



Annual Report, Prison Population Projections, & SB 123 Substance Abuse Treatment Program Update

BY SCOTT SCHULTZ, EXECUTIVE DIRECTOR

2024 Commission Members

Honorable Benjamin Sexton, Chair
Chief District Judge, 8th Judicial District

Honorable Stacey Donovan, Vice Chair
District Judge, 7th Judicial District

Honorable Stephen Hill
Kansas Court of Appeals

Jessica Glendening
Chief Public Defender, 7th Judicial District

Carolyn McGinn
Kansas Senate

Jeff Zmuda
Secretary of Corrections

David B. Haley
Kansas Senate

Mark Keating
Kansas Prisoner Review Board

Stephen Owens
Kansas House of Representatives

Dennis “Boog” Highberger
Kansas House of Representatives

Jessica Domme
Attorney General’s Office

Mark A. Dupree, Sr.
Wyandotte County District Attorney

Dustin Curry
Private Attorney

Pam Weigand
Douglas County Criminal Justice Services Coordinator

Jermaine Wilson
Public Member

Patricia Colloton
Public Member

Spence Koehn
Office of Judicial Administration

Duties and Responsibilities

- ▶ Legislative
 - ▶ Reviews and suggests legislative and administrative changes to the Governor and Legislature
 - ▶ Tracks and reviews all relevant criminal bills that are introduced and provides prison bed space impacts
- ▶ State Statistical Analysis Center for Criminal Justice
 - ▶ Maintains database of sentencing journal entries, PSIs and probation revocation journal entries
- ▶ Annual prison bed population and inmate classification projections for KDOC
- ▶ Administers court-ordered 2003 SB 123 substance abuse treatment program to eligible offenders

Duties and Responsibilities

- ▶ Maintains, monitors and updates the Kansas Sentencing Guidelines Desk Reference Manual (DRM)
- ▶ Annual Report – now available as a dashboard
- ▶ Private research requests
- ▶ Educational training and information resources for criminal justice agencies
- ▶ Q & A helpline

HISTORY

- ▶ Sentencing Commission created 1989
- ▶ Sentencing Guidelines passed in 1993
- ▶ Mission Statement: The Kansas Sentencing Commission is charged with the development and maintenance of uniform sentencing guidelines that establish a range of presumptive sentences.
- ▶ Presumptive sentences are based upon the assumptions that:
 - ▶ Incarceration is reserved for the most serious offenders
 - ▶ Primary purposes of prison are incapacitation and punishment

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	658 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	208 195 184	186 176 166	165 155 147
II	498 467 442	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	28 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	18 12 11	18 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	18 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

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		Fines not to exceed \$500,000 (SL1-SL2), \$300,000 (SL3-SL4), \$100,000 (SL5)							
Border Box									
Presumptive Imprisonment									

Levels	** Distribute or Possess w/ intent to Distribute								
	Fentanyl-related Cont. Subst., Meth & Heroin	Cocaine	Marijuana	Manufacture (all)	Cultivate	Dosage Units	Postrelease	Probation	Good Time
I	≥ 100 g	≥ 1 kg	≥ 30 kg	2nd or 1 st Meth/Fentanyl	> 100 plants	> 1000 (†≥ 250)	36	36	15%
II	3.5 g - 100 g	100 g - 1 kg	450 g - 30 kg	1st	50-99 plants	100-999 (†50-250)	36	36	15%
III	1 g - 3.5 g	3.5 g - 100 g	25 g - 450 g		5-49 plants	10-99 (†10-50)	36	36	20%
IV	< 1 g	< 3.5 g	< 25 g			< 10	24	*≤ 18	20%
V	Possession	Possession	Possession - 3rd offense				12	*≤ 12	20%

* ≤ 18 months for 2003 SB123 offender

** 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.

† Fentanyl-related controlled substance

Why Presumptive Guidelines?

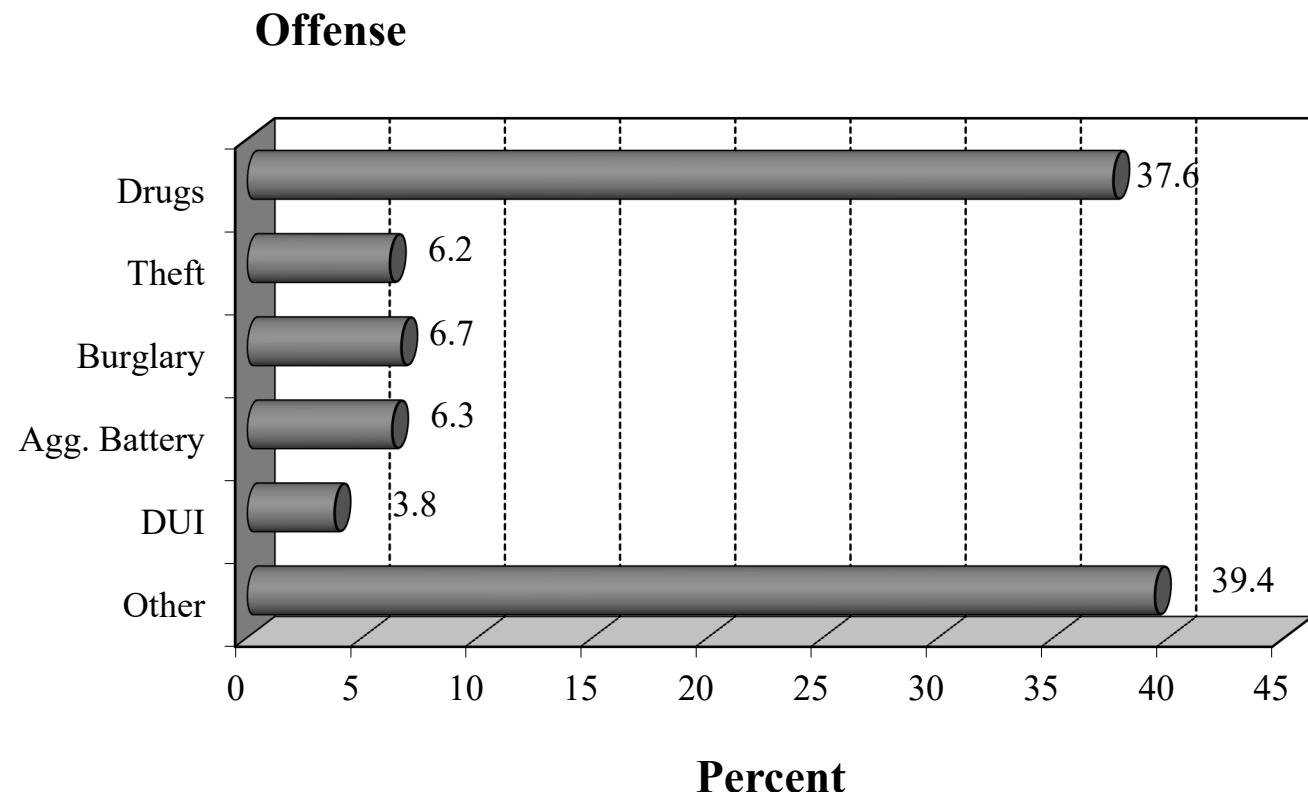
Establishes
equity among
offenders in
typical cases

Allows
departures in
atypical
cases

Allows for
more
certainty in
predicting
prison
populations

Annual Report

FY 2023 Top Five Offenses of Prison, Probation and Jail Sentences

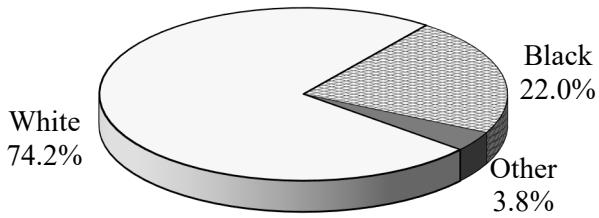


Based on 11,797 prison, probation, DUI PIS and county jail sentences

Top 5
Offenses

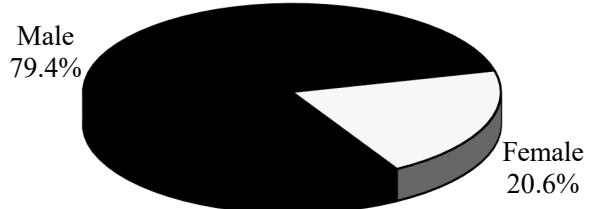


Distribution of FY 2023 Sentences by Race of Offenders



Based on 11,774 sentences reporting race of offenders

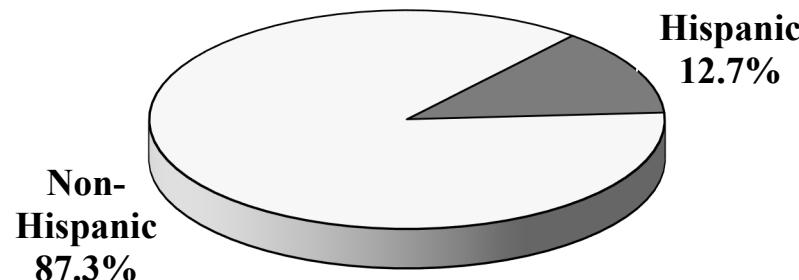
Distribution of FY 2023 Sentences by Gender of Offenders



Based on 11,797 sentences reporting gender

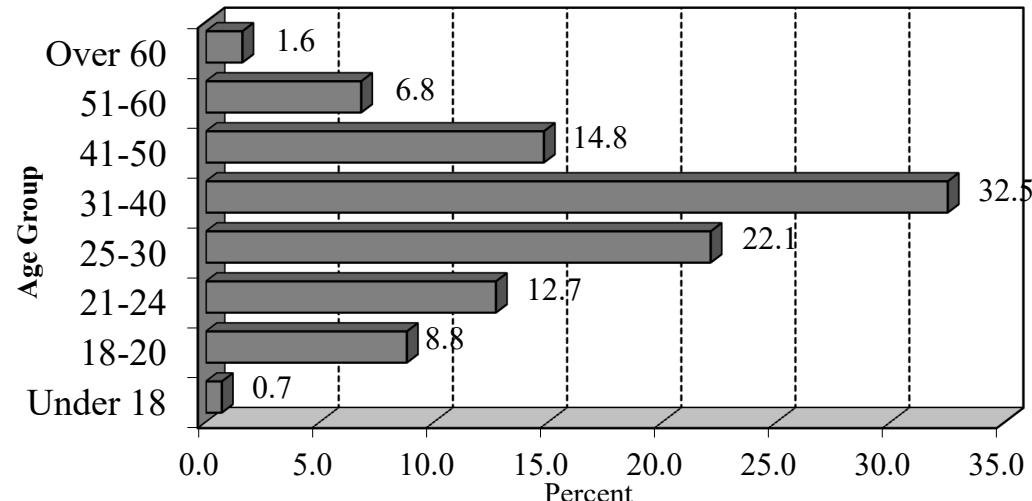
Race & Gender Distribution

Distribution of FY 2023 Sentences by Ethnicity of Offenders



Based on 11,761 sentences reporting ethnicity of offenders.

Distribution of FY 2023 Sentences by Age of Offenders



Based on 11,775 sentences reporting age of offenders at time of offense

Ethnicity & Age Distribution

Prison Sentences

In FY 2023, the total number of admissions to KDOC reached 4,460

This was an increase of 13.6% or 607 offenders when compared with FY 2022 (3,853 admissions).

Males continue to be the predominant offender group making up 86.9% of the offenders admitted to prison in FY 2023.

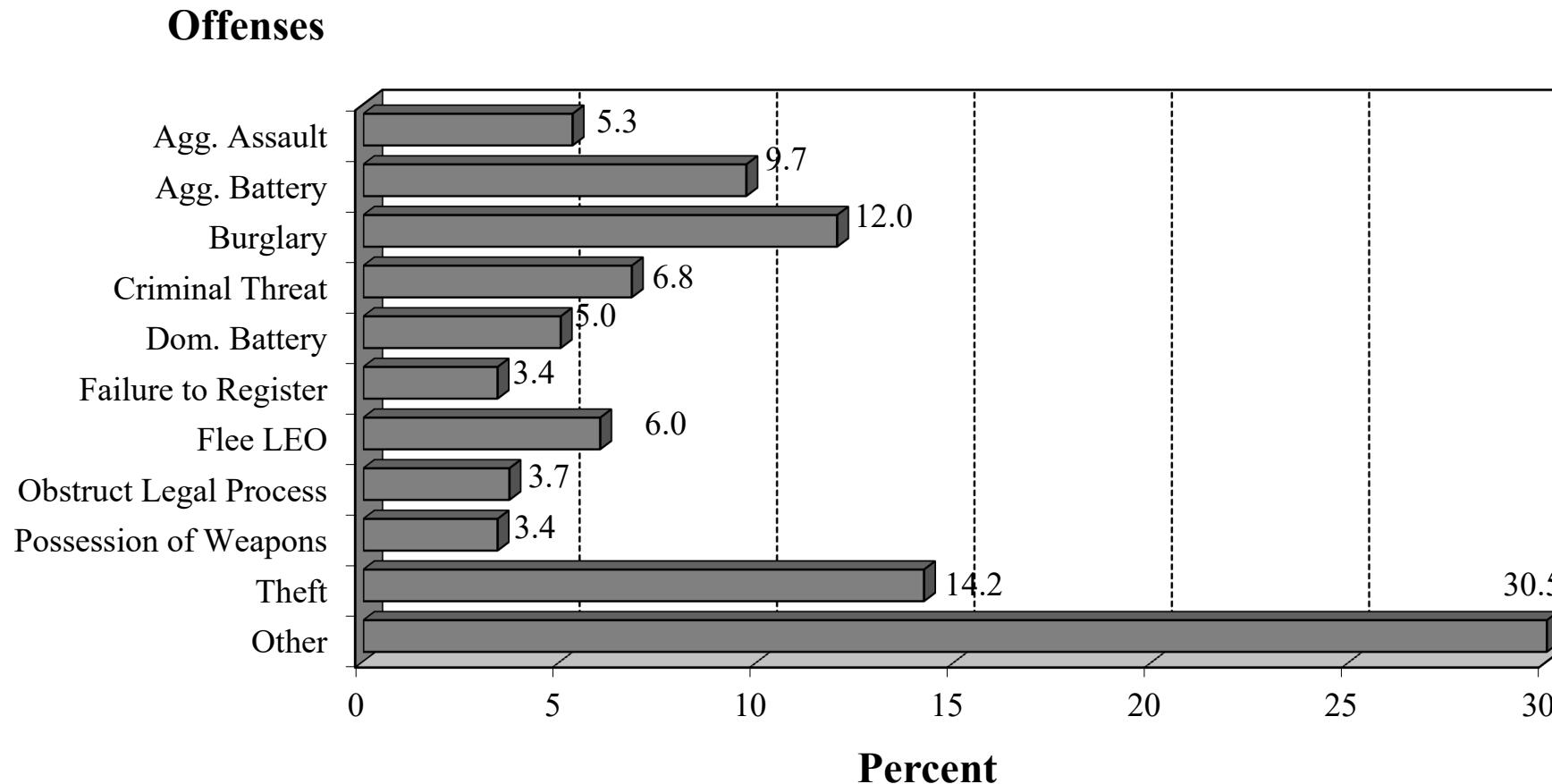
White offenders accounted for 68.1%, black offenders accounted for 25.5%, and other races represented 6.4% of the total admissions of FY 2023.



Probation Sentences

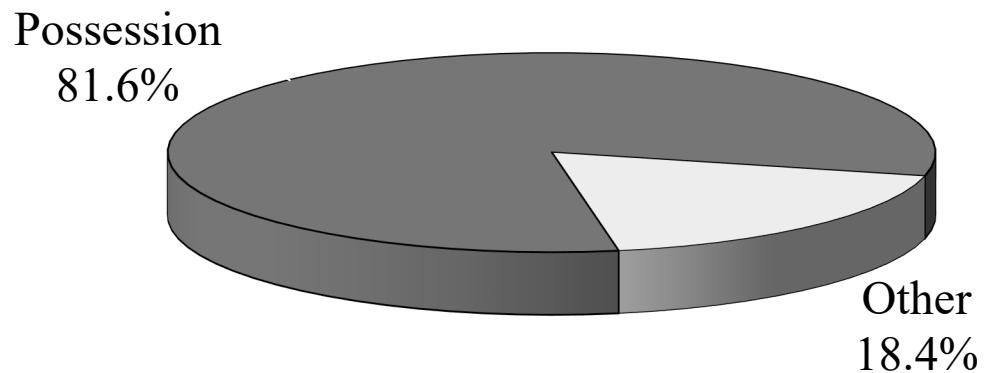
- ▶ During FY 2023, 6,940 probation sentences were reported to the Commission, an increase of 5.9% (411 sentences) compared with FY 2022 (6,529 sentences).
- ▶ Of this number, 3,783 were nondrug sentences and 3,157 were drug sentences.

FY 2023 Top Ten Offenses for Probation Nondrug Sentences



Based on 3,783 probation nondrug sentences

FY 2023 Probation Drug Sentences by Offense



Based on 3,157 probation drug sentences

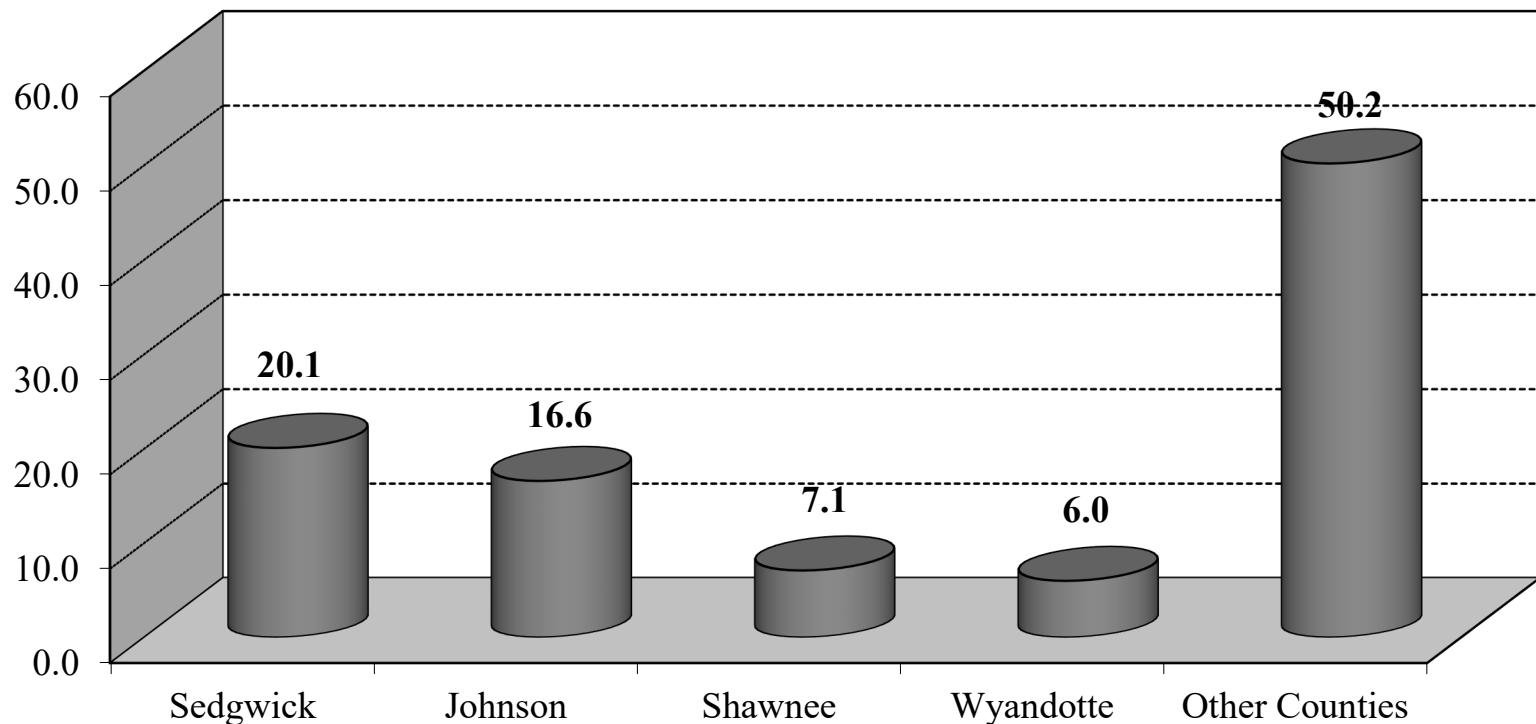


DUI-PIS and County Jail Sentences

- ▶ In FY 2023, 397 DUI-PIS and county jail sentences were reported to the Commission.
 - ▶ Of this number, DUI-PIS accounted for 97.0% (385 sentences) and county jail accounted 3.0% (12 sentences).
 - ▶ Other offenses that received county jail sentences include domestic battery (1.8%; 7 total) and minor property offenses(1.3%; 5 total)
 - ▶ Johnson County imposed the most felony DUI sentences of this group (161), representing 41.8%, followed by Sedgwick County, with 49 sentences, representing 12.7% of the total DUI-PIS sentences imposed during FY 2023.

Overall Sentences by the Top Four Counties-Prison, Probation & Jail FY 2023

Percent



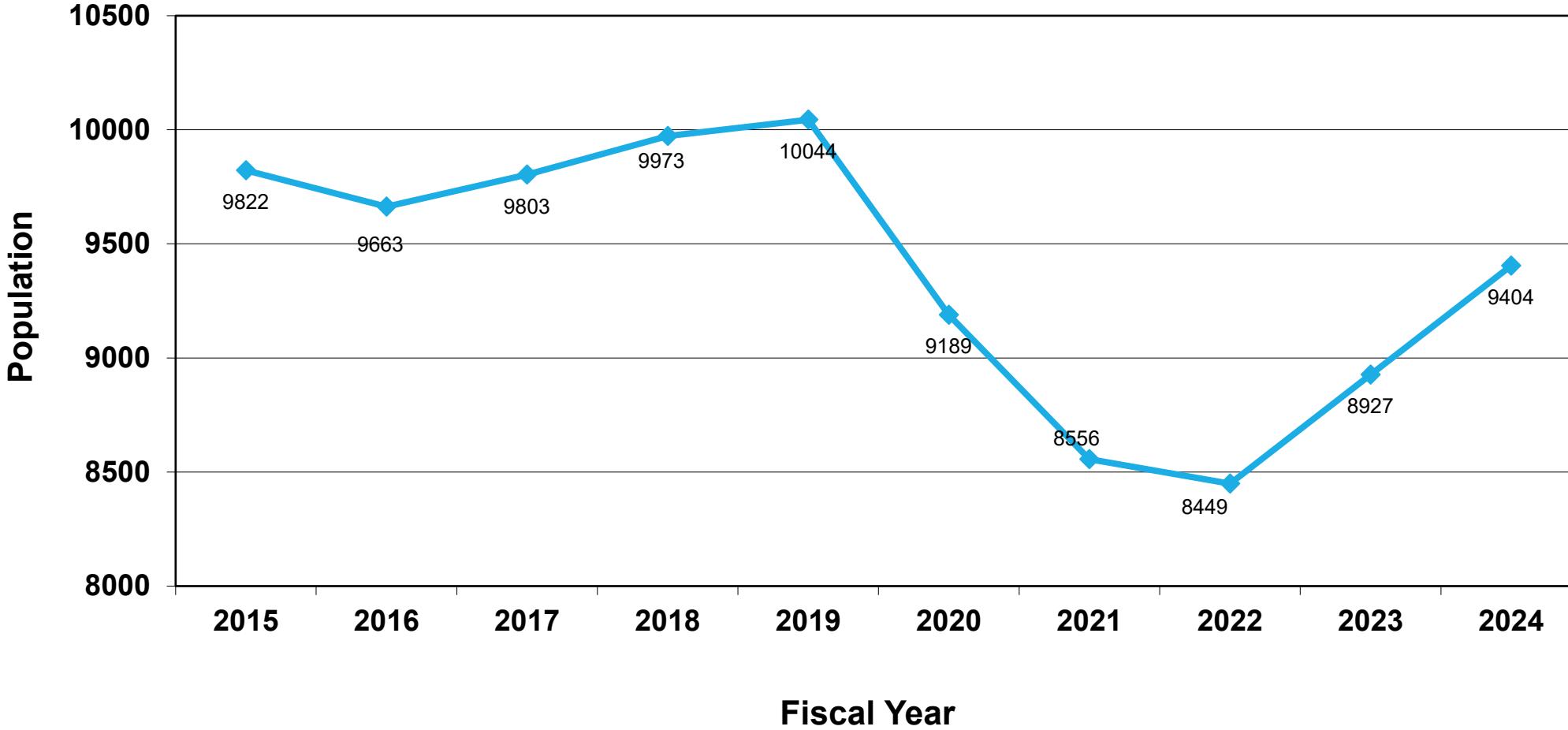
Four County
Sentencing
Trends

Based on 11,797 sentences

FY 2025 Prison Population Projections

KANSAS PRISON POPULATION TRENDS

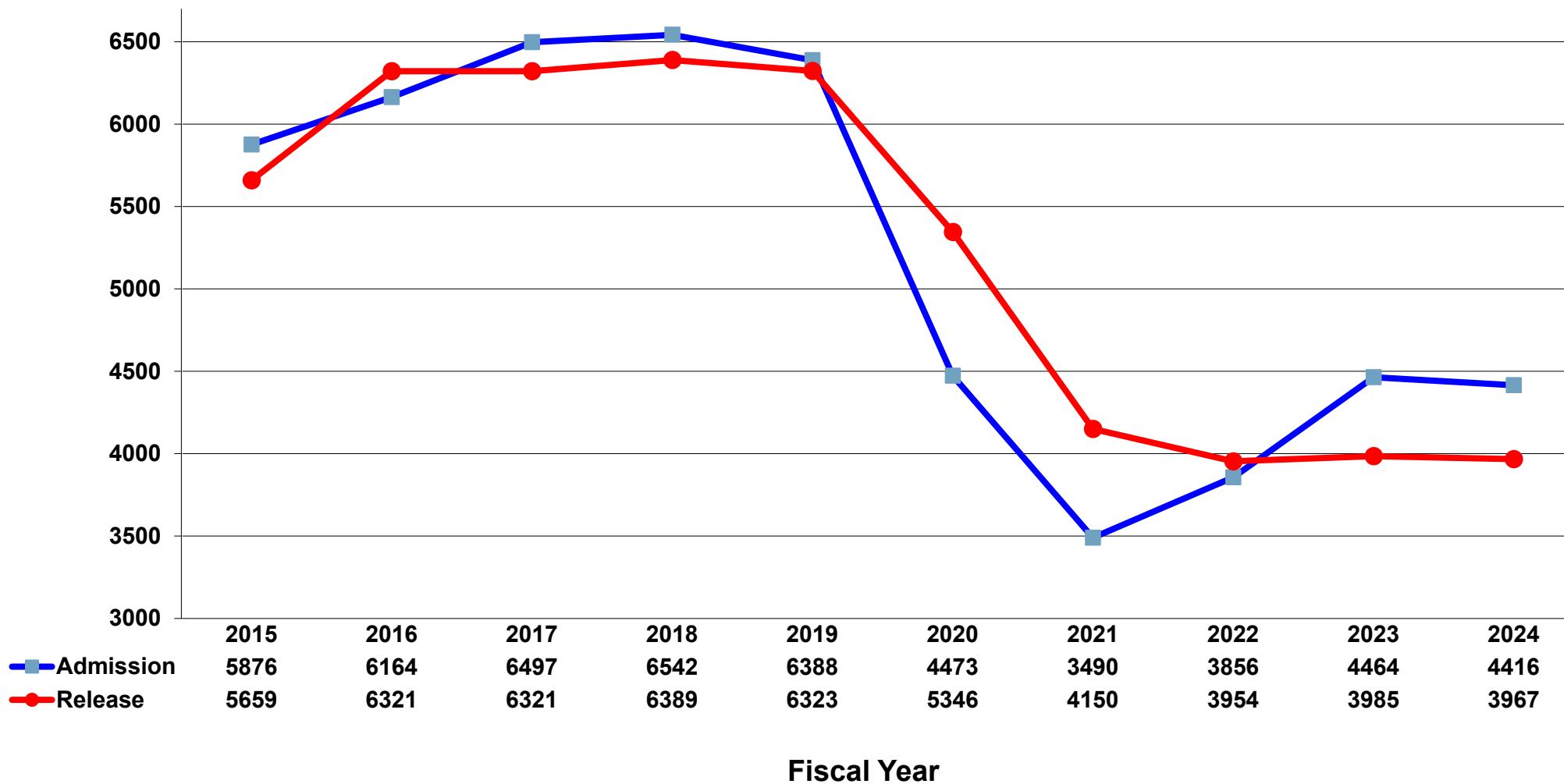
Total Prison Population



Source: KDOC prison population files.

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

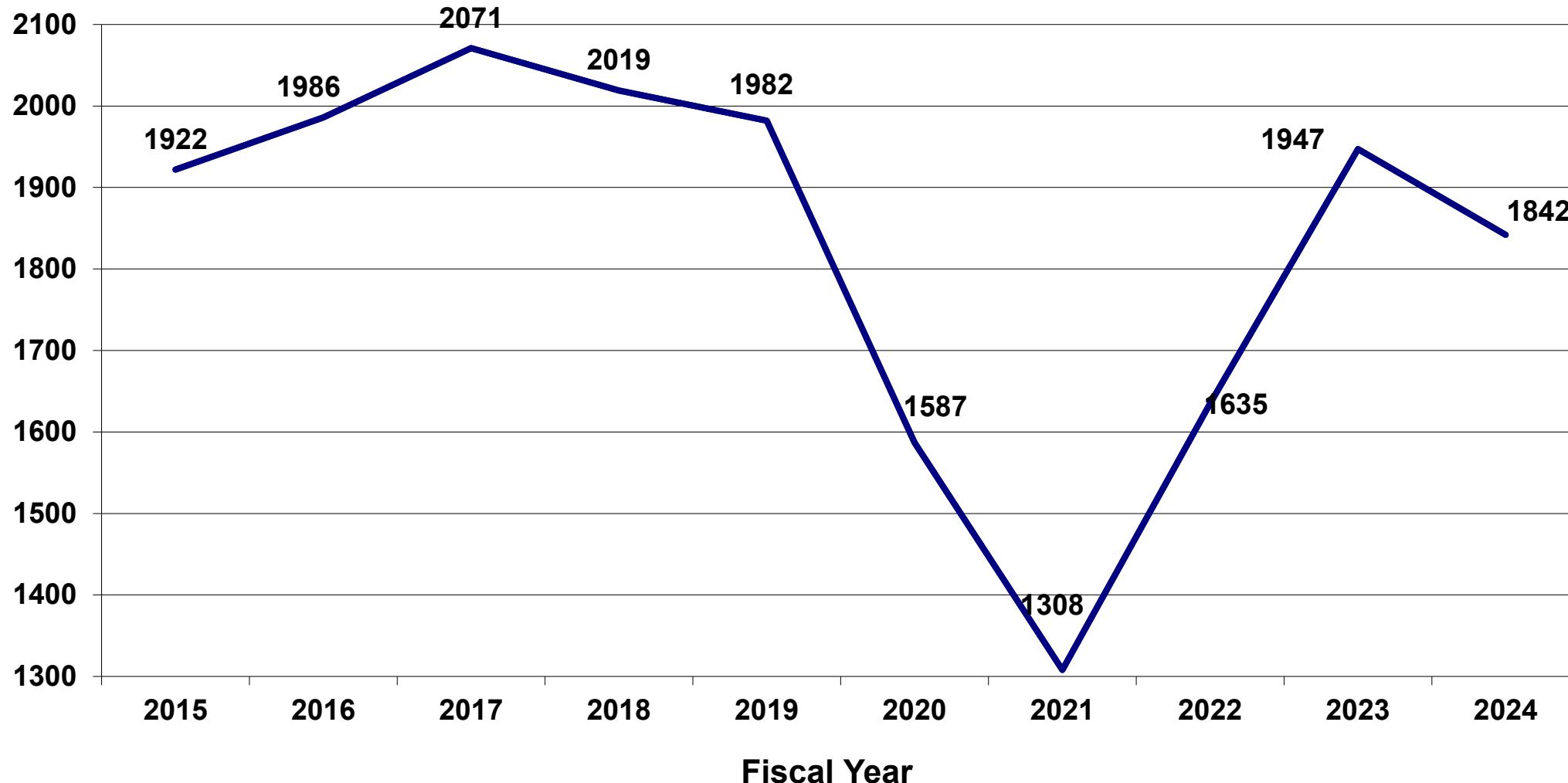
Prison Admissions and Releases FY 2015 to FY 2024



Source: KDOC admission and release files

KANSAS PRISON ADMISSION TRENDS

Direct New Court Commitments

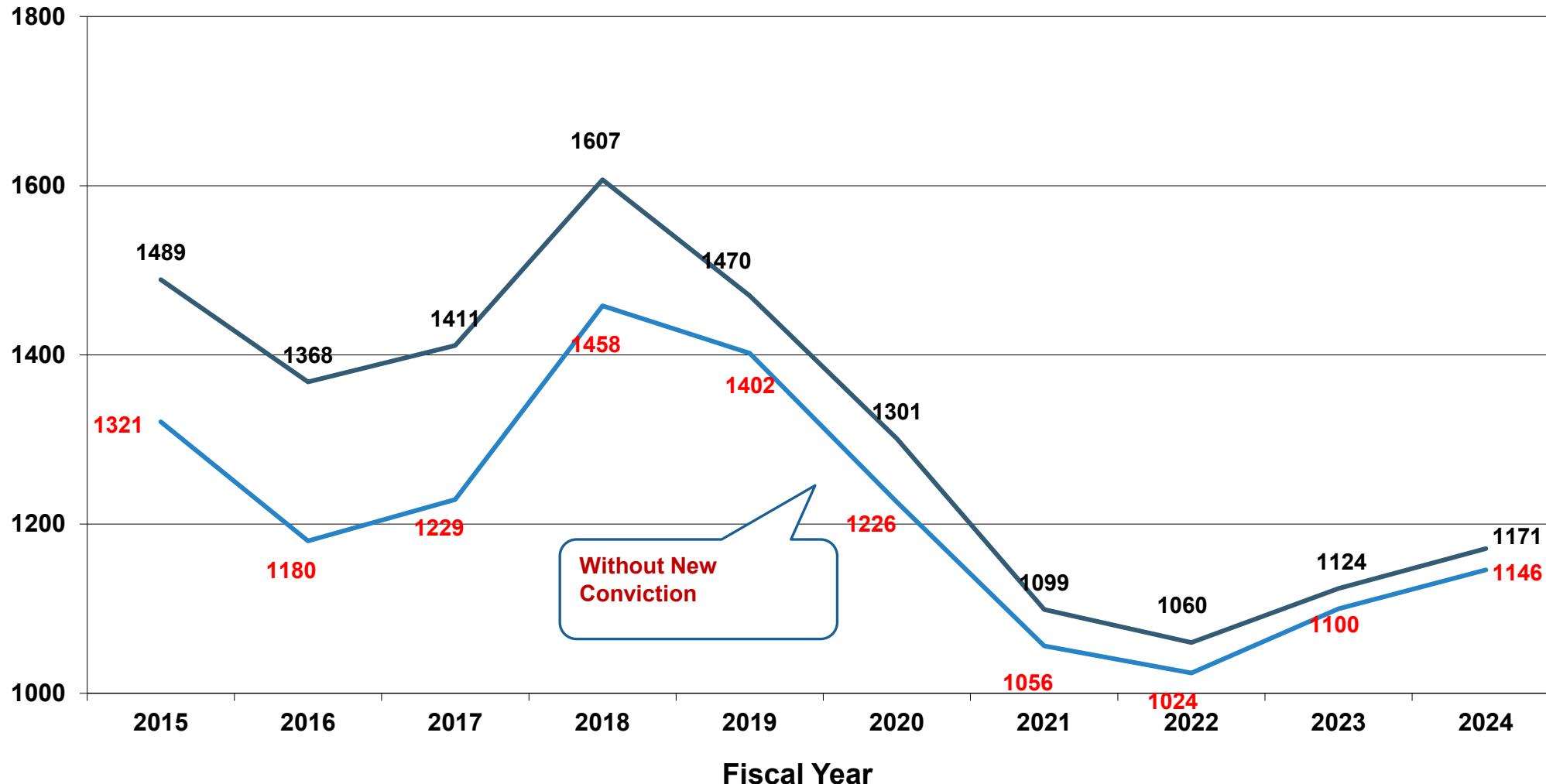


Source: KDOC admission files.

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

KANSAS PRISON ADMISSION TRENDS

Probation Condition Violators

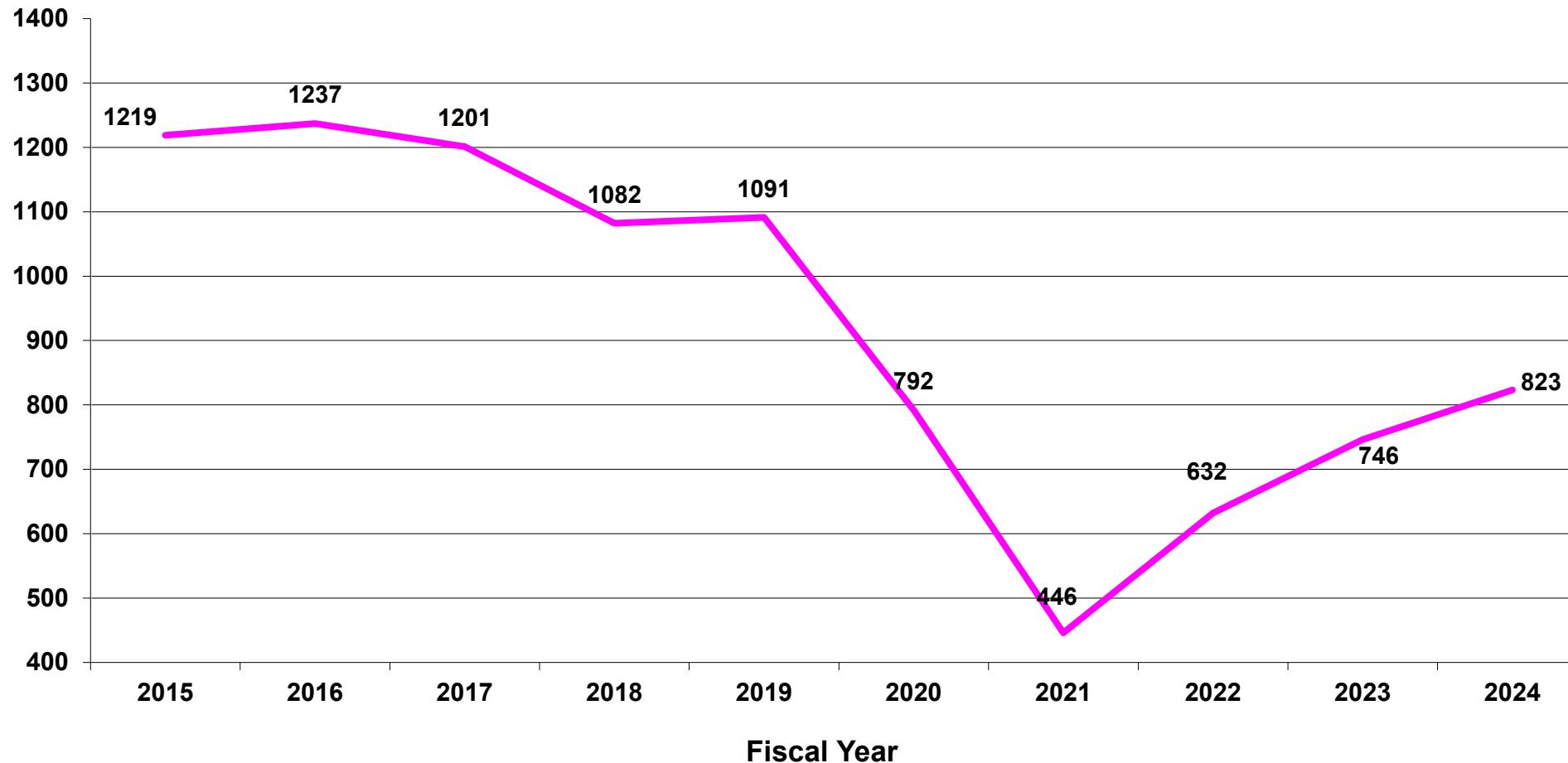


Source: KDOC prison population files.

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

KANSAS PRISON ADMISSION TRENDS

Parole/Postrelease Condition Violators

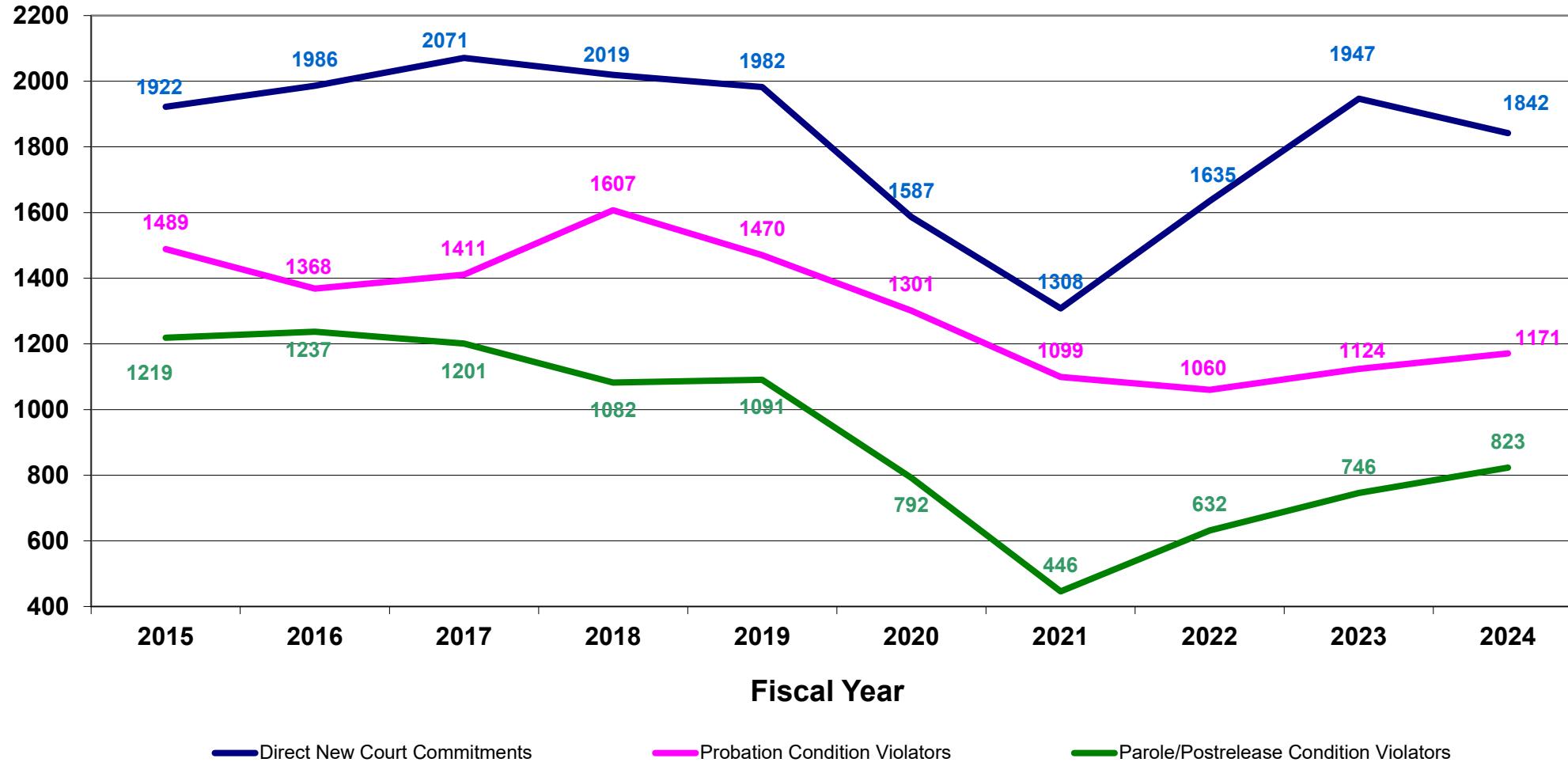


Source: KDOC admission files.

Note: Including condition conditional-release violators.

KANSAS PRISON ADMISSION TRENDS

Admissions by Three Major Types



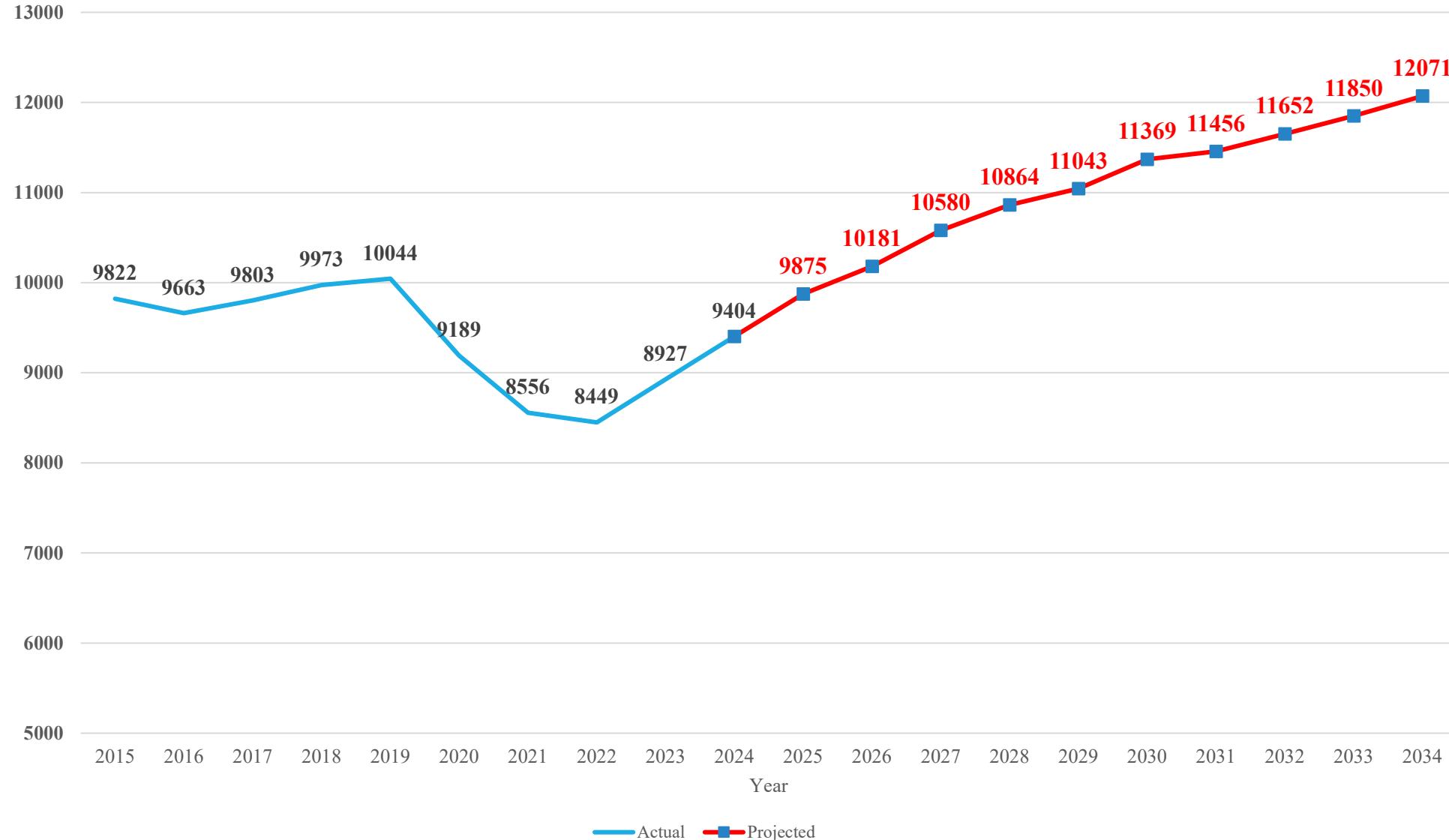
Note: FY 2014 through FY 2022 probation condition violators include probation violators with new conviction.

FY 2025 Prison Population Projection By Offender Group

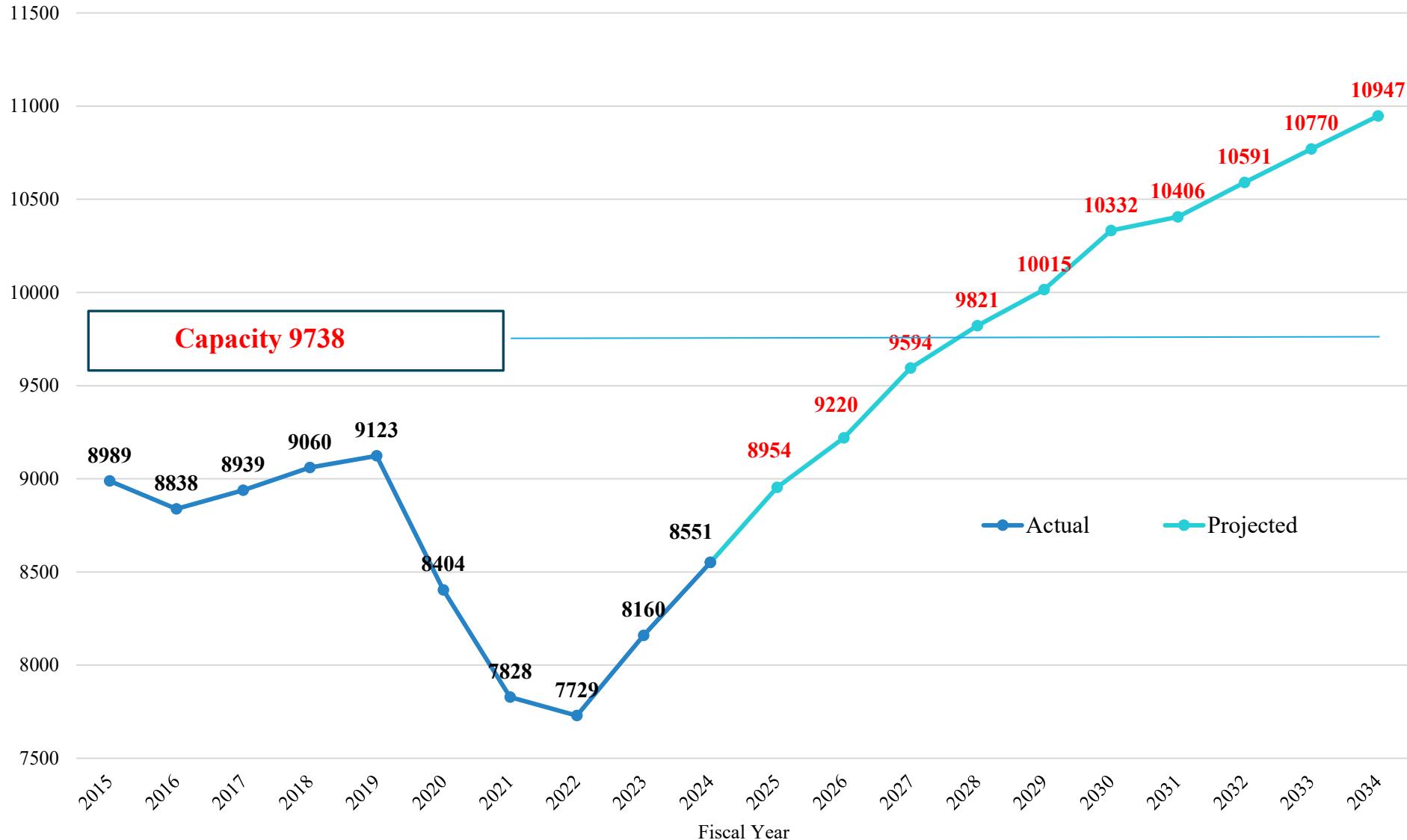
Offender Group	2024*	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	# Change	% Change
Drug	1269	1376	1366	1427	1475	1501	1589	1567	1612	1643	1659	390	30.7%
N1 to N3	2609	2628	2750	2874	2988	3097	3198	3266	3353	3420	3489	880	30.6%
N4 to N6	1595	1733	1807	1856	1894	1910	1939	1973	1990	2044	2101	506	31.7%
N7 to N10	818	852	867	897	925	918	961	941	978	1013	1035	217	26.5%
Sanction	2	4	1	0	0	0	0	0	0	0	0	-2	-100.0%
Probation Condition Violators	1143	1299	1389	1453	1468	1464	1484	1482	1475	1501	1532	389	34.0%
Offgrid Including Old Law Lifer	1517	1580	1605	1640	1666	1697	1725	1723	1720	1722	1717	200	13.2%
Parole/Post Release Violators	398	357	355	398	418	431	450	485	511	494	524	126	31.6%
Old Law Inmates	53	46	41	35	30	25	23	19	13	13	11	-42	-79.2%
Total	9404*	9875	10181	10580	10864	11043	11369	11456	11652	11850	12071	2667	28.4%



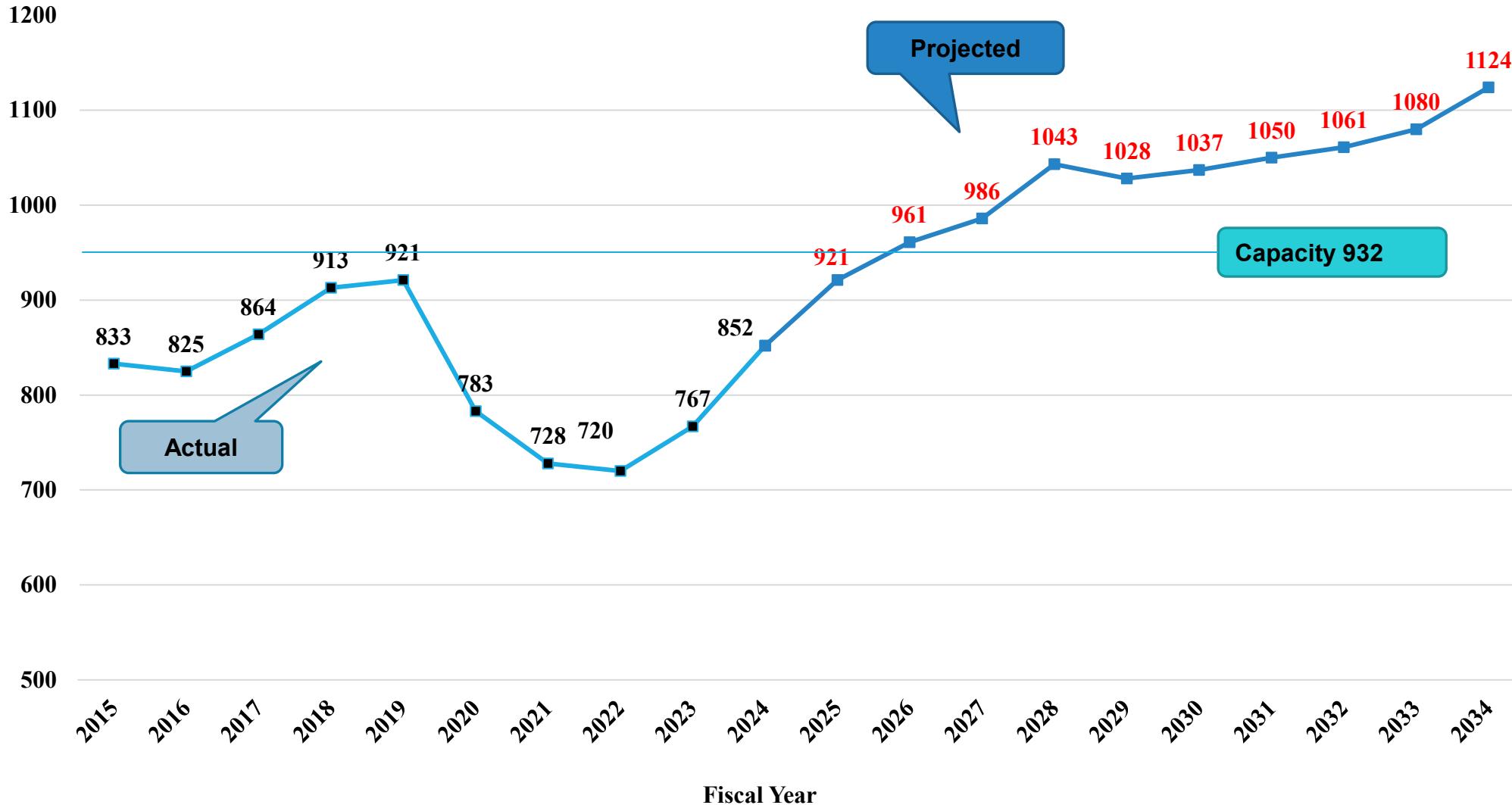
KS Prison Population: Actual and Projected



Male Prison Population - Actual and Projected



Female Prison Population - Actual and Projected



PRISON POPULATION MONTHLY MONITORING

REPORT FY 2024 MODEL

Month/Year	Projected	Actual	Difference	Percent Error
July 2023	8986	8947	39	-0.4%
August 2023	9019	8971	48	-0.5%
September 2023	9094	9017	77	-0.9%
October 2023	9129	9017	112	-1.2%
November 2023	9174	9002	172	-1.9%
December 2023	9250	8970	280	-3.0%
January 2024	9278	9013	265	-2.9%
February 2024	9294	9072	222	-2.4%
March 2024	9319	9147	172	-1.9%
April 2024	9344	9295	49	-0.5%
May 2024	9347	9374	27	0.3%
June 2024	9384	9404	20	0.2%

PRISON POPULATION MONTHLY MONITORING

REPORT FY 2024 MODEL – (FEMALE)

Month/Year	Projected	Actual	Difference	Percent Error
July 2023	771	767	4	-0.5%
August 2023	795	773	22	-2.8%
September 2023	818	785	33	-4.2%
October 2023	834	789	45	-5.4%
November 2023	835	790	45	-5.4%
December 2023	850	787	63	-7.4%
January 2024	842	793	49	-6.2%
February 2024	846	804	42	-5.2%
March 2024	842	809	33	-4.1%
April 2024	840	835	5	-0.6%
May 2024	825	851	26	3.0%
June 2024	828	853	25	2.9%

PRISON POPULATION MONTHLY MONITORING

REPORT FY 2024 MODEL – (MALE)

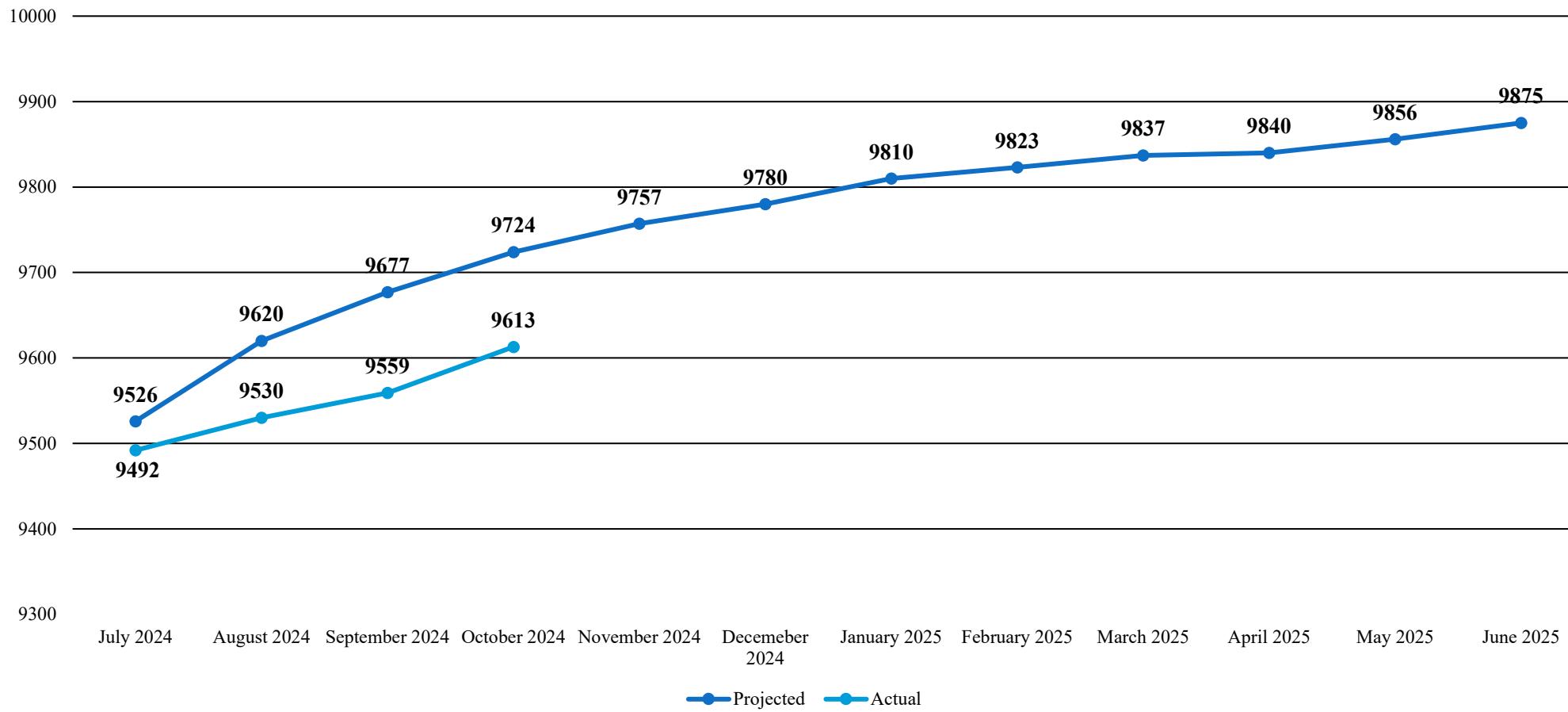
Month/Year	Projected	Actual	Difference	Percent Error
July 2023	8215	8180	35	-0.4%
August 2023	8224	8198	26	-0.3%
September 2023	8276	8232	44	-0.5%
October 2023	8295	8228	67	-0.8%
November 2023	8339	8212	127	-1.5%
December 2023	8400	8183	217	-2.6%
January 2024	8436	8220	216	-2.6%
February 2024	8448	8268	180	-2.2%
March 2024	8477	8338	109	-1.7%
April 2024	8504	8460	44	-0.5%
May 2024	8522	8523	1	0.0%
June 2024	8556	8551	5	0.1%

PRISON POPULATION MONTHLY MONITORING

REPORT FY 2025 MODEL

Month/Year	Projected	Actual	Difference	Percent Error
July 2024	9526	9492	34	0.4%
August 2024	9620	9530	90	0.9%
September 2024	9677	9559	118	1.2%
October 2024	9724	9613	111	1.1%
November 2024	9757			
December 2024	9780			
January 2025	9810			
February 2025	9823			
March 2025	9837			
April 2025	9840			
May 2025	9856			
June 2025	9875			

Projected v. Actual Prison Population FY 2025



PRISON POPULATION MONTHLY MONITORING

REPORT FY 2025 MODEL – (MALE)

Month/Year	Projected	Actual	Difference	Percent Error
July 2024	8651	8640	11	0.1%
August 2024	8715	8673	42	0.5%
September 2024	8769	8702	67	0.8%
October 2024	8810	8759	51	0.6%
November 2024	8831			
December 2024	8850			
January 2025	8879			
February 2025	8883			
March 2025	8906			
April 2025	8909			
May 2025	8929			
June 2025	8954			



PRISON POPULATION MONTHLY MONITORING

REPORT FY 2025 MODEL – (FEMALE)

Month/Year	Projected	Actual	Difference	Percent Error
July 2024	875	852	23	2.6%
August 2024	905	857	48	5.6%
September 2024	908	857	51	5.9%
October 2024	914	854	60	7.0%
November 2024	926			
December 2024	930			
January 2025	931			
February 2025	940			
March 2025	931			
April 2025	931			
May 2025	927			
June 2025	921			



SB 123/123+ & RAFT Diversion Program Updates

Scott Schultz, Executive Director
Elliott D. Smith, M.A., LAC, SB 123 Program Director



SB 123 Mission Statement

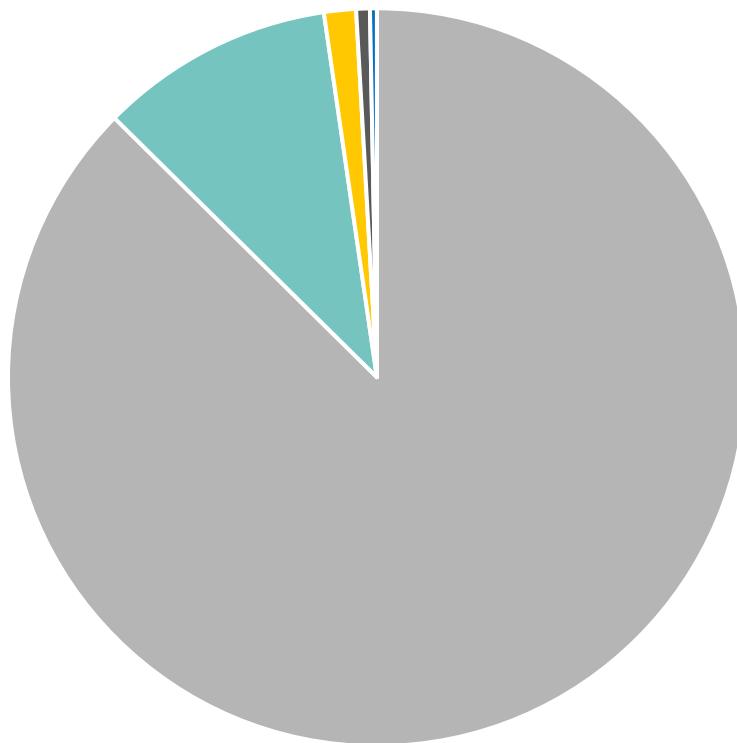
The mission of the SB 123 Program is to ensure **public safety** while effectively addressing prison **recidivism** by providing community-based substance use disorder treatment to targeted, non-violent offenders having substance use disorders.

Since 2003, the SB 123 program has provided assessment and treatment funding for tens of thousands of Kansans.

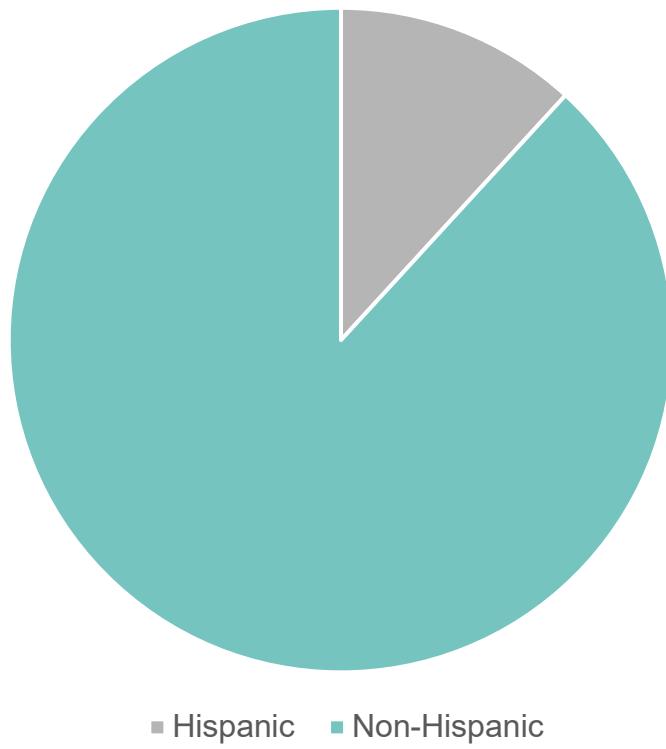


SB 123/123+ DEMOGRAPHICS

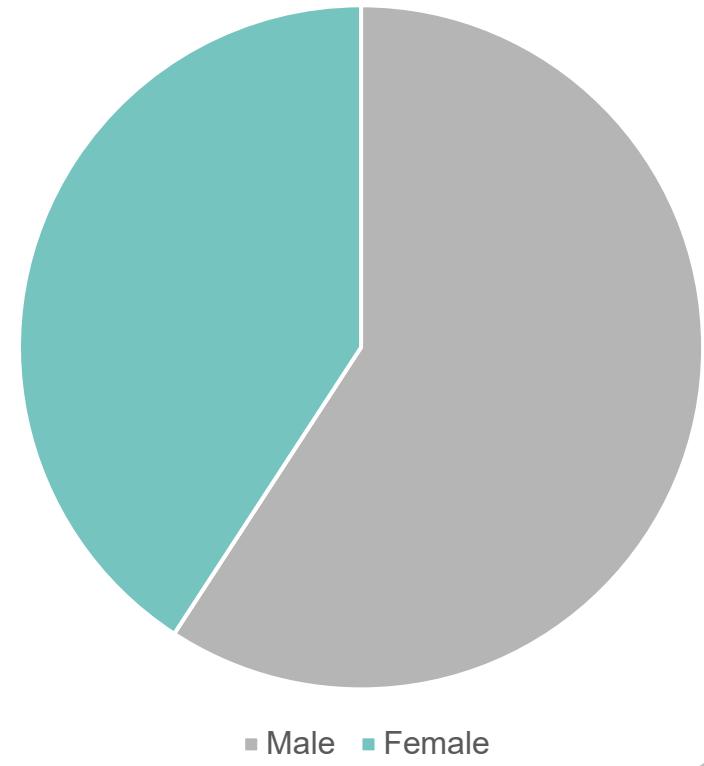
Race



Ethnicity



Sex



■ White ■ Black ■ American Indian ■ Asian ■ Other

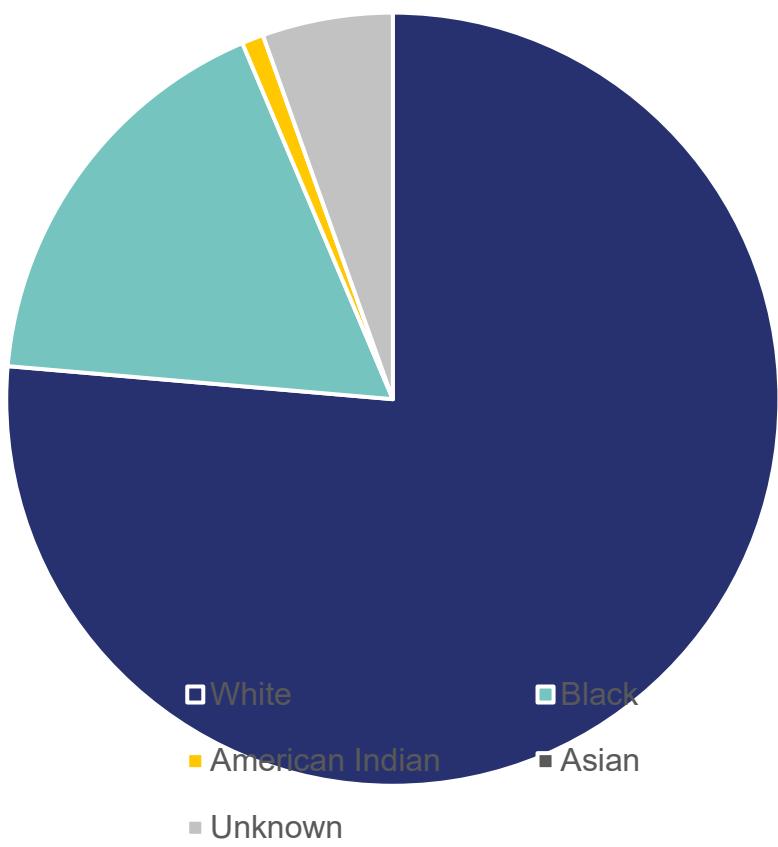
■ Hispanic ■ Non-Hispanic

■ Male ■ Female

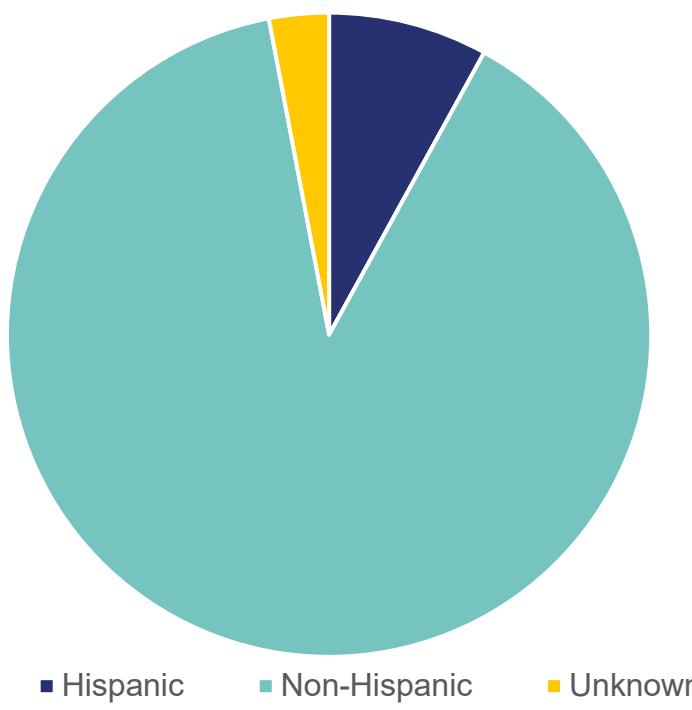


RAFT DEMOGRAPHICS

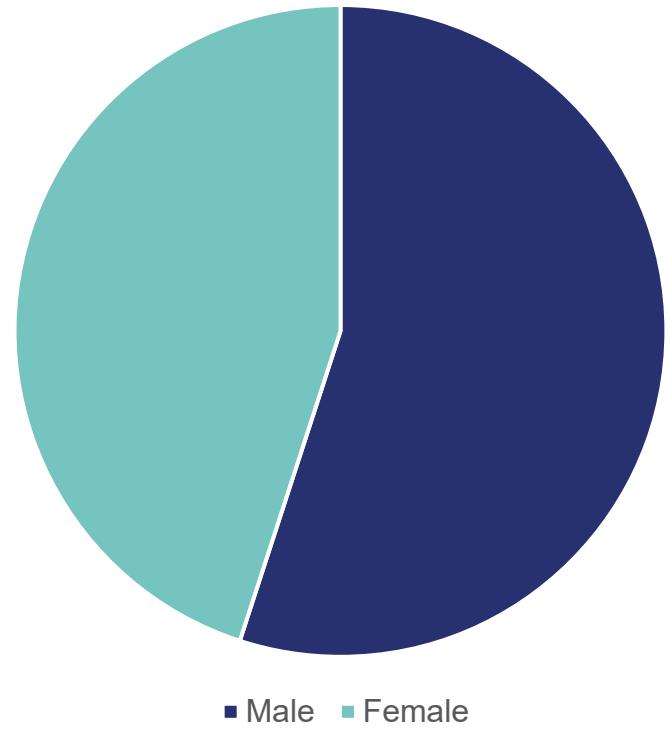
Race



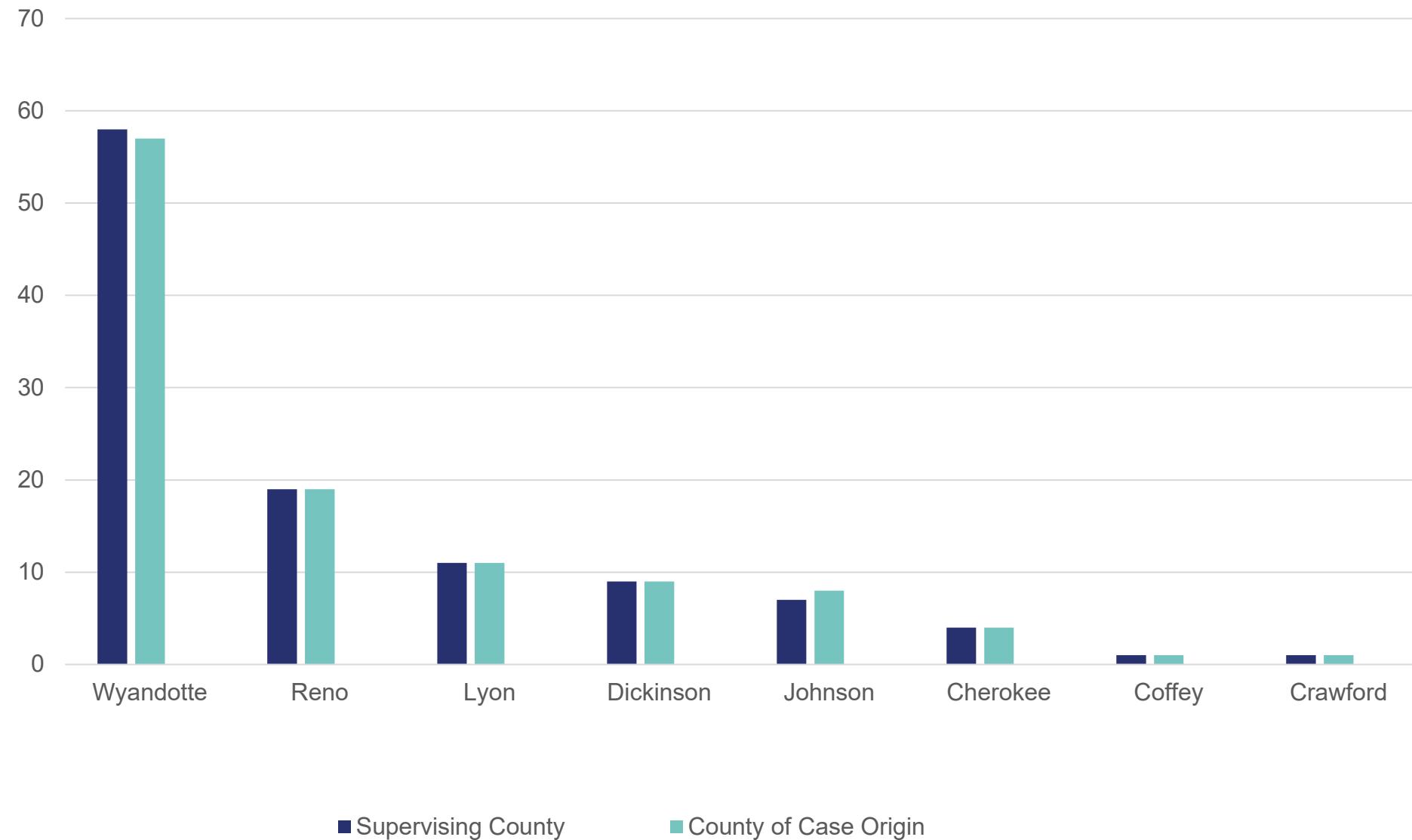
Ethnicity



Sex



RAFT PARTICIPATION BY COUNTY



FY24

Expenditures & Trends

FY24 Total Annual Expenditures

SB 123/123+

- Assessment spending
 - **\$97,983**
- Treatment spending
 - **\$6,652,497**
- Average cost per offender
 - **\$4,203**
- **Total**
 - **\$6,750,479**

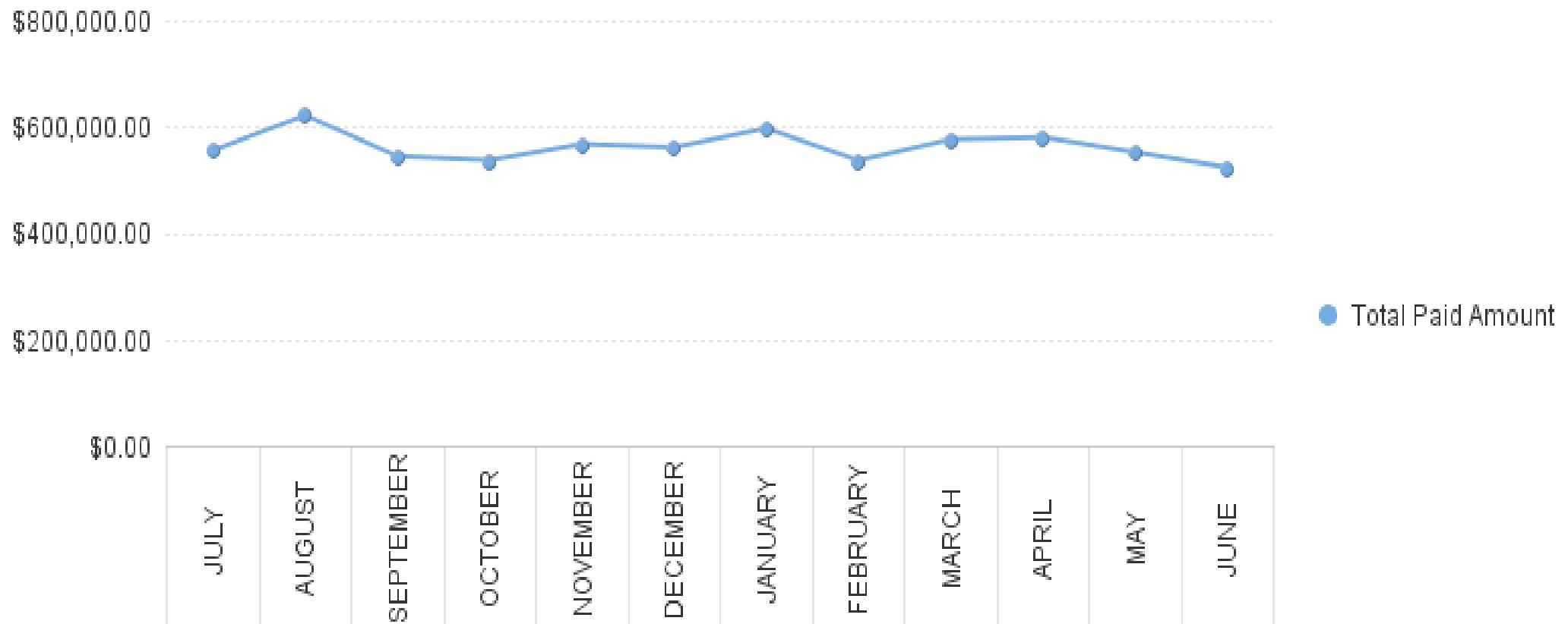
RAFT

- Assessment spending
 - **\$3,325**
- Treatment spending
 - **\$98,258**
- Average cost per divertee
 - **\$2,540**
- **Total**
 - **\$101,583**

- Reflects amount paid for offender services by Carelon Behavioral Health, final amounts may vary for FY

FY24 SB 123/123+ Expenditures by Month

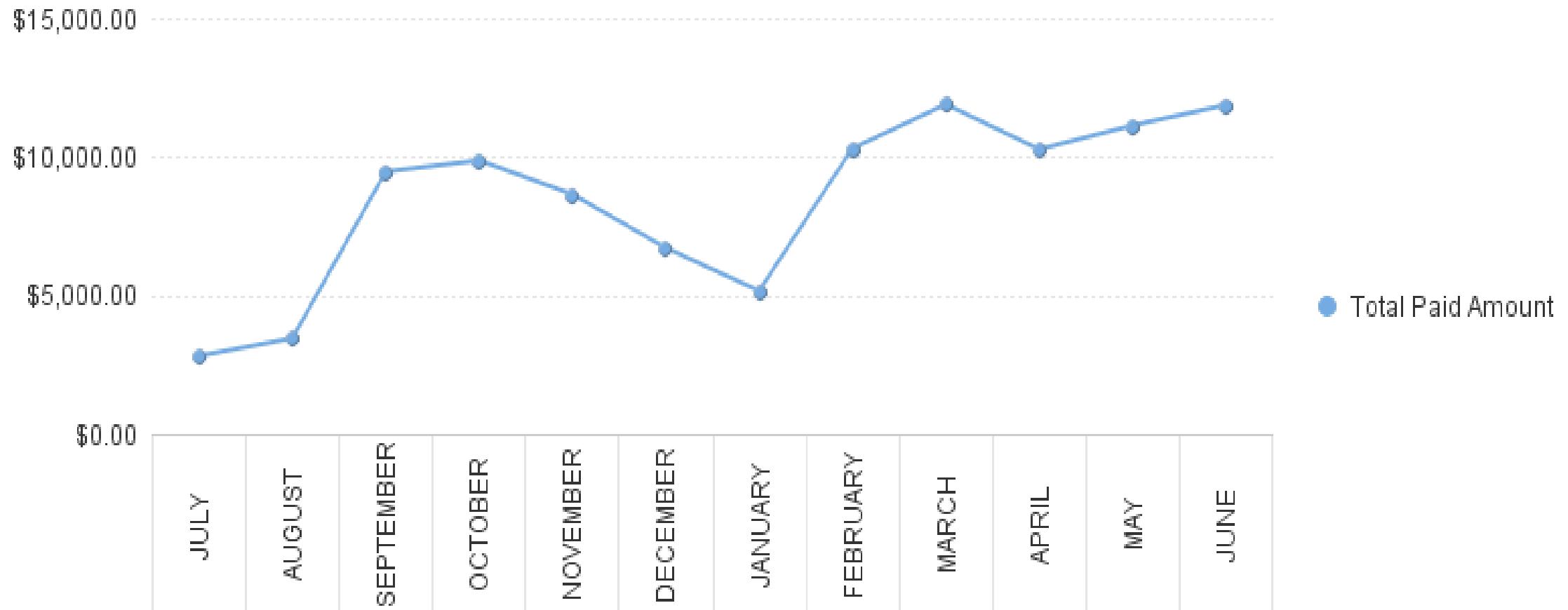
Total Paid Amount by Begin Service Month Name and Begin Service Year



- Reflects amount paid for offender services by Carelon Behavioral Health, final amounts may vary for FY

FY24 RAFT Expenditures by Month

Total Paid Amount by Begin Service Month Name and Begin Service Year

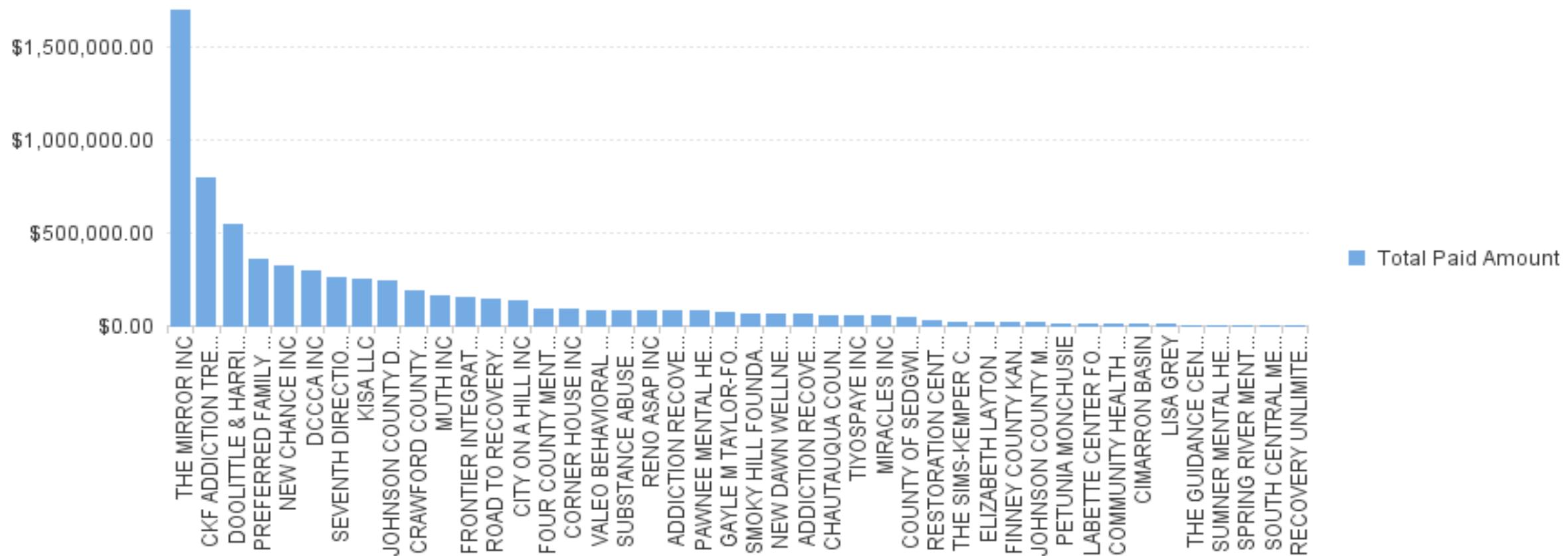


- Reflects amount paid for offender services by Carelon Behavioral Health, final amounts may vary for FY

FY24 SB 123/123+ Expenditures per Provider

Total Paid Amount by Provider Name

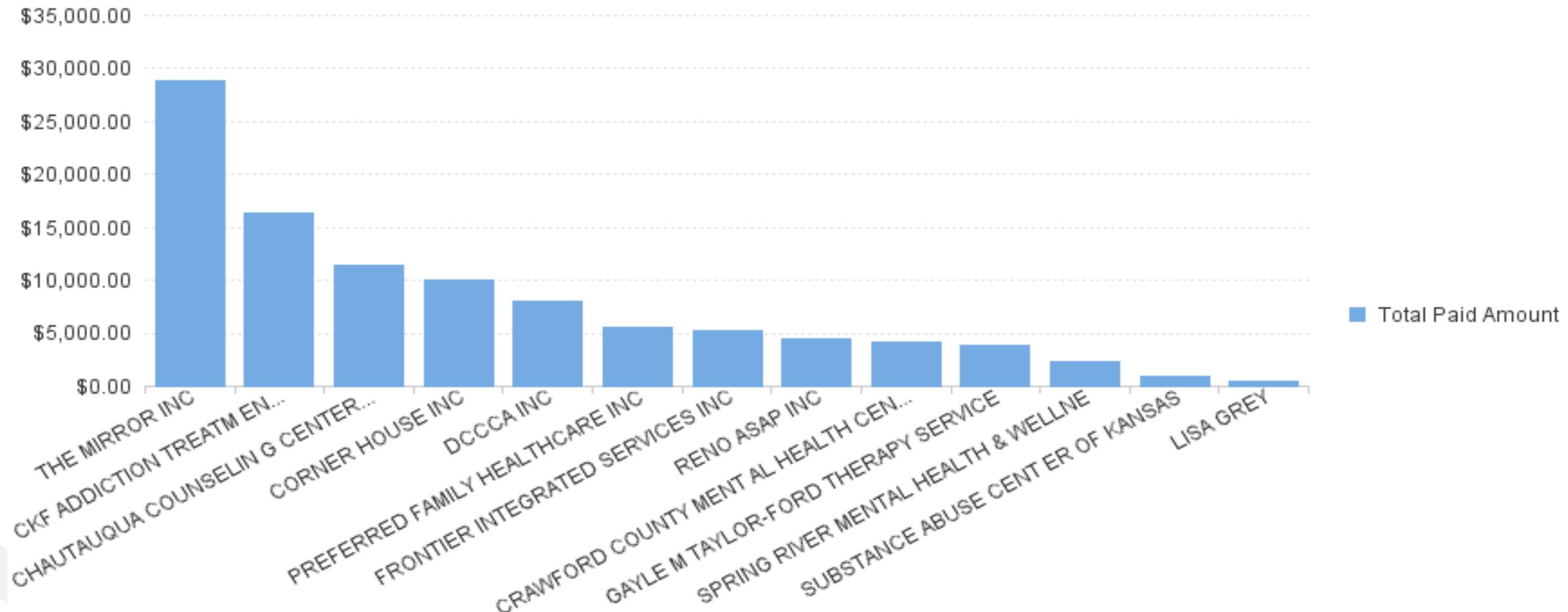
\$2,000,000.00



- Reflects amount paid for offender services by Beacon Health Options; final amounts may vary for FY

FY24 RAFT Expenditures per Provider

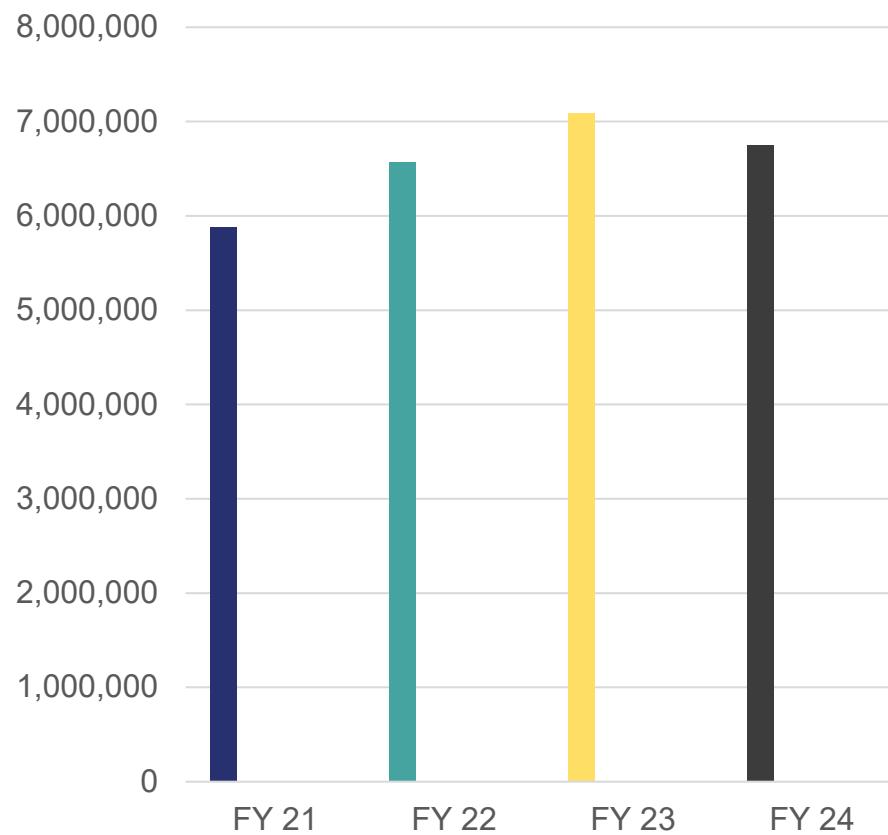
Total Paid Amount by Provider Name



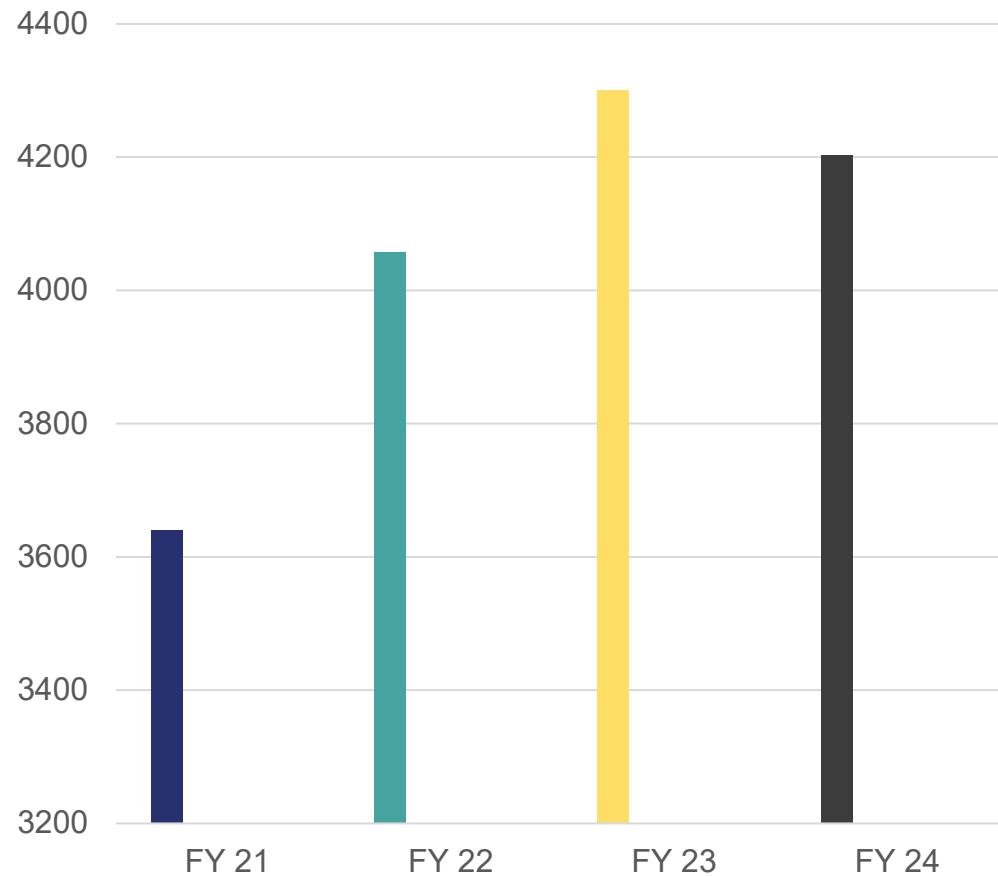
- Reflects amount paid for offender services by Beacon Health Options; final amounts may vary for FY

FY 21-FY 24 SB 123/123+ Expenditures

Annual Total

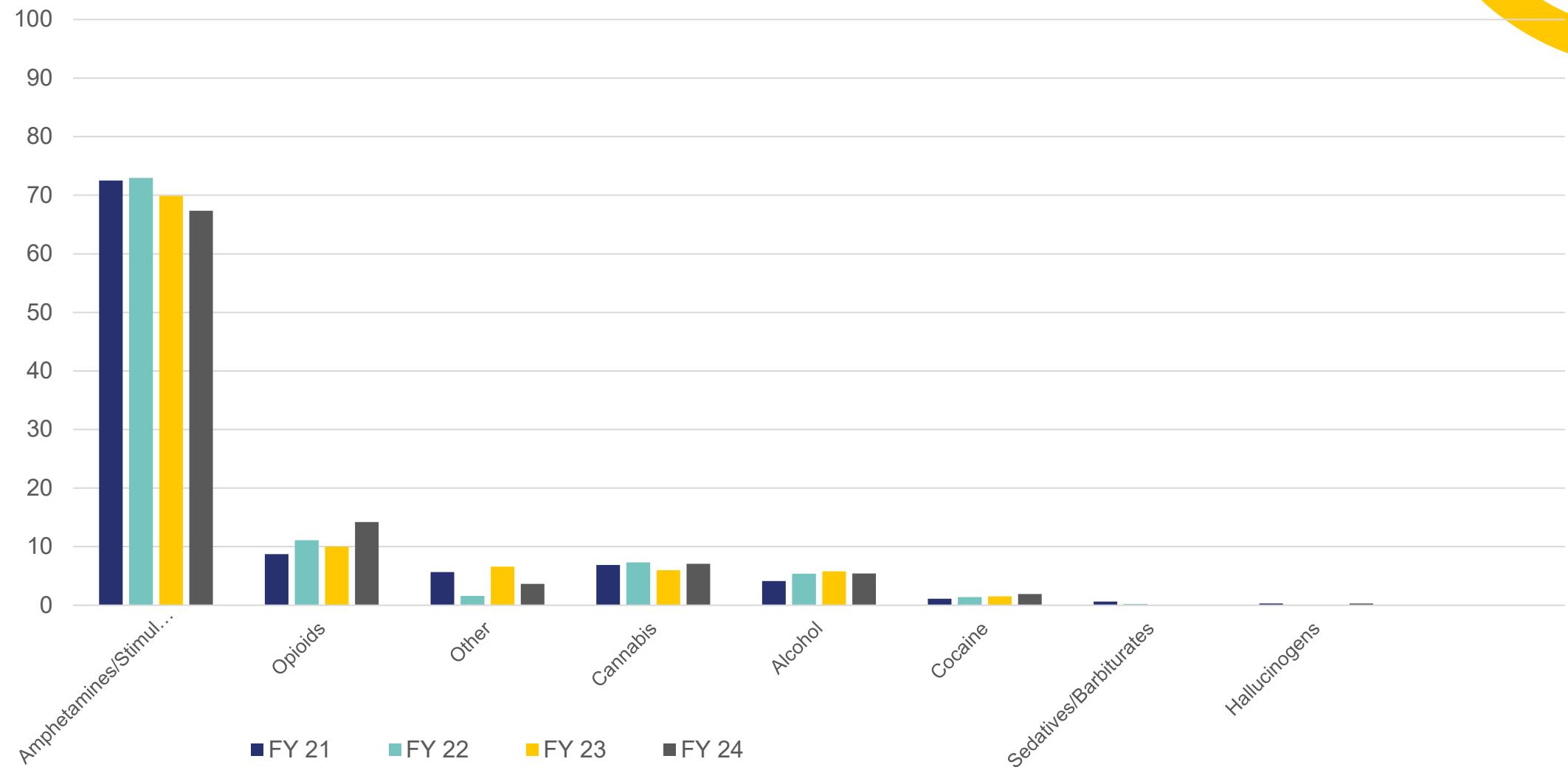


Average per Offender

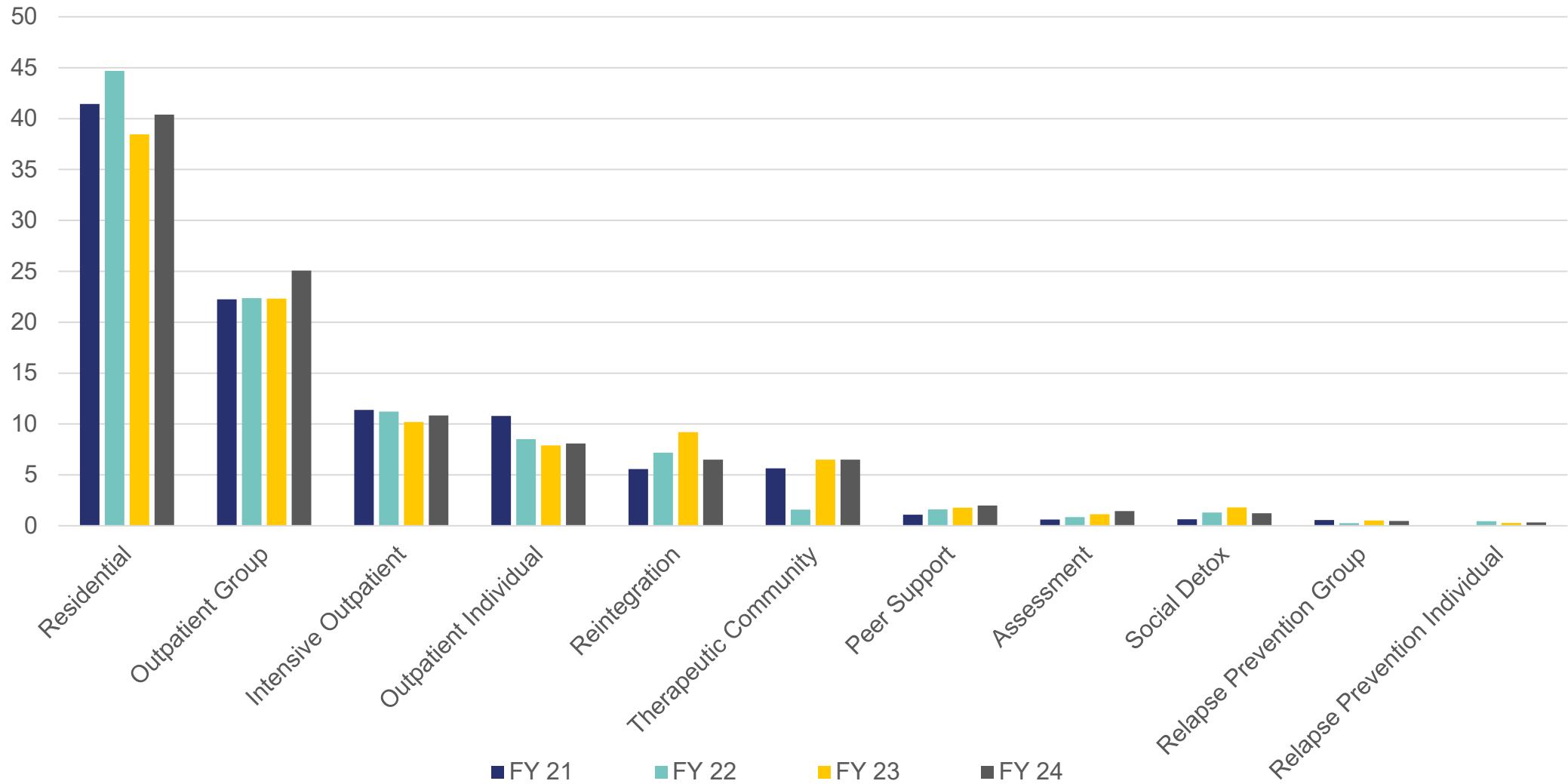


- Reflects amount paid for offender services by Carelon Behavioral Health, final amounts may vary for FY

SB 123/123+ Percent of Spending by Diagnosis



SB 123/123+ Percent of Spending by Modality





**FY 24 &
FY 25**

**Updates &
Goals**

Program Updates

- New Operations Manual
 - Includes guidance re: RAFT and SB 123+
- Auditing policy for certified treatment providers will be implemented in 2025
- All current providers are in the process of recertifying
 - To date 172 individual staff representing 34 agencies around the state have been trained
- 9 new providers recruited in FY 25
- 4 current providers added a service location

Goals for FY 25

- Increase reimbursement rates to remain competitive with other funding sources
- Support all current providers in completing recertification process
- Recruit at least 3 additional new providers
- Audit a minimum of 3 providers

Questions?



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Jennings Joint Committee on
Corrections and Juvenile Justice
Oversight
582-N Statehouse
November 19, 2024