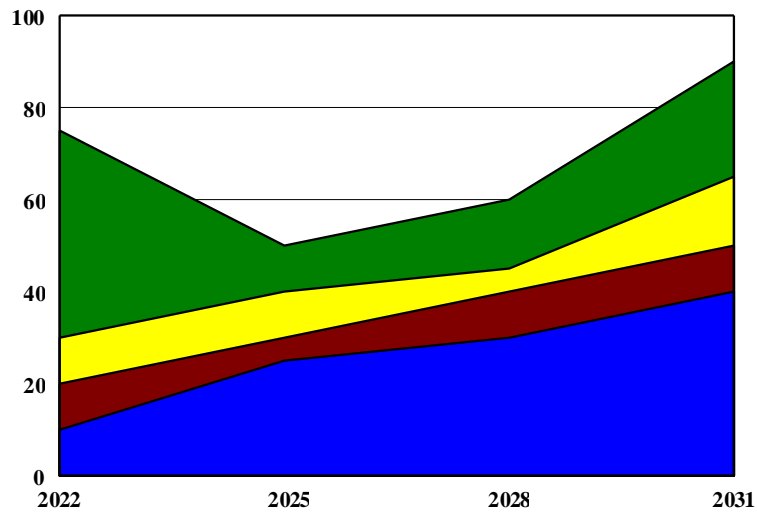


KANSAS SENTENCING COMMISSION

Fiscal Year 2022 Adult Inmate Prison Population Projections

Prison Population Projections



August 2021

Contents

OVERVIEW OF FY 2022 PRISON POPULATION PROJECTIONS	1
Prison Population and Admission	1
Length of Sentence and Stay.....	2
Forecast	2
METHODS AND ASSUMPTIONS.....	4
Source of Data Used for the Projections.....	4
Members of the FY 2022 Prison Population Projection Consensus Group:.....	5
FY 2021 Prison Population Projection Assumptions.....	6
FY 2021 PRISON POPULATION PROJECTIONS.....	17
ATTACHMENT A - Kansas Prisoner Movement Simulation Model.....	30
ATTACHMENT B - Prison Population Projection Monitoring Report	32
ATTACHMENT C - Trend Analyses	35
ATTACHMENT D - Guideline Sentencing Grids	46

List of Tables

Table 1: Prison Population Characteristics June 30, 2021	11
Table 2: Comparison of Actual Prison Population between FY 2020 and FY 2021.....	12
Table 3: Guideline Admission Characteristics FY 2021	13
Table 4: Comparison of Guideline New Commitments Admissions to Prison by Severity Level and Drug Offense FY 2016, FY 2020 and FY 2021.....	14
Table 5: Average Length of Sentence by Severity Level and Drug Offense FY 2016, FY 2020 and FY 2021.....	14
Table 6: Comparison between FY 2020 and FY 2021 Prison Admission by Type -Female.....	15
Table 7: Comparison between FY 2020 and FY 2021 Prison Admission by Type -Male	15
Table 8: Comparative Analysis of Parole/Postrelease Condition Violators between FY 2020 and FY 2021.....	16
Table 9: FY 2022 Prison Population Projections by Offender Group.....	18
Table 10: Prison Population Monthly Monitoring Report FY 2021 Model	33
Table 11: Male Prison Population Monthly Monitoring Report	33
Table 12: Female Prison Population Monthly Monitoring Report	34
Table 13: Five Year Prison Admission Trend by Type FY 2017 through FY 2021	36
Table 14: Comparative Analysis on Admission Type by Percentage Distribution FY 2017 through FY 2021.....	37
Table 15: Sentencing Range - Nondrug Offenses.....	47
Table 16: Sentencing Range - Drug Offenses.....	48

List of Figures

Figure 1: Kansas Prison Population -Actual and Projected	19
Figure 2: Male Prison Population -Actual and Projected	20
Figure 3: Female Prison Population - Actual and Projected.....	21
Figure 4: Projected Drug Inmate Prison Population	22
Figure 5: Projected Violent Inmate Prison Population	23
Figure 6: Projected N4-N6 Inmate Prison Population	24
Figure 7: Projected Nonviolent Inmate Prison Population	25
Figure 8: Projected Probation Condition Violator Population	26
Figure 9: Projected Parole/Postrelease Condition Violator Inmate Population.....	27
Figure 10: Projected Prison Sanction Inmate Population	28
Figure 11: Projected Old Law (Exclude Offgrid) Inmate Population.....	29
Figure 12: Prison Population Trends	38
Figure 13: Prison Admissions vs. Releases	39
Figure 14: Direct New Court Commitments.....	40
Figure 15: Probation Condition Violators.....	41
Figure 16: Parole/Postrelease Condition Violators.....	42
Figure 17: Prison Admissions by Three Major Types	43
Figure 18: Probation and Parole/Postrelease Violators with New Sentence	44
Figure 19: Ten Year Prison Admission Trends by Admission Type	45

OVERVIEW OF FY 2022 PRISON POPULATION PROJECTIONS

Prison Population and Admission

The Kansas prison population in FY 2021 indicated a decrease of 633 inmates or 6.9% when compared with that in FY 2020. In review of Kansas ten-year prison population trend, the FY 2021 prison population represented a decrease in the rate of growth compared to the previous year. In FY 2020, 8,556 inmates were incarcerated in state prison, indicating a decrease of 814 inmates from FY 2012 prison population¹.

When comparing the offender groups incarcerated in prison between FY 2020 and FY 2021, the largest percentage decrease occurred in the drug offender group, showing a 17.7% decrease or 261 inmates. Offgrid offenders and nondrug severity levels 1 to 3 decreased by 91 and 14 offenders respectively, nonviolent offenders (N4 to N6) decreased by 137, property crime offenders (N7 to N10) decreased by 81, probation condition violators decreased by 71 inmates, and pre-guideline (old law) inmates indicated a decrease of 21 inmates. Two groups saw an increase, including parole/postrelease condition violators by 24 inmates and sanction offenders by 19 inmates.

In FY 2021, the total prison admissions indicated a decrease of 983 admissions or 22.0% from last year, as well as an overall decrease of 3,007 admissions or 46.3% when compared to FY 2017. ^[2] The decrease in admissions was due to the decrease in every offender category. This decrease can be attributed to the COVID-19 pandemic. The overall admission of prison sanctions from probation in FY 2021 decreased by 72 compared to FY 2020. This is in addition to the 902 admission drop from FY 2019 to FY 2020. Since FY 2017 this population has decreased by 76.4%. This is the result of legislative measures enacted to abolish the use of prison sanctions for crimes committed after July 1, 2019.

When compared with FY 2019, direct new court commitments in FY 2021 displayed a decrease of 279 admissions or 17.6%, as well as a decrease of 763 or 36.8% from five years ago. In FY 2021, probation violators with new sentences decreased by 16.5% and 30.3% since 2017. Probation violators with new convictions decreased by 42.7% between FY 2020 and FY 2021 and decreased by 76.4% since FY 2017.

Further examining the admission types, in FY 2021 the number of parole/postrelease condition violators admitted to prison decreased by 346 offenders or 43.7%, as well as a decrease of 755 admissions or 62.9% from 2017. Parole/postrelease violators with new sentences admitted to prison in FY 2021 demonstrated a decrease of 19 admissions or 14.2% from FY 2020 and a decrease of 81 or 41.3% since 2017.

¹ See Figure 12, Page 38.

Length of Sentence and Stay

The average of length of sentence and stay of each severity level in FY 2021 varied. When compared with FY 2020, the average length of sentence of drug offenders indicated a decrease of 2.2 months. Five years ago, that sentence remained steady at 34.6 months. The largest increase occurred in the severity level 1 nondrug crimes. There, the average length of sentence increased by 2.9 months when compared with FY 2020 but is down 25.6 months compared to five years earlier. The average sentence length for nondrug severity level 3 represented the largest decrease (10.2 months) from FY 2020, followed by nondrug severity level 4 (9.5 months). While nondrug severity level 2 sentences have increased 63.8 months over a five-year period, there was a 2.8 month decrease in FY 2021. The average length of sentences of other nondrug severity levels stayed relatively stable during the last five years.²

When compared with FY 2019 inmate prison length of stay, the average length of stay in prison in FY 2020 for drug offenders decreased by 2.2 months (34.6), the average length of stay of nonviolent offenders (N7 to N10) increased by 1.7, 0.2, 0.6, and 1.3 months respectively, the average length of stay for violent crime offenders (N1 to N3) was 114.4 months, decreasing by over 2.5 months (116.9 v. 114.4); the average length of stay of less violent offenders (N4 to N6) decreased by 9.5, 1.2, and 1.6 months respectively. The average length of stay for guideline postrelease supervision condition violators indicated an increase of six-months (11.3 v. 5.3); and the average length of stay for pre-guideline parole condition violators was 29.6 months, indicating an decrease of 40.9 months (70.3 v. 29.4)³. Probation condition violators stayed in prison for an average 13.4 months, an increase of 3.1 months when compared with that in FY 2020 (10.4 v. 13.4).

Based on the 3,490 inmates released from prison in FY 2021, 54.4% of them (1,576 inmates) were eligible for program credits and 87.2% 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, non-violent inmates (N7-N10) account for the largest increase of 212 inmates over the ten-year forecast period. This is due to the increased sentence length within this group as well as higher admission rates. The second largest increase of prison population is the probation condition violators over the ten-year forecast period with an increase of 155 inmates. This increase is due to the abolition of prison sanctions and the high percentage of offenders revoked on probation. No other group saw an increase over the ten-year period. The largest decrease is the violent offender group (N1 to N3) with an decrease of 242 admissions. The decrease of this group is due to the drop in admissions during the COVID-19 pandemic, better plea bargains, and the inability to conduct trials during the pandemic.

² See Table 5, Page 14.

³ See Table 8, Page 16.

The second largest decrease in the prison population for the ten-year forecast period is the off-grid offenders with a decrease of 224 inmates⁴. The decrease of the offgrid prison population is similar to the violent offender group (N1-N3). It should be noted that a backlog of offgrid and violent offender admissions may occur if trial activity resumes as normal after the pandemic. This could greatly impact the 10-year forecast, however, without that data it is impossible to accurately predict an influx of inmates found guilty at trial. The prison population of less violent offenders (N4-N6) is forecasted to see the third largest decrease of 89 inmates over the ten-year forecast period. Drug inmates will see a decrease of 65 inmates over the ten-year forecast period.

Parole/postrelease condition violators indicate a decrease 38 less inmates projected over the ten-year forecast period, while prison sanctions are expected to decrease to zero inmates due to the passage of 2019 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 73 inmates in FY 2031.⁵

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 2019 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 155 additional inmates in FY 2031.

Overall, the FY 2022 prison population projections indicate that prison population will decrease during the forecast period. In FY 2031, the total prison population will drop to 8,172 inmates, a decrease of 384 inmates or 4.5% over the current population level.⁶ Offgrid and nondrug severity levels 1, 2 and 3 inmates will account for 41.2% of the projected prison population in FY 2031. Nondrug severity levels 4, 5 and 6 inmates will make up 16.9% and nonviolent inmates (N7 to N10) will consist of 10.9% of the projected prison population in FY 2031. The projected drug inmate prison population will represent 14.1% while parole/postrelease supervision condition violators will make up 2.5% of the forecasted prison population in FY 2031. Pre-guideline (old law) population, not including old law offgrid offenders, will account for 0.1% in FY 2031. Probation condition violators will make up 13.9% while prison sanction from probation offenders will account for 0.0 % of the projected population in FY 2031.

⁴ See Table 9, Page 18.

⁵ See Table 9, Page 18.

⁶ See Table 9, Page 18.

In FY 2031, male prison population will decrease to 7,415 inmates, a decrease of 413 inmates from the FY 2021 population. Female prison population will increase to 757 inmates, an increase of 31 inmates in FY 2031. Male inmates will account for 90.8% while female inmates will consist of 9.2% of the forecasted prison population in FY 2031.⁷

METHODS AND ASSUMPTIONS

Source of Data Used for the Projections

Data utilized for the FY 2022 prison population projections are based on the most recent felony sentencing information and current prison information from FY 2021. This data includes the automated and non-automated data files collected from the Kansas Department of Corrections (KDOC) and the FY 2021 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, 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.

⁷ See Figures 2 & 3, Pages 20 & 21.

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 2021 Prison Population Projection Consensus Group:

Bowman, Randall	Kansas Department of Corrections
Christie, Sean	Kansas Department of Corrections
Cooper, Hope	Kansas Department of Corrections
Fowler, Honorable Lee	5 th Judicial District Court
Grube, John	Kansas Sentencing Commission
Lamprecht, Jason	Kansas Sentencing Commission
Mounts, Melissa	Kansas Department of Corrections
Ogletree, Jonathan	Kansas Department of Corrections
Schultz, Scott	Kansas Sentencing Commission
Sexton, Honorable Benjamin	8 th Judicial District Court
Waldock, 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 2022 Prison Population Projection Assumptions

1. The model begins on July 1, 2021.
2. The model is based on FY 2021 data (July 1, 2020 - June 30, 2021).
3. This prison population projection is for a ten-year forecasting period (FY 2022 to FY 2031).
4. The projection model is designed to simulate all new commitments to prison, from FY 2022 and forward, under sentencing guidelines, with a determinate sentence length.
5. Admission Trends:
 - a) New Court Commitments. Direct new court commitments to prison in FY 2021 (offenders not on any type of supervision at the time of conviction and subsequent admission to prison) indicated a decrease of 17.6% or 279 admissions less when compared to FY 2020. Compared with FY 2017, the admissions to prison indicate a decrease of 36.8% or 763 admissions. FY 2017 demonstrated a total of 2,071 admissions; FY 2018 displayed a total of 2,019 admissions; FY 2019 showed a total of 1,982 admissions; and FY 2020 showed a total of 1,587 admissions; and FY 2021 showed a total of 1,308 admissions.
 - b) Probation Condition Violators. In FY 2021, 1,056 probation condition violators were admitted to prison, indicating a decrease of 13.9% or 170 admissions from FY 2020 and a decrease of 14.1% or 173 admissions from FY 2017. Probation condition violators admitted to prison during the five years were: 1,229 in FY 2017; 1,458 in FY 2018; 1,402 in FY 2019; 1,226 in FY 2020; and 1,056 in FY 2021. Of the 1,056 probation condition violators, 0 offenders received prison sanctions before full revocation at the same year. In FY 2020, 18 (or 1.5%) received prison sanctions before full revocation at the same year.
 - c) Prison Sanctions for Probation Condition Violators. In FY 2021, 206 probation condition violators (49 females and 157 males) received 212 prison sanctions. Six of the 206 offenders received two prison sanctions, including one female and five males. One received a second 120-day sanction and five received a second 180-day sanction. Of the 212 prison sanctions, 119 were 120 days; 91 were 180 days; two were 360 days. The average length of stay in prison was 18 days for the 120-day sanctions and 39 days for the 180-day sanctions. The number of prison sanctions in FY 2021 indicated a decrease of 72 sanctions or 25.4% when compared with last year's 284 sanctions and way down (82.1%) from FY 2019 sanctions of 1,186.
 - d) Probation Violators with New Sentence. Probation violators with a new sentence in FY 2021 indicated a decrease of 47 violators or 16.5% from last year. When compared with FY 2017 numbers, it indicated a decrease of 30.3% or 103 admissions. The number of probation violators with new sentence in the past five years were: 340 in FY 2017, 302 in FY 2018, 355 in FY 2019, 284 in FY 2020, and 237 in FY 2021.

- e) Probation Violators with New Conviction. In FY 2021, probation violators with new conviction decreased by 42.7% or 32 admissions when compared with that of FY 2020. Over the five-year period, probation violators with new conviction indicated a decrease of 76.4% or 139 violators.
- f) Total New Commitments: Rate of Growth⁸. The total new commitments of the above groups in FY 2021 decreased by 22.0% or 983 admissions when compared with that of 2020. The growth rates for new commitments in the past ten years are as follows:

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 1to FY 2019	-2.6%
FY 2019 to FY 2020*	-30.8%
FY 2020 to FY 2021*	-22.0%
<i>Average yearly growth rate (FY 2012 to FY 2021)</i>	-3.06%

*Due to the COVID-19 pandemic

Last year, the Consensus Group agreed to; a decrease in the growth rate of admissions for the first six months of FY 2021 of 5%; the second six months of FY 2021 would be no rate of growth (0%); FY 2022 would be a one-half (0.5%) rate of growth; and FY 2023 forward was a 1% annual growth rate. In FY 2022, the Consensus Group agreed to a continued decrease in the growth rate for the first few months of FY 2022 then a shift upward to one-half percent (0.5%) in growth by the end of FY22. From FY 2023 forward, the Consensus Group agreed to an annual growth rate of one percent (1%). The listed growth rates apply to both the male and female populations.

6. Guideline postrelease supervision condition violators may serve up to 180 days. The average length of stay for this group was 132 in FY 2017, 135 days in FY 2018, 129 days in FY 2019 and FY 2020, and 150 days in FY 2021. The Consensus Group agreed to use 40 days for this group in FY 2021 model. The consensus group agreed to use a 150-day average length of stay for the FY 2022 model.
7. In FY 2021, a total of 446 parole/postrelease and conditional release condition violators were returned to prison, indicating a decrease of 346 offenders when compared with last year. The Consensus Group agreed to use the return rate of 15 offenders per month for the first half of the year and 30 offenders per month for the last half. The actual average rate of parole/postrelease and conditional release condition violators was 37 offenders per month, indicating a decrease of 29 admissions per month. The Consensus Group agreed to 40 admissions per month for the 2022 model, for FY 2022 and forward.

⁸ Growth rate includes prison sanctions.

8. In FY 2021, a total of 115 parole/postrelease violators with new sentences were admitted to prison, representing a decrease of 14.2% or 29 admissions when compared with the admissions of FY 2020. In review of the past five years' data, parole/postrelease violators with new sentence in FY 2018 indicated the highest in numbers. (FY 2017-196, FY 2018-213, FY 2019-182, FY 2020-134, and FY 2021-115). Last year, the Consensus Group agreed to use 195 returns for this group in FY 2021 model. For the FY 2022 model, the Consensus Group agreed to lower that number down to 135 returns.
9. SB 18 – Prison sanctions for probation condition violators - Removing the 120-day or 180-day prison sanctions for probation condition violators.

In FY 2021, 206 probation condition violators (49 females and 157 males) received 212 prison sanctions. The Consensus Group agreed in the FY 2021 model to a total of 50 sanction admissions for FY 2021, and zero (0) from FY 2022 forward. In FY 2021, the sanction population was only reduced by 25.4% or 72 admissions, representing an overestimation of the sanction population. The Consensus Group agreed that the expected elimination will take a couple of years longer than initially expected, and thus recommended a 50% cut for FY 2022, another 50% cut in FY 2023, then drop to zero (0) sanction admissions from FY 2024 forward.

KEY FINDINGS OF FISCAL YEAR 2021 DATA

1. A total number of 8,556 offenders were incarcerated in KDOC on June 30, 2021, representing a decrease of 633 offenders when compared with that of FY 2020. Of the total number, 8,244 were guideline offenders, 307 were pre-guideline offenders, and 5 were nongrid offenders. Nearly all the pre-guideline offenders were offgrid, nondrug severity levels 1 to 3 offenders and parole condition violators, representing 98.1% of this group.
2. In FY 2021, 3,490 offenders were admitted to prison, representing the lowest number in over five years. Of those 3,490 offenders, new commitments (including prison sanctions from probation) accounted for 81.8% or 2,856 admissions, which included 37.5% direct new court commitments, 30.3% probation condition violators, 6.1% prison sanctions, 6.8% probation violators with new sentence and 1.2% new conviction.
3. Compared with FY 2020, the total number of new commitments sentenced to prison in FY 2021 decreased by 17.4% or 600 admissions. Among the total of new commitments to prison, direct new court commitments accounted for 1,308 admissions, demonstrating a decrease of 17.6% or 279 admissions. Probation condition violators indicated a decrease of 13.9% or 170 admissions. Prison sanctions from probation decreased by 25.4% or 72 sanctions. Probation violators with new sentence showed a decrease of 16.6% or 47 offenders. Probation violators with new conviction showed a decrease 42.7% or 32 admissions.
4. In FY 2021, 206 probation condition violators (50 females and 156 males) received a total of 212 prison sanctions. Of the 212 sanctions, 119 were 120 days; 91 were 180 days and 2 for 360 days. Six offenders received two prison sanctions, including four males and two females. The average length of stay in prison was 18 days for the 120 days and 40 days for the 180 days.
5. Parole/post-release condition violators and conditional release violators made up 12.8% or 446 admissions of the total admissions in FY 2021, indicating a decrease of 43.7% or 346 admissions from that of FY 2020.
6. The average length of sentence of probation condition violators in FY 2021 was 24.02 months. The average jail credit was 210.4 days or 6.9 months and the average length of stay in prison was 13.2 months. These numbers were slightly higher than what was reported last year. Further examination of this group displayed that 96% 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 2021 was calculated to be 70.3 months, indicating increase of 40.9 months from the length of stay observed during FY 2020 (29.4 months). The average length of stay for the guideline postrelease supervision condition violators in FY 2021 was 11.3 months (346 days), 185 days more than the average length of stay in FY 2020 (5.3 months or 161days).

8. Compared with FY 2011, the average lengths of sentence of the guideline nondrug sentences in FY 2021 changed as such:
 - Severity level one – 2.9-month increase
 - Severity level two – 2.8-month decrease
 - Severity level three – 10.2-month decrease
 - Severity level four – 9.5-month decrease
 - Severity level five – 1.2-month decrease
 - Severity level six – 1.6-month decrease
 - Severity level seven – 1.7-month increase
 - Severity level eight – 0.2-month increase
 - Severity level nine – 0.6-month increase
 - Severity level ten – 1.3-month increase
 - The number of admissions of nondrug crimes decreased across all severity levels, but severity level 10. The number of admissions decreased as follows: SLV 1 – (35), SLV 2 – (3), SLV 3 – (37), SLV 4 – (14), SLV 5 – (17), SLV 6 – (44), SLV 7 – (35), SLV 8 – (19), SLV 9 – (60). SLV 10 increased by 2.
9. During FY 2021, the admissions of parole/postrelease violators with new sentences (including conditional release violators with new felony sentences) indicated a decrease of 19 admissions or 14.2% when compared with the returns in FY 2020 (115 vs. 134).
10. In FY 2021, 786 drug offenders were admitted to prison, indicating a decrease of 259 admissions when compared with that of FY 2020. Of this number, 270 were new court commitments, 420 probation condition violators, 75 probation violators with new sentence and 21 probation violators with new conviction. The average length of the drug sentences was 34.6 months, indicating a decrease of 2.2 months when compared to that of 2020 (34.6 vs. 36.8).

**Table 1: Prison Population Characteristics
6/30/2021**

Severity Level	Pre-Guideline		Guideline		Total	
	Number	Percent	Number	Percent	Number	Percent
D1	0	0.0%	154	1.8%	154	1.8%
D2	0	0.0%	323	3.8%	323	3.8%
D3	0	0.0%	346	4.0%	346	4.0%
D4	0	0.0%	67	0.8%	67	0.8%
D5	0	0.0%	324	3.8%	324	3.8%
N1	47	0.5%	1082	12.6%	1129	13.2%
N2	38	0.4%	197	2.3%	235	2.7%
N3	28	0.3%	1088	12.7%	1116	13.0%
N4	3	0.0%	308	3.6%	311	3.6%
N5	1	0.0%	868	10.1%	869	10.2%
N6	0	0.0%	292	3.4%	292	3.4%
N7	2	0.0%	474	5.5%	476	5.6%
N8	0	0.0%	69	0.8%	69	0.8%
N9	0	0.0%	132	1.5%	132	1.5%
N10	0	0.0%	3	0.0%	3	0.0%
Offgrid	138	1.6%	1291	15.1%	1429	16.7%
Probation Condition Violators		0.0%	974	11.4%	974	11.4%
Sanction from Probation	0	0.0%	20	0.2%	20	0.2%
Parole/Postrelease Condition Violators	50	0.6%	232	2.7%	282	3.3%
Subtotal	307	3.6%	8244	96.4%	8551	99.9%
Nongrid/Unknown					5	0.1%
Total					8556	100.0%

Source: DOC prison population file.

Table 2: Comparison between Actual Prison Population - FY 2020 & FY 2021

Offender Group	2020	2021	Difference	% Increase/ Decrease
Drug	1475	1214	-261	-17.7%
N1 to N3	2494	2480	-14	-0.6%
N4 to N6	1609	1472	-137	-8.5%
N7 to N10	761	680	-81	-10.6%
Sanction from Probation	1	20	19	1900.0%
Probation Condition Violators	1045	974	-71	-6.8%
Offgrid Including Old Law Lifer	1440	1349	-91	-6.3%
Parole/Post Release Violators	258	282	24	9.3%
Old Law Inmates*	106	85	-21	-19.8%
Total	9189	8556	-633	-6.9%

Source: DOC prison population files.

Table 3: Guideline Admission Characteristics - FY 2021

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	16	0.6%	91.3	279.5	6.3	0.0	0.0
D2	54	1.9%	83.2	284.3	37.0	7.4	1.9
D3	92	3.2%	55.9	228.8	18.5	9.8	1.1
D4	63	2.2%	27.6	247.4	44.4	7.9	3.2
D5	561	19.7%	25.6	213.5	63.1	10.2	3.0
N1	43	1.5%	249.7	516.9	0.0	0.0	0.0
N2	7	0.2%	283.4	796.4	0.0	0.0	0.0
N3	119	4.2%	98.9	448.7	7.6	4.2	0.0
N4	65	2.3%	58.7	303.8	15.4	4.6	1.5
N5	217	7.6%	57.5	352.1	22.1	15.2	1.4
N6	149	5.2%	38.1	263.8	24.2	15.4	1.6
N7	486	17.1%	31.1	254.7	43.6	10.9	1.2
N8	238	8.4%	19.1	229.2	51.7	9.2	2.1
N9	455	16.0%	14.0	181.4	39.8	4.4	1.1
N10	28	1.0%	10.5	147.5	53.6	7.1	0.0
Unknown/NON	4	0.1%	-	-	N/A	N/A	N/A
Offgrid	40	1.4%	-	-	N/A	N/A	N/A
Sanction	212	7.4%	-	-	N/A	N/A	N/A
Total	2849	100.0%					

Source: DOC admission file.

**Table 4: Comparison of Guideline New Commitments
Admissions to Prison by Severity Level and Drug Offense
FY 2016, FY 2020 and FY 2021**

Severity Level & Offense	FY 2016	FY 2020	FY 2021	Difference Between 2016 & 2021	Difference Between 2020 & 2021
N1	74	78	43	-31	-35
N2	18	10	7	-11	-3
N3	173	156	119	-54	-37
N4	86	79	65	-21	-14
N5	375	234	217	-158	-17
N6	147	193	149	2	-44
N7	557	521	486	-71	-35
N8	320	257	238	-82	-19
N9	666	515	455	-211	-60
N10	75	26	28	-47	2
Drug	1098	1045	786	-312	-259
Total	3589	3114	2593	-996	-521

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 2016, FY 2020 And FY 2021**

Severity Level & Offense	FY 2016	FY 2020	FY 2021	Difference Between 2016 & 2021 (Month)	Difference Between 2020 & 2021 (Month)
N1	275.3	246.8	249.7	-25.6	2.9
N2	219.6	286.2	283.4	63.8	-2.8
N3	103.6	109.1	98.9	-4.7	-10.2
N4	76.8	68.2	58.7	-18.1	-9.5
N5	59.4	58.7	57.5	-1.9	-1.2
N6	40.5	39.7	38.1	-2.4	-1.6
N7	29.9	29.4	31.1	1.2	1.7
N8	18.4	18.9	19.1	0.7	0.2
N9	13.0	13.4	14.0	1.0	0.6
N10	9.5	9.2	10.5	1.0	1.3
Drug	34.6	36.8	34.6	0.0	-2.2

Source: DOC admission file.

Table 6: Comparison between FY 2020 and FY 2021 Prison Admission Types by Male

Admission Type	2020	2021	Number Change	Percent Change
New Court Commitment	1422	1177	-245	-17.2%
Probation Condition Violator	933	812	-121	-13.0%
Prison Sanction	205	162	-43	-21.0%
Probation Violator With New Sentence	234	210	-24	-10.3%
Probation Violator With New Conviction	49	43	-6	-12.2%
Parole/Post-release Condition Violator	731	408	-323	-44.2%
Parole/Post-release Violator With New Sentence	119	104	-15	-12.6%
Other	77	70	-7	-9.1%
Total Admission	3770	2986	-784	-20.8%
End of Year Population	8406	7828	-578	-6.9%

Table 7: Comparison between FY 2020 and FY 2021 Prison Admission Types by Female

Admission Type	2020	2021	Number Change	Percent Change
New Court Commitment	165	131	-34	-20.6%
Probation Condition Violator	293	244	-49	-16.7%
Prison Sanction	79	50	-29	-36.7%
Probation Violator With New Sentence	50	27	-23	-46.0%
Probation Violator With New Conviction	26	0	-26	-100.0%
Parole/Post-release Condition Violator	61	30	-31	-50.8%
Parole/Post-release Violator With New Sentence	12	6	-6	-50.0%
Other	17	16	-1	-5.9%
Total Admission	703	504	-199	-28.3%
End of Year Population	783	728	-55	-7.0%

Table 8: Comparative Analysis of Condition Parole/Post Release Supervision Violators Between FY 2020 and FY 2021

Law	Number of Admission				Average Length of Stay in Month			
	FY 2020	FY 2021	Change #	Change %	FY 2020	FY 2021	Change #	Change %
Guideline	951	388	-563	-59.2%	5.3	6.9	1.6	30.2%
Pre-guideline	48	30	-18	-37.5%	29.6	70.2	40.6	137.2%
Total	999	418	-581	-58.2%				

FY 2022 PRISON POPULATION PROJECTIONS

Table 9: FY 2022 Prison Population Projection by Offender Group

Offender Group	2021*	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	# Change	% Change
Drug	1214	1169	1169	1165	1136	1135	1110	1105	1103	1117	1149	-65	-5.4%
N1 to N3	2480	2337	2295	2258	2260	2241	2238	2226	2227	2240	2238	-242	-9.8%
N4 to N6	1472	1458	1433	1406	1380	1378	1396	1377	1470	1402	1383	-89	-6.0%
N7 to N10	680	767	813	804	821	828	842	844	868	893	892	212	31.2%
Sanction	20	19	12	6	0	0	0	0	0	0	0	-20	-100.0%
Probation Condition Violators	974	1112	1140	1144	1162	1139	1121	1126	1141	1111	1129	155	15.9%
Offgrid Including Old Law Lifer	1349	1375	1339	1301	1255	1238	1210	1174	1115	1147	1125	-224	-16.6%
Parole/Post Release Violators	282	221	195	225	238	228	252	250	232	233	244	-38	-13.5%
Old Law Inmates	85	80	70	62	54	47	38	30	24	19	12	-73	-85.9%
Total	8556	8538	8466	8371	8306	8234	8207	8132	8180	8162	8172	-384	-4.5%

* Actual prison population on June 30, 2021.

Figure 1: Kansas Prison Population - Actual and Projected

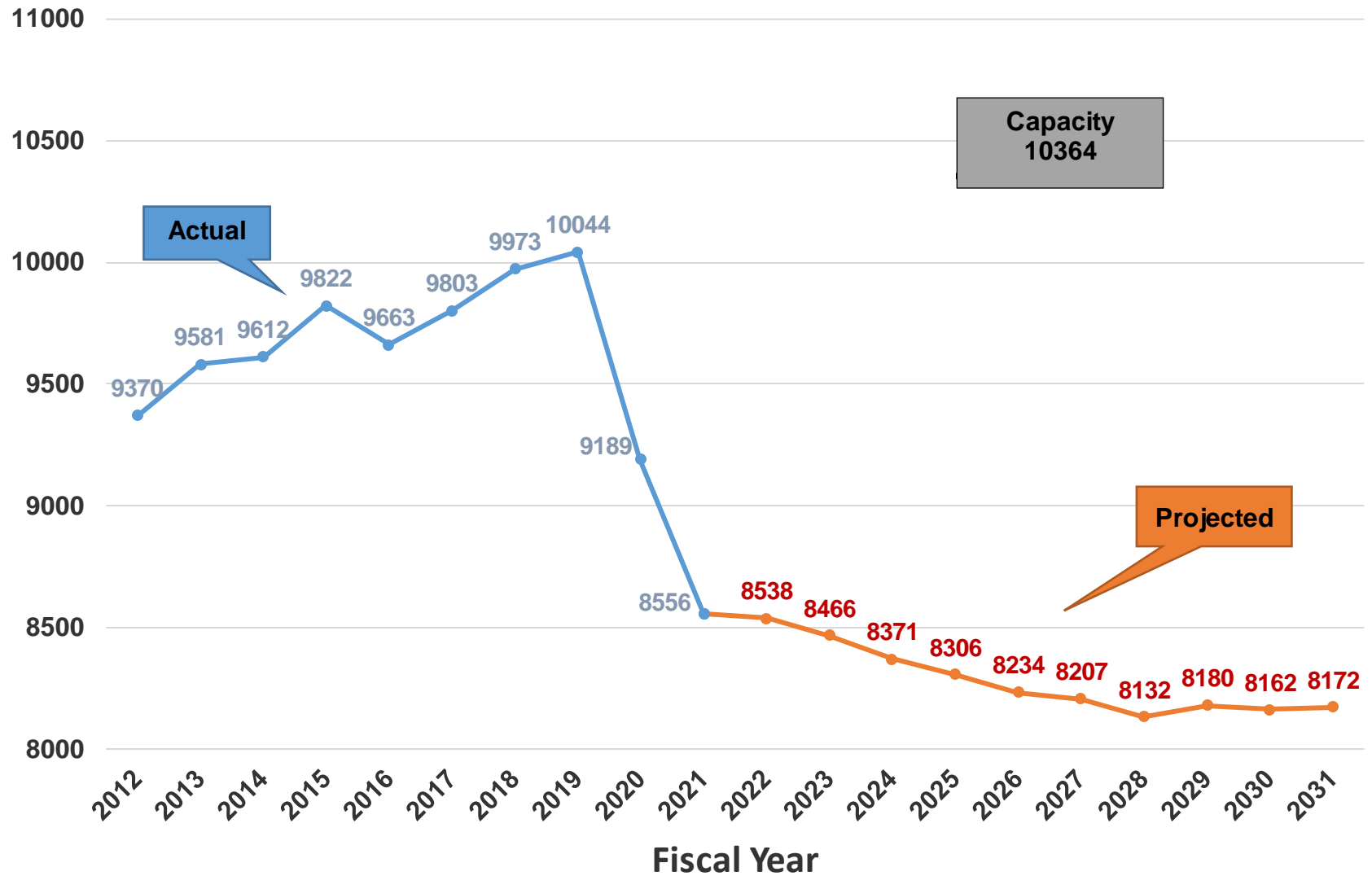


Figure 2: Male Prison Population - Actual and Projected

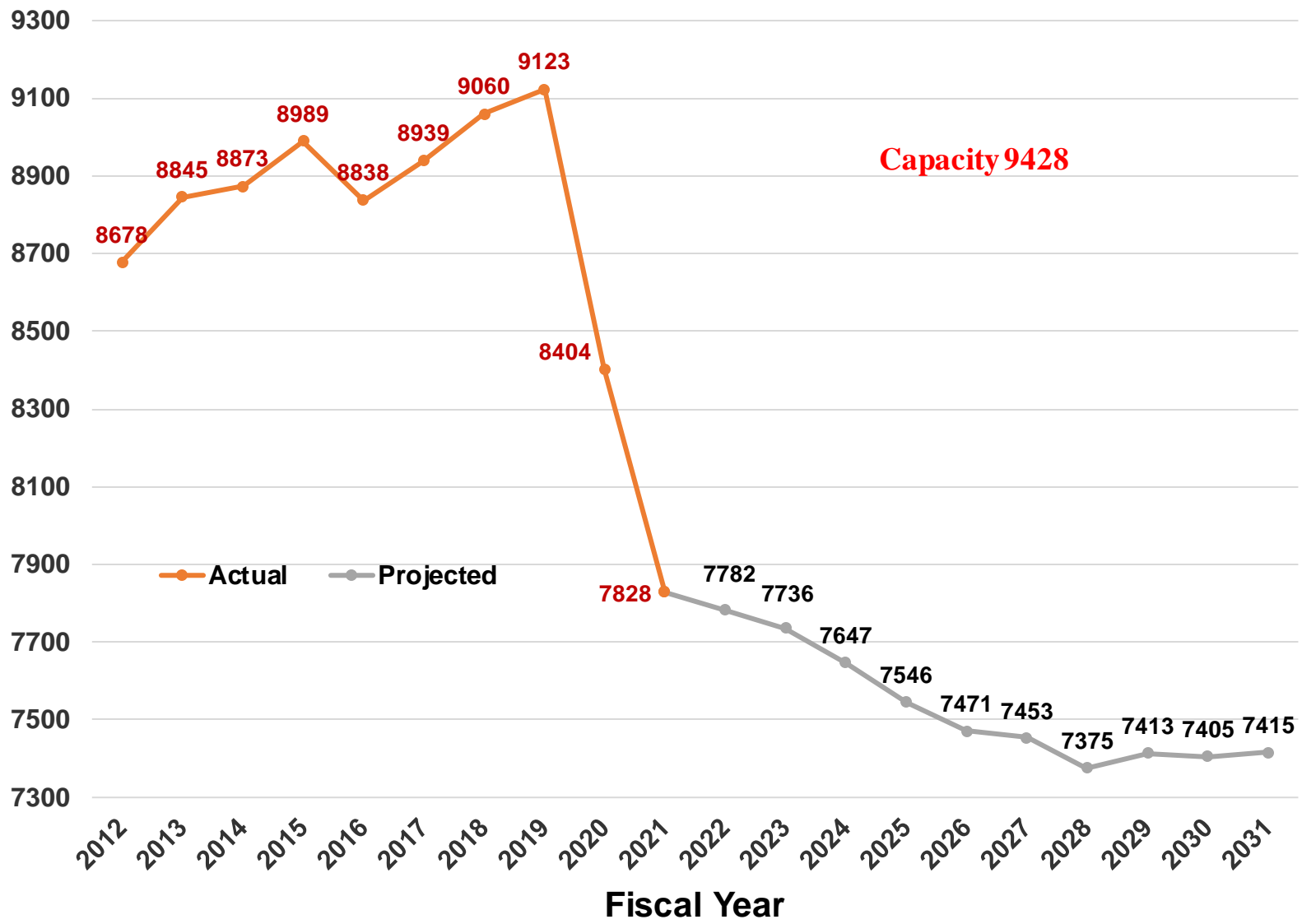


Figure 3: Female Prison Population - Actual and Projected

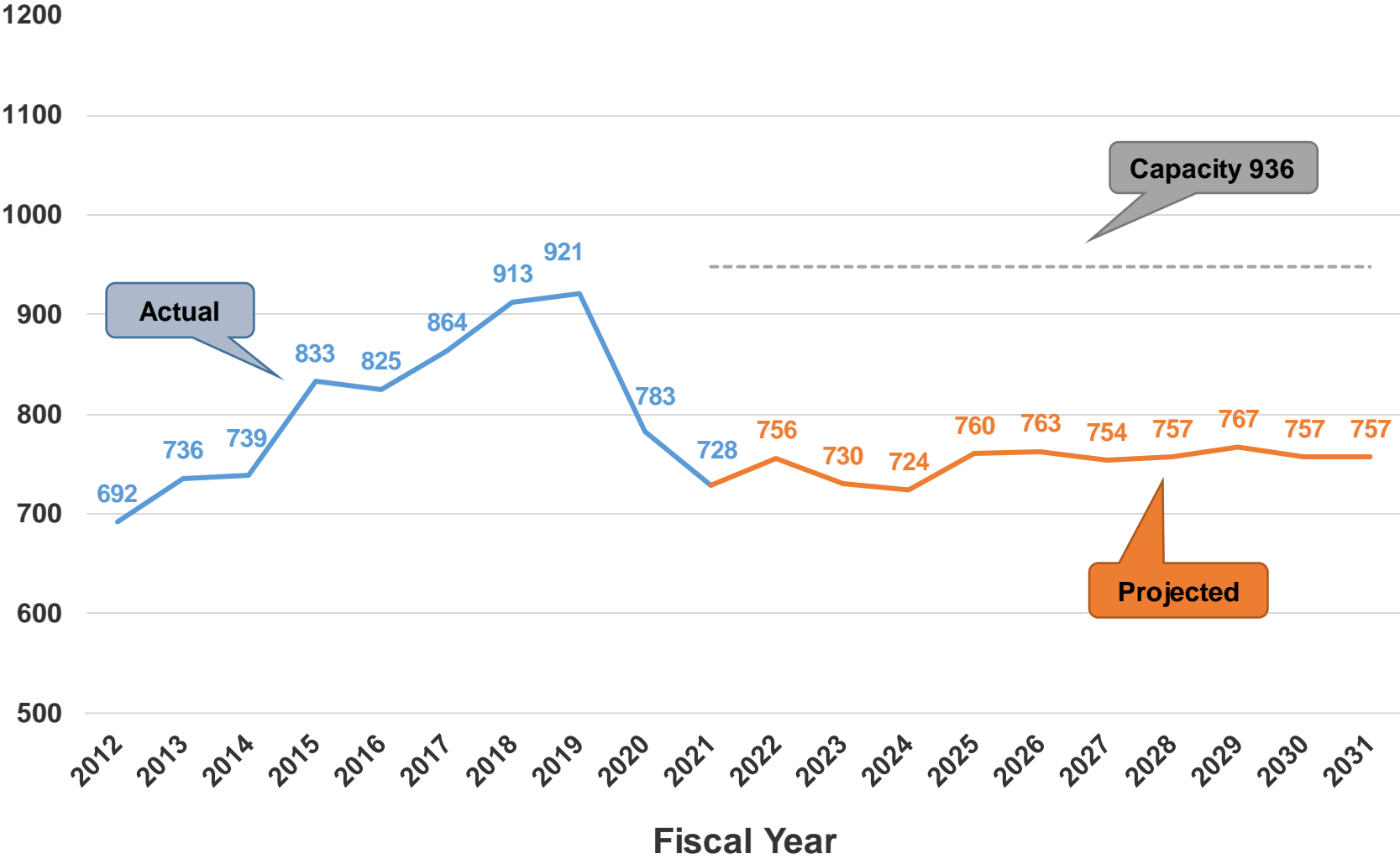
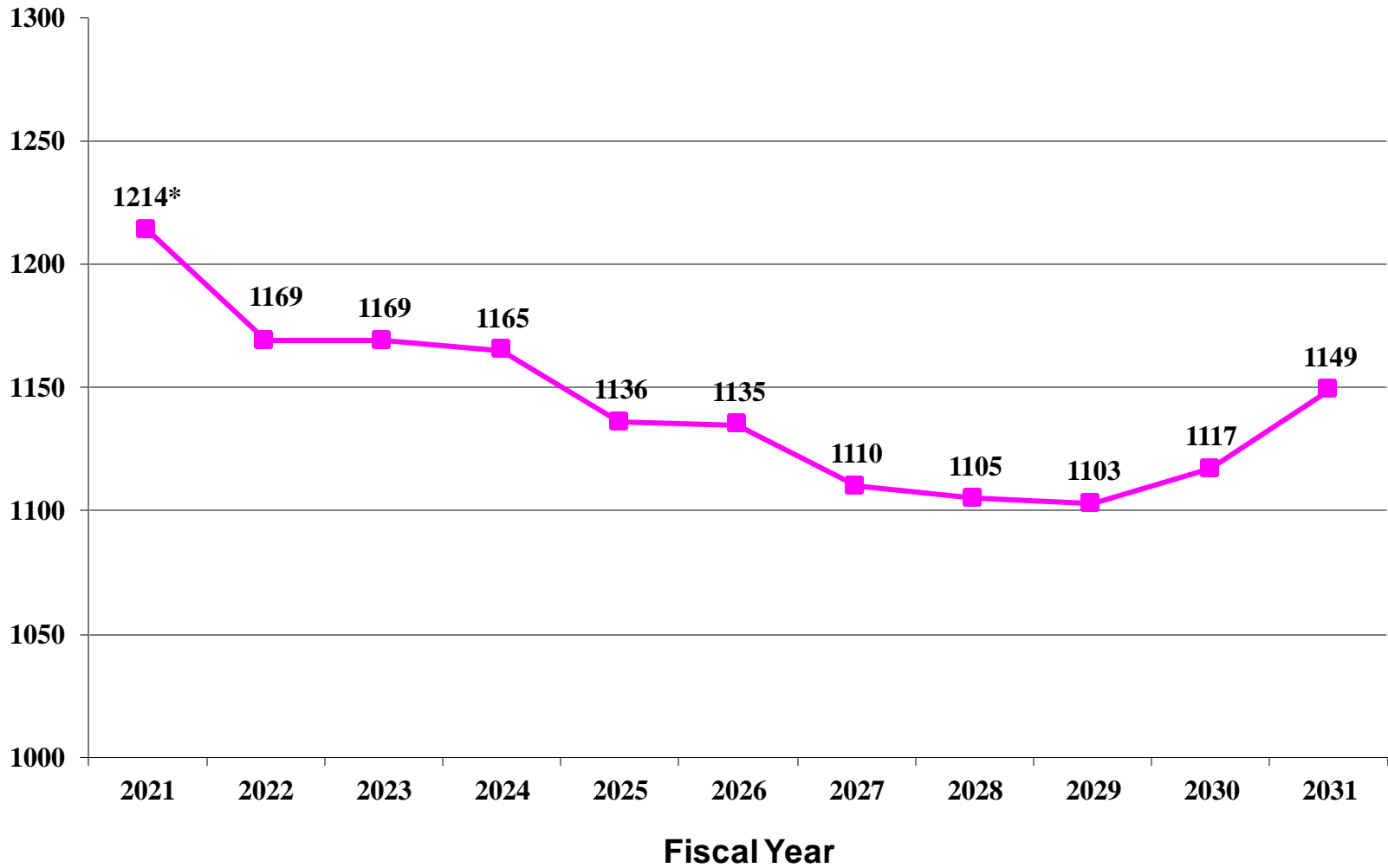
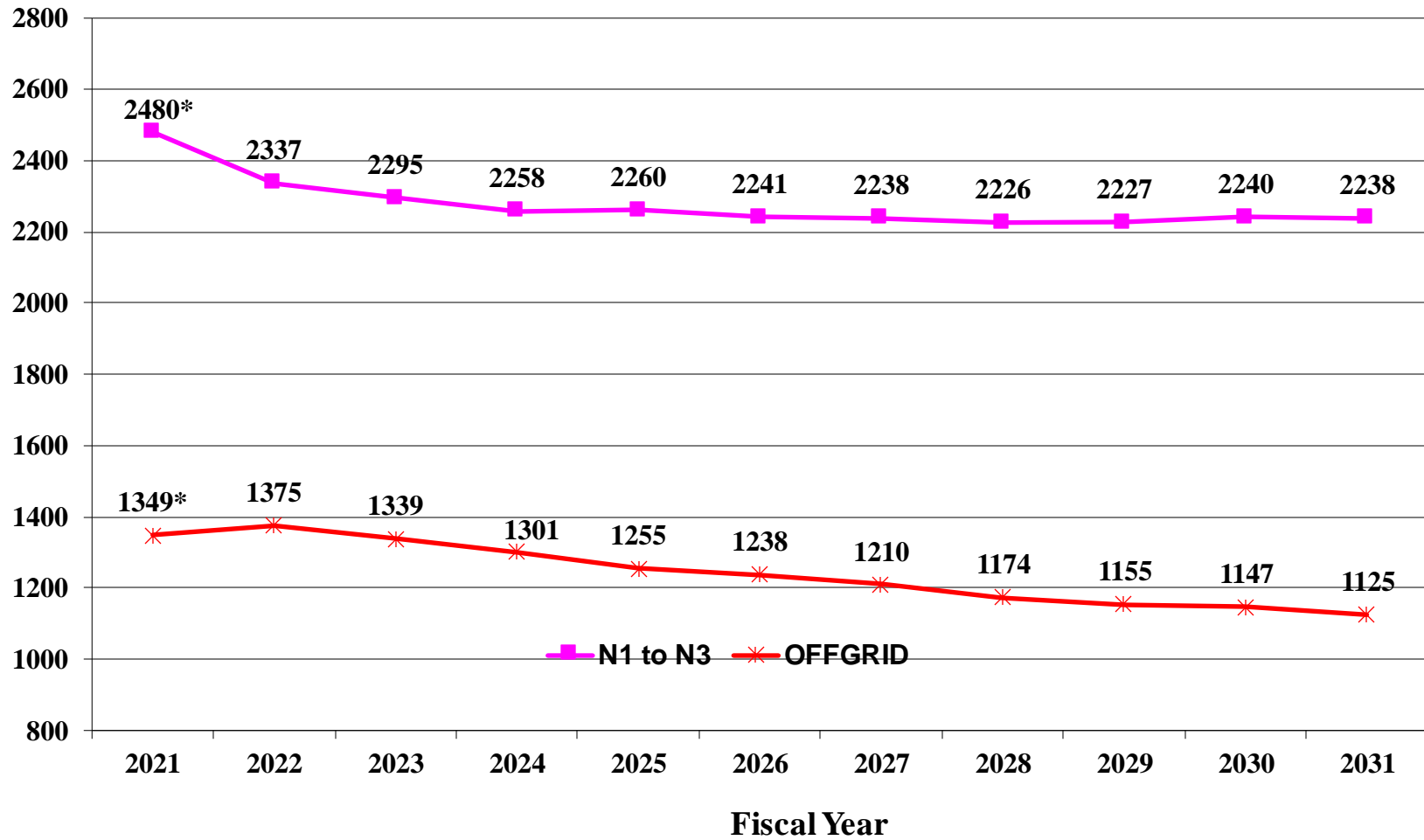


FIGURE 4: PROJECTED DRUG INMATE PRISON POPULATION



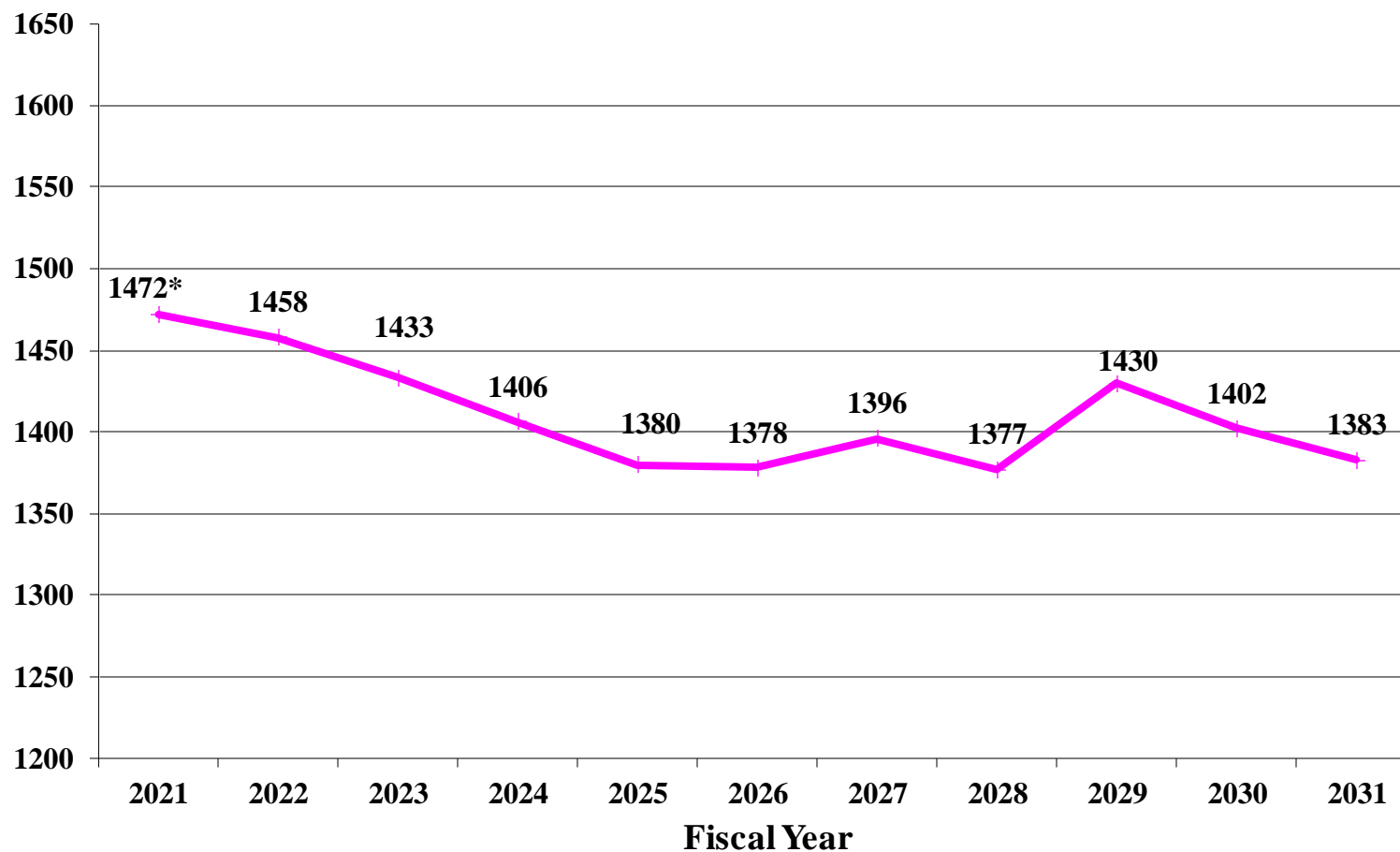
*Actual prison population on June 30, 2021.
This group accounts for 14.1% of the total projected prison population in FY 2031.

FIGURE 5: PROJECTED VIOLENT INMATE PRISON POPULATION



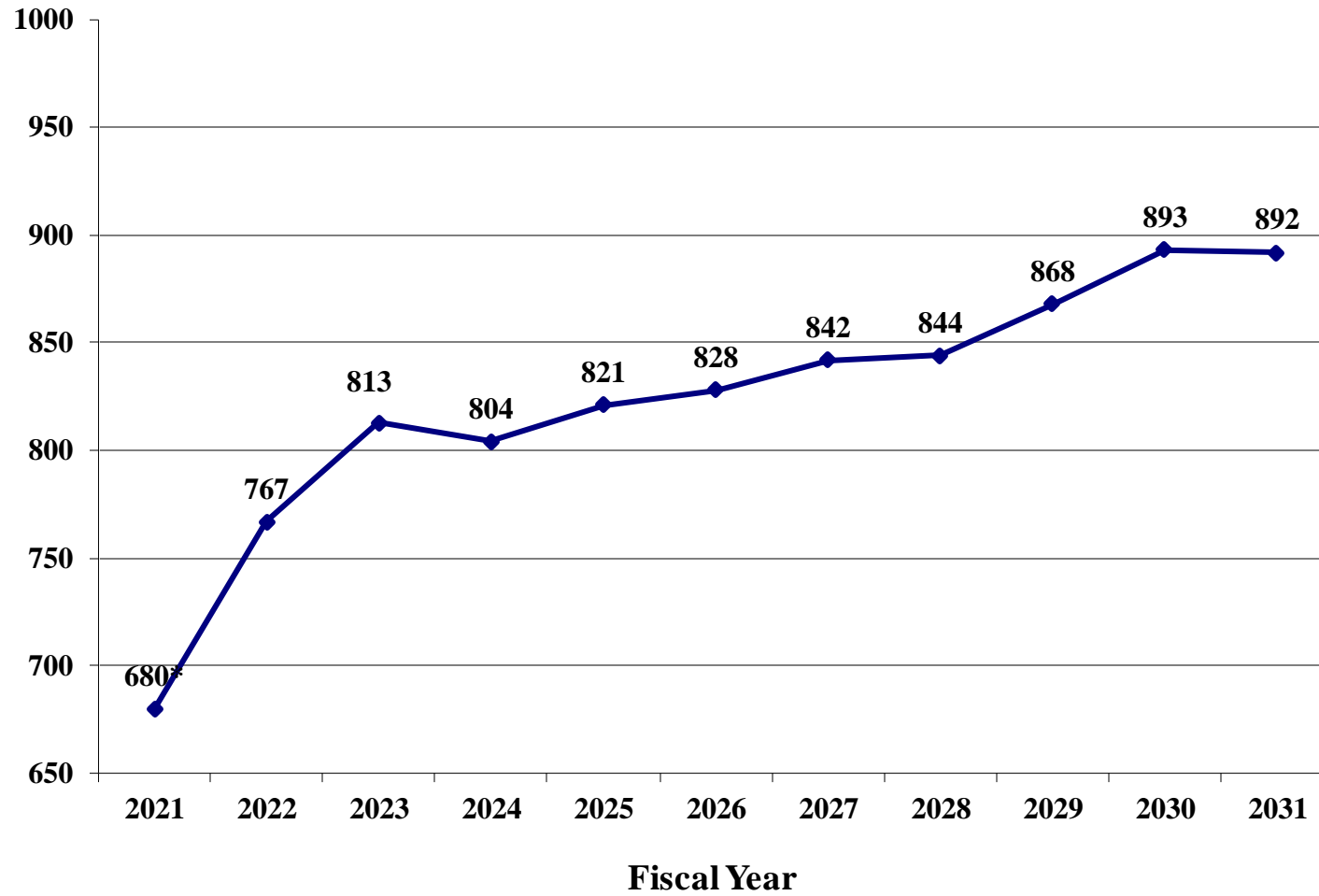
* Actual prison population on June 30, 2021.
 This group accounts for 41.2% of the total projected prison population in FY 2031.

FIGURE 6: PROJECTED N4-N6 INMATE PRISON POPULATION



* Actual prison population on June 30, 2021.
This group accounts for 16.9% of the total projected prison population in FY 2031.

FIGURE 7: PROJECTED NONVIOLENT INMATE PRISON POPULATION



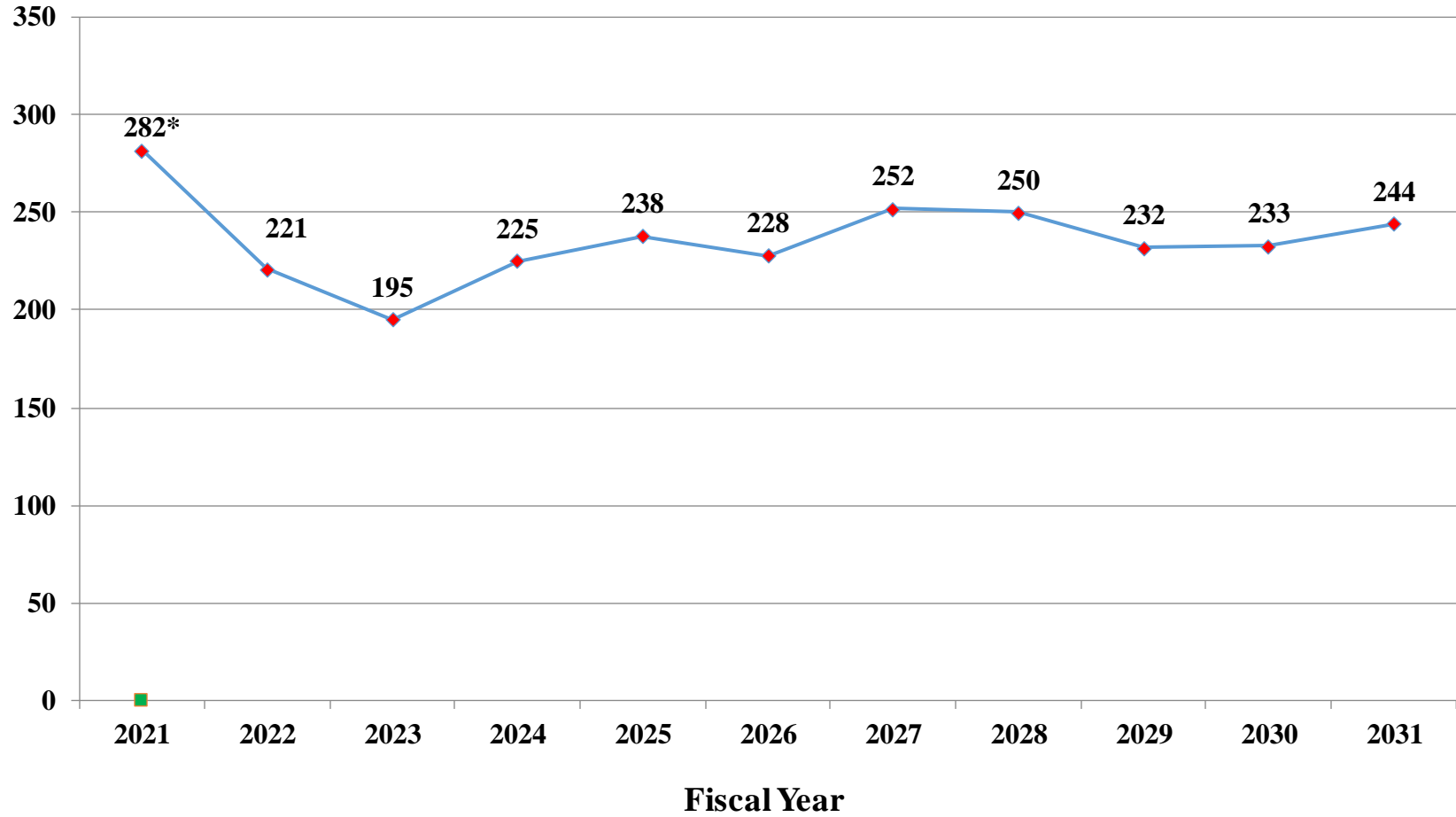
* Actual prison population on June 30, 2021.
This group accounts for 10.9% of the total projected prison population in FY 2031.

FIGURE 8: PROJECTED PROBATION CONDITION VIOLATOR INMATE POPULATION



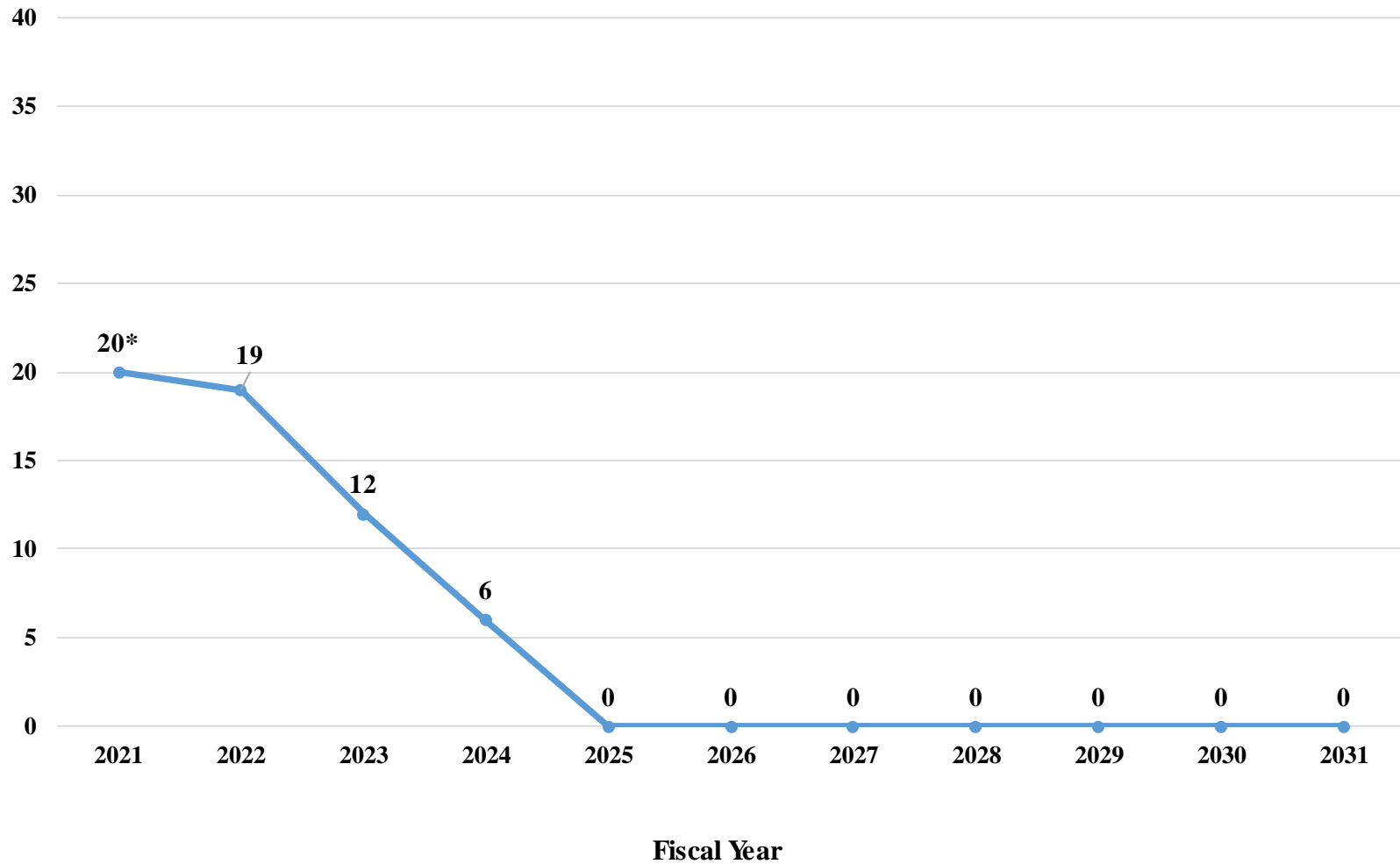
* Actual prison population on June 30, 2021.
This group accounts for 13.9% of the total projected prison population in FY 2031.

FIGURE 9: PROJECTED PAROLE/POSTRELEASE CONDITION VIOLATOR INMATE POPULATION



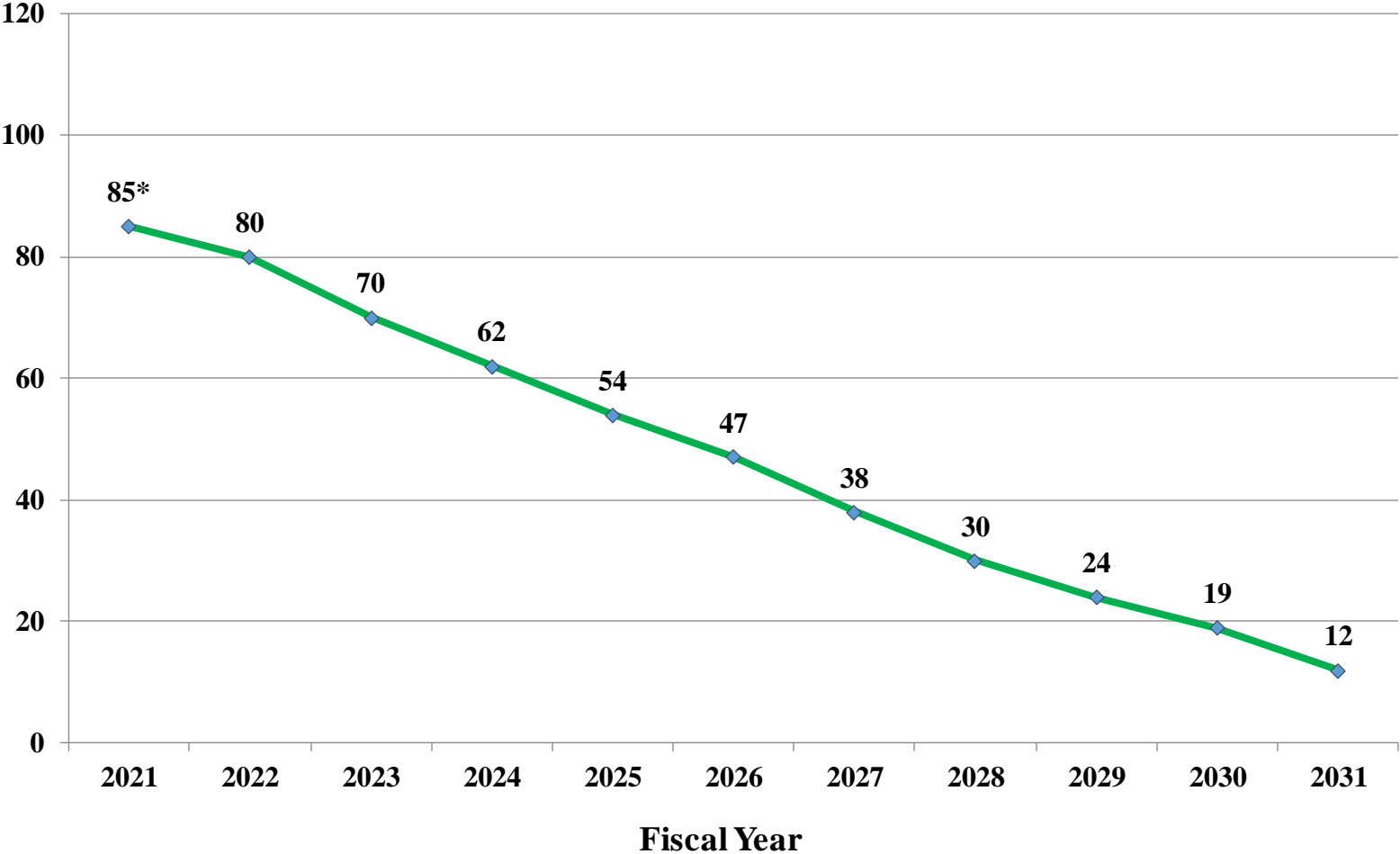
* Actual prison population on June 30, 2021.
This group accounts for 2.9% of the total projected prison population in FY 2031.

FIGURE 10: PROJECTED PRISON SANCTION INMATE POPULATION



* Actual prison population on June 30, 2021.
This group accounts for 0.0% of the total projected prison population in FY 2031.

FIGURE 11: PROJECTED OLD LAW (EXCLUDES OFFGRID) INMATE POPULATION



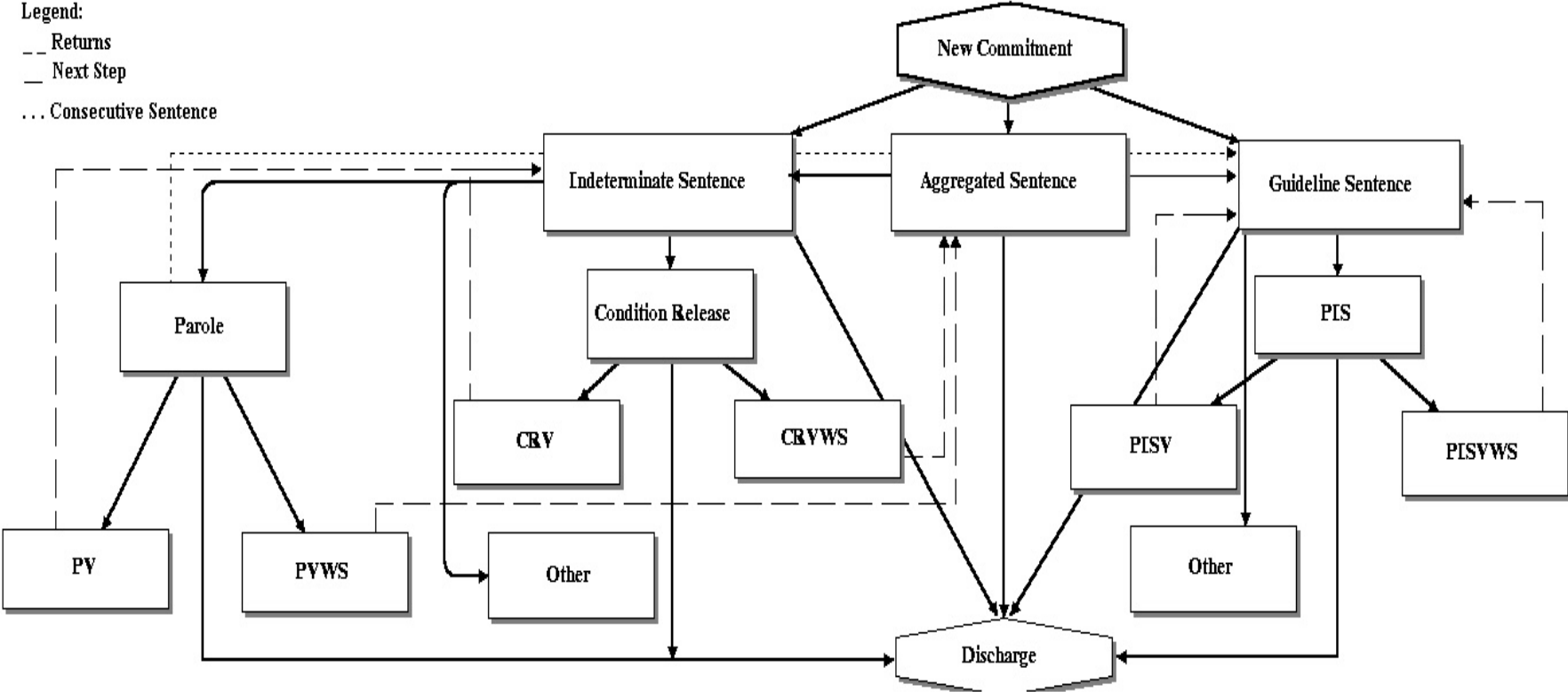
* Actual prison population on June 30, 2021.
This group accounts for 0.1% of the total projected prison population in FY 2031.

ATTACHMENT A - KANSAS PRISONER MOVEMENT SIMULATION MODEL

Kansas Prison Inmate Movement Simulation Model

Legend:

- Returns
- Next Step
- ... Consecutive Sentence



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 2021 Model**

Month/Year	Projected	Actual	Difference	Percent Error
July 2020	8958	8938	20	0.22%
August 2020	8853	8783	70	0.80%
September 2020	8779	8682	97	1.12%
October 2020	8727	8607	120	1.39%
November 2020	8651	8597	54	0.63%
December 2020	8597	8642	-45	-0.52%
January 2021	8570	8729	-159	-1.82%
February 2021	8623	8735	-112	-1.28%
March 2021	8671	8749	-78	-0.89%
April 2021	8743	8686	57	0.66%
May 2021	8793	8654	139	1.26%
June 2021	8880	8556	324	3.65%

**Table 11: Male Prison Population Monthly Monitoring Report
FY 2021 Model**

Month/Year	Projected	Actual	Difference	Percent Error
July 2020	8183	8167	16	0.20%
August 2020	8075	8020	55	0.69%
September 2020	8015	7928	87	1.10%
October 2020	7966	7853	113	1.44%
November 2020	7904	7849	55	0.70%
December 2020	7866	7891	-25	-0.32%
January 2021	7854	7979	-125	-1.57%
February 2021	7904	7994	-90	-1.13%
March 2021	7949	8005	-56	-0.70%
April 2021	8010	7937	73	0.92%
May 2021	8045	7905	140	1.74%
June 2021	8133	7828	305	3.75%

Table 12: Female Prison Population Monthly Monitoring REPORT
FY 2021 Model

Month/Year	Projected	Actual	Difference	Percent Error
July 2020	775	771	4	0.52%
August 2020	778	763	15	1.97%
September 2020	764	754	10	1.33%
October 2020	761	754	7	0.93%
November 2020	747	748	-1	-0.13%
December 2020	731	751	-20	-2.66%
January 2021	716	750	-34	-4.53%
February 2021	719	741	-22	-2.97%
March 2021	722	744	-22	-2.96%
April 2021	733	749	-16	-2.14%
May 2021	748	749	-1	-0.13%
June 2021	747	728	19	2.55%

ATTACHMENT C - TREND ANALYSES

**Table 13: Five Year Prison Admission Trend by Admission Type
FY 2017 Through FY 2021**

Admission Type	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	% Change FY 2017-FY 2020	% Change FY 2020-FY 2021
New Court Commitment	2071	2019	1982	1587	1308	-36.8%	-17.6%
Probation Condition Violator	1229	1458	1402	1226	1056	-14.1%	-13.9%
Probation Prison Sanction	1192	1197	1186	284	212	-82.2%	-25.4%
Probation Violator with New Sentence	340	302	355	284	237	-30.3%	-16.5%
Probation Violator with New Conviction	182	149	68	75	43	-76.4%	-42.7%
Inmate Received on Interstate Compact	6	6	4	4	3	-50.0%	-25.0%
Parole/Post-release/CR Condition Violator	1201	1082	1091	792	446	-62.9%	-43.7%
Parole/Post-release/CR Violator with New Sentence*	196	213	182	134	115	-41.3%	-14.2%
Paroled to Detainer Returned with New Sentence	28	33	19	36	20	-28.6%	-44.4%
Non-Violator Return- New Sentence	48	73	83	50	48	0.0%	-4.0%
Non-Violator Return- No New Sentence	4	10	16	1	2	0.0%	100.0%
Total	6497	6542	6388	4473	3490	-46.3%	-22.0%

Source: DOC admission files.

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

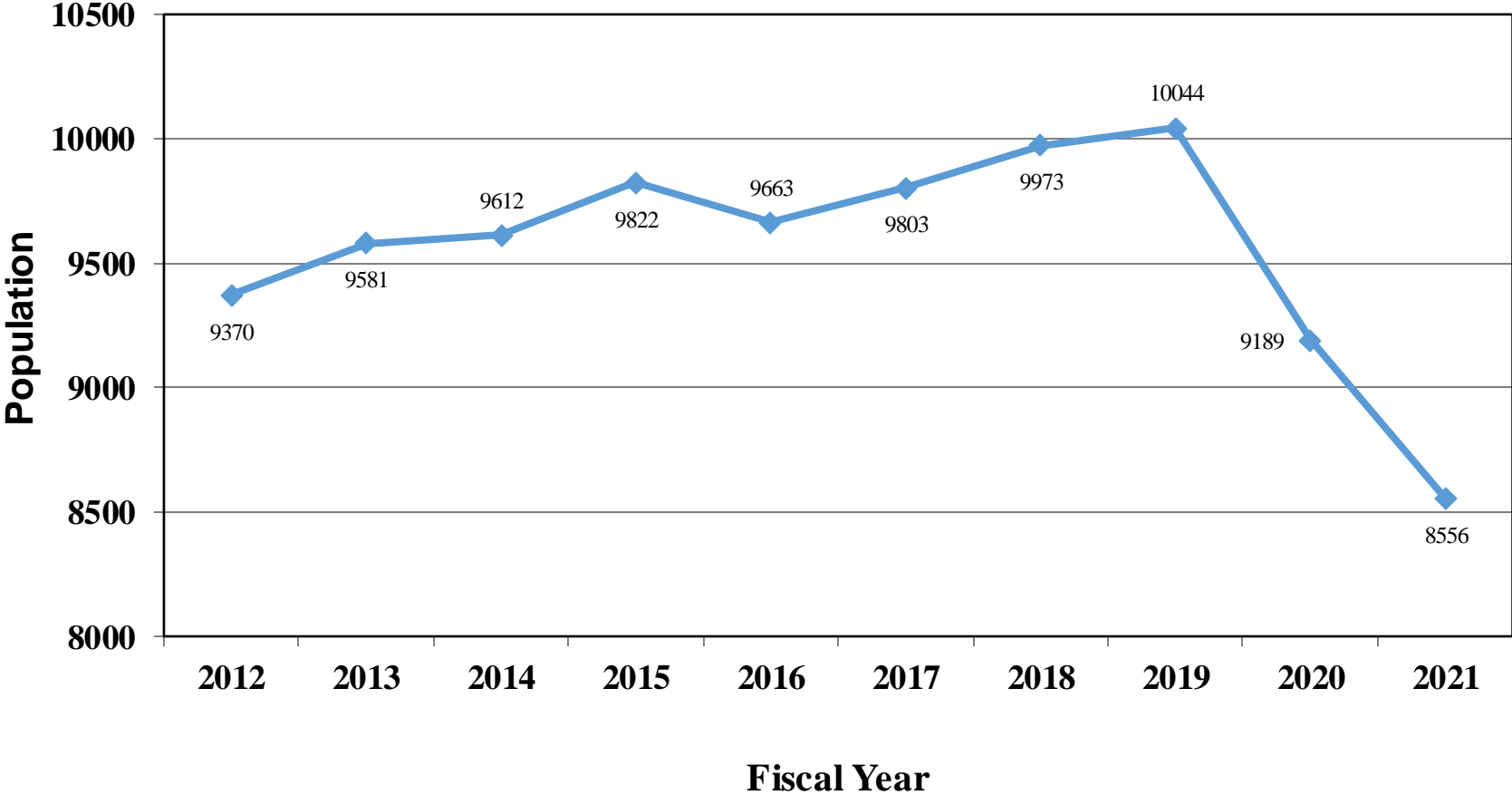
**Table 14: Comparative Analysis on Admission Type by Percentage Distribution
FY 2017 Through FY 2021**

Admission Type	FY 2017		FY 2018		FY 2019		FY 2020		FY 2021	
	N	%	N	%	N	%	N	%	N	%
New Court Commitment	2071	31.9	2019	30.9	1982	31	1587	35.5	1308	37.5
Probation Condition Violator	1229	18.9	1458	22.3	1402	21.9	1226	27.4	1056	30.3
Sanction from Probation	1192	18.3	1197	18.3	1186	18.6	284	6.3	212	6.1
Probation Violator with New Sentence	340	5.2	302	4.6	355	5.6	284	6.3	237	6.8
Probation Violator with New Conviction	182	2.8	149	2.3	68	1.1	75	1.7	43	1.2
Inmate Received on Interstate Compact	6	0.1	6	0.1	4	0.1	4	0.1	3	0
Parole/Post-release/CR Condition Violator	1201	18.5	1082	16.5	1091	17.1	792	17.7	446	12.8
Parole/Post-release/CR Violator with New Sentence	196	3	213	3.2	182	2.8	134	3	115	3.3
Paroled to Detainer Returned with New Sentence	28	0.4	33	0.5	19	0.3	36	0.8	20	0.6
Non-Violator Return- New Sentence	48	0.7	73	1	83	1.3	50	1.1	48	1.4
Non-Violator Return- No New Sentence	4	0.1	10	0.2	16	0.2	1	0	2	0
Total	6497	100	6542	100	6388	100	4473	100	3490	100

Source: DOC admission files.

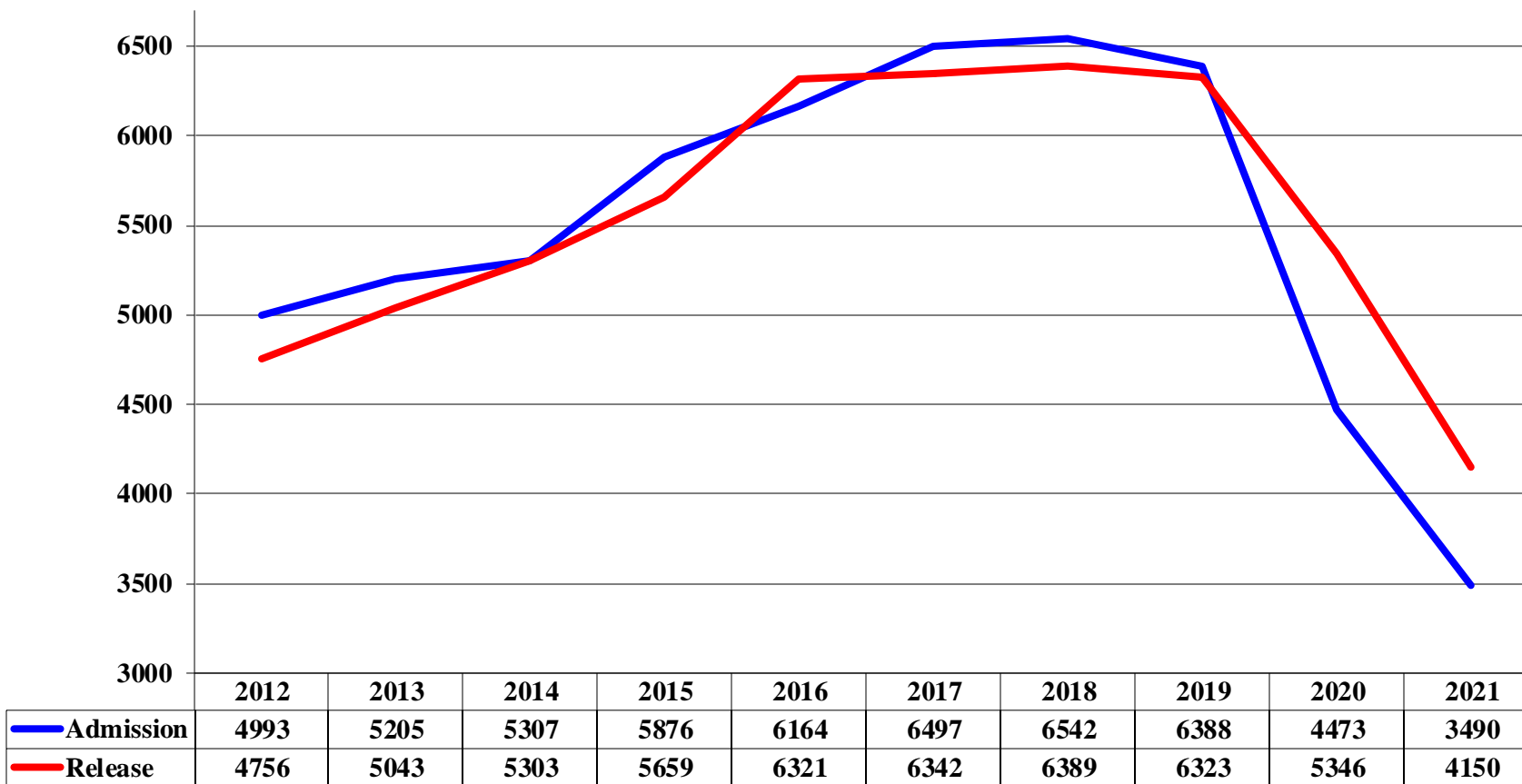
* Parole/postrelease/CR violator with new sentence in FY 2018 included one CR violator pending new sentence.

Figure 12: Prison Population Trends



Source: KDOC prison population files
FY 2020 and FY 2021 numbers low due to Covid-19 pandemic

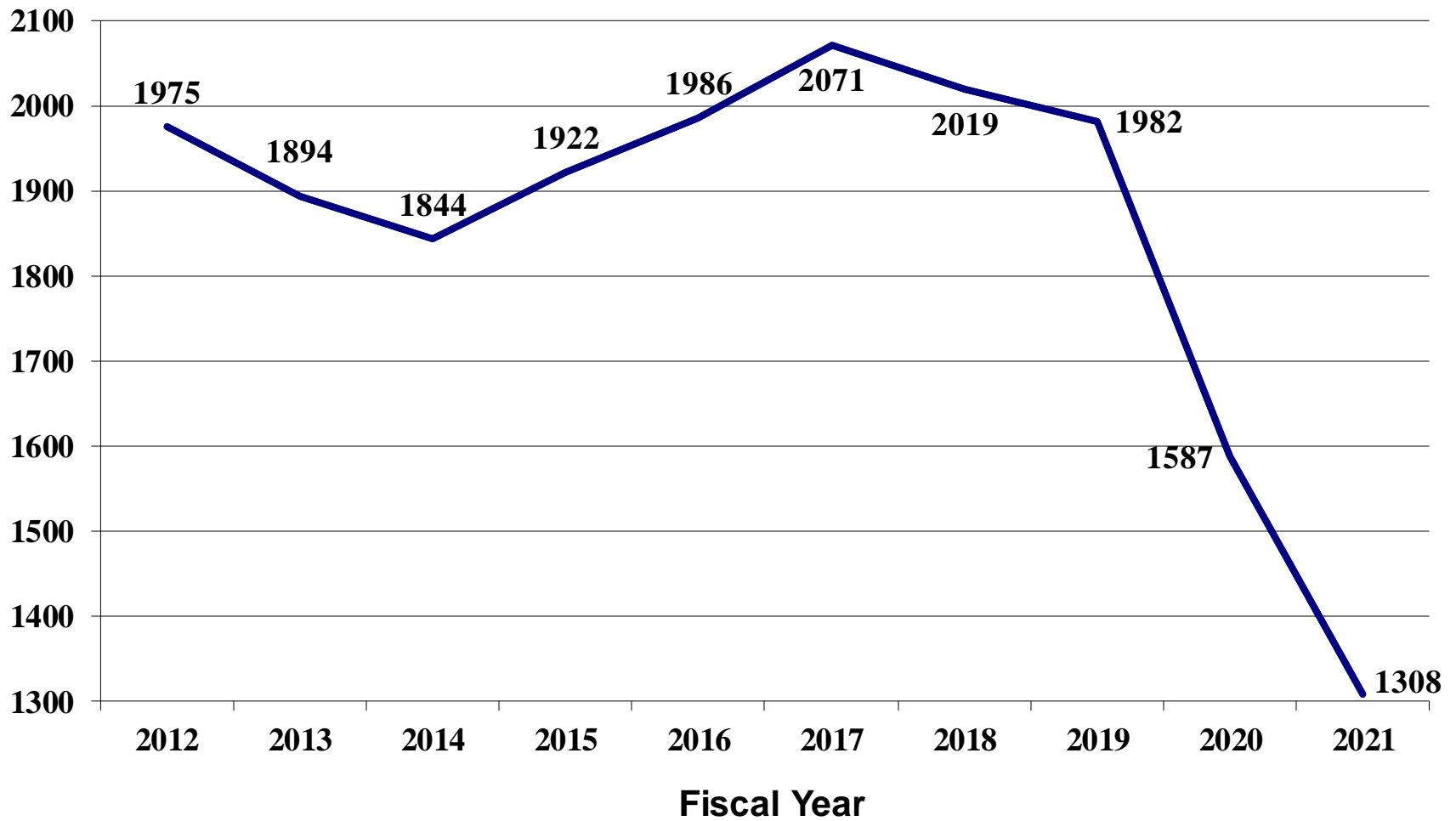
Figure 13: Prison Admissions and Releases



Source: KDOC admission and release files

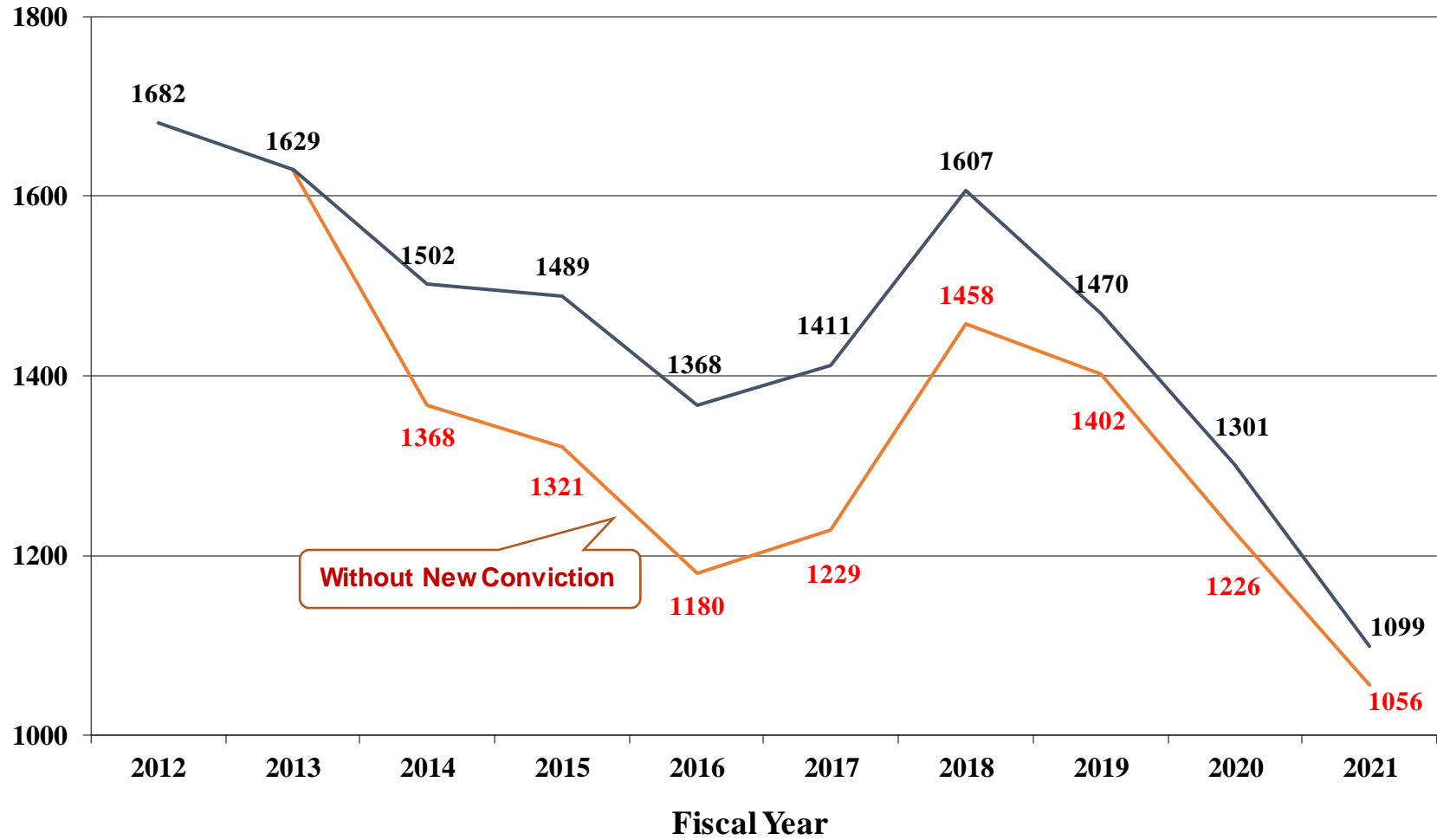
Fiscal Year

Figure 14: Direct New Court Commitments



Source: KDOC admission files
FY 2020 and FY 2021 Numbers low due to Covid-19 pandemic

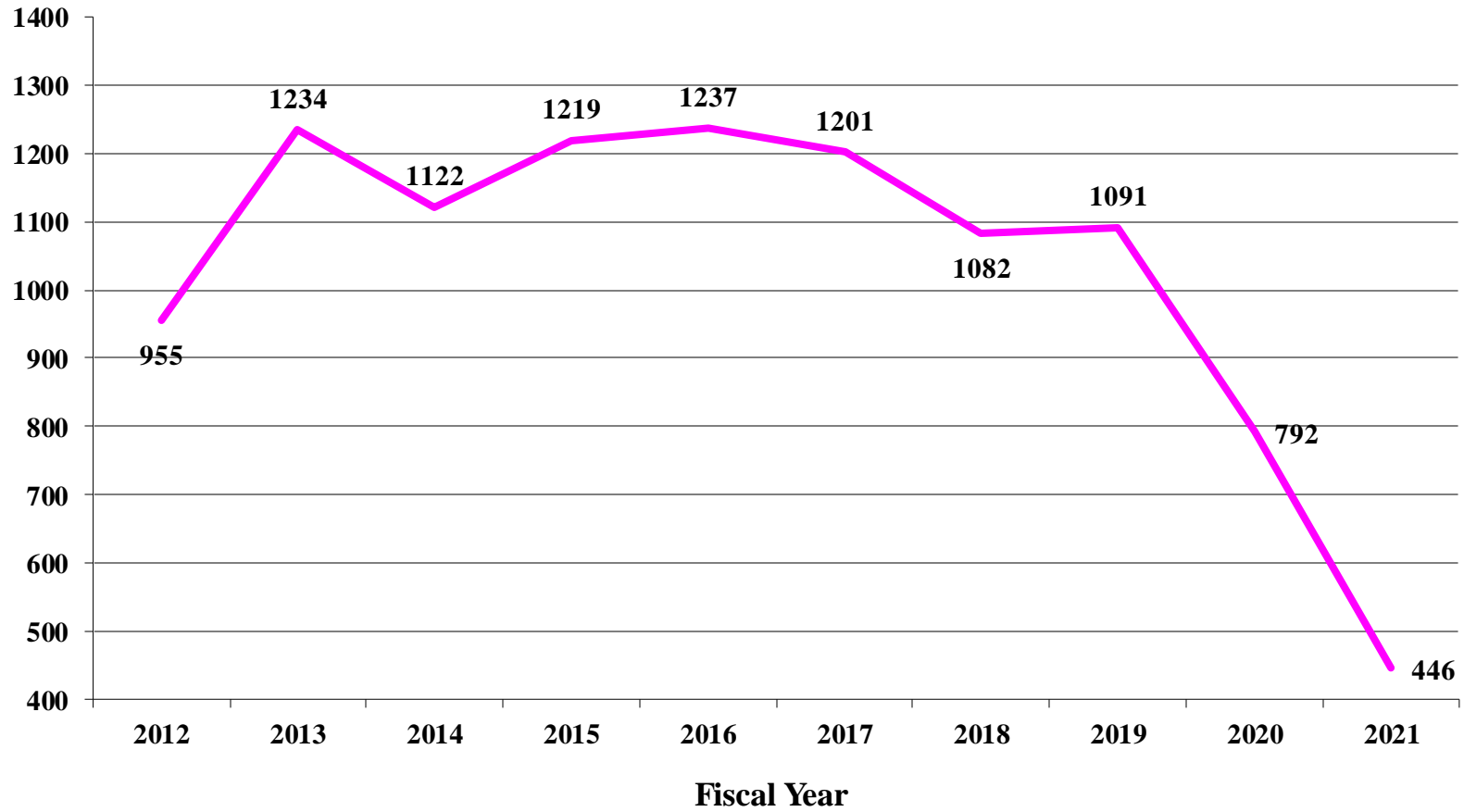
Figure 15: Probation Condition Violators



Source: KDOC prison population files

Note: New conviction has been separated from probation condition violators since FY 2014.

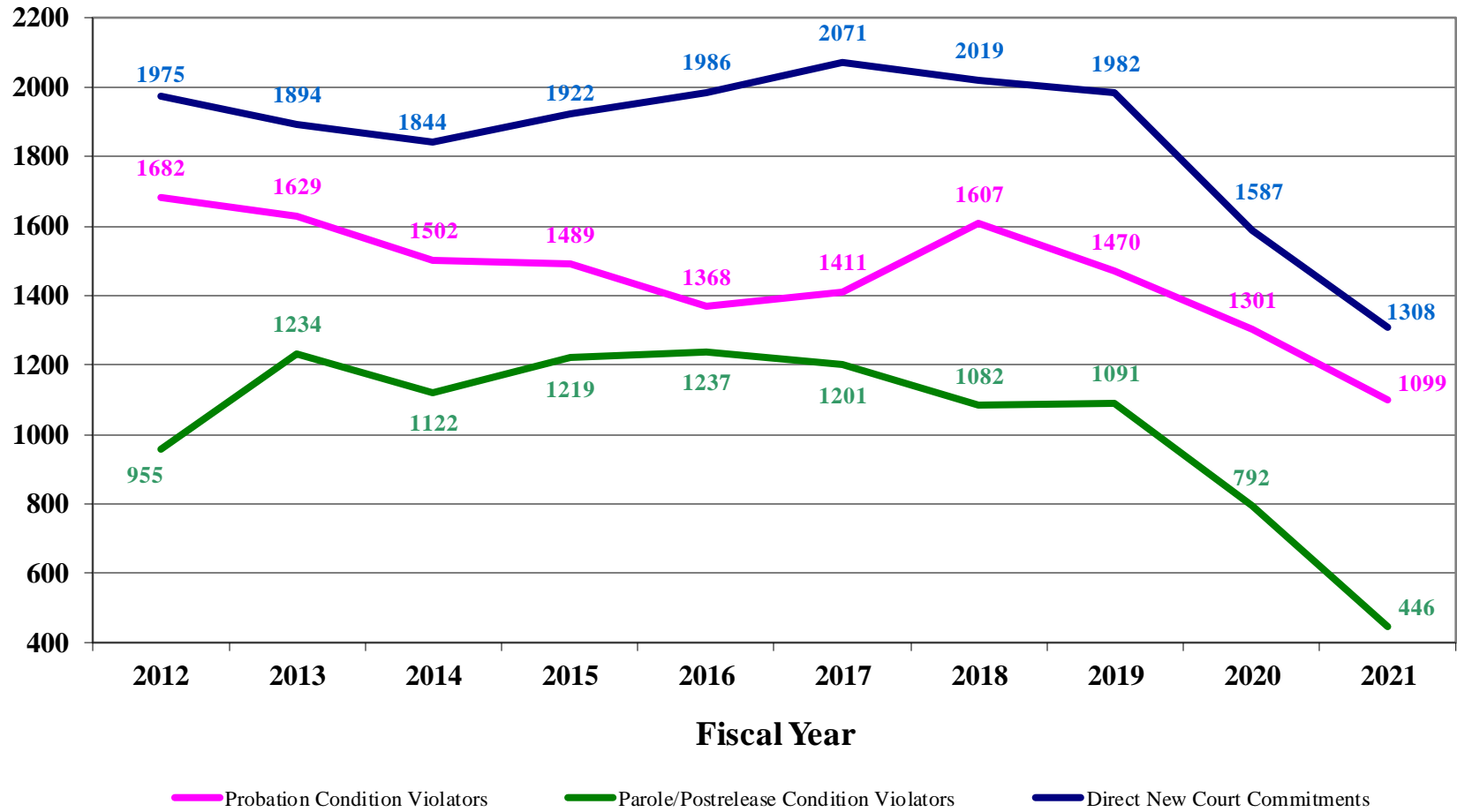
Figure 16: Parole/Postrelease Condition Violators



Source: KDOC admission files

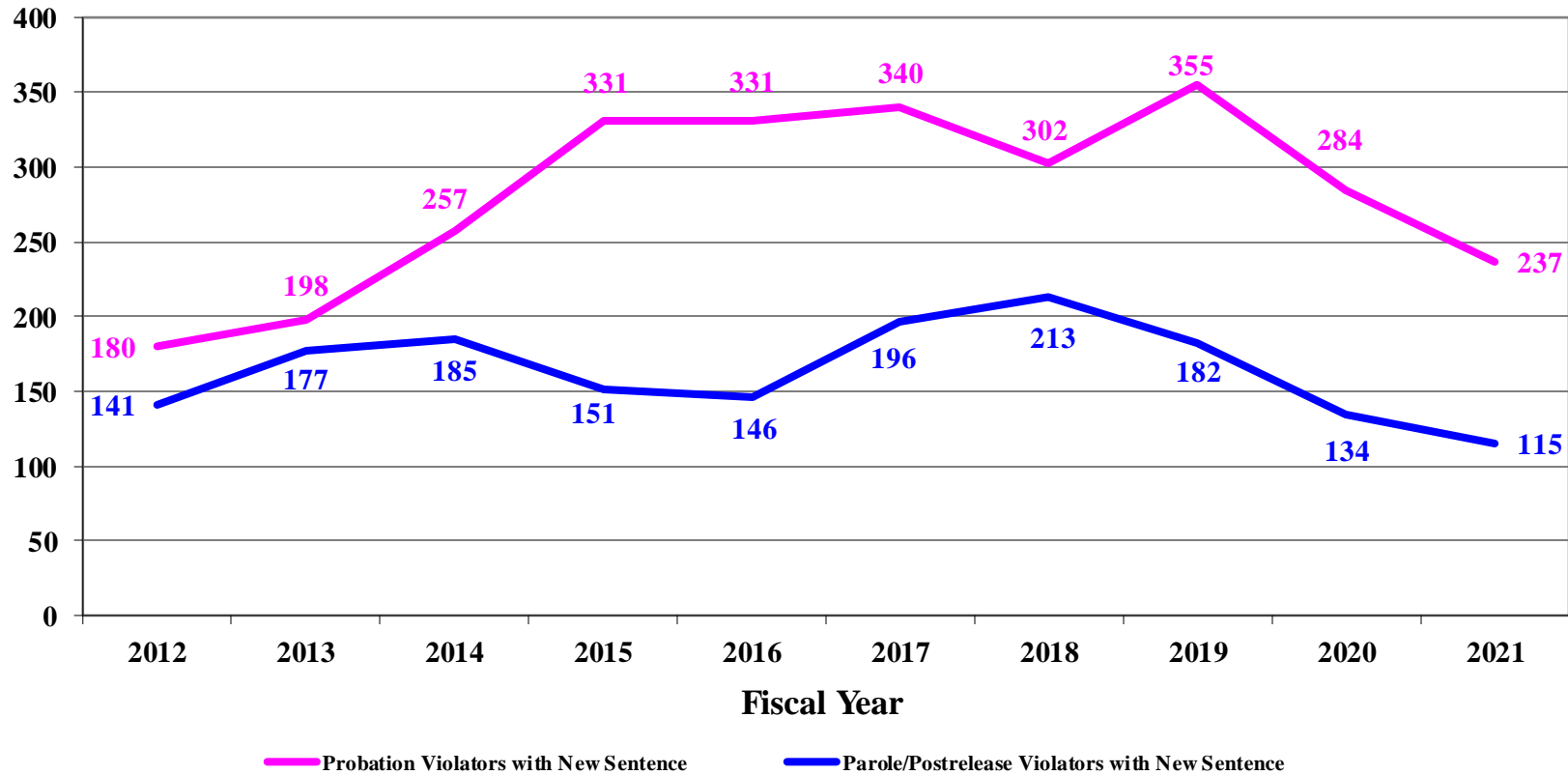
Note: Includes condition conditional-release violators

Figure 17: Admissions by Three Major Types



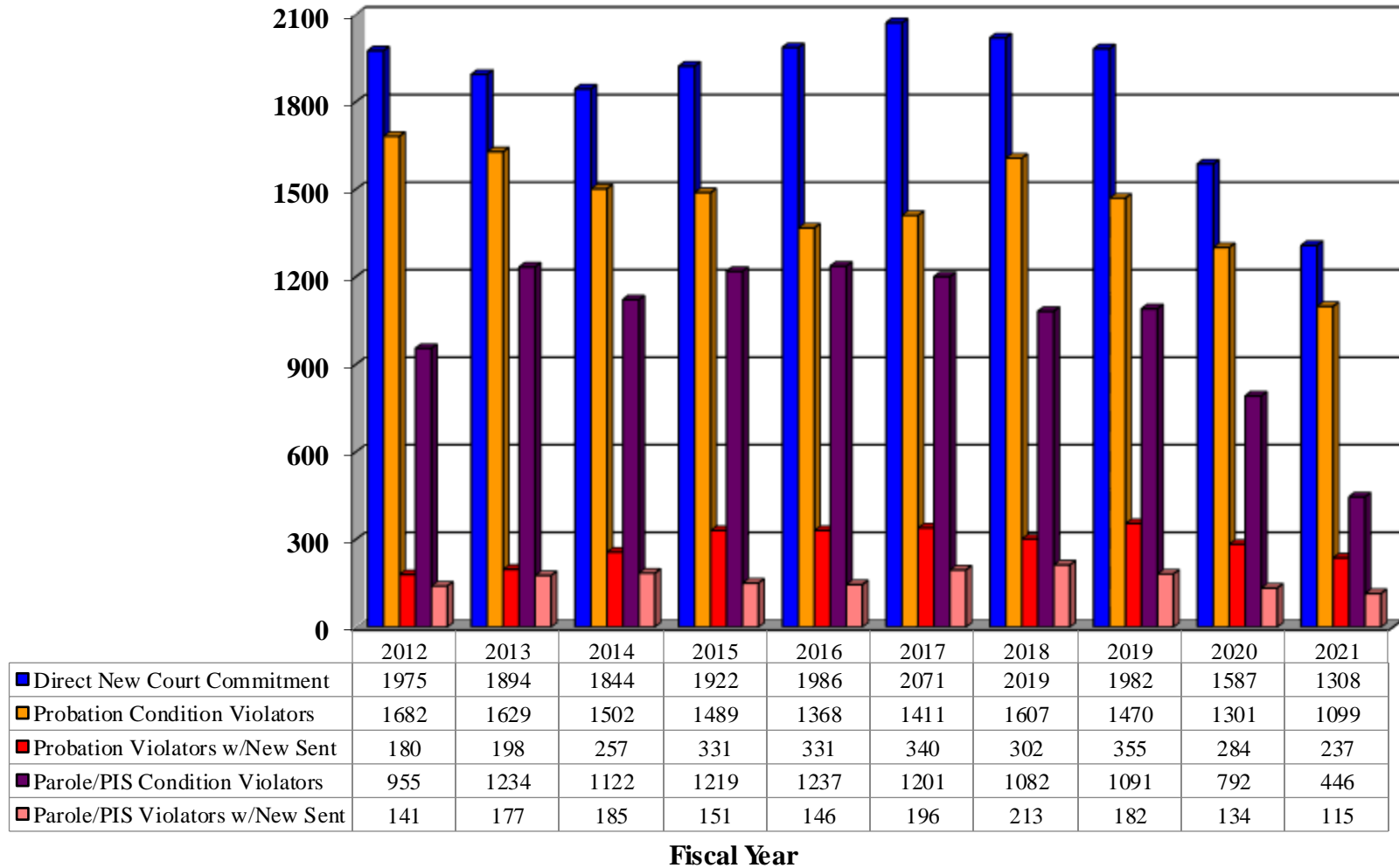
Note: FY 2014 through FY 2021 probation condition violators include probation violators with new conviction.

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



Source: KDOC admission files.

**FIGURE 19: KANSAS PRISON ADMISSION TRENDS BY TYPE
FY 2012 Through FY 2021**



Source: KDOC admission files

Note: FY 2014 through FY 2021 probation condition violators include probation violators with new conviction.

ATTACHMENT D - GUIDELINE SENTENCING GRIDS

Table 15: Sentencing Range - Nondrug Offenses

Category →	A	B	C	D	E	F	G	H	I
Severity Level ↓	3+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misdemeanor	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

SENTENCING RANGE- DRUG OFFENSES

Categories→	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felony	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	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						Postrelease	Probation	Good Time
	Cocaine	Meth & Heroin	Marijuana	Manufacture (all)	Cultivate	Dosage Units			
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	Possession-3rd offense				12	*≤ 12	20%

* ≤ 18 months for 2003 SB123 offenders

** Retroactive application for offense committed on or after July 1, 2012

*** Severity Level increases one level if on or w/in 1000 ft of any school property