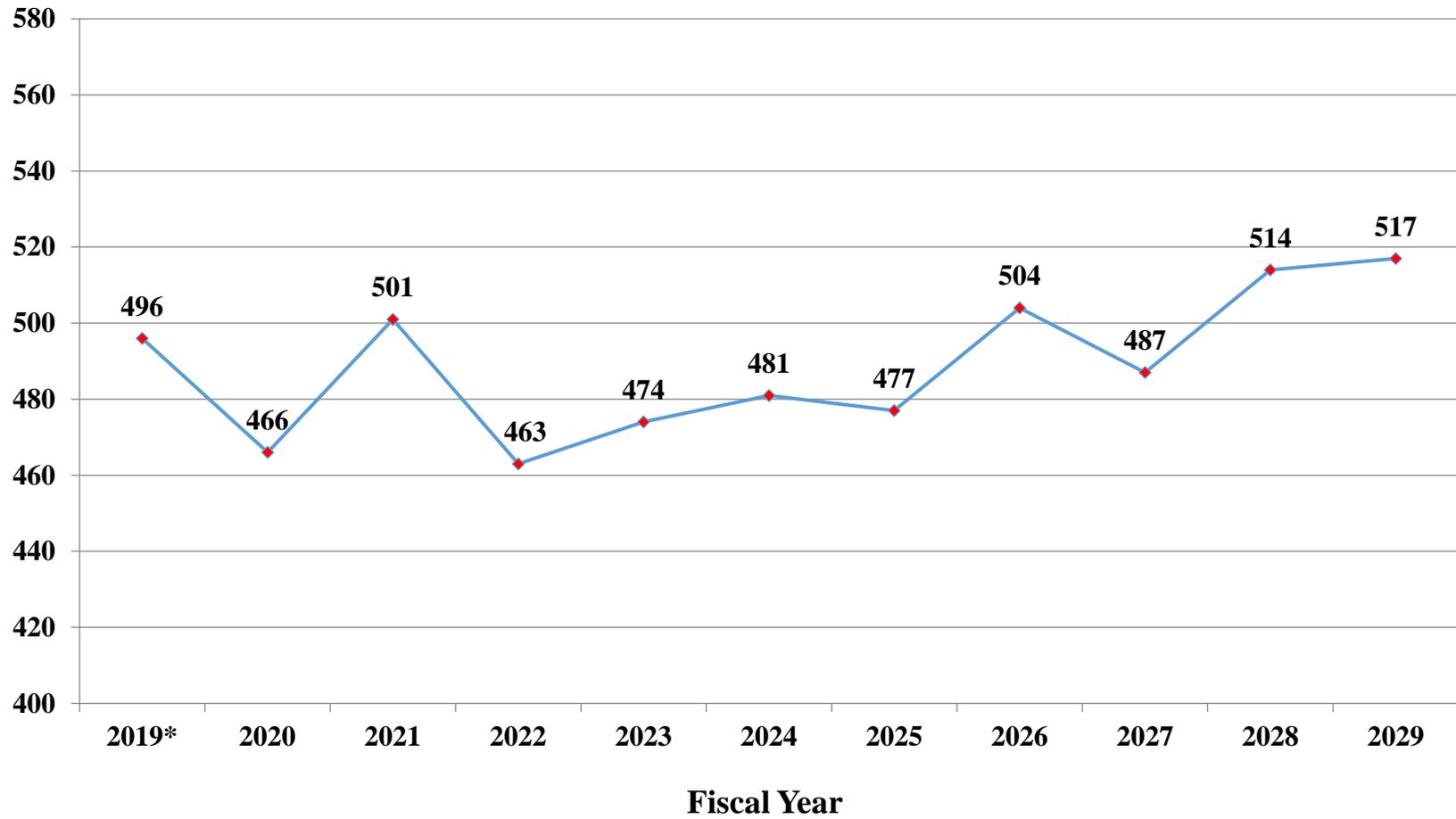
* Actual prison population on June 30, 2019.
This group accounts for 4.5% of the total projected prison population in FY 2029.

Figure 10: Projected Prison Sanction Inmate Population

Fiscal Year
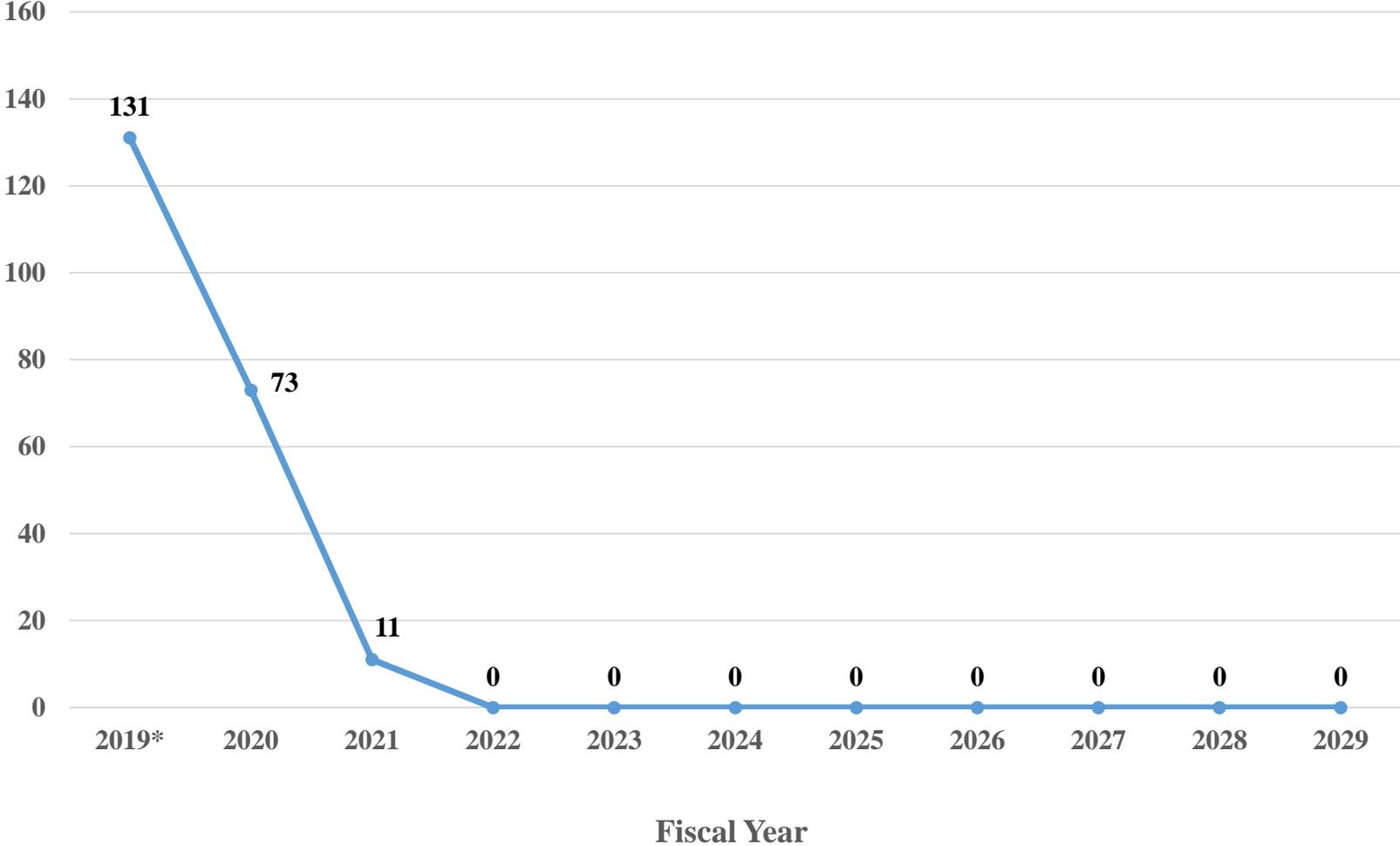
* Actual prison population on June 30, 2019.
This group accounts for 0% of the total projected prison population in FY 2029.

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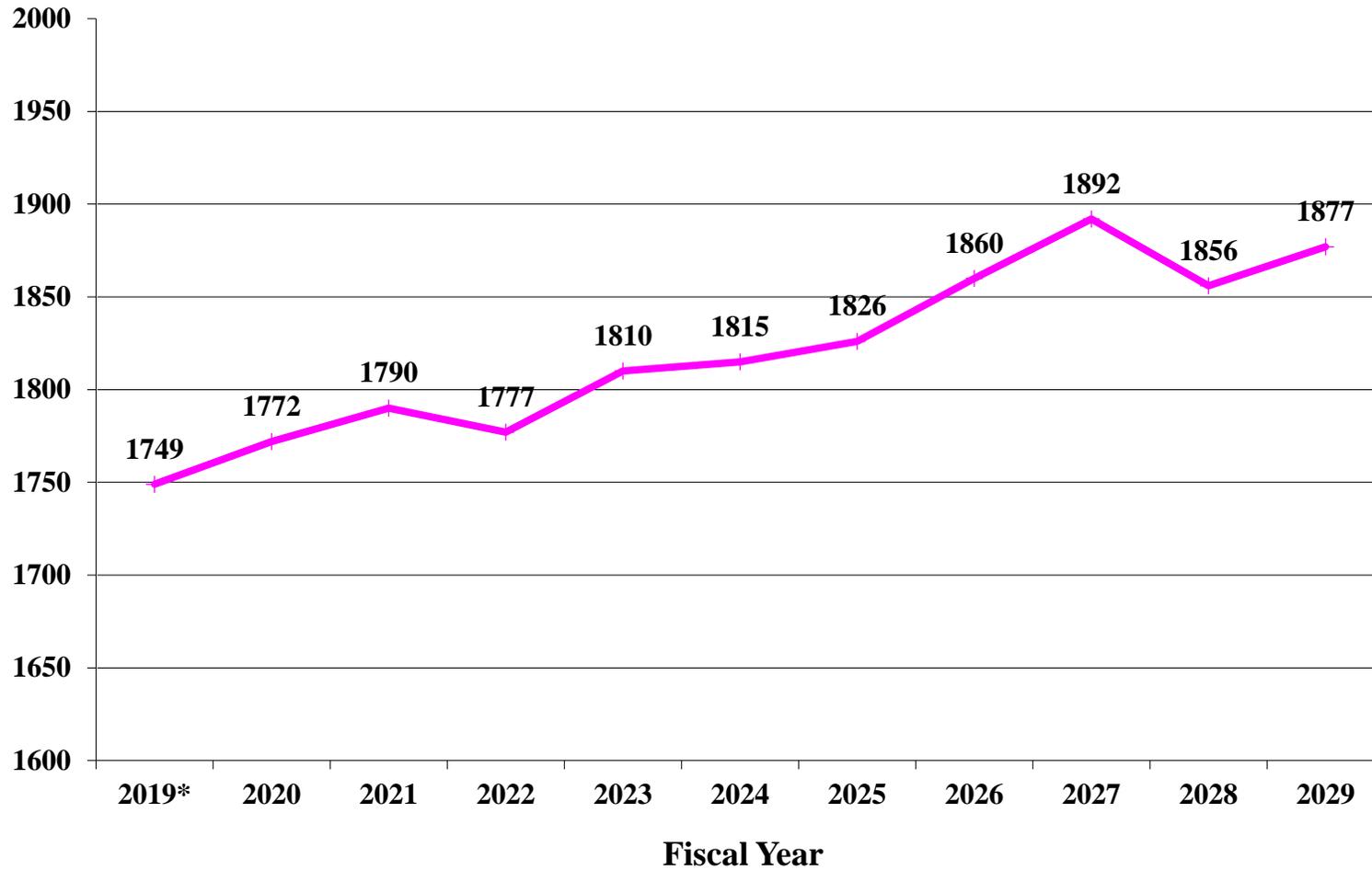

Fiscal Year
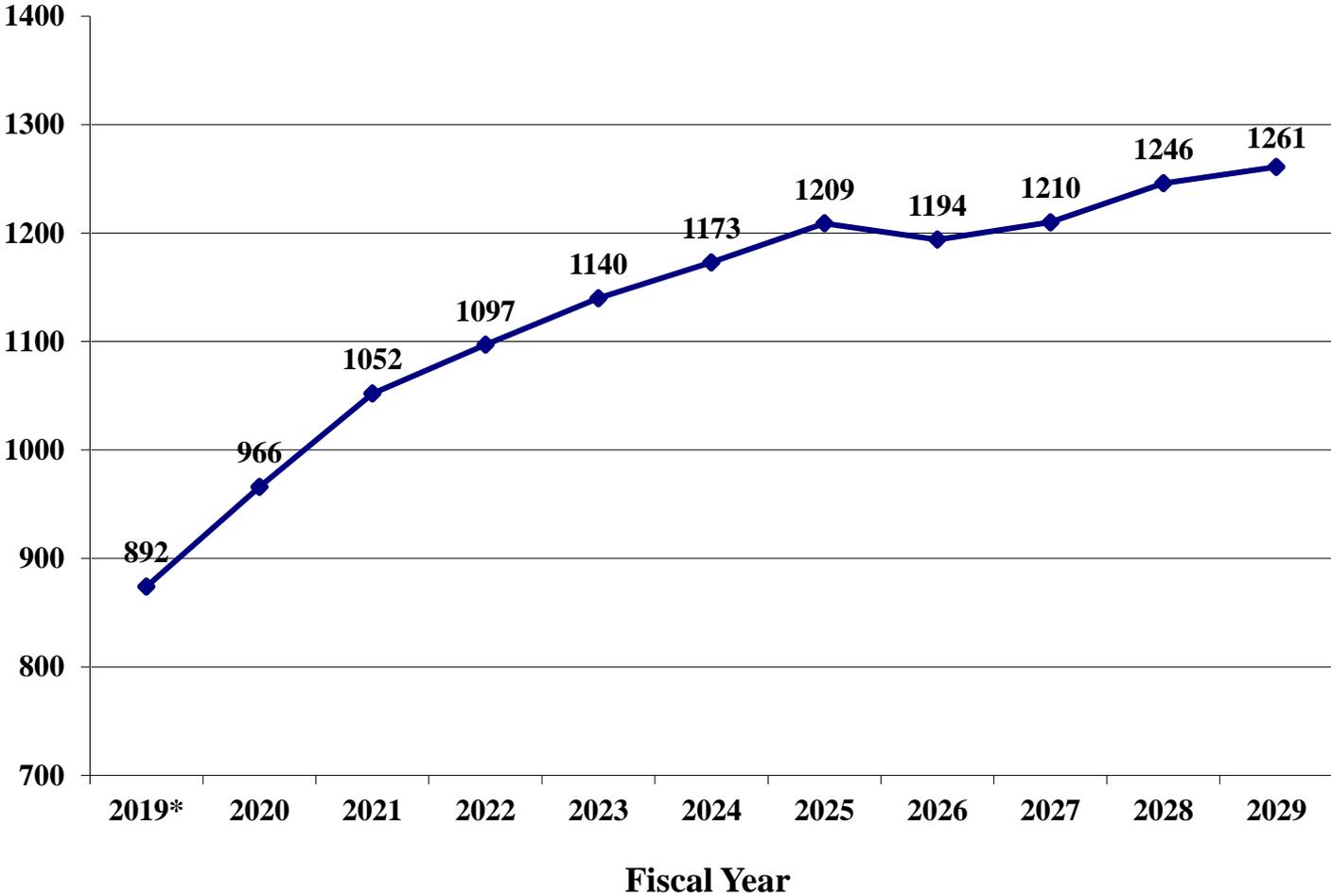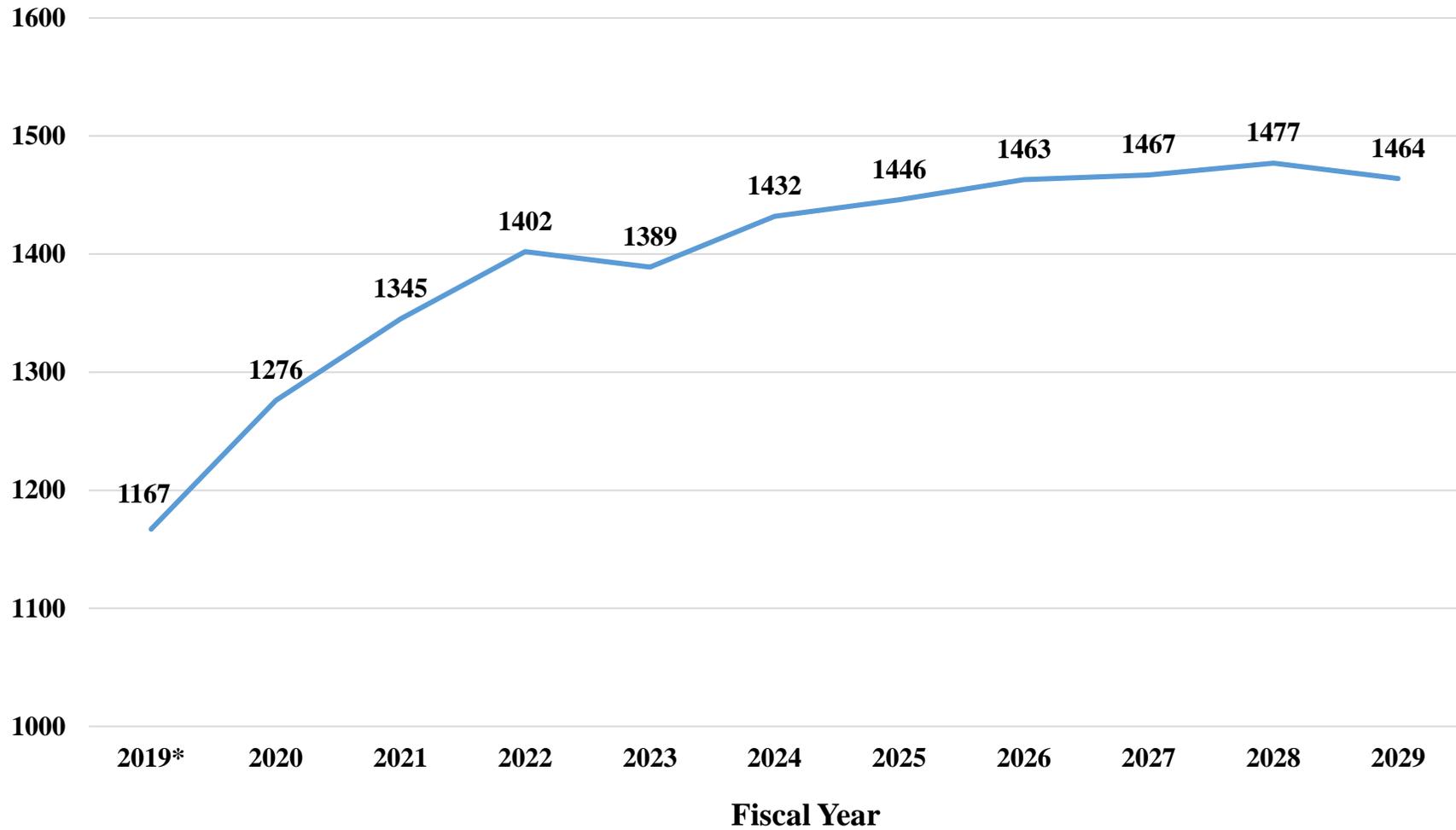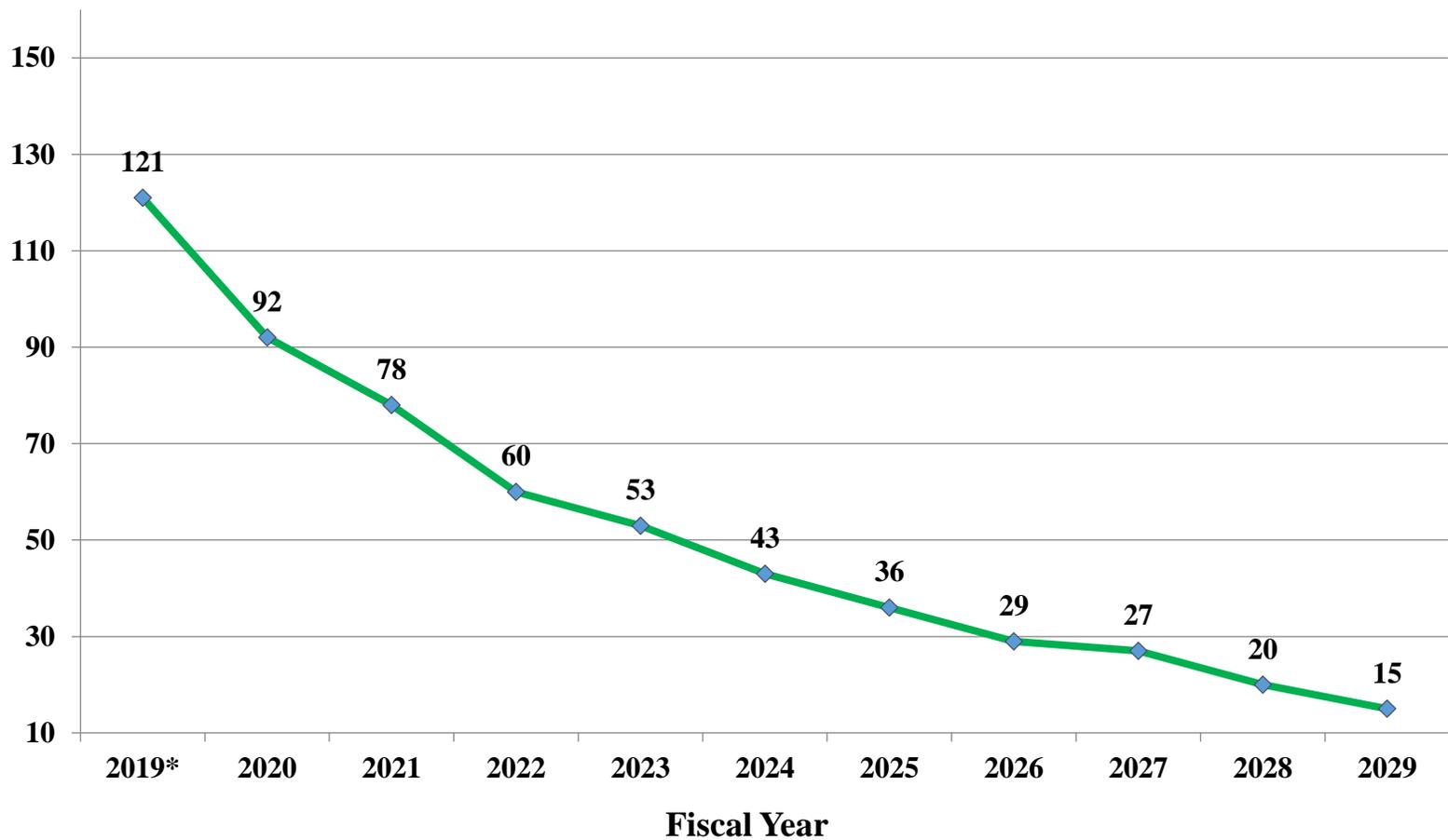
* Actual prison population on June 30, 2019.
This group accounts for 0.1% of the total projected prison population in FY 2029.

ATTACHMENT A - KANSAS PRISONER MOVEMENT SIMULATION MODEL

Kansas Prison Inmate Movement Simulation Model

Legend:
_ _ Returns
__ Next Step
. . . Consecutive Sentence

New Commitment

Indeterminate Sentence

Aggregated Sentence

Guideline Sentence

Parole

Condition Release

PIS

CRV

CRVWS

PISV

PISVWS

PV

PVWS

Other

Other

Discharge
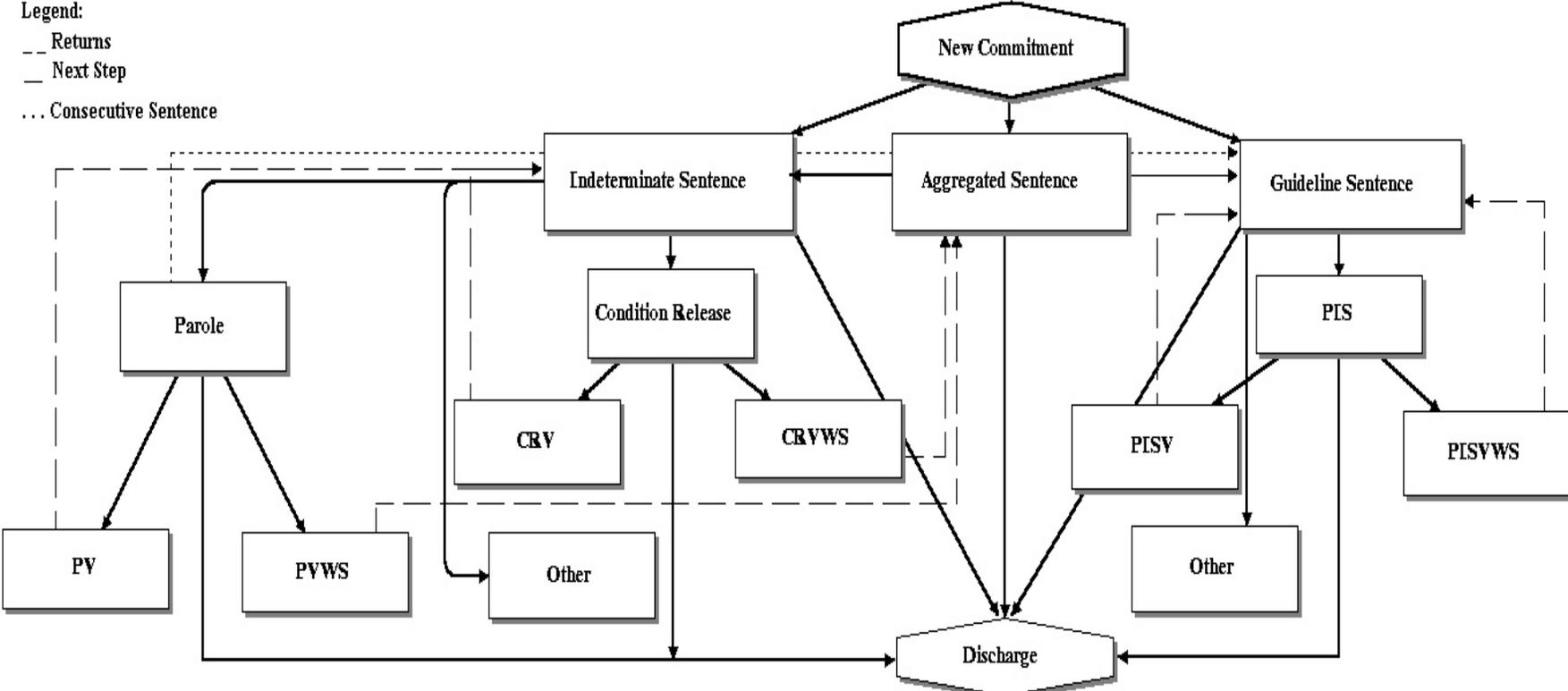
Note: PV=condition parole violator; PVWS=parole violator with new sentence; CRV=condition release violator; CRVWS=condition release violator with new sentence; PIS=post incarceration supervision; PISV=post incarceration supervision violator; PISVWS=post incarceration supervision violator with new sentence.

ATTACHMENT B - PRISON POPULATION PROJECTION MONITORING REPORT

Table 10: Prison Population Monthly Monitoring Report
FY 2019 Model

Month/Year	Projected	Actual	Difference	Percent Error
July 2018	10047	10039	8	0.08%
August 2018	10126	10043	83	0.83%
September 2018	10148	10060	88	0.87%
October 2018	10151	10147	4	0.04%
November 2018	10196	10038	158	1.57%
December 2018	10187	10029	158	1.58%
January 2019	10229	10100	129	1.28%
February 2019	10243	10098	145	1.44%
March 2019	10270	10105	165	1.63%
April 2019	10274	10152	122	1.20%
May 2019	10302	10076	226	2.24%
June 2019	10298	10044	254	2.53%

Table 11: Male Prison Population Monthly Monitoring Report
FY 2019 Model

Month/Year	Projected	Actual	Difference	Percent Error
July 2018	9128	9125	3	0.03%
August 2018	9187	9118	69	0.76%
September 2018	9201	9140	61	0.67%
October 2018	9211	9202	9	0.10%
November 2018	9237	9118	119	1.31%
December 2018	9222	9111	111	1.22%
January 2019	9249	9158	91	0.99%
February 2019	9268	9183	85	0.93%
March 2019	9285	9183	102	1.11%
April 2019	9298	9205	93	1.01%
May 2019	9316	9145	171	1.87%
June 2019	9320	9123	197	2.16%

Table 12: Female Prison Population Monthly Monitoring REPORT
FY 2019 Model

Month/Year	Projected	Actual	Difference	Percent Error
July 2018	919	914	5	0.55%
August 2018	939	925	14	1.51%
September 2018	947	920	27	2.93%
October 2018	940	945	-5	-0.53%
November 2018	959	920	39	4.24%
December 2018	965	918	47	5.12%
January 2019	980	942	38	4.03%
February 2019	975	915	60	6.56%
March 2019	985	922	63	6.83%
April 2019	976	947	29	3.06%
May 2019	986	931	55	5.91%
June 2019	978	921	57	6.19%

ATTACHMENT C - TREND ANALYSES

Table 13: Five Year Prison Admission Trend by Admission Type
FY 2015 Through FY 2019

Admission Type	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	% Change FY 2015-FY 2019	% Change FY 2018-FY 2019
New Court Commitment	1922	1986	2071	2019	1982	3.1%	-1.8%
Probation Condition Violator	1321	1180	1229	1458	1402	6.1%	-3.8%
Probation Prison Sanction	691	1003	1192	1197	1186	71.6%	-0.9%
Probation Violator with New Sentence	331	331	340	302	355	7.3%	17.5%
Probation Violator with New Conviction	168	188	182	149	68	-59.5%	-54.4%
Inmate Received on Interstate Compact	8	15	6	6	4	-50.0%	-33.3%
Parole/Post-release/CR Condition Violator	1219	1237	1201	1082	1091	-10.5%	0.8%
Parole/Post-release/CR Violator with New Sentence*	151	146	196	213	182	20.5%	-14.6%
Paroled to Detainer Returned with New Sentence	27	29	28	33	19	-29.6%	-42.4%
Non-Violator Return- New Sentence	35	49	48	73	83	137.1%	13.7%
Non-Violator Return- No New Sentence	3	0	4	10	16	433.3.7%	-60.0%
Total	**5876**	**6164**	**6497**	**6542**	**6388**	**8.7%**	**-2.4%**

Source: DOC admission files.

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

**Table 14: Comparative Analysis on Admission Type by Percentage Distribution
FY 2015 Through FY 2019**

Admission Type	FY 2015		FY 2016		FY 2017		FY 2018		FY 2019	
	N	%	N	%	N	%	N	%	N	%
New Court Commitment	1922	32.7	1986	32.2	2071	31.9	2019	30.9	1982	31.0
Probation Condition Violator	1321	22.5	1180	19.1	1229	18.9	1458	22.3	1402	21.9
Sanction from Probation	691	11.8	1003	16.3	1192	18.3	1197	18.3	1186	18.6
Probation Violator with New Sentence	331	5.6	331	5.4	340	5.2	302	4.6	355	5.6
Probation Violator with New Conviction	168	2.9	188	3.0	182	2.8	149	2.3	68	1.1
Inmate Received on Interstate Compact	8	0.1	15	0.2	6	0.1	6	0.1	4	0.1
Parole/Post-release/CR Condition Violator	1219	20.8	1237	20.1	1201	18.5	1082	16.5	1091	17.1
Parole/Post-release/CR Violator with New Sentence*	151	2.6	146	2.4	196	3.0	213	3.2	182	2.8
Paroled to Detainer Returned with New Sentence	27	0.5	29	0.5	28	0.4	33	0.5	19	0.3
Non-Violator Return- New Sentence	35	0.4	49	0.8	48	0.7	73	1.0	83	1.3
Non-Violator Return- No New Sentence	3	0.1	0	0.0	4	0.1	10	0.2	16	0.2
Total	**5876**	**100**	**6164**	**100**	**6497**	**100**	**6542**	**100**	**6388**	**100**

Source: DOC admission files.
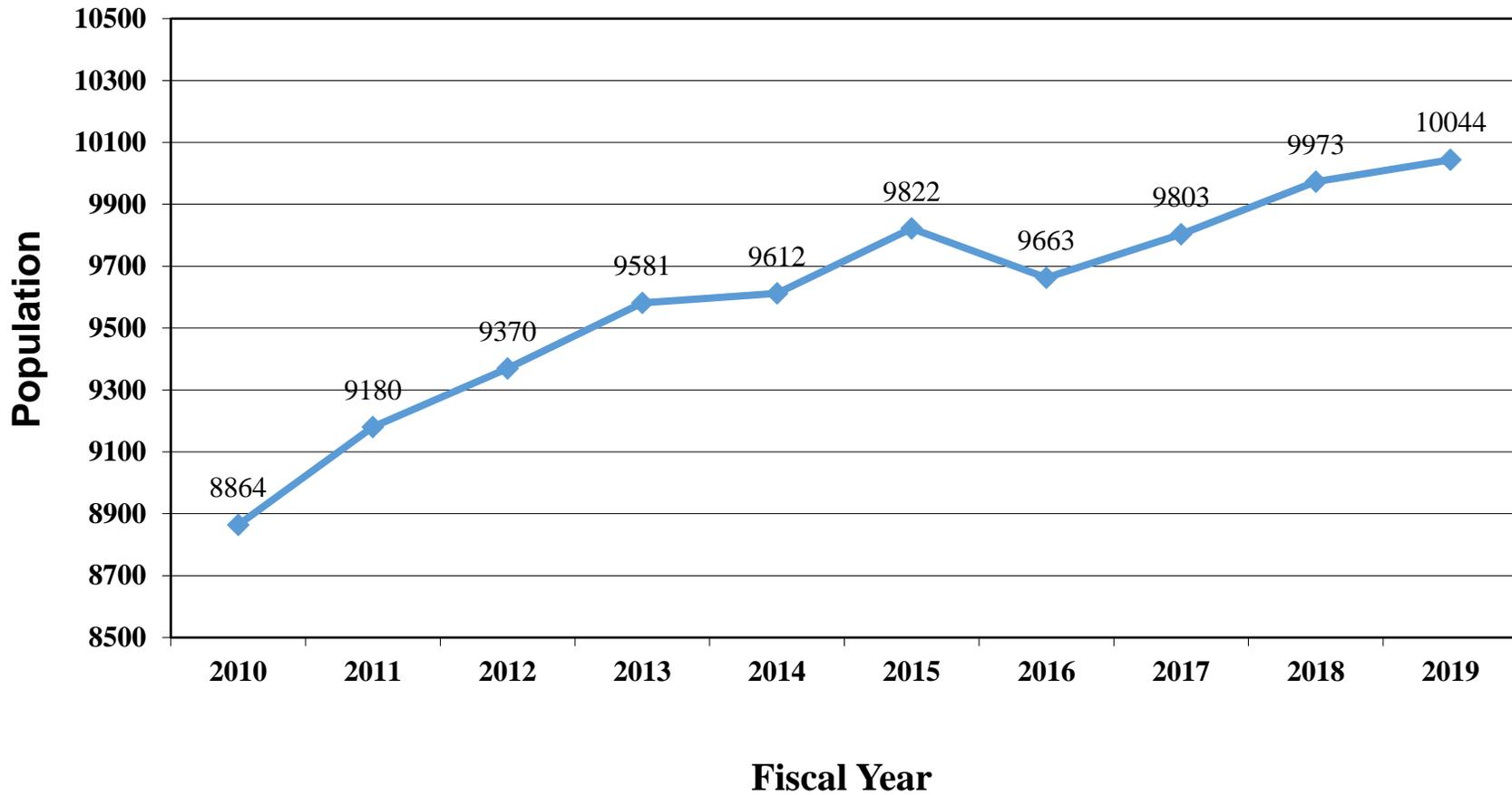*. Parole/postrelease/CR violator with new sentence in FY 2018 included one CR violator pending new sentence.

Figure 12: Prison Population Trends

Source: KDOC prison population files

Figure 13: Prison Admissions And Releases

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Admission	4966	4958	4993	5205	5307	5876	6164	6497	6542	6388
Release	4745	4637	4756	5043	5303	5659	6321	6342	6389	6323

Fiscal Year
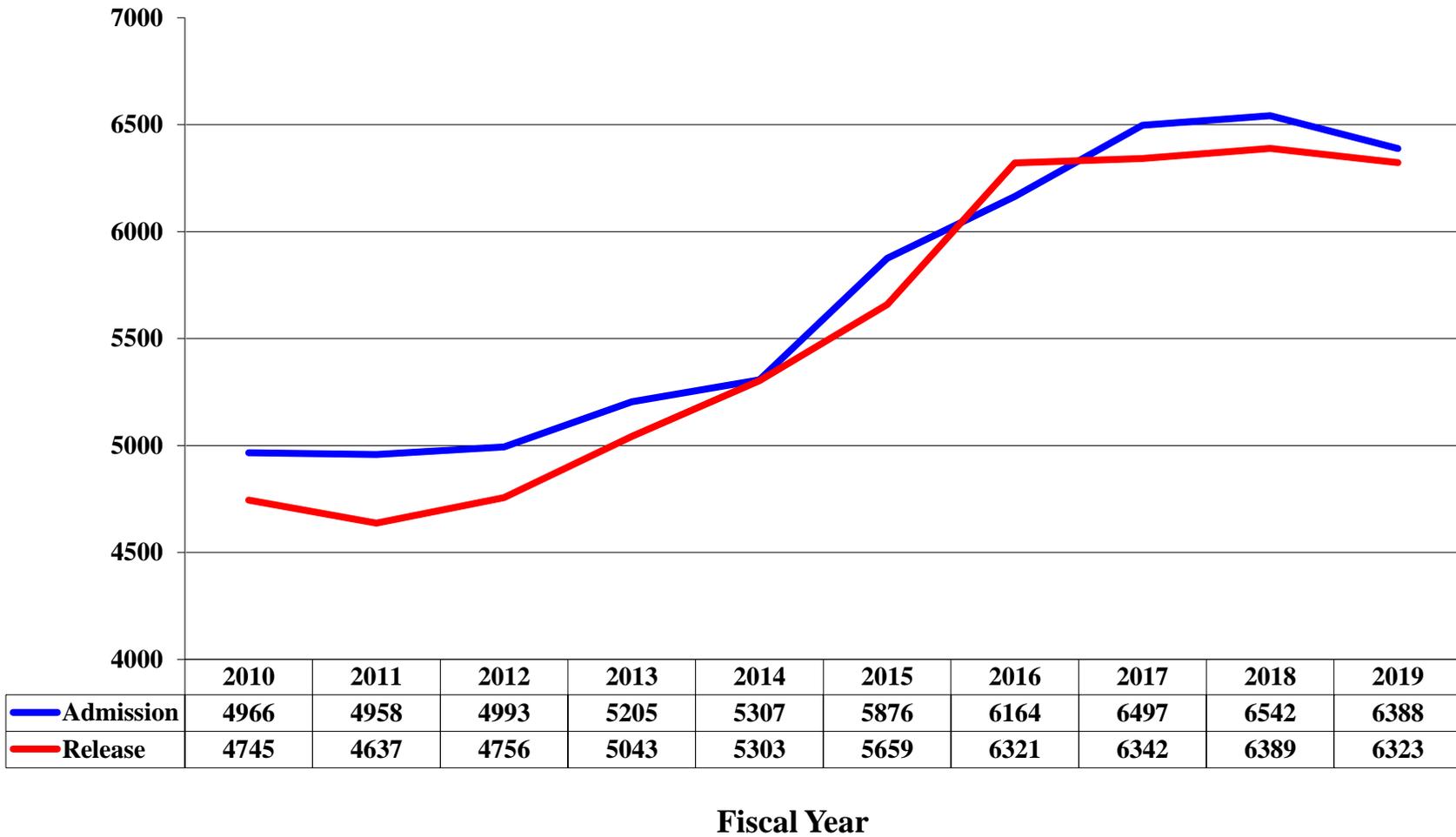
Source: KDOC admission and release files

Figure 14: Direct New Court Commitments

Source: KDOC admission files

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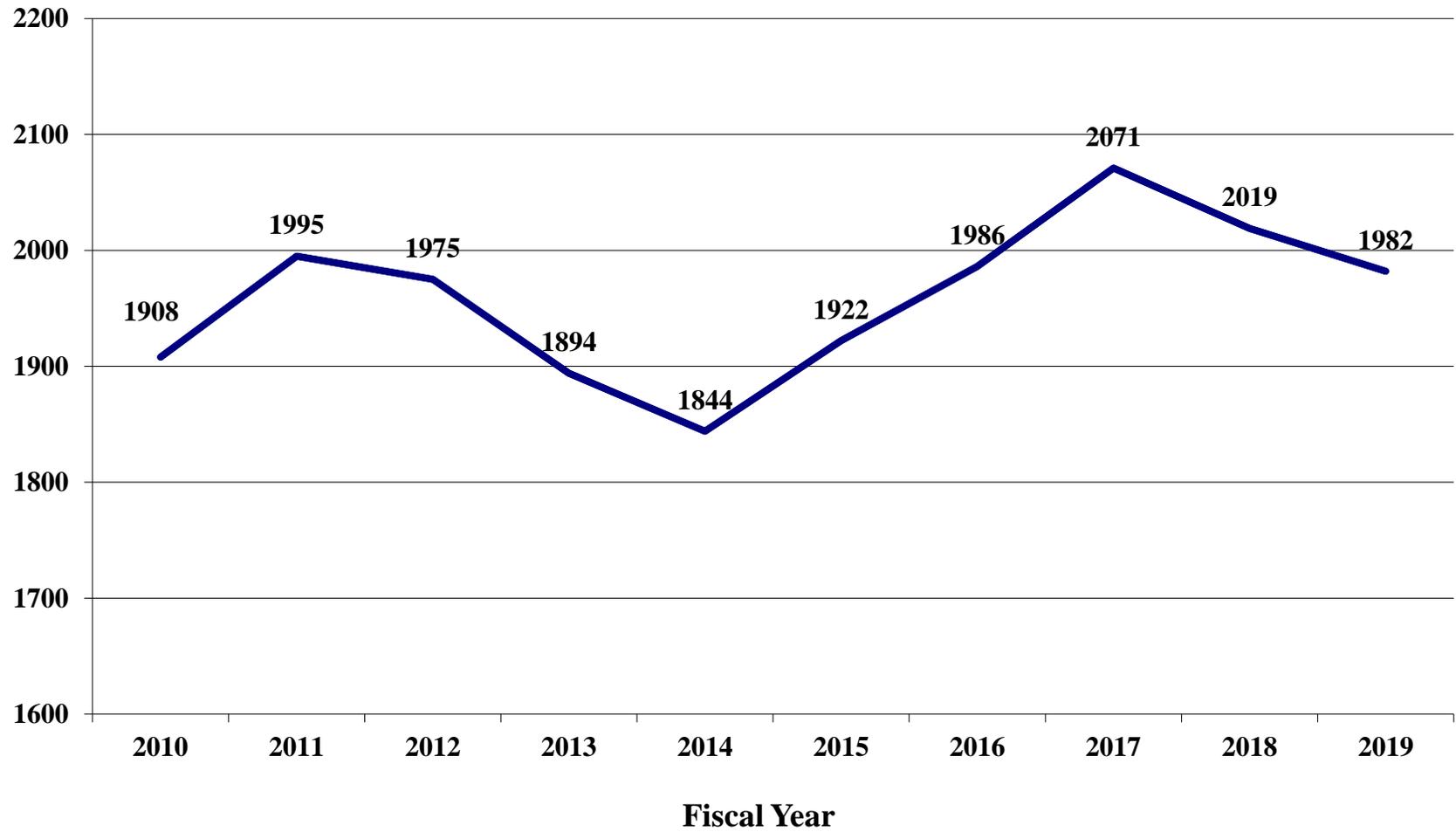
Figure 15: Probation Condition Violators
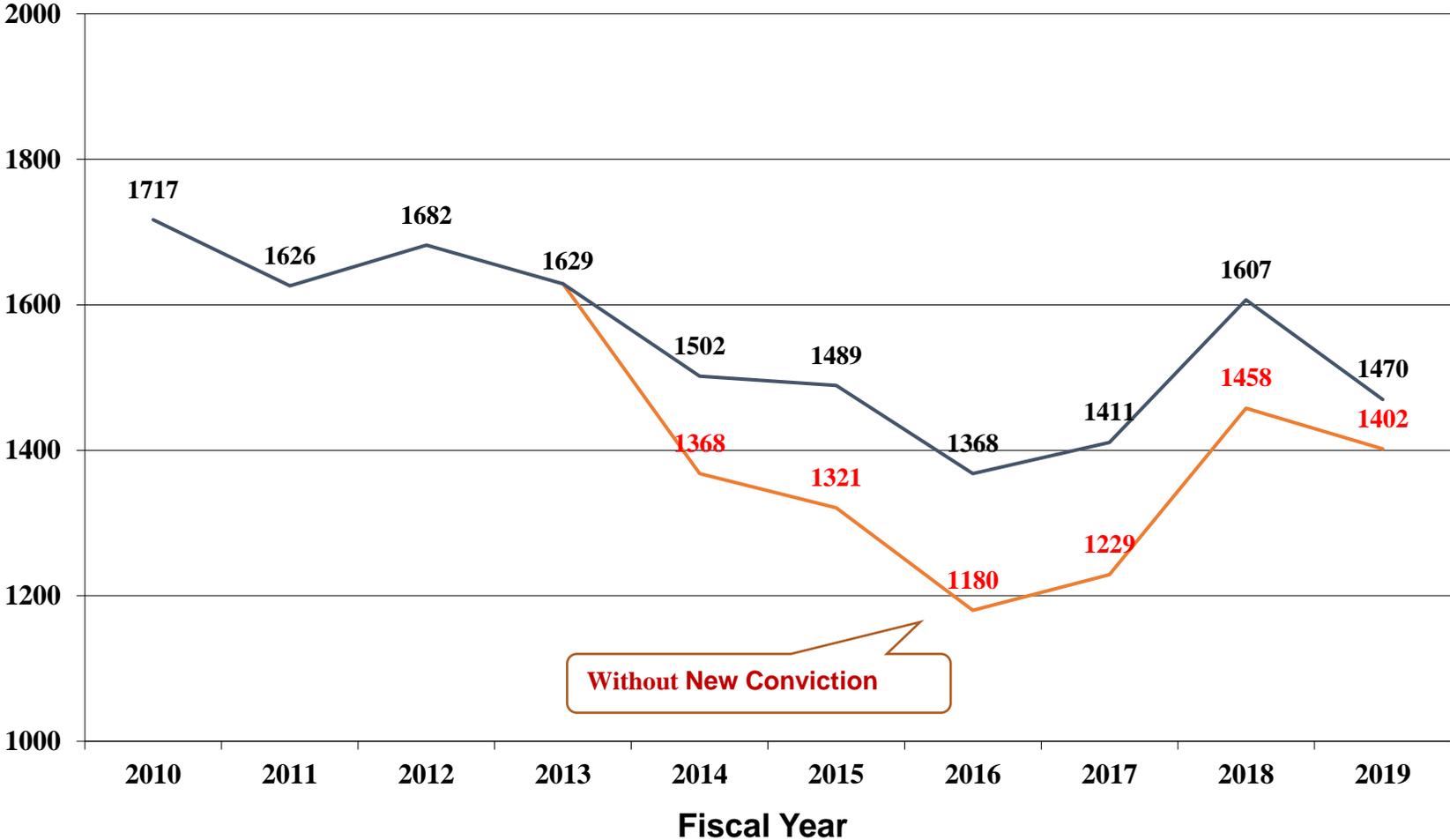
Note: New conviction has been seperated from probation condition violators since FY 2014.

Figure 16: Parole/Postrelease Condition Violators
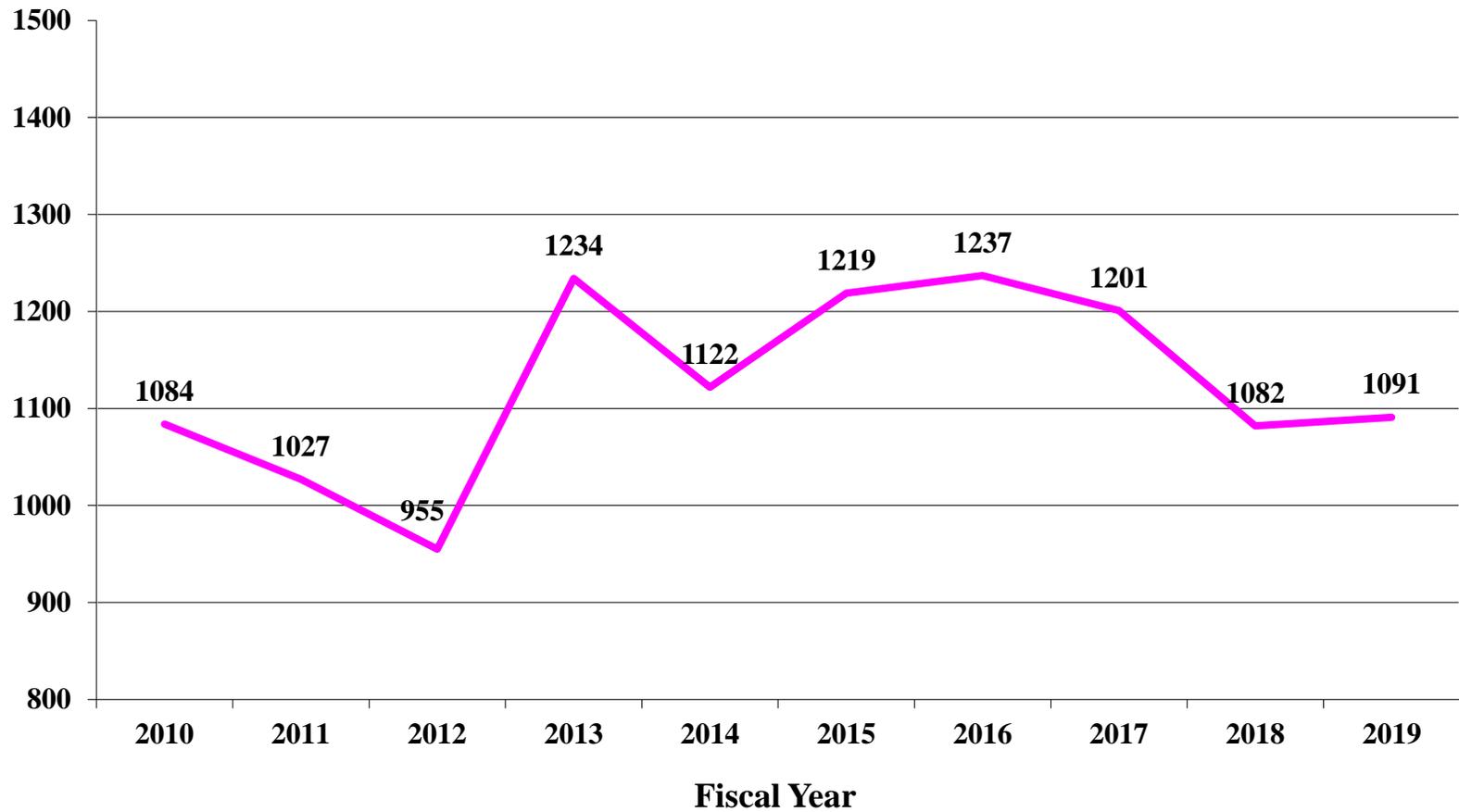
Figure 17: Admissions by Three Major Types
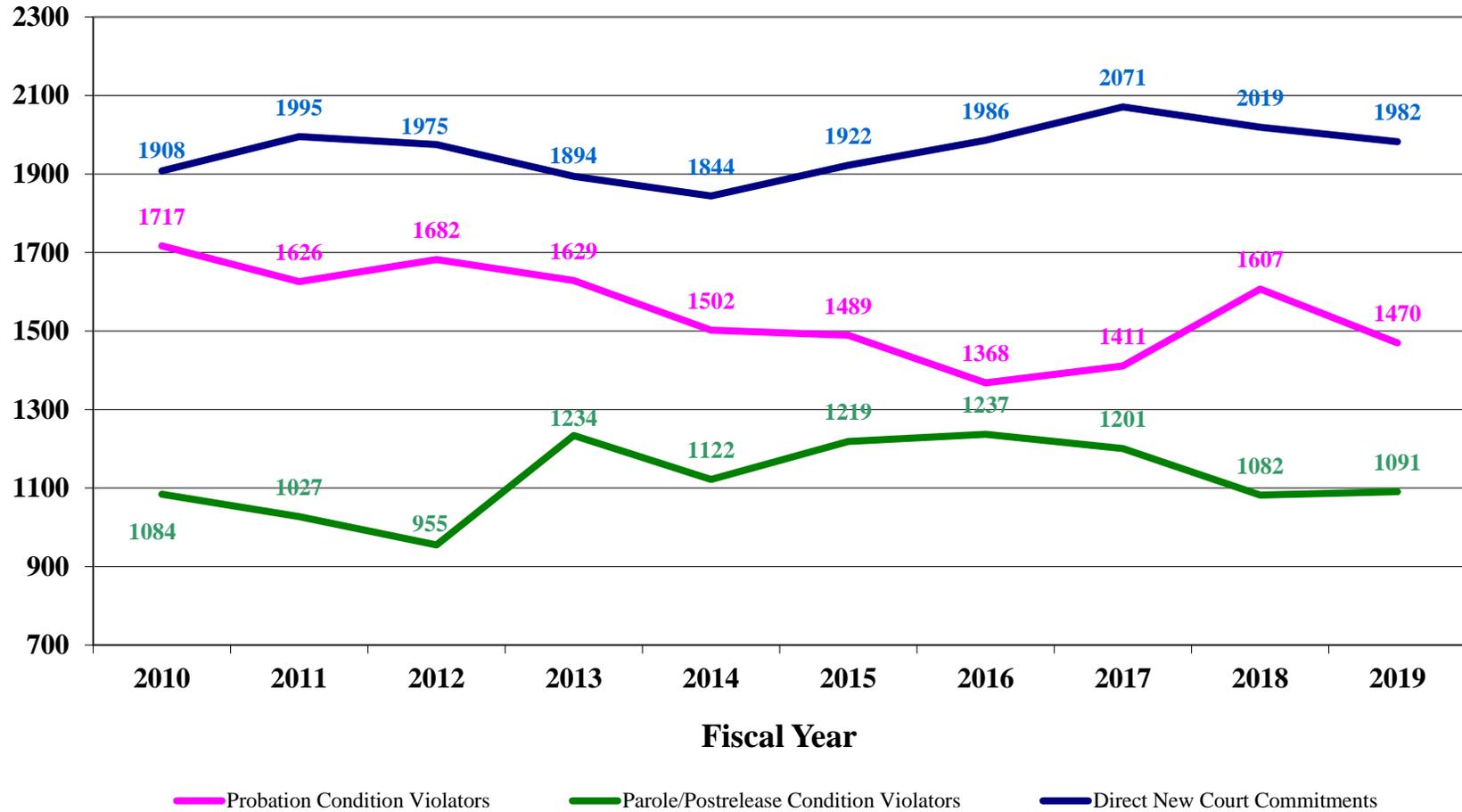
Note: FY 2014 through FY 2018 probation condition violators include probation violators with new conviction.

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

Fiscal Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Probation Violators with New Sentence	84	91	180	198	257	331	331	340	302	355
Parole/Postrelease Violators with New Sentence	141	161	141	177	185	151	146	195	212	182

—— Probation Violators with New Sentence　　—— Parole/Postrelease Violators with New Sentence
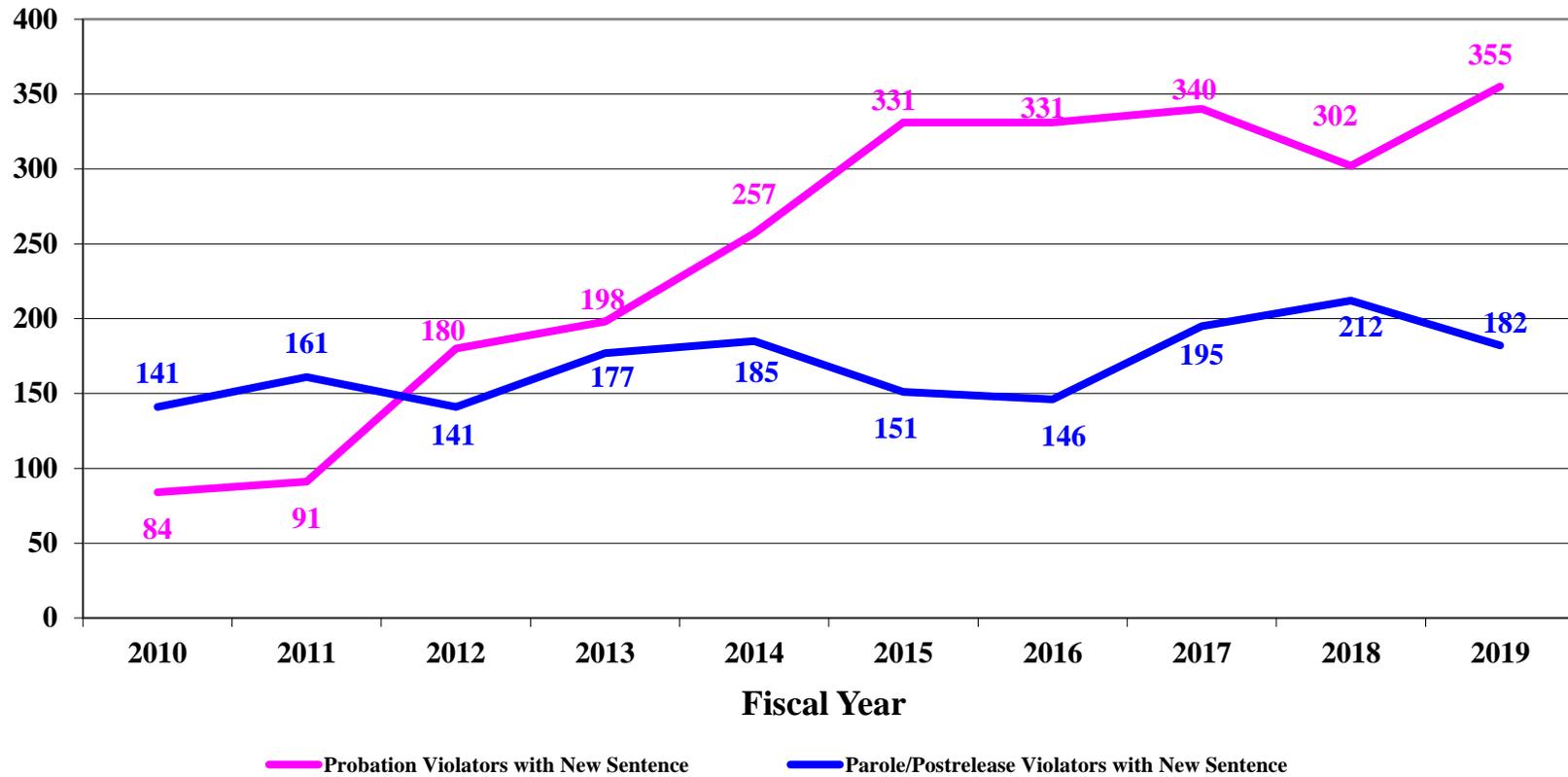
Source: KDOC admission files.
KDOC has changed probation violator with new sentence coding policy since FY 2011.

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Figure 19: Ten Year Prison Admission Trends by Admission Types

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
■ Direct New Court Commitment	1908	1995	1975	1894	1844	1922	1986	2071	2019	1982
■ Probation Condition Violators	1717	1626	1682	1629	1368	1321	1368	1411	1607	1470
■ Probation Violators w/New Sent	84	91	180	198	257	331	331	340	302	355
■ Parole/PIS Condition Violators	1084	1027	955	1234	1122	1219	1237	1201	1082	1091
■ Parole/PIS Violators w/New Sent	141	161	141	177	185	151	146	195	213	182

Fiscal Year

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ATTACHMENT D - GUIDELINE SENTENCING GRIDS

Table 15: Sentencing Range - Nondrug Offenses

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

Probation Terms are:

36 months recommended for felonies classified in Severity Levels 1-5
24 months recommended for felonies classified in Severity Levels 6-7
18 months (up to) for felonies classified in Severity Level 8
12 months (up to) for felonies classified in Severity Levels 9-10

Postrelease Supervision Terms are:

36 months for felonies classified in Severity Levels 1-4
24 months for felonies classified in Severity Level 5-6
12 months for felonies classified in Severity Levels 7-10

Postrelease for felonies committed before 4/20/95 are:

24 months for felonies classified in Severity Levels 1-6
12 months for felonies classified in Severity Level 7-10

LEGEND
Presumptive Probation
Border Box
Presumptive Imprisonment

Table 16: Sentencing Range - Drug Offenses

Categories→ Severity Level ↓	A 3 + Person Felonies	B 2 Person Felonies	C 1 Person & 1 Nonperson Felony	D 1 Person Felony	E 3 + Nonperson Felonies	F 2 Nonperson Felonies	G 1 Nonperson Felony	H 2 + Misdemeanors	I 1 Misdemeanor No Record
I	204 / 194 / 185	196 / 186 / 176	187 / 178 / 169	179 / 170 / 161	170 / 162 / 154	167 / 158 / 150	162 / 154 / 146	161 / 150 / 142	154 / 146 / 138
II	144 / 136 / 130	137 / 130 / 122	130 / 123 / 117	124 / 117 / 111	116 / 111 / 105	113 / 108 / 101	110 / 104 / 99	108 / 100 / 96	103 / 98 / 92
III	83 / 78 / 74	77 / 73 / 68	72 / 68 / 65	68 / 64 / 60	62 / 59 / 55	59 / 56 / 52	57 / 54 / 51	54 / 51 / 49	51 / 49 / 46
IV	51 / 49 / 46	47 / 44 / 41	42 / 40 / 37	36 / 34 / 32	**32 / 30 / 28**	**26 / 24 / 23**	**23 / 22 / 20**	**19 / 18 / 17**	**16 / 15 / 14**
V	42 / 40 / 37	36 / 34 / 32	**32 / 30 / 28**	**26 / 24 / 23**	22 / 20 / 18	18 / 17 / 16	16 / 15 / 14	14 / 13 / 12	12 / 11 / 10

Presumptive Probation
Border Box
Presumptive Imprisonment

- Fines not to exceed $500,000 (SL1-SL2), $300,000 (SL3-SL4), $100,000 (SL5)
- Severity level of offense increases one level if controlled substance or analog is distributed or possessed w/ intent to distribute on or w/in 1000 ft of any school property.

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

* ≤ 18 months for 2003 SB123 offenders
** Effective on July 1, 2015 - retroactive