

To: Joint Committee on Corrections and Juvenile Justice Oversight
From: Scott M. Schultz, Executive Director
Date: October 27, 2021
Re: Responses to committee members' questions to the KSSC

The following are responses to questions raised by committee members during the KSSC presentation on October 25, 2021, before the committee at the Leavenworth Public Library. Please contact us with any further questions. Thank you.

Question 1: What is the breakdown of felony domestic violence cases the last three fiscal years?

- 2020 – **439** (72% from Sedgwick and Johnson) – 4.5% of total felony sentences
- 2019 – **471** (71% from Sedgwick and Johnson) – 3.8% of total felony sentences
- 2018 – **411** (75% from Sedgwick and Johnson) – 3.5% of total felony sentences

This level has continued to be stable throughout the pandemic.

Question 2: What is the breakdown of felony appointed counsel versus retained counsel and the likelihood of going to trial versus plea in FY 2020?

- **85.7%** of felony cases had **appointed** counsel
 - o 2.7% went to trial
 - o **97.3% plead guilty or no contest**
- **14.0%** of felony cases had **retained** counsel
 - o 3.2% went to trial
 - o **96.8% plead guilty or no contest**
- **0.3%** of cases waived counsel and represented themselves

Note: The KSSC currently has no way to account for acquittals that occur at trial because we do not receive data on acquittals. We only receive data on convictions. Thus, we cannot determine whether retained versus appointed counsel are more likely to secure acquittals at trial. Another caveat for consideration is that jury trials were limited throughout the state during the pandemic.

Question 3: Are surrounding states or those with similar prison populations seeing a reduction in their population like Kansas?

Overall, state prisons have seen a reduction in prison populations post-COVID. See [Data update: As the Delta variant ravages the country, correctional systems are dropping the ball \(again\) | Prison Policy Initiative](#).

Examples of **nearby** states and their reductions include:

Nebraska	-8%
Iowa	-8%
Missouri	-10%
Kansas	-14%
Oklahoma	-14%
Colorado	-20%

Examples of those states with **similar prison populations** include:

Idaho	+1%
Nebraska	-5%
Iowa	-8%
Kansas	-14%
Minnesota	-17%
Connecticut	-27%

Other examples of states with reductions in prison population include:

Wisconsin	-15%
Average of all states	-16%
California	-18%
Connecticut	-27%
Washington	-29%

Additional state prison population reduction information that details probation violations can be found at this link: [More Community, Less Confinement: A State-by-State Analysis on How Supervision Violations Impacted Prison Populations During the Pandemic, Council of State Governments Justice Center, 2021.](#)

Question 4: Breakdown of Hispanic offenders in FY 2020

The KSSC does not always receive country of origin, so there is missing data regarding countries of origin that are not the United States.

In FY 2020:

- **1,041** Hispanic offenders were convicted of a felony
 - **875** (84.1%) were citizens of the United States
 - **166** (15.9%) were noncitizens

75 counties had a noncitizen convicted in their jurisdiction

- **Top 5 counties in order by percentage of overall noncitizen convictions**
 - Sedgwick (16.3%)
 - Ford (15.1%)
 - Johnson (10.4%)
 - Wyandotte (7.7%)
 - Finney (6.3%)

- These five counties comprised 55.8% of the noncitizen convictions in FY 2020.

The following is a breakdown of sentences imposed on Hispanic offenders in FY 2020:

SENTENCE IMPOSED	FREQUENCY	PERCENT
PRISON	279	26.8
COUNTY JAIL	10	1.0
PROBATION	569	54.7
EXTENDED PROBATION UNDER 21-4611(c)(5)	1	.1
MANDATORY DRUG TREATMENT UP TO 18 MONTHS	122	11.7
DUI OR TEST REFUSAL POST-IMPRISONMENT SUPERVISION	60	5.8
TOTAL	1,041	100.0

The following is a breakdown of sentences imposed on Hispanic offenders in FY 2020 by county:

COUNTY	FREQUENCY	PERCENT
Atchison	3	.3
Barber	1	.1
Barton	22	2.1
Bourbon	1	.1
Brown	1	.1
Butler	12	1.2
Cherokee	2	.2
Cheyenne	1	.1
Clark	5	.5
Clay	2	.2
Cloud	3	.3
Coffey	1	.1
Cowley	17	1.6
Crawford	2	.2
Douglas	11	1.1
Edwards	1	.1
Elk	2	.2
Ellis	15	1.4
Ellsworth	1	.1

Finney	66	6.3
Ford	157	15.1
Geary	12	1.2
Grant	5	.5
Gray	8	.8
Greeley	1	.1
Greenwood	3	.3
Hamilton	12	1.2
Harvey	20	1.9
Haskell	1	.1
Hodgeman	2	.2
Jackson	1	.1
Jefferson	1	.1
Jewell	2	.2
Johnson	108	10.4
Kearny	8	.8
Kingman	2	.2
Kiowa	2	.2
Labette	4	.4
Lane	1	.1
Leavenworth	9	.9
Lyon	21	2.0
Marion	1	.1
McPherson	6	.6
Miami	2	.2
Montgomery	9	.9
Morton	2	.2
Nemaha	1	.1
Neosho	1	.1
Ness	3	.3
Norton	2	.2
Osage	1	.1
Pawnee	6	.6
Pratt	3	.3
Reno	34	3.3
Republic	2	.2
Rice	5	.5

Riley	8	.8
Rooks	1	.1
Rush	2	.2
Russell	1	.1
Saline	33	3.2
Scott	1	.1
Sedgwick	170	16.3
Seward	48	4.6
Shawnee	40	3.8
Sherman	9	.9
Stafford	3	.3
Stanton	3	.3
Stevens	3	.3
Sumner	5	.5
Thomas	2	.2
Trego	2	.2
Wabaunsee	2	.2
Wallace	1	.1
Wyandotte	80	7.7
Total	1,041	100.0

Question 5: Does the KSSC include Hispanic offenders with white offenders for purposes of race?

Yes. Hispanic offenders are included within the White demographic for the variable – race. But Asian offenders are not included within the White demographic. The KSSC receives this data from the face sheet of the [Presentence Investigation Report](#) completed by court services officers and enters it into the KSSC database.

In FY 2020:

- Hispanic offenders comprised **10.7%** of all felony convictions in Kansas
 - The only ethnicity collected by the KSSC is Hispanic and Non-Hispanic
 - For reference in FY 2020:
 - Black offenders comprised 20.1% of felony convictions
 - American Indian offenders comprised 1.1% of felony convictions
 - Asian offenders comprised 0.6% of felony convictions