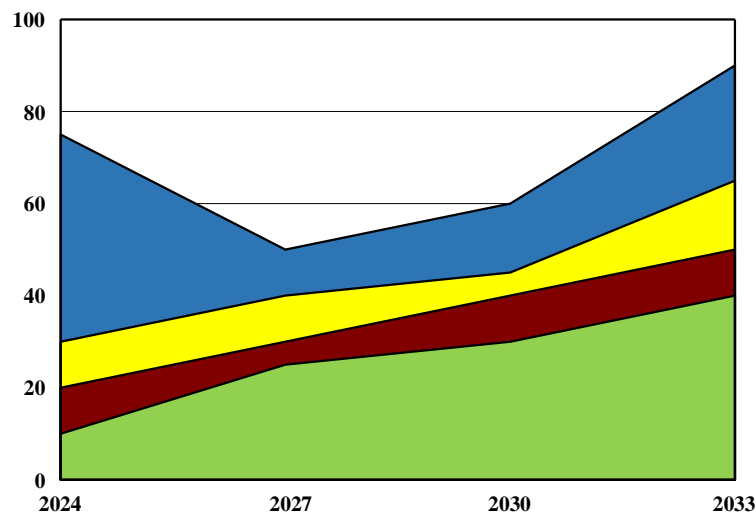


KANSAS SENTENCING COMMISSION

Fiscal Year 2024 Adult Inmate Prison Population Projections

Prison Population Projections



August 2023

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OVERVIEW OF FY 2024 PRISON POPULATION PROJECTIONS

Prison Population and Admission

The Kansas prison population in FY 2023 indicated an increase of 479 inmates or 5.7% when compared with that in FY 2022. In review of Kansas ten-year prison population trend, the FY 2023 prison population represented an increase in the rate of growth compared to the previous year. In FY 2023, 8,927 inmates were incarcerated in state prison, indicating a decrease of 652 inmates from FY 2014 prison population¹.

When comparing the offender groups incarcerated in prison between FY 2022 and FY 2023, the most significant increase occurred in the property crime offender group (N7 to N10), showing a 12.9% increase or 87 inmates, followed by nonviolent offenders (N4 to N6) which increased by 10.4% or 139 inmates. Drug offenders and violent offenders (N1 to N3) increased by 2.6% and 2.7% respectively. Probation condition violators and parole/post release condition violators also saw significant increases of 9.0% and 17.4% respectively. Offgrid offenders increased by 36 inmates or 2.5%. Two groups saw a decrease from FY 2022, specifically the sanction population, which decreased by 1 inmate, and the old law inmates, which decreased by 24 inmates or 21.8%.

In FY 2023, the total prison admissions increased for a second straight year, rising by of 608 admissions or 15.8% from last year, though still an overall decrease of 1,924 admissions or 30.1% when compared to FY 2019.² The increase in admissions was due to the increase in nearly every offender category, showing a continued post-pandemic rebound. The overall admission of prison sanctions from probation in FY 2023 decreased by 42 compared to FY 2022. This is in addition to the 902 admissions drop from FY 2019 to FY 2020, a 72 admission drop from FY 2020 to 2021, and a 53 admission drop from FY 2021 to 2022. Since FY 2019 this population has decreased by 90.1%. 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 2022, direct new court commitments in FY 2023 displayed an increase of 312 admissions, or 19.1%, but displayed a decrease of 35 or 1.8% from five years ago. In FY 2023, probation condition violators increased by 9.8%, but has decreased by 19.8% since 2019. Probation violators with new sentences increased by 36.9% between FY 2022 and FY 2023 but has decreased by 21.7% since FY 2019. Probation violators with new convictions decreased by 33.3% between FY 2022 and FY 2023 and decreased by 64.7% since FY 2019.

Further examining the admission types, in FY 2023 the number of parole/postrelease condition violators admitted to prison increased by 114 offenders or 18.0% but decreased 349 admissions or 31.6% from 2019. Parole/postrelease violators with new sentences admitted to prison in FY 2023 demonstrated an increase of 32 admissions or 31.1% from FY 2022 but a decrease of 47 or 25.8% since 2019.

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 2023 varied. When compared with FY 2022, the average length of sentence of drug offenders indicated an increase of 2.2 months and an increase of 1.4 months compared to FY 2019. The largest increase occurred in the severity level 1 nondrug crimes, followed by level 2 nondrug crimes. The average length of sentence for N3s decreased by 1.4 months when compared with FY 2022 but up 5.6 months compared to five years earlier. Severity level 4 nondrug crimes increased 1.3 months from FY 2022 and 13.3 months from FY 2019. The average sentence length increased 1.6 months for level 5 nondrug crimes compared to last year and 6.9 months five years ago. The average sentence length for nondrug severity level 6 crimes increased by 7.6 months compared to FY 2022 and 10.2 months from FY 2019. Both severity level 7 and 8 nondrug crimes decreased by 0.9 and 1.2 months respectively from FY 2022, but increased by 0.9 and 1.2 months from FY 2019. Finally, both severity level 9 and 10 nondrug crimes increased by 0.1 and 1.5 months respectively from FY 2022, and by 1.3 and 1.1 months from FY 2019.

When compared with FY 2022 inmate prison length of stay, the average length of stay in prison in FY 2023 for drug offenders increased by 2.2 months (36.4 v 38.6), the average length of stay was mixed for property crime offenders (N7 to N10) at -0.9, -1.2, +0.1 and +1.5 months, respectively, the average length of stay for violent crime offenders (N1 to N3) was also mixed, with +164.6, +16.3, and +-1.4 months respectively (fluctuation at N1 and N2 is expected due to high outlier sentences and low overall number of offenders). The average length of stay of nonviolent offenders (N4 to N6) increased by 1.3, 1.6, and 7.6 months respectively. The average length of stay for guideline postrelease supervision condition violators indicated an increase of 0.3 (5.3 v. 5.6); and the average length of stay for pre-guideline parole condition violators was 95.6 months, indicating an increase of 13.3 months (82.3 v. 95.6)³. Probation condition violators stayed in prison for an average 24.6 months, a decrease of 0.6 months when compared with that in FY 2022 (25.2 v. 24.6).

Based on the 3,985 inmates released from prison in FY 2023, 51.4% of them (2,049 inmates) were eligible for program credits and 86.7% of those eligible inmates earned program credits. The average program credit earned was 112 days, which reduced the length of sentence by 3.7 months, on average.

Forecast

In examining the estimated prison bed needs by offender group, all nondrug grid offender groups showed increases over the ten-year forecast period from FY 2024 to FY 2033, with the violent grid offenders (N1-N3) accounting for the largest increase of 953 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 significant increase of 626 inmates during the forecast period, while the nonviolent inmate (N7 to N10) population shows an increase of 79 inmates in FY 2033.

⁴ See Table 8, Page 16.

The probation condition violator population will increase by 329 inmates or 32.1% over the ten-year forecast period. 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 65 inmates or 5.4% over the ten-year forecast period.

The parole/post release violator group will increase by 171 inmates or 40.2%, while the offgrid offender population will increase by 214 inmates or 14.4% by FY 2033. Other decreasing offender groups include the pre-guideline (old law) inmates, which will decrease 73 inmates or 84.9% by FY 2033⁴, and the prison sanction population, which is expected to decrease to zero inmates due to passage of 2020 SB 18 that abolished the use of prison sanctions for offenses that occur after June 30, 2020.⁵

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 329 additional inmates in FY 2033.

Overall, the FY 2023 prison population projections indicate that prison population will increase during the forecast period. In FY 2033, the total prison population will rise to 11,280 inmates, an increase of 2,353 inmates or 26.4% over the current population level.⁶ Offgrid and nondrug severity levels 1, 2 and 3 inmates will account for 45.3% of the projected prison population in FY 2033. Nondrug severity levels 4, 5 and 6 inmates will make up 18.5% and nonviolent inmates (N7 to N10) will consist of 7.5% of the projected prison population in FY 2033. The projected drug inmate prison population will represent 11.2% while parole/postrelease supervision condition violators will make up 5.3% of the forecasted prison

⁴ See Table 9, Page 18.

⁵ See Table 9, Page 18.

⁶ See Table 9, Page 18.

population in FY 2033. Pre-guideline (old law) population, not including old law offgrid offenders, will account for 0.1% in FY 2033. Probation condition violators will make up 12.0% while prison sanction from probation offenders will account for 0.0 % of the projected population in FY 2033.

In FY 2033, male prison population will rise to 10,202, an increase of 2,042 inmates from the FY 2023 population. Female prison population will increase to 1078 inmates, an increase of 311 inmates in FY 2033. Male inmates will account for 90.4% while female inmates will consist of 9.6% of the forecasted prison population in FY 2033.⁷

METHODS AND ASSUMPTIONS

Source of Data Used for the Projections

Data utilized for the FY 2024 prison population projections are based on the most recent felony sentencing information and current prison information from FY 2023. This data includes the automated and non-automated data files collected from the Kansas Department of Corrections (KDOC) and the FY 2023 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

⁷ See Figures 2 & 3, Pages 20 & 21.

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 2023 Prison Population Projection Consensus Group:

Adams, Krystal	Board of Indigent Defense Services
Barnhart, Sarah	Kansas Department of Corrections
Bowman, Randall	Kansas Department of Corrections
Fowler, Honorable Lee	5 th Judicial District Court
Glendening, Jessica	Board of Indigent Defense Services
Grube, John	Kansas Sentencing Commission
Lamprecht, Jason	Kansas Sentencing Commission
Milner, Megan	Kansas Department of Corrections
Ogletree, Jonathan	Kansas Department of Corrections
Panas, Angelo	Board of Indigent Defense Services
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 2024 PRISON POPULATION PROJECTION BASIC ASSUMPTIONS FOR DISCUSSION⁸

1. The model begins on July 1, 2023.
2. The model is based on FY 2023 data (July 1, 2022 - June 30, 2023).
3. This prison population projection is for a ten-year forecasting period (FY 2024 to FY 2033).
4. The projection model is designed to simulate all new commitments to prison, from FY 2024 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 2023 (offenders not on any type of supervision at the time of conviction and subsequent admission to prison) indicated an increase of 19.1% or 312 admissions more when compared to FY 2022. Compared with FY 2019, the admissions to prison indicate a decrease of 1.8% or 35 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; FY 2022 showed a total of 1,635 admissions; and FY 2023 showed a total of 1,947 admissions.
 - b) Probation Condition Violators. In FY 2023, 1,124 probation condition violators were admitted to prison, indicating an increase of 9.8% or 100 admissions from FY 2022 and a decrease of 19.8% or 278 admissions from FY 2019. Probation condition violators admitted to prison during the five years were: 1,402 in FY 2019; 1,226 in FY 2020; 1,056 in FY 2021; 1,024 in FY 2022 and 1,124 in FY 2023. Of the 1,124 probation condition violators, 0 offenders received prison sanctions before full revocation at the same year.
 - c) Prison Sanctions for Probation Condition Violators. In FY 2023, 116 probation condition violators (33 females and 83 males) received 117 prison sanctions. One male offender received two prison sanctions, two 120-day sanctions. Of the 117 prison sanctions, 63 were 120 days; 54 were 180 days. The average length of stay in prison was 15 days for the 120-day sanctions and 44 days for the 180-day sanctions. The number of prison sanctions in FY 2023 indicated a decrease of 42 sanctions or 26.4% when compared with last year (159 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 2023 indicated an increase of 75 violators or 36.9% from last year. When compared with FY 2019 numbers, it indicated a decrease of 21.7% or 77 admissions. The number of probation violators with new sentence in the past five years were: 355 in FY 2019, 284 in FY 2020, 237 in FY 2021, 203 in FY 2022, and 278 in FY 2023.
 - e) Probation Violators with New Conviction. In FY 2023, probation violators with new conviction decreased by 33.3% or 12 admissions when compared with that of FY 2022. Over

⁸ Based on KDOC's data downloaded end of each fiscal year.

the five-year period, probation violators with new conviction indicated a decrease of 64.7% or 44 violators.

- f) Total New Commitments: Rate of Growth⁹. The total new commitments of the above groups in FY 2023 increased by 19.1% or 312 admissions when compared with that of 2021. The growth rates for new commitments in the past ten years are as follows:

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	25.0%
FY 2022 to FY 2023	19.1%
<i>Average yearly growth rate (FY 2014 to FY 2023)</i>	1.3%

*Due to the COVID-19 pandemic

Last year, the consensus group agreed to a 2.0% increase for the male population for FY 2023 and FY 2024, followed by a 1.0% increase thereafter. The consensus group agreed to a 6.0% increase for the female population in FY 2023, followed by an increase of 3.0% in FY 2024, and a 1.5% increase thereafter. The Consensus Group determined that for the Male population there would be a growth rate of 3.0% in FY 2024, 2.5% in FY 2025, 1.5% in FY 2026, and 1.0% thereafter. The Consensus Group determined that for the Female population there would be a growth rate of 6.0% in FY 2024, 3.0% in FY 2025, 2.0% in FY 2026, and 1.0% thereafter.

6. Guideline postrelease supervision condition violators may serve up to 180 days. The average length of stay for this group was 129 days in FY 2019, 129 days in FY 2020, 150 days in FY 2021, and 158 days in FY 2022. The consensus group agreed to use 150 days for this group in FY 2023 model. The actual average length of stay in FY 2023 was 171 days. The Consensus Group decided on an average length of stay of 160 days for the FY 2024 model.
7. In FY 2023, a total of 746 parole/postrelease and conditional release condition violators were returned to prison, indicating an increase of 114 offenders when compared with last year. The consensus group agreed to use the return rate of 58 offenders per month in FY 2023. The actual average rate of parole/postrelease and conditional release condition violators was 62 offenders per month, indicating an increase of 9.5 admissions per month. The Consensus Group decided on a rate of return of 64 per month for the FY 2024 model.
8. In FY 2023, a total of 135 parole/postrelease violators with new sentences were admitted to prison, representing an increase of 31.1% or 32 admissions when compared with the

⁹ Growth rate includes prison sanctions.

admissions of FY 2022. The past five years' data of parole/postrelease violators with new sentence had steadily declined, until this last year: FY 2019-182, FY 2020-134, FY 2021-115, FY 2022 – 103, and FY 2023 – 135). Last year, the consensus group agreed to use 100 returns for this group in FY 2023 model. The Consensus Group decided on 150 returns for this group for the FY 2024 model.

9. **SB 18 – Prison sanctions for probation condition violators - Removing the 120-day or 180-day prison sanctions for probation condition violators.**

In FY 2023, 116 probation condition violators (33 females and 83 males) received 117 prison sanctions. 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. In FY 2023, the sanction population was only reduced by 26.4% or 42 admissions, representing a fair estimation of the sanction population for males, but a slight overestimation for females. The Consensus Group decided that this group would decrease by 50% in FY 2024, another 50% in FY 2025, and then reach 0 in FY 2026 and forward.

KEY FINDINGS OF FISCAL YEAR 2023 DATA

1. A total number of 8,927 offenders were incarcerated in KDOC on June 30, 2023, representing an increase of 479 offenders when compared with that of FY 2022. Of the total number, 8,685 were guideline offenders and 242 were pre-guideline offenders. Nearly all the pre-guideline offenders were offgrid, nondrug severity levels 1 to 3 offenders and parole condition violators, representing 97.2% of this group.
2. In FY 2023, 4,464 offenders were admitted to prison, representing an increase of 608 offenders. Of those 4,464 offenders, new commitments (including prison sanctions from probation) accounted for 78.2% or 3,490 admissions, which included 43.6% direct new court commitments, 25.2% probation condition violators, 2.6% prison sanctions, 6.2% probation violators with new sentence and 0.5% new conviction.
3. Compared with FY 2022, the total number of new commitments sentenced to prison in FY 2023 increased by 19.1% or 312 admissions. Among the total of new commitments to prison, direct new court commitments accounted for 1,947 admissions. Probation condition violators indicated an increase of 9.8% or 110 admissions. Prison sanctions from probation decreased by 26.4% or 42 sanctions. Probation violators with new sentence showed an increase of 36.9% or 75 offenders. Probation violators with new conviction showed a decrease of 33.3% or 12 admissions.
4. In FY 2023, 116 probation condition violators (33 females and 83 males) received 117 prison sanctions. One male offender received two prison sanctions, two 120-day sanctions. Of the 117 prison sanctions, 63 were 120 days; 54 were 180 days. The average length of stay in prison was 15 days for the 120-day sanctions and 44 days for the 180-day sanctions.
5. Parole/post-release condition violators and conditional release violators made up 16.7% or 746 admissions of the total admissions in FY 2023, indicating an increase of 18.0% or 114 admissions from that of FY 2022.
6. The average length of sentence of probation condition violators in FY 2023 was 24.6 months. The average jail credit was 196.7 days or 6.4 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 2023 was calculated to be 95.6 months, indicating increase of 13.4 months from the length of stay observed during FY 2022 (83.2 months). The average length of stay for the guideline postrelease supervision condition violators in FY 2023 was 5.6 months (170 days), 9 days more than the average length of stay in FY 2021 (5.3 months or 161 days).

8. Compared with FY 2022, the average lengths of sentence of the guideline nondrug sentences in FY 2023 changed as such:
 - Severity level one – 1.9-month decrease
 - Severity level two – 16.3-month increase
 - Severity level three – 1.1-month decrease
 - Severity level four – 1.3-month increase
 - Severity level five – 6.4-month increase
 - Severity level six – 1.6-month increase
 - Severity level seven – 0.9-month decrease
 - Severity level eight – 1.2-month decrease
 - Severity level nine – 0.1-month increase
 - Severity level ten – 1.5-month increase
 - The number of admissions of nondrug crimes increased across all severity levels, except severity level 8, which decreased by 41. The number of admissions increased as follows: SLV 1 – (39), SLV 2 - (1), SLV 3 – (1), SLV 4 – (25), SLV 5 – (66), SLV 7 – (94), SLV 9 – (59). Drug crimes increased by a total of 116 across all severity levels.
9. During FY 2023, the admissions of parole/postrelease violators with new sentences (including conditional release violators with new felony sentences) increased by 32 admissions or 31.1% when compared with the returns in FY 2022 (103 v. 135).
10. In FY 2023, 1,045 drug offenders were admitted to prison, indicating an increase of 166 admissions when compared with that of FY 2022. Of this number, 403 were new court commitments, 485 probation condition violators, 95 probation violators with new sentence and 14 probation violators with new conviction. The average length of the drug sentences was 38.3 months, indicating an increase of 0.8 months when compared to that of 2022 (37.5 vs. 38.3).

**Table 1: Prison Population Characteristics
6/30/2023**

Severity Level	Pre-Guideline		Guideline		Total	
	Number	Percent	Number	Percent	Number	Percent
D1	0	0.0%	123	1.4%	123	1.4%
D2	0	0.0%	295	3.3%	295	3.3%
D3	0	0.0%	314	3.5%	314	3.5%
D4	0	0.0%	76	0.9%	76	0.9%
D5	0	0.0%	391	4.4%	391	4.4%
N1	36	0.4%	1174	13.2%	1210	13.6%
N2	24	0.3%	201	2.3%	225	2.5%
N3	19	0.2%	1087	12.2%	1106	12.4%
N4	3	0.0%	302	3.4%	305	3.4%
N5	2	0.0%	864	9.7%	866	9.7%
N6	0	0.0%	304	3.4%	304	3.4%
N7	2	0.0%	506	5.7%	508	5.7%
N8	0	0.0%	71	0.8%	71	0.8%
N9	0	0.0%	178	2.0%	178	2.0%
N10	0	0.0%	9	0.1%	9	0.1%
Offgrid	115	1.3%	1369	15.3%	1484	16.6%
Probation Condition Violators	0	0.0%	1026	11.5%	1026	11.5%
Sanction from Probation	0	0.0%	11	0.1%	11	0.1%
Parole/Postrelease Condition Violators	41	0.5%	384	4.3%	425	4.8%
Subtotal	242	2.7%	8685	97.3%	8927	100.0%
Nongrid/Unknown					0	0.0%
Total					8927	100.0%

Source: DOC prison population file.

Table 2: Comparison between Actual Prison Population - FY 2022 & FY 2023

Offender Group	2022	2023	Difference	% Increase/ Decrease
Drug	1169	1199	30	2.6%
N1 to N3	2398	2462	64	2.7%
N4 to N6	1331	1470	139	10.4%
N7 to N10	677	764	87	12.9%
Sanction from Probation	12	11	-1	-8.3%
Probation Condition Violators	941	1026	85	9.0%
Offgrid Including Old Law Lifer	1448	1484	36	2.5%
Parole/Postrelease Violators	362	425	63	17.4%
Old Law Inmates*	110	86	-24	-21.8%
Total	8448	8927	479	5.7%

Source: DOC prison population files.

Table 3: Guideline Admission Characteristics - FY 2023

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	0.5%	131.4	307.2	6.3	12.5	0.0
D2	73	2.1%	93.4	285.5	28.8	13.7	1.4
D3	123	3.5%	63.1	219.2	19.5	6.5	0.8
D4	78	2.2%	32.5	194.4	32.1	2.6	0.0
D5	707	20.3%	27.2	199.0	58.6	10.3	1.7
N1	123	3.5%	415.3	619.2	2.4	0.0	0.8
N2	27	0.8%	201.9	539.9	0.0	0.0	0.0
N3	173	5.0%	114.4	492.1	2.9	3.5	0.0
N4	100	2.9%	76.1	367.5	15.0	9.0	1.0
N5	320	9.2%	65.5	345.3	15.3	8.4	0.6
N6	215	6.2%	46.2	248.6	22.8	15.8	0.9
N7	585	16.8%	32.8	248.6	36.1	11.8	0.3
N8	166	4.8%	17.7	159.8	50.6	7.2	0.0
N9	524	15.0%	15.2	182.9	39.7	4.0	0.4
N10	37	1.1%	11.2	147.8	40.5	0.0	0.0
Offgrid	100	2.9%	803.8	129.6	1.0	2.0	0.0
Sanction	117	3.4%	-	-	N/A	N/A	N/A
Total	3484	100.0%					

**Table 4: Comparison of Guideline New Commitments
Admissions to Prison by Severity Level and Drug Offense
FY 2019, FY 2022 and FY 2023**

Severity Level & Offense	FY 2019	FY 2022	FY 2023	Difference Between 2019 & 2023	Difference Between 2022 & 2023
N1	68	81	123	55	42
N2	15	26	27	12	1
N3	160	171	173	13	2
N4	92	75	100	8	25
N5	314	254	320	6	66
N6	211	145	215	4	70
N7	583	491	585	2	94
N8	336	207	166	-170	-41
N9	631	469	524	-107	55
N10	44	27	37	-7	10
Drug	1261	879	997	-264	118
Total	3715	2825	3267	-448	442

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 2019, FY 2022 and FY 2023**

Severity Level & Offense	FY 2019	FY 2022	FY 2023	Difference Between 2019 & 2023 (Month)	Difference Between 2022 & 2023 (Month)
N1	320.3	250.7	415.3	95.0	164.6
N2	144.1	185.6	201.9	57.8	16.3
N3	108.8	115.8	114.4	5.6	-1.4
N4	62.8	74.8	76.1	13.3	1.3
N5	58.6	63.9	65.5	6.9	1.6
N6	36.0	38.6	46.2	10.2	7.6
N7	31.9	33.7	32.8	0.9	-0.9
N8	17.5	18.9	17.7	0.2	-1.2
N9	13.9	15.1	15.2	1.3	0.1
N10	10.1	9.7	11.2	1.1	1.5
Drug	37.2	36.4	38.6	1.4	2.2

Source: DOC admission file.

Table 6: Comparison between FY 2022 and FY 2023 Prison Admission Types by Male

Admission Type	2022	2023	Number Change	Percent Change
New Court Commitment	1481	1788	307	20.7%
Probation Condition Violator	774	847	73	9.4%
Prison Sanction	109	84	-25	-22.9%
Probation Violator With New Sentence	176	245	69	39.2%
Probation Violator With New Conviction	36	24	-12	-33.3%
Parole/Post-release Condition Violator	408	686	278	68.1%
Parole/Post-release Violator With New Sentence	104	164	60	57.7%
Other	70	40	-30	-42.9%
Total Admission	3306	3878	572	17.3%
End of Year Population	7729	8160	431	5.6%

Table 7: Comparison between FY 2022 and FY 2023 Prison Admission Types by Female

Admission Type	2022	2023	Number Change	Percent Change
New Court Commitment	154	159	5	3.2%
Probation Condition Violator	250	277	27	10.8%
Prison Sanction	50	33	-17	-34.0%
Probation Violator With New Sentence	27	33	6	22.2%
Probation Violator With New Conviction	0	0	0	0.0%
Parole/Post-release Condition Violator	52	60	8	15.4%
Parole/Post-release Violator With New Sentence	7	7	0	0.0%
Other	10	15	5	50.0%
Total Admission	550	584	34	6.2%
End of Year Population	720	767	47	6.5%

Table 8: Comparative Analysis of Condition Parole/Postrelease Supervision Violators Between FY 2022 and FY 2023

Law	Number of Admission				Average Length of Stay in Month			
	FY 2022	FY 2023	Change #	Change %	FY 2022	FY 2023	Change #	Change %
Guideline	611	723	112	18.3%	5.3	5.6	0.3	5.7%
Pre-guideline	23	23	0	0.0%	82.3	95.6	13.3	16.2%
Total	634	746	112	17.7%				

FY 2024 PRISON POPULATION PROJECTIONS

Table 9: FY 2024 Prison Population Projection by Offender Group

Offender Group	2023*	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	# Change	% Change
Drug	1199	1270	1249	1237	1243	1241	1271	1239	1262	1273	1264	65	5.4%
N1 to N3	2462	2566	2669	2767	2899	3005	3096	3157	3225	3316	3415	953	38.7%
N4 to N6	1470	1668	1764	1819	1901	1924	1977	2013	2037	2070	2096	626	42.6%
N7 to N10	764	798	848	814	814	780	808	819	817	837	843	79	10.3%
Sanction	11	6	5	0	0	0	0	0	0	0	0	-11	-100.0%
Probation Condition Violators	1026	1171	1234	1282	1287	1328	1349	1322	1374	1351	1355	329	32.1%
Offgrid Including Old Law Lifer	1484	1484	1505	1536	1567	1604	1640	1656	1666	1688	1698	214	14.4%
Parole/Post Release Violators	425	365	402	465	487	505	520	551	561	605	596	171	40.2%
Old Law Inmates	86	56	41	35	29	27	23	19	18	15	13	-73	-84.9%
Total	8927*	9384	9717	9955	10227	10414	10684	10776	10960	11155	11280	2353	26.4%

* Actual prison population on June 30, 2023.

FIGURE 1: KS PRISON POPULATION: ACTUAL AND PROJECTED

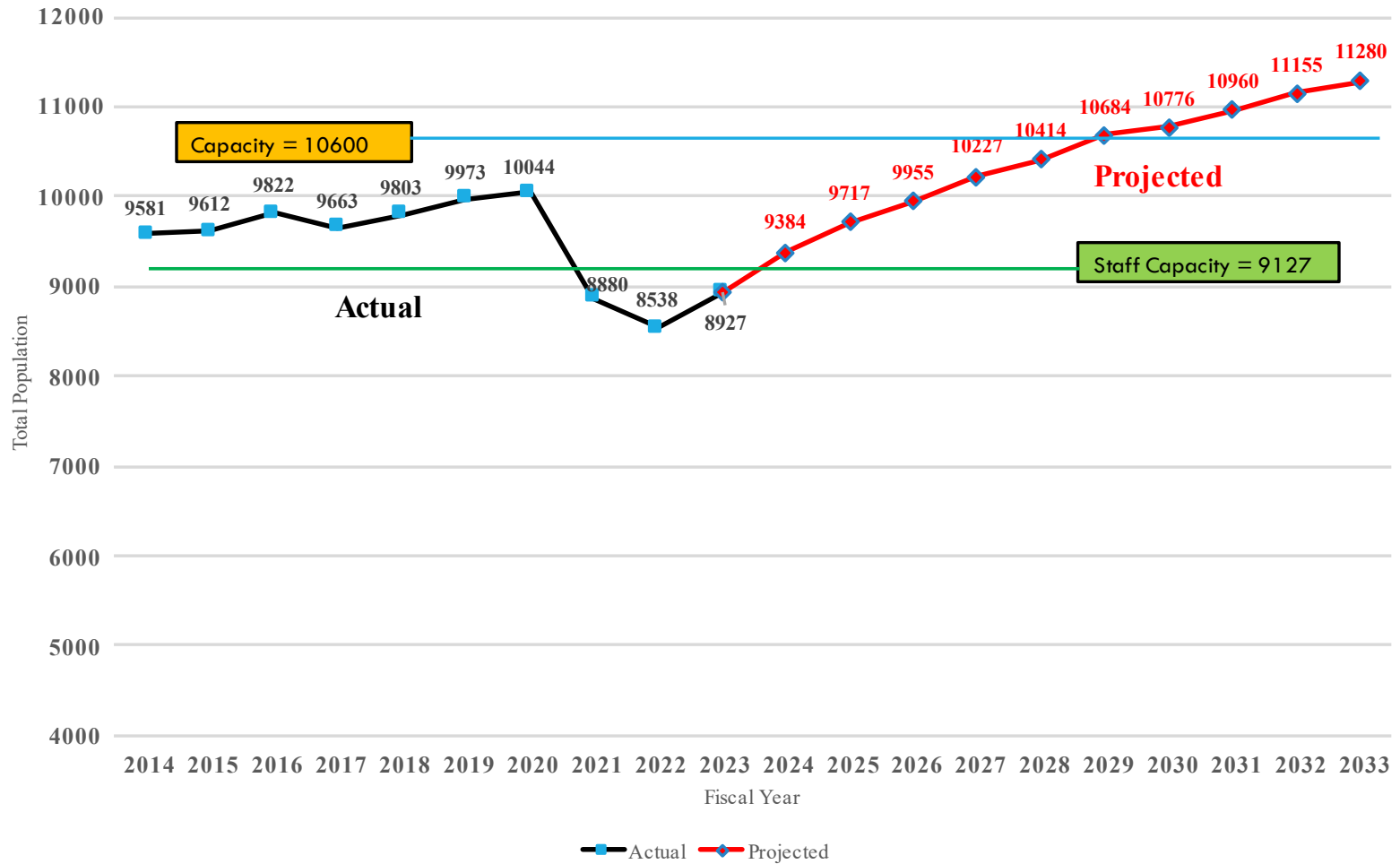


Figure 2: KS Male Prison Population: Actual and Projected

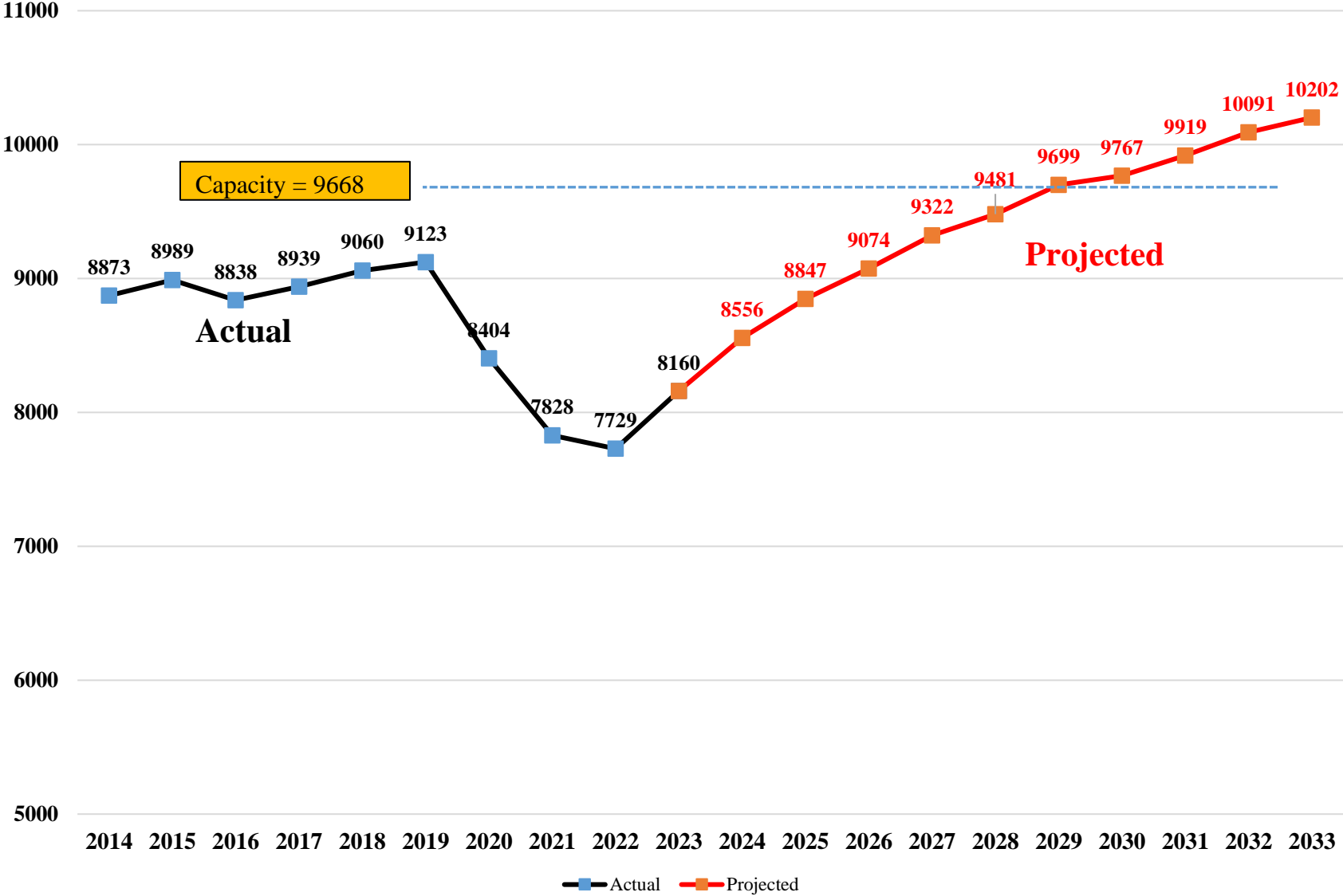


Figure 3: KS Female Prison Population: Actual and Projected

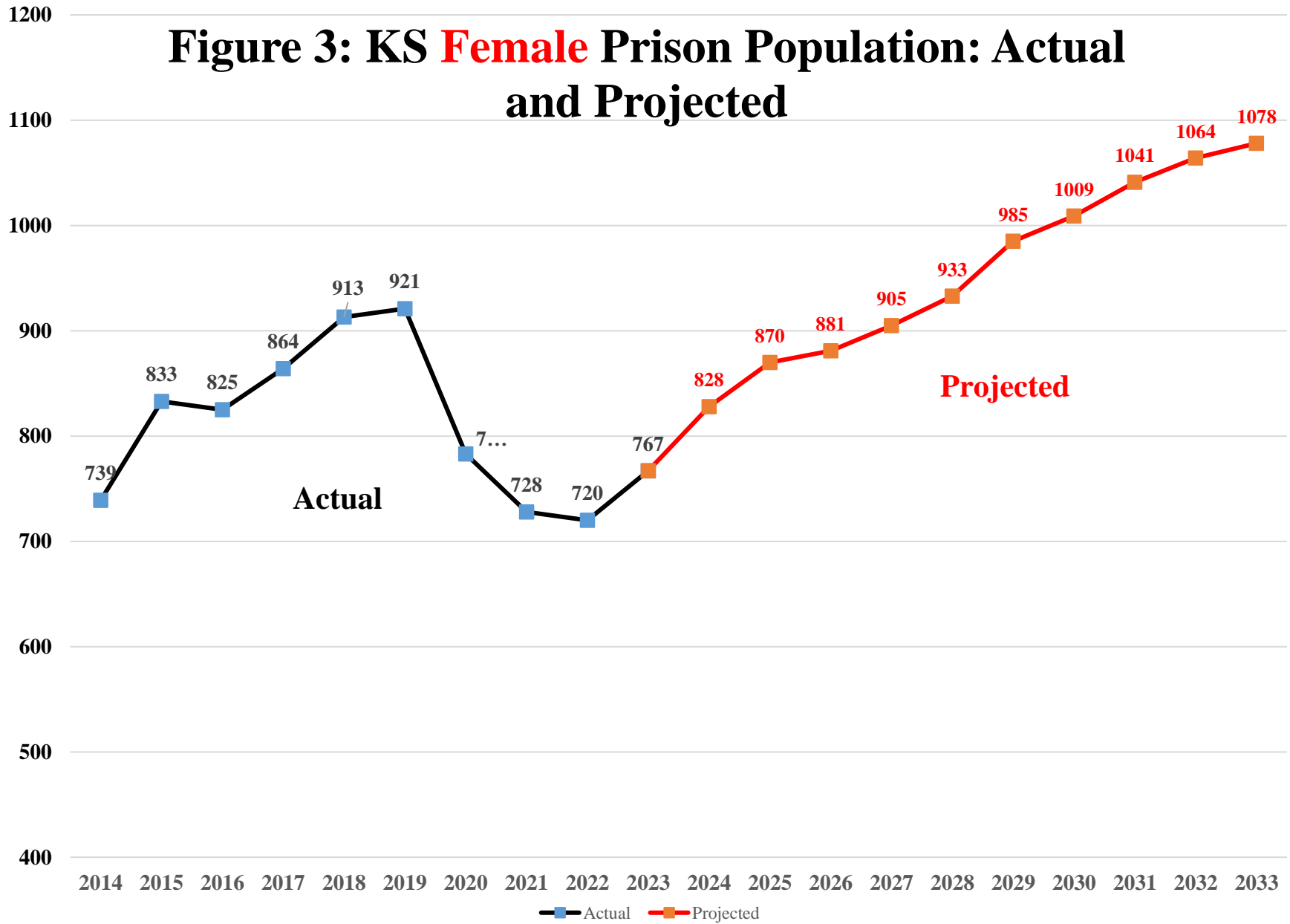
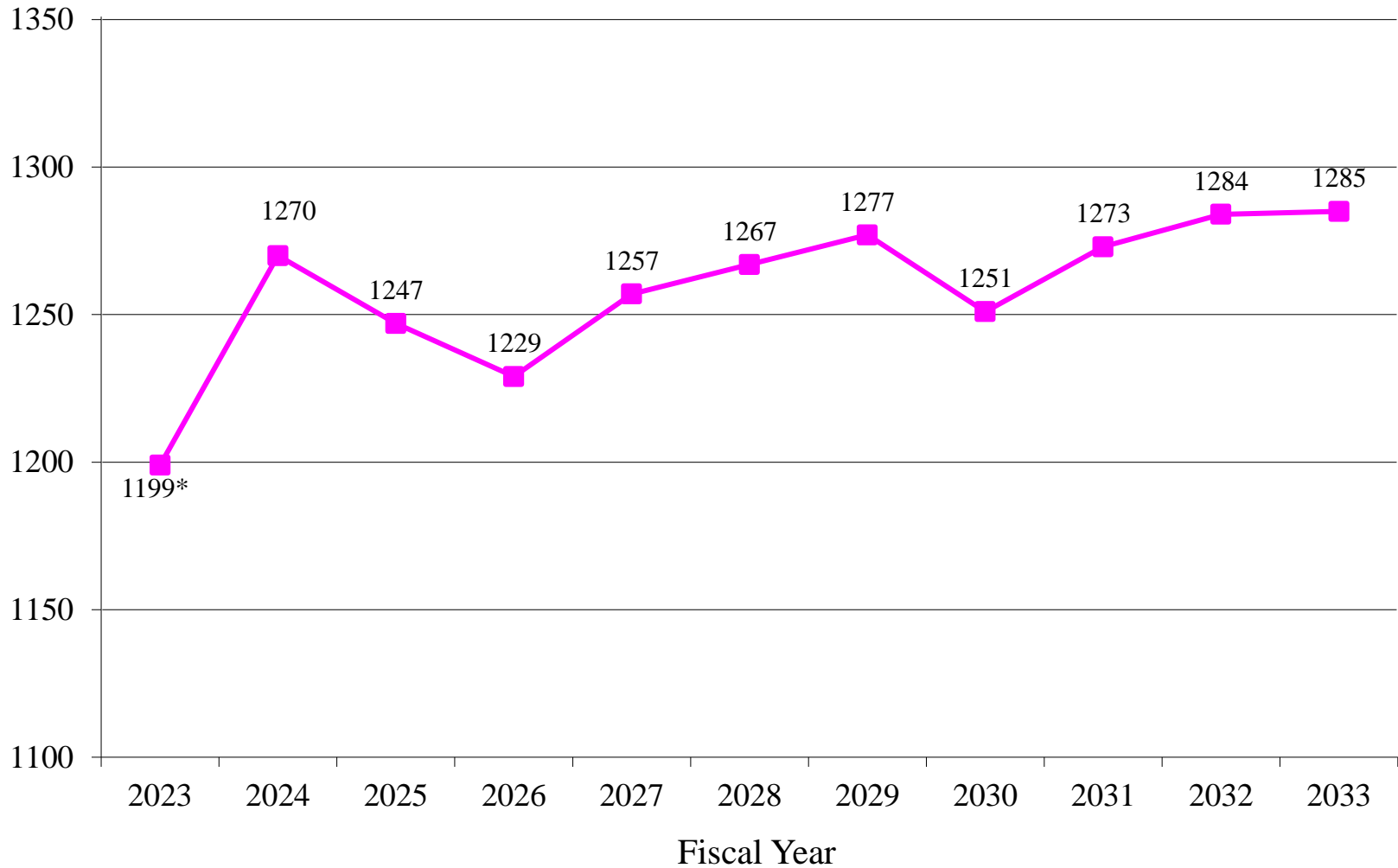
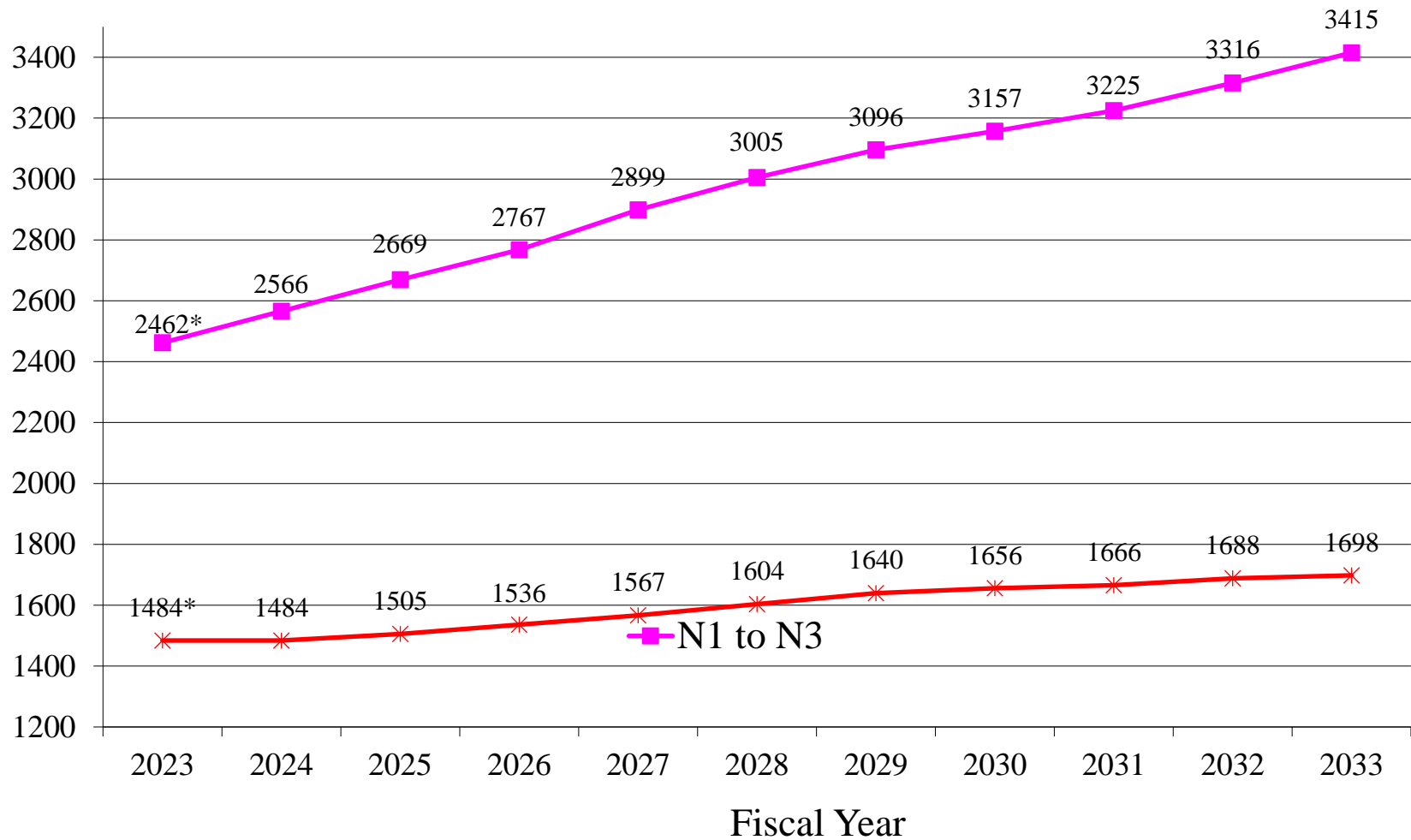


Figure 4: Projected Drug Inmate Prison Population



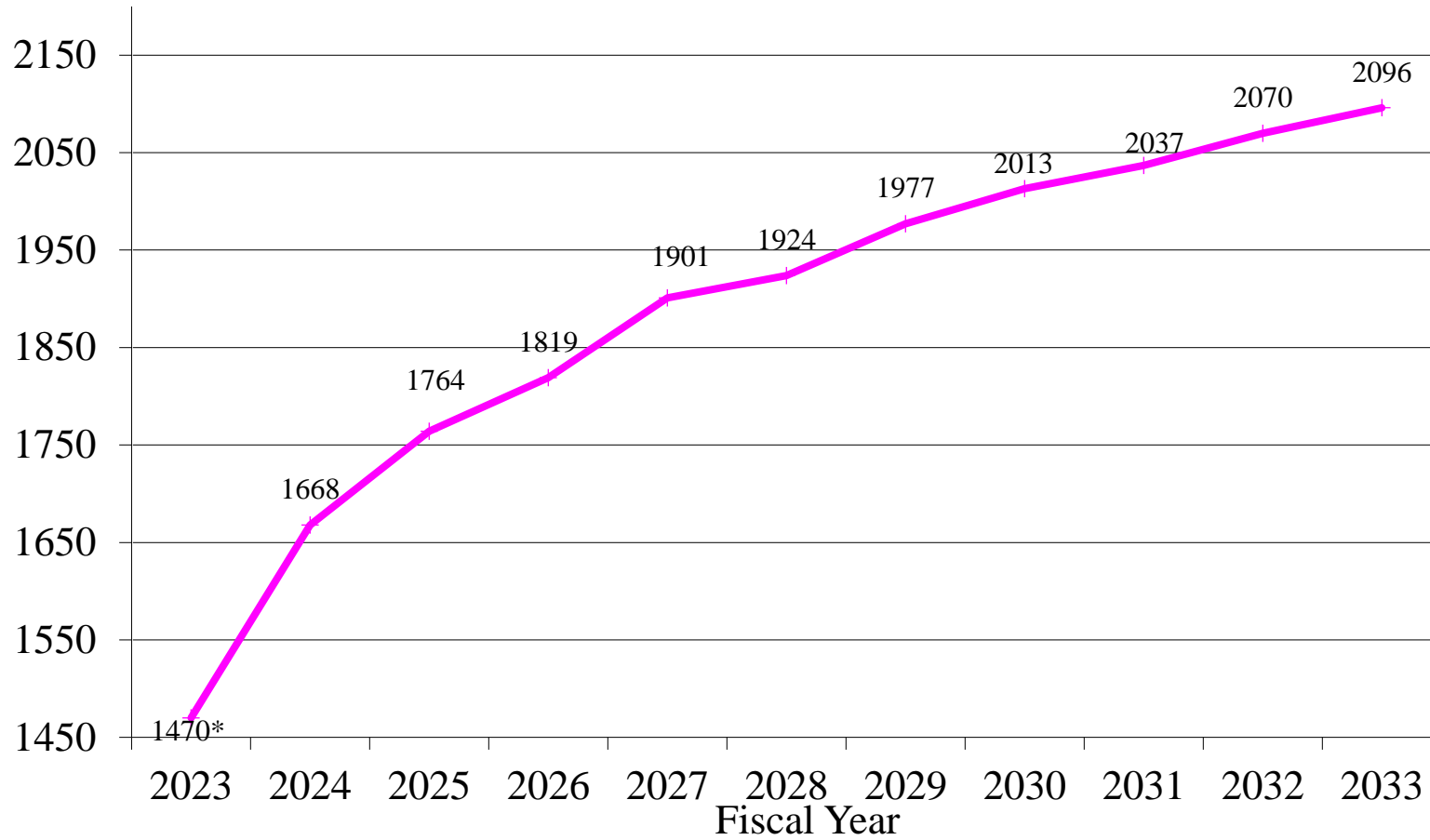
* Actual prison population on June 30, 2023.
This group accounts for 11.4% of the total projected prison population in FY 2033.

Figure 5: Projected Violent Inmate Prison Population



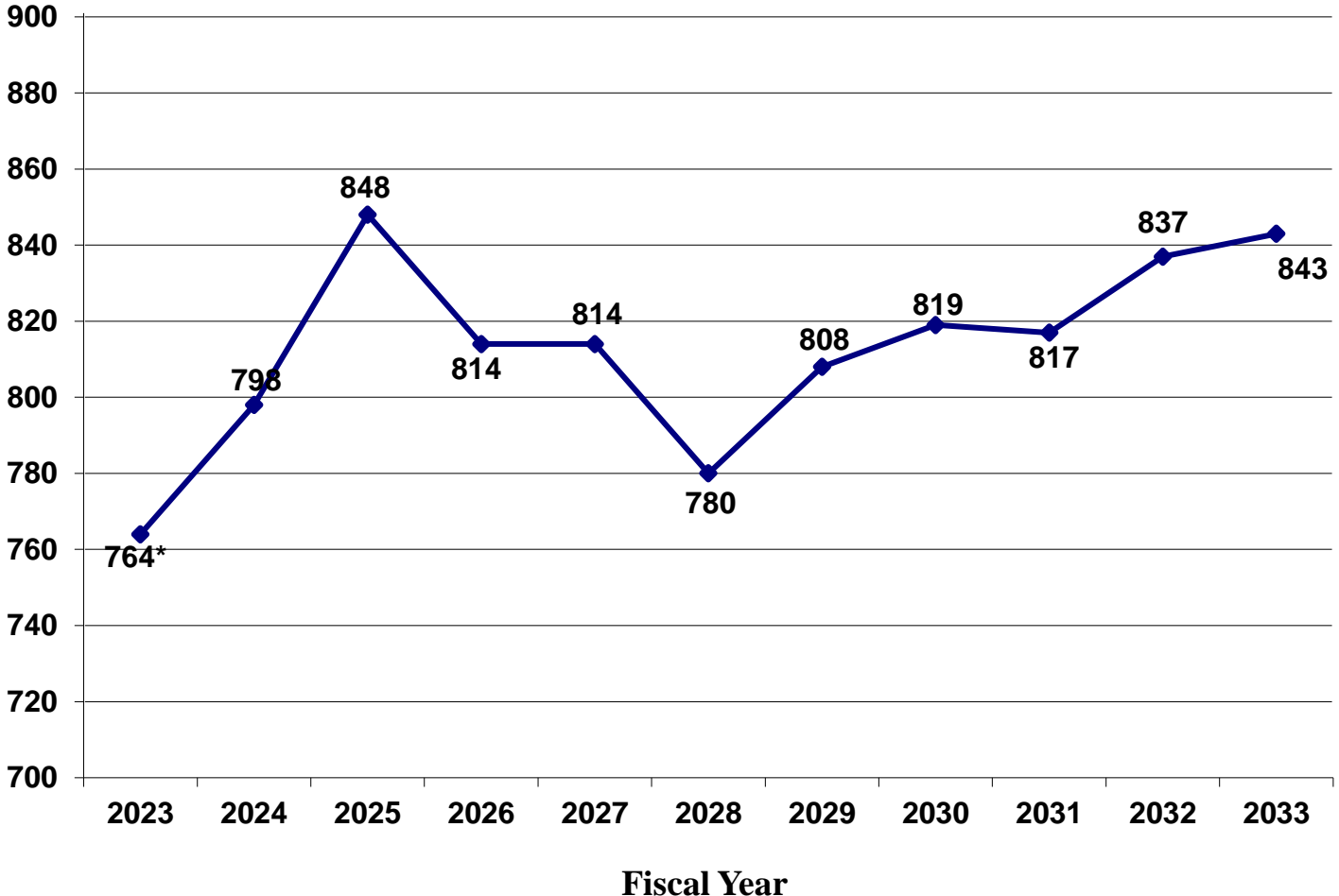
* Actual prison population on June 30, 2023.
 This group accounts for 45.3% of the total projected prison population in FY 2033.

Figure 6: Projected N4-N6 Inmate Prison Population



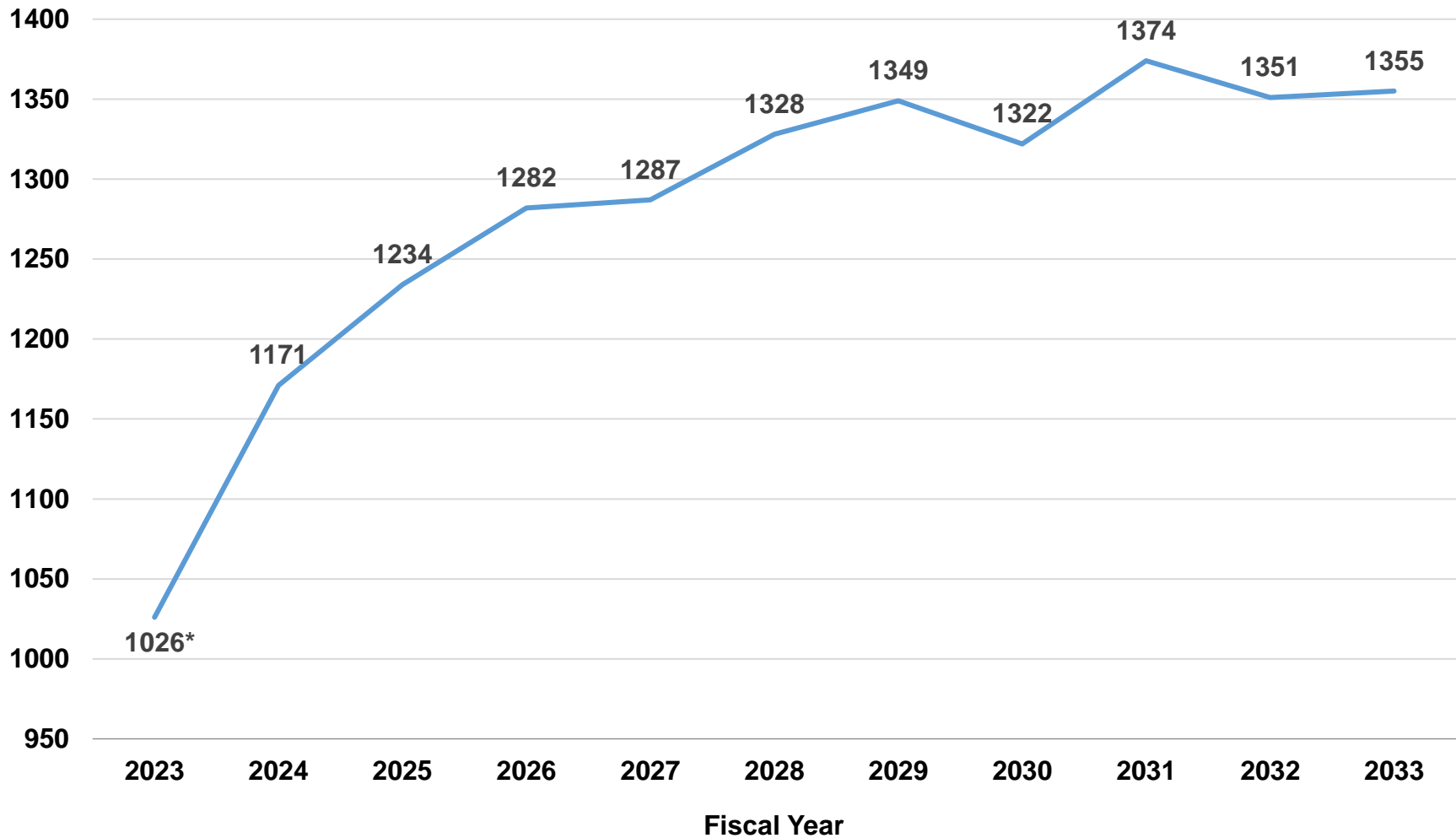
* Actual prison population on June 30, 2023.
This group accounts for 18.6% of the total projected prison population in FY 2033.

Figure 7: Projected Nonviolent Inmate Prison Population



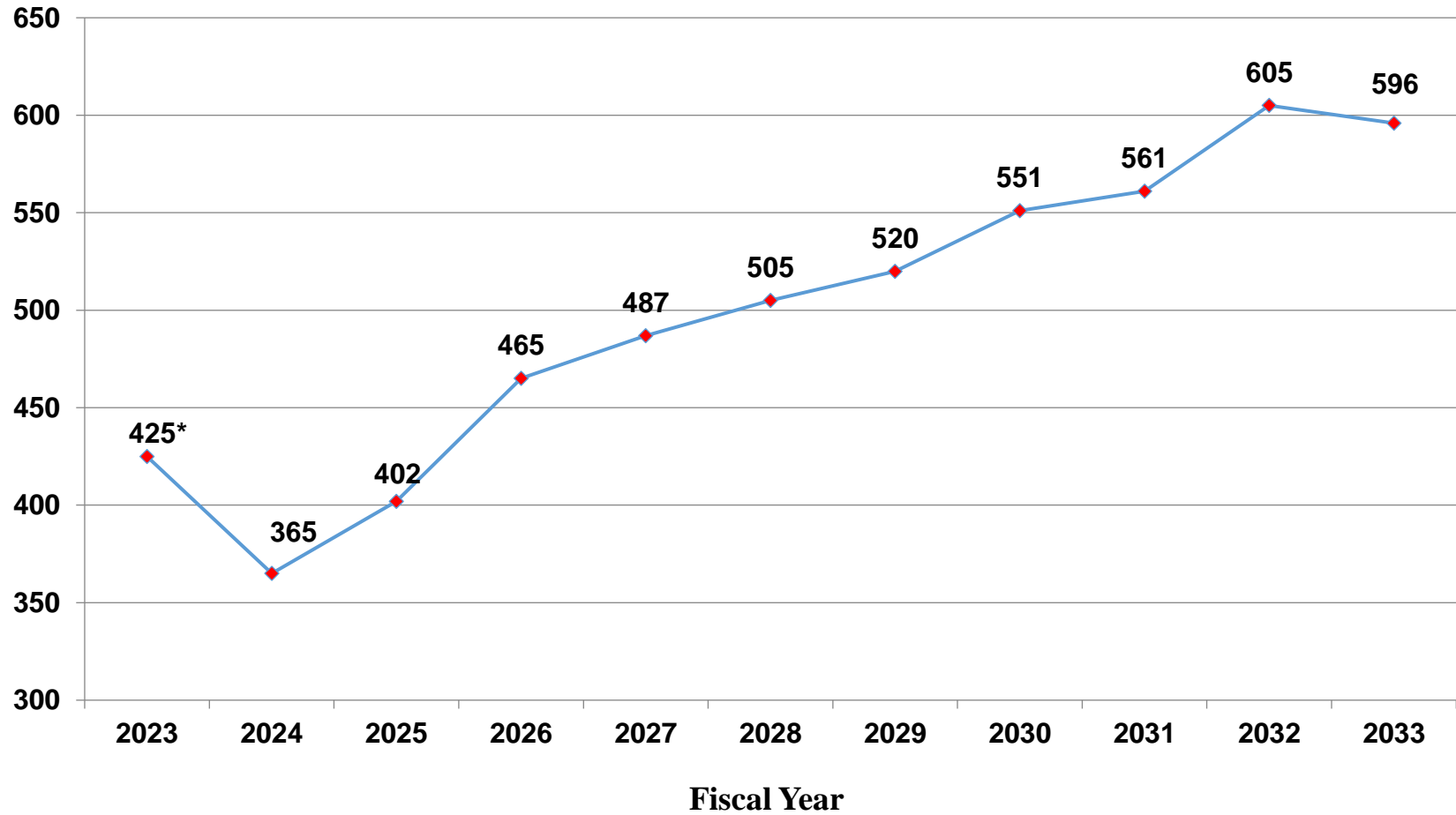
* Actual prison population on June 30, 2023.
This group accounts for 7.5% of the total projected prison population in FY 2033.

Figure 8: Projected Probation Condition Violator Inmate Population



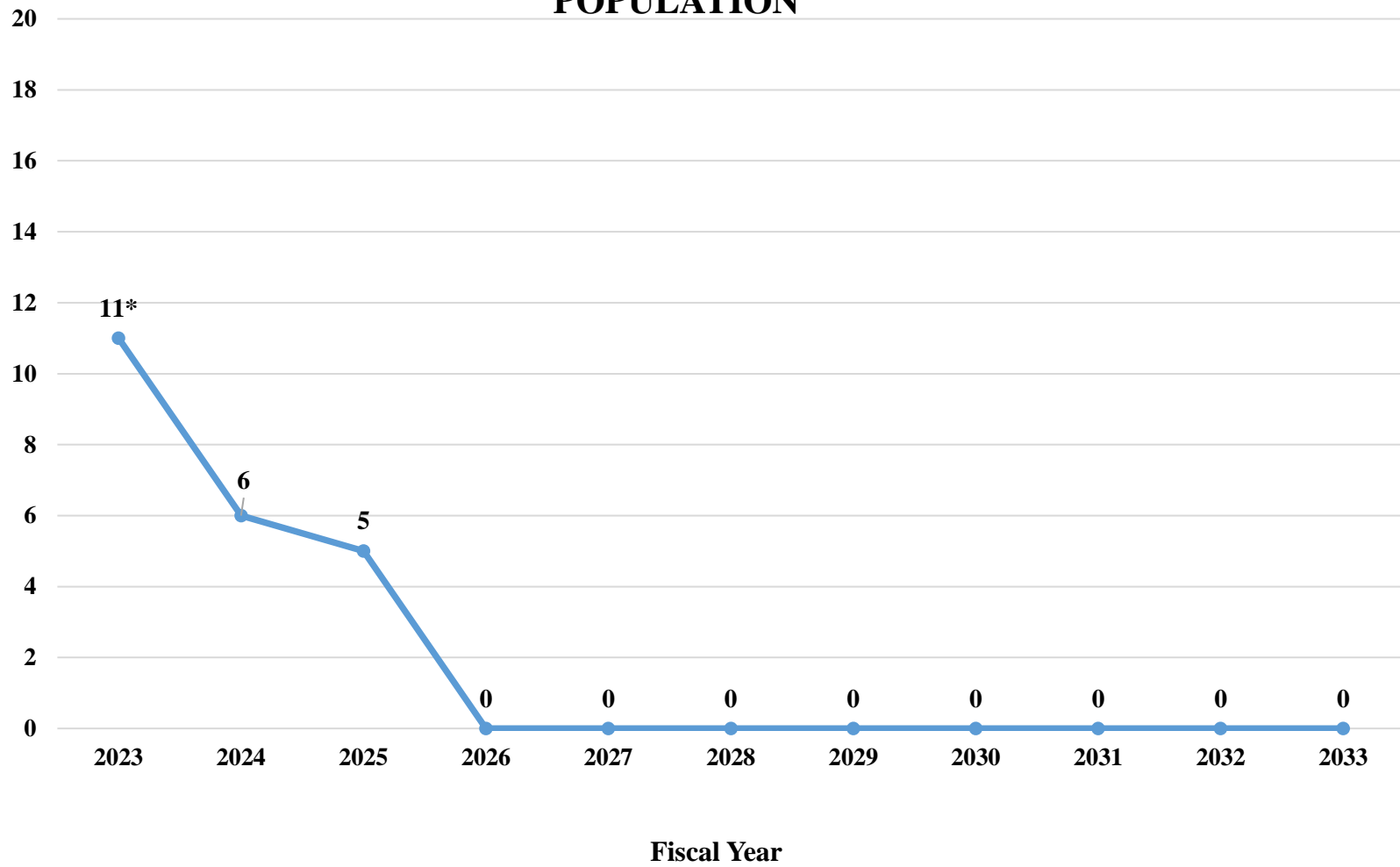
* Actual prison population on June 30, 2023.
This group accounts for 12.0% of the total projected prison population in FY 2033.

Figure 9: Projected Parole/Postrelease Condition Violator Inmate Population



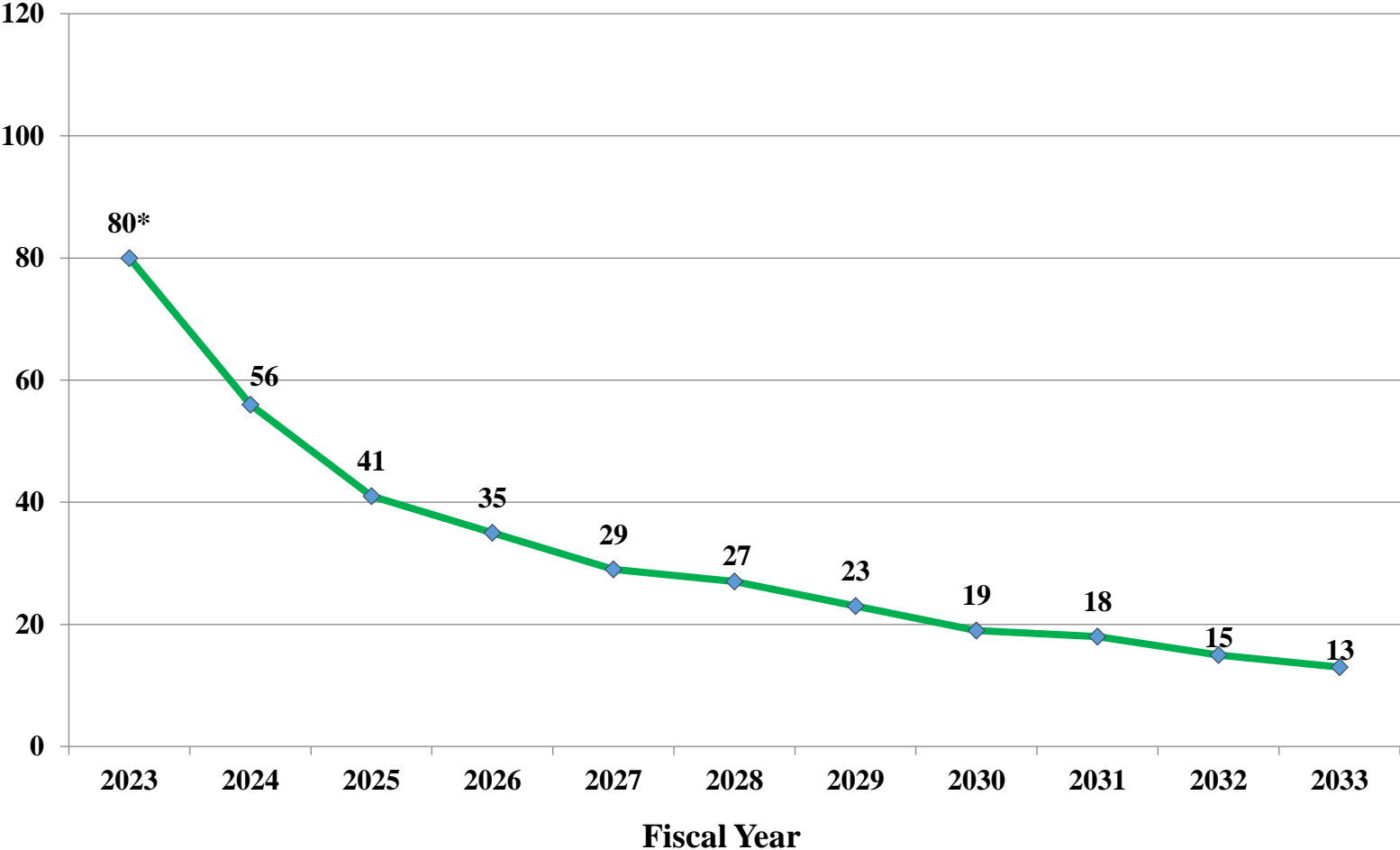
* Actual prison population on June 30, 2023.
This group accounts for 5.3% of the total projected prison population in FY 2033.

FIGURE 10: PROJECTED PRISON SANCTION INMATE POPULATION



* Actual prison population on June 30, 2023.
This group accounts for 0.0% of the total projected prison population in FY 2033.

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



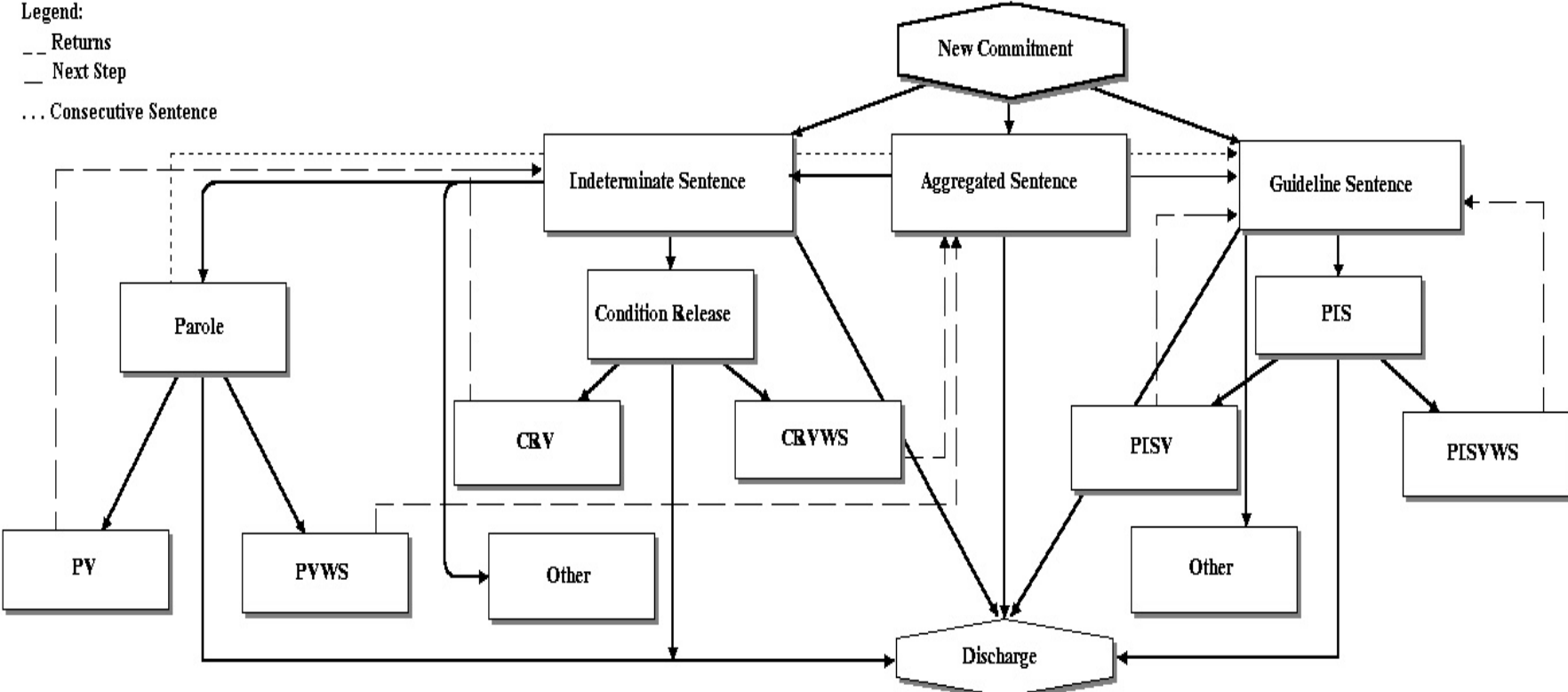
* Actual prison population on June 30, 2023.
This group accounts for 0.1% of the total projected prison population in FY 2033.

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 2023 Model**

Month/Year	Projected	Actual	Difference	Percent Error
July 2022	8468	8460	8	0.1%
August 2022	8522	8479	43	0.5%
September 2022	8554	8430	124	1.5%
October 2022	8566	8483	83	1.0%
November 2022	8586	8490	96	1.1%
December 2022	8578	8537	41	0.5%
January 2023	8571	8638	-67	-0.8%
February 2023	8607	8653	-46	-0.5%
March 2023	8635	8703	-68	-0.8%
April 2023	8645	8748	-103	-1.2%
May 2023	8662	8852	-190	-2.1%
June 2023	8697	8927	-230	-2.6%

**Table 11: Male Prison Population Monthly Monitoring Report
FY 2023 Model**

Month/Year	Projected	Actual	Difference	Percent Error
July 2022	7741	7729	12	0.2%
August 2022	7788	7761	17	0.4%
September 2022	7810	7719	91	1.2%
October 2022	7813	7765	48	0.6%
November 2022	7835	7778	57	1.0%
December 2022	7823	7816	7	>0.1%
January 2023	7814	7901	-87	-1.1%
February 2023	7844	7917	-73	-0.9%
March 2023	7878	7963	-85	-1.1%
April 2023	7886	8004	-118	-1.5%
May 2023	7905	8104	-199	-2.5%
June 2023	7933	8160	-227	-2.9%

**Table 12: Female Prison Population Monthly Monitoring Report
FY 2023 Model**

Month/Year	Projected	Actual	Difference	Percent Error
July 2022	727	731	4	0.5%
August 2022	734	718	16	2.2%
September 2022	743	711	32	4.3%
October 2022	753	718	35	4.6%
November 2022	751	712	39	5.2%
December 2022	755	721	34	4.5%
January 2023	757	737	20	2.6%
February 2023	763	736	27	3.5%
March 2023	757	740	17	2.3%
April 2023	759	744	15	2.0%
May 2023	757	748	9	1.2%
June 2023	764	767	-3	-0.4%

ATTACHMENT C - TREND ANALYSES

**Table 13: Five Year Prison Admission Trend by Admission Type
FY 2019 Through FY 2023**

Admission Type	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	% Change FY 2019-FY 2023	% Change FY 2022-FY 2023
New Court Commitment	1982	1587	1308	1635	1947	-1.8%	19.1%
Probation Condition Violator	1402	1226	1056	1024	1124	-19.8%	9.8%
Probation Prison Sanction	1186	284	212	159	117	-90.1%	-26.4%
Probation Violator with New Sentence	355	284	237	203	278	-21.7%	36.9%
Probation Violator with New Conviction	68	75	43	36	24	-64.7%	-33.3%
Inmate Received on Interstate Compact	4	4	3	1	2	-50.0%	100.0%
Parole/Post-release/CR Condition Violator	1091	792	446	632	746	-31.6%	18.0%
Parole/Post-release/CR Violator with New Sentence*	182	134	115	103	135	-25.8%	31.1%
Paroled to Detainer Returned with New Sentence	19	36	20	27	40	110.5%	48.1%
Non-Violator Return- New Sentence	83	50	48	35	49	-41.0%	40.0%
Non-Violator Return- No New Sentence	16	1	2	1	2	-87.5%	100.0%
Total	6388	4473	3490	3856	4464	-30.1%	15.8%

Source: DOC admission files.

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

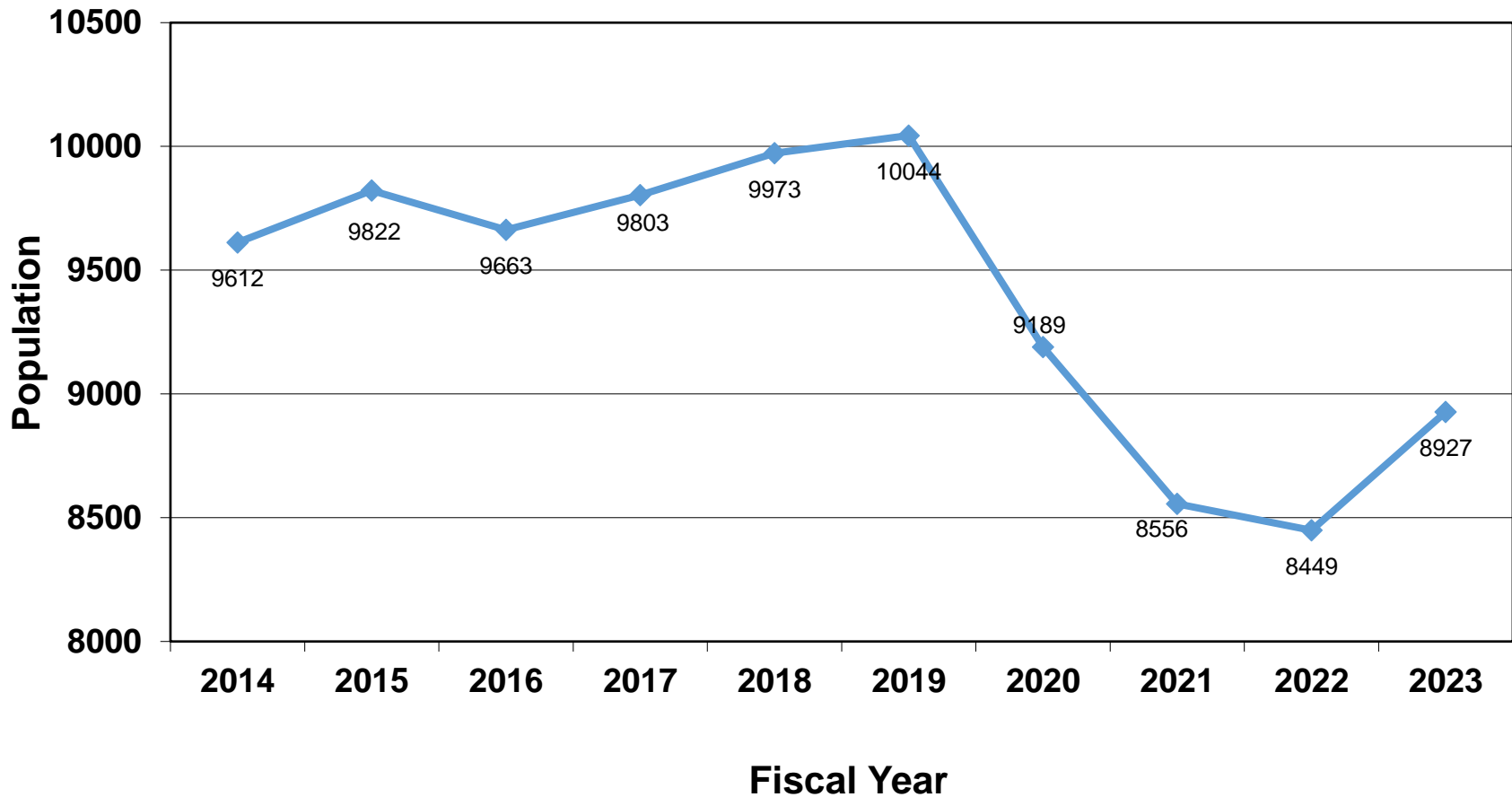
**Table 14: Comparative Analysis on Admission Type by Percentage Distribution
FY 2019 Through FY 2023**

Admission Type	FY 2019		FY 2020		FY 2021		FY 2022		FY 2023	
	N	%	N	%	N	%	N	%	N	%
New Court Commitment	1982	31	1587	35.5	1308	37.5	1635	42.4	1947	43.6
Probation Condition Violator	1402	21.9	1226	27.4	1056	30.3	1024	26.6	1124	25.3
Sanction from Probation	1186	18.6	284	6.3	212	6.1	159	4.1	117	2.6
Probation Violator with New Sentence	355	5.6	284	6.3	237	6.8	203	5.3	278	6.2
Probation Violator with New Conviction	68	1.1	75	1.7	43	1.2	36	0.9	24	0.5
Inmate Received on Interstate Compact	4	0.1	4	0.1	3	0	1	0	2	0
Parole/Post-release/CR Condition Violator	1091	17.1	792	17.7	446	12.8	632	16.4	746	16.7
Parole/Post-release/CR Violator with New Sentence*	182	2.8	134	3	115	3.3	103	2.7	135	3
Paroled to Detainer Returned with New Sentence	19	0.3	36	0.8	20	0.6	27	0.7	40	0.9
Non-Violator Return - New Sentence	83	1.3	50	1.1	48	1.4	35	0.9	49	1.1
Non-Violator Return - No New Sentence	16	0.2	1	0	2	0	1	0	2	0
Total	6388	100	4473	100	3490	100	3856	100	4464	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.

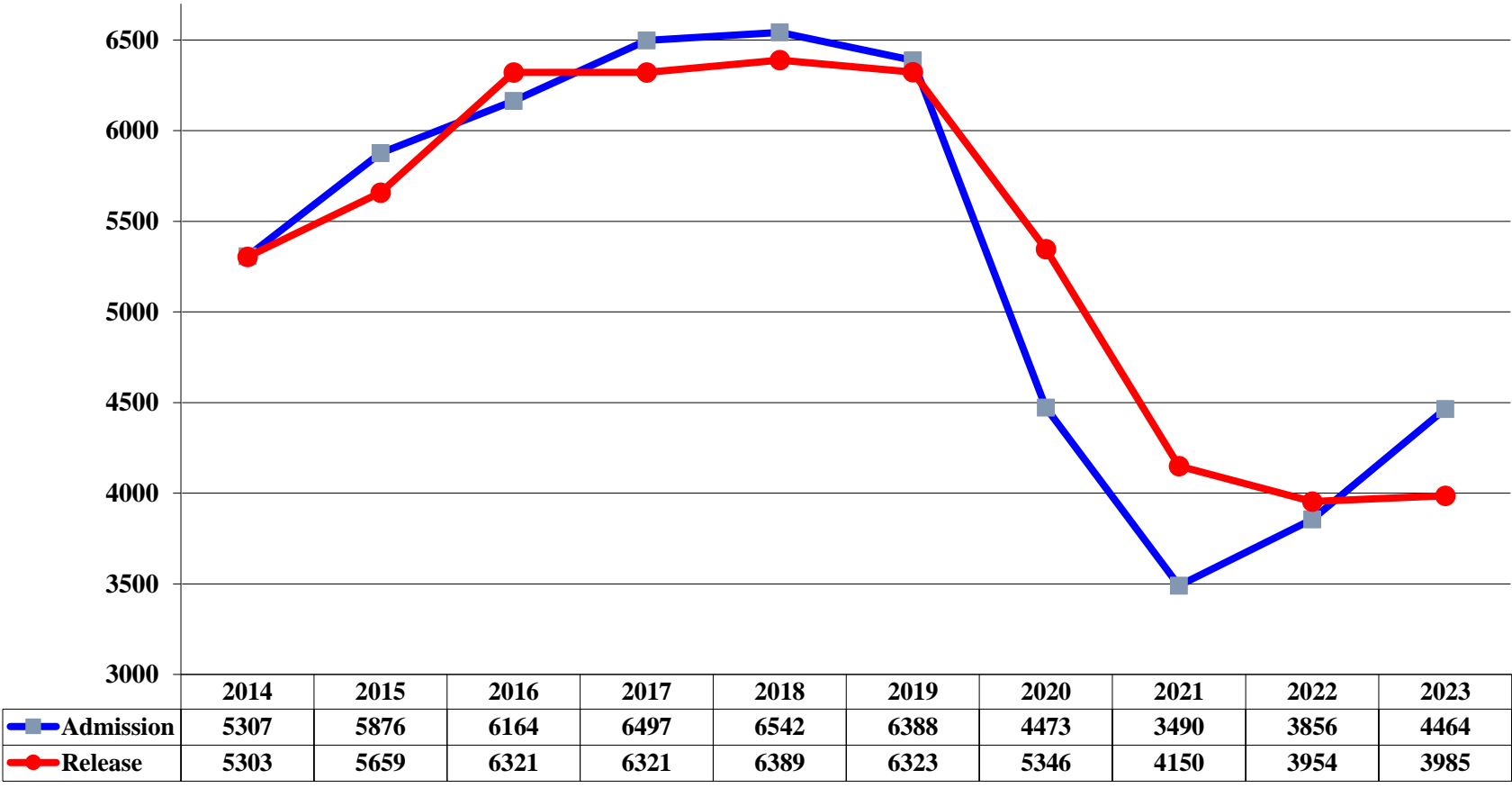
Figure 12: KANSAS PRISON POPULATION TRENDS
Total Prison Population



Source: KDOC prison population files.

Note: FY 2020, FY 2021 and FY 2022 numbers low due to Covid-19 pandemic.

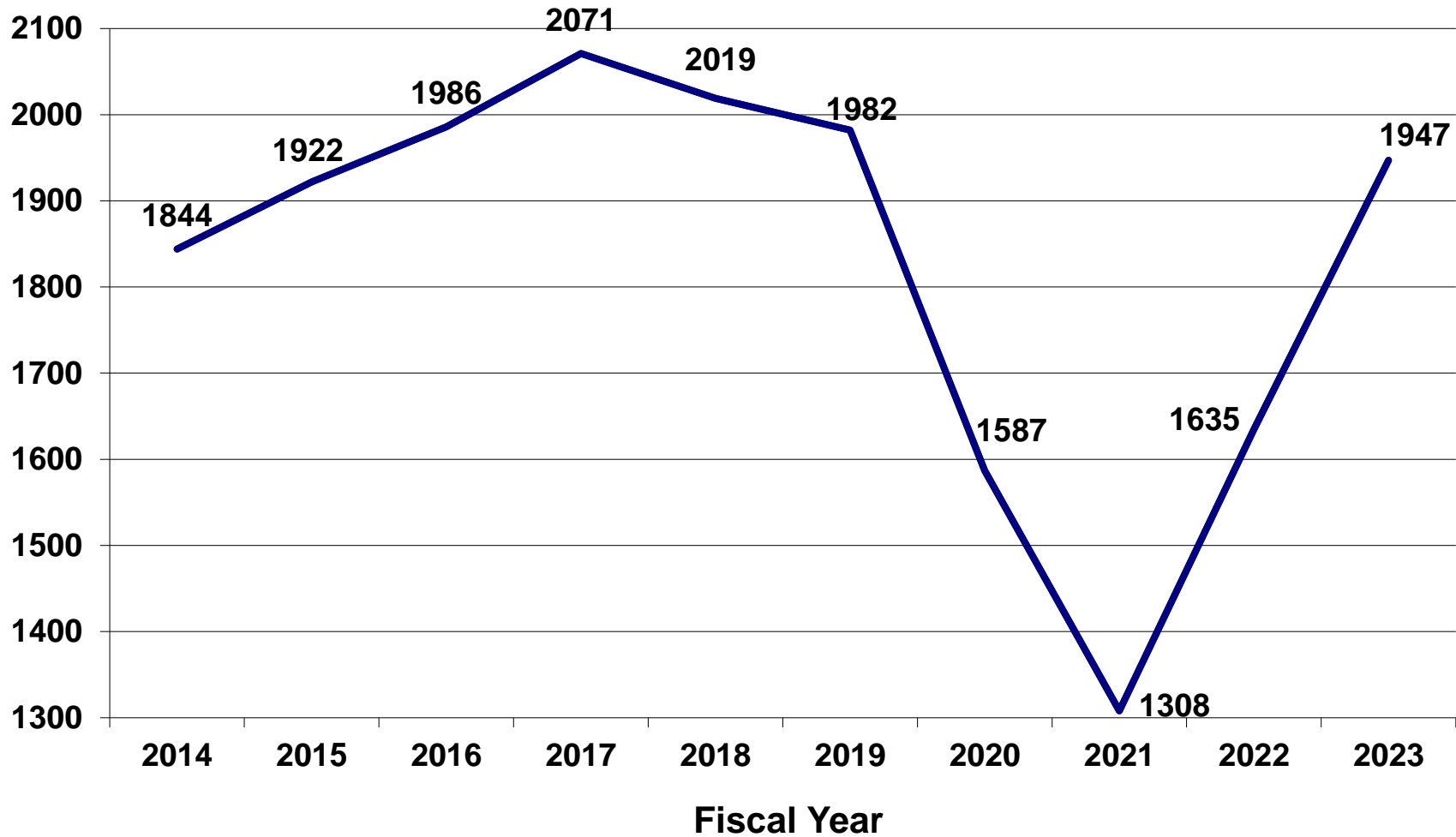
**Figure 13: Prison Admissions and Releases
FY 2014 to FY 2023**



Fiscal Year

Source: KDOC admission and release files

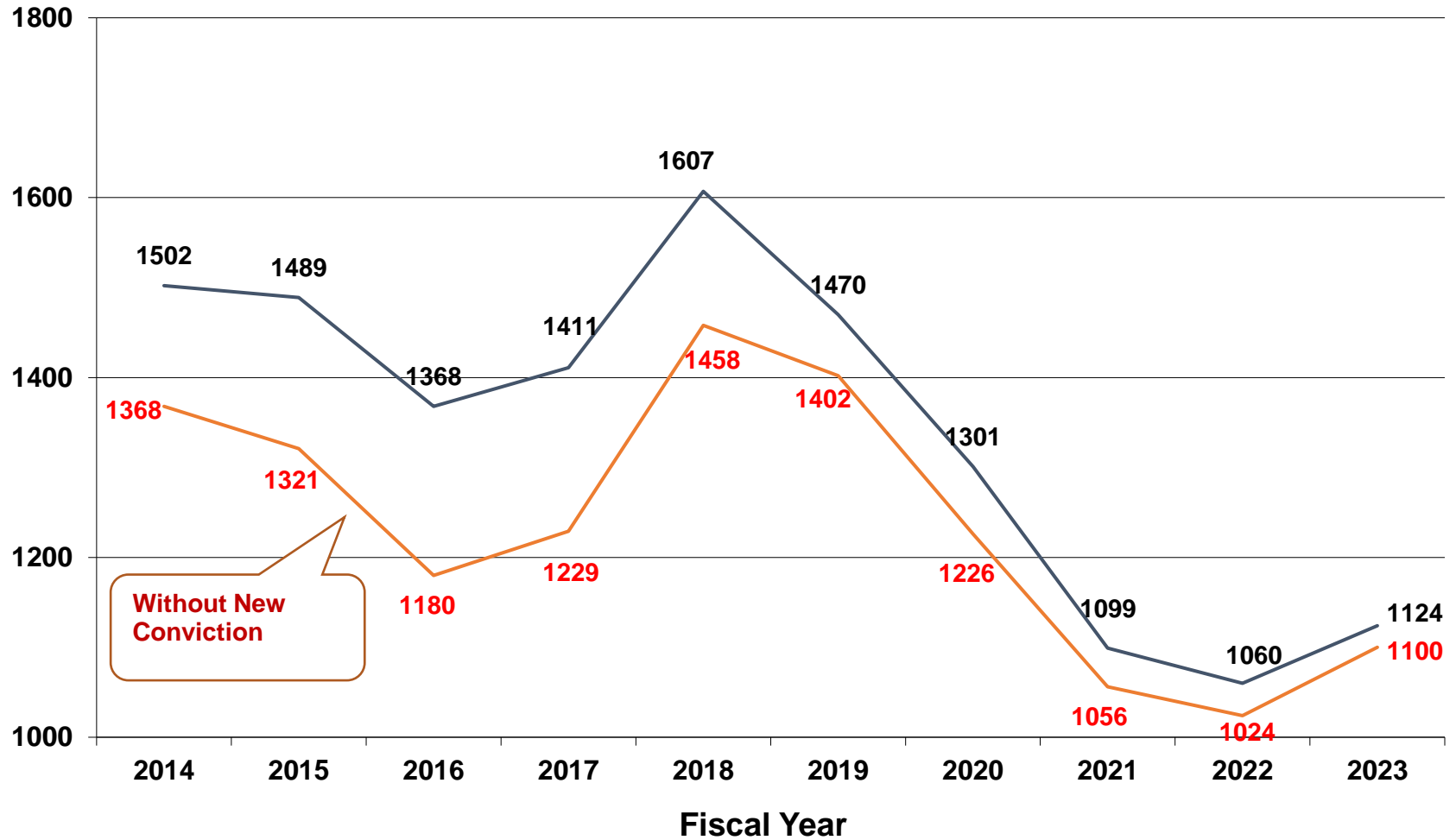
Figure 14: KANSAS PRISON ADMISSION TRENDS
Direct New Court Commitments



Source: KDOC admission files.

Note: FY 2020, FY 2021 and FY 2022 numbers low due to Covid-19 pandemic.

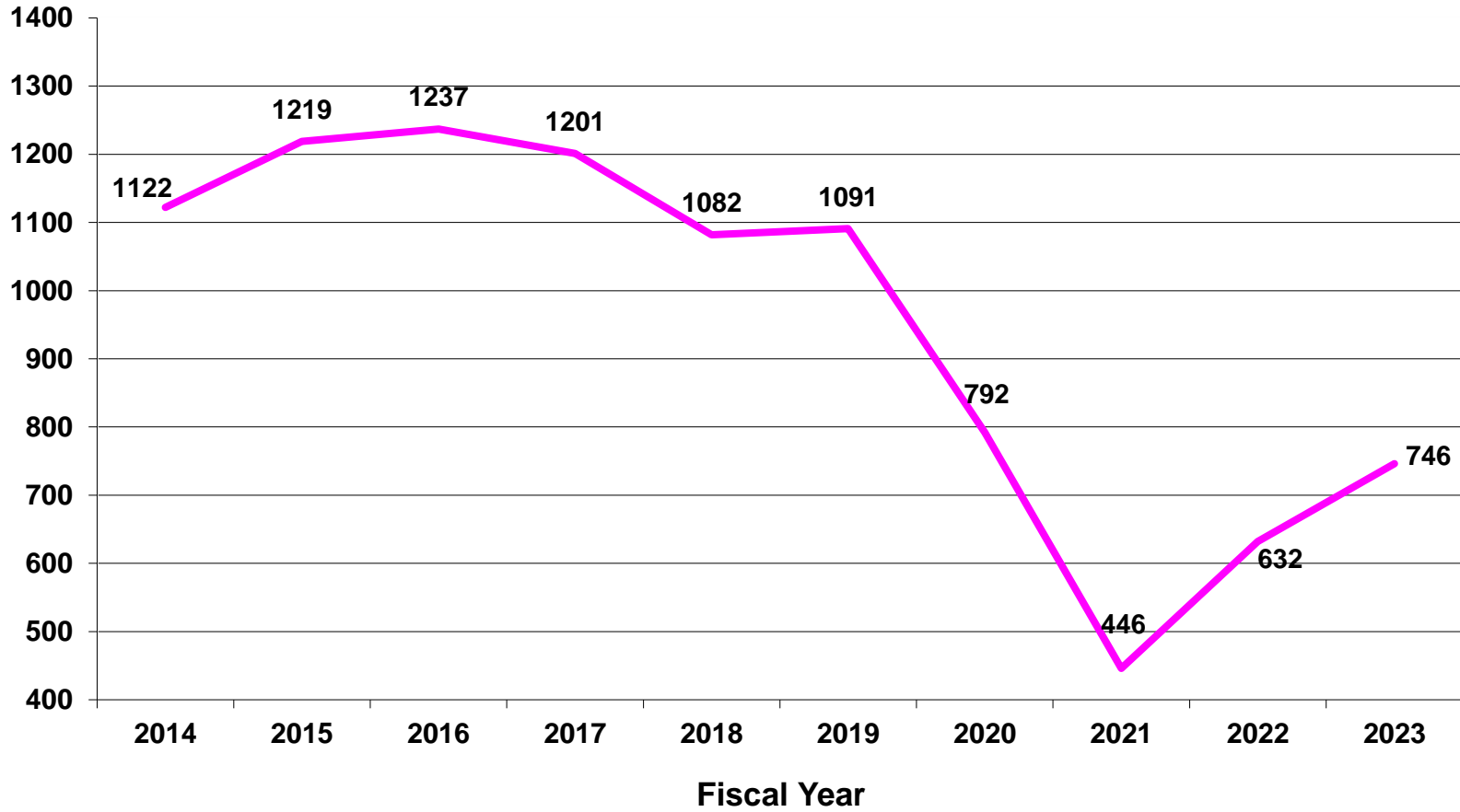
**Figure 15: KANSAS PRISON ADMISSION TRENDS
Probation Condition Violators**



Source: KDOC prison population files.

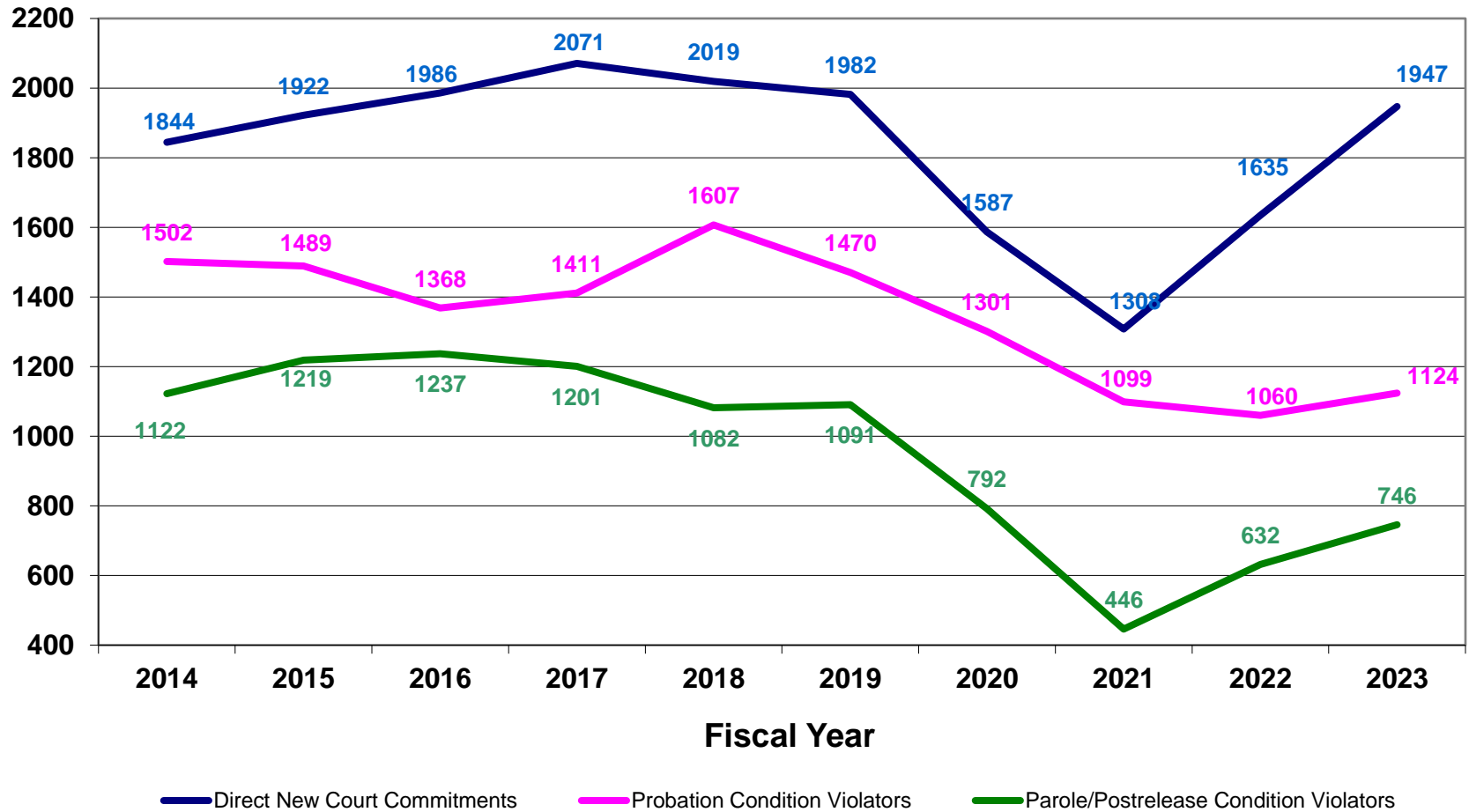
Note: New conviction has been separated from probation condition violators since FY 2014.

Figure 16: KANSAS PRISON ADMISSION TRENDS
Parole/Postrelease Condition Violators



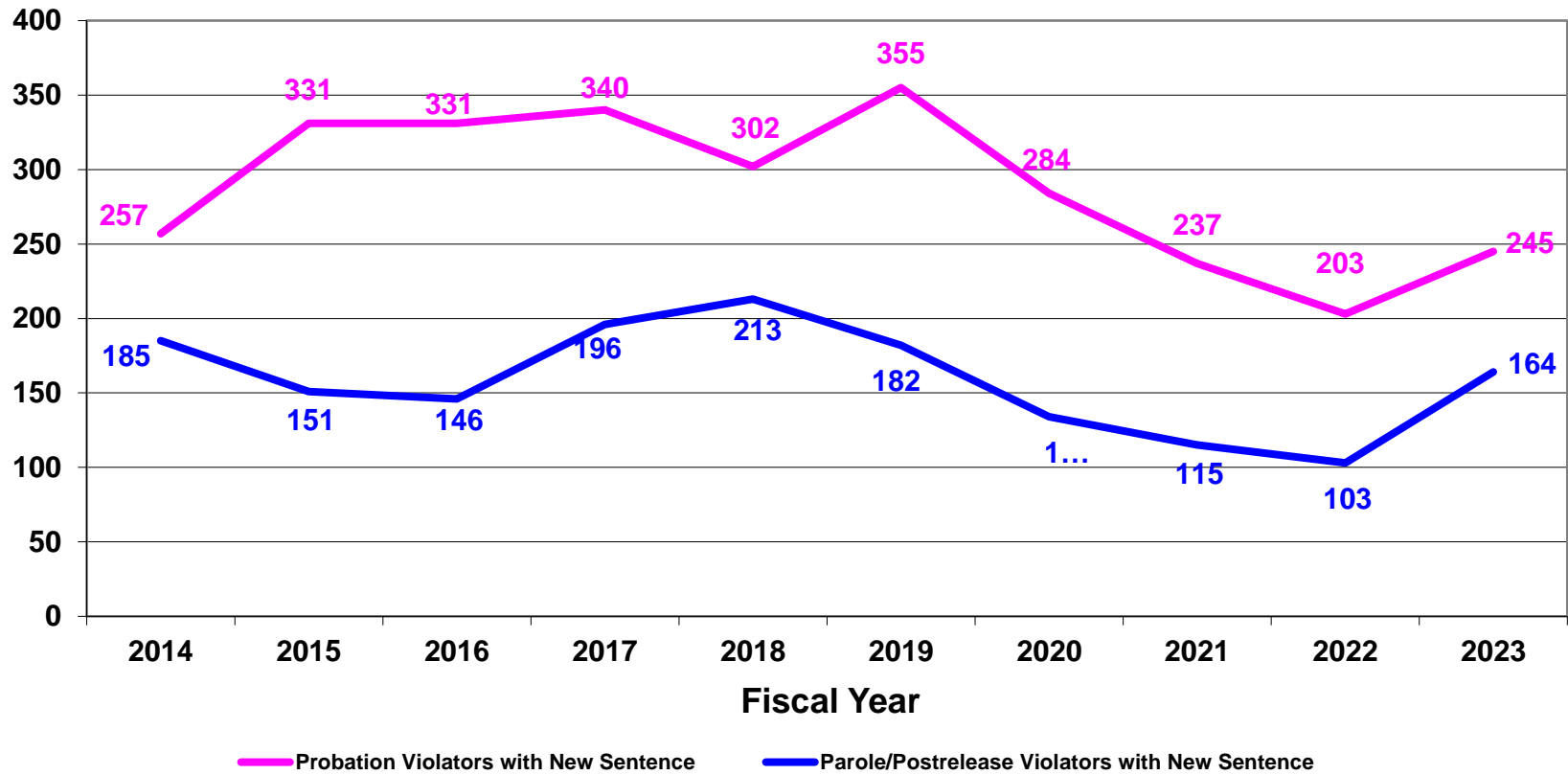
Source: KDOC admission files.
Note: Including condition conditional-release violators.

Figure 17: KANSAS PRISON ADMISSION TRENDS
Admissions by Three Major Types



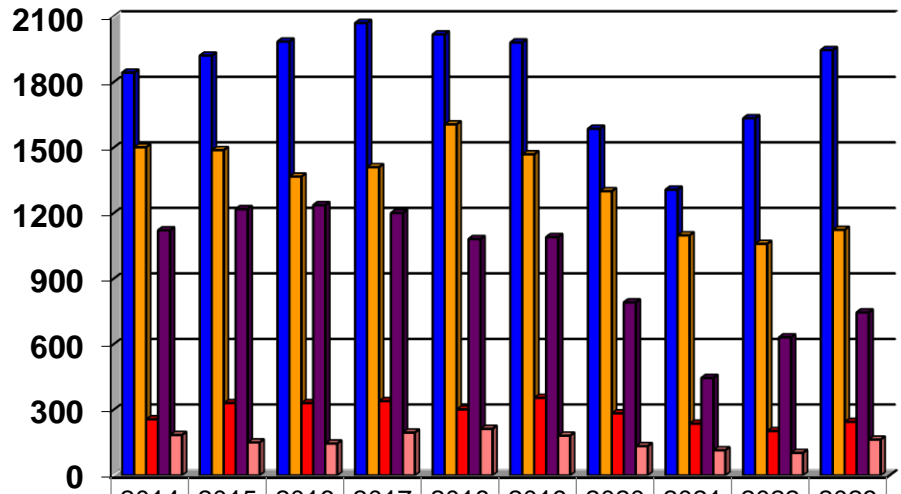
Note: FY 2014 through FY 2022 probation condition violators include probation violators with new conviction.

Figure 18: KANSAS PRISON ADMISSION TRENDS
Comparison between 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



	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
■ Direct New Court Commitment	1844	1922	1986	2071	2019	1982	1587	1308	1635	1947
■ Probation Condition Violators	1502	1489	1368	1411	1607	1470	1301	1099	1060	1124
■ Probation Violators w/New Sent	257	331	331	340	302	355	284	237	203	245
■ Parole/PIS Condition Violators	1122	1219	1237	1201	1082	1091	792	446	632	746
■ Parole/PIS Violators w/New Sent	185	151	146	196	213	182	134	115	103	164

Source: KDOC admission files.

Fiscal Year

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