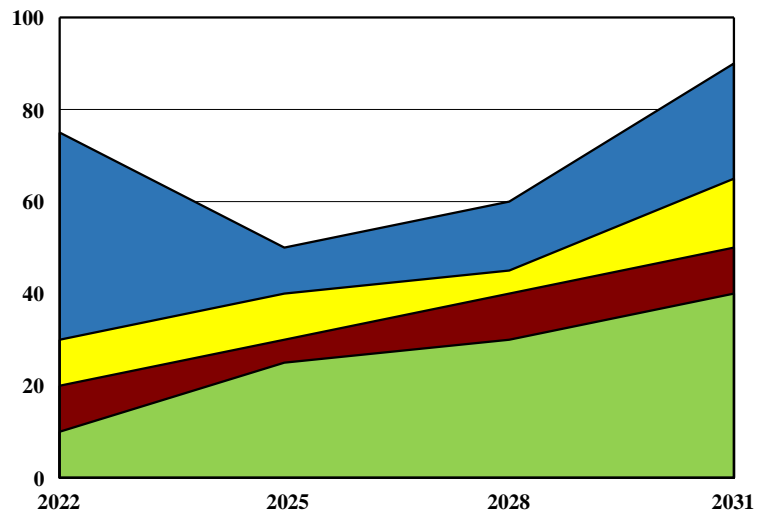


KANSAS SENTENCING COMMISSION

Fiscal Year 2023 Adult Inmate Prison Population Projections

Prison Population Projections



August 2022

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OVERVIEW OF FY 2023 PRISON POPULATION PROJECTIONS

Prison Population and Admission

The Kansas prison population in FY 2022 indicated a decrease of 107 inmates or 1.3% when compared with that in FY 2021. In review of Kansas ten-year prison population trend, the FY 2022 prison population represented a decrease in the rate of growth compared to the previous year. In FY 2022, 8,449 inmates were incarcerated in state prison, indicating a decrease of 1,132 inmates from FY 2013 prison population¹.

When comparing the offender groups incarcerated in prison between FY 2021 and FY 2022, the most significant decrease occurred in the nonviolent offender group (N4 to N6), showing a 9.2% decrease or 136 inmates. Drug offenders and probation condition violators decreased by 45 and 33 offenders respectively, while offenders sanctioned from probation decreased by 8, pre-guideline (old law) inmates decreased by 5 and property crime offenders (N7 to N10) decreased by one. Three groups saw an increase from FY 2021, most notably parole/postrelease condition violators jumped 28.4% or 80 offenders. Offgrid offenders increased by 20 inmates and nondrug severity levels 1 to 3 increased 21 inmates.

In FY 2022, the total prison admissions reversed a three-year decline to show an increase of 366 admissions or 10.5% from last year, though still an overall decrease of 2,686 admissions or 41.1% when compared to FY 2018.² The increase in admissions was due to the increase in nearly every offender category, showing the beginning of a post-pandemic rebound. The overall admission of prison sanctions from probation in FY 2022 decreased by 53 compared to FY 2021. This is in addition to the 902 admissions drop from FY 2019 to FY 2020 and a 72 admission drop from FY 2020 to 2021. Since FY 2018 this population has decreased by 86.7%. This is the result of legislative measures enacted to abolish the use of prison sanctions for crimes committed after July 1, 2020.

When compared with FY 2021, direct new court commitments in FY 2022 displayed an increase of 327 admissions, or 25.0%, but displayed a decrease of 384 or 19.0% from five years ago. In FY 2022, probation violators with new sentences decreased by 14.3% and 32.8% since 2018. Probation violators with new convictions decreased by 16.3% between FY 2021 and FY 2022 and decreased by 75.8% since FY 2018.

Further examining the admission types, in FY 2022 the number of parole/postrelease condition violators admitted to prison increased by 118 offenders or 42.2% but decreased 448 admissions or 41.1% from 2018. Parole/postrelease violators with new sentences admitted to prison in FY 2022 demonstrated a decrease of 14 admissions or 12.2% from FY 2021 and a decrease of 112 or 52.6% since 2018.

¹ See Figure 12, Page 38.

² See Figure 13, Page 39.

Length of Sentence and Stay

The average of length of sentence and stay of each severity level in FY 2022 varied. When compared with FY 2021, the average length of sentence of drug offenders indicated an increase of 1.8 months and indicated an increase of 1.4 months compared to FY 2018. The largest increase occurred in the severity level 3 nondrug crimes, followed closely by level 4 nondrug crimes. The average length of sentence for N3s increased by 16.9 months when compared with FY 2021 and up 4.8 months compared to five years earlier. Severity level 4 nondrug crimes increased 16.1 months from FY 2021 and 11.8 months from FY 2018. The average sentence length increased 6.4 months for level 5 nondrug crimes compared to last year and five years ago. The average sentence length for nondrug severity level 2 crimes represented the largest decrease (97.8 months) from FY 2021, to 185.6 months, down 10 months from FY 2018. The volatility of the sentence length average is not surprising given there are so few offenders in this group. The average length of sentences of other nondrug severity levels stayed relatively stable during the last five years.³

When compared with FY 2021 inmate prison length of stay, the average length of stay in prison in FY 2022 for drug offenders increased by 2.9 months (37.5 v. 34.6), the average length of stay was mixed for property crime offenders (N7 to N10) at +2.6, -0.2, +1.1 and -0.8 months, respectively, the average length of stay for violent crime offenders (N1 to N3) was also mixed, with +1.0, -97.8, and +16.9 months respectively (fluctuation at N2 is expected due to low overall number of offenders). The average length of stay of nonviolent offenders (N4 to N6) increased by 16.1, 6.4, and 0.5 months respectively. The average length of stay for guideline postrelease supervision condition violators indicated a decrease of 1.6 (6.9 v. 5.3); and the average length of stay for pre-guideline parole condition violators was 82.3 months, indicating an increase of 12.1 months (70.2 v. 82.3)⁴. Probation condition violators stayed in prison for an average 25.2 months, an increase of 11.8 months when compared with that in FY 2022 (13.4 v. 25.2).

Based on the 3,954 inmates released from prison in FY 2022, 53.4% of them (2,112 inmates) were eligible for program credits and 87.5% of those eligible inmates earned program credits. The average program credit earned was 99 days, which reduced the length of sentence by 3.3 months, on average.

Forecast

In examining the estimated prison bed needs by offender group, all nondrug grid offender groups showed increases over the ten-year forecast period from FY 2023 to FY 2032, with the violent grid offenders (N1-N3) accounting for the largest increase of 477 inmates. This is due to the increased sentence length within this group as well as higher admission rates. The nongrid severity levels 4 to 6 group shows a steady increase of 207 inmates during the forecast period, while the nonviolent inmate (N7 to N10) population shows peaks in the third and ninth years of the forecast period, but only an increase of 33 inmates by the tenth year.

³ See Table 4, Page 14.

⁴ See Table 8, Page 16.

The second largest increase of prison population over the ten-year forecast period is the probation condition violators with an increase of 343 inmates. This increase is due to the abolition of prison sanctions, the high percentage of offenders revoked on probation, and the increased number of offenders receiving probation during the pandemic. Drug inmates will see an increase of 27 inmates over the ten-year forecast period.

The largest decrease is the parole/post release violator group with a decrease of 72 admissions. The decrease of this group is due to shorter periods of time served by violators compared to previous years. Other decreasing offender groups in the prison population for the ten-year forecast period is the off-grid offenders, with a decrease of 32 inmates, and pre-guideline (old law) offenders decreasing 65 offenders by 2032⁵. 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 offgrid population during the 10-year forecast, however, without that data it is impossible to accurately predict an influx of inmates found guilty at trial. Prison sanctions are expected to decrease to zero inmates due to the passage of 2020 SB 18, which abolished the use of prison sanctions for offenses that occur after June 30, 2020.⁶

A significant change is noted for probation condition violators sanction population 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, 2014 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 2020 SB 18, the prison sanction is no longer available for offenses committed after June 30, 2020. 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 and may require more beds. Additionally, during the pandemic, a higher percentage of offenders received probation sentences, including many offenders who would have received a prison sentence prior to the pandemic. 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 343 additional inmates in FY 2032.

Overall, the FY 2023 prison population projections indicate that prison population will increase during the forecast period. In FY 2031, the total prison population will rise to 9,353 inmates, an increase of 904 inmates or 10.7% over the current population level.⁷ Offgrid and nondrug severity levels 1, 2 and 3 inmates will account for 46.1% of the projected prison population in FY 2032. Nondrug severity levels 4, 5 and 6 inmates will make up 16.5% and

⁵ See Table 9, Page 18.

⁶ See Table 9, Page 18.

⁷ See Table 9, Page 18.

nonviolent inmates (N7 to N10) will consist of 7.6% of the projected prison population in FY 2032. The projected drug inmate prison population will represent 12.8% while parole/postrelease supervision condition violators will make up 3.1% of the forecasted prison population in FY 2032. Pre-guideline (old law) population, not including old law offgrid offenders, will account for 0.2% in FY 2032. Probation condition violators will make up 13.7% while prison sanction from probation offenders will account for 0.0 % of the projected population in FY 2032.

In FY 2032, male prison population will rise to 8,564, an increase of 835 inmates from the FY 2022 population. Female prison population will increase to 789 inmates, an increase of 69 inmates in FY 2032. Male inmates will account for 91.6% while female inmates will consist of 8.4% of the forecasted prison population in FY 2032.⁸

METHODS AND ASSUMPTIONS

Source of Data Used for the Projections

Data utilized for the FY 2023 prison population projections are based on the most recent felony sentencing information and current prison information from FY 2022. This data includes the automated and non-automated data files collected from the Kansas Department of Corrections (KDOC) and the FY 2022 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

⁸ See Figures 2 & 3, Pages 20 & 21.

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 2022 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
Keating, Mark	Kansas Department of Corrections
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 2023 Prison Population Projection Assumptions

1. The model begins on July 1, 2022.
2. The model is based on FY 2022 data (July 1, 2021 - June 30, 2022).
3. This prison population projection is for a ten-year forecasting period (FY 2023 to FY 2032).
4. The projection model is designed to simulate all new commitments to prison, from FY 2023 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 2022 (offenders not on any type of supervision at the time of conviction and subsequent admission to prison) indicated an increase of 25% or 327 admissions more when compared to FY 2021. Compared with FY 2018, the admissions to prison indicate a decrease of 19.0% or 384 admissions. FY 2018 demonstrated a total of 2,019 admissions; FY 2019 showed a total of 1,982 admissions; FY 2020 showed a total of 1,587 admissions; FY 2021 showed a total of 1,308 admissions; and FY 2022 showed a total of 1,635.
 - b) Probation Condition Violators. In FY 2022, 1,024 probation condition violators were admitted to prison, indicating a decrease of 3.0% or 22 admissions from FY 2021 and a decrease of 29.8% or 434 admissions from FY 2018. Probation condition violators admitted to prison during the five years were: 1,458 in FY 2018; 1,402 in FY 2019; 1,226 in FY 2020; 1,056 in FY 2021; and 1,024 in FY 2022. Of the 1,024 probation condition violators, like in FY 2021, 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 2022, 158 probation condition violators (50 females and 108 males) received 159 prison sanctions. One male offender received two prison sanctions, one 120-day and a second 180-day sanction. Of the 159 prison sanctions, 95 were 120 days; 64 were 180 days. The average length of stay in prison was 17 days for the 120-day sanctions and 39 days for the 180-day sanctions. The number of prison sanctions in FY 2022 indicated a decrease of 53 sanctions or 25.0% when compared with last year (212 sanctions), continuing the steady decline seen for the last several years.
 - d) Probation Violators with New Sentence. Probation violators with a new sentence in FY 2022 indicated a decrease of 34 violators or 14.3% from last year. When compared with FY 2018 numbers, it indicated a decrease of 32.8% or 99 admissions. The number of probation violators with new sentence in the past five years were: 302 in FY 2018, 355 in FY 2019, 284 in FY 2020, 237 in FY 2021, and 203 in FY 2022.
 - e) Probation Violators with New Conviction. In FY 2022, probation violators with new conviction decreased by 16.3% or 7 admissions when compared with that of FY 2021. Over

the five-year period, probation violators with new conviction indicated a decrease of 75.8% or 113 violators.

- f) Total New Commitments: Rate of Growth⁹. The total new commitments of the above groups in FY 2022 increased by 9.0% or 234 admissions when compared with that of 2021. The growth rates for new commitments in the past ten years are as follows:

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%
FY 2019 to FY 2020*	-30.8%
FY 2020 to FY 2021*	-22.0%
FY 2021 to FY 2022	9.0%
<i>Average yearly growth rate (FY 2013 to FY 2022)</i>	<i>-2.5%</i>

*Due to the COVID-19 pandemic

Last year, the consensus group agreed to a 1.0% decrease for the first six months, then flat for 3 months, then increase of 0.5% the final three months. 1.0% increase in FY 2023 and thereafter. The listed growth rates apply to both the male and female populations. On July 28, 2022, the Consensus Group agreed to increases in both the male and female populations, with a strong boost in the growth rate in FY 2023 and FY 2024, then a shift to a more modest upward trajectory thereafter. For the male population, the growth rate was agreed at two percent annually (+2%) in FY 2023 and FY 2024, then to one percent (+1%) in growth from FY 2025 forward. For the female population, the growth rate was agreed at six percent (+6%) in FY 2023, three percent (+3%) in FY 2024, then to one and a half percent (+1.5%) in growth from FY 2025 forward.

- Guideline postrelease supervision condition violators may serve up to 180 days. The average length of stay for this group was 135 days in FY 2018, 129 days in FY 2019, 129 days in FY 2020, and 150 days in FY 2021. The consensus group agreed to use 135 days for this group in FY 2022 model. The actual average length of stay in FY 2022 was 158 days. The consensus group agreed to use a 150-day average length of stay for the FY 2023 model.
- In FY 2022, a total of 632 parole/postrelease and conditional release condition violators were returned to prison, indicating an increase of 186 offenders when compared with last year. The consensus group agreed to use the return rate of 40 offenders per month in FY 2022. The actual average rate of parole/postrelease and conditional release condition violators was 53 offenders per month, indicating an increase of 16 admissions per month. The Consensus Group agreed to 58 admissions per month for the 2023 model, for FY 2023 and forward.

⁹ Growth rate includes prison sanctions.

8. In FY 2022, a total of 103 parole/postrelease violators with new sentences were admitted to prison, representing a decrease of 10.4% or 12 admissions when compared with the admissions of FY 2021. The past five years' data of parole/postrelease violators with new sentence has steadily declined: FY 2018-213, FY 2019-182, FY 2020-134, FY 2021-115, and FY 2022 - 103). Last year, the consensus group agreed to use 135 returns for this group in FY 2022 model. For the FY 2023 model, the Consensus Group agreed to continue the decline and recommended down to 100 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 2022, 158 probation condition violators (50 females and 108 males) received 159 prison sanctions. The consensus group agreed in to a 50% decrease in sanctions for FY 2022, a 75% decrease in FY 2023, and zero total sanctions in the remaining fiscal years. In FY 2022, the sanction population was only reduced by 25.0% or 53 admissions, representing an overestimation of the sanction population. The Consensus Group agreed that the expected elimination will happen only after the few courts still using sanctions (ie. Reno, Shawnee, etc) are forced to discontinue them due to eligibility expiration, legislation, etc. This is expected in two years. The group agreed the females will stay steady at 50 for the next couple years, then drop to zero, while males will drop 25% the next couple years before dropping to zero. The group agreed that there will be no prison sanction admissions in FY 2026 and forward.

KEY FINDINGS OF FISCAL YEAR 2022 DATA

1. A total number of 8,449 offenders were incarcerated in KDOC on June 30, 2022, representing a decrease of 107 offenders when compared with that of FY 2021. Of the total number, 8,166 were guideline offenders, 282 were pre-guideline offenders, and 1 was a nongrid offender. Nearly all the pre-guideline offenders were offgrid, nondrug severity levels 1 to 3 offenders and parole condition violators, representing 97.5% of this group.
2. In FY 2022, 3,856 offenders were admitted to prison, representing an increase of 366 offenders. Of those 3,856 offenders, new commitments (including prison sanctions from probation) accounted for 79.3% or 3,057 admissions, which included 42.4% direct new court commitments, 26.6% probation condition violators, 4.1% prison sanctions, 5.3% probation violators with new sentence and 0.9% new conviction.
3. Compared with FY 2021, the total number of new commitments sentenced to prison in FY 2022 increased by 25% or 327 admissions. Among the total of new commitments to prison, direct new court commitments accounted for 1,635 admissions. Probation condition violators indicated a decrease of 3.0% or 32 admissions. Prison sanctions from probation decreased by 25.0% or 53 sanctions. Probation violators with new sentence showed a decrease of 14.3% or 34 offenders. Probation violators with new conviction showed a decrease of 16.3% or 7 admissions.
4. In FY 2022, 158 probation condition violators (50 females and 108 males) received a total of 159 prison sanctions. Of the 159 sanctions, 95 were 120 days; 64 were 180 days. One male offender received two prison sanctions. The average length of stay in prison was 17 days for the 120 days and 39 days for the 180 days.
5. Parole/post-release condition violators and conditional release violators made up 16.4% or 632 admissions of the total admissions in FY 2022, indicating an increase of 41.7% or 186 admissions from that of FY 2021.
6. The average length of sentence of probation condition violators in FY 2022 was 25.2 months. The average jail credit was 205 days or 6.7 months. These numbers are similar to what was reported last year. Further examination of this group displayed that over 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 2022 was calculated to be 82.3 months, indicating an increase of 12.1 months from the length of stay observed during FY 2021 (70.2 months). The average length of stay for the guideline postrelease supervision condition violators in FY 2022 was 5.3 months (161 days), 49 days less than the average length of stay in FY 2021 (6.9 months or 210 days).

8. Compared with FY 2021, the average lengths of sentence of the guideline nondrug sentences in FY 2022 changed as such:
 - Severity level one – 1.0-month increase
 - Severity level two – 97.8-month decrease
 - Severity level three – 16.9-month increase
 - Severity level four – 16.1-month increase
 - Severity level five – 6.4-month increase
 - Severity level six – 0.5-month increase
 - Severity level seven – 2.6-month increase
 - Severity level eight – 0.2-month decrease
 - Severity level nine – 1.1-month increase
 - Severity level ten – 0.8-month decrease
 - The number of admissions of nondrug crimes increased across all severity levels, but severity level 6, 8, and 10, decreasing 4, 31, and 1, respectively. The number of admissions increased as follows: SLV 1 – (39), SLV 2 - (19), SLV 3 – (52), SLV 4 – (10), SLV 5 – (38), SLV 7 – (5), SLV 9 – (14). Drug crimes increased by 93 total across all severity levels.
9. During FY 2022, the admissions of parole/postrelease violators with new sentences (including conditional release violators with new felony sentences) indicated a decrease of 11 admissions or 10.6% when compared with the returns in FY 2021 (93 vs. 104).
10. In FY 2022, 879 drug offenders were admitted to prison, indicating an increase of 93 admissions when compared with that of FY 2021. Of this number, 378 were new court commitments, 418 probation condition violators, 67 probation violators with new sentence and 16 probation violators with new conviction. The average length of the drug sentences was 37.5 months, indicating an increase of 3.1 months when compared to that of 2021 (34.6 vs. 37.5).

**Table 1: Prison Population Characteristics
6/30/2022**

Severity Level	Pre-Guideline		Guideline		Total	
	Number	Percent	Number	Percent	Number	Percent
D1	0	0.0%	137	1.6%	137	1.6%
D2	0	0.0%	319	3.8%	319	3.8%
D3	0	0.0%	319	3.8%	319	3.8%
D4	0	0.0%	71	0.9%	71	0.9%
D5	0	0.0%	323	3.9%	323	3.9%
N1	45	0.6%	1118	13.2%	1163	13.8%
N2	32	0.4%	197	2.3%	229	2.7%
N3	26	0.3%	1083	12.8%	1109	13.1%
N4	3	0.0%	288	3.4%	291	3.4%
N5	2	0.0%	816	9.7%	818	9.7%
N6	0	0.0%	227	2.7%	227	2.7%
N7	2	0.0%	471	5.6%	476	5.6%
N8	0	0.0%	70	0.8%	70	0.8%
N9	0	0.0%	129	1.5%	129	1.5%
N10	0	0.0%	7	0.1%	7	0.1%
Offgrid	129	1.5%	1319	15.6%	1448	17.1%
Probation Condition Violators	0	0.0%	941	11.1%	941	11.1%
Sanction from Probation	0	0.0%	12	0.1%	12	0.1%
Parole/Postrelease Condition Violators	43	0.5%	319	3.8%	362	4.3%
Subtotal	282	3.3%	8166	96.7%	8448	100.0%
Nongrid/Unknown					1	0.0%
Total					8449	100.0%

Source: DOC prison population file.

Table 2: Comparison between Actual Prison Population - FY 2021 & FY 2022

Offender Group	2021	2022	Difference	% Increase/ Decrease
Drug	1214	1169	-45	-3.7%
N1 to N3	2480	2501	21	0.8%
N4 to N6	1472	1336	-136	-9.2%
N7 to N10	680	679	-1	-0.1%
Sanction from Probation	20	12	-8	-40.0%
Probation Condition Violators	974	941	-33	-3.4%
Offgrid Including Old Law Lifer	1349	1369	20	1.5%
Parole/Post Release Violators	282	362	80	28.4%
Old Law Inmates*	85	80	-5	-5.9%
Total	8556	8449	-107	-1.3%

Source: DOC prison population files.

Table 3: Guideline Admission Characteristics - FY 2022

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	19	0.6%	84.7	218.9	5.3	10.5	0.0
D2	67	2.2%	94.7	292.5	25.4	4.5	0.0
D3	118	3.9%	58.7	262.1	15.3	7.6	0.8
D4	74	2.4%	33.3	199.8	29.7	9.5	1.4
D5	601	19.7%	26.0	199.2	59.9	7.7	2.3
N1	83	2.7%	250.7	516.6	3.6	0.0	0.0
N2	26	0.8%	185.6	541.1	3.8	0.0	0.0
N3	171	5.6%	115.8	504.0	6.4	7.0	0.6
N4	75	2.5%	74.8	380.9	8.0	8.0	0.0
N5	254	8.3%	63.9	399.1	14.6	3.9	0.8
N6	145	4.7%	38.6	288.7	33.8	11.0	2.1
N7	491	16.1%	33.7	272.0	38.7	10.8	1.8
N8	207	6.8%	18.9	230.4	48.3	5.8	1.0
N9	469	15.4%	15.1	183.6	42.2	4.7	0.6
N10	27	0.9%	9.7	141.6	44.4	0.0	0.0
Unknown/NON	1	0.0%	16.0	126.0	N/A	N/A	N/A
Offgrid	68	2.2%	206.9	326.7	1.5	1.5	0
Sanction	159	5.2%	-	-	N/A	N/A	N/A
Total	3055	100.0%					

Source: DOC admission file.

**Table 4: Comparison of Guideline New Commitments
Admissions to Prison by Severity Level and Drug Offense
FY 2018, FY 2021 and FY 2022**

Severity Level & Offense	FY 2018	FY 2021	FY 2022	Difference Between 2018 & 2022	Difference Between 2021 & 2022
N1	100	42	81	-19	39
N2	19	7	26	7	19
N3	184	119	171	-13	52
N4	95	65	75	-20	10
N5	332	216	254	-78	38
N6	187	149	145	-42	-4
N7	604	486	491	-113	5
N8	344	238	207	-137	-31
N9	682	455	469	-213	14
N10	39	28	27	-12	-1
Drug	1256	786	879	-377	93
Total	3842	2591	2825	-1017	234

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 2018, FY 2021 and FY 2022**

Severity Level & Offense	FY 2018	FY 2021	FY 2022	Difference Between 2018 & 2022 (Month)	Difference Between 2021 & 2022 (Month)
N1	244.5	249.7	250.7	6.2	1.0
N2	195.6	283.4	185.6	-10.0	-97.8
N3	111.0	98.9	115.8	4.8	16.9
N4	63.0	58.7	74.8	11.8	16.1
N5	57.5	57.5	63.9	6.4	6.4
N6	38.8	38.1	38.6	-0.2	0.5
N7	30.4	31.1	33.7	3.3	2.6
N8	17.1	19.1	18.9	1.8	-0.2
N9	13.3	14.0	15.1	1.8	1.1
N10	9.4	10.5	9.7	0.3	-0.8
Drug	35.0	34.6	37.5	1.4	1.8

Source: DOC admission file.

Table 6: Comparison between FY 2021 and FY 2022 Prison Admission Types by Male

Admission Type	2021	2022	Number Change	Percent Change
New Court Commitment	1177	1481	304	25.8%
Probation Condition Violator	812	774	-38	-4.7%
Prison Sanction	162	109	-53	-32.7%
Probation Violator With New Sentence	210	176	-34	-16.2%
Probation Violator With New Conviction	43	36	-7	-16.3%
Parole/Post-release Condition Violator	416	580	164	39.4%
Parole/Post-release Violator With New Sentence	104	93	-11	-10.6%
Other	62	7	-55	-88.7%
Total Admission	2986	3306	320	10.7%
End of Year Population	7828	7729	-99	-1.3%

Table 7: Comparison between FY 2021 and FY 2022 Prison Admission Types by Female

Admission Type	2021	2022	Number Change	Percent Change
New Court Commitment	131	154	23	17.6%
Probation Condition Violator	244	250	6	2.5%
Prison Sanction	50	50	0	0.0%
Probation Violator With New Sentence	27	27	0	0.0%
Probation Violator With New Conviction	0	0	0	0.0%
Parole/Post-release Condition Violator	30	52	22	73.3%
Parole/Post-release Violator With New Sentence	6	7	1	16.7%
Other	16	10	-6	-37.5%
Total Admission	504	550	46	9.1%
End of Year Population	728	720	-8	-1.1%

Table 8: Comparative Analysis of Condition Parole/Post Release Supervision Violators Between FY 2021 and FY 2022

Law	Number of Admission				Average Length of Stay in Month			
	FY 2021	FY 2022	Change #	Change %	FY 2021	FY 2022	Change #	Change %
Guideline	388	611	223	57.5%	6.9	5.3	-1.6	-23.2%
Pre-guideline	30	23	-7	-23.3%	70.2	82.3	12.1	17.2%
Total	418	634	216	51.7%				

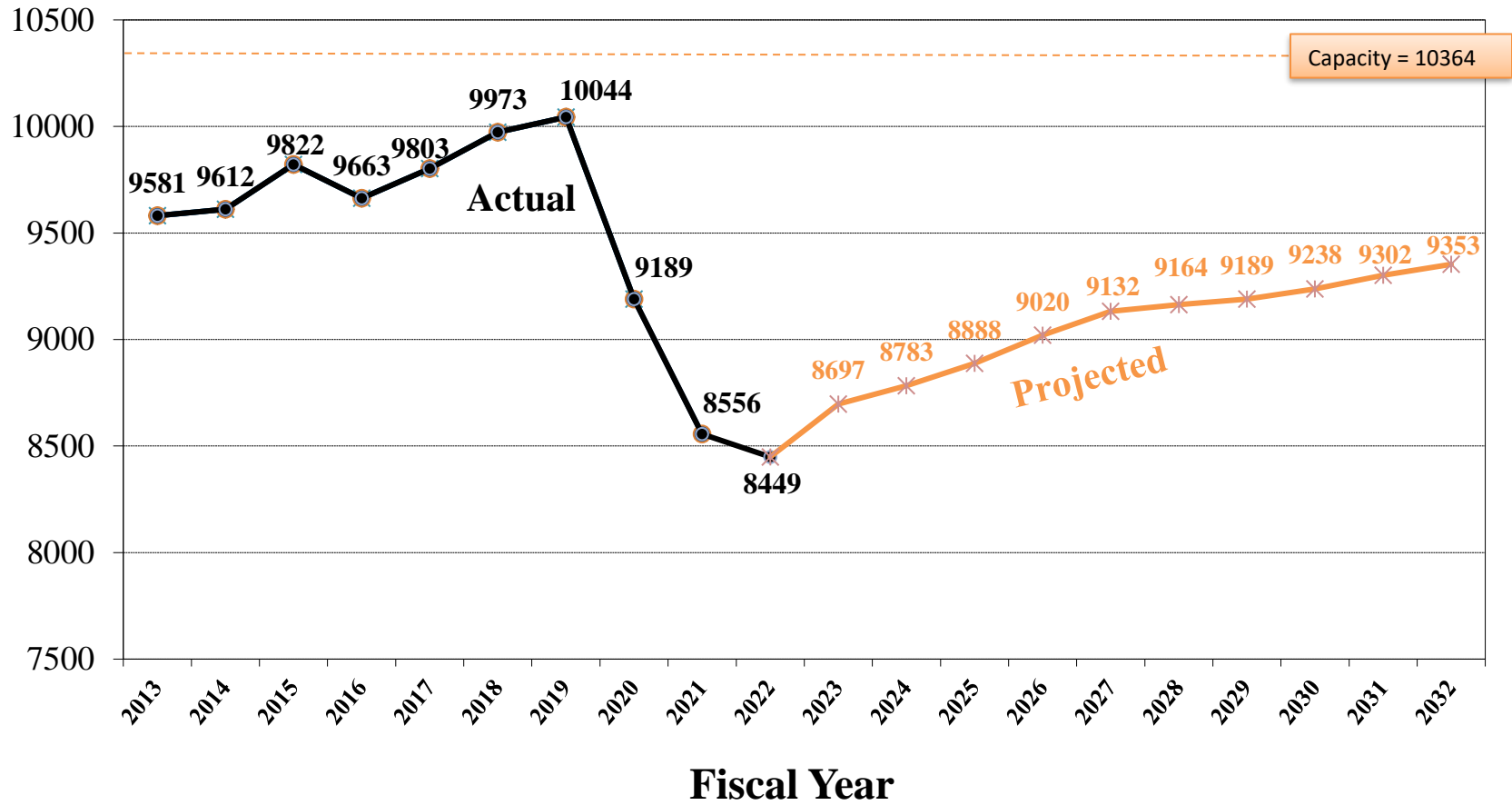
FY 2023 PRISON POPULATION PROJECTIONS

Table 9: FY 2023 Prison Population Projection by Offender Group

Offender Group	2022*	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	# Change	% Change
Drug	1169	1214	1189	1202	1233	1234	1230	1198	1158	1168	1196	27	2.3%
N1 to N3	2501	2478	2530	2591	2667	2729	2798	2825	2884	2956	2978	477	19.1%
N4 to N6	1336	1435	1460	1493	1501	1516	1506	1523	1506	1494	1543	207	15.5%
N7 to N10	679	739	749	722	711	724	718	732	740	747	712	33	4.9%
Sanction	12	8	8	0	0	0	0	0	0	0	0	-12	-100.0%
Probation Condition Violators	941	1073	1131	1178	1190	1213	1230	1229	1268	1262	1284	343	36.5%
Offgrid Including Old Law Lifer	1369	1387	1372	1377	1376	1376	1375	1360	1349	1348	1337	-32	-2.3%
Parole/Post Release Violators	362	293	280	275	297	306	278	296	315	312	288	-74	-20.4%
Old Law Inmates	80	70	64	50	45	34	29	26	18	15	15	-65	-81.3%
Total	8449	8697	8783	8888	9020	9132	9164	9189	9238	9302	9353	904	10.7%

* Actual prison population on June 30, 2022.

**Figure 1: KS Prison Population:
Actual and Projected**



**Figure 2: KS Male Prison Population:
Actual and Projected**

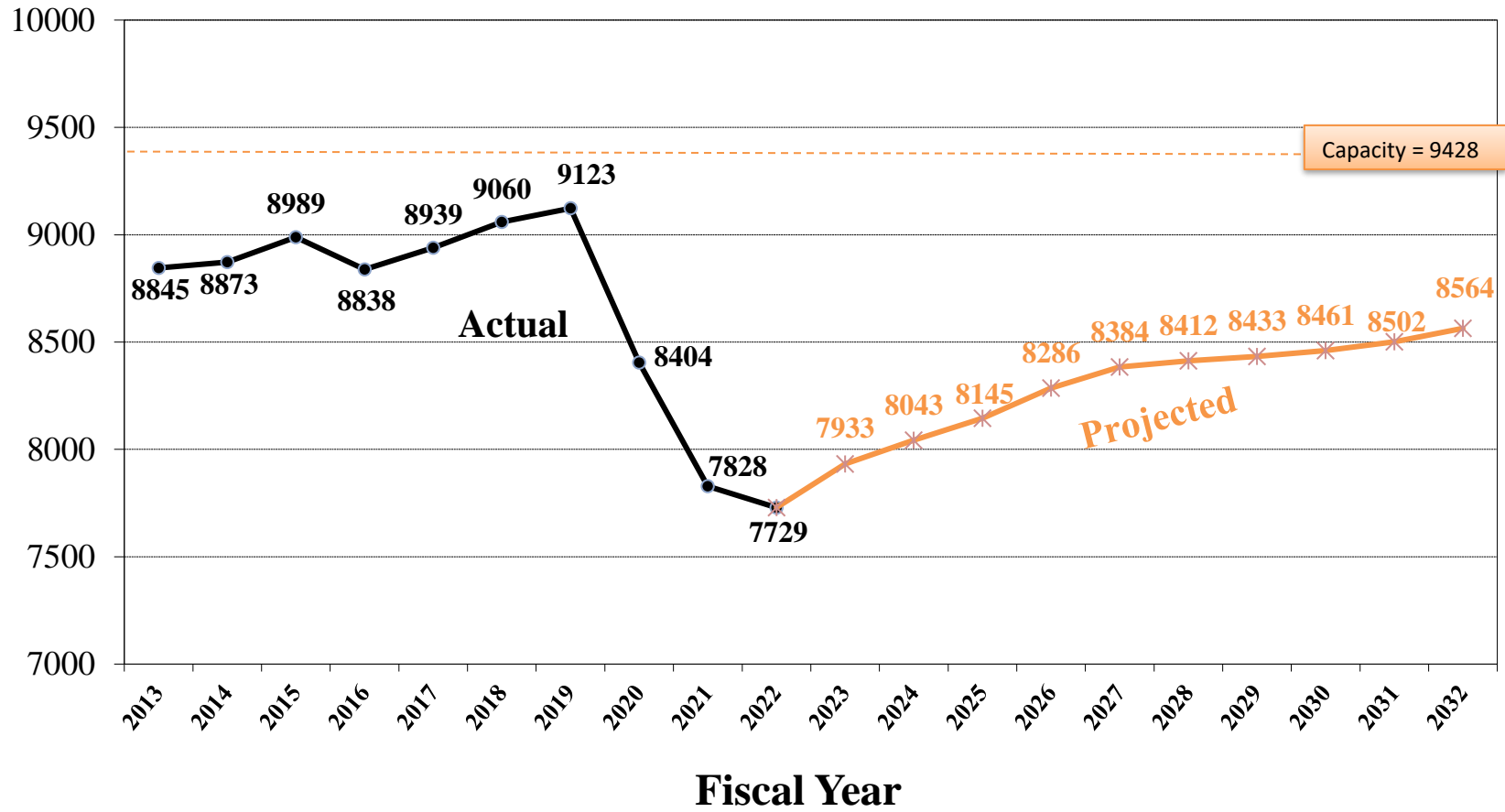


Figure 3: Female Prison Population - Actual and Projected

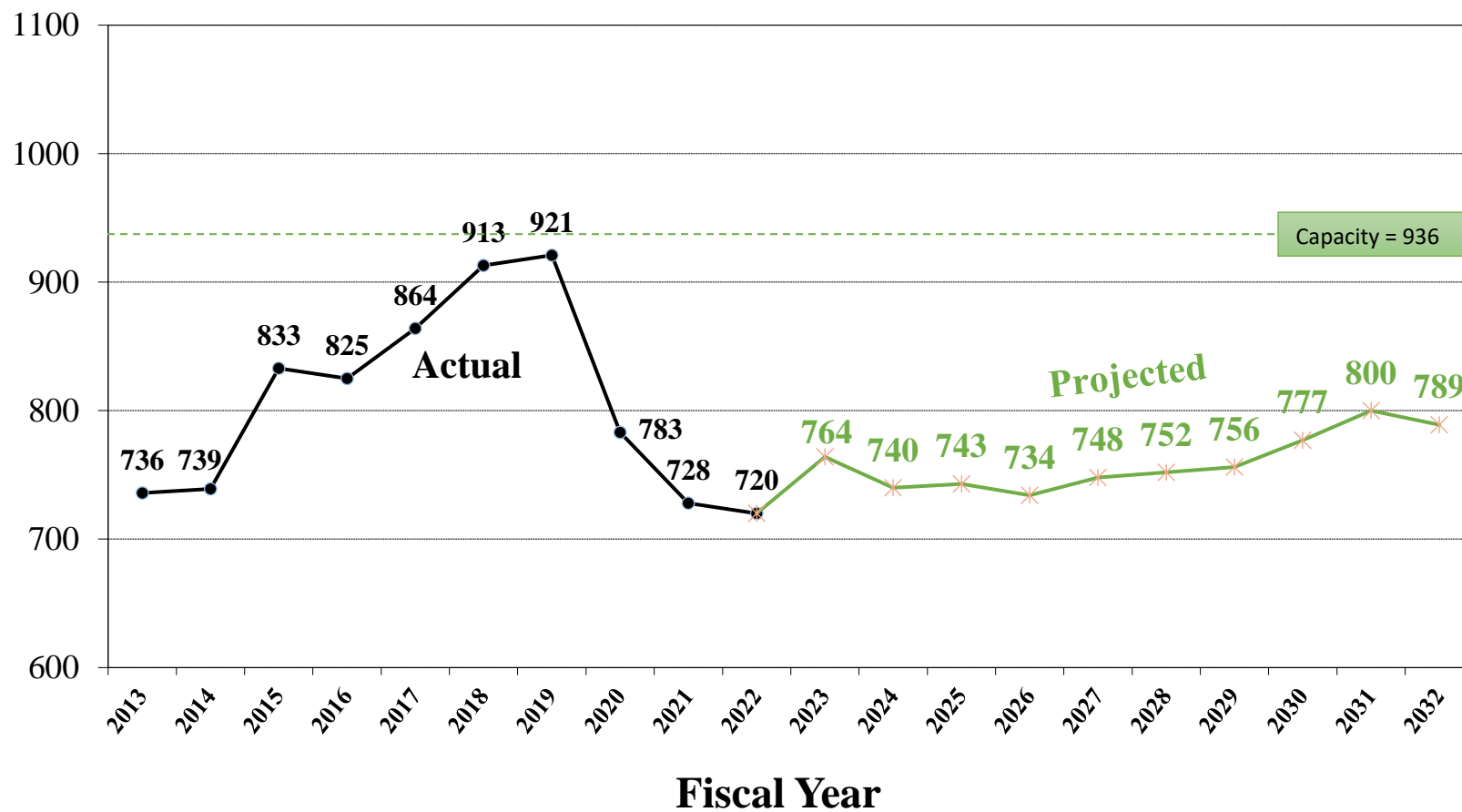
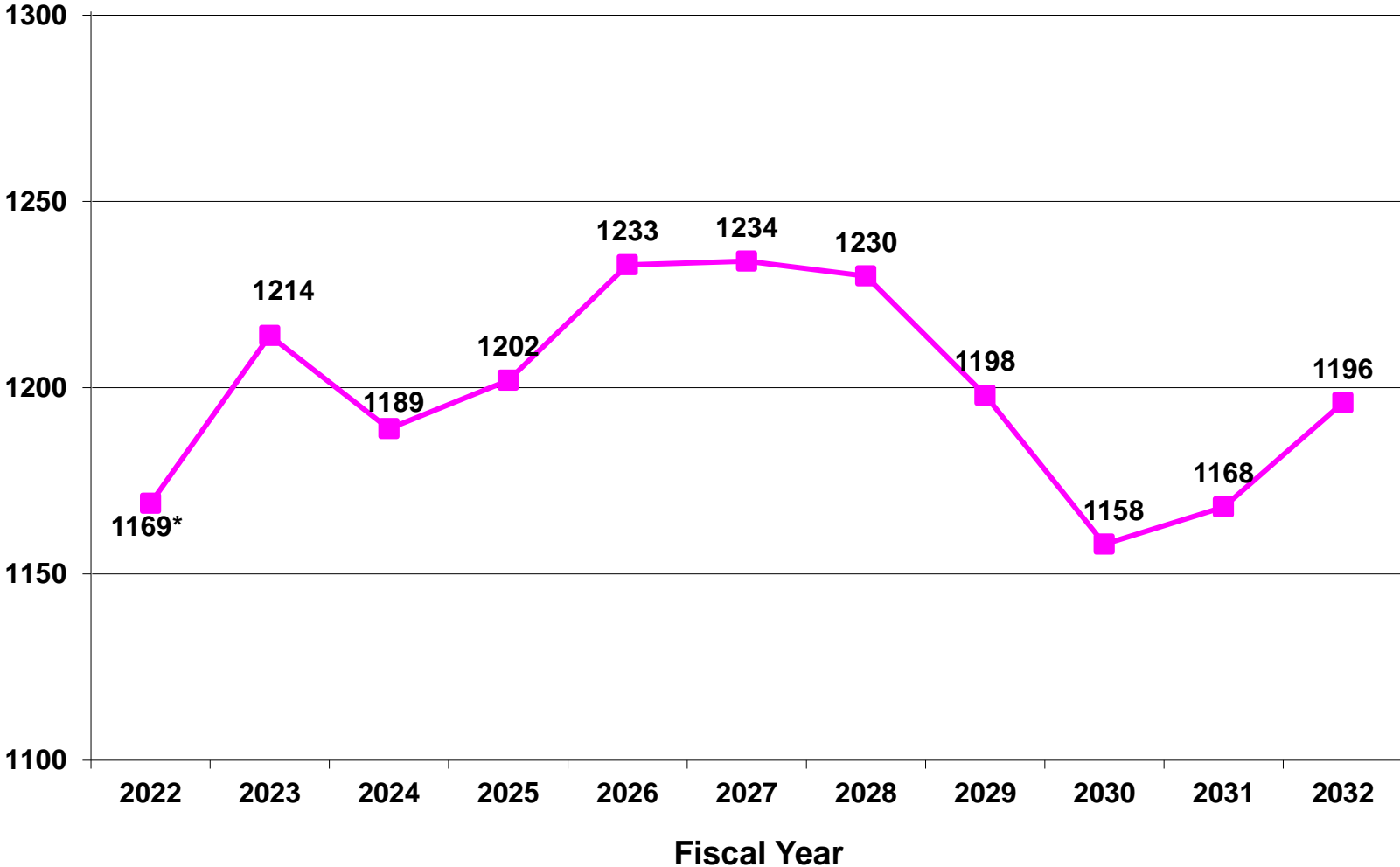
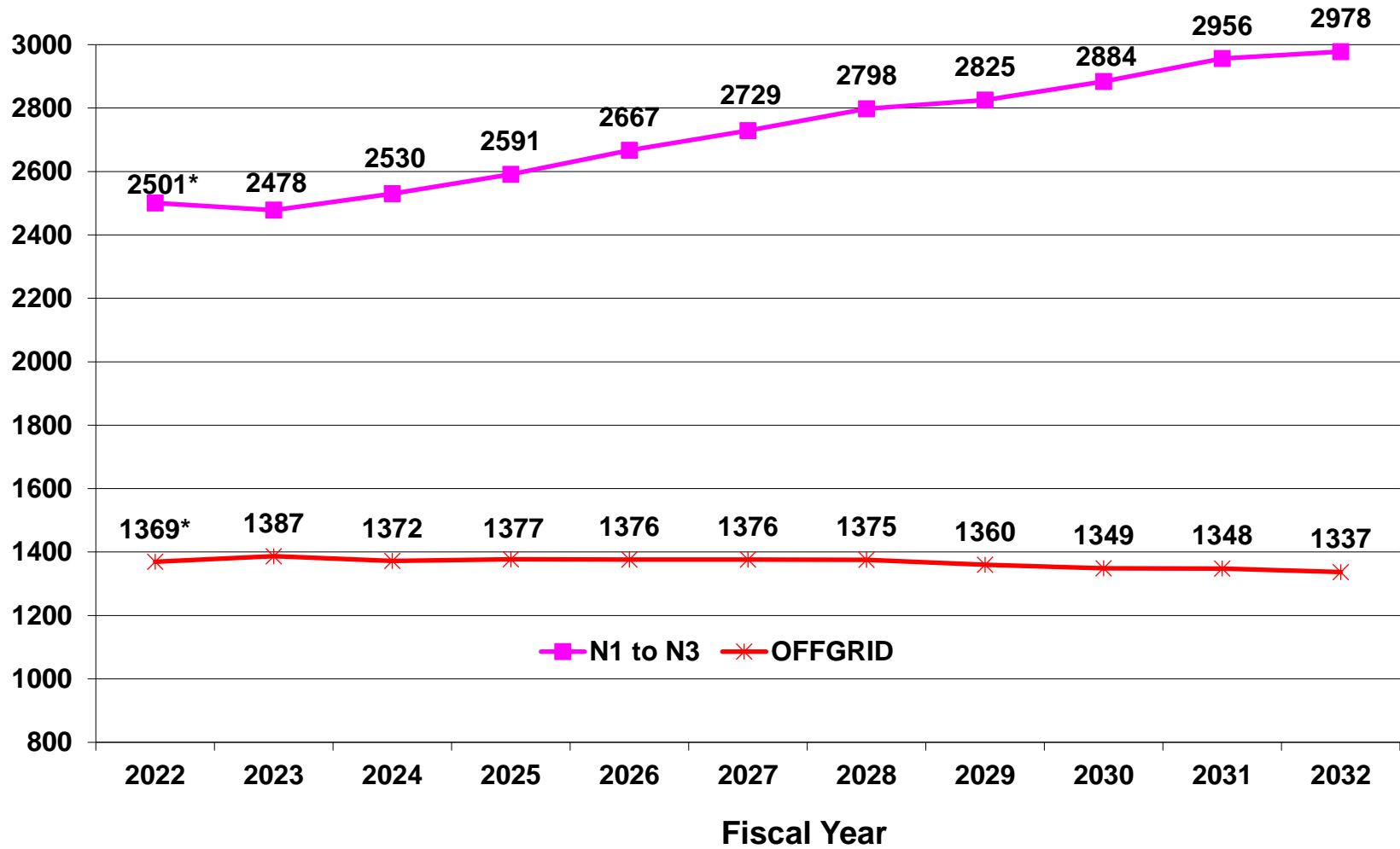


Figure 4: Projected Drug Inmate Prison Population



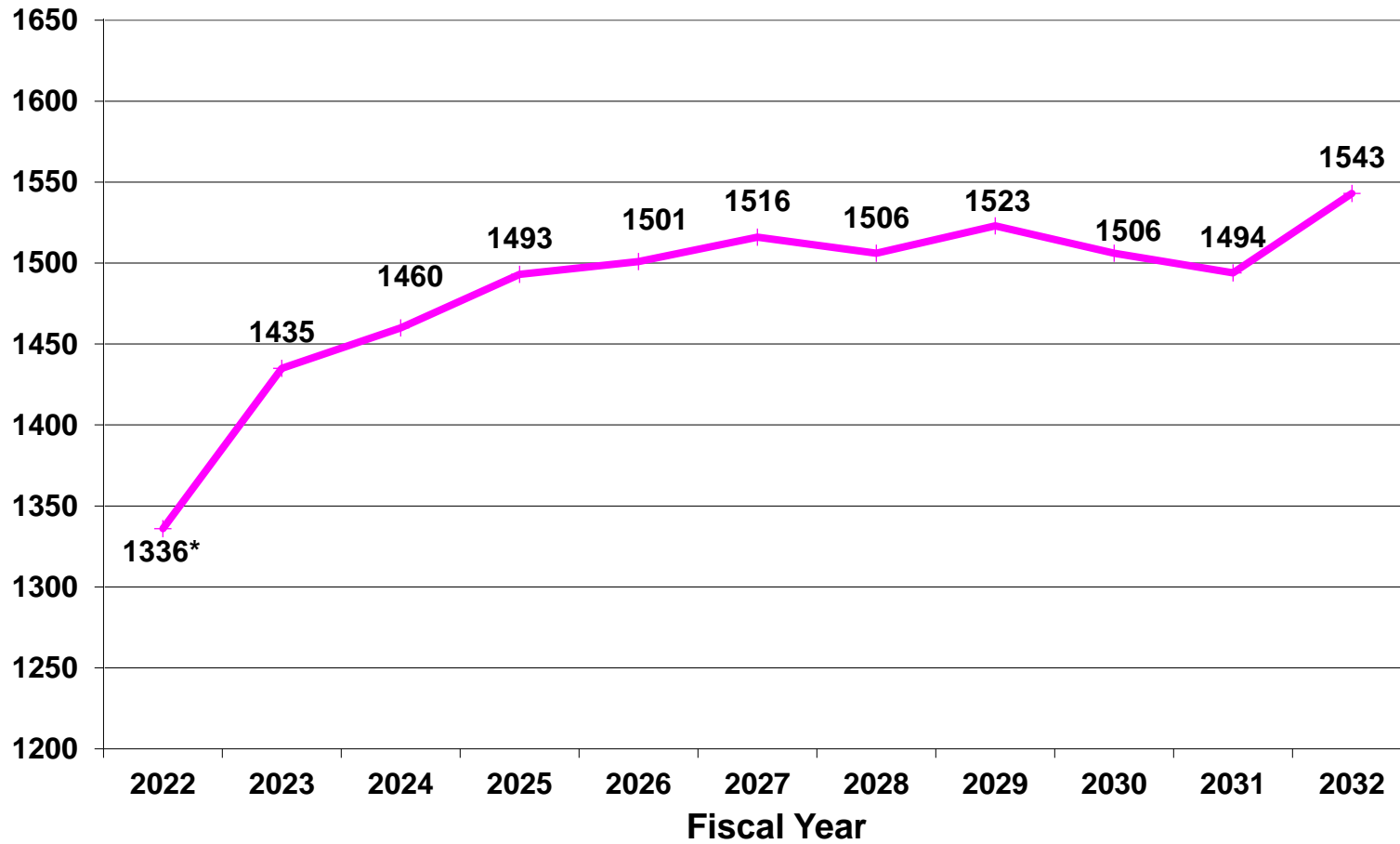
* Actual prison population on June 30, 2022.
This group accounts for 12.8% of the total projected prison population in FY 2032.

Figure 5: Projected Violent Inmate Prison Population



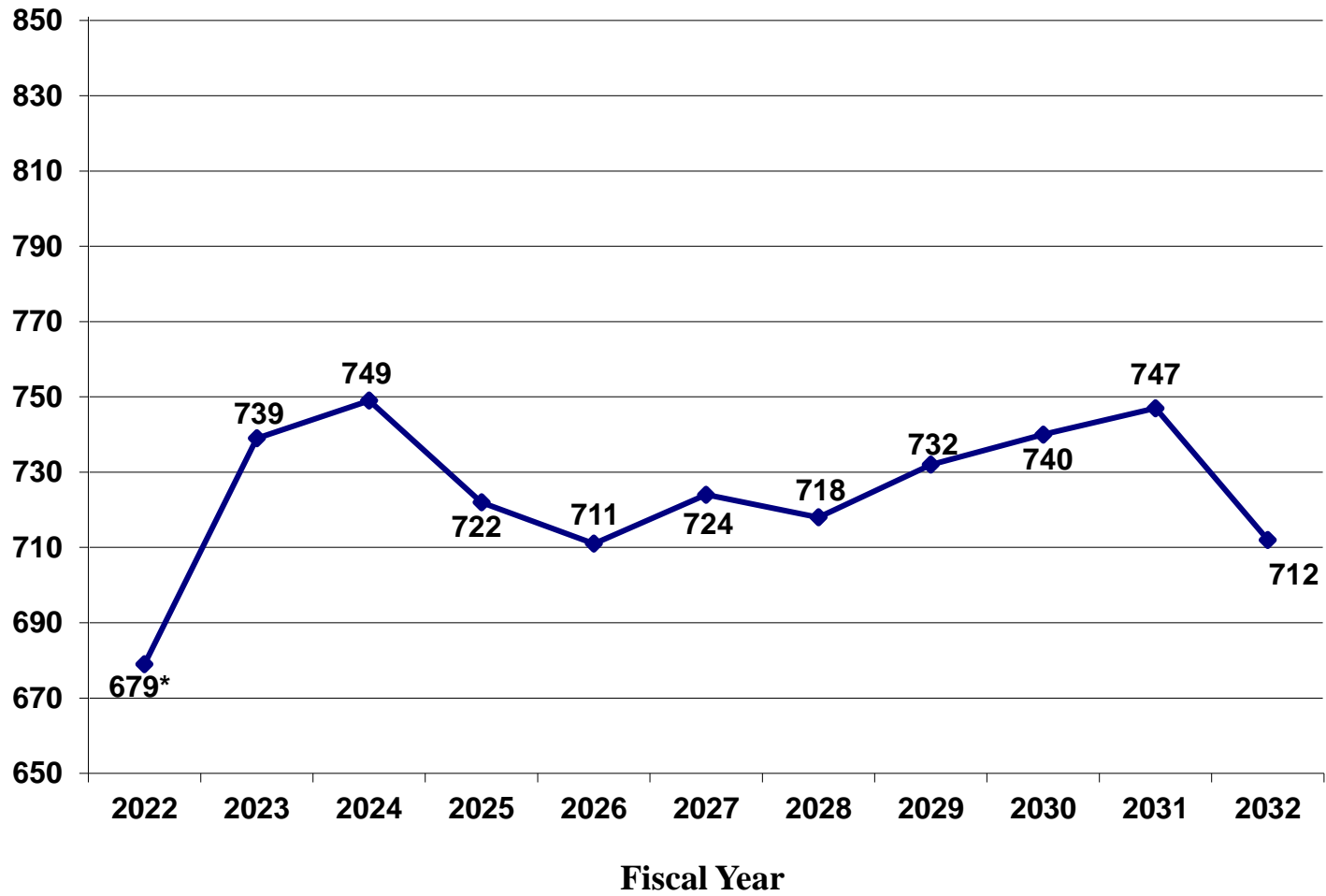
* Actual prison population on June 30, 2022.
 This group accounts for 46.1% of the total projected prison population in FY 2032.

Figure 6: Projected N4-N6 Inmate Prison Population



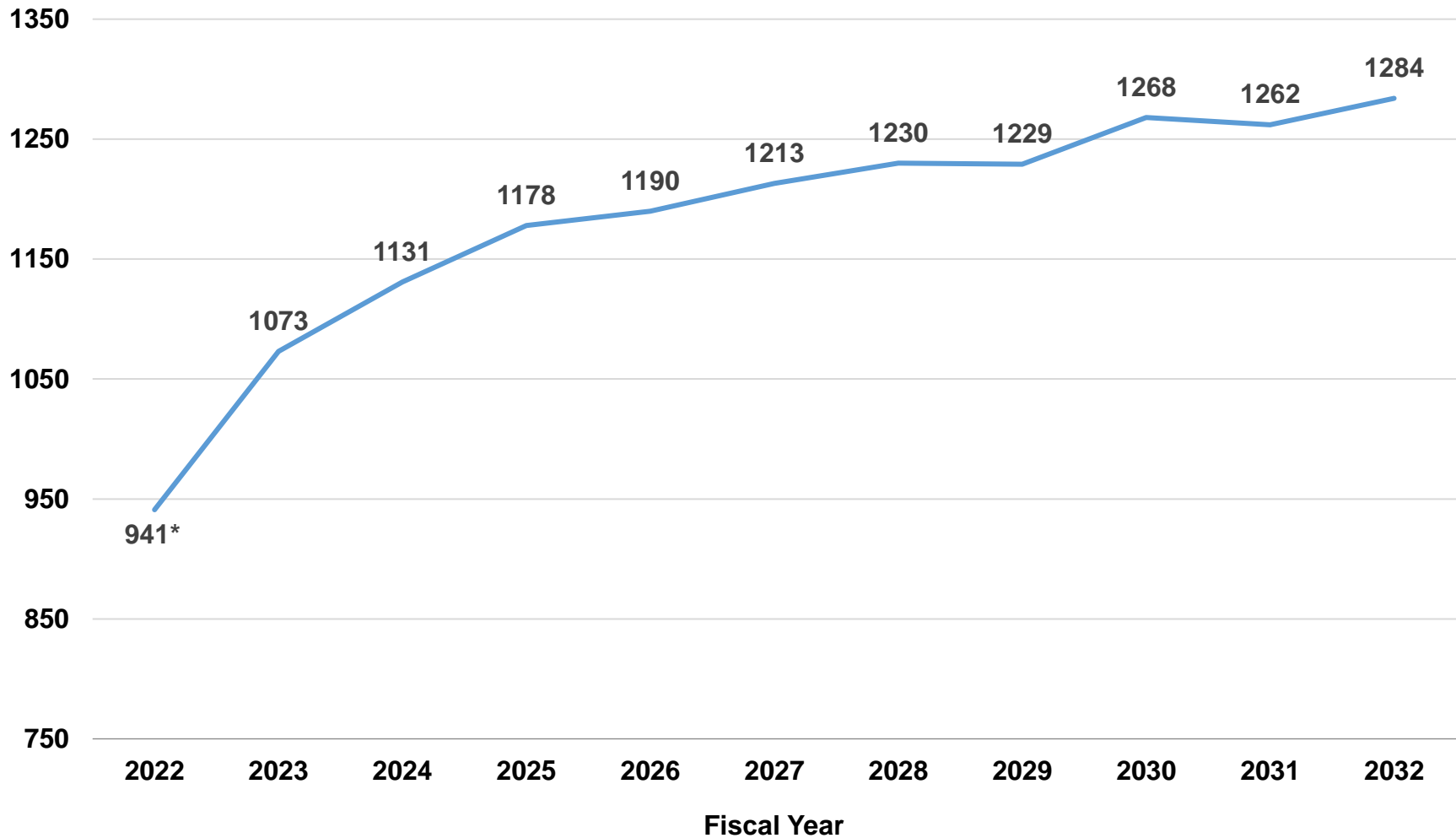
* Actual prison population on June 30, 2022.
This group accounts for 16.5% of the total projected prison population in FY 2032.

Figure 7: Projected Nonviolent Inmate Prison Population



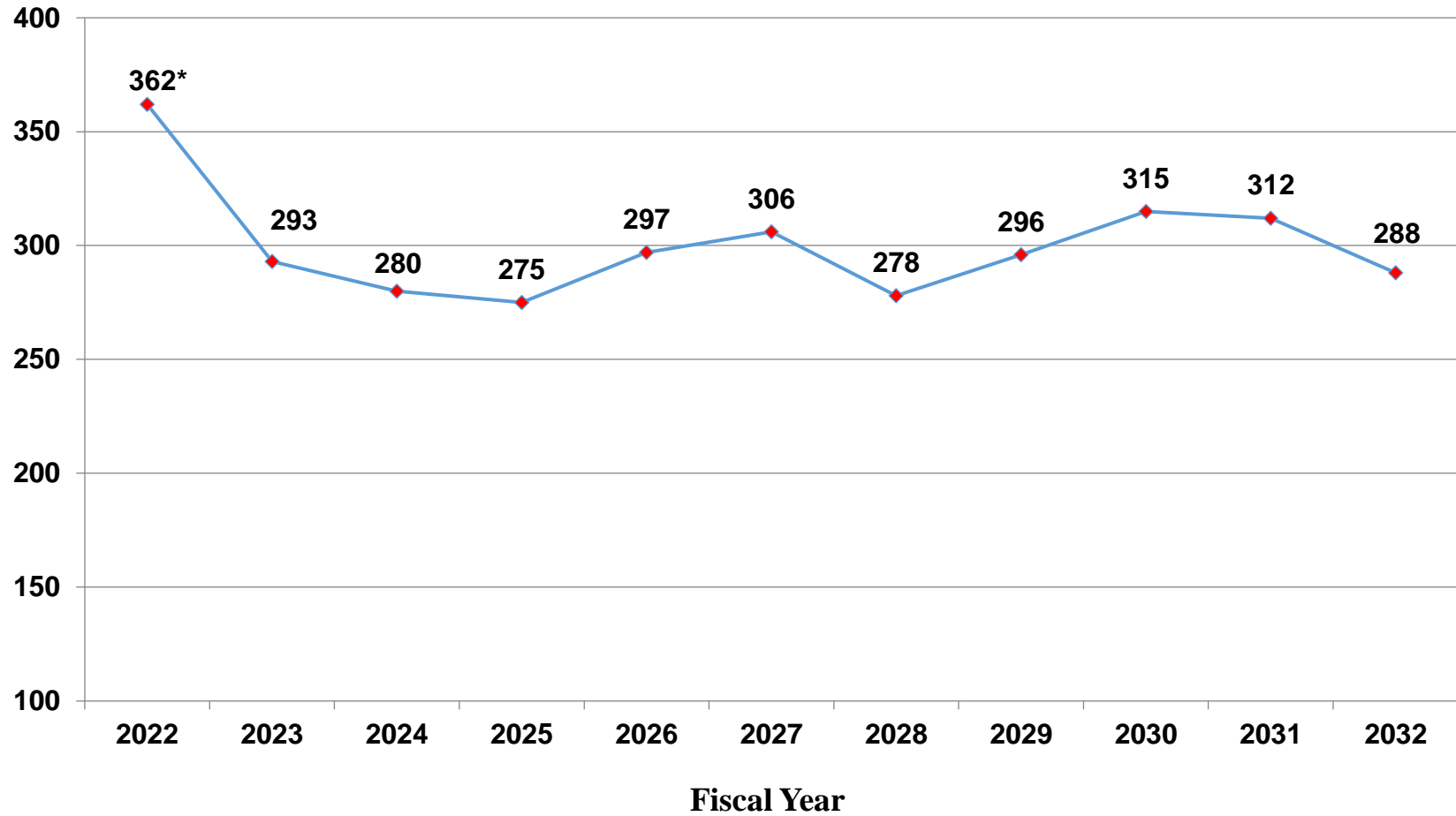
* Actual prison population on June 30, 2022.
This group accounts for 7.6% of the total projected prison population in FY 2032.

Figure 8: Projected Probation Condition Violator Inmate Population



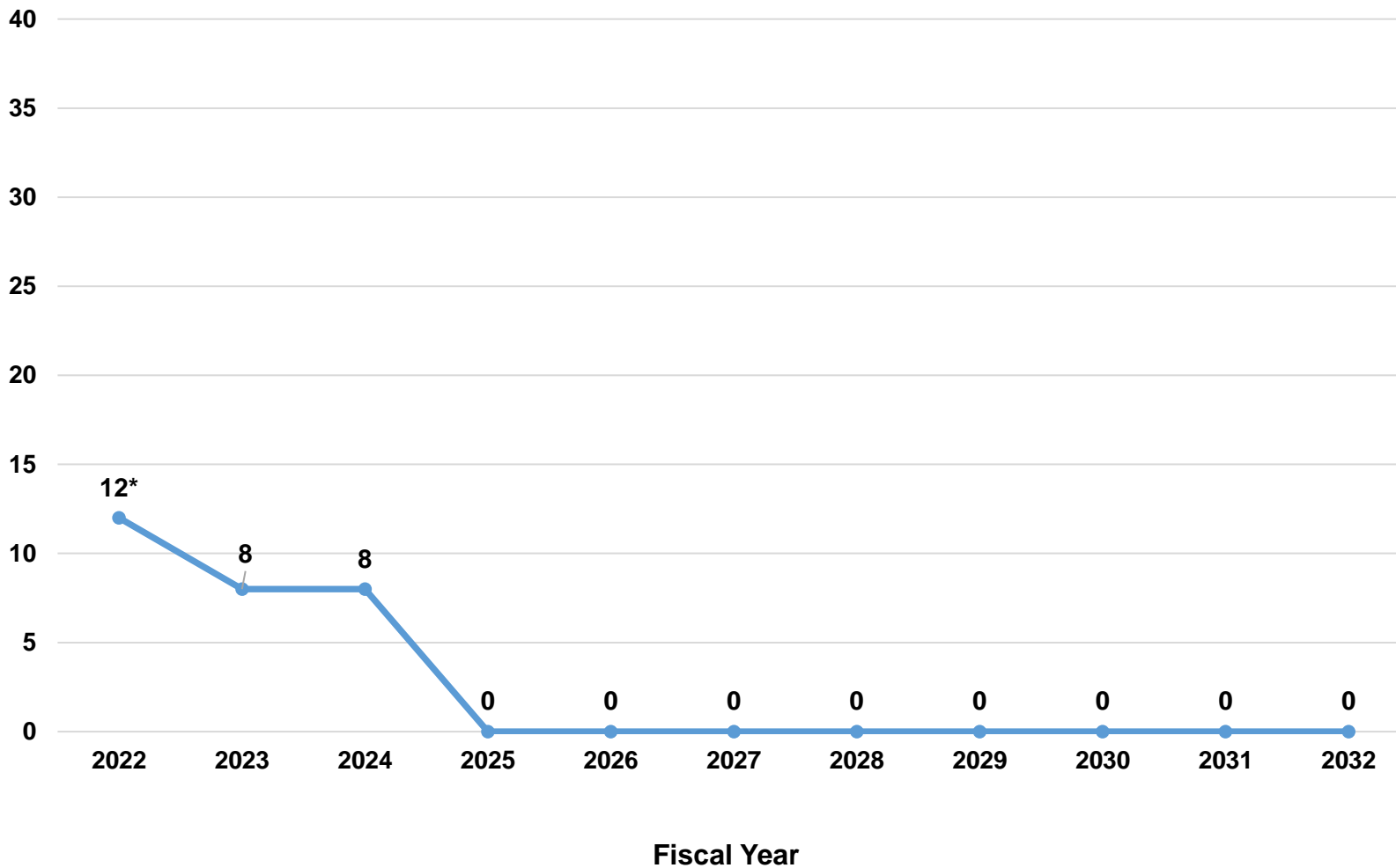
* Actual prison population on June 30, 2022.
This group accounts for 13.1% of the total projected prison population in FY 2032.

Figure 9: Projected Parole/Postrelease Condition Violator Inmate Population



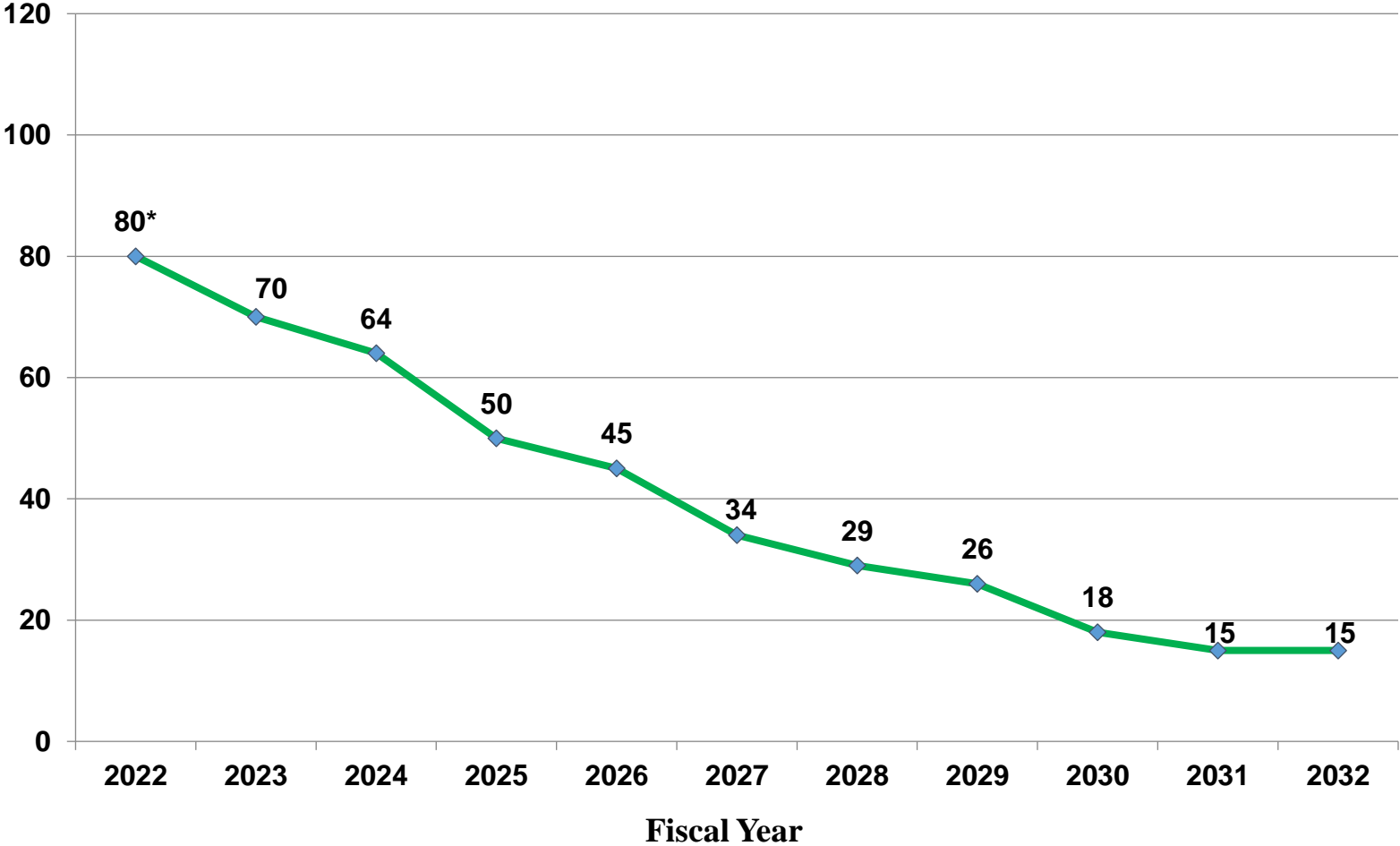
* Actual prison population on June 30, 2022.
This group accounts for 2.6% of the total projected prison population in FY 2032.

Figure 10: Projected Prison Sanction Inmate Population



* Actual prison population on June 30, 2022.
This group accounts for 0.0% of the total projected prison population in FY 2032.

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



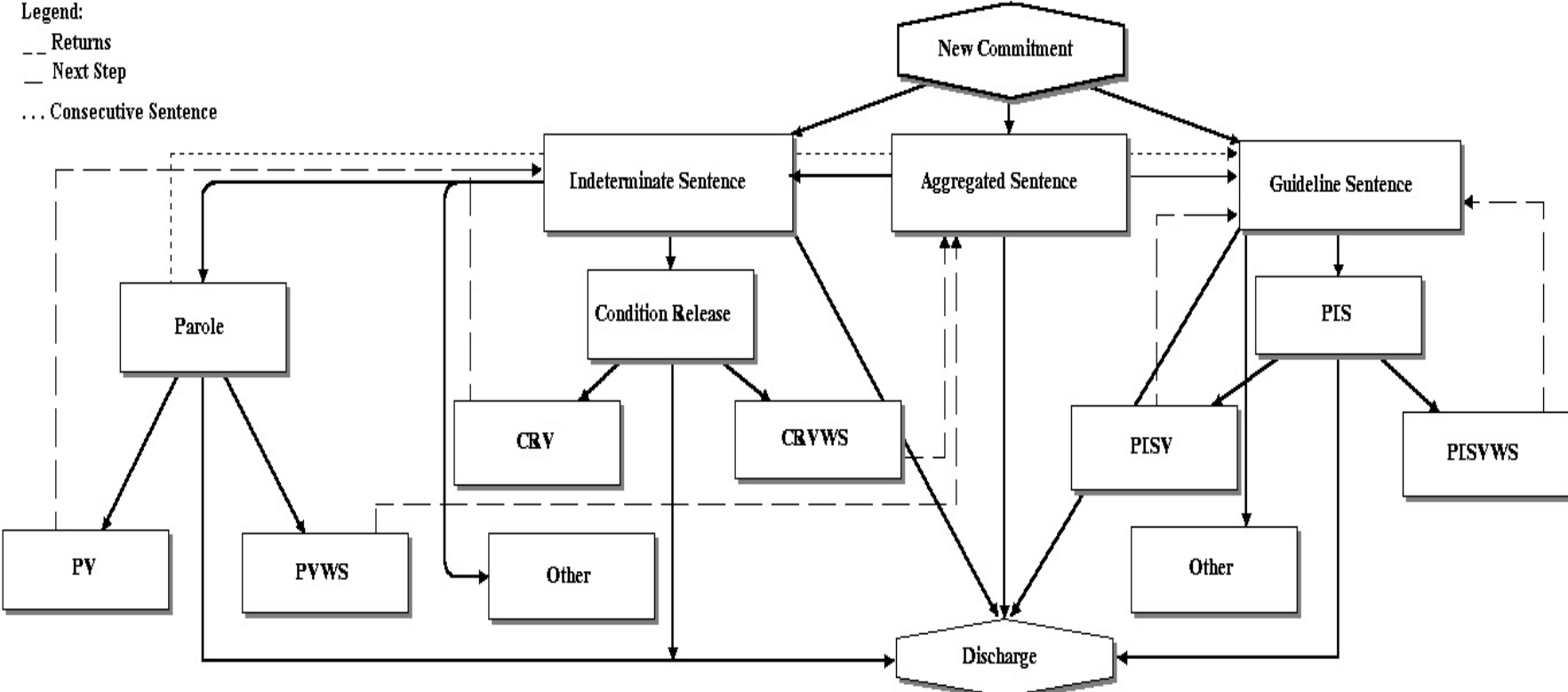
* Actual prison population on June 30, 2022.
This group accounts for 0.2% of the total projected prison population in FY 2032.

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 2022 Model**

Month/Year	Projected	Actual	Difference	Percent Error
July 2021	8546	8530	16	0.19%
August 2021	8520	8445	75	0.89%
September 2021	8512	8457	55	0.65%
October 2021	8537	8400	137	1.63%
November 2021	8549	8345	204	2.44%
December 2021	8551	8351	200	2.39%
January 2022	8536	8326	210	2.52%
February 2022	8529	8273	256	3.09%
March 2022	8502	8331	171	2.05%
April 2022	8508	8318	190	2.28%
May 2022	8542	8377	165	1.97%
June 2022	8538	8449	89	1.05%

**Table 11: Male Prison Population Monthly Monitoring Report
FY 2022 Model**

Month/Year	Projected	Actual	Difference	Percent Error
July 2021	7809	7795	14	0.18%
August 2021	7776	7716	60	0.78%
September 2021	7756	7714	42	0.54%
October 2021	7778	7677	101	1.32%
November 2021	7790	7627	163	2.14%
December 2021	7797	7639	158	2.07%
January 2022	7781	7633	148	1.94%
February 2022	7787	7588	199	2.62%
March 2022	7761	7643	118	1.54%
April 2022	7753	7621	132	1.73%
May 2022	7781	7679	102	1.33%
June 2022	7782	7729	53	0.69%

**Table 12: Female Prison Population Monthly Monitoring Report
FY 2022 Model**

Month/Year	Projected	Actual	Difference	Percent Error
July 2021	737	735	2	0.27%
August 2021	744	729	15	2.06%
September 2021	756	743	13	1.75%
October 2021	759	723	36	4.98%
November 2021	759	718	41	5.71%
December 2021	754	712	42	5.90%
January 2022	755	693	62	8.95%
February 2022	742	685	57	8.32%
March 2022	741	688	53	7.70%
April 2022	755	697	58	8.32%
May 2022	761	698	63	9.03%
June 2022	756	720	36	5.00%

ATTACHMENT C - TREND ANALYSES

**Table 13: Five Year Prison Admission Trend by Admission Type
FY 2018 Through FY 2022**

Admission Type	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	% Change FY 2018- FY 2022	% Change FY 2021- FY 2022
New Court Commitment	2019	1982	1587	1308	1635	-19.0%	25.0%
Probation Condition Violator	1458	1402	1226	1056	1024	-29.8%	-3.0%
Probation Prison Sanction	1197	1186	284	212	159	-86.7%	-25.0%
Probation Violator with New Sentence	302	355	284	237	203	-32.8%	-14.3%
Probation Violator with New Conviction	149	68	75	43	36	-75.8%	-16.3%
Inmate Received on Interstate Compact	6	4	4	3	1	-83.3%	-66.7%
Parole/Post-release/CR Condition Violator	1082	1091	792	446	634	-41.4%	42.2%
Parole/Post-release/CR Violator with New Sentence*	213	182	134	115	101	-52.6%	-12.2%
Paroled to Detainer Returned with New Sentence	33	19	36	20	27	-18.2%	35.0%
Non-Violator Return- New Sentence	73	83	50	48	35	-52.1%	-27.1%
Non-Violator Return- No New Sentence	10	16	1	2	1	-90.0%	-50.0%
Total	6542	6388	4473	3490	3856	-41.1%	10.5%

Source: DOC admission files.

* Parole/postrelease/CR violator with new sentence in FY 2019 and FY 2022 included one CR violator pending new sentence.

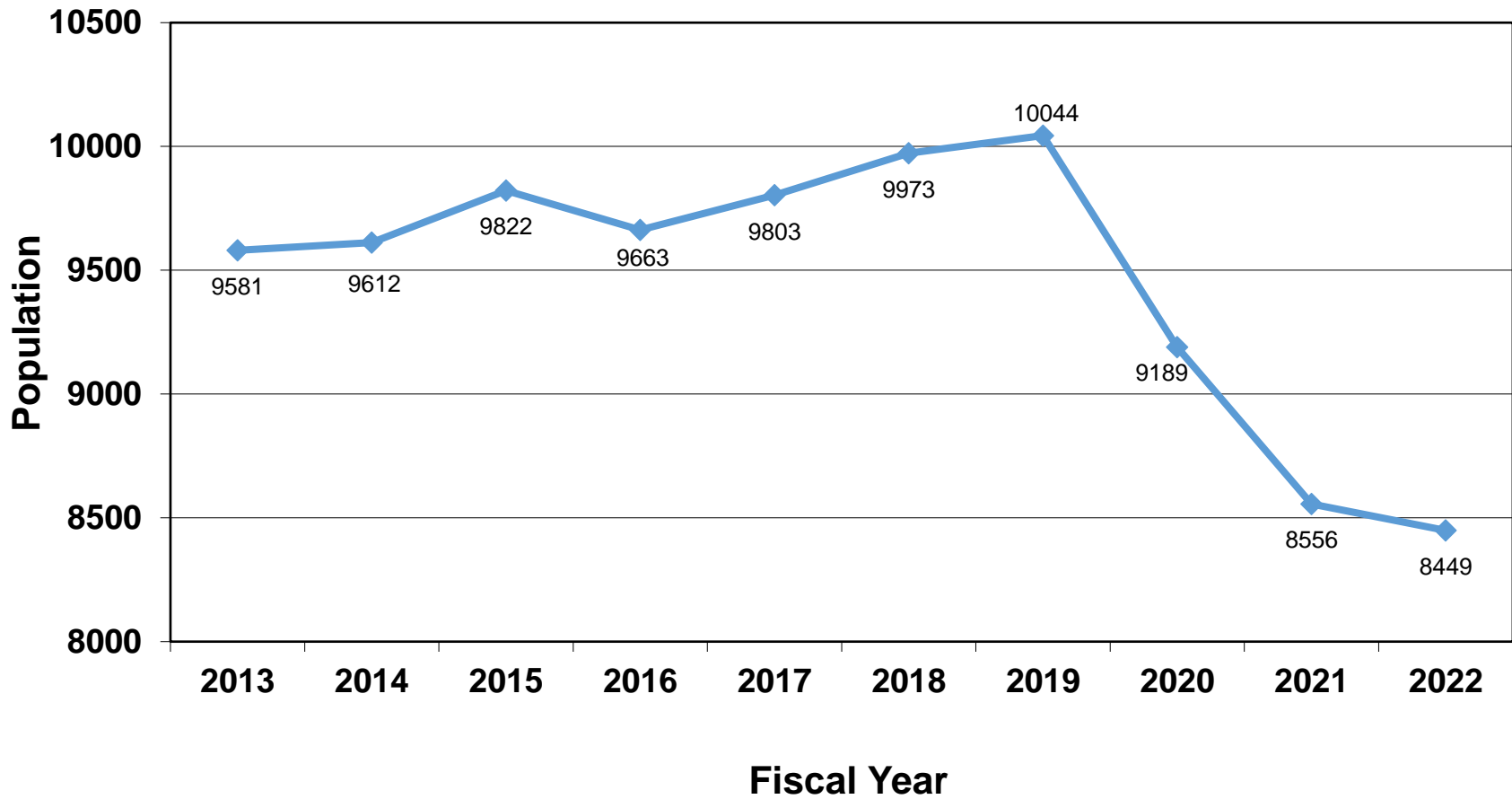
**Table 14: Comparative Analysis on Admission Type by Percentage Distribution
FY 2018 Through FY 2022**

Admission Type	FY 2018		FY 2019		FY 2020		FY 2021		FY 2022	
	N	%	N	%	N	%	N	%	N	%
New Court Commitment	2019	30.9	1982	31.0	1587	35.5	1308	37.5	1635	42.4
Probation Condition Violator	1458	22.3	1402	21.9	1226	27.4	1056	30.3	1024	26.6
Sanction from Probation	1197	18.3	1186	18.6	284	6.3	212	6.1	159	4.1
Probation Violator with New Sentence	302	4.6	355	5.6	284	6.3	237	6.8	203	5.3
Probation Violator with New Conviction	149	2.3	68	1.1	75	1.7	43	1.2	36	0.9
Inmate Received on Interstate Compact	6	0.1	4	0.1	4	0.1	3	0.0	1	0.0
Parole/Post-release/CR Condition Violator	1082	16.5	1091	17.1	792	17.7	446	12.8	634	16.5
Parole/Post-release/CR Violator with New Sentence*	213	3.2	182	2.8	134	3.0	115	3.3	101	2.6
Paroled to Detainer Returned with New Sentence	33	0.5	19	0.3	36	0.8	20	0.6	27	0.7
Non-Violator Return - New Sentence	73	1.1	83	1.3	50	1.1	48	1.4	35	0.9
Non-Violator Return - No New Sentence	10	0.2	16	0.2	1	0.0	2	0.0	1	0.0
Total	6542	100	6388	100	4473	100	3490	100	3856	100

Source: DOC admission files.

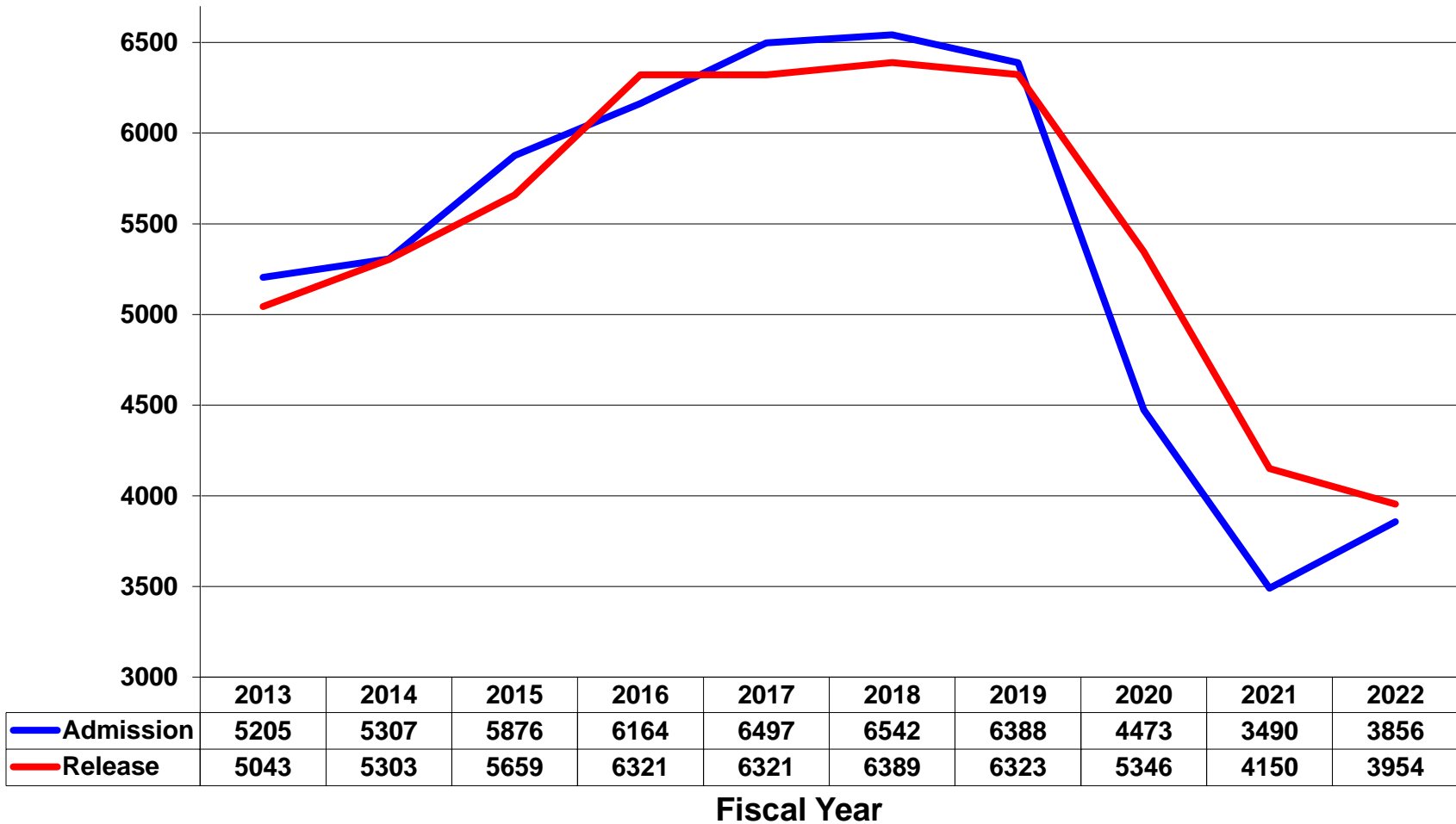
* Parole/postrelease/CR violator with new sentence in FY 2019 and FY 2022 included one CR violator pending new sentence.

Figure 12: Prison Population Trends



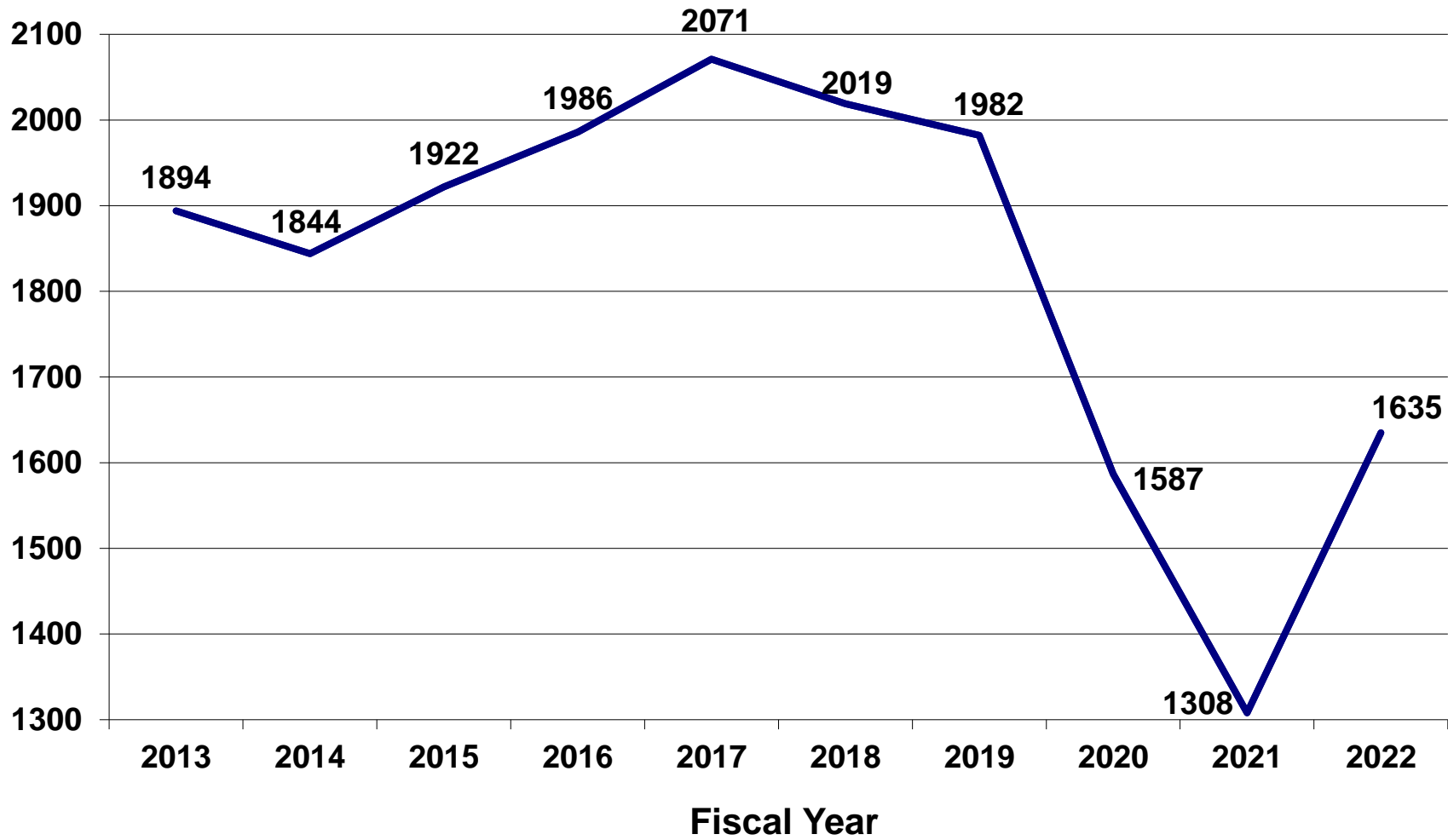
Source: KDOC prison population files
FY 2020, FY 2021 and FY 2022 numbers low due to Covid-19 pandemic

Figure 13: Prison Admissions and Releases



Source: KDOC admission and release files

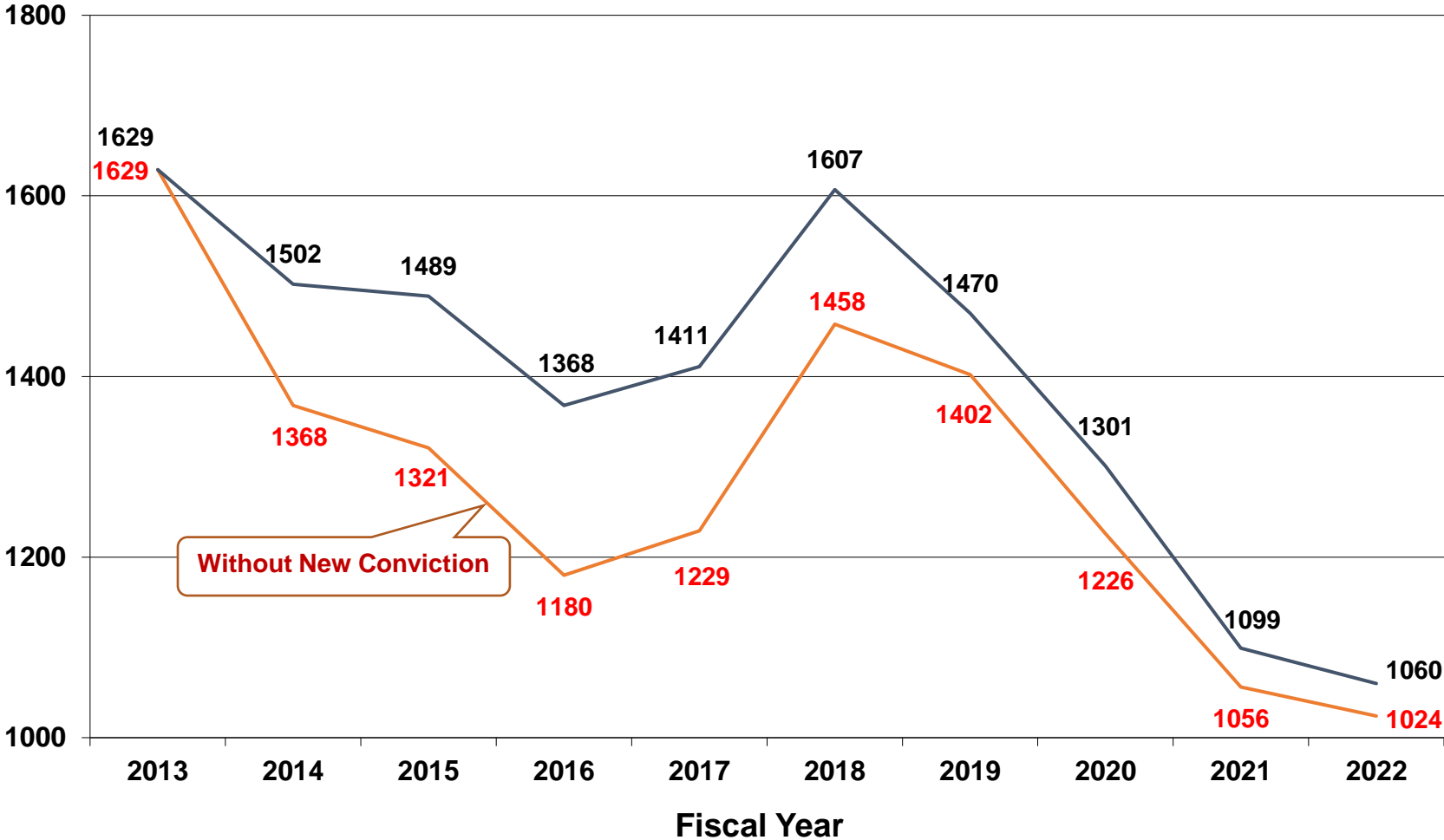
Figure 14: Direct New Court Commitments



Source: KDOC admission files

FY 2020, FY 2021 and FY 2022 Numbers low due to Covid-19 pandemic

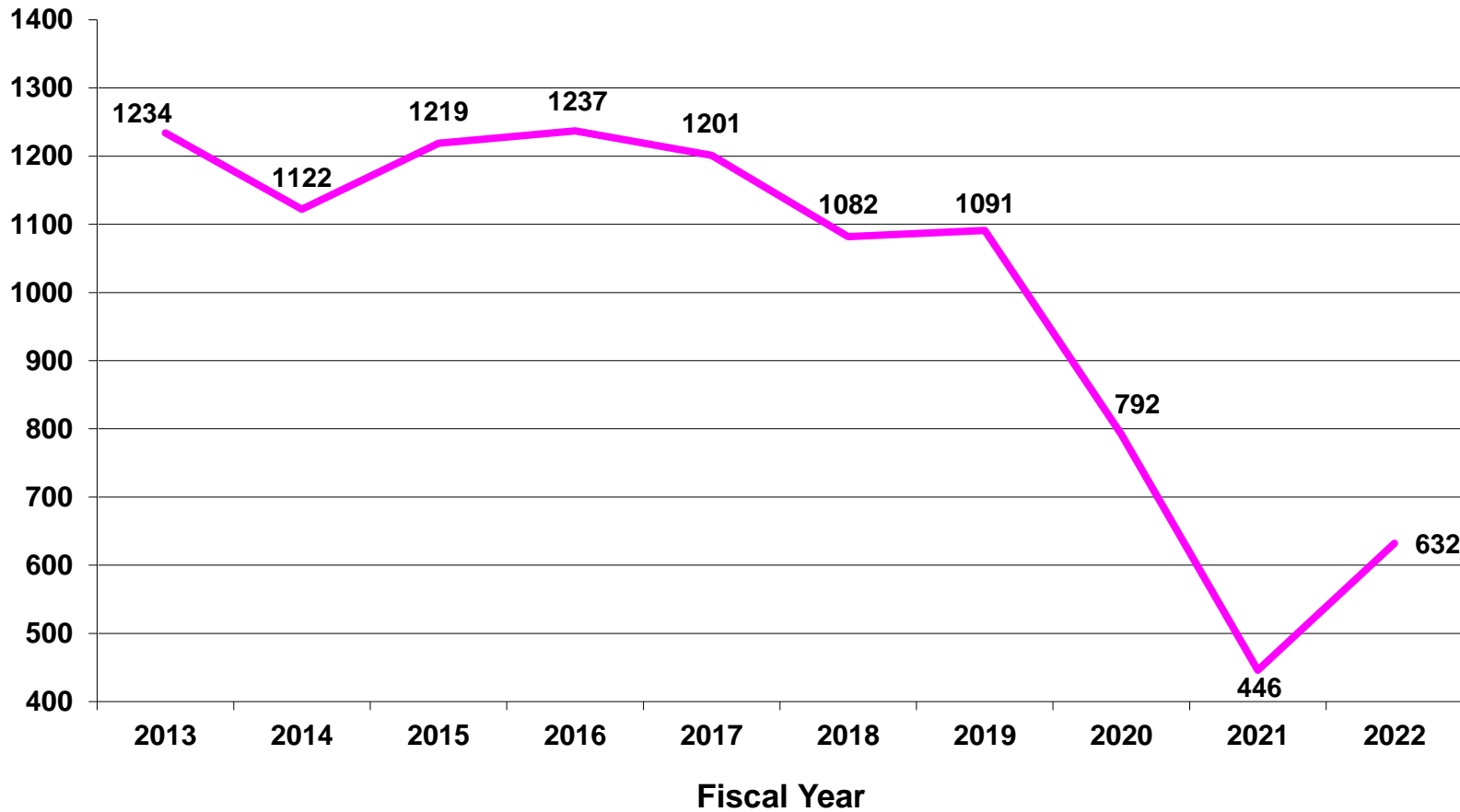
Figure 15: Probation Condition Violators



Source: KDOC prison population files

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

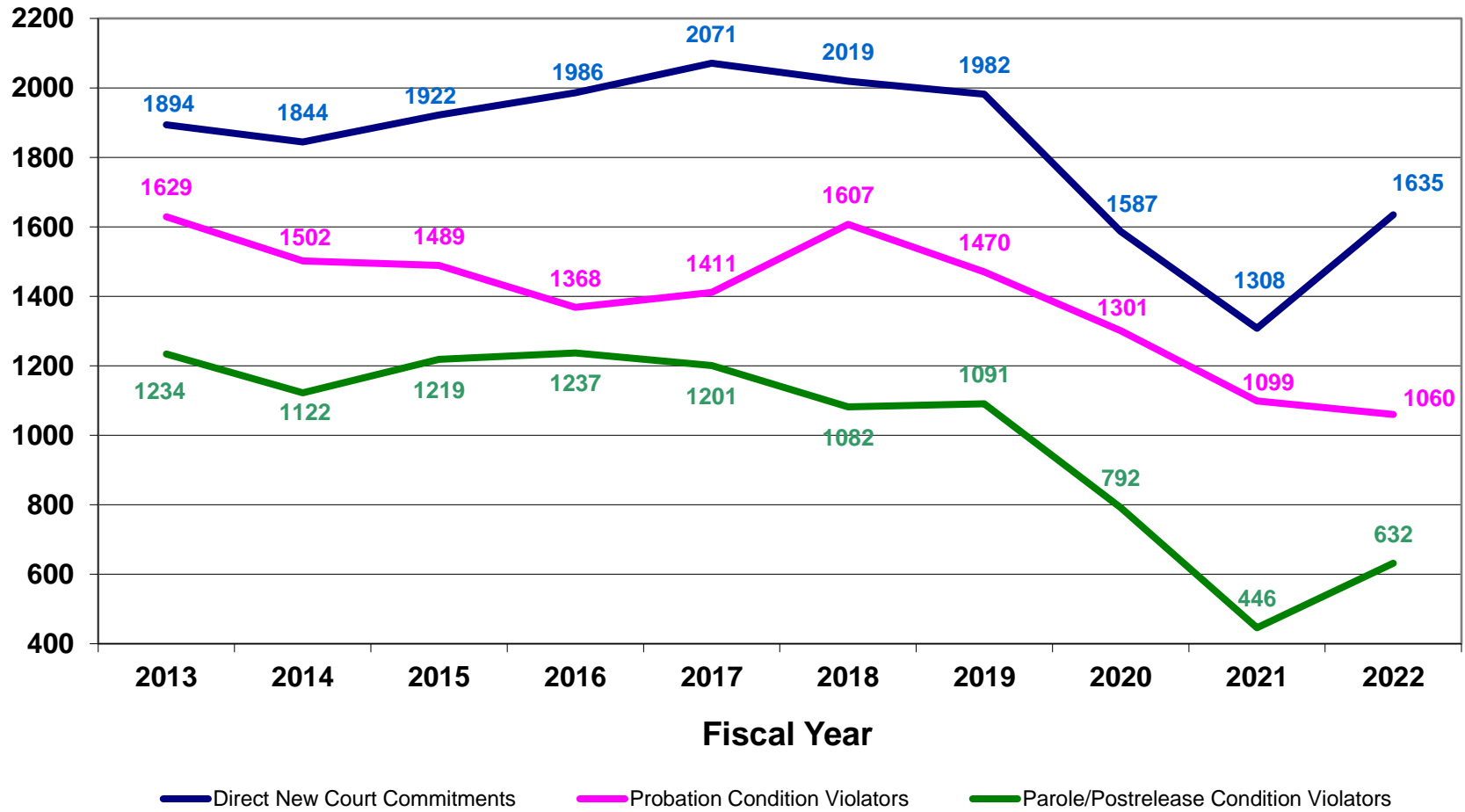
Figure 16: Parole/Postrelease Condition Violators



Source: KDOC admission files

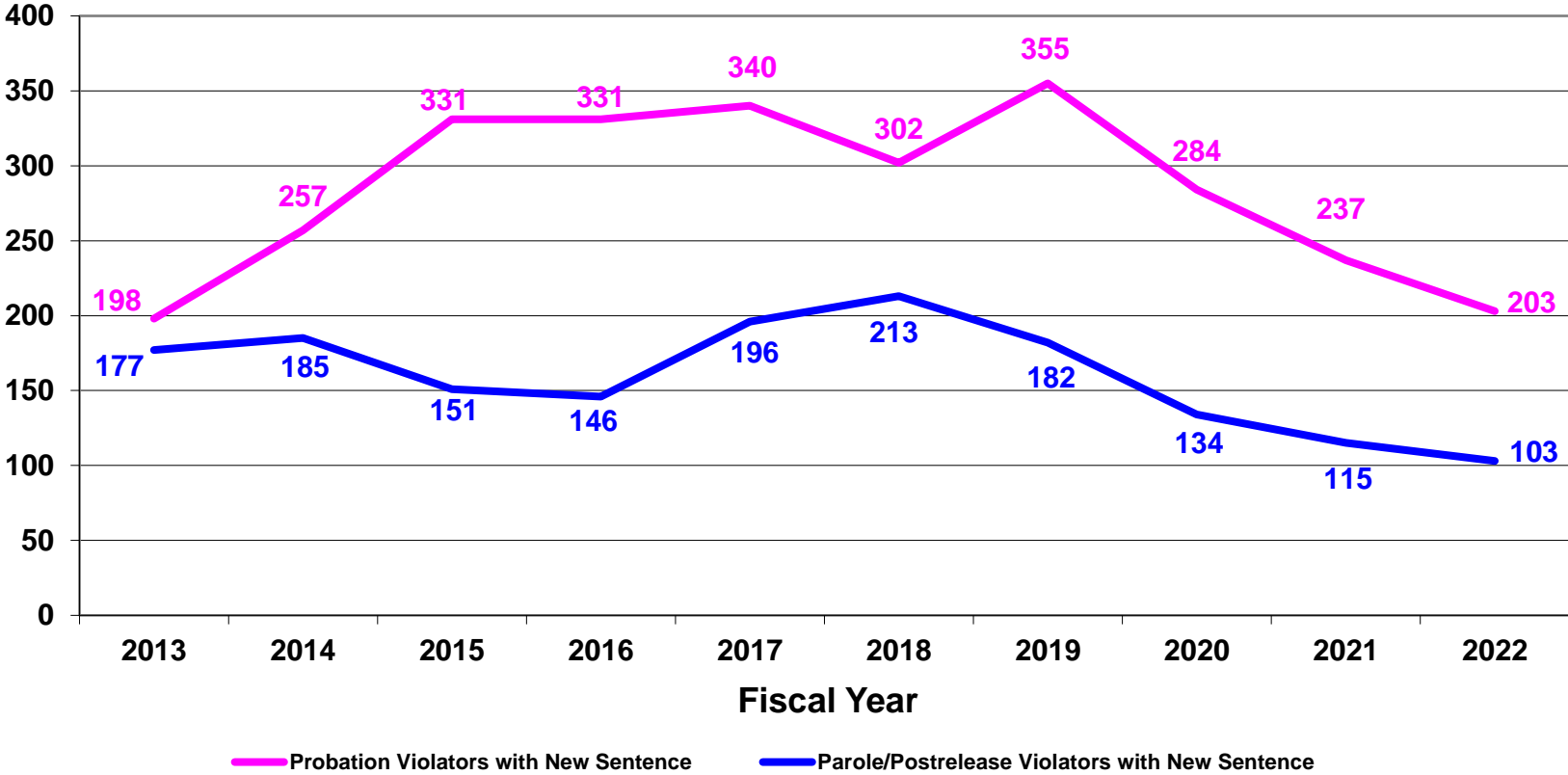
Note: Including condition conditional-release violators

Figure 17: Admissions by Three Major Types



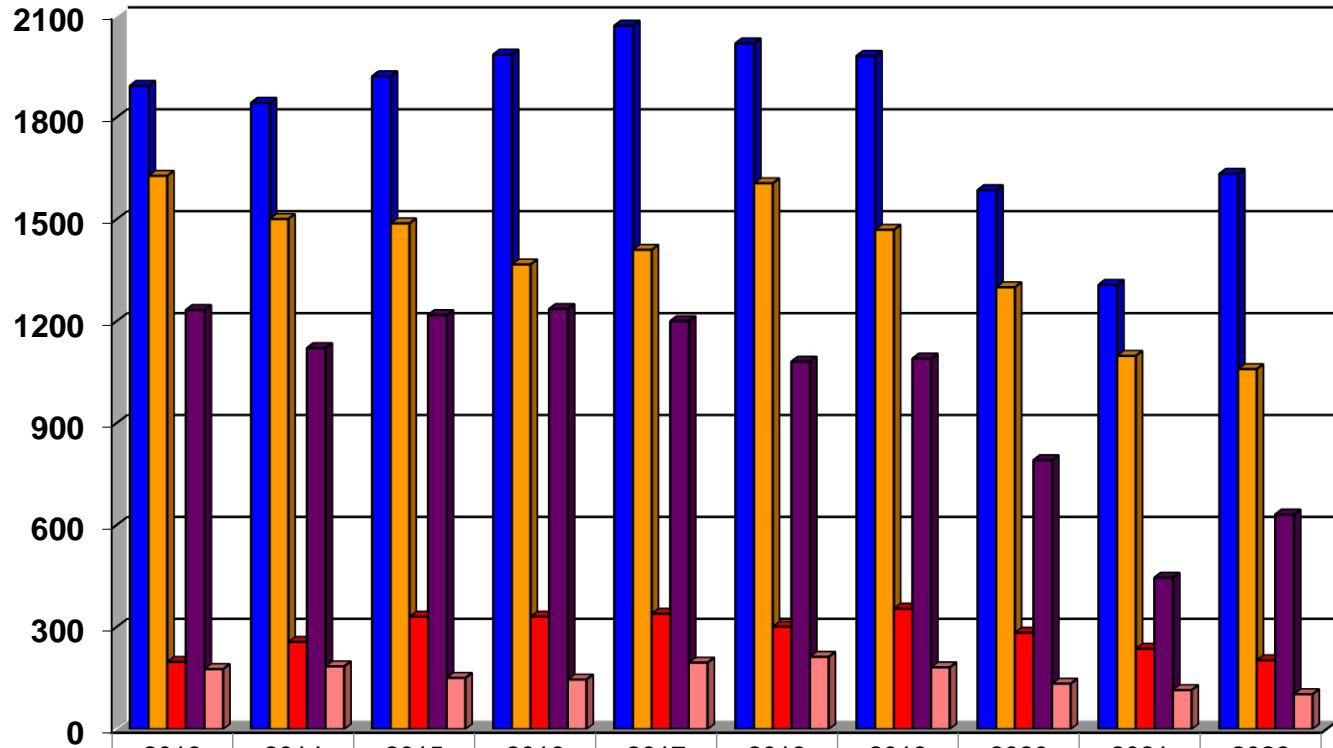
Note: FY 2014 through FY 2022 probation condition violators include probation violators with new conviction.

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



Source: KDOC admission files.

**FIGURE 19: KANSAS PRISON ADMISSION TRENDS BY TYPE
FY 2013 Through FY 2022**



	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Direct New Court Commitment	1894	1844	1922	1986	2071	2019	1982	1587	1308	1635
Probation Condition Violators	1629	1502	1489	1368	1411	1607	1470	1301	1099	1060
Probation Violators w/New Sent	198	257	331	331	340	302	355	284	237	203
Parole/PIS Condition Violators	1234	1122	1219	1237	1201	1082	1091	792	446	632
Parole/PIS Violators w/New Sent	177	185	151	146	196	213	182	134	115	103

Fiscal Year

Source: [KDOC admission files](#)

Note: FY 2014 through FY 2022 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 Levels 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 Levels 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			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	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