KANSAS SENTENCING COMMISSION

1996 ANNUAL REPORT

FEBRUARY 1997

KANSAS SENTENCING COMMISSION

ANNUAL REPORT
FY 1996

ANALYSIS OF SENTENCING GUIDELINES IN KANSAS

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Kansas Senate

SPECIAL ACKNOWLEDGMENT

The Kansas Sentencing Commission would like to take this opportunity to express its sincere appreciation and gratitude to a past member, Gary Marsh. As one of the original Commission members, the many hours he contributed to the development and implementation of the sentencing guidelines were invaluable. His dedication, professionalism, candor, and much needed humor will be missed.

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The Sentencing Commission would like to acknowledge the contributions to this report by the Kansas Department of Corrections through their cooperative data sharing efforts. A special note of thanks to DOC staff members: **Patricia Biggs, Kathy Clayton, and Jeff Lewis** for their assistance in the development of the database utilized for this report.

February 7, 1997

To: The Honorable Bill Graves, Governor of Kansas
The Honorable Kay McFarland, Chief Justice of Kansas Supreme Court
The Honorable Members of the Kansas Senate
The Honorable Members of the Kansas House of Representatives
The Citizens of Kansas

I proudly submit to you the Kansas Sentencing Commission Annual Report for Fiscal Year 1996. This is the Commission's second annual report that focuses on a descriptive analysis of sentencing patterns under the sentencing guidelines. Included in the report is a summary of sentences reported, an analysis of conformity to the guidelines, and description of sentencing trends.

This year's annual report provides an analysis of both felony probation and state prison sentences. During the past year, the Commission developed a statewide probation database, which was added to the current prison database. This statewide comprehensive database will permit a more complete and detailed monitoring of the sentencing guidelines.

The Kansas Sentencing Commission continues to serve as an informational resource on sentencing guideline issues and numerous criminal justice related issues for the state. The Commission has worked closely with the legislature and other state criminal justice agencies regarding prison population projections and proposed changes in criminal sanctions.

Finally, the Commission hopes that the information contained in this report will be utilized by policymakers, criminal justice professionals, researchers and the public throughout the state. We would like to acknowledge the numerous individuals across the state who are responsible for completing and submitting the journal entries. Without this information, this annual report would not be possible. If you have any questions or comments, please feel free to contact the Commission.

Respectfully Submitted,

Barbara S. Tombs
Executive Director

IN RECOGNITION AND APPRECIATION
THE FY 1996 ANNUAL SENTENCING COMMISSION REPORT
IS DEDICATED TO

Senator Tim Emert
Chairperson of the Senate Judiciary Committee
1995 - 1996
Senate District #15
Independence, KS

Representative Michael O'Neal
Chairperson of the House Judiciary Committee
1992 - 1996
House District #104
Hutchinson, KS

The Kansas Sentencing Commission, with sincere appreciation, dedicates the FY 1996 Annual Sentencing Commission Report to Senator Tim Emert and Representative Michael O'Neal for their leadership roles during the 1996 Legislative session. As chairpersons of both the Senate and House Judiciary Committees, they consistently balanced sound criminal justice policymaking with necessary compromise; long term goals with current demands; and through it all strived for a sense of justice. Their wisdom, insight, and experience guided both judiciary committees through numerous controversial and difficult decisions. Throughout the legislative session, their desire to make informed decisions was demonstrated on a continual basis. The Sentencing Commission wishes to take this opportunity to acknowledge and extend its deepest thanks for their contribution to sound and rationale sentencing policy for the state of Kansas.

EXECUTIVE SUMMARY

During the past year, the Commission continued to monitor guideline sentences statewide, respond to inquiries regarding sentencing data, conduct training seminars on guidelines and sentencing issues, and provide sentencing information and prison bedspace impacts to the legislature and various state criminal justice agencies. The following describes some of the major sentencing issues presented in the report and significant developments which occurred during FY 1996:

* **GUIDELINE PRISON ADMISSIONS:** Although sentencing guidelines were implemented on July 1, 1993, there has been a considerable amount of lag time in guideline sentenced offenders entering prison. An analysis of FY 1996 admissions indicate that offenders sentenced under guideline sentences represented a little less than 60% of total admissions for the year. The percentage is an increase from the 42% guideline sentences reported last year. The remaining 40% of admissions include offenders sentenced under "old law" or pre-guideline indeterminate sentences. Also included in this group are offenders sentenced under some combination of pre-guideline indeterminate sentences and determinate guidelines sentences. This occurs most commonly when an offender is on parole or probation for an indeterminate sentence and is convicted of a new offense in which the sentence is governed by the sentencing guidelines. As guideline admissions to prison continue to increase, a more comprehensive analysis of the impact of guidelines on sentencing disparity or prison population is feasible. It is projected that by July 1997, nearly all admissions to state prisons will be under sentencing guidelines.

* **CONFORMITY TO SENTENCING GUIDELINES:** During FY 1996, 7,290 pure guideline sentences were analyzed to determine conformity to the guidelines. Of the 7,290 sentences, 76.3% (6,039) fell within the established sentences ranges. Presumptive prison sentences showed that 51.3% of the sentences were in the standard range of a grid cell, with 18.8% in the aggravated range and 22% in the mitigated range. An additional 7.9% of prison sentences were found in designated border boxes. Durational departures were indicated in 10.2% of the sentences and 13.5% of the sentences demonstrated dispositional departures. In further examination of dispositional departures, 64% were downward dispositional departures, while 36% indicated upward dispositional departures. In comparing drug and nondrug sentences, nondrug sentences indicated 22.5% upward dispositional departures compared to 1.6% for drug sentences. By comparison, drug sentences show a 37.1% downward dispositional departure compared to 5.2% for nondrug sentences. Upward durational departures were found most frequently on severity levels one and two of the nondrug grid. Departures will continue to be closely monitored to evaluate potential adjustments to the guidelines.

* **SENTENCING TRENDS:** Analysis of sentences imposed during FY 1996, indicate the largest number of offenders were sentenced during the months of May and October, a change from the previous year which showed June as the most frequent month for sentencing. Offenders were sentenced most often for drug offenses (page 15), followed by burglary and theft. The highest number of offenders sentenced to prison were found in severity level seven of the nondrug grid (825), closely followed by severity level nine (809) and severity level three of the drug grid (801). Probation sentences were most often received on the nondrug grid for the offenses of burglary, theft

and forgery (page 30). In addition, a total of 1,250 offenders received nonprison sentences for drug offenses, with 44 of those sentences falling on level one or two of the drug grid.

* **NONPRISON/PROBATION SENTENCES:** The FY 1996 Annual Report for the first time contains information pertaining to nonprison/probation sentences throughout the state. A total of 6,021 probation sentences were reported to the Commission, representing 4,771 nondrug offenses and 1,250 drug offenses. The distribution of probation sentences indicate that 1,221 sentences were for person offenses and 4,800 sentences were for nonperson offenses. Among probation drug offenders, 60% of the probation sentences were for possession of drugs (page 29). In examining criminal history categories, a little over 50% of drug probation offenders fell within criminal history category I, where as only 33.1% of nondrug probation offenders fell within that same criminal history category. Only 47% of probation drug offenders fell within the presumptive probation grid cells, compared to 82.6% of nondrug offenders. This is a strong indicator that dispositional departures were utilized frequently to impose a nonprison sentence on the drug grid.

* **DRUG SENTENCES:** A comparison of the distribution of prison sentences for drug offenders indicates some changes between FY 1995 and FY 1996. There was an overall increase of about 12% (139) for drug offenders sentenced to prison in FY 1996. The overall increase was, however, a function of increases and decreases in different levels of the drug grid. Drug level three sentences show a decrease from 881 in FY 1995 to 801 in FY 1996; whereas drug level four sentences indicate an increase from 225 sentences in FY 1995 to 410 sentences in FY 1996 (page 66). Severity level one on the drug grid also reflects an increase from 5 to 16 offenders sentenced in FY 1996.

* **VIOLATORS:** The Annual Report examined both the types and number of violators either sentenced or returned to prison during FY 1996 (page 34). Violators with new sentences accounted for a little over 11% of total prison admissions during FY 1996, an increase of only 32 offenders from FY 1995 (page 65). Conditional violators of probation, parole/post-release, and conditional release accounted for 55.8% (2,692) of total prison admissions last year. Of that total number, there were 1,245 conditional probation violators, 1,364 parole/post-release supervision conditional violators, and 83 conditional release violators. The highest number of males placed in prison for conditional violations were found to have offenses on severity level seven of the nondrug grid and severity level three of the drug grid. Females, however, were most often placed in prison for conditional violations of offenses on severity level eight of the nondrug grid and severity level three of the drug grid.

The contents of the Annual Report are divided into two parts. Part I summarizes the background, history, and activities of the Sentencing Commission since its creation in 1989. Part II presents a descriptive statistical summary of statewide guideline sentencing practices based upon the most serious offense of a single sentencing event, compliance to guideline sentences, offense categories and offenders sentenced to state prisons and nonprison/probation sentences in FY 1996.

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PART I: THE KANSAS SENTENCING COMMISSION

HISTORY OF THE KANSAS SENTENCING COMMISSION

Senate Bill 50, which became law in 1989, established the Kansas Sentencing Commission, and directed the Commission to: "Develop a sentencing guidelines model or grid based on fairness and equity and shall provide a mechanism for linking justice and corrections policies. The sentencing guideline model or grid shall establish rational and consistent sentencing standards which reduce sentence disparity, to include, but not be limited to, racial and regional biases which may exist under current sentencing practices." L. 1989, Ch. 225, Sec. 1. The Commission membership was established under the new law to consist of thirteen members, as follows: The chief justice of the supreme court or the chief justice's designee; two district court judges appointed by the chief justice; the attorney general or the attorney general's designee; one public defender appointed by the governor; one private defense counsel appointed by the governor; one county attorney or district attorney appointed by the governor; the secretary of corrections or the secretary's designee; the chairperson of the Kansas parole board or such chairperson's designee, two members of the general public, at least one of whom shall be a member of a racial minority group, appointed by the governor; a director of a community corrections program appointed by the governor; and a court services officer appointed by the chief justice of the supreme court. In addition to the appointed members, four members of the legislature, to be appointed by the president of the senate, the senate minority leader, the speaker of the house of representatives, and the house minority leader, are to serve on the Commission as ex-officio, nonvoting members. L. 1989, Ch. 225, Sec. 2.

By August, 1989, all Commission members had been appointed. An Executive Director and other necessary staff, appointed by the Commission pursuant to L. 1989, Ch. 225, Sec. 3, were in place by November of that year. (For a list of the original Commission members, see Recommendations of the Kansas Sentencing Commission (1991), p. 5.) After its formation, the Commission met semi-monthly in Topeka. The Commission decided early on to confine their activities to adult felony sentences. Further, the Commission identified a set of goals to be attained in developing a uniform sentencing guidelines system: 1) To develop a set of guidelines that promote public safety by incarcerating violent offenders; 2) To reduce sentence disparity to ensure the elimination of any racial, geographical or other bias that may exist; 3) To establish sentences that are proportional to the seriousness of the offense and the degree of injury to the victim; 4) To establish a range of easy to understand presumptive sentences that will promote "truth in sentencing"; 5) To provide state and local correctional authorities with information to assist with population management options and program coordination; and 6) To provide policy makers information that will enhance decisions regarding resource allocations.

Over the next two years, the Sentencing Commission considered a wide range of topics relevant to sentencing guidelines, reviewed information from other guidelines states (primarily Minnesota, Washington, Oregon and California), heard testimony from local and national criminal justice professionals, visited several correctional facilities, and held a series of public hearings throughout the state. In addition, the Commission conducted a comprehensive study of existing sentencing practices. The study documented a history of racial and geographical bias in sentencing, attributable to a system which, because it directed decision makers to consider socio-economic

factors in sentencing, reflected general societal inequities.

The Sentencing Commission submitted its recommendations at the commencement of the 1991 legislative session, as was required under L. 1989, Ch. 225, Sec. 4. The Commission recommended a presumptive sentencing system, represented by sentencing grids for both nondrug and drug offenses, that provided an appropriate sentence for a crime based upon the crime of conviction and the individual's past criminal history. It further recommended that the sentencing court be allowed to depart from the presumptive sentence provided that the court explain on the record the reasons for a departure, and that a decision to depart be subject to appeal. The Commission recommended that statutory enactments and amendments to implement a sentencing guidelines system become effective on July 1, 1992. See Recommendations of the Kansas Sentencing Commission (1991), p. 7.

The Commission's recommendations were first incorporated into Senate Bill 382, enacting a sentencing guidelines system. The bill was the subject of hearings in the Senate Judiciary Committee during the 1991 legislative session. At the close of the session, Senate Bill 382 was retained in committee, and recommended for an interim study. Hearings on the bill were held before the interim Special Committee On Judiciary in late 1991. Senate Bill 479 was a redraft of Senate Bill 382 to reflect the changes and recommendations of the 1991 interim Special Committee on Judiciary. Hearings on the new bill began in January, 1992. After much debate in the Senate and then the House of Representatives, the bill was referred to a conference committee, whose report was subsequently adopted by both chambers. The Governor signed Senate Bill 479 on May 11, 1992. The effective date of sentencing guidelines under Senate Bill 479 was deferred until July 1, 1993, to allow for further refinement of the law and to allow the Kansas Judicial Council to complete its work on a revision of the criminal code.

After further interim studies during the summer of 1992, Senate Bill 423 was introduced in the 1993 session. Senate Bill 423 incorporated both the final changes in the sentencing guidelines and the substantive changes to the criminal code proposed by the Judicial Council. Senate Bill 423 became law on July 1, 1993. L. 1993, Ch.291. The Kansas Sentencing Guidelines Act is set forth in K.S.A. 21-4701 et seq.

CURRENT ROLE OF THE KANSAS SENTENCING COMMISSION

Monitoring

Now that the sentencing guidelines have been implemented in Kansas, the primary focus of the Kansas Sentencing Commission has shifted to monitoring, evaluation and research related to the sentencing guidelines. Among the mandatory duties assigned to the Commission under K.S.A. 1995 Supp. 74-9101 are the following: To develop post-implementation monitoring procedures and reporting methods to evaluate guideline sentences; to advise and consult with the secretary of corrections and members of the legislature in developing a mechanism to link guidelines sentence practices with correctional resources and policies, which includes review and determination of the impact of the sentencing guidelines on the state's prison population; to consult with and advise the

legislature with reference to implementation, management, monitoring, maintenance and operations of the sentencing guidelines system; and to make recommendations to the legislature relating to modification and improvement of the sentencing guidelines. The Sentencing Commission performs two functions which are essential to the discharge of these statutory duties: On-going analysis of sentencing guidelines data; and prison population projections.

First, the Commission receives presentence investigation (PSI) reports and journal entries for all persons who are sentenced for crimes committed on or after July 1, 1993. See K.S.A. 1995 Supp. 74-9101(b)(5). Sentencing information extracted from the PSIs and journal entries is maintained in a database, from which the Commission staff can then monitor, evaluate, and analyze sentences imposed pursuant to the sentencing guidelines. For instance, the staff can determine the number of guidelines sentences imposed, the characteristics of offenders and the offenses committed, the number and types of departure sentences, and the overall conformity of sentences to the sentencing guidelines. During FY 1996, the Commission responded to 38 individual requests for sentencing data, either by county, offense type, or a specific aspect of the sentencing guidelines. More importantly, the staff can analyze the overall distribution of guidelines sentences by race, ethnic origin, gender, age, education level and geographic location to determine whether the sentencing guidelines have reduced or eliminated such biases, which were found to be inherent in the pre-guidelines sentencing system. Indeed, a primary purpose for the development of a sentencing guidelines system in Kansas was to "establish rational and consistent sentencing standards which reduce sentence disparity, to include, but not be limited to, racial and regional biases..." K.S.A. 1995 Supp. 74-9101(b)(1). See also, Recommendations of the Kansas Sentencing Commission (1991), at pp. 2, 8-26. As admissions to prison continue to reflect a higher percentage of guideline sentences, continuing analysis of disparity issues will be closely monitored, especially with regard to departures and border box sentencing options.

Second, in FY 1996 the Sentencing Commission acquired the PROPHET Simulation Model, an interactive microcomputer software system designed by the National Council on Crime and Delinquency (NCCD). The PROPHET model permits staff analysts to construct a model which mimics the flow of offenders through the prison and parole populations based on the state of Kansas' sentencing structure and policy environment. With the PROPHET model, offenders enter the prison system and are placed in a designated status for a determined period of time; then exited from the system. Offender population and movement through the prison system can be forecasted yearly, as far as twenty years into the future. The first official ten year baseline projections of the adult prison population, using the PROPHET model, were released in November, 1995. Annual prison population projections are released by the Commission in the fall of each year. The annual projections incorporate any changes or amendments from the previous legislative session pertaining to criminal acts or modifications to the sentencing guidelines. The model also allows staff analysts to determine changes in specific offender populations and their corresponding lengths of stay on an annual basis. The PROPHET model also has the ability to statistically determine the impact of proposed legislation on the prison population, thus facilitating the Commission's duty to prepare and submit fiscal impact and correctional resource statements as required. See K.S.A. 1995 Supp. 74-9101(b)(8). During the 1996 Legislative session, the Sentencing Commission completed 56 individual legislative impacts on various proposed bills.

In January, 1996, the Sentencing Commission extended its contract with NCCD, through a grant from SRS, to allow for the development of a juvenile detention model for PROPHET. Sedgwick County juvenile detention center served as the pilot site for the development of an urban detention projection model. During FY 1997, a model will also be developed that will focus on either a rural or regional detention center, since their population mix is much different than that of an urban county. The juvenile detention model will enable staff researchers to analyze juvenile offenders housed in detention facilities with regard to their committing offense, length of stay and release type. Once a model is developed, it can be adapted to detention centers with similar populations throughout the state to project and monitor detention center populations in a similar manner as the state prison population.

In May of 1996, the PROPHET contract was extended again to complete the Phase I Needs Assessment Study requested by the Youth Authority. The study required the development of a statewide Youth Center database. Staff of the Commission manually gathered an entire year of admission data for all state youth centers. The data was then entered into a database from which a simulation projection model was developed. Similar to the adult prison projection model, the PROPHET model permitted the projection of admissions, lengths of stay, movement between youth centers and release types. In addition to the baseline projections, various scenarios were produced which assisted in the development of the Placement Matrix adopted by the Youth Authority. Staff of the Sentencing Commission are currently working with the state Youth Centers to develop a means to computerize the data which was previously manually collected, thus allowing for timely release of annual projections.

Training

Another duty of the Sentencing Commission is to assist in the process of training judges, county and district attorneys, court services officers, state parole officers, correctional officers, law enforcement officials and other criminal justice groups. K.S.A. 1995 Supp. 74-9101(b)(4). Since 1993 the Commission staff have initiated and conducted training seminars on sentencing guidelines across the state, and the Commission -- members as well as staff -- frequently participate in seminars and training conferences at the request of various criminal justice groups and associations. Training and informational presentations are provided by staff to both Washburn University and the University of Kansas Law School.

In addition, the Commission publishes the Sentencing Guidelines Desk Reference Manual and an Annual Report. An updated edition of the Manual is issued each year by the Commission following the Kansas legislative session. The Manual is available either in print or on computer diskette. The Commission also compiles and distributes quarterly updates on recent Supreme and Appellate court decisions that pertain to sentencing guidelines.

Information Resource

The Commission has and continues to serve as an information resource for the legislature and various state criminal justice agencies. At the request of the legislature, the Commission has conducted various research projects and has published a selection of reports. Publications include:

"Task Force on Field Services Consolidation", "Study of Intermediate Sanctions", "Task Force on Transition of Offenders into the Community", "Report on Juvenile Offenders" and "Kansas State Youth Centers: Populations, Profiles and Trends". In addition, the Commission provides sentencing information to various individual counties and judicial districts.

PART II: SENTENCING IN KANSAS

SENTENCES REPORTED IN FISCAL YEAR 1996

The analysis of sentences and sentencing trends presented in this report are based upon the most serious offense of a single sentencing event. Sentences received during fiscal year 1996 include both prison and non-prison/probation sentences.

In fiscal year 1996, a total of 10,848 sentences were reported to the Commission. The distribution of sentences included 4,827 incarceration sentences and 6,021 probation sentences (see Sentencing Distribution Chart). Of that total number, 8,255 sentences were nondrug sentences and 2,554 sentences represented drug offenses. Sentences were reported from 101 counties in the state. Table 1 displays total sentences reported to the Commission during fiscal year 1996 by month of sentence. Sentences reported by individual counties are displayed in Table 2. Sedgwick, Wyandotte, Johnson, and Shawnee counties were the top four committing counties, accounting for 52.5% of all sentences during FY 1996 (Table 2).

Table 1: Number of FY 1996* Sentences Reported by Month

Month	Number of Sentences	Sentence Type		Offense Type			Percent
		Prison	Probation	Drug	Nondrug	Unknown	
January	893	391	502	225	664	4	8.2
February	945	387	558	205	740	0	8.7
March	922	420	502	215	705	2	8.5
April	896	415	481	203	688	5	8.3
May	1,028	460	568	216	812	0	9.5
June	907	410	497	213	691	3	8.4
July	793	376	417	182	608	3	7.3
August	898	433	465	220	671	7	8.3
September	905	402	503	238	665	2	8.3
October	1,012	477	535	269	737	6	9.3
November	842	341	501	204	635	3	7.8
December	807	315	492	164	639	4	7.4
Total	**10,848**	**4,827**	**6,021**	**2,554**	**8,255**	**39**	**100.0**

* FY 1996 (July 1, 1995 through June 30, 1996).

FY 1996 Sentencing Distribution Chart

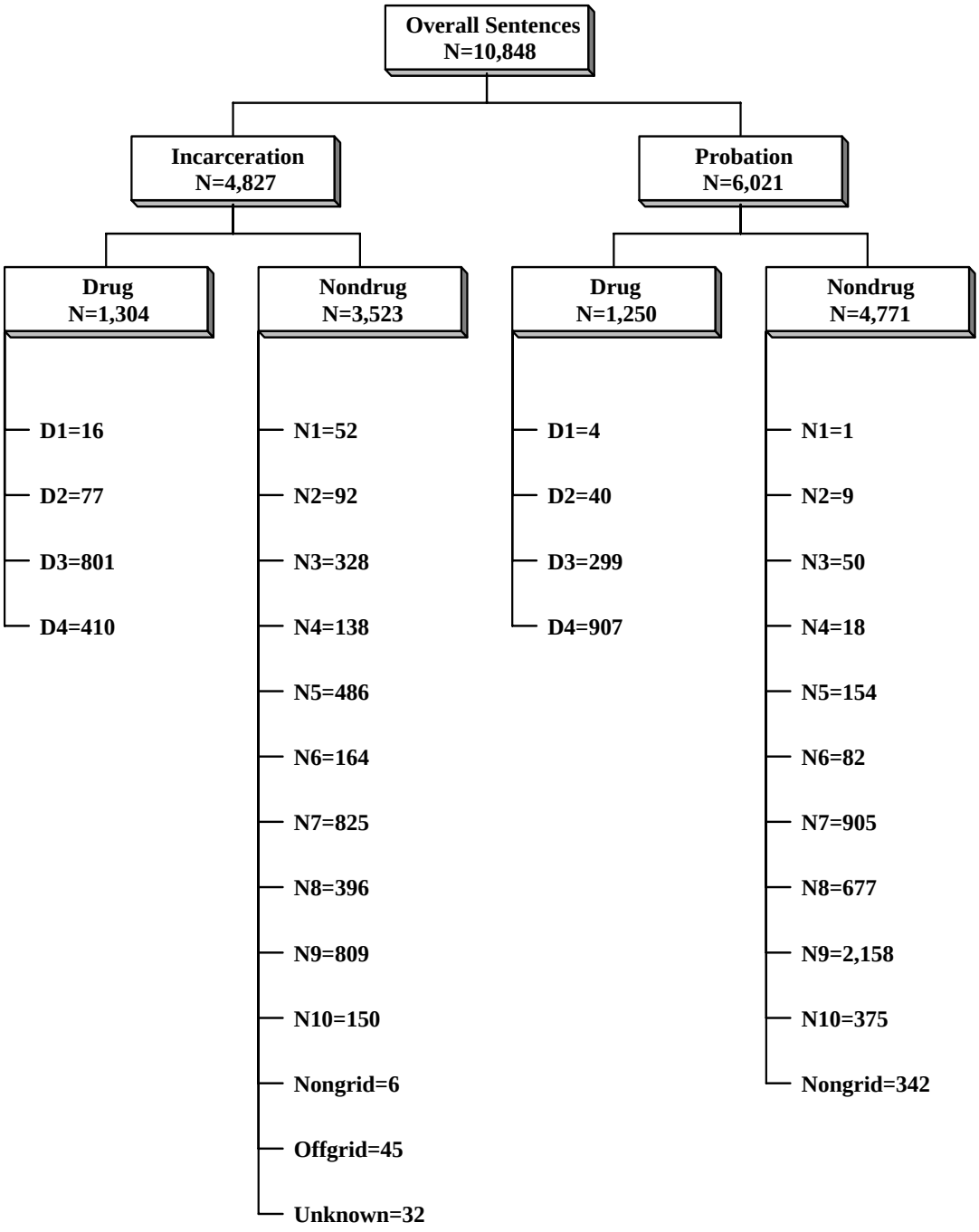


Table 2: FY 1996 Offender Characteristics by County

County	Number of Sentences	Gender		Race			Sentence Type		Offense Type		Mean Age
		Male	Female	White	Black	Other	Prison	Probation	Nondrug	Drug	
Allen	47	37	9	32	5	1	12	35	40	7	31.3
Anderson	27	24	1	24	1	0	11	16	25	2	30.0
Atchison	37	30	7	23	9	0	17	20	28	9	26.8
Barber	9	4	5	9	0	0	0	9	9	0	35.8
Barton	43	36	7	38	1	1	40	3	22	21	29.8
Bourbon	27	22	5	19	8	0	16	11	21	6	31.1
Brown	45	21	1	17	1	4	18	27	38	7	31.8
Butler	201	163	26	156	17	4	65	136	135	66	31.3
Chase	10	9	0	7	0	1	4	6	6	4	32.0
Chautauqua	7	7	0	6	0	0	5	2	5	2	35.5
Cherokee	39	27	6	30	1	2	11	28	39	0	28.3
Cheyenne	1	1	0	1	0	0	1	0	1	0	51.3
Clark	1	1	0	1	0	0	1	0	0	1	40.8
Clay	34	27	7	31	0	1	12	22	27	7	29.9
Cloud	37	32	2	21	1	1	12	25	35	2	28.2
Coffey	45	39	6	32	2	0	8	37	33	12	29.0
Comanche	3	3	0	3	0	0	3	0	3	0	20.8
Cowley	144	127	16	111	25	5	61	83	122	21	28.8
Crawford	121	89	10	83	10	1	47	74	87	34	28.9
Decatur	14	13	1	12	0	0	3	11	13	1	28.4
Dickinson	46	11	1	9	2	1	11	35	38	8	34.1
Doniphan	7	7	0	7	0	0	7	0	5	2	33.2
Douglas	225	202	19	117	90	7	91	134	173	52	28.2
Edwards	3	3	0	3	0	0	3	0	3	0	21.4
Elk	14	14	0	14	0	0	6	8	12	2	35.4
Ellis	69	50	5	46	2	1	21	48	46	23	29.7
Ellsworth	25	22	2	22	0	0	13	12	13	12	31.2
Finney	218	199	18	177	24	3	70	148	188	30	29.1
Ford	177	72	4	53	8	7	59	118	125	52	29.4
Franklin	109	87	16	79	10	3	22	87	93	16	28.5

Table 2: FY 1996 Offender Characteristics by County - 2

County	Number of Sentences	Gender		Race			Sentence Type		Offense Type		Mean Age
		Male	Female	White	Black	Other	Prison	Probation	Nondrug	Drug	
Geary	222	98	11	35	69	1	99	123	137	85	26.4
Graham	12	11	1	10	0	0	3	9	11	1	28.5
Grant	6	6	0	5	0	0	5	1	5	1	31.8
Gray	15	15	0	14	0	0	0	15	15	0	30.9
Greeley	2	2	0	1	0	0	0	2	2	0	27.0
Greenwood	18	17	1	14	1	1	6	12	13	5	33.9
Harper	12	8	0	6	0	2	3	9	11	1	25.4
Harvey	125	101	16	94	16	2	46	79	109	16	30.3
Haskell	8	8	0	7	1	0	4	4	6	2	26.5
Hodgeman	2	2	0	2	0	0	2	0	2	0	42.8
Jackson	35	31	2	21	1	9	9	26	34	1	35.1
Jefferson	42	35	7	31	3	4	15	27	37	5	31.7
Jewell	4	4	0	4	0	0	2	2	4	0	30.6
Johnson	1,070	813	181	682	239	17	561	509	802	265	30.1
Kearny	17	15	2	11	4	0	6	11	16	1	30.2
Kingman	30	26	4	28	0	0	1	29	30	0	26.8
Labette	144	111	31	101	30	4	60	84	98	46	30.8
Leavenworth	182	157	23	117	57	2	83	99	150	32	30.0
Lincoln	7	5	2	6	0	0	2	5	3	4	35.3
Linn	29	22	7	21	2	0	3	26	29	0	31.6
Logan	1	1	0	1	0	0	0	1	1	0	24.0
Lyon	165	149	14	126	26	5	72	93	144	21	28.9
Marion	18	16	1	15	1	0	4	14	14	4	32.8
Marshall	16	14	0	12	0	0	5	11	15	1	37.1
McPherson	81	52	10	51	7	2	40	41	55	26	32.0
Meade	15	12	1	13	0	0	3	12	12	3	32.1
Miami	98	87	11	79	11	1	39	59	79	18	28.0
Mitchell	15	11	4	12	1	0	7	8	15	0	25.1
Montgomery	255	190	43	155	58	6	117	138	191	64	30.4
Morris	8	7	1	6	0	0	3	5	8	0	38.3

Table 2: FY 1996 Offender Characteristics by County - 3

County	Number of Sentences	Gender		Race			Sentence Type		Offense Type		Mean Age
		Male	Female	White	Black	Other	Prison	Probation	Nondrug	Drug	
Morton	4	4	0	4	0	0	4	0	3	1	27.5
Nemaha	8	7	1	7	1	0	2	6	6	2	32.2
Neosho	89	69	12	73	3	1	24	65	74	15	28.6
Ness	2	2	0	2	0	0	1	1	2	0	21.5
Norton	18	15	3	16	1	0	9	9	14	4	27.1
Osage	21	20	1	17	2	0	4	17	21	0	29.6
Osborne	4	4	0	4	0	0	2	2	4	0	49.6
Ottawa	11	8	3	10	1	0	4	7	10	1	32.1
Pawnee	25	21	2	21	2	0	7	18	23	2	26.5
Phillips	1	1	0	1	0	0	1	0	1	0	20.3
Pottawatomie	64	27	3	27	0	0	13	51	63	1	34.0
Pratt	16	14	1	14	1	0	10	6	13	3	28.2
Rawlins	2	1	0	0	0	0	0	2	2	0	28.0
Reno	390	314	65	289	64	4	141	249	303	87	30.3
Republic	8	7	1	6	1	1	5	3	8	0	21.7
Rice	23	7	0	7	0	0	7	16	19	4	37.5
Riley	120	98	17	75	29	7	45	75	107	13	26.8
Rooks	17	13	3	16	0	0	7	10	13	4	31.3
Rush	5	5	0	4	0	0	0	5	5	0	23.2
Russell	3	2	0	2	0	0	2	1	2	1	31.0
Saline	429	336	64	294	60	10	146	283	325	104	30.0
Scott	16	14	2	12	0	0	6	10	8	8	29.7
Sedgwick	2,527	2,101	419	1,406	1,047	41	1,290	1,237	1,672	853	30.8
Seward	168	150	17	123	37	3	94	74	120	48	30.0
Shawnee	800	637	124	395	332	15	337	463	618	182	30.6
Sheridan	2	1	1	2	0	0	0	2	2	0	48.0
Sherman	35	23	3	20	1	1	5	30	35	0	28.3
Smith	4	3	1	3	0	0	1	3	4	0	33.6
Stafford	17	16	0	14	0	0	3	14	16	1	25.7
Stanton	10	10	0	9	0	0	7	3	10	0	21.3

Table 2: FY 1996 Offender Characteristics by County - 4

County	Number of Sentences	Gender		Race			Sentence Type		Offense Type		Mean Age
		Male	Female	White	Black	Other	Prison	Probation	Nondrug	Drug	
Stevens	12	12	0	11	0	1	9	3	9	3	25.2
Sumner	88	50	11	51	5	2	47	41	79	9	29.5
Thomas	22	20	0	17	0	0	4	18	21	1	28.3
Trego	5	4	1	5	0	0	1	4	4	1	31.9
Wabaunsee	12	9	2	8	1	1	5	7	11	1	27.5
Wallace	1	0	1	1	0	0	0	1	1	0	44.0
Washington	9	9	0	9	0	0	3	6	9	0	27.4
Wichita	1	1	0	1	0	0	1	0	1	0	23.3
Wilson	58	44	4	44	0	0	10	48	53	5	27.1
Woodson	18	15	1	13	0	2	5	13	18	0	29.0
Wyandotte	1,295	1,096	162	448	712	9	670	625	1,096	199	30.3
Unknown	49	46	3	32	14	1	45	4	17	0	30.5
Total	**10,848**	**8,641**	**1,475**	**6,376**	**3,058**	**198**	**4,827**	**6,021**	**8,255**	**2,554**	**30.1**

Note: Because of missing data, numbers in each category are based on the followings: Gender (N=10,116), Race (N=9,632), Sentence Type (N=10,848), Offense Type (N=10,809), and Age (N=10,111).

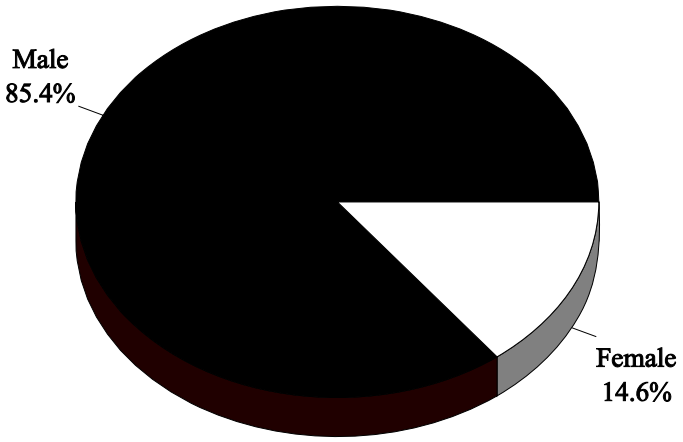
CHARACTERISTICS OF OFFENDERS AND OFFENSES

This section provides an overview of offender characteristics for those who were sentenced during FY 1996, and the types of offenses committed. Figures 1, 2, 3, and 4 summarize graphically the distribution of offenders by gender, race, ethnic origin, and age, respectively.

Male offenders accounted for 85.4% of all sentences (Figure 1) and in excess of 90% of all murders in the first and second degree, rapes, aggravated crimes, kidnapping, robberies, burglaries, sex offenses, firearms, criminal damage of property, criminal threat, voluntary manslaughter, and other types of offenses (Table 3). Female participation was highest (over 20%) for aggravated arson, aggravated failure to appear, aggravated false impersonation, aggravated interference with parental custody, drugs, criminal deprivation of property, forgery, contribution to a child's misconduct, making false writing, and financial crimes (Table 3).

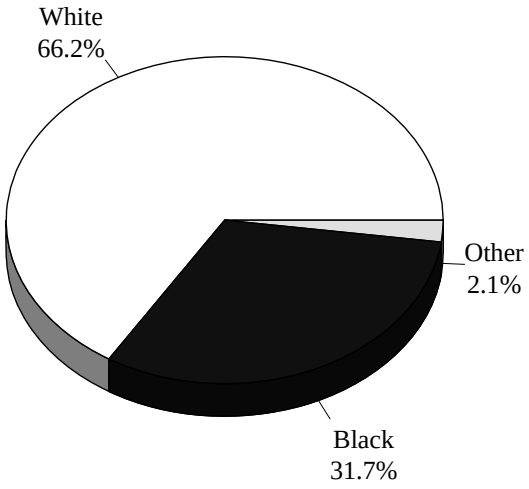
White offenders represented 66.2% (Figure 2) of all sentences, and 92.3% (Figure 3) of all offenders were of non-Hispanic origin. The highest percentage of offenders (32.4%) were between the ages of 31 to 40 at the time of admission to prison (Figure 4).

Figure 1: Distribution of FY 1996 Sentences by Gender of Offender



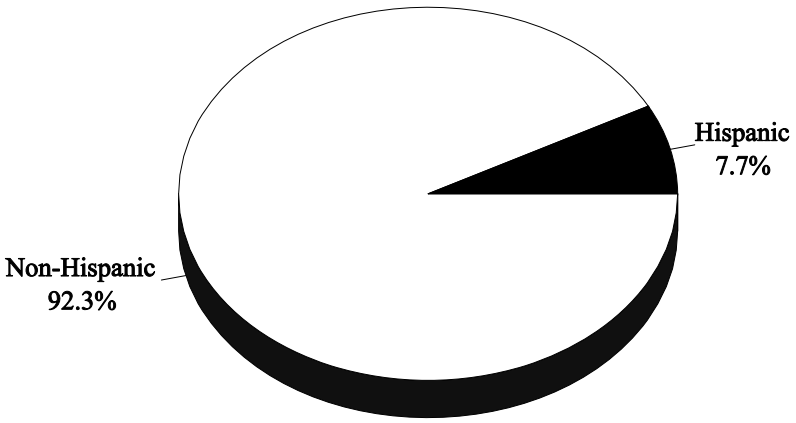
Based on 10,116 sentences reporting gender of offender

Figure 2: Distribution of FY 1996 Sentences by Race of Offender



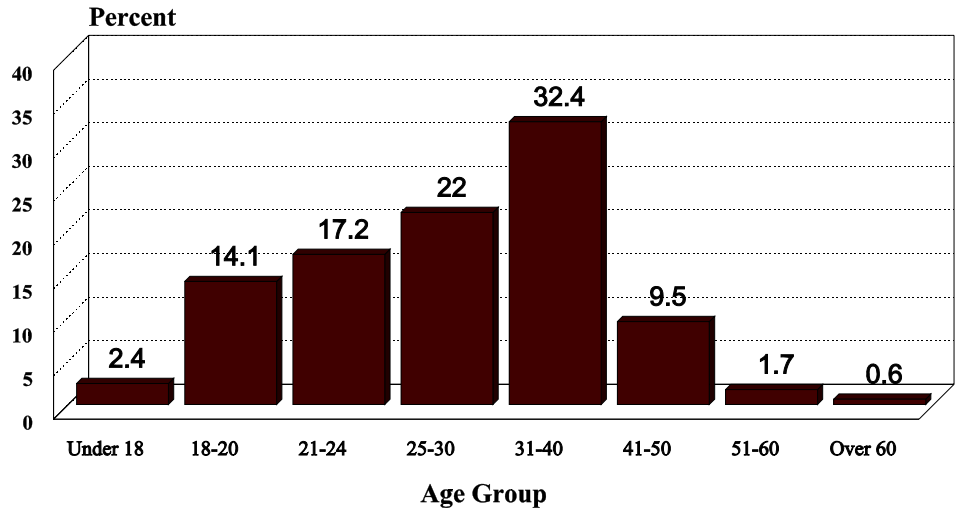
Based on 9,632 sentences reporting race of offender

Figure 3: Distribution of FY 1996 Sentences by Ethnicity of Offender



Based on 9,534 sentences reporting ethnicity of offender

Figure 4: Distribution of FY 1996 Sentences by Age of Offender



Based on 10,111 sentences reporting age of offender

Table 3: 1996 Offender Characteristics by Type of Offense - 1

Offense Type	Number of Cases	Gender (%)		Race (%)			Average Age At Admission
		Male	Female	White	Black	Other	
Abuse of Child	32	90.0	10.0	62.1	37.9		27.4
Agg Arson	12	66.7	33.3	75.0	25.0		26.6
Agg Battery on LEO	26	84.6	15.4	57.7	38.5	3.8	29.9
Agg Criminal Sodomy w/Child	37	100.0		78.4	18.9	2.7	38.5
Agg Escape from Custody	152	87.3	12.7	66.7	32.7	0.7	28.4
Agg Failure to Appear	33	79.3	20.7	53.6	46.4		27.6
Agg False Impersonation	13	69.2	30.8	58.3	41.7		34.3
Agg Assault on LEO	39	94.6	5.4	70.3	27.0	2.7	32.7
Agg Assault	304	90.6	9.4	54.2	41.5	4.4	27.7
Agg Battery	464	88.7	11.3	61.4	37.4	1.2	28.0
Agg Burglary	110	93.5	6.5	53.8	44.3	1.9	29.2
Agg Robbery	213	96.2	3.8	41.9	55.7	2.4	28.0
Agg Incest	29	100.0		82.8	17.2		38.3
Agg Indecent Liberties w/Child	150	97.9	2.1	77.6	18.2	4.2	32.4
Agg Inter w/parental custody	10	55.6	44.4	88.9	11.1		32.8
Agg Indecent Solicit w/Child	58	91.1	8.9	81.8	14.5	3.6	30.7
Agg Kidnapping	20	100.0		70.0	30.0		35.4
Agg Sexual Battery	77	98.7	1.3	65.8	31.5	2.7	28.1
Agg Weapon	13	92.3	7.7	25.0	66.7	8.3	30.5
Aid Felon	25	82.6	17.4	66.7	33.3		23.2
Arson	55	88.0	12.0	89.8	10.2		29.3
Burglary	1,426	94.7	5.3	74.4	23.0	2.6	24.3
Capital Murder	1		100.0	100.0			45.0
Contribute Child's Misconduct	12	81.8	18.2	100.0			23.3
Criminal Damage	163	90.6	9.4	77.5	18.1	4.3	23.6
Criminal Threat	200	90.8	9.2	80.4	18.5	1.2	26.4
Criminal Use Financial Card	41	52.5	47.5	51.3	46.2	2.6	27.5
Deprivation of Property	24	80.0	20.0	65.0	35.0		20.3
Criminal Discharge of Firearm	24	87.0	13.0	54.5	45.5		22.1
Driving While a Habitual Viol	531	92.5	7.5	82.6	16.4	1.0	28.3
Drugs	2,570	80.0	20.0	60.1	38.7	1.2	29.6
Driving While Suspended	339	92.8	7.2	70.1	27.1	2.8	27.6
DUI	463	89.9	10.1	90.9	7.4	1.8	28.3
Forgery	781	59.6	40.4	65.7	31.9	2.4	27.8
False Writing	47	71.8	28.2	75.0	25.0		26.0

Table 3: 1996 Offender Characteristics by Type of Offense - 2

Offense Type	Number of Cases	Gender (%)		Race (%)			Average Age At Admission
		Male	Female	White	Black	Other	
Indecent Liberties w/Child	91	97.7	2.3	87.5	12.5		33.2
Indecent Solicitation of Child	27	90.9	9.1	76.5	14.3	9.5	25.2
Involuntary Manslaughter	41	82.5	17.5	61.5	33.3	5.1	30.0
Kidnapping	34	94.1	5.9	52.9	44.1	2.9	29.4
Murder in the First Degree	55	94.5	5.5	56.4	40.0	3.6	28.2
Murder in the Second Degree	47	89.4	10.6	61.7	36.2	2.1	28.4
Nonsupport of Child or Spouse	38	100.0		73.5	20.6	5.9	36.0
Obstructing Legal Process	74	85.5	14.5	51.5	47.0	1.5	28.4
Possession of Firearm	89	98.8	1.2	57.0	38.0	5.0	24.2
Rape	85	98.8	1.2	66.7	32.1	1.2	35.4
Robbery	331	91.4	8.6	41.0	56.2	2.8	27.0
Stalking	18	100.0		81.8	18.2		20.4
Taxation	75	87.0	13.0	87.7	12.3		27.8
Theft	1,051	82.5	17.5	63.3	34.0	2.6	26.0
Traffic in Contraband	34	78.1	21.9	86.7	13.3		24.9
Voluntary Manslaughter	22	90.5	9.5	28.6	57.1	14.3	31.6
Weapons	14	92.9	7.1	30.8	61.5	7.7	24.1
Giving Worthless Checks	87	67.9	32.1	76.6	23.4		31.9
Other	141	76.9	23.1	77.8	20.6	1.6	28.2
TOTAL	**10848**	**85.4**	**14.6**	**66.2**	**31.7**	**2.1**	**29.9**

Note: Due to missing data, percentages in each category are based on different numbers: Gender (N=10,116); Race (N=9,434); Age (10,111).

INCARCERATION SENTENCES

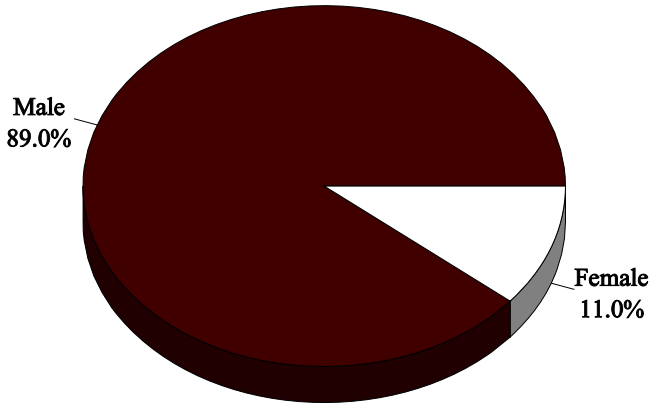
Offenders and Offense Characteristics

Figures 5, 6, 7, 8, and 9 represent the characteristics of offenders incarcerated in state correctional facilities by gender, race, ethnic origin, age, and educational level, respectively. White males were still the predominant offenders admitted to prison in fiscal year 1996 (Figures 5 and 6). The largest proportions of incarcerated offenders were in their 30's and had received a high school diploma or GED equivalent (figures 8 and 9).

Males represented the highest percentage (over 90%) of sentences in both the violent and non-violent crime categories. All sex offenders were males, which represented change from the previous year (Table 4). The highest percentage of sentenced females (over 20%) was found in the offense categories of aggravated arson, criminal use of financial card, forgery, making false writing, traffic in contraband, and issuing worthless checks (Table 4).

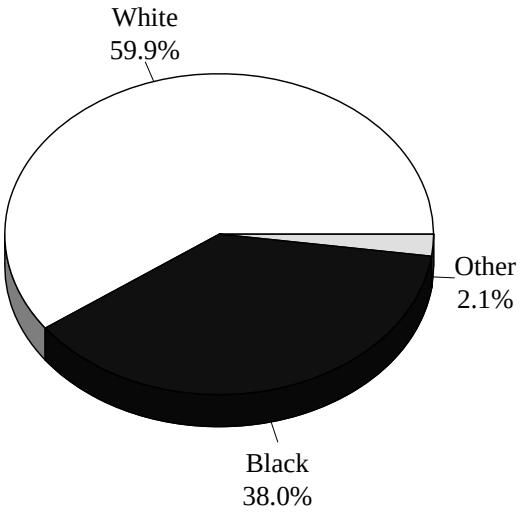
The highest incarceration rates for whites (over 80%) were found in the areas of sex offenses, aggravated arson, arson, DUI, stalking, taxation, and issuing worthless checks. Blacks were incarcerated more often (over 55%) for the offenses of aggravated robbery, robbery, aggravated weapons, weapons, and voluntary manslaughter (Table 4). It would appear from the data that blacks were convicted more often of serious person crimes, whereas whites show higher conviction rates for less serious person and nonperson offenses. Blacks were also incarcerated more often than whites for possession of drugs (Table 5).

Figure 5: FY 1996 Incarceration Sentences by Gender of Offenders



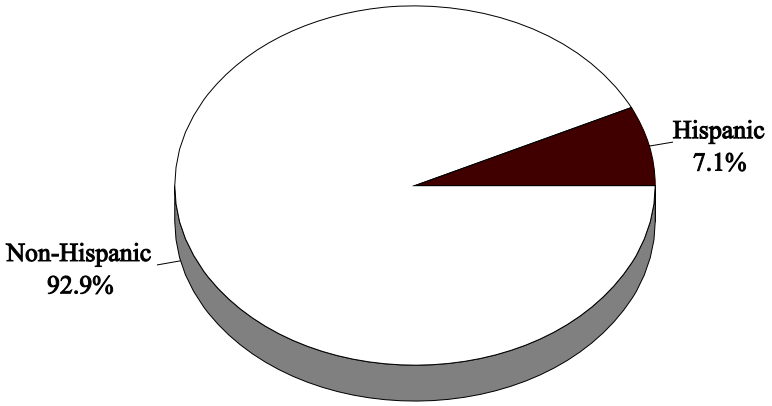
Based on 4,827 incarceration sentences reporting gender of offenders

Figure 6: FY 1996 Incarceration Sentences by Race of Offenders



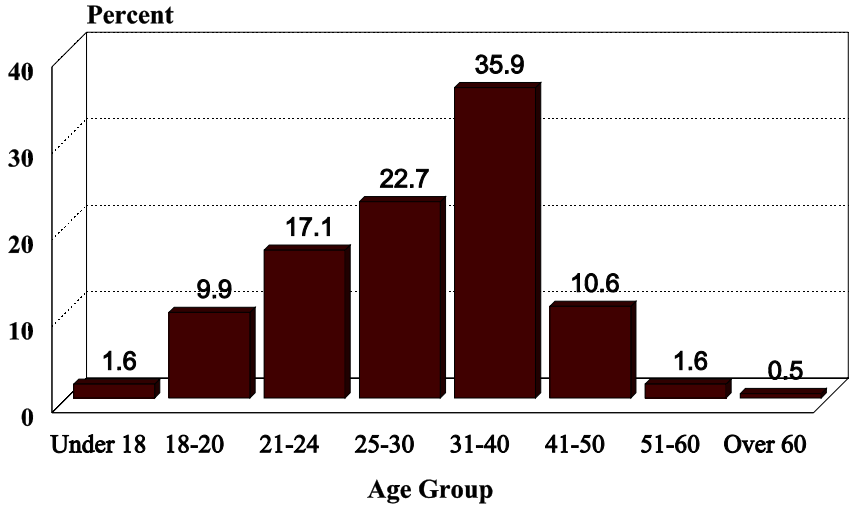
Based on 4,827 incarceration sentences reporting race of offenders

Figure 7: FY 1996 Incarceration Sentences by Ethnic Origin of Offenders



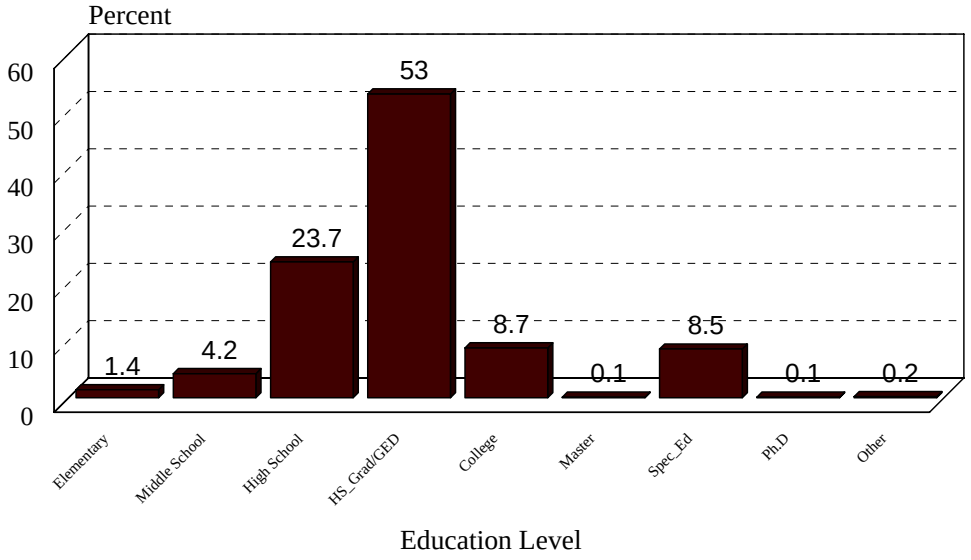
Based on 4,778 incarceration sentences reporting ethnic origin of offenders

Figure 8: FY 1996 Incarceration Sentences by Age of Offenders



Based on 4,826 incarceration sentences reporting age of offenders

Figure 9: FY 1996 Incarceration Sentences by Education Level of Offenders



Based on 4,604 incarceration sentences reporting education of offenders

Table 4: 1996 Incarceration Offender Characteristics by Type of Offense - 1

Offense Type	Number of Cases	Gender (%)		Race (%)			Average Age At Admission
		Male	Female	White	Black	Other	
Abuse of Child	16	87.5	12.5	68.8	31.2		30.1
Agg Arson	8	75.0	25.0	87.5	12.5		23.9
Agg Battery on LEO	16	87.5	12.5	50.0	43.8	6.3	29.6
Agg Criminal Sodomy w/Child	36	100.0		77.8	19.4	2.8	37.7
Agg Escape from Custody	119	89.1	10.9	67.2	31.9	0.8	29.3
Agg Failure to Appear	11	81.8	18.2	54.5	45.5		34.6
Agg False Impersonation	5	80.0	20.0	60.0	40.0		38.2
Agg Assault on LEO	26	96.2	3.8	65.4	30.8	3.8	33.8
Agg Assault	152	95.4	4.6	47.4	51.3	1.3	28.4
Agg Battery	223	92.4	7.6	58.7	40.8	0.4	30.3
Agg Burglary	79	94.9	5.1	50.6	46.8	2.5	30.9
Agg Robbery	186	97.8	2.2	39.8	58.1	2.2	29.3
Agg Incest	26	100.0		80.8	19.2		36.4
Agg Indecent Liberties w/Child	87	100.0		81.6	12.6	5.7	34.4
Agg Inter w/parental custody	2	100.0		100.0			39.5
Agg Indecent Solicit w/Child	27	100.0		74.1	18.5	7.4	30.3
Agg Kidnapping	20	100.0		70.0	30.0		35.4
Agg Sexual Battery	51	98.0	2.0	66.7	31.4	2.0	29.6
Agg Weapon	6	83.3	16.7		83.3	16.7	30.0
Aid Felon	8	87.5	12.5	62.5	37.5		22.5
Arson	32	90.6	9.4	90.6	9.4		32.4
Burglary	622	95.7	4.3	68.5	29.4	2.1	27.7
Capital Murder	1		100.0	100.0			45.0
Criminal Damage	42	97.6	2.4	71.4	21.4	7.1	25.5
Criminal Threat	70	95.7	4.3	81.4	15.7	2.8	30.7
Criminal Use Financial Card	6	50.0	50.0	50.0	50.0		30.3
Criminal Discharge of Firearm	10	90.0	10.0	70.0	30.0		22.7
Driving While a Habitual Viol	80	96.3	3.8	83.8	15.0	1.3	33.6
Drugs	1,305	84.0	16.0	54.2	44.4	1.4	40.0
Driving While Suspended	61	93.4	6.6	68.9	31.1		32.2
DUI	16	93.8	6.3	93.8		6.3	33.3
Forgery	288	67.0	33.0	60.8	36.1	3.1	31.5
False Writing	12	66.7	33.3	66.7	33.3		32.9
Indecent Liberties w/Child	61	98.4	1.6	83.6	16.4		34.0
Indecent Solicitation of Child	5	100.0		100.0			28.4
Involuntary Manslaughter	32	81.3	18.8	59.4	34.4	6.3	31.8
Kidnapping	34	94.1	5.9	52.9	44.1	2.9	29.4
Murder in the First Degree	51	96.1	3.9	56.9	39.2	3.9	27.8

Table 4: 1996 Incarceration Offender Characteristics by Type of Offense - 2

Offense Type	Number of Cases	Gender (%)		Race (%)			Average Age At Admission
		Male	Female	White	Black	Other	
Murder in the Second Degree	47	89.4	10.6	61.7	36.2	2.1	28.4
Nonsupport of Child or Spouse	17	100.0		58.8	35.3	5.9	37.8
Obstructing Legal Process	32	90.6	9.4	53.1	46.9		29.6
Possession of Firearm	30	96.7	3.3	60.0	33.3	6.7	28.2
Rape	69	100.0		68.1	30.4	1.4	35.7
Robbery	245	92.7	7.3	40.4	56.3	3.2	28.8
Stalking	2	100.0		100.0			40.0
Taxation	17	94.1	5.9	88.2	11.8		30.5
Theft	395	86.8	13.2	57.0	40.8	2.3	30.4
Traffic in Contraband	19	78.9	21.1	78.9	21.1		27.5
Voluntary Manslaughter	21	90.5	9.5	28.6	57.1	14.3	33.1
Weapons	4	100.0			75.0	25.0	29.0
Giving Worthless Checks	25	68.0	32.0	84.0	16.0		35.8
Other	72	86.1	13.9	75.0	22.2	2.8	30.7
TOTAL	**4,827**	**89**	**11**	**59.9**	**38.0**	**2.1**	**30.7**

Table 5: 1996 Incarceration Drug Offender Characteristics by Type of Offense

Offense Type	Number of Cases	Gender (%)		Race (%)			Average Age At Admission
		Male	Female	White	Black	Other	
Depress, stim, hall, etc.; sale, poss w/intent to sale	258	89.5	10.5	82.9	12.8	4.3	31.8
Depress, stim, hall; poss 2nd	82	91.5	8.5	92.7	6.1	1.2	31.6
Depress, stim, hall; sale w/in 1,000ft of school	9	88.9	11.1	77.8	11.1	11.1	33.3
Opiates or narcotics; intent to sale	6	100.0		66.6	16.7	16.7	34.5
Opiates or narcotics; poss 1	711	81.7	18.3	40.4	59.0	0.6	32.1
Opiates or narcotics; poss 2	30	73.3	26.7	23.3	76.7		34.6
Opiates or narcotics; poss 3	12	83.3	16.7	25.0	75.0		31.3
Opiates or narcotics; sale 1	174	83.9	16.1	55.2	44.8		31.2
Opiates or narcotics; sale 2	11	72.7	27.3	45.5	54.5		30.6
Opiates or narcotics; sale 3	4	50.0	50.0	75.0	25.0		37.5
Other	7	85.7	14.3	71.4	28.6		32.7
TOTAL	**1,304**	**84.0**	**16.0**	**54.2**	**44.4**	**1.4**	**32.0**

Types of Admission and Severity Levels

Table 6 indicates the distribution of FY 1996 incarceration offenders by types of admission to the Kansas Department of Corrections (KDOC). Probation violators, parole/post-release supervision violators, and conditional release violators represented over 55 percent of all offenders admitted to state prisons during FY 1996. This represents a percentage decrease of about 5% from that of FY 1995. New court commitments and violators with new sentences together contributed another 40% to the total admissions. Although violators do not have an associated length of stay equivalent to new court commitments, their volume alone is significant in the overall admissions.

Table 6: Distribution of FY 1996 Incarceration Sentences by Admission Type

Admission Type	Number of Cases	Percent
New Court Commitment	1,439	29.8
Probation Violator Without New Sentence	1,245	25.8
Probation Violator With New Sentence	252	5.2
Inmate Received on Interstate Compact	19	0.4
Parole/Post-release Violator Without New Sentence	1,364	28.3
Parole/Post-release Violator With New Sentence	265	5.5
Paroled to Detainer Returned with New Sentence	12	0.2
Conditional Release Violator Without New Sentence	83	1.7
Conditional Release Violator With New Sentence	20	0.4
Offender Returned to Prison in Lieu of Revocation	128	2.7
Total	**4,827**	**100.0**

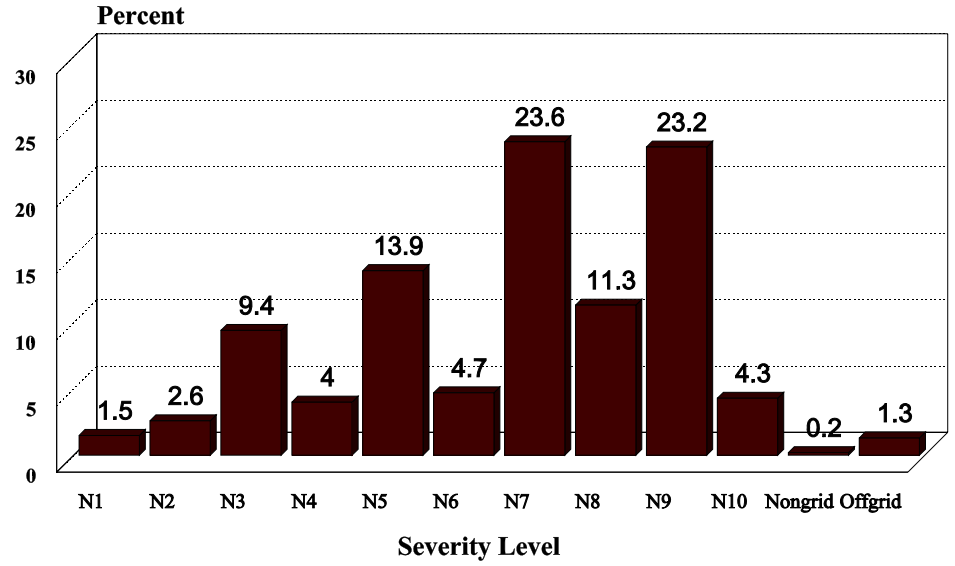
Table 7 indicates a distribution of all incarcerated offenders by severity level and gender. The highest percentage (over 23%) of all nondrug offenders was found in severity levels 7 and 9 (Figure 10) and over 60% of all drug offenders fell in drug severity level 3 (Figure 11). Females were convicted more often of drug offenses than of nondrug offenses. The highest percentages of female offenders were found in drug severity level 1 and nondrug severity level 8 (Table 7).

Table 7: Distribution of FY 1996 Incarceration Sentences by Severity Level and Gender*

Severity Level	Number of Cases	Gender(%)		Subtotal (%)
		Male	Female	
Drug				
1	16	75.0	25.0	1.2
2	77	81.8	18.2	5.9
3	801	84.8	15.2	61.4
4	410	83.2	16.8	31.4
Subtotal	**1,304**	**84.0**	**16.0**	**100.0**
Nondrug				
1	52	92.3	7.7	1.5
2	92	100.0	0.0	2.6
3	328	96.3	3.7	9.4
4	138	94.2	5.8	4.0
5	486	93.2	6.8	13.9
6	164	93.3	6.7	4.7
7	825	94.2	5.7	23.6
8	396	73.0	27.0	11.3
9	809	91.1	8.9	23.2
10	150	86.0	14.0	4.3
Nongrid	6	83.3	16.7	0.2
Offgrid	45	95.6	4.4	1.3
Subtotal	**3,491**	**90.9**	**9.1**	**100.0**
Total**	**4,827**	**89.0**	**11.0**	**100.0**

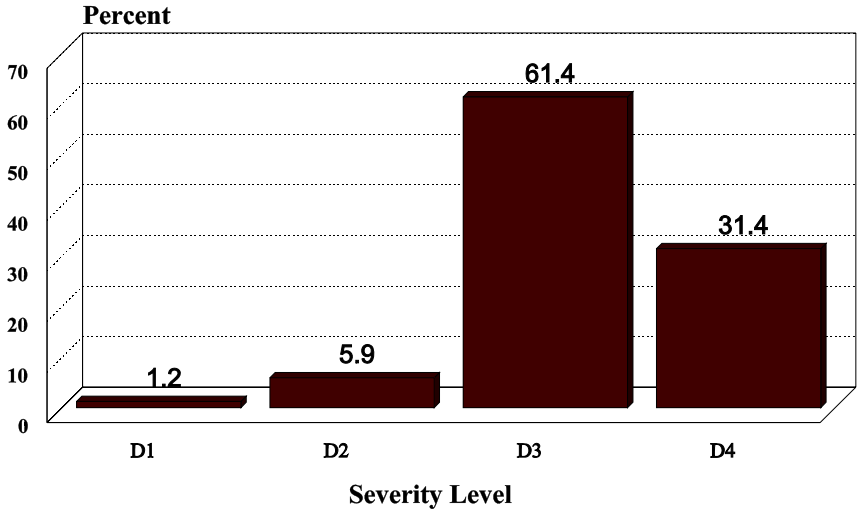
* Based on 1,304 drug offenders and 3,491 nondrug offenders.
** Total number include 32 offenders whose severity levels are unknown.

Figure 10: FY 1996 Incarceration Sentences Nondrug Offenders by Severity Level



Based on 3,491 nondrug offenders

Figure 11: FY 1996 Incarceration Sentences Drug Offenders by Severity Level



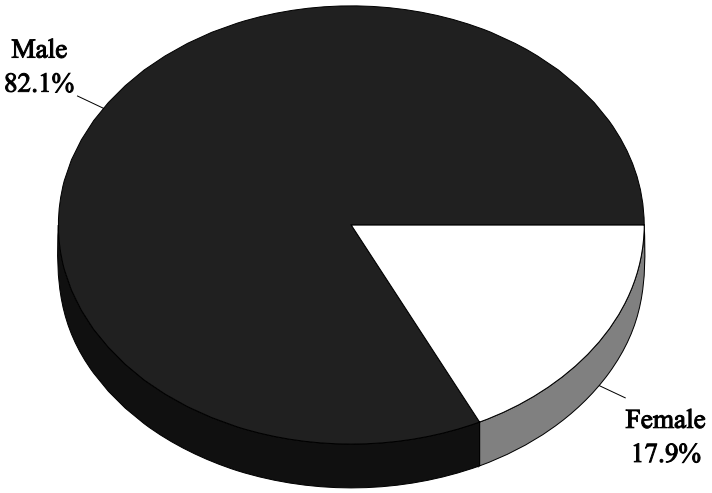
Based on 1,304 drug offenders

PROBATION SENTENCES

A total number of 6,021 probation sentences were received by the Kansas Sentencing Commission in fiscal year 1996, representing 1,250 drug sentences and 4,771 nondrug sentences. Of this number, there were 1,221 person offenses and 4,800 nonperson offenses. Characteristics of this group are illustrated in Figures 12 to 13. Males accounted for 82.1% and whites accounted for 72.5% of all probation sentences (Figures 12 and 13). The highest percentage of probation offenders were found to be in their 30's (Figure 14).

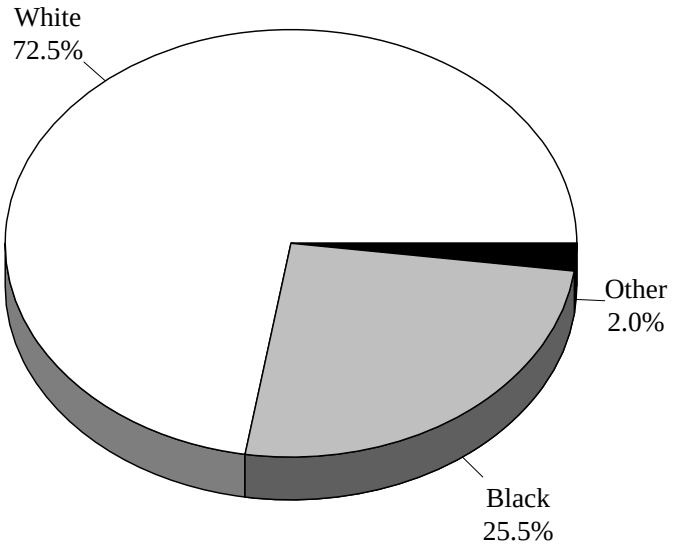
Figures 15 and 16 illustrate nondrug and drug probation sentences by severity levels. As expected, the largest number of probation sentences fell in nondrug grid level 9 (45.2% of all nondrug sentences) and drug severity level 4 (72.6% of all drug sentences).

Figure 12: Distribution of FY 1996 Probation Sentences by Gender



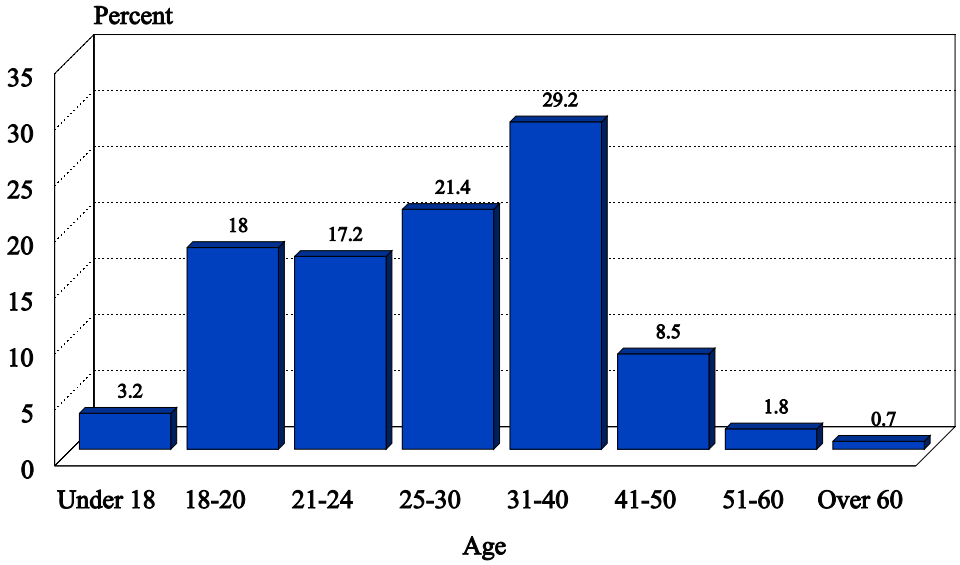
Based on 5,290 sentences reporting gender of offenders

Figure 13: Distribution of FY 1996 Probation Sentences by Race of Offenders



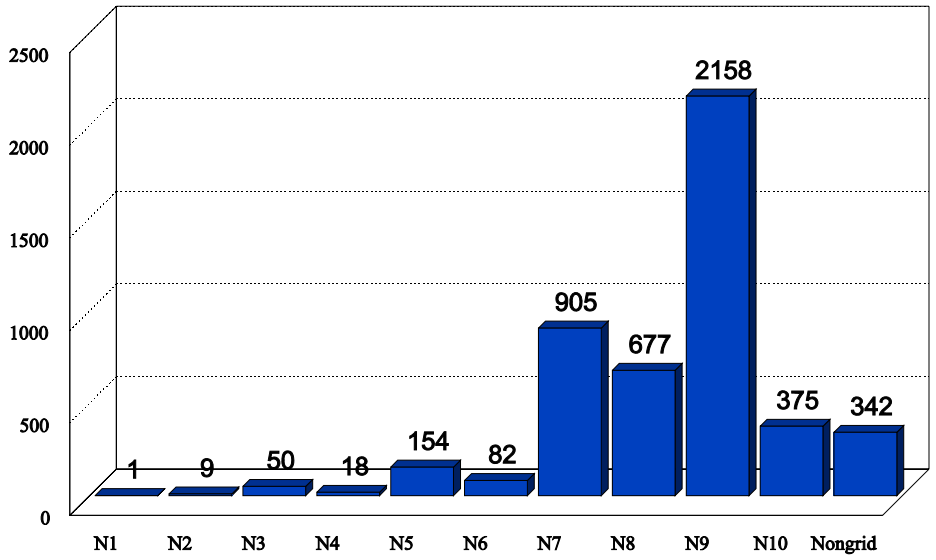
* Based on 4,805 sentences reporting race of offenders

Figure 14: Distribution of FY1996 Probation Sentences by Age of Offenders



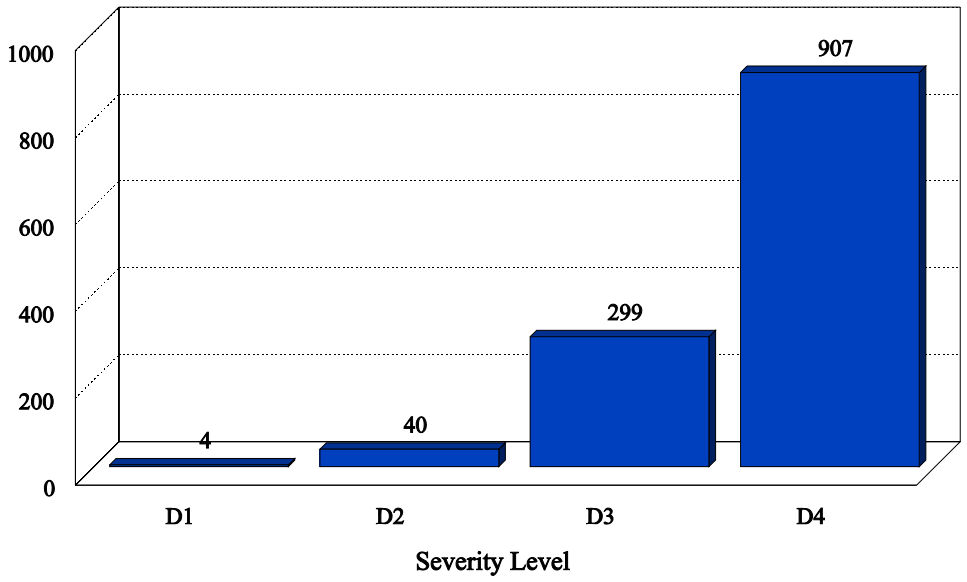
Based on 5,285 sentences reporting age of offenders

Figure 15: Distribution of FY 1996 Nondrug Probation Sentences by Severity Level



Based on 4,771 nondrug sentences

Figure 16: Distribution of FY 1996 Drug Probation Sentences by Severity Level



Based on 1,250 drug sentences

Type of Offense and Severity Level

Characteristics of probation offenders by offense type are exhibited in Tables 8 and 9. Among probation drug offenders, the highest number of sentences were for possession of drugs, which accounted for almost 60% of all drug offenses (Table 8). Burglary, theft, forgery, driving while a habitual violator, DUI, driving while suspended, aggravated battery, aggravated assault, criminal threat, criminal damage of property were found to be the top 10 offenses for nondrug probation offenders, which represented 79.1% of the total nondrug crimes.

Males accounted for over 90% of the following offenses: abuse of child, non-support of child, burglary, sex offenses, and driving violations. The highest percentages of female probation offenses (over 30%) included aggravated false impersonation, aggravated interference with parental custody, forgery, and financial crimes. Females were also found to represent the largest number in the offense category of attempted possession of drugs.

Whites accounted over 73% of all nondrug crimes and 67% of all drug offenses. Blacks had a higher conviction rate for drug offenses than nondrug crimes (31.7% versus 23.8%). The average age at the time of offense were 28.7 years old for nondrug probation offenders and 30.9 years old for drug offenders. Characteristics of probation offenders by severity level are presented in Tables 10 and 11.

Table 8: Characteristics of Probation Drug Offenders by Type of Offense

Offense Type	N	%	Gender (%)		Race (%)			Mean Age*
			Male	Female	White	Black	Other	
Attempt Possession of Drugs	107	8.6	68.4	31.6	68.8	31.2		29.1
Att Poss of Drugs w/Int to Sale	9	.7	77.8	22.2	88.9	11.1		30.0
Attempt to Sale Drugs	5	.4	100.0		100.0			27.4
Conspiracy of Poss of Drugs	12	1.0	91.7	8.3	81.8	18.2		33.3
Conspiracy of Selling Drugs	19	1.5	75.0	25.	68.8	25.0	6.3	28.4
Cultivation of Marijuana	11	.9	72.7	27.3	100.0			30.1
Poss w/Intent to Sale Drugs	203	16.2	72.3	27.7	82.4	16.4	1.2	27.2
Possession of Drugs - 1	497	39.8	78.4	21.6	63.6	34.8	1.6	26.0
Possession of Drugs - 2	214	17.1	75.0	25.0	50.0	50.0		29.2
Sale Drugs - 1	139	11.1	76.7	23.3	72.4	26.7	1.0	26.4
Sale Drugs w/1,000ft of School	22	1.8	70.0	30.0	68.4	31.6		32.1
Other	12	1.0	72.7	27.3	80.0	20.0		23.6
Total	**1,250**	**100.0**	**75.7**	**24.3**	**67.3**	**31.7**	**1.0**	**30.9**

Note: Due to missing data, each category is based on different numbers: Gender, N=1,110; Race, N=1,010; and Age, N=1,107.
* Average age at time of offense.

Table 9: Characteristics of Probation Nondrug Offenders by Type of Offense -1

Offense Type	N	%	Gender (%)		Race (%)			Mean Age*
			Male	Female	White	Black	Other	
Abuse of Child	16	.3	92.9	7.1	53.8	46.2		28.3
Agg Arson	4	.1	50.0	50.0	50.0	50.0		32.0
Agg Battery on LEO	10	.2	80.0	20.0	70.0	30.0		30.4
Agg Escape from Custody	33	.7	80.6	19.4	64.0	36.0		26.7
Agg Fail to Appeal	22	.5	77.8	22.2	52.9	47.1		29.5
Agg False Impersonation	8	.2	62.5	37.5	57.1	42.9		31.9
Agg Assault on LEO	13	.3	90.9	9.1	81.8	18.2		36.1
Agg Assault	152	3.2	85.2	14.8	62.6	29.3	8.2	30.4
Agg Battery	241	5.1	84.9	15.1	64.5	33.5	2.0	28.4
Agg Burglary	31	.6	89.7	10.3	63.0	37.0		26.6
Agg Robbery	27	.6	84.0	16.0	58.3	37.5	4.2	20.1
Agg Incest	3	.1	100.0		100.0			54.7
Agg Ind Lib with a Child	63	1.3	94.9	5.1	71.4	26.8	1.8	31.8
Agg Int w/Parent Custody	8	.2	42.9	57.1	85.7	14.3		35.6
Agg Ind Solicit with a Child	31	.6	82.8	17.2	89.3	10.7		34.4
Agg Sex Battery	26	.5	100.0		63.6	31.8	4.5	27.2
Agg Weapon	7	.1	100.0		50.0	50.0		30.9
Aid a Felon	17	.4	80.0	20.0	69.2	30.8		26.6
Arson	23	.5	83.3	16.7	88.2	11.8		31.9
Burglary	804	16.9	93.9	6.1	80.0	16.9	3.0	23.7
Contribute Child Miscond	12	.3	81.8	18.2	100.0			25.5
Crim Damage of Property	121	2.5	87.9	12.1	80.2	16.7	3.1	25.9
Criminal Threat	130	2.7	87.5	12.5	79.6	20.4		30.0
Crim Use of Financial Card	35	.7	52.9	47.1	51.5	45.5	3.0	27.8
Depre of Property	24	.5	80.0	20.0	65.0	35.0		25.6
Discharge of Firearms	14	.3	84.6	15.4	41.7	58.3		23.4
Driving while Hab Violator	451	9.5	91.7	8.3	82.4	16.8	0.9	31.0
Drugs (Nondrug Grid)	16	.3	50.0	50.0	100.0			27.8
Driving w/ Suspended-Third	278	5.8	92.6	7.4	70.4	26.1	3.4	30.3
DUI	447	9.4	89.7	10.3	90.7	7.7	1.5	35.8
Forgery	493	10.3	54.7	45.3	69.4	28.8	1.4	28.9
False Writing	35	.7	74.1	25.9	79.2	20.8		30.6
Ind Liberties with a Child	30	.6	96.2	3.8	100.0			36.5
Ind Solicitation with a Child	22	.5	88.2	11.8	68.8	18.8	12.5	31.7

Table 9: Characteristics of Probation Nondrug Offenders by Type of Offense - 2

Offense Type	N	%	Gender (%)		Race (%)			Mean Age*
			Male	Female	White	Black	Other	
Involuntary Manslaughter	9	.2	87.5	12.5	71.4	28.6		26.6
Murder in the First Degree	4	.1	75.0	25.0	50.0	50.0		32.0
Non-Support of a Child	21	.4	100.0		88.2	5.9	5.9	34.6
Obstruct Legal Process	42	.9	81.1	18.9	50.0	47.1	2.9	31.1
Possession of Firearms	59	1.2	100.0		55.1	40.8	4.0	25.1
Rape	16	.3	93.8	6.3	60.0	40.0		34.1
Robbery	86	1.8	87.5	12.5	43.0	55.7	1.3	23.3
Stalking	16	.3	100.0		77.8	22.2		28.7
Taxation	57	1.2	86.3	13.7	89.6	10.6		30.2
Theft	656	13.7	79.5	20.5	68.2	28.9	3.0	27.4
Traffic Contraband	15	.3	76.9	23.1	100.0			24.9
Weapon	10	.2	90.0	10.0	44.4	55.6		22.1
Worthless Check	62	1.3	67.9	32.1	73.1	26.9		33.5
Other	71	1.5	65.5	34.5	81.5	18.5		31.0
Total	**4,771**	**100.0**	**83.8**	**16.2**	**73.9**	**23.8**	**2.3**	**28.7**

Note: Due to missing data, each category is based on different numbers: Gender, N=4,180; Race, N=3,795; and Age, N=4,178.
* Average age at time of offense.

Table 10: Characteristics of Probation Drug Offenders by Severity Level

Severity Level	N	%	Gender (%)		Race (%)			Mean Age*
			Male	Female	White	Black	Other	
D1	4	.3	100.0		50.0	50.0		31.0
D2	40	3.2	74.4	25.6	70.3	29.7		31.0
D3	299	23.9	79.3	20.7	73.3	24.7	2.0	27.1
D4	907	72.6	74.4	25.6	65.3	34.0	0.7	27.2
Total	**1,250**	**100.0**	**75.7**	**24.3**	**67.3**	**31.7**	**1.0**	**30.9**

Note: Due to missing data, each category is based on different numbers: Gender, N=1,110; Race, N=1,010; and Age, N=1,107.
* Average age at time of offense.

Table 11: Characteristics of Probation Nondrug Offenders by Severity Level

Severity Level	N	%	Gender (%)		Race (%)			Mean Age*
			Male	Female	White	Black	Other	
N1	1	.0	100.0		100.0			55.0
N2	9	.2	77.8	22.2	62.5	37.5		33.0
N3	50	1.0	91.1	8.9	72.7	22.7	2.3	25.2
N4	18	.4	82.4	17.6	47.1	52.9		29.6
N5	154	3.2	89.5	10.5	66.7	32.8	0.8	25.4
N6	82	1.7	84.2	15.8	81.7	18.3		27.3
N7	905	19.0	89.2	10.8	72.6	24.2	3.1	23.9
N8	677	14.2	66.6	33.4	69.7	28.5	1.8	25.3
N9	2,158	45.2	86.9	13.1	75.5	22.1	2.4	25.0
N10	375	7.9	75.0	25.0	67.8	30.4	1.7	24.6
Nongrid	342	7.2	89.1	10.9	86.9	11.6	1.6	28.3
Total	**4771**	**100.0**	**83.8**	**16.2**	**73.9**	**23.8**	**2.3**	**28.7**

Note: Due to missing data, each category is based on different numbers: Gender, N=4,180; Race, N=3,795; and Age, N=4,178.
* Average age at time of offense.

Criminal History and Length of Probation

The data indicates that 5,828 probation sentences with assigned criminal history categories were reported in FY 1996, representing 96.8% of all probation sentences. The largest number of this group (over 36%, N=2,205) fell within criminal history category I.

Drug offenders were found to account for a little over 50% of criminal history I category, while nondrug offenders accounted for 33.1% of offenders in criminal history category I. Nearly 47% of probation drug offenders were sentenced within presumptive probation boxes (Table 12), while 82.6% of nondrug offenders fell within the presumptive probation boxes (Table 13). These numbers would indicate the use of some dispositional departures to obtain a probation sentence. Two point seven percent (2.7%) of nondrug offenders were found to be in severity level 5 criminal history categories H and I and severity level 6 criminal history category G, which are considered as border boxes on the nondrug grid (Table 13).

Lengths of probations by severity levels are exhibited also in Tables 12 and 13. The average length of sentence for drug offenders was 26.2 months, while the average length of sentence for nondrug offenders was 24.5 months.

Table 12: Criminal History and Probation Length by Severity Level - Drug Offenders

Severity Level	N	Criminal History Class									Probation Length Month
		A	B	C	D	E	F	G	H	I	
D1	4				1				2	1	33.0
D2	40		1		1	7	5	10	8	8	32.8
D3	299	1	4	7	3	11	20	28	46	172	31.4
D4	907	7	16	26	29	29	38	155	141	447	21.1
Total	**1,250**	**8**	**21**	**33**	**34**	**47**	**63**	**193**	**197**	**628**	**26.2**

Note: Criminal history classes are based on 1,224 cases reporting criminal history category.

Table 13: Criminal History and Probation Length by Severity Level - Nondrug Offenders

Severity Level	N	Criminal History Class									Probation Length Month
		A	B	C	D	E	F	G	H	I	
N1	1									1	24.0
N2	9			1	1		1	2		4	36.0
N3	50	2		1	3	4	1	4	1	33	42.6
N4	18			2	1		1	3	3	7	31.8
N5	154	1	4	9	5	1	2	12	21	99	34.8
N6	82			4	7	1	3	8	11	48	26.2
N7	905	7	18	82	64	98	81	118	114	320	25.0
N8	677	3	18	55	42	103	54	107	94	199	24.4
N9	2,158	19	28	196	109	232	186	310	365	649	23.8
N10	375		5	30	25	47	27	59	47	130	24.0
Nongrid	342	3	7	8	13	17	22	39	53	87	19.4
Total	**4,771**	**35**	**80**	**388**	**270**	**503**	**378**	**662**	**709**	**1,577**	**24.5**

Note: Criminal history classes are based on 4,602 cases reporting criminal history category.

VIOLATORS

Violators are defined in two ways. Offenders who commited an offense for which they received a new sentence are defined to as "violators with new sentences". Offenders who have their current probation sentence, parole, post-release, revoked because of a violation of the conditions of their sentence but are not sentenced for a new offense are defined to as "conditional violators". This section presents an analysis of both types of violators.

Conditional Violators

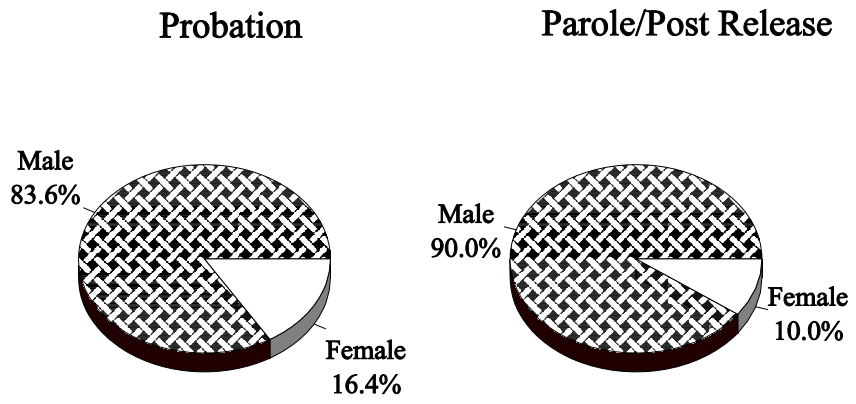
Violators in this section include offenders classified as probation, parole/post-release supervision, and conditional release condition violators. For the purpose of this report, the term "conditional violator" is defined as an offender who violates the conditions of his/her probation, parole, post-release or conditional release that does not result in a conviction for a new criminal offense but results in a revocation and subsequent placement of the offender in a state correctional facility. From the data available, it is not possible to indicate the number or nature of the violations nor the number of new charges without convictions that contribute to the revocation of an offender's probation, parole, post-release supervision or conditional release.

In FY 1996, a total number of 2,692 conditional violators represent 1,245 probation violators, 1,364 parole/post-release supervision violators, and 83 conditional release violators, respectively. As mentioned in the previous section, conditional violators together accounted for 55% of all FY 1996 admissions. Characteristics of all violators by gender, race, and age are shown in Figures 17, 18, and 19.

White males attributed the highest percentages (Figures 17 and 18) of all three types of violators, with conditional release violators being all males. The largest proportions of all three violators were found in their 30's at the time of admission to prison (Figure 19).

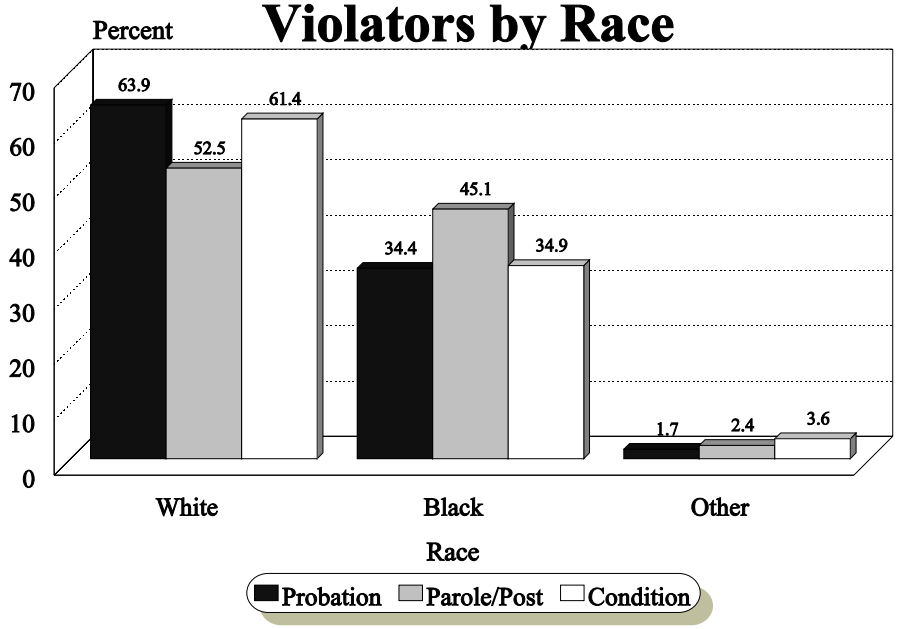
Characteristics of all violators by severity level are presented in Figures 20 and 21. The highest percentages of the three types of violators fell in drug severity level 3 (Figure 20). The largest proportion of probation violators was found in nondrug severity level 9, while the highest percentage of parole/post-release supervision violators fell in nondrug severity level 7, and conditional release violators accounted for the highest in their nondrug severity level 5 (Figure 21).

Figure 17: Distribution of Conditional Violators By Gender



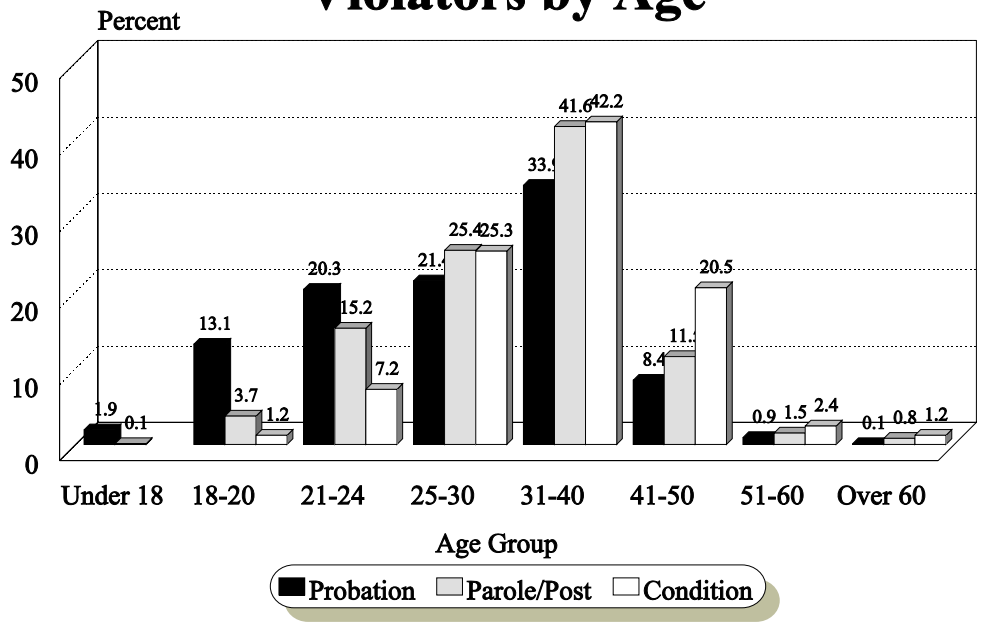
Note: Probation violators, N=1,245 and parole/post-release violators, N=1,364.

Figure 18: Distribution of Conditional Violators by Race



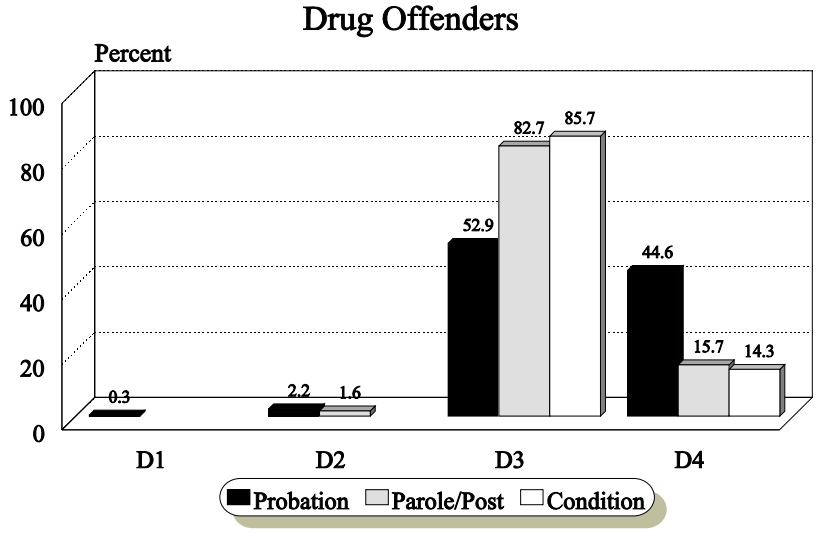
Note: Probation violators, N=1,245; parole/post-release violators, N=1,364; and conditional violators, N=83.

Figure 19: Distribution of Conditional Violators by Age



Note: Probation violators, N=1,245; parole/post-release violators, N=1,364; and conditional violators, N=83.

Figure 20: Distribution of Conditional Violators by Severity Level



Note: Probation Violators, N=359; Parole/Post-Release Violators, N=312; and Conditional Release Violators, N=14.

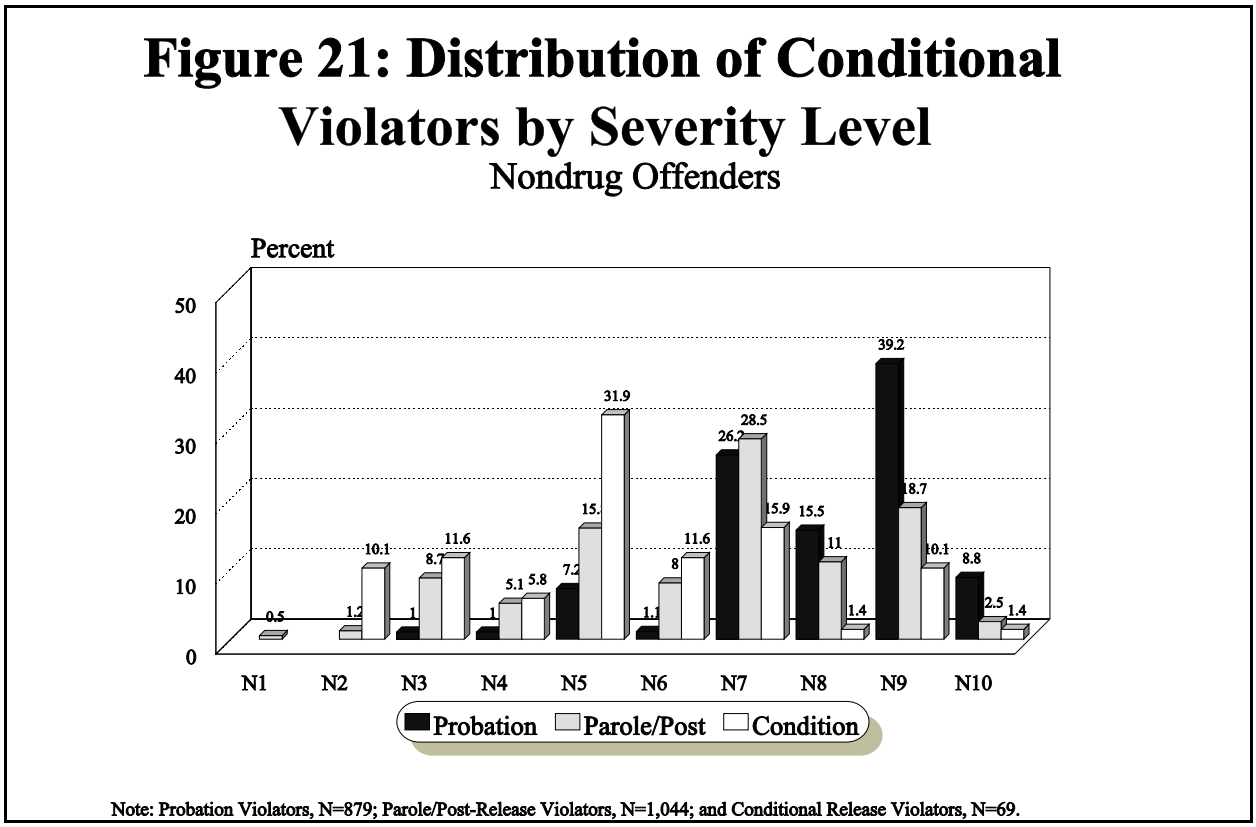


Table 14 indicates the characteristics of all conditional violators by severity level, race, and gender. The highest frequencies for males were found in nondrug severity level 7 and drug severity level 3. However, the largest numbers of females fell in nondrug severity level 8 and drug level 3. Whites represented the highest numbers in nondrug level 9, while blacks indicated the highest frequency in nondrug level 7. Drug level 3 accounted for the largest number of violators for both whites and blacks (Table 14).

Table 14: Characteristics of Overall Violators by Severity Level, Race, and Gender

Severity Level	Number of Cases	Race			Gender		Average Age at Admission
		White	Black	Other	Male	Female	
D1	1		1			1	40.0
D2	13	4	9		10	3	36.2
D3	460	226	224	10	386	74	32.1
D4	211	111	99	1	166	45	31.6
N1	5	5			5		52.2
N2	20	8	11	1	20		38.7
N3	108	47	57	4	104	4	35.5
N4	66	31	35		62	4	33.5
N5	250	129	114	7	231	19	30.9
N6	101	71	30		93	8	31.8
N7	539	344	186	9	502	37	29.4
N8	252	156	87	9	174	78	30.6
N9	547	357	178	12	497	50	29.1
N10	104	65	36	3	88	16	31.9
OFF	1			1	1		40.0
NON	2	2			2		28.0
UNK	12	7	5		11	1	28.8
Total	**2,692**	**1,563**	**1,072**	**57**	**2,352**	**340**	**30.9**

Conditional Probation Violators

During FY 1996, there were 1,245 conditional probation violators admitted to the custody of KDOC. Of this number, 816 were guideline sentences, 112 were pre-guideline sentences, 4 cases contained a combination of guideline and pre-guideline sentences, and 313 cases were missing either their guideline indicators or projected guideline release dates, making the designation to a specific group unclear. Characteristics of probation violators by the top 10 most serious committing offenses are shown in Tables 15 and 16.

Aggravated assault, aggravated battery, burglary, criminal damage to property, criminal threat, driving while a habitual violator, driving while suspended, forgery, robbery, and theft were the top 10 most frequent committing offenses for nondrug probation violators, which accounted for 80.1% of all nondrug offenses. Possession of opiates or narcotics and depressants, stimulants, hallucingenics, etc. (sale/possession with intent to sell) were the most frequent offense types for probation violators on the drug grid. Burglary, theft, and forgery were sentencing offenses for which there was a significant number of probation violators. The average length of time for nondrug probation violators from the age of offense to the age of admission to prison was 1.7 years, while the average length of time for drug violators was 2.1 years. Distributions of probation violators by severity level and criminal history are exhibited in Table 17.

Table 15: Top 10 Most Serious Committing Offenses of Probation Nondrug Violators

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean*	Admit Age Mean**
		Male	Female	White	Black	Other		
Aggravated assault	42	90.5	9.5	47.6	50.0	2.4	25.7	26.9
Agg battery	35	88.6	11.4	74.3	22.9	2.9	24.8	26.4
Burglary	216	93.1	6.9	71.8	26.4	1.8	24.2	25.8
Criminal damage of properties	24	100.0		79.2	16.7	4.2	24.7	26.4
Criminal threat	34	94.1	5.9	82.4	14.7	2.9	28.4	29.2
Driving while a habitual violator	40	97.5	2.5	85.0	12.5	2.5	32.0	33.6
Driving while suspended	26	92.3	7.7	76.9	23.1		30.4	31.9
Forgery	115	63.5	36.5	63.5	33.9	2.6	28.4	30.2
Robbery	42	83.3	16.7	42.9	54.8	2.4	23.9	25.2
Theft	136	83.1	16.9	55.1	42.6	2.2	26.4	28.3
Other	176	88.1	11.9	72.7	26.1	1.1	28.3	30.4
TOTAL	**886**	**86.3**	**13.7**	**67.3**	**30.7**	**2.0**	**26.7**	**28.4**

* Average age at time of offense.
** Average age at time admitted to prison.

Table 16: Characteristics of Drug Probation Violators by Type of Offense

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean*	Admit Age Mean**
		Male	Female	White	Black	Other		
Depress, stim, hall, etc.; sale, poss w/intent to sale	58	89.7	10.3	81.0	15.5	3.4	25.1	27.7
Depress, stim, hall; poss 2nd	31	87.1	12.9	90.3	9.7		30.5	32.0
Opiates or narcotics; poss 1	250	73.6	26.4	45.6	54.0	0.4	30.3	32.4
Opiates or narcotics; poss 2	5	80.0	20.0	20.0	80.0		33.8	35.4
Opiates or narcotics; sale 1	9	66.7	33.3	55.6	44.4		27.7	28.3
Opiates or narcotics; sale 2	2	50.0	50.0	100.0			21.8	23.5
Opiates or narcotics; sale 3	1		100.0	100.0			37.8	40.0
Other	3	66.7	33.3	100.0			29.8	33.7
TOTAL	**359**	**76.9**	**23.1**	**55.7**	**43.5**	**0.9**	**29.4**	**31.5**

* Average age at time of offense.
** Average age at time admitted to prison.

Table 17: Distribution of Probation Violators by Severity Level And Criminal History*

Severity Level	Criminal History									Total
	A	B	C	D	E	F	G	H	I	
D1					1					1
D2						1	1	3	1	6
D3	1	1	4	1	2	3	3	5	13	33
D4	2	1	3	12	6	7	24	37	61	153
N3							1		3	4
N4						1				1
N5			1	2	2	1	2	8	13	29
N6			1		1			2	3	7
N7	3	3	20	16	20	17	30	18	34	161
N8	1	1	10	7	15	11	13	13	19	90
N9	1	6	31	22	27	18	40	48	54	247
N10	1	2	5	2	5	4	8	11	17	55
Total	**9**	**14**	**75**	**62**	**79**	**63**	**122**	**145**	**218**	**787**

* Due to missing data, criminal history categories are based on 787 probation violators reporting criminal history.

Conditional Parole/Post-Release Supervision Violators

Parole/post-release supervision conditional violators attributed the second largest FY 1996 admissions. They totaled 1,364 and accounted for 28.3% of the total admissions. Characteristics of this offender group are illustrated in Tables 18 and 19. The top 10 most serious committing offenses of nondrug parole/post-release violators were found in the offenses of aggravated assault, aggravated battery, aggravated burglary, aggravated robbery, aggravated sexual battery, arson, burglary, forgery, robbery, and theft, which accounted for 73.8% of their total offenses. Over 90% of this group were found to be males. Females represented the highest percentage (over 35%) for the crime of forgery. The highest percentages of whites were found in the offense categories of sex crimes, arson, and burglary, while blacks indicated the highest representation in aggravated burglary, aggravated robbery, and robbery (Table 18). Parole/post-release drug violators had been convicted primarily for possession of opiates or narcotics (Table 19).

Distribution of parole/post-release supervision violators by severity level and criminal history is shown in Table 20.

Table 18: Top 10 Most Serious Committing Offenses of Parole/Post-Release Supervision Nondrug Violators

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean*	Admit Age Mean**
		Male	Female	White	Black	Other		
Aggravated assault	51	94.1	5.9	47.1	52.9		26.7	**32.1**
Agg battery	66	92.4	7.6	53.0	47.0		27.6	**34.0**
Aggravated burglary	29	100.0		31.0	65.5	3.5	25.7	**33.9**
Aggravated robbery	75	96.0	4.0	34.7	65.3		24.5	**36.0**
Agg sexual battery	17	94.1	5.9	70.6	29.4		23.3	**28.8**
Arson	19	94.7	5.3	89.5	10.5		26.4	**32.9**
Burglary	195	96.9	3.1	63.1	34.9	2.0	24.2	**29.3**
Forgery	84	64.3	35.7	56.0	40.5	3.6	29.1	**33.2**
Robbery	99	96.0	4.0	34.3	62.6	3.0	23.2	**30.1**
Theft	141	87.9	12.1	58.2	39.7	2.1	25.9	**32.5**
Other	276	90.6	9.4	63.0	33.0	4.0	26.9	**32.4**
TOTAL	**1052**	**90.9**	**9.1**	**55.4**	**42.2**	**2.4**	**25.8**	**32.0**

* Average age at time of offense.
** Average age at time admitted to prison.

Table 19: Characteristics of Parole/Post-Release Drug Violators by Type of Offense

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean*	Admit Age Mean**
		Male	Female	White	Black	Other		
Depress, stim, hall, etc.; sale, poss w/intent to sale	73	91.8	8.2	74.0	17.8	8.2	27.6	33.6
Depress, stim, hall; poss 2nd	14	100.0		92.9		7.1	25.1	30.1
Opiates or narcotics; poss 1	211	84.8	15.2	29.9	69.7	0.5	27.9	32.0
Opiates or narcotics; poss 2	4	75.0	25.0		100.0		37.4	44.8
Opiates or narcotics; sale 1	7	85.7	14.3	28.6	71.4		28.8	30.4
Opiates or narcotics; sale 2	1	100.0			100.0		33.9	35.0
Other	2	100.0		50.0	50.0		27.2	31.0
TOTAL	**312**	**87.2**	**12.8**	**42.6**	**54.8**	**2.6**	**27.8**	**32.4**

* Average age at time of offense.
** Average age at time admitted to prison.

Table 20: Distribution of Parole/Post-Release Supervision Violators by Severity Level And Criminal History*

Severity Level	Criminal History									Total
	A	B	C	D	E	F	G	H	I	
D2					1					1
D3		2			1		3	3	5	14
D4	2	2		1	9	4	11	6	4	39
N3									1	1
N5						1			4	5
N6				1				2		3
N7		1	1	1	3	4	6	3	8	27
N8	2		3	4	10	3	9	3	6	40
N9	7	11	16	7	14	3	11	7	13	89
N10	1	3	1	1		2	5	2	1	16
Total	**12**	**19**	**21**	**15**	**38**	**17**	**45**	**26**	**42**	**235**

* Due to missing data, criminal history categories are based on 235 violators reporting criminal history.

Conditional Release Violators

Tables 21 and 22 illustrate the characteristics of conditional release violators. Conditional release violators were all males. In examining their offenses, we found the highest percentage of this group were sex offenders, which attributed to over 36% of all nondrug offenders. Drug offenders represented only 16% of this specific population (n=83). All conditional release violators had missing criminal history categories since they are governed by pre-guideline sentences.

Table 21: Top 10 Most Serious Committing Offenses of Conditional Release Violators Nondrug Offenders

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean*	Admit Age Mean**
		Male	Female	White	Black	Other		
Aggravated escape from custody	5	100.0		60.0	40.0		34.0	39.0
Aggravated assault	6	100.0		50.0	50.0		22.6	27.0
Agg battery	3	100.0			100.0		27.6	38.7
Aggravated burglary	3	100.0		33.3	33.3	33.3	29.1	35.7
Aggravated robbery	3	100.0		66.7	33.3		22.8	37.0
Aggravated incest	6	100.0		66.7	33.3		32.0	38.0
Agg sexual battery on child	3	100.0		100.0			25.2	32.0
Burglary	4	100.0		75.0	25.0		25.0	31.5
Indecent liberties w/child	11	100.0		72.7	27.3		31.1	38.9
Rape	5	100.0		80.0	20.0		24.6	43.2
Other	20	100.0		60.0	30.0	10.0	26.2	32.7
TOTAL	**69**	**100.0**		**62.3**	**33.3**	**4.3**	**27.5**	**35.3**

* Average age at time of offense.
** Average age at time admitted to prison.

Table 22: Characteristics of Conditional Release Violators by Type of Offense Drug Offenders

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean*	Admit Age Mean**
		Male	Female	White	Black	Other		
Depress, stim, hall, etc.; sale, poss w/intent to sale	5	100.0		60.0	40.0		33.0	38.6
Depress, stim, hall; poss 2nd	2	100.0		100.0			39.6	42.5
Opiates or narcotics; poss 1	7	100.0		42.9	57.1		25.4	31.3
TOTAL	**14**	**100.0**		**57.1**	**42.9**		**30.1**	**35.5**

* Average age at time of offense.
** Average age at time admitted to prison.

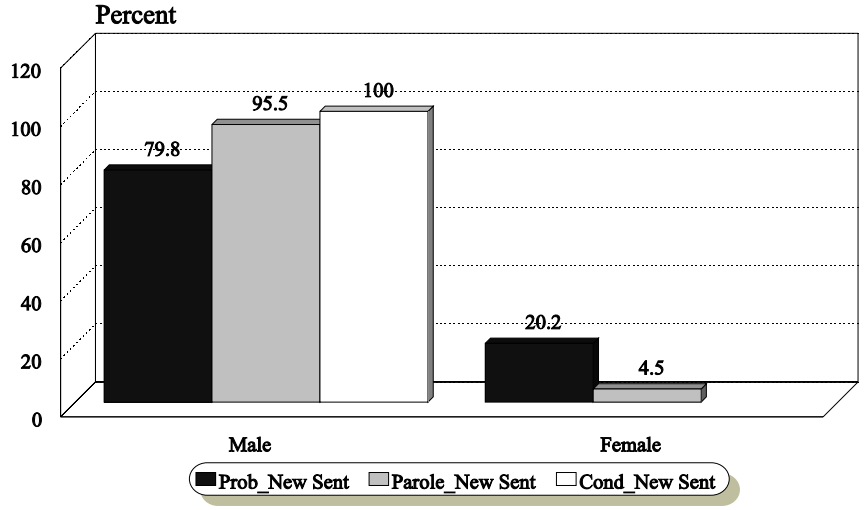
VIOLATORS WITH NEW SENTENCES

Violators with new sentences include probation, parole/post-release, and conditional release violators convicted of an offense for which they received a new sentence. This group represented 11.1 % of the total prison admission during FY 1996. Characteristics of this group are presented in Figures 22 to 24.

White males are the predominant group of this population (Figures 22 and 23). The highest percentage of parole/post-release and conditional release violators with new sentences were found to be in the age group between 31 to 41 years old compared with probation violators with new sentences, who were found to be in their 20's (Figure 24).

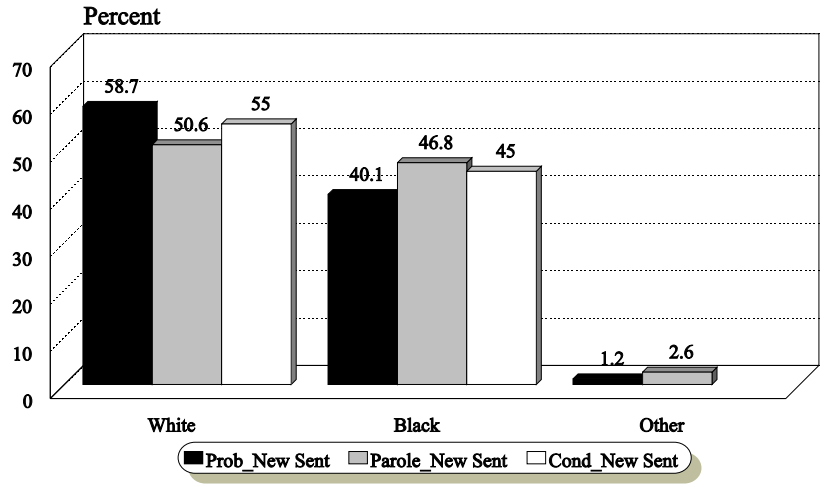
Drugs (30.6%), burglary (17.5%), and aggravated escape from custody (7.9%) were the major committing offense categories for probation violators. Drugs (18.9%), burglary (18.9%), and theft (9.4%) represented the major committing offenses for parole/post-release violators. The predominant committing offense for conditional release violators was burglary (20%). Table 23 illustrates the distribution of the above offenders by severity levels.

Figure 22: Distribution of Violators With New Sentences By Gender



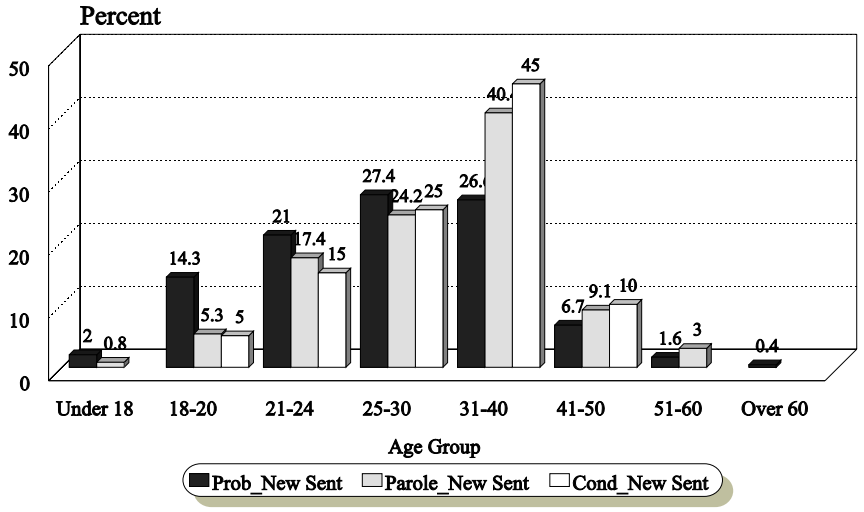
Note: Probation violator with new sentence =252, parole/post release violators with new sentences = 265, and conditional release violators with new sentences = 20.

Figure 23: Distribution of Violators With New Sentences By Race



Note: Probation violator with new sentence =252, parole/post release violators with new sentences = 265, and conditional release violators with new sentences = 20.

Figure 24: Distribution of Violators With New Sentences By Age



Note: Probation violator with new sentence =252, parole/post release violators with new sentences = 265, and conditional release violators with new sentences = 20.

Table 23: Distribution of FY 1996 Violators with New Sentences by Severity Level

Severity Level	Probation		Parole/Post-Release		Conditional Release	
	N	%	N	%	N	%
D1	1	0.4	3	1.1	0	0
D2	15	6.0	7	2.6	0	0
D3	35	13.9	14	5.3	0	0
D4	26	10.3	26	9.8	2	10.0
N1	5	2.0	3	1.1	1	5.0
N2	2	0.8	2	0.8	0	0
N3	14	5.6	13	4.9	1	5.0
N4	5	2.0	2	0.8	0	0
N5	21	8.3	25	9.4	2	10.0
N6	11	4.4	18	6.8	2	10.0
N7	55	21.8	50	18.9	3	15.0
N8	31	12.3	18	6.8	2	10.0
N9	28	11.1	66	24.9	3	15.0
N10	1	0.4	10	3.8	1	5.0
Offgrid	1	0.4	1	0.4	1	5.0
Nongrid	1	0.4	1	0.4	1	5.0
Unknown	0	0	6	2.3	1	5.0
Total	**252**	**100.0**	**265**	**100.0**	**20**	**100.0**

CONFORMITY TO THE SENTENCING GUIDELINES

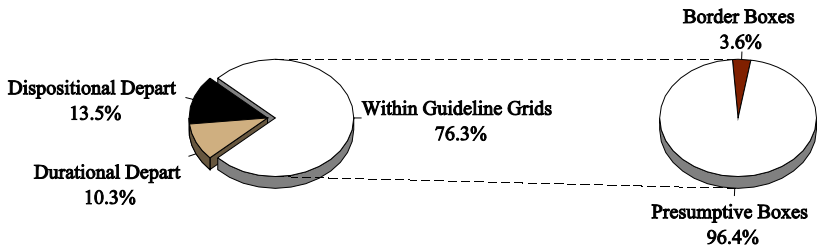
Conformity to the sentencing guidelines refers to presumptive prison and probation sentences imposed under the sentencing guidelines for offenders sentenced during FY 1996. A sentence is considered to conform to the guidelines if it falls within the range of sentence lengths in a guideline grid box for a specific designated severity level and criminal history category. A sentence which falls at the mid-point of a relative grid box is regarded as standard. A sentence which falls at either the upper end or lower end of the relative grid box is considered as an aggravated or mitigated sentence, respectively. All other sentence lengths imposed are considered to be a departure from the guidelines unless the grid box is a designated border box. A sentence length above the aggravated level is defined as "departure upward" and a sentence length less than the mitigated level is defined as "departure downward".

Departures from the guidelines can be further categorized into two types: dispositional departures and durational departures. A dispositional departure occurs when the guidelines recommend a period of incarceration or probation but the reverse type of sentence is imposed. For example, the grid box indicates a period of incarceration, but a probation sentence is imposed. Sentences imposed in the "border boxes" are not considered as departures. A durational departure occurs when a sentence is pronounced but the imposed length of incarceration is either greater or less than the number of months designated by the guidelines. Only pure guideline sentences were used for this analysis. A pure guideline sentence is defined as a guideline sentence that is not imposed to run concurrent or consecutive with a "pre-guideline" sentence and to which a criminal history category was present in the database.

Overall Conformity Rates

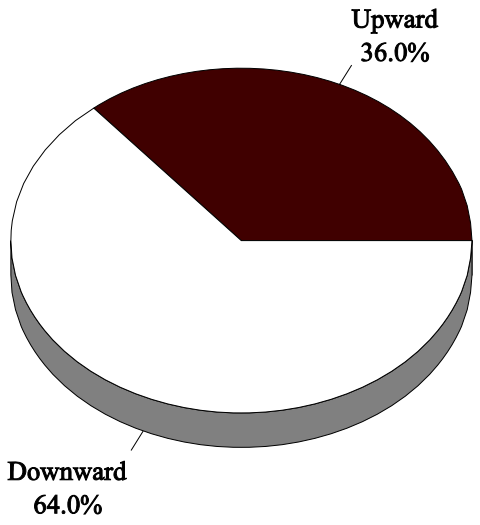
In FY 1996, there were 7,920 pure guidelines sentences, including 2,334 incarceration guideline sentences and 5,586 probation sentences. Figure 25 demonstrates that 76.3% (6,039 sentences) of the 7,920 guideline sentences fell within the presumptive guideline grids, 10.2% (815 sentences) indicated durational departures, and 13.5% (1,066 sentences) were dispositional departures. Of all the sentences within the presumptive guideline grids, 5,821 sentences (96.4%) fell within either the presumptive prison boxes or presumptive probation boxes, while 218 sentences (3.6%) fell within the border boxes. Figure 26 indicates that 64% (682 sentences) of the 1,066 dispositional departure sentences were downward dispositional departures and 36% (384 sentences) were upward despositional departures. Durational departure sentences were only applied to presumptive prison sentences.

Figure 25: Distribution of 1996 Overall Guideline Sentences



Based on 2,334 incarceration and 5,586 probation sentences, N=7,920.

Figure 26: Distribution of Dispositional Departure

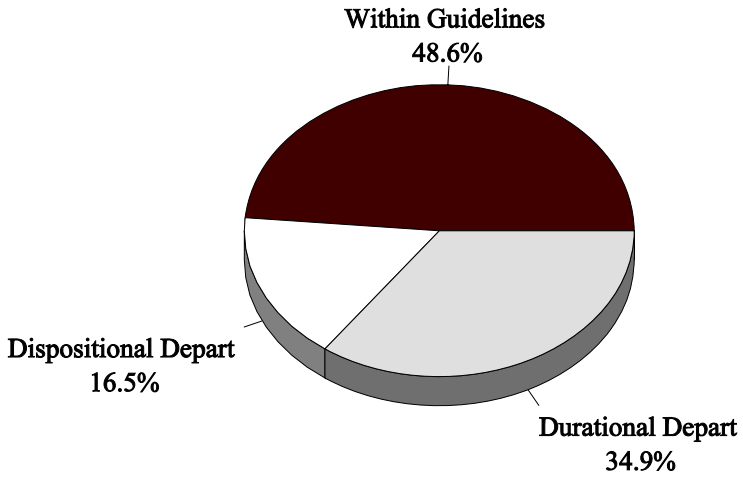


Based on 1066 dispositional departure sentences

Conformity of Presumptive Prison Guideline Sentences

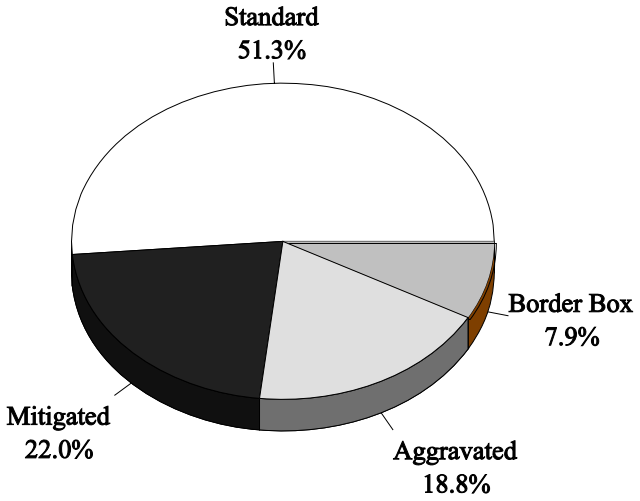
Presumptive prison guideline sentences refer to the sentences that are designated above the incarceration line of the sentencing grid. A total of 2,334 presumptive prison guideline sentences were utilized for this analysis. Figure 27 indicates that 48.6% of the total fell within the presumptive incarceration ranges. Of this percentage, 51.3% were within the standard ranges, 18.8% were within the aggravated ranges, 22% were within the mitigated ranges, and 7.9% were found in the designated border boxes (Figure 28). Among the durational departure sentences, 60.6% departed upward from the presumptive guideline ranges, while 39.4% departed downward from the sentence lengths indicated on the presumptive ranges (Figure 29).

Figure 27: Incarceration Guideline Sentences



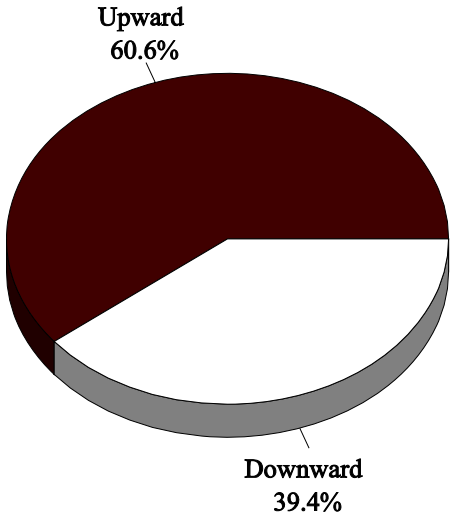
Based on 2,334 pure guideline sentences

Figure 28: Distribution Within Guideline Sentences



Base on 1,135 within guideline sentences

Figure 29: Distribution of Durational Departure Sentences

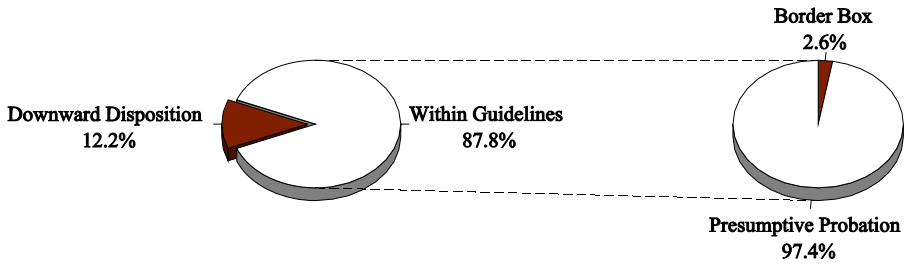


Based 815 durational departure sentences

Conformity of Presumptive Probation Guideline Sentences

As expected, probation guideline sentences overwhelmingly (97.4%) fell beneath the incarceration line, with only 2.6% falling within border boxes. This distribution accounted for 87.8% of the total probation sentences during FY 1996 (Figure 30). Probation sentences reflected downward dispositional departures of 12.2%, while upward dispositional departure sentences were reflected in presumptive prison sentences (See Figure 26 above).

Figure 30: Probation Guideline Sentences



Based on 5,586 probation guideline sentences

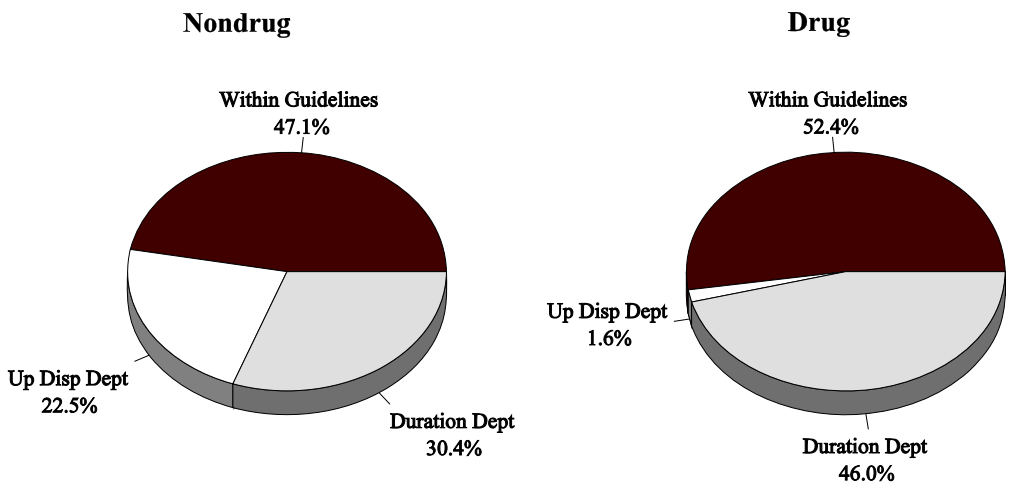
Conformity of Nondrug and Drug Guideline Sentences

Comparisons of conformity to the sentencing guidelines between incarceration nondrug and drug grids are displayed in Figures 31 and 32. Figure 31 indicates that nondrug offenders showed 22.5% upward dispositional departures while drug offenders had only 1.6% upward dispositional departures. Nondrug offenders accounted for more upward durational departures and less downward durational departures than drug offenders (Figure 32).

Examination of durational departures indicates that downward departures represent 64.3% of the total durational departures on the drug grid. However, the nondrug grid reveals that only 24% of durational departures are downward. The majority of the upward departures were found on severity levels 1 and 2 on the nondrug grid, which includes the most serious person offenses.

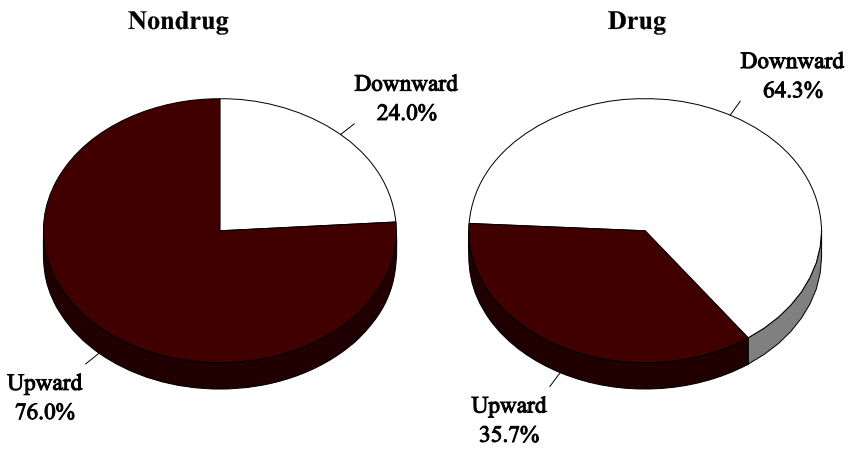
Significant differences were also found between nondrug and drug grids with regard to probation sentences. Drug sentences represent a higher percentage of downward depositional departures than nondrug sentences (Figure 33). The sentencing trend in Kansas indicates that drug offenders tend to be sentenced to shorter sentence lengths and more frequent non-prison sentences than nondrug offenders.

Figure 31: Nondrug and Drug Guideline Sentences - Incarceration



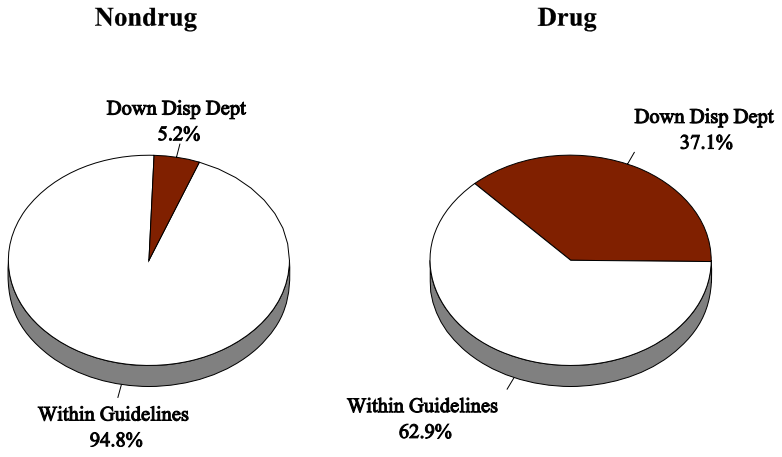
Based on 1,658 nondrug and 676 drug guideline sentences

Figure 32: Nondrug and Drug Durational Departure Sentences - Incarceration



Based on 504 nondrug and 311 drug durational departure sentences

Figure 33: Nondrug and Drug Guideline Sentences - Probation



Based on 4,355 nondrug and 1,231 drug sentences

Conformity Rates to the Guidelines by Severity Level

Table 24 demonstrates that conformity rates vary depending on severity levels, and drug or nondrug offenses. Drug incarceration sentences, as a whole, indicated a 33.0% standard, 4.7% aggravated, and 14.6% mitigated sentences distribution. Nondrug sentences revealed a 21.7% standard, 10.9% aggravated, 9.1% mitigated, and 5.4% border box sentences distribution. As for the departure sentences, drug sentences showed 16.4% upward durational departures, 29.6% downward durational departures, and 1.6% upward dispositional departures, while nondrug sentences revealed 23.1% upward durational departures, 7.3% downward durational departures, and 16.5% upward dispositional departures. This would indicate that judges are imposing shorter sentences for drug offenders than for nondrug offenders.

Table 24: Conformity Rates by Severity Level - Incarceration Sentences

Severity Level	N	Within Guidelines(%)				Departures(%)		
						Durational		Dispositional
		Agg	Stand	Miti	Box	Upward	Downward	Upward
D1	13		15.4	7.7			76.9	
D2	60	3.3	33.3	11.7		16.7	35.0	
D3	286	3.1	35.3	17.1		14.3	30.1	
D4	317	6.6	31.5	13.2		18.9	26.2	3.5
Subtotal	**676**	**4.7**	**33.0**	**14.6**		**16.4**	**29.6**	**1.6**
N1	38	18.4	13.2	2.6		57.9	7.9	
N2	58	15.5	20.7	8.6		39.7	15.5	
N3	178	15.2	24.7	22.5		15.7	21.9	
N4	59	18.6	23.7	22.0		22.0	13.6	
N5	205	3.4	12.7	13.7	41.5	14.6	14.1	
N6	44	4.5	15.9	11.4	11.4	25.0	15.9	15.9
N7	371	18.1	17.5	5.1		26.7	3.2	29.4
N8	192	4.7	21.4	6.3		21.4	1.6	44.8
N9	421	8.1	26.6	4.8		23.8	2.1	34.7
N10	92	8.7	35.9	8.7		17.4	2.2	27.2
Subtotal	**1,658**	**10.9**	**21.7**	**9.1**	**5.4**	**23.1**	**7.3**	**22.5**
TOTAL	**2,334**	**9.1**	**24.9**	**10.7**	**3.9**	**21.2**	**13.8**	**16.5**

Table 25 shows the conformity rates for probation sentences by severity levels. Probation drug sentences indicated a 36.6% downward dispositional departures for sentences which should have been presumptive incarceration, while only 5.2% of nondrug sentences experienced downward dispositional departures. The majority of downward dispositional departure sentences appeared on drug levels 1, 2, and 3. Comparison of probation drug and nondrug sentences revealed the same trend as indicated with incarceration sentences; judges tend to impose more non-prison sentences for drug offenders than for nondrug offenders.

Table 25: Conformity Rates by Severity Level - Probation Sentences

Severity Level	N	Presumptive Probation (%)	Border Boxes(%)	Downward Disposition(%)
D1	4			100.0
D2	40			100.0
D3	299			100.0
D4	888	87.8		12.2
Subtotal	**1,231**	**63.4**		**36.6**
N1	1			100.0
N2	9			100.0
N3	50			100.0
N4	18			100.0
N5	154		77.9	22.1
N6	82	72.0	9.8	18.3
N7	902	97.2		2.8
N8	675	96.9		3.1
N9	2,094	97.8		2.2
N10	370	98.6		1.4
Subtotal	**4,355**	**91.9**	**2.9**	**5.2**
TOTAL	**5,586**	**85.6**	**2.3**	**12.1**

Conformity Rates to the Guidelines by Race

Tables 26 and 27 indicate the varying conformity rates between drug and nondrug incarceration sentences by severity level and race. Table 26 shows that for drug incarceration sentences, as a whole, blacks received more aggravated sentences (5.1%), less standard sentences (32.4%), less mitigated sentences (14.6%), a greater number of upward durational departures (19%), fewer downward durational departures (26.5%), and more upward dispositional departure sentences (2.4%). In comparison, whites received 4.6% aggravated sentences, 33.2% standard sentences, 14.9% mitigated sentences, 14.7% upward durational departures, 31.7% downward durational departures, and 1% upward dispositional departures. Even though some of the reported percentage difference between race is minimal, the percentages do become more pronounced in examining

departure rates. Examining nondrug incarceration sentences on Table 27, the trend is very similar, except that blacks received more mitigated sentences (10.5% vs 8.6%), less upward durational departures (20.9% vs 24.3%), and higher downward durational departure sentences (9.3% vs 6.5%) than whites.

Table 26: Conformity Rates by Race - Incarceration Sentences
Drug Offenders

Severity Level and Race	N	Within Guidelines(%)				Departures(%)		
						Durational		Dispositional
		Agg	Stand	Miti	Box	Upward	Downward	Upward
D1								
White	6						100.0	
Black	7		28.6	14.3			57.1	
D2								
White	31	6.5	32.3	12.9		19.4	29.0	
Black	27		33.3	11.1		11.1	44.4	
Other	2		50.0			50.0		
D3								
White	203	3.4	33.5	17.7		11.8	33.5	
Black	80	2.5	38.8	16.3		21.3	21.3	
Other	3		66.7				33.3	
D4								
White	176	5.7	34.1	12.5		17.6	27.8	2.3
Black	139	7.9	28.8	14.4		20.1	24.5	4.3
Other	2					50.0		50.0
TOTAL								
White	**416**	**4.6**	**33.2**	**14.9**		**14.7**	**31.7**	**1.0**
Black	**253**	**5.1**	**32.4**	**14.6**		**19.0**	**26.5**	**2.4**
Other	**7**		**42.9**			**28.6**	**14.3**	**14.3**

Based on 676 drug incarceration guideline sentences

Table 27: Conformity Rates by Race -Incarceration Sentences
Nondrug Offenders

Severity Level and Race	N	Within Guidelines(%)				Departures(%)		
						Durational		Dispositional
		Agg	Stand	Miti	Box	Upward	Downward	Upward
N1								
White	22	13.6	4.5	4.5		72.7	4.5	
Black	16	25.0	25.0			37.5	12.5	
N2								
White	45	8.9	22.2	8.9		44.4	15.6	
Black	11	36.4	18.2	9.1		18.2	18.2	
Other	2	50.0				50.0		
N3								
White	109	11.0	27.5	21.1		18.3	22.0	
Black	63	23.8	15.9	23.8		12.7	23.8	
Other	6		66.7	33.3				
N4								
White	39	15.4	28.2	25.6		23.1	7.7	
Black	20	25.0	15.0	15.0		20.0	25.0	
N5								
White	123	5.7	12.2	16.3	43.9	12.2	9.8	
Black	75		13.3	9.3	36.0	20.0	21.3	
Other	7		14.3	14.3	57.1		14.3	
N6								
White	33	6.1	12.1	12.1	12.1	33.3	9.1	15.2
Black	8		25.0	12.5			50.0	12.5
Other	3		33.3		33.3			33.3
N7								
White	250	19.6	16.4	5.2		28.4	3.6	26.8
Black	113	14.2	19.5	5.3		23.0	2.7	35.4
Other	8	25.0	25.0			25.0		25.0
N8								
White	131	4.6	19.8	5.3		22.9	2.3	45.0
Black	58	5.2	24.1	8.6		15.5		46.6
Other	3		33.3			66.7		
N9								
White	286	7.0	29.7	3.5		22.7	2.8	34.3
Black	122	6.6	20.5	8.2		26.2	0.8	37.7
Other	13	46.2	15.4			23.1		15.4
N10								
White	59	10.2	35.6	3.4		16.9	1.7	32.2
Black	30	6.7	36.7	20.0		20.0		16.7
Other	3		33.3				33.3	33.3
TOTAL								
White	**1,097**	**10.5**	**22.2**	**8.6**	**5.3**	**24.3**	**6.5**	**22.6**
Black	**516**	**11.0**	**20.0**	**10.5**	**5.2**	**20.9**	**9.3**	**23.1**
Other	**45**	**20.0**	**26.7**	**6.7**	**11.1**	**17.8**	**4.4**	**13.3**

Based on 1,658 nondrug incarceration guideline sentences

Conformity rates of probation sentences by race indicate that black offenders received more probation sentences (64.7%) but less downward depositional departures (35.3%) than white offenders for drug sentences (Table 28). However, a reversed pattern was found with nondrug sentences (Table 29). Blacks had fewer probation sentences but a higher percentage of downward dispositional departures than whites. Blacks also had a higher percentage of probation sentences if they fell within the border box ranges. This data would seem to indicate that judges imposed more probation sentences to blacks than to whites when an offender fell within the border box ranges.

Table 28: Conformity Rates by Race - Probation Sentences
Drug Offenders

Severity Level and Race	N	Presumptive Probation (%)	Border Boxes(%)	Downward Disposition(%)
D1				
White	2			100.0
Black	2			100.0
D2				
White	26			100.0
Black	11			100.0
D3				
White	178			100.0
Black	60			100.0
Other	5			100.0
D4				
White	474	89.2		10.8
Black	247	83.8		16.2
Other	5	60.0		40.0
TOTAL				
White	**680**	**62.2**		**37.8**
Black	**320**	**64.7**		**35.3**
Other	**10**	**30.0**		**70.0**

Based on 1,010 drug probation sentences reporting race of offenders

Table 29: Conformity Rates by Race - Probation Sentences
Nondrug Offenders

Severity Level and Race	N	Presumptive Probation (%)	Border Boxes(%)	Downward Disposition(%)
N1				
White	1			100.0
N2				
White	5			100.0
Black	3			100.0
N3				
White	32			100.0
Black	10			100.0
Other	2			100.0
N4				
White	8			100.0
Black	9			100.0
N5				
White	88		77.3	22.7
Black	43		67.4	32.6
Other	1		100.0	
N6				
White	58	72.4	6.9	20.7
Black	13	69.2	15.4	15.4
N7				
White	531	97.0		3.0
Black	177	97.7		2.3
Other	23	100.0		
N8				
White	372	97.8		2.2
Black	152	92.8		7.2
Other	10	100.0		
N9				
White	1,270	97.9		2.1
Black	378	96.6		3.4
Other	41	100.0		
N10				
White	195	99.5		0.5
Black	88	97.7		2.3
Other	5	80.0		20.0
TOTAL				
White	**2,560**	**92.1**	**2.8**	**5.1**
Black	**873**	**88.7**	**3.6**	**7.8**
Other	**82**	**95.1**	**1.2**	**3.7**

Based on 3,515 nondrug probation sentences reporting race of offenders

Conformity Rates to the Guidelines by Gender

Table 30 illustrates that for drug incarceration sentences, conformity rates also vary depending on severity level and gender. Males received more aggravated (5.3%) and upward durational departure (16.8%) sentences than females. However, females received more upward dispositional departure (2.8%) sentences and less mitigated (13.2%) sentences than males. Females also received more standard sentences and downward durational departures than males (36.8% vs 32.3% and 31.1% vs 29.3%).

Table 30: Conformity Rates by Gender - Incarceration Sentences
Drug Offenders

Severity Level and Gender	N	Within Guidelines(%)				Departures(%)		
						Durational		Dispositional
		Agg	Stand	Miti	Box	Upward	Downward	Upward
D1								
Male	9		11.1	11.1			77.8	
Female	4		25.0				75.0	
D2								
Male	50	4.0	28.0	14.0		18.0	36.0	
Female	10		60.0			10.0	30.0	
D3								
Male	244	3.3	33.6	17.2		15.2	30.7	
Female	42	2.4	45.2	16.7		9.5	26.2	
D4								
Male	267	7.5	32.6	13.1		18.7	25.1	3.0
Female	50	2.0	26.0	14.0		20.0	32.0	6.0
TOTAL								
Male	**570**	**5.3**	**32.3**	**14.9**		**16.8**	**29.3**	**1.4**
Female	**106**	**1.9**	**36.8**	**13.2**		**14.2**	**31.1**	**2.8**

Based on 676 drug incarceration guideline sentences

Table 31 indicates the same trend for nondrug incarceration sentences except that females were more likely to receive a prison sentence in the border box ranges (8.2%) and to receive upward dispositional departure sentences (25.9%). Males, on the other hand, received prison sentences at a rate of 5.2% within border boxes and received 22.2% of the upward dispositional departure sentences. This trend would seem to indicate that the females are more likely to receive a presumptive prison sentence than males.

Table 31: Conformity Rates by Gender - Incarceration Sentences
Nondrug Offenders

Severity Level and Gender	N	Within Guidelines(%)				Departures(%)		
						Durational		Dispositional
		Agg	Stand	Miti	Box	Upward	Downward	Upward
N1								
Male	34	20.6	14.7			55.9	8.8	
Female	4			25.0		75.0		
N2								
Male	58	15.5	20.7	8.6		39.7	15.5	
N3								
Male	170	15.3	24.1	23.5		15.9	21.2	
Female	8	12.5	37.5			12.5	37.5	
N4								
Male	56	19.6	21.4	23.2		23.2	12.5	
Female	3		66.7				33.3	
N5								
Male	189	3.2	13.8	14.3	38.6	15.3	14.8	
Female	16	6.3		6.3	65.0	6.3	6.3	
N6								
Male	41	4.9	17.1	12.2	12.2	24.4	12.2	17.1
Female	3					33.3	66.7	
N7								
Male	352	17.3	17.9	5.4		27.0	2.6	29.8
Female	19	31.6	10.5			21.1	15.8	21.1
N8								
Male	153	5.2	22.2	5.2		20.3	1.3	45.8
Female	39	2.6	17.9	10.3		25.6	2.6	41.0
N9								
Male	380	7.9	26.1	5.0		24.2	2.4	34.5
Female	41	9.8	31.7	2.4		19.5		36.6
N10								
Male	78	9.0	34.6	10.3		15.4	2.6	28.2
Female	14	7.1	42.9			28.6		21.4
TOTAL								
Male	**1,511**	**11.1**	**21.6**	**9.5**	**5.2**	**23.2**	**7.3**	**22.2**
Female	**147**	**9.5**	**22.4**	**4.8**	**8.2**	**21.8**	**7.5**	**25.9**

Based on 1,658 nondrug incarceration guideline sentences

Analyses of overall probation sentences show that females, on both the drug and nondrug grids, received more probation sentences and less downward dispositional departures than males (Tables 32 and 33). However, females were less likely to be sentenced to probation than males when they fell within the border box ranges (Table 33). This finding indicates the same trend present in presumptive prison sentences, females had a higher tendency to be sentenced to prison rather than placed on probation when they fell within a border box. Another finding indicates that females were more likely to be incarcerated than males when both upward and downward dispositional departures are compared for prison and probation sentences. Females, regardless of drug or nondrug sentences, have a higher likelihood of an upward disposition to prison even if their offenses fell within the presumptive probation grids. Females also had less chance for a downward departure to probation if their sentences fell within the presumptive incarceration boxes .

Table 32: Conformity Rates by Gender - Probation Sentences
Drug Offenders

Severity Level and Gender	N	Presumptive Probation (%)	Border Boxes(%)	Downward Disposition(%)
D1				
Male	4			100.0
Female				
D2				
Male	29			100.0
Female	10			100.0
D3				
Male	215			100.0
Female	56			100.0
D4				
Male	592	86.0		14.0
Female	204	93.1		6.9
TOTAL				
Male	**840**	**60.6**		**39.4**
Female	**270**	**70.4**		**29.6**

Based on 1,110 drug probation sentences reporting race of offenders

Table 33: Conformity Rates by Gender - Probation Sentences
Nondrug Offenders

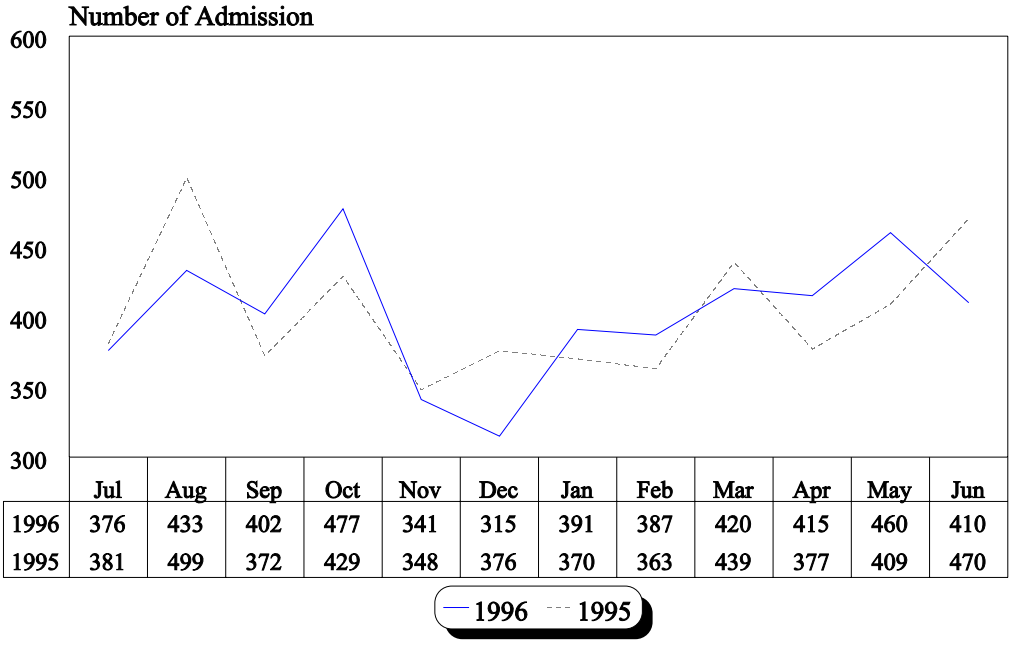
Severity Level and Gender	N	Presumptive Probation (%)	Border Boxes(%)	Downward Disposition(%)
N1				
Male	1			100.0
Female				
N2				
Male	7			100.0
Female	2			100.0
N3				
Male	41			100.0
Female	4			100.0
N4				
Male	14			100.0
Female	3			100.0
N5				
Male	128		75.8	24.2
Female	15		80.0	20.0
N6				
Male	64	68.8	7.8	23.4
Female	12	83.3	16.7	
N7				
Male	727	96.7		3.3
Female	88	100.0		
N8				
Male	395	94.9		5.1
Female	198	99.5		0.5
N9				
Male	1,614	97.2		2.8
Female	241	100.0		
N10				
Male	242	97.9		2.1
Female	79	100.0		
TOTAL				
Male	**3,233**	**90.6**	**3.2**	**6.3**
Female	**642**	**95.6**	**2.2**	**2.0**

Based on 3,875 drug probation sentences reporting race of offenders

SENTENCING TRENDS: COMPARISON OF FY 1995 and FY 1996

Sentencing trends in this section includes comparison between fiscal years 1995 and 1996 presumptive prison sentences. In fiscal year 1996, the number of incarceration sentences slightly decreased by approximately 0.1 percent from the number reported in FY 1995. Monthly prison admission rates in FY 1996 demonstrate a different pattern when compared to FY 1995. Prison admission in FY 1996 peaked in October, while August represented the peak month in FY 1995 (Figure 34).

Figure 34: Monthly Admission

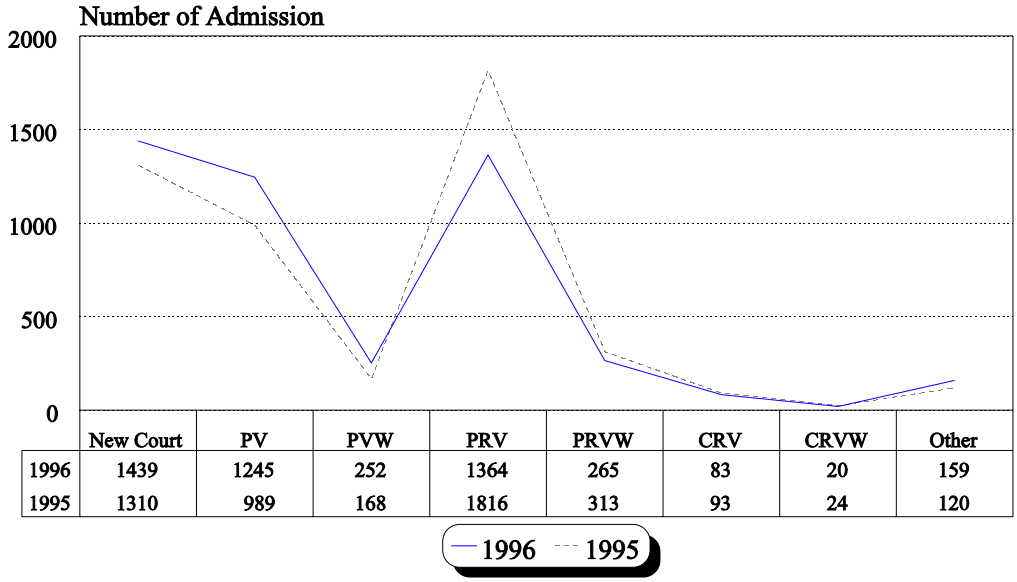


	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
1996	376	433	402	477	341	315	391	387	420	415	460	410
1995	381	499	372	429	348	376	370	363	439	377	409	470

FY 1996 n=4,827; FY 1995 n=4,833.

Figure 35 and Table 34 represent the types of admissions to prison. In fiscal year 1996, the number of new court admissions increased by 9.8%. Probation violators without new sentences went up almost 26% and probation violators with new sentences rose 50%. Both parole/post release violators with or without new sentences decreased by 15.3% and 24.9%, respectively. Conditional release violators without new sentences were down 10.8% and conditional release violators with new sentences decreased by 16.7% (Table 34).

Figure 35: Type of Admission



	New Court	PV	PVW	PRV	PRVW	CRV	CRVW	Other
1996	1439	1245	252	1364	265	83	20	159
1995	1310	989	168	1816	313	93	24	120

PV=probation violator; PVW=probation violator with new sentence; PRV=parole/post release violator; PRVW=parole/post release violator with new sentence; CRV=conditional release violator; CRVW=conditional release violator with new sentence.

Table 34: Comparison Between FY 1996 and FY 1995 Prison Admissions

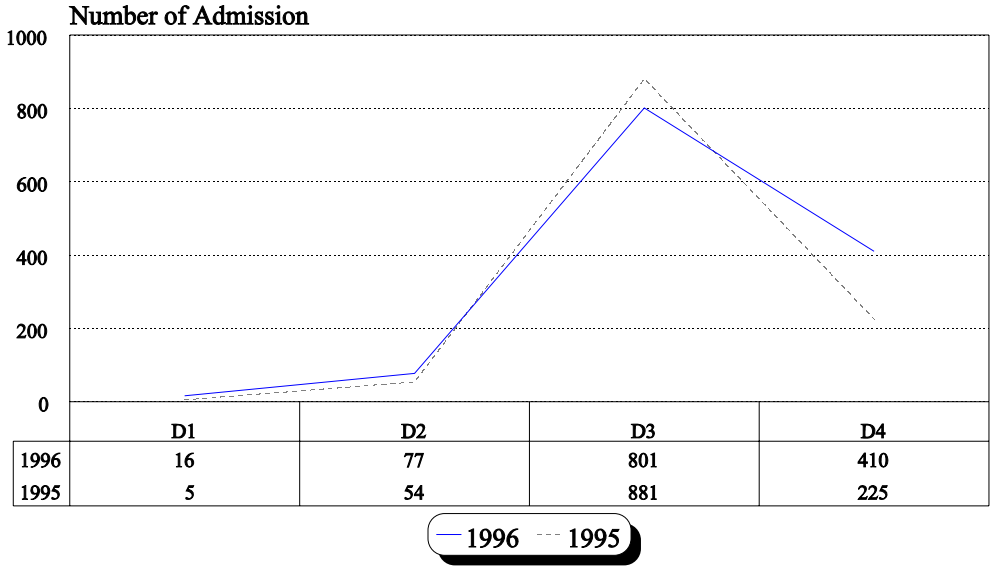
Admission Type	FY 1996	FY 1995	# Difference	% Difference
New Court Admission	1439	1310	129	+9.8%
Probation Violator	1245	989	256	+25.9%
Probation Violator with New Sentence	252	168	84	+50.0%
Parole/Post-Release Violator	1364	1816	-452	-24.9%
Parole/Post-Release Violator with New Sent	265	313	-48	-15.3%
Conditional Release Violator	83	93	-10	-10.8%
Conditional Release Violator with New Sent	20	24	-4	-16.7%
Other Types*	159	120	39	+32.5%
Total	**4827**	**4833**	**-6**	**-0.1%**

* Other admissions include interjurisdictional transfers, presentence evaluations, return from court appearances, and returned escapees.

As illustrated in Figures 36 and 37 and Tables 35 and 36, the number of drug sentences increased by about 12% from that of FY 1995 (Figure 36 and Table 35), while nondrug sentences decreased by almost 5% from that of FY 1995 (Figure 37 and Table 36). The number of drug

sentences in all severity levels increased in FY 1996 except for drug level 3, which decreased by about 9.1% from the previous year. The largest increase for drug offenders fell on drug grid level 4, which increased by 82.2% from FY 1995 (Table 35). The largest decrease for nondrug offenders occurred in nondrug severity levels 6 and 7, which dropped from 262 in FY 1995 to 164 in FY 1996 on level 6 and from 897 to 825 on level 7, respectively (Figure 37). However, the number of nondrug severity level 10 rose from 92 in FY 1995 to 150 in FY 1996, an increase of 63% (Table 36). In summary, the trend indicates an overall increase for drug offenders and a decrease for nondrug offenders in FY 1996 when compared to the number of FY 1995.

Figure 36: Drug Offenders by Severity Level



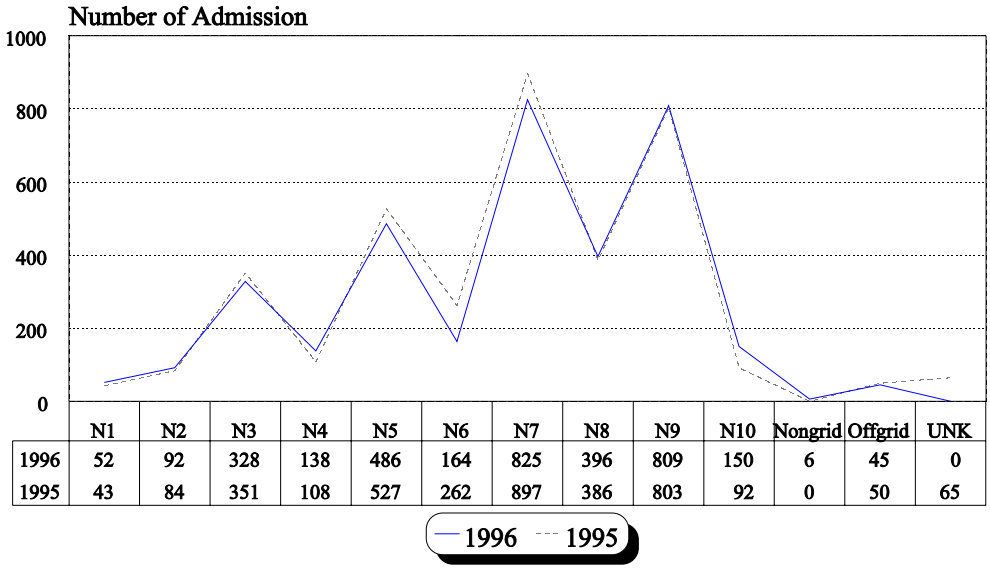
	D1	D2	D3	D4
1996	16	77	801	410
1995	5	54	881	225

FY 1996 n=1,304; FY 1995 n=1,165.

Table 35: Comparison Between FY 1996 and FY 1995 Drug Offenders By Severity Level

Severity Level	FY 1996	FY 1995	# Difference	% Difference
D1	16	5	11	+220.0%
D2	77	54	23	+42.6%
D3	801	881	-80	-9.1%
D4	410	225	185	+82.2%
Total	**1304**	**1165**	**139**	**+11.9%**

Figure 37: Nondrug Offenders by Severity Level



	N1	N2	N3	N4	N5	N6	N7	N8	N9	N10	Nongrid	Offgrid	UNK
1996	52	92	328	138	486	164	825	396	809	150	6	45	0
1995	43	84	351	108	527	262	897	386	803	92	0	50	65

FY 1996 n=3,491; FY 1995 n=3,668.

Table 36: Comparison Between FY 1996 and FY 1995 Nondrug Offenders By Severity Level

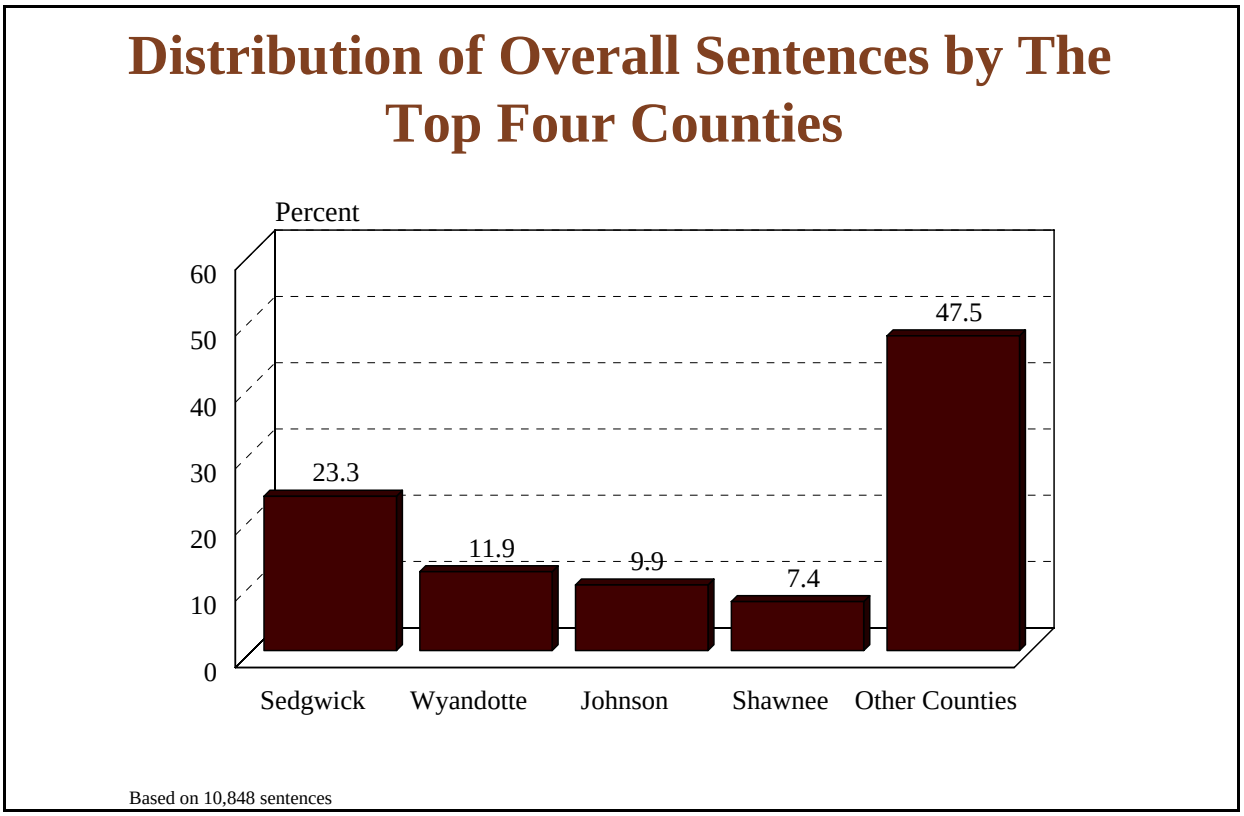
Admission Type	FY 1996	FY 1995	# Difference	% Difference
N1	52	43	9	+20.9%
N2	92	84	8	+9.5%
N3	328	351	-23	-6.6%
N4	138	108	30	+27.8%
N5	486	527	-41	-7.8%
N6	164	262	-98	-37.4%
N7	825	897	-72	-8.0%
N8	396	386	10	+2.6%
N9	809	803	6	+0.7%
N10	150	92	58	+63.0%
Offgrid	45	50	-5	-10.0%
Other*	6	65	-59	-90.8%
Total	**3491**	**3668**	**-177**	**-4.8%**

* Other includes nongrid and unknown.

APPENDIX

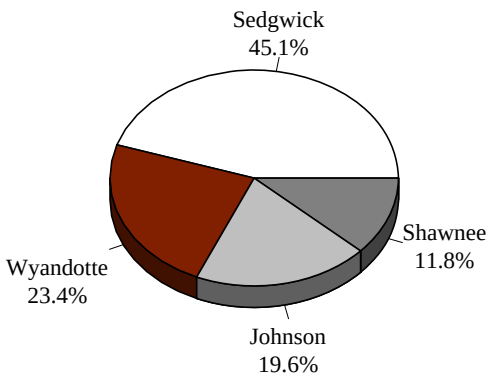
SENTENCING FROM THE TOP FOUR COUNTIES

Sentences received by the Commission demonstrated that Sedgwick, Wyandotte, Johnson, and Shawnee counties in FY 1996 accounted for 52.5% of the total state sentences. Sedgwick was rated the top county followed by Wyandotte, Johnson, and Shawnee counties. Characteristics of offenses and offenders from the four counties are displayed in the following figures and tables:

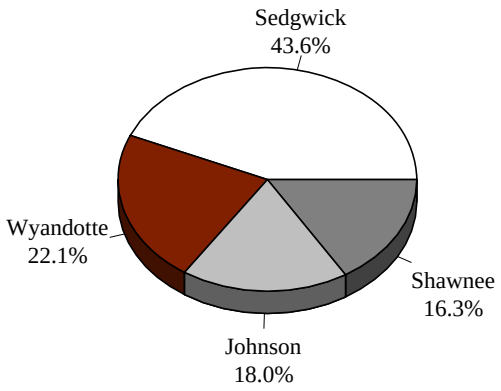


Distribution of Sentences Imposed by The Four Counties

Prison

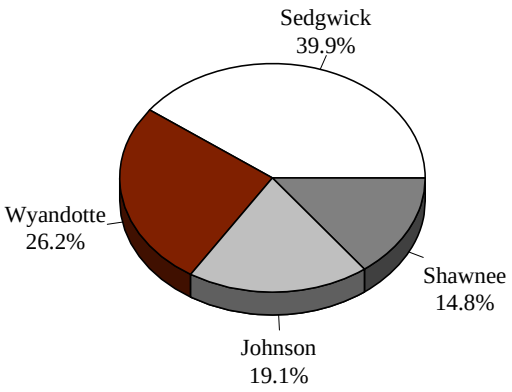


Probation

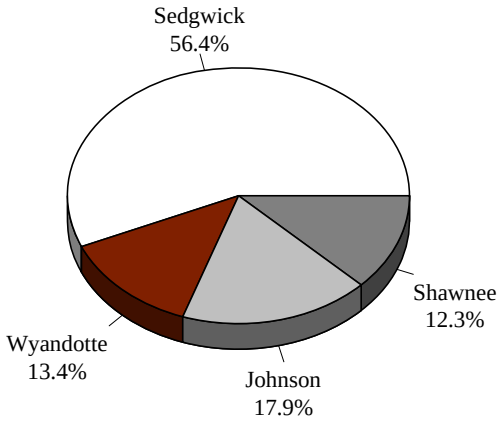


Distribution of Drug and Nondrug Sentences by The Four Counties

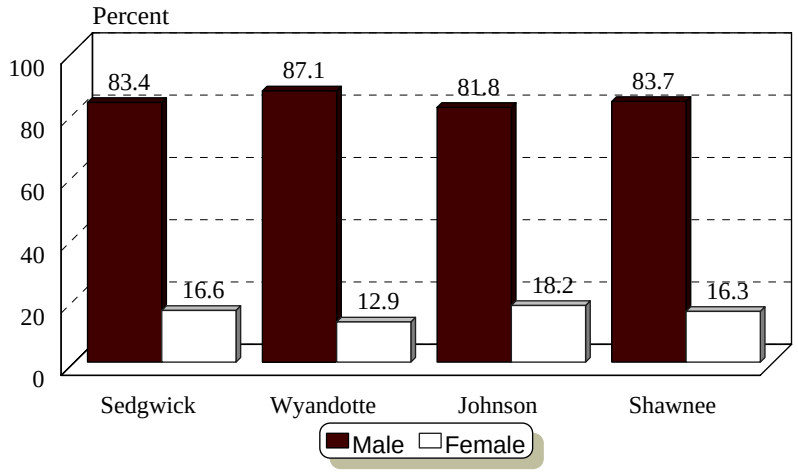
Nondrug



Drug

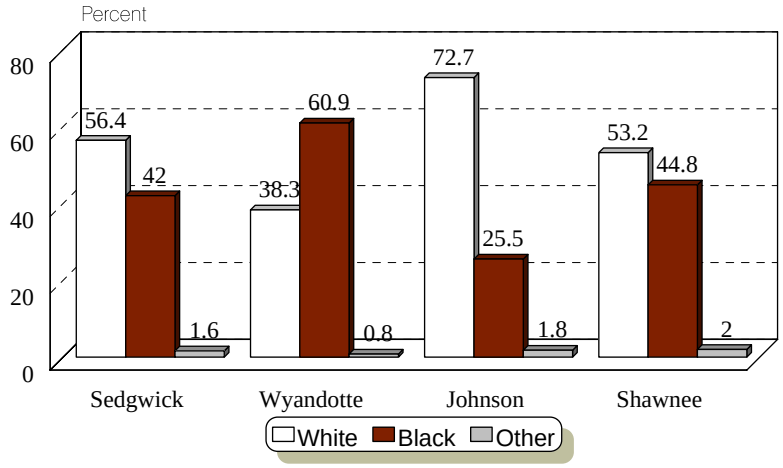


Offender Characteristics by Gender



Due to missing data, gender is based on the followings: Sedgwick, n=2,520; Wyandotte, n=1,258; Johnson, n=994; and Shawnee, n=761.

Offender Characteristics by Race



Due to missing data, race is based on the followings: Sedgwick, n=2,494; Wyandotte, n=1,169; Johnson, n=938; and Shawnee, n=742.

FY 1996 Sentences from The Top Four Counties by Severity Level

Severity Level	County			
	Sedgwick (%)	Wyandotte (%)	Johnson (%)	Shawnee (%)
D1	16(0.6)	0(0.0)	0(0.0)	1(0.1)
D2	71(2.8)	2(0.2)	1(0.1)	2(0.3)
D3	356(14.1)	78(6.0)	121(11.3)	56(7.0)
D4	410(16.2)	119(9.2)	143(13.4)	123(15.4)
N1	18(0.7)	7(0.5)	5(0.5)	4(0.5)
N2	36(1.4)	22(1.7)	3(0.3)	2(0.2)
N3	154(6.1)	45(3.5)	25(2.3)	19(2.4)
N4	48(1.9)	19(1.5)	18(1.7)	11(1.4)
N5	179(7.1)	114(8.8)	57(5.3)	43(5.4)
N6	65(2.6)	17(1.3)	20(1.9)	21(2.6)
N7	356(14.1)	262(20.2)	129(12.1)	123(15.4)
N8	244(9.7)	116(9.0)	102(9.5)	92(11.5)
N9	509(20.1)	365(28.2)	291(27.2)	221(27.6)
N10	43(1.7)	86(6.6)	142(13.3)	72(9.0)
Nongrid	8(0.3)	36(2.8)	8(0.7)	8(1.0)
Offgrid	14(0.6)	7(0.5)	5(0.5)	2(0.3)
Total	**2,527(100.0)**	**1,295(100.0)**	**1,070(100.0)**	**800(100.0)**

Top Ten Most Serious Offenses by The Four Counties

Offense Type	Sedgwick County		Offense Type	Wyandotte County	
	N	%		N	%
Drugs	854	33.8	Drugs	199	15.4
Burglary	312	12.3	Burglary	194	15.0
Theft	205	8.1	Theft	136	10.5
Forgery	143	5.7	Forgery	99	7.6
Driving While a Hab Viol	116	4.6	Robbery	77	5.9
Aggravated Battery	111	4.4	Aggravated Assault	71	5.5
Agg Escape from Custody	90	3.6	Aggravated Battery	70	5.4
Aggravated Robbery	82	3.2	Driving While Suspended	65	5
Robbery	79	3.1	Driving While a Hib Viol	62	4.8
DUI	52	2.1	Aggravated Robbery	32	2.5
Total	**2044**	**80.9**	**Total**	**1005**	**77.6**

Top Ten Most Serious Offenses by The Four Counties - Continued

Offense Type	Johnson County		Offense Type	Shawnee County	
	N	%		N	%
Drugs	265	24.8	Drugs	182	22.8
Theft	178	16.6	Burglary	83	10.4
Burglary	124	11.6	Forgery	83	10.4
Forgery	105	9.8	Theft	70	8.8
Aggravated Battery	36	3.4	Robbery	39	4.9
Aggravated Assault	35	3.3	Aggravated Battery	38	4.8
Robbery	33	3	Criminal Threat	30	3.8
Criminal Threat	25	2.3	Driving While a Hab Viol	28	3.5
Agg Indecent Lib w/Child	23	2.1	Aggravated Assault	27	3.4
Aggravated Robbery	19	1.8	Obstructing Legal Process	25	3.1
Total	**843**	**78.7**	**Total**	**605**	**75.9**